



THE COUNCIL

COMMITTEE REPORT OF THE GOVERNMENTAL AFFAIRS DIVISION

Andrea Vazquez, Legislative Director
Rachel Cordero, Deputy Director, Governmental Affairs

COMMITTEE ON GOVERNMENTAL OPERATIONS

Hon. Sandra Ung, Chair

April 14, 2022

Int. 205-A:

By Council Member Ung

Title:

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to removing certain reporting requirements selected for waiver by the report and advisory board review commission, and to repeal subdivision c of section 4-207 of the administrative code of the city of New York, relating to reports on assessments of certain clean on-site power generation technologies, and subdivision b of section 19-180.1 of such code, relating to reports on safety audits of crash locations involving pedestrians

Res. 120-A:

By Council Member Ung

Title:

Resolution disapproving the Report and Advisory Board Review Commission's determination to waive the 911 Operational Time Analysis Report required by and described in subdivisions b and c of section 14-149 of the Administrative Code of the City of New York, disapproving such Commission's determination to waive the Annual Youth Services Reports required by subdivision a of section 21-402 of the Administrative Code of the City of New York and approving the remaining four determinations of such Commission communicated to the City Council on December 30, 2021

I. INTRODUCTION

On April 13, 2022, the Committee on Governmental Operations, chaired by Council Member Sandra Ung, held a second hearing and vote on: Int. 205-A, sponsored by Council Member Ung, a Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to removing certain reporting requirements selected for waiver by the report and advisory board review commission, and to repeal subdivision c of section 4-207 of the administrative code of the city of New York, relating to reports on assessments of certain clean on-site power generation technologies, and subdivision b of section 19-180.1 of such code, relating to reports on safety audits of crash locations involving pedestrians; and Res. 120-A, also sponsored by Council Member Ung, a Resolution disapproving the Report and Advisory Board Review Commission's determination to waive the 911 Operational Time Analysis Report required by and described in subdivisions b and c of section 14-149 of the Administrative Code of the City of New York, disapproving such Commission's determination to waive the Annual Youth Services Reports required by subdivision a of section 21-402 of the Administrative Code of the City of New York and approving the remaining four determinations of such Commission communicated to the City Council on December 30, 2021. The introduction and resolution were approved by a unanimous vote of the Committee.

II. BACKGROUND

a. The Report and Advisory Board Review Commission

On November 2, 2010, the voters of the City approved a series of revisions to the New York City Charter, including the addition of section 1113, which established the Report and Advisory Board Review Commission (RABRC).¹ Under section 1113, the RABRC has the power and duty to review all requirements in the Charter, the Administrative Code, and the

¹ See Local Law 60 of 2010.

unconsolidated local laws of the City mandating: (i) the issuance of reports by city agencies, officers, or employees and (ii) the establishment of commissions, committees, boards, task forces or other similar bodies that are solely advisory in nature (hereinafter “advisory boards”).² In addition, the RABRC has the power—subject to the approval of the Council—to waive any such reporting or advisory board requirement.³ In the case of a reporting requirement, such a waiver causes the relevant report to cease to be required by law.⁴ In the case of an advisory board requirement, such a waiver causes the relevant advisory board to cease to exist under law.⁵

Once the RABRC has made a determination to waive a reporting or advisory board requirement, it must promptly file such determination with the Council.⁶ Within 120 days of the filing of such determination, the Council may approve or disapprove the determination by an affirmative vote of a majority of all the Council Members.⁷ If the Council fails to take any action within 120 days, the RARBC’s determination is deemed approved.⁸ Section 1113 provides that any disapproval by the Council shall be final unless the Mayor files a written veto of the Council’s action, which may be overridden by a two-thirds vote of all the Council Members.⁹

The RABRC consists of seven commissioners, three of which are Council appointees, and four of which are Mayoral appointees.¹⁰ The Commission is chaired by the Director of the Mayor’s Office of Operations, who is one of the seven Commissioners.¹¹

² See Charter § 1113(d)(1).

³ See Charter § 1113(d)(1).

