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Report and Advisory Board Review Commission

Minutes of Public Meeting held on Tuesday, February 28, 2012, at 3pm at Spector Hall, 22 Reade Street

Commission members present:

Chair – Liz Weinstein, Director, Mayor’s Office of Operations

Council Member Gale Brewer

Council Member Leroy Comrie

Chuck Brisky, Representing Mark Page, Director of Management and Budget

Charles Fraser, Representing Carole Post, Commissioner of Information Technology and Telecommunications

Seth Grossman, Representing Christine C. Quinn, Speaker of the City Council

Evan Hochberg, Representing Michael A. Cardozo, Corporation Counsel

Chair Weinstein designated Rachel Squire from the Mayor’s Office of Operations to take minutes of the meeting.

Chair Weinstein reviewed the agenda for the attendees (see attached) and summarized the goals of the Commission and the work to date.

Alexis Offen from the Mayor’s Office of Operations presented the Chair’s recommendations of an initial list of reporting requirements and advisory boards to be designated for solicitation of input from affected persons and entities and from the public. The list is as follows (the statutory citations and texts of each provision are attached):

Reports:

1. Zoning and Planning Report
2. Use of Refuse Burning Equipment without Control Apparatus Report
3. Outreach Programs Report
4. Permanent Housing Needs Report
5. Class Size Report (partial waiver)
6. Temporary and Non-Standard Classroom Report
7. Industrial and Commercial Incentive Program Report
8. Horse Drawn Cab Stand Report
9. Ultra Low Sulfur Diesel Fuel for Ferries Report
10. Arson Strike Force Report
11. Drug Enforcement/Drug Abuse Task Force Report
12. Preliminary Mayor's Management Report
13. Sustainable Water Management Plan Report
14. Criminal Justice Account Allocation of Funds Report

Advisory Boards:

1. NYC Commission for the Foster Care of Children
2. Consumers Council
3. Inter-Agency Advisory Council on Towing

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4. Tattoo Regulation Advisory Committee
5. Resource Recovery Task Force
6. Arson Strike Force
7. Drug Enforcement/Drug Abuse Task Force

The Commission members discussed the Chair's recommended list of reports and advisory boards.

Seth Grossman moved to remove two items from the list: the Preliminary Mayor's Management Report and the Class Size Report. Vote: 3 yes, 4 no. The motion failed.

Chair Weinstein moved that the Commission solicit input from affected persons and entities and the public on the entire list of 14 reports and 7 advisory boards prior to a determination by the Commission on whether to waive the listed reports and advisory boards. Vote: 6 yes, 1 abstain. The motion passed.

The Commission will hold a public hearing at a date to be determined.

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The Report and Advisory Board Review Commission

Public Meeting Agenda

February 28, 2012

I. Introduction

- Introduction of members
- Commission overview and goals

II. Research and Analysis

- Reports and Advisory Bodies compendium
- Agency analysis
- Operational and legal analysis

III. Recommendations for Public Comment

- Presentation

IV. Discussion

V. Motion

REPORTS (14)

1. Zoning and Planning Report (DCP)

§ 192. **City planning commission.** f. Not later than the thirty-first day of December, nineteen hundred ninety-two and every four years thereafter, the commission shall file with the mayor, the council, the public advocate, the borough presidents, and community boards, a zoning and planning report. The report shall include (1) a statement of the planning policy of the commission, which policy shall take into consideration, among other things, the ten-year capital strategy, the four-year capital program, the report on the social, economic and environmental health of the city issued pursuant to section sixteen, the strategic policy statements provided for in section seventeen and plans approved pursuant to section one hundred ninety-seven-a, (2) a summary of the significant plans and studies completed or undertaken by the department of city planning in the preceding four years, (3) an analysis of those portions of the zoning resolution that merit reconsideration in light of the planning policy of the commission and (4) proposals for implementing the planning policy of the commission whether by amendment of the zoning resolution, development of plans or otherwise.

2. Use of Refuse Burning Equipment without Control Apparatus Report (DEP)

§ 24-158 **Use of department of sanitation refuse burning equipment without control apparatus prohibited.** (a) No person shall cause or permit the use of any incinerator operated by the department of sanitation unless there shall be installed therein control apparatus which incorporates the most effective advances in the art of air pollution control as determined by the commissioner but in no event shall the emissions exceed those specified in figure four of section 24-145 of this code.

(b) The commissioner shall submit a report to the city council on the first day of October and on the first day of April of each year setting forth in detail the extent of compliance with subdivision (a) of this section, the cause of whatever non-compliance may exist and what action is being undertaken to assure compliance.

