



Reducing Redundancy

Does the City of New York need a Public Advocate?

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Abstract

This report assesses the costs of, and services provided by, the office of the Public Advocate. Each of the five Charter-mandated roles of the Public Advocate is explored: public advocacy through investigative oversight and the initiation of reform; the provision of ombudsman or constituent services; oversight of public access to city produced or maintained information; and serving as second in line to the mayor. These roles are analyzed in the context of other city agencies and institutions which provide similar services and possible redundancies are explored. Analysis of the Public Advocate's office indicates that it offers no unique services to the city, and exists at a considerable cost to the taxpayer. It is recommended that the position of Public Advocate be eliminated.

Background Information

As a result of a major City Charter revision in 1990, the city's primary governing body, the powerful Board of Estimate, was abolished.¹ The Board of Estimate was responsible for budget and land use decisions. Its elimination drastically changed the office of the Council President, whose primary responsibility was casting two votes out of 11 on the board.² In 1993, the City Council renamed the position of the Council President to the Public Advocate to better reflect the limited legislative role of the position.³ At the time, however, there was a substantial amount of debate over whether the position should be retained at all, in light of the new political landscape created by the Board of Estimate's elimination.⁴ When it was created, it was the only such office in any major city in the country.

Cost to the City

Annual Budgets

At its most expensive, the office of the Public Advocate has cost the city over \$8 million in a year. Prior to the office's budget reduction in June, 2009, the office has functioned with an annual

¹ <http://www.nytimes.com/1993/01/30/nyregion/president-is-confusing-council-may-alter-title.html>

² Ibid.

³ Ibid.

⁴ <http://www.gothamgazette.com/campaign2005/53>.

budget of approximately \$3 million per year.^{5 6} In 2008, the nearly \$3 million budget supported a staff greater than 40 that had an average salary in excess of \$50,000.⁷

Additional Costs

Beyond the annual budget, however, the Public Advocate's office costs taxpayers millions more during election years. Public matching funds to the campaigns of Public Advocate candidates in 2005 totaled nearly \$2.7 million. In 2001, 10 candidates for Public Advocate received nearly \$5.5 million of public matching funds, which amounted to over one third of the total that the 300-plus candidates for City Council elections received.⁸

The costs to the taxpayer of the Public Advocate's office could further rise in the event of a runoff election. New York election law requires that there be a runoff should the leading candidate fail to win 40% of the vote.⁹ In the upcoming 2009 election, there are four candidates for the Democratic nomination for the position of Public Advocate. Candidates for the position of Public Advocate can receive up to \$2,117,500 in matching funds for the primary election and \$2,117,500 more for the general election.¹⁰ In the event of a runoff, the two remaining candidates are eligible to receive 25% of the maximum amount they were eligible to receive in the primary, which would total a maximum of \$1,058,750.¹¹ Assuming four Democrats run against each other in a primary election, two face-off in a runoff election, and the winning Democratic candidate challenges one opponent in the general election, the maximum amount of public matching funds doled out by the city would total \$13,763,500. This is in addition to the cost of a runoff election.¹²

Runoff elections cost the city millions to roll out voting machines, staff polling stations and set-up the rest of the necessary infrastructure. The last citywide runoff election, which would be the type of runoff held for the Public Advocate's office, occurred in 2001, between mayoral candidates Mark Green and Fernando Ferrer, and it cost the city an estimated \$10 million.¹³ Only a race for the offices of the Comptroller, the Mayor, and the Public Advocate may require such an expensive citywide runoff

⁵ <http://cityroom.blogs.nytimes.com/2009/06/23/rivals-unite-to-denounce-plan-to-cut-public-advocates-budget>

⁶ <http://www.gothamgazette.com/campaign2005/53>

⁷ http://www.nyc.gov/html/records/pdf/govpub/CIVIL_LIST_2008_Public.pdf

⁸ http://www.nyccfb.info/VSAppls/WebForm_Finance_Summary.aspx?as_election_cycle=2009&sm=press_&sm=public_h1

