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Transcript of the Meeting of the
CHARTER REVISION COMMISSION
held on Monday, May 16, 2005
New York Presbyterian Hospital
165th Street and Broadway
Borough of Manhattan

TANKOOS REPORTING COMPANY, INC.	
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1 Meeting convened at 7:20 p.m.

2 P R E S E N T

3 DR. ESTER FUCHS, Chair

4 DALL FORSYTHE, Vice-Chair

5 STEPHEN FIALA, Secretary

6 COMMISSIONERS:

7 CURTIS ARCHER

8 LILLIAM BARRIOS-PAOLI

9 AMALIA BETANZOS

10 ANTHONY CROWELL

11 JENNIFER RAAB

12 MARY McCORMICK

13 Also Present:

14 TERRI MATTHEWS, Executive Director

15 BRIAN GELLER, Analyst

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CHAIRPERSON FUCHS: Good evening. Thank you for coming this evening to the New York City Charter Revision Commission's public meeting. I want to thank the New York Presbyterian Hospital for hosting us this evening, and especially Helen Warrick, the vice president for community and government affairs and her staff for helping us organize this meeting and for providing this beautiful space for us.

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Let me just explain a couple of the groundrules of a public meeting. Public meetings are not public hearings and at public meetings the public is invited to observe but cannot testify. The Commission is here to deliberate among themselves and for the public to observe, since we don't have private meetings with a quorum of the Commission.

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We continue to welcome comments from the public and you can contact us at 212-676-2060. You can write to us at 2 Lafayette Street, 14th floor, New York, New York, 10007, or you can log on at www.nyc.gov/charter.

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You can also find in the back of the room a copy of our first report, "Summary of Issues Under Consideration for Charter Revision," and you can sign up for our mailing list and get notifications of our public

1 meetings and public hearings and get copies of any
2 future reports as well as our newsletter.

3 We have a meeting scheduled in May, the
4 second of three meetings we have scheduled for May. May
5 23rd at 7 p.m. we will be meeting in Spector Hall, 22
6 Reade Street in lower Manhattan.

7 It's my pleasure to introduce to you the
8 other members of our Charter Revision Commission,
9 Dr. Dall Forsythe on my left as the Vice Chair, Stephen
10 Fiala is the Secretary of the Commission. Next to
11 Stephen is Amalia Victoria Betanzos, who I always have
12 to introduce as a member of our Commission who has
13 served on more Charter Revision Commissions possibly
14 than anybody ever. I hope that you hold that record.

15 Next to Amalia is Curtis Archer and then on
16 my left is Dr. Mary McCormick and Dr. Lilliam
17 Barrios-Paoli and Anthony Crowell. You can read their
18 biographies, if you choose, on line or if you get a copy
19 of our report that will tell you more about members of
20 our Commission. I want to thank them especially for
21 coming this evening and for serving on this Commission.
22 Everyone 's time is very valuable but when you choose to
23 use it for public service it makes it even more
24 valuable.

25 Excuse me, the meeting is May 25th, not May

1 23rd at 7 p.m. So just a correction on the day of the
2 next public meeting, it's May 25th, 7 p.m., Spector
3 Hall, 22 Reade Street in lower Manhattan.

4 This evening we're going to be talking about
5 the third area that we've been addressing in this
6 Charter Revision Commission, agency efficiency,
7 effectiveness and accountability and I'm going to ask
8 our chief of staff, Terri Matthews, to summarize some of
9 the work that the staff has done, as well as some of the
10 recommendations that are now emerging from our previous
11 Commission discussions. Thanks, Terri.

12 MS. MATTHEWS: Thank you, hello. I just
13 want to do a little housekeeping, I guess, before we
14 plunge in. Can you hear? Hello.

15 Two weeks ago we outlined suggested
16 proposals on the topics of fiscal stability and
17 administrative judicial reform. Tonight we will outline
18 suggested topics on agency efficiency, effectiveness and
19 accountability. Before I turn to that topic I would
20 like to turn to the draft of the letter from the
21 Commission to the Mayor on the suggested judicial
22 coordinator position. You should have a copy of the
23 revised letter that sets forth the changes suggested at
24 the last meeting. The letter now specifies the
25 functions that this coordinator would perform, as well

1 as a reference to the creation of the position as
2 providing a context for any proposal this Commission
3 would propose.

4 So, if you have any questions or comments,
5 please send them to me, but we revised it one more time.

6 CHAIRPERSON FUCHS: I want to welcome
7 another one of our Commissioners, president of Hunter
8 College, Jennifer Raab has just arrived, for the record.

9 COMM. RAAB: Thank you.

10 MS. MATTHEWS: As you will recall from
11 Spencer Fisher's presentation to you on January 19, 2005
12 the Commission is charged by State law with the review
13 of the entire Charter. As part of that review at the
14 November 3rd meeting, the Commissioners requested that
15 the staff solicit ideas from City departments to
16 identify possible changes to the Charter that would
17 improve Governmental operations. The Chair and staff
18 have now met with the heads of many agencies and have
19 listed their proposals in the back of the memo entitled
20 "suggested proposals related to agency efficiency,
21 effectiveness and accountability. So you have that in
22 your materials.

23 And in order to further the review of the
24 entire Charter we have prepared additional charts in the
25 other memo entitled, "A Summary of Proposals From The

1 Public." These two charts summarize public proposals.
2 One chart is from the public testimony and the second
3 chart is from all the correspondence we've received,
4 whether in writing or by e-mail.

5 So if you have any questions or thoughts,
6 let us know by e-mail or by phone, and if there are no
7 questions on the materials, I guess I'll launch into the
8 topic today.

9 The Commission began its inquiry on this
10 topic at the November 3rd, 2004 public meeting, when the
11 Commissioners requested that the staff solicit ideas
12 from City departments to identify possible changes to
13 the Charter that would improve Governmental operations.

14 The City's current performance-based
15 management and reporting system is the combined legacy
16 of the 1975-1989 Commissions. The '75 Commission
17 created the Mayor's Management Report and the 1989
18 Commission introduced a series of documents in the
19 Charter. Since the first meeting on the topic, this
20 Commission has been considering how to be accountable
21 about accountability. The initial discussion about the
22 remaking of the MMR served as a catalyst for the broader
23 discussion of the existing system of performance-based
24 planning and reporting documents in the Charter.
25 Looking beyond the MMR, the Commission focus turned to

1 the general issue of reporting. While measuring results
2 and reporting outcome-based information are vital to
3 agency efficiency and effectiveness, there are costs to
4 agencies and elected officials collecting and reporting
5 data. Since 1975 and '89, technological innovation and
6 a nationwide Government experience in managing and
7 reporting for results have emerged as tools to help make
8 this system more efficient and effective in making more
9 efficient data to a variety of users.

10 Commissioner Abrams asked the staff at one
11 of our meetings to research the media's use of such
12 documents as one indicator of their usefulness. In the
13 chart, in the memo agency efficiency effectiveness and
14 accountability as attachment two, there are some bar
15 graphs.

