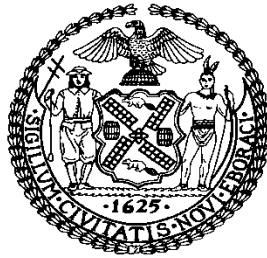


Staff: Committee on Technology
Cullen Howe, Legal Counsel



THE COUNCIL

Committee Report of the Infrastructure Division

Robert Newman, Legislative Director

COMMITTEE ON TECHNOLOGY

Hon. Fernando Cabrera, Chair

April 29, 2013

Int. No. 132:

By Council Members Brewer, Dromm, Ferreras, James, Koppell, Lander, Mark-Viverito, Palma, Reyna, Rodriguez, Rose, Seabrook, Van Bramer, Williams, Garodnick, Foster, Vacca, Jackson and Halloran

Title:

A Local Law to amend the New York city charter, in relation to requiring that all public meetings be webcast.

1. INTRODUCTION

On Monday, April 29, 2013, at 10:00 AM, the Committee on Technology, chaired by Council Member Fernando Cabrera, will hold a hearing on Int. No. 132. Int. No. 132 requires that all public meetings subject to Article Seven of the Public Officers Law be webcast.

2. WEBCASTING

Webcasting is the distribution of video and audio via the Internet to any personal computer or video-capable device connected to the Internet. Webcasting is similar to broadcasting (transmission of video and audio via radio waves) and cablecasting (transmission of video and audio via cable), differing only in the technology used to deliver video and audio and the means of transmission. Because video and audio require a huge amount of data, and because many Internet connections have limited bandwidth available and/or high network latency,¹ webcasts are compressed and encoded using complicated mathematical algorithms known as codecs.² Compressed files are much smaller, and take less time to transmit via the Internet. Furthermore, most webcasts make use of streaming media technology to deliver video and audio to the user, which begins playback before the file has been completely transferred. Webcasts can be live (with a short delay) or archived online and made available on-demand and may even be saved locally by personal computer for playback at a later time without the need for an Internet connection.

¹ Latency is the delay between the transmission and reception of information.

² Codec stands for compression/decompression algorithm. Many codecs are available to the public for free, but high quality codecs are often only available commercially.

3. EXECUTIVE ORDER NUMBER 3

On January 1, 2007 former New York Governor Elliot Spitzer promulgated Executive Order No. 3 (“the Order”), which requires all meetings of State agencies and public authorities subject to the Open Meetings Law to be broadcast on the Internet through the use of webcasting no later than July 1, 2007.³ The Order is intended to inform the public of the activities involved in decision making by allowing citizens to observe meetings that are open to the public by use of the Internet. Included in the definition of a State agency is department, office, board, commission, and any other instrumentality of the State.⁴ In addition, the Order requires that all governmental entities that are subject to the provisions of the Open Meetings Law submit a report to the Secretary to the Governor by December 31, 2007 that includes the number of meetings webcast that year and a summary of comments received from the public about the new broadcast. On June 18, 2008, former Governor Paterson signed Executive Order No. 9 which ordered the continuation of Executive Order No. 3, along with others.⁵ On January 1, 2011, Governor Andrew Cuomo signed Executive Order No. 2 which ordered the continuation of Executive Order No. 3, along with others.⁶

The Chief Information Officer/Office for Technology (CIO/OFT), the Office of General Services, and the Department of State have worked jointly to help State agencies

³ Governor Eliot Spitzer, “Executive Order No. 3: Promotion of Public Access to Government Decisionmaking,” January 1, 2007, *available at* http://www.governor.ny.gov/archive/spitzer/executiveorders/eo_3.html.

⁴ *Id.*

⁵ Governor David A. Paterson, “Executive Order No. 9: Review, Continuation, and Expiration of Prior Executive Orders,” June 18, 2008, *available at* http://www.governor.ny.gov/archive/paterson/executiveorders/eo_9.html.

⁶ Governor Andrew Cuomo, “Executive Order No. 2: Review, Continuation and Expiration of Prior Executive Orders, January 1, 2011, *available at* <http://www.governor.ny.gov/executiveorder/2>.

implement Executive Order 3, including the creation of a Best Practices Guideline⁷ and a Mandatory Technology Standard.⁸ New York State maintains an Internet portal that allows visitors to view a list of New York State agency and authority webcasts.⁹ The State webcast portal permits visitors to search webcasts by date or by agency.

4. ADVANTAGES OF MUNICIPAL WEBCASTING

There are many advantages associated with municipal webcasting of open meetings. First, webcasting increases public access to government. Webcasting and archival video on-demand permits persons who cannot attend a meeting, whether due to other obligations, travel restrictions, inclement weather, physical disability, infirmity, or simply lack of space in the meeting venue, to stay informed about the actions of their local government. Second, archival video on-demand allows persons to have complete access to full government meetings according to their own schedules and at no cost,¹⁰ which may result in increased transparency and community involvement. Third, webcasting and archival video permits those persons interested in the proceedings, but who do not wish to actively participate, to save travel time or money. Finally, webcasting enhances a municipality's image as open, accountable, and technologically forward.

Hundreds of municipalities in the United States offer webcasting and archival video on-demand of their meetings. Most significantly, the New York City Council

⁷ New York State Chief Information Officer/Office for Technology, Best Practice Guideline G07-002, Webcasting Open Meetings, *available at* <http://www.cio.ny.gov/policy/G07-002/G07-002.pdf>.

⁸ New York State Chief Information Officer/Office for Technology, NYC Mandatory Technology Standard S07-001, Webcasting Open Meetings, *available at* <http://www.cio.ny.gov/policy/S07-001/S07-001.pdf>.

⁹ This portal is available at <http://www.nysegov.com/webcast.cfm>

¹⁰ Transcripts of City Council meetings are available at the City Clerk's Office for a flat fee of \$20 for an electronic version or \$1 per page for a print version. The minutes of some City agency meetings are available at <http://www.nyc.gov>.

webcasts all of its public committee hearings, as well as its “stated meetings” at which the entire Council meets.

5. INTRO. NO. 132

Section one of Int. No. 132 amends section 1063 of chapter 47 of the New York City Charter by adding a new subdivision (d). Subdivision (d) requires all City agencies, committees, commissions, task forces, and the City Council to record their open meetings in digital video format and webcast the meeting live where practicable. Recordings shall be archived and made available to the public on the City’s website, or, in the case of the council, on the council’s website not more than 72 hours after the adjournment of the meeting or hearing recorded.

Section two of Int. No. 132 provides that this local law shall take ninety days after its enactment.

Int. No. 132

By Council Members Brewer, Dromm, Ferreras, James, Koppell, Lander, Mark-Viverito, Palma, Reyna, Rodriguez, Rose, Van Bramer, Williams, Garodnick, Foster, Vacca, Jackson and Halloran

A Local Law to amend the New York city charter, in relation to requiring that all public meetings be webcast.

Be it enacted by the Council as follows:

Section 1. Section 1063 of the New York city charter is amended by adding a new subdivision d to read as follows:

d. Each city agency, committee, commission and task force and the council shall record or cause to be recorded in digital video format its meetings and hearings, or portions thereof, that are subject to article seven of the public officers law. Such recordings shall be webcast live, where practicable, and shall be archived and made available to the public on the city's website or, in the case of the council, on the council's website, not more than seventy-two hours after adjournment of the meeting or hearing recorded.

§2. This local law shall take effect ninety days after its enactment.