

NEW YORK CITY REPORT AND ADVISORY BOARD
REVIEW COMMISSION

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PUBLIC HEARING
on

Waiving of 21 reporting
Requirements and advisory boards.

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Department of City
Planning
Spector Hall
22 Reade Street
New York, New York

May 11, 2012
2:00 p.m.

B E F O R E: ELIZABETH WEINSTEIN, Director

Mayor's Office of Operations

The Chair

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BOARD MEMBERS PRESENT:

- Elizabeth Weinstein, The Chair
- Councilmember Gale Brewer, City Council
- Chuck Brisky, Office of Management and Budget
- Councilmember Leroy Comrie, City Council
- Charles Fraser, Department of Information
Technology and Telecommunications
- Seth Grossman, Council Government Affairs
- Evan Hochberg, NYC Law Department

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2 P R O C E E D I N G S

3 THE CHAIR: I think we'll go ahead
4 and get started. If folks join us later to
5 speak or listen then of course we'll welcome
6 them and add them to the list for as long as
7 we have folks who want to hear or are
8 willing to stay around and hear what they
9 have to say.

10 So I want to thank the public for
11 coming. We're very, very interested in
12 hearing what you have to say. I'm Liz
13 Weinstein, I'm the director of the Mayor's
14 Office of Operations and the chair of the
15 Reports and Advisory Boards Commission. I
16 want to thank my Commission colleagues also
17 for attending our first hearing of this
18 Commission.

19 Just briefly I'll let you know
20 who's here and then go over the agenda for
21 today and remind you a little bit about what
22 we're doing here. And then we'll hear from
23 the folks who have signed up to testify.

24 Joining me today are the
25 Commission members who were appointed as

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2 part of the Charter Referendum Process. To
3 my right is Councilmember Leroy Comrie. He
4 represents southeast Queens, he's a deputy
5 majority leader for the Council.

6 Also on the far end of the
7 whatever you want to call this thing, this
8 stag-ish podium long thing is Councilmember
9 Gale Brewer from the Upper West side.

10 Next to her is Chuck Brisky. He
11 is the designee from the budget director of
12 OMB.

13 I have to my left, I have to look
14 because everyone's -- is everyone sitting in
15 the same places? Okay, sorry. Chuck,
16 Charles Fraser, who is the general counsel
17 from DoITT who is designated by the DoITT
18 Commissioner.

19 To his left is Seth Grossman from
20 the City Council, designated by Speaker
21 Quinn.

22 And then to his left we have Evan
23 Hochberg from the law department. He was
24 designated by the Corporation Counsel for
25 the City.

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2 And then to his left is Alexis
3 Offen, who is not a Commission member, she's
4 on the staff of the Commission, she's from
5 the Council for the Mayor's Office of
6 Operations.

7 We have a court reporter obviously
8 here to transcribe today's hearing. The
9 transcript will be available on our Web
10 site, the commission's Web site, which is
11 nyc.gov/reportsandboards, and we'll try to
12 get that up as soon as possible, but
13 certainly within two weeks of today.

14 Just to give a little bit of
15 background, in November 2010 voters approved
16 a Charter Referendum that established the
17 Report and Advisory Board Review Commission.
18 That's this body that you see in front of
19 you. The goal of our Commission is to,
20 we're charged with reviewing and assessing
21 the usefulness and continued usefulness of
22 all reports and advisory boards established
23 by the administrative code, the charter, and
24 other local law. In addition, the
25 Commission can issue recommendations to the

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2 mayor and the Council to make reports and
3 board more effective, especially in light of
4 technology changes.

5 Since the Commission's inception
6 we have taken a few steps, including holding
7 our first public meeting. That was on
8 February 28. And we voted at that meeting
9 to solicit feedback, exactly what we are
10 doing here today, on 21 reports and advisory
11 boards. A listing of the reports under
12 consideration and the boards is available at
13 the front table when you talked in. This is
14 what it looks like. If you didn't pick it
15 up you're welcome to go do that.

16 If you want to review the enabling
17 legislation that created those reports or
18 boards, Rachael Squire, who's sitting, raise
19 your hand, there has that legislation on
20 her, so you can thumb through it while
21 you're sitting here if you're interested.
22 And we are happy to make it available
23 afterward if that's something you would like
24 to keep.

25 In April we launched our Web site

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2 at nyc.gov/reportsandboards, as I said.
3 It's had almost 800 hits in April, which
4 we're pretty excited about. We think that's
5 good community feedback, folks are looking
6 at it. Hopefully you're some of those
7 people, but clearly there are more beyond
8 this room. On there you'll find an overview
9 of our first meeting, the process, the
10 review and process described in the charter,
11 the meeting presentation that we gave and
12 the minutes. And then links to the most
13 recent reports and advisory boards where
14 they're available. So what actually what
15 we're talking about you can see illustrated
16 there. And then also a copy of the folks
17 who we've been in touch with as part of the
18 outreach process, that's there as well.

19 And there's also a page for
20 submitting comments for folks who couldn't
21 show up today, you can put your comments
22 there. If you submit them after April we
23 put them up on our Web site. And I think
24 you can comment up until our next public
25 meeting, is that right?

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2 MS. OFFEN: You can always
3 comment.

4 THE CHAIR: You can always
5 comment, okay.

6 MS. OFFEN: We'll be uploading
7 them on a weekly basis.

8 THE CHAIR: Okay, so they're
9 uploaded every week.

10 The purpose of today's hearing is
11 to get your feedback and from the public on
12 the ongoing usefulness of the 21 reports and
13 boards under consideration, and whether they
14 should be recommended for waiver or change
15 to the City Council and Mayor. In addition,
16 we welcome any comments about how to make
17 the City's reports and boards more
18 effective, more accessible. Anything like
19 that we would love to hear.

20 Each speaker will be given four
21 minutes to testify. We do have a countdown
22 clock but we'll try not to be too strict to
23 the extent that we have that flexibility.
24 We will begin with testimony from the
25 nonprofit civic organizations that are here,

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2 and then we'll follow with individual
3 speakers.

4 Certainly the folks up here, the
5 Commissioners and their designees should
6 feel free to ask clarifying questions to
7 sort of elicit more feedback based on what
8 the speaker has to say. But we definitely
9 want to keep our comments to a minimum. And
10 this is not an opportunity for us to sort of
11 go back and forth in terms of debate. We
12 really want to listen.

13 Then the next public meeting will
14 be an opportunity to us to give our feedback
15 based on the comments and the other outreach
16 that we've been doing.

17 I think that's it. Anything I
18 missed?

19 A STAFF MEMBER: We just have sort
20 of the order of it, and we have a
21 representative from Councilmember Jackson's
22 office who's joined us as well.

23 THE CHAIR: Okay. So he's not on
24 there.

25 A STAFF MEMBER: Right. He just

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2 joined. They'll be called up.

3 THE CHAIR: Okay. Any questions
4 from the members?

5 (No response)

6 THE CHAIR: Okay, great.

7 So I think we will start with
8 Bettina Daniani, did I say your name right,
9 from Good Jobs New York.

10 MS. DANIANI: Good afternoon. My
11 name is Bettina Daniani and I direct Good
12 Jobs New York. We keep track of how New
13 York City allocates economic development
14 subsidies.

15 So first of all, thank you very
16 much for having this hearing. And we
17 understand that it's very important to
18 review all the types of information that the
19 City provides to the public. And
20 especially, you know, in recent years with
21 the advent of technology, how to do this
22 more efficiently and more streamlined is
23 really critical to engaging the public more,
24 so thank you for this opportunity.

25 I'm here to focus on one

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2 particular report, which is the Industrial
3 and Commercial Incentive Program, also known
4 as ICIP. The recommendation is to not have
5 the Department of Finance submit an annual
6 report on this project because they're
7 saying that the ICIP program does not exist
8 any longer. But in actuality the program
9 has been renamed as ICAP. But, there are
10 still about 8,000 properties in New York
11 City that are receiving a tax break, a
12 property tax break because of this program.
13 And just because ICAP is now in place does
14 not mean that those other properties will
15 not continue to receive this subsidy.

16 So the annual tax expenditure
17 report, which is being considered as the
18 alternative to the annual report, doesn't
19 provide detailed information, does not
20 provide property specific information. It
21 gives you a broad overview of the program,
22 it tells you how many properties are
23 exempted, but it doesn't tell you details.

