



REPORT & ADVISORY BOARD REVIEW COMMISSION

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

CHAIR

Elizabeth Weinstein, Director
MAYOR'S OFFICE OF OPERATIONS

Pursuant to Charter §1113, the Report and Advisory Board Review Commission's held a public meeting on November 19, 2012 and voted to retain the following Reports:

MEMBERS

Hon. Christine C. Quinn, Speaker
NEW YORK CITY COUNCIL

Hon. Gale A. Brewer
NEW YORK CITY COUNCIL

Hon. Leroy Comrie
NEW YORK CITY COUNCIL

Michael A. Cardozo
CORPORATION COUNSEL

Rahul Merchant, Commissioner
DEPT OF IT & TELECOMMUNICATIONS

Mark Page, Director
OFFICE OF MANAGEMENT & BUDGET

1. Class Size Report (Charter §522(c)-(f))
2. Industrial and Commercial Incentive Program Report (Administrative Code §11-267)
3. Outreach Programs Report (Charter §612(a)(7))
4. Permanent Housing Needs Report (Charter §614)
5. Preliminary Mayor's Management Report (Charter §12)
6. Temporary and Non-Standard Classroom Report (Charter §522(b))

The Commission voted to waive the following Reports and Advisory Boards:

1. NYC Commission for the Foster Care of Children (Administrative Code §21-118)
2. Drug Enforcement/Drug Abuse Task Force (Administrative Code §3-111)
3. Drug Enforcement/Drug Abuse Task Force Report (Administrative Code §3-111)
4. Consumers Council (Charter §2204)
5. Inter-Agency Advisory Council on Towing (Administrative Code §20-521)
6. Zoning and Planning Report (Charter §192(f))
7. Use of Refuse Burning Equipment without Control Apparatus Report (Administrative Code §24-158)
8. Tattoo Regulation Advisory Committee (Administrative Code §17-361)
9. Horse Drawn Cab Stand Report (Administrative Code §19-174)
10. Ultra Low Sulfur Diesel Fuel for Ferries Report (Administrative Code §19-307)
11. Resource Recovery Task Force (Charter §1403)
12. Arson Strike Force (Administrative Code §15-301)
13. Arson Strike Force Report (Administrative Code §15-303)
14. Criminal Justice Account Allocation of Funds Report (Administrative Code §5-605)



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15. Sustainable Stormwater Management Plan Report (Administrative Code §24-526.1)

A complete copy of the waiver determinations has been filed with the City Council and is included below.

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 Office of the Corporation Counsel, 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 www.nyc.gov/ReportsandBoards or by contacting the Commission staff at ReportsandBoards@cityhall.nyc.gov.

Waiver Determinations

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

New York City Commission for the Foster Care of Children, Administrative Code §21-118

SUMMARY: Administrative Code §21-118 establishes the New York City Commission for the Foster Care of Children and requires the Mayor to appoint fifteen public members who are active in the field of child care to the Commission. The provision requires the Commission to meet at least monthly (except in July and August) and make recommendations to the Commissioner of the Administration for Children's Services ("ACS"), the Administrative Judge of the New York State Family Court, and other appropriate authorities. The Commission is required to advise on the following areas: foster care standards, the extent and nature of the facilities required to provide adequate foster care, the type and age range of children to be admitted to temporary shelters, potential studies of temporary shelters, records and statistics to be reported, foster care agency performance and program development, and lengths of stay in shelters.

DETERMINATION: Waiver

RATIONALE: The Commission on Reports and Advisory Boards staff recommends the waiver of the Report based on a weighing of the criteria specified in Charter §1113(e)(2). Specifically:

- 1. The body does not substantially further the mission of City agencies with which it interacts or within which it is located.**

The Commission has been dormant for almost twenty years and had a previous period of dormancy prior to 1991. In or around 1991, Mayor David Dinkins appointed members to this commission. The Commission had apparently



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been dormant before that point, because Mayor Dinkins wrote that he “re-established the long dormant Mayor’s Commission for the Foster Care of Children.” It is ACS’s understanding that Mayor Rudolph Giuliani returned this commission to “dormant” status in or around 1994. No Mayor since Mayor Dinkins has appointed any members of the public to serve on this Commission, and it is ACS’s understanding that no meetings have been held since the end of 1993.

The Commission has remained dormant because ACS has developed more effective ways to solicit the perspectives of experts and community members. As the Commission is currently not active, it does not substantially further the mission of City agencies. ACS has several other programs and initiatives with similar purpose and function that are better suited to the current operations and resources of ACS (see #2).

2. The function or jurisdiction of the body is entirely or partly duplicative of the function or jurisdiction of another mandated body.

The intended functions and jurisdiction of the New York City Commission for the Foster Care of Children are duplicative of the various functions of ACS, as described below. In addition, prior ACS Commissioner John Mattingly created the "Commissioner's Advisory Board," as a way to gather expertise and insight from various stakeholders in the child welfare arena and/or directors of agencies with whom ACS works closely. ACS’s current Commissioner Ronald Richter continues to hold quarterly meetings of this Advisory Board to work and communicate closely with stakeholders and leaders of other agencies. The members of the Board include representatives from the City Council, City agencies, State Family Court, advocacy groups such as Children’s Aid Society, Lawyers for Children, and Harlem Children’s Zone, professors, foundations, and other community organizations.

Many of the required duties of the Commission duplicate the work of ACS. The Family Permanency Services Division, the Family Support Services Division, the Division of Child Protection, and the Family Court Legal Services Division work both within and across divisions to develop policy and provide recommendations to the Commissioner relating to foster care. The agency’s Division of Policy, Planning and Measurement, particularly the Performance Measurement, Management, and Improvement Unit within that division, establish standards for foster care in the City. That unit also studies and reports on the nature and extent of the facilities required to provide adequate foster care for children. ACS’s Children’s Center provides temporary shelter, and the Agency’s staff continues to develop and improve policies surrounding the shelters. The agency sends child welfare reports to the Council regularly. The Agency Program Assistance unit reviews performance of foster care agencies and institutions receiving public funding, and provides them with guidance and assistance when needed. The Commissioner and the Deputy Mayor of Health and Human Services incorporate feedback from the Commissioner’s Advisory Board and the Agency’s divisions into new policies that affect foster care. Internally, ACS is always working to decrease the length of stay of children in temporary shelters.

ACS continues to explore and implement different methods in order to secure the best outcomes for New York City’s children, in and out of foster care. For example, ACS launched the Community Partnerships Initiative in 2007, now called the Community Partnerships Program, where ACS works side-by-side with neighborhood organizations to promote child safety and strengthen the community’s ability to keep children safe and support families. The Community Partnerships Program also provides the Agency with a vehicle to aid in disseminating information to communities. Since 2007, ACS has created eleven Community Partnerships throughout New York City. The Partnerships are coalitions of Children’s Services, child welfare agencies, Head Start and Child Care provider agencies, and other stakeholders. They explore innovative, community-based strategies that can positively impact child welfare outcomes for the City’s children. The coalitions include forums where members share resources, ideas, information, and referrals, and the participants engage in joint planning, service coordination, training, and advocacy. The Partnerships focus on four main tasks: promoting innovative approaches to a coordinated service delivery system; family team conferences that contribute to decision-making about the needs,



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services, and safety plans appropriate to each family's particular circumstances; supporting existing and recruiting new foster and adoptive parents in communities where they are needed; and facilitating visits between parents, children, and siblings in foster care.

