

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF

WEDNESDAY, FEBRUARY 16, 2011

THE COUNCIL

Minutes of the
STATED MEETING
of

Wednesday, February 16, 2011, 2:35 p.m.

The President Pro Tempore (Council Member Rivera)
Acting Presiding Officer

Council Members

Christine C. Quinn, Speaker

| | | |
|-------------------------|------------------------|-------------------------|
| Maria del Carmen Arroyo | Vincent J. Gentile | James S. Oddo |
| Charles Barron | Sara M. Gonzalez | Annabel Palma |
| Gale A. Brewer | David G. Greenfield | Domenic M. Recchia, Jr. |
| Fernando Cabrera | Daniel J. Halloran III | Diana Reyna |
| Margaret S. Chin | Vincent M. Ignizio | Joel Rivera |
| Leroy G. Comrie, Jr. | Robert Jackson | Ydanis A. Rodriguez |
| Elizabeth S. Crowley | Letitia James | Deborah L. Rose |
| Inez E. Dickens | Peter A. Koo | James Sanders, Jr. |
| Erik Martin Dilan | G. Oliver Koppell | Larry B. Seabrook |
| Daniel Dromm | Karen Koslowitz | Eric A. Ulrich |
| Mathieu Eugene | Bradford S. Lander | James Vacca |
| Julissa Ferreras | Jessica S. Lappin | Peter F. Vallone, Jr. |
| Lewis A. Fidler | Stephen T. Levin | Albert Vann |
| Helen D. Foster | Melissa Mark-Viverito | James G. Van Bramer |
| Daniel R. Garodnick | Darlene Mealy | Mark S. Weprin |
| James F. Gennaro | Rosie Mendez | Jumaane D. Williams |
| | Michael C. Nelson | Ruben Wills |

The Majority Leader (Council Member Rivera) assumed the Chair as the President Pro Tempore and Acting Presiding Officer.

After being informed by the City Clerk and Clerk of the Council (Mr. McSweeney), the presence of a quorum was announced by the President Pro Tempore (Council Member Rivera).

There were 51 Council Members present at this Stated Meeting held in the lobby of the Emigrant Savings Bank building at 49-51 Chambers Street, New York, N.Y. 10007.

INVOCATION

The Invocation was delivered by Reverend Katrina Marsh, Rivers of Living Waters, 1854 Amsterdam Avenue, New York, NY 10031.

To the source of all that is good
we surrender this atmosphere and are gathered
beneath the sheltering shadow of Divine unity.
We welcome the sunrays of mercy
to shine upon all
and the clouds of bounty to linger with us.

We ask for protection to overshadow us
and for favor to be our portion.
Illumine our eyes and gladden our hearts
With abiding joy.
Confer renewal upon all people.
Unlock the gates of true understanding
to let the light of hope shine re-pleasant.
Let commonality call our hearts
and knit us together
as a harmonious musical sound.
Let this sound go forth
as the waves of one ocean
and as one fruit of one tree.
Let us ever remember the divinity of humanity
and allow it to grant us equal vision
and balanced minds.
Give us the strength it takes
to listen rather than judge,
to trust rather than to fear,
and to try again and again
to make peaceable decisions,
even when peace might elude us.
Bestow upon us insight and compassion
to the paved way
of convictions of justice, fairness and equality.
Send down, raise up, pour into those
who hold office in this venue,
wisdom, charity and lawfulness
that with steadfast purpose they may faithfully serve
in their offices to promote the well-being of all people.
Let integrity, honor and honesty
bring forth all that is just today
and all the days forward.
And may we embody a familiar song sentiment,
let there be peace on Earth
and let it be with me.
And in this embodiment let us see
And truly know that we are one nation, one people,
humanity expressed in many different variations under God,
that which we self-identify as source,
indivisible with liberty and justice for all.
Thank you.

Council Member Jackson moved to spread the Invocation in full upon the Record.

At one point during the Meeting, the President Pro Tempore (Council Member Rivera) recognized Margaret Hughes and members of the Brooklyn Congregation United seated in the gallery. Those assembled in the Chambers gave them a round of applause.

Editor's Note: At the previous Stated Meeting of February 2, 2011, the Speaker (Council Member Quinn) announced the birth of baby boy Asher to Council Member Garodnick and his wife Zoe. Also, on a sad note, the Speaker (Council Member Quinn) spoke of the death of Council Member Mark-Viverito's grandfather and U.S. Naval veteran, Patrick. The Speaker (Council Member Quinn) extended the Council's condolences to Council Member Mark-Viverito and her family.

ADOPTION OF MINUTES

Council Member Mendez moved that the Minutes of the Stated Meeting of January 18, 2011 be adopted as printed.

MESSAGES & PAPERS FROM THE MAYOR

M-385

Communication from the Mayor - Submitting the name of Nancy G. Chaffetz to the Council for its advice and consent regarding her reappointment to the New York City Civil Service Commission, Pursuant to Sections 31 and 813 of the City Charter.

January 27, 2011

The Honorable Christine C. Quinn
City Council Speaker
City Hall
New York, NY 10007•

Dear Speaker Quinn:

Pursuant to Sections 31 and 813 of the City Charter, I am pleased to present the name of Nancy G. Chaffetz to the City Council for advice-and consent prior to her reappointment to the New York City Civil Service Commission. 'When reappointed to the Commission, her new six-year term will expire on March 21, 2017.

Thank you for reviewing this reappointment.

Sincerely,

Michael R. Bloomberg
Mayor

Referred to the Committee on Rules, Privileges and Elections.

M-386

Communication from the Mayor - Withdrawing the nomination of Rudy Washington (M-334) from the City Council for its advice and consent regarding his reappointment to the New York City Civil Service Commission.

February 10, 2011

The Honorable Christine C. Quinn
Council Speaker
City Hall
New York, NY 10007

Dear Speaker Quinn:

I hereby request the name of Rudy Washington, recently sent to the City Council for advice and consent prior to his reappointment to the Civil Service Commission, be withdrawn from consideration at this time.

Thank you for your cooperation.

Sincerely,

Michael R. Bloomberg
Mayor

Received, Ordered, Printed and Filed.

M-387

Communication from the Mayor - Withdrawing the nomination of Charles D. McFaul (M-335) from the City Council for its advice and consent regarding his appointment to the New York City Civil Service Commission.

February 10, 2011

The Honorable Christine C. Quinn
Council Speaker
City Hall
New York, NY 10007

Dear Speaker Quinn:

I hereby request the name of Charles McFaul, recently sent to the City Council for advice and consent prior to his appointment to the Civil Service Commission, be withdrawn from consideration at this time.

Thank you for your cooperation.

Sincerely,

Michael R. Bloomberg
Mayor

Received, Ordered, Printed and Filed.

LAND USE CALL UPS

M-388

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226 (g) or Section 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 133 Seventh Avenue South, Community Board 2, Application 20105332 TCM shall be subject to review by the Council.

Coupled on Call-Up Vote

M-389

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226 (g) or Section 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 16-18 King Street, Community Board 2, Application 20115341 TCM shall be subject to review by the Council.

Coupled on Call-Up Vote

M-390

By Council Member Koppell:

Pursuant to Rule 11.20(b) of the Council and Section 20-226 (g) or Section 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed/enclosed sidewalk café located at 3738 Riverdale Avenue, Community Board 8, Application 20115344 TCX shall be subject to review by the Council.

Coupled on Call-Up Vote

M-391
By Council Member Vallone:

Pursuant to Rule 11.20(b) of the Council and Section 20-226 (g) or Section 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed/enclosed sidewalk café located at 42-21 Broadway, Community Board 1, Application 20115336 TCQ shall be subject to review by the Council.

Coupled on Call-Up Vote

LAND USE CALL UP VOTE

The President Pro Tempore (Council Member Rivera) put the question whether the Council would agree with and adopt such motions which were decided in the affirmative by the following vote:

Affirmative –Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera and the Speaker (Council Member Quinn) – 51.

At this point, the President Pro Tempore (Council Member Rivera) declared the aforementioned items adopted and referred these items to the Committee on Land Use and to the appropriate Land Use subcommittee.

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Finance

At this point the Speaker (Council Member Quinn) announced that the following items had been preconsidered by the Committee on Finance and had been favorably reported for adoption.

Report for Res. No. 673
Report of the Committee on Finance in favor of approving a Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.

The Committee on Finance, to which the annexed resolution was referred on February 16, 2011, respectfully

REPORTS:

Introduction. The Council of the City of New York (the “Council”) annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter. On June 29, 2010, the Council adopted the expense budget for fiscal year 2011 with various programs and initiatives (the “Fiscal 2011 Expense Budget”). On June 19, 2009, the Council adopted the expense budget for fiscal year 2010 with various programs and initiatives (the “Fiscal 2010 Expense Budget”).

Analysis. This Resolution, dated February 16, 2011, amends the description for the Description/Scope of Services for the Roosevelt Island Historical Society, an organization receiving local discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget read: “Purchase custom deck over trailer to convey the Roosevelt Island Tram Cabin on a movable permanent platform.” This Resolution now

changes the Description/Scope of Services to read: “To support a program highlighting the Smallpox Hospital.”

Also, this Resolution amends the description for the Description/Scope of Services for the Peace Action Fund of New York State, Inc., an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget read: “To fund massive mobilization for a major international conference in April-May 2010 in support of nuclear abolition.” This Resolution now changes the Description/Scope of Services to read: “To help fund Peace Action Fund of New York State’s participation in the Peace Fair in Brooklyn this summer, as well as to fund our efforts to start educational student clubs at colleges and universities in the NYC area, including at the College of Staten Island.”

Additionally, this Resolution amends the description for the Description/Scope of Services for the Maura Clarke-Ita Ford Center, Inc., an organization receiving local discretionary funding in the amount of \$30,000 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget read: “4 levels of ESL, Basic Computer course training in Crafts and Greeting Cards..” This Resolution now changes the Description/Scope of Services to read: “Assistance with administrative and operational costs to enhance the ESL Services to constituents in the 34th councilmanic District.”

Additionally, this Resolution amends the description for the Description/Scope of Services for the Education Through Music, Inc, an organization receiving local discretionary funding in the amount of \$4,000 within the budget of the Department of Cultural Affairs. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget read: “For ETM’s partnerships with St. Anselm School and St. Athanasius School in Council District 17, which provides weekly music education to each of the over 625 children at these 2 schools.” This Resolution now changes the Description/Scope of Services to read: “For ETM’s partnerships with MS 424x and PS 48x in Council District 17, which provides weekly music education to the children at these 2 schools.”

Moreover, this Resolution amends the description for the Description/Scope of Services for the Tolentine-Zeiser Community Life Center, Inc., an organization receiving aging discretionary funding in the amount of \$23,750 within the budget of the Department for the Aging. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget read: “To fund classes, and arts & crafts for seniors.” This Resolution now changes the Description/Scope of Services to read: “To offset costs of operating the Community Center.”

Additionally, this Resolution provides the description for the Description/Scope of Services for the Erasmus Neighborhood Federation, an organization receiving funding in the amount of \$25,000 within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunity Initiative. The Description/Scope of Services for this organization for such organization listed in the Fiscal 2011 Expense Budget read: “ESL/Civic.” This Resolution now changes the Description/Scope of Services to read: “Legal Services.”

Further, this Resolution provides the description for the Description/Scope of Services for the Make The Road New York, an organization receiving funding in the amount of \$25,000 within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunity Initiative. The Description/Scope of Services for this organization for such organization listed in the Fiscal 2011 Expense Budget read: “ESL/Civic.” This Resolution now changes the Description/Scope of Services to read: “Legal Services.”

Also, this Resolution provides the description for the Description/Scope of Services for the Bobbi and the Strays, Inc., an organization receiving local discretionary funding in the amount of \$1,000 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for this organization will read: “To supplement rent and support spay/neutering program for abandoned animals.”

Additionally, this Resolution provides the description for the Description/Scope of Services for the Northern Manhattan Coalition for Immigrant Rights, an organization receiving funding in the amount of \$46,250 within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunity Initiative. The Description/Scope of Services for this organization for such organization listed in the Fiscal 2011 Expense Budget read: “Immigrant Related Legal Services.” This Resolution now changes the Description/Scope of Services to read: “ESL/Civic.”

Further, this Resolution provides the description for the Description/Scope of Services for the Northern Manhattan Improvement Corporation, an organization receiving funding in the amount of \$23,137.50 within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunity Initiative. The Description/Scope of Services for this organization for such organization listed in the Fiscal 2011 Expense Budget read: “Immigrant Related

Legal Services.” This Resolution now changes the Description/Scope of Services to read: “ESL/Civic.”

Moreover, this Resolution approves new designations and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding in accordance with the Fiscal 2011 Expense Budget. This Resolution also approves the new designations and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2011 Expense Budget.

Lastly, this Resolution approves the new designation and changes in the designation of organizations receiving local and youth discretionary funding in accordance with the Fiscal 2010 Expense Budget.

In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving local, aging, and youth discretionary funding, as well as new designations and/or changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2010 and Fiscal 2011 Expense Budgets.

This resolution sets forth new designations and specific changes in the designation of certain organizations receiving local initiative funding, as described in Chart 1; sets forth new designations and changes in the designation of aging discretionary funding pursuant to the Fiscal 2011 Expense Budget, as described in Chart 2; sets forth new designations and changes in the designation of youth discretionary funding pursuant to the Fiscal 2011 Expense Budget, as described in Chart 3; sets forth the new designations and changes in the designation of certain organizations that will receive funding pursuant to certain initiatives in the Fiscal 2011 Expense Budget, as described in Charts 4-7; sets forth new designations and changes in the designation of organizations that will receive local discretionary funding pursuant to the Fiscal 2010 Expense Budget, as set forth in Chart 8; and sets forth new designations and changes in the designation of organizations that will receive youth discretionary funding pursuant to the Fiscal 2010 Expense Budget, as set forth in Chart 9; and sets forth the new designations and changes in the designation of certain organizations that will receive funding pursuant to certain initiatives in the Fiscal 2010 Expense Budget, as described in Charts 10-12

The charts, attached to the resolution, contain the following information: name of the council member(s) designating the organization to receive funding or name of the initiative, as set forth in Adjustments Summary/Schedule C/ Fiscal 2011 Expense Budget, dated June 29, 2010, or the

Adjustments Summary/Schedule C/ Fiscal 2010 Expense Budget, dated June 19, 2009; name of the organization; organization’s Employer Identification Number (EIN), if applicable; agency name; increase or decrease in funding; name of fiscal conduit, if applicable; and the EIN of the fiscal conduit, if applicable.

Specifically, Chart 1 sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding.

Chart 2 sets forth the new designation and changes in the designation of certain organizations receiving aging discretionary funding.

Chart 3 sets forth the new designation and changes in the designation of certain organizations receiving youth discretionary funding.

Chart 4 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Cultural After School Adventure (CASA) Initiative.

Chart 5 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Immigrant Opportunities Initiative. This transfer will require a budget modification to take effect.

Chart 6 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative. Funding in the amount of \$9,000 for the St. Matthias Church within the budget of the Department of Youth and Community Development has been removed, and will be provided to the Trinity human Services Corporation.

Chart 7 sets forth the new designation and changes in the designation of organizations receiving funding pursuant to the Obesity Prevention Initiative. Funding in the amount of \$125,000 for the Cooperative, Health, Active, Motivated, Positive Students (CHAMPS) (DOE) within the budget of the Department of Health and Mental Hygiene will be moved to the Department of Education. This transfer will require a budget modification to take effect.

Chart 8 sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2010 Expense Budget.

Chart 9 sets forth the new designation and changes in the designation of certain organizations receiving youth discretionary funding pursuant to the Fiscal 2010 Expense Budget. Chart 9 indicates a name correction. The correct name of an organization with EIN 51-0192170 to receive funding in the amount of \$12,000 is St. Nick’s Alliance Corporation

Chart 10 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Adult Literacy Initiative in the Fiscal 2010 Expense Budget. Chart 10 indicates a name correction. The correct name of an organization with EIN 51-0192170 to receive funding in the amount of \$75,000 is St. Nick’s Alliance Corporation.

Chart 11 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Small Business and Job Development/Financial Literacy Initiative in the Fiscal 2011 Expense Budget. Chart 10 indicates a name correction. The correct name of an organization with EIN 51-0192170 to receive funding in the amount of \$75,000 is St. Nick’s Alliance Corporation

Chart 12 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Primary Care Literacy Initiative in the Fiscal 2010 Expense Budget. Funding in the amount of \$175,000 for the Theodore Roosevelt High School-Based Health Clinic within the budget of the Department of Health and Mental Hygiene has been removed, and will be provided to the Montefiore Medical Center.

It is to be noted that organizations identified in the attached Charts with an asterisk (*) have not yet completed or began the prequalification process conducted by the Mayor's Office of Contract Services (for organizations to receive more than \$10,000) by the Council (for organizations to receive \$10,000 or less total), or other government agency. Organizations identified without an asterisk have completed the appropriate prequalification review.

It should be further noted that funding for organizations in the attached Charts with a double asterisk (**) will not take effect until the passage of a budget modification.

Description of Above-captioned Resolution. In the above-captioned resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2011 and Fiscal 2010 Expense Budgets. Such resolution would take effect as of the date of adoption.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 673:)

Res. No. 673
Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.

By Council Members Recchia, Comrie and Gennaro.

Whereas, On June 29, 2010 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2011 with various programs and initiatives (the “Fiscal 2011 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Roosevelt Island Historical Society, an organization receiving local discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development to read: “To support a program highlighting the Smallpox Hospital.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Peace Action Fund of New York State, Inc., an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development to read: “To help fund Peace Action Fund of New York State's participation in the Peace Fair in Brooklyn this summer, as well as to fund our efforts to start educational student clubs at colleges and universities in the NYC area, including at the College of Staten Island.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Maura Clarke-Ita Ford Center, Inc., an organization receiving local discretionary funding in the amount of \$30,000 within the budget of the Department of Youth and Community Development to read: “Assistance with administrative and operational costs to enhance the ESL Services to constituents in the 34th councilmanic District.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Education Through Music, Inc, an organization receiving local discretionary funding in the amount of \$4,000 within the budget of the Department of Cultural Affairs to read: “For ETM’s partnerships with MS 424x and PS 48x in Council District 17, which provides weekly music education to the children at these 2 schools.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Tolentine-Zeiser Community Life Center, Inc., an organization receiving aging discretionary funding in the amount of \$23,750 within the budget of the Department for the Aging to read: “To offset costs of operating the Community Center.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Erasmus Neighborhood Federation, an organization receiving funding in the amount of \$25,000 within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunity Initiative to read: “Legal Services.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Make The Road New York, an organization receiving funding in the amount of \$25,000 within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunity Initiative to read: “Legal Services.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Bobbi and the Strays, Inc., an organization receiving local discretionary funding in the amount of \$1,000 within the budget of the Department of Youth and Community Development to read: “To supplement rent and support spay/neutering program for abandoned animals.”

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Northern Manhattan Coalition for Immigrant Rights, an organization receiving funding in the amount of \$46,250 within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunity Initiative to read: “ESL/Civic.”

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Northern Manhattan Improvement Corporation, an organization receiving funding in the amount of \$23,137.50 within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunity Initiative to read: “ESL/Civic.”

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2010 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local and youth discretionary funding in accordance therewith; now, therefore be it

Resolved, That the City Council approves the new Description/Scope of Services for the Roosevelt Island Historical Society, an organization receiving local discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development to read: “To support a program highlighting the Smallpox Hospital.”; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Peace Action Fund of New York State, Inc., an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development to read: “To help fund Peace Action Fund of New York State’s participation in the Peace Fair in Brooklyn this summer, as well as to fund our efforts to start educational student clubs at colleges and universities in the NYC area, including at the College of Staten Island.”; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Maura Clarke-Ita Ford Center, Inc., an organization receiving local discretionary funding in the amount of \$30,000 within the budget of the Department of Youth and Community Development to read: “Assistance with administrative and operational costs to enhance the ESL Services to constituents in the 34th councilmanic District.”; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Education Through Music, Inc, an organization receiving local discretionary funding in the amount of \$4,000 within the budget of the Department of Cultural Affairs to read: “For ETM’s partnerships with MS 424x and PS 48x in Council District 17, which provides weekly music education to the children at these 2 schools.”; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Tolentine-Zeiser Community Life Center, Inc., an organization receiving aging discretionary funding in the amount of \$23,750 within the budget of the Department for the Aging to read: “To offset costs of operating the Community Center.”; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Erasmus Neighborhood Federation, an organization receiving funding in the amount of \$25,000 within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunity Initiative to read: “Legal Services.”; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for Make The Road New York, an organization receiving funding in the amount of \$25,000 within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunity Initiative to read: “Legal Services.”; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Bobbi and the Strays, Inc., an organization receiving local discretionary funding in the amount of \$1,000 within the budget of the Department of Youth and Community Development to read: “To supplement rent and support spay/neutering program for abandoned animals.”; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Northern Manhattan Coalition for Immigrant Rights, an organization receiving funding in the amount of \$46,250 within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunity Initiative to read: “ESL/Civic.”; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Northern Manhattan Improvement Corporation, an organization receiving funding in the amount of \$23,137.50 within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunity Initiative to read: “ESL/Civic.”; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Cultural After School Adventure (CASA) Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Obesity Prevention Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2010 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding within the budget of the Department of Youth and Community Development in accordance with the Fiscal 2010 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Adult Literacy Initiative in accordance with the Fiscal 2010 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Small Business and Job Development/Financial Literacy Initiative in accordance with the Fiscal 2010 Expense Budget, as set forth in Chart 11 and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Primary Care Initiative in accordance with the Fiscal 2010 Expense Budget, as set forth in Chart 12.

CHART 1: Local Initiatives

— Requires a budget modification for the changes to take effect

CHART 2: Aging Discretionary

00.00 50.00

CHART 1: Local Initiatives (continued)

- Requires a budget modification for the changes to take effect

CHART 3: Youth Discretionary

* Indicates pending completion of pre-qualification review.

* Indicates pending completion of pre-qualification review.

CHART 4: Cultural After School Adventure (CASA)

| Member | | Organization | | EIN Number | | Agency | | Amount | | Agy # | | UJA * | |
|------------|--|--|--|------------|--|--------|--|---------------|--|-------|--|-------|--|
| Greenfield | | Brooklyn Arts Council, Inc. - Haor Beacon School | | 23-7072915 | | DCA | | (\$20,000.00) | | 126 | | 022 | |
| Greenfield | | Brooklyn Arts Council, Inc. - Public School 99K | | 23-7072915 | | DCA | | \$20,000.00 | | 126 | | 022 | |
| | | | | | | | | \$0.00 | | | | | |

* Indicates pending completion of pre-qualification review.