16 CHAIRPERSON FUCHS: Page nine.

17 MS. MATTHEWS: Page nine. As shown in the
18 bar graphs in this chart the budget documents and the
19 MMR appear in press stories, while the remaining Charter
20 mandated documents are barely covered, if at all. And
21 then we did a further study of the press reports to show
22 their frequency. The frequency of the press coverage on
23 the budget documents and the MMR as shown in the last
24 two charts correlates most closely with their respective
25 publication dates. Although the press does refer to

1 them throughout the year as well, with increasing
2 frequency.

3 In addition to the survey of the press,
4 staff developed a user survey of the Charter-mandated
5 performance-based planning and reporting documents,
6 sending it in early April to a group of professionals
7 and experts who are most likely to use such documents.
8 This survey of elite users was intended to increase the
9 probability that our sample would be familiar with or
10 would have actually used one of the Charter documents.
11 We included an excerpt of the survey in the memo.

12 A team of students from the Milano Graduate
13 School of Public Policy is near the end of analyzing
14 survey results doing qualitative interviews and
15 comparative evaluation of performance-based practices
16 and localities. On May 6th the Chair, Ester Fuchs, and
17 Commission staff attended a presentation of initial
18 survey results.

19 The first question in the survey was a
20 screening question and asked whether the respondents
21 were familiar with the document. The majority of
22 respondents were not familiar with a majority of the
23 documents. The survey then asked the respondents to
24 assign a value to the reports, never used, rarely used,
25 sometimes used, often used and very often used.

1 Overall, respondents who did not work for the City found
2 the reports rarely useful to often useful, while those
3 who worked for the City found them to be never useful to
4 somewhat useful. The team, however, also found that the
5 MMR scored best among the survey documents against
6 criterias established by the Governmental Accounting
7 Standards Board and the International City Accounting
8 Management Association. When we received the report
9 from the students, one of whom is here -- do you want to
10 stand up and say -- just wave. We will send it to you
11 as soon as we receive it and we're really looking
12 forward, they did an excellent job. It was wonderful,
13 their presentation.

14 Okay, so getting back. During the panel
15 discussion at the April 4, 2005 meeting, the experts
16 agreed that making reports useful and relevant to the
17 public is important, although there were differing
18 opinions on the best way to achieve this goal. A
19 mechanism to discuss changing data needs as well as to
20 assess the public's interest in recorded data was
21 suggested as a possible solution to the need to balance
22 changes in reporting with accountability.

23 The discussion expanded to a discussion
24 about the panoply of other Charter-mandated documents.
25 While the Charter cannot make agencies plan and manage

1 well, it can provide tools for better planning and
2 management and can institutionalize processes that
3 increase the chances of better planning and management.
4 The current panoply of Charter-mandated documents does
5 not adhere to form a coherent structure of management,
6 planning and reporting to support an effective
7 performance-based management and public accountability.

8 In response to the question of whether the
9 Commission had the capacity at this point in the process
10 to place a cogent creative, productive, useful proposal
11 on the ballot, there was a consensus that this
12 Commission has the capacity to make the changes. The
13 process of creating a coherent structure was thought
14 doable because there is an existing system. There was
15 concern, however, that the large number of these reports
16 and the very constituencies for them indicate that a
17 wholesale reworking of the set of current reports might
18 be best through an extended and continuing process.

19 So as a result, we, the staff, recommend
20 that the Commission considering revising the Charter to
21 create a Commission on Public Data Reporting involving
22 all stakeholders in the area of public management and
23 accountability. This Public Data Commission would
24 facilitate and moderate the public discussion about
25 effective reporting and would also develop standards for

1 evaluating reports and recommending the phasing out of
2 reports deemed no longer useful.

3 An ongoing Commission on public data
4 reporting can provide an opportunity for the City to
5 step back from the particular problems and solutions of
6 the moment and look at the City's data and reporting
7 needs systematically. Such a Commission can review the
8 Charter-mandated performance-based planning and
9 reporting documents and other locally required documents
10 to determine whether they work as intended and whether
11 they can be revised to create a better integrated
12 reporting and planning system. While many agree that
13 many of the mandated reports or parts of them are no
14 longer as useful or relevant as originally intended, the
15 concept of revising them as part of this Charter
16 revision process without a broader and more extended
17 discussion among stakeholders seems unwise. The City,
18 however, appears to need an institutional mechanism
19 where all stakeholders can have a discussion about
20 reporting data to the public. Deciding what to report
21 should be a continuous dynamic and open process in which
22 the stakeholders can feel comfortable with changing data
23 requirements over time. In order to make this review
24 process practically meaningful, it's been suggested that
25 a sunset requirement for documents exempting the budget

1 documents and the MMR, provide the procedural context
2 for this proposed Commission's work.

3 CHAIRPERSON FUCHS: Thank you, Terri. I'd
4 like to now open up the possibility for discussion of
5 the staff proposal, as well as any other issues that
6 relate to the third area of accountability,
7 effectiveness and efficiency. Yes, Commissioner Fiala.

8 COMM. FIALA: Thank you, Madam Chair. Let
9 me start by thanking the Executive Director and her
10 staff for preparing a very thorough overview of
11 tonight's discussion points.

12 I just want to address a few questions to
13 her concerning the proposal that was just submitted to
14 us. You've done a great deal of work on this, and I
15 find myself in near complete agreement. I'm just
16 wondering, have you and the staff contemplated how this
17 Commission would be appointed, whom would do the
18 appointing and the terms that are associated with that,
19 and if so, is this an appropriate time to address that?

20 CHAIRPERSON FUCHS: Yes, absolutely.
21 There's a whole variety of possibilities and that's part
22 of what we would like to discuss today. So probably
23 before we do our contemplating or tell you what the
24 staff was thinking, we thought it might be interesting
25 for the Commission to think about this, but I know we

1 have a variety of different proposals that have come up
2 through our conversations with experts and with the
3 staff and with the legal department, but we would like
4 this to be inclusive, obviously, with the City Council
5 and the Comptroller and the Public Advocate represented
6 as well as the executive office. That would be
7 fundamental and basic.

8 MS. MATTHEWS: Do you want to go through the
9 list and the membership at this point?

10 CHAIRPERSON FUCHS: Before we do that, I'm
11 wondering if there's other comments from members of the
12 Commission. Commissioner Forsythe, please.

13 COMM. FORSYTHE: When I read this, I thought
14 that it might also be a mechanism for dealing with a
15 question that we had discussed when we talked about the
16 Financial Emergency Act provisions, and that question
17 was the question of how to define and maintain a set of
18 reports and other data that OMB would make available to
19 the City Comptroller, the State Comptroller, IBO and
20 whatever other monitors might still be in existence at
21 whatever time this was happening.

22 I think the focus here is clearly on Charter
23 required reports, but this same mechanism I would think
24 would be both available and effective in dealing with
25 that issue, so I just raise that as a possibility.

1 CHAIRPERSON FUCHS: I think that's a very
2 good point and I think we could extend it into looking
3 broadly at the reporting requirements, both from the
4 perspective of the operational needs of the City, but
5 also from the perspective of the public, which I think
6 speaks to the membership, the issue of who should be a
7 member on this Commission and we do have a couple of
8 ideas. Terri, I think, wants to share them, so why
9 don't I let her do that and then we can continue the
10 discussion.

