CITIZENS UNION OF THE CITY OF NEW YORK
Testimony to the
City Council Committees on Technology and Government Operations
On Intros 149, 328 and 363
June 9, 2014

Good afternoon, Chairs Vacca and Kallos, and other members of the Committees on Technology and Government Operations. My name is Rachael Fauss, and I am the Policy and Research Manager of Citizens Union of the City of New York, a nonpartisan good government group dedicated to making democracy work for all New Yorkers. Citizens Union serves as a civic watchdog, combating corruption and fighting for political reform. We work to ensure fair and open elections, honest and efficient government, and a civically-engaged public.

Citizens Union is pleased that the Committees are meeting jointly to discuss the potential impacts of proposed Intros 149, 328 and 363, as they present important new ideas for improving the way government operates through the use of technology. As a member of the Transparency Working Group, CU helped to develop the initial draft of Intro 363, which would create an Open FOIL portal, and is pleased to see it being considered by the Committees today. On Intro 328, beginning in 2009, we worked diligently to put the City Record online, having testified before the Council on an earlier draft bill, Intro 952 of 2009 (Sears), and will be presenting some information on the history of this issue which may be of interest to the Committee as it considers this legislation.

We support as drafted Intros 149 and 328, and support with changes Intro 363.

Regarding each of these initiatives, Citizens Union has conducted a survey of other municipalities and how they provide information about public meetings, rules changes, their city charters, and Freedom of Information requests, which is attached to this testimony, and I will reference in regard to the specific legislative proposals.

Intro 149 (Lander) – Online Publication of City Laws

Citizens Union supports Intro 149, which would codify the online publication of the city's charter, administrative code, and rules in a searchable format and would ensure that is updated on a regular basis. The passage of this bill would importantly draw attention to the city's provision of this information, and revamp the way in which this information is provided to the public.

While the city currently provides this information online through the Law Department through a third party, New York Legal Publishing Corporation, it should be noted that in conducting searches of the city's own website through the homepage and in outside Google searches, this website does not come up in search results. This information is, however, linked to through the Law Department's homepage. Similarly, the URL for this website is not descriptive of its content: 72.0.151.116/nycnew/.

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The city additionally has a website dedicated to its rules through http://rules.cityofnewyork.us/. This site importantly allows for an advanced search by agency, proposed, adopted and final rules, and phrase, and is easily found through outside searches.

Though not covered by the bill, it should be noted that another piece of the city's legal record – its administrative decisions made by agencies – are housed by the Center for New York City Law at New York Law School.[1]

Upon enactment of this legislation, Citizens Union urges that the city implement the following changes:

1. **Provide links to the City's online portal for the charter and administrative code where they will be most accessed by the public.** In our review of other cities and how they provided this information, many other municipalities provided the information in more logical places on their websites or were easier to locate through Google searches or through search of their main websites. We therefore recommend that linkages be provided in logical place such as the websites of the City Council, the Department of Records and Information Services, and the City Clerk to provide for maximum searchability, and that the city look into providing a URL that better describes the content of the website.

2. **The city should make the site more user-friendly and searchable** by examining development of its own website rather than going through a third party, as is currently done. For example, the current version requires users to click through to view the various sections of law, which then link to pages for each separate section. Users may wish to view larger sections of information than is currently able to be seen.

Intro 328 (Kallos) – OpenFOIL

Citizens Union supports Intro 328, which would create a central OpenFOIL website to allow the public to submit and track Freedom of Information Law requests. We were involved in the initial drafting of the legislation through the NYC Transparency Working Group, and thank our partner Reinvent Albany for their leadership on this bill.

This legislation, if enacted, would put New York City at the forefront nationally, as there are very few examples of this being implemented in other jurisdictions – we are only aware of Oakland's Recordtrac[2] and the Port Authority of New York and New Jersey's website under with Freedom of Information Code.[3]

The legislation has several key components that Citizens Union believes makes it extremely valuable:

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[1] Available at: http://www.nyls.edu/cityadmin/city_admin.php
[2] Available at: http://records.oaklandnet.com/new
[3] Available at: http://www.panynj.gov/corporate-information/freedom-information-requests.html

1. **Tracking compliance by agencies with the bill through metrics for each agency in the Mayor's Management Report through involvement of the Mayor's Office of Operations (however, the preliminary mayor's management report should be included as well);**

2. **Integration with the city's Open Data Law and portal, and a "first strike you're in" policy for inclusion of data that has been approved through FOIL requests on the open data portal;**

3. **Integration with city agency websites;**

4. **Inclusion of pending and fulfilled requests in a fully searchable manner;**

5. **Creation of a directory of records access officers at each agency; and**

6. **Access to statistics that will enable the public to monitor fulfillment of requests.**

This bill will also have cost savings for the city – Reinvent Albany estimates it could save $10 million a year. Given the potential for cost savings while improving transparency and access to public information, we believe this measure is a win-win for the city and public.