3. Outreach Programs Report (DHS)

§ 612. **Powers and duties.** a. The commissioner shall have the powers and perform the duties of a commissioner of social services under the social services law for the purpose of fulfilling his or her responsibilities under this chapter. In the performance of his or her functions, the commissioner shall:

1. be responsible for transitional housing and services provided by the city for eligible homeless families and individuals. The commissioner shall encourage the participation of and receive proposals from the public and private sectors for the development of transitional housing and services for homeless families and individuals. In performing such duties, the commissioner may develop and issue requests for proposals and evaluate responses thereto, negotiate, award, enter into and administer contracts, loans or other agreements, award and administer grants and obtain all necessary approvals. For-profit and not-for-profit entities shall be eligible to submit proposals, bid on contracts and other agreements, and apply for grants and loans;

2. develop, maintain and, where necessary, strengthen the system for the provision of transitional housing and services for homeless families and individuals;

3. in consultation with other appropriate governmental agencies, plan housing for homeless families and individuals;

4. maintain, repair and rehabilitate transitional housing owned, operated or managed by the department;

5. establish performance criteria, goals and objectives with respect to contract providers and monitor and evaluate such performance;

6. participate in the development of prevention programs to assist families and individuals who are in imminent danger of becoming homeless;

7. in consultation with other appropriate governmental agencies, develop and operate outreach programs to identify and assist families and individuals who are homeless and living in public spaces. Notwithstanding any outreach programs developed or operated by other city agencies, and outreach programs developed or operated by any entity pursuant to a contract with the department, the commissioner shall retain a substantial outreach workforce within the department's full-time staff.

Beginning on the first day of September, 1998 and on the first day of each succeeding calendar quarter thereafter, the commissioner shall report to the speaker of the council in writing on the outreach programs operated by the department, by other city agencies or by entities contracting with the department. Such report shall include, but not be limited to, the number of contacts during the reporting period, the number of placements in transitional housing resulting from such contacts during the reporting period and the number of referrals of persons so contacted to programs or services during the reporting period;

8. direct and supervise the management, operations, budget and funding of services for homeless individuals and families;

9. work directly with the mayor's office of management and budget with regard to the funding and administration of the city's budget for services to homeless families and individuals; and

10. advise and assist the mayor with respect to matters pertaining to homeless families and individuals.

b. In addition to the duties set forth in subdivision a of this section, the commissioner is authorized, in consultation with appropriate agencies, to provide any other services he or she deems necessary to implement and effectuate the provisions of this chapter.

4. Permanent Housing Needs Report (DHS)

§ 614. **Permanent housing needs, annual report.** Beginning on May 1, 1999 and on May first of each succeeding year thereafter, the commissioner shall report to the speaker of the council in writing on the permanent housing and the transitional housing and services, respectively, projected to be needed to house homeless families and individuals expected to be housed within the system during the fiscal year to begin on each July first thereafter. Such annual report shall include, but not be limited to, the sources, including, but not being limited to, the department of housing preservation and development and the New York city housing authority, from which the commissioner of homeless services projects to meet the permanent housing identified in such report as needed during such fiscal year and the number of permanent housing to be provided by each source.

5. Class Size Report (DOE) – PARTIAL WAIVER

Section 522 c. **Class size reporting.** The department of education shall submit a report to the city council twice annually, on or before November fifteenth and February fifteenth of each year, with respect to the following information regarding class sizes in New York city public schools: 1. For each school and, separately, for each academic program within a school or school building, including smaller schools housed within larger institutions and specialized programs, such as those for gifted students and for students with special needs, the average class size per grade of all classes in such school or program; 2. For each school district and for each region, the average class size per grade of all classes in such district and region; 3. For each borough, the average class size per grade of all classes in such borough; 4. Citywide, the average class size per grade; and 5. A detailed description of the methodologies used to calculate all such grade size data reported. d. Presentation of class size reporting. Average class size shall be reported: 1. By the number of students, rounded to the nearest tenth; and

2. By core academic subject, in all grades in which such core academic subjects are taught in classes that vary from such grades' homeroom classes. e. Class size reporting exceptions. The reporting required by subdivision c of this section shall: 1. Exclude classes that are composed of students who are enrolled in any school or program that exclusively serves students who are incarcerated, on probation, or otherwise under the jurisdiction of the state or federal court system; 2. Be made by category of class, such as 12-to-1 or 5-to-1 student/teacher ratio, with respect to students who attend classes exclusively for children who have individualized education plans; and 3. Exclude classes taught at vocational schools and programs, also known as career and technical schools and programs, to the extent that such classes within such schools and programs do not provide core academic content. f. Dissemination of information. The reporting required by subdivision c of this section shall, in addition to being provided to the city council, be placed on the department's website, and may be distributed by such other means as the chancellor, in his or her discretion, determines to be a reasonable method of providing such information to the public. The reporting required by subdivision g of this section shall be provided to the city council in electronic form and be placed on the department's website in an electronic form compatible with a non-proprietary database program. Further, a link to the reporting required by subdivision g of this section shall be posted on each school's web portal, and such reporting may be distributed by such other means as the chancellor, in his or her discretion, determines to be a reasonable method of providing such information to the public.

6. Temporary and Non-Standard Classroom Report (DOE)

Section 522 b. Temporary and non-standard classroom reporting. The department of education shall report to the council annually, on or before October fifteenth of each year, the number of non-standard classrooms within the public school system. Such report shall provide the number of non-standard classrooms, disaggregated by: school; zip code; school district; instructional region; community district; council district; and borough, and for each non-standard classroom, the number of children who attend classes in each such non-standard classroom. For purposes of this section, the term "non-standard classrooms" shall mean any of the following spaces that are used for subject-matter instruction where students are intended to be seated at desks: a transportable classroom unit; a classroom located in a structure that was not built or renovated with the intention that such structure be a permanent educational facility; a classroom located in a multi-purpose room, also called a cluster room, and not used for the specialized instructional, administrative or other purposes for which such room was designed or intended; a classroom located in a space that was not designed for classroom use when built or when last fully renovated; and a classroom the use of which violates any New York city or state law pertaining to classroom design, location or amenity or the type of interior space that may lawfully be used as classroom space.

