

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON GOVERNMENTAL OPERATIONS

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April 6, 2016
Start: 1:09 p.m.
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HELD AT: 250 Broadway - Committee Rm.
14th Fl

B E F O R E: BEN KALLOS
Chairperson

COUNCIL MEMBERS: David G. Greenfield
Mark Levine
Carlos Menchaca
Antonio Reynoso
Ritchie J. Torres
Joseph C. Borelli

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

Mindy Tarlow, Director
Mayor's Office of Operations, MOO

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

Lisa Neary, General Counsel
Independent Budget Office

Dick Dadey, Executive Director
Citizens Union

2 [sound check, pause]

3 [gavel]

4 CHAIRPERSON KALLOS: Good afternoon and
5 thank you for coming to this hearing of the Committee
6 on Governmental Operations. I'm Ben Kallos, Chair of
7 the Committee. You can Tweet me @Ben Kallos. We are
8 joined today by the Progressive Caucus. I mean
9 Council Members Carlos Menchaca, Antonio Reynoso and
10 Ritchie Torres.

11 COUNCIL MEMBER MENCHACA: [off mic] You
12 bet.

13 CHAIRPERSON KALLOS: We're also joined by
14 Council Member Borelli who is apparently interested
15 in joining the Progressive Caucus.

16 COUNCIL MEMBER BORELLI: [off mic] Yes.
17 Why not?

18 CHAIRPERSON KALLOS: And since we do have
19 a quorum, we'll begin with a vote on Introductions
20 807-A, 810-A and 812-A. As of November 2015, the
21 City was owed \$1.58 billion in outstanding ECB debt.
22 That money, if collected could be spent on things
23 like Universal Free Lunch for our students. The
24 facility--facilities for our seniors, affordable
25 housing for all New Yorkers, completely fixing NYCHA.

2 For all the ultimate, if we recover that \$1.6 billion
3 we could actually just fix all the NYCHA
4 developments, without having to do infill or other
5 things.

6 COUNCIL MEMBER REYNOSO: [off mic] How
7 about finding the \$17 billion?

8 CHAIRPERSON KALLOS: Well, we're about to
9 get \$1.6 billion hopefully. The bills we're voting
10 on today are part of the package of legislation
11 designed to address this issue, which includes
12 Introduction 806-B, which was voted out of the
13 Committee in Finance. That bill sponsored by my
14 colleague Council Member Julissa Ferreras-Copeland
15 would offer the Department of Finance Institute a
16 temporary 90-day amnesty program in Fiscal Year 2017
17 to resolve outstanding judgments on the Environmental
18 Control Board summonses. The debt issue was raised
19 by myself and Council Member Ferreras--Ferreras-
20 Copeland during the joint budget hearing of our
21 committees in May of 2014. That hearing was followed
22 by a June 2014 Department of Finance report, which
23 provided the basis for the legislation being voted on
24 today, and Local Law 11 of 2015 sponsored by Council
25 Member Ferreras-Copeland and myself, which required

2 reporting on ECB violations by the Department of
3 Finance. This first report under the Local Law was
4 issued in November of 2015, and its findings--findings
5 further supported the need for more reform
6 legislation. An interesting finding in the report
7 was that 78% of the summonses resulting in
8 outstanding debt were issued by the Department of
9 Sanitation, and 55% of the total outstanding debt
10 resulted from summonses issued by the Department of
11 Buildings. The two main problems we learned
12 throughout this process is that summons--some
13 summonses contain information that's insufficient to
14 find the responsible party, and that once a judgment
15 has been rendered, agencies are not using their
16 authority they already have to compel people to pay
17 the fines they accrued. Introduction 801-A sponsored
18 by Council Member Ferreras-Copeland, myself and
19 Council Member Dickens and Introduction 812-A
20 sponsored by myself, Council Member Ferreras--
21 Copeland and Gentile--Gentile address the first issue
22 of insufficient information. 807-A requires agencies
23 and DOF to make reasonable efforts to learn or
24 respond to the same where a notice of violation has
25 been issued generically to the owner of a business,

2 organization or premises. The bill would prevent
3 such generic notices from being subject to dismissal,
4 and would aid the Department of Finance in its
5 collection efforts. If we know the name, DOF has an
6 actual person they can contact and follow up with,
7 and much better opportunity to collect outstanding
8 fines. Each well bay (sic) requires issuing agencies
9 to include the borough, block and lot number
10 including the building information number, or device
11 identification number on notices of violation related
12 to buildings or lots providing additional unique
13 identification. Having greater specificity in the
14 location a violation has alleged to have occurred
15 will greatly reduce the number of notices of
16 violations dismissed at a hearing for being the wrong
17 building or a typo on the indress--address.

18 Introduction 810-A, which I'm proud to
19 sponsor with Council Member Gentile addresses the
20 second issue I mentioned, which is that agencies are
21 either unaware that they have certain powers or
22 unwilling to exercise them in order to compel payment
23 of penalties. 810-A requires agencies to create a
24 process to deny, suspend, or revoke new and renewal
25 applications for licenses and permits and

2 registrations and report on such occurrences. This
3 will send a powerful message that the City takes
4 enforcement seriously, and will incentivize
5 respondents to pay outstanding Environmental Control
6 Board debt. As part of these rules, process agencies
7 will consider certain factors including whether a
8 respondent has other debt owed to the city with the
9 amount of outstanding Environmental Control Board
10 debt owed, whether the underlying violation has been
11 based on a default, and whether the violation was one
12 in a series of repeated offenses. Knowing that
13 agencies have a process like this in place will
14 greatly incentivize respondents to either pay their
15 outstanding debt immediately or enter into a payment
16 plan with the Department of Finance. These are
17 important pieces of legislations that along with 806-
18 B will improve quality of life enforcement. Passing
19 these bills will not only improve the City
20 collections effort, but will more importantly change
21 the behaviors that harm quality of life and
22 jeopardize public health and safety. And to just
23 take it down to what we all deal with everyday, every
24 single one of these people at our table, and every
25 single council member gets calls everyday about

2 specific businesses or residents in their community
3 that are bad neighbors, and may or may not be
4 engaging in behaviors that are harming quality of
5 life. And so these Environmental Control Board
6 violations are written over and over again, and often
7 result in no change in behavior. Many people aren't
8 paying them. Sometimes they just pay them as cost
9 of doing business. Either way, all of that is about
10 to change. Council Member Gentile, did you want to
11 make a statement on any of the legislation?

12 COUNCIL MEMBER GENTILE: I--I--I think I
13 asked the--the witness question when--when he left.
14 Okay.

15 CHAIRPERSON KALLOS: Thank you. [pause]

16 COUNCIL MEMBER GENTILE: I actually had a
17 question on PMMR. So we will just take that.

18 CHAIRPERSON KALLOS: Okay. Hearing no
19 questions and no testimony on the these bills, I now
20 ask the Committee Clerk William Martin to call the
21 roll.

22 CLERK: William Martin, Committee Clerk.
23 Roll call vote Committee on Governmental Operations.
24 Chair Kallos.

25 CHAIRPERSON KALLOS: Aye on all.

2 CLERK: Menchaca.

3 COUNCIL MEMBER MENCHACA: Aye on all, and
4 I feel--thank you for making us feel welcomed as we
5 just joined the--the Government Ops Committee.

6 CLERK: Reynoso.

7 COUNCIL MEMBER REYNOSO: We're also the
8 youngest committee I think the City Council at this
9 point, and I also vote aye on all.

10 CLERK: Torres.

11 COUNCIL MEMBER TORRES: As the youngest
12 of the young, aye on all.

13 CLERK: Borelli.

14 COUNCIL MEMBER BORELLI: We're also the
15 handsomest and stuff there, too. [laughter] Aye on
16 all.

17 CLERK: By a vote of 5 in the
18 affirmative, 0 in the negative and no abstentions,
19 the item--the items have been adopted.

20 CHAIRPERSON KALLOS: I--I have just
21 learned that I'm the oldest member of this committee.

22 COUNCIL MEMBER REYNOSO: [off mic] Well--
23 well you are.

24 CHAIRPERSON KALLOS: 35.
25

2 COUNCIL MEMBER REYNOSO: Whoo, wow.

3 [pause]

4 CHAIRPERSON KALLOS: We will leave the
5 roll open. We will now move onto the second piece of
6 this hearing, which is on the Preliminary Mayor's
7 Management Report, also know as the PMMR. We'll be--
8 [pause]. Today, marks the third hearing that this
9 committee has held specifically on the structure of
10 the Preliminary Mayor's Management Report and the
11 Mayor's Management Report. These reports provide a
12 bi-annual public report card on city government, and
13 they're critical tools for the Council as well as the
14 public to evaluate the performance of city agencies
15 and hold government accountable. As mandated by the
16 Charter, the Council holds yearly hearings with each
17 agency to discuss the PMMR and to make
18 recommendations for changes to the manner in which
19 agencies measure and report their performance data
20 prior to the release of the Preliminary Mayor's
21 Management Report. In recent years including most
22 recently this past December, this committee had held
23 oversight hearings concerning structural issues with
24 the PPMR and MMR, which have resulted in several
25 improvements to the publication. I want to

2 particularly note that the Mayor's Office of
3 Operations, who is here today to testify, made
4 several improvements and clarifications in the short
5 term--time between our December hearing and when the
6 PMMR was published, and we want to acknowledge and
7 thank them for those efforts. Although the committee
8 is pleased that some of the improvements have been
9 made, our review of the most recent PMMR suggests
10 that further changes could make both of these
11 publications more helpful tools for the Council, the
12 public as well as the agency. At today's hearing we
13 expect to gain further clarity on the process by
14 which the PMMR is compiled including how agencies in
15 the Mayor's Office of Operations defined indicators
16 and set targets. What steps are taken to ensure that
17 the data reported is accurate. How the data is set
18 forth, and the PMMR is utilized by agencies to
19 improve their performance and the process through
20 which structural changes are made to the reports.
21 We'll examine whether the PMMR is currently meeting
22 charter mandates and explore whether further
23 improvements can be adopted to make future additions
24 of the PMMR and MMR more useful publications.

2 Before we begin I'd like to thank
3 Committee Counsel Samika Deshmuk; Policy Analyst
4 Laurie Wenn; Finance Analyst James Subudhi; and my
5 Legislative Director Paul Westrick for their work on
6 today's hearing. With that said, I'm going to call
7 up representatives from the Administration as our
8 first panel. I'd like to remind everyone who would
9 like to testify to please fill out a card with the
10 Sergeant-at-Arms. I'll ask those on--if Mindy Tarlow
11 and Tina Chiu from the Mayor's Office of Operations
12 could please join us. Do you affirm to tell the
13 truth, the whole truth and nothing but the truth in
14 your testimony before this committee today, and to
15 respond honestly to council member's questions?

16 MINDY TARLOW: I do.

17 TINA CHIU: I do.

18 CHAIRPERSON KALLOS: Please state your
19 name and title and begin when you're ready.

20 [pause]

21 MINDY TARLOW: I'm Mindy Tarlow. I'm the
22 Director of the Mayor's Office of Operations, and
23 good afternoon, Chairman Kallos and other members of
24 the Governmental Operations Committee. I'm joined by
25 Tina Chiu, the Deputy Director for Performance

2 Management, and we very much appreciate the
3 opportunity to discuss the Preliminary Mayor's
4 Management Report with you. I did submit detailed
5 testimony. I will dispense with the history of the
6 MMR. I'm sure you're all disappointed, and go right
7 into the sort of more meat of the testimony we're
8 here to discuss today. The main production process
9 of each MMR/PMMR is six to eight weeks long, and
10 requires the efforts of over 10 operation staff
11 members as well as roughly 150 senior staff in the 44
12 agencies and organizations included in the report as
13 well as deputy mayors and staff, who all contribute
14 to the document. Agencies are responsible for timely
15 submissions of draft report chapters for responding
16 quickly to questions and suggestions, and for
17 verifying the final version of their report sections.
18 Operations is responsible for formatting, analyzing,
19 circulating draft sections for ensuring that
20 narrative explanations are informative for collecting
21 and responding to the views of the draft sections for
22 preparing and producing the published report, and for
23 coordinating with senior city hall officials on the
24 public release and transmittal to the Speaker of the
25 City Council of the MMR and PMMR.

