

MEETING  
COMMISSION ON PUBLIC INFORMATION AND COMMUNICATION  
1 CENTRE STREET, 19TH FLOOR  
NEW YORK, NEW YORK  
SEPTEMBER 17, 2007  
10:00 A.M.

1 P R E S E N T:

2 B E T S Y G O T B A U M ,

3 P u b l i c A d v o c a t e , C h a i r p e r s o n

4 B R I A N A N D E R S O N ,

5 C o m m i s s i o n e r , D e p t . o f R e c o r d s & I n f o . S v c s .

6 G A I L B R E W E R ,

7 C o u n c i l M e m b e r

8 A N T H O N Y C R O W E L L ,

9 M a y o r ' s O f f i c e o f O p e r a t i o n s

10 T A L G O L O M B ,

C o r p o r a t i o n C o u n s e l

11 C R A I G H A M M E R M A N ,

12 P u b l i c A d v o c a t e A p p o i n t e e

13 E M I L Y J O H N S O N ,

14 D e p t . O f I n f o r m a t i o n , T e c h n o l o g y & T e l e c o m m .

15 B R I A N K A S Z U B A ,

16 D e p u t y G e n e r a l C o u n s e l , P u b l i c A d v o c a t e ' s O f f i c e

17 E M I L Y R U B I N S T E I N ,

18 M a y o r ' s O f f i c e o f O p e r a t i o n s

19

20 A l s o P r e s e n t :

21

22 G e n e R u s s i a n o f f

23

24

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## P R O C E E D I N G S

CHAIRPERSON GOTBAUM: Good morning. At this time I'd like to officially convene the September 17, 2007 public meeting of the Commission of Public Information and Communication.

At this time I ask that the roll call be taken. We'll start to my left. Please state your name and who you represent, for the record.

MS. BREWER: I'm Gale Brewer, and I represent the City Council.

MR. ANDERSON: Brian Anderson, Commissioner of the Department of Records.

MR. GOLOMB: Tal Golomb, Corporation Counsel.

MR. CROWELL: Anthony Crowell, representing the Office of Operations.

MS. JOHNSON: Emily Johnson, representing DOITT.

MS. RUBINSTEIN: Emily Rubinstein, representing the Mayor's Office of Operations.

CHAIRPERSON GOTBAUM: I'd like to welcome all of you and thank you for coming to this meeting of the Commission of Public Information and Communication; or COPIC, as we'll refer to it.

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Special thanks to the Mayor and his administration for sending representatives. I'd also like to thank Speaker Quinn for appointing Council Member Gale Brewer as the City Council's representative.

Council Member Brewer has long been active with COPIC and has done a stellar job as head of the Council of Technology and Government Committee.

Thanks to Craig Haberman for agreeing to be my appointee to COPIC. Here he is.

(Indicating.)

Craig has served as District Manager of Brooklyn Community Board 6, and has exhibited strong leadership in the area of information technology and will be an asset to this commission.

COPIC, as you know, was created in 1989 in the City Charter Revision. Its mission is to help make city government more transparent to the citizens and to encourage the public to become more actively involved in government.

Although COPIC has never been properly funded, it has had some important accomplishments. The commission was instrumental in the creation of

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2 Crosswalks in 1990, which became WNYC.

3           In 1993, it published a Public Data  
4 Directory of computerized information produced or  
5 maintained by city agencies, through the help of  
6 private funding.

7           Finally, in 1998, COPIC was last  
8 convened under Mark Green, and it produced a guide  
9 to the New York State FOIL and Open Meetings Law,  
10 through Public Advocate funds.

11           Since that time, there has been a surge  
12 of new technologies in our daily lives, from online  
13 search engines to instant messaging, and government  
14 agencies are relying on computers more than ever  
15 before.

16           It is because of this constant change  
17 in technology that COPIC is now more important than  
18 ever to insure that the government is doing  
19 everything possible to take advantage of the new  
20 ways it can communicate with the citizens of this  
21 city.

22           New Yorkers today need access to public  
23 information just as badly as they did two decades  
24 ago when COPIC was first formed. With the changes  
25 in technology, we have a unique opportunity to

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2 further enhance the idea of open government.

3           That's why we are here today. As  
4 Chair, I wish to work with the members of the  
5 Commission to discuss substantive issues that need  
6 to be addressed, and that COPIC can have a real  
7 impact on.

8           COPIC is instrumental for FOIL. One  
9 issue I would like to hear discussion on is how  
10 COPIC can be instrumental when it comes to FOIL,  
11 freedom of information.

12           I believe COPIC can play a role in  
13 helping to mainstream and update FOIL rules in New  
14 York City.

15           There is a Mayor's executive order from  
16 1991 that's called the "Uniform Rules and  
17 Regulations for all City Agencies Pertaining to the  
18 Administration of FOIL."

19           However, many agencies have promulgated  
20 their own FOIL rules, and this order has never been  
21 updated to take into account technology  
22 advancements and to comply with changes to FOIL.  
23 COPIC members can make recommendations and see to  
24 it that this is fixed.

25           COPIC members can also lead training

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2 sessions for media, public agency heads and agency  
3 staff on proper records retention, disclosure and  
4 FOIL.

5           In 2006, a State law was passed to  
6 broaden the authority of courts to award attorney  
7 fees when government agencies failed to comply with  
8 FOIL.

9           Now, the court has the discretionary  
10 authority to award costs and reasonable attorney  
11 fees when the agency had no reasonable basis for  
12 denying access to records, or when the agency  
13 failed to comply with the time limits for  
14 responding to a request, no matter how many members  
15 of the general public are affected by the  
16 noncompliance.

17           It is in the best interest of the City  
18 to shore up FOIL practices immediately, to avoid  
19 potential costly payouts in legal fees. COPIC can  
20 help save the City money by leading these training  
21 sessions.

22           I think we can all agree that money  
23 the City saves in legal fees can be much better  
24 spent in other areas.

25           These are just a couple of idea I

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2 believe COPIC can work on. I'm looking forward to  
3 hearing more ideas from you during this meeting. I  
4 hope we can leave here today with a working agenda  
5 for moving forward with COPIC.