⁹ <http://www.nydailynews.com/blogs/dailypolitics/2009/07/cfb-public-advocate-runoff-rea.html>

¹⁰ http://www.nyccfb.info/candidates/candidates/handbooks/handbook2005/pdf/2005_Handbook_Chapter12.pdf?zoom_highlight=2005+handbook+chapter+12

¹¹ <http://www.nyccfb.info/candidates/candidates/limits/2009.htm>

¹² http://www.nyccfb.info/candidates/candidates/handbooks/2009_Handbook.pdf

¹³ <http://www.nysirv.org/overview.htm>

election.

In total, the Public Advocate's office could reasonably cost taxpayers more than \$25 million in a given year, which is over 10 times the size of the office's annual budget.

Responsibilities and Services Provided

1) Watchdog for the People

Perhaps the most publicized role of the Public Advocate's office is that of a citywide elected official who can represent the entire city and serve as a government watchdog. As specified in the City Charter, the Public Advocate is empowered to review complaints of a citywide or recurring nature, to receive and respond to individual complaints, to hold public hearings, and to propose improvements.¹⁴ If the Public Advocate receives a complaint that is deemed valid, they are empowered to refer the complaint to the relevant agency.¹⁵ If the complaint isn't resolved at said agency, the Public Advocate is then empowered to perform an investigation and issue recommendations to said agency.¹⁶ If said agency does not act on those recommendations, after a reasonable amount of time, the Public Advocate may file a report with the Mayor and the City Council.¹⁷

Additionally, The Public Advocate may introduce legislation and may participate in legislative discussions with the City Council, but may not vote.¹⁸ The Public Advocate may hold public hearings in the furtherance of their responsibilities.¹⁹

Conflicting Roles

The responsibilities of the Public Advocate as a government watchdog are in effect two-fold: independently examining and filing reports about systemic or recurrent problems and introducing legislation, making recommendations, or otherwise taking action to resolve the problems. However, in New York City government, there are already numerous existing institutions which perform each of those two tasks individually, and which, in so doing, reveal a conflict of interest inherent to any office that attempts to both compile an investigative agenda unfettered by political ambition which objectively represents the most pressing needs of New Yorkers and to initiate government reform

¹⁴ http://24.97.137.100/nyc/Charter/Charter_Chapter2Section%2024.asp?

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

within those areas of need. The Public Advocate's office is problematically designed to perform the work of two necessarily separate bodies: independent groups or institutions that aim to increase awareness of problems, especially those which government employees are too involved with to fully engage and the legislative branch which checks the wastefulness of government through performing oversight and passing legislation that affects change. The result is an office whose work as an investigator and as a reformer pales in comparison to the work of either truly independent and apolitical investigators or full-fledged legislators.

Investigators of Government

There are various good government groups and independent institutions that perform invaluable examinations of city government. For example, the New York Public Interest Research Group (NYPIRG,) a good government organization, regularly files reports on issues ranging from ethics in government to the state of New York City Subways.^{20 21} The Independent Budget Office is a publicly funded agency that offers detailed reports on the fiscal consequences of virtually every facet of city government, while also providing independent analysis of governmental policies and institutions.²² The Citizens Union is an independent, nonpartisan civic organization that issues reports, testifies before the Council and promotes good government.²³

The media serves as a constant check on the actions of government by reporting on government services, structure and policy and on how they are experienced by New Yorkers. The media also invests a level of resources in performing original investigations which could not be reasonably reproduced by any single elected office.

