CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

          Of the

COMMITTEE ON TECHNOLOGY

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                    October 1, 2014
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HELD AT: 250 Broadway - Committee Rm,
                14th Fl.

B E F O R E:
                JAMES VACCA
                Chairperson

COUNCIL MEMBERS:
                Annabel Palma
                Mark S. Weprin
                David G. Greenfield
                Steven Matteo
                Carlos Menchaca
                I. Daneek Miller

A P P E A R A N C E S (CONTINUED)
Jessica Singleton
Digital Director
Office of Mayor Bill de Blasio

Donald Sunderland
Deputy Commissioner for
Application Development Management
Department of Information Technology
and Telecommunications

David Moore
Participatory Politics Foundation

Rachael Fauss
Director of Public Policy
Citizens Union

1

2   [gavel]

3   CHAIRPERSON VACCA: I now want to convene

4   this hearing, this hearing of the… [interpose,

5   background comments] Okay.

6   'Kay. I now would like to convene this

7   hearing of the Transporta… of the Transportation…

8   [background comments] I did that for four years, so I

9   have to get acclimated… of the Technology Committee

10   of the New York City Council. My name is James Vacca

11   and I'm Chair of the Technology Committee; I'm joined

12   so far by my colleague, Mr. Matteo, Steve Matteo from

13   Staten Island and today the hearing will be held

14   concerning Int. 0471 by Council Members Vacca and

15   Koo, a Local Law to amend the administrative code of

16   the City of New York in relation to creating a

17   website to produce and sign petitions seeking

18   particular actions by city government.

19   We're here today to discuss this intro

20   and it would allow us to basically have a website

21   which I call "Petition New York City" and it's

22   modeled after the White House's "We the People"

23   petitioning website and it's among the first of its

24   kind initiated by a local government. With input

25   from the administration and other interested parties,

I hope to engage in a thoughtful dialogue about the

feasibility of such a website, its utility and how

all bodies of government may improve engagement with

the public through such a platform.

Anyone who's worked in government is

familiar with the action of petitioning; people in my

community for example have collectively raised their

voices about anything from speed bumps to street

namings. In more recent years, this type of

grassroots organizing is still happening, but much of

it is now online. Many petition platforms currently

exist in different forms; there are independently run

sites, such as MoveOn.org, Change.org, and AskThem.

One of the most well known petition sites is

President Obama's administration's website, "We the

People" on whitehouse.gov. "We the People," in part,

inspired the bill before us this morning. An online

petition tool for New York City was also a

recommendation from Beta New York City's, "The

People's Roadmap to a Digital New York City." I'd

like to thank Noel Hidalgo from Beta New York City

and David Moore from AskThem for their input on the

bill and for their testimony today.

Petitions, of course, are not the only

way that people may engage their government; every

day inquiries and complaints can be reported to the

City's 311 system by phone, web or app. All of the

city's elected officials have constituent services

and council members and the Mayor's Office often

field opinions and suggestions about policy and

legislation. Twitter, Facebook; other social media

platforms, have opened government to an unprecedented

level of public access, but each of these means by

which people interact with government is done mostly

on an individual basis. Particularly when it comes

to complex issues pertaining to public policy,

current platforms are unlikely to bring like-minded

New Yorkers together to speak up on a specific issue.

While "We the People" has made headlines for

frivolous petitions, for example, the construction of

a Death Star, the website has resulted in thoughtful

responses from the Obama administration and in some

cases have been the catalyst for policy change. An

example of this is a petition that requested the

White House to ask the Librarian of Congress to

rescind a decision that prohibited wireless customers

from being unable to unlock their cell phones for use

on a different network without carrier permission.

Directly resulting from this petition was a response

that led to the Chairman of the FCC making an

agreement with the nation's largest wireless carriers

to adopt unlocking principles.

Even in cases where policy is not changed

as a result of a petition, the act of collectively

and publicly submitting a petition sends a powerful

message. It also allows the agencies and elected

officials to gauge public opinion on issues that have

not been brought to a public hearing. Petition New

York City would not just be a platform where people

collectively post their concerns and suggestions; the

site would keep track of which government entities

have had petitions delivered to them and whether or

not they responded. It would keep bodies of

government accountable for engaging with New York

City residents even on issues that may not be heavily

covered in the press. The intent of Petition New

York City is to give residents a place to engage with

government in an organized and collective manner.

I'd like to thank our Counsel, Brad Reid

for his help and Stacy Gardener, my Legislative

Policy Director as well for their putting this

hearing together and working so hard.

So without further ado, I'd like to

introduce the Mayor's Digital Director, Jessica

Singleton, who will lead our testimony. Oh, I have

to swear you in now. [background comment] You wanna

stand up, I think? Do they have to… Do you affirm to

tell the truth, the whole truth and nothing but the

truth in your testimony before this committee and to

respond honestly to council member questions?

JESSICA SINGLETON: I do.

CHAIRPERSON VACCA: Okay, thank you so

much. This oath thing was not my idea, I want you to

know; I tend to… [background comments] I have to tell

you was not my idea, but it's not policy of the body

and I'm sure that your testimony, whether it was

under oath or not would be totally truthful, but

[background comment] I thank you for your help.

Okay, please.

JESSICA SINGLETON: Thank you. …the

microphone on… [laughter] Thank you for the

opportunity to testify today on Int. 0471, which

would require the Department of Information

Technology and Telecommunications, or DoITT, to

establish a website allowing the public to create and

sign online petitions and requiring city agencies and

authorities to post responses to those petitions.

        With me today is Donald Sunderland,

DoITT's Deputy Commissioner for Application

Development Management.