24 And actually looking at the review
25 of the most annual ICIP report, which by the

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2 way has not been published since 2001, makes
3 it clear that the Tax Expenditure Report
4 offers dramatically less information. The
5 2001 ICIP report at least provided taxpayers
6 a window of knowledge about this program by
7 breaking it down by the number of applicants
8 by borough over three years, jobs reported
9 at the application, and the number of
10 preliminary applications over a fifteen year
11 period. And again, the Department of
12 Finance Tax Expenditure Report does not do
13 that.

14 What we do is we urge the
15 Commission not to waive the ICIP report for
16 two reasons. First of all, at \$681.6M in
17 FY2012, ICIP is the most expensive economic
18 development subsidy program in the City.
19 And it's growing rapidly. Between FY2001
20 and FY2012, expenditures for ICIP grew 284
21 percent. This is in comparison to an
22 increase of about 119 percent for total
23 property taxes collected over that same
24 period. This is a massive program. We
25 deserve to know more information about it.

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2 And then secondly, again, the ICIP
3 report that's being discussed of not being
4 used hasn't been seen this entire
5 administration. So it's unfortunate that
6 taxpayers and this Commission would be asked
7 to possibly eliminate a report that hasn't
8 been seen by the public, and it's hard for
9 us to evaluate the effectiveness.

10 So what we do is we actually
11 suggest how to streamline this project, how
12 to streamline this report by including ICIP
13 and ICAP into one report. The Department of
14 Finance does a great job right now of
15 putting on its Web site the properties in
16 Excel format. We urge this Commission to
17 say keep those Excel spreadsheets up there,
18 include ICAP properties as well, and then
19 broaden out the information the Department
20 of Finance already has. Like the name of
21 the applicant, the assessed value of the
22 property, the jobs of the application.
23 There's a longer list in my testimony that
24 I'm going to submit. But we're not asking
25 for something the Department of Finance

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2 doesn't already have. What we are asking is
3 to make the process more transparent. So
4 and this all comes under a mayor who's made
5 his fortune making intricate financial data
6 accessible, and we look very much forward to
7 using ICIP as an opportunity to expand on
8 that. Thank you.

9 (Bell rung)

10 THE CHAIR: Any clarification
11 questions, any follow up?

12 COUNCILMEMBER BREWER: Thank you,
13 Bettina, for all your work on this. My
14 question is, what you're saying is that
15 since 2001 there have only been broad
16 categories because I guess ICAP was the
17 successor to ICIP. So you're saying that
18 the ICAP information is not detailed either
19 or, I know you're saying streamline them,
20 but are you saying that the ICAP is not
21 detailed enough also?

22 MS. DANIANI: Exactly.

23 COUNCILMEMBER BREWER: So that
24 they could both be detailed and streamlined.

25 MS. DANIANI: Exactly.

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2 COUNCILMEMBER BREWER: Okay, thank
3 you.

4 THE CHAIR: Thank you very much.

5 So the next speaker is from Common
6 Cause/New York, it's Brim Paul.

7 MR. PAUL: It must be my
8 handwriting, it's Brian.

9 THE CHAIR: Brian, sorry.

10 MR. PAUL: Sorry for that.

11 THE CHAIR: I thought Brim was
12 kind of cool. Not that Brian's not.

13 MR. PAUL: Well, thank you for the
14 opportunity to testify here this afternoon.
15 My name is Brian Paul, and I'm the research
16 and policy coordinator for Common Cause/New
17 York.

18 And when looking at government
19 reporting requirements, the key question for
20 us is do the reports provide useful
21 information that allows the agency's
22 managers and the public to effectively
23 assess the agency's success in fulfilling
24 its mission and meeting the needs of City
25 residents. And we support the goal of

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2 revising and issuing waivers for outdated
3 and redundant requirements and advisory
4 boards. But we would also like to point out
5 the stated goal of this Commission is not
6 just to recommend waivers but also, and this
7 was in the Charter Commission language, to
8 issue recommendations to improve the
9 effectiveness of the reports. And we
10 believe, we agree with, you'll hear from
11 Citizens Union shortly, with their
12 recommendations for increased outreach and
13 transparency in advance of at least one more
14 public hearing. We think that would help
15 the Commission more fully understand and
16 consider the impact of the proposed changes
17 in reporting and advisory boards on the
18 public and organizations that use them.

19 Now, regarding the reports and
20 boards up for discussion today, we are
21 specifically concerned with the proposed
22 waiving of the Zoning and Planning Report,
23 the November Class Size Report, the
24 Temporary and Non-Standard Classroom Report,
25 the ICIP Program Report, the Preliminary

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2 Mayor's Management Report, and the Consumers
3 Council.

4 For the two reports from DOE, we
5 are concerned that their proposed
6 elimination would reduce transparency and
7 quality of data available to the public. We
8 have heard from education advocates that
9 Class Size Report is a valuable indicator
10 and one that is important to access early in
11 the school year in November versus just in
12 February. And if the department is engaged
13 in continually tracking this data, it would
14 be wrong to reduce the availability of that
15 data to the public by eliminating the
16 November report.

17 And for the Temporary Non-Standard
18 Classrooms issue, this was a reporting
19 requirement established in 2005 by the City
20 Council in response to a very specific need
21 and issue that still exists and is still a
22 problem in some parts of the City. And the
23 Enrollment, Capacity and Utilization Report
24 does not provide the same level of detail as
25 that report would.

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2 Moving on to the Preliminary

3 Management Report, we understand that many
4 aspects may be redundant with the reporting
5 and data currently made available by the
6 Mayor's office online through the City-wide
7 Performance Report, but it just worries us
8 that a reporting requirement mandated by the
9 charter may be waived due to redundancy with
10 data and reporting methods that are not
11 specified by the charter. Because change,
12 you know, we are going to have a change in
13 mayoral administration, and that should not
14 threaten a change in the baseline of the
15 information.

16 And this is also an issue that we
17 find relevant to the Department of City
18 Planning's Zoning and Planning Report, where
19 there's a claimed redundancy with the PlaNYC
20 2030 initiative, but PlaNYC 2030 is not
21 mandated by the charter and it could be
22 significantly reduced by the next mayor. In
23 any case, we don't think that the PlaNYC
24 framework is a real substitute for what that
25 report is supposed to be, the Zoning and

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2 Land Use Report. And, like I said before,
3 this Commission is empowered to issue
4 recommendations to improve reporting. And
5 during the Charter Review Commission of 2010
6 we heard from many planning experts that the
7 Department of City Planning should be
8 engaging more in long term strategic
9 planning, and that's what this report is
10 intended to do. And the fact that the
11 department has not been issuing it should
12 not, you know, we should not excuse that by
13 issuing a waiver. It would be more
14 consistent to fulfill that report.

15 (Bell rung)

16 MR. PAUL: And we think, I'll just
17 close by saying pretty much the same
18 argument for the ICIP report. We agree with
19 Good Jobs New York's testimony on that.

20 And just a quick note on the
21 Consumers Council, then I'll close. We are
22 not sure that the claims of redundancy with
23 ad hoc meetings with interest groups and
24 local groups really would replace a council
25 that's supposed to represent the public

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2 interest. So we think maybe that should be
3 given more thought.

4 And I'll close there. Thanks for
5 your time.

6 THE CHAIR: Thank you.

7 Any questions from the Commission
8 members? Go ahead.

9 MR. FRASER: I have two questions
10 about two of your different reports. I
11 didn't hear what you said on the Class Size
12 Report. You said that the November report
13 should be retained.

14 MR. PAUL: Right.

15 MR. FRASER: Even if the February
16 report is retained. What's the specific
17 value of the November report?

18 MR. PAUL: Well, we just heard
19 that it's useful to get that information as
20 early as possible and not wait until
21 February.

22 MR. FRASER: The staff report to
23 us in February was that the information in
24 the November report was preliminary and not
25 as accurate and not as settled or I'm not

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2 really sure what, but the report we got from
3 the staff was that it's the February report
4 that has the real data. Why would the
5 November report add to that?

6 MR. PAUL: Well, even if it's the
7 preliminary, if the Department of Education
8 is compiling it and has it, why not just
9 make it transparent to the public.

10 MR. FRASER: Well, the question
11 we're asking is why are they being asked to
12 compile it if it doesn't have value. What
13 I'm trying to get at is what do people use
14 it for that they couldn't use the February
15 report for, that's what I'm trying to
16 understand.

17 MR. PAUL: You know, I think
18 there's some folks from education and civic
19 organizations here that can speak to that
20 better.

