

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF
WEDNESDAY, APRIL 18, 2012

THE COUNCIL

*Minutes of the Proceedings for the
STATED MEETING
of
Wednesday, April 18, 2012, 2:20 p.m.*

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

Council Members

Christine C. Quinn, Speaker

Maria del Carmen Arroyo	Sara M. Gonzalez	Annabel Palma
Charles Barron	David G. Greenfield	Domenic M. Recchia, Jr.
Gale A. Brewer	Daniel J. Halloran III	Diana Reyna
Fernando Cabrera	Vincent M. Ignizio	Joel Rivera
Margaret S. Chin	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
Vincent J. Gentile	James S. Oddo	Ruben Wills

Excused: Council Members Comrie and Nelson.

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 49 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, N.Y., N.Y. 10007.

INVOCATION

The Invocation was delivered by Rev. Charles Galbreath, Clarendon Road Church, 3304 Clarendon Road Brooklyn, New York 11203.

Let us pray.
God of us all,
we thank you and honor you for this day,

a day we have not yet seen before
and a day we will not see again.
We ask for your presence and power in this chamber.
We pray that you bless
each Council Member, their staff
with wisdom, justice, mercy and love.
Help us as the writer of Proverbs states,
to speak up for those
who cannot speak for themselves.
For the rights of all who are destitute,
help us to speak up and judge fairly,
defending the rights of the poor and needy.
We thank you for all that you have done,
all that you are doing
and all that you are yet to do.
We ask all these things
as the one
who is our creator, redeemer and sustainer.
Amen.

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

At this point, the Speaker (Council Member Quinn) asked for a Moment of Silence in memory of the following individuals:

NYFD Lieutenant Richard Nappi, 47, died on April 16, 2012 while battling a three-alarm blaze in a Brooklyn warehouse. Lt. Nappi, a 17-year veteran, was assigned to Engine 237 and was the commanding officer at the scene of the fire. He helped teach firefighting as a volunteer firefighter and deputy chief instructor in Suffolk County. Lt. Nappi was the 1,1142nd firefighter to die in the line of duty since the founding of the Fire Department of the City of New York in 1865. He is survived by his wife Mary Anne, their daughters Kathryn, 12, their son Nicholas, 11, and his mother Regina.

Poet and activist Luis Reyes Rivera, 66, died on March 2, 2012 after a brief illness. Known as the "People's Poet", one of his main points of focus in his work was the connection between African-American and Latino culture. He hosted a WBAI radio show and was chair of the New York Chapter of the National Writers Union as well as a recipient of a New York Foundation for the Arts fellowship. Mr. Rivera earned numerous awards and commendations for his poems and essays and was recognized as a scholar on African-American and Caribbean history and literature. He is survived by his wife, his two daughters, a son and four grandchildren.

Gil Noble, 80, a seven-time Emmy Award-winning television journalist passed away on April 5, 2012 due to complications of a stroke he suffered in the summer of 2011. Mr. Noble was born in Harlem in 1932 to Jamaican immigrants. He attended City College and served in the U.S. Army during the Korean War. After working at WLIB radio for five years, he was hired at WABC-TV in 1967 where he worked as a reporter and later became a weekend anchor. Starting in 1968, he was the host of the award-winning Sunday morning public affairs show "Like It Is" where Mr. Noble highlighted black leadership and the African American and Caribbean American experience. Although a local New York City show, Mr. Noble attracted guests from around the world on the "Like It Is" program. He is survived by his wife Norma Jean, their four daughters and one son, along with eight grandchildren. The floor was yielded to Council Member Barron who spoke in honorable memory of the late Gil Noble.

The Speaker (Council Member Quinn) also asked that prayers and good wishes be sent to NYPD officer Eder Loor, 28, who was stabbed in the skull on April 17, 2012 and is recovering in critical condition after brain surgery at Mt. Sinai Hospital.

ADOPTION OF MINUTES

Council Member Dromm moved that the Minutes of the Stated Meeting of March 14, 2012 be adopted as printed.

MESSAGES & PAPERS FROM THE MAYOR

Preconsidered M-774

Communication from the Mayor - Submitting the name of James Stolpinski to the Council for its advice and consent regarding his appointment to the Waterfront Management Advisory Board.

April 4, 2012

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

Dear Speaker Quinn:

Pursuant to Sections 31 and 1303 of the New York City Charter, I am pleased to present the name of James Stolpinski to the City Council for advice and consent regarding his appointment to the Waterfront Management Advisory Board.

When first appointed to the advisory board, Mr. Stolpinski will serve for the remainder of a one-year term expiring on August 31, 2012. Thank you for reviewing this appointment to the Waterfront Management Advisory Board.

Sincerely,

Michael R. Bloomberg
 Mayor

Referred to the Committee on Rules, Privileges and Elections.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

Preconsidered M-775

Communication from the Office of Management & Budget – Pursuant to Section 107(b) of the New York City Charter, transfer City funds between various agencies in Fiscal Year 2012 to implement changes to the City’s expense budget. (MN-3)

April 17, 2012

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(b) of the New York City Charter, I request your approval to transfer City funds between various agencies in fiscal year 2012 to implement changes in the City's expense budget.