        Digital engagement is a major priority of

Mayor de Blasio's. From day one of this

administration there has been a clear and focused

attempt to find innovative new ways of interacting

with New York City residents. To emphasize its

importance, my unit, NYC Digital, now operates out of

City Hall. As the Digital Director, I report

directly to the Senior Advisor to the Mayor, Peter

Ragone. I oversee digital engagement for the entire

City of New York and have been charged by Mayor de

Blasio to make New York City the most digitally

engaged city in the world.

        Some goals of my office include: ensuring

that the Office of the Mayor and every City agency

develop and maintain a robust social media presence

that engages the New Yorkers we serve. So a little

color on that -- in addition to original outbound

content, many agencies have developed criteria in

consultation with my office for responding directly

to constituent requests for information or direct

services. These criteria and sample questions or

replies, they vary across government, but common

solutions are directing someone via a link to 311 or

another source for information.

We also use data to measure engagement

and online sentiment, analytics help us gauge the

quality of our engagement and we use the data

collected from these reports to inform our approach

and help determine how we can best serve our

customers, New Yorkers. Additionally, we use

reporting tools to measure sentiment about any number

of issues over a given period of time.

We also are developing a roadmap for

putting the entire city on a mobile responsive site;

like the NYC.gov homepage, every agency's web

presence will be optimized for a mobile device.

Additionally, we're identifying

opportunities for digital tools to improve the user

experience and outcomes of programs and services.

This is one of my favorite examples, but working with

Don and the rest of my DoITT colleagues we developed

a pre-k find and apply mobile search tool. The find

and apply tool that we developed enabled parents to

begin the application process on their smartphone.

The location-based tool populated search results

based on the user's location and gave parents a way

to begin the pre-k application process right from

their phone.

We also utilize SMS short codes. Many of

the City agencies use SMS short code tools to send

text message updates and receive text message

feedback or requests for more information from New

Yorkers. The SMS short code infrastructure is

managed currently at an agency level and we are

exploring ways to centralize this system and data so

that we're able to share even more information and

receive feedback from even more New Yorkers.

And finally, we operate an official City

email program. City Hall has an email program and

user database which enables us to send email updates

from different voices from City Hall and elsewhere in

the City government and we're able to create form

field pages to collect feedback from New Yorkers.

In addition to these initiatives, the

Administration's been focusing on directly engaging

the public whenever and wherever possible, improving

on old models and developing new ones. This is by no

means an exhaustive list, but I hope it will give you

a sense of the Administration's commitment to using

digital tools as one means of improving the delivery

of service to our customers, New Yorkers.

Additionally, we have strengthened, and

where necessary, created new offline community

engagement units at every agency; this began with the

overhaul of the Mayor's Community Affairs Unit; now

every agency has a group specifically dedicated to

the interaction with individual community members and

stakeholders who are directly impacted by the work of

that agency. In addition, the Mayor's Office of

Correspondence plays a vital role in ensuring that

all those who write to the City receive a timely

response, as well as an answer to their questions and

help navigating City government. The office aims to

respond to every single letter sent directly to the

Mayor. Over two-thirds of these letters are

delivered electronically, a significant number are

sent via mobile responsive page on NYC.gov; those

have category classifications. Upon receiving

correspondence the Mayor's Office of Correspondence

typically reroute it to the correct entity or follow

up directly on behalf of the Mayor's Office.

Now you must all be familiar with NYC

311, which has revolutionized the way individuals

interact with City agencies. With few exceptions,

311 calls and online actions result in one of the

following: Service requests, meaning, the City needs

to do something; Information requests, meaning, is

alternate side parking in effect or when is my trash

pickup day, or a referral to an outside entity --

MTA, New York State; District Attorney, etc. This

system allows the City to track a preponderance of

requests or complaints about any of the three

categories and measure the sentiment; 311 allows

anyone to directly contact the City and seek help in

navigating City government and accessing the services

available to them. This also provides one avenue

through which individuals can express concerns or

frustrations that they may have with the City.

NYC 311 of course remains the most

popular means for customer engagement with City

government; since 2003, 311 has received nearly 2

million calls on all manner of city issues and has

expanded in that time to include round-the-clock, 24-

hour access via the web, text, Skype, Twitter, and

mobile app. Complaints filed through any of these

channels are routed directly to the appropriate City

agency or follow-up, with service level agreements in

place defining the timeline within which agencies

must respond. The public may also use 311 to file

comments directly with the Mayor or complaints about

any City agency or employee. 311's back end data

collection service is robust and NYC Digital, my

unit, is working with 311 to consider new ways of

collecting and interpreting this data to track and

respond directly to specific and threshold number of

complaints.

Returning to digital engagement, we

realize that in a networked economy the barrier for

communication between government and the public it

serves should be in step with the way people

communicate with each other and yet petitions are

only as strong as the people who organize them. The

truth is that We the People model fell short in part

because there was no email program or supporting

digital organizing infrastructure to ensure that

users return to the site and moved up the ladder of

engagement. In 2014, a government-sponsored petition

tool is a waning model in the age of direct

engagement and the White House version of the

petition tool that inspired this bill can help

illustrate some of the shortcomings of a government-

sponsored petition model.

The Obama administration first sought to

give individuals and groups a necessary means to

express themselves and set a standard for when a

response was necessary. This website allowed for a

situation in which a series of concerns must reach a

specific threshold before receiving a response. This

was not the result of the White House site; instead,

the site has in some ways become a dumping ground. A

number of these petitions were either frivolous or

not grounded in serious policy goals and very few

have spurred specific action beyond a single

response.

As New York City officials, we constantly

seek to better understand popular sentiment and what

is driving the conversation, both online and off.

The goal of this administration is to respond to

every single New Yorker in a timely manner. This is

clearly a big challenge and there will be times when

this is difficult, but through technological

advancement and a streamlining of our systems, we

will work to ensure that all receive a response, not

just those with a point of view that reaches a

predetermined threshold. This is the future of

digital engagement -- one-on-one communication and

service.