2 The process by which changes are made to
3 an agency's services, goals, indicators or targets is
4 collaborative and ongoing between operations and the
5 agencies, and the Mayor's Office in general including
6 Deputy Mayor's Offices. The impetus for changes may
7 originate at the agencies or come from within the
8 Mayor's Office. Operations staff also routinely ask
9 agencies if they expect to make any substantive
10 changes before each production process, and agencies
11 put forth proposals. Operations reviews the
12 proposals and there's usually substantial back and
13 forth depending on how extensive the changes are or
14 how well developed the proposal are to begin with.
15 The MMR provides multiple data points and several
16 options to evaluate performance. For each indicator
17 in the MMR, we have three or four elements that
18 provide context, the ways in which the MMR helps the
19 reader evaluate performance include:

20 Comparisons between the current year and
21 the previous year, also know as year-over-year
22 change; comparisons between the desired direction and
23 the year-over-year change; comparisons between the
24 desired direction and the five-year trend; and
25 finally where available, we can compare the current

2 year's actual to that year's numeric or directional
3 target. Generally, we evaluate performance by
4 comparing the current year to date to the previous
5 year to date, which is the same comparison that forms
6 the basis of what we call the continuous improvement
7 model that we used in our Citywide Performance
8 Reporting system, or CPR. We believe, and the
9 document reflects that this year-over-year
10 performance is best evaluated in context with
11 narratives that presents statements about the
12 agency's goals and explanations of changes from year
13 to year. The narrative portion of the MMR and PMMR
14 appears on the first page of every agency section.
15 It is here that the agency's goal statements clearly
16 spell out the specifics of what the agency is working
17 to achieve. Each goal statement is repeated on the
18 pages that follow with specific measurements listed
19 under each statement so the reader can clearly see if
20 the stated goal is being met.

21 After our discussion about targets at the
22 hearing in front of this committee in December of
23 2015, the Office of Operations refined and clarified
24 the explanation of the term target that appears in
25 the PMMR User's Guide. In the PMMR for 2016, target

2 was described as--and I'm quoting. "Desired levels
3 of performance for the current fiscal year and the
4 next fiscal year. Targets can be numeric or
5 directional. Numeric targets can set an expected
6 level of performance, a maximum level not to be
7 exceeded, or a minimum level to be met. Directional
8 targets are represented by up or down arrows. An
9 asterisk means no numeric or directional target was
10 set." This clarified explanation can be found in the
11 User's Guide on Page 301 of the PDF version of the
12 PMMR at www.ncy.gov/mmr. This explanation will also
13 appear in the Fiscal 2016 MMR when it is released in
14 September. Each indicator has attributes, or a set
15 of standard characteristics such as whether or not it
16 is expressed as a percentage or a whole number.
17 Whether or not it has a desired direction, and if so,
18 if that direction is up or down. It is important to
19 point out that in the MMR/PMMR a target like a
20 desired direction is an attribute of an indicator.
21 Targets do not have their own attributes, and so
22 targets do not have desired directions. Targets are
23 generally stable and should not change much for year
24 to year unless there has been a significant shift in
25 priorities, budget or operations. Although we do not

2 require agencies to set targets for every indicator,
3 generally we prefer that every critical indicator
4 with a desired direction of up or down have a target
5 even numeric target or an arrow showing the direction
6 in which we want to trend to go. That is a
7 directional target. Generally, we do not recommend
8 setting a numeric target for the number of injuries
9 or the number of fatalities unless that target is set
10 at zero. Generally, we prefer directional targets
11 for injury and fatality indicators. Thanks for the
12 opportunity to testify today on the work of the
13 Mayor's Office of Operations and how we put together
14 the MMR and PMMR. The reports are a product of
15 ongoing collaboration between the Office of
16 Operations and 44 city agencies and partners and
17 we're very proud of the work we do. We look forward
18 to answering any questions that you have at this
19 time. Thank you.

20 CHAIRPERSON KALLOS: Thank you very much
21 for the quick testimony. I want to just open up by
22 saying thank you for the partnership with the City
23 Council and being so responsive to the feedback we've
24 provided. So I'd like to turn to page 133 of the
25 PMMR where we have the Department of Health and

2 Mental Hygiene, and I just wanted to make note of the
3 fact that at page 139 the section on noteworthy
4 changes, additions or deletions, there's a whole new
5 section, a whole two pieces. The first piece is
6 DOHMH corrected the Fiscal 2016 targets for infant
7 mortality rate per 1,000 live births and adults aged
8 50 plus who received a colonoscopy in the past 10
9 years. So thank you for making that correction, and
10 then perhaps the--the best piece is it goes, DOHMH
11 introduced more ambitious Fiscal 2017 targets for the
12 following indicators: Children aged 19 and it--it
13 goes on, and as we leaf through the DOHMH section for
14 Goal 1B, Children Age 19 to 35 months with up-to-date
15 immunizations, the Fiscal Year 15 actual was 73%.
16 The Fiscal Year 16 target is 74%. The Fiscal Year 17
17 target is 75%, and the targets are headed in the
18 right direction, the actuals are headed in the right
19 direction, and I was incredibly pleased to see this.
20 This pattern continues through Goal 2(a) Reduce
21 tobacco use and promote physical activity and healthy
22 eating. Goal 2(b) Improving healthcare, and Goal
23 4(a) Including the new patients for substance abuse.
24 So I just wanted to thank you because I--I think
25 DOHMH has a great section. Can you share with us

2 how--how this came to be. When an agency like DOHMH
3 wants the changes indicators what is the process it
4 uses to make it happen, and if you could go from
5 there.

6 MINDY TARLOW: Well, as I said in my
7 testimony, when agencies want to adjust targets or
8 indicators of any sort, there's a pretty robust back
9 and forth between the agencies. Tina can talk more
10 specifically about the DOHMH process, and I'll give
11 her an opportunity to do that now, and then come back
12 with more general comments. [pause]

13 TINA CHIU: Hi. Good afternoon. I'm
14 Tina Chiu. So in relation to DOHMH targets, I think
15 any of the ones that you identified where there was a
16 change in the targets for FY17, some of those were
17 related work that DOH has done--DOHMH has done around
18 take care of New York 2020, which is their sort of
19 overall plan. So they have very specific types of
20 indicators in relation to that plan where they wanted
21 to see performance change. So that helped them think
22 about how they wanted to change the targets for those
23 specific indicators incrementally over these years
24 from FY16 to FY17. So that was something very

2 specific to their process, which may not be the usual
3 case for other agencies.

4 MINDY TARLOW: Yeah, and think just in a
5 general comment, Councilman, you and I have had this
6 conversation or all three of us have had this
7 conversation before. You know we--we really take
8 care not to take a one-size-fits all approach to
9 targets and indicators in the PMMR and MMR. We try
10 to see each indicator and each agency as a complex
11 diverse case that's in some ways reflective of the
12 complex diverse city that we're monitoring and
13 reporting on. So we try to look at each set of
14 statistics and targets, and design them to match and
15 balance each agency's diverse goals and directions,
16 which is why we sort of intentionally have different
17 ways of looking at target setting across the whole
18 city. Again, in collaboration with the agency and
19 others at City Hall and other partners.

20 CHAIRPERSON KALLOS: And to the extent
21 that I feel as though DOHMH has been ambitious in
22 their goal setting, what is the process and how can
23 we replicate that throughout other agencies?

24 MINDY TARLOW: Yeah, so as I said, you
25 know, we, too, think DOHMH is a really good and very

2 performance oriented agency, and I'm sure that they
3 would be thrilled to know that you're recognizing
4 them for that. But as I said, every agency is
5 different. They're all equally accountable for their
6 performance, but we don't see any one agency as
7 setting a template for how every other agency should
8 act. As I said, they're--each agency is different.
9 They're--represent a diverse array of metrics and
10 goals. So we purposely have a range of ways that we
11 can look at each agency and each target setting
12 operation, and work in collaboration with each agency
13 as we do that.

14 CHAIRPERSON KALLOS: Thank you. I'm
15 going to hold my questions for one moment so that
16 Committee Clerk William Martin can continue to call
17 the roll, and I'd like to recognize we've been joined
18 by Council Member Mark Levine.

19 CLERK: Continuation of roll call, the
20 Committee on Governmental Operations. Council Member
21 Levine.

22 COUNCIL MEMBER LEVINE: Aye.

23 CLERK: The vote now stands at 6 in the
24 affirmative.

2 CHAIRPERSON KALLOS: Thank you. The
3 Progressive Caucus has perfect attendance at the
4 Governmental Operations Committee.

5 CHAIRPERSON KALLOS: Continuing with the
6 PMMR, I'd like to narrow down on a different agency,
7 not necessarily an agency. It's actually a
8 subdivision of the Mayor's Office of Operations. On
9 page 121, we find ourselves looking at the 311
10 Customer Service Center. As you may or may not know,
11 I'm a huge fan of 311. I advise my constituents to
12 call 311. We actually generate more constituent
13 service 311 complaints on certain complaints in my
14 district than almost anywhere else in the city, and
15 for anyone watching today, or online, please download
16 the 311 app on your phone. It is great, and it
17 allows you to make some of the 311 complaints that
18 might take several minutes and several seconds
19 particularly when it comes to homeless outreach
20 making those calls, and I actually understand that
21 there may be good news there, too. It can tend to
22 take some time, and I've actually instructed my
23 constituents to--how to get through the three
24 operators necessary to make those complaints, but you
25 can just press a button on the 311 app and dispatch

2 Homeless Outreach, which is great. And also, thank
3 you for all the hard work on Home Stat available at
4 NYC.gov/homestat where folks can see on a map where
5 the 311 complaints came from, and where the homeless
6 outreach came from, and see what's happening on a
7 day-by-day basis. So, going a little bit deeper into
8 311 under Goal 1(a), one of the critical indicators
9 is average wait time. And I was curious about how
10 that's approached. Fiscal Year 13 it was 38 seconds.
11 In Fiscal Year 14 it was 23 seconds. In Fiscal Year
12 15 it was 23 seconds, and Fiscal Year 16 and 17 has
13 targets set at 30 seconds. And to the extent that a
14 target can be a maximum, a minimum or an actual
15 desired level of performance, what is this and how
16 does 311, which the Mayor's Office of Operations
17 manages, use this critical indicator?

18 TINA CHIU: So the 30-second--the
19 indicator of average wait time and the target of 30
20 seconds is an operational metric that's sort of tried
21 and true within the industry. So this performance
22 metric of 30 seconds or less is considered something
23 as a maximum level not to be exceeded rather than
24 sort of a bulls eye type of target. 311 has to
25 balance through staffing and operational issues with

2 a customer's need for quick and efficient response.
3 So actually stating the 30-second maximum waiting
4 time as--or average waiting time as the target helps
5 the customer understand and have an expectation as to
6 what they should be experiencing when they're making
7 their call. But as--as mentioned, this does have to
8 be balanced with this notion of the staffing and
9 operational issues. Because if an average wait time
10 goes down below 30 seconds, that could actually
11 trigger questions about staffing levels and possible
12 operational changes in relation to that. So that
13 fewer people may be needed to answer calls at a
14 particular time, or people in shifts may be
15 rescheduled so that staffing better meets--better
16 meets demand. But just to reiterate, you know,
17 staffing to match demand does not mean that wait
18 times should go above 30 seconds. So just
19 understanding the 30 seconds is that sort of maximum
20 level. Another item to just sort of try to clarify
21 is that setting a bulls eye target particularly for
22 something like a call center could be fairly
23 counterproductive. You would have to over-engineer
24 staffing to make a bulls eye considering that, you
25 know, the arrival pattern of calls can vary greatly

2 form day to day, season to season, even hour to hour
3 based on conditions externally, and that could
4 directly impact performance.

