



**CITIZENS UNION OF THE CITY OF NEW YORK**  
**Testimony to the Reports & Advisory Board Review Commission**  
**Regarding Proposed Waivers for Reporting Requirements and Task Forces**  
**May 11, 2012**

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Good afternoon, Chair Weinstein and members of the Reports & Advisory Board Review Commission. My name is Rachael Fauss, and I am the Policy and Research Manager for Citizens Union of the City of New York. Citizens Union is a nonpartisan good government group dedicated to making democracy work for all New Yorkers. We work to ensure fair and open elections, honest and efficient government, and a civically-engaged public. Thank you for the opportunity to present our thoughts on the proposed waivers for the commission-identified list of reports and advisory boards.

We are pleased that the Reports & Advisory Board Review Commission (“the Commission”) was formed earlier this year by the city pursuant to the ballot referenda passed by the voters in 2012. We supported the creation of the Commission, recommending its creation during the 2010 charter revision process, and believe that it has the potential to provide for greater efficiency in city government, as well as improve public access to city government information.

**A. Public Engagement and Commission Evaluation**

Before presenting our recommendations and research on specific reporting requirements, we would first like to commend the Commission for responding to many of Citizens Union’s recommendations regarding public engagement and transparency. The Commission’s work is important to the efficient functioning of city government, yet has the potential to affect various stakeholders and users of city government information; therefore, ensuring that public outreach is maximized is critical to the success of the Commission. We are pleased that the Commission has enhanced its public presence in the following ways:

1. adopting a public comment policy, and committing to post public comment on its website, such as the testimony received at today’s hearing;
2. posting information on its website regarding the Commissioners;
3. linking to the Commission’s website from the Department of Records website;
4. providing a link to the Commission from the main nyc.gov website drop-down menu; and
5. posting copies of reports and information regarding task forces on the Commission website.

Citizens Union recommends that the Commission build on this work to improve its website by:

1. providing on the Commission website the full, current list of all reporting requirements and advisory boards. We recognize that the Commission has linked to the 2010 report of the City Charter Revision Commission, which provides some information regarding reporting requirements, but believe that a more user-friendly listing would be more helpful for the public in making recommendations regarding other task forces and reports that should be altered or eliminated.
2. webcasting its meetings and posting video or transcripts of hearings and its public meetings; and
3. ensuring that the Commission website is linked to from other relevant city agency homepages such as the Mayor's Office of Operations website.

Citizens Union would also like to reiterate some additional suggestions that it has made to the Commission regarding public outreach and its process for vetting reporting requirements. In particular, we urge the Commission to hold additional public hearings beyond the one scheduled today. Given that this Commission was first formed this year, it is likely that the public is largely unaware of it, and additional hearings would allow additional members of the public the opportunity to provide feedback. One hearing is also likely inadequate to publicly vet all 14 reporting requirements and 7 advisory boards regarding their possible modification or elimination. At additional hearings, relevant city agencies could testify regarding their concerns and rationale for the waivers being sought so that concerns raised at today's hearing can be fully vetted.

Prior to holding further public hearings, Citizens Union believes that the Commission should release a preliminary report on the findings from this public hearing and its recommendations for the 14 reports and 7 advisory boards, similar to other city commissions such as the 2010 Charter Revision Commission and City Lobbying Commission. This report should contain further information such as:

1. the manner and scope of the Commission's public outreach;
2. the known usage of reports, such as number downloads of reports that are currently available online;
3. the current availability of reports and whether they are available online, as well as the current contents of the reports and whether they are consistent with what is required by law; and
4. the preliminary rationale regarding the Commission's proposed waivers, including specific reference to all criteria in the law and any additional criteria that were used. It may also be desirable to create a scoring system for evaluating reports and task forces or commissions into the evaluative process to ensure strict adherence to the criteria and reduce subjectivity in the evaluative process.

It is also worth emphasizing that the Commission has the ability to recommend modifying existing reports to make them *more* useful to the public. In vetting reports and advisory boards, particularly after receiving public input, the Commission may receive additional information regarding the utility of reports that points to the need for improving the reports rather than waiving them. In evaluating the usefulness of reports, Citizens Union believes that an additional criterion should be considered: current public availability. Reports may only be as useful to the public as they are aware of their existence.

## **B. Reporting Requirements**

In preparing for today's testimony, Citizens Union spoke to various users of city government information, and reached out to our civic contacts regarding the reports proposed for elimination. During this vetting process, Citizens Union identified seven reports which are currently used or would be used (if published) by members of the public or the City Council.

