**TESTIMONY OF
SAMI NAIM, ASSISTANT COUNSELOR TO THE MAYOR,
BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON GOVERNMENTAL OPERATIONS
REGARDING INTRO. NO. 698**

DECEMBER 14, 2010

Good afternoon Chair Brewer and members of the Committee on Governmental Operations. I am Sami Naim, Assistant Counselor to Mayor Michael R. Bloomberg, and am here on behalf of the Administration to testify in support of Intro. 698, a measure which seeks to enhance the accessibility of the rulemaking process.

Let me first state that the Administration remains steadfast in its commitment to bringing greater transparency, accountability, and accessibility to the rulemaking process. As you know, the rulemaking process, known as the City Administrative Procedure Act ("CAPA"), was first conceived almost 20 years ago by the 1988 Charter Commission. Until recently, the process has changed little to reflect modern conditions and circumstances or comport with contemporary customer service and operational principles. However, both the Administration and the Council have taken significant steps in recent years to strengthen and modernize CAPA.

For example, in 2008, the City Council amended CAPA by requiring agencies to email information regarding a proposed rule or rule change to community boards, the news media, civic organizations and other stakeholders. This email requirement was intended to supplement publication of the same in The City Record, which, as you know, serves as the official newspaper for the City of New York for purposes of publishing official notices such as public hearings, meetings, property dispositions, and procurements, and which, incidentally, does not have a large subscription base.

In 2010, the Administration, in partnership with the Council, launched NYC Rules, a website that allows the public to: search for all recently proposed and adopted rule by date, agency, or keyword; submit their comments on proposed rules directly to the rulemaking agency via from any home or office computer, Blackberry or other mobile device; learn more about the rulemaking process through plain-language guides, process maps, and links to regulatory resources, such as the complete compendium of the Rules of the City of New York; and sign up to receive an NYC Rules e-newsletter, which provides weekly updates regarding rulemaking activity citywide.

While both these measures have helped enhanced the rulemaking process, we agree with Council that more could be done to ensure that rules are promulgated in as open and transparent manner

as possible. To that end, we are updating the NYC Rules website to make the process even more accessible to New Yorkers. The new website will include features such as: a more user-friendly interface and design; expanded search and keyword capabilities; and a public hearing calendar that will incorporate all rulemaking public hearings citywide. The calendar feature, in particular, will help the public stay up-to-date on rulemaking activity citywide with a click of the button.

Given the Council's demonstrated commitment to the issue of greater transparency and accessibility to the rulemaking process, we would solicit feedback and comment from the Council as we continue to develop NYC Rules 2.0. Moreover, once this website is launched, we will continue to accept feedback and comment from the public at large, in an effort to ensure that the site is relevant and useful to the user.

Accordingly, we respectfully propose an amendment to the bill that would require agencies to post a link to NYC Rules, furthering our efforts to create an accessible one-stop shop for all rulemaking actions, a one-stop shop which, again, includes a public hearing calendar that would make it easier for the public to stay up-to-date on agency rulemaking.

In conclusion, we thank Chair Brewer and the Committee on Governmental Operations for calling this public hearing to discuss Intro. 698, and look forward to continue to working with the Council to refine the bill and establish a process that results in a rulemaking process that is open and accessible to as many New Yorkers as possible. Thank you and I would be happy to answer any questions you may have.

To: NYC Council on Governmental Operations,
Hon. Gale Brewer, Chair

From: David Moore, Participatory Politics Foundation
http://www.participatorypolitics.org

Re: Increasing Public Participation in Rulemaking Process

Dec. 14th, 2011 hearing testimonial - summary

1. Nec. conditions of #opengov:
   a. Open data published from primary sources
   b. Open standards (e.g., XML)
   c. Bulk data access (better-yet, open APIs)
2. ... which outside developers can re-use and re-mix into user-friendly Web interfaces, apps, social media updates, mobile, more. First liberate the data for the community.
3. Current positive NYC #opengov engagement:
   a. Bill Int. 0029-2010 for open legislation (in XML), currently laid over in Cmte.
   b. Rachel Sterne, NYC social media outreach; Big Apps contest, more.
   c. CivicCommons, NY Tech Meetup, Hacks/Hackers, other local communities of #opengov advocates & #design - NYC has an advantage in resident designers.
4. Problems w/ existing NYC Rules sites & open-gov shortcomings:
   a. NYC Rules site isn't open-data, comprehensive, or user-focused interface. No participation tools (!?!?). Rarely-used.
   b. 101 Agency site index on NYC.gov is difficult to navigate & search
   c. Individual agency sites off NYC.gov vary in specific UI. "I want to..." homepage.
5. Comparison: "Boston, for example, won the Digital Cities award for their Citizens Connect website and app... New York City also lags far behind Louisville, Kentucky, another Digital Cities winner, whose website greets users with links to information on drivers' licenses, garbage pickups, and permit applications among other items that clearly match up with the reasons citizens would visit the website."
   a. Hana Schenk, Principal, Collective User Experience - FC Expert Blog, 12/13/201.
      http://www.fastcompany.com/1800674/new-york-city-big-apps-roadify-sportify
6. Best #opengov practice:
   a. Open API for all public events with libre-copyleft data in open standards
   b. Public markup tools for pre-event participation & expert analysis & community opinion & interest-based group input
   c. Agile, iterative web development w/ user testing & surveys & design input
   d. Site analytics review, SEO, Open 311 metrics data to see what users are really searching for dynamically - how to easily find answers to most common issues?
7. Quickest-fix to rulemaking openness, shorter-solution to the above that may be sufficient if the #opengov community can access enough raw open data to remix:
   a. Overhauling all 101 agency sites' for users is likely too resource-intensive, as would be building an open API or unifying site CMS's or standardizing UIs, so...
   b. OpenData can be sufficiently achieved by requiring all NYC agencies to

1

publish rulemaking events in an open-standard XML feed, where the public can subscribe to and build outside web apps that aggregate & filter by data field types.

c. For greater public participation, expend development resources on redesigning NYC Rules.gov portal, allowing visitors to sort-by, search, comment, share, and write-their-reps about proposed rules & events.

d. Recruit media & community partners to use data, share it, increase meaningful public accountability

More details available in previous proposals and upon request at any time. Thank you.