6           As I mentioned before, due to lack of  
7 proper funding, our task will not be easy.  
8 However, that doesn't mean we cannot accomplish  
9 some great things.

10           This would be the first commission that  
11 succeeded under similar circumstances. Like the  
12 Voter Assistance Commission, which the Mayor worked  
13 to revitalize despite if having no funding for  
14 years, COPIC can achieve success.

15           Again, thank you for coming today.

16           At this time, I would like to move to  
17 the next item on the agenda and turn the floor over  
18 to Emily Rubinstein, from the Mayor's Office of  
19 Operations, to give a presentation.

20           MS. RUBINSTEIN: Thank you so much.

21           I'll pass these out.

22           (Indicating.)

23           MR. CROWELL: We thought we'd give a  
24 short presentation on all the ways in which the  
25 City has evolved with technology, in terms of



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2 giving information to the public and how it  
3 generates and disseminates it.

4           MS. RUBINSTEIN: Some of the  
5 information you may already know, but I just wanted  
6 to highlight all the things the City is doing to  
7 provide public access to all the information out  
8 there.

9           So, the first slide. The City  
10 leverages its existing FOIL. You have 311, NYC.gov  
11 and NYCTV. And by leveraging these things and  
12 improving them in the past two years, we have  
13 created easy access to information, improved  
14 customer service and enhanced performance  
15 recording.

16           I'll go into details. NYC.gov provides  
17 access to over 60 city agencies. Through 311 it  
18 receives 40,000 calls a day, which is very  
19 impressive. There's translation services into  
20 different languages, and as you probably know,  
21 NYCTV provides coverage of mayoral and City Council  
22 activities.

23           One of the other exciting opportunities  
24 we have online is our mapping technologies; and  
25 these have improved incredibly over the past two

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2 years. We provide residents with access to New  
3 York City map, and you're able to... information  
4 about public transportation, schools, fire houses,  
5 hospitals et cetera, in your neighborhood; and you  
6 can choose from a whole list of items that you want  
7 to highlight. It makes it really easy to use, easy  
8 to navigate.

9           Two new tools that have come out,  
10 probably in the past year or so, is the New York  
11 City Business Express and Access NYC. These are  
12 two tools that are serving different clientele, but  
13 have improved customer service enormously by  
14 helping the public navigate through City processes  
15 and programs that are available to them.

16           First of all, Business Express is an  
17 interactive website that allows you to figure out  
18 what permits and licenses you need to, say, open a  
19 restaurant.

20           Right now it's just focused on owning  
21 restaurants, but we're expanding on that to other  
22 kinds of businesses, so that small business  
23 centers, et cetera, can more easily find out what  
24 kind of paperwork they need to fill out, forms, et  
25 cetera and to find them to fill them out.

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It also has provided incentives to businesses that are available.

Access NYC is a free online service that helps individuals figure out what programs they are eligible for. So rather than having to go to ten different places to figure out what you might be eligible for, this is an easy wizard that tells you whether or not you would be access eligible for benefits, health care insurance, et cetera.

It's very easy to use. I tried it out. Not bad.

Last, we have, over the past years, very much made an effort to improve those recording mechanisms we have for reflecting to the public how the City is doing.

The Mayor's management report is issued twice a year. We've made great strides in streamlining it, making the information in it easy to understand, accessible and has really relevant information for everyone in bite size bullets, et cetera.

Local Law 47 provides reports on information coming into 311. That's available

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2 online and passed out to various stakeholders.

3           Essentially, the printout summarizes,  
4 by agency and subject area, on the information  
5 that's coming into 311; the number of calls and  
6 also how that breaks up in terms of, are people  
7 calling about potholes, or about noise, et cetera.

8           CHAIRPERSON GOTBAUM: Much discussion,  
9 you can imagine.

10          MS. JOHNSON: There are other tools  
11 reflecting our performance, the citywide  
12 accountability program, which is CAPSTAT, on line,  
13 that allow you to access performance indicators for  
14 each agency; and it provides a wide variety of  
15 information.

16          We're constantly looking to improve  
17 that tool and make it more meaningful and user  
18 friendly.

19          Next, we have another mapping tool  
20 which is great. It is neighborhood statistics, and  
21 it breaks down by community board, information  
22 related to safety in a neighborhood. It's  
23 organized -- you can see on the tabs -- rather than  
24 by agency, it's really by subject area.

25          Health, education, human services,

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2 infrastructure, et cetera, and you're able to look  
3 at the statistics in your neighborhood and see how  
4 it is performing.

5           Last, I wanted to point out that there  
6 are all these tools available, and one thing we are  
7 thinking about is to create a portal to all of  
8 these outlets for the public; and we are looking  
9 over the next year to aggregate that into one site  
10 where we can access them.

11           That's one possibility the Mayor's  
12 Office of Operations can work with you to help.

13           Thank you very much. Let me know if  
14 you have questions.

15           COUNCIL MEMBER BREWER: I think that the  
16 site fits into separate entities. I do think that  
17 their site is user-friendly, in terms of parents,  
18 et cetera. Next year they are doing a site for  
19 teachers; pretty impressive. It has a name. I  
20 forget the acronym.

21           MS. JOHNSON: I know NYC.gov has  
22 different sites for businesses.

23           COUNCIL MEMBER BREWER: This was an  
24 entity of its own.

25           MS. JOHNSON: Thank you very much.

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CHAIRPERSON GOTBAUM: We'll go to a discussion by Commission members and the proposed rules to govern COPIC.

COUNCIL MEMBER BREWER: We have a couple of suggestions. My experience with COPIC goes back to the days of the Crosswalks. That's a long time ago.

To the credit, it was actually Nat Leventhal and others during the 89 Charter, Eric Lane, who suggested this particular mechanism for -- the word "Internet" did not exist at the time.

As you know, I'm a huge supporter of the activities that NYC.gov listed.

The question is, for today, having seen what it was like -- at one point there were eight staff members when COPIC first existed. And, of course, during the Giuliani/Green era, it was World War III.

And so there was no funding and it limped along. We did produce some materials, but it was really very rudimentary. There are so many issues that today could be part of a discussion.