Institutions of Governmental Reform

The Public Advocate's office is empowered to initiate reforms of recurrent or systemic complaints against city government or the services it provides. However, being an *ex officio* member of every City Council committee, but a voting member of none, and heralding itself as an independent watchdog of government waste, limits the Public Advocate's ability to accomplish much in the way of reform.²⁴ For example, over the past seven and a half years, the Public Advocate's office has

²⁰ <http://www.nypirg.org/goodgov/>

²¹ <http://www.straphangers.org/statesub08/index.html>

²² <http://www.ibo.nyc.ny.us/>

²³ http://www.citizensunion.org/site_res_view_template.aspx?id=ece213b4-3544-4ae9-a77e-35a48d665419

²⁴ http://pubadvocate.nyc.gov/about/pa_office.html

introduced 22 pieces of legislation, only one of which has passed the Council.²⁵

The City Council already maintains a system for oversight and reform, situated in its various committees. With 43 committees that regularly convene to address issues within their purview, City Council members are incentivized to draw upon any report which they feel may inform the oversight and reform process.²⁶ Unlike the Public Advocate, the perceived success of City Council members is not connected to the progress of investigative units within their own office, and they are motivated to bring complaints and problems to the foreground, whatever their source.

The Mayor's office also serves New Yorkers by housing various departments that improve the delivery of government services to city residents and that locate key areas of potential reform. The Department of Investigation, the Conflict of Interest Board and the Department of Consumer Affairs, among other departments all perform extensive oversight of citywide government.^{27 28 29} The Mayor can act upon the oversight performed through his own office, the City Council, or independent groups, through decisive executive action or through legislation that is introduced by Council members at the Mayor's request.

2) Ombudsman Services

The Public Advocate maintains an Ombudsman Services Unit, which is advertised as a unique constituent service within the City and which helps residents navigate any problems they may encounter or just city services and government in general.³⁰ However, there are many providers of such constituent services within the city.

Community Boards

The City is divided into Community Districts, each of which is served by a Community Board with a full-time staff and district office.^{31 32} Community Board 8 in Queens describes the constituent services aspect of Community Boards as follows: processes "citizen complaints and requests for services... and, in general, acts as a one stop shopping point for information and referrals pertaining to

²⁵ <http://www.nycouncil.info/html/legislation/legislation.cfm>
²⁶ <http://council.nyc.gov/html/committees/committees-list.shtml>
²⁷ <http://nyc.gov/html/doi/home.html>
²⁸ <http://www.nyc.gov/html/conflicts/html/home/home.shtml>
²⁹ <http://nyc.gov/html/dca/html/home/home.shtml>
³⁰ <http://pubadvocate.nyc.gov/pages/howhelp.html>
³¹ http://www.nyc.gov/html/cau/html/cb/district_managers.shtml
³² <http://www.nyc.gov/html/cau/html/cb/main.shtml>

all City government matters.”³³ In the City Charter, Community Boards are empowered to hold hearings or investigations with respect to the welfare of the district and its residents, request the attendance of agency representatives at board meetings, evaluate the quality and quantity of city agency services within the district, disseminate information about city services and programs and process complaints, requests, and inquiries of residents of the community district.³⁴ Brooklyn CB 15 clarifies the scope of its constituent services by stating that “just about any complaint that involves a municipal service can be called in to the District Office.”³⁵

City Council

With their budget, City Council members maintain district offices within their Council District. These offices generally serve as a hub for constituent services and outreach. District office staff members act as liaisons between constituents and the bureaucracy of City agencies, which can be overwhelming. By distinguishing 51 separate City Council districts within the city, Council members can provide constituent services which cater to the specific needs of their communities. For example, in an outer borough, where a large proportion of residents drive automobiles, constituent services involves informing the public about alternate side and parking restrictions, and helping to work with residents and the Department of Transportation to minimize parking violations and any confusion or frustration stemming from them. In Manhattan, however, residents can face problems unique to frequent street fairs and the litter they generate or to underage drinking in neighborhoods with high concentrations of bars and nightlife, and all of its consequences. Situating constituent services in districts of limited size enables district offices to specialize and develop important relationships with those in the community who are most affected by problems and those in government who can resolve them.

For many constituents, specifically the elderly and those with disabilities, the convenience of a Council district office is particularly vital. Many local residents feel comfortable enough with their representatives to walk-in and discuss their problems with a Council member’s staff.