This modification (MN-3) will implement expense budget changes which were reflected in the City's February Financial Plan modification. At the request of the City Council, MN -3 also reallocates appropriations to fund the Council's Local Initiatives.

Appendix A details State, Federal, and other funds impacted by these changes.

Your approval of modification MN-3 is respectfully requested.

Yours truly,

Mark Page

(For text of the MN-3 and Appendix A numbers, please see the attachment to resolution following the Report of the Committee on Finance for M-775 & Res No. 1302 printed in these Minutes)

Referred to the Committee on Finance.

M-776

Communication from the Department of Small Business – Submitting to the Council for its approval the lease agreement of a portion of the real property known as the Battery Maritime Building, Manhattan, Pursuant to Section 1301(2)(f) of the New York City Charter.

(For text, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007)

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

M-777

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license NY Minutes Car Service., Council District 23, pursuant to Section 19-511(i), of the administrative code of the city of New York.

March 23, 2012

The Honorable Speaker Christine C. Quinn
 Attention: Mr. Gary Altman
 Council of the City of New York
 250 Broadway, 15th Floor
 New York, New York 10007

Re: Taxi & Limousine Commission
For-Hire Vehicle Base License approvals

Dear Speaker Quinn:

Please be advised that on March 22, 2012 the Taxi & Limousine Commission voted to approve the following for-hire vehicle base license application:

NEW (1):	LICENSE #	COUNCIL DISTRICT
NY Minute Car Service Inc.	B02509	23
RENEWAL (3):	LICENSE #	COUNCIL DISTRICT
A Door to Door Transportation Inc.	B02333	26
AJ Car & Limo. Service Inc.	B02316	1
Cyclone Car Service Inc.	B02305	47
RENEWAL, RELOCATION & NAME CHANGE (1):	LICENSE #	COUNCIL DISTRICT
Miami Car & Limo. Service Inc. (previously Swift Car & Limo. Service, Inc.)	B02320	43
RELOCATION (2):	LICENSE #	COUNCIL DISTRICT
Forest Avenue Car Service Inc.	B02028	49
New Mexicana Car Service II Inc. D/b/a Azteca Express	B00131	38
RELOCATION & OWNERSHIP CHANGE (1):	LICENSE #	COUNCIL DISTRICT

Amigo Piolin Express Car Service Inc.	B02403	48/47
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The complete application packages compiled for the above bases are available for your review upon request. If you wish to receive a copy please contact Ms. Michelle Lange, Business Licensing Unit, at langem@tlc.nyc.gov. Please find enclosed herein the original applications for the approved base stations.

Very truly yours,

Christopher Tormey
 Director of Applicant Licensing
 Licensing & Standards Division
 Taxi & Limousine Commission

Referred to the Committee on Transportation.

M-778

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license A Door to Door Transportation Inc., Council District 26, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-777 printed above in this Communications from City, County and Borough Offices section of the Minutes)

Referred to the Committee on Transportation.

M-779

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license AJ Car & Limo. Service Inc., Council District 1, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-777 printed above in this Communications from City, County and Borough Offices section of the Minutes)

Referred to the Committee on Transportation.

M-780

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Cyclone Car Service Inc., Council District 47, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-777 printed above in this Communications from City, County and Borough Offices section of the Minutes)

Referred to the Committee on Transportation.

M-781

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal, relocation and name change base station license Miami Car & Limo. Service Inc. (previously Swift Car & Limo. Service, Inc.), Council District 43, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-777 printed above in this Communications from City, County and Borough Offices section of the Minutes)

Referred to the Committee on Transportation.

M-782

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation base station license Forest Avenue Car Service Inc., Council District 49, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-777 printed above in this Communications from City, County and Borough Offices section of the Minutes)

Referred to the Committee on Transportation.

M-783

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation base station license New Mexicana Car Service II Inc. D/b/a Azteca Express, Council District 38, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-777 printed above in this Communications from City, County and Borough Offices section of the Minutes)

Referred to the Committee on Transportation.

M-784

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation and ownership change base station license Amigo Piolin Express Car Service Inc., Council District 48/47, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-777 printed above in this Communications from City, County and Borough Offices section of the Minutes)

Referred to the Committee on Transportation.

M-785

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license SEAGULL CORP. TRANSPORTATION L.L.C., Council District 47, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-777 printed above in this Communications from City, County and Borough Offices section of the Minutes)

Referred to the Committee on Transportation.

M-786

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license LA CORONA EXPRESS CAR SERVICE INC., Council District 21, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-777 printed above in this Communications from City, County and Borough Offices section of the Minutes)

Referred to the Committee on Transportation.

M-787

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license GLENWOOD CAR SERVICE INC., Council District 45, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-777 printed above in this Communications from City, County and Borough Offices section of the Minutes)

Referred to the Committee on Transportation.

M-788

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license MANIDA CAR SERVICE INC., Council District 17, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-777 printed above in this Communications from City, County and Borough Offices section of the Minutes)

Referred to the Committee on Transportation.

M-789

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license CLEAN AIR CAR SERVICE & PARKING CORP., Council District 20, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-777 printed above in this Communications from City, County and Borough Offices section of the Minutes)

Referred to the Committee on Transportation.