One of them is, in terms of governing, how do we keep the information so it is available

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2 to the public? Even what we are doing sounds like  
3 a small group here today; but if people understand  
4 that this is a mechanism for discussing how the  
5 public can communicate, they would participate.

6           I love to see that we have a  
7 stenographer or some other way of keeping notes for  
8 COPIC meetings, whatever the possibility is.  
9 Funding is involved, I assume, for that.

10           Once we have minutes, they need to be  
11 approved just like Robert Rules of Order; and they  
12 need to be done within a couple of weeks, it seems  
13 to me, in order to comply with the open meetings  
14 law. That will be by motion.

15           And we also need to discuss where we  
16 would post notices for future meetings and have a  
17 discussion on that. The City Record certainly  
18 covers it, but it would be good to work with --  
19 again, this being an open meeting, the discussion  
20 for the City of New York, convincing some of the  
21 blogs and/or newspapers to cover COPIC and publish  
22 the fact that they exist.

23           When we had hearings in the Technology  
24 Committee on openness and COPIC -- at one point we  
25 did have one during the budget -- needless to say,

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2 the newspapers, for their own reasons, are  
3 interested in this topic. I think it's mostly  
4 because of the FOIL issue, but there's a lot of  
5 interest from in their participation.

6           I guess I have a couple of suggestions  
7 and others. We would like to have a stenographer  
8 or other appropriate method for keeping minutes to  
9 make sure they are publishable within two weeks, or  
10 at least marked "Draft" if they haven't been  
11 released and approved by the body.

12           We would certainly like to have a  
13 discussion where we would, hopefully, have some  
14 notice, including the City Record, but we would  
15 love to have other locations, too. Those are my  
16 three suggestions for COPIC.

17           Any discussion?

18           MR. HAMMERMAN: The Charter Revision  
19 Commission, the Voter Assistance Commission, all  
20 these other commissions seem to have their own  
21 individual dropdown listing on NYC.gov.

22           Would it be possible to set up a COPIC  
23 selection on that menu, as well, and then post  
24 information there?

25           It is a very popular website, and we



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2 might as well take advantage.

3           COUNCIL MEMBER BREWER: The City Council  
4 website should do the same.

5           CHAIRPERSON GOTBAUM: Anybody else?

6           MR. CROWELL: I think a website would  
7 be sort of a good foundation.

8           CHAIRPERSON GOTBAUM: Let's go to the  
9 real part, the lack of funding.

10          COUNCIL MEMBER BREWER: You want a  
11 second on it? Is there any discussion of these  
12 particular --

13          MR. HAMMERMAN: On the point of the  
14 stenographer, would it be possible to webcast the  
15 meetings, video them and broadcast them on WNYC or  
16 another outlet?

17          COUNCIL MEMBER BREWER: Maybe. It is a  
18 funding issue.

19          MR. HAMMERMAN: With all the talent and  
20 wisdom and experience together at this table, maybe  
21 it could be done in-house.

22          COUNCIL MEMBER BREWER: "Stenographer"  
23 sounds very old fashioned.

24          Do we need a second on this?

25          MR. HAMMERMAN: I second.

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COUNCIL MEMBER BREWER: We need to vote.

CHAIRPERSON GOTBAUM: All in favor, say  
"Aye."

(A chorus of "Ayes.")

CHAIRPERSON GOTBAUM: Lack of funding.  
Gale, you know the history.

COUNCIL MEMBER BREWER: It was only  
funded at the very beginning of '90; and it was  
somehow tied into the Crosswalks funding, if I  
remember.

It was Such a long time ago. It was  
not funded. Basically, we ran it out of the  
enlarged Public Advocate's office, because there  
was more staff at the time. It never had a budget.

It is hard to know what be you  
involved, in terms of a budget. Certainly, in  
order to pull it together, obviously some of the  
things just mentioned even now about the budget  
would be helpful. The Public Advocate would be  
helpful.

CHAIRPERSON GOTBAUM: I think it's  
something we ought to talk about. If you can't  
hire a staff to run it, what are we going to do?  
If we need the funding, how do we get it?

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2           MR. HAMMERMAN: Do we have any idea what  
3 the bare-bones budget would look like? The  
4 overhead expenses, that might help determine what  
5 direction we look at.

6           CHAIRPERSON GOTBAUM: What it says is,  
7 you have an executive director, a council, and any  
8 other officers necessary to carry out the  
9 functions. It's very vague.

10          MR. CROWELL: What about using an  
11 existing staff, the way the Voter Assistance  
12 Commission did?

13          COUNCIL MEMBER BREWER: Something to  
14 assist you with?

15          MR. CROWELL: I'm talking about within  
16 the Public Advocate's office, people you could  
17 dedicate.

18                 This is how we did it with the Voter  
19 Assistance Commission. When Mayor Bloomberg came  
20 in, the Voter Assistance Commission had a similar  
21 problem. There was just an office manager who just  
22 passed that information.

23                 But then we hired an executive  
24 director, and what we do is part of -- there's an  
25 independent entity administered through DCAS. DCAS

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2 has no role in any policy decisions, but they sort  
3 of serve them. It's a service similar to what DCAS  
4 had for OATH.

5           The Public Advocate's office could be  
6 similar to that, serving -- you are the Chair. You  
7 could, similarly, host that. You could dedicate  
8 staff.

9           Originally what we did, all of  
10 ex-officios offered their staff to work  
11 collectively on back issues, until we had developed  
12 a program that then, sort of, said, "There is a  
13 programmatic need." Then we hired an executive  
14 director.

15           CHAIRPERSON GOTBAUM: Gale, isn't that  
16 what happened previously?

17           COUNCIL MEMBER BREWER: Crosswalks was  
18 administered -- I don't know who administered it,  
19 in 1989-1990 it might have been DCAS. At the time,  
20 that a came from that agency. There was no Public  
21 Advocate at that time, so it was in between.

22           The Public Advocate, when I was there,  
23 did it ourselves. It was not extremely successful.  
24 I do think it's possible to work with the agencies  
25 to see if there isn't some support from the staff.

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2                   CHAIRPERSON GOTBAUM:   If you have the  
3 experience where it's worked, we could try it.