5 CHAIRPERSON KALLOS: Thank you. With
6 regard to targets, as you testified and as was noted
7 the User's Guide at page 301 and the PDF has changed
8 with regards to target, and target now can be desired
9 level of performance for the current fiscal year. In
10 the next fiscal year targets can be numerically
11 directional. Targets can be set at the expected
12 level of performance. A maximum level can--a maximum
13 level not to exceed it, or a minimum level to be met.
14 And so I am grateful that you've added this
15 clarification. But within this clarification when
16 I'm looking at an individual number and without
17 narratives explaining each and every indicator, I am
18 concerned that there is now less definition to the
19 indicators because of the breadth of target being
20 that it could be a minimum or a maximum, which are
21 actually opposites. Would you consider adding an
22 attribute or something to help guide users of the
23 PMMR, MMR and future editions so that the target is
24 better defined as maximum, minimum or expected level?

2 MINDY TARLOW: Yes. Actually, we--we
3 really appreciate the back and forth we've had with
4 you and your team, and our goal is for the customer
5 or the reader or consumer of the MMR and PMMR to
6 really understand what they're looking at. We are
7 thinking about ways to do just as you said, and make
8 it easier for the reader or consumer to understand
9 what type of target they're looking at. Because, as
10 you've said, we've been more clear that they can be
11 multiple things. And as those ideas gel, we're happy
12 to share them with you and, you know, engage in a
13 good back and forth to make sure that you as our--one
14 of our best customers--really feels confident that
15 the MMR is as transparent and accessible as it can
16 be. We'll always be somewhat constrained. The
17 document itself is a little old school, and now that
18 I know that I'm 20 years older than everybody on the
19 committee [laughs] I think I know what I'm talking
20 about. And what within those designs and parameters
21 we're very interested in improving documents. Oh,
22 yes, good thing you came. [background comments]

23 CHAIRPERSON KALLOS: So the Council--the--
24 -the Committee--

2 MINDY TARLOW: [interposing] [laughing]

3 And you don't have me beat, believe me.

4 CHAIRPERSON KALLOS: In the Committee on
5 Governmental Operations is apparently older than
6 members originally thought [laughter] and Mark Levine
7 might be the oldest member of our committee.

8 COUNCIL MEMBER LEVINE: [off mic] Well,
9 we both bid for the same job.

10 CHAIRPERSON KALLOS: Thanks--thanks for--

11 MINDY TARLOW: [interposing] Right. Oh,
12 can you say that for the record. [laughter]

13 COUNCIL MEMBER LEVINE: [off mic]

14 CHAIRPERSON KALLOS: There--there you go.
15 So I have one last line of questioning before I'll
16 open it up to member questions from Council Member
17 Gentile and Council Member Menchaca. With regard to
18 the Department of Homeless Services, at the last
19 hearing there was a little bit of controversy based
20 on coverage from the New York Post that the indicator
21 for the number of unsheltered individuals would be
22 planned to go up, and exceeding the actual--act--the
23 actuals from the previous year. In this coming PMMR,
24 that number had been removed. And so, I believe it
25 is a performance indicator for (a) unsheltered

2 individuals who are estimated to be living on the
3 street, in parks, under highways, on subways, and the
4 public transportation stations in New York City. And
5 it had been estimated to go up from 3,182. Now it is
6 a down arrow and was curious why you had changed it.

7 MINDY TARLOW: Well, we thought it was
8 appropriate for that indicator to be directional as
9 opposed to an actual number, and as you alluded to
10 before, Councilman, we are doing significant amount
11 of work right now about trying to wrap our arms more
12 holistically around the issue of street homelessness,
13 and as you know, that's just barely getting underway,
14 and so we felt it was appropriate to make this target
15 a directional target, which is down, of course, and
16 that is where we felt it was best for it to be for
17 right now. Certainly in future years we can, as
18 things keep going, reconsider how we manage to that.
19 But for now, we put it as a directional downward
20 target.

21 CHAIRPERSON KALLOS: And so along those
22 lines, the Charter at Section 12(b)(4) requires, "An
23 appendix indicating the relationship between the
24 program performance goals and measures including in
25 the Management Report pursuant to paragraph 2 of the

2 subdivision, and corresponding appropriations
3 contained in the Preliminary Budget. And in the
4 Citywide Multi-Agency Mayoral Priorities, there will
5 be an indication that the city is spending X million
6 dollars to improve this result, and we see it as our
7 result hopefully with an additional XYZ, particularly
8 around legal services to prevent evictions. We're
9 spending however many million dollars to prevent
10 however many thousands of evictions, and along the
11 same lines impact homelessness. So is there an
12 ability--in the agencies like DHS we have this huge
13 multi-agency effort and Home Stat that's launched.
14 Wouldn't it be appropriate and within the Charter
15 mandate to have the performance--budgeting and
16 performance metrics to say as a city we're spending
17 \$100 million, and as a result rather than a downward
18 direction, we're hoping to have the number of
19 homeless and unsheltered on our streets.

20 MINDY TARLOW: So we are working with
21 OMB. We're in conversations with them on ways that
22 we can line up functional spending with performance
23 indicators throughout the year. Right now OMB's
24 functional budget links to the PMMR, and we're going
25 to cross-link the PMMR to the functional budget so

2 it's more accessible for the user. As we can do that
3 right away and in our next issue as-- But overall,
4 you know, Operations and OMB are committed to
5 exploring more ways that we can cross-reference the
6 data that we both have to make it more available and
7 more timely. But that's a discussion that is
8 underway with OMB now.

9 CHAIRPERSON KALLOS: Thank you. With
10 regard to the Functional Budget Analysis, that tends
11 to break things down. So DHS would be broken down
12 between shelter services and unsheltered outreach
13 services, but it doesn't provide deep performance
14 budgeting, which I think is important. So I'm
15 grateful for that. Hopefully, we will see this
16 cross-linking, but eager to move towards performance
17 budgeting. We are joined by Council Member
18 Greenfield--

19 COUNCIL MEMBER GREENFIELD: [interposing]
20 Aye on all.

21 CHAIRPERSON KALLOS: --and we will call--
22 instruct the Committee Clerk to call the roll
23 followed by questions from Council Member Gentile,
24 Menchaca and Levine.

2 CLERK: Continuation of roll call,
3 Committee on Governmental Operations. Council Member
4 Greenfield.

5 COUNCIL MEMBER GREENFIELD: Aye on all.

6 CLERK: Final vote now stands at 6 in the
7 affirmative, 0 in the negative and no abstentions.

8 CHAIRPERSON KALLOS: And for the record,
9 I just made Council Greenfield wait 45 minutes vote,
10 which was apparently a topic of Twitter worthiness
11 at--

12 COUNCIL MEMBER GREENFIELD: [interposing]
13 You should see how long he makes to--makes ne wait to
14 speak.

15 CHAIRPERSON KALLOS: Thank you.

16 COUNCIL MEMBER GREENFIELD: It's only 45
17 minutes to vote. If you want to speak it's like an
18 hour and a half.

19 CHAIRPERSON KALLOS: Thank you. Council
20 Member Gentile.

21 COUNCIL MEMBER GENTILE: Well, my wait
22 time was very, very quick. So thank you Council--
23 Chair--Mr. Chairman. And Director Tarlow, thank you
24 for being here. I missed you. Thank you for being
25 here, and I thank you for inviting me to come to ask

2 a question. As you know, as you might not know, I--I
3 chair the Committee on Oversight and Investigations,
4 and in that role we--we have the Department of
5 Investigation come in during the Preliminary Budget
6 and Executive Budget hearings. And it's--it's a
7 budget/PMMR hearing that we have with DOI. And one
8 of the issues that always comes up at these hearings
9 when we talk about the PMMR, particularly, is the
10 fact that when you look at the Inspector General
11 Offices--

12 MINDY TARLOW: [interposing] Uh-huh.

13 COUNCIL MEMBER GENTILE: --under DOI,
14 particularly for the Department of Corrections--

15 MINDY TARLOW: [interposing] Uh-huh.

16 COUNCIL MEMBER GENTILE: --and the NYP--
17 NYPDG--

18 MINDY TARLOW: [interposing] Uh-huh.

19 COUNCIL MEMBER GENTILE: --there are no
20 indicators in the PMMR that would lead us to evaluate
21 any of their performances. There are no numeric
22 targets. There are no numeric targets. There's
23 really nothing that--that is provided in the PMMR
24 that would be helpful in evaluating the performance
25 of--

2 MINDY TARLOW: [interposing] The
3 individual IGs.

4 COUNCIL MEMBER GENTILE: Of those
5 individual IGs, particularly in the Department of
6 Correction and in the NYPD. So I'm curious. Since--
7 since you say the impetus for change may originate
8 either for your office or from the agency's whether
9 or not you've had this discussion with them, and
10 whether there is some thought about changing that as
11 we've been asking for.

12 MINDY TARLOW: I have not engaged in
13 conversation with DOI on that topic. We can
14 certainly raise it with them, and come back around to
15 you. Can you be more specific about the kinds of
16 targets that you're looking for? That's the only
17 thing that, you know, it's hard to have like a target
18 for a number of investigations you want to launch
19 because it's so dependent on what's happening within
20 the given agencies. Is it a time to close? Is it a--
21 -

22 COUNCIL MEMBER GENTILE: [interposing]
23 Yes. I was typical of the other quantifiers that are
24 in the--in the rest of the DOI report. As--as
25 Commissioner Peters testifies to about the agency

2 overall, but when it gets down to the issue of the
3 IG--

4 MINDY TARLOW: [interposing] Uh-huh.

5 COUNCIL MEMBER GENTILE: --there are no
6 quantifiers as to the work that they specifically are
7 doing. There's an overall how many cases have been
8 closed, how many arrests have been made--

9 MINDY TARLOW: [interposing] Yes, yes,
10 yes, yes.

11 COUNCIL MEMBER GENTILE: --but nothing
12 individually by the IGs.

13 MINDY TARLOW: Uh-huh, uh-huh,
14 understood. So we can certainly discuss that with
15 the department, and we can come back around with a
16 joint response.

17 COUNCIL MEMBER GENTILE: And--and
18 certainly I was going to ask you if you knew--have
19 you thought of any quantifiers that should be--should
20 be in those types of reports, too?

21 MINDY TARLOW: I think that
22 investigations of that type can be tricky to--not
23 tricky to measure, but tricky to put targets around,
24 and things like that, right, because you don't--
25 you're really just responding to real life. Instead

2 of saying we should have five of these kinds of
3 things--

4 COUNCIL MEMBER GENTILE: [interposing]

5 Right, no, no. You're not saying it could be-

6 MINDY TARLOW: [interposing] And the--

7 COUNCIL MEMBER GENTILE: --but--but--but

8 the--I think the comparative.

9 MINDY TARLOW: And the complexity and all
10 of that.

11 COUNCIL MEMBER GENTILE: But comparative
12 from one year to the next--

13 MINDY TARLOW: [interposing] Uh-huh.

14 COUNCIL MEMBER GENTILE: --is--is really-
15 -is really the--the value.

16 MINDY TARLOW: It's just reporting on the
17 raw data.

18 COUNCIL MEMBER GENTILE: Right, right.

19 I'm--I'm not suggesting that they have particular
20 targets---

21 MINDY TARLOW: [interposing] Yes.

22 COUNCIL MEMBER GENTILE: --unless it's
23 appropriate. Unless--

24 MINDY TARLOW: [interposing] Right.

25

2 COUNCIL MEMBER GENTILE: --it's
3 appropriate.

4 MINDY TARLOW: Right.

5 COUNCIL MEMBER GENTILE: But if you had
6 the comparative year to year at least you can ask
7 questions

8 MINDY TARLOW: [interposing] Uh-huh.

9 COUNCIL MEMBER GENTILE: --about the
10 comparative numbers from year to year.

11 MINDY TARLOW: Understood. Thank you.

12 COUNCIL MEMBER GENTILE: Great. Okay.
13 Mr. Chairman, again, thank you for inviting me. I--
14 I--no further questions.