Intro 363 (Kallos) – Online City Record

Citizens Union support Intro 363's efforts to require the City Record be online in a more searchable manner but recommends that the print edition still be made available. We have advocated for and supported previous initiatives to put the City Record online, including testifying in favor of Intro 952 (Sears) of 2009 and advocating for the proposal in Citizens Union's report, *Increasing Avenues for Participation in Governing and Elections in New York City[4]*, issued to the 2010 City Charter Revision Commission. In pushing for this change directly with the Department of Citywide Administrative Services, CU' actions contributed to the city's administrative actions to post pdfs of the City Record online for free, as well as create its searchable rules and online procurement notices website.[5]

At the previous hearing held by the Council on Intro 952 of 2009, the Department of Citywide Administrative Services noted there were 345 paid subscribers bringing in $130,000 in revenue, and the printing costs at that time were $1.2 million. Annual costs for subscribing are currently $500. The procurement website received 200,000 hits annually at that time. Thus, we recognize that the printing costs are significant and subscriptions do not make up for this cost.

However, in expanding access on one level by making the online version searchable, the bill may unnecessarily reduce public access by ending the print version. Whether one has internet access or not, some New Yorkers may simply prefer perusing a hard copy version. Think of the four three major daily newspapers in this city, all of which are available online, yet the public still pays to

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[4] Available at:
http://www.citizensunion.org/www/cu/site/hosting/Reports/0610CU_Charter_Revision_Report&Recommendations.pdf, p. 99.
[5] Online procurement at: http://a856-internet.nyc.gov/nycvendoronline/home.asp
PDFs of print City Record at: http://www.nyc.gov/html/dcas/html/about/cityrecord_editions.shtml
Rules website with pending changes and searchable Rules at: http://rules.cityofnewyork.us/

subscribe to hard copies of these papers. New Yorkers still wish to hold and read a print edition even if they can access it online.

Additionally, nearly a quarter of New York City residents are without computers at home, as seen in the table below.

New York City Residents with Computer/Internet Access[6]

In-home Computers	Broadband Access
23.8% live in households without a desktop, laptop, notebook, or netbook	26.7% of households do not subscribe to broadband

The legislation would eliminate the printing and sending of hard copies of the City Record to libraries and community boards, places where those with limited computer skills may access the City Record in print. The Committee should reach out to community boards and libraries to determine whether their clients access the City Record currently in print or online, and determine the utility of allowing for print copies to be made available to.

Given that some New Yorkers may simply still want to hold a printed version in their hands along with the lack of access to computers of some New Yorkers, in evaluating the elimination of the printing requirements of Section 1066 of the City Charter, **Citizens Union recommends the Council not end the printing of hard copies of the City Record at this time.**

As we have already flagged with staff of the Government Operations Committee, we additionally wanted to note that there are certain print requirement for bidding processes required by state law under the General Municipal Law, Section 103 and General Construction Law, Section 60. The legislation as currently drafted, however, still would allow for the separate printing of the City Record's notices for procurement as required by state law.

Citizens Union also recommends that the city, beyond an online City Record, better publicize government meetings through its official calendar as a means of providing notice of meetings and hearings. This is the practice of other cities with regard to promoting city hearings and meetings. New York, like other cities, has a calendar of city events, yet the city's official calendar does not contain official public meetings being held by commissions, boards, and agencies. Other cities such as Boston and Oakland better integrate government meetings in their official city calendar, and provide for RSS feeds and other means to sign up for notices through the calendar – see our attached research for more information.

I thank you for the opportunity to testify, and am available to answer any questions you have.

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[6] Bridging the Digital Literacy Divide, New York City Comptroller John C. Liu, April 2013 (p. 5-7).
http://comptroller.nyc.gov/wp-content/uploads/documents/Bridging-the-Digital-Literacy-Divide.pdf

CITIZENS UNION OF THE CITY OF NEW YORK
Review of U.S. Cities and Accessible Online Government
JUNE 2014

	City Record	City Calendar	Procurements	City Charter	Open FOIL
Austin	*	-Online Calendar	-List of Bids	-Online, PDF -Third Party municode	-N/A
Baltimore	*	-Online Calendar	-Third Party CityBuy	-Online, PDF	-N/A
Boston	-PDF	-Online Calendar	-List of Bids	-Online, PDF	-N/A
Chicago	*	-Online Calendar	-List of Bids	-Not Online	-N/A
Cleveland	-PDF	-Online, PDF, Some in Online Calendar	-List of Bids	-Online, PDF	-N/A
New York City	-PDF	-Online, PDF, Some in Online Calendar	-List of Bids	-Online, searchable through third party -User Friendly Rules of NY	-N/A
Oakland	*	-Online Calendar	-List of Bids	-Online, Third Party municode	-Online, User Friendly, Recordtrac

*Not termed City Record or similar title, or not easily found online.