4                   COUNCIL MEMBER BREWER:   A lot is  
5 research.

6                   MR. CROWELL:   You take it from there.  
7 It took us, from the time Mayor Bloomberg started  
8 in January of 2002, I think we hired our executive  
9 director, finally, I think, two years in. It might  
10 have been -- probably two years.

11                  COUNCIL PERSON BREWER:   (Inaudible.)

12                  MR. CROWELL:   We did the video voter  
13 guide. Our choice as to who to hire was informed,  
14 because it was the person to run a community access  
15 television station previously. So she came in to  
16 do that and lead the change on the video voter  
17 guide.

18                  CHAIRPERSON GOTBAUM:   I think that's  
19 something we should consider. Should we make a  
20 notion?

21                  COUNCIL MEMBER BREWER:   We can move to  
22 say we will work with existing staff and try to put  
23 it together in a much more accelerated fashion. We  
24 don't have two and a half years. A much more  
25 accelerated fashion, using staff from other -- to

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2 figure out what kind of staff we need.

3           Using existing agency staff -- we could  
4 probably call on other agency staff if we needed  
5 it.

6           MR. HAMMERMAN: It's been my experience,  
7 banging our heads against the wall to get an  
8 increase in our budget, that's probably going to be  
9 a tough angle to come from.

10          One of the ways we have been lately  
11 working around that is, first of all, in our  
12 community board we formed a...organization and,  
13 second of all, we're using that entity status to  
14 leverage some grants.

15          In fact, we get one through DORIS to  
16 pay for our website, and things of that nature.  
17 It's the local government records grant from New  
18 York State. Indeed, it has really helped us  
19 leverage a considerable amount of resources  
20 available.

21          I suggest we explore those avenues, as  
22 well as outside funding from the State, federal or  
23 City agencies that may have competitive grants that  
24 we can apply for. It seems somewhat ironic.

25          At the same time, what I would be

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2 concerned about is, to be able to provide that  
3 money on an ongoing basis, how COPIC could become  
4 self sustaining.

5           I suggest that can always be our core  
6 mission. When it comes to budgeting, anything we  
7 do, COPIC is not a revenue-generating entity, so we  
8 need to be concerned with where the money is coming  
9 from in the future, even if we get it today.

10           COUNCIL MEMBER BREWER: The idea is to  
11 try to have either a formal 50133 or a pass-through  
12 50133.

13           CHAIRPERSON GOTBAUM: We could use it.  
14 It's absolutely right. We've got have to have --  
15 what are we doing here? We need a clear program  
16 before we can even begin to think about it. I  
17 think that's absolutely right, the model of that is  
18 a good one.

19           WNYC is privately owned.

20           MR. CROWELL: We have good news on that  
21 for you. Corporation Counsel has rendered an  
22 opinion. That came up in my conversation with  
23 Brian. On Friday afternoon, they told us they  
24 think it would devolve to NYC-TV. We would just  
25 need to delegate that. They will put something in

1                   Comm. On Public Info & Communication  
2 writing.

3                   MR. GOLOMB: It seems clear from the  
4 history of the Charter Revision what role they want  
5 to play on this board. Now that WNYC has changed,  
6 in some things... be satisfied that they could fill  
7 that role.

8                   There are A lot of things in the  
9 Charter where you have the Board of Estimate or  
10 different stuff where we have to interpret, what do  
11 they really mean when the entity changes without  
12 going back and having a referendum every few years  
13 when things do change.

14                  CHAIRPERSON GOTBAUM: Does the Mayor's  
15 Office have appointments?

16                  MR. CROWELL: We will make  
17 appointments. We didn't have enough time in the  
18 past week or so.

19                  CHAIRPERSON GOTBAUM: Do you want  
20 recommendations?

21                  MR. CROWELL: You could give us  
22 recommendations. I think we have to sit down and  
23 look at what's needed, in terms of requirements, a  
24 community board member and a media member.

25                  Given that a community affairs unit or



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2   a community assistance unit, I suspect there will  
3   be lots of people who will emerge from our  
4   commissioner, and then media.

5           COUNCIL MEMBER BREWER: The other day on  
6   CUNY TV, with Brian Lehrer moderating, there were  
7   four or five topics. Believe it or not, it talked  
8   about COPIC, new media and public access.

9           You might want to look at that  
10   particular show. It was probably repeated a few  
11   times. It was unbelievable. It was an interesting  
12   group. Brian would know, and so would CUNY TV.  
13   They were fabulous.

14          CHAIRPERSON GOTBAUM: Shall we move to  
15   the substance and direction of COPIC?

16          First is establishing a timetable to  
17   hold Charter-mandated public hearings.

18          COUNCIL MEMBER BREWER: We need to  
19   figure out what we are doing. We had those  
20   hearings. People show up because everybody has  
21   ideas about government, communicating with the  
22   public. One of the issues would be which direction  
23   to go in before we have the hearing.

24          It would be great to have some of the  
25   folks going to be appointed. I think they have

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2     some great ideas, and I think that would be the  
3     first step, to have those folks appointed and have  
4     a meeting with everybody who's a member of COPIC,  
5     to come up with some ideas.

6           Mayor Bloomberg's office has done a  
7     great job with public access, not such in the past.  
8     The question would be, are there any other ideas?

9           I do think having somebody from the  
10    news media would help. Between the blog world and  
11    the newspaper world, not to mention television,  
12    there's also the issue of public access channels.

13          We have wonderful ones in our city. I  
14    always thought there may be a role for them, in  
15    addition to doing their regular programming.

16          It was actually the... commissioner's  
17    suggestion, not mine. On the public access  
18    channel, he suggested more "banding," whatever the  
19    word. CNN does it, with hurricane in Florida.  
20    He's always felt there should be a lot more of that  
21    going on, not only with public access, but with  
22    regular cable and the TV stations.

23          MR. CROWELL: It's a scroller or  
24    ticker; you get two programs at once.

25          COUNCIL MEMBER BREWER: And you get

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2 information about the City. Hopefully, not just a  
3 crisis. They do it in a lot of other cities, in  
4 Florida, but not here.

