

**Mayor's Office of Media and Entertainment: Testimony before the City Council Committee on  
Technology in Government Oversight Hearing  
April 29, 2013**

Good morning, Chairperson Cabrera and members of the City Council Committee on Technology in Government. I am Todd Asher, First Deputy Commissioner of the Mayor's Office of Media and Entertainment, and I'm pleased to be before you again today.

As you know, in recent years the Mayor's Office of Media and Entertainment has worked diligently with the Council and our colleagues at the Department of Information Technology and Telecommunications to substantially expand New Yorker's access to the proceedings of City government. This includes bringing live broadcast and streaming capabilities to the City Council Chambers and the Council's 250 Broadway committee rooms. The City of New York is now the largest municipality to carry live legislative hearings. We've also made the City's government channel, NYC Gov, available over the air so that New Yorkers without cable have access to watch their government at work. Additionally we've invested in emergency messaging equipment which allows us to remotely broadcast important updates from the Mayor throughout the City, as evidenced by the numerous press conferences that took place during Hurricane Irene and its aftermath.

These milestones, however, were the result of significant planning, investments in infrastructure and strategic use of personnel. As it is now being considered to mandate that public hearings be streamed live, we feel that a close examination must first take place in order to understand the costs and issues involved. There are a multitude of questions that will need to be examined. For instance, is the proposal for all public hearings to be streamed? Would this include all community board meetings around the City? Presently, we estimate that there are at least 3,500 public hearings that take place throughout the City each year at more than 175 different locations. The schedules of these hearings vary as do the set-ups and capabilities of the rooms in which they are held, making it incredibly challenging to manage streaming logistics.

For context, outfitting the City Council Chambers alone for live broadcast and streaming capabilities cost over \$1.5 million in equipment and infrastructure and costs about \$500,000 per year to operate. This was done by leveraging existing functions and funding sources that were put in place for regular television broadcasts in the Chambers, thus effectively subsidizing the costs.

The actual costs to configure each location will be less than this, but the number is much greater and it is due in large part to the existence of costly underlying infrastructure built at City Council locations that make the addition of less expensive streaming capabilities possible. It's likely that equipping all public hearings for live streaming could cost millions of dollars in capital to purchase the necessary equipment on top of significant annual costs to operate and staff these live streams. These are estimates, based on what limited information is currently available, but it's clear that much more needs to be known before we can move forward with a plan.

Therefore, we strongly recommend that a study be commissioned to closely examine the probable costs and feasibility of mandating live streams of public hearings and whether it makes sense logistically and financially to live stream all hearings. Having our office, the Mayor's Office of Operations, DOITT and a number of other City agencies involved in a study will enable us to make realistic assessments of the needs and costs involved as well as to better understand the end goals of the enterprise. Live streaming a meeting for the sake of live streaming it would not, in the long run, be in anyone's best interest if few people watch the video. A procedure would need to be in place so that the streams could be promoted properly, alerting viewers of the ability to watch them. Archiving and search functions also need to be considered. If a user is unable to tune in live to a hearing during the day, when many hearings are scheduled and when most New Yorkers are at work or in school, then it's important to factor in how viewers can access an archive of the streams after the fact.

The Mayor's Office of Media and Entertainment is committed to bringing transparency to City government

and has already demonstrated this commitment with the upgrades of live broadcast and streaming technology in the Council Chambers and committee rooms. We currently air more than 2,000 hours of annual coverage for City Council press conferences, hearings, celebrations and other forums as well as the Speaker's State of the City address, all borough president State of the Borough addresses and City Planning Commission hearings, among others.

Expanding this practice to thousands of public hearings taking place throughout the City would be an extremely challenging endeavor for any City entity without additional resources in the form of equipment and staffing, making a commissioned study the most practical next step to determine the best course of action.

Thank you again for the opportunity to testify today. We look forward to continuing to work with the Council and other City agencies to answer the various questions posed by live streaming public hearings, and we share the Council's goals of making City government as accessible as possible.



**CITIZENS UNION OF THE CITY OF NEW YORK**  
**Testimony to the**  
**Committee on Technology in Government of the New York City Council**  
**On Intro 132, Re: Webcasting of Public Meetings and Hearings**  
**April 29, 2013**

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Good morning, Chair Cabrera, and other members of the Committee on Technology in Government. My name is Rachael Fauss, and I am the Policy and Research Manager of 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. 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.

Before turning to the legislation, we would like to acknowledge the important support and initiative of the Council for increasing transparency in government, both by leading by example in webcasting its own meetings and hearings, and by passing important legislation such as the Open Data Law last year. We believe that passage of Intro 132 will add to this important record. We would also like to acknowledge the efforts of the Mayor's Office of Media and Entertainment in this area, as they have partnered with the Council in broadcasting proceedings on the NYC Government Channel, and have met with Citizens Union and other members of the New York City Transparency Working Group on these issues.

Requiring city agencies, commissions, and task forces and the council to webcast their public meetings and hearings will increase their accessibility, allowing the public to easily view meetings from any location with internet access. Webcasting also importantly allows stakeholders, including small non-profit organizations like ours, and members of the press to more easily monitor government proceedings. The media and advocacy organizations in turn relay information obtained by watching webcasted proceedings to the public, and so webcasted proceedings reach far more people than those directly watching them live. Further, given that government proceedings often occur during the daytime when most New Yorkers are unable to attend, archiving the webcasts will allow New Yorkers to see government in action at any time, and provide an additional public record of the meetings. We believe that this will allow for greater accountability of government.

