

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON GOVERNMENTAL OPERATIONS

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December 14, 2015
Start: 1:22 p.m.
Recess: 5:05 p.m.

HELD AT: 250 Broadway - Committee Room
14th Fl

B E F O R E: BEN KALLOS
Chairperson

COUNCIL MEMBERS: David G. Greenfield
Mark Levine
Ritchie J. Torres
Joseph C. Borelli

A P P E A R A N C E S (CONTINUED)

Tina Chiu, Deputy Director
Performance Management
NYC Mayor's Office of Operations, MOO

Guinevere Knowles, Associate Director
Performance Management
NYC Mayor's Office of Operations, MOO

Mike Ryan, Executive Director
NYC Board of Elections, BOE

Raphael Savino, Deputy General Counsel
NYC Board of Elections, BOE

Steven Richman, General Counsel
NYC Board of Elections, BOE

Douglas Turetsky
Chief of Staff and Communications Director
Independent Budget Office, IBO

Rachael Fauss
Director of Public Policy
Citizens Union

Doug Muzio, Professor of Public Affairs
Baruch College

2 [sound check]

3 CHAIRPERSON KALLOS: [shushing for quiet]

4 [gavel]

5 SERGEANT-AT-ARMS: [off mic] Quiet,
6 please. Quiet, please.

7 CHAIRPERSON KALLOS: Good morning and
8 thank you for coming to this hearing of the Committee
9 on Governmental Operations. I'm Ben Kallos, Chair of
10 the Committee. You can Tweet me at Ben Kallos.
11 We're joined today by Council Member Borelli.
12 Welcome to the committee. We will miss your
13 colleague Council Member Matteo. He had perfect
14 attendance. We are expecting the same from you, as
15 well. We're also joined by Council Member Corey
16 Johnson, who has a bill for consideration before this
17 committee. We're also joined by his counsel as well
18 as our former Counsel David Seitzer. Today, we're
19 having an oversight hearing on the Mayor's Management
20 Report also known as the MMR, and we'll also be
21 discussing the two pieces of legislation related to
22 the MMR. The MMR was first published in 1977. It's
23 an annual public report card on city government, and
24 it's critical to evaluating the city's performance.
25 It's mandated by the charter--by the Charter, and the

2 Council holds yearly hearings with each agency to
3 discuss the preliminary management--Mayor's
4 Management Report also know as the PMMR--and to make
5 recommendations for changing--changes to the manner
6 in which agencies measure and report their
7 performance data prior to the release of the Mayor's
8 Management Report. In recent years, this committee
9 in conjunction with the Committee on Finance and the
10 Committee on Oversight and Investigations has held
11 oversight hearings concerning the MMR more globally,
12 which have resulted in several improvements to the
13 publication. While the MMR is certainly a means to
14 measure past performance. When the data presented is
15 accurate and meaningful, the MMR can also be a
16 critical tool to guide agencies in improving their
17 future performance. Although significant progress
18 has been made with the MMR in recent years, our
19 examination of the most MMR, which was released in
20 September of 2015 suggests that further changes could
21 make the MMR a more helpful publication both for the
22 public and for agencies seeking to improve their
23 performance. Over the previous two years, I have
24 addressed specific aspects of the PMMR with
25 individual agencies under the jurisdiction of this

2 committee. Been disappointed and frustrated that
3 issues I raised repeatedly with agencies have gone
4 unaddressed. Since this is not limited to a single
5 agency or even a handful, there appears to be
6 something seriously structurally wrong with the MMR,
7 which is why we have the Mayor's Office of Operations
8 here today. At today's hearing, we expect to gain
9 clarity on the process by which the MMR is compiled
10 including what factors are considered by agencies
11 when defining indicators and setting targets. What
12 steps are taken to ensure that data reported is
13 accurate, how the data is set forth in the MMR is
14 utilized by agencies to improve their performance,
15 and ascertain details on the cooperation between the
16 Office of Operations and the agencies during the
17 production of the MMR. We will examine whether the
18 MMR is currently meeting expectations and explore
19 whether further improvements might make the MMR a
20 more useful publication. I'd like to thank the
21 Office of Operations for including the MMR on the
22 Open Data Portal. This was a big step forward for
23 transparency, and I'd like to request that we step
24 another step by including on the Open Data Portal the
25 PMMR and the CPR.

2 In addition, we'll be discussing
3 Introductions No. 302 and 711. Introduction 302 co-
4 sponsored by Council Member Brad Lander would require
5 the Board of Elections to report to the Council
6 regarding its performance based on goals and measures
7 established by the Council in consultation with the
8 Mayor.

9 Introduction 711 sponsored by Council
10 Member Johnson would require the Mayor's Office of
11 Operations to conduct annual citizen satisfaction
12 surveys that determine individuals who receive
13 services from city agencies perceive the
14 effectiveness of the services provided. This bill
15 would require the results of such a survey being
16 included in the MMR. At this time, I'd like to
17 invite bill sponsors to say a few words about today's
18 hearing. Council Member Johnson.

19 COUNCIL MEMBER JOHNSON: Thank you, Chair
20 Kallos. I think you just gave a very good overview
21 on what the bill seeks to accomplish. I just want to
22 point out that this idea is not anything new. We
23 have a Professor Doug Muzio (sp?) in the audience who
24 has been talking about this issue for years and years
25 and years, and I think he's going to testify today on

2 how many years he has been coming before this
3 committee to bring this idea forward. I want to just
4 point out that this--and no offense to Professor
5 Muzio--this is not a novel idea. There are other
6 cities, other major jurisdictions across the country
7 that do citizen satisfaction surveys, and I think
8 that for us to have an accurate sense of how our city
9 agencies are actually performing, we actually have to
10 ask the people who they're serving what they think of
11 them. So there are other major jurisdictions across
12 the country that have been doing these types of
13 surveys. I believe some of them are Philadelphia,
14 Phoenix, San Antonio, San Diego, Dallas, San Jose,
15 Austin, Detroit, San Francisco and even El Paso,
16 Texas does citizen satisfaction surveys. So I think
17 this is a step in the right direction. I'm grateful
18 that you're hearing this bill, and I look forward to
19 asking questions to the Mayor's Office of Operations
20 about how we could actually implement this. Thank
21 you very much.

22 CHAIRPERSON KALLOS: Thank you, Council
23 Member Johnson. I'd like to acknowledge that we've
24 been joined by Council Member Mark Levine. And
25 before we begin I'd like to thank our Committee

2 Counsel Samita and our Policy Committee Analyst
3 Laurie Wenn as well as our Finance Analyst James
4 Subudhi as well as my Legislative Director Paul
5 Westrick, as well as Unit Head John Russell, who's
6 been working on this MMR for several years, for all
7 of their hard work. This was really a team effort.
8 With that said, we now have representation from the
9 Administration from the Office of Adminis--from the
10 Office of Operations. We have--we--we have--we have
11 Tina Chiu and--

12 GUINEVERE KNOWLES: [off mic] Guinevere
13 Knowles.

14 CHAIRPERSON KALLOS: Guinivere Knowles
15 and if you could please raise your right hand. Do
16 you affirm to tell the truth, the whole truth, and
17 nothing but the truth in your testimony before this
18 committee, and to respond honestly to Council Member
19 questions?

20 PANEL MEMBERS: [off mic]

21 CHAIRPERSON KALLOS: Thank you. You may
22 begin. [pause]

23 TINA CHIU: All right. Good afternoon,
24 Chair Kallos and other members of the Governmental
25 Operations Committee. My name is Tina Chiu and I'm

2 the Deputy Director for Performance Management in the
3 Mayor's Office of Operations, and to my right is
4 Guinevere Knowles who is the Associate Director for
5 Performance Management. Thank you for this
6 opportunity to discuss the Mayor's Management Report
7 or MMR with you. Since 1977, the Mayor's Management
8 Report has served as the public account of the
9 performance of city agencies measuring whether they
10 are delivering vital services efficiently,
11 effectively and expeditiously. As mandated by
12 Section 12 of the New York City Charter, the Mayor
13 reports to the public and the City Council twice a
14 year on the performance of each city agency. An
15 annual MMR is released every September, a Preliminary
16 Mayor's Management Report, PMMR covering the first
17 four months of the fiscal year is published two weeks
18 after the release of the January Financial Plan. The
19 MMR and PMMR cover the operations of City agencies
20 that report directly to the Mayor. Three additional
21 non-mayoral agencies are included for a total of 44
22 agencies and organizations. Activities that have
23 direct impact on New Yorkers including the provision
24 of support services to other agencies are the focus
25 of the report. The report is organized by agency

2 around a set of services listed at the beginning of
3 each agency chapter. Within the service areas goals
4 statements articulate the agency's aspirations. Each
5 goal statement is accompanied by performance
6 indicators that speak to whether or not the agency is
7 achieving that goal and how much progress has been
8 made. The services and goals are developed through
9 collaboration between the Office of Operations and
10 senior managers of each agency. The MMR and PMMR are
11 available our interactive website and as PDF
12 documents. I'd like to draw particular attention to
13 the online Citywide Performance Reporting System or
14 CPR. Throughout the year agencies routinely report
15 on all critical indicators contained in the MMR or
16 PMMR through the Citywide Performance Reporting
17 Portal. CPR is publicly available and allows users
18 to easily sort information by agency and by time
19 period. CPR also provides opportunities to view
20 five-year trends as well as mapping information for
21 select indicators. Data can also be publicly
22 accessed online through the city's Open Data Portal.

23 The MMR has been historically and
24 continues to be a collection of key metrics taken
25 from individual city agencies so the public can

1 evaluate the efficacy of city government in areas
2 like education, safety, housing, health and human
3 services, public infrastructure and administrative
4 services. More recently in addition to reporting on
5 performance indicators for individual agencies, the
6 MMR has highlighted initiatives that cross multiple
7 agencies and disciplines. We continue to emphasize
8 multi-agency collaborations including signature city
9 initiatives like Pre-K For All, Vision Zero, and
10 Housing New York as well as new efforts that began in
11 2015 such as IDNYC, the Mayor's Task Force on
12 Behavioral Health and the Criminal Justice Action
13 Plan and Career Pathways. The MMR recent--last year
14 for 2014 was first produced by this Administration
15 and for the first time each chapter opened with a
16 focus on equity statements by each agency. These
17 statements highlight our belief that effective
18 government performance must take into account the
19 fair delivery and quality of services across the
20 locations and populations of our city. This focus on
21 equity continues to evolve as agencies advance their
22 work and launch new programs and initiatives that
23 create a New York that is fair and accessible to all
24 who live here.
25

2 In Fiscal 2015, MMR agencies continued to
3 highlight equity. The MMR has several components,
4 which work together to provide performance
5 information and which users should be aware of when
6 reviewing an agency's data. These are as referenced
7 in the User Guide, included in the report, what we
8 do. This provides a summary of each agency's
9 activities, facilities and resources.

10 Focus on Equity. As previously
11 discussed, this section articulates how each agency
12 works to promote fair delivery and quality of
13 services among and across groups of people and places
14 supporting the goals of equity, equality and
15 opportunity for all New York City residents.

16 Services and Goals. This section
17 describes each agency's major areas of responsibility
18 for delivering services to New Yorkers and the steps
19 it takes to provide those services.

20 How We Performed. This narrative
21 describes how the agency has progressed in meeting
22 its goals.

23 Performance Indicators. These measures
24 of agency performance are organized by goals, and
25 include five full fiscal years of data in the full

2 year MMR and three years in the PMMR for the most
3 recent fiscal years wherever available.

4 Critical Indicators. These are
5 indicators that are considered critical to agency
6 performance and designated with an asterisk in the
7 report. These indicators also appear on the Citywide
8 Performance Reporting website.

9 Target. These are desired levels of
10 performance for the current fiscal year and the next
11 fiscal year. An asterisk means no numeric target was
12 set by the agency. An up or down arrow shows the
13 desired direction of the indicator without specifying
14 a numeric target.

15 Desired Direction. For indicators there
16 is a desired direction of the indicator over time.
17 This can be used to test performance comparing the
18 current year to prior years or to the overall five-
19 year trend. Please note that this is only included
20 in the MMR.

21 Five-Year Trend. This column shows
22 whether or not the five years of data presented in
23 the performance indicator table exhibits an upward or
24 downward trend. An upward trend means that the end
25 point of the computer-generated trend line is more

2 than 10% higher than the start point. A downward
3 trend means that the end point of the computer-
4 generated trend line is more than 10% lower than the
5 start point. Neutral means that the trend is neither
6 up or down. N/A means five full years of data are not
7 available. Please note that this is only included in
8 the MMR.

9 Agency Resources. This provides and
10 overview of the financial and workforce resources
11 used by an agency. The past five fiscal years are
12 included in the MMR and the past three years in the
13 PMMR as well as the planned resources available to
14 the agency in the current and upcoming fiscal years.

15 Noteworthy Changes, Additions or
16 Deletions. The PMMR and MMR both include changes to
17 an agency's data.

18 Additional Resources. This encompasses
19 the full Internet addresses of links to additional
20 agency information and statistics including the
21 agency's website. The MMR provides multiple data
22 points and several options to evaluate performance.
23 For each indicator in the MMR we have three or four
24 elements that provide context. The ways in which the
25 MMR helps the reader evaluate performance include:

2 1. Comparison between the current year
3 and the previous year or year over year change;

4 2. Comparison between the desired
5 direction and the year over year change;

6 3. Comparison between the desired
7 direction and the five-year trends, and finally where
8 available;

9 4. We can compare the current years
10 actual to that year's numeric or directional target.

11 Further, in the narrative portion of the
12 MMR on the first page of every agency section, the
13 agency's goal statements clearly spell the specifics
14 of what the agency is working to achieve. Each goal
15 statement is repeated on the pages that follow with
16 specific measurements listed under each statement so
17 you can clearly see if the stated goal is being met.
18 Generally, we evaluate performance by comparing the
19 current year to the previous year, the same
20 comparison that forms the basis of the continuous
21 improvement model using the Citywide Performance
22 Reporting System. Targets can be used to express a
23 desired level of performance as in a ceiling or floor
24 that performance should stay within. Although we do
25 not require agencies to set targets for every

2 indicator, generally we prefer that every critical
3 indicator with a desired direction of up or down have
4 a target either a numeric target or an arrow showing
5 the direction in which we want the trend to go. That
6 is a direction target. Generally, we do not
7 recommend setting a numeric target for the number of
8 injuries or the number of fatalities unless that
9 target is set at zero. Generally, we prefer
10 directional targets for injury and fatality
11 indicators. However, in a sense the desired
12 direction of each indicator is in itself a target.

13 Additional MMR related information is
14 available online including:

- 15 1. Definitions for each agency
16 performance indicator including the data source;
- 17 2. Additional tables showing information
18 of interest across agencies, including workforce
19 asset rates, fleet vehicle usage, employees to the
20 311 customer service center and budgetary units of
21 appropriation;
- 22 3. Community level information for
23 selected performance measures disaggregated by local
24 services district such as community district, police
25 precinct or school district. This local service

2 information is available through the interactive
3 Citywide Performance Reporting agency performance
4 mapping feature of the city's website. Local Law in
5 relation to mandating the Mayor's Management Report
6 include citizen satisfaction survey responses.

7 In regards to Introduction 711, the MMR
8 currently includes information related to assessing
9 satisfaction of residents not just citizens with
10 agency services. We applied (sic) the Council and
11 the committee to customer experience scores known as
12 CORE, which stands for Customers Observing and
13 Reporting Experiences. CORE facility ratings are an
14 average score based on a rating of 24 conditions
15 including physical conditions. For example,
16 cleanliness, litter, seating and customer service
17 conditions, for example wait time and professionalism
18 for all agency block and facilities inspected divided
19 by the number of block and facilities inspected.
20 Facilities are rated by trained city inspectors who
21 anonymous--anonymously act as agency customers. Each
22 agency chapter also contains information regarding
23 how well the agency is serving its customers
24 including timeliness in responding to email, letters

2 and service requests made through the city's 311
3 customer service center.

4 We believe that this information
5 accurately captures the quality of services being
6 delivered to residents when they use city services.
7 Additionally, a satisfaction survey of residents
8 would be voluminous, time consuming, expensive and
9 too much (sic) for inclusion in the MMR. A local law
10 in relation to additional reporting by the Board of
11 Elections, DOE, to the Council regarding performance.

12 In regards to Introduction 302, DOE is
13 not a mayoral agency, as discussed previously, but we
14 include basic voting information in the MMR. We use
15 data that is publicly available from DOE's annual
16 reports. In fiscal 2014, DOE provided a Focus on
17 Equity Statement for the MMR. Regarding these bills,
18 Introduction 711 and 302, we understand that there
19 are legal concerns with both that are being discussed
20 separately with Council staff. Thank you for the
21 opportunity to testify today on the work the Mayor's
22 Office of Operations does in putting together the
23 MMR. It is a product of ongoing collaboration
24 between the Office of Operations and 44 city agencies
25 and partners, and we are very proud of the work we

2 do. I look forward to answering any questions you
3 may have at this time.

4 CHAIRPERSON KALLOS: Thank you very much
5 for joining us today. Would you be able to--so I'm a
6 big fan of the Open Data Portal, a big fan the MMR
7 having been there. My analysis wouldn't have been
8 possible without it. I did a lot of it by hand, but
9 once I found it in the Open Data Portal, it made it a
10 lot easier. Will you commit to putting the PMMR and
11 CPR on the Open Data Portal in this coming year?

12 TINA CHIU: We have plans in place for
13 putting the PMMR on open data. We would have to look
14 into the reporting for CPR.

15 CHAIRPERSON KALLOS: Great. So PMMR will
16 be on Open Data when it is published publicly so it
17 will be online published in a book as well on Open
18 Data?

19 TINA CHIU: I don't know whether we can
20 publish it at the exact same time when the book comes
21 out.

22 CHAIRPERSON KALLOS: But within a couple
23 of hours or days?

24 TINA CHIU: Within a couple of days. I
25 think that will be our target.

2 CHAIRPERSON KALLOS: So, with regard to
3 the indicators, there's 1,617 indicators in the MMR,
4 and looking through them there's 913 or 50%--56% that
5 have no targets. So I'm curious why that is?

6 TINA CHIU: So as we mentioned in the
7 testimony going back to targets so we asked for
8 targets from critical indicators, which make up about
9 516 of the over 1,600 indicators in the report. And
10 so for the critical indicators we ask that that--we
11 do have targets there except for in those cases--well
12 they could be their targets or directional targets,
13 and so for critical indicators, we have a number that
14 are in a desired direction of action. I'm sorry. As
15 a downward or upward arrow indicating the direction
16 we should be going in. As we mentioned in the
17 testimony, particularly for cases when we're looking
18 at injury or fatalities, we don't want to put a
19 linear target on those. [pause]

20 CHAIRPERSON KALLOS: Is this--what is the
21 standard for not setting a numerical target on
22 injuries or fatalities because that does not seem to
23 be the trend federally or anywhere else but the city?

24 TINA CHIU: The reasoning behind it is
25 because putting an actual number on the number of

2 people you don't want to have been hurt, doesn't seem
3 to be sort of a commonsensical direction to be
4 stating. Because what we want is for the numbers to
5 go down as much as possible. And as we stated, if
6 there is a target, it should be zero because that's
7 where we really want to be.

8 CHAIRPERSON KALLOS: However you set the
9 number with regards to infant mortality.

10 TINA CHIU: There are a number--there are
11 about seven indicators where there are numeric
12 targets related to injuries and fatalities, and they
13 all happen to be late. (sic) They're not actual
14 numbers.

15 CHAIRPERSON KALLOS: And so, why is it
16 useful in one place but not in any of the other
17 places? I mean there's 77 critical indicators
18 without a target.

19 TINA CHIU: There are 77 critical
20 indicators that have a desired direction of neutral,
21 which do not have targets. So in those cases when
22 you have a desired direction of neutral, it doesn't
23 seem to work to have a target related to those.

24

25

2 CHAIRPERSON KALLOS: And will the infant
3 mortality stay there as a number, or in the next one
4 will we no longer see a numerical target there?

5 TINA CHIU: I don't have an answer to
6 that right now.

7 CHAIRPERSON KALLOS: And in--in the Wall
8 Street Journal you indicated that was a typo. Is
9 that correct that it should have been 4.2 instead of
10 4.6?

11 TINA CHIU: Right. We have--as you can
12 see, we have over 1,600 indicators, and we actually
13 have a number data elements for every--every
14 indicators. So when you look at all the data points
15 we're coming up to over 10,000 actual data elements.
16 And so, yes in this one case there was a typo, and we
17 regret. We always want to have as much accuracy as
18 possible in the way we report our data.

19 CHAIRPERSON KALLOS: So are there other
20 typos that you're aware of?

21 TINA CHIU: Right now, I'm not aware of
22 any.

23 CHAIRPERSON KALLOS: Will an amended
24 version of the MMR be released or updated online to
25

2 reflect the change in the typo? Will it be corrected
3 before the next PMMR comes out?