7. Industrial and Commercial Incentive Program Report (DOF)

§ 11–258 **Temporary commercial incentive area boundary commission; classes of area; excluded areas.** a. There shall be a temporary commercial incentive area boundary commission to consist of the deputy mayor for economic development and planning, the commissioner of finance, the chair of the city planning commission, the director of management and budget, the borough presidents, the speaker of the city council and a public member appointed by the mayor to serve at the mayor's pleasure. Each member except the public member shall have the power to designate an alternate to represent him or her at commission meetings to exercise all the rights and powers of such member, including the right to vote, provided that such designation be made in writing to the chair of the commission. The deputy mayor for economic development and planning shall be the chair of the commission. Each borough president shall be entitled to vote only on the designation of areas within his or her borough. Commission members who shall be officers or employees of the city shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties. Any other commission member shall receive as exclusive compensation for his or her services one hundred dollars per diem, provided, however, that the total compensation paid to any such member shall not exceed twelve hundred dollars for any calendar year. A majority of members of such commission entitled to vote on a matter shall constitute a quorum for such issue. Decisions shall be made by majority vote of those present entitled to vote on a matter.

§ 11–267 **Annual report.** The department of finance shall submit an annual report to the council, on April first of each year, concerning the status of the program established pursuant to this part and its effects in the city, including information on certificates of eligibility issued and jobs created in each area where benefits are available.

8. Horse Drawn Cab Stand Report (DOT)

§ 19–174 **Passengers boarding horse drawn cabs.** a. The commissioner shall designate by rule specific locations on the streets, avenues and roadways which shall be the sole locations where passengers may board horse drawn cabs if such passengers have not prearranged such horse drawn cab rides in accordance with the provisions of subdivision b of this section and any rules promulgated pursuant thereto.

b. (1) Horse drawn cabs may accept passengers on a prearranged basis in areas and at times that are not restricted pursuant to section 20–381.1 of the code. Such prearranged rides shall commence in front of hotels and restaurants that have obtained the approval of the owner of the premises at which such hotel or restaurant is located.

(2) This subdivision shall not be construed to permit the operation, parking, stopping or standing of any horse drawn cab in any area at any time where or when such operation, parking, stopping or standing is prohibited by any other law or rule.

c. The department shall annually review existing locations of horse drawn cab stands and any proposals by the department and any written proposals by others to establish or eliminate horse drawn cab stands and shall report the results of such review to the mayor and the council. This report shall include a list of those locations proposed to be added or eliminated, those considered by the department, the reasons why any proposal was not considered and the reasons why the department did or did not establish or eliminate a horse drawn cab stand at each proposed location that was considered. Such report shall be submitted to the mayor and the council within sixty days after the close of the fiscal year.

9. Ultra Low Sulfur Diesel Fuel for Ferries Report (DOT)

§ 19–307 Use of ultra low sulfur diesel fuel and best available technology for city ferries.

j. (1) On or before October 1, 2009 and every succeeding October 1 thereafter, the mayor shall submit to the comptroller and the council a report regarding the use of ultra low sulfur diesel fuel and the best available technology for reducing the emission of pollutants and such other authorized technology in accordance with this section for diesel fuel-powered city ferries during the immediately preceding fiscal year. The information contained in such report shall also be included in the mayor's preliminary management report and the mayor's management report for the relevant fiscal year and shall include, but not be limited to: (i) the total number of diesel fuel-powered city ferries; (ii) the number of such diesel-fuel powered city ferries that were powered by ultra low sulfur diesel fuel; (iii) the number of such diesel-fuel powered city ferries that utilized the best available technology for reducing the emission of pollutants, including a breakdown by the type of technology used for each ferry model; (iv) the number of such diesel fuel-powered city ferries that utilized other authorized technology in accordance with this section, including a breakdown by the type of technology used for each city ferry model; (v) the number of city ferries purchased or newly operated by the city after the effective date of this section and whether or not emissions from such ferries meet the United States environmental protection agency's marine engine standards in effect at the time of such purchase or operation, and if the emissions from such ferries do not meet such standards, when they can be expected to meet such standards or meet, at a minimum, the United States environmental protection agency's Tier 2 air quality standards for marine engines; (vi) all findings and renewals of such findings issued pursuant to subdivision g of this section, which, for each finding and renewal, shall include, but not be limited to, the quantity of ultra low sulfur diesel fuel needed to power diesel fuel-powered city ferries and any quantity of diesel fuel used that was not ultra low sulfur diesel fuel; and (vii) all findings and renewals of such findings issued pursuant to subdivision h of this section, which shall include, but not be limited to, all specific information submitted by the city upon which such findings and renewals are based and the type of other authorized technology, if any, utilized in accordance with this section in relation to each finding and renewal.

10. Arson Strike Force Report (FDNY)

§ 15–301 **Declaration of policy.** The council finds that within the past several years there have been increasing incidences of arson which have endangered life and property in some areas of the city; that deaths and serious injuries to many persons have resulted therefrom and much property has been destroyed; that extensive areas of burned-out buildings now blight parts of the city; that arson hastens the deterioration of communities; that residents are compelled to flee to other areas; that businesses and commercial enterprises are compelled to close, many never to open again; that fire insurance premiums increase; and that drastic steps are necessary to prevent the spread of this problem to other areas of the city. The council hereby declares that it is imperative that a permanent arson strike force be established that will foster greater cooperation between the various city agencies in the battle to control the arson problem that confronts the city.