21 MR. FRASER: Okay. The other one
22 you raised that I had a question about, let
23 me see if I can find it again. Oh, the
24 Preliminary Mayor's Management Report. You
25 said of course and you're correct, that's a

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2 Charter mandated report. Tell me, because I
3 just don't know the answer, is the content
4 of the PMMR chart mandated or otherwise
5 mandated?

6 MR. PAUL: Yeah, I'm also not an
7 expert on that specific report.

8 MR. FRASER: It's my
9 understanding, I could be totally wrong
10 about this, but I've always sort of
11 understood that what goes into the report is
12 kind of up to the mayor. And so therefore
13 even though it's a mandated report, we could
14 preserve the mandate, but your hypothetical
15 with the next mayor might not really like it
16 wouldn't really necessarily lead to any real
17 meaningful report coming out of it. That's
18 what I'm trying to understand.

19 MR. PAUL: But it does provide a
20 baseline. That was our point, that we
21 shouldn't leave it up -- it leaves a little
22 less leeway for the next administration to
23 wiggle with that requirement.

24 MR. FRASER: Okay.

25 MR. PAUL: If we leave that in

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2 there.

3 MR. FRASER: Thank you.

4 THE CHAIR: Go ahead,
5 Councilmember Comrie.

6 COUNCILMEMBER COMRIE: Well, I
7 think I was just to say we are going to hear
8 testimony from witnesses that are closer to
9 both issues. But the early report for
10 education is critical to many people around
11 the City so that they can understand class
12 sizes and understand the issues at local
13 schools at that level prior to. And I think
14 that those reports should be more detailed.
15 I like detail.

16 So the PMR, the Mayor's
17 Preliminary Management Report, is also
18 something that we use in the Council to deal
19 with our budget assessments and response.
20 So both of those things are critical. And I
21 think we've already had hearings requesting
22 more details in both the Preliminary
23 Management Report and the Mayor's Management
24 Report altogether. And actually also too
25 more detail in the Class Size reporting as

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2 well, because those are critical to
3 especially parents that are trying to figure
4 out where to place their kids.

5 COUNCILMEMBER BREWER: I agree
6 with that. I did have all of that. But the
7 Consumers Council, is that something that
8 you know is of assistance to the community
9 boards and the BIDs and so on?

10 MR. PAUL: We're actually not
11 familiar with the Consumers Council in
12 depth, but just the idea, the explanation
13 that was given that general meetings with
14 various interest groups would replace the
15 purpose of that body seemed wrong to us.

16 COUNCILMEMBER BREWER: Okay.
17 Thank you very much.

18 THE CHAIR: Thank you very much.

19 Okay, our next speaker is Leonie
20 Haimson from class size matters.

21 MS. HAIMSON: I also have copies
22 of my testimony, I don't know whether it's
23 useful.

24 MS. OFFEN: And if others have
25 copies they can email them to us or give

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2 them to us.

3 MS. HAIMSON: Thank you for
4 holding these hearings. My name is Leonie
5 Haimson. I'm the executive director of
6 Class Size Matters. And I'm happy to answer
7 the specific questions that were just asked.

8 The number one priority of parents
9 year after year on the DOE's own survey is
10 class size. And the City has been mandated
11 to reduce class sizes in all grades, and the
12 mayor promised to do so when he ran for
13 office, and again in 2005.

14 I don't know what the exact
15 rationale is for eliminating this, but I've
16 heard that they say that it's less, the
17 November report is less accurate. This is
18 absolutely untrue. The November and -- the
19 early report is based on unaudited figures.
20 The November report is based on the audited
21 October 31st enrollment figures, the same
22 figures that determine the amount of school
23 aid that New York City receives from the
24 state. It's also the basis of the Blue
25 Book, the Annual Capacity Report and

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2 Utilization Report that the DOE puts out is
3 the October 31st audited data.

4 The City's already obligated to
5 report to the state every fall its class
6 size figures in response to the Contract for
7 Excellence law. Parents deserve to know
8 these figures as early in the year as
9 possible. It provides an added incentive
10 for the DOE to reduce class size to
11 contractual levels, which often take through
12 November and beyond.

13 And actually the February numbers
14 are less accurate than the October 31st
15 data. Why? Because as parents, principals
16 and teachers know, there are thousands of
17 kids that drop out of school between October
18 1st and January 31st, which is the data that
19 the February 15th report is based on. What
20 we want to know is what class sizes are at
21 the beginning of the year, because these are
22 the learning conditions that students are
23 confronted with and cause them to drop out
24 of school. We don't want to wait until
25 February when class sizes have been reduced

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2 then by the thousands of kids that have
3 dropped out of school.

4 And in my testimony I have some
5 other testimony that the president of the
6 CSA, the principals' union, gave at a recent
7 City Council hearing, saying October 31st is
8 the good data, after that schools play with
9 the data and it is no longer accurate.

10 Yet the Class Size Report has deep
11 flaws. It should be strengthened, it should
12 be made more accurate. The original purpose
13 of the February report was to report on
14 class sizes in the second semester when high
15 school schedules are completely rearranged
16 and kids get new courses. The DOE has never
17 complied with that intent of the law. They
18 only now report on what the first semester
19 class sizes are at the end of the semester,
20 which is not what we wanted to know.

21 Even more importantly, the class
22 size data is riddled with errors, and in
23 many, many schools it underestimates the
24 actual class sizes because they report
25 inclusion classes of special ed kids and

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2 general ed kids as two separate classes,
3 halving the average class size. And also
4 mixed age classes, it halves that, the
5 actual class size. So I have heard from
6 many, many schools that their data is
7 extremely underestimated. So this needs to
8 be cleaned up. I have talked to the DOE
9 about this for years. They claim to have
10 cleaned up the data, the data is still
11 highly erroneous.

12 As to the TCU report, I have heard
13 that the justification by the DOE is that
14 this replicates the reports in the Blue
15 Book, which is the annual utilization and
16 enrollment report. That again is completely
17 untrue. I also have testimony here of what
18 Ernie Logan said because this is a very
19 controversial issue. It came up in Albany
20 during the budget hearings with Kathy Nolan.
21 The DOE claims that principals like the
22 trailers. The mayor promised to eliminate
23 all the trailers by 2009. We have the same
24 number as we had then. Trailers are a real
25 problem. They are way past their lifetime,

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2 they are rotting away, they are causing
3 health problems.

4 As to the replication, the
5 assertion that this replicates data in the
6 Blue Book. There's no data in the Blue Book
7 on how many high school trailers exist.

8 (Bell rung)

9 MS. HAIMSON: According to the TCU
10 report, there are 125 classrooms in 73 TCU
11 units in high schools. There's no data as
12 to how many classrooms there are in any of
13 the schools. There's no data on any of the
14 use of these schools in the Blue Book. So
15 this is really not replicated anywhere else.

16 However, these reports also need
17 to be strengthened consistently. Neither
18 the Blue Book or the TCU report has any data
19 on how many high school students are
20 currently being educated in trailers.
21 Neither one has any information on how many
22 elementary and middle school students are
23 using trailers for art, music, sciences or
24 other non core classes. And the capacity
25 enrollment of many of the District 75 and

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2 the special education classes are missing.
3 And there's contradictory information,
4 believe it not, between the TCU and the Blue
5 Book, and even between Part I and Part II of
6 the TCU report. The data conflicts.

7 So we need cleaned up data for our
8 Class Size reports. We need cleaned up data
9 for the TCU reports. We need more detailed
10 data and we strongly recommend that these
11 reports not be eliminated.

12 Thank you very much.

13 THE CHAIR: Could you stay just
14 for one second, let me see if there
15 questions for you.

16 MS. HAIMSON: I'm sorry.

17 THE CHAIR: That's okay.

18 MS. HAIMSON: I'm happy to answer
19 your questions.

20 THE CHAIR: Go ahead,
21 Councilmember.

22 COUNCILMEMBER BREWER: Could you
23 just help again reiterate what you said
24 about how to improve the Class Size Report,
25 you had a couple of suggestions.

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2 MS. HAIMSON: Right. Well, what
3 we know is that in many, many schools the
4 inclusion classes, which used to be called
5 CTT, now they're called ICT, they have both
6 special education and general education
7 students, are reported as two separate
8 classes, even though they meet in one room
9 as one class. And so that halves the
10 average class size in those schools, in
11 those classrooms. We also know that in many
12 schools where there are mixed age groupings
13 either in elementary school or in high
14 school, those are reported by grade as
15 though each grade is a separate class.
16 Which also tends to reduce the reporting of
17 the average class size.