5           Little things like that.

6           CHAIRPERSON GOTBAUM: Who does that?

7           COUNCIL MEMBER BREWER: I would assume  
8 that the idea was given by the city government. He  
9 says in Florida, it is a huge way of communicating  
10 for the public. Something simple like that would  
11 go a great way.

12           Even today, on high rise safety, or  
13 whatever. It could be anything. That kind of  
14 thing. Many other ideas could come up. That's the  
15 kind of issue, something simple, the lawyers and  
16 others on the FOIL issue, another whole discussion.

17           I would love to see something simple  
18 like this idea implemented. It would be great.

19           CHAIRPERSON GOTBAUM: You are making a  
20 suggestion for the next meeting?

21           COUNCIL MEMBER BREWER: Everyone who is  
22 appointed attends, and perhaps we could publish a  
23 proposed agenda in advance, getting people's ideas  
24 on that. And then, as soon as we can, do a public  
25 hearing.

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2           CHAIRPERSON GOTBAUM:   What about the  
3   idea of producing a new public data directory?  Is  
4   that necessary with all of the --

5           MR. HAMMERMAN:   It seems to me -- that  
6   is something I was quite interested in seeing,  
7   being somebody who is a power user of 311, and  
8   somebody who relies on all of this information.

9           It can be quite dizzying to try and  
10   navigate the various systems, and so I'm really  
11   intrigued that the Mayor's Office has taken it on  
12   to create a public access portal.

13           The notion of a data directory is a bit  
14   dated, but translates well into this more current  
15   version of a public access portal.

16           If we can somehow combine forces, that  
17   this could be a joint venture between the Mayor's  
18   Office and COPIC, then we could satisfy our core  
19   mission and at the same time, perhaps giving the  
20   Mayor's Office a broader perspective from outside  
21   of the Mayor's Office on how the data is being used  
22   and how people are seeking it.  The collective  
23   experiences are something of value we can bring to  
24   the table.

25           MS. JOHNSON:   I'll be happy to talk

1                   Comm. On Public Info & Communication  
2 more about that.

3                   COUNCIL MEMBER BREWER: Who does OASIS  
4 NYC?

5                   MS. RUBINSTEIN: Is that Buildings?

6                   MR. CROWELL: No.

7                   COUNCIL MEMBER BREWER: That's  
8 phenomenal.

9                   MR. HAMMERMAN: Gene would know.

10                  MR. RUSSIANOFF: It started with us.  
11 Maybe the CUNY Graduate Center.

12                  COUNCIL MEMBER BREWER: It's an example  
13 of extremely good -- Probably it's Gene Russianoff  
14 somewhere, off in realty. That's an example.

15                  MS. JOHNSON: I'm not familiar with it,  
16 offhand.

17                  CHAIRPERSON GOTBAUM: What is it?

18                  COUNCIL MEMBER BREWER: You can go  
19 there. It's a mapping program. Every building in  
20 the City of New York, and it tells you about that  
21 building, and the violations, and who built it, who  
22 lives in it and everything.

23                         It is all, of course, originated  
24 with... and is now part of... empire at the CUNY  
25 Graduate Center.

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2           My point is to involve some of these  
3 other folks in whatever has developed. Incredible.

4           MR. HAMMERMAN: I try to support the  
5 government resources by using it.

6           CHAIRPERSON GOTBAUM: Can we talk about  
7 FOIL?

8           MR. CROWELL: What we are doing now,  
9 we have what I consider to be a pretty good  
10 operation, in terms of using the Law Department as  
11 a central resource for all questions that come up  
12 on FOIL. There's a person named Steve Goldent  
13 who's the City's resident expert on FOIL, and we  
14 certainly have taken the opportunity to make sure  
15 that our general counsel and the Freedom of  
16 Information Law officers have all the information  
17 about the latest developments.

18           There are regular meetings at the  
19 Corporation Counsel's office. There's one on  
20 October 25, for example, where these things are  
21 imparted to them.

22           And certainly, when FOIL appeals  
23 happen, there's always a cognizance about the new  
24 requirements, in terms of making sure everything is  
25 fully disclosed, to avoid something being Article

1           Comm. On Public Info & Communication  
2       78 and going to court, and running the risk of  
3       having attorney fees.

4           That provision of law is fairly new,  
5       about the attorney's fees. I don't know the extent  
6       to which attorney's fees have been required to be  
7       paid by the City agencies. I have not heard of  
8       any.

9           There aren't that many FOIL cases that  
10      go to court. I can look into that. It's a rather  
11      new provision, so not that many. I can tell you  
12      that the Law Department is very, very diligent in  
13      making sure when appeals go to court, that they try  
14      to get as much out there and review what was given  
15      out, to try to settle any cases; in case there was  
16      something withheld that shouldn't have been. I  
17      know that could be the case.

18          It is an important issue to bring up.  
19      I'm not terribly concerned, given the kind of steps  
20      that the Law Department is taking on.

21          As a matter for FOIL, generally, it's  
22      good to tell people how to make a FOIL request,  
23      what to expect. The Committee on Open Government  
24      has been a resource for everyone, in terms of  
25      getting opinions on freedom of information laws,

1           Comm. On Public Info & Communication  
2 and the applicability of the freedom of information  
3 law, and giving guidance, as well, to the public.

4           COUNCIL MEMBER BREWER: I think the  
5 issue is for some people, what they're trying to  
6 accomplish, which makes it hard on your staff. "I  
7 want everything to do with horses," for example.

8           MR. CROWELL: We did have one. We were  
9 very helpful.

10          COUNCIL MEMBER BREWER: "I want  
11 everything to do with horses." That's a hard one  
12 to figure out. You work on it. Of course, they  
13 get frustrated, and they called everyone else  
14 trying to get the same information.

15          Those are the kinds of discussions that  
16 would be helpful; maybe it makes it easier on your  
17 end. And at the same time, the public feels that  
18 there may be different procedures. I have no idea.  
19 You do the best you can.

20          Often in this city, FOIL is a great  
21 deal of information. Maybe your life could be made  
22 easier and your staff by having clearer guidelines  
23 that mandate open access. I don't know.

24          There's one issue for the newspapers  
25 and another issue for the public. I don't know



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2       which is more time consuming or which is responded  
3       to. I have no idea.