§ 15–302 **Composition.** The mayor shall appoint an arson strike force which shall be chaired by a representative of the mayor's office and shall consist of representatives of the department, police department, department of human resources, department of housing preservation and development, department of finance and such supportive staff as is necessary.

§ 15–303 **Reports.** The strike force shall submit an annual report in September of each year to the mayor and the council. Such report shall include any findings and recommendations of the strike force.

11. Drug Enforcement/Drug Abuse Task Force Report (Mayor's Office – CJC)

§ 3-111 [Drug Enforcement and Drug Abuse Task Force.] a. Composition. (1) The mayor shall appoint a drug enforcement and drug abuse task force which shall be chaired by the criminal justice coordinator and shall consist of, but not be limited to, representatives of the police department; human resources administration; department of health and mental hygiene; department of correction; department of housing preservation and development; department of finance; department of probation; and the criminal justice coordinator.

(2) The Substance Abuse Task Force shall request that the following agencies or officers send their own representatives to serve on this task force: Health and Hospitals Corporation; Board of Education; the New York County, Kings County, Queens County, Richmond County and Bronx County District Attorney's offices; and the Special Narcotics Prosecutor.

b. Report. The Drug Enforcement and Drug Abuse Task Force shall submit an informal quarterly report of its ongoing coordination activities and a formal annual report in September of each year to the Mayor and the Council. Such report shall include any findings and recommendations of the task force.

12. Preliminary Mayor's Management Report (Mayor's Office – Operations)

§ 12. **Mayor's management report.** a. Not later than January thirtieth in each year the mayor shall make public and submit to the council a preliminary management report of the city and not later than September seventeenth in each year the mayor shall make public and submit to the council a management report.

b. The preliminary management report shall contain for each city agency

(1) a statement of actual performance for the first four months of the current fiscal year relative to the program performance goals and measures established for such year;

(2) proposed program performance goals and measures for the next fiscal year reflecting budgetary decisions made as of the date of submission of the preliminary budget;

(3) an explanation in narrative and/or tabular form of significant changes in the program performance goals and measures from the adopted budget condition to the current budget as modified and from said modified budget to the preliminary budget statements; and

(4) an appendix indicating the relationship between the program performance goals and measures included in the management report pursuant to paragraph two of this subdivision and the corresponding appropriations contained in the preliminary budget.

c. The management report shall include a review of the implementation of the statement of needs as required by subdivision h of section two hundred four and shall contain for each agency

(1) program performance goals for the current fiscal year and a statement and explanation of performance measures;

(2) a statement of actual performance for the entire previous fiscal year relative to program performance goals;

(3) a statement of the status of the agency's internal control environment and systems, including a summary of any actions taken during the previous fiscal year, and any actions being taken during the current fiscal year to strengthen the agency's internal control environment and system;

(4) a summary of rulemaking actions undertaken by the agency during the past fiscal year including

(a) the number of rulemaking actions taken,

(b) the number of such actions which were not noticed in the regulatory agenda prepared for such fiscal year, including a summary of the reasons such rules were not included in such regulatory agenda, and

(c) the number of such actions which were adopted under the emergency rulemaking procedures;

(5) a summary of the procurement actions taken during the previous fiscal year, including:
(i) for each of the procurement methods specified in section three hundred twelve, the number and dollar value of the procurement contracts entered into during such fiscal year; and (ii) for all procurement contracts entered into pursuant to a procurement method other than that

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specified in paragraph one of subdivision a of section three hundred twelve, the number and dollar value of such procurement contracts by each of the reasons specified in paragraph one of subdivision b of section three hundred twelve; and

(6) an appendix indicating the relationship between the program performance goals included in the management report pursuant to paragraph two of this subdivision and the corresponding expenditures made pursuant to the adopted budget for the previous fiscal year.

d. For agencies with local service districts or programs within community districts and boroughs, the mayor's preliminary management report and management report insofar as practicable shall include schedules of agency service goals, performance measures and actual performance relative to goals for each such local service district or program.

e. Prior to April eighth in each year the council shall conduct public hearings on the preliminary management report and on the proposed program and performance goals and measures of city agencies contained in such report. The council shall submit to the mayor and make public not later than April eighth a report or reports of findings and recommendations.

13. Sustainable Stormwater Management Plan Report (Mayor's Office – Long-Term Planning & Sustainability)

§ 24-526.1 Sustainable stormwater management.

b. Development of sustainable stormwater management plan. 1. The office shall develop a proposed and final sustainable stormwater management plan. Such plan shall identify and provide for the implementation throughout the city, on both public and private properties, of efficient, effective, and feasible technological and non-technological source control measures to reduce the volume of water flowing into the city's sewer system and the pollution loadings carried by stormwater into the city's waterbodies. The overall goals of such plan shall be to reduce the volume of stormwater flowing into the city's sewer system, to improve water quality in the city's waterbodies and to protect the public health through the restoration and protection of the ecological health of the city's waterbodies, and to enhance use and enjoyment of the city's waterbodies for recreational activities.

2. No later than October 1, 2008, the office shall submit a draft sustainable stormwater management plan that meets the requirements of this section to the mayor, speaker of the council, and the public for review and comment. Submission to the public may be made by posting a draft plan on the internet.