11 MS. MATTHEWS: I guess, and maybe we should
12 have a discussion on who you think the stakeholders
13 would be. What we're trying to get at is we want to
14 have this discussion with all the people who have a role
15 and an important opinion.

16 So we were thinking, Council, the
17 Comptroller, Public Advocate, the Office of Operations,
18 the Office of Management and Budget. We were also
19 thinking the Law Department and then three private
20 members; one from the media, one from academia, we've
21 spoken to a lot of academics as a result of Ester's
22 world, and the issue of access to data for research has
23 come up and we thought that would be a very important
24 sort of dynamic. And then the third private member
25 would be somebody from a good government or a civic

1 organization, so that was, we wanted to balance
2 representation with a manageable number, so that was our
3 initial thought, but we would love to hear comments.

4 CHAIRPERSON FUCHS: Commissioner Betanzos.

5 COMM. BETANZOS: I have a problem which
6 concerns me. I think it's right to have various people,
7 different quality people on this Commission but it
8 concerns me that we really don't have any consumer on
9 the Commission and this seems to me important to have a
10 consumer of services to be on it, as well as good
11 government.

12 CHAIRPERSON FUCHS: Could you elaborate on
13 that a little? Like an example of what it would be?

14 COMM. BETANZOS: Well, if we were looking at
15 zoning regulations, it would be somebody who was living
16 in an area where zoning regulations were very important
17 to their neighborhood that they live in. Or if you're
18 talking about cutting out the reports on people who are
19 on welfare, it should be somebody who is involved in
20 dealing with poor people. It's that kind of person that
21 I would like to see. So it really would be a
22 representative of the consumer, which sometimes good
23 government groups cannot.

24 CHAIRPERSON FUCHS: Could there be a way in
25 which when reports are being reviewed which varied with

1 the substance of those reports, since reports cover so
2 many different areas, we would be hard pressed to cover
3 each one of those --

4 COMM. BETANZOS: Yes, absolutely.

5 CHAIRPERSON FUCHS: So I see your point, but
6 is there a way of structuring it so that we make sure in
7 the process of review that those groups are represented.
8 So if it's a report about asking for statistics related
9 to HRA, that that gets represented somehow in the
10 process. I don't know, I'm just thinking out loud.

11 COMM. BETANZOS: Or something that has to do
12 with low income housing, that there be some sort of
13 representation of some people in the city who are very
14 interested in that area. It seems to me it's extremely
15 important, because otherwise, you would get good
16 government groups and the politicians and you end up not
17 having the consumer represented in anything.

18 CHAIRPERSON FUCHS: Commissioner Forsythe.

19 COMM. FORSYTHE: I'd like to make two
20 contradictory suggestions. The first is that if you do
21 follow along my suggestion, that this could also be a
22 mechanism for dealing with financial information and
23 reporting, then I think IBO should be involved. The
24 second stems from my experience as a member and now the
25 Chairman of the IBO Advisory Board, which is just as you

1 go about designing something like this, please don't
2 draw the categories so narrowly that it becomes bizarre
3 and difficult to fill the slots.

4 Frank Morrow wrote Charter requirements for
5 the -- I shouldn't overpersonalize this. The Charter
6 Commission revision that wrote the IBO law did so in a
7 way that described the qualifications for the members of
8 the advisory board so narrowly that they've never been
9 able to get anybody but me to fill the one for former
10 State Budget Director. Now, I think that's foolish. I
11 mean, I appreciate having my Zip code and my Social
12 Security number in a Charter or whatever it was that
13 they did to pin this on me, but I think a broad -- I
14 would just advise us not to get -- it would be fine to
15 make suggestions and to make commentary about all that,
16 but please don't bring too narrow provisions in the
17 Charter about who should serve and what groups they
18 should represent, because that would change.

19 COMM. BETANZOS: But there are organizations
20 that in general do represent constituents. Community
21 Service Society, the Human Resources Council, so there
22 are broad groups that generally represent consumers of
23 services so you don't have to go to each group
24 individually.

25 CHAIRPERSON FUCHS: Commissioner Fiala.

1 COMM. FIALA: Can we fast forward this a bit
2 and let's just assume now that we've expired and we have
3 this --

4 CHAIRPERSON FUCHS: We've expired?

5 COMM. FIALA: Our Commission has expired.
6 That the work of the Commission is done, has been
7 concluded, and there exists now this Commission on
8 public data. In terms of the decision making process,
9 the addition of a new report, the elimination of an
10 existing report and the amendment of existing reports,
11 how does staff envision the decision being made? Does
12 that Commission have final authority; here I am the
13 Chair of the Commission, I report that our Commission
14 has said that there will be a report covering A, B, C
15 and D or do we forward it to the Mayor and the Council
16 for review? Who has the ultimate determination for
17 deciding those things I just talked about.

18 CHAIRPERSON FUCHS: There's a variety of
19 ways we could propose that, and that's something that we
20 wanted to talk about here tonight, about whether or not,
21 for example, we would give the Commission to say after,
22 to review reports, let's say a five-year time period and
23 if we figured five years was long enough to warrant
24 review, then in the fourth year reports would be
25 reviewed, and then there are a variety of different ways

1 in which we could implement and one would be to give the
2 Commission authority to either propose changes or to say
3 keep it as it is or to say this is not a useful report
4 anymore, or we could simply sunset reports and then it
5 would be the authority of the City Council to reup them
6 if they, after this Commission was advisory, you know,
7 the Commission could do the review and advise about the
8 utility of reports.

9 COMM. FIALA: Well, then my assumption is --

10 CHAIRPERSON FUCHS: Those are two
11 possibilities. If anyone could think of more, there are
12 a couple of more possibilities on that chart.

13 MS. MATTHEWS: It's like a spectrum. We
14 thought it was important, the easiest end of the
15 spectrum is that it's advisory, and that, you know, it
16 could be done in the context of documents sunsetting,
17 perhaps, but that the Council retains the power,
18 ultimately, to decide what to do and could ignore the
19 Commission's recommendation or take it or modify it, or
20 -- so that's at one end of the spectrum, just merely
21 advisory.

22 The more serious end of the spectrum, we've
23 had -- we're not anywhere. There are issues about this.
24 We think there's a value to the discussion, that the
25 discussion doesn't seem to take place, you know, Charter

1 Commissions come in '75 and they put documents in, and
2 they come in '89 and they put documents in, and there
3 are documents coming in and nobody ever kind of --
4 except Charter Commissions because we have the luxury of
5 time and the ability to stand back. So we see the need
6 for a place to have a discussion and I guess the
7 question, it begs the question, well, what happens after
8 the discussion, and we haven't -- there are a number of
9 ways we could go, depending on how this Commission
10 feels. Yes -- I'm sorry.