4 TINA CHIU: It will be corrected within
5 the PMMR, and as I mentioned earlier, that we do have
6 sections about working changes within each agency's
7 chapters so that we can specify if there has been an
8 addition, a deletion or a modification, and we can
9 put in an explanation.

10 CHAIRPERSON KALLOS: And with regard to
11 the 10,000 data elements, will those start to be
12 released in Open Data so that people can be vet your
13 numbers and see the underlying numbers and see where
14 they are?

15 TINA CHIU: That is actually all on Open
16 Data. So when I refer to the indicators and the
17 various data elements, as you can see in the printed
18 version of the MMR we have the actuals for the five
19 fiscal years. We have the target information, the
20 desired direction, the five-year trend. So all of
21 that, and as we'll talk about later also taking a
22 look at all of that information helps us understand
23 performance.

24 CHAIRPERSON KALLOS: So you said that
25 there were several thousand indicators. Some of them

2 went into the infant mortality or others. So where
3 are those--where is the supporting data that supports
4 each and everyone of the 1,617 indicators?

5 TINA CHIU: I think you may be
6 misunderstanding what I'm saying, and I'll try to be
7 a little bit clearer about that. So what's reported
8 all the data elements that we see in print and also
9 online or in the Open Data file, those are different
10 data points that we report on and that we track.

11 CHAIRPERSON KALLOS: Yes.

12 TINA CHIU: So that's what I'm referring
13 to so--

14 CHAIRPERSON KALLOS: So for each data
15 point, the data point is a collection of other
16 information that is summarized by that data point.
17 Is that correct?

18 TINA CHIU: It may be or it may be the
19 actual count. We have a lot of indicators that are
20 counts. We have things that are rates.

21 CHAIRPERSON KALLOS: So when there's a
22 count, are--are you able to share that underlying
23 data set?

24

25

2 TINA CHIU: We do not collect that
3 information directly. We--the information is
4 reported to us by the agencies.

5 CHAIRPERSON KALLOS: And could the
6 agencies release the data that they use to do
7 something like a count in order to allow us to have
8 greater oversight as to where these indicators are
9 coming from?

10 TINA CHIU: I think that's a conversation
11 that's taking place at the level of the Open Data
12 data sets.

13 CHAIRPERSON KALLOS: Sure. Now, back to
14 the indicators. So of the 913 indicators, 474 of
15 them are--are neutral. Sorry, give me one moment.
16 So 474 of them are neutral. Can you explain why
17 items are set as neutral?

18 TINA CHIU: So, you're speaking of the--
19 the indicators where the desired direction is
20 neutral. And, of those we have--the majority of them
21 are non-critical indicators, but I think the--one of
22 the ways to sort of help answer your question about
23 neutral desired directions is that these are reserved
24 for cases when it's not clear whether it is good or
25 bad for a trend to go up or down. So for example

2 something like 311 calls or total, you know, total
3 public service requests received by the Parks'
4 Forestry Divisions. We don't know what a trend up or
5 down may mean by that. And sometimes neutral
6 indicators can also represent things like external
7 demand that affects--that can affect an agency's
8 operations, or events such as--you know, an example
9 might be the amount of snow that's fallen.

10 CHAIRPERSON KALLOS: Sure. So with
11 regard to the remaining. So--so within--and then
12 there's 704 indicators that are directional goals.
13 However, within those 704 indicators, 462 of the
14 targets are inconsistent with the direction desired.
15 So that's 66% of the time, if you set a direction,
16 you don't actually follow the direction in your
17 targets. Can you explain the inconsistency?

18 TINA CHIU: So I just want to go back
19 again to the--what I started previously about desired
20 direction and its definition. The desired direction
21 is meant for comparing trends in the data over time
22 whether that's, you know, the current year or the
23 prior year or the long-term trend. Desired direction
24 is not meant to be comparing targets to each other
25 so--

2 CHAIRPERSON KALLOS: How can the trend
3 change if the targets are inconsistent with the
4 desired direction? So that's like say okay, we want
5 things to get better, but our target is going to be
6 things get worse, and somehow our city is going to be
7 better off.

8 TINA CHIU: So this is--let me try to
9 explain this because there's obviously a lot of
10 information in the MMR, and sort of looking at the
11 numbers themselves can be down to some sort of
12 inaccurate representations of how things get
13 interpreted. So, from one of--one thing that we want
14 to sort of help people understand, and this is a good
15 opportunity for doing this is what the target is
16 really indicating. And if you look at the context,
17 if you look at all information that's provided with
18 the indicators, and also if you look at the goal
19 statements themselves--so the narrative, the goal
20 statements, the indicator, its definitions, its
21 values over time, the targets and desired direction
22 what you'll get is a better composite picture of
23 where we want performance to be going. So in this
24 case, and there are some--I think in some cases for
25 instance the Wall Street Journal came up with a--came

2 up with an article that talked about DEP's indicators
3 related to I believe the target--

4 CHAIRPERSON KALLOS: [interposing] Right.

5 TINA CHIU: --for average days to close a
6 noise complaint, and how that would somehow--that we
7 somehow are asking for that to take longer. So I
8 just want to establish this as an example as a place
9 where a target is actually an example of a ceiling or
10 a cap that where we don't want performance to exceed.
11 So for average days to close a noise complaint the
12 target is 10 days. The time takes--the time it takes
13 has been going down since FY11, and is currently at
14 5.9 days in Fiscal 15. If you look at the desired
15 direction for this indicator, it is down, which is
16 consistent with what's going on with its performance.
17 So the target being higher doesn't mean that we want
18 people to wait longer. It serves as a cap. It's
19 saying that 10 days is your maximum and that we want
20 the average days to close a noise complaint to be
21 within that range between zero to 10 days.

22 CHAIRPERSON KALLOS: [interposing] So--

23 TINA CHIU: And, the more that you can
24 push that number down over time that's a sign of

2 things moving in the right direction. I can also
3 get--

4 CHAIRPERSON KALLOS: [interposing] I
5 think there's a confusion between using a management
6 documents with specific targets and goals versus
7 setting internal rules and regulations or caps or
8 even using a narrative. So I guess on the specific
9 issue of noise, and this city is ungodly noisy. It's
10 one of the top complaints in our city. People are
11 calling my office day in and day out, it is too
12 noisy. And, the--the proper place to say that DEP
13 should have 10 days might be in a narrative statement
14 or on its own rules and regulations. But, if for the
15 past two years we have been able to resolve things
16 faster than five days, in fact, we preferred to be
17 hours instead of days, we should be setting a goal of
18 five in Fiscal Year 15 and a goal of four in Fiscal
19 Year 16 or we should be changing the desired
20 direction. Wouldn't you agree?

21 TINA CHIU: You wouldn't want to change
22 the desired direction in this case, right? Because
23 you want it to be going down, the amount of time it
24 takes to close a noise complaint.

2 CHAIRPERSON KALLOS: So, but right now
3 it's internally inconsistent. So, you're saying one
4 thing, but the paper says something different, and
5 there is no narrative to this. It's just out there,
6 and so any rational person looking at this including
7 DEP would say oh, we've got 10 days to fix this
8 instead of five days, which is what we want or less.

9 TINA CHIU: Well, I think the--the
10 article was working off clearly a lot of assumptions
11 that we don't use. It's misreading sort of how the
12 Management Report works. As I said before, there's a
13 lot of contextual information, and that's why just
14 looking at the number doesn't tell you enough about
15 performance. We know that that can be very--

16 CHAIRPERSON KALLOS: [interposing] Will
17 you--

18 TINA CHIU: --difficult to interpret.

19 CHAIRPERSON KALLOS: --will you be adding
20 notes throughout the entire MMR as well as to the
21 Open Data set to say in this case this number even
22 though it means something else, 14% of the time
23 doesn't mean that here, and we're going to make this
24 one section entirely inconsistent from the rest? And
25 this isn't actually a goal. This is a ceiling.

2 Because it shouldn't be under goal. You should pull
3 the 10 out and set aside like this is a ceiling or
4 this is a floor and then have a real goal there.

5 TINA CHIU: Again, these aren't goals.
6 The goal statements and the--I'm trying to give you a
7 picture of how this entire structure works, and we're
8 talking about the structure and formulation of the
9 report.

10 CHAIRPERSON KALLOS: So 224 times you
11 have indicators where--where 14% of the time the
12 indicators are logically consistently. It says
13 things have to get better. So they have to go up or
14 down, and the targets change and the targets are
15 better than the actuals. So in that 14% of the time
16 is the MMR correct or is that also incorrect?

17 TINA CHIU: Well, I would just say that
18 your interpretation and reading of this as being
19 inconsistent is not what we are doing, and we don't
20 think there's an inconsistency based on the way that
21 we are (1) constructing the report and (2) reporting
22 the information. So, as I was saying, there are
23 instances if you look at all the data that's provided
24 for a particular indicator and how it works together
25 where it's clear that, or it becomes clear that the

2 target is either establishing sort of a ceiling or a
3 cap, which you don't want to exceed or it's
4 establishing a floor where you want to have
5 performance being above. But in no way is it saying
6 when you have a floor or a ceiling that better
7 performance is something that the city doesn't want.

8 CHAIRPERSON KALLOS: Okay.

9 TINA CHIU: So just to give you an
10 example to clear this up because I think that this is
11 a very important point about saying that something is
12 inconsistent when by the way we use the report, the
13 way we put it together has been established over a
14 number of years. And the way many people practically
15 have been looking at the information it is--it is
16 consistent. So if I many just sort of give an
17 example again of just sort of a floor because this
18 points out how the information in the MMR is working
19 together systematically.

20 CHAIRPERSON KALLOS: [interposing] Is a--

21 CHAIRPERSON TORRES: If you take a look
22 at--

23 CHAIRPERSON KALLOS: [interposing] Is a
24 target a floor? Like shouldn't there be a definition
25 change between targets and floors or ceilings?

2 TINA CHIU: A target is the desired level
3 of performance. So a level of performance can be
4 something you're at, over or above. Certainly, we
5 can try to work on refining and clearing and
6 improving the language in our User's Guide--

7 CHAIRPERSON KALLOS: [interposing] So
8 based on your own definition, a target of 10 days to
9 clear it up would actually be what they're aiming
10 for. So perhaps what you might want to add is just
11 floors or ceilings as a separate measure, but provide
12 a real target that agencies can work towards and
13 compare themselves to.

14 TINA CHIU: I think the--the way it's
15 conveyed in the MMR when you take the time to look at
16 this with the targets and with the desired directions
17 given the definitions that we've put together for
18 this, it's understood that the direction that we want
19 performance to go in, in that case is for the amount
20 of time that it takes to close or resolve that to go
21 down. It's understood that the direction that we
22 want performance to go in, in that case is for the
23 amount of time that it takes to close or resolve that
24 to go down.

2 CHAIRPERSON KALLOS: So specifically on
3 this, we ran an analysis of the data and identified
4 42 critical indicators for which there is 28% or more
5 discrepancy between the target set for Fiscal Year
6 2016 and the MMR and the average performance over the
7 past five years. And where additionally the target
8 is inconsistent with this data desired direction.
9 For some of these critical indicators the narrative
10 of the MMR provides an explanation or context of the
11 discrepancy, but for many other the narrative does
12 not provide an explanation. What are we supposed to
13 do here?

14 TINA CHIU: Again, if we actually look at
15 those particular indicators and the questions related
16 to them using my explanation just given about sort of
17 mission of a range and ceiling and a cap, that really
18 actually will help under--help people answer those
19 questions, and the inconsistent--the inconsistencies
20 or discrepancies will pretty much evaporate if you
21 take a look at it in that regard.

22 CHAIRPERSON KALLOS: So again, will you
23 publish a PMMR with ceilings and floors as well as
24 actual targets?

2 TINA CHIU: We'll work to make sure that
3 the definitions of targets in the User's Guide is
4 clearer, and as clear as we can make that.

5 CHAIRPERSON KALLOS: Okay, so--so--is--is
6 this book right here the MMR?

7 TINA CHIU: It is the print version of
8 the MMR, yes.

9 CHAIRPERSON KALLOS: So--and this is
10 everything I need? So I think what you're talking
11 about is you're going to add the explanations into
12 yet another appendix to an offline or online version.

13 TINA CHIU: The User's Guide is at the
14 back of the report, almost the second to the last
15 page I believe. In the FY15 report it is page 331.

16 CHAIRPERSON KALLOS: So I guess one thing
17 I would just say, and we'll get into this in our
18 second round of questions after I let other members
19 go, is just a lot of the things you're speaking about
20 or speaking to would either make this document even
21 longer or just an appendices upon appendices upon
22 appendices. That might take hours or days or weeks
23 to try to track down and find, if they're actually
24 online. So I--I guess that is a--all of this is a
25 concern, and I guess one issue we're just trying to

2 make this better, a better tool. And I guess along
3 those lines so are the agencies--are the agencies
4 using this for management? Are they measuring
5 themselves against what's in the MMR or what is this
6 document for?

7 TINA CHIU: We have this document and
8 also the information that's available on CPR, the
9 Citywide Performance Reporting System that we
10 mentioned previously. This information does come up
11 in our conversations and operations with agencies,
12 and also with City Hall. So as I'd mentioned also
13 there are many ways of looking at performance, and
14 comparisons to targets is one way. Comparison over
15 the five years is another. Comparisons year to year
16 the most current year and the previous ones. All of
17 these are ways for us to think about performance
18 looking at it from a continuous improvement
19 standpoint. So our CPR--

20 CHAIRPERSON KALLOS: [interposing] Who,
21 and so who--who is we?

22 TINA CHIU: As I said before, we,
23 Operations, agencies, City Hall we have discussions
24 about things for--so in CPR we have sort of a traffic
25 light system where you can look at the information

2 comparing sort of the most current period's data with
3 the prior periods. And in that respect, you can see
4 whether performance is improving or staying stable,
5 getting worse and how much worse. So you have your,
6 you know, green, yellow and red system there.

7 CHAIRPERSON KALLOS: Can that be shared
8 with the Council or the public?

9 TINA CHIU: That's online.

10 CHAIRPERSON KALLOS: Okay, so on--

11 TINA CHIU: [interposing] It's currently
12 online.

13 CHAIRPERSON KALLOS: --online I can see
14 yellow, green and red?

15 TINA CHIU: Correct, for our critical
16 indicators.

17 CHAIRPERSON KALLOS: Show me.

18 TINA CHIU: If you want to go CPR.

19 CHAIRPERSON KALLOS: You've got a laptop
20 right in front of you. Can we make sure the laptop
21 is on and the screens are on? [background comments,
22 pause]

23 TINA CHIU: So you can go to nyc.gov/cpr.

24 [background comments]

2 CHAIRPERSON KALLOS: Can se get it
3 connected? We'll continue with other questions while
4 you're doing it, please. Okay. [pause] With
5 regards to target, what fact--

6 TINA CHIU: [interposing] Um--

7 CHAIRPERSON KALLOS: Yes.

8 TINA CHIU: Actually, I--I--I don't think
9 I answered your question fully in regards to CPR
10 information. Because the idea--the--the routines and
11 processes that we have establishes are, you know,
12 they're various sorts of triggers and quality
13 controls that we can use to take a look at and to
14 notify us and other staff whether that agency is at
15 City Hall as to how things are doing in doing in
16 terms of performance. So, in that regard we can take
17 a looking, you know, the red, yellow and green to
18 help us understand, you know, which things we might
19 want to identify, and then discuss and understand
20 where performance is going. And it's not only
21 situations where and indicator may be in the red
22 where we have a concern. But even if something is in
23 the green, for instance, if it's actually looking
24 like it's improving or it's stable we want to
25 actually know a little bit more about that to see

2 whether there--it might be an anomaly or if it's a
3 data quality issue, but to make sure that we
4 understand what's going on there. Similar with
5 yellow. We just want to know is it going to go into
6 the red, or is it going to go into green? So we want
7 to look at things, you know, if they're moving in the
8 right direction. Clearly if there are items that are
9 high priority projects or of general public concern,
10 we take a look at those as well. So there are lots
11 of touch points and times where we use this
12 information to have further discussions to get more
13 details to start sort of peeling back the various
14 layers of the onion to really understand what's
15 contributing to performance. Whether things are
16 going well, or whether things are going not so well.

17 CHAIRPERSON KALLOS: So it sounds like
18 there's continuous monitoring and auditing of the MMR
19 and PMMR and CPR information.

20 TINA CHIU: We--we use it to help inform
21 people. We use it to try to get more information to
22 as questions because, as you know, and as this--as
23 we're going through here, the performance works [cell
24 phone chime] through asking questions and having
25 conversations and trying to get more information.

2 CHAIRPERSON KALLOS: So I'd like you to
3 know we've been joined by Council--by--by Ritchie
4 Torres from the Bronx. And in terms of targets, how-
5 -how do you set targets and how do you set critical
6 indicators? How do you decide which things should be
7 targets and which things should be critical
8 indicators?

9 TINA CHIU: So this is part of the--the
10 overall and ongoing process in the development of the
11 PMMR and MMR, and those conversations take place not
12 just twice a year, but sort of on an ongoing basis so
13 that we can work with agencies, senior leadership and
14 city hall on establishing whether--you know, which
15 indicators may be critical, and then also discuss
16 targets.

17 CHAIRPERSON KALLOS: I'm going to save
18 many more of my questions, but I'd like to now ask
19 Brad Lander if he'd like to ask a couple of
20 questions?

21 COUNCIL MEMBER LANDER: Thank you, Mr.
22 Chair for convening this hearing and for pushing on a
23 broad set of important issues, more broadly around
24 the Mayor's Management Report. With other members
25 here, I'll just--even though I--I share your and

2 their interest more broadly confine my question to
3 the Intro regarding the Board of Elections. So, you
4 included information most recently that you took from
5 the Board of Elections website?

6 TINA CHIU: I believe that it's publicly
7 available. It is publicly available from their
8 annual reports, and they also share there--that
9 information with us, but it's publicly available.
10 It's not additional information.

11 COUNCIL MEMBER LANDER: How about the
12 equity? You said they added an equity statement?

13 TINA CHIU: That's correct.

14 COUNCIL MEMBER LANDER: So the Mayor's
15 Office of Operations asked the DOE to provide some--
16 some additional information or a framework on how
17 they're addressing equity issues and they complied
18 and went ahead and gave--gave it to you and you put
19 it in the Mayor's Management Report?

20 TINA CHIU: Correct.

21 COUNCIL MEMBER LANDER: Anybody, you
22 know, endure any big bruises, or injuries [laughter]
23 or harm that you could conceive of in that process?

24 TINA CHIU: Perhaps I have memory loss,
25 but I don't recall any.

2 COUNCIL MEMBER LANDER: All right, and
3 you presumably thought this would be beneficial to
4 the public to include in the Mayor's Management
5 Report or you wouldn't have done it, yes?

6 TINA CHIU: For--yes.

7 COUNCIL MEMBER LANDER: And I mean is it
8 fair to characterize it as one of the reasons why you
9 believe the Mayor's Management Report is valuable is
10 where the city is spending its dollars to achieve
11 public interest outcomes. It's useful for us to
12 have some metrics for evaluating how those dollars
13 are being spent?

14 TINA CHIU: Yes.

15 COUNCIL MEMBER LANDER: Okay. Mr.
16 Chairman, I think that satisfies my questions.

17 CHAIRPERSON KALLOS: Thank you, Council
18 Member Lander. Council Member Johnson.

19 COUNCIL MEMBER JOHNSON: Thank you, Mr.
20 Chair. You made comments in your testimony in
21 regards--in regards to citizen satisfaction surveys.
22 You pointed out CORE, which stands for Customers
23 Observing and Reporting Experience, and you talked
24 about sort of a mystery shopper like event that goes
25 on where you have city trained inspectors that go in

2 and pretend like they are a customer, and--and report
3 back on that. Is that correct?

4 TINA CHIU: That's correct.

5 COUNCIL MEMBER JOHNSON: So why not have
6 normal everyday people who actually go in and have
7 experiences with city agencies actually report back
8 not in a way where someone is posing, but through the
9 daily experience of interacting with city government,
10 why not measure that?

11 TINA CHIU: Well, although these
12 inspectors are not coming in as actual customers,
13 what they are rating are things that they can
14 actually see, and measure and respond to as if they
15 were a customer. So such things as, you know,
16 cleaning and maintenance. Is facility signage in
17 good condition? Are walls clean--clean and in good
18 condition.

19 COUNCIL MEMBER JOHNSON: What about the
20 interaction between a resident and agency staff?

21 TINA CHIU: So facility operations such
22 as, you know, security guards are they professional,
23 accessible and knowledgeable? Is the queuing process
24 timely and efficient. We have some of this
25 information already, you know, in place, and, you

2 know, the use of the word posing is a little bit
3 different in this sort of regard for this particular
4 type of rating experience. So what they see and what
5 they experience is what, you know, other people,
6 actual residents of the city would be experiencing.