15 CHAIRPERSON KALLOS: Thank you. Council
16 Member Menchaca followed by Council Member Levine.

17 COUNCIL MEMBER MENCHACA: Thank you,
18 Chair, and thank you so much for--for coming and
19 talking about this very, very important and kind of
20 critical document for our New Yorkers. And what I
21 wanted to do is just kind of ask a little bit about
22 some of the table of contents on the report, and how
23 you develop the different sections. Kind of basic
24 stuff, but I want to start there before I get into
25 some more specific pieces, and how--how do you define

2 under the--under the PMMR and the MMR what agencies
3 end up here? Can you tells--can you tell some New
4 Yorkers out there how--how that gets defined for us?

5 MINDY TARLOW: Yes, actually it's in the
6 written testimony. I spared some of that history.
7 There are 44 mayoral agencies that are all--

8 COUNCIL MEMBER MENCHACA: [interposing]
9 And does that include Mayor's Offices of?

10 MINDY TARLOW: The--you're ask about--
11 like the Mayor's Office of Operations--

12 COUNCIL MEMBER MENCHACA: [interposing]
13 Correct.

14 MINDY TARLOW: --or MOIA--

15 COUNCIL MEMBER MENCHACA: [interposing]
16 MOIA.

17 MINDY TARLOW: --and something like that.
18 No, actually--

19 COUNCIL MEMBER MENCHACA: [interposing]
20 I'm--I'm head to MOIA in little bit. [laughs]

21 MINDY TARLOW: I know. I had the page
22 marked, as soon as I saw you.

23 COUNCIL MEMBER MENCHACA: Nice. [laughs]

24 MINDY TARLOW: No, the Mayor's Office
25 proper and the policy offices within the Mayor's

2 Office are not part of the agency-by-agency
3 monitoring that we do. However, we have many
4 sections up front about agencies working together and
5 collaborating, which often include one or more Mayor
6 offices. So the--the--the MMR and PMMR cover the
7 operations of City agencies that report directly to
8 the Mayor, and those are agencies that report
9 directly to the Mayor, and then three additional non-
10 mayoral agencies are included. I think that's NYCHA,
11 Health and Hospitals.

12 COUNCIL MEMBER MENCHACA: And the
13 elections?

14 TINA CHIU: It's the Board of Elections,
15 Public Libraries and CUNY?

16 MINDY TARLOW: CUNY. Okay, I have it all
17 wrong, and that's what we report on. That equals 44
18 agencies, and again as in past history and picked up
19 by this Administration we also have several multi-
20 agency initiatives that work across the city that can
21 include one or more of the Mayor's offices.

22 COUNCIL MEMBER MENCHACA: [coughs] And
23 tell us about the--the kind of evolving nature of
24 the--the different agencies that get up on--on--with-
25 -within the focus areas of the indicators, and how

2 that could change in the future if you wanted to
3 bring in new agencies or--

4 MINDY TARLOW: [interposing] I
5 understand.

6 COUNCIL MEMBER MENCHACA: --because you
7 have three that are non-mayoral agencies, but landed
8 on there. Tell us a little bit about--about how we
9 can add new--new content areas for review.

10 [pause]

11 MINDY TARLOW: I'm actually not sure--

12 COUNCIL MEMBER MENCHACA: [interposing]
13 Okay.

14 MINDY TARLOW: --what the process would
15 be to add an agency to the MMR. I don't know if
16 there's a specific process that we would have to go
17 through. I know that we've gotten more and more
18 interested in reporting on multi-agency--

19 COUNCIL MEMBER MENCHACA: [interposing]
20 That's where I'm headed to.

21 MINDY TARLOW: --but as you know--

22 COUNCIL MEMBER MENCHACA: Great.

23 MINDY TARLOW: --because we really feel
24 that the work that we're doing across domains is some
25 of the most important work that the city does whether

2 it's Pre-K or whether it's Vision Zero or whether
3 it's Career Pathways and those are the sections that
4 you see in the front of the document about like sort
5 of collaborating to deliver results. There are
6 numerous sections, and we change them over time. We
7 don't want it to get stale or, you know, we want to
8 add things as we go, and there we've had a lot of
9 flexibility, and I think it's noticeable.

10 COUNCIL MEMBER MENCHACA: Well, and--and
11 let's just go--let's just dive deep into that concept
12 of really kind of combining multi-agency approaches
13 to one constituency or one kind of policy area. I
14 think this Administration has done a great job of
15 kind of elevating certain--certain kind of pieces,
16 and I'll stick to say immigrants in our city. IDNYC
17 has been something that you have poured your heart
18 and soul into, and have seen just a tremendous amount
19 of--of impact in our communities, and what--and--and
20 we just--a week or so ago had our first preliminary
21 budget hearing on--on immigrants, and how the budget
22 is affecting the--our immigrant community. And how
23 can we work together to really kind of elevate that
24 through multiple agencies and it's own section and
25 kind of see how perform--and--and really understand

2 the performance indicators for our immigrant--
3 immigrant community across agencies. Is that
4 something that you're prepared to kind of work with
5 us and this committee and the chair and the Council?

6 MINDY TARLOW: Well, I think IDNYC is a
7 great example of that. In fact, IDNYC had its own
8 upfront section about collaborating to deliver
9 results because as you know as well as I do, it took
10 a lot of people to pull together to make that
11 initiated work. Now, some, you know, 14 months later
12 it's actually so established that the indicators
13 associated with IDNYC are actually now in the HRA
14 section. That's the cycle of life [laughs]

15 COUNCIL MEMBER MENCHACA: [interposing]
16 Right.

17 MINDY TARLOW: --of--of a performance
18 indicator and, in fact, I think I even referenced
19 that in the cover letter to the PMMR. Like that's
20 what we want to really feature a multi-agency new
21 initiative, and then have it be so routine that it
22 becomes baked into the fabric of what we do on a day-
23 to-day basis. And I think IDNYC is both a terrific
24 example of that, but also a terrific example, albeit
25 a very specific one of how the city came together to

2 focus on a specific initiative mostly targeted
3 towards immigrant populations, and really highlight--
4 highlighted that, and then have sort of numbers and
5 goals attached to it so that we could really show
6 ourselves and the public that we're making progress.

7 COUNCIL MEMBER MENCHACA: And--and let's--
8 -let's--let's take this offline and work together and
9 figure out how we can--how we can do more on that
10 work, and--and really kind of capture it in a--in a
11 focused, focused way and bake it in for the future.
12 And--and finally, I want to talk a little bit about
13 the machine readable formats and 2014-2015. I know
14 the Chair has been kind of questioning this, and so
15 we want to thank the Chair for his advocacy. Are
16 there any plans to go post--post 2014 or I should say
17 pre-2014 and kind of thinking about other--other
18 years in historical data for us to be able and--and
19 for our public to be able to analyze.

20 MINDY TARLOW: So are you asking if we
21 can--because the--the documents are now on the Open
22 Data Portal.

23 COUNCIL MEMBER MENCHACA: Right.

24 MINDY TARLOW: So you're asking if--can
25 we go backwards?

2 COUNCIL MEMBER MENCHACA: Right, beyond--
3 beyond 2014. And--and what--what--what the
4 constraints, hurdles or even opportunities that
5 you're seeing in doing that?

6 TINA CHIU: So we've been in conversation
7 with DOITT. They're interested obviously in getting
8 more of the historical data in there, and we know
9 that the public and users would appreciate that as
10 well. So we're trying to deal with that--as you
11 might imagine, some technical wrinkles and challenges
12 with, you know, a lot of data points, things that
13 change over time. Making sure that we are able to
14 get the information sort of consistently rendered.
15 So we are working with them on that.

16 COUNCIL MEMBER MENCHACA: Any--any sense
17 of timeline or--or--we're in the middle of budget
18 season so it would be great to kind of understand if
19 there's any kind of budget constraints to this topic
20 or it really is--it's really a--just a matter of kind
21 of political will? What--what's the time line?

22 TINA CHIU: I don't have off hand to give
23 to you right now, but we are working on that, and we
24 know that with the MMR coming up and preparations for
25 that, we would want to make sure that if we have--

2 We're definitely going to have the FY16 MMR
3 information--

4 COUNCIL MEMBER MENCHACA: [interposing]
5 Right.

6 TINA CHIU: --available, and we want to
7 see how much we can also provide during that time
8 frame.

9 COUNCIL MEMBER MENCHACA: Can we expect
10 maybe one year to come out, 2013? Is that possible?

11 TINA CHIU: I guess one of the--one of
12 the questions is how much we want sort of distinct
13 files versus files where the records are continuous
14 over time. We could probably do an easier job of
15 using the snap shot data from a prior year, and
16 putting that up on open data, but to make sure that
17 we have everything linked properly for multiple
18 years, I--we will all--we'll try to do that, but I--I
19 can't state for certain whether we will get that open
20 up. (sic)

21 COUNCIL MEMBER MENCHACA: And final
22 question. Have you engaged the--the open source
23 community? There are a lot of folks out there that
24 have been using this data and really kind of bringing
25 up some really great analysis. Have you asked then

2 what--what--this question that you just brought to us
3 on whether or not you go way or another. Have you--
4 have you engaged them in a--in an organized fashion
5 in asking them what they want, what they need and how
6 they need it.

7 MINDY TARLOW: The Mayor's Office of Data
8 Analytics is also part of our umbrella, and they have
9 an active relationship with the civic tech community
10 and--and engaged with them very directly on numerous
11 topics, and if they haven't addressed this one
12 directly we can certainly make sure that happens.

13 COUNCIL MEMBER MENCHACA: Great.
14 Wonderful. We're looking forward to--to continuing
15 these conversations.

16 CHAIRPERSON KALLOS: Full disclosure.
17 Carlos does not have a full arms length relationship
18 with Ben Wellington behind I Quant New York,
19 [laughter] and that is probably the source of many of
20 these questions and great question. One piece I will
21 just note is these are great questions. However, I
22 am curious about how we get the part into the Open
23 Data platform and I do thank you for the upgrades to
24 the MMR since the Giuliani Era arrows with clock--
25 clip art and bar graphs. It is much more usable and

2 actually member of the public in general you can
3 visit and you can read up to 1997 on the nyc.gov/mmr
4 site, or you can even visit the City Records, DORIS
5 for going back as far as 1977 for those who are
6 having trouble sleeping. [laughter] Council Member
7 Levine.

8 COUNCIL MEMBER LEVINE: Thank you, Mr.
9 Chair. Wonderful to see both of you. Thank you. I
10 want to start with a few questions related to the
11 Park Department. You have an important metric, which
12 is the--it's a measure of the cleanliness and
13 maintenance of parks. I'm going to find it in one
14 second. Parks rated acceptable for overall
15 conditions--it's--it's your top line measure for the
16 department, and FY14 that was 87%. We're on page 104
17 in case that helps. In FY15 it dropped a little bit
18 to 86% and so far in the first four months of FY16,
19 it's down to 85%. Now, those are not major declines,
20 but that may be the measure which affects park users
21 most directly. Probably the one that the public is
22 most sensitive to. It most affects the park
23 experience. I think to say that it's plateaued is
24 the minimum we can say, and we'll have to do a
25 statistically significant decline. I wonder if you

2 have an explanation for that, and if you can tie it
3 in anyway to recent budget decisions for the
4 department.

5 [pause]

6 MINDY TARLOW: Don't have an answer on
7 whether there is a specific budget connection to the
8 metric. I think that what you stated is--is probably
9 fair that it's kind of at a steady state like those
10 numbers are actually very close together. I think
11 that, you know, the Parks Department always strives
12 to do better. I think you're right that it is one of
13 the signature things that parks are--standards that
14 they're held to. We can find out specific--more
15 specific information about anything that's of a
16 concern to the department--

17 COUNCIL MEMBER LEVINE: [interposing]

18 Yeah.

19 MINDY TARLOW: --and we can certainly
20 circle back.

21 COUNCIL MEMBER LEVINE: Well, so the goal
22 is 85%. So you're--you're at the goal, which is good
23 but, you know, if you happen to be in one of the 15%
24 of parks, which is on the negative end of this, it's
25 still an unsatisfactory experience.