Many city agencies and commissions already webcast their meetings, among them the Campaign Finance Board, the city's pension fund boards, the 2010 Charter Revision Commission, and the most recent City Districting Commission. One option for webcasting is through Livestream, which has been used by many government entities,

including its free service which includes ads; House Speaker John Boehner, the Department of Information Technology and Telecommunications, the City's Department of Education, and others have used the service for free with ads. The paid, ad-free version is also commonly used by government, including city entities such as the New York City Campaign Finance Board, the Voter Assistance Advisory Committee and the Mayor's office for only \$350 a month, and has been used at the state level by the New York State Senate for its committee meetings and hearings. Citizens Union believes that this low cost demonstrates the feasibility for across-the-board webcasting by all city government entities.

We would also like to address the application of the legislation to agencies such as the Board of Elections in the City of New York (the Board), which receive significant funds from the City budget, but are created through state law. Former Governor Spitzer's Executive Order 3 from 2007, which has been continued under Governor Cuomo, requires New York State agencies and commissions to webcast their meetings, defining state agencies as "any state agency, department, office, board, commission or other instrumentality of the State." We have attached the Executive Order to this testimony for your information. Citizens Union believes that the order applies to the Board, though the Board has not followed its directive. We request the Council ask the Board to provide its rationale for why it is not covered by the Executive Order.

Irrespective of whether the Board is subject to the Executive Order, we believe the Council has the authority to require the Board to webcast, and should amend Intro 132 to include any board funded by the city, including the Board of Elections. A law is more permanent than an Executive Order and because the Board is funded by the city, it is appropriate that it be more closely monitored through webcasting to ensure efficient use of taxpayer dollars. We do not believe that any government agency – whether state, city, or something in between – should fall through the cracks of efforts to increase transparency in government.

It should be noted that §103 of the New York State Open Meetings Law<sup>1</sup> allows private individuals to photograph, broadcast or webcast government proceedings that are open to the public. It would be disappointing, however, to have to rely on private citizens to webcast government meetings; we therefore ask that the Council pass Intro 132, and ensure that it covers all city government entities.

Thank you again for holding this hearing and allowing Citizens Union to present its views.

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<sup>1</sup> <http://www.dos.ny.gov/coog/openmeetlaw.html>



**EXECUTIVE ORDER No 3 (Spitzer):**

**PROMOTION OF PUBLIC ACCESS TO GOVERNMENT DECISIONMAKING**

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WHEREAS, it is essential to the maintenance of a democratic society that the public business be performed in an open and public manner; and

WHEREAS, the citizens of this State be fully aware of and able to observe the performances of public officials and attend and listen to the deliberations and decisions that go into the making of public policy; and

WHEREAS, the people must be able to remain informed if they are to retain control over those who are their public servants; and

WHEREAS, the Open Meetings Law requires every meeting of a public body shall be open to the general public; and

WHEREAS, the majority of New Yorkers are unable to attend such meetings; and

WHEREAS advances in technology allow for the broadcast of meetings on the Internet through the use of webcasting;

NOW, THEREFORE, I, Eliot Spitzer, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the laws of the State of New York, do hereby order as follows:

## 1. Definitions

"Agency" shall mean any state agency, department, office, board, commission or other instrumentality of the State, other than a public authority.

"Public authority" shall mean a public authority or public benefit corporation created by or existing under any State law, at least one of whose members is appointed by the Governor (including any subsidiaries of such public authority or public benefit corporation), other than an interstate or international authority or public benefit corporation.

## 2. Requirement to Broadcast Public Meetings

By March 1, 2007, every agency and public authority shall submit to the Secretary to the Governor a plan that: (a) identifies all meetings of such agency or authority that are subject to the Open Meetings Law; and (b) specifies a timetable for ensuring that all such meetings are broadcast on the Internet. Such plan may identify circumstances in which such webcasting is either impractical or inappropriate, and may seek approval for exemption from the requirement for webcasting. Except in those circumstances where an exemption is granted, all agency and authority meetings that are subject to the Open Meetings Law shall be broadcast on the Internet commencing no later than July 1, 2007. Every agency and public authority shall submit a report to the Secretary to the Governor by December 31, 2007, setting forth the number of meetings webcast during the prior year, together with a summary of any comments received from the public regarding the webcasting, and any recommendations for changes or improvements to the program.

G I V E N under my hand and the Privy Seal of the State in the City of Albany this first day of January in the year two thousand seven.

Eliot Spitzer, Governor  
Richard Baum, Secretary to the Governor

Available at:

[http://www.governor.ny.gov/archive/spitzer/executiveorders/eo\\_3.html](http://www.governor.ny.gov/archive/spitzer/executiveorders/eo_3.html)

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

Name: JOLY (PLEASE PRINT) MACFIE

Address: 373 B'WAY 10013

I represent: INTERNET SOCIETY

Address: POB 1599, NYC 10159

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/29/13

Name: Todd Asher (PLEASE PRINT)

Address: \_\_\_\_\_

I represent: NYC Media - Mayor's Office of Media

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 132 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

Name: Rachael Fauss (PLEASE PRINT)

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I represent: CITIZENS Union

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