⁴ See Charter § 1113(d)(3).

⁵ See *id.*

⁶ See Charter § 1113(d)(4).

⁷ See *id.*

⁸ See *id.*

⁹ See Charter § 1113(d)(4).

¹⁰ See Charter § 1113(b).

¹¹ See *id.*

a. The RABRC's 2021 Determinations

On December 10, 2021, the RABRC voted to waive the following six reporting requirements in the Administrative Code and Charter:

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

The RABRC's determination letter, which is available on the website of the Mayor's Office of Operations,¹² includes a summary of each reporting requirement, along with the RABRC's official reasons for waiving each requirement. This letter was transmitted to the Council on December 30, 2021.¹³ Note that while four of the six reporting requirements (numbers 1, 2, 3, and 6 above) were waived by the unanimous vote of all seven RABRC Commissioners, two of the requirements (numbers 4 and 5 above) were waived by a vote of 4 in the affirmative, and 3 in the

¹² NYC Mayor's Office of Operations, Report and Advisory Board Review Commission (see link for December 10, 2021 Waiver Determination), <https://www1.nyc.gov/site/operations/projects/report-advisory-board-review-commission.page> (last accessed April 13, 2022).

¹³ The letter was dated December 28, 2021, but not transmitted until two days later, on the 30th.

negative.¹⁴ In both cases, the three negative votes came from the three RABRC Commissioners who are Council appointees.

As described in greater detail below, Res. 120-A would approve the four waiver determinations that received the unanimous vote of all seven RABRC commissioners, and disapprove the other two determinations. Int. 205-A would remove language in the Administrative Code and Charter that would be nullified by the four waiver determinations approved in the resolution.

II. LEGISLATIVE ANALYSIS

Int. 205-A

Int. 205-A (Ung) is a clean-up bill that would remove language from the Administrative Code and Charter that would be nullified upon the passage of Res. 120-A (Ung), which is described in greater detail below. Section 1 of the bill would delete language from section 541(c) of the Charter requiring the New York City Sports Commission to issue quarterly and annual reports. Section 2 of the bill would repeal section 4-207(c) of the Administrative Code, which currently requires the Department of Citywide Administrative Services to report on its assessments of city facilities regarding certain clean on-site power generation technologies. Section 3 of the bill would repeal section 19-180.1(b) of the Administrative Code, which currently requires the Department of Transportation to issue the High Pedestrian Crash Location Report. Section 4 of the bill would delete language from section 21-402(b)(ii) of the Administrative Code requiring the Department of Youth and Community Development to submit a copy of the Community Services Block Grants Report to the Council.

¹⁴ See Exhibit A of the determination letter (Vote Tally Sheet). NYC Mayor's Office of Operations, Report and Advisory Board Review Commission (see link for December 10, 2021 Waiver Determination), <https://www1.nyc.gov/site/operations/projects/report-advisory-board-review-commission.page> (last accessed April 13, 2022).

This bill would take effect immediately.

Res. 120-A

Res. 120-A (Ung) would disapprove two of the six waiver determinations made by the RABRC in December 2021—namely, the determination to waive the 911 Operational Time Analysis Report required by sections 14-149(b) and (c) of the Administrative Code and the determination to waive the Annual Youth Services Report required by section 21-402(a) of the Administrative Code—and thereby prevent such waivers from going into effect. In addition, this resolution would allow the other four waiver determinations made by the RABRC in December 2021 to go into effect immediately. As a result, the following three reports would cease to be required by law: the assessment of city facilities regarding certain clean on-site power generation technologies required by section 4-207(c) of the Administrative Code; the High Pedestrian Crash Location Report required by section 19-180.1 of the Administrative Code; and the New York City Sports Commission Report required by section 541(c) of the Charter. In addition, the Department of Youth and Community Development would no longer be required to submit a copy of the Community Services Block Grant Report to the Council, as currently required by section 21-402(b)(ii) of the Administrative Code.

By passing this resolution, the Council would be exercising its authority under Section 1113 of the Charter to approve or disapprove each waiver determination made by the RARBC.