2 MINDY TARLOW: Right and I think the
3 Community Parks Initiative, you know, that's--that's
4 trying to focus on parks that are--have had less
5 attention over the decades. I certainly think that
6 Commissioner Silver and his team are trying to create
7 the most equitable park system that's available.

8 COUNCIL MEMBER LEVINE: Fair--fair enough
9 and he's--he's absolutely committed to that, and--and
10 we love CPI for sure. Why not make the goal 90% of
11 parks meeting the standards or 95 or even higher?

12 MINDY TARLOW: Well, I think that gets to
13 the overall question about target setting, and they
14 can vary for different reasons. Sometimes it's just
15 the--it can be a budget issue that, you know, the--
16 the amount of investment that would be required just
17 to get from 85 to 88 and I'm just being illustrative
18 here.

19 COUNCIL MEMBER LEVINE: Right.

20 MINDY TARLOW: It could be so
21 significant, and take away from other things that
22 might be equally important whether it was in an
23 agency or across agencies. That can be one reason.
24 Another reason could be as Tina was describing with
25 311, you're always balancing within the agency. If I

2 do more of this, then I'm going to do less of that,
3 and how do I make sure that I'm balanced meeting all
4 the demands that I have. So, I think the target
5 setting generally is in that.

6 COUNCIL MEMBER LEVINE: Yes, as---as
7 you're--you're probably aware, the Mayor's Budget for
8 the Parks Department called for laying off 150 staff
9 members, 100 maintenance workers and 50 gardeners.
10 To me to see these statistics, makes that proposal
11 even less easy--even more difficult to understand
12 frankly. At a time when we're at best holding even
13 on maintenance levels and even that's leaving 15% of
14 the parks out. To be cutting the front line staff
15 involving maintenance to me doesn't make sense
16 especially when I'm pushing very hard to reverse
17 this, as you may know. Okay. I'm not seeing a
18 measure here on park safety. Although I may have
19 missed it.

20 MINDY TARLOW: Yeah there are--

21 COUNCIL MEMBER LEVINE: [interposing]
22 Sorry.

23 MINDY TARLOW: If you look at Goal 1(b)
24 on page 105--

2 COUNCIL MEMBER LEVINE: [interposing] Oh,
3 yes.

4 MINDY TARLOW: --you'll see the major
5 felonies in the 30 largest parks, and the crimes
6 against property.

7 COUNCIL MEMBER LEVINE: Got it. So we've
8 now--we're now tracking safety and--and we're
9 reporting park-by-park, a public safety notice for
10 the top 100 parks, right?

11 MINDY TARLOW: Uh-huh.

12 COUNCIL MEMBER LEVINE: This is a
13 Council legislation which stays in reporting on a
14 park-by-park basis. The first phase of that required
15 reporting for 30 parks. We're now going to be--we're
16 now--you are now already reporting on the 100 parks?
17 So can we presume that we'll see data on the top 100
18 parks coming soon?

19 [pause]

20 TINA CHIU: We'll talk about that with--
21 with the Parks Department. You know, we're in the
22 process right now of, you know, working for
23 preparation for the MMR. So this is a good
24 opportunity for us to have that discussion again.

2 COUNCIL MEMBER LEVINE: Okay. If--if I
3 recall correctly having seen the numbers property
4 crimes are up if you look at the top 100 parks, and
5 these are things like thefts of Smart Phones, et
6 cetera. Thankfully, they're not violent crimes. I
7 believe violent crime is down for even the broader
8 pool of parks, but clearly there's something going on
9 with--with non-violent crime, property crime that we
10 need to talk about. On the capital front, so let me
11 know if I can give you credit for one important thing
12 here since I'm giving you a hard time with other
13 items. The Mayor's budget did include funding for I
14 believe 67 PEP officer, Park Enforcement Personnel,
15 which--which I certainly cheer, and it's something I
16 hear from park users all the time they want more PEP
17 officers. Undoubtedly it's a deterrent to the kind
18 of property crime that we're referring to now. So
19 kudos to you all of that. Thank you. On the capital
20 front, you've got a goal that--that--that measures
21 how many New Yorkers live within walking distance of
22 a park. And I need for you to find if it's five
23 blocks or ten blocks and different con--in different
24 context I've heard it both ways. Do you happen to
25 know off the top of your head?

2 MINDY TARLOW: I think it's--

3 COUNCIL MEMBER LEVINE: [interposing] I
4 think that might be the ten block information but--

5 MINDY TARLOW: [interposing] Yeah, I
6 think it's a quarter mile or a half mile, which is
7 the five-block--

8 COUNCIL MEMBER LEVINE: [interposing] Got
9 it.

10 MINDY TARLOW: --difference, and I'm so
11 focused on OneNYC, which we're preparing the progress
12 [laughs] report that's--I'm not sure if it's the same
13 or different? Do you know? [background comments] So
14 that means it's five. I think it's a quarter mile.
15 I'm pretty sure.

16 COUNCIL MEMBER LEVINE: Okay, great.
17 That's good news.

18 MINDY TARLOW: Yes.

19 COUNCIL MEMBER LEVINE: If I'm not
20 mistaken, in the PlanYC, the predecessor document
21 there actually was a target to this measure. I think
22 it was 90%. We should look that up. You--you don't
23 have a target listed here at all on this measure. Is
24 that because it was taken out of OneNYC?

25

2 MINDY TARLOW: I believe there is a
3 target in OneNYC, and I can come back to you about
4 that.

5 COUNCIL MEMBER LEVINE: Okay. I would
6 think that if it's in OneNYC, it would be in this
7 report as well.

8 MINDY TARLOW: Yep.

9 COUNCIL MEMBER LEVINE: Okay, got it.
10 [coughs] Do you have measures for the timeliness and
11 completion of capital projects? But there's something
12 strange happening here. You're--you're, of course,
13 measuring the percent of capital projects, which come
14 in on time. But, you know, for projects budgeted for
15 five years, a plan for five years to renovate a dog
16 run, you may be able to declare a victory that you
17 did it in five years. But to constituents who are
18 left fuming that it took five years to do the dog
19 run, it's hard to call that a success. It seems to
20 me you need a measure to simply ask how long is it
21 taking us to do capital projects? Maybe you
22 categorize them by size, but that's what impacts Park
23 users. How long do they have to wait for the comfort
24 station to get fixed? And we've known historically
25 anecdotally the answer is often many years, in

2 typically three or four years. Certainly cases that
3 are beyond that even for projects, which on the
4 surface appear--appear to be relatively modest. So I
5 think it would be very power--powerful to say we want
6 the average Parks capital project to be done in 30
7 months. We could talk about what--what the right
8 measure is. But as you well know, once you begin to
9 track something like that it motivates behavior. And
10 because the Commissioner--Commissioner Silver has
11 brought a wealth of information online through the
12 Parks Capital Tracker--

13 MINDY TARLOW: [interposing] Yes.

14 COUNCIL MEMBER LEVINE: --we know that
15 the systems to measure that are in place, and the
16 public can see that. But to aggregate it towards the
17 goal would be very powerful.

18 MINDY TARLOW: Yeah, and I think much
19 like with the performance measures overall. There
20 are distinctions. One project is not like another
21 project, and so it's hard to have one standard, if
22 you will, similar to the comments and the back and
23 forth Councilman Kallos and I were having earlier.
24 But yes, Parks had done a terrific job of putting
25 their tracker online. There is also a capital

2 projects dashboard that's on the operations website,
3 which is for larger projects of \$25 million or more.

4 COUNCIL MEMBER LEVINE: Right, right.

5 Okay, so you could have a threshold above or below
6 what you--you either don't track or put them in a
7 different category. I understand that some projects
8 are special cases, but--but the bulk of them are
9 between say a million and ten million, and there--it
10 seems to me there would be a reasonable comparison if
11 we could track them that way.

12 MINDY TARLOW: Again I mean I--I don't
13 want to answer off the top of my head into a
14 microphone, but I do think I'd have to really give
15 that some thought, and also the capital--the whole
16 capital process is a little bit beyond what the
17 Office of Operations is doing in its performance
18 management. But I--I do think that performance
19 measures are in some ways designed to be diverse, and
20 particular to a given set of things. So I don't
21 think you could really have one standard even if it
22 was just--for anything under \$10 million we're going
23 to complete it in X amount of time.

24 COUNCIL MEMBER LEVINE: Okay.

2 MINDY TARLOW: But I understand your
3 point.

4 COUNCIL MEMBER LEVINE: Yep. Okay, I do
5 want to--if the Chair will allow it, I want to just
6 quickly ask you about one other agency. Please give
7 me a signal when it's time or do you want me to come
8 back for a second round, Chair?

9 CHAIRPERSON KALLOS: So your time is all
10 right. (sic)

11 COUNCIL MEMBER LEVINE: Thank you.

12 CHAIRPERSON KALLOS: Oh, no problem.

13 COUNCIL MEMBER LEVINE: So much to the
14 credit of the administration and I'm proud that the
15 Council has really partnered in this, we have
16 dramatically increased our eviction prevention
17 efforts to providing legal services to tenants in
18 Housing Court. Two fiscal years ago, the City--all
19 the funding together is what the Council provided and
20 the administration was \$6 million towards this
21 effort. It's--it's I believe approaching \$70 million
22 now--

23 MINDY TARLOW: [interposing] Right.

24 COUNCIL MEMBER LEVINE: --and existing
25 commitments are going to take even farther. I happen

2 to be pushing to get to the day when have universal
3 representation for tenants in Housing Court. But in
4 the meantime, it seems like you have lot to talk
5 about, and--and just what kind of impact this work is
6 having. Because we have just steered dramatic
7 amounts of resources in this important work. I was
8 looking through the HRA chapter, and I didn't see
9 this explicitly addressed. You know, we create a
10 Office of Civil Justice, which--which would strike me
11 would warrant its own category. It's also providing--
12 -overseeing provisional services to immigrants in
13 Immigration Court, Family Courts and other context.

14 MINDY TARLOW: Uh-huh.

15 MINDY TARLOW: I thin--one thing I would
16 say is I think you're aware that we've been doing a
17 pretty substantial review over--there's a 90-day
18 review and many, many reforms that have been already
19 announced [coughing] and more that are coming. And I
20 think that that review will be announced in the
21 coming days or weeks, and I think there will be a lot
22 of information in there some of which is related to
23 issues that we've announced to date like what we've
24 been doing on evictions. But I actually thought we
25 had something in here. In the--yes on page 7 this

2 was one of the more collaborative initiatives. It's
3 in the housing New York section. I think you can see
4 city funded legal services programs in the HRA
5 budget, total \$34 million on page 7. It's the
6 paragraph--

7 COUNCIL MEMBER LEVINE: [interposing]
8 Yeah.

9 MINDY TARLOW: --right before refining
10 city financing tools.

11 COUNCIL MEMBER LEVINE: [pause] Great.
12 Good to see it in there. I can think of a number of
13 metrics beyond just how much we're spending--

14 MINDY TARLOW: [interposing] Yes.

15 COUNCIL MEMBER LEVINE: --and there's
16 always the tension between measuring outputs and
17 results. If you want to measure results, let's talk
18 about how many evictions there are in the city. In
19 there there's some great news that we should be
20 touting as much as possible. The number of evictions
21 is down over the last two years since we began to
22 ramp up the spending. It's down 25%. Really amazing
23 results for such a short period of time, and we could
24 also measure things like number--a portion of tenants
25 that have legal representation. These are not

2 entirely in the control of the city. I understand
3 that because there are many factors that determine
4 just how many--just how--sorry. I think I just
5 quoted the number previously. It's down 17% of the
6 last 2 years, which is great news. I want to get
7 that right--right for the record. Yes, there are
8 many factors that contribute to that drop some of
9 which are directly attributable the city's efforts,
10 and it could be some market changes as--as well.
11 But, you know, we track crime. I'm sure crime is-is
12 well covered in the MMR, and there again it's largely
13 due to policies that are carried out by the city, but
14 there are broader society factors as well.