3. The benefits and usefulness of the body do not outweigh the expenditure of public resources to support and interact with it.

The expenditure of public resources to re-convene this Commission for the first time in two decades and to allocate funds to pay for the salary of the executive director and the assistant to the executive director, as directed by Administrative Code §21-118, would outweigh any potential benefits and usefulness of this body.

4. Additional factors in support of a waiver:

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

Two criteria did not support a waiver. First, the function or jurisdiction of the body is not limited to the production of reports that have been waived pursuant to Charter Section 1113. However, staff did not assign much weight to this factor, as the functions of the body seem to be duplicative of other efforts. Second, the function or jurisdiction of the body is not irrelevant in light of changing circumstances and needs. ACS recognizes the intended functions of this body and studies of child welfare are ongoing and do remain relevant in light of changing circumstances and needs. However, the purpose of the body is already addressed in a number of different ways within the Agency through the various divisions of ACS, as well as through the Commissioner's Advisory Board. Consequently, the discrete function of this body would not further the mission of the Agency and is duplicative of existing efforts.

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 387 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. A copy of the Commission's e-mail notification list is available at www.nyc.gov/ReportsandBoards. No comments were submitted to the Commission in favor or in opposition of this waiver.

Drug Enforcement and Drug Abuse Task Force, Administrative Code §3-111(a)

SUMMARY: Administrative Code §3-111(a) establishes a Drug Enforcement and Drug Abuse Task Force with members appointed by the Mayor including 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 ("CJC"). CJC chairs the Task Force. The Task Force is instructed to request participation by representatives of the Health and Hospitals Corporation, Board of Education, each of the District Attorney's offices, and the Special Narcotics Prosecutor. Section 3-111(b) charges the Task Force with submitting an informal quarterly report of its ongoing coordination activities, and a formal annual report including any findings and recommendations.

DETERMINATION: Waiver

RATIONALE: The Commission staff recommends the waiver of the Task Force based on a weighing of the criteria specified in Charter §1113(e)(2). Specifically:



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1. The body does not substantially further the mission of City agencies with which it interacts or within which it is located

The Substance Abuse Task Force, which has not met in at least ten years, no longer furthers the mission of the agencies that form its membership. CJC found that a task force formed to talk about drug abuse generally is not effective, and instead, CJC pursues more targeted efforts and solutions. In addition to CJC, other member agencies – NYPD and DOHMH – continue to undertake various efforts to address drug addiction, including by working on the Mayor’s Task Force on Prescription Painkiller Abuse, as well as providing reports concerning the treatment of individuals addicted to drugs. That Task Force includes members of the Substance Abuse Task Force, such as DOHMH, HRA and the Police Department, and focuses on many of the goals of the Substance Abuse Task Force (including preventing addiction and treating addicts). Since the creation of the Substance Abuse Task Force, the various District Attorneys’ offices have created alternative to incarceration programs, which place people accused of crimes into drug treatment programs. Additionally, in 2009, the State adopted a judicial diversion program that diverts certain criminal offenders to drug treatment programs. Moreover, DOHMH has a Bureau of Alcohol and Drug Use Prevention, Care and Treatment, which among other things has promoted safe needle exchange and naloxone distribution. These efforts by various City and State agencies have vastly improved the quality of care addicted persons get in the City since the Substance Abuse Task Force was created, and the approach of focusing on a specific outcome has been deemed much more useful than the general Substance Abuse Task Force.

2. The function or jurisdiction of the body is entirely or partly duplicative of the function or jurisdiction of another mandated body

This task force would overlap with the work that the member agencies are already doing. The NYPD, DOHMH and the District Attorney’s offices routinely provide detailed statistics on the ongoing effort to prevent drug abuse. In addition to these bodies, which routinely provide treatment and analysis of persons addicted to the traditional drugs of the 1970s and 1980s, the Mayor has formed the Prescription Painkiller Task Force, whose representation overlaps with the membership of the Substance Abuse Task Force. Prescription painkillers are the most abused drugs in New York City and have accounted for more overdose deaths than heroin and cocaine combined. The members of the Prescription Painkiller Task Force work collaboratively to address the serious rise in the abuse of prescription opioids, by identifying public health and law enforcement strategies and by advocating for State legislation to assist in the City’s effort to combat the opioid epidemic.

3. The function or jurisdiction of the body is limited to the production of reports that have been waived pursuant to Charter Section 1113

The Commission staff recommends a waiver of the report requirement as well. This reporting requirement was one of the key functions of the Task Force. Indeed, the reporting requirement is the only stated requirement of the Task Force in the Administrative Code. The report is duplicative of the efforts of the NYPD, District Attorneys’ offices and DOHMH, all of whom regularly provide reports concerning the treatment of individuals addicted to drugs, in their efforts to combat drug abuse.

4. The function or jurisdiction of the body is irrelevant in light of changing circumstances and needs

The Task Force was originally formed to address the crack epidemic of the 1980s. While efforts to combat all types of drug abuse remain a high priority, this particular Task Force is no longer necessary. Since the time the Task Force was formed, there have been many more focused developments in terms of drug treatment. As stated earlier, the City began successful alternative to incarceration programs and State law now permits judges to divert people



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accused of crimes into drug treatment. Additionally, DOHMH has stepped up efforts since the 1980s to provide substance abuse counseling to those who are addicted to narcotics.

5. The benefits and usefulness of the body do not outweigh the expenditure of public resources to support and interact with it

The Task Force no longer meets and has not met in many years. Any usefulness that it would serve is outweighed by the resources that would be required to reconvene it.

6. 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 387 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. A copy of the Commission's e-mail notification list is available at www.nyc.gov/ReportsandBoards. No comments were submitted to the Commission in favor or in opposition of this waiver.

Drug Enforcement and Drug Abuse Task Force Report, Administrative Code §3-111(b)

SUMMARY: Administrative Code §3-111(a) establishes a Drug Enforcement and Drug Abuse Task Force with members appointed by the Mayor including 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. The Criminal Justice Coordinator chairs the Task Force. The Task Force is instructed to request participation by representatives of the Health and Hospitals Corporation, Board of Education, each of the District Attorney's offices, and the Special Narcotics Prosecutor. Section 3-111(b) charges the Task Force with submitting an informal quarterly report of its ongoing coordination activities, and a formal annual report including any findings and recommendations.

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 does not provide useful information for evaluating the results of programs, activities, and functions and their effectiveness in achieving their goals and objectives.