3. Two months after the release of the draft plan, but no later than December 1, 2008, the office shall submit a final sustainable stormwater management plan that meets the requirements of this section to the mayor, speaker of the council, and the public. Such plan shall be reviewed and revised by the office as necessary to achieve such plan's goals; provided that such review must occur at least once every four years. Any such revisions and the reasons for such revisions should be clearly indicated in such plan.

4. No later than October 1, 2010, and no later than October 1 of every second year thereafter, the office shall submit a report to the mayor, the speaker of the council, and the public, which shall include, but not be limited to, the implementation status of the measures included in the plan prepared pursuant to this subdivision, including a quantitative assessment, where susceptible to quantification, and a qualitative assessment of the progress made toward achieving each of the milestones identified in such plan and, where revised, an explanation for such revision.

c. Plan elements. The plan prepared pursuant to subdivision b of this section, as it may be revised pursuant such section, shall include but not be limited to the following:

(1) a statement of goals related to reducing the volume of stormwater flowing into the city's sewer system, improving water quality in the city's waterbodies, protecting the public health through the restoration and protection of the ecological health of the city's waterbodies, enhancing use and enjoyment of the city's waterbodies for recreational activities, and such other aspects of stormwater management deemed appropriate.

(2) an identification and description of the technological and non-technological measures included in such plan, including, for each such measure, (i) a statement regarding the general site conditions required and types of properties where each such measure is typically feasible for implementation and (ii) identification to the greatest extent feasible of the areas in the city

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that satisfy those conditions and a prioritization of such areas according to the magnitude of potential benefits achievable through implementation of source control measures;

(3) for each of the technological measures included in such plan, (i) an identification of the agencies and/or offices of the city that would oversee and/or be responsible for constructing, permitting or otherwise approving or promoting such measures and (ii) any prerequisites to adoption of such technological measures, including but not limited to technical studies, pilot projects, funding and budgetary considerations, and federal, state or local legislative or regulatory action;

(4) for each of the non-technological measures included in such plan, (i) an identification of protocol amendments and the agencies and/or offices of the city that would be responsible for adopting such measures and (ii) any prerequisites to adoption of such measures, including but not limited to funding and budgetary considerations, and federal, state or local legislative or regulatory action;

(5) descriptions of any modeling methodologies used to identify technological measures, a statement of all inputs used to complete any modeling run, and the results of any modeling, or a compilation of other supporting data, whether derived from a model or not;

(6) for each of the specific goals, measures and prerequisites included in such plan, (i) a timeline setting forth target dates to achieve interim and final milestones, including but not limited to protocols for monitoring, assessing, and reporting progress toward achieving such milestones, provided that such milestones shall, where susceptible to quantification, be expressed quantitatively, and any potential prerequisites to achieving such milestones, including but not limited to technical studies, pilot projects, and federal, state or local legislative action and (ii) identification of budgetary authorizations, appropriations, or other allocations that are necessary to implement the measures and goals included in such plan;

(7) protocols for signage and for a program of public notification to inform the public of the location and occurrence of combined sewer overflow events, which such program shall include a mechanism to alert potential users of the waterbodies affected by combined sewer overflow events, through the use of radio, print media, internet, 311, e-mail alerts or similar modes of communication, of the estimated nature and duration of conditions that are potentially harmful to users of such waterbodies;

(8) a methodology to be used for quantitatively measuring the performance of source control measures undertaken and/or monitored by the city where feasible;

(9) a summary of public input provided during the development of such plan, steps taken to solicit input pursuant to subdivision e of this section, the office's responses to comments received from the public pursuant to subparagraph (i) of paragraph 1 of subdivision e of this section, and a summary of steps the department has taken and will take to involve the public, including organizations and members of the public with relevant knowledge and expertise, in the implementation of such plan.

14. Criminal Justice Account Allocation of Funds Report (NYPD)

§ 5–601 **Criminal Justice Account.** There shall be within the general fund of the city a special accounting of the revenues and expenditures included in the safe streets-safe city omnibus criminal justice program. Such accounting shall be known as the "Criminal Justice Account."

§ 5–605 **Reporting requirement.** The director of the office of management and budget, in consultation with the police commissioner and the heads of appropriate city agencies, shall make a year-end annual report specifying the actual year end spending for each of the purposes identified in the schedule required by subdivision a of section 5–604, updated to reflect changes, if any, made at adoption, to the chairpersons of the finance and public safety committees of the council on the allocation of funds from the criminal justice account and the status of implementation of the safe streets-safe city omnibus criminal justice program. Such report shall include a schedule of new hires for all police forces and criminal justice agencies; a status report on civilianization and workload sharing efforts of the police departments; the level of patrol strength in all borough commands of the city; status of the implementation and operation of youth, employment and senior citizen programs; and the status of programs funded through the education portion of the criminal justice account.