7 COUNCIL MEMBER JOHNSON: How many of
8 these trained inspectors are there?

9 TINA CHIU: [pause] We--we use
10 inspectors from our scout operation and then we have
11 about 12 of those.

12 COUNCIL MEMBER JOHNSON: Twelve for the
13 entire city?

14 TINA CHIU: For these particular
15 facilities, yes.

16 COUNCIL MEMBER JOHNSON: How many
17 different agencies does PMMR and MMR look at?

18 TINA CHIU: I believe there--the ones
19 that are covered by CORE are ones that have actual
20 like walk-in facilities. And so that if you'd give
21 me a moment. [pause] That covers about 25 agencies
22 currently.

23 COUNCIL MEMBER JOHNSON: So 12 people
24 covering 25 agencies, but there are a lot more than

2 25 agencies that are measured in the MMR generally
3 outside of CORE, right?

4 TINA CHIU: That's correct.

5 COUNCIL MEMBER JOHNSON: So as I
6 mentioned in my opening, there are plenty of other
7 cities across the country that do actual citizen
8 satisfaction surveys where they talk to human, live,
9 real New Yorkers that have to interact with agencies.
10 Philadelphia does it. They have a report that is
11 called the Mayor's Report on City Services, and as
12 part of that report they look at 13 different
13 municipal service agencies. The City of San
14 Francisco does it as well, and I think as I said
15 earlier, we're going to hear from Professor Muzio in
16 his testimony about this. But, the International
17 City and County Managers' Association says that the
18 best way to encourage good performance is to measure
19 it, and the best indicator of government performance
20 is citizen satisfaction. The Urban Institute says
21 surveys of customers have begun to be perceived
22 nationally if not internationally as a major source
23 of evaluation feedback of public services, and as an
24 important component of public accountability. And
25 the Government Accounting Standards Board says it is

2 important for reported performance to include
3 measures of citizen and customer perceptions about
4 the results of the service or program. Without this
5 information against which to compare other more
6 quantitative measures of performance a complete
7 picture of results is not obtained. I think that
8 really goes to the heart of it for me, which is
9 there's no real way to get a complete and total
10 picture unless you actually measure it and take
11 reports from the folks that are actually interacting
12 with government agencies. And so in your testimony,
13 Ms. Chiu, you--you had said again with your comments
14 on this you said that we believe this information
15 accurately captures the quality of service being
16 delivered when they use city services. Additionally,
17 a satisfaction survey of residents with the
18 voluminous time-consuming expensive and too lengthy
19 for inclusion in the MMR. Voluminous, time
20 consuming, expensive and too lengthy, but you don't
21 say that it would be worthwhile.

22 TINA CHIU: Well, as--as I stated later
23 in the testimony we understand there are concerns
24 about these bills, and the requirement for it being
25 included in the MMR. That's not something I feel

2 comfortable discussing. I'd rather defer that to
3 other parties about sort of the inclusion in the bill
4 about this being in the MMR.

5 COUNCIL MEMBER JOHNSON: [coughs] Are
6 you saying that you think it's not legal? What are
7 you alluding to?

8 TINA CHIU: [interposing] I don't have--

9 COUNCIL MEMBER JOHNSON: I--I honestly
10 don't know what you're telling me right now.

11 TINA CHIU: I don't have an opinion about
12 whether or not this should be put into--into the MMR
13 or the means by which it's being put in.

14 COUNCIL MEMBER JOHNSON: Well, who--who
15 can answer that question? You're--you're from the
16 office that does the MMR.

17 TINA CHIU: Right. I--i think this is a
18 Council question.

19 COUNCIL MEMBER JOHNSON: No, no, it's not
20 a Council question. We have a piece of legis--

21 TINA CHIU: [interposing] Or, the Law
22 Department.

23 COUNCIL MEMBER JOHNSON: It's a Law
24 Department question?

25 TINA CHIU: Maybe.

2 COUNCIL MEMBER JOHNSON: But your agency
3 doesn't have an--an opinion on this besides it being
4 voluminous, time consuming, expensive and too
5 lengthy?

6 TINA CHIU: We have customer service
7 information within the MMR.

8 COUNCIL MEMBER JOHNSON: But not from
9 real everyday New Yorkers?

10 TINA CHIU: Well, when you look at info -
11 -some of the information that is provided under the
12 agency performance we do have that.

13 COUNCIL MEMBER JOHNSON: Well, part of
14 our job as elected officials, and I think besides the
15 work we do down here at City Hall that's chartered
16 mandated like land use, budget, oversight and
17 legislation for the main components of what we do per
18 charter. One of the main things that we do as local
19 elected officials is we are basically taking citizen
20 satisfaction survey every day in our office based on
21 given city agencies. People call us up, and they say
22 they're having problems with the Department of
23 Finance. We're having problems with the getting a
24 bicycle removed from the Department of
25 Transportation. We're having problems with trash

2 pickup from the Department of Sanitation. We get
3 that. We enter it into something called Council
4 Stat. The Police Department has something called
5 Comp Stat where they look at numbers. I think it's
6 important that the MMR reflect New Yorkers'
7 experiences, and I think that in this day and age,
8 there is an efficient digital way to capture this
9 information. I'm going to let Professor Muzio delve
10 into this further in his testimony. I hope you'll
11 stay for his testimony to listen to it, but I--I--I'm
12 going to pursue this bill in coordination with the
13 Chair of this committee and I'm happy to work with
14 the Law Department and the Council lawyers to ensure
15 that it is, in fact, legal under charter. Thank you
16 for your testimony. Thank you, Mr. Chair.

17 CHAIRPERSON KALLOS: Council Member
18 Levine.

19 COUNCIL MEMBER LEVINE: Thank you, Chair
20 Kallos. I'm--I'm pleased to see that you begin every
21 chapter of the MMR with a paragraph or two on the
22 question of equity. It clearly shows an interest in
23 commitment to this principle. The language, reading
24 over it, it's mostly general statements,
25 aspirational. In some cases, it does outline goals

2 in very broad programmatic terms. It's not
3 quantitative in any way. Are there quantitative
4 measures for every department, which then back up the
5 equity aspirations described in this opening
6 language?

7 TINA CHIU: In some cases the--for some
8 agencies where they refer to specific programs that
9 they're putting together, that helps supports or
10 advance the notion of equity. Some of those actually
11 do have performance indicators related to them. If
12 you're asking whether there's an overall sort of
13 measure for performance related to equity kind of
14 globally, that's not something that we have in the
15 report currently. It's something that are interested
16 in looking at, and understanding and getting input
17 and having discussions about how that might be
18 crafted. And we look forward to having some
19 conversations not only with agencies and others, but
20 to--to help us shape what that could be there.

21 COUNCIL MEMBER LEVINE: Right. What
22 you're also referring to in the--in the qualitative
23 text is the pursuit of equity more broadly in
24 society, which is very important. But there's a more
25 narrow question, which I think is more directly under

2 your control and easier to measure, which is
3 equitable provision of city services, an equitable
4 distribution of city resources. And economists have
5 a whole bunch of simple generic tools for that. One
6 of the most basic just being looking at the number of
7 people who are at half of the median. And you think
8 of an almost limitless number of ways you could apply
9 this to city services: Ambulance response time. How
10 long it takes to clean snow off the streets. And
11 often your measures--the measure that you do
12 currently track identify single average or single
13 total. Without getting the distribution amongst and
14 between neighborhoods or different demographic
15 groups, so you're talking about the number of parks,
16 which have achieved a high cleanliness rating, for
17 example, which is a very, very important number. But
18 the reality in our Parks system is that there are
19 some parks, which are spectacular and some, which are
20 really suffering. And so, to me understanding equity
21 in that context requires more than just looking at
22 the average. It--it requires understanding the
23 extremes of the distribution. To--to quote an old
24 saying, if you're feet are in the over and your head
25 is in icebox on average you're doing fine, but you're

2 still hurting on both ends. So sometimes we need
3 more than simply the average of the median. Have you
4 thought about ways that you can begin to bring out
5 statistically how well we're distributing city
6 resources and services?

7 TINA CHIU: Yes, and one of the places,
8 though it's not obviously perfect, and we can always,
9 you know, improve in this area is that one of the
10 ways to disaggregate is by geography. So some of
11 that information is available through the Citywide
12 Performance Reporting. But yes, it's definitely
13 something that's of great interest because where
14 people live, who's getting services and who's getting
15 resources yes that matters quite a bit. In a large
16 city as, you know, New York, the Devil is in the
17 details. So we definitely again as with looking at
18 both our indicators related to equity, the
19 disaggregation would be something we would want to
20 look into further.

21 COUNCIL MEMBER LEVINE: The Council has
22 been doing some work in looking at fair distribution
23 of things like homeless shelters and other city
24 facilities. Is there anywhere in this report that
25 measures just how evenly distributed any types of

2 facilities or negative? It could be libraries on the
3 positive side. Waste treatment plants on the
4 negative side.

5 TINA CHIU: We don't--we don't currently
6 have that information in that manner.

7 COUNCIL MEMBER LEVINE: Okay. Well, I
8 think there's a huge opportunity here to--to put our
9 goals for tracking equity into practice by developing
10 these kind of simple quantitative measures, and I
11 look forward to work with you all to make that
12 happen. Thank you.

13 CHAIRPERSON KALLOS: Just want to follow
14 up on some questions about Parks, page 128. So,
15 Parks rates were acceptable for overall use. It's
16 been in the high 80s for the past three years. You
17 have a desired direction of up. So, last year,
18 Fiscal Year 15 86% of the 85%. So in order to be
19 internally consistent you might want to have a target
20 in Fiscal 16 of up or above 85%. If the desired
21 direction were neutral, we would say okay 85 and 85
22 looks good, but if you're going up, it should go 85,
23 86, maybe 90 and maybe even 95.1. But, something to
24 show that we actually have targeted goals of

2 improving the conditions in our parks. Would--would
3 you agree?

4 TINA CHIU: I think this is something
5 that we take into account when we're working with,
6 you know, with the PMMR as we are right now, and
7 getting ready for the release in late January. Yes,
8 this--these are opportunities where we can look at
9 performance, at the target center established with,
10 as I spoke about before, with long-term trends.
11 These are all sorts of things that we balance, and
12 we're working with agencies to think about making the
13 improvements, and looking at targets is part of the
14 overall discussion about performance.

15 CHAIRPERSON KALLOS: So--so will we see
16 the targets improving so that between fiscal--one
17 fiscal year and the other if the desired direction is
18 up, it actually goes up in the targets.

19 TINA CHIU: I can't make that kind of
20 like global or assertion or statement because again
21 it's indicated by indicator agency by agency and goal
22 by goal--

23 CHAIRPERSON KALLOS: [interposing] I
24 want my city to get better.

25 TINA CHIU: Um, I--

2 CHAIRPERSON KALLOS: [interposing] I
3 want places where we have a desired direction for us
4 to follow it. I want our targets to follow that. If
5 there's an opportunity for there to be a ceiling or
6 minimum standards, I'm fine with that. But, I do
7 want us to actually have targets. So another
8 critical indicator is the number of felonies in
9 parks. And so, last year we saw 81 and this felonies
10 against people in 120--in Fiscal Year 14 we 126.
11 There's a desired direction of down. Can we set a
12 number there that we want to see 80 or 75 or fewer.
13 The reality is there's apparently going to be
14 felonies in parks, but it would be great if we could
15 lower that.

16 TINA CHIU: Again, this goes back to sort
17 of our discussion related to sort of interrelated
18 [sic] fatalities and these crime related indicators
19 where it's hard to make a prediction as to what
20 you're going to be setting as your target.

21 CHAIRPERSON KALLOS: So--so the goal is--

22 TINA CHIU: [interposing] So a downward
23 direction is a better--is more indicative.

24 CHAIRPERSON KALLOS: So Goal 1B: Provide
25 an overall quality park experience in 30 of the

2 city's largest parks, excluding Central Park, total
3 major felony crimes decreased by 17%. Crimes against
4 property were lower 168 compared to 173 last year,
5 which specifically insignificant, and crimes reported
6 against person dropped 126 to 81, a 36% decrease.
7 Total summons issued by Park Enforcement patrol
8 officers dipped from 16,310 to 15,323, a 6% decrease.
9 The percent of violations upheld by the ECB increased
10 for the third consecutive year moving above 87%. So
11 taken together are all these measures in terms of
12 major felonies, crimes against property, summons
13 issued, violations admitted to are upheld? Are they
14 taken together supposed to address Goal 1B?

15 TINA CHIU: Yes.

16 CHAIRPERSON KALLOS: Okay. So why are
17 summons issued and violations upheld supposed to be
18 there so that we can lower the number of major
19 felonies and crimes against property? [pause] Is
20 there an answer?

21 TINA CHIU: Your question is to why these
22 indicators are included in this specific place?

23 CHAIRPERSON KALLOS: [interposing] I'm
24 asking if they're related. Is the reason that
25 summons issued and ECB violations upheld because you

2 believe that there's a relation between those two
3 indicators and the crimes against property and
4 felonies?

5 TINA CHIU: In past discussions with
6 Parks Department and our staff that's the conclusion
7 that was drawn to what could help support the
8 information needed to understand this particular
9 goal.

10 CHAIRPERSON KALLOS: Why is there no goal
11 for a summons issued? What is the desired direction
12 neutral, and why is there no goal for ECB violations
13 upheld? Sorry, there's no target. So the goal is up
14 for upheld. So you want to make sure that when you
15 write them they get better. They've been steadily
16 climbing, but you won't set a target for Fiscal Year
17 15 or 16. And summons issued somehow is unrelated to
18 the rest of it. It's just neutral.

19 TINA CHIU: So, for--again, for
20 indicators that have a desired direction of neutral
21 those are ones where it's hard to interpret year over
22 year whether something going up or down is actually
23 reflective of something good or bad so--

24

25

2 COUNCIL MEMBER KALLOS: [interposing] So
3 why are we tracking the summonses we're issuing? So
4 I--

5 TINA CHIU: [interposing] As a--

6 COUNCIL MEMBER KALLOS: I need some
7 expertise and knowledge here. So why are we tracking
8 summonses issued? Why are we tracking them? Do
9 summonses issued decrease the crimes against property
10 and major felonies in our parks?

11 TINA CHIU: It's a way to understand the
12 context of the work of Parks in this particular area.

13 COUNCIL MEMBER KALLOS: So could we cut
14 that to zero and it would have no impact? If we cut
15 our summonses to zero and didn't write any more
16 summonses in parks would that make it safer?

17 TINA CHIU: I think--well--[pause] Your--
18 I'm not here to talk about sort of how that
19 particular type of indicator works in proper--

20 COUNCIL MEMBER KALLOS: [interposing]
21 Who's--who's--

22 TINA CHIU: --in--

23 COUNCIL MEMBER KALLOS: Who is
24 responsible for setting the indicators? Who is
25 ultimately responsible? Is it you?

2 TINA CHIU: It is also with the agencies.

3 COUNCIL MEMBER KALLOS: So, is--is that
4 you in your Deputy Director role plus the Commission?
5 Who are the--who are the people in the room who make
6 the decision that we're going to track summonses and
7 they're neutral so somehow they don't matter, or they
8 do matter but we're not going to give a direction in
9 which way they would matter?

10 TINA CHIU: So it's a number of different
11 layers.

12 COUNCIL MEMBER KALLOS: Okay.

13 TINA CHIU: It takes--it takes place at
14 the staff level. It takes place at operations in
15 agency levels. So, it goes through different layers
16 of approvals.

17 COUNCIL MEMBER KALLOS: So, it's--it's
18 you at your--at operations, right?

19 TINA CHIU: And each commissioner reviews
20 and sees these chapters particularly--

21 COUNCIL MEMBER KALLOS: [interposing]
22 And--and so who is your counterpart at Parks? So who
23 did you check these numbers with?

24 TINA CHIU: I don't know the names of the
25 individuals off hand, but we work with Parks--

2 COUNCIL MEMBER KALLOS: [interposing]
3 Where's--where's their title?

4 TINA CHIU: --liaisons. I don't have
5 that off hand. We work with Parks liaisons. They
6 work with their internal staff. They get approvals
7 through deputy commissioner and the commissioner, and
8 that's the process that we use. We have agency sign
9 off on these chapters.

10 COUNCIL MEMBER KALLOS: So--so if--if
11 something goes wrong in my office, the buck stops
12 with me, and it doesn't matter whether an intern
13 makes the mistake or I make the mistake. So who does
14 the buck stop with when we're talking about the MMR.
15 So the typo that 4.6 typo who is--who is responsible
16 for that typo? Who did the buck stop with?

17 TINA CHIU: That would be--that would be
18 our office.

19 COUNCIL MEMBER KALLOS: And--and that's
20 you? Is that Mindy? Who is the person who has the
21 final sign off? Is it the Mayor? The Mayor looks at
22 this, reads it through and--and who is responsible?

23 TINA CHIU: [pause] We have a process
24 where we go through looking at all the indicators
25 with different levels of approvals, but when it comes

2 to typos that are generated because of our production
3 process, that's clearly with my office.

4 COUNCIL MEMBER KALLOS: Okay, and then
5 with regards to setting the indicators and the
6 critical indicators, it is you and an agency like
7 Parks or at Health and Human Services it's their--
8 their intergovernmental person? Their deputy
9 commissioner, the commissioner themselves? Who is
10 it? And then--so coming back from this today, who--
11 who will you touch base with at Parks to--to fix
12 this?

13 TINA CHIU: If I were to have a
14 conversation with people at Parks I would start off
15 with our liaisons who work closely with this chapter.
16 They will go through their procedures to through with
17 different deputy commissioners about what happens,
18 and depending on the issue, you know, they will have
19 their internal process. And depending on the agency
20 they will have their internal process to review, vet
21 and answer questions.

22 COUNCIL MEMBER KALLOS: Council Member
23 Lander.

24 COUNCIL MEMBER LANDER: Thank you, Mr.
25 Chair. I was just going to follow up on the--the

2 equity question. Some of the--that Council Member
3 Levine was asking, and I wonder have you looked at
4 all at the--what they're doing in Seattle, the
5 Seattle Race and Social Justice Initiative. They've
6 tried to take a rigorous data driven approach to
7 issues of equity, and I just wonder whether--you
8 know, it's not easy to do. I mean I think that, you
9 know, on the one hand, and certainly it's not unlike
10 what you said to Council Member Johnson about getting
11 citizen feedback. Disaggregating this data around by
12 neighborhood, by--you know, in ways that would also
13 let us look at demographics by race and income would
14 be, you know, voluminous. It would embed a lot of
15 questions about how you would cut the data. It would
16 take a lot of work. It would also be enormously
17 illustrative of issues of equity that the
18 Administration is trying hard to get at. So I just
19 wondering if you are thinking about--you know, and
20 that's different from you put a--you know, I think
21 the equity prefaces to the chapters are useful and
22 interesting, but they, you know, they don't get to
23 the same spirit of the MMR. The spirit of the MMR is
24 that the data tells you important stories, and the
25 data could tell us important stories about issues of

2 equity by neighborhood, by race, by income. It
3 doesn't currently. There's no doubt it could with--
4 with--with big effort, and I just wonder whether you
5 guys are thinking about undertaking that effort, and
6 whether you aren't if you've looked at the way
7 they've approached it in Seattle. Which are not as
8 comprehensive as cutting all this data in those ways,
9 but our efforts to try to get at least some of that
10 information.

11 TINA CHIU: Yes, we've been following the
12 efforts in other cities, and looking at equity and
13 how they both define it. How they measure it and how
14 they track it, and how they use it in discussions for
15 decision making. So we have also been involved with
16 some of the efforts recently by CUNY in looking at
17 equity related indicators. So we know that there is
18 a lot of--there are challenges and difficulties.
19 There's a lot of effort and there's a lot of
20 intellectual work to be put behind it as well as
21 looking for and digging up and finding the right data
22 sources. Given that sometimes you may not have
23 information at the level of frequency or granularity
24 that would be helpful to answer some of these
25 questions. So we have been looking at the issue

2 overall, and have been thinking about what we could
3 do to provide more information in that regard.

4 COUNCIL MEMBER LANDER: Let me just push
5 a little more because that sounds like a project that
6 CUNY is doing to ask the questions what information
7 would one want to ask questions about equity in New
8 York City, which is very important. There are a lot
9 of ways, though, in which disaggregating this data
10 by, you know, geography and demographics wouldn't be--
11 -don't take substantial intellectual work to figure
12 out what are we tracking? What's the most important?
13 You know, it would just be--I mean you have to choose
14 which ones because there are so many statistics in
15 here, but you know--And I just wonder whether, you
16 know, that you guys have the data for it. That you
17 and your agencies are the source for the data. We
18 don't need to go get it. We don't need to make new
19 indicators or metrics. We're taking existing
20 indicators, and disaggregating them by geography,
21 race, income and other things.