If produced, the Substance Abuse Task Force Report would not provide useful information because the Task Force assigned with creating the report has not met in at least 10 years. The Substance Abuse Task Force and its report no longer further the mission of the agencies that form its membership. CJC found that a task force formed to talk about drug abuse generally is not effective, and instead, CJC pursues more targeted efforts and solutions. In addition to CJC, other member agencies – NYPD and DOHMH – continue to undertake various efforts to address drug addiction, including by working on the Mayor's Task Force on Prescription Painkiller Abuse, as well as providing reports concerning the treatment of individuals addicted to drugs. That Task Force includes members of the Substance Abuse Task Force, such as DOHMH, HRA and the Police Department, and focuses on many of the



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goals of the Substance Abuse Task Force (including preventing addiction and treating addicts). Since the creation of the Substance Abuse Task Force Report, the various District Attorneys' offices have created alternative to incarceration programs, which place people accused of crimes into drug treatment programs. Additionally, in 2009, the State adopted a judicial diversion program that diverts certain criminal offenders to drug treatment programs. Moreover, DOHMH has a Bureau of Alcohol and Drug Use Prevention, Care and Treatment, which among other things has promoted safe needle exchange and naloxone distribution. These efforts by various City and State agencies have vastly improved the quality of care addicted persons get in the City since the Substance Abuse Task Force was created, and the approach of focusing on a specific outcome has been deemed much more useful than the general Substance Abuse Task Force. Additionally, these agencies regularly report on the persuasiveness of drug addiction problems and on the effectiveness of their treatment solutions.

2. The report does not provide useful information for assessing the effectiveness of the management of City resources.

The Report would look at the problem of substance abuse generally, as opposed to specific issues like prescription drug abuse or opioid addiction. A better way to evaluate the management of City resources is to look at specific programs and their results, which the City does regularly through the work described above. The agencies who tackle specific substance abuse issues regularly report on the effectiveness of their programs and initiatives.

3. Whether the report is entirely or partially duplicative of the subject matter of any other mandated report.

It is understood that this reporting requirement was one of the key functions of the Task Force. Indeed, the only stated requirement of the Task Force in the Administrative Code provisions is the reporting requirement. Any report issued by the Task Force would overlap with the work that the member agencies are already doing. The NYPD, DOHMH and the District Attorney's offices routinely provide detailed statistics on the ongoing effort to prevent drug abuse. In addition to these bodies, which routinely provide treatment and analysis of persons addicted to the traditional drugs of the 1970s and 1980s, the Mayor has formed the Prescription Painkiller Task Force, whose representation overlaps with the membership of the Substance Abuse Task Force. Prescription painkillers are the most abused drugs in New York City and have accounted for more overdose deaths than heroin and cocaine combined. The members of the Prescription Painkiller Task Force work collaboratively to address the serious rise in the abuse of prescription opioids, by identifying public health and law enforcement strategies and by advocating for State legislation to assist in the City's effort to combat the opioid epidemic.

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

The Task Force and Report were originally established to address the crack epidemic of the 1980s. While efforts to combat all types of drug abuse remain a high priority, this particular Task Force Report is no longer necessary. Since the time the Task Force was formed, there have been many more focused developments in terms of drug treatment. As stated earlier, the City began successful alternative to incarceration programs and State law now permits judges to divert people accused of crimes into drug treatment. Additionally, DOHMH has stepped up efforts since the 1980s to provide substance abuse counseling to those who are addicted to narcotics.

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



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The Task Force no longer produces reports and has not done so in many years. Any usefulness that it would serve is outweighed by any resources that would be required to assemble the members of the Substance Abuse Task Force and provide reports.

6. 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 387 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. A copy of the Commission's e-mail notification list is available at www.nyc.gov/ReportsandBoards. No comments were submitted to the Commission in favor or in opposition of this waiver.

Consumers Council, Charter §2204

SUMMARY: Charter §2204 establishes a consumers council, consisting of the Commissioner of Consumer Affairs, ex officio, and twelve Mayoral appointees representing a cross section of consumer interests, to 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.

DETERMINATION: Waiver

RATIONALE: The Commission staff recommends the waiver of the Consumers Council based on a weighing of the criteria specified in Charter §1113(e)(2). Specifically:

1. The body does not substantially further the mission of the City agency with which it interacts.

The Council was most useful when the Department of Consumer Affairs was first established in 1968. However, today the agency uses a wide variety of outreach mechanisms, many of which are facilitated by improved technology, to more effectively exchange information and feedback with businesses and consumers. The Department now conducts industry meetings, open houses, outreach days, and social media to interface with a much broader array of the public than a formal body of twelve individuals can provide. The Department conducts intensive outreach to businesses and consumers through close involvement with Business Improvement Districts, business associations, Chambers of Commerce, community boards, events at senior center centers and schools throughout the City, obviating the need or added value of the Council.

2. The body is irrelevant in light of changing circumstances and needs.

As stated above, since the Council's inception in 1968, the agency has found more effective ways to stay in close contact with its 55 regulated industries and the consumers that are impacted by them, through regular in-person and social media outreach.

3. The benefits and usefulness of the body do not outweigh the expenditure of public resources to support and interact with it.



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The Consumers Council has met once in the last few years, and the Department indicated that more than 100 staff hours were dedicated to preparing and coordinating the meeting. The existence of the Council does not significantly benefit the public or the agency, nor does it outweigh the cost of supporting it. Staff time and resources would be better spent focusing on other outreach methods that provide meaningful contact with businesses and consumers.

Two criteria did not support a waiver. First, the Council is not duplicative of the function or jurisdiction of any other mandated body. This criterion was not significant as the Council has become irrelevant in light of more effective outreach tools. Second, the Council's function or jurisdiction is not limited to the production of reports that have been waived pursuant to Charter §1113. On balance, the broader role of the Council was not compelling as a sufficient reason to withhold the 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 387 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. A copy of the Commission's e-mail notification list is available at www.nyc.gov/ReportsandBoards. Common Cause, a nonpartisan advocacy organization, provided the only comment on this advisory board, opposing the waiver because it felt that ad hoc outreach was not a replacement for a mandated formal council. The Department submitted written testimony, which was published on the Commission's website, in response to the Common Cause comment about the necessity of the waiver.

Interagency Advisory Council on Towing, Administrative Code §20-521

SUMMARY: Administrative Code §20-521 establishes an Interagency Advisory Council consisting of the Police ("NYPD") and Transportation ("DOT") Commissioners, both of whom serve ex-officio, and a representative of the Mayor's Office. The Council may make recommendations to the Department of Consumer Affairs ("DCA") Commissioner concerning the criteria for the issuance of licenses for towing vehicles and for authorization to participate in the rotation tow program and directed accident response program. At the DCA Commissioner's request, the Council may advise and assist the agency on any matter concerning the City's regulation of towing.

DETERMINATION: Waiver

RATIONALE: The Commission staff recommends the waiver of the Inter-Agency Advisory Council on Towing based on a weighing of the criteria specified in Charter §1113(e)(2). Specifically:

1. The body does not substantially further the mission of the City agency with which it interacts.

This Council was created when regulation of the towing industry was transferred from NYPD to DCA in 1987. Since NYPD was still the primary enforcing agency at the time, the Interagency Advisory Council was established so that the two agencies would have the opportunity to hold ongoing meetings to address any issues as they arose during that transition period. DOT was included as a member of the Council because the law concerning the non-consensual vehicle towing on private property is codified in a DOT chapter of the Administrative Code. DCA, not DOT, enforces that law and DOT has never played a role in towing or Council activities.



