

Legislative Update from the  
NYS Assembly Commission on

# Government Administration

Sheldon Silver, Speaker ■ George Latimer, Chair ■ Summer 2012

## Message from the Chair



*Dear Friends*

*As Chairman of the Legislative Commission on Government Administration since 2011, I would like to take this opportunity to update you on some of the work we have done on behalf of the citizens of New York State.*

*The Commission's charge calls for conducting an overview of the operations of state government to help identify problems and look for solutions. Additionally, the Commission examines how well the management functions of the state perform and how the state can be organized to provide the most effective services. Its broad mission calls for looking across the operations and systems of New York State government rather than at discrete agencies. This is an important task, especially in these difficult fiscal times.*

*This newsletter represents the Commission's continuing commitment to enhance public awareness of critical issues facing the State. We would like to hear about the concerns of the citizens of New York, and I encourage you to send any ideas or comments on ways to improve state government to my office. Additionally, the New York State Assembly's website is [www.assembly.state.ny.us](http://www.assembly.state.ny.us), where you will have access to a wide range of information, including how legislators voted on a bill, an explanation of the bill and its status in the legislative process, and information about New York State history and other state government matters.*

George Latimer

A handwritten signature in blue ink that reads "George Latimer".

Chair, NYS Assembly Commission on  
Government Administration

## About the Commission on Government Administration

The Legislative Commission on Government Administration was created by Chapter 50 of the Laws of 1979 as the Legislative Commission on Economy and Efficiency in Government. Its name was changed to the Legislative Commission on Public Management Systems in 1986 to capture the evolved focus of the Commission's work. In 1994, the Commission was established in Legislative Law (§ 83-c) and its current name assigned.

Today, the Commission is charged with examining "specific methods for increasing economy, efficiency, effectiveness and accountability in state government. Organization, management, administration, operations, technologies, procedures, and practices in the public sector will

be considered by the commission for the purpose of examining the feasibility of and making legislative recommendations for: (a) improving administration and operations of state government; (b) increasing efficiency, economy and effectiveness by measures of consolidation and reorganization; and (c) improving the delivery of services and enhancing accountability by organizational changes."

Over the years, the Commission has contributed to many improvements in the administration and operations of New York State government. Some of the Commission's significant accomplishments are in the areas of financial management, financial controls, procurement, information resources, budget reform, and capital planning.

# Massachusetts Shared Services Conference

*No two states – however demographically similar they may be – structure their delivery of public services in exactly the same way. It is instructive to consider how our neighboring states, in this case, Massachusetts, deal with the very same problems we deal with. For example, Massachusetts has “less government”: weak or non-existent counties, and no village government structure. On the surface, the observer might not see that Massachusetts is struggling with the need to provide some services more cost efficiently on a regional basis, administered in a manner larger than any one municipality but smaller than the state as a whole. This conference helps us make intelligent comparisons that relate to New York’s challenges.*

*George Latimer*

In early September 2011, Assemblyman Latimer attended the annual Regionalization Toolkit Conference in Worcester, Massachusetts. This event, hosted by the Lieutenant Governor of Massachusetts, brought together practitioners from state, local, and regional entities to explore experiences in shared services and other efforts to improve local government efficiency. Some representatives focused on developments in information technology as offering new low cost opportunities for sharing resources and improving information for management as well as citizens. Most participants were also excited about the prospect of new funds being made available in the Massachusetts state budget to study and implement these local government efficiency options.

From conversations with these officials, Assemblyman Latimer learned about how some municipalities were developing regional services and inter-municipal agreements in the absence of county government. The participants also underlined the need to carefully evaluate opportunities for shared services, and that successful efforts often emerge from informal agreements. Although local government structures in Massachusetts differ from New York’s, the conference discussions provided encouraging examples of how local governments can innovate under difficult fiscal conditions.

## Commission Roundtable, “Over the Backyard Fence,” Analyzes States’ Policies

On September 27, 2011, the Commission organized, "OVER THE BACKYARD FENCE: a Roundtable Discussion on State Structures and Innovations." The purpose of the roundtable was to review and compare New York’s state-local government structures to similar Northeastern states such as New Jersey, Massachusetts, and Pennsylvania. The discussion was joined by Assembly members John J. McEneny and Bob Reilly, and attracted participants from both within and outside of New York State, including representatives from New Jersey and Massachusetts. Officials and staff also attended from the New York State Department of State, the New York State Office of the State Comptroller, the Association of Towns of the State of New York, the New York State Association of Counties, the Nelson A. Rockefeller Institute of Government, Hudson Valley Pattern for Progress, the Fiscal Policy Institute, the League of Women Voters of

New York State, and the Center for Governmental Research Inc.

The conference participants discussed the opportunities for delivering local government services and funding those services at the state, regional, and local levels, with each state at different stages of developing strategies to consolidate or regionalize their efforts. The roundtable emphasized the unique challenges that each local government faces, based on density, population, levels of service, and levels of need. In most cases, the participants’ observations were that many of the efforts to find more efficient means for service delivery will need to be cooperative in nature and based on careful analysis.