ADVISORY BODIES (7)

1. NYC Commission for the Foster Care of Children (ACS)

§ 21–118 **New York city commission for the foster care of children.** a. There is hereby established the New York city commission for the foster care of children (hereinafter referred to as the "commission") to consist of fifteen public members, who shall serve without compensation, to be appointed by the mayor from among residents of the city of New York who have been active in, identified with, or otherwise known to be interested in the field of child care. In making such appointments, the mayor shall make every effort to appoint individuals associated with the major federations concerned with foster care services to children and individuals who are associated with organizations which, through direct services to children, coordination or planning of services for children, or through research in the field of child care, are making major contributions to the planning of services for the children of the city of New York. The membership of the commission shall reflect disciplines basic to a wholesome child welfare program including mental health, education, religion, law with some specialty in family and child welfare, and pediatrics. The mayor may appoint, and at his or her pleasure remove, an executive director and an assistant to the executive director of the commission. The salary of the executive director and the assistant to the executive director shall be fixed by the mayor and shall be paid from appropriations made to the department. The said public members shall serve for a term of four years except that the term of office of the members first taking office shall expire, five at the end of two years, five at the end of three years and five at the end of four years. No member shall serve for more than eight consecutive years after July one, nineteen hundred sixty-four. The mayor shall appoint a chairperson and a vice chairperson from among the members, each to serve in that capacity for two year terms. Any public member appointed by the mayor to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term.

b. The commission shall meet at least once every month except during the months of July and August and shall meet at such other times as meetings are called by the chairperson. Whenever requested to do so in writing by any six members of the commission, the chairperson shall call a special meeting of the commission. Full time professional and clerical assistance, properly qualified, shall be provided as required to the commission by the department.

c. The commission shall have the following powers and duties:

(1) Make recommendations to the commissioner and to the administrative judge of the family court of the state of New York within the city of New York on all phases of the foster care of children including recommendations designed to prevent the need for such care.

(2) Make recommendations to the appropriate authorities for the establishment of proper standards for the foster care of children, except insofar as such standards have been established pursuant to law by the board of health of the city of New York or the board of social welfare of the state of New York.

(3) Study and report the extent and nature of the facilities required to provide adequate foster care for children.

(4) Coordinate temporary care services and make recommendations as to the type of children and the age range to be admitted to any temporary shelter, in order that the needs of children may be served by the proper and adequate provision of accommodations, and so as to avoid duplication or overlapping of service.

(5) Individually or collectively visit temporary shelters in accordance with rules promulgated by the commission; recommend to the commissioner and to the administrative judge of the family court of the

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state of New York within the city of New York studies of foster care facilities with the cooperation of private agencies.

(6) Recommend that the department maintain such records and compile such statistics as the commission may deem desirable, subject to the approval of the commissioner.

(7) Through appropriate channels, advise foster care agencies and institutions receiving public funds on all matters relating to the development and modification of programs to meet changing foster care needs.

(8) Make appropriate recommendations to the commissioner and to the administrative judge of the family court of the state of New York within the city of New York for submission to the mayor on all matters affecting the foster care of children, annually or more often as required.

(9) Make appropriate recommendations to reduce insofar as possible the length of stay of children in temporary shelters.

d. Whenever required to do so by the commission or an authorized representative thereof, any public official or agency of the city of New York possessing information relating to the maintenance or operation of institutions or agencies for the care of children, or maintaining records with respect thereto, shall make such information and records available, and shall furnish transcripts or copies thereof, to the commission.

e. It shall be the function of this commission to utilize all methods provided by law to discourage and prevent any discrimination because of race, color or national origin in the foster care of children.

f. In relation to foster care of children the commission shall make appropriate recommendations for the enforcement of all provisions of laws relating to foster care including those laws which provide for the preservation and protection of the religious faith of the child to the end that whenever a child is placed or committed by the department or remanded or committed by the family court to any family or to any duly authorized association, agency, society, or institution, such placement, remand or commitment must be made, when practicable, to a family or to a duly authorized association, agency, society, or institution under the control of persons of the same religious faith or persuasion as that of the child; provided that any and all such foster care placements, whenever made, shall assure the preservation and protection of the religious faith of the child.

g. Whenever used in this section the following terms shall mean or include:

(1) "Foster care for children." The care of abandoned, destitute, dependent, neglected or delinquent children or persons in need of supervision away from their own homes in institutions or foster homes or temporary shelters, in whole or in part at public expense, under the jurisdiction of a social services official or other authorized agency as defined in the social services law.

(2) "Temporary shelter." Any establishment or agency receiving public funds which is operated or maintained for the temporary care of destitute, dependent, neglected or delinquent children or persons in need of supervision.

(3) "Temporary care." Care of an abandoned, destitute dependent, neglected or delinquent child or person in need of supervision, in a temporary shelter for a brief and transient period, pending return of the child to its own home or placement in long-term care away from its own home.

2. Consumers Council (DCA)

§ 2204. **Consumers council.** There shall be in the department a consumers council which shall advise the commissioner on general goals for the development of programs, undertake studies and reports, and foster cooperation among city, state and federal agencies and private groups. The council shall consist of the commissioner, ex officio, and twelve members to be appointed by the mayor to serve for three years except that of the twelve members first appointed, four shall be appointed for a term of three years, four for a term of two years and four for a term of one year. One of these twelve shall be appointed chairman annually by the mayor. The members shall represent a cross section of consumer interests. They shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties.

3. Inter-Agency Advisory Council on Towing (DCA)

§ 20–521 **Interagency advisory council.** a. There is hereby created an interagency advisory council consisting of the commissioner of the police department and the commissioner of the department of transportation who shall serve ex-officio, and a representative of the office of the mayor designated by the mayor.

b. The interagency advisory council shall make recommendations to the commissioner concerning the criteria for the issuance of any license required by this subchapter and for authorization to participate in the rotation tow program and the directed accident response program. At the commissioner's request, the interagency advisory council shall advise and assist him or her on any other matter concerning the regulation of towing in the city.