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Over time all three of the agencies involved recognized that there was little need for formal Council meetings. NYPD continues to enforce laws applicable to the towing industry through both the Directed Accident Response Program and the Rotation Tow Program and administers the Arterial Tow Program, while DCA establishes rules and regulations for licensing the tow industry. DCA has ongoing contact with NYPD's legal division and precinct commands as needed. The Director of DCA's licensing division is in regular contact with NYPD on tow truck dispatch. Both agencies feel that these targeted, ongoing communications allow the agencies to address towing issues as they arise, obviating the need for a Council.

2. The body is irrelevant in light of changing circumstances and needs.

See above.

3. The benefits and usefulness of the body do not outweigh the expenditure of public resources to support and interact with it.

The Council no longer meets and has not met in many years. Any usefulness that it would serve is outweighed by the resources that would be required to reconvene it.

Two criteria did not support a waiver. First, the Council is not duplicative of the function or jurisdiction of any other mandated body. This criterion was not significant as the Council has become irrelevant in light of more effective outreach tools. Second, the Council's function or jurisdiction is not limited to the production of reports that have been waived pursuant to Charter §1113.

On balance, the broader role of the Council was not compelling as a sufficient reason to withhold the 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 387 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. A copy of the Commission's e-mail notification list is available at www.nyc.gov/ReportsandBoards. The Commission did not receive any comments supporting or opposing this waiver.

Zoning and Planning Report, Charter §192(f)

SUMMARY: Charter §192(f) requires the City Planning Commission to file a Zoning and Planning Report with the Mayor, City Council, Public Advocate, borough presidents and community boards every four years. The report must include: 1) a statement of the Commission's planning policy, taking into consideration other related City reports and findings; 2) a summary of significant plans and studies completed or undertaken by the Department of City Planning ("DCP") in the preceding four years; 3) an analysis of zoning resolutions that may merit reconsideration in light of the Commission's planning policy; and 4) proposals for implementing the planning policy.

DETERMINATION: Waiver



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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 does not provide useful information for evaluating the results of programs, activities, and functions and their effectiveness in achieving their goals and objectives.**

The Report, as established by Charter § 192(f), does not evaluate programs or activities. The Report evaluates the need for future planning and zoning changes; however, the City Planning Commission typically identifies, analyzes and publicizes these changes more regularly than the every four year period called for in the Charter through means other than the Report (see #4 below).

- 2. The report does not provide useful information for assessing the effectiveness of the management of City resources.**

The Report does not address the management of City resources and thus does not serve as a basis for assessment.

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

The report is duplicative of several available resources. The Charter mandate requires a statement of planning policy that is paralleled and superseded in the City Charter requirement for PlaNYC as a result of Local Law 17 of 2008. PlaNYC requires placing planning in a broader interagency context than the Zoning and Planning Report. PlaNYC requirements include reporting on population projections and a series of required analysis topics such as housing, open space, transportation, water quality, infrastructure, and climate change. While §192(f) does not specify the topics to be included in the Zoning and Planning Report, topics covered have mirrored those of PlaNYC such as “housing and the urban fabric”; “moving people and goods”; and “moving water and waste.” Preparation of future Zoning and Planning Reports would be duplicative of the materials included in PlaNYC, while being less complete as a comprehensive planning tool.

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

The Zoning and Planning Report was intended to require periodic reconsideration of the relationship of zoning to planning objectives. Added in the 1989 Charter reform during the pre-Internet era, it was intended to engage the public on important planning issues that affect zoning policy. The drafters could not have contemplated modern means of communicating and updating planning information. In the Internet era, the presentation and dissemination of planning information and policies are far more frequent and immediate than a periodic hard-copy Zoning and Planning Report. Today’s resources include:

- As part of its ongoing communication to the public, DCP maintains a Department Strategic Plan on its website. This strategic plan was significantly updated in 2011, and is updated more frequently than the requirement for the quadrennial Zoning and Planning Report.
- In addition to the Strategic Plan, the DCP Website also features an interactive citywide map that allows the public to navigate all of the DCP’s active planning studies, as well as other available information regarding demographic, land use and planning information that inform planning policy.

The flexibility and frequency with which the DCP can communicate new policy ideas to the public through the website results in fresher and more abundant information than can be provided in a once every four year



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publication. The City dialogue regarding planning policies is better served by this more dynamic and flexible practice.

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

DCP anticipates that preparation of the Report would require at least three full time staff members for approximately one out of every four years, as well as significant staff time from the Parks and Recreation Department, Department of Environmental Protection and the Economic Development Corporation. In light of the Report's redundancy, lack of useful information, and irrelevancy as stated above, the benefits would not outweigh these significant expenditures.

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 387 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. A copy of the Commission's e-mail notification list is available at www.nyc.gov/ReportsandBoards.

The potential waiver of the Report elicited one statement in opposition, which was submitted by Common Cause, a nonpartisan advocacy group. Common Cause raised concerns that the waiver would replace a Charter requirement with reliance on Mayoral initiatives and criticized DCP for failing to engage in long term strategic planning. DCP submitted written testimony, which was published on the Commission's website, in response to the Common Cause testimony, noting that future comprehensive PlaNYC reports are required under Local Law 17 of 2008 and that the agency's other reports and plans address long term strategic planning.

Use of Refuse Burning Equipment without Control Apparatus
Report, Administrative Code §24-158(b)

SUMMARY: Administrative Code §24-158 prohibits the operation of Department of Sanitation incinerators without the use of a control apparatus to regulate emission levels. Subdivision (b) requires the Commissioner of Environmental Protection to issue a biannual report to the City Council detailing compliance, the cause of any noncompliance, and what action is being undertaken to ensure compliance.

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 does not provide useful information for evaluating the results of programs, activities, and functions and their effectiveness in achieving their goals and objectives.

The reporting requirement has become obsolete. The Department of Sanitation no longer uses incinerators to burn refuse as a method of disposal, and thus there is no longer a program, activity, or function to be evaluated. Under the current New York City Comprehensive Solid Waste Management Plan (SWMP) which covers the period of 2006 through 2025 and which was adopted by the New York City Council in July 2006 and approved by New York State Department of Environmental Conservation in October 2006, the Department of Sanitation is currently



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implementing a long-term barge and rail-based system. The system relies on existing City waste infrastructure and a mix of public and private facilities to export Department-managed waste that is not prevented, reused, recycled or composted each day through Department programs out of the City. All Department-managed waste in Staten Island and the Bronx, and a portion from Brooklyn, is currently transported out of the City by rail, and the remainder of Department-managed waste in the City is exported out of the City by long-haul trucks under interim contracts.

2. The report does not provide useful information for assessing the effectiveness of the management of City resources.

Because the Department no longer operates the equipment that is the subject of this Report, there are no resources to be assessed for effectiveness.

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

As stated above, the City's waste management policies and practices have changed since this reporting requirement was promulgated, and, as a result, the Report is irrelevant.

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

If the Report were produced, it would require a small expense related to writing and delivering the document. However, even this minimal expenditure would be a waste of resources in light of the non-usefulness of the Report.

5. Additional factors in support of a waiver.

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

One criterion did not support a waiver—the Report is not duplicative of any other mandated report. However, the lack of duplication was not a significant factor because the Report is outdated.