It is our belief that we should not

establish a threshold for the point of view at which

New Yorkers receive a response, rather it's our goal

to engage with constituents directly, regardless of

how many others share their point of view. Creating

a threshold for response silences too many, whereas

with direct digital engagement everyone can be heard,

not just those who organize around it. Furthermore,

it's important to note that a number of private

websites, which you mentioned, Chair Vacca, provide

the same online infrastructure that the bill seeks to

create. It is our view that government does not need

to reinvent the wheel, we need to deliver better

outcomes for New Yorkers. In age of taking a data-

driven approach to government, data analytics defines

our approach to digital engagement; we use aggregate

data to measure the sentiments of our end users, but

our bottom line is measured by our ability to deliver

services to every single New Yorker and we believe

the digital tools we have in place and in the

pipeline for development do this much better than a

government-sponsored petition would.

In conclusion, while we, and I personally

must say, greatly appreciate the intent of this bill;

we do not believe it to be the most effective model

to achieve its goals. The White House model showed,

and I believe, that government-sponsored petitions

are not the most effective means to engage and gauge

the public's views. Using all of the digital

engagement pieces I have described today, we measure

aggregate sentiment and our fundamental commitment is

to provide direct services to individuals. The

aggregate means that the sum can be greater than its

parts and have the same affect as a petition while

also helping people directly, which a petition cannot

do.

Thank you for the opportunity to testify

and I will be happy to answer any questions you have.

CHAIRPERSON VACCA: Thank you. We've

been joined by Council Member Annabel Palma, my

colleague. Much of your testimony, or most of your

testimony relates to how New Yorkers are address

individually, based on their complaints -- 311 --

these are all existing things; you mentioned that the

Community Assistance Unit was recreated or realigned;

what do they do with citizen complaints; how have

they been realigned?

JESSICA SINGLETON: So I'll have to get

specific structural answers back to you. [crosstalk]

CHAIRPERSON VACCA: But you said in your

testimony, so you must know. You said in your

testimony that, "this began with the overhaul of the

Mayor's Community Assistance Unit," so how was it

overhauled?

JESSICA SINGLETON: Yeah, I don't know

how it was specifically overhauled; I know that it

was.

CHAIRPERSON VACCA: How?

JESSICA SINGLETON: I don't know the

specifics of how the offline engagement was.

[crosstalk]

CHAIRPERSON VACCA: So then how does it

relate to the testimony you're giving if you say it's

been overhauled but you don't know how; if you don't

know how, then it may not relate to the testimony

you're giving, so it's not something that you can say

has been done to increase engagement if you don't

know how the overhaul has been effectuated.

JESSICA SINGLETON: Right. So I know

that there are agencies that have developed more

robust community affairs staff and the specifics of

that are something that I'll have to get back to you

about.

CHAIRPERSON VACCA: Didn't agencies

always have community affairs staff?

JESSICA SINGLETON: Again, this is part

of the offline engagement that we use to sort of

create a larger snapshot of sentiment both online and

off and… [interpose]

CHAIRPERSON VACCA: No, no, no, but I

understand, but you say that agencies have had

community affairs staff; they always have, so this is

nothing new. Now you say every agency has a group

specifically dedicated to the interaction with

individual community members and stakeholders, so

every agency has a community affairs staff which

they've always had. Which agencies have specifically

increased their group that is working with individual

community members, which agencies?

2   JESSICA SINGLETON: Chairman Vacca, I

3   don't know the answer to that question. [interpose]

4   CHAIRPERSON VACCA: Then you shouldn't

5   have put that in your testimony. I'm sorry; with due

6   respect, you're saying things and there's no

7   rationale for saying what's being said or there's no

8   information that accompanies the testimony. So I

9   take exception to that, with due respect. You do

10   talk [background comment] about collaboration and you

11   do say that you think that my proposal basically goes

12   too far or is not workable; wouldn't it be better to

13   say that you looked at the White House model and you

14   found some faults with it and that you are prepared

15   to work with me on legislation that would correct the

16   White House model and make New York City an example

17   for the country on collaborative engagement of the

18   public?

19   JESSICA SINGLETON: I think that making

20   New York City an example of collaborative digital

21   engagement with the public is why I come to work

22   every day, it's what I deeply believe in is going to

23   help improve governance and improve delivery of

24   services to New Yorkers. I think that the

25   government-sponsored petition model that we've seen

with the White House falls short because there isn't

the supporting digital infrastructure to organize

people to return day in and day out. Many of the

external groups and third parties that you and I both

cited in our remarks are run by organizations that

have robust digital infrastructure and digital

organizing infrastructure to ensure that they're

growing the audience and that people have an

incentive and a reminder, through emails and push

notifications to come back and I think that as we've

seen you know in any sort of online program, that

that is a really important system of supporting a

list development or a petition development tool and

that is not something that this bill provides for and

that government-sponsored petitions enable.

CHAIRPERSON VACCA: Many of the reforms

you talk about relative to 311 took place last year,

the year before; we're aware of them; for you to say

here that the future of digital engagement is one-on-

one communication, I also think the future is

collaborative input into legislation or policy; you

don't acknowledge that at all. Are we to be

basically governed by the news conference or the one-

liners that make the 5:00 news? I mean, isn't there

a way… shouldn't there be a way in this digital age

for… shouldn't there be a place for collaborative

citizen input? You know I cite the example of the

soda ban; I think a lot of people would want to weigh

in on the soda ban and I think a lot of people were

not in favor of it or not against it, but they may

have wanted to weigh in with proposals on how we can

make New York City healthier; how there could be a

soda ban that was not the soda ban proposed. So I

think of something like that as a way for people to

weigh in collaboratively, for people to be heard

beyond the lobbyist, beyond the politicians, beyond

the press and… I mean to me that's a classic example

of how people can weigh in. I think the Sick Leave

Bill that the City Council passed, I would've like to

have heard how people felt about the Sick Leave Bill;