Borough Presidents

Each of the five Borough Presidents provides constituent services within their offices which

³³ <http://www.queenscb8.org/about/>

³⁴ http://24.97.137.100/nyc/Charter/Charter_Chapter70Section%202800.asp?

³⁵ <http://www.brooklyn12.org/about/>

offer constituents various support functions in dealing with city government and agencies.

The Bronx Borough President's Office has an Ombudsman's Unit, which aids constituents in addressing various needs, including housing, sanitation, and neighborhood safety.³⁶ The Bronx Borough President's Office also has a Borough Operations Unit which serves as the "interface between the vast array of city agencies and the Borough President's Office."³⁷

In Brooklyn, the Borough President maintains the Borough President's Action Center. The Center is charged with helping "Brooklynites resolve problems with government agencies and private companies, and for the Community Boards unit and its community liaisons."³⁸

The Queens Borough President's Office offers constituent services and states that it will, in addition to providing constituents "with important phone numbers and links to applications and other resources," "contact the appropriate agency and request that they take whatever action necessary to address" the constituent's problem.³⁹

The Manhattan Borough President's Office also offers its own constituent services. The office provides experienced staff and is designed to help New Yorkers "navigate the often complicated network of services and civic agencies within our government."⁴⁰

The Staten Island Borough President's Office hosts a "Help Line." The Help Line is a contact number that assists constituents in their dealings with city agencies, and helps constituents resolve complaints or problems.⁴¹

311

311 is New York City's telephone number for non-emergency services and government information.⁴² Its stated missions are to "provide the public with quick, easy access to all New York City government services and information," and to "provide insight into ways to improve City government through accurate, consistent measurement and analysis of service delivery Citywide."⁴³

³⁶ <http://bronxboropres.nyc.gov/en/gv/constituent/index.htm>

³⁷ Ibid.

³⁸ http://www.brooklyn-usa.org/Pages/OIB/OIB_02/onlyinbrklyn311.htm

³⁹ http://www.queensbp.org/content_web/constituent/constituent_services.shtml

⁴⁰ <http://www.mbpo.org/cs.asp>

⁴¹ <http://statenislandusa.com/cfm/contact.cfm>

⁴² http://www.nyc.gov/html/doitt/html/about/about_311.shtml

⁴³ <http://www.nyc.gov/apps/311/about.htm>

311 uses the Customer Service Management System, which unites operators with over 7,000 pieces of information about government agencies, services and other related organizations, and which enables them to offer timely and unique resources to New Yorkers.⁴⁴ While the Public Advocate’s Ombudsman Services Unit claims it uniquely helps New Yorkers by following their one case through the system, offering personalized assistance, 311 offers callers a reference number, which they can use to track their case through various agencies.⁴⁵ According to a report by the Independent Budget Office, a non-partisan agency that analyzes the city budget and officials, 311 overlaps the constituent services provided by the Public Advocate.⁴⁶

City Agencies

Various citywide agencies also provide direct constituent services. The Department of Consumer Affairs (DCA) works to educate “consumers and businesses about their rights and responsibilities” and also “recommends legislation to protect consumers and organizes coalitions to support it.”⁴⁷ The DCA also allows NYC residents to file a complaint against a business and can help to resolve the issue by working both with businesses and consumers. The Department of Housing Preservation and Development (HPD) has a City’s Citizen Service Center that helps tenants whose landlords fail to provide essential services.⁴⁸ The Human Resources Administration is able to assist individuals and families to help them reach economic self-sufficiency through “essential and diverse programs and services that include: temporary cash assistance, public health insurance, food stamps, home care for seniors and the disabled, child care, adult protective services, domestic violence, HIV/AIDS support services and child support enforcement.”⁴⁹ The Department of Health and Mental Hygiene provides numerous constituent services, including those related to matters of vital records, child care services, and provisions of licenses and permits. The office maintains an Office of Vital Records, where birth certificates from 1910 to the present are available.⁵⁰