18 And there are many other errors
19 that we have seen, pervasive errors year
20 after year in this reporting. And the DOE
21 has claimed it's a -- I think it relates to
22 the way ATS is done because actually the CTT
23 classes and the mixed age, they report it in
24 ATS as two separate classes. I think there
25 needs to be a self-auditing system, where

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2 after it goes into the report the principals
3 are asked or maybe even the chapter leader
4 is also asked to confirm that this data is
5 correct. All it would take actually is to
6 have the room number as the deciding factor
7 in what the class size is. Because it's
8 also listed in ATS according to the room
9 number.

10 I think that's about it.

11 COUNCILMEMBER BREWER: Thank you.

12 THE CHAIR: Any other questions?

13 (No response)

14 THE CHAIR: Thank you very much.

15 MS. HAIMSON: Thank you.

16 THE CHAIR: Our next speaker is
17 Rachael Fauss from the Citizens Union.

18 MS. FAUSS: I also have copies of
19 my testimony.

20 THE CHAIR: Great.

21 MS. FAUSS: Good afternoon, Chair
22 Weinstein and the members of the Commission.
23 My name is Rachael Fauss, and I am the
24 policy and research manager for Citizens
25 Union. I'm going to be try to be as brief

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2 as possible, I know I don't have much time,
3 and you will have my full remarks in the
4 seven pages of testimony here.

5 So first off I'd just like to
6 mention that Citizens Union did support the
7 creation of this Commission through the 2010
8 Charter Revision Process. We think it has
9 good potential to create greater efficiency
10 in government and as well as to improve
11 public access to city government
12 information.

13 We also sent the Commission,
14 members of the Commission a letter about
15 several process related concerns we had and
16 suggestions. And we wanted to first thank
17 you for doing a few of the things that we
18 suggested, including putting public comment
19 on your Web site, and I know that the
20 comments from today will be on the Web site;
21 posting information about the Commissioners;
22 linking to the Commission's Web site from
23 the Department of Records, I think that's an
24 important piece, to get more awareness of
25 it. And a couple of other items. But we'd

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2 ask that you build upon that work a little
3 bit more.

4 One thing that might helpful is to
5 have on the Commission Web site the full
6 list of all the reporting requirements of
7 the City so that people who want to respond
8 to the Commission can speak to ones other
9 than the 21 identified.

10 And then also consider, you know,
11 a big thing we'd like to suggest is that
12 there be an additional public hearing. I
13 think given that this is a new Commission,
14 there might not be as many people aware of
15 it. We'd like to suggest that there be an
16 additional public hearing. And prior to
17 that we suggest the Commission release a
18 preliminary report from the findings of this
19 hearing and the research that it's done,
20 speaking to in particular providing more
21 detailed rationales about why the reports
22 are proposed to be eliminated and
23 referencing the specific criteria in the
24 law.

25 And on the specific reporting

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2 requirements, Citizens Union recommends that
3 four not be eliminated, and these are our
4 recommendations mostly because these are
5 reports that are more core to our issues and
6 we are more familiar with. Specifically the
7 Preliminary Mayor's Management Report, the
8 November Class Size Report, the Temporary
9 Non-Standard Classrooms Report, and the
10 Industrial Commercial Incentive Program
11 Report.

12 And then for three additional
13 reports we spoke with a number of advocates
14 and users of these reports who had concerns.
15 And while we aren't as familiar with the
16 policy issues, we thought the Commission
17 should explore them further in an additional
18 public hearing. The Permanent Housing Needs
19 Report, the Homeless Outreach Report, and
20 the Stormwater Management Plan Report.

21 And just speaking to some of the
22 specific reports, on the PMMR, Citizens
23 Union, as you know, we are actually involved
24 in a roundtable on this issue to talk about
25 ways to improve it and to also with the

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2 Citywide Performance Report. So I think,
3 you know, we're interested in ongoing
4 discussions about this, but at this time we
5 don't believe that it should be eliminated.
6 And in particular because the PMMR contains
7 narrative explanations for performance data
8 and sets targets for the upcoming months.
9 And from what we understand this has been
10 useful to the Council in the budget hearing
11 process. And the CPR really doesn't have
12 the same kind of narrative information
13 that's useful to the public.

14 On the November Class Size Report,
15 we've also spoken to different advocates who
16 work on these issues who are concerned that
17 it's not actually redundant, I'm sorry, not
18 that it's redundant but that it's because
19 there's more of a semester based school
20 system, the data for the two different
21 halves of the school year is important for
22 parents. And parents have also indicated to
23 us that this is an important factor in
24 helping them decide where to send children
25 to school.

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2 On the Temporary and Non-Standard
3 Classrooms Report, it doesn't appear to be
4 redundant with the Enrollment, Capacity, and
5 Utilization Report. It doesn't specifically
6 tell you the number of TCU's or provide data
7 about classes and enrollment. And that's
8 something that, you know, because of that we
9 don't believe that it should be eliminated.

10 And on the ICIP report, while it
11 hasn't been published, we have been a
12 supporter of performance based budgeting.
13 And as this is a fairly expensive program
14 that the City is running we believe --

15 (Bell rung)

16 MS. FAUSS: -- that some of the
17 requirements of the ICIP such as listing the
18 number of jobs created and the effect upon
19 the City, measuring the results of that
20 program would be useful.

21 So whether, you know, I think
22 whether it's the Tax Expenditure Report
23 would be -- if it would be expanded to
24 include that information, or if the report
25 were published, I think we'd be happy to

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2 have the information in either way. But it
3 would be important to us that it not be
4 eliminated, given our concerns that
5 budgeting actually be measured, the
6 performance be measured of that program.

7 And on the other reports, you
8 know, I think some of these groups are going
9 to speak to them in particular, but on the
10 Housing Needs Report, the Homeless Outreach
11 Report and the Stormwater Management
12 Planning Report, they didn't appear to be
13 redundant to some of the pieces mentioned by
14 the Commission in the documents, and we'd
15 just urge that there be an additional public
16 hearing to discuss those items.

17 And I think on the additional
18 public hearing, something that might be of
19 use to the Commission is to have
20 representatives of the agencies speak to the
21 specific items and how they find that they
22 are redundant and speak to them specifically
23 and answer some of the concerns and address
24 some of the things raised at this hearing
25 today.

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2 So thanks for your time.

3 THE CHAIR: Thank you.

4 Questions for Rachael?

5 COUNCILMEMBER BREWER: Thank you
6 for Citizens Union constantly being a good
7 government group along with your fellow
8 group government organizations, and I thank
9 you for your leadership.

10 Do you have, I know you mentioned
11 ways in which this body should think about
12 being as transparent as possible, and I want
13 to give the chair credit for already
14 initiating that and certainly for the other
15 discussions about the MMR and the
16 Preliminary.

17 When these reports come in, I know
18 there is a local law that says they're
19 supposed to be posted, but do you have some
20 suggestions for the reports that are either
21 on this listing, that continue to be on this
22 listing or other reports as to how they
23 should be viewed and shared with the public?

24 MS. FAUSS: Sure. I think, you
25 know, this is sort of in concert with a lot

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2 of things the City is working on, the

3 passage of the Open Data Bill, and some of

4 that data hopefully will be put into the new

5 data base that the City is going to have.

6 And, you know, we certainly would like to

7 see the reports be put online. I know that

8 there is the City law and we urge that there

9 be greater compliance with that. Because I

10 think that, especially having reports in one

11 place, like the Department of Records Web

12 site, enables people to search for

13 particular reports where they might not know

14 which agency is the releaser of the report.

15 They might know that -- they might have an

16 issue that's concerning to them but they

17 might not know where to go to. And so it's

18 important to have it in one place like the

19 Department of Records. And I think it's

20 been interesting that some of the reports,

21 you know, laudably the Commission has put

22 them, some of them up on its Web site, some

23 of them hadn't been online before. So I

24 think reports are only useful to the extent

25 the public is aware of them, so it's

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2 important for more of them to be put online,
3 so we agree with that.

4 COUNCILMEMBER BREWER: Thank you.
5 Thank you very much.

6 THE CHAIR: Thank you.
7 Our next speaker is from the
8 Coalition for the Homeless, Giselle
9 Routhier.

10 MS. ROUTHIER: I have copies.
11 Good afternoon. My name is
12 Giselle Routhier. I'm a policy analyst at
13 the Coalition for the Homeless. And I'm
14 going to just speak briefly on two reports
15 that are related to homeless services. The
16 two reports are the Permanent Housing Needs
17 Report and the Outreach Programs Report.