15 MINDY TARLOW: Uh-huh.

16 COUNCIL MEMBER LEVINE: So it doesn't
17 strike me that there's any reason that we couldn't
18 measure things like the number of evictions, portion
19 of tenants, which have--have representation. Do
20 those strike you as reasonable measures?

21 MINDY TARLOW: I think it's always
22 important to make sure that the data is readily
23 available. That's one of the big issues about
24 putting indicators in the MMR. Commissioner Banks is
25 one of the very active commissioners in terms of

2 talking about indicators and taking this kind of
3 document really seriously. I think you know that the
4 investments in the anti-eviction initiatives are very
5 recent. So obviously it takes time to really start
6 to lay out even if it's just interim outcomes, and we
7 can certainly talk with and work with Commissioner
8 Banks and his team about how we might present this
9 information. Whether it continues to be in an
10 upfront collaborative section around housing and
11 related issues, or whether like with IDNYC it becomes
12 systematized enough that we can put it in as
13 regulator indicators in HRA. We're happy to discuss
14 that with them, and if there's time to do something
15 for September we can look at that. It might take us
16 longer again for--to see some of the impact of the
17 work. We'd like to make sure that things are baked
18 before putting it in, you know, such an official
19 annual or semi-annual--

20 COUNCIL MEMBER LEVINE: [interposing]

21 Yes.

22 MINDY TARLOW: --document.

23 COUNCIL MEMBER LEVINE: Correct. Just--
24 just the last point I'll make is that there's a wide
25 range of availability of this data--

2 MINDY TARLOW: [interposing] Uh-huh.

3 COUNCIL MEMBER LEVINE: --depending on
4 what we want to look at.

5 MINDY TARLOW: Right.

6 COUNCIL MEMBER LEVINE: The number of
7 evictions is tracked by the US--by the--by the City
8 Marshals precisely down to the--the exact number. So
9 that's how we know with great certainty the pace at
10 which the number of evictions is dropping. The
11 question of just what portion of tenants have
12 representation is more elusive.

13 MINDY TARLOW: Uh-huh.

14 COUNCIL MEMBER LEVINE: I don't know of a
15 perfect data set on that. We have estimates from
16 advocates who are in the courts everyday that--that
17 say that prior to this round of investing resources,
18 it was probably less than 10% of tenants, and that
19 today we're probably more like 15 of 20%.

20 MINDY TARLOW: Uh-huh.

21 COUNCIL MEMBER LEVINE: But those are not
22 precise measures. It's great that we now have a Civil
23 Justice Coordinator at HRA. Jordan Dressler is also
24 a great start. He's going to be a huge asset to us,
25 and I think that one of the things he's working

2 intensely is--is just how to get more exact data on
3 any of these things. And I would hope that as we can
4 it begins to make its way into these important MMR
5 documents.

6 MINDY TARLOW: Well, we'd very happy to
7 partner with them on that.

8 COUNCIL MEMBER LEVINE: Great. Thank you
9 and thank you for your time, Mr. Chair.

10 CHAIRPERSON KALLOS: No worriers. With
11 regard to the Office of Court Administration, feel
12 free to reach out to them. The database that they
13 use for managing cases include the party names, and
14 whether or not they're represented and the counsel
15 that are presenting. So when somebody is pro se they
16 appear without counsel and there's usually five
17 dashers. So it's just a matter of querying the OCA
18 data base for all the Housing Court cases that lack
19 an attorney on the defense side.

20 COUNCIL MEMBER LEVINE: That is an
21 outstanding idea. We're going to get right on it,
22 Mr. Chair.

23 CHAIRPERSON KALLOS: And you got it.

24 COUNCIL MEMBER LEVINE: Thank you.

2 CHAIRPERSON KALLOS: For a second round
3 to Carlos Menchaca for a question, and then I will
4 continue with a second round.

5 COUNCIL MEMBER MENCHACA: Thank you,
6 Chair, and I wanted just to ask a little bit about
7 language access, the report, and what you do today to
8 bring the report in multiple languages out into the
9 community? Is the report written in other languages?
10 How do you get it out?

11 MINDY TARLOW: Oh. [pause] Are you
12 asking whether this is available in other languages?

13 COUNCIL MEMBER MENCHACA: Is this
14 available in other languages, and how--and how do you
15 disseminate the report in other languages?

16 MINDY TARLOW: I actually don't know.
17 I'm sorry.

18 COUNCIL MEMBER MENCHACA: Okay. Well,
19 two questions. So you don't if--if we print this in
20 other languages?

21 MINDY TARLOW: I don't think we print
22 hard copies in another language.

23 COUNCIL MEMBER MENCHACA: Do you have any
24 digital--digital formats for other languages?

25 MINDY TARLOW: [off mic] No.

2 COUNCIL MEMBER MENCHACA: Okay, and it
3 would be great to work together, this committee and
4 the Council to figure out how we can--how we can do
5 that, and identify resources to--to get this
6 information out into--into the community. This is
7 incredibly valuable information--

8 MINDY TARLOW: [interposing] Uh-huh.

9 COUNCIL MEMBER MENCHACA: --that we've
10 already just in this one hearing spoke to, and it
11 would be great to get this out into the hands of our--
12 -of our immigrant community. That's it. Thank you
13 so much.

14 MINDY TARLOW: Great thank you.

15 CHAIRPERSON KALLOS: Thank you and thank
16 you to all the members for participating in a strong
17 hearing. On the second round I wanted to dig a
18 little bit deeper. I oversee the Department of
19 Citywide Administrative Services. In the Mayor's
20 Management Report the narrative for the goal of
21 "Reducing the city's energy-related carbon footprint"
22 states that "DCAS is reviewing its indicators in
23 Fiscal 2016 to better capture progress of the
24 programs." I see that the PMMR regarding energy have
25 not changed, and there are a lot of times where I

2 will bring things up to a commissioner, and even the-
3 -as seeing the MMR will reflect that they're seeking
4 to change it. Just had a couple of open-ended
5 questions along the lines of when it's published how-
6 - So I guess along those lines, who has ultimate
7 responsibility for the changes that are being
8 implemented? Is it with the agency or operations,
9 and how do those changes actually end up happening?
10 How do we make this change happen as it was promised?

11 MINDY TARLOW: Well, as I testified
12 earlier and in response to a couple of earlier
13 questions, it's a very collaborative process. We
14 don't dictate play to agencies, and the agencies
15 don't just unilaterally make changes. It's a
16 collaborative back and forth that's generally pretty
17 substantive. With respect to the energy indicators,
18 as you know, there's a new commissioner at DCAS.
19 Haven't had a chance to meet with Commissioner Camilo
20 in her new capacity, and we will be doing that as we
21 head towards the September MMR.

22 [pause]

23 CHAIRPERSON KALLOS: So yes, we--we have
24 a changeover in the commissioners, which helps
25 explain why something that was planned in the MMR and

2 it's written in the MMR didn't happen in the PMMR. I
3 guess the question of frustration for council members
4 is just figuring out where--where the buck stops, who
5 has ultimate responsibility so that if we want any
6 indicator changed does that mean that we ask at the
7 PMMR and budget hearing, and then we send a separate
8 letter to operations, or what is--what is the
9 recommended way that we actually make sure that when
10 there seems to be consensus from--coming out of a
11 PMMR hearing that it actually does change?

12 TINA CHIU: So as you could tell from the
13 discussion just here there's a lot of steps along the
14 process after a particular proposal for an indicator
15 is made. So although there may be a general
16 consensus agreement or understanding about the--
17 whether or not an indicator might be a good idea to
18 change or to add to the PMMR or the MMR in the
19 discussions afterwards is where we really have to
20 look through a number of different criteria as to
21 whether we can actually go through with those types
22 of edits or changes. So in those discussions it may
23 be the case that it doesn't necessarily fit within the
24 guidelines of the way the MMR is established, whether
25 it's in the service or goal setup. Whether it's

2 related to whether the data is actually available or
3 the quality or perhaps there are other sort of
4 factors or issues that sort of make it not the most
5 useful indicator or most useful type of target to
6 include. So I think the--this as a generative area
7 for ideas and proposals to come is very useful, and
8 we have been listening on conversations and following
9 up to hear what those ideas area. But it's sort of
10 taking it into the back room and making sure that
11 when we work on it, we're fully--it is consistent
12 with what we need to have within the document.

13 CHAIRPERSON KALLOS: I think to the
14 extent some sort of informal or formal procedure of
15 something gets flagged at a PM or Preliminary Budget
16 or even and Executive Budget hearing, but I think
17 it's just PMMR and Preliminary Budget where things
18 are heard together. So that when something comes up,
19 and whether the agency brings it to you, or
20 Intergovernmental Affairs from the Mayor brings it to
21 you or committee counsels from the City Council
22 brings it to you just making sure that you're in the
23 loop. And we don't end up in situations where a
24 council member asks somebody to fix something. They
25 commissioner agrees or says yes we'll get right back

2 you, and then the way we hear back about it is we
3 open the MMR and something hasn't changed. So
4 whatever we can do to make sure that there is a step
5 in between the requests and the MMR. One piece I
6 wanted to just seek additional clarification on is
7 occasionally you will have a target and that direct
8 target may be numerical or directional and
9 occasionally you will use an asterisk. And that is
10 defined within the document in multiple places as no
11 target. How do you make the decision between
12 directional and no target with again--with--with--in
13 the targets? And sometimes we will get an asterisk,
14 which means no target at the same time that there's a
15 desired direction that is in a direction. So I guess
16 one question being shouldn't we when we have a
17 desired direction shouldn't that also just be
18 directional arrows versus asterisks? How do we get
19 rid of the asterisks or what are they there for?

20 TINA CHIU: [pause] So the--so your
21 question is if--so if asterisk def--definitely mean
22 that there is no particular target set out there.
23 Desired directions tell us where we want to see the
24 actuals move from year to year. And you're asking
25 whether in the case when we have a desired direction

2 whether the target rather than having an asterisk
3 should have the same direction as desired direction?

4 CHAIRPERSON KALLOS: That's correct.

5 TINA CHIU: We'd have to look at that
6 sort of case-by-case again. So again the targets--

7 CHAIRPERSON KALLOS: [interposing] So
8 it's--

9 TINA CHIU: --the attributes of--of
10 desired--desired direction is an attribute of the
11 indicator rather than of the target itself. So,
12 that's probably why you're seeing that difference.

13 CHAIRPERSON KALLOS: So the example that
14 we have is on page 76. For the Law Department Goal
15 1(a) totals citywide payoff for judgments and claims.
16 The FY16 and FY17 show and down arrow, but for total
17 cases commenced against the city, the target shows
18 and asterisk.

19 [pause]

20 MINDY TARLOW: I'm sorry. Can you just
21 be more specific about where you are.

22 CHAIRPERSON KALLOS: Page 76, Goal 1(a)
23 so Payouts for Judgments and Claims. Again, I'd
24 prefer to see numerical, but at least there is a down
25 arrow, but for total cases commenced against the

2 city, there's an asterisk. If you could explain the
3 distinction, and why we get an asterisk there instead
4 of a down arrow?

5 [background comments, pause]

6 MINDY TARLOW: Yeah, I think that this
7 falls generally into more sort of a neutral category
8 where if we can't control what comes in from outside,
9 we can't say. It's sort of like some population
10 metrics are also neutral, right. You can't control
11 what's coming from the outside, but once we have it,
12 we can try to control the payout or the sort of, you
13 know, what the city is held accountable for. I would
14 say it's something in that rubric.