In summary, Citizens Union recommends that the following reports not be eliminated:

1. Preliminary Mayor's Management Report
2. November Class Size Report
3. Temporary and Non-Standard Classrooms Report
4. Industrial Commercial Incentive Report

Regarding three additional reports, Citizens Union urges the Commission to undertake a more full vetting process, including at least one additional public hearing:

1. Permanent Housing Needs Report
2. Homeless Outreach Report
3. Storm Water Management Plan Report

Our detailed rationale for these reports is presented below.

### **Reporting Requirements Citizens Union Recommends Not be Waived**

Citizens Union is particularly concerned about the elimination of four reports which relate to issues of importance to Citizens Union that we have actively monitored or taken positions on – performance measurement and education – and recommends that the Commission not eliminate the following reports:

#### **1. Preliminary Mayor's Management Report (PMMR)**

The Commission's documents indicate that this report is redundant to the Citywide Performance Report (CPR) and the Mayor's Management Report (MMR). The PMMR, however, unlike the Citywide Performance Report, includes narrative explanations for performance data and sets targets for the upcoming months. Additionally, the CPR does not have the same system in place for establishing performance targets as the PMMR does. The CPR is based on comparisons to previous performance, while the PMMR establishes targets for the next fiscal year while measuring agency performance against predetermined targets for the first four months of the current fiscal year. The PMMR is differs from the MMR in that the City Council has used the PMMR during past budget processes to hold agencies accountable for spending related to performance, particularly in budget hearings prior to the release of the Executive Budget. While Citizens Union is actively working with the Mayor's Office of Operations through a roundtable on improving the MMR that may reconcile some of the differences between these performance reports, we believe that the PMMR should not be considered for elimination until that process is completed.

## **2. November Class Size Report**

Class sizes and school overcrowding are important issues for New York City's school children and parents. As highlighted by the Campaign for Fiscal Equity lawsuit, class size is an important indicator of the quality of education. Regarding the Commission's proposal to waive the requirement for November data to be published, the Commission documents have stated that the November report is less "refined" than the February report. Users of the class size reports, however, have argued that the November data is in fact a more accurate account of class sizes, and that the first two months of the year are particularly important months for student learning. By the time of the February count, some students will have either dropped out or been "discharged" to other programs, meaning that the class size measured in February will not give a full picture of class size during the school year.

It can also be argued that the semester-based school system in New York leads to a need for data on class sizes in both the fall and the spring, and that intent of the reporting requirement was to provide this information. Parents are particularly interested in this report, as the November report is an important factor in helping them decide where to send their children to school. The timing of school applications means that parents and students look at the November report for up to date information about the size of classes to inform their decision of where to make applications, which could include both public and private schools. The February report is out after these applications have been made. Given the importance of this report to New York's school children and parents, Citizens Union recommends that this report not be eliminated.

## **3. Temporary and Non-Standard Classrooms Report**

The Commission has stated that the Temporary and Non-Standard Classrooms Report is redundant to the Enrollment, Capacity and Utilization report. The Temporary and Non-Standard Classrooms Report, however, is currently the only report that specifically reports the total number of Temporary Class Units (TCUs or trailers), their capacity, and how many students attend classes in these units or trailers. While the Enrollment, Capacity and Utilization report lists individual TCUs, it does not specifically tally them or provide additional data about classes and enrollment. Advocates have mentioned that this report is the only report that organizations can use to trace the progress in reducing the number of trailers used to educate students in place of regular classrooms. Information regarding the number of students placed in report can also use to measure the school space needed to eliminate these TCUs. The presence of TCUs also relates to the amount of playground space available for schools, as trailers often occupy a school's outdoor play space. A report from Senator Klein's office from 2008<sup>1</sup> revealed that 24% of schools randomly surveyed reported that Temporary Classroom Units occupied the outdoor play space. Given concerns that this report contains information not currently available in other city reports and the concerns of parents regarding this issue, Citizens Union recommends that this report not be eliminated.

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<sup>1</sup> Available at: <http://www.nysenate.gov/news/work-hard-play-hardly>

#### **4. Industrial Commercial Incentive Program (ICIP) Report**

The ICIP is one of the most expensive economic development subsidy programs in New York City, costing \$623 million in 2011.<sup>2</sup> The Commission stated in its public documents that this report is not useful because ICIP expired and was replaced with the Industrial and Commercial Abatement Program (ICAP) in 2008. However, previously approved ICIP benefits were not affected by the switch and will still be allowed to run their course, so active ICIP exemptions could still be in place decades from now. Because of the ongoing nature of the program, it is important that the city monitor exactly what benefits the city is receiving.