- David Moore, david@opencongress.org. PPF is a 501c3 public-service organization that makes OpenCongress.org, the most-visited not-for-profit government transparency website in the world, and OpenGovernment.org, bringing civic engagement to state & local governments.

@ppolitics on micropublishing service, davidmooreppf on Twitter. See also our partner organization :: http://civiccommons.org/

New York Technology Council
Donn Morrill, Executive Director
Testimony before the New York City Council's Committee on Governmental
Operations
Honorable Gale Brewer, Chair
December 14, 2012

Chairperson Brewer, committee and council members. Thank you for affording me the opportunity to testify today on the use of technology to facilitate better transparency of local government. My name is Donn Morrill and I am the Executive Director of the New York Technology Council. The Council is a New York-based trade association whose mission is to help technology companies grow and thrive in New York and to promote the technology industry as a source of economic strength and job creation in the City.

As we all know, the issue at hand today is Initiative 698, an important and timely amendment to local law with the intention of increasing public awareness of local administrative procedures. The digital tactics outlined in the Initiative are an important step in the right direction towards a more open legislative process, and I commend the Committee for proposing it. However, I feel that there is more that can be done.

As a technologist, I see many ways of achieving the goal under consideration today. And not all of these recommendations need to be codified. They are simple to implement, make use of readily available technology that is frequently free of cost and would require a minimal investment of time and resources.

As I'm sure you are aware, the Mayor's Executive Order 133 stipulated the creation of the NYC Rules website, a central repository of legislative proceedings and hearings that is readily available to the public. I applaud the Mayor's office for taking this critical, first

step in the right direction. Here we have, in electronic format, the information we are trying to more easily disseminate to the constituency. In addition, the New York *City Record*, the official publication of the goings-on in City government, is another centralized source of hearing information. The electronic version of the *Record*, the *City Record* Online provides searchable, electronic-format data for procurement opportunities. However, to the best of my knowledge, the *Record* does not provide electronic format hearing data. To readers of the print version of the *City Record* it would seem only logical that the online version would provide information on hearings and procedures. **I propose that the online version of the *City Record* provide digital access to city rule changes and public hearings.** While this capability would seem to duplicate the functions of the already-existing NYC Rules website, I feel that the *City Record* website is a more logical and intuitive location for people to look when seeking out information on hearings. As is stated in Initiative 698, unless a person has prior knowledge of the existence of the NYC Rules website, they have little chance of stumbling upon it.

One important feature of the NYC Rules website is a signup form for an email newsletter summarizing the rulemaking activity of City agencies. As it stands today, citizens can provide their email address, a password, and a ZIP code to register for this service. Email is the most fundamental, yet powerful, means of reaching a target audience and I believe this capability to be drastically underutilized on the NYC Rules website. **I propose the following:**

1) Segment the email capability by agency, allowing citizens to subscribe only to those notices for the agencies that concern them.
2) Remove the password and ZIP code requirements to sign up for the newsletter and add a simple CAPTCHA test to reduce spamming
3) Syndicate the email signup capability to all city agencies' websites so that when a citizen visits the agency's website, they can sign up for procedural alerts without having to find their way to NYC Rules

Outside of any social media initiatives, I believe that a more modern, more sophisticated email strategy can address many of the concerns regarding constituent notification of legislative action.

Many of you are familiar with NYC Open Data and the associated NYC BigApps competition. To briefly summarize, NYC Open Data is a website that makes hundreds of City agency data sets available to the public in a computer-friendly, open format while BigApps is an annual competition that brings together the best and brightest software developers in New York to create exiting, new applications using City data. As I prepared to speak today, I was surprised to learn that agency hearing data was not already readily available on NYC Open Data. **I recommend that all hearing data currently made public via the NYC Rules website also be made available in a machine-readable format on the NYC Open Data website.** The BigApps competition will take care of the rest. Resourceful entrepreneurs will no doubt take advantage of the availability of this data and incorporate it into mobile applications encouraging City transparency; an amazing and unique way to leverage the creative ecosystem generated by Open Data and BigApps.

Of course, this testimony would not be complete without recommending that hearing notices be published on Twitter. Please do that. It is free, commands a huge audience and, in the age when Mayor Bloomberg has 200 thousand followers and President Obama has 11 million followers, it is fully expected by the citizenry.

In conclusion, to summarize my recommendations, I propose:
1) That the online version of the *City Record* provide digital access to city rule changes and public hearings
2) That the outbound email capabilities of the NYC Rules website be updated

3) That hearing notification data be published to the NYC Open Data website and subsequently promoted in the BigApps competition and,

4) That hearing notification data be published to Twitter

Thank you for your time today. I strongly encourage you to consider the recommendations I have outlined in this testimony as you work to increase transparency and openness in governmental procedures. If there are any ways that I or the New York Technology Council can be of further assistance on this matter, please let us know.

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I represent: Participatory Politics Foundation

Address: 220 Lafayette St. #7, NYC

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