I would've liked to have seen a way for people to

collectively come together. We as council members --

I talk to my colleagues a lot and it turns out that I

have a lot of similar issues to what they have in

Brooklyn and Queens when it comes to trees not being

pruned, for example. How do people really feel

collectively about trees in their districts being

maintained? How do they perceive the City's

2   response? Well you're not gonna get that through

3   Mrs. Smith calling 311 to say that her tree at 1537

4   Crosby Avenue was not pruned in five years, that's

5   not going to happen. I really think that the

6   administration should take a look at what you think

7   the White House model did not achieve and let us know

8   in the Council, I am open to working with you on this

9   legislation; this is an administration that speaks

10   about engagement every day; the Mayor is enlightened

11   when it comes to this. I think that we're missing an

12   opportunity here. And you know something, you

13   mentioned before about people going on the White

14   House site and posing ridiculous questions. Of

15   course they propose ridiculous questions and they

16   comment in a way that is ridiculous and I pointed

17   that out in my opening statement, but you know

18   something, when those people who comment in a

19   ridiculous way about ridiculous statements go online

20   to do so, we may get their input into significant

21   questions that are also there; that may get them to

22   the website, into the digital age, people who are

23   immigrants, people who are senior citizens, people

24   who we are not reaching. So I'm looking to engage

25   the public; this is another vehicle. I'm very

surprised that… you know, you never say never and I'm

very surprised that I just got a no like this; most

of this stuff we've been doing in the City, this

stuff, most of it is not new and I appreciate all

this, believe me, I like 311, most times; sometimes I

don't like 311 and they don't respond and they're not

as wonderful as people think, let me tell you

something, but is it better than what we had before

311? Yes. Is there more ways to communicate with

311? Yes. So I'd like you to go back to the

administration, I'd like you to tell me how the City

can adapt this site; how can we do the outreach; how

can we make a site like this for the City and how we

can do something that puts our city in the vanguard

of technology. I just thought that your answer was

like… your testimony's fine and I'm sure you're

really doing a great job, but everything you said is

what has been done; some stuff you said is being done

but we need more clarity and then to my idea you say

no. I just wanna tell you that the City Council

comes up with good ideas once in a while; that's what

I'm here for. Any question? Council Member Palma.

COUNCIL MEMBER PALMA: Thank you Mr.

Chair and I wanna agree with Council Member Vacca and

2   I agree wholeheartedly with the proposed bill he has

3   hearing today. I believe that this is again another

4   way of engaging the public and while we have moved

5   and continue to move to the world of technology; I

6   believe that giving the community and the public

7   another way of engaging and making the voices heard

8   through a petition process via the internet it is a

9   good idea, so I will continue to support Council

10   Member Vacca's efforts in making sure that we can get

11   this passed through the City Council.

12   I'm interested in the 311 back end data

13   collection service that you state in your testimony

14   that's robust; I wanna know how long or how many

15   complaints does 311 have to get of a specific issue

16   before the agencies are engaged and help is on the

17   way to respond to these complaints.

18   JESSICA SINGLETON: Yeah. So one of the

19   jobs and one of the projects that my unit is working

20   on with 311 is right now trying to understand how we

21   can more effectively interpret that data and how we

22   can sort of examine opportunities to redirect routing

23   processes or incorporate that data into our larger

24   sentiment analysis that NYC Digital conducts. I'll

25   let Don speak to some of the more specific tech

pieces of that, but also, much of our 311 data is

available on the open data portal and is available

for additional people to sort of build off of and

improve.

DONALD SUNDERLAND: I can actually expand

on that a little bit.

JESSICA SINGLETON: Yeah.

DON SUNDERLAND: Do I need to be sworn

in? [background comment] Okay, thanks. You know,

as far… [background comments] Oh, right. I'm Don

Sunderland; I'm [background comments] Deputy

Commissioner for Application Development… sorry. Oh

it wasn't on. Okay, so I could've sneezed all the

time. That's good. Okay. [background comments] My

name's Don Sunderland; I'm Deputy Commissioner for

Application Development at DoITT.

The answer for what critical mass needs

to be reached to evoke a response from the 311 system

is one complaint. The whole system was designed

around the idea of creating a service request number

that can be tracked and it creates a communication

avenue for anyone who turns in anything to 311 and we

provide multiple ways of accessing the service

request; you can do it mobally, you can do it from

your desktop, you can do it by calling the call

center and we have an extremely good record of doing

that. On an average we get 50,000 calls a day, we

get 20,000 online inquiries; every one of them is

tracked and has a unique number and responses are

returned and those who feel they haven't gotten the

appropriate response have the means of seeking out a

response and that's one of the great improvements of

the system.

COUNCIL MEMBER PALMA: So with that… I

mean, and that's no different than what was happening

in the previous administration; I think what remains

the same is that people are not seeing that quick

response to their complaints, right, that you say it

only takes one complaint, but then our offices get so

many follow-up calls on why, after reporting to 311

[background comment] their complaints were not

adhered to; you know, the tree still remains hanging

over a house or a tractor trailer still remains on a

corner where it's not supposed to be, so I just want

to understand the difference between, you know, would

it be helpful, in your opinion, to see the petition

process, when so many people will be encouraged to

sort of sign a petition online versus picking up the

phone and just hearing from one person; I mean,

wouldn't that bring more light to the issue at hand?

DON SUNDERLAND: My position here is to

respond to specific technological and functional

issues with the systems that exist today; however,

DoITT as a whole is completely aligned with the idea

of open government and communication and we very

strongly support the direction that the

Administration's taking on this.

COUNCIL MEMBER PALMA: I don't have any

further questions, Mr. Chair and again, I will

reiterate I will continue to support you on the

efforts of passing this bill; I think that it's a

great idea to give the public another avenue to make

their voices heard in a real way.