18 The data in the Permanent Housing
19 Needs Report, I included in my testimony the
20 actual legal requirements that are in those
21 reports but I won't read them out to you.
22 The data in the Permanent Housing Needs
23 Report gets at the heart of really how the
24 department is addressing homelessness by
25 identifying projected shelter and permanent

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2 housing needs for each coming year. Indeed,
3 such numbers would be helpful as a projected
4 tool looking forward, but also looking back
5 on past reports as a way to evaluate
6 performance and adjust future projections.

7 The Outreach Programs Report
8 indicators are highly valuable in assessing
9 how the Department of Homeless Services is
10 addressing street homelessness. Contractor
11 providers are indeed currently required to
12 keep track of this information, but
13 providing it in a publicly accessible and
14 unified format is what makes it useful for
15 analysis and comparisons over time.

16 The continued existence of these
17 reports is important for several reasons.
18 First, nowhere else are these specific
19 indicators required by law to be reported.
20 They're not included in DHS's most
21 comprehensive public data base, the Critical
22 Activities Reports, or the recently passed
23 Local Law 37 Reports on NYCStat. Allowing
24 the reports to lapse would risk DHS no
25 longer tracking and reporting the data

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2 anywhere else.

3 Secondly, DHS has a pretty shoddy
4 record of providing data in a timely fashion
5 without deadlines set by law. In May 2012,
6 this month, the latest Critical Activities
7 data to be found on DHS's Web site was from
8 June 2011, nearly a year out of date. At
9 the same time, the Local Law 37 Reports,
10 which provide a narrower set of census-only
11 data, are only updated on a monthly basis.

12 Rather than discontinuing these
13 reports, the Commission should require DHS
14 to actually comply with the letter of the
15 law within the reports. As they stand, the
16 current reports gloss over or omit entirely
17 some of the most important required
18 information.

19 Compared to a comprehensive ten
20 pages documenting shelter capacity, for
21 instance, the Permanent Housing Needs report
22 utilizes just two paragraphs to report
23 actual permanent housing needs. Moreover,
24 the section entirely ignores permanent
25 housing projections for families, offering

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2 no numbers for projected placements and no
3 numbers for utilization of HPD and NYCHA
4 units.

5 Likewise, the Outreach Programs
6 Report omits nearly all the indicators
7 required by law, reporting only on the
8 number of chronically homeless individuals
9 placed into permanent or temporary housing.
10 The report omits the total number of
11 outreach contacts, the breakdown between
12 permanent and temporary housing placements,
13 and the number of referrals to programs or
14 services.

15 The goal of this Commission is to
16 waive reports that are considered redundant
17 or no longer useful. We would argue that
18 neither of these DHS reports fall into that
19 categorization. The data that are required
20 of the report are valuable for analyzing how
21 New York City addresses homelessness.
22 Moreover, the data cannot be found publicly
23 anywhere else, including the Critical
24 Activities Reports, the Mayor's Management
25 Reports, or the Local Law 37 reports.

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2 The real problem lies in the
3 actual substance of these reports as they
4 stand, which omits a substantial portion of
5 the required data. We would therefore urge
6 the Commission not to waive the reporting
7 requirements for either the Permanent
8 Housing Needs Report or the Outreach
9 Programs Report. But instead we recommend
10 that you make sure that the Department of
11 Homeless Services actually complies with the
12 letter of the law when creating and
13 disseminating these particular reports.

14 Thank you for the opportunity to
15 share this testimony.

16 THE CHAIR: Thank you.

17 Any questions?

18 MR. GROSSMAN: Maybe can you just
19 provide some examples or talk a little bit
20 more about how, were DHS actually to sort of
21 comply and provide the type of information
22 they are required in the law to provide that
23 might be helpful to your organization who's
24 advocating on behalf of the homeless.

25 MS. ROUTHIER: Absolutely.

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2 Referring, for instance, to the Permanent
3 Housing Needs Report, it would be very
4 helpful if the City actually did project
5 looking forward the number of permanent
6 housing needs that they expect in the coming
7 year. The law requires them to look at
8 specifically at least Housing Preservation
9 and Development and New York City Housing
10 Authority and look at those resources and
11 estimate how many of those resources they'll
12 be using for permanent housing in the coming
13 year. That isn't listed, and it would be
14 very helpful to see that. And in addition
15 to seeing it also in a past sense to see if
16 the City is complying with what the
17 projections are or if there's any
18 misalignment of what they're projecting to
19 use as permanent housing and what they are
20 doing.

21 So in addition, in the Outreach
22 Report it's certainly helpful to see what
23 the total amount of contacts the department
24 is making, and among those total contacts
25 who is then being -- the number of

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2 placements that are being made into
3 permanent housing, temporary housing. So
4 all the indicators are really helpful, and
5 they're kind of all on different levels of
6 analysis and looking at how the department
7 functions and how they are placing people.

8 MR. GROSSMAN: Is the current
9 format that the reports are required to come
10 in, could that be improved, are there any
11 recommendations you would have in terms of
12 how the data is compiled and made public?

13 MS. ROUTHIER: Absolutely. Right
14 now I think it's just required to be
15 provided to the Speaker of the City Council.
16 But it would be very helpful if the reports
17 were put online, similar to the way Local
18 Law 37 reports are put online. I myself was
19 unaware that these reports existed before
20 this Commission was established. And after
21 looking at the requirements for them
22 realized it would be very important data to
23 have. But then I looked at the actual
24 reports and realized that it wasn't quite
25 what the data was supposed to be. But if

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2 they were put online that would be very
3 helpful.

4 MR. GROSSMAN: Thank you.

5 THE CHAIR: Any other questions?

6 (No response)

7 THE CHAIR: Okay, thank you.

8 MS. ROUTHIER: Thanks.

9 THE CHAIR: And we have, I don't
10 have her name, but we have a member from
11 Councilmember Robert Jackson's office.

12 MS. ESCANO: Good afternoon,
13 distinguished members of the Commission. My
14 name is Francis Escano, and I am
15 representing Robert Jackson, Councilmember
16 for the 7th District in Manhattan and chair
17 of the City Council's Education Committee.
18 Today you are considering the elimination of
19 two reports required by City law that the
20 Department of Education finds unnecessary
21 and burdensome to produce, the Class Size
22 Report and the Temporary and Non-Standard
23 Classroom Report. I want to thank you for
24 this opportunity to share my serious
25 concerns about the proposed elimination of

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2 these two reports.

3 As chair of the Council's
4 Education Committee, I know firsthand how
5 difficult it can be to get basic information
6 and data from the DOE. Often the committee
7 has had to wait weeks or months for
8 responses to requests for information.
9 Timely responses to information requests are
10 even harder to come by for advocates,
11 researchers, parents, and other members of
12 the public. In many cases advocates and
13 even the Council have had to file FOIL
14 requests to get information that should be
15 publicly available.

16 Both of the DOE reports being
17 considered today provide information on
18 topics that are of great concern to parents
19 and the public, and both are the result of
20 laws that were passed at the behest of
21 parents and advocates.

22 In fact, Class Size has constantly
23 ranked as the number one parental concern in
24 the DOE's own annual parents survey. The
25 Class Size Report is required pursuant to

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2 Local Law 125 of 2005, which requires the
3 DOE to report average class sizes for each
4 grade level city-wide, as well as for every
5 school district and borough. The reports
6 are required twice annually on or before
7 November 15th and February 15th of each
8 year.

9 Prior to enactment of Local Law
10 125, the public and policy makers didn't
11 have access to accurate and timely class
12 size data, information which is critical to
13 determining whether funding earmarked for
14 class size reduction is being used
15 appropriately. In fact, a 2006 audit by the
16 state comptroller found that the DOE had not
17 used Early Grade Class Size Reduction
18 Funding effectively to reduce class sizes, a
19 problem that continues to this day.

20 Accurate and timely class size
21 data is just as essential now as it was
22 then, and there are important reasons why
23 reporting is requested twice a year. The
24 November report contains class size data
25 based on the October 31st register, more

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2 than a month and a half into the school
3 year, and the date when enrollment numbers
4 are considered official by DOE. This
5 provides an important view of class sizes
6 fairly early in the school year when it is
7 of greatest interest to parents and
8 advocates so that they can push to have
9 large classes reduced.