CHART 5: Immigrant Opportunities Initiative

| Organization | EIN Number | Agency | Amount | Agy # | UJA |
|--|------------|--------|---------------|-------|-----|
| City University of New York School of Law Foundation, Inc., The ** | 11-3235349 | DYCD | (\$61,800.00) | 260 | 005 |
| City University of New York School of Law Foundation, Inc., The ** | 11-3235349 | CUNY | \$61,800.00 | 042 | 001 |
| Center for Law and Social Justice, Medgar Evers College ** | 13-1988190 | DYCD | (\$61,850.00) | 260 | 005 |
| Center for Law and Social Justice, Medgar Evers College ** | 13-1988190 | CUNY | \$61,850.00 | 042 | 001 |
| Research Foundation of the City University of New York ** | 13-1988190 | DYCD | (\$46,250.00) | 260 | 005 |
| Research Foundation of the City University of New York ** | 13-1988190 | CUNY | \$46,250.00 | 042 | 001 |
| Research Foundation of the City University of New York - Citizenship NOW ** | 13-1988190 | DYCD | (\$25,000.00) | 260 | 005 |
| Research Foundation of the City University of New York - Citizenship NOW ** | 13-1988190 | CUNY | \$25,000.00 | 042 | 001 |
| Research Foundation of the City University of New York - Citizenship NOW ** | 13-1988190 | DYCD | (\$77,500.00) | 260 | 005 |
| Research Foundation of the City University of New York - Citizenship NOW ** | 13-1988190 | CUNY | \$77,500.00 | 042 | 001 |
| Research Foundation of the City University of New York - Citizenship NOW ** | 13-1988190 | DYCD | (\$23,137.50) | 260 | 005 |
| Research Foundation of the City University of New York - Citizenship NOW ** | 13-1988190 | CUNY | \$23,137.50 | 042 | 001 |
| Research Foundation of the City University of New York ** | 13-1988190 | DYCD | (\$66,300.00) | 260 | 005 |
| City University of New York School of Law Foundation, Inc. - Community Legal Resource Network ** | 11-3235349 | CUNY | \$66,300.00 | 042 | 001 |

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect.

CHART 7: Obesity Prevention Initiative

| Organization | | EIN Number | | Agency | | Amount | | Agy # | | UJA * | |
|---|--|------------|--|--------|--|----------------|--|-------|--|-------|---|
| Cooperative, Health, Active, Motivated, Positive Students (CHAMPS) (DOE) ** | | 13-6400434 | | DOHMH | | (\$125,000.00) | | 816 | | 113 | * |
| Cooperative, Health, Active, Motivated, Positive Students (CHAMPS) (DOE) ** | | 13-6400434 | | DOE | | \$125,000.00 | | 040 | | 402 | * |
| | | | | | | \$0.00 | | | | | |

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect.

CHART 6: Food Pantries

| Organization | | EIN Number | | Agency | | Amount | | Agy # | | UJA * | |
|------------------------------------|--|------------|--|--------|--|--------------|--|-------|--|-------|---|
| St. Matthias Church | | 11-1685926 | | DYCD | | (\$9,000.00) | | 260 | | 005 | * |
| Trinity Human Services Corporation | | 13-3171439 | | DYCD | | \$9,000.00 | | 260 | | 005 | * |
| | | | | | | \$0.00 | | | | | |

* Indicates pending completion of pre-qualification review.

CHART 9: Youth Discretionary-Fiscal 2010

| Member | Organization | EIN Number | Agency | Amount | Agy # | U/A | Fiscal Conduit/Sponsoring Organization | Fiscal Conduit |
|--------|--|------------|--------|---------------|-------|-----|--|----------------|
| Reyna | St. Nicholas Neighborhood Preservation Corporation | 51-0192170 | DYCD | (\$12,000.00) | 260 | 312 | | |
| Reyna | St. Nick's Alliance Corporation | 51-0192170 | DYCD | \$12,000.00 | 260 | 312 | | |
| | | | | \$0.00 | | | | |

* Indicates pending completion of pre-qualification review.

* Indicates pending completion of pre-qualification review.

CHART 8: Local Initiatives-Fiscal 2010

| Member | Organization | EIN Number | Agency | Amount | Agy # | U/A | Fiscal Conduit/Sponsoring Organization | Fiscal Conduit EIN |
|------------------------|--|------------|--------|----------------|-------|-----|--|-----------------------|
| CC-Reyna, Rorriguez | St. Nicholas Neighborhood Preservation Corporation | 51-0192170 | DSBS | (\$140,000.00) | 801 | 002 | | |
| CC-Reyna, Rorriguez | St. Nick's Alliance Corporation | 51-0192170 | DSBS | \$140,000.00 | 801 | 002 | | |
| Quinn | Chelsea Community Supported Agriculture Project | | DYCD | (\$3,000.00) | 260 | 312 | Hudson Guild | 13-5562389 |
| Quinn | Hudson Guild | 13-5562389 | DYCD | \$3,000.00 | 260 | 312 | | |

* Indicates pending completion of pre-qualification review.

CHART 11: Small Business and Job Development / Financial Literacy

| Organization | | EIN Number | | Agency | | Amount | | Agy # | | U/A * | |
|--|--|------------|--|--------|--|---------------|--|-------|--|-------|--|
| St. Nicholas Neighborhood Preservation Corporation | | 51-0192170 | | DSBS | | (\$75,000.00) | | 801 | | 002 | |
| St. Nick's Alliance Corporation | | 51-0192170 | | DSBS | | \$75,000.00 | | 801 | | 002 | |
| | | | | | | \$0.00 | | | | | |

* Indicates pending completion of pre-qualification review.

CHART 10: Adult Literacy

| Organization | | EIN Number | Agency | Amount | Agy # | U/A |
|--|--|------------|--------|---------------|--------|-----|
| St. Nicholas Neighborhood Preservation Corporation | | 51-0192170 | DYCD | (\$30,952.38) | 260 | 005 |
| St. Nick's Alliance Corporation | | 51-0192170 | DYCD | \$30,952.38 | 260 | 005 |
| | | | | | \$0.00 | |

* Indicates pending completion of pre-qualification review.

CHART 12: Primary Care Initiative

| Organization | EIN Number | Agency | Amount | Aggr # | U/A * |
|---|------------|--------|---------------|--------|-------|
| Theodore Roosevelt High School School-Based Health Clinic | 13-5400434 | DOHMH | (\$75,000.00) | 816 | 117 |
| Monterio Medical Center | 13-1740114 | DOHMH | \$175,000.00 | 816 | 117 |
| | | | \$0.00 | | |

* Indicates pending completion of pre-qualification review.

DOMENIC M. RECCHIA JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, February 16, 2011

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Reports of the Committee on Land Use

Report for L.U. No. 238

Report of the Committee on Land Use in favor of approving Application no. 20115223 HAK, an Urban Development Action Area Project located at 824 Monroe Street, Council District no. 41, Borough of Brooklyn. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development and pursuant to Section 696 of the General Municipal law for an exemption from real property taxes.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 13, 2010 (Minutes, page 4379), respectfully

REPORTS:

SUBJECT

Proposal subject to Council review and action pursuant to the Urban Development Action Area Act, Article 16 of the New York General Municipal Law, at the request of the Department of Housing Preservation and Development ("HPD"),

| ADDRESS | BLOCK/LOT | NON- ULURP NO. | L.U. NO. | PROGRAM PROJECT | |
|---------------------------|-------------------|-------------------|-------------|--------------------|---------|
| 824 Street Brooklyn | Monroe 1481/14 | 20115223 HAK | 238 | Asset Area | Control |

INTENT

HPD requests that the Council:

- Find that the present status of the Disposition/Exemption Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
- Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
- Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
- Approve the project as Urban Development Action Area Projects pursuant to Section 694 of the General Municipal Law; and
- Approve an exemption of the project from real property taxes pursuant to Section 696 of the General Municipal Law.

PUBLIC HEARING

Date: February 8, 2011

Witnesses In Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

Date: February 8, 2011

The Subcommittee recommends that the Committee approve the proposal, grant the requests made by the Department of Housing Preservation and Development, and make the findings required by Article 16 of the General Municipal Law.

| In Favor: | Against: | Abstain: |
|-----------|----------|----------|
| Levin | Barron | None |
| Gonzalez | | |
| Dickens | | |
| Koo | | |

COMMITTEE ACTION

DATE: February 10, 2011

The Committee recommends that the Council approve the attached resolution.

| In Favor: | Against: | Abstain: |
|-----------|----------|----------|
| Comrie | Barron | None |
| Rivera | | |

Cont'd

Reyna
Jackson
Sanders, Jr.
Seabrook
Vann
Gonzalez
Palma
Arroyo
Dickens
Garodnick
Lappin
Mendez
Vacca
Lander
Levin
Weprin

Williams
Ignizio
Koo

In connection herewith, Council Members Comrie and Levin offered the following resolution:

Res. No. 678

Resolution approving an Urban Development Action Area Project located at 824 Monroe Street (Block 1481, Lot 14), Borough of Brooklyn, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (L.U. No. 238; 20115223 HAK).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on September 29, 2010 its request dated September 13, 2010 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 824 Monroe Street (Block 1481, Lot 14), Community District 3, Borough of Brooklyn (the "Disposition Area"):

- Find that the present status of the Exemption Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;
- Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
- Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
- Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
- Approve the exemption of the Project from real property taxes pursuant to Section 696 of the General Municipal Law (the "Tax Exemption").

WHEREAS, the Project is to be developed on land that is now an eligible area as defined in Section 692 of the General Municipal Law, consists solely of the rehabilitation or conservation of existing private or multiple dwellings or the construction of one to four unit dwellings, and does not require any change in land use permitted under the New York City Zoning Resolution;

WHEREAS, upon due notice, the Council held a public hearing on the Project on February 8, 2011;

WHEREAS, the Council has considered the land use and financial implications and other policy issues relating to the Project;

RESOLVED:

The Council finds that the present status of the Exemption Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an urban development action area project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council waives the area designation requirement pursuant to Section 693 of the General Municipal Law.

The Council waives the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law.

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law.

The Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council, a copy of which is attached hereto.

The exemption of the Project from real property taxes pursuant to Section 696 of the General Municipal Law is approved as follows:

- All of the value of the buildings, structures, and other improvements situated on the Exemption Area shall be exempt from local and municipal real property taxation, other than assessments for local improvements and land value, for a period of ten years, during the last five years of which such exemption shall decrease in equal annual decrements. Such exemption shall commence on the January 1st or July 1st (whichever shall first occur) following the completion of construction as certified by HPD, following certification by HPD or its designee that (i) rehabilitation of the building on the Exemption Area has been substantially completed and a temporary or permanent Certificate of Occupancy for such building has been issued by the Department of Buildings or is not required, and (ii) the cost of such rehabilitation is at least equal to the assessed value of such building as determined in the tax year immediately preceding the grant of the tax exemption hereunder.
- The partial tax exemption granted hereunder shall terminate with respect to all or any portion of the Exemption Area if HPD determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by the Sponsor or the owner of such real property with, or for the benefit of, the City of New York or HUD. HPD shall deliver written notice of any such determination of noncompliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than ninety (90) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the partial tax exemption granted hereunder shall prospectively terminate with respect to the real property specified therein.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, February 10, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 288

Report of the Committee on Land Use in favor of approving Application no. 20115241 TCM pursuant to Section 20-226(g) of the New York City Administrative Code, concerning the petition of C & O Coffee Shop Inc. to continue to maintain and operate an unenclosed sidewalk café at 28 Eighth Avenue, Borough of Manhattan Council District no. 3. This application is subject to review and action by the Land Use Committee only if called up by vote of the Council pursuant to Rule 11.20(b) of the Council and Section 20-226(g) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on January 18, 2011 (Minutes, page 163), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2 **20115241 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of C & O Coffee Shop, Inc., d/b/a La Bonbonniere, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 28 Eighth Avenue.

INTENT

To allow an eating or drinking place located on a property which abuts the street to continue to maintain and operate an unenclosed service area on the sidewalk of such street.

The Subcommittee recommends that the Land Use Committee approve the Petition.

| | | |
|-----------|----------|----------|
| In Favor: | Against: | Abstain: |
| Weprin | None | None |
| Rivera | | |
| Reyna | | |
| Comrie | | |
| Jackson | | |
| Seabrook | | |
| Vann | | |
| Garodnick | | |
| Lappin | | |
| Vacca | | |
| Ignizio | | |

COMMITTEE ACTION

DATE: February 10, 2011

The Committee recommends that the Council approve the attached resolution.

| | | |
|--------------|----------|----------|
| In Favor: | Against: | Abstain: |
| Comrie | None | None |
| Rivera | | |
| Reyna | | |
| Barron | | |
| Jackson | | |
| Sanders, Jr. | | |
| Seabrook | | |
| Vann | | |
| Gonzalez | | |
| Palma | | |
| Arroyo | | |
| Cont'd | | |
| Dickens | | |
| Garodnick | | |
| Lappin | | |
| Mendez | | |
| Vacca | | |
| Lander | | |
| Levin | | |
| Weprin | | |
| Williams | | |
| Ignizio | | |
| Koo | | |

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 680

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 253 Tenth Avenue, Borough of Manhattan (20105632 TCM; L.U. No. 289).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on January 4, 2011 its approval dated January 4, 2011 of the petition of Sonny Lou Inc., d/b/a Pepe Giallo, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 253 Tenth Avenue, Community District 4, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

WHEREAS, the Petition is subject to review by the Council pursuant to Section 20-226(g) of the Administrative Code;

WHEREAS, upon due notice, the Council held a public hearing on the Petition on February 8, 2011; and

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Petition;

RESOLVED:

Pursuant to Section 20-226 of the Administrative Code, the Council approves the Petition.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, February 10, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 290

Report of the Committee on Land Use in favor of approving Application no. 20115286 TCQ pursuant to Section 20-226(g) of the Administrative Code concerning the petition of Canz Suffolk 1 Inc. to establish, maintain and operate an unenclosed sidewalk café at 40-11 30th Avenue, Borough of Queens, Council District no. 22.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on January 18, 2011 (Minutes, page 164), respectfully

REPORTS:

SUBJECT

| | |
|---------------|--------------|
| QUEENS CB - 1 | 20115286 TCQ |
|---------------|--------------|

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Canz Suffolk 1, Inc., d/b/a Canz Bar, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 40-11 30th Avenue.

INTENT

To allow an eating or drinking place located on a property which abuts the street to establish, maintain and operate an unenclosed service area on the sidewalk of such street.

PUBLIC HEARING

DATE: February 8, 2011

| | |
|--------------------------|-------------------------|
| Witnesses in Favor: None | Witnesses Against: None |
|--------------------------|-------------------------|

SUBCOMMITTEE RECOMMENDATION

DATE: February 8, 2011

The Subcommittee recommends that the Land Use Committee approve the Petition.

| | | |
|-----------|----------|----------|
| In Favor: | Against: | Abstain: |
| Weprin | None | None |
| Rivera | | |
| Reyna | | |
| Comrie | | |
| Jackson | | |
| Seabrook | | |
| Vann | | |
| Garodnick | | |
| Lappin | | |
| Vacca | | |
| Ignizio | | |

COMMITTEE ACTION

DATE: February 10, 2011

The Committee recommends that the Council approve the attached resolution.

| | | |
|--------------|----------|----------|
| In Favor: | Against: | Abstain: |
| Comrie | None | None |
| Rivera | | |
| Reyna | | |
| Barron | | |
| Jackson | | |
| Sanders, Jr. | | |
| Seabrook | | |
| Vann | | |
| Gonzalez | | |
| Palma | | |
| Arroyo | | |

Cont'd
Dickens
Garodnick
Lappin
Mendez
Vacca
Lander
Levin
Weprin
Williams
Ignizio
Koo

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 681

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 40-11 30th Avenue, Borough of Queens (20115286 TCQ; L.U. No. 290).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on January 4, 2011 its approval dated January 4, 2011 of the petition of Canz Suffolk 1, Inc., d/b/a Canz Bar, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 40-11 30th Avenue, Community District 1, Borough of Queens (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

WHEREAS, the Petition is subject to review by the Council pursuant to Section 20-226(g) of the Administrative Code;

WHEREAS, upon due notice, the Council held a public hearing on the Petition on February 8, 2011; and

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Petition;

RESOLVED:

Pursuant to Section 20-226 of the Administrative Code, the Council approves the Petition.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, February 10, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 303

Report of the Committee on Land Use in favor of approving Application no. 20115323 TCM, pursuant to Section 20-226(g) of the Administrative Code of the City of New York, concerning the petition of Harlem Apple, LLC d.b.a Applebee’s Neighborhood Grill & Bar to establish, maintain and operate an unenclosed sidewalk café located at 1 West 125th Street, Borough of Manhattan, Council District no. 9. This application is subject to review and action by the Land Use Committee only if called up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226(g) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on January 18, 2011 (Minutes, page 168), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 10 20115323 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Harlem Apple, LLC, d/b/a Applebee’s Neighborhood Bar & Grill, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 1 West 125th Street.

INTENT

To allow an eating or drinking place located on a property which abuts the street to establish, maintain and operate an unenclosed service area on the sidewalk of such street.

PUBLIC HEARING

DATE: February 8, 2011

| | |
|-------------------------|-------------------------|
| Witnesses in Favor: One | Witnesses Against: None |
|-------------------------|-------------------------|

SUBCOMMITTEE RECOMMENDATION

DATE: February 8, 2011

The Subcommittee recommends that the Land Use Committee approve the Petition.

| | | |
|-----------|----------|----------|
| In Favor: | Against: | Abstain: |
| Weprin | None | None |
| Rivera | | |
| Reyna | | |
| Comrie | | |
| Jackson | | |
| Seabrook | | |
| Vann | | |
| Garodnick | | |
| Lappin | | |
| Vacca | | |
| Ignizio | | |

COMMITTEE ACTION

DATE: February 10, 2011

The Committee recommends that the Council approve the attached resolution.

| | | |
|--------------|----------|----------|
| In Favor: | Against: | Abstain: |
| Comrie | None | None |
| Rivera | | |
| Reyna | | |
| Barron | | |
| Jackson | | |
| Sanders, Jr. | | |
| Seabrook | | |
| Vann | | |
| Gonzalez | | |
| Palma | | |
| Arroyo | | |
| Dickens | | |
| Cont'd | | |
| Garodnick | | |
| Lappin | | |
| Mendez | | |
| Vacca | | |
| Lander | | |
| Levin | | |
| Weprin | | |
| Williams | | |
| Ignizio | | |
| Koo | | |

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 682

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 1 West 125th Street, Borough of Manhattan (20115323 TCM; L.U. No. 303).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on January 7, 2011 its approval dated January 7, 2011 of the petition of Harlem Apple, LLC, d/b/a Applebee’s Neighborhood Bar & Grill, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 1 West 125th Street, Community District 10, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

WHEREAS, the Petition is subject to review by the Council pursuant to Section 20-226(g) of the Administrative Code;

WHEREAS, upon due notice, the Council held a public hearing on the Petition on February 8, 2011; and

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Petition;

RESOLVED:

Pursuant to Section 20-226 of the Administrative Code, the Council approves the Petition.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, February 10, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Reports of the Committee on Rules, Privileges & Elections

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Rules, Privileges & Elections and had been favorably reported for adoption.

Report for M-392

Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment by the Council, in conjunction with the Mayor, of Elisa Velazquez as a member of the New York City Lobbying Commission.

The Committee on Rules, Privileges and Elections, to which the annexed communication (with coupled resolution below) was referred on February 16, 2011, respectfully

REPORTS:

Topic I: *New York City Lobbying Commission – (Council candidate for appointment)*

- **Elisa Velazquez [Preconsidered M-392]**

New York City Administrative Code §3-212(e) provides for the establishment of a Lobbying Commission (“the Commission”). The Commission consists of five members, jointly appointed by the Mayor and the New York City Council (“City Council”). Also, the Mayor and the City Council jointly designate a chair from among the Commission members. The Commission members and the chair are appointed to undefined terms and serve without compensation.

As enumerated in the *New York City Administrative Code* §3-212(e), the Commission serves as an advisory body to review and evaluate the activities and performance of the New York City Clerk in implementing the provisions of the City’s Lobbying Laws. Within six months of the appointment of the Commission members, the Commission shall report to the Mayor and the New York City Council on its review and evaluation of the City Clerk’s activities and performance. The Commission’s report shall include any administrative and legislative recommendations on strengthening the administration and enforcement of the City’s Lobbying Laws, as well as whether the dollar threshold for the filing of a Statement of Registration should be raised.

If appointed, in conjunction with the Mayor, Ms. Velazquez will serve an undefined term as a Lobbying Commission member. Copies of Ms. Velazquez’s résumé and report/resolution are annexed to this briefing paper.

Topic II: *New York City Health and Hospitals Corporation – (Council candidate for designation)*

- **Robert F. Nolan [Preconsidered M-393]**

The New York City Health and Hospitals Corporation (“HHC”) was constituted pursuant to Chapter 1016 of the laws of 1969, thereafter codified §7381 *et seq.* of the *Unconsolidated Laws of the State of New York*. HHC is a public benefit corporation whose purpose is to: (a) provide and deliver high quality, dignified and comprehensive care and treatment for the ill and infirm, both physical and mental, particularly to those who can least afford such services; (b) extend equally to all served, comprehensive health services of the highest quality, in an atmosphere of human care and respect; (c) promote and protect, as both innovator and advocate, the health, welfare and safety of the people of the State of New York and of the City of New York; and (d) join with other health workers and communities in a partnership to promote and protect health in its fullest sense—the total physical, mental and social well being of the people. *HHC By Laws Article II*.

As provided by law, a Board of Directors consisting of sixteen members administers HHC. As specified in HHC By Laws Article IV, §3, the Administrator of the Health Services Administration, the Commissioner of Health,¹ the Commissioner of Mental Health, Mental Retardation and Alcoholism Services,² the

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¹ This agency is now known as the Department of Health and Mental Hygiene. The Commissioner of the Department of Health and Mental Hygiene fills the seat for the Commissioner of the Department of Health.

² In 2002, the Department of Mental Health, Mental Retardation and Alcoholism Services was merged with the Department of Health. The merged agency has been named the Department of Health and Mental Hygiene. HHC’s *By Laws* have not been amended to reflect this name change. The Director of Community Mental Health Services at the merged agency occupies the seat specified in the *By-Laws* for the Commissioner of the Department of Mental Health, Mental Retardation and Alcoholism Services.

Administrator of the Human Resources Administration and the Deputy Mayor/City Administrator, or their successors shall be directors ex-officio. Ten additional directors are appointed by the Mayor, five of whom are designated by the City Council.³ The President of HHC serves as the sixteenth director.⁴

Under current HHC By-Laws,⁵ the Board of Directors has established the following standing committees: Executive Committee, Finance Committee, Capital Committee, Medical and Professional Affairs Committee, Quality Assurance Committee, Audit Committee, Community Relations Committee, Strategic Planning Committee, and the Equal Employment Opportunity Committee. Each of the standing committees, except the Audit Committee,⁶ shall be composed of the Chair of the Board with approval of a majority of the Board. In addition to standing committees, the Board, by resolution passed by a majority of the whole number of directors, may designate special committees, each to consist of three or more directors, one of whom shall be the Chair of the Board. The Chair of each committee, both standing and special, shall be designated by a majority vote of the Board.

The term of a director, other than those serving ex-officio and/or at the pleasure of the Board, is for five years. The Mayor shall fill any vacancy which may occur by reason of death, resignation, or otherwise, in a manner consistent with the original appointment. The directors do not receive compensation for their services, but are reimbursed for actual and necessary expenses incurred by them in the performance of their official duties.