22 TINA CHIU: Right.

23 COUNCIL MEMBER LANDER: Any thoughts to
24 do--to do that?

2 TINA CHIU: Yes, and I think I mentioned
3 previously that that some of these conversations are
4 taking place at the level of the open data--data sets
5 that are going to be provided in the future because
6 one of the areas where we know there can be value,
7 and as you say maybe not as heavy a lift is to look
8 at the things that are available to us that we know
9 we're already interested in, in seeing if we can sort
10 of flush those out a little bit more. So I think
11 that's taking place at the agency-by-agency level
12 with the lens of the MMR also coming in handy to help
13 people think about what to do next.

14 COUNCIL MEMBER LANDER: So then I might
15 just suggest and I'll give an example of something
16 that we did in--in the first report under the School
17 Diversity Accountability Act is coming out December
18 31st and that's going to be a year-to-year report
19 looking at school diversity and segregation just in
20 enrollment. It's not going to do test scores or
21 other school equality issues. But, you know, so
22 that's data that has existed, but not in a way that's
23 easy to get a handle on that DOE has agreed to put in
24 the Open Data Portal and issue a report on. So it
25 may be that--that a project could take place, which

2 was simply pulling some of those things together in
3 ways that would identify and make use of places where
4 we're already doing what you're saying. Taking
5 things that are either specifically in the MMR or MMR
6 like, but issued by agencies in the reports that are
7 specifically disaggregating in interesting ways along
8 equity lines, and gathering them in ways that would
9 tell the stories. Or, it might be bad stories, but
10 important stories. All right, thank you very much.
11 Thank you, Mr. Chair.

12 CHAIRPERSON KALLOS: Thank you. So each
13 March we meet with agencies. We've done it twice.
14 We're about to have another third time, and we
15 discussed the PMMR data with each of the agencies.
16 But several of the issues discussed appeared
17 unchanged in the MMR. So, for example, DCAS, the
18 Department of Citywide Administrative Services we
19 learned that there was data quality issue with the
20 FY12 data regarding estimated reduction in greenhouse
21 gas emissions from energy projects in metric tons.
22 And were told it would be fixed and updated for the
23 MMR, but the figure 7,021 remains unchanged in the
24 MMR. So, we've brought it to the commissioner of an
25 agency. What needs to happen in order for the

2 changes that a commissioner says they will make
3 during a PMMR hearing to actually happen? [pause]

4 GUINEVERE KNOWLES: [off mic] Do you
5 want me to answer that one?

6 TINA CHIU: Well, they--the conversations
7 that take place here are one thing, and then we
8 follow up with them and have conversations with them
9 about what's going on. I--I can't speak to the
10 specific instance that you're referring to and that
11 particular data point and that example. I don't have
12 the information available with me for that, but the--

13 CHAIRPERSON KALLOS: The reporting is as
14 an increase in savings over the previous year. So it
15 is a cumulative number, but as represented in the MMR
16 it is not cumulative making it impossible to compare
17 that metric. So I guess--so your--so you're putting
18 together the MMR. The agencies are going to the
19 budget hearings, but somehow that information on the
20 changes that need to be made to the MMR isn't--aren't
21 coming back to you?

22 TINA CHIU: That one in particular I
23 don't--

24 CHAIRPERSON KALLOS: [interposing]
25 Another example is in response to a question that

2 many indicators have no targets, Mr. Carter, our
3 Corporate Counsel, the Law Department that you
4 invoked earlier, said that for some of them it's
5 because the agency doesn't have enough control over
6 them to set targets such as the number of cases
7 commenced against the city. But Mr. Carso--Carter
8 also said that it would be in discussion with
9 operations in coming months to discuss if specific
10 targets could be developed. I see that every
11 indicator with a target in the PMMR remains without
12 one in the MMR. Can you explain how your discussions
13 with Mr. Carter went, and why these targets--why we--
14 why these indicators don't need targets?

15 TINA CHIU: [pause] So in that case
16 there was--there was a question that was raised to us
17 as to how to handle targets, and we provided the
18 guidance that we shared with you and sort of our
19 definitions of how targets work within the context of
20 the MMR. We shared that with the department.

21 CHAIRPERSON KALLOS: So we had an agency
22 that agreed to set targets, and they were counseled
23 by the Mayor's Office of Operations not to set
24 targets?

2 TINA CHIU: We provided them with
3 information as to how targets are set within the
4 guidelines of the MMR.

5 CHAIRPERSON KALLOS: So one of these
6 things was targets. So let's talk about them. So
7 win rate on affirmative motions has been between 72%
8 and 78% in the last three fiscal years, but the--and--
9 -and so that is amazing. The Law Department I would
10 hire them everyday. I'm glad they're here to defend
11 me. That is an excellent win rate. Their Fiscal
12 Year 16 target was set at 65%. Mr. Carter mentioned
13 that the department would like to increase
14 substantially the number of motions brought, and was
15 optimistic to hold the win rate at about a 78%
16 constant. So why is FY16 target still set at 65%?

17 TINA CHIU: I don't have the answer to
18 that, but I know that given that we are in the cycle
19 where we can examine targets again, this is the kind
20 of thing that's good for us to be hearing about, and
21 happy for people to raise the conversation with us.

22 CHAIRPERSON KALLOS: Who does have the
23 answer to that?

24 TINA CHIU: For the target establishment?

25 CHAIRPERSON KALLOS: Yes.

2 TINA CHIU: And whether or not it would
3 have changed based on what they said previously?

4 CHAIRPERSON KALLOS: Yes.

5 TINA CHIU: [pause] That would--that
6 would be our agency.

7 CHAIRPERSON KALLOS: The agency can--said
8 under oath that they wanted to set the target to 78.
9 They verbally said under oath that their target was
10 78% in this coming year. It is not reflected in the
11 document. We did invite Law Department here. They
12 are not here. [pause] So how do we fix this?

13 TINA CHIU: We have a process and we can
14 talk to the Law Department about what their plans are
15 for that target and understand that goes into it.

16 CHAIRPERSON KALLOS: Forgive the
17 frustration, but I'm here with several staff and I
18 think there is a little bit of frustration, which is
19 they've given feedback. They've given feedback at
20 public hearings. We've had people set new goals
21 under oath.

22 TINA CHIU: New targets?

23 CHAIRPERSON KALLOS: New--yes, new
24 targets under oath. We have had them make
25 representations that the MMR would change. We have

2 had this happen two years in a row. We have
3 scheduled a hearing just on this one problem, and we
4 do not have the Director of the Mayor's Office of
5 Operations. We also do not have any of the agencies
6 that have engaged in this for two years, and we're
7 hearing a lot of I don't know, and we still don't
8 know how we fix this problem. And that is not how
9 oversight is supposed to work. So how--what is your
10 proposal for fixing this problem?

11 TINA CHIU: This--we do have the process
12 for discussing how targets are set--

13 CHAIRPERSON KALLOS: [interposing] But--

14 TINA CHIU: --and if it's clearer and
15 closer conversation, and having more communication
16 lines open and monitoring what these conversations
17 here are like then that will happen.

18 CHAIRPERSON KALLOS: So Office of
19 Operations will start sending a representative to the
20 PMMR and MMR hearings to make sure that you're
21 getting the information, too?

22 TINA CHIU: We will be tracking and
23 monitoring these discussions and that to take place.
24 We may be able to send representatives, but not all
25 the time.

2 CHAIRPERSON KALLOS: And with regard to
3 items like the Law Department of DCAS will you be
4 auditing the targets so that they are representative
5 of the desired directions so that you don't have
6 targets that flat when they should be going up or
7 down?

8 TINA CHIU: Again, I think that's, you
9 know, that's an interpretation that you have for the
10 way that we deal with targets. That is just not born
11 out with sort of the--the way the Management Report
12 works. So, this is a good opportunity, as always, to
13 look at whether or not targets can change and are
14 meaningful to change in these timeframes. But as a
15 wholesale arbitrator types of changes in terms of
16 directions, that's not something that we would
17 recommend.

18 CHAIRPERSON KALLOS: At the March
19 hearing, Commissioner Del Valle's of OATH, he said he
20 would be updating indicators as did Commissioner
21 Cumberbatch of DCAS. While acknowledging that some
22 of OATH's work is hard to quantify, he did say that
23 some of the existent indicators, quote "Did not
24 adequately capture the work involved." For example,
25 Commissioner Del Valle and I agreed that it would be

2 worthy to add data indicating the breakdown of what
3 happens to cases that didn't make it to hearings
4 including immediate payments and defaults.
5 Similarly, regarding the discrepancy between the
6 number of hearings conducted and the number of
7 decisions rendered, how many were adjournments or re-
8 openings for some other reason. Also, open new
9 indicators as well as targets for those without
10 targets would appear in the MMR published about eight
11 months later, but every single indicator has remained
12 the same. And every single indicator that did not
13 have a target remains without a target. Can you
14 describe the conversations with--between operations
15 with OATH on these two issues and what timeline is
16 for addressing them? Will I see them in the PMMR?

17 TINA CHIU: I can't answer that now. I
18 would have to go back to the agency and discuss where
19 they are with their indicators in light of your
20 specific comments.

21 CHAIRPERSON KALLOS: And what happened
22 after our PMMR conversations?

23 TINA CHIU: The conversations that--our
24 conversations take place with the agencies, and with
25 City Hall so--

2 CHAIRPERSON KALLOS: So, can you--you
3 keep referencing a process. I'm a big process
4 junkie. Do you have a flow chart or can you just
5 walk me through the process? So the PMMR comes out,
6 the Council issues feedback with commissioners under
7 oath, and sends you committee reports, and then what
8 is the next step in the process. And if you can use
9 who it is at Operations, whether it is you or
10 somebody else with a different title, and who it is
11 that you are working with at each one of the
12 agencies, or IGA or what have you. Just walk me
13 through the process of PMMR plus feedback to MMR.

14 TINA CHIU: We have on staff people who
15 work with the different portfolios that work with
16 different agencies. So the conversations start off
17 at the level of working with those particular
18 individuals, and then bringing up information from
19 their side, and questions that we may have from our
20 side. And examining the information that they may
21 have on hand, and having discussions as to what
22 should be added, removed, amended. And then just
23 discuss from that point on--the conversations go back
24 into agencies' offices with different levels of
25 senior level responses to our questions. [pause]

2 CHAIRPERSON KALLOS: Where do the Council
3 responses and questions and affirmations work into
4 that process?

5 TINA CHIU: If they are incorporated
6 within the information we're getting in our
7 discussions, they would take place there and then
8 some--and in cases where we have also on our staff
9 using that staff using that information as well.

10 CHAIRPERSON KALLOS: So I gave you three
11 examples with the Department of Citywide
12 Administrative Services, Law Department and OATH.
13 All three examples came out of transcripts that are
14 public information that committee staff went through
15 just to make sure that I--I was as in touch with
16 reality as I thought I was, and those conversations
17 did happen. How do we make sure that this process
18 stops, that the feedback that you've received at PMMR
19 hearings for two years makes it into this coming MMR?
20 [pause] So I'll restate the question. So you've
21 given feedback for two years at PMMR hearings. The
22 feedback I gave is in transcripts, official
23 transcripts of the hearing. It is all public
24 information. Nothing this body is doing is in
25 private. It is all very public especially with this

2 committee. Everything I referenced at DCAS, Law
3 Department, OATH is something that was in the
4 transcript that my committee staff found. How do we
5 make sure that the changes discussed and sworn to by
6 Commissioners make it into the MMR? [pause]

7 TINA CHIU: In the spirit of continuous
8 improvement, we can be sure to try to be in better
9 communication and be on top of the information that
10 is available to us. I can't say for sure, though,
11 that what is stated here can actually be what
12 migrates into the MMR because we do have to have
13 those conversations fully vetted and thought through.

14 CHAIRPERSON KALLOS: So, if I want--so
15 Commissioner Del Valle and I agreed on changing
16 indicators. In order for that to be a binding
17 agreement does Mindy Tarlow have to be sitting at the
18 table with us through all my PMMR hearings so that
19 they can--we can get agreement from all three people
20 involved, the Council, the Commissioner and the
21 Director of Operations? Who--who has the authority
22 to set the indicators? [pause]

23 TINA CHIU: We in the Mayor's Office as
24 representing the Mayor's Office of Operations working
25 in conjunction with the agencies.

2 CHAIRPERSON KALLOS: So if an agency says
3 they want to set new indicators--so--so Commissioner
4 Del Valle said he wanted to set new indicators, Zach
5 Carter said he wanted to set new indicators,
6 Commissioner Cumberbatch also. So if all three of
7 them said that they wanted to set new indicators is
8 it that the indicators never made it to Operations or
9 is that it that Operations said no?

10 TINA CHIU: It could be a variety of
11 things and one of the things that happens when we
12 talk about indicators with agencies that they may
13 have an idea that sounds all right to them. But when
14 it gets down to the point of asking the questions for
15 where they're going to get the data, how they
16 indicator is measured, trying to figure out the
17 details that actually make this something that you
18 could report on consistently over time. I can't
19 speak for the particular incidents you mentioned, but
20 sometimes we have to take another look at or wait on
21 indicators because sometimes the data may not be
22 available. It may not be good data that we want to
23 be looking at. So it's not an automatic guarantee
24 when you're talking about indicators that are being
25 proposed because we want to make sure that they're in

2 the right state and the right stage for inclusion.

3 So that we can keep them as consistently in the--in
4 the report as possible.

5 CHAIRPERSON KALLOS: What happens with
6 Operations disagrees with an agency? Do you hold
7 trump card over an agency commissioner who's said
8 under oath that they want to add indicators?

9 TINA CHIU: Leaving aside the particular
10 hearing discussions it is a back and forth and it's a
11 conversation about what makes the most sense. Is
12 there a clear rationale? Does it work with the data
13 that is at hand? Is it in keeping in conformity with
14 the stated--

15 CHAIRPERSON KALLOS: [interposing] So
16 the answer is--

17 TINA CHIU: --rules and principles?

18 CHAIRPERSON KALLOS: --directed at the
19 Mayor--the Mayor's Office of Operations put--you set
20 the indicators when the agencies disagrees? So if
21 the agency disagrees or says one thing, you still can
22 set whatever indicator you want, or in this case just
23 keep the status quo?

24 TINA CHIU: We try as much as possible to
25 work with the agencies to--

2 CHAIRPERSON KALLOS: [interposing] How
3 many indicators have changed since you came into
4 office?

5 TINA CHIU: I know that we've--

6 CHAIRPERSON KALLOS: [interposing]
7 Between 14 and 15.

8 TINA CHIU: I don't have the number off
9 the top of my head.

10 CHAIRPERSON KALLOS: Ten, less than ten,
11 less than a hundred?

12 TINA CHIU: Probably less than a hundred.

13 CHAIRPERSON KALLOS: So, we--we have
14 these hearings. You knew this hearing was coming.
15 Is there a reason why you aren't up to date on what
16 happened with the three agencies in question under
17 Governmental Operations or why those three agencies
18 weren't invited to come? I mean we invited them.
19 However, for whatever reason, they didn't show up.

20 TINA CHIU: I was not informed that this
21 was a particular issue at hand.

22 CHAIRPERSON KALLOS: I think we were
23 really, really clear that the issue in terms of the
24 notice of the hearing, and the reason we identified
25 them, invited them was because the indicators for

2 them had--had not changed. I think we were really
3 clear, and they were actually invited. So I guess
4 why didn't you bring the agencies? [pause]

5 TINA CHIU: So we were here to discuss,
6 as I understood, the structure of the MMR and the
7 general questions around targets.

8 CHAIRPERSON KALLOS: You had mentioned
9 the CPR earlier. We now have the Internet working
10 and the presentation. We're sorry for the disruption
11 that it caused while that was happening. We were
12 supposed to be ready. So if I wanted to see--see the
13 current--let's look at the child mortality. Can we
14 look at the child mortality rate on the CPR? [pause]
15 Can you go to nyc.gov/cpr, which is what you had told
16 us when we started? [background comments] If you
17 could go to nyc.gov/cpr, which was the URL you gave.
18 [pause]

19 TINA CHIU: So the URL redirects you to
20 this. Is that the--?

21 CHAIRPERSON KALLOS: It--it doesn't. I
22 just typed it in on my browser nyc.gov/cpr. It does
23 not resolve anywhere, and this is something that we
24 pointed out when we met two weeks ago. [pause] I
25 think at the time you promised to fix that. [pause]

2 So that is the official link that's in the published
3 book. It is something we brought to your attention
4 two weeks ago. So that is not how to get to the CPR.
5 So can that be fixed.

6 TINA CHIU: Yes, and if there is a
7 problem with the link, we'll fix that. I thought we
8 just had it up.

9 CHAIRPERSON KALLOS: You had it up, but
10 you did not use the link that you gave everybody else
11 to use. So let's look at the infant mortality rate
12 on the CPR. [pause] [background comments]

13 CHAIRPERSON KALLOS: So, we--we have it
14 pulled up?

15 TINA CHIU: Yes. [background comments]

16 CHAIRPERSON KALLOS: The point I just
17 want to make is that the URL hard to find; the CPR
18 had to find; the infant mortality rate, hard to find.
19 You have to figure out which agency it's in. Hard to
20 find. Which agency is in?

21 TINA CHIU: Health.

22 CHAIRPERSON KALLOS: Right. So the CPR
23 may not be the most useful place to have it in. Is
24 this what agencies are using on a day-by-day basis?

2 Does this update or how often is the CPR being
3 updated?

4 TINA CHIU: The CPR is updated once a
5 month a month and these indicators--the indicators
6 come in at various frequencies. So some indicators
7 are reported on a monthly basis. Some are reported
8 on an annual basis only, and others can be at--
9 reported on different time scales.

10 CHAIRPERSON KALLOS: Okay. So, as you're
11 aware and as we discussed opening the charter that--
12 that the MMR is a requirement of the Charter. And so
13 it requires a summary of rule making actions and an
14 appendix indicating the relationship between the
15 program, performance goals and corresponding
16 expenditures made. This is Charter 12(c)(4) and
17 Charter 12(c)(6). Can you speak to whether the MMR
18 meets these Charter mandates? We have a copy of the
19 charter if you need it.

20 TINA CHIU: We have the rules available
21 online at--and we can send you also the links to this
22 at rules.cityofnewyork.us/adopted-rules.

23 CHAIRPERSON KALLOS: And is that--how is
24 that part of the MMR as is required by the Charter?

2 TINA CHIU: Well, given that the
3 information--there's a lot of information available,
4 we're making it available online since the Charter
5 pre-dates the Internet.

6 CHAIRPERSON KALLOS: So, there is a
7 Charter. The Charter requires six items be in the
8 MMR. Are the rulemaking actions in the MMR? Are
9 they referenced by the MMR? [pause]

10 TINA CHIU: So it's--we found this to be
11 a sufficient way to provide information about rule
12 making.

13 CHAIRPERSON KALLOS: So I--I do not
14 believe you are satisfying 12 (c) (4). Can we go to
15 the rules, and see if the rules page that you're
16 citing satisfies 4, 12(c) (4)? [pause] Let the record
17 reflect that 12(c) (4) requires a summary of
18 rulemaking actions undertaken by the agency during the
19 past fiscal year including (a) the number of
20 rulemaking actions taken, the number of such actions,
21 which were not noticed, the regulatory agenda
22 prepared for such fiscal year including the summary
23 of the reasons such rules were not included in the
24 regulatory agenda, and the number of such actions,

2 which were adopted under the emergency rulemaking
3 process. So, do we have that?

4 TINA CHIU: [off mic] So we have the
5 information. So we have the information available on
6 the site, and you can look by agency.

7 CHAIRPERSON KALLOS: So where is this?
8 Under Recently Adopted Rules?

9 TINA CHIU: Correct.

10 CHAIRPERSON KALLOS: So can you show me
11 where there's the list of the number of rulemaking
12 actions taken in the previous fiscal years in a
13 summary format? [pause]

14 TINA CHIU: I don't know if it's on this
15 site as is.

16 CHAIRPERSON KALLOS: So I think the
17 Charter is very clear. Will you start honoring the
18 Charter in the next MMR by including 12(c)(4) with
19 the rule making actions taken, the number of such
20 actions, and with the breakdowns required by the
21 Charter? [pause]

22 TINA CHIU: We'll look into how we can
23 make this--

24 CHAIRPERSON KALLOS: [interposing] So
25 the--

2 TINA CHIU: --take this information
3 here. (sic)

4 CHAIRPERSON KALLOS: --the--Section 12(c)
5 is pretty straightforward. This is--this is supposed
6 to be 12(c) and 12(c)(4) is supposed to be in there.
7 It doesn't need to be a list like that. It just
8 needs to be included. The other piece, which is I
9 think even more valuable is an appendix (c)(6) an
10 appendix indicating the relationship between the
11 program performance goals included in the Management
12 Report and corresponding expenditures. Can you show
13 me where that is? Is that currently in the MMR?

14 TINA CHIU: [pause] It's in the online
15 site if you go to--

16 CHAIRPERSON KALLOS: Show us. You can
17 tell us while you're going there, though.

18 TINA CHIU: I can't--I can't chew gum and
19 walk at the same time.

20 CHAIRPERSON KALLOS: No worries. So if
21 you could just tell us so we can follow along, and
22 then you can go no the computer.