4. Tattoo Regulation Advisory Committee (DOHMH)

§ 17-361 **Advisory committee.** a. There shall be established within the department an advisory committee to advise the commissioner on health issues relating to tattooing consisting of a chair and eight individuals with the following qualifications: (i) two persons with prior experience in the practice of tattooing, one appointed by the speaker of the city council and one by the mayor; (ii) two persons engaged in the training of such practice, one appointed by the speaker of the city council and one by the mayor; (iii) two persons, by practice and profession, knowledgeable in the practice of sterilization and sanitary procedures, one appointed by the speaker of the city council and one by the mayor; and (iv) two persons licensed as dermatologists, one appointed by the speaker of the city council and one by the mayor. Each member shall serve for a term of two years without compensation and may be reappointed for additional terms. Each member shall reside in or have his or her primary place of business within the city of New York. The chair shall be appointed by the commissioner.

b. The advisory committee shall make recommendations to the commissioner on all matters relating to this subchapter, including the promulgation and amendment of rules necessary to carry out the provisions of this subchapter and such other matters as the commissioner may deem necessary.

5. Resource Recovery Task Force (DSNY)

§ 1403. Powers and duties of the commissioner.

f. Resource recovery task force.

(1) There shall be a resource recovery task force, which shall consist of no more than twelve employees, as well as such clerical and secretarial staff as may be necessary, all of whom shall be assigned by the commissioners of the department of environmental protection and the department of sanitation. The commissioners shall jointly appoint an executive director who shall report directly to both commissioners.

(2) The task force shall advise and make recommendations to both commissioners with respect to planning and implementation of programs of energy and materials recovery for the city's solid and liquid wastes.

(3) The approval of both commissioners shall be required prior to the adoption of any plan, action or regulation recommended by the task force except as to environmental impact determinations which shall be the sole responsibility of the commissioner of environmental protection.

6. Arson Strike Force (FDNY)

§ 15–301 **Declaration of policy.** The council finds that within the past several years there have been increasing incidences of arson which have endangered life and property in some areas of the city; that deaths and serious injuries to many persons have resulted therefrom and much property has been destroyed; that extensive areas of burned-out buildings now blight parts of the city; that arson hastens the deterioration of communities; that residents are compelled to flee to other areas; that businesses and commercial enterprises are compelled to close, many never to open again; that fire insurance premiums increase; and that drastic steps are necessary to prevent the spread of this problem to other areas of the city. The council hereby declares that it is imperative that a permanent arson strike force be established that will foster greater cooperation between the various city agencies in the battle to control the arson problem that confronts the city.

§ 15–302 **Composition.** The mayor shall appoint an arson strike force which shall be chaired by a representative of the mayor's office and shall consist of representatives of the department, police department, department of human resources, department of housing preservation and development, department of finance and such supportive staff as is necessary.

7. Drug Enforcement / Drug Abuse Task Force (Mayor's Office – CJC)

§ 3–111 [**Drug Enforcement and Drug Abuse Task Force.**] a. Composition. (1) The mayor shall appoint a drug enforcement and drug abuse task force which shall be chaired by the criminal justice coordinator and shall consist of, but not be limited to, representatives of the police department; human resources administration; department of health and mental hygiene; department of correction; department of housing preservation and development; department of finance; department of probation; and the criminal justice coordinator.

(2) The Substance Abuse Task Force shall request that the following agencies or officers send their own representatives to serve on this task force: Health and Hospitals Corporation; Board of Education; the New York County, Kings County, Queens County, Richmond County and Bronx County District Attorney's offices; and the Special Narcotics Prosecutor.



Report and Advisory Board Review Commission

Public Meeting
February 28, 2012



Recommendations for Public Comment

- 14 potential Reports
 - (13 waivers in full, 1 partial waiver)
- 7 potential Advisory Boards



Reports

1. **Zoning and Planning Report – DCP**
 - Published every 4 years; reports on DCP planning agenda and zoning reform.
 - Charter Section 192(f)
 - **Redundant to:** Information on the DCP website and in PlaNYC, which are updated more regularly than this report requires.

2. **Use of Refuse Burning Equipment without Control Apparatus Report – DEP**
 - Published twice a year; reports on extent of compliance of statute.
 - Administrative Code Section 24-158
 - **Non-usefulness:** The City no longer uses incinerators to burn refuse.

3. **Outreach Programs Report – DHS**
 - Published quarterly; reports on DHS (or contractor) outreach programs.
 - Charter Section 612(a)(7)
 - **Redundant to:** Outreach and placement indicators in the MMR.
 - **Resources:** 1 staff member, 4 approvals, and 12 hours per quarter.



Reports

4. Permanent Housing Needs Report – DHS
 - Published annually; reports on expected needs for permanent and transitional housing and services in upcoming fiscal year.
 - Charter Section 614
 - **Redundant to:** The LL37 report available on NYCStat, which is updated more frequently than this report.
 - **Resources:** 2 staff, 15 hours per year.

5. Class Size Report – DOE – **Partial Waiver**
 - Published twice a year; compares number of classes by school, grade, and program to the number of students, to show average class size.
 - Charter Section 522(c)-(f)
 - **Changing from biannual requirement to annual**
 - **Non-usefulness:** The November report is not as useful as the February report; November data is not as refined.
 - **Resources:** 3 staff, 150 hours in total for each report; cleaning October data requires another 30 staff working 150 hours; 2 approvals; ~\$14,000.



