



CITIZENS UNION OF THE CITY OF NEW YORK
Testimony to the
Commission on Public Information and Communication (COPIC)
On Implementation of the Webcasting Law
May 19, 2015

Good morning, Public Advocate James and other members of the Commission on Public Information and Communication (COPIC). My name is Rachael Fauss, and I am the Director of Public Policy 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 applauds COPIC for choosing to examine implementation and compliance with Local Law 103 (“Webcasting Law”), which requires city agencies to webcast their public meetings, or at a minimum provide archival video of meetings, as Citizens Union suggested at your December public hearing.

Our testimony today will highlight the following issues:

1. The first step for achieving compliance should be determining the city agencies and entities that are subject to the law. The Law Department should put this together as Citizens Union and other groups requested in 2014.
2. Citizens Union’s review of compliance indicates that while more city government bodies are posting video online, most do not webcast meetings. While we recognize that this basic level of compliance is significant and promising, it doesn’t live up to the full spirit of the law.
3. Best practices should be examined as COPIC and the city work together to achieve full compliance. At the moment, the city has a patchwork system, and no central website for video; it is often difficult to find video and webcasting information on many agency websites. One-stop shopping for videos on a central website should be the goal, and San Francisco is a possible model to strive toward.

Achieving Compliance

As you know, the Webcasting Law was enacted in December 2013, with implementation required by March 2014. Citizens Union pushed for the enactment of this law, having

testified before the Council multiple times on the proposed legislation, in April 2013 as well as in 2008.¹ The new law also had the strong support of the civic and tech communities through the New York City Transparency Working Group, of which Citizens Union is a member.

Citizens Union, as part of the Transparency Working Group, communicated to the administration in early 2014 that we believe the implementation of the law is a priority, given the potential it has to not only increase transparency of and public access to government, but also to modernize the way in which government bodies interact with the public. We, however, recognized the challenge for the administration to meet the March 2014 deadline. Following up on our communications, our groups also requested a list of city agencies and bodies from the Law Department that are subject to the law. **We continue to believe that a comprehensive list of city entities subject to the Webcasting Law should be provided by the Law Department to COPIC and the public to ensure that there is public accountability of the effort.**

In now seeking the successful implementation of the law, we believe that COPIC's appointees represent the right balance of stakeholders to productively address this issue, and ensure that the Webcasting Law is fully implemented. Further, given COPIC's mission and Charter mandates, we believe the body under the collaborative leadership of the Public Advocate has great potential to ensure full implementation increases the accessibility of government meetings and reaches the largest public audiences. At this juncture, more than a year after the implementation deadline, we believe a full review of compliance by COPIC with the law is appropriate and timely.

Citizens Union's Review of City Government Webcasting Activities

In preparing for this hearing, Citizens Union updated a review it conducted in 2014 for a hearing of the City Council Technology Committee, which also sought to examine compliance with the Webcasting Law.² In seeking to determine how city government was doing with regard to compliance, we examined the listing of city government entities from the directory provided on the nyc.gov homepage, and expanded it to include additional commissions and boards. We also reviewed agency websites and the City Record for notices of public meetings and hearings to determine which city entities appeared to have regular or frequent public meetings. Absent a legal determination of which agencies are subject to the Webcasting Law, our review is not meant to be definitive, but rather show the scope of activity and challenges with implementation.

¹April 2013 testimony available at http://www.citizensunion.org/www/cu/site/hosting/Testimony/CU_Testimony_AgencyWebcasting_Intro%20132_04_29_13.pdf; October 2008 Testimony available at: http://www.citizensunion.org/site_res_view_template.aspx?id=c4949235-e49e-49c9-a877-8fceb15edde0

² February 2014 Testimony available at: http://www.citizensunion.org/www/cu/site/hosting/Testimony/CU_Testimony_AgencyWebcasting_Intro28_02_24_2014.pdf

The complete list of these city entities identified by Citizens Union is available to download [here](#).

Among the 19 city entities which should be applauded for webcasting their meetings live are:

- The Mayor's office, including press conferences and other major announcements;
- The New York City Council, which led by example prior to passage of Local Law 103;
- The New York City Campaign Finance Board (CFB), including meetings of its Voter Assistance and Advisory Committee;
- The Civilian Complaint Review Board;
- The City's Five Pension Boards – New York City Employee Retirement System (NYCERS), the Police and Fire Department Pension Funds, Teachers Retirement System, and the Board of Education Retirement System; and
- The Taxi and Limousine Commission.

The majority of these agencies have utilized Livestream to webcast their meetings, though other services have also been used. Another 15 entities are minimally complying with the law through providing archived video of meetings; many of these agencies utilize YouTube for their videos. Providing video after the fact is important as it still creates accessibility for those who are unable to attend in person, but the timeliness of posting is something that should be considered when video is not streamed live. Live webcasting represents the best practice given the intent and spirit of the law.

Of those city agencies, commissions, boards and other entities that appear to hold regular or frequent public meetings and hearings, Citizens Union has identified at least 27 entities that may be subject to the new law that do not appear to webcast their meetings or provide archived video of their meetings. Among these are:

- The Landmarks Preservation Commission;
- Franchises and Concessions Review Committee;
- The Mayor's Office of Contract Services; and
- The Procurement Policy Board.

Citizens Union highlights these agencies in particular, as their meetings are routinely noted in the City Record, and involve important contracting and land use decisions.

It should be noted that even for entities that *do* webcast their meetings, it is very difficult to find this information via the websites of the individual entities; it is often not advertised that meetings are webcast, though archived video is available. Therefore, there may be some agencies they stream meetings live that are not captured in our analysis, who are instead listed as only providing archived video.

Overall, there is no centralized website for webcasts and video of city government meetings, meaning there is currently a patchwork system for complying with the law that is largely determined by individual agencies.

Best Practices for Webcasting

In seeking to move forward on this issue, Citizens Union urges COPIC to examine best practices related to webcasting, as well as whether agencies could obtain lower cost webcasting services with optimal features by using the city's bulk purchasing power through joint procurement. Additionally, the Mayor's Office of Media and Entertainment, which has recorded video and facilitated webcasting of the City Council's proceedings as well as footage of the Mayor's events and press conference, should be used as a resource for other agencies, provided that they have sufficient support. While Citizens Union does not support the use of a particularly vendor for webcasting, we would like to note certain best practices that should be utilized:

- "One-stop" shopping, through a single New York City government website, as is done currently by New York City in its portal for open data, and New York State for its webcasted meetings.³ This should also be integrated with the City Record and official NYC Events Calendar.
- Clear, permanent public notification of meetings being webcast, rather than notification only immediately prior to the meeting.
- Clear links to public meetings, webcasts, video, and associated materials on government entity's homepages.
- Inclusion of associated materials directly with the webcast, ideally on a split screen showing the meeting on one side and the minutes and documents under discussion on the other (note that under Section 103 the NYS Open Meetings Law, even draft or proposed regulations are subject to public review); and
- Searchability of archived video, transcripts, minutes and other associated documents by key words and terms.

One particular model we suggest COPIC examine is San Francisco's SFGovTV⁴, which includes associated materials listed with video in split screen, is searchable by transcript, and includes a single site for all government agencies.

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

³ See NYS's website of all agency webcasts: <http://www.nysegov.com/webcast.cfm>.

⁴ Available at: <http://www.sfgovtv.org/index.aspx>