11 CHAIRPERSON FUCHS: Commissioner Raab and
12 then McCormick.

13 COMM. RAAB: Before we get to the end
14 result, is the only reason to have a meaningful
15 discussion about a new Commission? I mean, I've said
16 this before I know, just because when you spend so many
17 years working in Government and you see the
18 proliferation Commissions and task forces, I think we
19 want to look at that question, though, do you need
20 another entity, with people changing and it needs a
21 staff and office, are you creating more bureaucracy when
22 you're actually trying to control or rethink the
23 bureaucracy.

24 CHAIRPERSON FUCHS: We started with that
25 question, so I think that's a fundamental and basic

1 question to ask. What we discovered from the research
2 we did is that it basically doesn't happen, and partly
3 because I think of what Terri articulated, people in
4 Government are too busy doing the business of Government
5 and most of the time the operational side is really
6 let's get the programs out, let's get the services out.
7 It's sort of like doing oversight. When it comes time
8 to putting money into oversight the political discussion
9 says let's put that money into programs, so it's hard to
10 have the discussion about quality.

11 In this area of reporting, it's even harder
12 than it is on the operational side, because it's
13 generally assumed that reports, you know, are a good
14 thing and what we've discovered is that reports take a
15 lot of time from the perspective of the agencies to
16 produce; that they have limited value in a survey that
17 was actually biased towards users, so the idea was when
18 we went out looking to see whether or not these had any
19 utility to anybody, we actually sampled an elite that
20 would be the most likely users, and basically, there are
21 only a couple of reports that anybody really uses in a
22 serious way.

23 Yeah, we do know that we need reporting, we
24 need reporting both because of the public's right to
25 know and we need reporting as management tool. So the

1 idea was, we need to have a safe space, in which there
2 is a guaranteed discussion about the value of the
3 reports because otherwise what we're getting, I think
4 Jack Ukeles said this, it's like a reverse archeological
5 dig, he said this in his testimony in which we pile one
6 report on top of another to address problems, but no one
7 is really reviewing what was put on underneath.

8 Within the Charter itself there's over 40
9 reports that are required right there in the Charter,
10 and then you go beyond that in the Administrative Code
11 there's a number of, enormous number of reports. Staff
12 is looking at that now.

13 So we believe reporting is important,
14 actually, except what's happened is it's now not as
15 valuable as it could be, I think, in the context of
16 Government performance and of course public
17 accountability.

18 COMM. RAAB: I don't have any disagreement
19 with that whatsoever. The question is the mechanism to
20 do this review and I would be happy to give you another
21 job, but is it going to happen in Operations and is that
22 because it's one agency and it can't have a large enough
23 perspective, or is it important to have it run by the
24 various levels of Government, the Council, so you have
25 something independent. It's just like we create too

1 many reports, I query whether we create too many
2 Commissions.

3 CHAIRPERSON FUCHS: No, it's legitimate.
4 The last two questions you asked kind of is one of the
5 reasons why we think there needs to be this independent
6 body doing review. Reporting even in and of itself has
7 become very political in some way, too, as a political
8 tool, so there needs to be a space where all the
9 branches of Government and all the stakeholders can have
10 a real conversation, if they want to, about the value of
11 reports, and where agencies can weigh in and where in a
12 sense they're almost forced to do that on a regular
13 basis because it's much easier to punt this area, and if
14 it's supposed to affect how Government is managed and
15 the public's right to know on the accountability side,
16 it's actually quite important, and yet when you view
17 those things in the context of the rest of the things an
18 agency has to do, it becomes off the radar screen most
19 of the time, to be honest.

20 So I think this is what we were thinking;
21 it's a need, it's important, but no one has figured out
22 how to have this review in a kind of apolitical space.

23 I think that Commissioner McCormick and then
24 Commissioner Barrios-Paoli and then we'll come back to
25 Commissioner Betanzos.

1 COMM. McCORMICK: If I recall in our earlier
2 discussion about this, every report that was ever asked
3 for came from a legitimate place and there was a
4 legitimate need for the information. So I think we
5 should make a distinction between the report and the
6 data. Technology has changed, well, the word, there's
7 hardly an adjective or verb here that works, because
8 it's so dramatic and our ability to have data in a
9 relational database and then be pulled out and do any
10 number of queries and reports exists today in a way that
11 didn't exist five years ago.

12 So I would say one of the purposes of this
13 group it should be a mandate that's very clear about
14 getting what information should be accessible, right, to
15 whom, and what is the most flexible way of having the
16 data so any number of people can get it. Because it's
17 really, you know, through quality data that we can
18 really be strategic and inform ourselves about what
19 we're doing, what we're not doing from the rest.

20 So I would kind of push off from the ports a
21 little bit and get back to what data are needed by whom
22 and what purposes.

23 COMM. BARRIOS-PAOLI: I think my comment was
24 going to be very similar to Mary's comments. It had to
25 do, the mechanics of reporting, the reason why many

1 people find many of the reports not as you've useful as
2 they like is because either we're reporting outputs or
3 counting things and it's not in a meaningful context.
4 My thought is if we do anything it should be in terms of
5 outcomes and how do you get to those outcomes through
6 the data that you're going to report. So I would like
7 to know in whatever agency, not just if they covered 65
8 million potholes, but I would like to know what was the
9 goal in terms of do you want to have better roads this
10 way or what was the general goal and are you getting
11 there, not just the mechanics of covering the potholes.

12 And I think that in my experience it's less
13 painful to really go on automatic pilot and report the
14 kinds of things that people want than have the
15 discussion on, you know, are you meeting your outcomes
16 or not, and my sense is that, you know, we should define
17 what it is that we really want to accomplish at the end.

18 CHAIRPERSON FUCHS: I think those are two
19 very important points in which we also thought about
20 this in some of the meetings that we've had and the idea
21 of course is once you've had a conversation about a
22 report, then you can have a conversation about what is
23 it that we intended to get from this report, why are we
24 not getting it and what would something new look like
25 that's actually useful to both the agency as well as to

1 the public. Or, does it make sense to integrate it with
2 five other reports. I mean, you know, when Terri used
3 the word panoply, it's unbelievable when you start
4 looking at the Administrative Code and most -- there's
5 really no sense in most instances about why.

6 So it's not about eliminating, really, it's
7 really about a conversation about what's valuable and
8 also the medium in which reports should be given to the
9 public. That's critical. So much is required on paper,
10 and as you said, the flexibility issue is very
11 important, so there could be a data set that's released
12 that's more useful than the kinds of -- than fifteen
13 reports that are being required so that you can actually
14 manipulate it yourself and figure out as a consumer what
15 you're getting from an agency.

16 So there is, I think, this is a vehicle that
17 we could have that discussion, that's how we envision
18 it, but we have in the meantime this enormous
19 proliferation of reports that have to be dealt with. 42
20 in the Charter and even more than that in the -- how
21 many?

22 MS. MATTHEWS: The 42 that's in the chart --

23 CHAIRPERSON FUCHS: Those are Charter
24 reports.

25 MS. MATTHEWS: Even in the Charter we

1 focused on reports that had a connection to the budget.
2 I don't want people to think that that chart is the
3 whole thing, and we're engaged at the moment in doing
4 research so that we can give you a sense of how many
5 reports we're talking about. It's been going on,
6 creeping over a period of years.