If Mr. Nolan, a resident of the Bronx is designated by the Council, and subsequently appointed to HHC by the Mayor, he will replace Dr. Marcia Brown and serve for the remainder of a five-year term that will expire on March 20, 2012. A copy of Mr. Nolan’s résumé and report/resolution is annexed to this briefing paper.

(After interviewing the candidates and reviewing the relevant material, the Committee decided to approve the appointment of the nominees. For nominee Robert F. Nolan, please see the Report of the Committee on Rules, Privileges and Elections for M- 393 printed later in this section of these Minutes; for nominee Elisa Velazquez, please see immediately below).

The Committee on Rules, Privileges and Elections, which was referred to on February 16, 2011, respectfully reports:

Pursuant to §3-212(e) of the New York City Administrative Code, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Council, in conjunction with the Mayor, of Elisa Velazquez, as a member of the New York City Lobbying Commission to serve for an undefined term.

In connection herewith, Council Member Rivera offered the following resolution:

Res. No. 683

Resolution approving the appointment by the Council, in conjunction with the Mayor, of Elisa Velazquez as a member of the New York City Lobbying Commission.

By Council Member Rivera.

RESOLVED, that pursuant to §3-212(e) of the New York Administrative Code, the Council, in conjunction with the Mayor, hereby approves the appointment of Elisa Velazquez as a member of the New York City Lobbying Commission to serve for an undefined term.

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³ The Mayor must confirm the Council’s designees in order for these individuals to serve on the Board of Directors.

⁴ The President of HHC is also referred to as the Chief Executive Officer. This individual is chosen by the other fifteen directors and serves at the pleasure of the Board of Directors. According to HHC *By-Laws* Article VII, §4(A), the President shall have general charge of the business and affairs of HHC and shall have the direction of all other officers, agents and employees. He or she shall, if present, and in absence of the Chair of the Board and Vice chair of the Board, preside at all meetings of the Board. The President may assign such duties to the other officers of HHC, as he or she deem appropriate. In HHC *By-Laws* Article VIII, §1, it is noted that the President appoints an Executive Director for each HHC facility. This individual serves at the pleasure of the President. Other duties of the President include the establishment of Community Advisory Boards for each HHC facility. Community Advisory Boards consider and advise HHC with respect to the plans and programs of HHC. See *HHC By-Laws*, Article X1.

⁵ As amended through May 31, 2001.

⁶ The Audit Committee consists of members designated by the Board of Directors other than those serving ex-officio.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, ERIK MARTIN-DILAN, LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, INEZ E. DICKENS, JAMES VACCA, ELIZABETH CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN, Committee on Rules, Privileges and Elections, February 16, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Rules, Privileges & Elections and had been favorably reported for adoption.

Report for M-393

Report of the Committee on Rules, Privileges and Elections in favor of approving the designation by the Council of Robert F. Nolan as a member of the New York City Health and Hospitals Corporation Board of Directors.

The Committee on Rules, Privileges and Elections, to which the annexed communication (with coupled resolution below) was referred on February 16, 2011, respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-392 printed in these Mnotes).

The Committee on Rules, Privileges and Elections, which was referred to on February 16, 2011, respectfully reports:

Pursuant to the *Unconsolidated Laws of the State of New York*, § 7384, paragraph 1, the Committee on Rules, Privileges and Elections, hereby approves the designation by the Council of Robert F. Nolan as a member of the New York City Health and Hospitals Corporation Board of Directors to serve for the remainder of a five year term that will expire on March 20, 2012.

The matter was referred to the Committee on February 16, 2011.

In connection herewith, Council Member Rivera offered the following resolution:

Res. No. 684

Resolution approving the designation by the Council of Robert F. Nolan as a member of the New York City Health and Hospitals Corporation Board of Directors.

By Council Member Rivera.

RESOLVED, that pursuant to the *Unconsolidated Laws of the State of New York*, § 7384, paragraph 1, the Council does hereby approve the designation of Robert F. Nolan as a candidate for appointment by the Mayor as a member of the New York City Health and Hospitals Corporation Board of Directors to serve for the remainder of a five-year term that will expire on March 20, 2012.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, ERIK MARTIN-DILAN, LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, INEZ E. DICKENS, JAMES VACCA, ELIZABETH CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN, Committee on Rules, Privileges and Elections, February 16, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Reports of the Committee on Transportation

Report for Int. No. 370-A

Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to pedestrian safety reporting.

The Committee on Transportation, to which the annexed amended proposed local law was referred on October 13, 2010 (Minutes, page 4368), respectfully

REPORTS:

INTRODUCTION

On February 14, 2011, the Committee on Transportation, chaired by Council Member James Vacca, held a hearing on Proposed Int. No. 370-A, a Local Law to amend the administrative code of the city of New York in relation to pedestrian safety reporting. This legislation would create a mechanism for the reporting of traffic crash data on the city of New York’s (the city) website. The legislation would also require the creation of an interagency roadway safety plan. Finally, the bill would amend the provisions set forth in Local 11 of 2008 governing the city’s analysis and inspection of the twenty worst crash locations in the city.

This was the second hearing on this legislation. The first hearing occurred November 4, 2010 on an earlier version of the bill. This version was developed as a result of input from comments at the hearing. Witnesses at the first hearing included representatives from the New York City Department of Transportation (DOT) and Transportation Alternatives.

BACKGROUND

New York City is well-known as a city that is easily accessible without a car. In fact, it is the only city in the country where a majority of households do not own a car.¹ Many individuals in New York walk, bike, or make use of the extensive public transportation system to navigate the city. Despite this, there are many cars in the city and, as in most cities, traffic accidents do occur. Traffic fatalities have declined dramatically in recent years, with an all-time record low in fatalities in 2009.² Although this decrease in fatalities is encouraging, accidents do persist, and pedestrians are often the victims. As described in a recent report produced by Transportation Alternatives in 2007, there were 79,510 car crashes in New York City, including 11,035 incidents involving a motor vehicle hitting a pedestrian.³

Frequently these accidents have fatal consequences according to Transportation Alternatives’ Report. Among injury-related deaths in New York City, 273 people were killed in car crashes in 2007, the majority of whom were pedestrians being struck by cars,⁴ while walking is the number two cause for adults over the age of 45 and the number one cause for New York City children under the age of 14.⁵ Senior citizens are particularly vulnerable; they comprise only 13 percent of the city’s population, yet represent 33 percent of the city’s pedestrian fatalities.⁶

THE NEW YORK CITY PEDESTRIAN SAFETY STUDY & ACTION PLAN⁷

On August 16, 2010, DOT, in accordance with Local Law 11 of 2008, released a report titled “The New York City Pedestrian Safety Study & Action Plan” (“the Plan”). The Plan examined eight years of data about traffic crashes that have caused serious injuries or fatalities to pedestrians, and identifies underlying causes that DOT plans to address to reduce these crashes.

Some key findings of the study are:

- NYC’s traffic fatality rate is about one-quarter of the national rate and less than half the rate of the next 10 largest U.S. cities
- Traffic crashes cost the City’s economy \$4.29 billion annually.
- Pedestrians accounted for 52% of traffic fatalities from 2005-2009.
- Most New Yorkers do not know that the standard speed limit for city streets is 30 mph
- Manhattan has four times as many pedestrians killed or severely injured per mile of street compared to the other four boroughs.

The report also recommended several actions that DOT would undertake to improve pedestrian safety through the city, such as installing countdown pedestrian signals, re-engineering streets and intersections, and launching two pilot programs.

ANALYSIS

Section one of Proposed Int. No. 370-A would amend Title 14 of the Administrative Code (the Code) by adding a new section 14-153. Subdivision a of new section 14-153 would require the New York City Police Department (“NYPD”) to publish the following data on its website:

1. The number of moving violations issued, disaggregated by the type of summons;
2. The number of traffic crashes, disaggregated by the type of vehicle or vehicles involved and by the number of motorist and/or injured passengers, bicyclists and pedestrians involved; and
3. The number of traffic-related fatalities and injuries disaggregated by (i) the number of motorists and/or injured passengers, bicyclists and pedestrians

involved and (ii) the apparent human contributing factor or factors involved in the crash, including, but not limited to alcohol, driver inattention/distraction, speeding, failure to yield and use of cell phones or other mobile devices.

Subdivision b of new section 14-153 would require that the data to be published on NYPD’s website in the aggregate city-wide and borough-wide and be searchable by police precinct and intersection, except for the summons data, which will be searchable by borough and police precinct only. The subdivision also requires that NYPD update the data at least once a month.

Section two of Proposed Int. No. 370-A would amend Title 19 of the Code by amending section 19-180. Subdivision a would be amended to require within one hundred eighty days of DOT receiving data from the New York State Department of Motor Vehicles (“DMV”) traffic crash data involving pedestrian injuries or fatalities for the previous calendar year:

1. The twenty highest crash locations would be ranked based on the number of crashes involving pedestrians killed or seriously injured, and selected proportionally by borough based upon the percentage of total crashes involving pedestrians in each borough; and
2. Inspect and conduct audits at the identified locations, and make necessary improvements at the locations.

Subdivision b of section 19-180 would remain unchanged, and would require within thirty days of conducting the inspections and audits required by subdivision a, a report of the inspections and audits and recommendations be submitted to the local Council Member and Community Board.

Subdivision c of the amended section 19-180 would require DOT to take off the list of the twenty highest crash locations any location that was on the list more than once over a five year period. That location would continue to receive the necessary attention until it was no longer one of the highest location. The next location down would be added to the list of the twenty highest crash location that is in the same borough of the one it has replaced.

Subdivision d of the amended section 19-180 would define serious injuries as those injuries categorized as “A” injuries by the DMV. “A” injuries include skull fractures, internal injuries, broken or distorted limbs, unconsciousness, severe lacerations, and unable to leave the scene without assistance.

Section three of Proposed Int. No. 370-A would amend Title 19 of the Code by amending section 19-181. Subdivision a would be amended to require within ninety days of DOT’s receiving access to the DMV traffic crash data involving pedestrians and/or bicyclists, inspection by DOT of every location where there have been four or more serious injuries or fatalities during the prior five year period.

Subdivisions b, c and d of section 19-181 would remain unchanged. New subdivision e of section 19-181 would define serious injury as “A” injuries by DMV.

Section four of Proposed Int. No. 370-A would amend Title 19 of the Code by amending section 19-182. Subdivision a of the amended section 19-182 would require DOT to conduct a comprehensive study of all traffic crashes involving a pedestrian fatality or serious injury every five years. The remainder of subdivision a of section remains unchanged, and will still require the studies to be used to analyze the conditions and factors associated with each crash and identify any common factors of the crashes. DOT would also use the studies to improve pedestrian safety.

Subdivision b of section 19-182 would be amended to require the first such study, along with a schedule to implement the strategies for improving pedestrian safety generated by the study, be submitted to the mayor and council on November 30, 2015 and every five years thereafter by November 30 of that fifth year.

Section five of Proposed Int. No. 370-A would amend Title 19 of the Code by adding a new section 19-184, entitled “Interagency roadway safety plan.” Subdivision a of new section 19-184 would require DOT to develop an interagency plan to improve roadway safety, which shall be designed to, among other things, reduce the incidents of traffic violations, crashes, injuries and fatalities.

Subdivision b of new section 19-184 would require such plan to identify key agencies and groups that DOT must meet with at least monthly to work on improving roadway safety and shall include, but not be limited to:

1. Proposed programs and initiatives to reduce traffic violations and to encourage traffic calming and safety measures;
2. Suggestions for behavioral modification to reduce crashes in the city;
3. A plan to increase collaboration between the department and the police department on roadway safety; and
4. A schedule for implementing the proposals contained in such plan.

Subdivision c of new section 19-184 would require DOT to issue the plan to the Mayor and Council ninety days after the enactment of the local law that added this section. The report is required to include, but not limited to, the strategies for improving roadway safety, whether any strategies were implemented, and the status of such implementation.

Section six of Proposed Int. 370-A would provide that this legislation take effect one hundred and twenty days after it is enacted into law.

UPDATE

On February 14, 2011, the Committee on Transportation voted 12-0 in favor of the bill, with no abstentions.

¹ There were 256 traffic fatalities in 2009, down from the previous record-low of 274 fatalities in 2007. Press Release, Office of the Mayor, “Mayor Bloomberg, Transportation Commissioner Sadik-Khan Announce All-time Record Year for Traffic Safety,” (January 27, 2010).

² Transportation Alternatives, “Executive Order: A Mayoral Strategy for Traffic Safety,” hereinafter, “Transportation Alternatives’ Report,” p.4 (July, 2009). Transportation Alternatives is an organization dedicated to advocating for bicycling, walking, and public transit as transportation alternatives.

³ *Id.*

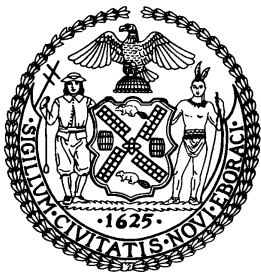
⁴ *Id.*

⁵ *Id.* at p. 16.

⁶ Unless otherwise noted, all information from this section is from the NYC Department of Transportation’s report, “The New York City Pedestrian Safety Study & Action Plan,” August, 2010.

⁷ Based upon data from the 2000 Census. See Transportation Alternatives, “Census 2000: NYC Still a Car-Free Majority,” available at <http://transalt.org/files/newsroom/streetbeat/askta/020422.html>.

(The following is the Fiscal Impact Statement for Int. No. 370-A:)



THE COUNCIL OF THE CITY OF
NEW YORK
FINANCE DIVISION
PRESTON NIBLACK, DIRECTOR
FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 370-A

COMMITTEE: Transportation

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to pedestrian safety reporting.

SPONSORS: Council Members Lappin, Brewer, Chin, Comrie, Fidler, Gentile, Gonzalez, James, Koppell, Koslowitz, Lander, Palma, Garodnick, Mealy, Rose, Jackson, Van Bramer, Barron, Mendez, Levin, Nelson, Koo and The Public Advocate (Mr. de Blasio)

SUMMARY OF LEGISLATION: The proposed legislation would amend chapter one of title 14 of the administrative code of the city of New York by adding a new section 14-153 to require the New York City Police Department (“Department”) to conduct and analyze a comprehensive study of all traffic crashes involving a pedestrian fatality or serious injury every five years and use the result from the studies to develop strategies for improving pedestrian safety. The result of the first comprehensive study would be due to the Mayor and Council no later than November 30, 2015 and every five years thereafter.

In addition, the bill would require that the Department publish on its website traffic related data including the number of moving violation summonses issued, disaggregated by type of summons; the number of traffic crashes, disaggregated by the type of vehicle or vehicles involved and by the number of motorists, passengers, bicyclists, scooters and pedestrians involved; the number of traffic-related fatalities and injuries disaggregated by the number of motorists, passengers, bicyclists, scooters and pedestrians involved; and by the apparent human contributing factor or factors involved in the crash, including, but not limited to alcohol, driver inattention/distraction and use of cell phones or other mobile devices. The required data would be published on the Department’s website for the whole city and disaggregated by borough and police precinct, searchable by intersection and updated at least once every month.

Lastly, the bill would amend title 19 of the administrative code of the city of New York by adding a new section 19-184 to require that the New York City Department of Transportation (“DOT”) develop an interagency plan to improve roadway safety designed to reduce the incident of traffic violations, crashes, injuries and fatalities, among others. Such plan would identify key agencies and groups that the DOT will meet with at least monthly to work on improving roadway safety and shall include proposed programs and initiatives to reduce traffic violations; suggestions for behavioral modification such as education and strategic traffic enforcement; a plan to increase collaboration with the police department and a schedule for implementing the proposals. This plan would be due to the Mayor and Council 90 days after the enactment of this local law.

EFFECTIVE DATE: This legislation would take effect one hundred twenty days after its enactment into law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2011

FISCAL IMPACT STATEMENT:

| | Effective FY11 | FY Succeeding Effective FY12 | Full Fiscal Impact FY11 |
|--------------|----------------|------------------------------|-------------------------|
| Revenues | \$0 | \$0 | \$0 |
| Expenditures | \$0 | \$0 | \$0 |
| Net | (See Below) | (See Below) | (See Below) |

IMPACT ON REVENUES: There would be no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: Because the agencies plan to use existing resources to implement this bill, it is estimated that there would be minimal to no impact on expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: City Council Finance Division
Mayor’s Office of Legislative Affairs

ESTIMATE PREPARED BY: Andy Grossman, Deputy Director
Chima Obichere, Supervising Legislative Financial Analyst

HISTORY: Int. 370 was introduced by the Council and referred to the Committee on Transportation on October 13, 2010. A hearing was held and the legislation was laid over by the Committee on November 04, 2010. Intro. 370 has been amended, and the amended version, Proposed Int. 370-A, will be considered by the Committee on February 14, 2011.

DATE SUBMITTED TO COUNCIL: October 13, 2010.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 370-A:)

Int. No. 370-A

By Council Members Lappin, Brewer, Chin, Comrie, Fidler, Gentile, Gonzalez, James, Koppell, Koslowitz, Lander, Palma, Garodnick, Mealy, Rose, Jackson, Van Bramer, Barron, Mendez, Levin, Nelson, Gennaro, Recchia, Rodriguez, Reyna, Dromm, Koo, Weprin, Greenfield, and The Public Advocate (Mr. de Blasio).

A Local Law to amend the administrative code of the city of New York, in relation to pedestrian safety reporting.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 14 of the administrative code of the city of New York is amended by adding a new section 14-153 to read as follows:

§14-153 *Traffic data.* a. *The department shall publish on its website the following traffic-related data: (1) the number of moving violation summonses issued, disaggregated by type of summons; (2) the number of traffic crashes, disaggregated by (i) the type of vehicle or vehicles involved and (ii) the number of motorists and/or injured passengers, bicyclists and pedestrians involved; and (3) the number of traffic-related fatalities and injuries disaggregated by (i) the number of motorists and/or injured passengers, bicyclists and pedestrians involved; and (ii) the apparent human contributing factor or factors involved in the crash, including, but not limited to alcohol, driver inattention/distraction, speeding, failure to yield and use of cell phones or other mobile devices.*

b. *The data required pursuant to this section shall be published on the department's website for the whole city and disaggregated by borough and police precinct, and shall be searchable by intersection, except for the data required under paragraph one of subdivision a, which shall be disaggregated by borough and police precinct only. Such data shall be updated at least once every month.*

§2. Section 19-180 of the administrative code of the city of New York, as added by local law 11 for the year 2008, is amended to read as follows:

§19-180 Safety audits of crash locations involving pedestrians a. Within one hundred and eighty days of receiving access to New York state department of motor vehicles traffic crash data involving pedestrian injuries or fatalities for the previous calendar year, the department shall:

1. Identify the twenty highest crash locations based upon a ranking of the total number of crashes involving pedestrians *killed or seriously injured, occurring over a five- year period* and selected proportionally by borough based upon the percentage of total crashes involving pedestrians in such borough; and

2. Inspect and conduct audits at such locations and, where warranted, make improvements or incorporate improvements into capital projects.

b. Within thirty days of completing the inspections and audits required under paragraph 2 of subdivision a of this section, the department shall send a report noting such inspection and audit and summarizing its recommendations and steps to be taken, including a schedule to implement such recommendations, to the council member and community board in whose district the crash location is located.

c. If any crash location appears on the department's annual list of twenty highest crash locations involving pedestrians [in two] *more than once in five* consecutive years, such location shall be removed from the annual list and replaced by the location with the next highest number of crashes involving pedestrians located within the same borough as the consecutively appearing location; provided that the department shall continue to monitor such crash data and/or make safety improvements at such removed location until such removed location is no longer one of the highest crash locations.

d. *For purposes of this section, “seriously injured” shall mean those injuries categorized as “A” injuries by the New York state department of motor vehicles.*

§ 3. Section 19-181 of the administrative code of the city of New York, as added by local law number 11 for the year 2008, is amended to read as follows:

§19-181 Safety inspections at locations exhibiting a pattern of crashes involving pedestrians and/or bicyclists. a. Within ninety days of receiving access to New York state department of motor vehicles traffic crash data involving pedestrians and/or bicyclists, the department shall inspect every location with [five] *four* or more *serious* injuries or fatalities involving pedestrians and/or bicyclists during the prior [twelve month] *five-year* period.

b. Within ninety days of notice of a traffic crash involving a fatality, the department shall conduct an inspection of the traffic crash location.

c. The department shall act upon any inspection recommendations, if warranted.

d. The department shall make the results of the inspections required under subdivisions a and b or any actions required by subdivision c of this section available upon request to the public.

e. *For purposes of this section, “serious injury” shall mean those injuries categorized as “A” injuries by the New York state department of motor vehicles.*

§4. Section 19-182 of the administrative code of the city of New York, as added by local law 11 for the year 2008, is amended to read as follows:

§19-182 Comprehensive study of pedestrian fatalities and serious injuries. a. [The]*Every five years, the* department shall conduct a comprehensive study of all traffic crashes involving a pedestrian fatality or serious injury for the most recent five years where traffic crash data is available. In *each* such study, the department shall analyze the conditions and factors associated with each such traffic crash and identify common factors among the crashes, if any. The department shall use such [study] *studies* to develop strategies to improve pedestrian safety, which may include modifying citywide traffic operations policy, developing pedestrian safety strategies geared towards specific users, including, but not limited to, installation of audible pedestrian signals and other devices to assist those with sight, hearing and mobility impairments, prioritizing locations and/or types of roadways or intersections for safety improvements and making recommendations for improving safety at such locations.

b. The *first* comprehensive traffic study [required under subdivision a of this section shall be submitted to the mayor and council by the thirtieth day of august, two thousand and nine. The] *and* plans, including a schedule for implementing strategies for improving pedestrian safety generated by such study, shall be submitted to the mayor and council by the thirtieth day of november, two thousand and [nine] *fifteen. Subsequent studies and plans shall be submitted to the mayor and council every five years thereafter by the thirtieth of november in every such year.*

§5. Title 19 of the administrative code of the city of New York is amended by adding a new section 19-184 to read as follows:

§19-184 *Interagency roadway safety plan.* a. *The department shall develop an interagency plan to improve roadway safety, which shall be designed to, among other things, reduce the incidents of traffic violations, crashes, injuries and fatalities.*

b. *Such plan shall identify key agencies and groups that the department shall meet with at least monthly to work on improving roadway safety and shall include, but not be limited to:*

i. *Proposed programs and initiatives to reduce traffic violations and to encourage traffic calming and safety measures;*

ii. *Suggestions for behavioral modification to reduce crashes in the city, such as education and strategic traffic enforcement;*

iii. *A plan to increase collaboration between the department and the police department on roadway safety; and*

iv. *A schedule for implementing the proposals contained in such plan.*

c. *The department shall issue such plan to the mayor and council ninety days after the date on which the local law that added this section takes effect. Such report shall include, but not be limited to, the strategies for improving roadway safety, whether any strategies were implemented, and the status of such implementation.*

§6. This local law shall take effect one hundred twenty days after it is enacted into law.