CHAIRPERSON VACCA: Thank you Council

Member Palma. Miss Singleton, in your testimony on

Page 3, you indicate here, "as New York City

officials, we constantly seek to better understand

popular sentiment and what is driving the

conversation online and off." How? How do you

constantly seek to better understand popular

sentiment?

JESSICA SINGLETON: So my unit produces

analytics based on what the conversation is online

and we interpret that data on a sort of variety of

criteria and have a metric for that and we do it in

consultation in sort of daily meetings with members

of Community Affairs and with the larger strategic

team to understand what New Yorkers are thinking

about specific issues or at a specific moment or as a

whole.

CHAIRPERSON VACCA: You analyze

individual complaints coming from citizens. There is

no… [interpose]

JESSICA SINGLETON: We… we… we… Sorry; I

don't mean to interrupt.

CHAIRPERSON VACCA: No, I'm sorry; go

ahead.

JESSICA SINGLETON: Using social media

and information that's sort of out in the digital

ether, so that includes… we are aware of petitions

that exist currently on many of the third-party

sites, that and social media conversation and

sentiment; those are all factored into our larger

sentiment analysis.

2   CHAIRPERSON VACCA: But we have people in

3   this city who are not aware of those conversations

4   taking place and even your analysis is based on

5   people who are finding their way through the digital

6   morass and you somehow analyze the way you analyze

7   it. We have people in this city who do not know the

8   methodology behind your analysis, 'cause I'm not sure

9   that your agencies know the methodology; I don't even

10   know if there is a methodology behind your analysis;

11   it seems to be an arbitrary analysis. So I'm not

12   sure what rubric we're looking at here when it comes

13   to analysis. What I'm proposing is very specific and

14   very clear to the average person in this city as to

15   how they can register a major policy or legislative

16   issues that are pending or how they can initiate

17   through a petition contact with their government

18   officials beyond their calling their councilman or

19   emailing their office with an individual viewpoint.

20   That's the difference. That's the difference. Okay,

21   there are no further questions? Thank you.

22   JESSICA SINGLETON: Thank you.

23   CHAIRPERSON VACCA: Thank… we have a

24   panel… [background comment] David Moore,

25   Participatory Politics Foundation… [background

comment] Rachael Fauss, Citizens Union. [background

comments] [laughter] But so does Brooklyn and Queens

and that's a major issue. [background comments]

Yes, sir.

DAVID MOORE: Good morning, thank you

very much for this opportunity, Chairman Vacca and

other council members. My name is David Moore; I'm

with the Participatory Politics Foundation and we're

a nonprofit organization here in New York City; we've

been active since 2006, in the areas of civic

technology and open government and we run and/or

operate the free and open source web platform

AskThem, which I'm very grateful that you mentioned

in your introduction, which works for questions and

answers with all of New York City government and

elected officials nationwide. We're also a member of

the BetaNYC community and I'm going to briefly run

through some testimony submitted by Noel Hidalgo, who

you also mentioned, after I deliver some of my

introductory remarks.

We're heartened to hear of this proposed

legislation by Council Member Vacca for an online

petition platform for New York City leadership; we

believe that it validates the principles of

2   responsive and publicly accountable government and

3   continues to advance the state of the art of digital

4   tools for civic engagement. We believe that a bottom

5   up platform for the public to petition their local

6   elected officials is a huge public benefits and I was

7   particularly glad to Council Member Vacca's staff

8   consulted with me and Noel Hidalgo to gather input on

9   the broad design of such an online petition platform.

10   I can speak briefly to our experience

11   with AskThem; we're an independent, nonprofit

12   website; we launched in February of 2014 and we work

13   with elected officials who volunteer to respond to

14   popular questions from the public and their

15   constituents. So it's been working already

16   exceedingly in New York City to surface issues from

17   communities and crowdsource the sort of topics and

18   concerns that people have in different communities

19   and then we can effectively deliver them to City

20   Council Members' offices for a public response and

21   share it with everyone who supported it and people

22   who are following City government. We already have

23   five City Council Members who volunteered to respond

24   to issues; we'd love for more of the Technology

25   Committee Council Members here to volunteer to

respond on our open platform for discussion, and we

have over 100 elected officials nationwide who have

agreed to go into this relationship of online public

dialogue with their constituents. So we provide this

platform at no cost, so.

From our experience in the field of

online petitioning, we recommend that a couple of

best practices are adopted into the legislative

language for the New York City petition site. The

first is that we would like to see stronger

enforcement language so that any valid petition that

reaches a signature threshold receives a public

response within a set timeline, because we believe

that without this strong enforcement mechanism the

platform may lose some public trust and momentum.

The second is that we hope to see requirements in the

legislative language that the Petition NYC platform

information is sharable with other websites for civic

engagement and network for online dialogue. This can

get into the details of the implementation with

DoITT, but this would require an open API so that

independent websites can display popular information

from Petition NYC and send information to Petition

NYC. This is because we're seeing a proliferation of

civic engagement tools; we don't want to button up

too much information going through just one channel,

there's really good and standard and established ways

for information to be shared between websites in

really productive ways that will make sure a petition

on AskThem or a petition on Change.org can also find

its way into Petition NYC and receive a response that

future tools will be able to also contribute

information and that Petition NYC has a broader

reach, in terms of the responses that council members

are giving; after all, if you and your staff are

taking the time to respond to an issue, spreading the

answer and showing the impact of the dialogue, that's

extremely useful.

I'd like to mention that our AskThem code

is open source, it's available for DoITT to review

now; we'd be extremely excited for the opportunity to

partner with DoITT on advice of how to build this out

and also that we can even provide, right now, free

widgets to City Council members to intake questions

on their websites and then work with their offices to

deliver them the information. So that's a

possibility I wanted to mention; it would likely cost

a fraction of what having DoITT start anew would

cost, even leveraging the existing free software

tools.