⁴⁴ <http://www.ibo.nyc.ny.us/iboreports/311Apr08.pdf>

⁴⁵ http://www.nypost.com/seven/03052007/news/regionalnews/brass_eye_311_online_regionalnews_david_seifman____city_hall_bureau_chief.htm

⁴⁶ <http://www.ibo.nyc.ny.us/iboreports/311Apr08.pdf>

⁴⁷ <http://www.nyc.gov/html/dca/html/about/about.shtml>

⁴⁸ <http://www.nyc.gov/html/hpd/html/about/about.shtml>

⁴⁹ http://www.nyc.gov/html/hra/html/about/about_hra_dss.shtml

⁵⁰ <http://www.nyc.gov/html/doh/html/vr/vrbappl.shtml>

3) Oversight of information access

The Public Advocate's office is required to address the accessibility of city produced or maintained information to the public. As laid out in Section 1067 of Chapter 47 of the City Charter, the Public Advocate chairs a commission on public information and communication, which is responsible for undertaking activities to educate the public about city produced or maintained information and to assist the public in accessing such information, reviewing all city information policies, holding a hearing every year on city information policies, making recommendations about applying communications technology to city produced or maintained information, and the distribution of such information to the public.⁵¹

Improving access to city produced or maintained information provides countless benefits in ameliorating oversight and empowering residents. The Public Advocate is tasked with overseeing and improving information technology and public access to information. However, the Public Advocate is not alone.

Community Boards

At the most local level, community boards are mandated by the City Charter to assist city departments and agencies to communicate information to the people of the district.⁵² Community Boards also are able to request the attendance of agency representatives to improve information exchange between city government and residents. City agencies are further required to furnish community boards with any information or assistance the boards might request in the furtherance of the board's work, and to report periodically to each board on its service activities programs and operations within the community district. Similar to the Public Advocate's commission on public information, Community Boards are responsible for disseminating information about city services and programs while also performing substantial public outreach. Dissemination of information within a community is therein performed by that community, and all of the social networks, connections and relationships it contains, and not by an elected citywide office.

City Council

⁵¹ http://24.97.137.100/nyc/Charter/Charter_Chapter47Section1061.asp?

⁵² http://24.97.137.100/nyc/Charter/Charter_Chapter70Section%202800.asp?

The City Council has two committees that are dedicated to overseeing markedly similar issues to the Public Advocate's information commission. The Technology in Government committee is responsible for overseeing the incorporation of technology into city government as well as the dissemination of public information through the use of technology.⁵³ The committee on Oversight and Investigations further protects New York City residents through addressing and investigating a plethora of topics, making public the inner workings of agencies without so much as involving the Public Advocate's office.⁵⁴ Legislatively, the Council is able to pass laws that assist in making public information more accessible. For example, Local Law 11 of 2003 requires that publications of city agencies be made available to the public through the individual agency's website and the City Administrative Procedure Act, passed in the Council in 2008, requires that agencies electronically transmit the full text of proposed changes of agency rules to interested members of the public. Improving access to information for residents is also a broad, if not abstract, goal composed of improving information access to many different departments and agencies. A great deal of information oversight and investigation occurs at different agency or issue specific committees, where nuance can replace rhetoric, and where the Council represents the diverse interests of all New Yorkers.

Additionally, individual Council members issue local press releases and hold community meetings to keep their own community informed of city issues that affect them, including everything from the passage of new laws to the installation of new traffic lights. By developing relationships with local publications and community leaders and activists, individual Council members connect groups to specific information relevant to their needs and concerns. Council members also send out district-wide newsletters that give everyone the resources to keep informed about local news.