JAMES VACCA, Chairperson; MICHAEL C. NELSON, GALE A. BREWER, G. OLIVER KOPPELL, DANIEL R. GARODNICK, JESSICA S. LAPPIN, YDANIS RIDRIGUEZ, DEBORAH L. ROSE, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, ERIC A. ULRICH, PETER A. KOO, Committee on Transportation, February 14, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for Int. No. 374-A

Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the compilation of bicycle crash data.

The Committee on Transportation, to which the annexed amended proposed local law was referred on October 13, 2010 (Minutes, page 4368), respectfully

REPORTS:

INTRODUCTION

On February 14, 2011, the Committee on Transportation, chaired by Council Member James Vacca, held a hearing on Proposed Int. No. 374-A, a Local Law to amend the administrative code of the city of New York in relation to the compilation of bicycle crash data. This bill would require the Department of Transportation (DOT) to compile and report on data on an annual bass regarding crashes involving bicycles.

This was the second hearing on this legislation. The first hearing occurred November 4, 2010 on an earlier version of the bill. This version was developed as a result of input from comments at the hearing. Witnesses at the first hearing included representatives from DOT and Transportation Alternatives.

BACKGROUND

On August 16, 2010, DOT released the “New York City Pedestrian Safety Study & Action Plan (“the Plan”),” in compliance with Local Law 11 of 2008. The Plan, as required by Local Law 11, analyzed motor vehicle crashes with pedestrians and bicycles, but did not have any information on crashes among bicycles and between bicycles and pedestrians. Currently, information about pedestrians hit and injured by bicyclists is a statistic that is not compiled by any City agency.

However, with 250 miles of bicycle lanes installed on City streets in the past three years and plans to install hundreds of additional miles of bicycle lanes, crashes between pedestrians and bicycles seem inevitable and may increase. DOT, recognizing the importance of tracking crashes involving bicycles and pedestrians recently agreed to start tracking crashes between bicyclists and pedestrians.¹ This bill would make such data collection a legal requirement.

ANALYSIS

Section one of Int. No. 374 would add a new section 19-186 to subchapter 3 of chapter one of title 19 of the administrative code of the City of New York entitled “Compilation of bicycle crash data.” Subdivision a of new section 19-186 would provide that DOT compile the numbers of bicycle crashes that are reported to city agencies or other city officials and that such crash compilation shall include crashes between bicycles, between bicycles and motorized vehicles and between bicycles and pedestrians. Subdivision a further provides that DOT shall begin compiling such data on October 1, 2011.

Subdivision b of new section 19-186 would provide that on June 1, 2012 and annually thereafter, DOT shall provide a report to the Council for the preceding calendar year, which shall also be posted on DOT’s website, of the total number of reported crashes as required by subdivision a of this section, disaggregated by those involving solely bicycles, between bicycles and motorized vehicles, and between one or more bicycles and pedestrians. This report would also be required to provide the number of injuries and fatalities resulting from these crashes, disaggregated as above, and also by borough and police precinct.

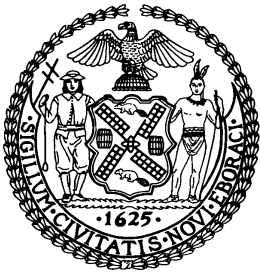
Section two of Proposed Int. No. 377-A would provide that this local law take effect immediately upon enactment.

UPDATE

On February 14, 2011, the Committee on Transportation voted 12-0 in favor of the bill, with no abstentions.

¹ “NYC to Start Recording Accidents Between Bikes, Pedestrians,” Oct. 20, 2010, retrieved from <http://newyork.cbslocal.com/2010/10/20/nyc-to-start-recording-accidents-between-bikes-pedestrians/> on Nov. 3, 2010.

(The following is the Fiscal Impact Statement for Int. No. 374-A:)



THE COUNCIL OF THE CITY OF
NEW YORK
FINANCE DIVISION
PRESTON NIBLACK, DIRECTOR
FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 374-A

COMMITTEE: Transportation

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the compilation of bicycle crash data.

SPONSORS: Council Members Mendez, Brewer, Chin, Comrie, Fidler, Gentile, James, Koppell, Lander, Palma, Van Bramer, Williams, Rodriguez, Garodnick, Mealy, Jackson, Barron and Nelson

SUMMARY OF LEGISLATION: This legislation would amend chapter 1 of title 19 of the Administrative Code by adding a new section 19-186 entitled “Compilation of Bicycle Crash Data” and would require the Department of Transportation (“Department”) to compile data on the total number of bicycle crashes that are reported to city agencies. The compiled data, which is to begin by October 1, 2011, would include crashes between bicycles, between bicycles and motorized vehicles and between bicycles and pedestrians.

Additionally, this bill requires that beginning June 1, 2012 and annually thereafter, the Department is to provide a report to the Council for the preceding calendar year. Such report would be posted on the Department’s website, disaggregated by those involving solely bicycles, between bicycles and motorized vehicles, and between bicycles and pedestrians and include the number of injuries and fatalities resulting from such crashes disaggregated by borough and by police precinct.

EFFECTIVE DATE: This legislation would take effect immediately after its enactment into law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2011.

FISCAL IMPACT STATEMENT:

| | Effective FY10 | FY Succeeding Effective FY11 | Full Fiscal Impact FY11 |
|--------------|-------------------|---------------------------------|----------------------------|
| Revenues | \$0 | \$0 | \$0 |
| Expenditures | \$0 | \$0 | \$0 |
| Net | (See Below) | (See Below) | (See Below) |

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

IMPACT ON EXPENDITURES: There would be minimal to no impact on expenditures resulting from the enactment of this legislation. Although, the proposed legislation requires the Department to compile bicycle crash data, it is presumed that these data compilations would be conducted by existing agency staff.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable

SOURCE OF INFORMATION: City Council Finance Division
Mayor’s Office of Legislative Affairs

ESTIMATE PREPARED BY: Andy Grossman, Deputy Director
Chima Obichere, Supervising Legislative Financial Analyst

HISTORY: Introduced as Intro. 374 by the Council on October 13, 2010 and referred to the Committee on Transportation. A hearing was held and the legislation was laid over by the Committee on November 04, 2010. Intro. 376 has been amended, and the amended version, Proposed Int. 374-A, will be considered by the Committee on February 14, 2011

DATE SUBMITTED TO COUNCIL: October 13, 2010

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 374-A:)

Int. No. 374-A

By Council Members Mendez, Brewer, Chin, Comrie, Fidler, Gentile, James, Koppell, Lander, Palma, Van Bramer, Williams, Rodriguez, Garodnick, Mealy, Jackson, Barron, Nelson, Gennaro, Recchia, Lappin, Reyna, Dromm, Gonzalez, Crowley, Weprin, Levin, Koo and Greenfield.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the compilation of bicycle crash data.

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-186 to read as follows:

§19-186 Compilation of bicycle crash data. a. The department shall compile the total number of bicycle crashes that are reported to city agencies. Such bicycle crash compilation shall include crashes between bicycles, between bicycles and motorized vehicles and between bicycles and pedestrians. The department shall commence compiling such data on October 1, 2011.

b. On June 1, 2012 and annually thereafter, the department shall provide a report to the council for the preceding calendar year, with such report posted on the department’s website, of the total number of reported crashes as required by subdivision a of this section, disaggregated by those involving solely bicycles, between bicycles and motorized vehicles, and between bicycles and pedestrians. Such report shall also include the number of injuries and fatalities resulting from such crashes disaggregated as above. Such report shall also be disaggregated by borough and by police precinct.

§2. This local law shall take effect immediately upon enactment.

JAMES VACCA, Chairperson; MICHAEL C. NELSON, GALE A. BREWER, G. OLIVER KOPPELL, DANIEL R. GARODNICK, JESSICA S. LAPPIN, YDANIS RIDRIGUEZ, DEBORAH L. ROSE, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, ERIC A. ULRICH, PETER A. KOO, Committee on Transportation, February 14, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for Int. No. 377-A

Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to traffic study determinations.

The Committee on Transportation, to which the annexed amended proposed local law was referred on October 13, 2010 (Minutes, page 4368), respectfully

REPORTS:

INTRODUCTION

On February 14, 2011, the Committee on Transportation, chaired by Council Member James Vacca, held a hearing on Proposed Int. No. 377-A, a Local Law to amend the administrative code of the city of New York in relation to traffic study determinations. This legislation would amend the Administrative Code to require the New York City Department of Transportation (DOT) to provide detailed reasons for its traffic study determinations upon the denial of a traffic control device.

This was the second hearing on this legislation. The first hearing occurred November 4, 2010 on an earlier version of the bill. This version was developed, in part, as a result of comments at the hearing. Witnesses at the first hearing included representatives from DOT and Transportation Alternatives.

BACKGROUND

Under national standards for the installation of traffic control devices,¹ a traffic analysis must be performed before a traffic control device, such as a traffic light or certain signage, may be installed.² Federal regulations mandate that the national standards be used in order to qualify for federal highway funding.³

Anecdotally, some people have complained that when they have requested a traffic control device, DOT will conduct its traffic analysis and if it determines that traffic controls are not appropriate for the area, will send a short letter to the requesting party stating that the request was denied because it did not meet the national warrants. These people have been frustrated by the lack of details about

why their requests were rejected. This bill would address this problem by requiring DOT to disclose the backup data that led it to make its determination.

ANALYSIS

Section one of Proposed Int. No. 377-A would add a new section 19-185 to the Administrative Code entitled “Traffic Study Determinations.” Subdivision a of new section 19-185 would provide that upon issuing a denial of a request by a Community Board or a Council Member for a traffic control device regulated by the Manual on Uniform Traffic Control Devices, DOT shall provide such Community Board or Council Member with a detailed explanation of the relevant traffic control warrants, along with the date and time that the traffic analysis was conducted and the time period of any crash data analyzed. The denial would also be required to contain the following language: “A summary of the studies and reports that led to this determination will be provided upon request.” Upon such a request, DOT would be required to provide such a summary.

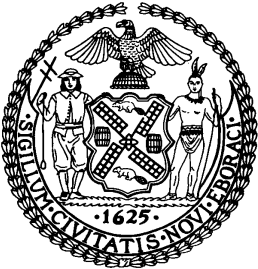
Section two of Proposed Int. No. 377-A would provide that this local law take effect ninety days after it is enacted into law.

UPDATE

On February 14, 2011, the Committee on Transportation voted 12-0 in favor of the bill, with no abstentions.

¹ 23 CFR 655 adopts the Manual on Uniform Traffic Control Devices (“MUTCD”) as the national standard for designing, applying and planning traffic control devices.
² MUTCD § 1A.09
³ 23 CFR 655.603

(The following is the Fiscal Impact Statement for Int. No. 377-A:)



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
PRESTON NIBLACK, DIRECTOR
FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 377-A

COMMITTEE:Transportation

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to traffic study determinations.

SPONSORS: Council Members Vacca, Cabrera, Comrie, Fidler, James, Palma, Williams, Garodnick, Mealy, Koppell, Lappin, Rose, Jackson, Chin, Van Bramer, Greenfield, Gentile, Barron, Halloran, Ulrich and Ignizio

SUMMARY OF LEGISLATION: The proposed legislation would amend title 19 of the administrative code of the city of New York by adding a new section 19-185 to require that the Department of Transportation (“Department”) include with any determination in a traffic analysis denying a request by a community board or council member for a traffic control device, any traffic studies or reports supporting such determination and a summary of the traffic control device warrants with the date and time that the Department performed its traffic analysis for each such warrant. Any such traffic studies and reports shall be forwarded to the requesting council member or community board by electronic mail at the same time that the Department issues its determination.

EFFECTIVE DATE: This legislation would take effect ninety days after its enactment into law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2011

FISCAL IMPACT STATEMENT:

| | Effective FY11 | FY Succeeding Effective FY12 | Full Fiscal Impact FY11 |
|--------------|----------------|------------------------------|-------------------------|
| Revenues | \$0 | \$0 | \$0 |
| Expenditures | \$0 | \$0 | \$0 |
| Net | (See Below) | (See Below) | (See Below) |

IMPACT ON REVENUES: There would be no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: Because the Department will use existing resources to implement this bill, it is estimated that there would be minimal to no impact on expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: City Council Finance Division
Mayor’s Office of Legislative Affairs

ESTIMATE PREPARED BY: Andy Grossman, Deputy Director
Chima Obichere, Supervising Legislative Financial Analyst

HISTORY: Introduced as Int. 377 by Council and referred to the Committee on Transportation on October 13, 2010. A hearing was held and the legislation was laid over by the Committee on November 04, 2010. Intro. 377 has been amended, and the amended version, Proposed Int. 377-A, will be considered by the Committee on February 14, 2011.

DATE SUBMITTED TO COUNCIL: October 13, 2010.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 377-A:)

Int. No. 377-A
By Council Members Vacca, Cabrera, Comrie, Fidler, James, Palma, Williams, Garodnick, Mealy, Koppell, Lappin, Rose, Jackson, Chin, Van Bramer, Greenfield, Gentile, Barron, Sanders, Lander, Nelson, Gennaro, Recchia, Halloran, Ulrich, Ignizio, Rodriguez, Reyna, Dromm, Gonzalez, Weprin, Crowley, Levin and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to traffic study determinations.

Be it enacted by the Council as follows:

Section 1. Title 19 of the administrative code of the city of New York is amended by adding a new section 19-185 to read as follows:

§19-185 Traffic study determinations. The department shall include with any determination denying a request by a community board or council member for a traffic control device regulated by the manual on uniform traffic control devices, a summary of the traffic control device warrants, along with the date and time that the department performed its traffic analysis and the time period of any crash data considered by the department for such warrants. Such denial shall also include the following language: “A summary of the studies and reports that led to this determination will be provided upon request.” Upon such request by the community board or council member after receiving the denial the department shall provide a summary of the traffic studies and/or reports performed by the department.

§2. This local law shall take effect ninety days after it is enacted into law.

JAMES VACCA, Chairperson; MICHAEL C. NELSON, GALE A. BREWER, G. OLIVER KOPPELL, DANIEL R. GARODNICK, JESSICA S. LAPPIN, YDANIS RIDRIGUEZ, DEBORAH L. ROSE, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, ERIC A. ULRICH, PETER A. KOO, Committee on Transportation, February 14, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

GENERAL ORDER CALENDAR

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

Resolved, that the following named persons be and hereby are appointed Commissioners of Deeds for a term of two years:

(For the Commissioner of Deeds listing, please see the Commissioner of Deeds section printed in the Minutes of the Stated Council Meeting of Wednesday, March 2, 2011).

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

ROLL CALL ON GENERAL ORDERS FOR THE DAY
(Items Coupled on General Order Calendar)

- (1)

M 392 & Res 683 --

Elisa Velazquez - As a member of the New York City Lobbying Commission
- (2)

M 393 & Res 684 --

Robert F. Nolan - As a member of the New York City Health and Hospitals Corporation Board of Directors
- (3)

Int 370-A --

Pedestrian safety reporting.
- (4)

Int 374-A --

Requiring the compilation of bicycle crash data.
- (5)

Int 377-A --

Traffic study determinations.
- (6)

Res 673 --

Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget (Transparency Resolution, February 16, 2011).
- (7)

L.U. 238 & Res 678 --

App. 20115223 HAK, UDAAP, 824 Monroe Street, Council District no. 41, Borough of Brooklyn.
- (8)

L.U. 288 & Res 679 --

App. 20115241 TCM unenclosed sidewalk café at 28 Eighth Avenue, Borough of Manhattan Council District no. 3.
- (9)

L.U. 289 & Res 680 --

App. 20105632 TCM unenclosed sidewalk café at 253 Tenth Avenue, Borough of Manhattan, Council District no. 3.
- (10)

L.U. 290 & Res 681 --

App. 20115286 TCQ unenclosed sidewalk café at 40-11 30th Avenue, Borough of Queens, Council District no. 22.
- (11)

L.U. 303 & Res 682 --

App. 20115323 TCM, unenclosed sidewalk café located at 1 West 125th Street, Borough of Manhattan, Council District no. 9.
- (12)

Resolution approving various persons Commissioners of Deeds.

The President Pro Tempore (Council Member Rivera) put the question whether the Council would agree with and adopt such reports which were decided in the **affirmative** by the following vote:

Affirmative – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **51**.

The General Order vote recorded for this Stated Meeting was **51-0-0** as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **LU No. 238 & Res No. 678**:

Affirmative – Arroyo, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **50**.

Negative – Barron – **1**.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 370-A, 374-A, and 377-A.

For **Introduction and Reading of Bills**, see the material following the **Resolutions** section below:

RESOLUTIONS
Presented for voice-vote

The following are the respective Committee Reports for each of the Resolutions referred to the Council for a voice-vote pursuant to Rule 8.50 of the Council:

Report for voice-vote Res. No. 626-A
Report of the Committee on Cultural Affairs, Libraries & International Intergroup Relations in favor of approving, as amended, a Resolution calling upon the United States Congress to reinstate the privileges, formerly held by the Puerto Rican Resident Commissioner and other delegates, allowing them to vote on amendments and procedures in the Committee of the Whole.

The Committee on Cultural Affairs, Libraries & International Intergroup Relations, to which the annexed amended resolution was referred on January 18, 2011 (Minutes, page 151), respectfully

REPORTS:

Introduction

On February 14, 2011, the Committee on Cultural Affairs, Libraries and International Intergroup Relations, chaired by Council Member James Van Bramer, held a hearing on Proposed Res. No. 626-A, a resolution calling upon the United States Congress to reinstate the privileges, formerly held by the Puerto Rican Resident Commissioner and other delegates, allowing them to vote on amendments and procedures in the Committee of the Whole. Prior to this hearing, at the request of primary sponsor, Council Member Mark-Viverito, the resolution was amended in an effort to be more inclusive of other territories and districts affected by the privileges that were revoked.

Previously, on February 10, 2011, the Committee held a hearing to consider the original resolution, Res. No. 626. Testimony was presented from various advocacy, governmental and legal groups representing the rights and concerns of Puerto Rican citizens.

Background

In the United States House of Representatives, the Committee of the Whole, short for the Committee of the Whole House on the State of the Union, is a parliamentary device in which the House of Representatives is considered one large Congressional Committee. The presiding officer is chosen by the Speaker of the House and is normally a member of the majority party who does not hold the chair of a standing committee.

Procedurally, the Committee of the Whole differs from the House of Representatives even though the two share identical membership. The Committee of the Whole requires only 100 members for a quorum as opposed to the 218 members required for quorum in the House. This is one of the ways in which bills and resolutions are allowed to be considered without adhering to all the formal rules of a House session. The Committee of the Whole is used to expedite the adoption of legislation by turning the entire House of Representatives chamber into one large committee.

The Puerto Rican Resident Commissioner, as well as the five other delegates representing the District of Columbia and other U.S. Territories, first received voting rights during the Committee of the Whole in 1993. Upon challenge, in 1994, a federal Court of Appeals upheld the decision that Congress has the constitutional authority to allow delegate voting in the Committee of the Whole, however, on January 5, 2011, on the first day of the newly Republican controlled House sessions, the House voted for a rules package again stripping non-voting delegates of their votes in the Committee of the Whole. This was followed by a 225-118 vote along party lines to table a motion by D.C. delegate Eleanor Holmes Norton providing for further study of the non-voting delegate issue.

Puerto Rico is a commonwealth of the United States. Puerto Ricans have been U.S. citizens since 1917 and Puerto Ricans living in Puerto Rico serve in the U.S. armed forces. There are nearly four million people of Puerto Rican descent living in the United States, this represents nine percent of the entire U.S. Hispanic population. Puerto Ricans represent the largest group of Hispanics living in both New York City and New York State, 35% overall for both City and State. Currently, Puerto Ricans lack any representation in Congress other than the honorary position of Resident Commissioner in the House of Representatives. The resolution calls upon the Unites States Congress to reinstate the privileges, formerly held by the Puerto Rican Resident Commissioner and other delegates, allowing them to vote on amendments and procedures in the Committee of the Whole.

Proposed Res. No. 626-A

Proposed Resolution No. 626-A would note that Puerto Rico is a commonwealth of the United States and became a United States sovereignty in 1898; and

The proposed resolution would also note that Puerto Ricans have been United States citizens since 1917; and

Proposed Resolution No. 626-A would indicate that according to the most recent data released by the U.S. Census Bureau for 2007, there are nearly four million people of Puerto Rican descent living in the United States, which represents nine percent of the entire U.S. Hispanic population; and

This proposed resolution would note that over one million people of Puerto Rican descent live in New York State, of whom approximately 786,000 live in New York City; and

Proposed Resolution No. 626-A would note that People of Puerto Rican descent comprise thirty-five percent of all Hispanics living in New York State, as well as thirty-five percent of all Hispanics living in New York City, representing the largest group of Hispanics living in both the City and State; and

Proposed Resolution No. 626-A would state that Puerto Ricans living in Puerto Rico serve in the United States armed forces, use the United States postal service and United States currency; and

Proposed Resolution No. 626-A would note that Puerto Ricans who live in Puerto Rico cannot vote for the President of the United States; and

Proposed Resolution No. 626-A would note that unlike residents of the fifty states, Puerto Ricans lack any representation in Congress, other than through the honorary position of Resident Commissioner in the House of Representatives; and

This proposed resolution would state that on January 5, 2011, the one hundred and twelfth United States Congress passed House Resolution number five, a package of proposed rules; and

Proposed Resolution No. 626-A would specify that House Resolution number five includes a provision to prevent six house delegates from presiding over, or voting as part of the Committee of the Whole; and

Proposed Resolution No. 626-A would state that the Committee of the Whole is used to expedite the adoption of legislation by turning the entire House of Representatives chamber into one large committee; and

Proposed Resolution No. 626-A would state that this action affects the voting rights of delegates from the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands and the Resident Commissioner of Puerto Rico;

Proposed Resolution No. 626-A would note that Delegates first received these voting rights in 1993; and

This proposed resolution would note that in 1994, a federal Court of Appeals upheld the decision that Congress has the constitutional authority to allow delegate voting in the Committee of the Whole;

This amended resolution would add that the District of Columbia alone is the twenty-seventh most populous incorporated city in the United States, and has served as one of the cornerstones of the Civil Rights Movement; and

Proposed Resolution No. 626-A would also state that the denial of such vote to the Resident Commissioner and the delegates leads to a lack of representation of an estimated 4,879,576 constituents; and

Proposed Resolution No. 626-A would further note that the action by Congress silences many blacks, Latinos, Caribbeans, and Pacific Islanders who have historically been underrepresented and denied equal rights in our political system; and

Finally, Proposed Resolution No. 626-A would state that the Council of the City of New York calls upon the United States Congress to reinstate the privileges, formerly held by the Puerto Rican Resident Commissioner and other delegates, allowing them to vote on amendments and procedures in the Committee of the Whole.

Update

On February 14, 2011, the Committee on Cultural Affairs, Libraries and International Intergroup Relations voted 7-0-0 in favor of the proposed resolution.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 626-A:)

Res. No. 626-A
Resolution calling upon the United States Congress to reinstate the privileges, formerly held by the Puerto Rican Resident Commissioner and other delegates, allowing them to vote on amendments and procedures in the Committee of the Whole.