The Commission continues to gather information on best practices in New York and elsewhere as well as exploring potential barriers to government efficiency.



Roundtable participants discuss efficiency opportunities for Local Governments.

## Second Look Project

In New York as well as other states, particularly under difficult fiscal conditions, governors often convene special task forces, councils and commissions to take a closer look at issues in governmental finance, structures, and management. These intense efforts bring together considerable talent to examine an issue, and usually result in well-considered reports and recommendations. When Assemblyman Latimer became Chair of the Commission in 2011, the Commission started taking a “second-look” at some of the recent reports resulting from these entities. Recommendations suggested by these studies were examined to try to identify further topics for Commission evaluation and further action. Among the reports reviewed were ones proposing to enhance infrastructure and improve local government operations, higher education collaboration, business creation, and state government productivity.

Some general recommendations were found throughout a number of these reports, such as improving technology usage, utilizing performance measurement metrics, and improving fiscal processes. The Assembly and the Commission on Government Administration have long advocated reforms to enhance the state budgeting process, increase accountability, establish a better picture of how services and programs are being provided, and

advance the use of technology. Building off the “second look” at these reports, and to effect more efficient operations in New York State, Assemblyman Latimer proposed three bills during the 2012 session.

**A.9273 (2012, S.7324)** cuts the cost and complexity of small business participation in adjudicatory proceedings by allowing state agencies to offer streamlined optional adjudicatory proceedings to small businesses, to be conducted by standard mail, electronic mail, telephone conference, or videoconference.

**A.9530** facilitates better budgeting for programs and services by requiring the head of each state agency to furnish the legislature and governor, by October 15<sup>th</sup> of each year, with any strategic plans or performance reports prepared by the state agency during the prior fiscal year.

**A.9571 (2011, S.413-A)** creates a blue ribbon commission that will be charged with designing a performance-management and performance-budgeting model for New York to adopt, to provide better information by which legislators can evaluate budget decisions and the public can assess how tax dollars are being spent.

The Commission will continue its second look at earlier proposals for reform to determine how these recommendations can be applied in New York State.

## Public Hearing on the State's Information Technology Infrastructure

On May 22, 2012, the Legislative Commission on Government Administration, along with the Assembly Standing Committee on Governmental Operations and the Assembly Standing Committee on Oversight, Analysis, and Investigation, held a public hearing in Albany to examine how New York State's agencies and municipalities are currently using advances in information technology and how such advances can be used to create jobs and serve the public more efficiently and more responsively.

New developments in information technology raise questions about how governments at all levels can change their business procedures to improve programs and services and better provide transparency, accountability, and efficiency. Over the past few decades, integrating technologies into state operations has transformed processes and decision-making significantly.

The Assembly members heard wide-ranging testimony from state agencies, academic experts, public interest groups and others regarding some of the promises and challenges resulting from new technologies. Witnesses included the Commissioner of the New York State Office of General Services and the Acting New York State Chief Information Officer/Acting Director of the

Office for Technology, both of whom provided information on new state initiatives to streamline government operations and the important advancements taking place with technology in New York State government. The New York State Archivist/ Assistant Commissioner for Archives and Records at the New York State Education Department, the Chief Information Officer of the Metropolitan Transportation Authority, and the Assistant Director of the New York State Committee on Open Government also joined in to describe how their agencies are now using information technology, as well as outline some of the management and fiscal challenges. Additionally, representatives from the State University at Albany and Rensselaer Polytechnic Institute and participants from public interest groups provided additional perspectives on developments in other national, state, and municipal governments as well as outlined recommendations on how New York might better utilize information technology.

The Commission on Government Administration expects to keep on working with the Committees to further explore the many insights provided at the hearing on how new advances in Information Technology have made, and will continue to make, a significant impact in providing better services and programs here in New York.

# Recent Significant Legislation

## Other important measures supported by Assemblyman Latimer include:

**Limit State Agency Appeals of FOIL Violation Judgments** – Limits the time a state agency would have to file an appeal to a court judgment requiring the agency to disclose the information requested under the Freedom of Information Law (FOIL) to 30 days. (2011, A.68, passed Assembly/2012, S.6731).