Borough Presidents

Borough Presidents further contribute to the efficient and thorough dissemination of city produced or maintained information. By maintaining websites and adhering to the Charter requirements on transparency, Borough Presidents offer anyone interested access to many issues facing their respective borough, ranging from land use debates and recommendations to testimony given at hearings to updates on general happenings in the borough. Regularly held borough board meetings bring city agency officials to borough halls to discuss borough-specific issues with the public. Borough Presidents are also a step in the City's Uniform Land Use Review Procedure, which requires them to

⁵³ <http://council.nyc.gov/html/committees/technology.shtml>

⁵⁴ <http://council.nyc.gov/html/committees/oversight.shtml>

review and submit reports on land use changes in the borough. Often times Borough Presidents also hold public hearings at borough hall to further offer access to information regarding land use changes.⁵⁵

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City Agencies

Even at the level of citywide elected officials, there are various employees who are tasked with increasing the public's access to city produced or maintained information. The Mayor's Community Affairs Unit (CAU) is empowered to serve as a link between the Mayor and city communities; CAU addresses the quality of life for all New Yorkers by working with neighborhood and civic organizations, nonprofits and various City agencies to address citywide issues. In doing so, CAU coordinates civic meetings throughout the city, bringing the public not only access to the information, but access to people behind the data.⁶⁰ Various departments also already connect residents with civil employees who can help them navigate government bureaucracy. Spearheaded by the Mayor's Office of Operations, NYCStat compiles all data, reports and statistics related to City services, and delivers it to the public.⁶¹

4) Report on complaints

One of the responsibilities of the Public Advocate's office, as prescribed in the City Charter, is to produce an annual report which offers statistical summaries of complaints received, an analysis of recurring complaints, and recommendations for resolving such complaints.⁶² However, many organizations produce statistical reports on complaints filed with the city.

A Wealth of Information

As a result of Local Law 47 of 2005, the Department of Information Technology and Telecommunications must report to the City Council, the Community Boards, the Public Advocate, the

⁵⁵ http://www.mbpo.org/free_details.asp?id=48
⁵⁶ <http://bronxboropres.nyc.gov/en/gv/publications/pubdate1.htm>
⁵⁷ <http://www.brooklyn-usa.org/>
⁵⁸ <http://statenilandusa.com/>
⁵⁹ <http://www.queensbp.org/>
⁶⁰ http://nyc.gov/html/cau/html/about/commissioner_letter.shtml
⁶¹ <http://www.nyc.gov/html/ops/nycstat/html/home/home.shtml>
⁶² http://24.97.137.100/nyc/Charter/Charter_Chapter2Section 24.asp?

public, and others, data collected on all 311 calls.⁶³ CouncilStat, instituted in 2008, allows City Council members to input constituent issues, complaints, and concerns, into a citywide database.⁶⁴ Issues are organized by type and geography, allowing visitors to the website to browse issues by borough, district, or citywide; the City Council and the public are given immediate access to statistical summaries of the problems residents are facing.⁶⁵ The City Charter also requires Borough Presidents to coordinate a public service complaint program which must report to the Mayor, “the Council President” [sic] and the public, recurring complaints within the borough, and the Borough President's recommendations on resolving them.⁶⁶ NYCStat similarly provides all New Yorkers with access to not only reports on complaints across the city but even to information on agency-specific performance.⁶⁷ The Mayor’s Office of Operations further produces the Mayor’s Management Report, which is mandated by the City Charter, and “serves as a public report card on City services affecting the lives of New Yorkers,” offering breakdowns by neighborhood on the quality and quantity of services that city agencies provide.^{68 69}

5) Mayoral Succession

In the City of New York, the Public Advocate serves as second in line to the Mayor.⁷⁰ It is common in many other localities for the highest-ranking legislator to succeed the mayor if a vacancy comes to exist during the current term. For example, in Los Angeles, the President of the City Council is second in line to the mayor.⁷¹ In Washington D.C., the Chairman of the Council steps in.⁷² In Houston, “whenever a vacancy in the office of Mayor shall occur for any reason, the Mayor Pro Tem shall act as Mayor.”⁷³ The Mayor Pro Tem, as outlined in Article VI, Section 2 of the charter, is a Council member nominated by the mayor, and confirmed by the rest of the council for that post.⁷⁴ In Boston, “whenever the mayor is absent from the city or unable from any cause to perform his duties, and whenever there is a vacancy in the office of mayor from any cause, the president of the city