10 The February report is based on
11 enrollment information as of January 30th,
12 reflecting changes due to students being
13 discharged, dropping out, graduating, or
14 moving from one school to another. It was
15 particularly intended to reflect class sizes
16 in high schools, which change from the fall
17 semester to the spring. Some of New York
18 City's high schools are severely
19 overcrowded, and when selecting a high
20 school for their child, parents have the
21 right to know which schools can comfortably
22 accommodate their children. They shouldn't
23 have to guess. The average class sizes
24 reported in February are generally smaller
25 than those in the November report, sometimes

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2 lower by as much as one to two students per
3 class, especially at the high school level.
4 These mid year enrollment changes in high
5 schools result in some teachers being
6 excessed and cause principals to make mid
7 year budget adjustments. Some advocates
8 contend that the primary reason DOE wants to
9 eliminate the November report is to make
10 only the lower February class sizes public.
11 But that would not provide a true picture of
12 classroom conditions throughout the school
13 year.

14 The Temporary and Non-Standard
15 Classroom Report is required pursuant to
16 Local Law 122 of 2005, which requires the
17 DOE to report to the City Council annually
18 the number of "non-standard classrooms" in
19 the system, disaggregated by school
20 district, council district, and borough, and
21 the number of students receiving instruction
22 in these spaces. Used as a means to help
23 deal with overcrowding, non-standard
24 classrooms include temporary transportable
25 classroom units as well as classrooms

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2 located in a space that was not designed for
3 academic instruction when built. Since DOE
4 found it too difficult to provide
5 information about classrooms located in
6 spaces that were not originally designed for
7 instructional use, the report only contains
8 information on transportable classroom
9 units, known as TCU's.

10 The DOE is claiming that the
11 report is redundant because information
12 about TCU's is contained in its Enrollment
13 Capacity and Utilization Report, also known
14 as the Blue Book. However, the information
15 on TCU's in the Blue Book is difficult to
16 find, hard to understand, and much more
17 limited in scope than what is provided in
18 the Temporary and Non-Standard Classroom
19 Report. The Blue Book does not reveal how
20 many classrooms are contained in
21 transportable units, or what grade or type
22 of instruction they are used for. Only the
23 TCU report provides that data. Moreover,
24 the Blue Book contains hundreds of pages
25 that you would need to search through to

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2 find far less information than is provided
3 in the concise twenty or so pages of the
4 Temporary and Non-Standard Classroom Report.

5 The DOE also says that the
6 temporary and non-standard classroom report
7 is not "useful" as it does not help DOE
8 assess resource management. I don't know
9 how useful it is to DOE, but I can tell you
10 that it is very useful to parents,
11 advocates, and especially the City Council
12 in allocating funds to address the capital
13 needs of schools and in monitoring DOE's
14 efforts to address overcrowding. One of
15 DOE's goals in the 2005-2009 five year
16 capital plan was to eliminate use of TCU's
17 all together. Because of this report, we
18 can see that the number of TCU's has
19 fluctuated only slightly over the years,
20 from 368 TCU's in 2005-2006 to 363 TCU's in
21 2010-2011, showing that DOE remains very far
22 from reaching that goal.

23 The bottom line is that both
24 reports are essential to shaping policy,
25 budget and capital decisions, and both are

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2 of enormous interest to the public. In
3 fact, according to information posted on the
4 Commission's Web site, the only public
5 comments you received between April 20th and
6 May 3rd dealt with these two reports. There
7 may indeed be some agency reports that are
8 redundant, non useful or unnecessary, but
9 these two reports are still very necessary.
10 I ask you to reject the request for waivers
11 for both the Class Size Report and the
12 Temporary and Non-Standard Classroom Report.
13 Thank you for your consideration.

14 THE CHAIR: Thank you.

15 Any questions? Seth Grossman.

16 MR. GROSSMAN: Thank you very
17 much.

18 MS. ESCANO: No problem.

19 MR. GROSSMAN: I really just had a
20 comment that, you know, I think the second
21 to last paragraph was a really great
22 illustration of how this information is
23 helpful and useful to parents, advocates,
24 and members of the City Council. And I
25 think it also just illustrates an earlier

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2 point made by one of the speakers how I
3 think it would be very helpful to us as
4 commissioners and the public to hear more
5 from the agencies themselves, because in
6 looking at the rationale that we have been
7 given to why this report should be
8 eliminated seems like night and day, and
9 it's hard to really evaluate based on the
10 information we have been given on this
11 report and on others where they said reports
12 are redundant but they at least to me don't
13 appear to be.

14 MS. ESCANO: Thank you.

15 MR. GROSSMAN: Thank you.

16 MS. ESCANO: Okay, thank you.

17 Have a good day.

18 THE CHAIR: Thank you.

19 I think the last of our speakers
20 who signed up is Jaime Stein from the
21 S.W.I.M. Coalition.

22 MS. STEIN: I have some copies for
23 you.

24 Thank you to the Commission for
25 holding this hearing. My name is Jamie

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2 Stein. I direct the Urban Environmental
3 Systems Management Program at Pratt
4 Institute. I'm here on behalf of the
5 Stormwater Infrastructure Matters coalition,
6 otherwise known as S.W.I.M. And we're here
7 to comment on the proposal to waive the
8 requirements for the City update once every
9 four years and biannually report progress to
10 the City Council on the City's Sustainable
11 Stormwater Management Plan. We urge the
12 Commission to reject this proposal.

13 S.W.I.M. is a coalition of over
14 seventy organizations dedicated to ensuring
15 swimmable and fishable waters around New
16 York City through natural, sustainable
17 Stormwater management practices, called
18 green infrastructure. S.W.I.M. was
19 instrumental in passing Local Law 5 of 2008,
20 which required development of the
21 Sustainable Stormwater Management Plan and
22 established the ongoing requirements to
23 report progress on and update the contents
24 of the plan. Members of the S.W.I.M.
25 coalition worked with Councilman Gennaro,

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2 the lead supporter in drafting the language
3 of the bill, and the coalition's wide
4 membership advocated for that bill.

5 The coalition is incredibly proud
6 that Local Law 5 and the Sustainable
7 Stormwater Management Plan, which was first
8 issued in December 2008, laid the essential
9 groundwork for the Department of
10 Environmental Protection's 2010 Green
11 Infrastructure Plan, which has helped make
12 New York City a national leader in using
13 green infrastructure to cost effectively
14 reduce sewage overflows while improving
15 community health and neighborhood
16 livability.

17 While the Green Infrastructure
18 Plan now provides a blueprint for much of
19 the effort necessary to fulfill the vision
20 of sustainable Stormwater management in New
21 York City through green infrastructure, the
22 Sustainable Stormwater Management Plan is
23 broader in many important respects than the
24 GI Plan, or Green Infrastructure Plan. We
25 have detailed this in our testimony.

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2 We fully support efforts to
3 eliminate redundancy in reporting and to
4 improve efficiency within the City agencies.
5 However, the broader elements of Local Law 5
6 and the Sustainable Stormwater Management
7 Plan, which are not duplicated elsewhere,
8 would be lost if requirements to update and
9 report progress on the Sustainable
10 Stormwater Management Plan is eliminated.
11 Instead, without the need for any action by
12 the Commission, the City can readily adjust
13 its reporting practices to avoid duplicative
14 efforts and comply with all existing
15 requirements.

16 According to the minutes of the
17 Commission's February 28th, 2012 meeting,
18 the proposal to eliminate the reporting
19 requirements associated with the Sustainable
20 Stormwater Management Plan was based on the
21 premise that such reporting only involves
22 biannual status reports; that such reporting
23 is redundant to the Green Infrastructure
24 Plan; that the Sustainable Stormwater
25 Management Plan only includes milestones

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2 through 2010. And none of these are
3 correct. In fact, Local Law 5 requires not
4 only a biennial status report on
5 implementation of the Sustainable Stormwater
6 Management Plan, but also a once every four
7 year update.

8 The existing version of the
9 Sustainable Stormwater Management Plan
10 includes initiatives on which progress is
11 not required to be reported publicly under
12 the Green Infrastructure Plan or any other
13 plans.

14 The existing version of the
15 Sustainable Stormwater Management Plan
16 includes initiatives with milestone dates
17 beyond 2010, as well as many initiatives
18 that warrant updated milestones.

19 Lastly, the Sustainable Stormwater
20 Management Plan overlaps with but is broader
21 than the Green Infrastructure Plan in
22 important ways, not the least of which is
23 that the Sustainable Stormwater Management
24 Plan covers the entire City, whereas the GI
25 Plan covers only the approximately 50 or

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2 approximately 50 percent of the City that is
3 served by a combined sewer system.