M-790

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license ROCKAWAY CAR & LIMO. INC., Council District 28, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-777 printed above in this Communications from City, County and Borough Offices section of the Minutes)

Referred to the Committee on Transportation.

M-791

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license MONTAGUE MANAGEMENT SERVICES INC. D/B/A PROMINENT CAR & LIMO., Council District 33, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-777 printed above in this Communications from City, County and Borough Offices section of the Minutes)

Referred to the Committee on Transportation.

M-792

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license TEN 1 CON CORP., Council District 26, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-777 printed above in this Communications from City, County and Borough Offices section of the Minutes)

Referred to the Committee on Transportation.

M-793

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license BLUE CAR & LIMOUSINE INC., Council District 33, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-777 printed above in this Communications from City, County and Borough Offices section of the Minutes)

Referred to the Committee on Transportation.

M-794

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license PERUVIAN CAR SERVICE INC., Council District 21, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-777 printed above in this Communications from City, County and Borough Offices section of the Minutes)

Referred to the Committee on Transportation.

LAND USE CALL UPS

M-795

By the Chair of the Land Use Committee Council Member Comrie:

Pursuant to Rule 11.20(c) of the Council and Section 197-d (b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Procedure Application nos. C 070512 MMK, C120111PPK and C 120109 ZAK shall be subject to Council review. This application is related to application no. C 120108 ZMK that is subject to Council review pursuant to Section 197-d of the New York City Charter.

Coupled on Call-Up Vote

M-796

By 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/enclosed sidewalk café located at 7 9th Avenue, Borough of Manhattan, Committee Board no. 2, Application 20125364 TCM 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, 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, 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) – 49.

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 Civil Service and Labor

Report for Int. No. 658-A

Report of the Committee on Civil Service and Labor 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 the waiver of public employee organizations' rights when submitting grievances to arbitration under the New York City collective bargaining law.

The Committee on Civil Service and Labor, to which the annexed proposed amended local law was referred on August 17, 2011 (Minutes, page 3451), respectfully

REPORTS:

SUMMARY

On April 17, 2012, the Committee on Civil Service and Labor, chaired by Council Member James Sanders Jr., will vote on Proposed Int. No. 658-A, a local to amend the administrative code of the city of New York, in relation to the waiver of public employee organizations' rights when submitting grievances to arbitration under the New York City Collective Bargaining Law.

The Committee held a hearing regarding this proposed legislation on February 28, 2012. Four witnesses offered testimony at the hearing: Commissioner of the Mayor's Office of Labor Relations James Hanley, Deputy Commissioner and General Counsel to the independent Office of Collective Bargaining Steven DeCosta, General Counsel to the Municipal Labor Committee Robert J. Burzichelli and General Counsel to District Council 37 Mary J. O'Connell. Amendments were subsequently made to the bill.

This bill modifies a provision in the New York City Collective Bargaining Law ("CBL") regarding the waiver of contract claims. A recent court case found that when union members file mandatory waivers in order to enter into binding arbitration, they waive not only contractual claims, but also claims that would normally be brought in court, such as statutory, constitutional and common law claims.¹ This bill modifies the CBL so that such waivers would only apply to the contractual claims submitted to arbitration, and thus would allow non-contractual claims to be brought in court.

BACKGROUND AND ANALYSIS

This bill modifies the waiver requirement when workers file a grievance under collective bargaining contracts. The relevant section of the CBL is 12-312(d) of the Administrative Code of the City of New York (the "Code"), which states:

As a condition to the right of a municipal employee organization to invoke impartial arbitration under such provisions, the grievant or grievants and such organization shall be required to file with the director a written waiver of the right, if any, of said grievant or grievants and said organization to submit the underlying dispute to any other administrative or judicial tribunal except for the purpose of enforcing the arbitrator's award.

Since at least 2004, the independent New York City Office of Collective Bargaining ("OCB"), which administers the CBL, has interpreted this provision to mean that when a worker submits a contractual claim to arbitration and signs the mandatory waiver, all contractual claims related to the underlying dispute could not be later brought in court.² However workers were free to take related non-contractual statutory, constitutional or common law claims not heard by the arbitrator to court, so long as none of the waived contractual claims heard were reargued.³ The OCB's Board of Collective Bargaining issued an opinion in 2004 confirming that this provision does *not* waive statutory, constitutional or common law claims not heard by arbitrators in such cases:

We hold that the scope of the OCB waiver is limited to contractual claims under the collective bargaining agreement. In other words, the "underlying dispute" referred to in the OCB waiver does not encompass all statutory, constitutional, or common law claims arising from the same factual circumstances.⁴

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¹ *Roberts v. Bloomberg*, 26 Misc.3d 1006, 896 N.Y.S.2d 596 (N.Y. Sup. Ct. 2009)

² *City of New York v. Uniformed Firefighters Ass'n, Local 94, IAFF, AFL-CIO*, 73 OCB 3A (BCB 2004).

³ *Id.*

⁴ *Id. See also, International Brotherhood of Teamsters, Local 237*, 75 BCB 21, at 10 (BCB 2005), *DC 37, Local 376*, 1 OCB2d 36, at 11-12 (BCB 2008); *DC 37, Locals 768 and 371*, 3 OCB2d 7, at 17-18 (BCB 2010).