⁶³ <http://www.ppmrn.net/resources/websites/3971>

⁶⁴ <http://council.nyc.gov/html/stat/stat.shtml>

⁶⁵ <http://council.nyc.gov/html/stat/stat.shtml>

⁶⁶ http://24.97.137.100/nyc/Charter/Charter_Chapter4Section82.asp?

⁶⁷ <http://pubadvocate.nyc.gov/services/services.html>

⁶⁸ <http://www.nyc.gov/html/ops/html/mmr/mmr.shtml>

⁶⁹ http://www.nyc.gov/html/ops/html/mns/my_stats.shtml

⁷⁰ http://24.97.137.100/nyc/Charter/Charter_Chapter1Section%2010.asp?

⁷¹ http://www.amlegal.com/nxt/gateway.dll?f=templates&fn=default.htm&vid=amlegal:laac_ca

⁷² <http://www.dccouncil.washington.dc.us/councilorganization>

⁷³ <http://www.municode.com/resources/gateway.asp?pid=10123&sid=43>

⁷⁴ Ibid.

council, while such absence, inability or vacancy continues, shall perform the duties of mayor.”⁷⁵

The Public Advocate Elsewhere in America

No other major city in America possesses an elected Public Advocate. Public Advocate positions are rare in other city and state governments, and where they do exist, they often serve very specialized roles. Some examples are of Public Advocate offices are in Maine, Delaware, South Dakota, and New Jersey. In Maine, the title is given to an office which represents “utility consumers in any matter that is covered by the authority of the Public Utilities Commission so that they have affordable, high quality utility services.”⁷⁶ Similarly, in Delaware, the Public Advocate’s office steps in to represent utility consumers whenever “PSC-regulated utility companies in Delaware seek changes in the delivery of services or changes in rates for” utilities.⁷⁷ In South Dakota, the Minnehaha County’s Public Advocate’s office provides legal representation to whoever qualifies for court-appointed attorneys.⁷⁸

In the State of New Jersey, the Public Advocate is appointed by the Governor. The office was created in 1974 and then dissolved in 1994.⁷⁹ It was recreated in 2005 under Acting Governor Richard Cody, and the current Public Advocate was appointed by Governor Corzine in 2006.⁸⁰ The office protects public interest by examining the consequences of policy, “using research, advocacy and legal intervention to advance reforms”, but the office specializes in “the elderly, people with mental illness or developmental disabilities, consumers and children.”⁸¹ The office is organized into divisions that reveal its orientation towards focusing its resources on protecting those in the state who are among the most vulnerable, with the Division of Developmental Disability Advocacy, the Division of Mental Health Advocacy, the Division of Elderly Advocacy, and the Nursing Home Ombudsman, among others.⁸²

⁷⁵ http://www.cityofboston.gov/citycouncil/pdfs/form_of_gov.pdf

⁷⁶ <http://www.state.me.us/meopa/>

⁷⁷ <http://publicadvocate.delaware.gov/HTML/aboutagency.shtml>

⁷⁸ <http://www.siouxlandmuseums.com/dept/pa/pa.aspx>

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<http://media.www.rutgersobserver.com/media/storage/paper822/news/2006/04/03/News/eminent.Concerns.For.New.Public.Advocate-1781947.shtml>

⁸⁰ <http://www.lsnjlaw.org/english/seniors/publicadvocate/index.cfm>

⁸¹ <http://www.state.nj.us/publicadvocate/home/BrochureWeb.pdf>

⁸² Ibid.