While the ICIP report has not been published since 2001, it is not actually redundant to the Department of Finance's annual tax expenditure report. The annual tax expenditure report does not mention the number of jobs created through ICIP or the affect of the program on the city, two things that the ICIP report is, under city law, required to contain. Citizens Union has supported performance-based budgeting, and the information required under law for the ICIP would laudably attempt to measure the benefits of the program. This data is unfortunately now missing, because the ICIP has not been published. We therefore recommend that either the reporting requirement not be eliminated, or that the Commission recommend that the current tax expenditure report be modified to require publishing information regarding job creation and the affect of the program on the city.

#### **Additional Reports for Further Consideration**

Regarding three additional reports which Citizens Union spoke to users of, Citizens Union has not previously worked on these issues and is less familiar with the policy issues involved, but believe that the concerns of users of these reports should be fully explored by the Commission before it moves forward with recommending their elimination. In particular, we ask that the Commission to closely examine whether these reports are truly redundant, since after discussions with users of the reports, it appears that they are not actually redundant to other reports and that, in some cases, the reporting requirements are not fully being met.

##### **1. Permanent Housing Needs Report**

While the Commission is correct in stating that some of the numbers from the "average daily overnight census" online through NYCStat are more useful than the numbers in the report because they are updated more frequently, users of the reports which Citizens Union spoke to indicated that the Permanent Housing needs report is not actually redundant with the "average daily overnight census." The Permanent Housing Needs Report includes much more specific information, such as the exact type of housing needed, and specifically covers NYCHA and HPD housing. Advocates have also argued that the city does not comply with the requirements as required by law for this report, and that the report should be improved.

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<sup>2</sup> <http://goodjobsny.org/resources-tools/industrial-commerical-incentive-program>

## **2. Homeless Outreach Report**

Users of the Homeless Outreach Report which Citizens Union spoke with indicated that this report has been useful and not actually redundant to the Mayor's Management Report, as stated by the Commission. The Outreach Programs Report is published four times a year, and thus is published far more frequently than the MMR. The MMR also does not cover everything specified in the Outreach Programs Report – the number of contacts, placements, and referral made – and so is not as useful for groups concerned with homelessness. As with the Permanent Housing Needs Report, advocates have noted that the city does not comply with the legal requirements for this report, and that the reports as currently released could be improved.

## **3. Storm Water Management Plan Report**

The Commission believes that this report should be eliminated because it is redundant to the NYC Green Infrastructure Plan, and that it is no longer useful because the Sustainable Water Management Plan only included milestones through 2010. However, users of the Sustainable Water Management Plan indicated to Citizens Union that it must be updated every four years and has set very broad goals, so reporting on the progress of the city in achieving these goals would still be useful. The current SWMP plan actually extends through to 2014, and in 2014, new milestones will be set to cover the next four years. Additionally, users of the report indicated to Citizens Union that the Green Infrastructure Plan only focuses on a certain type of sewage and thus only applies to about half of the city, whereas the Storm Water Management Report is much broader and applies to the entire city.

### **Need for Additional Public Vetting and Hearings**

Given the concerns indicated to Citizens Union by users of the various reports, Citizens Union believes that at least one additional public hearing is necessary to ensure that the views of all stakeholders and users of city reports are heard and taken into consideration. Additionally, we believe the Commission should release a preliminary report, as described previously, listing more specifically the criteria that were used in making the determinations for waivers and providing more detailed information about the redundancies identified, particularly given the concerns of users that the information may not actually be redundant in some cases, or that the information is not currently provided as required by law.

Citizens Union would also like to request that the Commission make more information available regarding the procedural mechanism that will be used for waiving the reporting requirements. We are particularly interested in this aspect as we are concerned that the redundancies identified may not be in place in the future if data made available by agencies in other reports changes over time. The data included in the Citywide Performance Reporting and the Mayor's Management Report, for example, are not required by law, as they are the result of identification of metrics and goals by city agencies. The Commission identified several reports that were redundant to the CPR and MMR, such as the Outreach Programs Report. The Commission therefore may want

to examine ways that it can track the availability of information over time for reporting requirements that are waived because of redundancy to other reports to ensure that the information continues to be provided in the same form.

**C. Advisory Boards**

Stakeholders Citizens Union spoke to did not voice opposition to waivers for the seven task forces and advisory boards identified by the Commission for waivers, though it should be noted that Citizens Union did not do an exhaustive review. Given that these boards are interagency bodies without public representatives, they can be considered more the purview of the administration – with the involvement of the City Council – to determine whether they add value to agency operations. Citizens Union recommends, however, that additional hearings be held to ensure that the bodies proposed for elimination are not useful and are truly redundant.

Thank you for the opportunity to present Citizens Union's thoughts on these issues. I am available to answer any questions that you have at this time.