The OCB cited a 1998 U.S. Supreme Court case where a union member sued under the Americans with Disabilities Act after signing a waiver under a collective bargaining agreement. The Supreme Court allowed the case to proceed because it was not "clear and unmistakable" that statutory claims were waived.⁵ The OCB found that the waiver in Code section 12-132 did not clearly or unmistakably waive non-contractual claims.⁶ The unanimous decision, by a five member panel of board members, included appointments by the Mayor.⁷

In January 2009, a case was filed in State Supreme Court that was ultimately dismissed because the court found that a Code section 12-132 waiver filed in a related arbitration waived the parties' non-contractual claims.⁸ In that case, employees of the New York City Housing Authority ("NYCHA") represented by their union District Council 37 ("Petitioners") attempted to challenge the Bloomberg Administration's decision to terminate 232 NYCHA employees.⁹ The Petitioners sent letters to the OCB's Board of Collective Bargaining, NYCHA and other City entities seeking arbitration under the terms of the members' collective bargaining agreement.¹⁰ In February 2009, the Petitioners signed a waiver of the underlying claims pursuant to section 12-312 of the Code.¹¹

Later in February, the Petitioners brought an Article 78 special proceeding in New York Supreme Court with five causes of action against the City under Local Law 35¹² and the New York State Constitution.¹³ Although related to the same layoffs of NYCHA employees, none of the claims in the lawsuit arose from the terms of the collective bargaining contract.¹⁴ Nevertheless, the court found that the section 12-312 waiver filed by the Petitioners waived all claims of the underlying dispute, including those falling under local laws and the State Constitution, and dismissed the case without hearing the merits of the claims.¹⁵ The Petitioners appealed the case to the Appellate Division, which affirmed the decision¹⁶ and the Court of Appeals declined to hear the case, letting the decision stand.¹⁷

As the law stands now, it appears that union members with disputes have two choices: they can file a grievance under their contract, waive any non-contractual claims and go to arbitration; or they can go to court and bring statutory, constitutional and common law claims, but be barred from bringing any contractual claims, because arbitration of such claims is mandatory. Thus, such union members can arguably pursue contractual claims or statutory, constitutional or common law, but not both.¹⁸

Proposed Int. No. 658-A

Proposed Int. No. 658-A would amend section 12-312 of the Administrative Code of the City of New York to provide that non-contractual claims related to a contract dispute under a collective bargaining agreement are not waived when contractual disputes are submitted to mandatory arbitration. Under the proposed local law, section 12-312 would read:

As a condition to the right of a municipal employee organization to invoke impartial arbitration under such provisions, the grievant or grievants and such organization shall be required to file with the director a written waiver of the right, if any, of said grievant or grievants and said organization to submit the [underlying dispute] contractual dispute being alleged under a collective bargaining agreement to any other administrative or judicial tribunal except for the purpose of enforcing the arbitrator's award. This subdivision shall not be construed to limit the rights of any public employee or public employee organization to submit any statutory or other claims to the appropriate administrative or judicial tribunal.

Proposed Int. No. 658-A would take effect immediately upon enactment.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 658-A:)

Int. No. 658-A

By Council Members Sanders, James, Williams, Lappin, Seabrook, Gennaro, Barron, Jackson, Eugene, Lander Levin, Mealy and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to the waiver of public employee organizations' rights when

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⁵ *Wright v. Universal Maritime Service Corp.*, 525 U.S. 70, 76-77 (1998).

⁶ *Id.*

⁷ *City of New York v. Uniformed Firefighters Ass'n, Local 94, IAFF, AFL-CIO*, 73 OCB 3A (BCB 2004).

⁸ *Roberts v. Bloomberg*, 26 Misc.3d 1006, 896 N.Y.S.2d 596 (N.Y. Sup. Ct. 2009).

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² Local Law 35 of 1994 requires agencies to conduct cost studies before approving, extending or renewing most contracts with the City, particularly to determine whether the work can be done more cost efficiently with existing City resources.

¹³ *Roberts, supra.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Roberts v. Bloomberg*, 83 A.D.3d 457, 921 N.Y.S.2d 214 (N.Y. App. Div 2011)

¹⁷ *Roberts v. Bloomberg*, 2011 WL 2567856 (N.Y. 2011).

¹⁸ It should be noted that the U.S. Supreme Court has found that, "a substantive waiver of federally protected civil rights will not be upheld." *14 Penn Plaza LLC v. Pyett*, 556 U.S. 247, 250 (2009). Thus, Code section 12-312 would not prevent union members from filing a case under Title VII or Section 1983 of the federal code.

submitting grievances to arbitration under the New York city collective bargaining law.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. The Council hereby finds that recent litigation has resulted in a judicial decision which holds that, when a public employee organization files a waiver to submit a grievance to arbitration pursuant to a collective bargaining agreement which the organization has with a public employer, the public employee organization waives its right to bring other administrative or judicial actions to address alleged violations of other statutes or rights not contained in the collective bargaining agreement. The Council finds that such a result is contrary to the New York City Office of Collective Bargaining's longstanding interpretation of the local law. The Council further finds that such a result unfairly prejudices the City's public employee organizations and the members they represent and that no similar waiver requirement exists in the New York State Taylor Law. Legislation is therefore necessary to rectify this disparity, in order to clarify that a public employee organization waives only its right to submit an alleged contractual dispute under the collective bargaining agreement and no other right when it submits a grievance to arbitration at the New York City Office of Collective Bargaining.