Reports

6. Temporary and Non-Standard Classrooms Report – DOE
 - Published annually; reports on the use of non-standard classrooms.
 - Charter Section 522(b)
 - **Redundant to:** Enrollment, Capacity & Utilization Report on nyc.gov.
 - **Non-usefulness:** Does not help DOE assess resource management.
 - **Resources:** All principals at campuses with TCUs, 5 additional DOE staff, 5 approvals.

7. Industrial and Commercial Incentive Program Report – DOF
 - Published annually; reports on the status of ICIP and its effects.
 - Administrative Code Section 11-267
 - **Redundant to:** DOF's annual tax expenditure report.
 - **Non-usefulness:** The ICIP program expired in 2008, and was replaced with the Industrial and Commercial Abatement Program.

8. Horse Drawn Cab Stand Report – DOT
 - Published annually; reports on existing and proposed locations of stands.
 - Administrative Code Section 19-174
 - **Non-usefulness:** DOT does not inspect locations and has not received proposals since 1999.



Reports

9. Ultra Low Sulfur Diesel Fuel for Ferries Report – DOT
 - Published annually; reports on the use of ultra low sulfur diesel fuel and the best available technology for City ferries.
 - Administrative Code 19-307
 - **Redundant to:** Information in PlaNYC and Regional Air Team group.
 - **Non-usefulness:** Not useful for evaluating best available technology at time of procurement.

10. Arson Strike Force Report – FDNY
 - Published annually; reports on arson-related statistics.
 - Administrative Code Section 15-303
 - **Redundant to:** Arson-related statistics in MMR and Bureau of Fire Investigation Annual Report.
 - **Non-usefulness:** The related body is not useful either; both were a result of the very high incidence of arson in the 1970s.

11. Drug Enforcement/Drug Abuse Task Force Report – Mayor
 - Published quarterly; reports on task force's ongoing activities.
 - Administrative Code Section 3-111
 - **Redundant to:** Work done by newer groups focusing on specific issues.
 - **Non-usefulness:** Was established in 1986 in response to the crack epidemic; today's efforts better serve the City's needs.



Reports

12. Preliminary Mayor's Management Report – Mayor
 - Published annually; reports on mid-year snapshot of agency performance.
 - Charter Section 12
 - **Redundant to:** CPR (available online monthly) and MMR.
 - **Non-usefulness:** Need is outdated; agencies do not use it in budgeting.
 - **Resources:** 5 staff full time for 6 weeks, 1-2 staff from each agency, 2 approvals at Operations and 1 at each agency.

13. Sustainable Stormwater Management Plan Report – OLTPS
 - Published biennially; reports on the status of the plan.
 - Administrative Code Section 24-526.1
 - **Redundant to:** NYC Green Infrastructure Plan
 - **Non-usefulness:** Plan only included milestones through 2010.
 - **Resources:** 1 staff, additional help from 12 staff from other agencies, approval from the Deputy Mayor for Operations; ~\$10,000 in staff time.

14. Criminal Justice Account Allocation of Funds Report – NYPD/OMB
 - Published annually; reports on allocation of funds and status of implementation of the safe streets-safe city program.
 - Administrative Code Section 5-605
 - **Non-usefulness:** The account and program are defunct and there is no funding left in the account on which to report.



Advisory Boards

1. NYC Commission for the Foster Care of Children – ACS
 - Convened monthly; studies foster care facilities and services.
 - Administrative Code 21-118
 - **Redundant to:** The Commissioner’s Advisory Board.

2. Consumers Council – DCA
 - Convened as needed; represents various industries and consumer groups to gather information about businesses and consumers.
 - Charter Section 2204
 - **Redundant to:** Industry association meetings, and meetings of Community Boards, BIDs, Chambers of Commerce; social media.
 - **Resources:** ~\$6,100 in staff time for last meeting.

3. Inter-Agency Advisory Council on Towing – DCA
 - Convened as needed; advises on issues relating to towing industry.
 - Administrative Code Section 20-521
 - **Redundant to:** Ad hoc meetings with NYPD.
 - **Non-usefulness:** The Council was created in 1987 when regulation of the towing industry was transferred from NYPD to DCA; after a few years, oversight of the industry became routinized.



Advisory Boards

4. Tattoo Regulation Advisory Committee – DOHMH

- Convened as needed; advises the Commissioner on health issues relating to tattooing.
- Administrative Code 17-361
- **Non-usefulness:** Tattoo infection control is no longer a concern, as tattooists are now licensed and trained.

5. Resource Recovery Task Force – DSNY

- Convened as needed; advises on programs of energy and materials recovery for City's solid and liquid wastes.
- Charter Section 1403
- **Non-usefulness:** This was established in 1977 to develop SWMP, which is now implemented by DSNY.



Advisory Boards

6. Arson Strike Force – FDNY

- Convened as needed; fosters agency cooperation to help control the City's arson problem.
- Administrative Code Section 15-301
- **Non-usefulness:** The high incidence of arson of the 1970s has subsided; the associated report is recommended for waiver as well.

7. Drug Enforcement/Drug Abuse Task Force – Mayor

- Convened as needed; fosters agency cooperation in the battle against drug use and in providing drug abuse services.
- Administrative Code Section 3-111
- **Redundant to:** Newer groups addressing specific drug issues.