



Report and Advisory Board Review Commission
December 28, 2021

TO: Corey Johnson, Speaker of the City Council
Michael McSweeney, City Clerk

FROM: Dan Steinberg, Acting Director, Mayor's Office of Operations

Dear Speaker Johnson and Clerk McSweeney,

The Mayor's Office of Operations is tasked with convening the Report and Advisory Board Review Commission (RABRC). This Commission reviews existing reporting and meeting requirements, and makes recommendations to waive requirements that are no longer relevant. The Commission's goal is to improve government efficiency and reduce the amount of City time and resources spent on reports and advisory boards.

The Commission is mandated by Charter Section 1113 to be chaired by the Mayor's Office of Operations and to include representatives from the City Council, the Department of Information Technology and Telecommunications, the Office of Management and Budget, and the Law Department.

In accordance with Charter §1113(d)(4), I am writing to notify the City Council that the Commission held a hearing on December 10, 2021, and voted to approve waivers for six reporting requirements:

1. Assessment of city facilities regarding certain clean on-site power generation technologies (Administrative Code §4-207(c)).
2. High Pedestrian Crash Location Report (Administrative Code §19-180.1(a)(2)(b))
3. New York City Sports Commission Report (Charter §541(c))
4. 911 Operational Time Analysis Report (Administrative Code §14-149(b)-(c))
5. Annual Youth Services Report (Administrative Code §21-402(a))
6. Community Services Block Grant (CSBG) Report (Administrative Code §21-402(b)(ii))

These candidates were gathered through extensive agency outreach and research. They were vetted by members of the commission and discussed at length in public meetings throughout 2021. Operations is confident that these reports meet the criteria for waiver established in Charter §1113(e), and that waiving these requirements will reduce administrative burden on the affected agencies, allowing them to better serve New Yorkers by redirecting resources.

Attached are the waiver resolution from the Commission's December 10 meeting, and the finalized waiver determination.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Steinberg".

Dan Steinberg
Acting Director, Mayor's Office of Operations
Chair, Report and Advisory Board Review Commission

CC: Mayor Bill de Blasio
First Deputy Mayor Dean Fuleihan



**Mayor's Office of
Operations**

RABRC Commissioners

Bradley Reid, On behalf of the Speaker of the City Council

Rose Martinez, On behalf of the Speaker of the City Council

John Russell, On behalf of the Speaker of the City Council

Kwame Akosah, On behalf of the Corporation Counsel

Stacy Gardener, On behalf of the Commissioner of Information Technology and Telecommunications

Zachary Pyle, On behalf of the Director of Management and Budget

Resolution of the Report and Advisory Board Review Commission:

WHEREAS, the Report and Advisory Board Review Commission is charged under section 1113 of the New York City Charter with the power to review all reporting requirements in the Charter, the Administrative Code, or elsewhere in local law, that mandate the issuance of periodic or multiple reports by city agencies, officers, or employees; and

WHEREAS, under such section the Commission has the power, subject to review by the New York City Council and the Mayor as provided under such section, to waive any such reporting requirement which will cause such reporting to cease to be required under law; and

WHEREAS, the Commission has reviewed reporting requirements within its jurisdiction to waive and has solicited the views of groups, organizations, or entities representing the interests of persons and entities that are the subject of or are otherwise affected or benefited by such reporting requirements and has held public hearings to solicit views on such reporting requirements on December 18, 2019 and January 27, 2021; and

WHEREAS, the Commission's staff has produced a "Proposed Waiver Determination" recommending waiver of six reporting requirements and setting forth the criteria justifying the waiver of each such requirement consistent with Section 1113 of the New York City Charter; and

WHEREAS, the Commission will hold a vote on December 10, 2021 to approve or disapprove waiver for each such reporting requirement and such votes shall be recorded on the "Vote Tally Sheet" (Exhibit A);

Now, therefore, be it RESOLVED that the Report and Advisory Board Review Commission, hereby approves the waiver of the reporting requirements in the Proposed Waiver Determination (Exhibit B) that have been approved for waiver by a majority of vote of the members present on December 10, 2021 according to the Vote Tally Sheet;

And be it further RESOLVED that the Commission hereby authorizes and delegates to the Chair and the staff the duty and power to produce a "Final Waiver Determination" containing the reporting requirements waived and/or retained by the Commission on such date and may also include non-substantive technical changes as the Chair deems appropriate, and to promptly file and publish such final determination with the City Council, the Mayor, and others as required by Section 1113 of the New York City Charter.

The forgoing resolution was adopted by the Report and Advisory Board Review Commission by a vote of 7 , with 0 not voting.