By Council Members Mark-Viverito, Arroyo, Brewer, Cabrera, Dromm, James, Koppell, Lander, Mendez, Palma, Rose, Sanders, Seabrook, Williams, Levin, Gonzalez, Foster, Van Bramer, Rivera, Rodriguez, Gennaro, Recchia, Dilan, Dickens, Jackson, Garodnick and Chin.

Whereas, Puerto Rico is a commonwealth of the United States and became a United States sovereignty in 1898; and

Whereas, Puerto Ricans have been United States citizens since 1917; and

Whereas, According to the most recent data released by the U.S. Census Bureau for 2007, there are nearly four million people of Puerto Rican descent living in the United States, which represents nine percent of the entire U.S. Hispanic population; and

Whereas, Over one million people of Puerto Rican descent live in New York State, of whom approximately 786,000 live in New York City; and

Whereas, People of Puerto Rican descent comprise thirty-five percent of all Hispanics living in New York State, as well as thirty-five percent of all Hispanics living in New York City, representing the largest group of Hispanics living in both the City and State; and

Whereas; Puerto Ricans living in Puerto Rico serve in the United States armed forces, use the United States postal service and United States currency; and

Whereas, Puerto Ricans who live in Puerto Rico cannot vote for the President of the United States; and

Whereas, Unlike residents of the fifty states, Puerto Ricans lack any representation in Congress, other than through the honorary position of Resident Commissioner in the House of Representatives; and

Whereas, On January 5, 2011, the one hundred and twelfth United States Congress passed House Resolution number five, a package of proposed rules; and

Whereas, House Resolution number five includes a provision to prevent six house delegates from presiding over, or voting as part of the Committee of the Whole; and

Whereas, The Committee of the Whole is used to expedite the adoption of legislation by turning the entire House of Representatives chamber into one large committee; and

Whereas, This action affects the voting rights of delegates from the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, the U.S. Virgin Islands and the Resident Commissioner of Puerto Rico; and

Whereas, Delegates first received these voting rights in 1993; and

Whereas, In 1994, a federal Court of Appeals upheld the decision that Congress has the constitutional authority to allow delegate voting in the Committee of the Whole; and

Whereas, The District of Columbia alone is the twenty-seventh most populous incorporated city in the United States, and has served as one of the cornerstones of the Civil Rights Movement; and

Whereas, The denial of such vote to the Resident Commissioner and the delegates leads to a lack of representation of an estimated 4,879,576 constituents; and

Whereas, The action by Congress silences many blacks, Latinos, Caribbeans, and Pacific Islanders who have historically been underrepresented and denied equal rights in our political system; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to reinstate the privileges, formerly held by the Puerto Rican Resident Commissioner and other delegates, allowing them to vote on amendments and procedures in the Committee of the Whole.

JAMES G. VAN BRAMER, Chairperson; LEROY G. COMRIE, DOMENIC M. RECCHIA JR., INEZ E. DICKENS, JESSICA S. LAPPIN, ELIZABETH CROWLEY, DANIEL DROMM, Committee on Cultural Affairs, Libraries & International Intergroup Relations.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing those in favor, the President Pro Tempore (Council Member Rivera) declared **Res. No. 626-A** to be adopted.

The following Council Member formally **objected** to the passage of this item: Council Member Halloran.

The following Council Members formally **abstained** to vote on this item: Council Members Ignizio, Oddo, Ulrich and Vallone, Jr.

Adopted by the Council by voice vote.

Report for voice-vote Res. No. 646

Report of the Committee on Governmental Operations in favor of approving a Resolution authorizing the Council to join in an amicus brief to be filed with the United States Supreme Court in support of the Respondents in the litigation captioned McComish v. Bennett, for the purpose of supporting

the Respondents’ position that the Court should uphold the trigger funds provision of Arizona’s campaign finance law.

The Committee on Governmental Operations, to which the annexed resolution was referred on February 2, 2011 (Minutes, page 259), respectfully

REPORTS:

I. Introduction

On February 14, 2011, the Committee on Governmental Operations, chaired by Council Member Gale Brewer, will meet to consider Res. 646 (“the Resolution”), a resolution authorizing the Council to join in an amicus brief to be filed with the United States Supreme Court (“Supreme Court”) in support of the Respondents in the litigation captioned *McComish v. Bennett*, for the purpose of supporting the Respondents’ position that the Court should uphold the trigger funds provision of Arizona’s campaign finance law. The Committee heard testimony on the Resolution at a previous hearing held on February 11, 2011.

The New York City Law Department intends to file a brief as *amicus curiae* on behalf of the City of New York¹ in *McComish v. Bennett*, a case presently before the Supreme Court involving a challenge to Arizona’s public campaign finance law. As the outcome of this case potentially impacts New York City’s landmark Campaign Finance Act (the “Act”), the Council may wish to join in the amicus brief to ensure that, in deciding *McComish*, the Supreme Court is cognizant of New York City’s highly relevant experience.

II. McComish v. Bennett

McComish involves a challenge to the “trigger funds” provision of Arizona’s public campaign finance system. Under Arizona’s law, participating candidates who qualify for public funds receive an initial grant amount equivalent to one-third the maximum amount.² A participant may become eligible to receive additional public funds if certain “trigger” events occur. Specifically, if a participating candidate is opposed by a non-participating candidate who spends above a certain amount, or the participating candidate is targeted by independent expenditures, the participating candidate may receive additional public funds of up to 200% of the amount of the initial grant.³

Several plaintiffs challenged the “trigger funds” provision of Arizona’s law, claiming that it violated the First and Fourteenth Amendments. According to the plaintiffs, the trigger funds provision has a “chilling effect” on the speech of non-participating candidates and independent expenditure groups, who must choose between either curtailing their campaign-related spending or enabling their opponent to receive additional public funds.

The United States District Court for the District of Arizona sided with the plaintiffs and issued an injunction against operation of the trigger funds provision.⁴ The United States Court of Appeals for the Ninth Circuit reversed.⁵ The Ninth Circuit held that the trigger funds provision was constitutional, finding that it furthered Arizona’s interest in encouraging participation in its public campaign financing system. The Supreme Court granted *certiorari*. It is scheduled to hear oral arguments on March 28, 2011.⁶

III. New York City’s Interest

New York City’s Campaign Finance Program (“Program”) is one of the nation’s oldest public campaign financing systems. It is widely lauded as a national model for campaign finance reform.⁷ Although the Act differs from Arizona’s law in important ways,⁸ New York City’s experience with its Program and the impact of high-spending non-participants is instructive.

A cornerstone of the Program is the ability of participating candidates to receive public “matching funds.” In exchange for agreeing to adhere to a spending limit and other requirements, the Program matches eligible contributions at a rate of 6:1.⁹ If a participating candidate faces a high-spending non-participating candidate, however, the participating candidate may be eligible to receive public funds at a higher matching rate and is subject to a higher spending limit. This is known as the “bonus situation.” A “tier 1” bonus occurs when a non-participating candidate raises or spends more than half the applicable spending limit.¹⁰ If a non-participating candidate spends three times the applicable spending limit, a “tier 2” bonus is triggered.¹¹

The amicus brief will argue that these bonus provisions have helped to encourage participation in the Program, thereby reducing the potential for corruption while increasing the amount of speech in New York City campaigns. Throughout its history, the Program has achieved high rates of participation.¹² Notably, the Program has been able to maintain high participation rates despite a major potential deterrent: the presence of high-spending non-participants.¹³ This achievement is attributed, in part, to the bonus provisions, which seek to ensure that participants in especially competitive races have sufficient funds to run viable campaigns.¹⁴ Some fear that without the ability to provide an appropriate level of public funds to participating candidates competing against high-spending non-participants, the Program will cease to be an attractive option for a significant portion of candidates.

IV. The Resolution

Resolution 646 authorizes the Council to join in the amicus brief to be filed with the United States Supreme Court in support of the Respondents in *McComish v. Bennett*, for the purpose of supporting the Respondents’ position that the Court should uphold the trigger funds provision of Arizona’s campaign finance law. Through its experience with the Act’s bonus funds provisions, New York City has highly relevant experience that supports the Respondents’ position. Thus, the

Council, along with the other parties joining in the City’s brief, could provide useful information to the Supreme Court for deciding *McComish v. Bennett*.

V. Previous Hearing

The Committee heard testimony on the Resolution at a hearing held on February 11, 2011. Testimony in support of the Resolution was given by Amy Loprest, Executive Director of the Campaign Finance Board; Mimi Marziani, Counsel to the Brennan Center for Justice; and Deanna Bitetti, Associate Director of Common Cause/New York. The Committee also heard testimony from a member of the public.

¹ The Mayor, Public Advocate and Campaign Finance Board have already agreed to join the brief.

² Ariz. Rev. Stat. § 16-951.

³ Ariz. Rev. Stat. §§ 16-952, 16-945.

⁴ See *McComish v. Brewer*, 2010 U.S. Dist. LEXIS 4932 (D. Ariz., Jan. 20, 2010).

⁵ See *McComish v. Bennett*, 611 F.3d 510 (9th Cir. 2010).

⁶ The Supreme Court’s decision in *McComish* will resolve a “Circuit split” between the Ninth Circuit and the Second and Eleventh Circuits. In ruling on similar laws in Connecticut and Florida, the Second and Eleventh Circuits have reached the opposite conclusion of the Ninth Circuit, declaring the trigger funds provision of those respective states unconstitutional. See *Green Party of Conn. v. Garfield*, 616 F.3d 213 (2d. Cir. 2010); *Scott v. Roberts*, 612 F.3d 1279 (11th Cir. 2010).

⁷ See, e.g., Brennan Center for Justice, “Small Donor Matching Funds: The NYC Elections Experience,” (2010).

⁸ Notably, New York City’s system is a “matching funds” program that amplifies the impact of New Yorkers’ small contributions by matching them with public funds. Arizona’s system is a so-called “clean elections” program that provides flat grants to participants, but does not encourage contributions from small donors.

⁹ N.Y.C. Administrative Code § 3-705(2).

¹⁰ In such circumstances, eligible contributions are matched at a higher rate, up to \$1,250 in public funds per contributor, and the cap on the total amount of public funds that a participant may receive increases from 55% to 2/3 of the spending limit. In addition, the spending limit for that election is increased by 50%. N.Y.C. Administrative Code § 3-706(3)(a).

¹¹ In such circumstances, a participant may receive up to \$1,500 in matching funds per contributor, the cap on the total amount of public funds that a participant may receive increases to 125% of the spending limit, and the spending limit is removed entirely. N.Y.C. Administrative Code § 3-706(3)(b).

¹² See New York City Campaign Finance Board, “New Yorkers Make Their Voices Heard, A Report on the 2009 Elections,” at 140 (2010).

¹³ See generally New York City Campaign Finance Board, “The Impact of High-Spending Non-Participants on the Campaign Finance Program” (2006).

¹⁴ See *id.*

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 646:)

Res. No. 646
Resolution authorizing the Council to join in an amicus brief to be filed with the United States Supreme Court in support of the Respondents in the litigation captioned *McComish v. Bennett*, for the purpose of supporting the Respondents’ position that the Court should uphold the trigger funds provision of Arizona’s campaign finance law.

By Council Member Brewer, The Speaker (Council Member Quinn) and Council Members Dromm, Cabrera, Ferreras, James, Koppell, Lander, Mendez, Williams, Rodriguez, Gennaro, Recchia, Van Bramer, Jackson, Gonzalez, Reyna, Garodnick and Greenfield.

Whereas, New York City’s Campaign Finance Act (the “Act”) constitutes one of the nation’s most robust public campaign financing systems; and

Whereas, The Act amplifies the impact of New Yorkers’ small contributions by matching them with public funds, reducing the possibility and the perception of corruption associated with large contributions; and

Whereas, The Act also contains trigger funds provisions, located in Administrative Code Sections 3-706(3)(a) and (b), which provide for additional funds for participating candidates facing non-participating opponents who spend above a certain percentage of the participating candidates’ expenditure limit; and

Whereas, By giving candidates assurance that they will, in competitive races, have enough funds to run viable campaigns, trigger funds encourage participation in the public-funding system, thereby reducing the potential for corruption while increasing the amount of speech in New York City campaigns; and

Whereas, In 1998, after seeing state legislators caught on tape exchanging campaign contributions for legislative votes, Arizona passed the Arizona Citizens Clean Elections Act; and

Whereas, Arizona’s law also contains a trigger funds provision, A.R.S. § 16-952, which operates as follows: Initially, publicly-funded candidates receive a base grant equal to one-third of the maximum per-candidate funding; and, if a traditionally-funded opponent’s expenditures exceed that amount, or if the publicly-funded candidate is targeted by independent expenditures, the publicly-funded

candidate receives additional funds up to 200% of the amount of the initial grant; and

Whereas, Section 16-952 was challenged by two lawsuits, *McComish v. Bennett* and *Arizona Free Enterprise Club’s Freedom Club PAC v. Bennett*, which have been consolidated into a single case; and

Whereas, The plaintiffs allege that Section 16-952 deters and penalizes free speech in violation of the First and Fourteenth Amendments to the U.S. Constitution; however the defendants argue that the provision does not burden the speech of non-participating candidates but rather, by encouraging candidates to participate in public financing, is substantially related to the State’s important interest in reducing *quid pro quo* political corruption; and

Whereas, On January 20, 2010, U.S. District Court Judge Roslyn Silver struck down the provision and issued an injunction against it; and

Whereas, The Citizens Clean Elections Commission appealed this decision to the Ninth Circuit Court of Appeals, which reversed Judge Silver’s decision in May 2010 and declared the trigger provision constitutional; and

Whereas, On November 29, 2010, the U.S. Supreme Court granted certiorari, agreeing to hear the appeal of the Ninth Circuit’s decision; and

Whereas, The Supreme Court is scheduled to hear oral argument in *McComish v. Bennett* on March 28, 2011; and

Whereas, The Corporation Counsel for New York City is filing a brief as *amicus curiae* with the U.S. Supreme Court in support of Arizona’s trigger funds provision; and

Whereas, While there are differences between Arizona’s trigger funds provision and the trigger provisions of the New York City Campaign Finance Act, the Council supports Section 16-952 as reasonably advancing the government's interest in avoiding corruption in campaign finance activities; now, therefore, be it

Resolved, That the Council of the City of New York is authorized to join in an amicus brief to be filed with the United States Supreme Court in support of the Respondents in the litigation captioned *McComish v. Bennett*, for the purpose of supporting the Respondents’ position that the Court should uphold the trigger funds provision of Arizona’s campaign finance law.

GALE A. BREWER, Chairperson; ERIK MARTIN DILAN, DOMENIC M. RECCHIA JR., PETER F. VALLONE JR., INEZ E. DICKENS, Committee on Governmental Operations, February 14, 2011

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing those in favor, the President Pro Tempore (Council Member Rivera) declared **Res. No. 646** to be adopted.

The following Council Member formally **objected** to the passage of this item: Council Member Halloran.

The following Council Members formally **abstained** to vote on this item: Council Members Ignizio, Koo, Oddo and Ulrich.

Adopted by the Council by voice vote.

INTRODUCTION AND READING OF BILLS

Res. No. 666

Resolution calling upon the United States House of Representatives to vote against H.R. 358, a bill which will severely restrict women’s right to access abortion and endanger women’s lives by permitting health care providers to deny life saving care in emergencies.

By Council Member Arroyo, The Speaker (Council Member Quinn) and Council Members Brewer, Chin, Dickens, Dromm, Ferreras, Foster, Jackson, James, Koppell, Koslowitz, Lander, Mark-Viverito, Mealy, Mendez, Nelson, Rose and Van Bramer.

Whereas, On March 23, 2010, President Barack Obama signed the Patient Protection and Affordable Care Act (PPACA) into law; and

Whereas, This federal health care reform legislation sought to expand access to health insurance, create insurance exchanges, provide tax breaks for small businesses to provide health insurance to their employees and end various abuses by the insurance industry including prohibiting discrimination against individuals with preexisting conditions; and

Whereas, In the final stages of negotiating the legislation, several Representatives sought to prohibit any federal health insurance or insurance exchanges from covering abortion services; and

Whereas, PPACA includes restrictive provisions, known as the Nelson language, that impose unnecessary administrative burdens on consumers who purchase plans that offer abortion coverage, placing essential reproductive care further out of reach for low-income women; and

Whereas, If an individual who receives federal public assistance purchases coverage in a plan that chooses to cover abortion services, the federal funds must not be used for the purchase of abortion coverage and must be segregated from private premium of state funds; and

Whereas, This policy also applies to the state health insurances exchanges created under PPACA, ensuring that federal funding will not subsidize abortion services and segregating private funding that does cover abortion; and

Whereas, H.R. 358, “The Protect Life Act,” was recently introduced in the United States House of Representatives; and

Whereas, H.R. 358 would eliminate abortion coverage in the state health insurance exchanges by prohibiting federal funds from going toward any part of the costs of any health plan that covers abortion; and

Whereas, The Congressional Budget Office estimates that 30 million people will receive health insurance through the insurance exchanges; and

Whereas, H.R. 358 would essentially ban coverage of abortion in the exchanges for everyone, including those paying for coverage entirely with private dollars; and

Whereas, Current law requires hospitals and ambulance services to provide emergency treatment to all individuals, regardless of their citizenship, legal status or ability to pay; and

Whereas, H.R. 358 would trump current law by permitting hospitals to refuse to perform abortions for any reason, even in emergency situations when the life of the mother is in danger; and

Whereas, H.R. 358 would further undermine access to health care by prohibiting abortion coverage in multi-state insurance plans and preventing any entity that implements the PPACA, including the Department of Health and Human Services, from ensuring access to abortion services; now, therefore, be it

Resolved, That the Council of the City of New York calls upon to the United States House of Representatives to vote against H.R. 358, a bill which will severely restrict women’s right to access abortion and endanger women’s lives by permitting health care providers to deny life saving care in emergencies.

Referred to the Committee on Health.

Int. No. 475

By Council Members Barron, Dromm, Foster, Jackson, James, Mark-Viverito, Mealy, Palma, Recchia, Rose, Seabrook, Vann and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to evictions of elderly tenants.

Be it enacted by the Council as follows:

Section 1. Title 26 of the administrative code of the city of New York is hereby amended by adding a new chapter 10 to read as follows:

CHAPTER 10

EVICCTIONS OF ELDERLY TENANTS

§ 26-901 Definitions

§ 26-902 Notification requirement

§ 26-903 Tenant assistance

§ 26-904 Reporting

§ 26-905 Violations

§ 26-906 Rules

§26-901 Definitions. a. For the purposes of this section, the following terms shall have the following meanings:

(1) “Department” shall mean the department of housing preservation and development.

(2) “Eligible head of household” shall mean a person or his or her spouse or domestic partner who is sixty-two years of age or older and is entitled to the possession or to the use and occupancy of a dwelling unit.

(3) “Owner” shall mean an owner as defined in section 27-2004 of the administrative code of the city of New York.

§26-902 Notification requirement. An owner shall provide written notification to the department of the name, address and phone number of any eligible head of household that such owner has served or has intention to serve a petition or notice of petition for a summary proceeding to recover possession of real property, pursuant to article 7 of the real property actions and proceedings law of New York state. Such notification shall be in the form and manner determined by the department pursuant to rules promulgated by the department, and shall be provided on or before the day on which such eligible head of household is served with such petition or notice of petition.

§26-903 Tenant assistance. Upon receiving notification of an impending eviction pursuant to section 26-902 of this chapter, the department shall provide such eligible head of household with a list of entities funded by the city that may provide low-income eligible head of households with legal services or which may assist such eligible heads of households in obtaining legal services.

§26-904 Reporting. The commissioner of the department, in conjunction with the commissioner of the commission on human rights, shall analyze information received pursuant to section 26-902 of this chapter. The commissioner of the

department shall submit an annual report to the mayor and the speaker of the council on or before March 30th of each year regarding the findings of such analysis and any trends in evictions of eligible heads of households, including, but not limited to, information regarding any finding or pattern of discrimination against elderly tenants with respect to eviction.

§26-905 Violations. Any person who violates section 26-902 of this chapter shall be guilty of a misdemeanor and subject to a fine not to exceed one thousand dollars.

§26-906 Rules. The commissioner shall promulgate such rules as may be necessary for the purposes of implementing the provisions of this chapter.

§2. If any section, subsection, sentence, clause, phrase or other portion of this local law is for any reason declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this local law, which remaining portions shall continue in full force and effect.

§3. This local law shall take effect ninety days after its enactment into law; provided, however, that any actions necessary for the implementation of this local law may be taken prior to its effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 476

By Council Members Barron, James, Mark-Viverito, Mealy, Palma, Seabrook and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to providing operators of a motor vehicle an opportunity to pay the fine immediately.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 14 of the administrative code of the city of New York is amended by adding a new section 14-118.3 to read as follows:

§ 14-118.3 Handheld devices. Handheld devices used by the department to enforce laws, rules, and regulations relating to parking violations, put into service after the effective date of the local law that added this section, shall be able to scan credit cards.

§2. Section 19-204 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

d. When a notice of violation is served personally upon the operator of a motor vehicle, who is present at the time of service, the operator shall have the option to pay the fine immediately by allowing a traffic enforcement agent to use a handheld device to scan their credit card.

§3. This local law shall take effect sixty days after its enactment into law.

Referred to the Committee on Transportation.

Res. No. 667

Resolution calling upon the New York State Legislature to introduce, and the Governor to sign, legislation which would provide a tax credit to commercial building owners who lease space to small business owners.

By Council Members Brewer, Barron, Dickens, Dromm, Ferreras, Foster, Gentile, Jackson, James, Lander, Mark-Viverito, Mealy, Mendez, Palma, Rose, Seabrook, Williams and Halloran.

Whereas, In the last few years, property taxes in New York City have rapidly increased for property owners; and

Whereas, Specifically, the 18.5% property tax increase enacted in 2002, the rescindment in 2009 of the 7% property tax reduction, the increase in property tax assessments due to rapidly increasing market values during the housing boom, and new property tax levies have virtually doubled the property tax revenue in the city, from \$8.6 billion in 2002 to \$16.1 billion in 2009, a rate of growth nearly three times the rate of inflation; and

Whereas, These increases have not only affected homeowners in New York City, but business owners as well, especially because New York City taxes commercial properties at nearly eight times the rate for homeowners in an effort to alleviate the tax burden on residential property owners; and

Whereas, While business owners are absorbing the brunt of the pain imposed by the increased property taxes, small business owners have been disproportionately affected; and

Whereas, According to the publication, “What Firms Value Most”, which details findings of a study sponsored by the Citizens Budget Commission and the Federal Reserve Bank of New York,, New York City has more than 200,000 small businesses, accounting for two-thirds of the city’s private sector jobs, undeniably making small businesses the backbone of New York City’s local economy; and

Whereas, Of the city’s private sector jobs, 96% have fewer than 50 employees; and

Whereas, Unfortunately, property taxes have created a huge financial burden for landlords and for small-business owners who rent; and

Whereas, When commercial real estate owners are faced with increased property taxes and a struggling economy, such owners often offset this increase by increasing the rent paid by their tenants; and

Whereas, In fact, it is now not uncommon for many landlords to insert clauses into leases requiring tenants to pay any increase in real-estate taxes; and

Whereas, Moreover, in addition to property tax increases, fees and fines in New York City have almost doubled in the last two years as city departments increased their inspections and enforcement efforts; and

Whereas, As a result, renting commercial space in New York City has become cost-prohibitive for many small business owners, who may contemplate renting space outside of the five boroughs; and

Whereas, Providing owners of commercial real estate a tax credit against their real property taxes when renting to a small business owner would incentivize property owners to pass the savings along to the small business owners and thwart hefty rent increases; and

Whereas, Providing such a tax incentive will allow small business owners to keep their businesses in New York City and keep their businesses financially viable; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to introduce, and the Governor to sign, legislation which would provide a tax credit to commercial building owners who lease space to small business owners.