15 CHAIRPERSON KALLOS: All right, so I
16 think that--so I gather that part of the PMMR is not
17 only for management, but just for tracking of
18 tracking--tracking trends. So to the extent it is
19 able to put those out or just indicate that those are
20 items where--and--and maybe just perhaps a--a better
21 definition than no target, but actually say we are
22 tracking--

23 MINDY TARLOW: [interposing] Why there's
24 no target and that we're tracking the number. I--I

2 think again population--that's--we consider that
3 there is sort of--

4 CHAIRPERSON KALLOS: [interposing] Yes.

5 MINDY TARLOW: --some neutral indicators
6 that don't have a direction one way or the other
7 because we can't control the direction.

8 CHAIRPERSON KALLOS: So--so just whatever
9 language you think you think is appropriate--

10 MINDY TARLOW: [interposing] Uh-huh.

11 CHAIRPERSON KALLOS: --to say the reason
12 that there's no target here is--is because this is
13 not something we can control. And then I think on my
14 end I would still love to be able to say, well, if we
15 invest in another 500 attorneys, which I believe is
16 what we've done, hopefully that will reduce it. And
17 then I'd love to set targets around it. Because my
18 hope is that we're investing in reducing that. But
19 at least for the things where it's just-it's tracking
20 so people can see it that is helpful.

21 MINDY TARLOW: Uh-huh.

22 CHAIRPERSON KALLOS: With regard to the
23 PMMR, thank you for making that an open data set as
24 well as the MMR. I think this is the first year the
25 PMMR is an open data set. So thank you. At the City

2 Council we've got some folks who do data crunching,
3 and are data scientists, and they ran an analysis,
4 which we hadn't shared with you. We should have
5 shared with you. I apologize for you on that one,
6 and our hope is once we share it with you, what we
7 had found is 107 of the indicators 70 of which were
8 critical where 28% or more had a discrepancy from the
9 FY16 in the PMMR and the average performance over the
10 past three years. So we'll share this data with you.
11 Would you commit to working with us to try to look
12 into what happened with those indicators?

13 MINDY TARLOW: We'd certainly be happy to
14 look at the analysis and comment on the analysis.
15 Un-huh.

16 CHAIRPERSON KALLOS: Okay, perfect, and
17 then last, but certainly not least, this year the
18 City Council fulfilled it's Charter Mandate on the
19 PMMR providing a response on page 53 and 54, the last
20 pages of our somewhat lengthy budget response,
21 included 57 recommendations to include specific
22 indicators across 18 agencies and Council Member
23 Greenfield asked that a specific point to the
24 indicators within DCAS because we both have a shared
25 interest in the Board of Standards and Appeals, which

2 we would like to see added to the PMMR and MMR as
3 with the Municipal Art Society and others, but with
4 regards to these pieces and this case out on Monday.
5 [laughter] So have you had a chance to review any of
6 these recommendations, and do you have any general
7 thoughts with regards to these indicators?

8 MINDY TARLOW: Well, first, thank you for
9 acknowledging that we just received this list. So
10 we're not really in a position to comment at this
11 time because we just got it, but also it's the kind
12 of thing that we need to fully review and discuss
13 with the relevant agencies and deputy mayors. As I
14 said in my testimony and in--in some of my responses,
15 adding indicators requires significant back and forth
16 between agencies, operations and City Hall. And also
17 I think as Tina alluded to earlier, we need to make
18 sure that any proposed indicator needs MMR guidelines
19 as the agency actually covered. Does the proposal
20 fit within that rubric that we have of services and
21 goals that kind of defines the infrastructure of the
22 MMR? And that there's appropriate data that's
23 available to measure the proposed indicator.
24 Sometimes, you know, we all want to know a lot of
25 things. We just need to make sure that there would

2 really be data behind it. So we're certainly looking
3 at this and we'll confer with all the colleagues and
4 partners that we need to--to respond.

5 CHAIRPERSON KALLOS: Thank you very much
6 for this hearing. Thank you for putting together the
7 PMMR and the MMR at the same time as you were putting
8 together Home Stat at the same time as you were doing
9 the Municipal ID Card at the same time as you were
10 running many, many multi-city-- Sorry, multi-agency
11 city initiatives, and a pleasure to work with you on
12 this and we look forward to having the strongest and
13 best PMMR and MMR, and as noted, I do think it is a--
14 it is generations, if not infinitely better than the
15 1997 versions for the documents though I am part to
16 foot bart (sic) and just thank you for your
17 partnership. I look forward to working with you, and
18 hope that we do see the changes in the MMR and PMMR.
19 Thank you.

20 MINDY TARLOW: Thank you. It was a
21 pleasure.

22 CHAIRPERSON KALLOS: Our next panel will
23 be the Independent Budget Office with Lisa Neary
24 (sp?) followed by a panel with Dick Dadey from
25 Citizens Union, which continues to have near perfect

2 attendance to the Governmental Operations Committee
3 even better than some of our council members.

4 [pause] Do you swear to tell the truth, the whole
5 truth and to answer City Council Member questions?

6 LISA NEARY: I do.

7 CHAIRPERSON KALLOS: If you could state
8 your name, title and organization for the record, and
9 please begin your testimony.

10 LISA NEARY: Sure. I'm Lisa Neary. I'm
11 the General Counsel of the Independent Budget Office.
12 Good afternoon. Thank you for the opportunity to
13 testify today on the Preliminary Mayor's Management
14 Report. IBO last offered testimony on the Mayor's
15 Management Report in December of last year. We
16 focused our comments then on the content of the MMR
17 specifically on legislation requiring that citizen
18 surveys become part of the annual process, which we
19 viewed as an important step towards beginning an MMR
20 that was more accurately reflective of how the city's
21 communities experience and perceive the delivery of
22 city services. Today, I am going to focus less on
23 contents and more on the process specifically on the
24 timing of the publication of the PMMR and MMR, an
25 issues that has come up in prior Council hearings and

2 over the years in prior IBO testimony as well.

3 Although the PMMR report is released prior the
4 Council's hearings on the Mayor's Preliminary Budget,
5 which allows the information, as you know, to be used
6 in discussions around the Preliminary Budget, the
7 timing of the reports released limits the amount of
8 information that the report can contain. As you
9 know, the performance indicators contained in the
10 PMMR reflect only the first four months of the City's
11 fiscal year, July through October. With only this
12 partial picture in hand, the Council lacks crucial--
13 crucial information that would allow you to link
14 objectives to resources and resources to outcomes.
15 Without these tools the Council's ability to gauge
16 the effectiveness of successes and failures in the
17 City's programs put forward in the Mayor's
18 Preliminary Budget is limited. One example of this
19 limitation, in the most recent PMMR there are many
20 indicators related to the Department of Education's
21 efforts to improve academic achievement that are
22 listed as not available, including over one dozen
23 that have been identified as critical to achieving
24 this goal. Though identified as critical information
25 because the PMMR is issued so early in the fiscal

2 year, the information cannot be collected and
3 reported. The September release of the MMR is
4 arguably even more poorly timed. As you know, budget
5 decisions are typically the focus of the Council's
6 retention from January through June. For the MMR to
7 have maximum influence on these decisions, its
8 release date would need to be within this period.
9 One suggestion IBO has made in the past would be to
10 release a version of the MMR in conjunction with the
11 release of the Mayor's Executive Budget in April.
12 With this change in the timing, the Council would
13 potentially have several more months of crucial
14 performance related information available as the
15 budget negotiations took shape for the upcoming
16 fiscal year. In addition, the Council would be able-
17 -would be in a better position to suggest additional
18 MMR indicators related to the Mayor's Budget
19 initiatives going forward. In this way, and
20 improvement in the timing of the release of the MMR
21 could contribute--can--could contribute to the
22 improvement in its content as well. Thank you for
23 this opportunity to testify today. I'm happy to take
24 any questions.

2 CHAIRPERSON KALLOS: So when would you
3 want to see the PMMR, when exactly? So the Mayor--
4 the MMR you would see in June and when would you do
5 PMMR?

6 LISA NEARY: You know, I think--I think
7 the point of our testimony really is just to make
8 sure that people are thinking about the timing of
9 these reports and how to maximize the amount of
10 information they can contain at a--at a point in time
11 when decisions are being made about the allocation of
12 resources. The problem with the PMMR as I--as I
13 said, is it--it really can only contain four months--
14 one-quarters worth of information, which doesn't
15 really help you. So maybe you would have, you know,
16 an MMR with the exec, and then one that reflected
17 performance for the whole year again in October or
18 November or something. But I think the--the key
19 thing is to have as much information as you can at
20 the time that you're making resource allocation
21 decisions.

22 CHAIRPERSON KALLOS: With regard to
23 resource allocations, I asked a couple questions
24 around performance budgeting, and also compliance
25 with the Charter, which requires time performance to

2 budget allocations. Do you think that the current
3 PMMR and MMR are in compliance, and do you believe
4 that the Budget Function Analysis would satisfy the
5 requirements of the Charter? Do you need me to go--I
6 can to back and read the section of it's helpful.

7 LISA NEARY: Yeah, you know, I--I
8 actually in preparation for this hearing looked at
9 the PMMR section of the--Section 12 of the Charter
10 and saw that there were--that there was a requirement
11 that there be suggested indicators for--in the
12 Preliminary Budget, in the Preliminary PMMR--MMR for
13 indicators going forward, which I guess arguably the
14 PMMR does contain. But to answer your question
15 specifically, I would have to study more.

16 CHAIRPERSON KALLOS: I--I would be
17 interested in an Independent Budget Office review of
18 the PMMR where it is with regard to Charter
19 requirements and any places we could make
20 improvements. As--as you are well aware with hearing
21 number three on this exact topic this is of the
22 utmost importance to me. Thank you very, very much.

23 LISA NEARY: Thank you. Thank you.

24 CHAIRPERSON KALLOS: And so, our final
25 panelist will be Dick Dadey from Citizens Union. We

2 thank Citizens Union for all that they do, and they
3 sometimes mislabeled this committee, not as the
4 Governmental Operations Committee, but as the Good
5 Government Committee mostly because of how much we do
6 work with Citizens Union and the other good
7 government groups. I would be remiss if I didn't
8 also note that part of what makes government work is
9 when we have a fourth estate, and that requires a
10 strong press, and independent press and a press that
11 is willing to cover boring issues like the management
12 of the city of New York. And so I do want to thank
13 Citizens Union for its Gotham Gazette and their
14 coverage of important issues at the Council.

15 DICK DADEY: And we're represented here
16 today.

17 CHAIRPERSON KALLOS: Yes, you are so
18 thank you, and if you would state your name and
19 organization for the record, and thank you for your
20 near perfect attendance. I think we--no I--I think
21 you've only missed--I don't--I--you--you have better
22 attendance--your organization has better attendance
23 here than most council members.