DATED: 12-10-2021

EXHIBIT A

Vote Tally Sheet

Pursuant to Charter §1113, the Report and Advisory Board Review Commission's held a public meeting on December 10, 2021 and voted to waive or retain the following Reports.

1. Assessment of city facilities regarding certain clean on-site power generation technologies (Administrative Code §4-207(c)).

Voted to waive 7 Voted to retain 0 Not voting 0

2. High Pedestrian Crash Location Report (Administrative Code §19-180.1(a)(2)(b))

Voted to waive 7 Voted to retain 0 Not voting 0

3. New York City Sports Commission Report (Charter §541(c))

Voted to waive 7 Voted to retain 0 Not voting 0

4. 911 Operational Time Analysis Report (Administrative Code §14-149(b)-(c))

Voted to waive 4 Voted to retain 3 Not voting 0

5. Annual Youth Services Report (Administrative Code §21-402(a))

Voted to waive 4 Voted to retain 3 Not voting 0

6. Community Services Block Grant (CSBG) Report (Administrative Code §21-402(b)(ii))

Voted to waive 7 Voted to retain 0 Not voting 0

SIGNATURE PAGE FOLLOWS



Daniel Steinberg
Acting Director, Mayor's Office of Operations
Chair



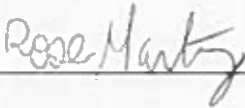
Kwame Akosah
On behalf of the Corporation Counsel
Commissioner



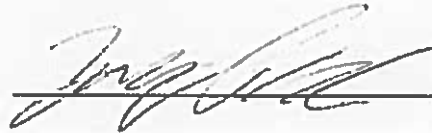
Bradley Reid
On behalf of the Speaker of the City Council
Commissioner



Stacy Gardener
On behalf of the Commissioner of Information
Technology and Telecommunications
Commissioner



Rose Martinez
On behalf of the Speaker of the City Council
Commissioner



Zachary Pyle
On behalf of the Director of Management and
Budget
Commissioner



John Russell
On behalf of the Speaker of the City Council
Commissioner

EXHIBIT B

Proposed Waiver Determinations



REPORT & ADVISORY BOARD REVIEW COMMISSION – PROPOSED WAIVER DETERMINATIONS

**NOTICE OF REPORT AND ADVISORY BOARD
REVIEW COMMISSION RECOMMENDATIONS**

CHAIR

Daniel Steinberg, Acting Director
MAYOR'S OFFICE OF OPERATIONS

MEMBERS

Bradley Reid
NEW YORK CITY COUNCIL

Rose Martinez
NEW YORK CITY COUNCIL

John Russell
NEW YORK CITY COUNCIL

Kwame Akosah
NEW YORK CITY LAW DEPARTMENT

Stacy Gardener
DEPT OF IT & TELECOMMUNICATIONS

Zachary Pyle
OFFICE OF MANAGEMENT & BUDGET

Pursuant to Charter §1113, the Report and Advisory Board Review Commission's held a public meeting on December 10, 2021 and voted to waive the following Reports:

1. Assessment of city facilities regarding certain clean on-site power generation technologies (Administrative Code §4-207(c))
2. High Pedestrian Crash Location Report (Administrative Code §19-180.1(a)(2)(b))
3. New York City Sports Commission Report (Charter §541(c))
4. 911 Operational Time Analysis Report (Administrative Code §14-149(b)-(c))
5. Annual Youth Services Report (Administrative Code §21-402(a))
6. Community Services Block Grant (CSBG) Report (Administrative Code §21-402(b)(ii))

A final copy of the waiver determinations will be filed with the City Council and is included below.



REPORT & ADVISORY BOARD REVIEW COMMISSION – PROPOSED WAIVER DETERMINATIONS

Background

In November 2010, New York City voters approved a Charter Revision Commission referendum proposal to review and assess the continued usefulness of reporting requirements and advisory boards established by the City Charter, Administrative Code, and local law. The Commission is chaired by the Director of the Mayor's Office of Operations and consists of representatives from the City Council, the Law Department (LAW), the Department of Information Technology and Telecommunications (DoITT), and the Office of Management & Budget (OMB).

As part of its review, the Commission conducts outreach and holds public hearings to solicit feedback from groups and organizations that are the subject of, or are affected by, the reports and boards under the Commission's purview. Following this outreach process, the Commission may vote to retain or waive a reporting requirement, in whole or in part, or in the case of an advisory board, may vote to retain or dissolve it. The Commission must prepare formal determinations for all waiver recommendations. Thereafter, the City Council may vote either to approve or disapprove the Commission's waiver and dissolution recommendations.