Referred to the Committee on Finance.

Int. No. 477

By Council Members Cabrera, Williams, Barron, Brewer, Chin, Dromm, Foster, Garodnick, Gonzalez, Greenfield, Jackson, James, Koppell, Koslowitz, Lander, Mark-Viverito, Mealy, Mendez, Palma, Rose, Seabrook, Vann, Wills, Rivera, Dickens and The Public Advocate (Mr. de Blasio).

A Local Law to amend the administrative code of the City of New York, in relation to a tenants bill of rights.

Be it enacted by the Council as follows:

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 10 to read as follows:

CHAPTER 10

TENANTS BILL OF RIGHTS

§26-901 Tenants bill of rights. Every owner of a multiple dwelling shall be required to post in and provide to all tenants in such multiple dwelling a tenants bill of rights in accordance with the provisions of this chapter.

§26-902 For purposes of this chapter, the following terms shall be defined as follows:

a. “Commissioner” shall mean the commissioner of housing preservation and development.

b. “Dwelling unit” shall mean a dwelling unit as defined in subdivision thirteen of section 27-2004 of this code.

c. “Multiple dwelling” shall mean a dwelling as defined in subdivision seven of section 27-2004 of this code.

d. “Owner” shall mean an owner as defined in subdivision forty-five of section 27-2004 of this code.

e. “Tenant” shall mean any lawful occupant of a multiple dwelling.

§26-903 Contents of tenants bill of rights. Such statement of rights shall provide the following:

1. Eviction. Your landlord is required to seek a warrant for your eviction from a court and you have a right to defend yourself. It is illegal for your landlord to remove you or your possessions, prevent you from entering your apartment or discontinue services such as water, heat or electricity and such actions should be reported to the police. These rights apply to anyone who lives in a dwelling unit for thirty or more days including roommates and others not named on a lease. In an eviction case for nonpayment of rent, at any time before the warrant of eviction is issued, you may request a stay (hold) of the issuance of a warrant of eviction by depositing the rent due and the costs of the proceeding in housing court.

2. Hot water and heat. Every tenant has the right to hot water all year long at all times at a minimum temperature of one hundred twenty degrees Fahrenheit and to adequate heat, with an inside temperature of sixty-eight degrees Fahrenheit from six a.m. to ten p.m. when the outside temperature is below fifty-five degrees Fahrenheit, and an inside temperature of fifty-five degrees Fahrenheit from ten p.m. to six a.m. when the outside temperature is below forty degrees Fahrenheit, during the period from October first through May thirty-first.

3. Habitability. Your landlord must maintain standards of habitability. The warranty of habitability requires that your landlord maintain your building in good repair, keep the hallways and public areas clean, paint your apartment every

three years, and exterminate rats, mice, roaches, bedbugs, other vermin, and deal with any other matter dangerous to life or health in a timely manner. The landlord must also maintain electrical, plumbing, sanitary, heating and ventilating systems and appliances installed by the landlord in good working order.

4. Quiet Enjoyment. You have the right to the quiet enjoyment of your apartment and are entitled to be free of nuisance or harassment by your landlord or other tenants. It is your landlord’s responsibility to address ongoing nuisances that are within their control.

5. Discrimination. It is illegal for landlords and their agents to discriminate in the rental of housing, or the provision of services, based on actual or perceived race, creed, color, national origin, gender (including gender identity), disability, age, marital or familial status, the presence of children, lawful occupation, sexual orientation or immigration status. In buildings with six or more dwelling units, tenants are also protected against discrimination based on a lawful source of income: the landlord may not refuse to rent to a tenant based on his or her intention to pay the rent using section 8 or another rent subsidy or to refuse such subsidy from an existing tenant. If you have been discriminated against, you may contact the New York city human rights commission by calling 311.

6. Roommates. You have the right to have family members reside with you so long as the apartment does not become overcrowded. If only one person has signed a lease, you also have the right to share your apartment with one other adult not related to you, and that person's dependent children, but overcharging roommates is illegal and can put you at risk of eviction. Exceptions and restrictions to the rights to share your apartment apply for tenants receiving section 8, a senior citizen rent increase exemption or a disability rent increase exemption, or other rental assistance, and for tenants in housing programs where rent is based on income-eligibility. Always check your program’s rules before taking in another household member.

7. Assigning or subletting leases. In privately owned buildings with at least four units, your landlord may not unreasonably deny your request to sublet your apartment. If you ask to assign the rest of your lease and, if the request is reasonable, your landlord must either agree to the assignment or release you from your lease obligations. Tenants must follow specific rules when seeking to sublet or assign their apartment and a failure to follow these rules may be grounds for eviction. Tenants with section 8, a senior citizen rent increase exemption or a disability rent increase exemption, other rental assistance programs, or in housing where rent is based on income-eligibility, may not have such rights to sublet and assign while participating in the programs always check your program’s rules.

8. Tenants sixty-two years of age or older and disabled tenants. If you are sixty-two years of age or older or a disabled tenant and you pay one-third or more of your income in rent and your income falls below a certain income threshold, you can apply to have your rent frozen through the senior citizen rent increase exemption or disability rent increase exemption programs. You may apply for such programs through the department of finance by calling 311. Seniors and disabled tenants also have unique protections against certain types of evictions.

9. Tenants organizations. You have the right to form, join, and participate in a tenant’s organization for the purpose of protecting your rights. Tenants organizations have the right to use common areas of the building, including the lobby if a community room is not available, free of charge for meetings. Your landlord is forbidden by law to harass you for tenant-organizing activities.

10. Additional rights and responsibilities of rent regulated tenants. Rent stabilized and rent controlled tenants (rent regulated tenants) are subject to specific laws governing, among other things, maximum legal rents, causes for eviction, and leases. If you are a rent regulated tenant, you have certain rights relating to:

(i) leases, renewals and riders. With some exceptions, landlords cannot end the tenancy of rent regulated tenants without good cause. In most cases, when tenants are in compliance with their leases, rent controlled tenants have rights to continuous occupancy, and rent-stabilized tenants must be offered the option of either a one-or two-year renewal lease, but if a renewal is not offered, the old lease remains in effect. Rent stabilized tenants are not obligated to sign any riders or amendments that change the terms of their original lease;

(ii) rent increases. In rent regulated units, an apartment’s unique history determines its legal maximum rent. Increases for rent controlled tenants are governed by the maximum base rent system. Rent increases for rent-stabilized tenants may not exceed the guidelines set annually by the New York city rent guidelines board. Landlords can also apply for increases for major capital improvements or individual apartment improvements for certain types of work, using specific guidelines and formulas. Tenants have an opportunity to review a landlord’s major capital improvement application and challenge inconsistencies or violations of regulations. Tenants may avoid individual apartment improvements rent increases for broken appliances by asking for them to be replaced with used working ones rather than new ones. Individual apartment improvements performed during vacancy can be challenged by the subsequent tenant by filing a rent overcharge complaint with New York state homes and community renewal.

11. Tenants have the right to consult an attorney to protect their legal rights. Tenants who feel their rights have been violated may also contact the New York city department of housing preservation and development or the New York city human rights commission by calling 311. Tenants whose rents are regulated by rent stabilization or rent control laws may also contact New York state state homes and community renewal if they believe that any of these rights has been violated.

§26-904 Notice required. a. The owner of a multiple dwelling must deliver or cause to be delivered to the tenant of each occupied dwelling unit within one hundred twenty days of the effective date of this chapter a notice that states the rights of tenants as set forth in section 26-903 of this chapter, and the telephone numbers of the New York city department of housing preservation and development,

New York state homes and community renewal, the New York city human rights commission and the New York city department of health and mental hygiene.

b. The owner of a multiple dwelling shall deliver or cause to be delivered to each tenant or prospective tenant of a dwelling unit in such multiple dwelling, along with a lease or lease renewal form, a notice that states the rights of tenants as set forth in section 26-903 of this chapter, and the telephone numbers of the New York city department of housing preservation and development, New York state homes and community renewal, the New York city human rights commission and the New York city department of health and mental hygiene.

c. Posting required. The department shall determine and promulgate the form of the notice stating the rights of tenants which shall be posted by the owner of a multiple dwelling in a conspicuous place within view of the place within such multiple dwelling to which mail is delivered. Such notice shall include the rights of tenants as set forth in section 26-903 of this chapter, information on how tenants may obtain a more detailed explanation of such rights as well as a tenants rights guide and shall include the telephone numbers of the New York city department of housing preservation and development, New York state homes and community renewal, the New York city human rights commission and the New York city department of health and mental hygiene.

d. Tenants rights guide. The department shall provide and maintain on the city’s website a tenants rights guide which shall include a detailed explanation of the rights set forth in section 26-903 of this chapter as well as information on additional rights related to security deposits, pets, window guards, lead paint, locks, brokers and any other landlord tenant topics the department deems relevant. Such guide shall also be made available in a print copy upon request.

§26-905. Violations and penalties. a. Any owner who fails to comply with the provisions of subdivision a of section 26-904 of this chapter shall be liable for a civil penalty of fifty dollars for each occupied dwelling unit for which there was a failure to comply.

b. Any owner who fails to comply with the provisions of subdivision b of section 26-904 of this chapter shall be liable for a civil penalty of one hundred fifty dollars for each dwelling unit for which there was a failure to comply.

c. Any owner who fails to comply with the provisions of subdivision c of section 26-904 of this chapter shall be liable for a civil penalty of two hundred fifty dollars.

§2. This local law shall take effect ninety days after enactment, except that the commissioner of housing preservation and development shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 478

By Council Members Chin, Dromm, Ferreras, James, Lander, Mark-Viverito, Mealy, Mendez, Palma, Rose, Seabrook, Williams and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to the recovery of relocation expenses incurred by the Department of Housing Preservation and Development pursuant to a vacate order.

Be it enacted by the Council as follows:

Section 1. Subdivision three of §26-305 of chapter two of title 26 the administrative code of the city of New York is amended to read as follows:

3. The department may bring an action against the owner for the recovery of such expenses. The institution of such action shall not suspend or bar the right to pursue any other remedy provided by this section or any other law for the recovery of such expenses. As a part of such action for recovery the department may require the owner to deposit moneys in an escrow account, naming the department as escrowee; such moneys shall be equivalent to at least ten per cent of the rent roll for five years prior to the vacate order.

§2. This local law shall take effect ninety days after its enactment, except that the commissioner of housing preservation and development shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Res. No. 668

Resolution calling upon the New York State Legislature to pass A.4578 and S.2997, and the Governor to sign into law an act to amend the Vehicle and Traffic Law, in relation to establishing an intercity bus passenger service permit system in cities having a population of one million or more.

By Council Members Chin, Brewer, Gentile, James, Lander, Mark-Viverito, Mealy, Mendez, Palma, Rose, Williams and Koo.

Whereas, According to Manhattan Community Board No. 4, there are currently several intercity private buses companies, such as Bolt Bus, Megabus, DC2NY, Washington Deluxe, Eastern Travel, Vamoose, AA Bus, Hola Bus and Fung Wah, along with other intercity buses making over 1200 departures per day from New York City to other destinations; and

Whereas, Many intercity buses operate on some of Manhattan’s most narrow streets and in heavily residential neighborhoods, creating safety and congestion problems on these streets; and

Whereas, These buses will sometimes violate New York City traffic rules and regulations by standing, parking or idling in Metropolitan Transportation Authority (“MTA”) bus stops, which can inhibit disabled users from accessing MTA buses; and

Whereas, City residents have also complained about the impact of intercity buses on neighborhood traffic, claiming that the buses exacerbate congestion by blocking access to and from side streets; and

Whereas, To legislatively address the myriad of problems stemming from the operation of intercity buses within the city, approval from the state is needed; and

Whereas, Currently there are two companion bills before the State Legislature, A.4578 and S.2997, which would give cities with a population of one million or more, such as New York City, the authority to establish an intercity bus passenger service permit system; now, therefore, be it

Resolved, That the Council of the City of New York calls upon New York State Legislature to pass A.4578 and S.2997, and the Governor to sign into law, an act to amend the Vehicle and Traffic Law in relation to establishing an intercity bus passenger service permit system in cities having a population of one million or more.

Referred to the Committee on Transportation.

Res. No. 669

Resolution recognizing the importance of financial aid opportunities for students to pursue higher education and designating the month of February as “Financial Aid Awareness Month.”

By Council Members Comrie, Barron, Chin, Dromm, Eugene, Ferreras, Fidler, Foster, Gennaro, Gonzalez, Jackson, James, Koslowitz, Mealy, Mendez, Palma, Recchia, Rose, Seabrook, Williams and Koo.

Whereas, Higher education is the key to a successful future for many New Yorkers; and

Whereas, The ability of many students to attend an institution of higher education is based often on their ability to secure financial assistance; and

Whereas, The cost of higher education continues to rise for private, public and for-profit colleges and universities; and

Whereas, Students and families in New York City are making important decisions about financing their college education; and

Whereas, Efforts to increase awareness about student financial aid options are necessary for students in New York City to receive all of the financial aid potentially available to them; and

Whereas, Increasing awareness about the Free Application for Federal Student Aid (FAFSA) ensures that more eligible students may benefit from federal financial assistance; and

Whereas, Students must complete and submit a new FAFSA each school year to be considered for all forms of federal financial aid; and

Whereas, Increasing access to federal financial aid helps reduce students’ reliance on costly private loans; and

Whereas, From February 6th through February 12th, 2011, The Financial Clinic, a New York City-based non-profit organization that promotes financial development, in partnership with colleges and other organizations throughout New York City, supported a week-long campaign to educate students and families about federal financial aid and assist them in the early completion of the FAFSA; and

Whereas, Designating the month of February as “Financial Aid Awareness Month” will help bring attention to the critical role financial assistance plays in helping students achieve higher education; now, therefore, be it

Resolved, That the Council of the City of New York recognizes the importance of financial aid opportunities for students to pursue higher education and designates the month of February as “Financial Aid Awareness Month.”

Referred to the Committee on Higher Education.

Res. No. 670

Resolution calling upon the United States House of Representatives to vote against H.R. 3, a bill which will raise taxes on millions of Americans and severely limit women’s right to access abortion services.

By Council Member Ferreras, The Speaker (Council Member Quinn) and Council Members Brewer, Chin, Comrie, Dickens, Dromm, Foster, Jackson, James, Koppell, Koslowitz, Lander, Mark-Viverito, Mealy, Mendez, Palma, Nelson, Rose, Seabrook, Van Bramer, Garodnick, Crowley and Sanders.

Whereas, On March 23, 2010, President Barack Obama signed the Patient Protection and Affordable Care Act (PPACA) into law; and

Whereas, This federal health care reform legislation sought to expand access to health insurance, create insurance exchanges, provide tax breaks for small businesses to provide health insurance to their employees and end various abuses by the insurance industry including prohibiting discrimination against individuals with preexisting conditions; and

Whereas, In the final stages of negotiating the legislation, several Representatives sought to prohibit any federal health insurance or insurance exchanges from covering abortion services; and

Whereas, PPACA includes restrictive provisions, known as the Nelson language, that impose unnecessary administrative burdens on consumers who purchase plans that offer abortion coverage, placing essential reproductive care further out of reach for low-income women; and

Whereas, If an individual who receives federal public assistance purchases coverage in a plan that chooses to cover abortion services, the federal funds must not be used for the purchase of abortion coverage and must be segregated from private premium or state funds; and

Whereas, This policy also applies to the state health insurances exchanges created under PPACA ensuring that federal funding will not subsidize abortion services and segregating private funding that does cover abortion; and

Whereas, H.R. 3, the “No Taxpayer Funding for Abortion Act,” was recently introduced in the United States House of Representatives; and

Whereas, H.R. 3 would raise taxes on healthcare coverage for families, women, and small businesses by banning tax credits for businesses that provide health plans with abortion coverage and requiring self-employed individuals to pay taxes on insurance plans that cover abortion; and

Whereas, According to NARAL Pro-Choice, a leading women’s health organization, 87 percent of private insurance plans cover abortion services; and

Whereas, H.R 3 would restrict access to abortion services by placing an added financial burden on families whose health plans cover abortion; and

Whereas, H.R. 3 would revive the core provision of the failed Stupak-Pitts amendment by imposing a ban on abortion coverage for woman in state health insurance exchanges who use their own, private funds to pay for the coverage; and

Whereas, This ban would necessitate that a woman purchase separate abortion-only health insurance coverage, and

Whereas, The National Women's Law Center asserts that there is no evidence that abortion-only coverage exists, as there is no evidence of the availability of such coverage in the five states which allow abortion-only coverage through a separate rider; and

Whereas, H.R. 3 would permanently deny low-income women access to abortion services by codifying the Hyde Amendment, a rider to the appropriations bill that currently requires annual re-authorization; and

Whereas, The Hyde Amendment bans the use of federal funds for abortion services, preventing women on Medicaid, servicewomen, and certain other federal employees from accessing abortion coverage; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States House of Representatives to vote against H.R. 3, a bill which will raise taxes on millions of Americans and severely limit women’s right to access abortion services.

Referred to the Committee on Health.

Res. No. 671

Resolution calling on the New York State Legislature to pass legislation that would require that paper ballots be designed in a more user-friendly manner.

By Council Members Fidler, Dromm, Gennaro, Gentile, Gonzalez, Jackson, James, Koslowitz, Lander, Mark-Viverito, Mendez, Palma, Rose, Seabrook, Vann, Williams, Halloran and Koo.

Whereas, The right to free and fair elections is the bedrock of any democratic society; and

Whereas, Throughout its history, the United States has taken steps to increase access to the ballot box, from overturning racist and sexist suffrage laws to expanding opportunities for voter registration; and

Whereas, Despite best efforts, a myriad of obstacles still plague the electoral process, including those pertaining to the use of poorly designed ballots; and

Whereas, The adverse effects of poor ballot design gained significant notoriety during the 2000 Presidential Election, when an ill-designed ballot in Palm Beach County, Florida, resulted in thousands of registered Democrats unintentionally crossing party lines to vote for a conservative third-party candidate; and

Whereas, According to the Brennan Center for Justice, potentially hundreds of thousands of votes are lost or miscast in every election due to poor ballot design; and

Whereas, Ballot design reemerged as an issue in the 2010 Primary Elections in New York City, when many voters complained about the small font size used on the newly-introduced paper ballots; and

Whereas, An informal City Council survey concerning the subsequent 2010 General Election revealed that over one-third of respondents found the ballots difficult to read or confusing, with font size being among the most common complaints; and

Whereas, New York City’s current ballot format is dictated by New York State Election Law and is the relic of a time when ballots were designed for use with the older generation of mechanical voting machines; and

Whereas, Both the United States Election Assistance Commission and the Brennan Center have published reports recommending that ballots be designed using large, legible fonts; and

Whereas, If passed, S.609 (Addabbo), would mandate improved ballot design by amending the Election Law to require that paper ballots be easily readable; and

Whereas, Specifically, S.609 would require that the candidate’s name be printed with the first initial of each name capitalized followed by lower case letters, presented in a bold typeface with a minimum font size of 12, and that all other text relating to position, party affiliation and ballot questions also be easily readable; and

Whereas, S.609 would also require the boards of elections for New York State, New York City, and Erie, Nassau, Suffolk and Westchester counties to employ one full-time employee trained in ballot design who would also be available to advise other county boards of election on their ballot design; and

Whereas, In order for this bill to advance, it is imperative that the New York State Assembly introduce and pass a companion piece of legislation; and

Whereas, Improving ballot design in New York State would be a significant first step towards improving representation and preventing a repeat of the difficulties encountered in 2010; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass legislation that would require that paper ballots be designed in a more user-friendly manner.

Referred to the Committee on Governmental Operations.

Int. No. 479

By Council Members Garodnick, Barron, Brewer, Chin, Dromm, Ferreras, Fidler, Gennaro, Gentile, Jackson, James, Koppell, Lander, Mark-Viverito, Mealy, Mendez, Palma, Rose, Seabrook, Vann, Williams, Halloran and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to requiring city contractors to post information concerning their employees’ whistleblower protection rights as established by the New York State and Federal False Claims Acts.

Be it enacted by the Council as follows:

Section 1. Title six of the administrative code of the city of New York is amended by adding a new section to read as follows:

§6-130. *Posting notice of whistleblower protection rights established by false claims acts.* a. *Definitions.* For the purposes of this section, the following terms shall have the following meanings:

(1) “Contract” shall mean any written agreement, purchase order or instrument whereby the city is committed to expend or does expend funds in return for work, labor, services, supplies, equipment, materials, or any combination of the foregoing;

(2) “Contracting agency” shall mean a city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury; and

(3) “Contractor” shall mean a person or business entity who is a party or a proposed party to a contract with a contracting agency as those terms are defined herein;

b. All contractors with city contracts valued at \$250,000 or more shall post a notice of the rights and remedies afforded to its employees for lawful acts performed by its employees in support of actions to pursue the submission of false claims for payments to the federal, state and/or city government(s), as provided under 31 U.S.C. 3730(h) and under section 191 of the state finance law. Such notice shall be placed in a prominent and accessible place on any site where work pursuant to such contract is performed and shall contain a statement that, pursuant to state and federal law, there is no risk of retaliation to employees who perform such lawful acts. Every city contract with a value of \$250,000 or more shall contain a provision detailing the requirements of this section.

c. *Enforcement.* If a contracting agency has reason to believe that a contractor is not in compliance with the provisions of this section, the agency’s chief contracting officer shall determine whether any sanctions should be imposed, including but not limited to: the withholding of payment, finding the contractor to be in default, cancellation of the contract, or other sanctions or remedies provided by the contract. Nothing in this section shall be construed to limit the city’s authority to cancel or terminate a contract, issue a non-responsibility finding, issue a non-responsiveness finding, deny a person or entity pre-qualification, or otherwise deny a contractor city business.

§2. This local law shall take effect ninety days after its enactment into law.

Referred to the Committee on Contracts.

Int. No. 480

By Council Members Gentile, Eugene, Barron, Dromm, Fidler, Gonzalez, Jackson, James, Koppell, Mark-Viverito, Mendez, Recchia, Rose, Sanders, Seabrook, Van Bramer, Vann, Williams and Halloran.

A Local Law to amend the New York city charter, in relation to the mayor’s office of veterans’ affairs and the establishment of veteran liaisons.