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 387 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. A copy of the Commission's e-mail notification list is available at www.nyc.gov/ReportsandBoards. No comments were submitted to the Commission in favor or in opposition of this waiver.

Tattoo Regulation Advisory Committee, Administrative Code § 17–361

SUMMARY: Administrative Code § 17–361 establishes the Tattoo Regulation Advisory Committee to advise the Commissioner of Health and Mental Hygiene on issues relating to tattooing, including rules needed to carry out laws relating to tattooing. The Mayor and Speaker appoint eight members who are licensed dermatologists, have experience in tattooing or training of tattooing, or are knowledgeable in sterilization and sanitary procedures. The Commissioner of Health and Mental Hygiene appoints the chair.



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DETERMINATION: Waiver

RATIONALE: The Commission staff recommends the waiver of the Report based on a weighing of the criteria specified in Charter §1113(e)(2). Specifically:

1. The body does not substantially further the mission of City agencies with which it interacts or within which it is located

The Tattoo Regulation Advisory Committee was created because of concerns about infection control practices when tattooing was first regulated. In 1961, after an outbreak of hepatitis in New York City, the City banned tattooing and did not lift the ban until 1997. The Advisory Committee was created when the ban was lifted.

There has not been a single outbreak of hepatitis in the City in the years since the ban. The Administrative Code requires a license to engage in tattooing. Applicants must pass a Department of Mental Health and Hygiene (DOHMH) exam and pay a biennial license fee. By law, the exam must cover knowledge of health issues, including infection control, utilization of universal precautions as recommended by the federal centers for disease control and prevention, and proper methods of waste disposal. Licensees face fines ranging from \$300 to \$1,000 if found guilty of operating illegally.

The risks of disease from inadequate tattoo safety have been reduced, and tattoo safety can be ensured through other efforts. While disease and infection control are priorities for DOHMH, a specific advisory committee on tattoo regulation is not necessary to ensure tattoo safety.

2. The function or jurisdiction of the body is entirely or partly duplicative of the function or jurisdiction of another mandated body

Any risks of infectious diseases transmitted through tattooing are best monitored through the Bureau of Communicable Disease of DOHMH's Division of Disease Control. This Bureau aims to rapidly recognize and respond to communicable disease threats in order to prevent or control ongoing transmission. The Bureau has a surveillance unit that responds when infection control issues are identified, and can provide guidance to businesses and the public on safe practices. The unit conducts surveillance for 73 infectious diseases or conditions, and responds to complaints made about tattooing conditions.

3. The function or jurisdiction of the body does not remain relevant in light of changing circumstances and needs

There is no evidence suggesting that tattooing is currently being practiced in an unsafe manner; therefore, the body's discrete function is no longer relevant. Any health concerns raised by tattooing would be best addressed through DOHMH's Division of Disease Control.

4. Whether the benefits and usefulness of the body outweigh the expenditure of public resources to support and interact with it

Because the Advisory Committee is no longer relevant, any expenditure of public resources by the Advisory Committee would outweigh its benefits and usefulness.

5. Additional factors in support of a waiver

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



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One criterion did not support a waiver -- The function or jurisdiction of the body is not limited to the production of reports that have been waived pursuant to Charter Section 1113. However, the staff did not heavily weigh this factor, as the functions of the body seem to be duplicative of other efforts.

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 387 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. A copy of the Commission's e-mail notification list is available at www.nyc.gov/ReportsandBoards. No comments were submitted to the Commission in favor or in opposition of this waiver.

Horse Drawn Cab Stand Report, Administrative Code §19-174(c)

SUMMARY: Administrative Code §19-174 regulates the designation of locations for passengers boarding horse drawn cabs and the operations of the cab stands. Subdivision (c) requires the Department of Transportation ("DOT") annually to review the existing locations of the stands and any proposals to establish or eliminate stands. The report must detail DOT's review and include a list of the locations and reasons why proposals were either accepted or rejected.

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 does not provide useful information for evaluating the results of programs, activities, and functions and their effectiveness in achieving their goals and objectives.

The reporting requirement does not provide useful information for evaluating results or effectiveness of horse drawn cab stand locations. DOT has not received any proposals to eliminate or add new locations since approximately 2008; stand locations are not regularly eliminated or added. DOT's primary objective for the stand locations is to facilitate traffic movement and safety. Accordingly, DOT does not annually review existing locations, except to maintain signage (e.g. replacing or relocating a sign) and to provide an inventory of all authorized parking locations Citywide. DOT focuses on enforcing curbside regulations for horse drawn cab stands, which is more central to the agency's mission. The Report would not provide further useful information in consideration of the agency's objectives to facilitate traffic movement and safety.

2. The report does not provide useful information for assessing the effectiveness of the management of City resources.

Operation of horse drawn carriages is licensed by the New York City Department of Consumer Affairs (DCA). According to DOT's Parking Bureau, there are currently five locations, totaling 33 stands, all of which are within the periphery of Central Park and have remained unchanged. The location and number of these stands does not have any bearing on resource allocation to DOT because they are licensed by DCA; therefore, the reporting requirement would not influence it either.

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



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This Report is not relevant because, as indicated above, DOT has not received any proposals to eliminate or add new locations since approximately 2008, and existing locations have remained unchanged. Stand location regulations are maintained in an internal database. A better alternative is for DOT to continue to maintain such internal records for purposes of installing and maintaining street signage for curbside regulations.

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

Given the marginal usefulness of the report, the costs – including costs of inspectors surveying each stand location – would outweigh the benefits.

5. Additional factors in support of a waiver.

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

One criterion did not support a waiver—the Report is not duplicative of any other mandated report.

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 387 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. A copy of the Commission's e-mail notification list is available at www.nyc.gov/ReportsandBoards. No comments were submitted to the Commission in favor or in opposition of this waiver.

Ultra Low Sulfur Diesel Fuel for Ferries Report, Administrative Code §19-307(j)

SUMMARY: Administrative Code §19-307, enacted in 2008, regulates the use of ultra low sulfur diesel (ULSD) fuel and the best available technology for reducing the emission of pollutants for city ferries. Subdivision (j) requires the Mayor to issue an annual report to the City Council regarding the use of diesel fuel-powered city ferries and the ULSD fuel used to power them, as well as the use of best available technology and other authorized technology.

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 does not provide useful information for evaluating the results of programs, activities, and functions and their effectiveness in achieving their goals and objectives.

The reporting requirement does not provide useful information for evaluating best available technology (BAT) for new ferry engine upgrades because DOT has already retrofitted six ferries, and is currently in the process of retrofitting its last two ferries. Accordingly, the Report will effectively become obsolete as all ferries will have been retrofitted by 2013. In addition, once ferry engines are upgraded, there are no further enhancements to the engine, other than maintenance of the ferry. Any further upgrades would entail elevating the classification level (from Tier II to III, or from III to IV), which would require the procurement of a new ferry, and would not fit into the reporting requirement because section 19-307 only requires reporting on Tier II.