24 DICK DADEY: That's because that it's the
25 organization's presence. It's a rare opportunity for

2 me to testify before this committee, and I'm pleased
3 to do so today, and Council Member Kallos I want to
4 thank you for your leadership on so many issues and
5 on so many levels and really bringing the kind of
6 oversight that is so necessary to ensuring that our
7 government operates as effectively and as efficiently
8 as it can, and with good government principles behind
9 it. My name is Dick Dadey. I'm the Executive
10 Director of Citizens Union, a non-partisan good
11 government group dedicated to making democracy work
12 for all New Yorkers. We serve as a civic watch dog,
13 combating corruption and fighting for political
14 reform. Thank you again for the invitation to
15 testify today for the 2000--about the 2016
16 Preliminary Mayor's Management Report. We have
17 previously engaged on this issue many times having
18 testified before this committee over the past five
19 years at similar oversight hearings, and served on
20 the Mayor's Management Report Roundtable convened by
21 the Mayor's Office of Operation in 2012. The
22 Roundtable's goal was to redesign the MMR to make it
23 more user friendly to the public and more effective
24 as a measurement of agency performance. We've been
25 pleased to see that several recommendations from that

2 discussion have been implemented, but more need to
3 be--need to be embraced. We believe that the
4 improvements that could be made to both the substance
5 and the presentation of the reports that would allow
6 for better understanding of our government's
7 performance and plans for service delivery, and which
8 will strengthen accountability and transparency are
9 contained herein. These recommendations are broken
10 down into three major categories. One is the setting
11 targets for over half of the city's performance
12 indicators. The other is providing more detailed
13 budgetary information and expanding reporting on
14 cross-agency initiatives. These are recommendations
15 that we've made in the past, and they're observations
16 that we have provided to this committee and publicly,
17 and we are again making them once again. Which I--I
18 guess goes to a problem that--it goes to a challenge
19 that we face is that we've been back here several
20 times making the same recommendations. And while
21 some of them get adopted, we think some of the more
22 common sense ones are not being embraced, and we're
23 at a loss to understand why, and particularly if you
24 take a look at number one. You know, as we've noted
25 in testimony of the years, you know, much information

2 is needed to present a comprehensive view of the
3 City's performance charts. This year we conducted an
4 analysis of the Preliminary Mayor's Management
5 Report, and found that targets are specified for less
6 than half of the 1,964 performance indicators. Less
7 than half within the text of this report. So, while
8 some targets are given direction, you know, to reduce
9 or increase the number still more indicators do not
10 have any articulated targets. And more indicators
11 are without targets for Fiscal Years 2017 than they
12 are for Fiscal Year 2016. So we're going in the
13 opposite direction here. As you can see, our data
14 shows in comparison with 2016 to 2017, you know,
15 specified targets. There were more in 2016 than
16 there were in 2017. Direction of targets there were
17 about the same, exactly the same at 94, and that
18 there was no target for 948 in 2016, and--and that
19 rose to 961 in 2017. This is somewhat disconcerting
20 because a critical aspect of these management reports
21 is to publicly disclose the goals that agencies have
22 established and improve on their performance. The
23 lack of targets indicates one of two possible
24 troubling possibilities. Either the agency has
25 experienced difficulty in setting goals in

2 coordination with the Office of the Mayor, or that
3 these goals have been established, but are not be
4 concealed--or--or possibly being concealed from the
5 public. Neither is satisfactory. And as you can see
6 on the second page, is a detailed listing of the
7 [pause] excuse me.

8 CHAIRPERSON KALLOS: I've got it.

9 DICK DADEY: You go it. Okay.

10 CHAIRPERSON KALLOS: I--I've also got my
11 own spreadsheet with the same information.

12 DICK DADEY: [laughs] But the--so as you
13 can see, the information there is laid out in--in a
14 very detailed way. There may be copies of that that
15 may be incomplete. If you can see--if you can get--
16 get one for me, that would be great. It looks like
17 the assembly was not that--as well as I--as I
18 thought, but anyway, moving on to number two, and
19 this is something we've also provided in the past
20 providing more detail. Where is that?

21 CHAIRPERSON KALLOS: Here you can give
22 him mine.

23 DICK DADEY: All right, I've got it--I've
24 got it here. Okay. So as you can see, all these
25 that are listed, and they're not as comprehensive as

2 we would like. I mean it's--it's pretty telling the
3 number of agencies that--that do not have any targets
4 for--for the delivery of services, and I'm not sure
5 how we can have an effective document if you have
6 half of the performance indicators not being
7 indicated at all. And so I think that's something
8 that the office, the Mayor's Office needs to be
9 challenged on and pushed on because if this to be a--
10 a--and effective tool, it needs to be a complete
11 tool. Number two, we also believe that more detailed
12 budget information should be included in the MMR.
13 We've said this in the past, and we believe that
14 because we need to accurately measure the
15 effectiveness of each agency. Our general budget
16 information is provided for each agency including
17 expenditures, revenues, personnel costs, capital and
18 other time expenditures. There's no way to tell if
19 service delivery reflects dollars well spent. The
20 MMR and the PMMR should provide detailed budget
21 information for each agency service delivery goal
22 established. This would enable the Mayor and the
23 Council during this budget these budget hearing to
24 determine the levels of funding appropriate for each
25 service delivery goal agencies are trying to achieve,

2 and I was quite interested to hearing the IBO talk
3 about the need to change the timing of these two
4 reports to better alignment themselves with the
5 budget cycle, and so that the--the budget decisions
6 can be better informed. You know, we also understand
7 that other budget documents produced by the Council
8 and the Office of Management and Budget contained
9 more detailed financial information for agencies.
10 However, these documents do not measure performance,
11 and you cannot stress enough that the need for the
12 OMB to make detailed agency spending available that
13 is linked to actual program performance more
14 transparent and accessible for the public, and that
15 the MMR is one important way to deliver this
16 information. And I think it was actually part of the
17 recommendations that the Roundtable made. Number
18 three, you know, expand reporting on cross-agency
19 initiatives to include data on transparency and
20 voting programs. And this is something that you are
21 very much concerned about, Council Member and Chair
22 as is Citizens Union. And that the PMMR is currently
23 structured to share information not just about agency
24 performance but also about the cross-agency programs
25 such as Hurricane Sandy Recovery and Vision Zero. We

2 would like this feat--we believe that this feat--
3 feature is valuable for assessing key projects
4 initiated by the Mayor, and would like to see it
5 expand to include additional programs that are
6 crucial for good government in New York City. And I
7 will list a couple of those that we believe that
8 should be added that particularly engage in
9 transparency and accountability, and it is important
10 to track the progress and set for these--for the--for
11 the work in these areas. And they include complying
12 with the Pro Voter Law, requiring certain agencies to
13 provide voter registration applications. I mean that
14 was a--a program that had gone off the rails, and you
15 and your committee had provide some oversight on
16 that, and you got the Mayor's Office to do a much
17 better job of making the registration--voter
18 registration forms available at the time that New
19 Yorkers interact with city agencies. But we have not
20 seen any kind of numbers. It would be nice to see
21 numbers as part of the Mayor's Management Report.

22 Responding to Freedom of Information,
23 FOIL Request; webcasting and recording and publishing
24 public meetings in areas. I mean one of the great
25 initiatives over the last number of years has been

2 putting a lot online, and webcasting many of these--
3 almost all of the Council hearings and public
4 meetings unless there are--in fact as well as agency
5 hearings. It would be nice to know the extent to
6 which the--the agencies are complying with the law.
7 Also, including data on the Open Data Portal. You
8 know, while there's one performance indicator
9 addressing data sets on the Open Data Portal within
10 the Department of Information, Technology and
11 Communications portion of the report, more
12 information about the implementation of the overall
13 Open Data Law should be shared within this report.
14 For example, the report contracted a number of data
15 sets published by the Open Data Portal by agency, and
16 within each agency section of the report, as you
17 could do for all four of these cross-agency programs.
18 This would be a--a wonderful way to understand how
19 information to the public is being provided, and if
20 it's living up to the promise and the construct of
21 the Open Data Law. So that's--well that's our three
22 major recommendations. The nearest (sic) are the
23 ones that have been in the past, and we thank you for
24 the opportunity to present our ideas once again.

2 CHAIRPERSON KALLOS: Thank you. Thank
3 you for weighing in on this issue. I--I will share
4 that when I first dug into the MMR data and I saw
5 that half the time we didn't set goals, and I believe
6 that came up at our first hearing, I'm glad that I'm
7 not the only one who is concerned about this, and I
8 appreciate it. And look forward to working with
9 Citizens Union and your members to make sure we set
10 specific targets, even directional targets where
11 necessary due to the fact that half of them have no
12 target is a concern. With re--let me just--I--I will
13 read the section of the Charter. So it requires an
14 appendix indicating the relationship between the
15 program performance goals including the management
16 report pursuant to paragraph so--such and such of the
17 corresponding, and the corresponding expenditures
18 made pursuant to the adopted--sorry, I mean to the
19 MMR section and the PMMR section. It requires an
20 appendix indicating the relationship between the
21 program performance goals, and the measures included
22 in the Management Report pursuant to paragraph 2 of
23 the subdivision in the corresponding appropriations
24 contained in the Preliminary Budget. Do you believe

2 that the PMMR currently complies with the Charter
3 requirement, as I just read?

4 DICK DADEY: Not necessarily. No. It
5 has a way to stick out in terms of actually in the--
6 the spirit in the full spirit in the requirements.

7 CHAIRPERSON KALLOS: And then with regard
8 to reporting across agencies, you're--you're
9 preaching to the choir so you would expect--we--we do
10 expect to see a pro-voter law section as part of the
11 Multi-Agency Report along Vision Zero, which you
12 expect to see a pro-voter law indicator added to each
13 of the agencies that is part of the pro-voter law.

14 DICK DADEY: The latter. Right, the
15 latter.

16 CHAIRPERSON KALLOS: The same thing for
17 Freedom of Information--

18 DICK DADEY: [interposing] Exactly.

19 CHAIRPERSON KALLOS: --like webcasting
20 and--

21 DICK DADEY: [interposing] Right.

22 CHAIRPERSON KALLOS: --what data sets
23 they have market data for.

24 DICK DADEY: Exactly. I mean we're going
25 to be--it's going to be interesting to see what

2 happens now with this Open FOIL Portal. That is
3 underway and it is state of phase, and that will be
4 an important thing to track as well. But regardless
5 of that, these kings of things particularly since
6 things are really about citizens have access to
7 information to be--to be engaged in with democracy of
8 the city. It seems to me that would be a very
9 important thing to have, as is the PMMR and MMR
10 focused transparency and accountability measures.

11 CHAIRPERSON KALLOS: And I--I will--I
12 will note that the Commission on Public Information
13 and Communication, which Citizens Union also has near
14 perfect attendance I think actually perfect
15 attendance at also is digging right into the
16 webcasting issue under the leadership of Public
17 Advocate James--

18 DICK DADEY: [interposing] Yeah.

19 CHAIRPERSON KALLOS: --to make sure that
20 we're actually connecting everyone in the city with
21 the webcasts and actually taking on the challenge of
22 something more than 100 different agencies,
23 commissions and institutions including I think the
24 Fund for the City of New York or the Mayor's Fund,
25 which we believe should be webcasting as well. I

2 think we have an exact list of things. If you're
3 interesting we can share that with the Commission of
4 Public Information.

5 DICK DADEY: And to that point, it would
6 be nice to see not only ensure that the agencies are
7 complying with the law, but also the number of people
8 who are using it. I mean the numbers are actually
9 tuning--tuning in, and maybe--I'm not sure if the
10 Council has access to that information, but maybe
11 making the Council issue an annual report in terms of
12 the number of webcast hearings, which they have done
13 very well, and a number of people who tune in. It
14 would be nice to--to have that information. I mean
15 how many New Yorkers you're reaching who can't turn
16 out during the day for a hearing such as this.

17 CHAIRPERSON KALLOS: I think we might
18 either be greatly happy or greatly ashamed by the
19 interest. Thank you. Is there anything that I
20 didn't ask that I should have asked?

21 DICK DADEY: No, I think as always you're
22 very complete and thorough.

23 CHAIRPERSON KALLOS: Thank you very much.
24 Thank you for everyone who is here. Thank you again
25 to Garth Luzette (sp?) and other members of the

2 press. I know that we have reporters from Manhattan
3 Institute viewing this as well. Thank you.

4 Ultimately, we are working to do our charter mandated
5 job of oversight with regard the Preliminary Mayor's
6 Management Report. We've got our first response to
7 the budget that has included information on the PMMR.
8 We look forward to continuing to do oversight.

9 Please expect more in the Executive Budget hearings.

10 Please also expect further hearings when the MMR
11 comes out, which we're hoping to have many changes to
12 reflect the conversations we've had today. If you
13 are a member of the public, and you have not had a
14 chance to comment, and you would like to submit
15 comments, please feel free to email [policy@benkallos,](mailto:policy@benkallos.com)
16 [k-a-l-l-o-s.com,](mailto:k-a-l-l-o-s.com) and we will then do our best to add
17 it to the record. Thank you, and we will have
18 another hearing this month and topic to be announced,
19 and hope to see everybody soon. Thank you.

20 [gavel]

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1 COMMITTEE ON GOVERNMENTAL OPERATIONS

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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 April 8, 2016