Ideas for Consideration

There is always a concern that should an office of “advocacy” be eliminated, some New Yorkers might find themselves without an invaluable supporter in government, or that some valuable services may be lost. It is therefore worthwhile to examine possible changes or additions to the current infrastructure of city government which could fulfill the purposes of the Public Advocate’s office with greater efficiency.

1) Council member-at-Large

The title and supposed independence of the Public Advocate’s office masks the strong legislative roots of the office and of advocacy itself. The office originated in the legislative branch with the Council President, which maintained substantial powers over the budget and land use to support its public advocacy, and which powers are now located with the City Council.

The Public Advocate currently offers New Yorkers a citywide pseudo-legislative, pseudo-independent activist and agent of oversight, albeit one that has been unable to achieve much reform. However, the Public Advocate could be replaced with a Council member-at-large at substantially less cost to the taxpayer, and one that would return citywide public advocacy to the City Council, giving it access to the powers vested in that office. Many major U.S. cities have legislative bodies with members-at-large, and in New York City, such an official could act on behalf of all New Yorkers, initiating investigations in various committees and sponsoring legislation they could vote on and help push through the Council. The office would also be held to the same standard of other legislators: the “independence” of the Public Advocate’s office allows it to shift the blame for its inability to enact reforms onto the City Council. A Council member-at-large would be much more accountable for the progress they make and causes they champion.

While the possibility of a City Council member-at-large could be an attractive substitute for a Public Advocate, even its usefulness would be suspect. It is doubtful that such a Council member would produce results significant enough to merit the expenditure in a City Council that already has 51 members.

2) Information Access Tsar

While the Public Advocate, by chairing a commission on the accessibility of city produced or maintained information, guarantees that issues surrounding information accessibility will be a part of the public record, it guarantees little else. The commission resembles a Council committee, but the Public Advocate does not really have the power of legislative action to support the oversight it performs. Instead, increasing public access to information should be recognized as two issues, one of coordination and one of oversight and potential reform. On the latter, the Public Advocate's commission on public information could be easily moved to the City Council where it could become a standing committee, and where legislators will have the ability to reform any faults in the system. On the former, because the city generates massive amounts of information, the creation of an Information Access Tsar that is tasked with coordinating information access across different agencies would accomplish two things that the Public Advocate cannot. First, the position would not be independent of the mayor's office, and accordingly could draw upon mayoral authority when it sought information from a reluctant agency. The position would also be subject to testify before the City Council on public information, giving the Council access to an official who was on the forefront of all issues pertaining to information access in the city. In lieu of creating an Information Access Tsar, the Department of Information Technology and Telecommunications (DoITT) could be tasked with fulfilling the same responsibilities.

With so many sources of information in a City government that serves over 8 million, it may be prudent for the City to do more to better coordinate them. This could be done by expanding the purview of existing offices at minimal cost to the City.

3) *Mayoral Succession*

As previously noted, municipalities across the nation generally have the head of the legislative branch succeed the mayor.^{83 84} In the case of New York City, the comptroller is a citywide elected official who investigates and watches over the financial state of the city, and who would serve as a highly qualified successor to the mayor. Beyond the comptroller, the Speaker of the Council could serve as a candidate no less qualified to serve as mayor than the Public Advocate given the role of the Speaker in working with the mayor to secure annual budgets.

⁸³ <http://www.municode.com/resources/gateway.asp?pid=10123&sid=43>

⁸⁴ http://www.cityofboston.gov/citycouncil/pdfs/form_of_gov.pdf

Conclusions

Equitable, efficient government flourishes when its many different agents operate within clearly defined roles and responsibilities. The Public Advocate's office benefits from no such clarity of purpose. Tasked with a plethora of disparate goals ranging from information accessibility to the statistical record-keeping of complaints, the office predictably manages to accomplish little of note in most of them. The conclusion of this report is that there is already sufficient infrastructure in place to eliminate the office of the Public Advocate without any loss in service or protection to the City or its residents. The office costs taxpayers millions of dollars each year without providing any new or scarcely available services.