Austin

- The City Record
  - The City of Austin has no hard-copy publication of government hearings and meetings, procurements, or other public notifications.
- City Calendar
  - The City of Austin's calendar[1] is available on the city's main webpage.
  - The calendar is in an easily searchable, web-based html format, however, no PDF or hard-copy version is offered.
  - There is no subscription option or RSS feed connected to the calendar.
  - The calendar contains the meeting schedules of all city agencies, including the City Council.
- Procurements
  - The Financial Services department manages the contract catalogue[2].
  - All open contracts are in an easily searchable, web-based format. There is no PDF option for viewing the catalogue, however, it is possible to download the catalogue to Excel.

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[1] http://www.austintexas.gov/fullcalendar
[2] https://www.ci.austin.tx.us/financeonline/contract_catalog/index.cfm

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- o The catalogue has both an RSS feed and a vendor account option, which allows individual vendors to view open solicitations and bid online.
- City Charter
  - o The Austin City Charter is available online in PDF form through [Public Records Access](#)[3] on the city's main website.
  - o The Charter is also available in a searchable web-based format through and a third party website, [municode](#)[4]. The city's main website directs to municode through an active hyperlink.
- Open FOIL
  - o The City of Austin has no Open FOIL.

Baltimore

- The City Record
  - o The City of Baltimore has no easily found City Record type publication online.
- City Calendar
  - o The [City of Baltimore's calendar](#)[5] is available on the city's main webpage.
  - o The calendar is in a searchable web-based format, and there is no off-line form.
  - o There are both email/SMS subscription options.
  - o The calendar contains the event schedules of very few city agencies, the City Council events are not included, and each agency has its own calendar.
- Procurements
  - o The Baltimore City Department of Finance directs to a third party source, [CityBuy](#)[6], to manage procurements.
  - o All bids are in an easily searchable online format only.
  - o CitiBuy allows vendors to create accounts and bid online.
- City Charter
  - o The Baltimore City Charter is available online in [PDF](#)[7] form on the city's main website.
  - o It is not easily searchable or in any web-based format through the city government website.
- Open FOIL
  - o The City of Baltimore has no Open FOIL.

Boston

- The City Record
  - o The Boston City Record is available online through the Purchasing Department in [PDF](#)[8] form.
  - o Annual subscriptions cost $50, and each issue is $2.
- City Calendar
  - o The [Boston city calendar](#)[9] is available on the city's main webpage.

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[3] http://www.ci.austin.tx.us/edims/search.cfm
[4] https://library.municode.com/index.aspx?clientId=15302
[5] http://www.baltimorecity.gov/CityCalendar.aspx
[6] https://www.baltimorecitibuy.org/bso/
[7] http://www.baltimorecity.gov/government/citycharatercodes.aspx
[8] http://www.cityofboston.gov/purchasing/
[9] http://www.cityofboston.gov/calendar/

- o The calendar is a prime example of an easily searchable, web-based html format. While many events are also published in the City Record, the online calendar has the full listing.
  - o There is an RSS feed and other subscription options for the calendar.
  - o The calendar contains the meeting schedules of many city agencies, including the City Council.
- Procurements
  - o The Purchasing department manages the [list of bids](#)[10].
  - o Many open contracts are in an easily searchable, web-based format, however, the City Record is the official repository for the list of open bids.
  - o The list of bids does not have any subscription option, and the City Record has a $50 dollar per year subscription, or can be purchased for $2 an issue.
- City Charter
  - o The [Boston City Charter](#)[11] is available in PDF form online through the City Council webpage.
- Open FOIL
  - o The City of Boston has no Open FOIL.

Chicago
- The City Record
  - o The City of Chicago has no easily found City Record like publication online
- City Calendar
  - o The [City of Chicago's calendar](#)[12] is available on the City Clerk's website.
  - o The calendar is in an easily searchable, web-based html format, and a PDF format.
  - o There are a number of different social media options, but no subscription options for the calendar.
  - o The calendar contains the meeting schedules of all city agencies, the City Council, and all committees.
- Procurements
  - o The Procurement Services department manages the [bid opportunities](#)[13].
  - o All open contracts are in an online [PDF](#)[14] format.
  - o The Procurement Services department has an RSS feed option and allows vendors to bid online.
- City Charter
  - o The Chicago City Charter is not available online, however, the Municipal Code is available in a searchable online format through a link on the City Clerk's office webpage to [American Legal](#)[15].
- Open FOIL
  - o The City of Chicago has no Open FOIL.