More information about the Commission is available at <https://www1.nyc.gov/site/operations/projects/report-advisory-board-review-commission.page>.

Waiver Determinations

The Commission's six waiver determinations are provided, in their entirety, below:

Assessment of city facilities regarding certain clean on-site power generation technologies, Administrative Code §4-207(c)

SUMMARY: Administrative Code §4-207(c) establishes a requirement for the Department of Citywide Administrative Services to conduct an assessment of and produce a report on all facilities owned by the city with a five hundred kilowatt or greater peak demand to determine whether cogeneration and natural gas-based distributed generation projects are appropriate for such facilities. The assessment is required to be completed at a minimum of every five years and to be updated, as appropriate, to reflect newly acquired facilities and changes in existing facilities that may alter the conclusions made in such assessment.

DETERMINATION: Waiver

RATIONALE: The Commission staff recommends the waiver of the Report based on a weighing of the criteria specified in Charter §1113(e)(1). Specifically:

- 1. The report is irrelevant in light of changing circumstances, current information needs and technological advances.**

If produced, the Report on assessment of city facilities regarding certain clean on-site power generation technologies would not provide useful information because since Local Law 1 of 2007 (Ad. Code § 4-207) has passed there have been significant changes in the energy landscape within New York State that have affected the economic and social value of distributed energy resources, including CHP, which is energy efficient technology that generates electricity and captures the heat that would otherwise be wasted to provide useful thermal energy. For example, the carbon intensity of the electric grid has declined, although further reductions may be impeded by the closure of Indian Point. In addition, due to the growing physical and economic threats associated with climate change, the policy imperative for resiliency has increased. This latter change has prompted the Public Service



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Commission (PSC) to change the way utilities conduct cost-benefit analyses to incorporate resiliency considerations.

2. The report is partially duplicative of the subject matter of another mandated report.

Since Local Law 1 of 2007 was passed, long-term energy planning has largely become a function of the Mayor’s Office of Sustainability. A duplicative reporting requirement exists in Local Law 248 of 2017 (Ad. Code § 3-126), which entails an evaluation of cogeneration applicability. The Mayor’s Office of Sustainability is responsible for delivering a Long-Term Energy Plan every four years. The CHP evaluation aligns with the subject matter of this mandated report.

3. The benefits and usefulness of the report do not outweigh the expenditure of public resources to produce it.

This Report is prepared using approximately 200 hours of municipal employee time and \$120,000 of consulting resources. It requires the agency to gather inputs which are transferred to the consultant to produce a high-level, simplistic cost estimate. It does not provide bid-level cost information, air emission impacts, resiliency or reliability benefits, or social justice considerations. For any particular facility, more detailed studies are needed to assess the true feasibility, cost and benefit of installing cogeneration.

4. Additional factors in support of a waiver:

The Commission did not receive any public comments or testimony in opposition to the proposed waiver.

SOLICITATION OF SUPPORT: In accordance with Charter §1113(d)(2), the Commission sent e-mail notifications about the public hearing and potential waiver of this Report to individuals and organizations, including elected officials, community boards, and nonprofit and advocacy groups. These individuals and organizations were identified by the Commission, with input from the City Council and City agencies, as the subject of or otherwise affected or benefited by the requirement under review. No comments were submitted to the Commission in favor or in opposition of this waiver.

High Pedestrian Crash Location Report, Administrative Code §19-180.1(a)(2)(b)

SUMMARY: Administrative Code §19-180.1(a)(2)(b) establishes a requirement for the Department of Transportation to produce a report about safety audits of crash locations involving pedestrians. The Department is required to use crash data from the New York State Department of Motor Vehicles to identify the twenty highest crash locations based upon a ranking of the total number of crashes involving pedestrians killed or seriously injured, occurring over a five-year period and selected proportionally by borough, based upon the percentage of total crashes involving pedestrians in such borough.

DETERMINATION: Waiver

RATIONALE: The Commission staff recommends the waiver of the Report based on a weighing of the criteria specified in Charter §1113(e)(1). Specifically:



REPORT & ADVISORY BOARD REVIEW COMMISSION – PROPOSED WAIVER DETERMINATIONS

- 1. The report is irrelevant in light of changing circumstances, current information needs and technological advances.**

The Report is highly prescriptive, with a narrow definition of crash locations and requires the Department of Transportation to use data from New York State for a particular 5-year period. With such a limited scope, the Department of Transportation is not able to use more up-to-date information. With the Department's rapid pace of installing safety treatments, using stale data required of this report does not assist in decision making.