I'll wrap up my notes, except to flag

four areas that we're excited to continue the

conversation about with Council Member Vacca's

office. The first is how to verify that a user is a

constituent of a given district and when; the second

is what the signature threshold should be for council

members. We currently have our signature thresholds

at 25 signatures, but we're interested in going up to

.1 percent of a jurisdiction population, which in a

New York City Council District would be about 175.

Again, I already mentioned the open source code of

AskThem is available and the online dashboards -- I'd

like to praise Council Member Vacca's draft

legislation for having what they wrote as the

automated reporting system available to the public; I

think that's a strong and positive enforcement

mechanism for this petition platform. So we look

forward to continuing our work; I'm happy to answer

more questions about AskThem and share links; on my

Twitter account and blog there's a few notes. And

I'll run through testimony from Noel Hidalgo, who

submitted it; he's not able to be here today, but he

and I worked closely on this and I share his views.

BetaNYC is over 2,000 members; we're a

community Good Government organization. Last year we

published the digital People's Roadmap to a Digital

New York City where we outlined the digital roadmap

and in that we included -- I'll say we; I'm speaking

for Noel -- we included an online self-organizing

tool that permits individuals to petition their

government, so we see this as a really positive

development; we see it working as a compliment to New

York City's 311, which is the inquiry and complaint

line, but it's not the only one; the NYC Department

of Transportation pioneered an online map and allowed

the public to flag design problems, so together these

tools will offer the public to self-organize and

report on municipal problems. So where do you go to

submit new ideas and new discussions? And an example

of that of course is the White House and We the

People. BetaNYC would like to see this bill have

appropriate enforcement provisions; we wrote, "While

we are okay with DoITT hosting and managing the site,

we are concerned that some issues might not get the

proper oversight. Looking at the architecture of the

City Charter we encourage the Public Advocate to have

an active role in oversight of this petition and hope

it can be codified in the proposed legislation."

Second, the tool needs to be built for the 21st

century, it needs to be mobile responsive, have an

API to empower third-party partition sites to engage

the marketplace of ideas. Lastly, he wanted to flag

the issue of cost, We the People and AskThem are open

source projects; the City can independently redeploy

one or both of these proven tools, it's fiscally

prudent for the City to adopt and maintain an open

source solution.

I will wrap up my testimony by saying

that this is groundbreaking for city governments to

propose a petition platform of this kind and move

this engagement forward; we really applaud it. This

legislation will be seen as a national example for

all the other cities that are all of a sudden

rocketing forward in city governments and I'd like to

urge the City Council to take these steps to make it

as strong as it can be as a national model. New York

City Council is already making strides in responsive

public technology; I'd like to continue the momentum

that we have to setting the strongest possible

example to make sure that these tools are adopted and

shared going forward and so I think the notes I had

on the draft legislation directly address that, how

New York City can serve as an example to cities

across the country. Thanks very much; I appreciate

this opportunity.

CHAIRPERSON VACCA: Thank you very much.

And before I go on to the next speaker, one or two

questions. Miss Singleton in her testimony said that

private websites provide the same online

infrastructure that my bill seeks to create; are you

aware of private websites that create the same online

infrastructure that my bill seeks to create?

DAVID MOORE: There's a couple of issues

here -- I believe our websites will work as

compliments to each other; I believe she was

referring to commercial websites, such as Change.org

and in nonprofit, open source websites like our

AskThem and then individual governments own and

operate their own sort of engagement platforms on dot

gov domains and sometimes run by some outside

companies and sometimes built in-house in various

ways and so I believe what she would be referring to

would be that kind of change, you know change like

petition websites, or Move On, as you mentioned, of

course in your very accurate introductory remarks.

But I understand that Petition NYC would be a new

project, it's own project and I think it's going to

be a positive example for city governments going

forward.

CHAIRPERSON VACCA: 'Kay. Miss Singleton

says, "we use aggregate data to measure the

sentiments of our end users." Now I take aggregate

data to mean basically 311 calls, which consist

mostly of people making individual complaints about

their neighborhood and their block, so how would you

use aggregate data to measure the sentiments of our

end users on public policy questions?

DAVID MOORE: Uhm-hm.

CHAIRPERSON VACCA: That kind of astounds

me or I'm stumped.

DAVID MOORE: Well, I gather what she was

conveying was that if a significant number of 311

complaints came in about an intersection or about

trash pickup on a street, in other words that that

would prompt action, that would serve as a red flag.

That's a different sort of engagement in two-way

conversation than having a continual bottom up two-

way conversation where communities can come together

to raise priorities and where it's all viewable in an

open public forum online; that's more of what

Petition NYC seeks to create in the current draft

legislative language; that's why we generally support

this initiative and we think it'll be a positive

addition to the suite of engagement tools from New

York City government, so we hope that other city

governments will also take the example of

participating on AskThem and starting their own

petition governments. We see communities as needing

more free and easy ways to set their priorities, sort

of endorse different, you know, policy ideas; I think

your example of the soda tax was an extremely aft

one; you could do the same thing for the plastic bag

ban being considered, diet in New York City schools,

public library funding; I could go on and on about

how people have used AskThem to convey ideas about

affordable housing and racial and social justice

initiatives to city council members. I'd be happy to

share more specific example of how that works.

CHAIRPERSON VACCA: Thank you.

[background comment]

2   RACHAEL FAUSS: Sure. Good morning Chair

3   Vacca and Council Member Palma. My name is Rachael

4   Fauss and I'm the Director of Public Policy for

5   Citizens Union of the City of New York, a

6   nonpartisan, Good Government group dedicated to

7   making democracy work for all New Yorkers.