23 TINA CHIU: So what we have in the
24 appendix for the MMR is [pause]--

2 CHAIRPERSON KALLOS: For what it's worth,
3 Mike Ryan has been here. [laughter]

4 TINA CHIU: Yeah, this is--[background
5 comments, pause]

6 CHAIRPERSON KALLOS: Any luck.

7 TINA CHIU: Yeah, we're trying to deal
8 with this laptop a little bit. So this is--if you go
9 back tot he MMR online site and you download--you go
10 to the additional tables?

11 CHAIRPERSON KALLOS: And which table is
12 it?

13 TINA CHIU: It's the Budgetary Units of
14 Appropriation.

15 CHAIRPERSON KALLOS: So we have gone--so
16 can you--so--[pause] Can you tell me how these units
17 of appropriation are tied to your goals? So for
18 Homeless Services you have it's 071. There's by 100
19 PS, 200 OTPS. So how is that related to your program
20 goals? [pause] Some one of the programs is to reduce
21 homelessness among children. That's Goal No. 3. Can
22 you show me where in the appendix we have a
23 relationship between the Program Performance Goals
24 included in the Management Report, and the
25 corresponding expenditures made pursuant to the

2 adopted budget for the previous fiscal year? I'm on
3 page 179. [pause]

4 TINA CHIU: [off mic] One of the places
5 also in the MMR is the Agency Resources Table.

6 [background comments]

7 CHAIRPERSON KALLOS: So the Agency
8 Resources Table does not provide a breakdown by goal.
9 So we have four goals under HRA. So if there are
10 four different budgets broken down. maybe a fifth for
11 administrative oversight that would be compliant.
12 But how can I see how can I see how much we are
13 spending on serve--Goal 3, Service 3 Reducing
14 Homelessness Among Children and Adults. So how much
15 of the agency resources of 9.7--87.1?

16 TINA CHIU: [off mic] So we are working
17 more closely with--

18 SERGEANT-AT-ARMS: [interposing] Excuse
19 me. Your mic is off. So the red light is on.

20 TINA CHIU: [on mic] It's on. Yeah,
21 good. So we are working more closely with OMB during
22 the MMR and budget process to make sure that the
23 spending and performance are more in alignment so--

24

25

2 CHAIRPERSON KALLOS: Will--in the MMR
3 will you provide us with agency resources broken down
4 by goals as is required by the Charter? [pause]

5 TINA CHIU: We'll be working towards
6 getting that information in there.

7 CHAIRPERSON KALLOS: Would you agree that
8 agency resources does not meet the requirement of
9 12(c)(6) for indications of the relationship between
10 program performance goals and the corresponding
11 expenditures? [background comments, pause]

12 TINA CHIU: Well, we don't receive the
13 information and we don't have the information from a
14 performance based standpoint from the budgeting. We
15 have it broken out by the budgetary units of the
16 appropriation from OMB.

17 CHAIRPERSON KALLOS: So if you can make
18 sure that (6)(c) is required that we can--so that the
19 citizens of the city of New York can actually see how
20 many dollars we are investing in issues like the
21 homeless crisis. I think--how much--how much do we
22 spend on producing this document? How is it
23 distributed? Who gets it and who uses it? [pause]

24 TINA CHIU: I don't know how much--I
25 don't how to--the answers to all of those questions.

2 We distribute this online. We distribute it--we
3 don't want to distribute it in hard copy except for
4 very small numbers because we want to have that
5 information available online.

6 CHAIRPERSON KALLOS: And do you have any
7 idea in the ballpark about how much we spend on the
8 MMR each year? Hundreds of thousands, millions,
9 more?

10 TINA CHIU: It's not light. (sic)

11 CHAIRPERSON KALLOS: Can you come back to
12 us with how much this costs?

13 TINA CHIU: Yes.

14 CHAIRPERSON KALLOS: I--I think we've
15 gone over a lot. I just--I hope you're hearing this
16 in the spirit in which it's intended, which is I
17 believe in your product. I think it would be
18 incredibly useful. I believe in management. I
19 believe in setting targets. I believe in even
20 having aspirational goals, even having floors and
21 ceilings, and say, you know what, I want performance
22 within these two areas. But it's hard when a target
23 is sometimes a floor, sometimes a ceiling and
24 sometimes a target, and I think it's important to
25 have clarity in the document and not in a series of

2 footnotes, but actually having data that can be
3 compared across all the agencies in an apples to
4 apples format as well as comparing back in time and
5 going forward. And so, we have a huge opportunity
6 here. The MMR has been under-utilized. There's a
7 chance to do a lot with it, and I guess will we see
8 improvements in the PMMR based on today's hear.

9 TINA CHIU: I believe so and we'll strive
10 for that.

11 CHAIRPERSON KALLOS: Perfect, and you can
12 commit to working with the City Council including us
13 in some of the conversations as we move forward?

14 TINA CHIU: I think we'd love to have
15 general conversations about how the MMR is
16 structured, how it's working and how to keep it
17 improving.

18 CHAIRPERSON KALLOS: Okay. Thank you for
19 joining us. I hope that next time we have the rest
20 of the agencies here. I want to thank everyone for
21 waiting specifically the Board of Elections, which is
22 up next. Thank you.

23 TINA CHIU: Thank you.

24 CHAIRPERSON KALLOS: Mike Ryan from the
25 Board of Elections. [pause] And Executive Director

2 Ryan, you're welcome to read your testimony. You're
3 also welcome to waive it depending upon on what your
4 time constraints are. [background comments, pause]

5 MIKE RYAN: Once more with feeling. My
6 name is Michael Ryan. I'm the Executive Director of
7 the New York City Board of Elections. Seated to my
8 right is General Counsel Steven Richman. Seated to
9 my left is Deputy General Counsel Raphael Savino, and
10 I would like to thank Chair Kallos for having the
11 opportunity to come before this committee and give
12 testimony with respect to the two Intros that are on
13 the agenda. I'll get right into the testimony.

14 Intro No. 302 directs the Board of Elections in the
15 City of New York not later than December 15th of each
16 year to provide information to the City Council
17 regarding its performance for the first four months
18 of the current fiscal year relative to any program
19 performance goals and measure established for each
20 year by the Council in consultation with the Mayor.

21 Additional information, the specifics of which again
22 are to be determined by the Council in consultation
23 with the Mayor shall be provided by August 1st of
24 each year. This intro seeks to change the duties and
25 responsibilities of the Board of Elections,

2 hereinafter referred to as the City Board as
3 prescribed by state law. Pursuant to Section 3.212
4 of the New York State Election Law, each Board of
5 Elections including the City Board shall make an
6 annual report of its affairs and proceedings to its
7 local legislative body. In addition, we have to file
8 that with the State Board of Elections as well. As
9 such, Intro 302 seeks to modify the election law and
10 is preempted by the State Constitution and Election
11 Law. Generally, the New York State Constitution
12 Article 9, Section 2 (c) (i) provides that every local
13 government may adopt laws relating to the property,
14 affairs or government so as that--those laws do not
15 conflict with the stat--with the Constitution or any
16 general law of the state. This intro presents such a
17 conflict. This opinion is consistent with New York
18 State's Constitutional and statutory framework for
19 the organization and operation of boards of elections
20 and has been confirmed by numerous judicial
21 determinations. The Constitution of the State of New
22 York and enacted statutory mandated--statutes
23 mandated that boards of elections generally operate
24 free from interference of their respective county or
25 city government--governmental bodies. This

2 independence is essential to the board's ability to
3 fairly administer elections including those for local
4 elected officers. The election law grants certain
5 specified and limited powers to local government
6 bodies with respect to the activities of boards of
7 elections such as the appointment of commissioners of
8 elections. Election Law Section 3-204 and the
9 allocation of funds required to conduct elections,
10 Election Law Section 4-136. The State courts have
11 recognized the unique constitutional and statutory
12 status of the Boards of Elections for over 75 years.
13 The Election Law has statewide applicability, and the
14 uniform statewide application to protect the
15 fundamental right of suffrage and to ensure the
16 orderly conduct of elections for local statewide and
17 federal officers is a matter of statewide concern as
18 stated in the matter of *Wood v. Cortland County*,
19 citations provided. In 1939, the New York State
20 Court of Appeals ruled that the city--New York City
21 government could not restrict the hiring of board
22 employees within the amounts appropriated by the
23 board notwithstanding the exigencies created by the
24 Great Depression. And that's in *Fugazy v. Kern*, also
25 citations cited. The basic concepts that boards of

2 elections are empowered with independent authority
3 has continued to be applied even when local
4 governments have faced severe fiscal constraints
5 within the last decades, and there are numerous cases
6 that have been cited in our testimony. In a recent
7 case, the New York State Supreme Court after an
8 exhaustive review of the legislative history of
9 Section 1-102 of the Election Law concluded that it
10 applies only to other New York State statutory
11 provisions and not to local laws or charters of
12 municipalities. In this instance, the County
13 government sought to impose its ethics code provision
14 relating to holding multiple public offices on
15 election commissioner notwithstanding the specific
16 provisions of Election Law, Section 3-200(4).
17 Moreover, the City Board is established as a non-
18 mayoral agency by statutory framework mandating that
19 the city board provide information relative to any
20 program performance goals and measures in
21 consultation with the Mayor infringes upon the
22 agency's constitutionally and statutorily mandated
23 independence. The City Board regularly appears
24 before the New York City Council, and I might add I
25 believe we believe we enjoy a very good working

2 relationship with the City Council. We provide
3 testimony and requested information. Although the
4 additional proposed reporting requirements are in the
5 Board's position in conflict with the mandates of the
6 State Constitution and Statutes, given the reporting
7 requirements already in place, the public will remain
8 well served even in the absence of additional
9 regulatory intervention. And with respect to Intro
10 No. 711, as it has no impact on the Board, we offer
11 no opinion. I certainly would stand ready to answer
12 any questions if there are any.

13 CHAIRPERSON KALLOS: Thank you, Executive
14 Director Ryan for your patience. Thank you also for
15 only having gotten a URL wrong once.

16 MIKE RYAN: [laughs]

17 CHAIRPERSON KALLOS: The Board--the City
18 Board of Elections Board of Elections currently
19 publishes an annual report. Is this under
20 regulations rules, policies or statutes.

21 MIKE RYAN: It's statutorily required.

22 CHAIRPERSON KALLOS: By the State?

23 MIKE RYAN: Yes.

24 CHAIRPERSON KALLOS: And so, your report
25 is 205 pages as of 2014.

2 MIKE RYAN: Yes.

3 CHAIRPERSON KALLOS: Our Mayor's
4 Management Report for our entire city is only 332.
5 Is it possible that some of these indicators and
6 items reported to in your annual report could be
7 provided to the city prior to your 2014 report so
8 that Tina and others could include it so that there
9 was a little bit more skin on the bones in what is--
10 ultimately makes it into the MMR?

11 MIKE RYAN: Well, I--I think as--as you
12 just so ably indicated, we endeavor to be as complete
13 as possible as we can--

14 CHAIRPERSON KALLOS: [interposing] I love
15 your report. It was great.

16 MIKE RYAN: --given--given our
17 requirements. Given the size of our agency we
18 publish our report as quickly as we possibly can.
19 And depending on the given year like for example this
20 year we're going to have some--I don't want to make
21 it sound like--

22 CHAIRPERSON KALLOS: [interposing] Or
23 elections.

24

25

2 MIKE RYAN: --elections interfere with
3 the administration of the office, but we're going to
4 have five elections.

5 CHAIRPERSON KALLOS: [interposing] It's
6 already five, okay.

7 MIKE RYAN: There's going to be a special
8 election in February to hopefully replace some--
9 someone who's leaving this body, and in addition to
10 that, we have another four elections, and assuming
11 that all things remain equal, we won't have any more
12 election events so--

13 CHAIRPERSON KALLOS: [interposing] You--
14 you might have an Assembly special?

15 MIKE RYAN: And it's--and it's going to
16 depend on when that's going to land as well. We've
17 heard different stories, but until it's--pen has been
18 put to paper and the ink is dry on that piece of
19 paper, we don't say when they're going to happen.
20 But, that may be the case in some years and not in
21 others. So the one thing I can tell this Council is
22 that we endeavor to have our annual report published
23 as quickly after the previous year concludes as
24 possible. Last year we were a little bit later than
25 usual, and part of that had to do with the fact that

2 we had some new commissioners, and the gathering of
3 certain information from the individual commissioners
4 added a little bit of length to that. But also
5 brining them up to speed on the information that's--
6 that's included in the report is something that's
7 essential, you know, prior to the publication. Now,
8 as the board remains constant that gets easier if
9 there's not significant turnover in the number of
10 commissioners. So the time of the timing of these
11 things don't seem to line up perfectly, but we do--we
12 can and what we have done is we've provided the
13 information that we can to the--the Mayor's Office of
14 Operations in a usable form. It used to be that they
15 simply lifted information out of our report, you
16 know, manually. Now, we're at least providing it to
17 them electronically?

18 CHAIRPERSON KALLOS: And--and it seems
19 just going to the report much of the report has
20 information that you keep on a regular basis. So, on
21 voter registration you keep those tabs on a regular
22 basis. Election day operations those are all
23 periodic. So it's just a matter of updating it, and
24 then most of the different reports I--I imagine you
25 keep on a--keep on a running report and you're

2 managing it on a day-to-day basis. So it's just a
3 question of sharing that?

4 MIKE RYAN: Correct. And--and basically,
5 we have a public relations person who also kind of
6 quasi serves as our inter-government liaison, and she
7 normally has an assistant, although she doesn't have
8 one right now, and--and that--

9 CHAIRPERSON KALLOS: [interposing] Have
10 you advertised that position.

11 MIKE RYAN: [laughs] I am certain it's
12 going to come from an in-house situation because it's
13 really, you know, someone to answer the phone and
14 takes messages. But in any event--

15 CHAIRPERSON KALLOS: [interposing] I'd
16 love to see that.

17 MIKE RYAN: [laughs] I--I do--do marvel
18 at your stick-to-itiveness on this issue.

19 CHAIRPERSON KALLOS: I'm--I'm advertising
20 for a communications director myself, and when
21 watching we--we need one.

22 MIKE RYAN: Well, I--I want to be clear.
23 Ms. Vasquez is on vacation. I am not advertising for
24 her replacement presently, but--but my simple point
25 is --

2 CHAIRPERSON KALLOS: [interposing] I
3 think you just did.

4 MIKE RYAN: [laughs]

5 CHAIRPERSON KALLOS: You may get some
6 resumes.

7 MIKE RYAN: No, her assistant--here
8 assistant. She has one assistant.

9 CHAIRPERSON KALLOS: If people watching
10 this right now wish to apply can kind of--

11 MIKE RYAN: [laughs] I am--I am certain
12 that all applications will be--will be considered.
13 However, it's ultimately up to the Commissioners for
14 the Board of Elections to hire replacement staff.
15 Not--it's not an executive management issue.

16 However, what I'm simply pointing out is that we
17 have, you know, different departments that pull--

18 CHAIRPERSON KALLOS: [interposing] Right.

19 MIKE RYAN: --this information, but to
20 actually collate the information and really compress
21 it into this report it's really two people.

22 CHAIRPERSON KALLOS: Okay, and I'd like--

23 MIKE RYAN: [interposing] Well, I mean I
24 don't want to discount the role of our Legislative--
25 our General and Deputy General Counsel in that, but

2 in terms of the compilation it's really essentially
3 two people.

4 CHAIRPERSON KALLOS: I--I am okay with
5 you not using attorney time to draft a document.
6 Council Member Lander.

7 COUNCIL MEMBER LANDER: Thank you, Chair
8 Kallos and thank you for--for being here. I want to
9 separate this into substantive and legal concerns,
10 and I recognize what you primarily address are legal
11 concerns, and we'll come back to that. But I guess
12 just substantively, first you're--you're aware of
13 what the Mayor's Office of Operations said that they
14 essentially pull information from the report and put
15 it right here in the MMR already, yes?

16 MIKE RYAN: Yes.

17 COUNCIL MEMBER LANDER: And--and this
18 year they asked you and you gave them a paragraph or
19 the focus on equity preface section of the report?

20 MIKE RYAN: Right.

21 COUNCIL MEMBER LANDER: And can you see
22 why in place of reading the 235-page report it--it
23 would--it--it is for those New Yorkers that are
24 interested in the kinds of details that are in the
25 Mayor's Management Report, it's very helpful to have

2 this information here in a way that's comparable to
3 other--both city and non-city agencies?

4 MIKE RYAN: Conceptually yes.

5 COUNCIL MEMBER LANDER: And are you
6 aware--

7 MIKE RYAN: [interposing] Thank you.
8 That's--I--that's--I appreciate that. [laughs]

9 COUNCIL MEMBER LANDER: And you're aware
10 that other--

11 MIKE RYAN: [interposing] But I'll come
12 back to the non-conceptually--

13 COUNCIL MEMBER LANDER: --other non-
14 mayoral agencies like the School Construction
15 Authority and the New York City Housing Authority
16 collaborate with the Mayor--the Office of Operations
17 to help put their information in the Mayor's
18 Management Report?

19 MIKE RYAN: Yes, I'm aware that other
20 agencies cooperate.

21 COUNCIL MEMBER LANDER: Okay, and the--
22 the money for the--the New York City Board of
23 Elections comes from where?

24 MIKE RYAN: You guys.

25

2 COUNCIL MEMBER LANDER: All right, well,
3 we--no, I don't--

4 MIKE RYAN: [interposing] The New York
5 City Council.

6 COUNCIL MEMBER LANDER: --the people of
7 New York City--

8 MIKE RYAN: [interposing] All right.
9 [laughs]

10 COUNCIL MEMBER LANDER: --allocated by
11 the Council--

12 MIKE RYAN: [interposing] Yes, and by the
13 Mayor and in cooperation with the Mayor's Office as
14 well. Correct.

15 COUNCIL MEMBER LANDER: And the idea of
16 this report is it's sort of our annual shareholders
17 report. The people of the city pay for all these
18 services, and we do our best to tell them how--how
19 the services are going.

20 MIKE RYAN: Correct.

21 COUNCIL MEMBER LANDER: So, you--you at
22 least conceptually can understand from our point of
23 view putting it in here because this is a central
24 element of our democracy and core thing that the--the

25

2 taxpayers in New York City are paying for. And we
3 want to be able to tell them how it's going.

4 MIKE RYAN: Correct.

5 COUNCIL MEMBER LANDER: Okay, so--so
6 that's good, and okay these right now in here. So
7 that's--that's good. I--it would obviously be better
8 if that wasn't, you know, a favor but like with the
9 rest of it, it was established by law. So this gets
10 to the--the legal questions. And I just want to make
11 sure we're kind of understanding it the same way. So
12 you talked about it, and I'm looking also at Section
13 102 of the New York State Election Law, which
14 contains this ending sentence in the first paragraph
15 where a specific provision of law exists in any other
16 law, which is inconsistent with the provisions of
17 this chapter. Such provision, that is the provision
18 of the other law, shall apply unless a provision of
19 this chapter specifies that such provision of this
20 chapter shall apply notwithstanding any other
21 provision of law. And that that sentence previously
22 has clarified that it meant any other provision of
23 state law, but was actually amended at the state
24 level to take out any other provision of state law.
25 And at least as I understand it, it's been

2 adjudicated four times, and while you're right that
3 one case in Clinton County the judge indicated surely
4 the State legislators would not have done what it
5 seems like they did, and--and allowed local laws to--
6 to make requirements of their local boards. But
7 essentially the other three cases did allow
8 municipalities to pass laws, which didn't have the
9 specific conflict preemptions, which didn't conflict
10 with anything in the State Election Law. So, I guess
11 my first question is are you aware of any confliction
12 preemption in here? Is there anything in State Law,
13 which conflicts with the proposed Intro to require
14 you to--to put the information in the Mayor's
15 Management Report?

16 MIKE RYAN: Well, I think that the fact
17 that it exists as a reporting requirement in--in
18 state law under 3-212(4)(a), I would point to that as
19 any effort by the New York City Council as--as being
20 redundant. But, keep in mind that I as the Executive
21 Director also answer to an independently appointed
22 Board of Commissioners. And, as a Commissioner and,
23 you know, and this current body of Commissioners has
24 affirmed that as well. But, I took a vote as a
25 Commissioner to vote against putting the information

2 into the MMR under the umbrella such that it would
3 appear that the Board of Elections answers directly
4 to the Mayor or answers directly to the City Council
5 on matters of performance indicators. Because I
6 believed at that time and I believe that the clear
7 direction from the current board is that we are
8 different from NYCHA. I mean I think that if you
9 take an agency like NYCHA everyone shares the common
10 goal that people have affordable housing, and that
11 those facilities be maintained properly, and that
12 people can live there, you know, free from
13 infestation whether it be crime or other vermin that
14 may be in that--in that location. But, if I could
15 just finish. With respect to the Board of Elections,
16 however, though, there is a very, very political
17 aspect to the Board of Elections. And to give the
18 appearance that some, you know, legislative body or
19 some executive has some control over the Board of
20 Elections in the way that the Board administered
21 elections I think is--is a difficult direction to
22 tread down. And, I think that's where we would draw
23 the line of demarcation.