Cleveland
- The City Record
  - o The Cleveland City Record is available online in [PDF](#)[16] form through the City Council webpage, the Record contains the same content as the NYC Record.

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[10] http://www.cityofboston.gov/purchasing/bid.asp
[11] http://www.cityofboston.gov/images_documents/2007%20the%20charter%20draft20%20(final%20draft1%20with%20jumps)_tcm3-16428.pdf
[12] https://chicago.legistar.com/Calendar.aspx
[13] http://www.cityofchicago.org/city/en/depts/dps.html
[14] http://www.cityofchicago.org/content/dam/city/depts/dps/WeeklyBidOpportunities/2014WeeklyBidOpportunities/060214.pdf
[15] http://www.amlegal.com/nxt/gateway.dll/Illinois/chicago_il/municipalcodeofchicago?f=templates$fn=default.htm$3.0$vid=amlegal:chicago_il

- City Calendar
    - The [Cleveland City calendar](17) is available on the city's main webpage, however, each agency has its own calendar.
    - The calendar is in an easily searchable, web-based html format, however, there are very few events in the calendar, the majority can be found in the City Record.
    - There is no subscription option or RSS feed connected to the calendar.
    - The calendar contains the meeting schedules of almost no city agencies. The City Council events are not included.
- Procurements
    - The [list of bids](18) is available online through the Department of Finance.
    - Many open bids are on this list in a searchable, web-based format, however, the complete list of bids is published in the City Record. Bids cannot be made online over $50,000.
    - There is neither a subscription option nor a vendor account option for the list of bids.
- City Charter
    - The [Cleveland City Charter](19) is available in a semi-searchable form online through the City Council webpage.
- Open FOIL
    - The City of Austin has no Open FOIL.

New York
- The City Record
    - The New York City Record is available online in [PDF](20) form, and in print throughout city libraries.
    - The record costs $500 for an annual subscription.
- City Calendar
    - [New York City Calendar](21) is available online, however, each agency has its own calendar, and thus no agency events or hearings/meetings are listed on the official calendar.
    - The calendar itself is accessible, however, the lack of official events undercuts this.
    - There are no subscription options for this calendar.
- Procurements
    - The office of Citywide Administrative Services has a [bidding search engine](22).
    - All open contracts are in an easily searchable, web-based format, contracts are also published in the City Record.
    - The list of bids does not have subscription option, but it does have an account option for vendors.
- City Charter

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[16] https://www.dln.com/cr/index2014/May282014.pdf
[17] http://www.cleveland-oh.gov/CityofCleveland/Home/Calendar?m=6&y=2014&c=0&o=
[18] http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/Finance/BID
[19] http://www.amlegal.com/nxt/gateway.dll/Ohio/cleveland_oh/cityofclevelandohiocodeofordinances?f=templates$fn=default.htm$3.0$vid=amlegal:cleveland_oh
[20] http://www.nyc.gov/html/dcas/html/about/cityrecord_editions.shtml
[21] http://www1.nyc.gov/events/events-filter.html
[22] http://a856-internet.nyc.gov/nycvendoronline/vendorsearch/asp/startsearchbid.asp

- o The New York City Charter, Administrative Code and Rules are available in a [searchable third-party website](#)[23].
- o The Charter is also available through the [NYC Rules webpage](#)[24] in a searchable online format.
- Open FOIL
  - o The City of New York has no Open FOIL.

Oakland

- The City Record
  - o The City of Oakland has no easily found City Record type publication online.
- City Calendar
  - o The [City of Oakland calendar](#)[25] is available on the city's main webpage.
  - o The calendar is in a very easily searchable, web-based html format, however, no PDF or hard-copy version is offered.
  - o There is RSS feed option and other subscription options for the events calendar.
  - o The calendar contains the meeting schedules of all city agencies, including the City Council, and is even broken down by district.
- Procurements
  - o [Contracting opportunities](#)[26] are managed by the City Administration.
  - o All open contracts are easily searchable on the web-based format. There is no PDF option for viewing the list of contracts.
  - o The catalogue has a vendor account option, which allows individual vendors to view open solicitations online.
- City Charter
  - o The Oakland City Charter is available online in PDF form through a link on the City Council webpage, which directs to [municode](#)[27].
- Open FOIL
  - o Oakland is the only city in the country with an Open FOIL.
  - o The Open Foil is available online through [Recordtrac](#)[28].

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[23] http://72.0.151.116/nycnew/
[24] http://rules.cityofnewyork.us/codified-rules
[25] http://www2.oaklandnet.com/Events/index.htm
[26] http://www2.oaklandnet.com/Government/o/CityAdministration/d/CP/s/Opportunities/index.htm
[27] https://library.municode.com/Html/16308/Level1/THCHOA.html
[28] http://records.oaklandnet.com/requests