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Another reason that the report is not useful to the agency is that BAT changes from year to year. At the time of retrofitting any ferry engine, the *existing* BAT at that time is utilized, whereas the Report would contain *previous* BAT utilized at the time the Report was written. The Department of Transportation (DOT) determined that previous BAT did not factor into which BAT to use for current upgrades. Therefore, consulting the Report would not enhance the function of DOT's ferries in achieving lower emissions because prior years' BAT would not be evaluated when retrofitting engines.

The information on the use of ULSD is not useful because by next year, all of the ferries will be retrofitted to use ULSD. In addition, the Department currently reports on ULSD in PlaNYC (explained further below), so reporting on that here would be duplicative.

2. The Report does not provide useful information for assessing the effectiveness of the management of City resources.

This report is not effective with regard to assessing the effectiveness of the management of DOT's resources as resources are allocated in accordance with each ferry engine's manuals and/or maintenance and operational requirements. DOT has found that the manuals are the most relevant and up to date source for determining upgrades. The reporting requirement, on the other hand, sets up a schedule for engine upgrades, without specifying which BAT or equipment to use. The report also does not assist the Office of Management and Budget (OMB) in assessing allocations of resources to DOT because the Report would contain outdated information. Again, since six ferries have already been upgraded, and the two remaining are in progress, the report would not provide new useful information on allocations of resources.

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

While DOT does not currently produce the Report, it provides similar information in the City's PlaNYC report. In that publication, DOT reports on the progress of ferry engine upgrades and its operations with ultra low sulfur diesel fuel, i.e., how many ferries have been retrofitted to reduce emission levels. PlaNYC differs slightly from the report in that it does not contain information on BAT used to achieve such emission levels. The most recent publication, dated April 2011, is available on the nyc.gov website.

DOT also reports to the Regional Air Team Group on percentages of emissions reductions, based on the number of ferry trips which use ULSD fuel. The Group consists of the Port Authority, U.S. Environmental Protection Agency, N.Y. State Department of Environmental Conservation, and N.J. Department of Environmental Protection. Any such report is available to the public upon request.

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

This Report is not relevant because, as indicated above in response to the first factor, DOT has already retrofitted six out of eight of its fleet, with the remaining two currently being retrofitted to Tier II.¹

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

¹ Tiers are different emission standards established by the U.S. Environmental Protection Agency. The higher the level, the more stringent the emission level (i.e. least amount of emissions permitted).



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The costs to produce the Report would outweigh the benefits and usefulness. The cost to DOT would include hiring a consultant to produce the information required in the Report, which the agency estimates would cost approximately \$100,000 to \$300,000. This would outweigh the usefulness of the Report because any BAT utilized at the time the Report is written would be irrelevant by the time subsequent retrofits are designed and procured.

6. 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 387 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. A copy of the Commission's e-mail notification list is available at www.nyc.gov/ReportsandBoards. No comments were submitted to the Commission in favor or in opposition of this waiver.

Resource Recovery Task Force, Charter §1403(f)

SUMMARY: Charter §1403(f) establishes a Resource Recovery Task Force to advise and make recommendations to the Commissioners of Environmental Protection and Sanitation on programs relating to energy and materials recovery for the City's solid and liquid wastes. The Task Force consists of no more than twelve employees, in addition to clerical staff and an executive director who is appointed by both Commissioners.

DETERMINATION: Waiver

RATIONALE: The Commission staff recommends the waiver of the Resource Recovery Task Force based on a weighing of the criteria specified in Charter §1113(e)(2). Specifically:

1. The body does not substantially further the mission of the City agencies with which it interacts.

The Resource Recovery Task Force was established in 1977 when the Department of Sanitation ("DSNY") was part of the City of New York's Environmental Protection Administration superagency, together with the Department of Environmental Protection ("DEP") and Air Resources. It was comprised of five to eight people at different times, and their initial role and purpose was to develop, advise and make recommendations for a Solid Waste Management Plan for managing the City's solid waste and later implement it. The Task Force was made up of salaried employees and held no meetings but rather conducted regular business in the course of their workday at DSNY.

In the late 1970s DSNY formed the Office of Resource Recovery and Waste Disposal Planning headed by a Deputy Commissioner. The Office's mission, staff and work were duplicative of the Task Force.. The Office is now known as the Bureau of Long Term Export. This Bureau today is responsible for implementing the long term waste export programs under New York City's Comprehensive Solid Waste Management Plan ("SWMP") which the New York City Council adopted in July 2006, and was approved by the New York State Department of Environmental Conservation in October 2006.

There is no need for the Task Force because the impacted agency has already formalized its work through salaried employees in the Bureau of Long Term Export, which is charged with developing and implementing the SWMP after extensive public hearings.



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2. The body is entirely duplicative of the function and jurisdiction of another mandated body.

The Resource Recovery Task Force, whose purpose was to develop a Solid Waste Management Plan incorporating waste management and energy technologies existing at that time and later implement it, does not substantially further the impacted agencies' missions since this work is already being accomplished by DSNY's Bureau of Long Term Export. The Bureau undertook a comprehensive review of the activities undertaken to implement the City's first SWMP in 1992, as amended, an evaluation of where and how those efforts should be refocused to better meet the City's solid waste management needs, information on the City's ongoing solid waste management programs, and an extensive process of consultation with interested parties. Since the SWMP was approved by the State in 2006, the Bureau, working with other agencies, has advanced the SWMP goals and mission, and substantially completed many of the projects and initiatives discussed in the approved SWMP. The Task Force is long outdated, duplicative, and would not substantially further the missions of DSNY, which now has jurisdiction for resource recovery, nor DEP, which works in cooperation with the Bureau.

3. The body is irrelevant in light of changing circumstances and needs.

The existence of a Resource Recovery Task Force is long outdated and no longer necessary, as its intended function is duplicative of the Bureau of Long Term Export for DSNY.

4. The benefits and usefulness of the body do not outweigh the expenditure of public resources to support and interact with it.

Convening the Task Force would require dedicating time, resources and staff from both DEP and DSNY to duplicate functions already served by DSNY's Bureau of Long Term Export for no additional value.

One criterion did not support a waiver. The Task Force's function or jurisdiction is not limited to the production of reports that have been waived pursuant to Charter §1113. On balance, this criterion was not compelling as a sufficient reason to withhold the 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 387 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. A copy of the Commission's e-mail notification list is available at www.nyc.gov/ReportsandBoards. The Commission did not receive any comments supporting or opposing a waiver of the Resource Recovery Task Force.

Arson Strike Force, Administrative Code §§15-301 and 15-302

SUMMARY: Administrative Code §§15-301 and 15-302 establish an Arson Strike Force to foster cooperation between City agencies to combat arson. The Force is chaired by a representative from the Mayor's Office with representatives from the Fire Department, Police Department, Department of Human Resources, Department of Housing Preservation and Development, and Department of Finance.