By Council Member Ung

A LOCAL LAW

To amend the New York city charter and the administrative code of the city of New York, in relation to removing certain reporting requirements selected for waiver by the report and advisory board review commission, and to repeal subdivision c of section 4-207 of the administrative code of the city of New York, relating to reports on assessments of certain clean on-site power generation technologies, and subdivision b of section 19-180.1 of such code, relating to reports on safety audits of crash locations involving pedestrians

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 541 of the New York city charter, as added by local law number 61 for the year 1991, is amended to read as follows:

c. The commission shall:

(1) make recommendations to insure the continuation and growth of a healthy environment for professional, amateur and scholastic sports activities in the city;

(2) hold at least one meeting per month[:];

(3) [issue a quarterly report to the mayor and the council detailing the commission's activities during the previous three month period;

(4) issue an annual report to the mayor and the council at the start of each fiscal year detailing the commission's goals for the upcoming year;

(5)] submit a proposed annual budget to the council no later than March thirty-first of each year;

[(6)] (4) seek to promote the city as a positive and profitable base for professional sports teams wishing to relocate their organizations; and

[(7)] (5) perform such other duties as may be necessary as determined by the commission.

§ 2. Subdivision c of section 4-207 of the administrative code of the city of New York is REPEALED.

§ 3. Subdivision b of section 19-180.1 of the administrative code of the city of New York is REPEALED and subdivisions c and d of such section are relettered subdivisions b and c, respectively.

§ 4. Subdivision b of section 21-402 of the administrative code of the city of New York, as added by local law number 81 for the year 1996, is amended to read as follows:

b. The commissioner shall submit to the city council copies of the following reports, and any revisions, updates or modifications to such reports, at the same time that each is submitted to the appropriate New York state agency or officer, or any successor thereto, elected official or other governmental body pursuant to any applicable statute, law, regulation or rule:

i. the community services block grant management plan required to be submitted to the department of state; and

ii. [the community services block grant program report required to be submitted to the governor and state legislature; and

iii.] the comprehensive planning report required to be submitted to the New York state division for youth within the executive department.

§ 5. This local law takes effect immediately.

CJM
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Res. No. 120-A

Resolution disapproving the Report and Advisory Board Review Commission's determination to waive the 911 Operational Time Analysis Report required by and described in subdivisions b and c of section 14-149 of the Administrative Code of the City of New York, disapproving such Commission's determination to waive the Annual Youth Services Reports required by subdivision a of section 21-402 of the Administrative Code of the City of New York and approving the remaining four determinations of such Commission communicated to the City Council on December 30, 2021

By Council Member Ung

Whereas, On November 2, 2010, the voters of the City of New York approved a series of revisions to the New York City Charter, including the addition of section 1113, which established the Report and Advisory Board Review Commission (RABRC); and

Whereas, Pursuant to section 1113, the RABRC has the power and duty to review all requirements in the New York City Charter, the Administrative Code of the City of New York and the unconsolidated local laws of the City of New York mandating the issuance of reports by public agencies, officers or employees; and

Whereas, Under section 1113, the RABRC also has the power, subject to the approval of the City Council, to waive any such reporting requirement and thereby cause the relevant report to cease to be required by law; and

Whereas, Section 1113 provides that, following a determination by the RABRC to waive any reporting requirement, the City Council may approve or disapprove such determination by the affirmative vote of a majority of all the Council Members; and

Whereas, Section 1113 further provides that any such disapproval by the Council shall be final unless the Mayor files a written veto of the Council's action, which may be overridden by a two-thirds vote of all the Council Members; and