§ 2. Subdivision d of section 12-312 of the administrative code of the city of New York is amended to read as follows:

d. As a condition to the right of a municipal employee organization to invoke impartial arbitration under such provisions, the grievant or grievants and such organization shall be required to file with the director a written waiver of the right, if any, of said grievant or grievants and said organization to submit the [underlying dispute] *contractual dispute being alleged under a collective bargaining agreement* to any other administrative or judicial tribunal except for the purpose of enforcing the arbitrator's award. *This subdivision shall not be construed to limit the rights of any public employee or public employee organization to submit any statutory or other claims to the appropriate administrative or judicial tribunal.*

§ 3. This local law shall take effect immediately.

JAMES SANDERS, Jr., Chairperson; JAMES F. GENNARO, DOMENIC M. RECCHIA, Jr., LARRY B. SEABROOK, MELISSA MARK-VIVERITO; Committee on Civil Service and Labor, April 17, 2012.

Laid Over by the Council.

Report of the Committee on Cultural Affairs, Libraries & International Intergroup Relations

Report for Int. No. 711-A

Report of the Committee on Cultural Affairs, Libraries & International Intergroup Relations 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 various agencies to distribute information on how to obtain a library card.

The Committee on Cultural Affairs, Libraries & International Intergroup Relations, to which the annexed proposed amended local law was referred on November 3, 2011 (Minutes, page 4822), respectfully

REPORTS:

INTRODUCTION

On Tuesday, April 17, 2012, the Committee on Cultural Affairs, Libraries and International Intergroup Relations, chaired by Council Member Jimmy Van Bramer, will hold a hearing to consider Proposed Int. No. 711-A, a local law to amend the Administrative Code of the City of New York, in relation to requiring various agencies to distribute information on how to obtain a library card. A copy of the introduction is attached.

BACKGROUND

The New York, Brooklyn and Queens Borough public libraries offer thousands of programs every year for children, teenagers and young adults, including after-school homework and research assistance, as well as arts and crafts. Exposure to reading and language at a young age is crucial to a child's education and every child should have access to and be encouraged to utilize their public library.

On March 25, 2010, the Council passed Local Law 8, also known as the Library Card Act (the Act). This law added a new section 3-209.1 to the Administrative Code entitled, "Distribution of library card application materials." Under this law, the Department of Education is required to distribute information on obtaining a library card and a library card application to all students.

Int. No. 711, an expansion of the Act, was introduced and referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations on

November 3, 2011. The Committee held a hearing on the introduction on November 30, 2011. Based on testimony provided by related agencies, the bill was subsequently amended.

ANALYSIS

Proposed Int. No. 711-A would amend paragraph (3) of subdivision (a) of section 3-209.1 of the Administrative Code (the Code) to expand the definition of "school" to include any combination of grades from and including pre-kindergarten through grade twelve, as opposed to kindergarten through grade twelve.

Proposed Int. No. 711-A would add paragraph (4) to subdivision (a) of section 3-209.1 of the Code to define the term "participating agencies" as the Administration for Children's Services (ACS), the Department of Homeless Services (DHS), the Department of Youth and Community Development (DYCD) and the Human Resources Administration (HRA).

Proposed Int. No. 711-A would add paragraph (5) to subdivision (a) of section 3-209.1 of the Code to define the term "young person" as any person under the age of 24.

Currently, subdivision (b) of section 3-209.1 of the Code requires the Department of Education (DOE) to develop written or electronic materials containing information regarding each public library system and how students can obtain a library card at the library system that serves the location of their school. Proposed Int. No. 711-A would amend subdivision (b) to include participating agencies in the requirements, further, the subdivision would add young persons to the provisions on obtaining a library card. Also, the legislation would amend subdivision (b) to allow DOE and participating agencies to obtain such materials from the public library systems.

Currently, subdivision (b) provides that DOE produce and distribute such materials to every student upon his or her entry into, kindergarten, grade six and grade nine and to every student upon his or her entry into a school as a new student. The proposed bill would amend subdivision (b) to require that the DOE distribute such materials to pre-kindergarten students as well. Also, the legislation would provide that participating agencies obtain or produce and make available such materials to every young person who receives services from such agencies. Also, Proposed Int. No. 711-A would amend subdivision (b) to require DOE and participating agencies make such materials conspicuously available on their respective websites.

Proposed Int. No. 711-A would add subdivision (e) to section 3-209.1 of the Code to permit participating agencies to include instructions in all or new renewed agreements with contractors and subcontractors having regular contact with young persons in the daily administration of their business to follow the guidelines set forth in subdivision (b).

Finally, bill section two would provide that this local law would take effect one hundred and twenty days after its enactment.

(The following is the text of the Fiscal Impact Statement for Int. No. 711-A:)



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

PROPOSED INTRO. NO: 711-A

COMMITTEE: Cultural Affairs, Libraries, and International Intergroup Relations

TITLE: To amend the administrative code of the City of New York, in relation to requiring various agencies to distribute information on how to obtain a library card.