7 COMM. BARRIOS-PAOLI: Does anyone monitor?

8 CHAIRPERSON FUCHS: That's another issue, of
9 what's the value -- agencies produce these reports
10 because they're asked to produce them. Many of you are
11 Commissioners, as you know you produce the reports that
12 you're required to produce. Whether anybody looked at
13 them or whether there was any utility to them for either
14 yourself or the consumers or other branches of
15 Government is almost a question that almost can't be
16 answered at this point. We tried in our elite survey to
17 at least get a sense of who is using what reports out
18 there. Well, what we discovered is most people never
19 even heard of all of these reports and these are the
20 highest level reports.

21 Our thinking also is we would exclude from
22 anything the budget reports and the MMR. I just want to
23 reiterate that those are clearly, if you look at the bar
24 graphs, they clearly have utility, are part of public
25 conversations, they have utility to the Legislature, to

1 the public, so we really won't go there. But it's
2 really something that hasn't been looked at in a very
3 clear way. Commissioner Betanzos?

4 COMM. BETANZOS: I certainly agree with the
5 comments that have been made. On Mary's comments, these
6 reports got into the Charter because people were asking
7 for information and they couldn't get it. I think we
8 have to be careful that we don't do away with this
9 without very careful reflection.

10 COMM. McCORMICK: The comment that the
11 Commissioner from Staten Island made about the authority
12 of the group, if there are reports mandated by the City
13 Charter does that mean a Charter Commission would have
14 to suggest that they no longer be --

15 MS. MATTHEWS: I believe from talking to the
16 Law Department that a document that goes in from a
17 Charter Revision Commission is not inviolable. A
18 Charter Commission such as us, you, rather, could
19 propose, we could have, for example, if we followed Jack
20 Ukeles, we could make proposals, smoosh them together,
21 do all kinds of fun things. So we have the power to do
22 that.

23 CHAIRPERSON FUCHS: Fun to who?

24 MS. MATTHEWS: Just because they went in in
25 Charter revision in the past doesn't mean they can't be

1 touched.

2 COMM. McCORMICK: I understand that, I was
3 thinking perhaps this Commission on reports does the
4 work.

5 CHAIRPERSON FUCHS: Correct, yes.

6 COMM. McCORMICK: And reports to a future
7 Charter Revision Commission.

8 COMM. FIALA: Could I say --

9 CHAIRPERSON FUCHS: You as a legislator
10 would have a perspective on this also.

11 COMM. FIALA: That's an excellent point.

12 This Charter would have the authority to move forward on
13 what we've been discussing, but to the Commissioner's
14 query, the question I have, am I correct, my assumption
15 would be that if the voters approved up a Commission
16 ABC, that that would then do away with all past -- what
17 I'm trying to get at is, can we assume that the
18 Commission would have the authority to do what it wishes
19 across the spectrum of reports or would we have to
20 specify report by report by report?

21 My assumption is it would be the former, not
22 the latter, correct?

23 MS. MATTHEWS: I have to remember how that
24 works.

25 COMM. FIALA: If that question makes any

1 sense, because I barely understand it and I asked it.

2 MS. MATTHEWS: If we understand what this
3 data commission could do, it could go from advisory to
4 actually affecting the documents, and legally there's an
5 ability and it gets very technical about how you would
6 do it. We've had these discussions which would kind of
7 make your head explode.

8 However, would it be one by one? I think
9 the idea is they would have to look at one by one. You
10 just couldn't -- the idea is not to say they all go away
11 without looking at them one by one.

12 CHAIRPERSON FUCHS: Let me just add, the
13 idea would be that this Commission would review reports,
14 so that's the critical point here, is that there would
15 be a place in which reports got reviewed instead of
16 sitting there forever doing what people thought they
17 were doing but not really doing anything.

18 But in terms of the legal authority, that's
19 the open question now. After they reviewed the report,
20 we could specify in a proposition that we sunset reports
21 every five years, period, and we review it and then it's
22 up to the Council to reup any report, which they could
23 do. They could completely ignore the Commission's
24 suggestions and reup a report exactly as it is, or we
25 could actually have the Commission itself review reports

1 and then decide whether to change the report, ask it to
2 sunset or to keep it as is.

3 So those are the two sort of extreme ends of
4 the spectrum in which the Commission could operate.
5 Either way, even if we had a Commission that said, that
6 had the authority to actually have a report sunset, the
7 next day the City Council could ask for that report or
8 the Mayor could ask her Commissioners to redo that
9 report. So it is not really usurping any kind of
10 executive or legislative authority, it wouldn't --
11 nobody even smiled when I said "the Mayor" --

12 COMM. BARRIOS-PAOLI: Duly noted, here.

13 CHAIRPERSON FUCHS: I said in four years.
14 Nevertheless we're just using these generic terms
15 generically.

16 So the point is that we're not in the
17 business here of trying to propose something that we
18 believe would take away authority from the executive or
19 legislative branch. What we see is an empty space, a
20 place in which given the fact that, going back to
21 Commissioner Raab's point, you know, are we making more
22 work, well, it's pretty clear nobody's really seriously
23 reviewing these documents, except for the MMR and the
24 budget reports, which do get serious review, so we would
25 exempt them. The rest of them is simply a mystery to

1 most of us.

2 COMM. RAAB: A point of clarification. I'm
3 not suggesting this to make work, it's the mechanism,
4 the question of starting yet another Commission and the
5 irony of another Commission to look at whether we have
6 too many reports. Maybe this is the only way. I think
7 this is very useful --

8 CHAIRPERSON FUCHS: If you think of the
9 alternative --

10 COMM. RAAB: Maybe not, but I think --

11 CHAIRPERSON FUCHS: We can think of another
12 way for this to happen, like we did on the
13 administrative judicial coordinator, we all got together
14 and decided this should be done through executive order,
15 that was the better way to go, and I think that made
16 sense, and we're going to get that letter to the Mayor.

17 On this issue, because it would involve all
18 branches of Government on a review, I don't think
19 there's another way to go other than the Charter
20 Revision Commission proposing a Commission. But if
21 there's a way you could get a reasonably non-partisan
22 apolitical conversation about the quality and value of
23 reports, then we could go there. We haven't been able
24 to think of one.

25 All we see is an enormous number of reports,

1 a lot of work, a public that still wants information
2 that they seem not to be getting and no place really for
3 them to go to to insure they get the kind of information
4 that's actually useful to them. This is where we see
5 this sort of Commission operating in that what tends to
6 be a vacuum right now.

7 COMM. BETANZOS: And you would see them
8 going to this Commission to talk to them about reports
9 that they can't get now that they would like to get.

10 CHAIRPERSON FUCHS: Absolutely.

11 COMM. BETANZOS: Then I have a question.
12 Originally I think our staff talked about the
13 composition of the Commission and it seemed to me and I
14 could be very wrong that while I might be very
15 comfortable with that, with this particular Mayor, I
16 might not be comfortable with the next one. What again
17 was the composition of that committee?