4           I think most of them are worked on a  
5       timely basis, but you have to tell people you will  
6       get back to them. They send me a copy very  
7       quickly.

8           MR. HAMMERMAN: That goes back to what  
9       the Public Advocate said in her opening remarks  
10      about the -- 1991 -- is that something that -- they  
11      would update?

12          MR. CROWELL: I think the Law  
13      Department has issued clear guidance in legal  
14      memorandum to... officers. I'll look at that  
15      executive order to see the extent to which it --  
16      some agencies have codified rules, but mostly off  
17      the same template. Everything, of course, is  
18      trumped by the public officer's law, because that  
19      is gospel on how it is to be administered.

20          CHAIRPERSON GOTBAUM: I have one  
21      particular specific question, which is, how is the  
22      Department of Education covered? In what way is it  
23      covered?

24          MR. CROWELL: Like any other agency,  
25      they are subject to public officer's law, in which

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2 FOIL is codified. They have FOIL requests and  
3 they're covered in the same exact manner -- a  
4 public entity, correct.

5           MR. KASZUBA: (Inaudible.)

6           MR. CROWELL: Individual FOIL requests  
7 don't go through the Law Department. If there is  
8 an issue on whether something should be disclosed  
9 or not, you would call the Law Department for  
10 guidance.

11           "I have a document that looks like  
12 this, I have a request like that; do I give it out?  
13 Do I redact this? Is there an issue of personal  
14 privacy for a member of the public? Is it  
15 something with a contract award? Am I somehow  
16 infringing on a law enforcement investigation that  
17 may be ongoing?"

18           These are very common issues, and you  
19 have to be sensitive to very specific issues that  
20 are in some documents; and some documents may be  
21 documents released to the public, and so you  
22 rerelease them. It is as simple as that.

23           You have to look at each document with  
24 specificity to determine whether it was  
25 disclosed -- or responsive, and to what extent all

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2 of it or a portion is disclosable.

3           MR. GOLOMB: The Law Department gives  
4 ongoing counsel to City agencies on all sorts of  
5 things that might apply to that particular agency.  
6 It is not that something will get fixed in time and  
7 that's it. New things come up constantly to get  
8 reviewed.

9           COUNCIL MEMBER BREWER: I think if we  
10 could provide an education campaign on the issue,  
11 if nothing else. I get a lot of calls from people  
12 who applied for FOIL, and I find where is in the  
13 tracking system.

14           I don't know if it is possible to track  
15 it on your part. These are some of the ideas.  
16 It's like with 311, to the credit of the  
17 commissioner, there was an effort with 311 to  
18 "close the loop."

19           I applied for my pothole, and you know  
20 when the pothole is fixed, when the man arrives  
21 with the truck and it gets fixed. But it would be  
22 good to know that on March 2 it is going to be  
23 fixed, and on March 2 it is fixed. And so you  
24 don't have 311 being called, "When is my pothole  
25 going to be fixed?"

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2 MR. CROWELL: Not online?

3 COUNCIL MEMBER BREWER: It will be  
4 online. It will be listed as "pothole fixed  
5 March 2," or whatever.

6 MR. CROWELL: FOIL is what I consider a  
7 legal matter. I think It is very difficult to put  
8 a specific time on things. You suddenly discover a  
9 new document, and "Wow, it's a lot of stuff. If I  
10 gave it out am I hurting anybody?"

11 In general, you send letters out to  
12 people and tell them when it's reasonable to expect  
13 when the documents are going to be disclosed, if  
14 something is to be disclosed.

15 The only other thing is, I have a  
16 concern about giving the public -- we take efforts  
17 to protect -- if an individual makes a FOIL  
18 request, you don't want to out somebody. There's  
19 lots of different variables.

20 COUNCIL MEMBER BREWER: The City Council  
21 disclosure... every two minutes...

22 MR. CROWELL: That's provided for by  
23 statute.

24 CHAIRPERSON GOTBAUM: In terms of the  
25 issue of training sessions, is there interest in

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2     the part of members here to do that?

3           MR. CROWELL:   Training sessions for the  
4     public or internal staff, or both?

5           CHAIRPERSON GOTBAUM:   I think for the  
6     internal staff of agencies, is first.

7           COUNCIL MEMBER BREWER:   I don't know if  
8     the Bar Association does that sometimes.   I don't  
9     know.

10          CHAIRPERSON GOTBAUM:   How do they do it  
11     for the public?

12          MR. CROWELL:   I know we did two  
13     training sessions for the record access officers.  
14     We can certainly do that again.   I'm not sure.   We  
15     should look to the Committee on Open Government to  
16     see if they have online resources in that vein.

17                 We can certainly look to see about  
18     update.   The Law Department does send out memos.

19          COUNCIL MEMBER BREWER:   There might be  
20     ways, either through television or webcast or web  
21     information.   It could be clear.   I have a file.  
22     Again, ways to think about it for the public.

23                 You get the people who do it all the  
24     time, and they are knowledgeable.   Then you have  
25     some people who do it once in a while.

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2           MR. HAMMERMAN: When you think about the  
3 public and what kinds of training sessions would be  
4 helpful, what kind of subjects come to mind?

5           COUNCIL MEMBER BREWER: The only one  
6 that comes to mind right now is those horses.

7           MR. HAMMERMAN: You would be helping the  
8 public on how to access information from city  
9 government?

10          COUNCIL MEMBER BREWER: What happens is,  
11 people will ask for everything to do with horses,  
12 give it to me. Or the DEP, o4 in my building,  
13 about asbestos removal. I get that all the time.

14          I thought there might be a better way  
15 to help them get information. I assume that  
16 agencies get that, agency staff, and people tell me  
17 that. It is not a huge problem. The purpose, to  
18 me, is to make government accessible.

19          MR. HAMMERMAN: Certainly, it should  
20 help organize the way the requests are submitted.  
21 It may increase the load, as far as how many they  
22 receive. If they can handle it efficiently, that  
23 shouldn't be an issue.

24          CHAIRPERSON GOTBAUM: In March, 2008,  
25 there was a book called "Open Sunshine Week." The

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2 question would be, what public education campaign  
3 could COPIC do during this particular weekend, and  
4 leading up to it, what could we do? Suggestions  
5 and recommendations.