- 2. The report is partially duplicative of the subject matter of other mandated reports.**

The Report is duplicative of several available resources. Much of the information in this Report is also available in annual Vision Zero reports, Borough Pedestrian Safety Action Plans, the Vision Zero View website, and on the NYC Open Data portal.

- 3. The benefits and usefulness of the report do not outweigh the expenditure of public resources to produce it.**

This Report requires approximately 100 hours of municipal employee time to produce. The Report is completed to satisfy the legal requirement, but does not result in any other benefit to the City. Decisions about safety treatments are made using more recent data than specified in the reporting requirement.

- 4. Additional factors in support of a waiver:**

The Commission did not receive any public comments or testimony in opposition to the proposed waiver.

SOLICITATION OF SUPPORT: In accordance with Charter §1113(d)(2), the Commission sent e-mail notifications about the public hearing and potential waiver of this Report to individuals and organizations, including elected officials, community boards, and nonprofit and advocacy groups. These individuals and organizations were identified by the Commission, with input from the City Council and City agencies, as the subject of or otherwise affected or benefited by the requirement under review. No comments were submitted to the Commission in favor or in opposition of this waiver.

New York City Sports Commission Report, Charter §541(c)

SUMMARY: The New York City Charter §541 establishes a New York City Sports Commission. The New York City Charter §541(c) establishes a reporting requirement to produce a quarterly report to the Mayor and the City Council detailing the Commission's activities during the previous three-month period; and an annual report to the Mayor and the Council at the start of each fiscal year detailing the commission's goals for the upcoming year.

DETERMINATION: Waiver

RATIONALE: The Commission staff recommends the waiver of the Report based on a weighing of the criteria specified in Charter §1113(e)(1). Specifically:

- 1. The report is irrelevant in light of changing circumstances, current information needs and technological advances.**



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The New York City Sports Commission was established in 1986, primarily to attract athletic events to New York City for the purpose of economic development. In 2010, Mayor Michael Bloomberg integrated the New York City Sports Commission with NYC & Company, the City's tourism agency. NYC & Company has a sports marketing division, but it is not charged with the same responsibilities outlined for the Sports Commission in the Charter. The City's economic development goals have shifted away from incentives for sports teams. As such, the reporting on Sports Commission goals and activities required in Charter §541(c) are now irrelevant.

2. Additional factors in support of a waiver.

The Commission did not receive any public comments or testimony in opposition to the proposed waiver.

SOLICITATION OF SUPPORT: In accordance with Charter §1113(d)(2), the Commission sent e-mail notifications about the public hearing and potential waiver of this Report to individuals and organizations, including elected officials, community boards, and nonprofit and advocacy groups. These individuals and organizations were identified by the Commission, with input from the City Council and City agencies, as the subject of or otherwise affected or benefited by the requirement under review. No comments were submitted to the Commission in favor or in opposition of this waiver.

911 Operational Time Analysis Report, Administrative Code §14-149(b)-(c)

SUMMARY: Administrative Code §14-149(b)-(c) requires the Police Department to submit a 911 Operational Time Analysis Report. Data in this Report is to cover the aggregate number of calls on a citywide and borough-wide basis, incidents where the dispatcher has received a disposition from a police unit, incidents involving a report of a crime in progress including a breakdown by response time, and incidents involving a report of a crime in progress resulting in the dispatch of a police unit where the dispatcher received confirmation of a police unit's arrival at the scene of the incident. Data in this Report is also to cover the average dispatch time, travel time, and response time for all police units responding to incidents involving a report of a crime in progress.

This is a quarterly report and data contained within is required to be included in the mayor's preliminary and final management reports.

DETERMINATION: Waiver

RATIONALE: The Commission staff recommends the waiver of the Report based on a weighing of the criteria specified in Charter §1113(e)(1). Specifically:

1. The report is partially duplicative of the subject matter of other mandated reports.

The Report is duplicative of other reporting requirements. Administrative Code §14-149 requires the data to be included in mayor's preliminary and final management reports. Local Law 119 of 2013 (Ad. Code § 15-129) required the Fire Department to publish response times on the New York City Open Data portal. When this law passed, the Police Department also began to publish their response time data on the Open Data portal. Additionally, Administrative Code §14-150 establishes Police Department reporting requirements, which cover portions of the Operational Time Analysis Report.

2. The benefits and usefulness of the report do not outweigh the expenditure of public resources to produce it.



REPORT & ADVISORY BOARD REVIEW COMMISSION – PROPOSED WAIVER DETERMINATIONS

This Report requires employee time to produce and does not result in any other benefit to the city. Stakeholders that need response time data currently access this through the mayor’s management report and the Open Data portal.