4 There's no dispute that the
5 underlying goals of Local Law 5 remain as
6 valid today as they were when the City
7 Council passed the law and Mayor Bloomberg
8 signed it. Likewise, everyone can agree
9 that no City staff or official should spend
10 his or her time preparing duplicative
11 reports. Indeed, S.W.I.M. fully supports
12 the Commission's charge to eliminate such
13 duplication, so that taxpayers' resources
14 can be deployed efficiently to the hard work
15 of improving the performance of City
16 programs.

17 (Bell rung)

18 MS. STEIN: Am I ignoring that,
19 okay.

20 Just as firmly, we believe it is
21 clear that no existing requirements of Local
22 Law 5 needs to be waived to avoid such
23 duplicative efforts and, conversely, that
24 the waiving of those requirements would
25 undermine the goals of Local Law 5 itself.

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2 For all of these reasons, we urge
3 the Commission to reject the proposal to
4 eliminate reporting requirements associated
5 with the Sustainable Stormwater Management
6 Plan.

7 And I have some detailed, much
8 more detailed comments in here, but I think
9 most importantly is that the Sustainable
10 Stormwater Management Plan is coordinated by
11 the Office of Long Term Planning and
12 Sustainability. And the Sustainable
13 Stormwater Management is a multi-agency
14 effort that requires participation of the
15 private sector as well. The mayor was wise
16 in designating the Office of Long Term
17 Planning and Sustainability to develop the
18 plan, rather than the New York City
19 Department of Environmental Protection. In
20 the Sustainable Stormwater Management Plan,
21 there are many initiatives under the
22 leadership of the Office of Long Term
23 Planning and Sustainability, which is best
24 suited to coordinate multiple city agencies.
25 Eliminating the Sustainable Stormwater

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2 Management Plan may be seen as diminishing
3 the role of the Office of Long Term Planning
4 and Sustainability, which may adversely
5 impact the interagency cooperation required
6 to implement many of the plan initiatives.

7 We believe OLTPS or the Office of
8 Long Term Planning and Sustainability serves
9 a critical function in coordinating a myriad
10 of sustainability initiatives implemented by
11 multiple city agencies around the City. We
12 are wary of proposals that potentially
13 diminish the role of this agency, and which
14 is such an important facet of PlaNYC as
15 sustainable Stormwater management.

16 We commend the Bloomberg
17 Administration and the City Council for
18 having taken on the important work of making
19 our city sustainable, using innovative and
20 comprehensive approaches such as green
21 infrastructure. We are here to assist the
22 City in ensuring that this legacy lives on
23 and that long term programs achieve ultimate
24 success beyond the terms of Mayor Bloomberg
25 and the current members of the Council. We

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2 therefore urge the Commission to reject the
3 proposal to eliminate requirements
4 concerning the Sustainable Stormwater
5 Management Plan.

6 Thank you, that was hard to say.
7 Any questions?

8 MR. FRASER: On -- oh, I'm sorry.

9 COUNCILMEMBER BREWER: No, go
10 ahead.

11 MR. FRASER: On page two of your
12 written submission, I was struck by the
13 sentence that says it is true that large
14 portions of the SSNP are now duplicative of
15 the GI Plan and the annual reports under the
16 GI Plan. So my question is, and if you can
17 answer it now that's fine, if you can't if
18 you'd like to submit something later that
19 would be great, how can we address that
20 duplication while not disturbing the
21 information flow that you're concerned with?

22 MS. STEIN: Right.

23 MR. FRASER: In other words,
24 you're saying here large portions are
25 duplicative. How can we eliminate --

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2 MS. STEIN: With the Green
3 Infrastructure Plan.

4 I mean we've also pointed out on
5 the top of page three what areas are
6 duplicative. So I think that if the Mayor's
7 Office of Long Term Planning and
8 Sustainability were just to address those
9 issues, particularly the ones with there's
10 sidewalk construction, road construction,
11 public plaza reporting, those types of
12 things, if all TPS could take that on and
13 the Green Infrastructure Plan could continue
14 with their reports.

15 MR. FRASER: So that section under
16 milestones should be --

17 MS. STEIN: The section under
18 milestones as well as the Local Law 5
19 requirement for review and revision.

20 MR. FRASER: Okay. So those
21 you're saying should be deleted from which?

22 MS. STEIN: I'm not comfortable
23 with saying they should -- well, in an
24 effort to reduce redundancy, perhaps the
25 Office of Long Term Planning and

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2 Sustainability could take on that reporting
3 and the Green Infrastructure Plan could
4 continue on with its reporting.

5 But perhaps most important is the
6 every four year update. I mean the City has
7 come incredibly far since the, since sort of
8 the birth of the Stormwater Infrastructure
9 Matters Coalition, you know, that's when the
10 City had no interest in green roofs and now
11 we have taken a bit of a 180 on green
12 infrastructure. So I think the idea of
13 every four year updating is so critical.

14 MR. FRASER: Thank you.

15 MS. STEIN: Thank you.

16 THE CHAIR: Councilmember.

17 COUNCILMEMBER BREWER: First of
18 all, congratulations for stating Sustainable
19 Stormwater Management Plan so many times and
20 not using the acronym.

21 MS. STEIN: That's what I meant,
22 it was so --

23 COUNCILMEMBER BREWER: I'm
24 impressed

25 MS. STEIN: You know, solid waste

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2 management is easier.

3 COUNCILMEMBER BREWER: I know, I'm
4 very impressed.

5 On page one you mention, and maybe
6 this is sort of an end to what you said, the
7 broader elements of Local Law 5 and SSMP,
8 I'm ready to use the acronym, which are not
9 duplicated elsewhere would be lost.

10 MS. STEIN: Right.

11 COUNCILMEMBER BREWER: So I just,
12 can you again help us to understand --

13 MS. STEIN: Sure, absolutely.

14 COUNCILMEMBER BREWER: -- all of
15 that?

16 MS. STEIN: That's really
17 articulated in pages two and three. But I
18 think perhaps the most important one is that
19 the GI Plan is great because it's focused on
20 solely combined sewer areas, but there are
21 other places where you'd be doing this. And
22 that represents non combined sewer areas,
23 and that represents roughly 50 percent of
24 the City. So the idea of the co-benefits of
25 green infrastructure are not just that it

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2 mitigates combined areas but it also
3 provides mitigation against heat island
4 effect, biodiversity, aesthetic value,
5 cooling. So I think all of those things
6 within 50 percent of the City are important,
7 whereas the GI Plan is just focused on the
8 combined sewer areas.

9 COUNCILMEMBER BREWER: Thank you.

10 MS. STEIN: Thank you.

11 THE CHAIR: Any other questions?

12 (No response)

13 THE CHAIR: Okay, thank you very
14 much.

15 Are there any other folks in the
16 audience who would like to speak and did not
17 sign up for whatever reason?

18 (No response)

19 THE CHAIR: Okay. So I think that
20 will end -- yes? Oh, sure. What did I
21 receive that I didn't -- that wasn't spoken.
22 Sorry.

23 So there's a sign in sheet for
24 people who attended who want to be on our
25 mailing list and get emails. So please sign

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2 up on the way out.

3 And then we also received some
4 written testimony, which I apologize to
5 Justine, so we have testimony that will be
6 entered into I guess the record or certainly
7 we will pass it along to the Commission and
8 put it on our Web site, from Councilmember
9 Domenic Recchia, from Councilmember Annabel
10 Palma. Is that it, okay.

11 MS. OFFEN: Those are already on
12 the site.

13 THE CHAIR: They're already on the
14 site? Okay, terrific. So those are already
15 on the site.

16 And we have other testimony or
17 comments there as well, so please feel free
18 to check out the Web site.

19 Thank you to everyone who
20 participated. I think it was very
21 informative, useful testimony. Our next
22 steps will be to take all the information we
23 heard today and the information we need from
24 you to get on our Web site or by mail, and
25 make sure that all of our Commissioners have

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2 that. And then our next step will be to
3 create or, sorry, have another public
4 meeting where we'll be giving formal notice
5 on the Web site all of the Open Meeting Law
6 information plus as much information as we
7 can give to our mailing list as possible.
8 So that's where we'll go from here. So
9 thank you, everybody.

10 COUNCILMEMBER BREWER: What were
11 the two letters about, do you know, the ones
12 that came in from Councilmember Palma?