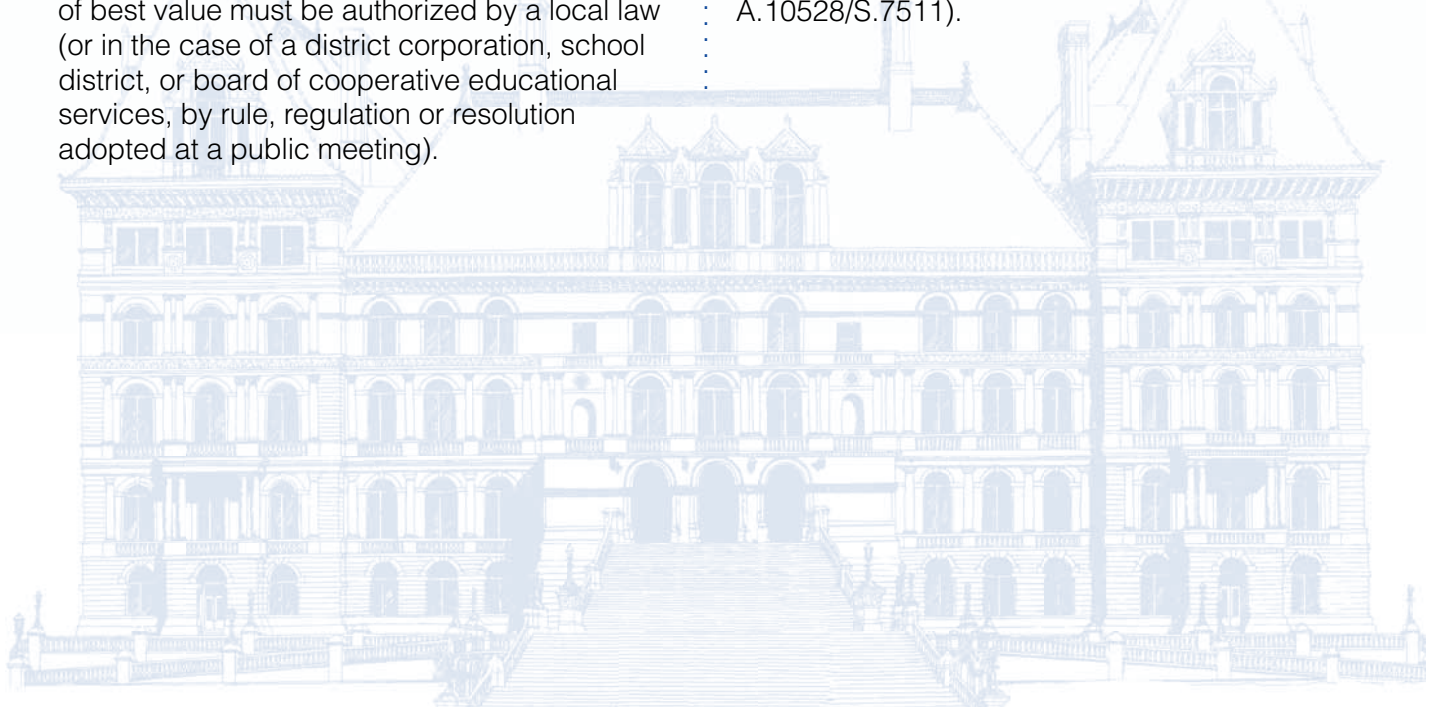
**Authorization for Municipalities to Make Purchases from Other Jurisdictions within State** – Allows any political subdivision or district of any county within the State authorized to make purchases of materials, equipment, or supplies, or to contract for services, to make such purchases or contract for services when available through the county in which the political subdivision or district is located or through another political subdivision or district of any other county within the State. The measure encourages municipalities to receive the lowest possible cost or purchase goods without delay. (2011, A.6871/S.4314).

**Best Value Municipal Procurement** – Requires municipalities, including school districts, to award service contracts on a best value basis, rather than to the lowest responsible bidder. This will provide municipalities with discretion to award service contracts to bidders that they feel will provide them with a better value of service than the lowest bidder. (Chapter 608, Laws of 2011). This chapter was further amended in 2012 (Chapter 2, Laws of 2012) to provide that awarding contracts on the basis of best value is optional, and except in a city with a population of one million inhabitants or more, that the use of best value must be authorized by a local law (or in the case of a district corporation, school district, or board of cooperative educational services, by rule, regulation or resolution adopted at a public meeting).

**Authorization for Municipalities to Make Purchases Through Cooperative Contracts** – Any officer, board or agency of a county, political subdivision or any district therein authorized to make purchases of apparatus, materials, equipment or supplies, or to contract for such services, may make such purchases, or may contract for such services, through the use of a contract let by the United States or any agency thereof, any state or any other county or political subdivision or district therein. The contract must be let in a manner that constitutes competitive bidding consistent with State law and made available for use by other governmental entities. (Chapter 308, Laws of 2012).

**Records Available to Public** – Requires certain agency records, which are scheduled to be the subject of discussion by a public body during an open meeting, to be made available, to the extent practicable, prior to or at the meeting. If the agency maintains a regularly updated website, such records are to be posted on the website, to the extent practicable, prior to the meeting. (Chapter 603, Laws of 2011).

**Submission of Electronic Bids** – Authorizes a pilot program for the Village of Port Chester and the City of New Rochelle, in Westchester County, to jointly conduct electronic bidding, as the sole method, for a limited number of commodities, services, and technology contracts and a limited number of reverse auctions for such municipal contracts. Pilot ends March 31, 2016. (2012, A.10528/S.7511).



**Assemblyman George Latimer**

933 Mamaroneck Avenue • Suite 102 • Mamaroneck, NY 10543 • 914-777-3832  
email: [latimerg@assembly.state.ny.us](mailto:latimerg@assembly.state.ny.us)