6           COUNCIL MEMBER BREWER: One of the  
7 topics is the Esther Fuchs issue. When she was in  
8 charge of the Charter, she had a list that she  
9 shared with me of all the publications. She did  
10 not put it on the agenda for the public. It was  
11 complicated and it was not the right time.

12           I'm a big believer in reports, but not  
13 if it's not necessary. That would be another topic  
14 to consider. Again, we would have to work on it in  
15 advance. For an open session week, a lot of the  
16 issues, perhaps, could be part of an open hearing.  
17 It would be a great time during that month or week.

18           MR. CROWELL: I think that's a great  
19 idea about the government documents that are  
20 required but perhaps have been superseded by other  
21 documents or outlived their usefulness, due to  
22 changes in other laws. It's a great idea. I would  
23 be very supportive of that.

24           COUNCIL MEMBER BREWER: It's something  
25 that might, in fact, as a public record report

1           Comm. On Public Info & Communication  
2 becomes... working to do something that translates  
3 a past report into something that could be current.  
4 Again, I don't know what that could be. There are  
5 lots of ways of thinking about it. It could be a  
6 website or a blog. I don't know. All the  
7 possibilities are worth a discussion.

8           MR. HAMMERMAN: Does it exist anywhere  
9 some kind of central compilation of all of the  
10 reports mandated to be produced by agencies?

11           MR. CROWELL: Sure.

12           MR. HAMMERMAN: I know the record's  
13 retention schedule --

14           MR. CROWELL: Right now, it's mandated  
15 by local law, all the reports that are publicly  
16 issued by agencies have to be sent electronically  
17 to Commission Anderson so the Department of Records  
18 can post them online.

19           COUNCIL MEMBER BREWER: There's more.  
20 What Esther put together, which I have a copy, is  
21 something --

22           MR. CROWELL: I was on that commission.  
23 I love this idea. It is good government. We  
24 divert so many staff resources in producing reports  
25 that aren't maximizing -- we could actually improve



1           Comm. On Public Info & Communication  
2 other reports with better information by --

3           COUNCIL MEMBER BREWER: There is a full  
4 compilation. We could match it with what's on his  
5 site. This is a discussion. The site is  
6 wonderful. A huge amount of work. It's well done.  
7 Not everybody participates as they should. That  
8 would be another topic.

9           THE SPEAKER: Compliance?

10          COUNCIL MEMBER BREWER: It's a good  
11 topic. Both the list that exists, perhaps updated,  
12 and how local laws work and how it could be  
13 publicized in a way that is helpful to people to  
14 know the reports are there. We know, because we  
15 are part of the discussion.

16          MR. CROWELL: We could pick up on  
17 where the Commission left off on this work and do  
18 it here. It could be very thoughtful and we all  
19 had learned a whole lot from it.

20          COUNCIL MEMBER BREWER: And include --  
21 some electronic possibilities, something people  
22 would see, something that was visual, in addition  
23 to audible would be interesting.

24          MR. HAMMERMAN: Would you envision  
25 perhaps inviting all of the agencies that are

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2 mandated to submit reports to comment on the  
3 timeliness and the formats and information they are  
4 providing?

5           MR. CROWELL: Perhaps. We have done a  
6 lot of work. I would have to look at what the work  
7 looks like. There is a fairly lengthy list. We  
8 should just look at that, and see. We should see  
9 the extent to which agencies have already commented  
10 on this; and you can ask agencies.

11           Or, you could have staff solicit agency  
12 input up front, and then have a baseline of  
13 information and then ask questions or invite  
14 certain ones in. There's a lot of interest in a  
15 lot reports.

16           MR. HAMMERMAN: What is the mechanism  
17 for changing mandates?

18           MR. CROWELL: Local law, generally.

19           COUNCIL MEMBER BREWER: The issue is  
20 always how much to put online and how much to do  
21 written. These are issues that can be discussed  
22 today. It is a hard challenge.

23           Every time you change the MMR, there is  
24 a big discussion. I don't know any more what is  
25 right or wrong, but the public sunshine is the

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2 whole purpose of it.

3           CHAIRPERSON GOTBAUM:     It would be good  
4 to get a list.

5           MR. CROWELL:    I'll package it and get  
6 it over.

7           CHAIRPERSON GOTBAUM:   The other issue  
8 is, I think the Council had a hearing where the  
9 issue of availability of the municipal broadcasting  
10 resources, and the fact that many franchises will  
11 come due in 2008 .

12          COUNCIL MEMBER BREWER:   There's an  
13 ongoing franchise regarding Verizon, and you are  
14 quite familiar with it. We could talk more, more  
15 discussion; and then in 2008 is the cable. I guess  
16 they are kind of merging, timewise and  
17 substantively.

18               Of course, there's a big national  
19 discussion going on. The question is -- I'm a big  
20 supporter, and to make sure I have and municipal  
21 and public and all the other ways in which schools  
22 and libraries, so many good things from that  
23 initial cable franchise.

24               If we would have input, it's up to us  
25 to decide. There's another communication aspect of

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2 this body. There's also the Land Use Committee of  
3 the City Council.

4           MS. RUBINSTEIN: We look for the cable  
5 renewals and anything that this committee could  
6 audit; and to raise awareness, how much benefit  
7 citizens get from that resource would be great.

8           COUNCIL MEMBER BREWER: We need more  
9 discussion. There's always a question of -- this  
10 is coming up with Verizon -- has done great work  
11 with the schools and libraries, and now what's  
12 next?

13           Maybe there's for City Eye Net  
14 extensive. There are so many aspects to this.  
15 It's a very hard, complicated issue for the public  
16 to get its hands around. I think the more  
17 discussion the better. I don't know if community  
18 boards will discuss it.

19           MR. HAMMERMAN: I didn't anticipate it.

20           COUNCIL MEMBER BREWER: We were also  
21 involved. I was there for all the hearings on  
22 Cable Vision and Time Warner.

23           I think people sort of take it for  
24 granted. Then we didn't. This is brand new, has  
25 to everywhere, don't cherry pick. Today everybody

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2 says, "I have cable." What's the big deal?