24 COUNCIL MEMBER LANDER: So let me ask
25 about that. I see where the way that the--the Intro

2 is currently worded. It could be read that because
3 of the in consultation with the Mayor that the goals
4 and measures themselves are being--are being
5 established by the Mayor.

6 MIKE RYAN: [interposing] Correct and/or
7 the City Council for that matter.

8 COUNCIL MEMBER LANDER: Well, it doesn't
9 The way--the way it says it says in specific
10 consultation with the Mayor.

11 MIKE RYAN: Right.

12 COUNCIL MEMBER LANDER: We should have
13 drafted it to say in the City Council, right.

14 MIKE RYAN: [laughs]

15 COUNCIL MEMBER LANDER: If the bill were
16 amended, so that there were reporting requirements
17 and you gave information that you tracked. You
18 established your measures, but you--you committed to
19 report on the timeline necessary to get it in here.
20 But where it was more clear that the--the mayor
21 didn't have a role in the establishment of those
22 measures, might that be something that would help you
23 give us the information on how you're spending the
24 people's money where they get to see it in the one
25 place. And there are other things. The CCRB is in

2 here. There are other agencies that are not, you
3 know, at the direction of Mayor give us their
4 information.

5 MIKE RYAN: Right.

6 COUNCIL MEMBER LANDER: But I guess my
7 question is--is the concern about the idea that the
8 Mayor has involvement in setting the--the information
9 because I--I understand your hesitance there. But
10 simply--

11 MIKE RYAN: [interposing] Right.

12 COUNCIL MEMBER LANDER --I don't think
13 anyone would assume that because it's in here--I mean
14 from what you're saying the fact that it's in here
15 right now is undermining your authority because--So
16 if it's not--

17 MIKE RYAN: [interposing] Yeah.

18 COUNCIL MEMBER LANDER: --it's on the--

19 MIKE RYAN: [interposing] The information
20 that's contained in there is--is otherwise publicly
21 available information, but I--I would just underscore
22 one more time that no other agency that's--that's in
23 there has a role in choosing who the elected
24 officials are. Now, ultimately, the Board of
25 Elections is simply administering the people's

2 choices. However, if you have a structure that
3 either the City Council or the Mayor or any other
4 executive or legislative body--I'm not singling, you
5 know, either of those two out--have what is deemed to
6 be or could be perceived as undue influence, I think
7 that's a dangerous thing. And, I think that the
8 Board of Elections in the wisdom of the legislature
9 decades ago was established and embedded in the
10 United States Constitution as an independent
11 bipartisan agency, and I don't think that that was an
12 accident.

13 COUNCIL MEMBER LANDER: Okay, no one is
14 jeopardizing [laughter] the bipartisan nature of the
15 Board of Elections by asking you to put your annual
16 performance metrics in the Mayor's Management Report.

17 MIKE RYAN: Right, no, but I think the
18 distinction I want to draw is that when that language
19 says, you know, based on more or less goals
20 established by others outside the board and that's a
21 problem.

22 COUNCIL MEMBER LANDER: And that I'm
23 willing to work with you--

24 MIKE RYAN: [interposing] Right.

25 COUNCIL MEMBER LANDER: --to fix.

2 MIKE RYAN: The short--the short answer
3 to your question is if we were to work together with
4 some new language, before I could make a commitment
5 publicly or otherwise, that language would have to be
6 shared by the Independent Board of Commissioners, and
7 by a vote of six if they agreed that the language was
8 sufficient, and that it was not offensive to the--the
9 goals and mandates of the board then--then certainly
10 we could move forward on our--

11 COUNCIL MEMBER LANDER: [interposing] So
12 I guess I'd like to ask you to think about that, and
13 I'll think about it here as well. It's up to the
14 chair whether we can--if there is a way that you
15 could be supportive of our working to make clear
16 that, you know, we got the information in the Mayor's
17 Management Report on goals that the Board itself set
18 and measured and monitored. Because you've got all
19 the data anyway, I mean--

20 MIKE RYAN: Correct.

21 COUNCIL MEMBER LANDER: And if you--if
22 you even want some language in what you would submit
23 in the Mayor's Management Report that would speak to
24 the nature of the--of the Board, I think we could
25 work with you on that as well. I'm confident that we

2 could find a way that doesn't undermine any sense of
3 the independence of the Board, but still elects the
4 folks who are paying for it, which are not me and--
5 and Chair Kallos, but the people, the taxpayers of
6 New York City--

7 MIKE RYAN: [interposing] Correct.

8 COUNCIL MEMBER LANDER: --will be able to
9 keep an eye on their investments in this as a--

10 MIKE RYAN: [interposing] Certainly and
11 I will say this. By way of praise will say that I
12 believe that this body does a very good job with that
13 especially during the--the hearings that we have
14 upcoming with respect to the budget, and there is a
15 lot of oversight, but--

16 COUNCIL MEMBER LANDER: [interposing]
17 Certainly having had Chair Brewer and Chair Kallos--

18 MIKE RYAN: Yes, [laughs].

19 COUNCIL MEMBER LANDER: --you are subject
20 to the highest level of oversight--

21 MIKE RYAN: [interposing] [laughs]
22 Correct.

23 COUNCIL MEMBER LANDER: --that the City
24 Council provides.

2 MIKE RYAN: Well, with respect to your
3 proposal with--on this piece of legislation, I think
4 that we can clearly say without offending anyone's
5 sense of--of where we all fit in in the grand scheme
6 of things whether it's the New York State
7 Legislature, the City Council and other body that's
8 proposing the piece of legislation, we stand ready,
9 willing and able to sit down in advance of the
10 proposal being made to discuss the areas where we
11 might not be able to live with certain things, and we
12 might have disagreements on where preemption lies.
13 Versus the vast majority of things, which I believe
14 we'll have consensus on and then we perhaps, you
15 know, could all do the--the work of the people a
16 little bit more seamlessly.

17 COUNCIL MEMBER LANDER: I appreciate that
18 invitation. Thank you, Mr. Chair.

19 CHAIRPERSON KALLOS: Thank you. I'd like
20 to excuse you, if we're all done with that. Thank
21 you for waiting so long, and you don't get it that
22 bad any more.

23 MIKE RYAN: [laughs]

24 CHAIRPERSON KALLOS: Thank you--thank
25 you for all the partnership. We've worked together

2 for two years now, and though we may disagree about
3 certain areas I do think that things are improving.
4 So I just want to--

5 MIKE RYAN: [interposing] Well, I
6 appreciate that. I think that the common goal of all
7 of us is to adequately and purpose--purposefully
8 serve the people of the City of New York.

9 CHAIRPERSON KALLOS: Now, if the same
10 could be said for this Management Report.

11 COUNCIL MEMBER LANDER: Mr. Chairman, did
12 you ask them about the Bird Man on the cover of this?

13 CHAIRPERSON KALLOS: No, I did not, but
14 the cover is designed by Toby Allen.

15 COUNCIL MEMBER LANDER: Isn't that a bird
16 man on the cover? What is that?

17 CHAIRPERSON KALLOS: Fair enough.

18 MIKE RYAN: That's not our book.

19 [laughs]

20 COUNCIL MEMBER LANDER: No, no, I
21 appreciate that. I just said on the Mayor's book?
22 What is that?

23 CHAIRPERSON KALLOS: We're going to--so
24 next on deck we have Doug from IBO who I email quite
25 frequently. Followed by that we have Citizens Union

2 and Citizens Budget Commission, and then we have one
3 final panel with Dough Muzio and Paul Epstein. We're
4 going to just take about five to ten minutes, and
5 we'll come back but five to ten minutes. Thank you.
6 [background comments, pause]

7 [Council returned from recess]

8 CHAIRPERSON KALLOS: [gavel] We are now
9 back. Forgive the recess. In the City Council
10 members serve between--on five and many more
11 committees. So we actually have something on the
12 order of 40 something committees, and often times
13 we'll have two committee hearings at once. So, this
14 necessitating our requirement to be in two places at
15 once. So, please forgive the interruption, and now
16 Doug Turetsky from the Independent Budget Office.
17 First, thank you for your frequent reports, your
18 monthly updates on those reports, and all the work
19 that you do for our city. It really means a lot to
20 have you.

21 DOUG TURETSKY: Thank you and thank you
22 for being an avid reader of our stuff. It's been a
23 long afternoon already for you. So, I'll cut to the
24 chase. You have our written testimony. We have
25 testified over the past 10 or 15 years several times

2 on the MMR, and one of the common themes of those
3 testimonies has been the issue of resident surveys.
4 The bottom line is that IBO believes that our
5 resident--resident surveys could be a valuable
6 complement to the MMR performance indicators. In
7 regard to the resident surveys I'll make two points.
8 One, which we actually heard about in part of the
9 conversation in terms of the performance indicators
10 themselves. It's not secret to anybody in this room
11 that New York City is a large and diverse city, both
12 geographically and culturally. So, it's really
13 important that performance--not performance--resident
14 surveys--resident survey indi--the resident surveys
15 themselves are disaggregated as well. So you get a
16 better sense of what people's perspectives are from
17 different neighborhoods all around the city. Number
18 two, we also heard conversation about the
19 unwieldiness of adding different things and the MMR
20 itself at times has gotten a little unwieldy. It's
21 very important that the resident surveys actually be
22 developed with input from residents. So they're
23 developed in a way that you hear what residents
24 really want to focus on. What are the outcomes?
25 What are the services that really matter to them, and

2 build--and build from there. That's all I'll say for
3 now. If you have any questions, I'd be pleased to
4 answer them.

5 CHAIRPERSON KALLOS: I'm able to find in
6 your testimony reference to previous testimony here,
7 here and here.

8 DOUG TURETSKY: Yes, you should be able
9 to find the links. The links should work. [laughs]

10 CHAIRPERSON KALLOS: Can you send us a
11 digital version? I see your 20--2002.

12 DOUG TURETSKY: It was 2002 I think
13 almost a year ago today I think you had a hearing,
14 and--and then maybe 2010, 2009 somewhere in there.

15 CHAIRPERSON KALLOS: If you can send us
16 those links?

17 DOUG TURETSKY: Sure. They're all in
18 there. The--if you go online those links are alive.

19 CHAIRPERSON KALLOS: So with--is this
20 testimony on your website.

21 DOUG TURETSKY: It would be on the--it's
22 on the website now.

23 CHAIRPERSON KALLOS: Oh, wow. I will go
24 to it as we speak. Thank you for your efficiency.
25 With regard to the MMR is there--not to throw more

2 work on your plate, but considering that PMMR and the
3 MMR technically fund the budget process, is there an
4 opportunity for the IBO to engage the PMM and MMR
5 looking at indicators and digging in, in a way that
6 isn't being done right now?

7 DOUG TURETSKY: We certainly--we
8 certainly look at indicators of--yeah, I personally
9 am an avid reader of the MMR. We have done some
10 stuff coming out of the MMR in the past. You know,
11 and we--and we will continue to use it. If you have--
12 -if you have specific things that you would like to
13 look at, you know, we can certainly talk about it.

14 CHAIRPERSON KALLOS: You--you're telling
15 the absolute truth. I'm actually on your website as
16 you--as we speak pulling the--today's testimony.
17 Thank you. Has IBO seen similar situations where
18 goals are being set in a way that are related to the
19 direction and is there--does IBO have any concerns
20 with regard to that?

21 DOUG TURETSKY: I believe we haven't
22 looked at it systematically in any way. I do know
23 that some of the--You know, there was discussion of
24 the arrows and the up/down/neutral. I mean some of
25 that gets very obscured in terms of how you think

2 about some of this stuff. I mean I think there was
3 conversation earlier about summonses for example. Is
4 it good or bad if summonses are going up or down?
5 What does that tell you about--I think it was in the
6 context of parks conditions. Well, it depends. We
7 could be having fewer summonses because there's fewer
8 problems. You could be having more summonses because
9 there are more problems. So, you know, it--the
10 context of that and I think that's in part where the
11 resident survey also become very important because
12 it's not just the number of summonses, which be
13 important administrative data, but not really key to
14 the outcomes from residents point of view. So that's
15 the kind of thing that could be filled in by a
16 resident--a resident survey--resident surveys.

17 CHAIRPERSON KALLOS: In your 2003 report,
18 Kevin Kosher (sp?) your Chief of Staff at the time
19 testified about, as to the value of linking the
20 budget appropriations to the specific goals. Do you
21 believe that that is currently satisfied by the
22 current MMR as was requested by your agency 12 years
23 ago? And do you believe that it would be helpful to
24 be able to know how much is being spent to achieve
25 each goal?

2 DOUG TURETSKY: I don't think in all
3 honesty that it is done in the context of the MMR.
4 IBO has been a big component and we certainly--and we
5 pioneer the--the notion of program of--of program
6 budgets that the City Council then picked up on, and
7 got an agreement with OMB a number of years ago. And
8 we created the--the--what they call Budget Function
9 Analysis. So if on OMB's website they've now taken
10 it over, and you can see I think for 16 agencies by
11 program where funds are going. And the main link
12 there, if I remember correctly, back to the MMR. So
13 there is that element of integration but it's not--
14 it's not complete, and as I said it's only for about
15 15 or 16 agencies.

16 CHAIRPERSON KALLOS: So you know this and
17 yet Operations did not know this.

18 DOUG TURETSKY: I can't speak for
19 Operations. [laughs]

20 CHAIRPERSON KALLOS: However, this is
21 only the case for 17 or so agencies?

22 DOUG TURETSKY: Correct.

23 CHAIRPERSON KALLOS: Do you--would you
24 happen to know where this is located?

2 DOUG TURETSKY: On OMB's website. If you
3 go to their home page, there's a pull down menu. I
4 think it's called Budget Documents, and it's called
5 the Budget Function Analysis.

6 CHAIRPERSON KALLOS: Okay. Thank you.
7 We will take care of it. Do you think that there's
8 value to including that in the MMR?

9 DOUG TURETSKY: I think the inter--
10 probably there's ways to improve the integration.
11 Again, it's--it's--it's playing off of when does the
12 information become saturated? How you do it in a way
13 that is usable for a--for a general member of the
14 public, and how you present it. So, but I think--I
15 think quite honestly the Budget Function Analysis has
16 some very good information. And as I said, IBO first
17 developed it, and OMB took it over.

18 CHAIRPERSON KALLOS: Thank you. Would
19 the IBO be able to work with the Operations to either
20 find or verify how much we actually spend on this
21 book every year.

22 DOUG TURETSKY: Depending on how they put
23 it into the City's Financial Management system, we
24 probably could not see it specifically, but it's--
25 it's--it's knowable.

2 CHAIRPERSON KALLOS: [interposing] So--

3 DOUG TURETSKY: But it's really--it's
4 rally up to operations--

5 CHAIRPERSON KALLOS: [interposing] I--I-

6 DOUG TURETSKY: Depending how--how it's
7 budgeted. Unless it's a separate budget just for the
8 MMR, I doubt it. It's really they--they would have
9 the numbers.

10 CHAIRPERSON KALLOS: Okay. I think those
11 are my questions. Thank you very much for all of
12 your great work and just being on the ball and
13 looking into things and just being an independent
14 source as the City Hall and OMB go back and forth.
15 It's great to have your--you as a resource to look
16 after that.

17 DOUG TURETSKY: Thank you and thank you
18 for inviting us again.

19 CHAIRPERSON KALLOS: No problem. Thank
20 you. So I want to thank everyone again for waiting.
21 Our next panel is Rachael Fauss of Citizens Union.
22 Welcome back. It's been a while since we've had you
23 testify, and Ria Dules (sp?) from the Citizens
24 Budget Commission. Sure we'll do everyone together,
25 and Doug Muzio, if you--thank you for coming back and

2 staying with us, and Paul Epstein if you want to hop
3 on up, and does--do you want to testify? No. Thank
4 you. Rachael.

5 RACHAEL FAUSS: I'll start as our panel
6 arrives here. Good afternoon, Chair Kallos. Do I
7 need to take an oath before? I'm just joking. I know
8 I don't need to take an oath as the member of the
9 public, but I--I promised you I'd limit (sic) my
10 remarks.

11 CHAIRPERSON KALLOS: We do trust--we do
12 trust Citizens Union more than most.

13 RACHAEL FAUSS: If you can't trust a good
14 government group I don't know what's wrong with the
15 world spinning there. So I--I appreciate this
16 hearing. Just we've testified four times as many
17 times as IBO, and Doug perhaps, but one thing I did
18 want to highlight is another activity we're involved
19 with was around roundtable hold--held by the Office
20 of Operations in the past in 2012. Given the
21 discussions today it occurred to me that perhaps that
22 roundtable could be reconvened. I think that would
23 be something that would be worthwhile perhaps. You
24 know, we, too, are troubled by the Wall Street
25 Journal article. There was obviously data from the

2 Council able many indicators having specific targets.
3 We--we knew that was the case from our review of it.
4 We hadn't quantified it and, you know, and the
5 specific sum being lower than the current performance
6 sees problematic. So, of course, it would take some
7 delving into to understand the exact reasons why, but
8 overall we--we applaud the Council for taking a look
9 at this today. So I'm just going to summarize some
10 of the biggest recommendations we've made, which are
11 still relevant today. Other than, you know, the--the
12 blank targets something that we've known in previous
13 testimony is that even if the goal is to decrease a
14 number--say it should be zero, obviously Vision Zero
15 is a big issue with the Mayor's Office. We agree
16 with the Chair that there should be actual real
17 goals. It could be decrease. Say it's a decrease of
18 5%, a decrease in 10% about workforce injuries or
19 accidents, you know, I think the goal, of course, is
20 zero. But it would be helpful to understand if that
21 goal is being met, and just even having a performance
22 target in place would set forth a discussion within
23 the agency of how do we decrease that. And I think
24 that's something that's worthwhile rather than just
25 acknowledging that there should be a decrease. Maybe

2 a metric would help spur conversation about how to
3 get there, and what the exact and specific plan is.
4 We also support in more detail budgetary information
5 being put in the MMR, and I think there was a lot of
6 discussion about that today. It seems like it is
7 actually required under the Charter. We also made a
8 recommendation last year that the MMR for each agency
9 that's applicable includes some of the government
10 metrics actually. So tracking agencies' performance
11 with posting information on the Open Data Portal.
12 Tracking agencies' performance with registering
13 voters under the Voter Law. The Council just passed
14 that update to the law recently, and the update to
15 the Open Data Law recently. Tracking four requests I
16 think that might be in there to some degree, though.
17 Perhaps it could be beefed up a bit, and tracking
18 webcasting and feedings. There's a number of good
19 government initiatives that I think tracking citywide
20 performance would be valuable.

21 Regarding Intro 302, we strongly support
22 this legislation. We disagree on some of the legal
23 issues raised by the board. Obviously preemption and
24 municipal home rule are tricky issues. The case law
25 is somewhat sparse, but it was our view--we actually

2 worked with Council Member Lander in drafting this
3 legislation. It's our view that because of the
4 Council's authority receiving the annual report,
5 because of their authority with the appointment or
6 approval of commissioners that this is actually an
7 extension of that. So we don't see the same issues
8 related to planned sharing or occupying of the field,
9 which is sometimes the term used, the legal term
10 used. I think Council Member Lander's proposal to
11 take out the consultation with the Mayor and Council
12 it's something that could be looked at, though there
13 is obviously a value in having a back and forth in
14 setting targets. Rather than the Board of Elections
15 doing it itself, it would be good to have a
16 discussion about what those targets are. Perhaps
17 that's something that could be voluntarily done
18 though the reporting is specified via the--a change
19 to the law, via the--the Council legislation.

20 Intro 711 on the Citizen resident or the
21 citizen surveys, I think Doug is going to make this
22 point in his testimony that it could be changed to
23 residents, the language rather citizens. I think
24 that's something everyone probably would agree with.
25 And we haven't taken an official on this bill, but

2 we think it meets a goal that we have, which is
3 having the public be a little bit more involved in
4 setting metrics in the MMR. The legislation is not
5 very prescriptive. It's very general about how the
6 Office of Operations would do this. That could be
7 important in terms of providing flexibility for
8 operations, and--and doing it in a way that makes
9 sense and is achievable. But at the same time we
10 want to be meaningful and I think the Council could
11 perhaps do a little bit more in terms of specifying
12 what types of things they would like to see. And I'm
13 not sure I fully am familiar with CORE that was
14 referenced by Operations. But something that seems a
15 little bit different about this survey versus the--
16 the CORE analysis they do of how individuals are
17 evaluating the services that they receive is there
18 are a lot of people who passively receive government
19 services. They might not call up 311. They might
20 not go to an agency and file a complaint. They might
21 not be applying for a particular service. So someone
22 might get their garbage picked up everyday. Somebody
23 might ride the subway everyday. They might not
24 directly interact with government in a way that they
25 meet a frontline agency staff members so that

2 there's--there's a. So there's the follow up that
3 would happen with CORE, and it sounds like the
4 existing things that Operations does. But if there
5 was a survey that was done and it was distributed
6 more broadly, you'd be catching all those people that
7 passively receive services that might want to give
8 input. So that's something that I think is
9 distinctly different about the legislation versus the
10 current approach of operations in terms of evaluating
11 how services are provided. And also, just to reply,
12 we do support the PMMR and CPR being in the Open Data
13 Portal. So with that I'll leave it to my colleagues.