SPONSORS: Van Bramer, Wills, Arroyo, Brewer, Dickens, Eugene, Fidler, Foster, Gentile, James, Koppell, Koslowitz, Lander, Mendez, Rodriguez, Williams, Ferreras, Comrie, Crowley, Nelson, Jackson, Recchia, Jr., Dromm, and Ulrich

SUMMARY OF LEGISLATION: Proposed Int. No. 711-A would amend section 3-209.1 of the administrative code of the City of New York to have participating agencies - Administration for Children's Services, Department of Youth and Community Development, Department of Homeless Services, and the Human Resources Administration - make available materials for youth under the age of 24 on how to obtain a library card from the three public library systems. Currently, the Department of Education (DOE) works with the three public library systems under this code to create and disseminate information to students in kindergarten, grade 6, grade 9, and to all new students on how to obtain a library card. The amendment would require the additional agencies to make available the same information to youth, and requires the DOE to provide the information to pre-kindergarten students. In addition, this amendment would require the DOE and participating agencies to make this information conspicuously available on each agency's website. Lastly, the amendment includes a provision for participating agencies to include instructions in all new or renewed agreements with contractors and subcontractors that provide

services to youth on how to follow the guidelines as it relates to the library card applications and instructions, as set forth in the legislation.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: N/A

FISCAL IMPACT STATEMENT:

	Effective FY13	FY Succeeding Effective FY14	Full Fiscal Impact FY13
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	De minimus	De minimus	De minimus
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: There may be minimal expenditures for materials and web posting by the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: Budget and intergovernmental offices of ACS, DOE, DHS, DYCD, and HRA

ESTIMATE PREPARED BY: Shadawn Smith, Unit Head
Latonia McKinney, Deputy Director

HISTORY: Introduced as Intro. 711 by the Council on November 3, 2011 and referred to the Committee on Cultural Affairs, Libraries, and International Intergroup Relations. On November 30, 2011, Intro. 711 was considered by the Committee and laid over. On April 17, 2012, an amended version, Proposed Intro 711-A will be considered and voted out by the Committee. Proposed Intro 711-A is scheduled to be voted out by the full Council on April 18, 2012.

Date Submitted to Council: **NOVEMBER 3, 2011**

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 711-A:)

Int. No. 711-A

By Council Member Van Bramer, Wills, Arroyo, Brewer, Dickens, Eugene, Fidler, Foster, Gentile, James, Koppell, Koslowitz, Lander, Mendez, Rodriguez, Williams, Ferreras, Comrie, Crowley, Nelson, Jackson, Mark-Viverito, Recchia, Dromm, Chin, Barron, Gennaro and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to requiring various agencies to distribute information on how to obtain a library card.

Be it enacted by the Council as follows:

Section 1. Section 3-209.1 of the administrative code of the city of New York is amended to read as follows:

§ 3-209.1 Distribution of library card application materials. a. Definitions. For the purposes of this section, the following terms shall be defined as follows:

1. "Department" shall mean the department of education.
2. "Public library systems" shall mean the New York Public Library, the Brooklyn Public Library and the Queens Borough Public Library.
3. "School" shall mean any public school in the city of New York under the jurisdiction of the department of education that contains any combination of grades from and including [kindergarten] *pre-kindergarten* through grade twelve.
4. "Participating agencies" shall mean the administration for children's services, the department of homeless services, the department of youth and community development and the human resources administration.
5. "Young person" shall mean any person under the age of 24.

b. The department and participating agencies, in consultation with the public library systems, shall obtain from the public library systems or develop written or electronic materials containing information regarding each public library system and how students and young persons can obtain a library card. At a minimum, such written or electronic materials shall include: (i) a description of the public library system; (ii) an application for a library card; and (iii) instructions on how to obtain a library card. Such written or electronic materials shall be produced and distributed by the department to each school for distribution to every student of such school upon his or her entry into *pre-kindergarten*, kindergarten, grade six and grade nine and to every student upon his or her entry into a school as a new student[.]; and obtained or produced and made available by participating agencies for every young person who receives services from such agencies. In addition, the department and

participating agencies shall make such materials conspicuously available on their respective websites.

c. The department shall ensure that written or electronic materials developed pursuant to subdivision b of this section are provided to all schools in sufficient quantity to satisfy the requirements of subdivisions b and d of this section.

d. The department shall ensure that such written materials are available in the main or central office in each school for students and parents who wish to obtain such materials.

e. Participating agencies may include instructions in all new or renewed agreements with contractors and subcontractors having regular contact with young persons in the administration of their business to follow the guidelines of subdivision b of this section.

§2. This local law shall take effect one hundred twenty days after its enactment.

JAMES G. VAN BRAMER, Chairperson; LEROY G. COMRIE, Jr., DOMENIC M. RECCHIA, Jr., INEZ E. DICKENS, DANIEL DROMM; Committee on Cultural Affairs, Libraries and International Intergroup Relation, April 17, 2012.

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 of the Committee on Environmental Protection

Report for Int. No. 534-A

Report of the Committee on Environmental Protection 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 department of environmental protection to undertake an assessment of the electricity generation capability of the city's water supply and wastewater treatment systems and bodies of water within the city's jurisdiction.