3           It would be good to have some  
4 discussion along those lines and how it's  
5 incredibly important. We would love to do  
6 something different and not have to do all that  
7 work.

8           We have to come up with some new ideas  
9 as to where the franchise could go, in terms of  
10 area, territory. That would be great. It's a  
11 banner idea, just one example. There are many.

12           CHAIRPERSON GOTBAUM: Does anybody else  
13 want to bring up any other topic or additional  
14 ideas or items we should talk about?

15           Do we have an agenda for the next  
16 meeting? We have to think about that.

17           MR. HAMMERMAN: How often did you  
18 envision doing this? Weekly?

19           CHAIRPERSON GOTBAUM: Gale, again I have  
20 to rely on you.

21           COUNCIL MEMBER BREWER: I think we met  
22 quarterly. Perhaps we could do that. If March is  
23 a good jumping off place for a real hearing on some  
24 of these topics. We could take a couple more  
25 meetings this fall.

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2           MR. CROWELL: I agree. The report  
3 thing alone requires a lot of work. You would want  
4 a professional presentation to the public about the  
5 range of information that's out there now, what is  
6 required to be out there.

7           I would just harken back to the Charter  
8 Commission did it this way, and without committing  
9 anyone to how to do it currently.

10           Is this the direction to go, and sort  
11 of deleting from local law those reports that  
12 aren't as useful and bolstering current reports and  
13 combining reports, whatever it may be.

14           CHAIRPERSON GOTBAUM: Isn't there  
15 pretty much a blueprint for that?

16           MR. CROWELL: I think so?

17           CHAIRPERSON GOTBAUM: Somebody has to  
18 pull it all together.

19           MR. CROWELL: It requires a fresh look.  
20 We could report back to you. In the next week I'll  
21 send you that commission's work. And then step on  
22 the FOIL that I promised. We will undertake that  
23 quickly, and get back to you.

24           COUNCIL MEMBER BREWER: It listed all  
25 the publications with the capstone. There wasn't a

1           Comm. On Public Info & Communication  
2   technology response to it. That was something more  
3   innovative, and that was something we could get  
4   input on.

5           MR. CROWELL: I think that's a good  
6   idea. It's an alternate way to minimize cost and  
7   staff time.

8           CHAIRPERSON GOTBAUM: I agree to cutting  
9   it out if we can.

10          MR. CROWELL: I think our goal is to  
11   enhance information to the public. But if  
12   something is not useful --

13          COUNCIL MEMBER BREWER: There may be a  
14   way of doing it more creatively, getting the  
15   information out. I think the newspapers -- it  
16   would be great to have somebody from the media.  
17   They could do a lot more. That was the discussion  
18   with Brian Lehrer.

19          Just to get you to cover community  
20   board meetings in Brooklyn or Manhattan is like  
21   pulling teeth. Just to say it is happening.  
22   Certainly, with city government, it's hard to find  
23   out. There is no media coverage of some of these  
24   coming-up programs.

25          Similarly, with some of these reports

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2 or whatever we want to call them, how could the  
3 media cover them?

4           I believe in NYC-TV. Between that and  
5 the City Council, they could do more.

6           MR. GOLOMB: The blogs changed that.

7           COUNCIL MEMBER BREWER: How could the  
8 city government interact more with Gotbaum and the  
9 whole long list? I don't know the answer to that.  
10 Putting something on these reports in a way of  
11 getting blogs to participate would be great.

12           Somebody from the media who understands  
13 blogs would be great, whomever you select.

14           MR. CROWELL: Okay.

15           COUNCIL MEMBER BREWER: There was a huge  
16 discussion about ethnic media, how it needs to play  
17 a role in city government and doesn't. There are  
18 eight Chinese newspapers, we know that already.  
19 They are there for a whole series of reasons, but  
20 definitely government was part of it. It's not  
21 covered by the representative newspapers.

22           CHAIRPERSON GOTBAUM: Should we aim for  
23 mid-November? That will give us two months to  
24 work on this?

25           MR. CROWELL: Even before that, but



1           Comm. On Public Info & Communication  
2   that's fine.

3           MR. HAMMERMAN:   We would get to see it  
4   before.

5           MR. CROWELL:    I'll have my crew put  
6   something together.

7           CHAIRPERSON GOTBAUM:   Anything else?  
8   Any other items?

9           COUNCIL MEMBER BREWER:   We have a lot of  
10   agenda for mid-November.   We're got report issues,  
11   trying to think how it could be presented for a  
12   hearing, the FOIL issues.   If you have  
13   appointments... for November, it takes time to get  
14   new appointments, too.

15          MR. CROWELL:    No advice and consent.  
16   It would just be a review.

17          COUNCIL MEMBER BREWER:   That takes time.  
18   If we could have your new appointments by then,  
19   that would be great, a big addition.   Maybe ideas  
20   about a portal down the line.   It would be a huge  
21   deal.

22          MR. HAMMERMAN:   I would love to work on  
23   that.

24          CHAIRPERSON GOTBAUM:    Maybe we could  
25   look to March for a public hearing with this,

1                   Comm. On Public Info & Communication  
2 focussing on it.

3                   MR. CROWELL: A hearing/forum.

4                   MR. KASZUBA: How quickly could we  
5 establish a website for posting the minutes to  
6 comply with state law?

7                   MS. JOHNSON: We will let you know.

8                   CHAIRPERSON GOTBAUM: Motion to  
9 adjourn, then?

10                  MR. CROWELL: Motion.

11                  CHAIRPERSON GOTBAUM: Thank you very  
12 much.

13                  (Time noted: 11:17 a.m.)  
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## C E R T I F I C A T I O N

I, Jeffrey Shapiro, a  
Shorthand Reporter and Notary Public, within and  
for the State of New York, do hereby certify that I  
reported the proceedings in the within-entitled  
matter, on Monday, September 17, 2007, at One  
Centre Street, New York, New York, and that this is  
an accurate transcription of these proceedings.

IN WITNESS WHEREOF, I have  
hereunto set my hand this \_\_\_\_ day of  
\_\_\_\_\_, 2007.

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JEFFREY SHAPIRO