8   The legislation presents a novel idea for

9   citizen engagement I believe is worthy of discussion

10   and we're pleased that you're holding a hearing

11   exactly for that purpose. We have not yet taken a

12   position on the bill, but we've had some preliminary

13   discussions, so as such I'll be providing initial

14   thoughts today and we recognize that this hearing is

15   part of an overall process intended to allow for

16   comments and will likely result in revisions to the

17   bill and we'll plan to continue to follow it as it

18   progresses through the legislative process.

19   Our preliminary thoughts cover basically

20   two areas -- governance and implementation, which I

21   will describe. In examining the creation of a portal

22   to allow New Yorkers to ask questions of government,

23   there are some larger philosophical questions that we

24   think the Council should consider. The first is

25   government as a citizen organizer -- what is the

appropriate role of government in soliciting citizen

participation and organizing public opinion about

government policies and actions? Because government

is the policy maker, there's a question of whether it

should be involved in organizing citizen activity to

influence the outcome of a decision that it makes.

Government controlling too much of the process, for

example, might open up decision-making to possible

manipulation to serve a predetermined outcome. I

think that's sort of the contrasting view that might

be held as to the intent of self organization; I

think the idea is that you would want it not to be

seen as top down. In terms of checks and balances,

how do we ensure appropriate oversight of the

petition program and reporting on its implementation

to ensure the independence and integrity of the

process? And then as far as the goals and purpose,

do the mechanisms as currently delineated in the

legislation achieve the stated goals of transparency

and accountability?

Regarding implementation, in assessing

the legislation based on the framework outlined above

and its potential implementation, there are several

areas that we'd urge the Council to examine further

and we recognize that it was drafted broadly in order

to allow for greater discussion about its intent and

goals and we already appreciate the opportunity to

speak with your staff about the legislation, Council

Member Vacca. But to reiterate some things we've

raised already, regarding checks and balances, as

currently drafted, the Department of Information

Technology and Telecommunications (DoITT), which is

the mayoral agency would determine the thresholds,

all of the details of implementation, how those

details can be changed, how the site will function,

how users participate, and how to oversee compliance.

And if this is meant as a check on government, which

is predominantly administered by the Mayor's Office,

then policies and regular oversight should be under

supervision or at least in collaboration with another

branch of government or an independently elected

official. Just some preliminary thoughts we had is;

perhaps there's a role for the Public Advocate in

this legislation, given their role with public

information and communications under the City

Charter.

Regarding the users of the portal, there

is no specificity regarding who they might be, so

some things that we'd urge the Council to consider

are -- who can sign petitions; should there be age

requirements or residency requirements -- I think

David spoke to that in the context of a local set of

council members; should it be only a constituent that

would raise a question; is there a way to prevent

businesses, lobbying interests or politicians from

using the site or flooding the site; should DoITT

examine usage in the reports that it would provide to

see the influence of particular groups or individuals

on a petition website.

Regarding parameters for creating

petitions, as previously stated, this is currently

drafted to have DoITT providing as the implementing

agency, which would presumably be responsible for

determining how petitions are submitted and the types

and categories of petitions that are permissible.

Some questions that the Council should consider in

this regard are: what thresholds are appropriate for

determining when an agency response is triggered;

what gets asked and exactly how is that ask made; is

the petition to request an action; is to ask for

information or is it both perhaps; should there be

parameters on what types of questions could be asked;

who would categorize those questions in sending them

to the respondents and should there be any censorship

of questions, and I think that last point I think

gets more to the issue of hate speech or potentially

damaging; obviously we have a system of free speech

and we wouldn't see this as censorship to limit that

in any regard, but there might be appropriate types

of censorship regarding hate speech. And regarding

the thresholds for determining agency responses, one

possible solution might be to develop either a

threshold formula in the bill itself or to put in

specific procedures for determining or amending

thresholds in the bill.

Regarding the oversight of responses,

agencies would be responsible for responding to

particular petitions, but DoITT would be responsible

for aggregating response rates from particular

agencies. There's no specific mandate on responses

of agencies and DoITT will be issuing requests every

six months for those responses from agencies and

publishing a report to the City Council and Mayor.

Some questions that might be worthy of consideration

in this regard are: who at the agency would be

responding; what would be a mandate versus a

suggestion; who would monitor or push for responses

of the agency, and again, should there be a role for

the Public Advocate or another entity in

collaborating with DoITT in examining the response

rates of agencies, and then how would responses be

reported to the public; would it include responses

that have been denied and ignored, both on the

website and in the annual report and should there be

a mandated timeframe for responding, either in the

legislation or rules developed by DoITT.

And in the terms of the costs, we

recognized that there's potential cost in terms of

staff time as well as development of a portal, though

of course we acknowledge that there are open source

petition portals that could potentially be used. But

an additional consideration we'd like to raise is the

potential opportunity cost; DoITT's currently

implementing many transparency initiatives that

Citizens Union and other advocates in the Good

Government community have been working on for a long

time, such as webcasting and the open data law and we

just wanna make sure that the Council would ensure

that these initiatives are fully realized as we look

at it in additional manding [sic].

And to respond to a couple of points

raised by the administration, something that's

interesting from our perspective; you asked about the

Community Affairs Unit; you know, in engaging with

city government we have found them to be a

facilitator in terms of meetings that we're having

with the mayoral administration; that's something

that hadn't happened in the past; I think we don't

have a sense of their aggregating the data or their

responses to particular community groups, but as a

group has, I guess you know, an organized Good

Government group, they have played a role in

facilitating meetings for us, which is a change from

the past administration.

And regarding 311 and the aggregation of

that data, something that came up in our discussions

about this bill is that there may be types of

complaints or issues that are raised that might be in

311, but they're also buckets that might not exactly

fit neatly in terms of the issues that the public

might want to raise; there might be systemic policy

issues that aren't really appropriate in a 311 call

and as of now, I don't think that it's a channel for

those types of issues, so we would just want to raise

that in terms of 311 being the sole avenue for public

response; it doesn't capture systemic policy issues

in a way that I think would be of interest to the

public.