14 CHAIRPERSON KALLOS: Thank you.

15 DOUG MUZIO: Thank you. Good afternoon
16 Council Member Kallos, staff, et cetera. I'm Doug
17 Muzio. I'm the Professor of Public Affairs at Baruch
18 College, and thank you for inviting me to testify on
19 Intro 711. As Council Member Johnson noted, I've
20 testified a number of times. In fact, seven times
21 before this committee under Chairs Mary Pinkett, Bill
22 Perkins twice, Simcha Felder, Gale Brewer and now you
23 Council Member Kallos twice.

24 CHAIRPERSON KALLOS: We're an illustrious
25 group.

2 DOUG MUZIO: Yes, a very illustrious
3 group. Let me just summarize the major points in
4 this rather brief presentation, but I'm a college
5 professor so I can go on for hours. So we won't do
6 that. There are two major deficiencies in the MMR.
7 One is the--discussed already absence of linkages
8 between budget and performance of deficiency that has
9 existed from the very first MMR through I guess it's
10 now six mayoral administrations. The second and the
11 focus of my testimony today is the 2000--September
12 2015 MMR. Like all its predecessors across, as I
13 said, six mayoral administrations lacks a
14 comprehensive uniform recurrent surveys of its
15 residents as an integral feature of its performance
16 assessment and reporting. So my sole focus is on
17 Section 2 of the proposed local law Intro 711. Last
18 September I guess the three of us were in almost the
19 exact same positions [laughter] testifying before
20 this committee. I closed my--my testimony with words
21 that were all in caps and it said, "Pass legislation
22 mandating that the Mayor's Management Report includes
23 citizen satisfaction survey responses." And I am
24 pleased that at least the last time I looked there
25 were 38 sponsors of the legislation, and that should

2 be enough finally after a decade and a half of
3 groaning about this to have it occur. There's a
4 consensus on the value of residents surveys, and
5 Council Member Johnson read them from the
6 International City and County Managers Association,
7 the Urban Institute and the Government Accounting
8 Standards Board. There's a consensus among
9 government officials, management experts and program
10 analysts that government services must be customer
11 driven. Government organizations should pay
12 attention to resident's perceptions and assessments
13 of the quality of the services they provide. Then I
14 go on to talk about resident survey use in the United
15 States. Figure 1 again Council Member Johnson read
16 off all the major cities in the United States that do
17 some form of resident satisfaction survey. And Ms.
18 Chiu made the very apt characterization that calling
19 them citizen surveys is a misnomer that they are
20 generally resident. You don't have to be a citizen,
21 native born or naturalized to be surveyed. And then,
22 if you look at Figure 2 in the --in my testimony it
23 talks to the variety of ways that polls are conducted
24 in a variety of jurisdictions including telephone,
25 mail and mixed. And also indicates at least with

2 these selected cities were the data that were
3 gathered by the surveys used a s performance
4 indicators, and as you can see, of the eight cities
5 that I--that I note as illustrations six of them use
6 these as performance indicators. Probably the best
7 being Philadelphia. What are the benefits of
8 resident surveys? Well, resident surveys survey on
9 the outcomes or the results of government services.
10 How people are satisfied with their schools, their
11 parks, how safe they feel in their neighborhoods.
12 Most of the administrative measures the MMR deals
13 with and the Office of Operations deals with and city
14 agencies deal with focus on inputs and outputs not
15 outcomes. Certainly, inputs and outputs are
16 important for internal accountability and public
17 accountability. But the bottom line is you want to
18 know outcomes. You want to know results. Also, as--
19 as indicated by--by much of the questioning resident
20 surveys allow for the analysis of individual
21 differences in how people us and experience city
22 services. For example, by geography, by race, by
23 ethnicity, by age and gender. Most administrative
24 measures if you go through the MMR our service
25 quality cannot identify who uses it and how they are

2 affected by the service. Let me just--just continue.

3 Let me talk about the unique source of information
4 that residents surveys are.

5 1. Constituent satisfaction with the
6 quality of specific services and facilities including
7 the identification of problem areas.

8 2. Facts such as the number and
9 characteristic of users and non-users of various
10 services, and the frequency and form of use, the
11 reasons why specific services or facilities are
12 disliked or not used, and conversely liked and used.

13 3. Next. Community needs assessment.
14 Identification of high priority, but inadequate
15 community services, potential demands for new
16 services.

17 4. Next. Residents' opinions on a
18 variety of community issues including feelings of
19 confidence or trust toward government and specific
20 agencies and officials.

21 5. Next and importantly residents'
22 assessment of real policy options. Results provide
23 guidance certainly but not mandates for official
24 action.

2 6. And then finally in this sort of
3 laundry list of value as a unique source of
4 information is that resident service can provide
5 socio-economic and demographic data to complement and
6 supplement other sources.

7 Then I turn to the use of residents
8 surveys--surveys and policies and talk about the use
9 and policy formulation in terms of policy
10 implementation and in terms of policy evaluation.
11 Without going into that detail you have the
12 testimony, the written testimony in front of you.
13 There have been three previous New York City resident
14 surveys. One in 2000, one in 2001. Both of those
15 surveys were conducted by the Council through then
16 Speaker Peter Vallone. I was directly involved in
17 that survey through the Baruch Survey Research Unit,
18 and prepared the analysis and reports for the
19 Council, which was then submitted to this committee.

20 In 2009, the Bloomberg Administration and
21 Public Advocate Gotbaum conducted a citywide quote,
22 unquote "customer survey" which had serious
23 conceptual and analytical flaws and was never
24 followed up, nor incorporated it seems in any city
25 performance reported database. It was extensively

2 and clearly reported and presented on the website,
3 but again, there was serious analytical issues. And
4 then in 2012, very interestingly, the Office of
5 Operations conducted a survey of agencies and found
6 only two agencies reporting customer satisfaction in
7 the PMMR, the Department of Design and Construction
8 and the 311 customer service center.

9 In 2014, they queried city agencies on
10 how they collected and report for the MMR indicator
11 the number of agency customers surveyed for overall
12 customer satisfaction. That's in quotes. 24
13 agencies replied. Among the findings, most MMR
14 agencies did not collection citizen satisfaction data
15 and couldn't reliably consider measures of
16 satisfaction either at the goal target or agency
17 level. Two, agencies used a variety of survey modes:
18 Web, mail, in-person. None used what survey
19 researchers use and that's telephone surveying.

20 Next, agency designed and administered
21 surveys predominant. Not outside vetted legitimate
22 professional surveys. They are internally developed
23 and often are--if I may use the word "awful." I work
24 for CUNY. CUNY conducts internal surveys. There
25 it's a classic example of ego. It's garbage in and

2 garbage out. The surveys are terrible. Everybody
3 thinks they can write a good questionnaire. They
4 can't and they can't analyze it either. You need
5 professionals. Also, another problem is the Universe
6 of customers surveyed range from a small segment of
7 an agency's constituency to a significant percentage
8 of all customer groups. The amount of information
9 requested varied considerably by agency, and the
10 number of completed surveys also varied considerably
11 by agency. So the--the survey conducted by
12 operations suggests that you have massive
13 deficiencies in what they're call customer
14 satisfaction data.

15 Let's turn to the current MMR and its
16 immediate predecessor the 2014 MMR. As Ms. Chiu
17 mentioned, a common feature of each reporting agency
18 last in this year is a section titled "Agency
19 Customer Service." A subheading is titled "Customer
20 Experience." This is not so. What is measure are
21 agency outputs, not customer outcomes. According to
22 the September 2015 MMR User Guide and I'm quoting
23 directly big caps AGENCY CUSTOMER SERVICE-Statistics
24 on how well an agency provides services to its
25 customers via phone, email, letters and walk-in

2 centers. For 12 agencies that handle 911 customer
3 service requests a table shows performance for five
4 key service requests types and these them. There are
5 three standard agency customer service measures:
6 Emails routed and responded to in 14 days. That's
7 not an outcome measure. That's not a survey measure.
8 What is routed and responded to and 14 days that is
9 not a--an outcome measure, and it's certainly not a
10 survey method. And the last is completed customer
11 requests for interpretation. Again, an output
12 measure, not an outcome measure. When I reviewed the
13 2014 MMR, I found six agencies that report some kind
14 of customer data. Parks and Rec. Quote.
15 "Respondents who rated parks acceptable for overall
16 condition." Then there was 311 Customer Satisfaction
17 Index. No definition. HRA. Customer Satisfaction
18 for public health insurance programs services good or
19 excellent. Again, a very, very small piece of
20 customers and clients of the Human Resources
21 Administration. The Department of Education.
22 Customers rating service good or better. What
23 service? New York City Housing Authority Customer
24 Service. Customers rating service good or better.
25 What service. DOITT, Information Technology and

2 Telecommunication rate of overall customer
3 satisfaction. Again, what are they talking about?

4 In addition to 2015, those six agencies
5 reported the same form of customer satisfaction data.
6 So you had six agencies doing it last year, and you
7 had six agencies doing it this year. Additionally,
8 this year you have two more agencies. The Department
9 of Environmental--

10 CHAIRPERSON KALLOS: [interposing]
11 Professor Muzio, I had wanted to let you give full
12 testimony. So I will. However, Rachael does need to
13 leave. So I just wanted to ask her some quick
14 questions.

15 DOUG MUZIO: She does.

16 CHAIRPERSON KALLOS: And they you--

17 DOUG MUZIO: [interposing] Please

18 CHAIRPERSON KALLOS: --can go back to the
19 testimony.

20 RACHAEL FAUSS: Thank you. Sorry about
21 that. I--

22 CHAIRPERSON KALLOS: [interposing] No
23 worries.

24 RACHAEL FAUSS: --it's hard to get visas.
25 It's a little technical. (sic)

2 CHAIRPERSON KALLOS: With regard to
3 adding PMMR and CPR would the Transparency Working
4 Group be willing to opine in taking an official
5 position joining our request to include those as
6 having that information that would be helpful.

7 RACHAEL FAUSS: I will certainly raise it
8 with the group. I'm, you know, I'm one member. I
9 can't make a decision for all of the group, but I
10 will certainly raise that as one of the things that
11 we look for on the many, many things we'd like to see
12 come on the Open Data Portal.

13 CHAIRPERSON KALLOS: And then just as a--
14 as another party what would you feel that Citizens
15 Union. Sorry. What would Citizens--How would
16 Citizens Union define target? Is target ceiling? It
17 is floor? Is it target? Is it goal? What is a
18 target?

19 RACHAEL FAUSS: Well, I mean, I--I--I
20 wouldn't say that I'm an academic on this subject,
21 but--but I do think it's got to be--I think the goal
22 of the Management Report is to ensure that--that
23 agencies are performing what expected by the public.
24 And I think that a target should be something that is
25 not the ceiling but the floor. I think, you know,

2 it's--it's something should be the minimum that the
3 agency is doing if not trying to strive for better
4 than that, right. I--I think it should be something
5 that is seen as--I'm not sure that there the level of
6 fluidity that there should be that that, you know, I
7 think it should be a singular measure, if that's
8 helpful.

9 CHAIRPERSON KALLOS: In your testimony
10 you suggested that the performance targets are too
11 often blank. So you, what--what would Citizens Union
12 suggest instead of blank?

13 RACHAEL FAUSS: Well, I think that, you
14 know, I think there--it's--it's very possible that
15 the--each agency should be able to act
16 comprehensively. If a target--if a specific target
17 has been listed in the MMR for years and years and
18 years because it's always been there, that there's
19 never been a time when it was established perhaps
20 that's not the way to measure. In some cases it
21 might be. Maybe its' not the right--maybe that's not
22 the right area to look at. So I think that with
23 each--with each--with all of these issues it appears
24 that, you know, there's a structural issue with the

2 MMR overall. So I think it would have to be looked
3 at comprehensively.

4 CHAIRPERSON KALLOS: With regard to
5 including--

6 RACHAEL FAUSS: [interposing] It's common
7 sense.

8 CHAIRPERSON KALLOS: --Freedom of
9 Information Law responses. This would be over and
10 above having a Open Data Portal so people would be
11 able to see them but also be able to see them in the
12 management.

13 RACHAEL FAUSS: I think that there are
14 different avenues for the public receiving the
15 information. I think Council Member Lander spoke to
16 the utility of having Board of Actions data in the
17 MMR. It's a place that the public looks for that
18 information. So I think it could be--portal
19 information could be used for that, and we also
20 haven't seen that portal just yet. So, this would be
21 another place to put.

22 CHAIRPERSON KALLOS: And last, but
23 certainly not least, more detailed budget information
24 should be included. So in your opinion do you
25 believe that the MMR currently has an appendix

2 indicating a relationship between program performance
3 goals and corresponding expenditures?

4 RACHAEL FAUSS: Oh, I--what I would say
5 generally is I don't believe that the--the current
6 MMR is meeting the stated goals of the Charter as you
7 described in terms of the budgetary information that
8 should be provided.

9 CHAIRPERSON KALLOS: Thank you. May we
10 excuse you?

11 RACHAEL FAUSS: Yes, I'll thank you--

12 CHAIRPERSON KALLOS: [interposing] Thank
13 you.

14 RACHAEL FAUSS: --and I appreciate the--
15 interrupting the testimony.

16 DOUG MUZIO: Oh, that's fine.

17 RACHAEL FAUSS: Thank you.

18 CHAIRPERSON KALLOS: Professor Muzio, if
19 you wish to continue.

20 DOUG MUZIO: Okay. As I said, in the
21 September 2015 MMR, the six agencies that reported in
22 2014 also reported if not identical similar--the sim-
23 -no, an identical form of citizen satisfaction
24 measure. This year additionally the Department of
25 Environmental Protection reported, "Visitors rating

2 customer services at borough centers as good or
3 excellent and the Department of Housing, Preservation
4 and Development, "Visitors to tenant resources and
5 owner services rating customer services as good or
6 better." Let me continue in sort of this critique
7 and then step back a little bit and look at the job
8 that operations has done on these indicators. Let's
9 get to that--that notion or CORE. Several agencies
10 and Ms. Chiu mentioned I think 25 agencies. I have
11 somewhat less than that. They provide a customer
12 observing reporting experience customer rating. I
13 could not locate in the document or anywhere else
14 what the practices are. How is CORE implemented? But
15 I did find on a website, www.govloop.com
16 characterized CORE as quote, "Citywide inspections of
17 walk-in facilities." closed quote The city inspects
18 approximately 300 walk-in centers at 28--they
19 mentioned 28--different agencies throughout the
20 city's five boroughs. Inspectors quote, "Observe and
21 rate facility conditions and customer service." This
22 is not customer satisfaction. It's bureaucrats
23 rating agencies or government fund--I--I don't want
24 to use the word bureaucrats because it's got such a
25 pejorative connotation. It's--it's quote, unquote,

2 "experts" who are themselves determining what--how to
3 rate these facilities, and there's really no customer
4 input at all. And if what Ms. Chiu said was correct
5 that they sort of randomly go up to people and talk
6 to them that certainly is not surveying. It's--it's--
7 -it's in a sense from a statistical point of view,
8 it's worthless data. This year as last year I was
9 unable to locate--perhaps my fault--any discussion of
10 document or website or anywhere else the universe is
11 sampled, the sampling methodologies, the dates of
12 conduct, method of conduct; number of respondents
13 contacted and interviewed, questionnaires, question
14 wording and order, frequency of contact. It may be
15 publicly acceptable somewhere, but I couldn't find
16 it. And if it's not in the MMR, that's a critical
17 deficiency. If it's scattered across various locate-
18 -locations, that's better, but not much better.
19 These are serious deficiencies.

20 Now, let me just sort of summarize--
21 conclude my--my statement. First is to quibble and
22 that is that these are resident satisfaction rather
23 than citizen satisfaction surveys. Also, the word
24 satisfaction delimits what can be done by these
25 surveys only as an instrument of evaluating services

2 and not as I indicated before doing many of the
3 things that are policy, program and management
4 related that surveys can do and do do in other
5 jurisdictions. So, I have to recommend as I did last
6 year and that is to adopt in this case Intro 711
7 mandating annual comprehensive uniform recurring
8 surveys of New York City residents including users of
9 specific services that are customers in the city
10 agencies as an integral feature of the Mayor's
11 Management Report, and other New York City data
12 portals in their performance assessment and
13 reporting. The only argument a sense I had with the
14 legislation is that it may be too delimited to how
15 they perceive the effectiveness of the services
16 provided. Even though that would be a core element,
17 I don't think it necessarily is the only one. In
18 terms of operations in the MMR, I--I shared with
19 Rachael. I was on the roundtable on the MMR that was
20 put together by former Deputy Director Jeff Triands
21 (sp?), and it is an extraordinarily difficult
22 analytical endeavor and operations just I--I would
23 say is simply not staffed up enough to do this
24 massive amount of work. I found the Operations staff
25 to be highly professional, and I think the Round

2 Table did excellent work, but it was very delimited.
3 I think there's the sense that Operations has control
4 over these agencies, and that what they ask for they
5 will get. That's simply not the case. There are
6 political realities out there where agencies can
7 simply ignore operations, and if you don't have a
8 direct hands-on directive from, you know, the Mayor
9 for example or certainly the--the First Deputy Mayor,
10 that is an extraordinarily difficult job. So I
11 understand both the--sort of the conceptual and
12 analytical difficulties confronting operations as
13 well as sort of the practical political obstacles
14 facing them. But the fact remains that this is a
15 critical deficiency. It ought to be rectified and
16 Intro 711 does do that. And, unfortunately, I have
17 to leave because I am elected official, and I have to
18 go to a school board meeting. Sorry about that.
19 [pause] [off mic] Do you have any questions for me?
20 Hello.

21 MALE SPEAKER: Yeah.

22 DOUG MUZIO: I don't know if the Council
23 Member has any questions.

24 MALE SPEAKER: Okay.

25

2 DOUG MUZIO: If you have any questions
3 I'll send them to you.

4 CHAIRPERSON KALLOS: I'm going to let
5 Paul Epstein go.

6 DOUG MUZIO: Okay.

7 CHAIRPERSON KALLOS: Oh, you have to--you
8 have to leave.

9 DOUG MUZIO: [off mic] Yeah, I'm--I'm an
10 elected official, too, council member and I'm with
11 the School Board and they're going to have to vote.
12 So I just voted in the committee by telephone. I
13 can't do that in a regular meeting.

14 CHAIRPERSON KALLOS: Okay. Thank you for
15 that. So believe it or not you're preaching to the
16 choir here. I actually do satisfaction surveys in my
17 office.

18 DOUG MUZIO: Excellent.

19 CHAIRPERSON KALLOS: Do you believe that--

20 DOUG MUZIO: [off mic] I have to see it,
21 and I want to know your methodology, and what your
22 questions were. [laughter]

23 CHAIRPERSON KALLOS: No, I'm sure. No,
24 I'm not--do you think all council members should be
25 doing satisfaction surveys?

2 DOUG MUZIO: I--I think from a political
3 point of view, just pure politics the answer is yes,
4 and I think on--on policy the answer is yet. You do
5 it informally because, but you have to do it in a
6 formal way.

7 CHAIRPERSON KALLOS: So we will send you
8 copies of our satisfaction survey. You can let us
9 know how it is.

10 DOUG MUZIO: Excellent.

11 CHAIRPERSON KALLOS: We have two
12 different ones. Please follow up with our office,
13 and do you believe--so you believe that the Core
14 section of every single one of the MMR sections is
15 not sufficient. That it needs to include resident-
16 led pieces?

17 DOUG MUZIO: Yeah, I think--I think the
18 core of analysis is--is fundamentally flawed.

19 CHAIRPERSON KALLOS: Okay.

20 DOUG MUZIO: It deals--it deals--it's a
21 bureaucratic measure and it's not--

22 CHAIRPERSON KALLOS: [interposing] Do we
23 need both? Could we drop the CORE in favor of this
24 or--?

2 DOUG MUZIO: I--I'm of the opinion that
3 you can use both quote, unquote "bureaucratic
4 experts" and citizens and match those two together.
5 And I think that that's the way to do it. I think
6 that one and in a sense provide--both of them
7 together provide a dual perspective. If I could
8 choose one, I'm going to go with the citizens with
9 the residents one.

10 CHAIRPERSON KALLOS: Okay. Do you think
11 that the Mayor's Management Report currently
12 satisfied the Charter in terms of rulemaking or
13 relationships between performance goals and
14 corresponding expenditures?