DETERMINATION: Waiver



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RATIONALE: The Commission staff recommends the waiver of the Arson Strike Force based on a weighing of the criteria specified in Charter §1113(e)(2). Specifically:

1. The body does not substantially further the mission of the City agencies with which it interacts.

Administrative Code §15-301 explains the establishment of the Arson Strike Force and the attendant reporting requirement by citing the need for greater cooperation among City agencies in addressing increasing incidences of arson. Since the Strike Force was established in 1978 the incidence of arson has fallen significantly from the peak in the 1970s, mitigating the need for studies and recommendations on the subject matter. In addition, the Fire and Police Department address arson and do not need recommendations from the Strike Force to do so. Arson investigations are conducted by the Fire Department and the Police Department as part of their regular functions. The Fire Department conducts systematic reviews of trends and patterns in arson through a data-based computer system the agency maintains. The missions of the other three agencies on the Strike Force (Human Resources, Housing Preservation and Development, and Finance) are impacted by today's arson issues only minimally as the crime has so significantly abated since the Force's inception.

2. The body is irrelevant in light of changing circumstances and needs.

The Strike Force was established in 1978 at a time when, according to the enabling statute, there had been increasing incidents of arson endangering life and property in the City. New York City's arson epidemic was a major issue for the City in the 1970s, but in the decades since the epidemic has abated and arson crimes have fallen significantly. The Fire Department, which oversees the Bureau of Fire Investigation, does not believe that a Strike Force is needed to control a problem that has now greatly diminished.

3. The benefits and usefulness of the body do not outweigh the expenditure of public resources to support and interact with it

Convening the Task Force would require dedicating time, resources, and staff from five agencies and the Mayor's Office to issue an annual report of findings and recommendations for an epidemic that abated a long time ago. The Strike Force has been defunct since at least the 1990s because the expenditures required and the issue's limited scope do not warrant convening the group.

Two criteria did not support a waiver. First, the strike Force is not duplicative of the function or jurisdiction of another mandated body. Second, the Strike Force's function or jurisdiction is not limited to the production of reports that have already been waived pursuant to Charter §1113—instead the Commission is seeking to simultaneously waive the related reporting requirement at the next scheduled public meeting. On balance, these two criteria were not compelling as a sufficient reason to withhold the 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 387 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. A copy of the Commission's e-mail notification list is available at www.nyc.gov/ReportsandBoards. The Commission did not receive any comments supporting or opposing a waiver of the Arson Strike Force.



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Arson Strike Force Report, Administrative Code §15-303

SUMMARY: Administrative Code §15-303 requires the Arson Strike Force to submit to the Mayor and Council each September an annual report with any findings and recommendations of the Strike Force.

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 does not provide useful information for evaluating the results of programs, activities, and functions and their effectiveness in achieving their goals and objectives.**

Administrative Code §15-301 explains the establishment of the Arson Strike Force and the attendant reporting requirement by citing the need for greater cooperation among City agencies in addressing increasing incidences of arson. Since this reporting requirement was established in 1978 the incidence of arson has fallen significantly from the peak in the 1970s, mitigating the need for studies and recommendations on the subject matter. In addition, the Fire and Police Department address arson and do not need recommendations from the Strike Force to do so. Arson investigations are conducted by the Fire Department and the Police Department as part of their regular functions. The Fire Department conducts systemic reviews of trends and patterns in arson through a data-based computer system the agency maintains. The missions of the other three agencies on the Strike Force (Human Resources, Housing Preservation and Development, and Finance) are impacted by today's arson issues only minimally as the crime has so significantly abated since the Force's inception.

- 2. The report does not provide useful information for assessing the effectiveness of the management of City resources.**

The Arson Strike Force since at least the 1990s and as a result has not produced the Report.

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

The Strike Force and related annual report were established in 1978 at a time when, according to the enabling statute, there had been increasing incidents of arson endangering life and property in the City. New York City's arson epidemic was a major issue for the City in the 1970s, but in the decades since the epidemic has abated and arson crimes have fallen significantly. The Fire Department, which oversees the Bureau of Fire Investigation, believes that there is no longer a need for a body to look systemically at the issue of arson and to issue recommendations.

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

Drafting the Report would require dedicating time, resources and staff from five agencies and the Mayor's Office to develop findings and recommendations for an epidemic that abated a long time ago. The Strike Force has been defunct, and the Report has gone unpublished, since at least the 1990s because the expenditures required and the limited nature of this problem do not warrant convening the group to draft such a Report.



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One criterion did not support issuing a waiver. Specifically, the Report is not duplicative of the subject matter of other mandated reports. On balance, this criterion was not a sufficient reason to withhold the 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 387 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. A copy of the Commission's e-mail notification list is available at www.nyc.gov/ReportsandBoards. The Commission did not receive any comments in support or opposition of this waiver.

Criminal Justice Account Allocation of Funds Report, Administrative Code §5-605

SUMMARY: Administrative Code §5-605 established a reporting requirement for the Criminal Justice Account, which is a special accounting of the revenues and expenditures included in the safe streets-safe city omnibus criminal justice program. The section requires the Director of the Office of Management and Budget, in consultation with the Police Commissioner and other agency heads, to report annually on the actual year spending of the account and any changes to funding allocation, as well as the status of implementation of the program. The provision also requires the report to include information about new hires, civilianization and workload sharing efforts of NYPD, patrol strength around the City, and the implementation status of specific 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 does not provide useful information for evaluating the results of programs, activities, and functions and their effectiveness in achieving their goals and objectives.**

In February 1991, Mayor Dinkins created the safe streets-safe city program, which raised the size of the City's police force and hired more civilians for support duties. The program was funded by a Criminal Justice Account. This account received its funding from the City, imposing a 12.5% temporary income surcharge on City residents. It was also funded by real estate taxes, lottery funds, and other sources. The surcharge expired at the end of 1998, and the Criminal Justice Account was eliminated. The other sources expired as well. Since that time, the report on the Criminal Justice Account has not been prepared.

- 2. The report does not provide useful information for assessing the effectiveness of the management of City resources.**

When the report was published, it provided useful information on the expenditure of resources and implementation of the safe street-safe city program. The report would no longer provide useful information for assessing the effectiveness of the management of City resources, because there are no resources allocated to the account.

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

The report is not relevant since the funding supporting the Criminal Justice Account expired at the end of 1998.



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

There would be no benefit to producing the report because there is no funding in the Account and, therefore, nothing about which to report.

5. Additional factors in support of a waiver.

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

One criterion did not support a waiver—the Report is not duplicative of any other mandated report.

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 387 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. A copy of the Commission’s e-mail notification list is available at www.nyc.gov/ReportsandBoards. No comments were submitted to the Commission in favor or in opposition of this waiver.

Sustainable Stormwater Management Plan Report, Admin Code §24-526.1(b)(4)

SUMMARY: Local Law 5 of 2008 required the Mayor’s Office of Long-Term Planning and Sustainability (OLTPS) to develop and implement a sustainable stormwater management plan to reduce combined sewer overflows (CSOs) and improve water quality in the waterways surrounding New York City. The Sustainable Stormwater Management Plan was released in December 2008. Since the release of the plan, the City has implemented innovative stormwater management projects to demonstrate the feasibility of using more sustainable strategies to control stormwater runoff before it enters the city’s sewers and overwhelms the system. These efforts led to the creation of the New York City Green Infrastructure Plan in September 2009, which is now memorialized in the City’s CSO Consent Order, a legal agreement with the State of New York, to invest \$1.5 billion over the next 18 years to implement a green infrastructure strategy to manage stormwater.