3. The report is irrelevant in light of changing circumstances, current information needs and technological advances

The Open Data Law (Local Law 11 of 2012) (Ad. Code § 23-502) mandated that all public data be made freely available on a single web portal. Administrative Code §23.501 sets forth the types of data that should be published. The police department currently publishes searchable data of response times in accordance with this law.

4. Additional factors in support of a waiver.

The Commission did not receive any public comments or testimony in opposition to the proposed waiver.

SOLICITATION OF SUPPORT: In accordance with Charter §1113(d)(2), the Commission sent e-mail notifications about the public hearing and potential waiver of this Report to individuals and organizations, including elected officials, community boards, and nonprofit and advocacy groups. These individuals and organizations were identified by the Commission, with input from the City Council and City agencies, as the subject of or otherwise affected or benefited by the requirement under review. No comments were submitted to the Commission in favor or in opposition of this waiver.

Annual Youth Services Report, Administrative Code §21-402(a)

SUMMARY: Administrative Code §21-402(a) requires the Department of Youth and Community Development to produce and submit to the city council two reports annually. These are to report on the Department's youth services programs, produced separately for community service block grants and other federal, state and city funding sources, respectively, providing indicators on the Department's performance goals, actual performance and delivery of youth services within community districts and boroughs, to assist the City Council in its oversight of the Department's administration of funds and coordination of youth programs.

DETERMINATION: Waiver

RATIONALE: The Commission staff recommends the waiver of the Report based on a weighing of the criteria specified in Charter §1113(e)(1). Specifically:

1. The Report is entirely or partially duplicative of the subject matter of another mandated report.

The Department provides information on youth services through the preliminary and final mayor's management reports. Included are performance indicators with targets and actual outcomes, as well as number of youth served in particular program areas and agency resources.

2. The benefits and usefulness of the Report do not outweigh the expenditure of public resources to produce it.

The costs to produce the Report would far outweigh the benefits and usefulness. The Department does not currently have resources to dedicate to such an effort. The Report is burdensome due to the large volume of contracts at the Department that would be subject to such reporting.



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3. Additional factors in support of a waiver.

The Commission did not receive any public comments or testimony in opposition to the proposed waiver.

SOLICITATION OF SUPPORT: In accordance with Charter §1113(d)(2), the Commission sent e-mail notifications about the public hearing and potential waiver of this Report to individuals and organizations, including elected officials, community boards, and nonprofit and advocacy groups. These individuals and organizations were identified by the Commission, with input from the City Council and City agencies, as the subject of or otherwise affected or benefited by the requirement under review. No comments were submitted to the Commission in favor or in opposition of this waiver.

Community Services Block Grant (CSBG) Report, Administrative Code §21-402(b)(ii)

SUMMARY: Administrative Code §21-402(b) requires the Department of Youth and Community Development to submit to the city council copies of two reports on Community Services Block Grant funding received from the state. The reports are identified as (1) the Management Plan required to be submitted to the N.Y. Department of State, (2) the Grant Program Report submitted to the governor and the state legislature. The reports are required by paragraphs i and ii of Administrative Code §21-402(b), respectively. The Department seeks a waiver for Administrative Code §21-402(b)(ii).

DETERMINATION: Waiver

RATIONALE: The Commission staff recommends the waiver of the Report based on a weighing of the criteria specified in Charter §1113(e)(1). Specifically:

1. The report is irrelevant in light of changing circumstances, current information needs and technological advances

Administrative Code §21-402(b) requires the Department of Youth and Community Development (DYCD) to submit copies of state level reporting on funding and programming related to the Community Services Block Grant (CSBG). This state reporting landscape has changed. DYCD completes only one annual state report on CSBG funding, submitted to the N.Y. Department of State, and required to be submitted to City Council by Administrative Code §21-402(b)(i). The report described in Administrative Code §21-402(b)(ii), to be submitted to the governor and state legislature, is no longer relevant.

2. Additional factors in support of a waiver.

The Commission did not receive any public comments or testimony in opposition to the proposed waiver.

SOLICITATION OF SUPPORT: In accordance with Charter §1113(d)(2), the Commission sent e-mail notifications about the public hearing and potential waiver of this Report to individuals and organizations, including elected officials, community boards, and nonprofit and advocacy groups. These individuals and organizations were identified by the Commission, with input from the City Council and City agencies, as the subject of or otherwise affected or benefited by the requirement under review. No comments were submitted to the Commission in favor or in opposition of this waiver.