Be it enacted by the Council as follows:

Section 1. Section 14 of the New York city charter is amended by adding a new subdivision e to read as follows:

e. *The head of each city agency shall designate a veteran liaison for such agency and shall notify the office of veterans’ affairs of the name and contact number of such liaison. The office shall post on the city’s website a list comprised of such liaisons.*

§2. This local law shall take effect thirty days after it shall have been enacted into law.

Referred to the Committee on Veterans.

Res. No. 672

Resolution urging the United States House of Representatives to vote against H.R. 217, a bill that will restrict access to women’s reproductive health services by severely restricting funding for family planning providers.

By Council Member Lappin, The Speaker (Council Member Quinn) and Council Members Brewer, Chin, Dickens, Dromm, Ferreras, Foster, Jackson, James, Koppell, Koslowitz, Lander, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Garodnick, Crowley, Rose, Van Bramer and Sanders.

Whereas, Title X of the Public Health Service Act regulations, which governs federal family planning funding has been an integral component of the national public health care system, providing high-quality family planning services and other preventative health care to low-income and uninsured individuals who may otherwise lack access to health care; and

Whereas, Title X funds provide subsidized family planning services, health education and referrals for other health and social services; and

Whereas, In New York City alone, more than 50,000 women per year depend on Planned Parenthood, a Title X funded entity, for high-quality healthcare services; and

Whereas, The New York State Legislature is already in the process of implementing tough budget cuts; and

Whereas, Any loss of federal healthcare funding on top of these cuts would have a particularly devastating impact on women’s health in New York City and New York State; and

Whereas, More than 90 percent of the healthcare provided by Planned Parenthood each year is preventive, and every dollar invested in family planning saves \$3.74 in Medicaid-related costs; and

Whereas, Current federal law prohibits Title X funds from being spent on abortion services; and

Whereas, H.R. 217 would expand existing restrictions on Title X funding to prohibit Title X funds from going to any entity that offers abortion services or provides funding to another entity that offers abortions; and

Whereas, This legislation would severely restrict women’s ability to access high quality, affordable reproductive health care and would result in millions of women losing their primary and preventative health care; and

Whereas, H.R. 217 is anathema to quality healthcare and contrary to fiscal responsibility; now, therefore be it

Resolved, That the Council of the City of New York calls on the United States House of Representatives to vote against H.R. 217, a bill that will restrict access to women’s reproductive health services by severely restricting funding for family planning providers.

Referred to the Committee on Health.

Res. No. 673

Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.

By Council Members Recchia, Comrie and Gennaro.

Whereas, On June 29, 2010 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2011 with various programs and initiatives (the “Fiscal 2011 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Roosevelt Island Historical Society, an organization receiving local discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development to read: “To support a program highlighting the Smallpox Hospital.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Peace Action Fund of New York State, Inc., an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development to read: “To help fund Peace Action Fund of New York State's participation in the Peace Fair in Brooklyn this summer, as well as to fund our efforts to start educational student clubs at colleges and universities in the NYC area, including at the College of Staten Island.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Maura Clarke-Ita Ford Center, Inc., an organization receiving local discretionary funding in the amount of \$30,000 within the budget of the Department of Youth and Community Development to read: “Assistance with administrative and operational costs to enhance the ESL Services to constituents in the 34th councilmanic District.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Education Through Music, Inc, an organization receiving local discretionary funding in the amount of \$4,000 within the budget of the Department of Cultural Affairs to read: “For ETM's partnerships with MS 424x and PS 48x in Council District 17, which provides weekly music education to the children at these 2 schools.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Tolentine-Zeiser Community Life Center, Inc., an organization receiving aging discretionary funding in the amount of \$23,750 within the budget of the Department for the Aging to read: “To offset costs of operating the Community Center.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Erasmus Neighborhood Federation, an organization receiving funding in the amount of \$25,000 within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunity Initiative to read: “Legal Services.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Make The Road New York, an organization receiving funding in the amount of \$25,000 within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunity Initiative to read: “Legal Services.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Bobbi and the Strays, Inc., an organization receiving local discretionary funding in the amount of \$1,000 within the budget of the Department of Youth and Community Development to read: “To supplement rent and support spay/neutering program for abandoned animals.”

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Northern Manhattan Coalition for Immigrant Rights, an organization receiving funding in the amount of \$46,250 within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunity Initiative to read: “ESL/Civic.”

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Northern Manhattan Improvement Corporation, an organization receiving funding in the amount of \$23,137.50 within

the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunity Initiative to read: “ESL/Civic.”

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2010 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local and youth discretionary funding in accordance therewith; now, therefore be it

Resolved, That the City Council approves the new Description/Scope of Services for the Roosevelt Island Historical Society, an organization receiving local discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development to read: “To support a program highlighting the Smallpox Hospital.”; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Peace Action Fund of New York State, Inc., an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development to read: “To help fund Peace Action Fund of New York State's participation in the Peace Fair in Brooklyn this summer, as well as to fund our efforts to start educational student clubs at colleges and universities in the NYC area, including at the College of Staten Island.”; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Maura Clarke-Ita Ford Center, Inc., an organization receiving local discretionary funding in the amount of \$30,000 within the budget of the Department of Youth and Community Development to read: “Assistance with administrative and operational costs to enhance the ESL Services to constituents in the 34th councilmanic District.”; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Education Through Music, Inc, an organization receiving local discretionary funding in the amount of \$4,000 within the budget of the Department of Cultural Affairs to read: “For ETM's partnerships with MS 424x and PS 48x in Council District 17, which provides weekly music education to the children at these 2 schools.”; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Tolentine-Zeiser Community Life Center, Inc., an organization receiving aging discretionary funding in the amount of \$23,750 within the budget of the Department for the Aging to read: “To offset costs of operating the Community Center.”; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Erasmus Neighborhood Federation, an organization receiving funding in the amount of \$25,000 within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunity Initiative to read: “Legal Services.”; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for Make The Road New York, an organization receiving funding in the amount of \$25,000 within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunity Initiative to read: “Legal Services.”; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Bobbi and the Strays, Inc., an organization receiving local discretionary funding in the amount of \$1,000 within the budget of the Department of Youth and Community Development to read: “To supplement rent and support spay/neutering program for abandoned animals.”; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Northern Manhattan Coalition for Immigrant Rights, an organization receiving funding in the amount of \$46,250 within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunity Initiative to read: “ESL/Civic.”; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Northern Manhattan Improvement Corporation, an organization receiving funding in the amount of \$23,137.50 within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunity Initiative to read: “ESL/Civic.”; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in

accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Cultural After School Adventure (CASA) Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Obesity Prevention Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2010 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding within the budget of the Department of Youth and Community Development in accordance with the Fiscal 2010 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Adult Literacy Initiative in accordance with the Fiscal 2010 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Small Business and Job Development/Financial Literacy Initiative in accordance with the Fiscal 2010 Expense Budget, as set forth in Chart 11 and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Primary Care Initiative in accordance with the Fiscal 2010 Expense Budget, as set forth in Chart 12.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of the Exhibits, please see the Attachment to the resolution following the Report of the Committee on Finance for Res No. 673 printed in these Minutes).

Int. No. 481

By Council Members Vacca, Brewer, Chin, Dromm, Fidler, Foster, Gennaro, Koslowitz, Seabrook and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to the duties and obligations of property owners with respect to maintenance, repair or construction of sidewalks as part of government capital reconstruction projects.

Be it enacted by the Council as follows:

Section 1. Subdivision 1 of section 2904 of the New York city charter is amended to read as follows:

1) install, reconstruct, repave and repair the sidewalk flags in front of or

abutting such property, including but not limited to the intersection quadrant for corner property, *except where the property is a one-, two- or three-family dwelling, is owner-occupied and such installation, reconstruction, repaving and repair is part of a government capital reconstruction project*, and

§2. Section 19-152 of the administrative code of the city of New York is amended by adding a new subdivision t to read as follows:

t. The provisions of this section that relate to a property owner's duties and obligations with respect to sidewalks shall not apply to an owner of a one-, two- or three-family dwelling, where such dwelling is owner-occupied and such duties and obligations arise as part of a government capital reconstruction project. In such circumstances, any duty or obligation to maintain, repair or construct sidewalks shall be the exclusive responsibility, both physically and financially, of the city of New York, regardless of the existence of any substantial defects relating to affected sidewalks.

§3. This local law shall take effect one hundred and eighty days after it is enacted into law.

Referred to the Committee on Transportation.

Int. No. 482

By Council Members Vacca, Dromm, Fidler, Foster, Gennaro, Gentile, Jackson, James, Mark-Viverito, Mealy, Nelson, Recchia, Seabrook, Williams and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to informing of removal of trees.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-142 to read as follows:

§18-142 Notification of tree removal. Not less than sixty days prior to the commencement of any project that may require the removal of five or more trees by any city agency or any entity acting pursuant to a contract with a city agency, such city agency shall notify of such removal all community boards and the district offices of all council members in which such trees to be removed are located. Such notification shall be by electronic or regular mail and shall include, but need not be limited to, the estimated number of trees to be removed and the dates of the expected removal of such trees.

§2. This local law shall take effect immediately upon enactment.

Referred to the Committee on Parks and Recreation.

Int. No. 483

By Council Members Vallone, Vacca, Dromm, Gennaro, Seabrook, Williams and Koo.

A Local Law to amend the administrative code of the City of New York, in relation to allowing for Press Vehicle Parking Permits.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that the freedom of the press is an essential element to good government, and that news coverage is of vital importance to the citizens of the City of New York. Many individuals with different jobs work to create full reporting of news events. Among these individuals are press photographers and radio reporters, who transport equipment of significant size, weight, and expense in order to fulfill the obligations of their profession. For the past several decades, press photographers and radio reporters covering the news in New York City were issued placards called “Press Vehicle Cards” by the New York City Police Department in order to facilitate their use of automobiles in their jobs. Since 2009, however, the New York City Police Department has not issued these placards. The Council finds that given the press photographers’ and radio reporters’ need to use automobiles in the gathering of the news, the Department of Transportation should issue parking permits to qualified members of such professions. This legislation is intended to restore the ability of these members of the press to use their vehicles for news-gathering purposes.

§2. Title 19 of the administrative code of the city of New York is amended by adding a new section 19-162.3 to read as follows:

19-162.3. Permissible parking for vehicles operated by members of the press engaged in press photography or radio reporting.

a. For the purposes of this section the following terms shall have the following meanings:

1. “Members of the press” shall mean individuals possessing a valid press

card as defined in Title 38 of the Rules of the City of New York.

2. “Press photography” shall mean the use of a still or video camera in conjunction with the covering of news.

3. “Radio reporting” shall mean the use of a recording device for the purposes of broadcasting content over the radio.

4. “Vehicle” shall mean a vehicle as defined in section 159 of the vehicle and traffic law.

5. “Vehicle press permit” shall mean an annual, on-street parking permit, issued pursuant to this section.

b. The commissioner shall create an application process for issuing a vehicle press permit and shall issue said permit for applicants who successfully complete such process. In creating and evaluating applications the commissioner shall consider, among other factors, the size and weight of the equipment the applicant is required to transport in order to fulfill the requirements of an applicant’s job as a press photographer or radio reporter and whether the applicant uses the vehicle to secure such equipment during a news assignment and as a work space for editing and/or transmitting photographs, video or audio from such assignment. The application for the vehicle press permit shall be submitted in such form, and with such supporting documentation, as required by the commissioner. A vehicle press permit shall be issued, following completion of the application as to form and content to the satisfaction of the commissioner or his or her designee, to any vehicle that is owned, registered or leased by a member of the press engaged in press photography or radio reporting and shall issue one vehicle press permit to any news organization employing such a press photographer or radio reporter provided, however, that a permit issued to a news organization may be used on up to three vehicles owned or operated by such news organization.

c. Parking privileges. Notwithstanding any local law or rule to the contrary, it shall be permissible for a member of the press engaged in press photography or radio reporting, while covering a news story, to park a vehicle which displays a vehicle press permit in an available space:

1. At any parking meter, including parking meters designed for commercial vehicles; or

2. Where parking is prohibited by a posted sign; or

3. Where standing of vehicles, other than trucks or commercial vehicles, is prohibited by a posted sign.

d. Such parking permit shall not allow parking a vehicle in a bus stop, a taxi-stand, within fifteen feet of a fire hydrant, a fire zone, a driveway, a crosswalk, a no stopping zone, a no standing zone, or where the vehicle would be double-parked, except if directed or authorized to do so by a police or transportation official.

e. Notwithstanding any other provision of law, no vehicle displaying a vehicle press permit may be towed when such vehicle is being used in accordance with the purpose for which such permit was issued, except in public safety emergencies to be determined by the police department.

f. Driving Privileges. An individual operating a vehicle with a vehicle press permit may, while covering a news story:

1) Use any street or bridge lanes designated by the department of transportation as an express lane or high-occupancy vehicle lane, regardless of whether such vehicle is occupied by more than one person; and

2) Turn on streets designated by the Department of Transportation as “Thru” streets.

g. Any misuse of a vehicle press permit shall be cause for revocation of said permit.

h. Police department issued New York City press vehicle cards that expired on December 31, 2008 shall remain in effect until the department issues new vehicle press permits pursuant to this section.

§3. This local law shall take effect immediately after its enactment into law.

Referred to the Committee on Transportation.

Int. No. 484

By Council Members Vallone, Jr., Gonzalez, Koppell, Mealy, Palma, Nelson, Sanders and Seabrook.

A Local Law to amend the administrative code of the city of New York, in relation to increasing civil penalties for owning or harboring a dangerous dog.

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 17-350 of the administrative code of the city of New York is amended to read as follows:

b. In addition to the penalties prescribed by subdivision a of this section, any person who violates any of the provisions of this subchapter or any rule or regulation promulgated hereunder shall be liable for a civil penalty of not less than [five hundred nor more than five thousand dollars] *ten thousand dollars nor more than twenty-five thousand dollars.*

§2. This local law shall take effect immediately.

Referred to the Committee on Health.

Res. No. 674

Resolution calling on the New York State Legislature to pass S.1075 and A.1929, an act to amend the retirement and social security law, in relation to forfeiture of pension rights or retirement benefits upon conviction of certain crimes related to public employment.

By Council Members Vallone Jr., Chin, Foster, Mendez, Nelson and Williams.

Whereas, The New York State Legislature is considering S.1075 and A.1929, an act to amend the retirement and social security law, in relation to forfeiture of pension rights or retirement benefits upon conviction of a certain crimes related to public employment; and

Whereas, These bills would prohibit the receipt of pension benefits when any elected official engages in criminal conduct in relation to that office; and

Whereas, S. 1075 and A.1929 would establish a procedure whereby public misconduct by a public employee may disqualify him or her from all or part of their pension benefits; and

Whereas, New York State has no policy mandating the forfeiture of pension benefits by a public official who has been convicted of a crime; and

Whereas, Currently, a state or local government employee who meets age and length of service requirements for a pension in accordance with the State’s Retirement and Social Security Law is entitled to collect pension benefits even if that employee has betrayed the public’s trust and has been convicted of a crime related to the betrayal of that trust; and

Whereas, Pension forfeiture statutes can be created to withhold public tax dollars from public servants who break the public trust in a significant way and recognize a fiduciary duty owed to the citizens of the State; and

Whereas, Pennsylvania, Florida, Georgia, Illinois, Massachusetts, Alaska, California, Kentucky, Michigan, Missouri, New Jersey, North Carolina, Ohio, Oklahoma, Tennessee and Virginia have all enacted pension forfeiture statues which operate to sever a public employee’s claim to a taxpayer-financed pension if such employees engages in criminal misconduct related to their official duties; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass S.1075 and A.1929, an act to amend the retirement and social security law, in relation to forfeiture of pension rights or retirement benefits upon conviction of certain crimes related to public employment.

Referred to the Committee on Civil Service and Labor.

Res. No. 675

Resolution calling upon the United States Congress to pass and the President to sign the Preservation of Antibiotics for Medical Treatment Act, legislation that would prohibit the routine use of certain types of antibiotics in farm animals in an effort to reduce the spread of dangerous bacteria in humans.

By Council Members Vallone, Jr., Brewer, Mealy, Williams and Koo.

Whereas, For the past sixty years, the use of antibiotic drugs has turned bacterial infections into treatable conditions, rather than the life-threatening episodes they once were; and

Whereas, Physicians depend upon antibiotics such as penicillin, tetracycline, and erythromycin to treat many illnesses caused by bacteria, including ear and skin infections, pneumonia, food poisoning, meningitis, and other life-threatening infections; and

Whereas, Antibiotics are also crucial in treating infections that may result from medical procedures such as surgery, chemotherapy and transplants; and

Whereas, However, the United States Centers for Disease Control and Prevention (CDC) has reported that doctors are treating an increasing number of bacterial infections that fail to respond to routine antibiotic treatment; and

Whereas, The CDC believes that the widespread, excessive and inappropriate use of antibiotics increases the likelihood that bacteria will become resistant to the antibiotic; and

Whereas, While an individual may be killing infectious bacteria each time he or she consumes an antibiotic, the likelihood that resistant germs may be left to grow and multiply increases when an antibiotic is repeatedly used; and

Whereas, For instance, one out of six cases of Campylobacter infection, the most common cause of food poisoning, is resistant to fluoroquinolones, the drug most often used to treat severe food-borne illness; and

Whereas, However, the resistance exhibited by Campylobacter infection to fluoroquinolones was negligible prior to the drug being approved for use in poultry;

and

Whereas, The Union of Concerned Scientists, a national non-profit science advocacy organization, has estimated that as much as 70 percent of antibiotics used in the United States is given to healthy chickens, pigs and cattle to encourage their growth or to prevent illnesses; and

Whereas, According to the CDC, antibiotics routinely given to healthy livestock and poultry include many that are identical, or nearly so, to drugs used in treating humans; and

Whereas, Therefore, the excessive use of antibiotics given to healthy livestock and poultry enhances the potential development of antibiotic-resistant bacteria and thus can negatively effect the human population; and

Whereas, Additionally, antibiotic-resistant bacteria also lead to higher health care costs as individuals will often require more expensive drugs and extended hospital stays; and

Whereas, The issue of antibiotic resistance is of particular concern for children, who have both the highest rates of antibiotic use and the highest rates of infections caused by antibiotic-resistant pathogens; and

Whereas, On March 17, 2009, Congresswoman Louise M. Slaughter introduced the Preservation of Antibiotics for Medical Treatment Act of 2009, H.R.1549, in an attempt to ensure that the effectiveness of antibiotics is preserved for the treatment of human and animal diseases; and

Whereas, This legislation would eliminate the non-health related use in livestock of medically important antibiotics and would increase the level of scrutiny for new antibiotics that would be used to treat animals, but would not restrict the use of antibiotics to treat sick animals; and

Whereas, Farm organizations such as the National Pork Producers Council, an association of 43 state pork producer organizations representing more than 67,000 individuals, oppose the legislation because they maintain that the bill would ban the use of health products used to prevent diseases among livestock and poultry, while also requiring all “critical anti-microbial animal drugs” to go through a second Food and Drug Administration (FDA) approval process; and

Whereas, However, the emerging health crisis of antibiotic resistance has lead several associations and organizations, including the American Medical Association, American College of Preventive Medicine, the American Public Health Association, the Council of State and Territorial Epidemiologists, and the World Health Organization to support the legislation and oppose the use of antibiotics in healthy farm animals; and

Whereas, On July 13, 2009, Dr. Joshua Sharfstein, the Principal Deputy Commissioner of the FDA, expressed the Obama administration’s support for limitations on the use of antibiotics in livestock contending that the use of antimicrobials should be limited to those situations where human and animal health are protected; and

Whereas, It is critical that this country take every necessary step to protect humans from antibiotic-resistant bacteria; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass and the President to sign the Preservation of Antibiotics for Medical Treatment Act, legislation that would prohibit the routine use of certain types of antibiotics in farm animals in an effort to reduce the spread of dangerous bacteria in humans.

Referred to the Committee on Health.

Res. No. 676

Resolution calling upon the United States Congress to pass the “Thomas J. Manton Prostate Cancer Early Detection and Treatment Act of 2009” (H.R. 4383), which would amend the Public Health Service Act and Title XIX of the Social Security Act to provide for a screening and treatment program for prostate cancer in the same manner as is provided for breast and cervical cancer.

By Council Members Vallone, Jr., Brewer, Chin, Dromm, Eugene, Ferreras, Gennaro, Gentile, Jackson, Recchia, Rose, Sanders, Vann, Williams, Halloran and Koo.

Whereas, According to the Centers for Disease Control & Prevention (CDC), prostate cancer is the most common form of cancer among men in the United States, other than some kinds of skin cancer; and

Whereas, The CDC also finds that prostate cancer is the second leading cause of cancer deaths among men in the United States, after lung cancer, and the seventh leading cause of death overall for men in this country; and

Whereas, One in six men in the United States will be diagnosed with prostate cancer in his lifetime, according to the American Cancer Society (ACS); and

Whereas, ACS further estimates that, in 2009, approximately 192,280 men in the United States will be diagnosed with prostate cancer and about 27,360 men will die of prostate cancer; and

Whereas, According to the National Prostate Cancer Coalition (NPCC), if a man in the United States has one family member diagnosed with prostate cancer, he has double the risk of prostate cancer, if he has two family members with such

diagnoses, he has five times the risk, and if he has three family members with such diagnoses, he then has a 97 percent risk of prostate cancer; and

Whereas, Additionally, there are significant racial disparities with respect to prostate cancer, as African-American males have the highest incidence rate for prostate cancer in the United States, and they are more than twice as likely to die from this disease than White males; and

Whereas, Further, the NPCC found that nearly 100 percent of men whose prostate cancer was found while the cancer is still local or regional are still alive five years after being diagnosed, while only 34 percent survive five years in cases where the cancer has spread to distant parts of the body; and

Whereas, Screening by both a digital rectal examination (DRE) and a prostate specific antigen (PSA) blood test can diagnose the disease in earlier and more treatable stages and reduce prostate cancer mortality; and

Whereas, According to the NPCC, there are no noticeable symptoms of prostate cancer while it is still in the early stages, which is why screening is so critical; and

Whereas, The “Thomas J. Manton Prostate Cancer Early Detection and Treatment Act of 2009” (H.R. 4383), has been introduced in the United States Congress to increase screening for prostate cancer and improve early detection and treatment of this disease; and

Whereas, Specifically, this bill would amend the Public Health Service Act and Title XIX of the Social Security Act to provide a screening and treatment program for prostate cancer similar to the kind which is currently provided for breast and cervical cancer, and would provide grants to states to establish such programs as well as supplemental grants for additional preventive health services; and

Whereas, This bill is named for Thomas J. Manton, a distinguished former Marine and police officer who served as a Member of the New York City Council from 1970 to 1984, was elected to the United States Congress representing the 7th Congressional District in Queens from 1985 to 1999, and was the Queens County Democratic Leader for two decades, from 1986 until his untimely death from prostate cancer in July 2006 at the age of 73; and

Whereas, Countless men and their families in New York City live with prostate cancer and untold others are afflicted with prostate cancer but are undiagnosed; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass the “Thomas J. Manton Prostate Cancer Early Detection and Treatment Act of 2009” (H.R. 4383), which would amend the Public Health Service Act and Title XIX of the Social Security Act to provide for a screening and treatment program for prostate cancer in the same manner as is provided for breast and cervical cancer.