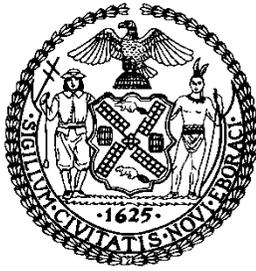
Whereas, On December 10, 2021, the RABRC made determinations to waive the following six reporting requirements: the report on the assessment of city facilities regarding certain clean

on-site power generation technologies required by subdivision c of section 4-207 of the Administrative Code of the City of New York, the High Pedestrian Crash Location Report required by subdivision b of section 19-180.1 of the Administrative Code of the City of New York, the New York City Sports Commission Reports required by paragraphs 3 and 4 of subdivision c of section 541 of the New York City Charter, the 911 Operational Time Analysis Report required by and described in subdivisions b and c of section 14-149 of the Administrative Code of the City of New York, the Annual Youth Services Reports required by subdivision a of section 21-402 of the Administrative Code of the City of New York and the submission to the Council of a copy of the Community Services Block Grant Report required by paragraph ii of subdivision b of section 21-402 of the Administrative Code of the City of New York;

Whereas, On December 30, 2021, the RABRC communicated such determinations to the City Council by submitting a written statement of each determination along with the rationale therefor; now, therefore, be it

Resolved, That the Council of the City of New York disapproves the Report and Advisory Board Review Commission's determination to waive the 911 Operational Time Analysis Report required by and described in subdivisions b and c of section 14-149 of the Administrative Code of the City of New York, disapproves such Commission's determination to waive the Annual Youth Services Reports required by subdivision a of section 21-402 of the Administrative Code of the City of New York and approves the remaining four determinations of such Commission communicated to the City Council on December 30, 2021.

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CJM



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION**

TANISHA EDWARDS, ESQ., CHIEF FINANCIAL
OFFICER AND DEPUTY CHIEF OF STAFF TO THE
SPEAKER

FISCAL IMPACT STATEMENT

INT. NO. 205-A

COMMITTEE: Governmental Operations

TITLE: A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to removing certain reporting requirements selected for waiver by the report and advisory board review commission, and to repeal subdivision c of section 4-207 of the administrative code of the city of New York, relating to reports on assessments of certain clean on-site power generation technologies, and subdivision b of section 19-180.1 of such code, relating to reports on safety audits of crash locations involving pedestrians

SPONSOR: Council Member Ung

SUMMARY OF LEGISLATION: In December 2021, the Report and Advisory Board Review Commission (RABRC) voted to waive six reporting requirements in the Charter and the Administrative Code, for the stated purpose of improving government efficiency. These include:

1. the assessment of city facilities regarding certain clean on-site power generation technologies required by section 4-207 (c) of the Administrative Code;
2. the High Pedestrian Crash Location Report required by section 19-180 (b) of the Administrative Code;
3. the New York City Sports Commission Report required by section 541 (c) of the Charter;
4. the 911 Operational Time Analysis Report required by sections 14-149 (b) and (c) of the Administrative Code;
5. the Annual Youth Services Report required by section 21-402 (a) of the Administrative Code; and
6. the Community Services Block Grant Report required by section 21-402 (b) (ii) of the Administrative Code.

This bill would repeal four of the six reporting requirements selected for waiver by the RABRC. The bill would:

1. delete language from section 541 (c) of the Charter requiring the New York City Sports Commission to issue quarterly and annual reports;
2. repeal the reporting provided by the Department of Citywide Administrative Services (DCAS) of city facilities regarding certain clean on-site power generation technologies;
3. repeal section 19-180.1 (b) of the Administrative Code, which currently requires the Department of Transportation (DOT) to issue the High Pedestrian Crash Location Report; and
4. delete language requiring the Department of Youth and Community Development (DYCD) to submit a copy of the Community Services Block Grants Reports to the Council.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is estimated that there would be no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because the relevant agencies would use existing resources to accomplish its requirements.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCES OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Sebastian Palacio Bacchi, Principal Financial Analyst

ESTIMATE REVIEWED BY: Eisha Wright, Deputy Director
John Russell, Unit Head
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council as a Preconsidered Int. on April 5, 2022 and was referred to the Committee on Governmental Operations (Committee). The legislation was subsequently amended and the amended version, Int. No. 205- A, will be voted on by the Committee at a hearing on April 13, 2022. Upon a successful vote by the Committee, Int. No. 120-A will be submitted to the full council for a vote on April 14, 2022.

DATE PREPARED: April 12, 2022