13 THE CHAIR: Seth, do you want to
14 summarize them? I haven't looked them over.

15 MR. GROSSMAN: Yeah. So the
16 Commission received written testimony from
17 Councilmember Domenic M. Recchia, who is
18 chair of the City Council Finance Committee,
19 in support of the retention of the
20 Preliminary Mayor's Management Report, PMMR.
21 In his testimony he explains the importance
22 of the PMMR to the Council, most especially
23 in the purposes of the budgetary process and
24 how the PMMR and the MMR are both important
25 sources of information for oversight of City

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2 agencies, and the PMMR, which is intended to
3 be closely tied with the budgetary process.
4 And as noted by Citizens Union, that there's
5 also the Mayor's Office of Operations has
6 convened a great roundtable which is working
7 on some recommendations for improvement to
8 the MMR, which if adopted would perhaps
9 improve the PMMR and its linkage with the
10 budget. And that this Commission's role
11 also in addition to recommendations for
12 improving reports it could also take into
13 account some of that work as well.

14 Councilmember Annabel Palma, who
15 is the chair of the Council's General
16 Welfare Committee, writes in strong support
17 of the retention of the two Department of
18 Homeless Services reports. One is the
19 Outreach Programs Report and the other is
20 the Permanent Housing Needs Report. And she
21 points out that the Outreach Programs Report
22 is very helpful for evaluating whether the
23 DHS is properly and effectively serving its
24 core function of developing and operating
25 outreach programs to identify and assist

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2 homeless families and people living in
3 public spaces. Especially now that a lot of
4 that work is being performed by outside
5 contractors, it's very useful to enable City
6 officials to evaluate the sufficiency of
7 those contractors' efforts and performance.

8 And similarly with the Permanent
9 Housing Needs Report, Councilmember Palma
10 points out that this report is not redundant
11 to the average daily overnight census report
12 as has been suggested, mainly because in the
13 projections that are required to be included
14 in the report regarding the permanent
15 housing and traditional housing services
16 needs to house homeless families and
17 individuals, which is an important report
18 that helps the Council evaluate the adequacy
19 of the City's current housing capacity. And
20 that is not redundant to other reports, so.

21 THE CHAIR: Thank you.

22 Anything else we missed?

23 (No response)

24 THE CHAIR: Okay, thank you.

25 (Time noted: 3:10 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, KARI L. REED, a Registered
Professional Reporter (Stenotype) and Notary
Public with and for the State of New York, do
hereby certify:

I reported the proceedings in the
within-entitled matter and that the within
transcript is a true record of such
proceedings.

I further certify that I am not
related, by blood or marriage, to any of the
parties in this matter and that I am in no
way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 24th day of May, 2012.

KARI L. REED, RPR

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<p style="text-align: center;">\$</p> <hr/> <p>\$681.6m [1] 12:16</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>119 [1] 12:22 122 [1] 52:16 125 [3] 29:10 50:2,10 15th [3] 26:19 50:7,7 180 [1] 66:11 1st [1] 26:18</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2001 [3] 12:2,5 14:15 2005 [4] 17:19 25:13 50:2 52:16 2005-2006 [1] 54:20 2005-2009 [1] 54:15 2006 [1] 50:15 2008 [2] 57:19 58:8 2009 [1] 28:23 2010 [6] 5:15 19:5 33:7 58:10 60:2,17 2010-2011 [1] 54:21 2011 [1] 43:8 2012 [2] 43:5 59:17 2030 [2] 18:20,20 20th [1] 55:5 21 [3] 6:10 8:12 34:9 28 [1] 6:8 284 [1] 12:20 28th [1] 59:17</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3:10 [1] 72:25 30th [1] 51:11 31st [6] 25:21 26:3,14,18 27:7 50:25 363 [1] 54:20 368 [1] 54:20 37 [4] 42:23 43:9 44:25 47:18 3rd [1] 55:6</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5 [9] 57:19 58:6 59:5 60:3 61:5,22,25 65:18 67:7 50 [4] 60:25 61:2 67:23 68:6</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>73 [1] 29:10 75 [1] 29:25 7th [1] 48:16</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>8,000 [1] 11:10 800 [1] 7:3</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p>absolutely [4] 25:18 45:25 47:13 67:13 academic [1] 53:3 access [3] 17:10 33:11 50:11 accessible [3] 8:18 14:6 42:13 accommodate [1] 51:22 according [4] 29:9 32:8 55:3 59:16 account [1] 71:13 accurate [7] 20:25 25:17 26:14 27:9,12 50:11,20 achieve [1] 63:23</p>	<p>acronym [2] 66:20 67:8 action [1] 59:11 activities [3] 42:22 43:6 44:24 actual [6] 27:24 28:5 41:20 43:23 45:3 47:23 actuality [1] 11:8 actually [15] 7:14 11:24 13:10 23:24 24:10 26:13 31:22 32:5 35:23 36:17 38:5 43:14 45:11,20 46:4 ad [1] 19:23 add [2] 3:6 21:5 added [1] 26:9 addition [5] 5:24 8:15 46:14,21 71:11 additional [6] 34:12,16 35:12,17 38:15,17 address [5] 38:23 54:12,14 64:19 65:8 addresses [1] 44:21 addressing [2] 41:24 42:10 adequacy [1] 72:18 adjust [2] 42:6 59:12 adjustments [1] 52:7 administration [4] 13:5 18:13 22:22 63:17 administrative [1] 5:23 adopted [1] 71:8 advance [1] 16:13 advent [1] 10:21 adversely [1] 63:4 advisory [7] 3:15 5:17,22 6:10 7:13 16:3,17 advocated [1] 58:4 advocates [10] 17:8 35:13 36:15 49:10,12,21 51:8 52:7 54:11 55:23 advocating [1] 45:24 aesthetic [1] 68:4 afternoon [5] 10:10 15:14 32:21 41:11 48:12 afterward [1] 6:23 age [3] 28:4 31:12,23 agencies [6] 38:20 56:5 59:4 62:24 63:11 71:2 agency [3] 40:14 55:7 63:13 agency's [2] 15:21,23 agenda [1] 3:20 agree [5] 16:10 19:18 24:5 41:3 61:8 ahead [5] 3:3 20:8 23:4 30:20 64:10 aid [1] 25:23 albany [1] 28:19 alexis [1] 5:2 allocates [1] 10:13 allocating [1] 54:12 allowing [1] 42:23 allows [1] 15:21 almost [1] 7:3 already [8] 13:20 14:2 23:21 26:4 39:13 69:11,13,14 alternative [1] 11:18 altogether [1] 23:24 among [1] 46:24 amount [2] 25:22 46:23 analysis [2] 42:15 47:6 analyst [1] 41:12 analyzing [1] 44:20 annabel [2] 69:9 71:14 annual [8] 11:5,16,18,25 25:25 28:15 49:24 64:15 annually [2] 50:6 52:17</p>	<p>another [2] 51:14 70:3 answer [5] 22:3 25:6 30:18 38:23 64:17 apologize [1] 69:4 appear [3] 37:3 38:12 56:13 applicant [1] 13:21 applicants [1] 12:7 application [2] 12:9 13:22 applications [1] 12:10 appointed [1] 3:25 approaches [1] 63:20 appropriately [1] 50:15 approved [1] 5:15 approximately [2] 60:25 61:2 april [4] 6:25 7:3,22 55:5 areas [5] 65:5 67:20,22 68:2,8 aren't [1] 35:15 argue [1] 44:17 argument [1] 19:18 around [4] 3:8 23:10 57:15 63:11 art [1] 29:23 articulated [1] 67:17 aspects [1] 18:4 assertion [1] 29:5 assess [2] 15:23 54:8 assessed [1] 13:21 assessing [2] 5:20 42:8 assessments [1] 23:19 assist [2] 63:21 71:25 assistance [1] 24:8 associated [2] 59:19 62:4 ats [3] 31:22,24 32:8 attended [1] 68:24 attending [1] 3:17 audience [1] 68:16 audit [1] 50:15 audited [2] 25:20 26:3 authority [1] 46:10 availability [1] 17:14 available [7] 5:9 6:12,22 7:14 17:7 18:5 49:15 average [6] 28:3 31:10,17 50:3 51:23 72:11 avoid [2] 59:13 61:22 aware [2] 34:14 40:25 awareness [1] 33:24 away [1] 29:2</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>back [2] 9:11 42:4 background [1] 5:15 base [2] 40:5 42:21 based [11] 9:7,15 25:19,20 26:19 36:19 37:12 50:25 51:10 56:9 59:20 baseline [2] 18:14 22:20 basic [1] 49:5 basis [3] 8:7 25:24 43:11 begin [1] 8:24 beginning [1] 26:21 behalf [2] 45:24 57:4 behest [1] 49:20 believe [7] 16:10 30:4 36:5 37:9,14 61:20 63:7 bell [5] 14:9 19:15 29:8 37:15 61:17 best [1] 62:23</p>
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