18 MS. MATTHEWS: Okay --

19 CHAIRPERSON FUCHS: The point is we are
20 open--

21 COMM. BETANZOS: I think we need to have
22 somebody that we as a Commission could feel
23 comfortable--

24 CHAIRPERSON FUCHS: We're open to
25 suggestions about the composition of the Commission.

1 COMM. BETANZOS: Let's hear it again to make
2 sure.

3 MS. MATTHEWS: City Council, Comptroller,
4 Public Advocate, that's three. Then Office of
5 Operations, Office of Management and Budget. This may
6 be the first time OMB is actually hearing about this, on
7 TV, and the Law Department. So that would be -- and
8 those three of the Mayor's office were considered
9 carefully, because Operations has a role, but we've been
10 hearing from people about the linkage to the budget not
11 really happening. OMB needs to be in this conversation.

12 CHAIRPERSON FUCHS: It's more about making
13 sure that the other branches of Government are
14 represented. Obviously on the Mayor's side everybody
15 can have that conversation. It's making sure the
16 conversation happens with the Council and with the
17 Public Advocate and with the Comptroller and then with
18 some public members, which we're really open to
19 conversation about. We just started thinking that.

20 MS. MATTHEWS: And then the three publics
21 would be, and, Dall, we drafted it the way the IBO and
22 the Law Department discussed it specifically; the media,
23 civic and academia, and those are three private.

24 COMM. BETANZOS: Who would nominate those
25 three?

1 MS. MATTHEWS: The Mayor.

2 COMM. BETANZOS: The Mayor then has six
3 people on.

4 MS. MATTHEWS: It could be with advise and
5 consent the opportunity of the City Council to create
6 this sense that it's not so stacked. We can talk about
7 it.

8 COMM. CROWELL: Advise and consent?

9 MS. MATTHEWS: That's a possibility. I'm
10 just saying --

11 COMM. BETANZOS: I must tell you I'm
12 unalterably opposed to anything sunseting in terms of
13 these reports, going back to the fact that there was a
14 reason to getting them to be put in in the first place.
15 Just sunseting them very quietly without a lot of
16 information going out to the public I think is the wrong
17 way to do it.

18 COMM. McCORMICK: Madam Chair, I'd like to
19 just refer you back to what this says in the staff
20 recommendation. "A Commission on public data
21 reporting," which to me is different than reports. It's
22 what public data should be available, how should it be
23 available, how do we serve all these various
24 constituencies so people have the right information to
25 make the decisions we need in this democracy, so it's

1 broader than just about reports. I know you know that,
2 but I think it's an important distinction.

3 CHAIRPERSON FUCHS: That's a really
4 important distinction. We can go back to this issue of
5 sunseting, it's sort of like how do you -- this is sort
6 of a legal question at this point. I don't know what
7 the answer to that is yet, about how do you have a
8 review, an effective review. Do you just have the
9 Commission empowered after the review or do you just
10 make recommendations or do you sunset and make a
11 recommendation and then put the affirmative onus on the
12 Council and the Mayor to reup something after the
13 recommendation? So it's not really like a -- the idea
14 is not to sunset, and this is an important conversation,
15 I'm glad you brought that up.

16 The idea wouldn't be to sunset for the sake
17 of getting rid of reports. The idea would be to do it
18 to force a political discussion, so if a Council Member,
19 for example, or the Council decided a report had been
20 important ten years ago in that form and then things
21 changed dramatically, and maybe we want to require other
22 data, why would it be so difficult, then, to have a
23 conversation about that report in which a Commission
24 then makes a recommendation to the Council. It seems to
25 me in that environment you would say to the Council,

1 well, you know, it's an important issue but we would
2 like the report in a different way.

3 COMM. BETANZOS: You know, that sounds
4 wonderful. However, when one looks at what the Council
5 has done, and I have full respect for my colleague here,
6 who I respect tremendously, and very often I wish he
7 were back on the Council, although he's been doing
8 wonderful things in Staten Island, but at the same time,
9 I'm not confident they'll do any of this any other time
10 and I think recent past experience shows that I'm pretty
11 right.

12 CHAIRPERSON FUCHS: What's pretty clear
13 about the Council these days is they ask for reports all
14 the time. That's become their modus operandi after term
15 limits. If we actually mapped the number of reporting
16 requirements that has occurred since term limits has
17 happened versus before term limits, you're going to find
18 that the Council routinely now asks for reports.

19 COMM. BETANZOS: And they're relevant?

20 CHAIRPERSON FUCHS: That's sort of the
21 question. Isn't it important we have this conversation.

22 COMM. BETANZOS: You're giving it to a group
23 whose relevance now is actually quite debatable.

24 MS. MATTHEWS: On April 4th, it was the
25 public hearing and we had the expert panel, Councilman

1 Goia came before you and started talking about his
2 Citystat legislation which as former staff member to the
3 Council, I was ecstatic. It seems as though they're
4 getting into this, they're finally thinking about
5 reporting. This is their legislation. So I would think
6 were we to think about a way to think about the
7 composition and the roles done correctly and
8 appropriately that it would be a place for this
9 conversation to happen and that the Council would
10 actually blossom in this place. Actually, that's how I
11 feel, especially in view of his testimony. It made me
12 think there was the capacity there now.

13 COMM. BETANZOS: From the time we gave the
14 Council more power, I've heard the comments, we will
15 give them an opportunity to blossom, and I'm still
16 waiting for them to do it.

17 MS. MATTHEWS: I mean, if you take this as
18 proof that they do require reporting, and the entire
19 Administrative Code is evidence of that, and there are
20 reports in the Charter that have come in through Local
21 Law, so --

22 CHAIRPERSON FUCHS: Is there an example of
23 anybody, the Council, the Mayor, anybody saying don't do
24 that report anymore, we don't need it? Does anybody do
25 that? Does anybody review reports and say, we don't

1 need it that way, we need it a different way, we need
2 different information. Does that happen?

3 MS. MATTHEWS: It's usually done in sort of
4 an adversarial kind of a context, where, the PMMR came
5 up in 2003.

6 CHAIRPERSON FUCHS: I'm exempting the MMR
7 from the conversation and the budget, because we know
8 that there are conversations, good, constructive
9 conversations around the MMR and the budget. Beyond
10 that -- go ahead.

11 COMM. BARRIOS-PAOLI: I think the discussion
12 happens not so much about reports, because if the
13 reports were there and people were getting the
14 information then they probably wouldn't be clamoring for
15 it, but it happens around data and data elements. For
16 example I can think of instances not too long ago when
17 welfare reform was happening and people wanted to know
18 not just how many people were off the rolls and how much
19 lower the rolls were, but where were the people going
20 to? Were they getting jobs, were they getting married,
21 were they just disappearing off the face of the earth
22 and that information was not being made available. I
23 can conceive of certainly requiring that that's one of
24 the major goals of an agency, then you have to go beyond
25 saying that X number of thousands of people are no

1 longer on welfare, but go through a further explanation
2 and segue out elements that you need.

3 Same thing about foster care. There's a
4 report out today about children who are having children
5 or whether or not they're having children and because
6 the reports are not there, people can take numbers from
7 wherever they feel like taking numbers. That's germane
8 to the mission of the agency. So I think the
9 interesting discussion would be what is the mission of
10 the agency, what are the key indicators and how do we
11 report to make it the most transparent to everyone, to
12 the public, to the people in Government and so on.