The Committee on Environmental Protection, to which the annexed proposed amended local law was referred on April 6, 2011 (Minutes, page 1090), respectfully

REPORTS:

On Wednesday April 16, 2012, at p.m., the Environmental Protection Committee of the New York City Council, Chaired by Council Member James F. Gennaro, will hold a hearing on Proposed Int. No. 534-A. On February 17, 2011, The Committee held a hearing on Int. No. 534 in relation to requiring the department of environmental protection to undertake an assessment of the electricity generation capability of the city's water supply, wastewater treatment and bodies of water within the city's jurisdiction. After hearing comments from advocates, the public and the administration, Proposed Int. No. 534-A has been revised to reflect those comments and subsequent discussions with stakeholders.

Background

New York State ranks third in hydropower producing states according to the Energy Information Administration and its hydroelectric power generation is the highest of any state east of the Rocky Mountains. The vast majority of this hydroelectric power generated comes from the Niagara Power Project which is located on the Niagara River just downstream from Niagara Falls¹. New York City has yet to fully utilize the hydropower electricity generation potential that exists as a result of city-owned dams on its upstate reservoirs, rivers and streams that it controls and its fourteen city-owned sewage treatment plants.

According to former Deputy Mayor Holloway, who was the former Commissioner of Environmental Protection, "From our wastewater treatment plants throughout the five boroughs to the reservoirs upstate, DEP has a unique asset mix that, in partnership with local utilities and the private sector, can be harnessed to generate clean renewable energy." In fact, the City is already utilizing five sites upstate to generate electricity from turbines moved by flowing water. There are more sites that can be potentially utilized for this environmentally beneficial purpose.

Not only is the hydropower generated energy cleaner, but it has the potential to reduce or freeze electricity rates. For example, the New York Power Authority instituted and subsequently continued a sixteen month freeze on hydropower rates for the benefit of residential customers and businesses in Western and Northern New York.² It also has the potential to reduce wastewater disposal costs by using energy generated from hydropower at our wastewater treatment plants to reduce the energy costs associated with running the plants.

Currently treating wastewater and providing drinking water costs more than one-third of a typical municipality's total energy bill, according to recent estimates by the U.S. EPA and the New York State Energy Research and Development Authority (NYSERDA). In New York, NYSERDA estimates that 1.5 to 2 percent of all the energy consumed in the state is used by municipal wastewater treatment facilities, at a cost of between \$100 and \$500 in electric power alone to treat every million gallons of wastewater. Energy consumption at most facilities could potentially be

reduced by ten to twenty percent and at some facilities by as much as fifty percent by utilizing hydropower.

Sustainable development is generally defined as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”³ The goal of such development, called “sustainability,” can be described as “an eventual state in which human priorities of social and economic development do not conflict with the protection and functioning of the natural environment.”⁴ Studying, understanding and ultimately using New York City’s hydropower resources more effectively moves New York City closer to its goal of greater sustainability while reducing greenhouse gases and generating very little pollution.

While no specific assessment of New York City’s hydropower potential has been undertaken by the Idaho National Laboratory—the entity charged with analyzing America’s hydropower resources by the United States Department of Energy--according to a 1998 assessment of undeveloped hydroelectric power in New York State, twenty-five percent of undeveloped hydroelectric power is located in the Hudson River Valley.⁵

Hydropower generation and use comes with many obvious advantages over the use of fossil fuels. To begin with, the fuel used to produce hydropower is flowing water which is free, and therefore, economically beneficial to society. Hydroelectric power is reliable because it only depends upon gravity and water and of course transmission lines but it is likely that transmission lines currently exist that could be used. Hydroelectric power makes use of energy that would be wasted if it were not converted to electricity. Employee expenses are lower than other types of energy generation because hydropower plants require fewer personnel to manage them.⁶

Proposed Int. No. 534-A requires the Department of Environmental Protection to undertake a resource assessment of the city’s potable water supply and wastewater treatment systems and the natural bodies of water within the city’s jurisdiction to determine the potential of such systems and bodies of water for generating electricity. Proposed Int. No. 534-A also requires the Department to conduct a technological review of in-conduit and free-flow hydropower technologies that are appropriate for the pressure and water flow rates for each site identified in the resource assessment and an economic analysis to determine the economic viability of generating electricity for each site identified in the resource assessment. Finally Proposed int. No. 534-A requires that the resource assessment, technology review and economic analysis to be completed within eighteen months of the effective date of this section and that the results of the resource assessment be submitted to the Mayor and the Council.

Analysis of Proposed Int. No. 534-A

Bill Section 2 of Proposed Int. No. 534-A amends Subchapter 4 of chapter 3 of title 24 of the administrative code of the City of New York is by adding a new section 24-366.

Paragraph a of section 24-366 requires the Department to undertake an assessment of electric generation viability. This resource assessment includes an assessment of the city’s potable water supply and wastewater treatment systems and the natural bodies of water within the city’s jurisdiction to determine the potential of such systems and bodies of water for generating electricity. The resource assessment must include an examination of the potential to construct and operate energy generating facilities within such systems and natural bodies of water; the means for transmitting the electricity generated; the need to construct and operate generation-related infrastructure; grid-connection issues; generation system installation and maintenance costs; and risks to the operation of water supply and wastewater treatment systems posed by energy-generating facilities.