Referred to the Committee on Health.

Res. No. 677

Resolution calling upon the United States Congress to pass H.R.4356, the “Downed Animal and Food Safety Protection Act,” which would amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of non-ambulatory livestock, thus preventing such meat from entering the human food supply.

By Council Members Vallone, Jr., Brewer, Rose, Williams and Koo.

Whereas, According to the Centers for Disease Control and Prevention, bovine spongiform encephalopathy (BSE), commonly referred to as “Mad Cow Disease,” is a progressive neurological disorder of cattle that is linked to a human disease called variant Creutzfeldt-Jakob disease (vCJD), which humans can contract from exposure to BSE-contaminated food; and

Whereas, The United States Department of Health and Human Services website indicates that BSE related diseases are “invariably fatal and there is no known treatment or cure;” and

Whereas, News reports indicate that the cows that were struck with BSE in Washington in 2003, in Texas in 2005, and in Alabama in 2006 were all non-ambulatory or downed cows; and

Whereas, According to the United State’s Food and Drug Administration (FDA), it has been estimated that as of June 2008, 208 people worldwide became sick with vCJD and it is believed this was a result of ingesting food made from cows sick with BSE; and

Whereas, A Harvard Risk Assessment of BSE noted that there is a general consensus that non-ambulatory or downed animals are more likely to carry BSE than healthy animals; and

Whereas, In 2009, the FDA has taken additional steps to ensure that the food in the United States remains safe, including barring certain high-risk cow parts from being allowed to be used to make any animal feed; and

Whereas, Additionally, President Barack Obama announced that the United States Department of Agriculture promulgated a complete ban on the slaughter of cattle that become non-ambulatory disabled after passing initial inspection by Food Safety and Inspection Service inspection program personnel; and

Whereas, While many advocates were pleased with this action, some organizations including Farm Sanctuary, a group devoted to ending the suffering of

downed animals through advocacy, policy and investigations, felt that the prohibition should have been extended to other downed animals including pigs, sheep, goats and other animals that can also carry bacteria and disease; and

Whereas, Currently, a bill before the United States Congress, known as the “Downed Animal and Food Safety Protection Act” (H.R.4356) would amend the Humane Methods of Livestock Slaughter Act of 1958 to require that any meat dealer, packer, slaughter facility or establishment covered by the federal Meat Inspection Act be required to immediately and humanely euthanize all non-ambulatory livestock; and

Whereas, The bill would also make it unlawful for any inspector to pass through inspection any non-ambulatory livestock or carcass, including parts of a carcass, of non-ambulatory livestock, and would require any such livestock, carcass, or carcass parts to be clearly labeled as “inspected and condemned;” and

Whereas, By prohibiting inspectors from certifying meat from livestock too sick or injured to walk unassisted, the bill would codify the USDA’s ban on downed cattle in human food, and expand it to include other species, such as downed pigs and sheep; and

Whereas, The bill’s findings indicate that requiring the humane euthanization of non-ambulatory livestock in interstate and foreign commerce would reduce cruelty to animals and decrease the likelihood of the spread of diseases; and

Whereas, Preventing the meat of downed animals from entering the food supply is essential in protecting the health and well being of all New Yorkers, as well as all those who live in the United States; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass H.R.4356, the “Downed Animal and Food Safety Protection Act,” which would amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of non-ambulatory livestock, thus preventing such meat from entering the human food supply.

Referred to the Committee on Health.

Int. No. 485

By Council Members Vann, Recchia, Mark-Viverito, Lander, Arroyo, Comrie, Dickens, Ferreras, Fidler, Foster, Gonzalez, Jackson, Koppell, Koslowitz, Mendez, Reyna, Rivera, Rose, Sanders, Seabrook, Van Bramer, Williams, Wills, Dromm, Brewer, Eugene and Koo.

A Local Law to amend the New York City charter, in relation to classification of depository banks.

Be it enacted by the Council as follows:

Section 1. Section 1523 of the New York City charter shall be amended by adding a new subdivision 4 to read as follows:

4. *The commissioner of finance, in consultation with agency heads, shall by rule establish criteria by which to evaluate whether banks are meaningfully addressing the credit and financial needs of the city and the communities throughout the city in which such banks do business. Such criteria shall, at a minimum, include banks’ efforts at the local level by New York City census tract to: (1) address the key credit and financial services needs of small businesses; (2) work with borrowers to restructure delinquent home mortgage loans for which they are responsible; (3) develop and offer financial services and products that are most needed by low and moderate income individuals and communities throughout the city and provide physical branches; (4) provide funding, including construction and permanent loans and investments, for affordable housing and economic development projects in low and moderate income communities; (5) work with governmental entities and communities to address serious problems concerning the maintenance and condition of buildings financed by the institution; (6) partner in the community development efforts of the city; and (7) develop a strategic plan that details how the bank will meet the credit needs of low- and moderate-income consumers and communities for each of the above criteria and make progress in meeting the goals set forth in that plan. For each of these criteria, the commissioner should consider the annual number and dollar amount of loans, investments and services offered by each bank.*

The commissioner shall, after holding a public hearing at which banks designated pursuant to section fifteen hundred twenty-four and the public are given an opportunity to be heard, classify such banks according to such criteria and publish notice of such classification on the department’s website and in the City Record. At the time such notice is published, the commissioner shall submit to the Council and to the banking commission, and post on the department’s website a report containing the following: (i) a detailed description of how the classification of each bank was determined; (ii) the role played in such determination by each of the criteria contained in the commissioner’s rules and the commissioner’s evaluation of each individual criterion; and (iii) the role played by public comments submitted to the department in connection with the hearing. At least thirty (30) days prior to the hearing, the commissioner shall publish all supporting materials submitted by such banks (including but not limited to data, reports, and strategic plans, if any) on the department’s website. The failure of a bank to provide information requested by the commissioner for the purposes of this subdivision shall be grounds for the commissioner to lower the classification of the bank, and any such failure shall be detailed in the commissioner’s report to the Council and the banking commission.

When choosing among banks offering comparable services at a comparable cost, city agencies may, in a manner consistent with law and guidelines established by the commissioner of finance, seek to deposit or invest funds at, and obtain services from, the available banks that have received the highest classification.

The commissioner shall issue a bank’s classification pursuant to the above procedures no later than ninety (90) days after such bank’s initial designation by the commission pursuant to subdivision 1 of section 1524 of this charter or such bank’s first redesignation after this law becomes effective. Subsequent to a bank’s initial classification, the commissioner shall review such bank’s classification during the six (6) months prior to the time period in which the commission considers such bank’s application for redesignation, as set forth in the commission’s rules. The commissioner shall issue a new classification for such bank at least two weeks prior to the commission’s annual designation meeting.

The commissioner shall send an electronic copy of the proposed rule or rules establishing such criteria and the method of classification to the Council ten (10) business days before the department is required to give public notice of proposed rulemaking.

§2. Subdivision 1 of section 1524 of the New York City charter is amended to read as follows:

1. The banking commission which consists of the mayor, the commissioner and the comptroller shall, by majority vote, by written notice to the commissioner, designate the banks or trust companies in which all moneys of the city shall be deposited, and may by like notice in writing from time to time change the banks and trust companies thus designated. *The commission shall notify the Council within thirty (30) days of receiving an application for designation or redesignation, and shall also notify the Council within thirty (30) days of approving or denying such application and, if designation or redesignation was denied, the basis for denial.*

§3. Paragraph (b) of subdivision 2 of section 1524 of the New York City charter is amended to read as follows:

b. If the banking commission by a majority vote shall decide that a requirement or condition contained in paragraph a of this subdivision has been violated after giving the bank or trust company an opportunity to be heard, then upon thirty days’ notice to the bank or trust company such designation may be revoked. *The commission shall post notice of such revocation and the reason for such revocation on the department’s website.*

§4. This local law shall take effect ninety days after it shall have become a law, except that the banking commission and the commissioner of finance shall, prior to such effective date, take such actions as are necessary to implement the provisions of this law.

Referred to the Committee on Finance.

L.U. No. 319

By Council Member Comrie:

Application no. 20115463 HAM, approval of a termination of a prior exemption and the voluntary dissolution of the current owner for property located at Block 1837/Lot 21, Council District no. 8, Borough of Manhattan. This matter is subject to Council review and action pursuant to Article V of the New York Private Housing Finance Law, at the request of the New York City Department of Housing Preservation and Development.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 320

By Council Member Comrie:

Uniform land use review procedure application no. C 110114 HUX pursuant to §197-c and §197-d of the Charter of the City of New York and §505 of the General Municipal Law concerning the approval of the second amendment to the Melrose Commons Urban Renewal Plan, Borough of the Bronx, Council District no. 16.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 321

By Council Member Comrie:

Uniform land use review procedure application no. C 110115 ZMX pursuant to §197-c and §197-d of the New York City Charter, concerning an amendment to the Zoning Map Section no. 6a, Borough of the Bronx, Council District no. 16

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 322

By Council Member Comrie:

Uniform land use review procedure application no. C 110116 HAX, an Urban Development Action Area Designation and Project located at Block 2408/Lots 35, 41, 43-45,49, 50-53 and the disposition of such property, Borough of the Bronx, Council District no. 16. This matter is subject to Council Review and action pursuant to §197-c and §197-d of the New York City Charter and Article 16 of the General Municipal Law.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 323

By Council Member Comrie:

Application no. 20115336 TCQ, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Sympatoch Café, Inc d.b.a Dandana to continue to maintain and operate an unenclosed sidewalk café located at 42-21 Broadway, Borough of Queens, Council District no. 22. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 324

By Council Member Comrie:

Application no. 20115344 TCX, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Salvatores of Soho, Inc. d.b.a Salvatores of Soho to establish, maintain and operate an unenclosed sidewalk café located at 3738 Riverdale Avenue, Borough of the Bronx, Council District no. 11. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 325

By Council Member Comrie:

Application no. C 110085 ZMX submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 1d and 3c, Council Districts 11 and 12.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 326

By Council Member Comrie:

Application no. C 110086 ZRX submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, concerning Appendix F (Inclusionary housing designated areas).

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 327

By Council Member Comrie:

Application no. 20105332 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Carabeau LLC d.b.a Public House to establish, maintain and operate an unenclosed sidewalk café located at 133 Seventh Avenue South, Borough of Manhattan, Council District no.3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 328

By Council Member Comrie:

Application no. 20115341 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of New Mekong Restaurant Corp.. d.b.a Mekong Restaurant to continue to maintain and operate an unenclosed sidewalk café located at 16-18 King Street, Borough of Manhattan, Council District no. 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

At this point the Speaker (Council Member Quinn) made the following announcements:

ANNOUNCEMENTS:

Thursday, February 17, 2011

★ *Note Location Change*
Committee on **PUBLIC SAFETY** jointly with the
Committee on **PUBLIC HOUSING****10:00 A.M.**
Oversight - An eye towards safety – Examining NYCHA’s Safety and Security Task force
Res 423 - By Council Members Vallone, Chin, Fidler, James, Nelson, Palma, Recchia, Seabrook, Vann, Vacca, Mendez, Halloran and Koo - Resolution calling upon the Congress and President of the United States to provide a specific allocation of funding for video security systems at New York City Housing Authority developments.
Committee Room – 250 Broadway, 16th Floor Peter Vallone, Chairperson
..... Rosie Mendez, Chairperson

Committee on **HIGHER EDUCATION** jointly with the
Committee on **VETERANS** **10:00 A.M.**
Oversight - Veterans services offered through the CUNY system

Hearing Room – 250 Broadway, 16th Floor Ydanis Rodriguez, Chairperson
..... Mathieu Eugene, Chairperson

★ *Note Time Change*
Committee on **SANITATION AND SOLID WASTE MANAGEMENT** jointly with Committee on **WATERFRONTS** ★ **11:00 A.M.**
Tour: Lower East Side Ecology Center
Location: Coleman Park
Pike Street between Cherry and Monroe Streets in Manhattan
Details Attached..... Letitia James, Chairperson
..... Michael Nelson, Chairperson

★ *Addition*
Committee on **CIVIL SERVICE AND LABOR** jointly with the
Committee on **CIVIL RIGHTS** and
Committee on **WOMEN’S ISSUES** **1:00 P.M.**
Oversight - When Walmart Comes to Town: an Examination of the Company’s Labor Practices - A Historical and Prospective View
Emigrant Savings Bank ~ 49-51 Chambers Street
..... James Sanders, Chairperson
..... Deborah Rose, Chairperson
..... Julissa Ferreras, Chairperson

★ *Deferred*
~~Committee on **WATERFRONTS**..... **1:00 P.M.**
Res 463 – By Council Members Nelson, Chin, Fidler, Gentile, James, Koppell, Lander, Palma, Rose, Sanders Jr., Williams, Rodriguez, Seabrook, Levin, Gonzalez and Halloran – Resolution urging the New York State Public Service Commission to immediately set a competitive electrical rate at the Brooklyn Cruise Terminal in order to facilitate the use of shore based electrical power by cruise ships that wish to cease idling in ports and reduce the amount of emissions released into the surrounding neighborhoods.
Committee Room – 250 Broadway, 16th Floor Michael Nelson, Chairperson~~

★ *Addition*
Committee on **ENVIRONMENTAL PROTECTION**..... **1:00 P.M.**
Oversight - New York City's Hydropower Capacity: Present and Future Opportunities
Hearing Room – 250 Broadway, 16th Floor.....James F. Gennaro, Chairperson

Committee on **AGING** jointly with the
Committee on **MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE AND DISABILITY SERVICES** and
Subcommittee on **SENIOR CENTERS** **1:00 P.M.**
Oversight - Social Adult Day Care
Committee Room – 250 Broadway, 14th FloorJessica Lappin, Chairperson
..... G. Oliver Koppell, Chairperson
..... David Greenfield, Chairperson

Friday, February 18, 2011

★ *Note Committee Addition*
Committee on **FINANCE** jointly with the
★ Committee on **COMMUNITY DEVELOPMENT**..... **9:30 A.M.**
Proposed Int 26-A - By Council Members Vann, Comrie, Brewer, James, Mark-Viverito, Arroyo, Williams, Gennaro, Ferreras, Lander, Dickens, Dilan, Gentile, Jackson, Greenfield, Barron, Sanders Jr., Rivera, Levin, Foster, Seabrook, Rose, Eugene, Koslowitz, Chin, Gonzalez, Nelson, Reyna, Rodriguez, Van Bramer, Mealy, Mendez, Ulrich and Koo - A Local Law to amend the administrative code of the city of New York, in relation to the sale of tax liens.
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
Committee Room – 250 Broadway, 16th Floor
..... Domenic M. Recchia, Chairperson
★ Albert Vann, Chairperson

★ *Note Location Change*
Committee on **IMMIGRATION** **10:00 A.M.**
Oversight - Resources Available to Protect the City’s Immigrants from Deportation
Res 548 - By Council Members Rodriguez, Cabrera, Dromm, Foster, James, Koppell, Lander, Rose, Sanders Jr., Williams and Dickens - Resolution calling on New York State Governor-Elect Andrew Cuomo to continue and expand the Immigrant Pardon Board to ensure that legal permanent residents who paid their

debts to, and are now productive members of, society can continue to contribute to our great State.
Res 648 - By Council Members Eugene, Brewer, Cabrera, Chin, Dickens, Dromm, Ferreras, Fidler, James, Koppell, Koslowitz, Lander, Mealy, Mendez, Rose, Seabrook, Vann, Williams and Koo - Resolution calling upon the Secretary of the Department of Homeland Security to extend the Temporary Protected Status designation of Haiti and eligible Haitians, which is now set to expire on July 22, 2011.
★ Committee Room – 250 Broadway, 14th Floor Daniel Dromm, Chairperson

★ *Deferred*
~~Committee on **VETERANS**.....**10:00 A.M.**
Oversight – City services available to the families of returning veterans
Committee Room – 250 Broadway, 16th Floor Mathieu Eugene, Chairperson~~

★ *Deferred*
~~Committee on **JUVENILE JUSTICE**.....**10:00 A.M.**
Agenda to be announced
Committee Room – 250 Broadway, 14th Floor Sara Gonzalez, Chairperson~~

Committee on **CONSUMER AFFAIRS** **1:00 P.M.**
Oversight - New York City Pedicab Regulations: First Year Review
Proposed Int 334-A - By Council Members Garodnick, Chin, Comrie, Fidler, Foster, Gennaro, Greenfield, Nelson and Koo - A LOCAL LAW - To amend the administrative code of the city of New York, in relation to requiring pedicabs to be subject to parking rules.
Int 345 - By Council Members Garodnick, Brewer, Comrie, Gentile, Gonzalez, James, Koppell, Lander, Mealy, Palma, Sanders Jr., Williams, Rodriguez, Foster, Halloran and Koo - A Local Law to amend the administrative code of the city of New York, in relation to displaying a bill of rights and responsibilities in pedicabs.
Int 466 - By Council Members Garodnick, Foster, James, Mealy, Seabrook and Williams - A Local Law - To amend the administrative code of the city of New York, in relation to suspending and/or revoking pedicab licenses for certain violations.
Int 467 - By Council Members Garodnick, James, Seabrook and Williams - A Local Law - To amend the administrative code of the city of New York, in relation to the permitted number of pedicab registration plates.
Committee Room – 250 Broadway, 14th Floor
..... Daniel Garodnick, Chairperson

★ *Addition*
Committee on **PARKS AND RECREATION**..... **1:00 P.M.**
Int 417 - By Council Members Koppell and Foster - A Local Law in relation to renaming one thoroughfare in the Borough of the Bronx, Southern Boulevard, and to amend the official map of the city of New York accordingly and co-naming one thoroughfare Dr. Theodore Kazimiroff Boulevard in the Borough of the Bronx.
Int 446 - By The Speaker (Council Member Quinn) and Council Members Brewer, Cabrera, Fidler, Gentile, Koslowitz, Nelson and Koo (in conjunction with the Mayor) - A Local Law in relation to the naming of Ed Koch Queensboro Bridge.
Committee Room – 250 Broadway, 16th Floor
.....Melissa Mark-Viverito, Chairperson

Monday, February 21, 2011

President’s Day Observed

Monday, February 28, 2011

Subcommittee on **ZONING & FRANCHISES****9:30 A.M.**
See Land Use Calendar Available Wednesday, February 23, 2011
Committee Room – 250 Broadway, 16th FloorMark Weprin, Chairperson

Committee on **EDUCATION****10:00 A.M.**
Agenda to be announced
Committee Room – 250 Broadway, 14th Floor Robert Jackson, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING & MARITIME USES**.....**11:00 A.M.**
See Land Use Calendar Available Wednesday, February 23, 2011
Committee Room– 250 Broadway, 16th Floor
..... Brad Lander, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS**. **1:00 P.M.**

See Land Use Calendar Available Wednesday, February 23, 2011
Committee Room – 250 Broadway, 16th Floor Stephen Levin, Chairperson

Committee on **CONTRACTS**..... **1:00 P.M.**
Int 452 - By Council Members Brewer, Cabrera, Foster, James, Lander, Palma, Rodriguez, Rose and Williams - A Local Law to amend the administrative code of the city of New York, in relation to the purchase of New York state food.
Int 461 - By Council Members Palma, Brewer, Cabrera, Chin, Foster, Gentile, James, Koppell, Rose, Williams, Nelson and Mark-Viverito - A Local Law to amend the administrative code of the city of New York, in relation to establishing packaging reduction guidelines for contractors with city agencies.
Res 627 - By Council Members Rose, Arroyo, Brewer, Cabrera, Chin, Dromm, Fidler, Foster, Gentile, James, Lander, Mendez, Palma, Rodriguez, Seabrook, Williams, Koslowitz, Gonzalez, Weprin and Mark-Viverito - Resolution calling upon the New York State Legislature to amend the General Municipal Law to allow New York City to institute procurement preferences for the purchase of food originating within the New York region.
Res 628 - By Council Members Sanders Jr., Brewer, Cabrera, Gentile, James, Koppell, Palma, Seabrook, Williams and Mark-Viverito - Resolution calling upon the New York State Legislature to pass and the Governor to enact legislation that regulates the amount and type of packaging used to encase goods procured by the State and all localities.
Committee Room – 250 Broadway, 14th Floor Darlene Mealy, Chairperson

Tuesday, March 1, 2011

Committee on **LAND USE**.....**10:00 A.M.**
All items reported out of the subcommittees
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
Committee Room – 250 Broadway, 16th Floor Leroy Comrie, Chairperson

Committee on **FINANCE**..... **10:00 A.M.**
Agenda to be announced
Committee Room – 250 Broadway, 14th Floor
..... Domenic M. Recchia, Chairperson

Committee on **ENVIRONMENTAL PROTECTION**..... **1:00 P.M.**
Oversight - The Continued Examination of Hydraulic Fracturing including the NYSDEC and DRBC Processes
Committee Room – 250 Broadway, 16th FloorJames F. Gennaro, Chairperson

★ Addition
Committee on **VETERANS** **1:00 P.M.**
Oversight – City services available to the families of returning veterans
Committee Room – 250 Broadway, 16th Floor Mathieu Eugene, Chairperson

★ Addition
Committee on **HEALTH**..... **1:00 P.M.**
Res 666 - By Council Member Arroyo and The Speaker (Council Member Quinn) - **Resolution** calling upon the United States House of Representatives to vote against H.R. 358, a bill which will severely restrict women’s right to access abortion and endanger women’s lives by permitting health care providers to deny life saving care in emergencies.
Res 670 - By Council Member Ferreras and The Speaker (Council Member Quinn) - **Resolution** calling upon the United States House of Representatives to vote against H.R. 3, a bill which will raise taxes on millions of Americans and severely limit women’s right to access abortion services.
Res 672 - By Council Member Lappin and The Speaker (Council Member Quinn) - Resolution urging the United States House of Representatives to vote against H.R. 217, a bill that will restrict access to women’s reproductive health services by severely restricting funding for family planning providers.
Hearing Room – 250 Broadway, 16th Floor
..... Maria del Carmen Arroyo, Chairperson

Wednesday, March 2, 2011

Stated Council Meeting..... *Ceremonial Tributes – 1:00 p.m.*
..... *Agenda – 1:30 p.m.*
Location..... ~ Emigrant Savings Bank ~ 49-51 Chambers Street.....

MEMORANDUM

February 10, 2011

TO: ALL COUNCIL MEMBERS

RE: TOUR BY THE COMMITTEES ON SANITATION AND SOLID WASTE MANAGEMENT AND WATERFRONTS

Please be advised that all Council Members are invited to attend a tour to:

**Lower East Side Ecology Center
Coleman Park
Pike Street between Cherry and Monroe Streets in Manhattan**

The tour will be on **Thursday, February 17, 2011 beginning at 11:00 a.m.** A van will be leaving from 250 Broadway at **10:45 a.m.**

Council Members interested in riding in the van should call Jarret Hova at 212-788-9104.

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| Hon. Letitia James, Chairperson Committee on Sanitation and Solid Waste Management | Hon. Christine C. Quinn Speaker of the Council |
| Hon. Michael Nelson, Chairperson | Committee on Waterfronts |

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, March 2, 2011.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

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