CHAIRPERSON VACCA: Thank you, thank you

so much for your testimony. Yeah, my questions

regarding the Community Assistance Unit; I mean I've

been around for all the reinventions of the Community

Assistance Unit since it was formed in 1977, it's

constantly been recreated and reinvented. My

statements were meant to convey the point that I'm

not aware of anything that the Community Assistance

Unit is doing or had done concerning the technology

advances that I'm proposing; they have other

responsibilities, but [background comment] how

they've been, you know, how they've been recreated,

as Miss Singleton's testimony indicates, was beyond

me.

Some of your testimony and the

recommendations you make certainly will be

considered; I thank you so much. I won't be amending

the bill to include oversight by the Public Advocate.

The Public Advocate, under the New York City Charter

has responsibility to monitor citizen complaints and

the delivery of services based on the complaints that

are filed. I don't see a role for the Public

Advocate; even though she has a role in technology

and those issues, I don't see a role for her in

monitoring a piece of legislation that the City

Council passes and that the administration hopefully

will implement; that oversight role belongs to the

Council. So I would expect accountability to occur

should this legislation pass as a result of oversight

by the Council. But otherwise, your testimony raises

some good points and as I say, I'm open to looking at

the legislation and working with you to make it the

best possible piece of legislation and working with

the administration to do so too.

We were joined by Mark Weprin, my

colleague and Annabel Palma has a question.

COUNCIL MEMBER PALMA: I just had a

question, and Chair Vacca, you covered most of it; I

wanted to ask Miss Fauss, basically does Citizens

Union think the City Council's incapable of being the

check and balance that the City needs to make sure

that if this piece of legislation goes through that

it is appropriately monitored and that the outcome

that result from a petition process and community

engagement yield the results that the community is

asking for?

RACHAEL FAUSS: As I mentioned, these

were some of our preliminary thoughts and given the

role of the Public Advocate with complaints and with

communication engagement with the public we thought

it could perhaps be a fit; you know, I think the

reporting mechanism to the Council and the oversight

is of course appropriate and a perfect role for the

City Council of course in seeing that any legislation

that's implemented that it is fulfilled entirely. I

think our issue of checks and balances may deal less

with the oversight and more with the thought that in

determining thresholds it might be an ideal situation

where the ability to change a threshold rests solely

with the Mayor's administration. For example, there

might be an issue that is somewhat controversial and

there could be a threshold established that could be

foreseen to be met and perhaps the rules would be

changed to raise that threshold in a political way;

you know that's something that may not ever be

realized, but I think in terms of how the thresholds

are set and who determines that and what the

mechanism for changing that is, we wanna make sure

that there's not the possibility for the public to

feel that its voice can't be heard, because it meets

a threshold and then that threshold gets raised,

right. So I think that is a situation where people

would not feel like they have an incentive to

participate if the system is being changed and

adapted so that they can't participate. So that's

more where the check comes in, making sure that if

there are thresholds established, they can't be

changed according to political wins.

CHAIRPERSON VACCA: I did wanna come back

to your statement concerning the role of the Public

Advocate, because the Public Advocate's office

receives complaints from people based on their

feeling that city government is not being responsive,

but I have to tell you the truth; so does my office,

[background comment] so the City Council office gets

these complaints or if they don't call me they call

the Public Advocate or if they don't call the Public

Advocate they call the community board; that's the

mission under the City Charter of the community

boards, they are to monitor service delivery on a

local level; they call the borough president's

office. So how are we in government to know

collectively how people truly feel when their views

are so diluted based on who they may call at a point

and time? I do not know who is calling the community

board, the borough president or the Public Advocate,

I don't know; in fact, I have people on city issues

who are calling the State Assemblymen and the State

Senator and those offices help them with city issues,

because elected officials want to be responsive to

the public. People call my office about state and

federal issues; I don't tell them I can't help you,

call somebody else, I don't do that; I would like to

think most people don't do that in public life. So

the reality becomes how do we track not just the

complaint, but the overarching policies that the City

is implementing or considering implementing and

that's where my proposal comes in. I would submit to

you that tracking those complaints and getting every

complaint in a hat that goes to all these different

offices would become a very, very difficult mission

for us. So there's something that's falling through

the cracks and on major policy or legislative issues,

my proposal allows people to weight in collectively

without having input diluted; that's the point.

RACHAEL FAUSS: Yeah. And I would just say that, you know our thought with the Public Advocate was not for the portal to be in the Public Advocate's office for them to respond to; it wouldn't be replacing the current complaint system that they have; it would be more that, you know maybe they could be an entity that could be reported to; maybe they could have a role in making recommendations in thresholds for public opinion; it wasn't that the Public Advocate would be… this would be housed in the Public Advocate's office, just for example. It was more along the lines of, you know, like the oversight the Council does is a role of oversight for the Public Advocate, but your points are taken that this a very diffuse system and I appreciate that. [crosstalk]

CHAIRPERSON VACCA: As much… As much as I represent the legislative branch of government, and I have to advocate for this branch of government being an effective check, I would not mind the administration having custody of the results based on Council oversight. We have to have an agency responsible for collating and keeping the results and whatever the administration is, I would think that

administratively that would be their job based on the

City Council having oversight because it was a piece

of legislation that we passed and I think that my

colleagues would very much like to see this become a

reality.

Okay, any further comments or questions?

Anymore people to testify? That's it. I thank you

so much for your input; it was great, and we look

forward to working with you. I wanna thank everyone

for coming; it is now 11:20 and this hearing of the

Technology Committee is hereby adjourned.

[gavel]

[background comments]

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   October 7, 2014