Administrative Code §24-526.1(b)(4) requires the OLTPS to submit a report every two years on the implementation status of the measures in the Sustainable Stormwater Management Plan. The report must include a quantitative assessment, where possible, and a qualitative assessment of the progress made toward achieving each of the milestones in the plan.

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 does not provide useful information for evaluating the results of programs, activities, and functions and their effectiveness in achieving their goals and objectives.**

The Sustainable Stormwater Management Plan served an important function by providing a baseline analysis which demonstrated that there is great value in using innovative new methods to manage stormwater in New York City. However, the usefulness of the Sustainable Stormwater Management Plan has largely been superseded by a newer report, the City’s Green Infrastructure Plan. Also, the PlaNYC update released in April 2011 incorporated key commitments from the Sustainable Stormwater Management Plan and the NYC Green Infrastructure Plan. Therefore, reports on the Sustainable Stormwater Management Plan are less useful since the milestones and



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commitments by the City of New York to undertake sustainable stormwater management efforts are now largely found in PlaNYC and the CSO Consent Order that is based on the Green Infrastructure Plan.

2. The report does not provide useful information for assessing the effectiveness of the management of City resources.

The report is not intended to provide information for assessing the effectiveness of the management of City resources since it is understood that the purpose of the document was largely to make the argument for and begin implementation of sustainable stormwater management in New York City. The Sustainable Stormwater Management Plan achieved these purposes. More useful toward the assessment of the effectiveness of the management of City resources are the annual updates to PlaNYC and the CSO Consent Order. To the extent the report covering the Sustainable Stormwater Management Plan does assess the effectiveness of managing City resources, that information would be redundant with these other reports.

3. Whether the report is entirely or partially duplicative of the subject matter of any other mandated report.

The vast majority of the report is duplicative of multiple other mandated reports listed below:

- Annual Update to CSO Consent Order (i.e. the NYC Green Infrastructure Plan Update), which is mandated through an agreement between the City and the State
- PlaNYC Progress Report, which is mandated by Local Law 17 of 2008 to be produced annually
- Annual CSO BMP Report, which is mandated by the U.S. Environmental Protection Agency.

The report is also partially duplicative of the annual update to the “DEP Strategy 2011-2014.”

The Sustainable Stormwater Management Plan primarily included milestones through October 1, 2010. The vast majority of those milestones were completed, reconsidered, or incorporated into PlaNYC. There were also several “long-term” milestones. Many of these “long-term” milestones called for “exploring options for funding” for stormwater management source control, which is something that the City has achieved by signing an agreement with the State to make an historic \$1.5 billion public investment in green infrastructure over the next 18 years. Another major set of “long-term” milestones involved “monitoring and reporting” for stormwater source control pilot projects, which occurred in the NYC Green Infrastructure Plan 2011 Update and will happen in subsequent reports on the implementation of the CSO Consent Order and PlaNYC. A few of the “long-term” milestones have already been completed or incorporated into PlaNYC. A small number of remaining “long-term” milestones have been reconsidered as the City has prioritized its resources on implementing the Green Infrastructure Plan, which is the most important thing the City can do to reduce combined sewer overflows and improve water quality.

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

The *content* of the Sustainable Stormwater Management Plan remains relevant, but the *document itself* does not require additional reporting in light of the recently modified mandated reporting that will take place for the CSO Consent Order (which now incorporates green infrastructure and sustainable stormwater management), as well as PlaNYC.

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



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The time and effort to write and produce the report outweighs the benefit of providing information that is primarily available in other reports. A small number of milestones in the Sustainable Stormwater Management Plan are not incorporated into the reporting for the NYC Green Infrastructure Plan or other mandated reporting. These include reporting on the NYC Plaza Program, a series of pilot road reconstruction projects, Belt Parkway bridge projects, and ballfield source control projects. All of these projects are relatively minor in scale and impact. The actual amount of stormwater that would be captured by these projects pales in comparison to the projects that are being implemented through the City's mandated commitment to invest \$1.5 billion in green infrastructure over the next 18 years.

Testimony from the Stormwater Infrastructure Matters (S.W.I.M) Coalition raised numerous points in opposition to the waiver, including listing out the milestones that are not incorporated in the NYC Green Infrastructure Plan. Specifically, they raise the following concerns:

- They commented that the Sustainable Stormwater Management Plan and the NYC Green Infrastructure Plan cover different geographic areas.
 - David Bragdon, director of OLTPS, responded that the NYC Green Infrastructure Plan does focus primarily on combined sewer areas, but that is because the remaining water quality challenges facing New York City's waterways are primarily due to pollution from combined sewer overflows. The NYC Green Infrastructure Plan also improves stormwater management in separate sewer areas, principally through the adoption of new rules in January 2012 requiring additional on-site stormwater controls for new construction and major building alterations.
- The S.W.I.M. Coalition argued that specific aspects of the plan require revision, including sidewalk standards, road reconstruction, and maintenance options; low- and medium-density residential buildings; and green sector employment.
 - David Bragdon responded that the City continues to pursue changes to sidewalk standards and incorporated a milestone in the April 2011 Update to PlaNYC to renew this commitment. The City has developed a number of strategies to incorporate green infrastructure into road reconstructions and will evaluate opportunities to implement projects, if they prove to be cost effective, through the implementation of the \$1.5 billion green infrastructure strategy. The City has already addressed maintenance of green infrastructure through the execution of an interagency agreement between the Department of Environmental Protection (DEP) and the Department of Transportation (DOT) and the Department of Parks and Recreation (DPR). The City is also improving sustainable stormwater management on low- and medium-density residential buildings through the adoption of the January 2012 on-site stormwater rule and continues to evaluate potential strategies through the implementation of pilot studies such as green and blue roof technologies. Finally, the City fulfilled the milestone in the Sustainable Stormwater Management Plan regarding green employment by releasing the New York City Green Economy Plan in October 2009. Further, addressing green employment and job creation is a benefit of the City's green infrastructure strategies, but it is not the primary focus of these initiatives.

The benefits of providing updates on the Sustainable Stormwater Management Plan are outweighed by the costs in staff time and resources, especially considering that overall progress on the City's efforts to improve water quality and reduce combined sewer overflows are covered by mandatory reports for the NYC Green Infrastructure Plan, PlaNYC, and other documents. Creating an additional report for the Sustainable Stormwater Management Plan would involve the work of 1 staff member in the Mayor's Office working full-time for approximately one month, assistance from approximately 12 staff from other agencies, and approval from senior City officials, including the



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Deputy Mayor for Operations and the Commissioners from DEP, DPR, DDC, and DOT. The expenditure is estimated to be approximately \$10,000 annually.

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 387 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. A copy of the Commission's e-mail notification list is available at www.nyc.gov/ReportsandBoards.

One organization, the Stormwater Infrastructure Matters (S.W.I.M.) Coalition, provided detailed testimony against the waiver of this report. One other organization, Citizens Union, included opposition of a general nature to the waiver of this report in their testimony, which opposed the waivers of several other reports and advisory bodies as well. These testimonies, in addition to the response by David Bragdon, Director of OLTPS, are available at the web address above. Specific concerns raised in S.W.I.M.'s testimony and the OLTPS's response to those concerns are detailed in #5 above.