13 CHAIRPERSON FUCHS: But could you envision
14 that conversation at a Commission in which you're
15 looking at a variety of reports required from HRA, and
16 you're saying to yourself, here are fifteen reports that
17 are required from HRA, and none of them provide the
18 information that we think we need. So in the context of
19 this Commission discussion, I'm just throwing this out.
20 In the context of this Commission discussion, what
21 happens is, here are ten reports that we would want to
22 collapse into one report, but ask for a variety of
23 different indicators, so the discussion at the
24 Commission would reflect the need that you're talking
25 about, of what kind of data you actually want from an

1 agency to report, but at the same time suggesting that
2 the rest of this is really not germane and not useful.

3 COMM. BARRIOS-PAOLI: If I hear my colleague
4 correctly, where I think the fear is that if the
5 Commission, if it doesn't reflect the right composition
6 may become either a rubber stamp for one side or may
7 just make the conversation that much more frustrating.

8 COMM. CROWELL: Are you saying perhaps that
9 maybe the Commission shouldn't be comprised of people
10 who represent an elected official, but instead are maybe
11 appointed by a variety of elected officials, to sort of
12 independently make an analysis. That could be more
13 cumbersome. I wasn't sure if that's what you were
14 saying.

15 COMM. FORSYTHE: I have a thought and the
16 thought stems from my experience in State Government,
17 and in State Government part of the debate about the
18 budget typically involved debate about the reports that
19 would be made about programs and activities, a lower
20 level than things like the MMR and the annual budget
21 reports, but about what reports would be made on various
22 kinds of programs and activities, which gave a
23 timeliness to the discussion that was very helpful. It
24 meant that in the context of a new program, the
25 Legislature would request or the executive would propose

1 various kinds of new reporting and their requirements.

2 And it might be that the Mayor as part of
3 the Commission of budget legislation, because I do
4 believe there's a provision for budget bills that go
5 along with the budget, might be invited to make
6 proposals about reports and which reports might continue
7 and which might sunset. The Council might be invited to
8 respond, but might be a sort of simpler way to do it.
9 This is a half baked thought, it's not a carefully
10 considered thought, but it's one that might be a little,
11 that might be worth thinking about, again, because it
12 seemed to work reasonably well in another context.

13 CHAIRPERSON FUCHS: I was going to address
14 Commissioner Barrios-Paoli's point as you get your
15 drink--hopefully you're listening.

16 COMM. BARRIOS-PAOLI: I am listening.

17 CHAIRPERSON FUCHS: I agree with what you're
18 saying, you want to be careful about this, I agree also
19 with Commissioner Betanzos, you want to be careful about
20 eliminating. The problem is how do you have the
21 discussion over the clutter. Right now we're in a
22 situation in which there are, you know, probably
23 hundreds and hundreds and hundreds of reporting
24 requirements, so instead of having a constructive
25 conversation about what would be the valuable data that

1 we would want or how would we want it reported, would we
2 want to use technology differently, what kinds of,
3 having that discussion about that information, it
4 becomes a discussion about well, I'm already reporting
5 that in report ABC, and so what we're struggling with
6 and as you can see the conversation is, we're not there
7 yet and I intentionally wanted to bring this to the
8 Commission for the conversation at this early stage,
9 because, you know, this idea could go nowhere at the end
10 of the day or it could turn into something that
11 everybody thinks is useful.

12 But what we're struggling with is this
13 problem that there is all this clutter on the ground, I
14 mean, and it is clutter, and that we need -- but we also
15 need to have the conversation about, you know, the
16 useful information that we need to do the oversight and
17 to do the operational management that we think is
18 important.

19 So we need a combination of something that
20 allows us to review the clutter so that we can sort of
21 make a clean space for this work to happen, and I
22 understand why people would be nervous about that.

23 So what we're trying to do is think through
24 a structure that would in a sense do both at the same
25 time, and maybe it's not possible. I mean, I'm willing

1 at some point to say, you know what, maybe we can't come
2 up with some kind of an institutional mechanism that
3 allows us to both reduce the clutter and at the same
4 time have the conversation that you both, that everybody
5 here, actually, is suggesting that needs to be had about
6 the value of data. I think Commissioner McCormick
7 expressed that very clearly.

8 What I'm saying is I don't think we can have
9 one conversation without the other, that we're stuck in
10 this clutter if we don't figure out how to do it, and
11 basically, it's much harder for Government, whether it's
12 executive or legislative, to have the other
13 conversation. They just sort of hark back to the
14 existing stack of documents that they're required to
15 produce, instead of having the conversation about what
16 is it that we need to answer the policy questions that
17 we're addressing.

18 So if anybody could think about it that way
19 maybe a little bit, I think that would be helpful,
20 because I think we're on to something real here that if
21 we could come up with something, it would be very useful
22 for the long term and it is something that we could only
23 do in a Charter Commission as opposed to asking the
24 executive or the legislative branch to do it alone,
25 because we need them all engaged in a conversation that

1 we would hope would be reasonably apolitical and that's
2 a very hard conversation to have, unless we can create a
3 safe space for that conversation.

4 COMM. BETANZOS: We have to make sure we
5 don't throw out the wheat with the chaff.

6 CHAIRPERSON FUCHS: Correct. I think that's
7 a hundred percent right.

8 COMM. FIALA: Madam Chair I agree with the
9 points you just made. You started your discussion
10 earlier on using the word "inclusiveness." You're
11 absolutely right. I'm under the assumption that by now
12 we all agree that there is this lack of a place or a
13 forum to have this type of discussion where all of this
14 can come together. If we agree on that, the next
15 question is what do we do to deal with this.

16 You're right, it cannot be done through an
17 Executive Order or by asking the executive because the
18 other stakeholders will turn around and say, you guys
19 are doing -- I can tell you as a former Council Member,
20 this is the game we played. You're absolutely right.

21 The Council will always ask for more data,
22 not less. They don't review the data that they have,
23 you're absolutely correct, but they ask for more. But
24 if we were to recommend that the Mayor deal with this
25 and I'm sure this Mayor more than anyone else could, it

1 wouldn't be viewed by the City Council, the Public
2 Advocate on the merits, they would view it as this is an
3 executive attempt to take over and control when they
4 already have far too much control as far as those
5 entities are concerned.

6 So if we agree that there isn't presently a
7 mechanism and we agree this cannot be achieved but for
8 some kind of Charter review and recommendation then we
9 move on to that next step, which is creating that
10 mechanism.

11 I would ask and maybe at a future meeting if
12 the staff could give us an analysis of Chicago, Los
13 Angeles, what do their City Councils have, and is there
14 such a Commission. And I'd also ask for a quick
15 analysis of when we created the present structure of
16 Government I think it was in the '89 Charter and if not,
17 it's when we renamed the Public Advocate, isn't there a
18 Commission on public information? And if so, I know it
19 doesn't do anything. I don't even know if the
20 appointment's ever made, but if so, does that Commission
21 overlap with what we're trying to do? What does that
22 Commission do?