15 DOUG MUZIO: No, and no MMR has done it
16 from the very beginning--

17 CHAIRPERSON KALLOS: [interposing] Do you.

18 DOUG MUZIO: --with whatever, six
19 administrations. It should be done, but again--

20 CHAIRPERSON KALLOS: [interposing] Did--
21 Sure.

22 DOUG MUZIO: --you have stepped down. I
23 was on the Round Table that dealt with the MMR--

24 CHAIRPERSON KALLOS: Yes.

2 DOUG MUZIO: --for the--from the former
3 deputy director. That's tough and it should be done
4 and it should be a priority, but I will tell you
5 having gone through that morass with a lot of
6 conceptual and analytical difficulties with breaking
7 up particularly the way we deal with units of
8 appropriations.

9 CHAIRPERSON KALLOS: Do you think that a
10 target is a target or is a target a ceiling, a target
11 a floor or can it be all three?

12 DOUG MUZIO: We've had, you know, we've
13 had this discussion. In my opinion a target should a
14 quantitative indicator meaning either a indigent
15 (sic) number, a level or a percentage defined at
16 least depending on what the variable is. So the
17 answer I guess is yes. [laughs]

18 CHAIRPERSON KALLOS: So, you're--you're
19 comfortable with--so you think it should be a
20 specific item not a direction or blank or star?

21 DOUG MUZIO: I think that--I think that
22 it should have a quantitative or a rigorously
23 qualitative dimension to it. Direction might be part
24 of it. You need numbers.

2 CHAIRPERSON KALLOS: Sure, and in terms
3 of--give me one moment.

4 DOUG MUZIO: Go ahead.

5 CHAIRPERSON KALLOS: In terms of homeless
6 on the street. So Goal 4A, a critical indicator of
7 unsheltered individuals who are estimated to be
8 living on the streets, in parks, under highways, in
9 subways and in public transportation stations in New
10 York City the previous indicator tracking goes 2,648,
11 3,262, 3,180, 3,157 and last year 3,182 with a
12 desired direction of down. What do you make of the
13 target of 3,350?

14 DOUG MUZIO: Man, that's--that's really
15 difficult to--to say. I mean, clearly you're going
16 to need the data better. I don't think you would
17 want those numbers and to establish a target that
18 would be below those to drive them way down. If I
19 may, I was consulted for Obama (sic) when they've
20 done these street intercept surveys. Those surveys
21 are really--they're soft. They're very difficult to
22 accomplish. I think the city does a reasonably good
23 job with that inadequate methodology if I understand
24 the data that they're talking about.

2 CHAIRPERSON KALLOS: Thank you very much.
3 Paul.

4 PAUL EPSTEIN: Okay, I guess I'm
5 [coughs]--

6 CHAIRPERSON KALLOS: We saved the best
7 for last.

8 PAUL EPSTEIN: Last, but I hope not lest,
9 and by the way, if you have questions about targets,
10 I have some thoughts about that. I--I'm citing my
11 testimony here, but I did testify about that when
12 Gale Brewer was the Chair of this Committee some
13 years ago, and I got specifically asked about
14 targets. But I'll--I'll start with my written
15 testimony and take whatever questions you want, and
16 I'll let you know if I'm not prepared to answer. So
17 I think Chair Kallos, Council Members and staff for
18 soliciting my views. My written testimony, which you
19 have--should have by now has my qualifications, but
20 I'll skip all that to save time. I'll just summarize
21 my experience by saying I've worked since the 1970s
22 on performance measurement and reporting, for
23 performance management and improvement, and community
24 governments in two New York Mayors' offices as a
25 consultant to many other governments and communities

2 in the U.S. and abroad for which I'm recognized with-
3 -I've been recognized with The Life Time Achievement
4 Award, and I testified to the Government Operations
5 Committee and Committee on Oversight at the
6 equivalent hearing a year ago, December 10, 2014. My
7 testimony then address four main ideas, which I think
8 they're still relevant. So I still urge the City
9 Council to pursue those. I'm only going to focus on
10 one of them today, and I can always give you more
11 copies of my testimony from last year. You know, it
12 was written to the Council staff if--if requested.
13 So my first recommendation, which is a repeat from
14 last years, but I want--but there's--there new
15 information to bring to bear on this. Which is that
16 I recommend the Council look outward from the
17 government performance indicators from the MMR to
18 higher level community conditions of concern to
19 residents, often called community indicators. That
20 includes survey data, but not only survey data.
21 That's important. The--there really is a new
22 opportunity that has arisen, and because of the
23 apparent interest of the citizen satisfaction surveys
24 I'll address that as well. The three other things
25 that I spoke about last time, I'm just going to

2 mention them as bullet points here because I think
3 they're still important. The Council should look
4 inward to how City performance indicators information
5 is being used as part of a systemic cycle of
6 improvement generally called a performance management
7 system. The Council should ask the Mayor's office to
8 provide one-click access from the MMR to strategy
9 pages for each agency, and major multi-agency
10 collaborative initiatives. And the Council should
11 ask the Comptroller and the Mayor to put in place
12 regular audit and assessment processes to ensure the
13 relevance and reliability of the reported performance
14 information. But, I won't elaborate on those. I'll
15 elaborate on the first point.

16 So on connecting city performance
17 measurement to the system of performance indicators
18 last year I pointed out that an actual improvement in
19 the MMR over many years was an increase in the
20 outcome measures reported. I know there are probably
21 still a minority of measures reported as Professor
22 Muzio was just saying, but it's actually a lot more
23 than there used to be. However, these outcome
24 measures like all MMR indicators are chosen by city
25 agencies and the Mayor's Office and most are probably

2 important, but they do not necessarily reflect
3 community conditions, a city residency that feel
4 them, and they do not necessarily measure outcomes of
5 greatest concern to residents and other stakeholders.
6 In addition to MMR indicators and other city data
7 online, the city needs an independent system or
8 reporting community indicators chosen through a
9 representative in a deliberative public engagement
10 process. A city government can be a partner in that
11 process, but the reporting should be by an
12 independent organization such as a non-profit civic
13 organization or a collaboration perhaps involving
14 civic groups and universities that can bring together
15 strengths, and community outreach and quantitative
16 research and communications and serve as an impartial
17 convener.

18 Now, the new opportunity that's arisen
19 since then is the CUNY Institute of State and Local
20 Government and Quality Indicators, which they issued
21 their first report on October 1, 2015 and you're
22 probably--I'm sure you're already familiar with it.
23 I've put the--the website there in my testimony, and
24 they examine a broad range of outcome indicators
25 organized by themes of economy, education, health,

2 justice and services, and while they did not hold
3 what I would call a very complete representative and
4 deliberate public--public engagement process, to
5 determine the indicators they did, in fact, engage
6 the Federation of Protestant Welfare Agencies to
7 organize forums to engage people from community
8 organizations across the city that do represent a
9 wide range of populations and resident interest. So
10 they made a pretty good effort, and I think they have
11 a pretty good--fair indicators that reflect a lot of
12 concerns of people.

13 Now, of course, I also understand that
14 Mayor's Office of Operations funded that outreach
15 effort and had been very interested in the results.
16 So the Mayor's Office is I think into that whole
17 report and that program. So maybe it won't be that
18 big a deal to start connecting it to--to currently
19 reported information like the MMR. The CUNY ISLG
20 Report looks at community outcomes, of course,
21 through an equality lens through which they make
22 comparisons between groups with the least or most
23 favorable outcomes for each indicator. And they
24 also provide data on other groups considered for most
25 indicators. So a user of their data can make many

2 other comparisons they might find useful not just the
3 ones they highlight in their top level indicators.
4 So this report is a very useful addition to the
5 community outcome data environment of New York City,
6 and that creates the opportunity here, which I'll
7 speak to, which is, of course the de Blasio
8 information-Administration has put a big emphasis on
9 reducing inequality and has at all agencies
10 commenting on equity at the start of their MMR
11 narratives. So it does make a great deal of sense to
12 start connecting information on what agencies are
13 doing with outcomes reported via the CUNY ISLG
14 Equality Indicators. The CUNY community indicators
15 are telling stories about life in the city as
16 residents experience it base on whether they are for
17 example children, women, immigrants, people living in
18 poverty, members of racial, ethnic or religious
19 minorities, seniors, single parents, and other kinds
20 of populations. These indicators present an
21 excellent opportunity to connect those stories of
22 unequal community outcomes with the stories of how
23 the city government is changing policies, improving
24 services, forging collaborations or taking other
25 measures to addressing measured inequalities while

2 improving outcomes for all New Yorkers. For example,
3 instead of simply having agencies comment on equity
4 in the front of their MMR narratives, and frankly,
5 most of those as I was reading them were quite vague
6 and indirect helped not at all. Some are pretty
7 direct, but it's like the Health Department I think
8 is pretty direct, but others are--many others are
9 vague and indirect.

10 The MMR shouldn't need specific equality
11 data produced by an independent source as the
12 Community ISLG, and use commentary to say
13 specifically what the city is doing or not doing
14 about it. And the MMR should go further where
15 feasible and make clear linkages between
16 independently reported community outcomes and
17 specific agency or citywide performance indicators
18 that can influence those outcomes. So, for example,
19 indicators of health outcomes including inequalities
20 reported by the CUNY, the MMR would specify what
21 indicators in the Health Department or HHC are
22 related to those, and perhaps other agencies as well.
23 And thereby you might be able to see, you know,
24 through the targets and through the performance what
25 the city has been trying to do or is doing on things

2 that they're trying to improve that may be drivers of
3 community outcomes. Understanding that the city
4 government on its own cannot improve all community
5 outcomes or eliminate all inequality. But they can
6 influence many and there's where some indicators
7 could be there in the MMR, perhaps some that are
8 already there, that could be then linked to as a
9 driver of some of the equality indicators in a report
10 such as CUNY's.

11 So those--again, those indicators should
12 be specified in the MMR and their connection with
13 specific community outcome indicators highlighted and
14 discussed in narratives. Because I have not read,
15 I'm just going to say it--make a statement bout
16 citizen satisfaction survey because that's another
17 type of outcome data that could be important, and I
18 have not read the proposed bill before the Council,
19 the Intro 711 I think it is. But I'll just make a
20 general comment about it, which is that citizen
21 surveys can provide important forms of outcome data.
22 And by the way, I heard a reference to the Government
23 Accounting Standards Board. I was a performance
24 measurement consultant to them for ten years. So it
25 could have been I could have written those words.

2 I'm not sure, or I could have co-authored that report
3 that they had written from. (sic) But citizen
4 surveys can provide forms of outcome data. So I
5 generally recommend that citizen or resident really
6 resident survey information be included in government
7 performance reports such as the MMR. However, I
8 caution against just mandating citizen satisfaction
9 survey data in general without ensuring that the
10 survey is thorough enough to make effective use of
11 the data produced. And Profession Muzio when into
12 much more length than I will here, but I'll point out
13 a few points which is that for example it's probably
14 not useful just to know how satisfied respondents are
15 with a service without knowing whether respondents
16 were users of that service, or if they had personal
17 interactions with the agencies in some way. Now, for
18 some services where almost everybody is a user such
19 picking up the garbage that may not be so important,
20 but getting to HRA, human services, health services
21 there's a lot of--it makes a very big difference.
22 The libraries for instance a very big difference
23 whether people are users or not.

24 Other issues involve, for example, having
25 large enough segmented samples for useful demographic

2 and geographic comparisons, and also rather than just
3 get data on satisfaction with services, resident
4 surveys should ask about people's perceptions of
5 conditions in their community such as perceptions of
6 safety and cleanliness, the condition of their parks
7 and so forth. To be thorough enough to be useful,
8 resident surveys must be well funded, and they should
9 be designed with the user in mind. And as the City
10 Council is considering mandating surveys, the Council
11 members should consider themselves primary users of
12 these surveys, and should insist on taking part in
13 the process to design or at least to develop the
14 surveys. I'm not suggesting that the Council should
15 frame specific survey questions. That's--that would
16 not be appropriate. Leave that to professional
17 survey developers. What I am suggesting is Council
18 Members be engaged in determining survey topics and
19 issues, and identifying specific things the Council
20 wants to learn from survey results. And to make the
21 process even better, I would recommend that all
22 Council members solicit constituent views from
23 community board and other constituent channels on
24 what community conditions and services are most
25 important to them before Council members then

2 participate in the process to design or develop the
3 service. So that's my--my written--written
4 testimony. I thank you again for the opportunity to
5 testify, and by the way, I do remember a long ago
6 conversation on the question of linking budget
7 information to information in the MMR. And back
8 then, we were referring to it as crosswalks between
9 the budget and the MMR indicators. And one of the
10 things that came up was there wasn't going to be
11 enough money in the capital budget to build those
12 crosswalks. And that joke fell flat then, too, about
13 ten years ago. But anyway, I'm welcome to take any
14 questions, and I realize it's late and I think you
15 for at least giving me the opportunity to testify.

16 CHAIRPERSON KALLOS: For--for what's
17 worth, South Tour (sic) is capitally eligible.

18 PAUL EPSTEIN: [laughs] That's good.
19 That's good.

20 CHAIRPERSON KALLOS: But, I do appreciate
21 that you were about crosswalks. As long as they last
22 more than five years we should be able to use capital
23 for those repavings, too.

24 PAUL EPSTEIN: Right.

2 CHAIRPERSON KALLOS: As far as I
3 understand, I think repaving is our expense. We just
4 redid FTR and I think that came out of expense. Do
5 you believe that the MMR currently satisfies
6 relationships between program performance and
7 expenditures?

8 PAUL EPSTEIN: As I have looked at it, I
9 don't believe it does. In fact, as Professor Muzio
10 was saying it's a very difficult thing to pull off.
11 I think it should be transparent. I think that
12 connection should be there. Whether it has be in a
13 printed MMR, whether it could be through linkages on
14 websites, that's another question. But I think it
15 could be done better than it is, and--and I think it
16 should be more transparent.

17 CHAIRPERSON KALLOS: And what about
18 target setting? Is a target a target? Is it a floor?
19 Is it a ceiling? Is it a national standard? What is
20 a target?

21 PAUL EPSTEIN: Okay. Well, I've been in
22 the place of the poor folks from Operations taking
23 these questions earlier before. But I also look at
24 it from the outside, and--and I remember testifying
25 to--to then Council Member Brewer about that, and my

2 comment was that first of all not all measures need
3 to be targeted. At the time hardly any were, and I'm
4 thankfully many were now than were back then under
5 the last mayor. But at least you ought to be seeing
6 targets wherever an agency, and there ought to be a
7 good percentage in any agency where they are focusing
8 on that as an important area of improvement or at
9 least maintenance of effort. Whether it's a floor or
10 a ceiling or a definite point of improvement, I
11 think--I heard the conversation the--the questioning
12 you had of--of Tina Chiu before, and I was king of
13 sympathizing with both of you. I--I think from the
14 Council's point of view, and from the citizen's point
15 of view, which is where I'm now looking at, you
16 really shouldn't have something under the heading of
17 target that is looking backwards without some very
18 clear easy to find explanation. In other words, if
19 the--if the direction should e down and that target
20 is higher than the current level, or the direction
21 should be up and the target is lower than the current
22 level, you need a clear explanation for that. And
23 I'm coming to the quick conclusion that we perhaps
24 need another column. And don't put a target there if
25 it's not either at least showing maintenance of

2 effort, in other words the same as last year or an
3 improvement. Use another column for--for the--I
4 hesitate to say add another column to the data
5 tables, but perhaps another column that shows a
6 different words. Perhaps standard that shows okay
7 we're not targeting it to improve, but this is the
8 standard we try to meet, and that standard could go
9 above, below or any which way. And somewhere on the
10 agency's website, on the--probably on and MMR either
11 through footnotes in the report itself or through
12 another table that's--that's easily linked by the
13 web, something that explains why the standard and
14 target is different. But I--I can really feel and
15 understand why it's confusing, why it might not
16 always be the case. But, from an outside point, from
17 a citizen's point of view, I don't want to see
18 targets that show things going in the wrong
19 direction. As a--as a former senior person the
20 Office of Operations, I can understand why that could
21 happen, but it shouldn't--it shouldn't--it shouldn't
22 be presented that way. We should find better ways to
23 present it.

24 CHAIRPERSON KALLOS: I know.

2 PAUL EPSTEIN: I just threw out one
3 suggestion, but there may be other ways.

4 CHAIRPERSON KALLOS: No, I think that has
5 a condition to a desired direction having standards
6 of ceiling and floor would be amazing. And within
7 our office, within my office where we do a lot of
8 this we have our goal and our aspirational goal. So
9 our goal might be we want to serve 2,000 constituents
10 for constituent service, but--and that's our target
11 and our aspiration is 4,000. And as long as we are
12 under--over 1,800 we're in good shape. I think those
13 are the types of management tools that are helpful
14 and are broadly used in the private sector. I do
15 want to acknowledge that we were joined by--briefly
16 by Council Member David Greenfield who was actually
17 very active on this hearing on social media. And
18 thank you for joining us through this whole hearing.
19 I guess do you feel that the CORE under each and
20 every section of the agency's for the Mayor's
21 Management Report there is currently data on
22 satisfaction of other items? Do you feel that that
23 is enough or would it be supplemented by a citizen
24 surveys?

25 PAUL EPSTEIN: I'm of the opinion of--

2 CHAIRPERSON KALLOS: [interposing] Sorry,
3 resident surveys?

4 PAUL EPSTEIN: --of Professor Muzio. I
5 would agree with him that you have--have both the
6 inside expert observation compared with what
7 residents report that they feel and see and feel in
8 their perceptions as well. We give a very good
9 comparison, and when they're the same--when they're
10 both going in the same direction great. When they're
11 opposite well what do we do about it? Is it--is it
12 an issue--and this has come up. It was in my first
13 book in the 1980s. I remember something from the
14 City of Dayton. They had the very same issue, and
15 it's really good to have both types of information
16 because if you act on one type of information without
17 the other, you may act--may take the wrong actions.
18 So it could be--we're actually doing a really good
19 job by professional standards as the experts observe
20 it. But there's something wrong here in the
21 expectation. What we're getting is a difference of
22 expectations of what the residents are expecting or
23 perhaps how--the ways that they're being treated that
24 our experts aren't picking up. Therefore, we--we
25 have to adjust how we're measuring it internally or

2 we have adjust the resident expectation somehow and
3 get better information to them about what to expect.
4 So it's very valuable to have the inside view and the
5 external view together.

6 CHAIRPERSON KALLOS: It appears as though
7 a lot of the items from the PMMR hearings have not
8 made it over to Operations, and in certain cases
9 there may have been disagreement between
10 commissioners who said certain things under OATH and
11 Operations. Do you think Operations should be
12 attending the PMMRs in order to play a--what in your
13 experience having on all sides? How do we fix this?

14 PAUL EPSTEIN: Well, when I was at
15 Operations that was before the major--the major
16 Charter revision that gave the Council--that made the
17 Council important again. [laughs] So we didn't
18 worry about City Council. I have to admit we didn't
19 worry about City Council when I was in Operations. We
20 were at the Board of Estimate, but--

21 CHAIRPERSON KALLOS: [interposing]
22 Asking one person, one vote. (sic)

23 PAUL EPSTEIN: What's that?

24 CHAIRPERSON KALLOS: That's what got rid
25 of the Board of Estimate.

2 PAUL EPSTEIN: Yeah, oh, I--I--I--I was--
3 I voted for that Charter revision. So I, it's just,
4 you know, it depends upon where you--where you--where
5 you stand depends on where you sit, it you will.
6 When I was sitting at Operations I had to deal with a
7 certain reality. Now the reality is different and I
8 think the reality is better. I think we're more
9 democratic now. But I really can't comment on--well,
10 I can say in general it sounds like it's a good idea
11 that Operations should be there. I can't imagine why
12 they wouldn't want to be, but in general I--having
13 not been in any of those hearings myself or--or
14 experienced any of it, I don't want to comment on any
15 of the specifics.

16 CHAIRPERSON KALLOS: Thank you, and if
17 you can report on your satisfaction for this hearing
18 to my office--

19 PAUL EPSTEIN: [laughs]

20 CHAIRPERSON KALLOS: --we'd love to be
21 working with you and Doug Muzio on creating
22 satisfaction surveys for hearings.

23 PAUL EPSTEIN: Okay, that sounds like an
24 interesting challenge.

2 CHAIRPERSON KALLOS: Thank you for
3 joining us, and thank you for the staff who put in
4 immense amounts of work, and to this, and hopefully
5 we'll continue. PMMR hearings will be in March, and
6 we promise--we hope we have more answers before then,
7 and we're looking forward to the Mayor's Office of
8 Operations really taking this feedback and spending
9 the next 30 days making sure that the PMMR that we
10 see reflects a lot of the changes that we've brought
11 today. I hereby adjourn this meeting of the
12 Committee on Governmental Operations. [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date December 17, 2015