23 CHAIRPERSON FUCHS: The Commission exists,
24 but it doesn't do. So that's kind of it, and we'll just
25 leave it at that, only because we, you know, we thought

1 we should start someplace clean. Because as you can
2 see, the conversation is fairly contentious to begin
3 with and various stakeholders will view this probably
4 in, you know, a negative way or a positive way, a way in
5 which we're not intending it to be viewed for sure. So
6 we figured we would just start clean.

7 But you're absolutely right to point that
8 out.

9 MS. MATTHEWS: If we could, as you say,
10 there's the problem, there's no forum, we could think of
11 it from the ground up, sort of an initiative on our own.
12 To the extent that what has been created before doesn't
13 work, I don't think you want to work off of that model.
14 We need to think with a clean slate.

15 COMM. FIALA: But what about potential
16 conflict? Is someone going to turn around and say, all
17 right, you're creating this and giving it a different
18 name, but --

19 CHAIRPERSON FUCHS: No. No, this is really,
20 this emerged out of a series of conversations that came
21 from other Charter meetings that we had of asking us to
22 collect information about reporting requirements and
23 then also this issue of how do we get useful data, so
24 we've been struggling with this and realized that part
25 of the problem was there was tremendous clutter on the

1 ground, and so the conversation for useful data is a
2 very noisy one.

3 So we realize that there are some models in
4 the Federal Government actually really in one our
5 meetings we were made aware of some models in the
6 Federal Government about trying to deal with information
7 and this sort of emerged in its form as a way of both
8 trying to deal with the existing clutter, but at the
9 same time come up with a space to have the conversation
10 about where, what do we need, what kinds of information
11 do we need from Government.

12 So it doesn't really exist and we've done
13 some of the reviews in other cities. They do have this
14 conversation, obviously, in some other cities, but you
15 know in this instance, the contentious nature of New
16 York City politics and our rich political life, that's
17 how I like to describe it, makes us a little bit
18 different in terms of whether or not simple models will
19 work here.

20 So we didn't really, we have, we're doing
21 the review of other cities and we'll report back if we
22 come up with anything that's useful, but we're not that
23 optimistic, frankly. This is something that we are
24 grappling with here in a different kind of way I think
25 because of the existence of a lot of reporting

1 requirements to begin with. A lot of other cities don't
2 have that so it's easier for them to have the
3 conversation.

4 MS. MATTHEWS: A part of it is, because we
5 were the leader in '75 with the MMR, we did it first and
6 we're kind off insular and in the late '80s, early '90s
7 when the Government reporting of the performance-based
8 reporting movement took off in the rest of the country,
9 they started from scratch in a way that because we had
10 the '79 Charter and the '89 Charter -- it's not unfair
11 to look at it as well intentioned but not working.

12 And so we're in a different place than
13 Texas, for example, the State of Texas has a biennial
14 budget, the Legislature decided to do performance
15 reporting linking the budget with non-financial data as
16 a way to get a handle on the fact that they had a two
17 year budget. They didn't have anything like we had, so
18 they created it.

19 In Portland, Oregon, for example, it was the
20 auditor who created this public accountability tool. So
21 different parts in the country it's come up in different
22 ways and we're not like them, so I think, you know,
23 we're lucky in that we have a structure to work with so
24 we don't have to create it from scratch, but then it
25 creates a problem for having the discussion, because

1 people are afraid to let go of things even if they will
2 admit that they don't quite work the way everybody
3 intended. So we're kind of, the need for the discussion
4 is important, and I just wanted to say one other thing,
5 that if we could come up with a structure that made
6 sense for this group, to the extent that there are other
7 entities where there is some kind of overlap, we could,
8 of course, fix that in this process. I mean, we are not
9 limited, for example, so if there was an overlap, we
10 could fix that with other bodies that might exist.

11 CHAIRPERSON FUCHS: Any other comments here?

12 Well, this has been a very spirited
13 discussion, which is what we hoped for. We decided we
14 would take our mandate from the Mayor very seriously in
15 terms of working with this Commission and our view is we
16 have tremendous expertise on the Commission and we are
17 in keeping with the spirit of public meetings, we need
18 to have this conversation in a public forum.

19 So what I'm taking away from this meeting is
20 that Commissioners think this is interesting, and that
21 there are issues that have to be addressed in terms of
22 our ability to somehow deal with existing reporting on
23 the ground but at the same time not eliminate valuable
24 reports that we know need to be out there, but also have
25 a discussion about the value of reports, and ask the

1 question what would new data requirements look like if
2 we were thinking about what we wanted as a public or as
3 a city from specific agencies in terms of monitoring
4 their operations and what they purport to be doing for
5 the public.

6 So what I think we should be doing at this
7 point is seeing if the staff can come up with some
8 proposals about what a structure would look like to
9 bring before this Commission for another conversation in
10 terms of whether or not this may be something we want to
11 put on the Charter, but at this point we don't really
12 know whether or not this is something we can do in this
13 Charter Revision Commission.

14 COMM. FIALA: Could I just say another word?

15 CHAIRPERSON FUCHS: Yes.

16 COMM. FIALA: Just some food for thought.
17 We've addressed every stakeholder in terms of City
18 elected officials with the exception of one prominent
19 group and that's the five Borough Presidents, and they
20 may or may not feel slighted by this, so maybe we want
21 to give some thought to whether or not it's one, none,
22 doesn't matter, I don't have an answer at this stage,
23 but since we've looked at every single elected official
24 we've left out the leaders of the five boroughs and
25 that's always a contention when you're talking about

1 Charter.

2 CHAIRPERSON FUCHS: It's a point well taken.

3 One of the things I hope everybody will think about is
4 we try to come up with a workable structure, is that
5 there has to be a balance between the sizes of the
6 Commission and its ability actually to get work done.
7 Our experience in looking at Commissions and what they
8 can and cannot do sort of going back to Commissioner
9 Raab's point, generally speaking the smaller a
10 Commission is the more likely it will be doing real work
11 and this Commission has to do real work, otherwise it's
12 pointless, so part of the issue is how big becomes too
13 big and then it just becomes some sort of political
14 balancing act and then nothing really gets done.

15 So we have to come up with a variety of
16 alternatives I think to put before this Commission, but
17 one of the things that we thought was important was to
18 keep it reasonably small, so that it could be actually,
19 so that it could actually do the work that we hope it
20 would do.

21 Well, thank you, everybody.

22 Is there any new business that anybody wants
23 to bring up? If not, can I have a motion to adjourn?

24 COMM. BETANZOS: So moved.

25 CHAIRPERSON FUCHS: Anybody second?

1 COMM. McCORMICK: Second.

2 CHAIRPERSON FUCHS: Thank you very much for
3 attending today and for this spirited discussion.

4 (Time noted: 8:33 p.m.)

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C E R T I F I C A T I O N

I, LINDA FISHER, a Registered Professional Reporter and a Notary Public, do hereby certify that the foregoing is a true and accurate transcription of my stenographic notes.

I further certify that I am not employed by nor related to any party to this action.

LINDA FISHER, RPR
Shorthand Reporter