Paragraph b of section 24-366 requires the Department to conduct a technological review of in-conduit and free-flow hydropower technologies that are appropriate for the pressure and water flow rates for each site identified in the resource assessment.

Paragraph c of Section 24-366 requires the Department to conduct an economic analysis to determine the economic viability of generating electricity for each site identified in the resource assessment.

Paragraph d of section 24-366 mandates that the resource assessment, technological review and economic analysis be completed within eighteen months of the effective date of the Local Law that added this section and shall be submitted to the Mayor and the Speaker of the City Council.

Amendments to Proposed Int. No. 534-A

- The provisions of this bill were moved from section 24-364 to a new section 24-366.
- The requirement for pilot demonstration projects for technological review was removed.
- The timing of the final report was changed from within three months of completed the assessment to eighteen months from the effective date of this section.
- The requirement to implement projects with a cost benefit ratio better than 0.75 has been removed.
- The requirement to report on the implementation of projects recommended by the final report has been removed.
- Technical changes were made throughout the bill to improve its clarity and organization.
- The effective date was changed from one hundred and eighty days after its enactment to immediately.

¹ Niagara Power Project, New York State Power Authority, www.nypa.gov/facilities/niagara.htm.

² Michael Saltzman, News, New York Power Authority, NYPA Continues its Hydropower Rate Freeze: Kessel says freeze has saved New Yorkers \$20 million to date.; www.nypa.gov/2010/100810b.html

³ Bruntland Commission Report of the World Commission on Environment and Development, from the 42nd session of the United Nations General Assembly. 1987. P. 24.

⁴ Sustainable New York City, p. 7.

⁵ Alison Conner, James Francfort, U.S. Hydropower Resource Assessment for New York, Idaho National Engineering and Environmental Laboratory, Renewable Energy Products Department, prepared for the United States Department of Energy, August 1998.

⁶ Advantages of Hydroelectric Energy as Alternative Energy, November 12, 2010, www.bionomicfuel.com.

(The following is the text of the Fiscal Impact Statement for Int. No. 534-A:)



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

PROPOSED INTRO. NO: 534-A

COMMITTEE: Environmental
Protection

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the Department of Environmental Protection to undertake an assessment of the electricity generation capability of the city’s water supply, wastewater treatment and bodies of water within the city’s jurisdiction.

SPONSORS: Council Members Gennaro, Barron, Brewer, Cabrera, Fidler, James, Koppell, Koslowitz, Lander, Palma, Seabrook, Van Bramer, Vann, Williams, Mark-Viverito, Levin, Nelson, Koo, Lappin, Rodriguez, Garodnick, Rivera, Greenfield, Vacca, Vallone, Jackson and Halloran.

SUMMARY OF LEGISLATION: This legislation would amend subchapter 4 of chapter 3 of title 24 of the Administrative Code by adding a new section 24-366 entitled “Assessment of electric generation viability” and would require that the Department of Environmental Protection (“Department”) undertake a resource assessment of the city’s potable water supply and wastewater treatment systems and the natural bodies of water within the city’s jurisdiction to determine the potential of such systems and bodies of water for generating electricity. In performing such assessment the department would include an examination of the potential to construct and operate energy generating facilities within such systems and natural bodies of water; the means for transmitting the electricity generated; the need to construct and operate generation-related infrastructure; grid-connection issues; generation system installation and maintenance costs; and risks to the operation of water supply and wastewater treatment systems posed by energy-generating facilities.

In addition, this bill would require that the Department conduct a technological review of in-conduit and free-flow hydropower technologies that are appropriate for the pressure and water flow rates for each site identified in the resource assessment. With the information gathered during the resource assessment and technological review, the Department would conduct an economic analysis to determine the economic viability of generating electricity for each site identified in the resource assessment. The resource assessment, technological review and economic analysis would be completed within eighteen months of the effective date of the bills passage and the results of the resource assessment would be submitted to the mayor and the council.

EFFECTIVE DATE: This local law would take effect immediately upon its enactment into law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2013.

FISCAL IMPACT STATEMENT:

	Effective FY12	FY Succeeding Effective FY13	Full Fiscal Impact FY13
Revenues	\$0	\$0	\$0
Expenditures	\$0	(\$500,000)	(\$500,000)
Net	\$0	(\$500,000)	(\$500,000)

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

IMPACT ON EXPENDITURES: It is estimated that there would be an impact on expenditures resulting from the enactment of this legislation. The Department has an existing contract that would cover some of what this legislation requires. Either that

contract would be renegotiated or the Department would enter into a new contract to meet the requirements of this legislation. The cost is estimated at around \$500,000.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Water & Sewer/General Fund

SOURCE OF INFORMATION: NYC Office of Management and Budget and the City Council Finance Division

ESTIMATE PREPARED BY: Nathan Toth, Deputy Director
Kate Seely-Kirk, Senior Legislative Financial Analyst

HISTORY: Introduced as Intro. 534 by the Council on April 06, 2011 and referred to the Committee on Environmental Protection. A hearing was held and the legislation was laid over by the Committee on June 20, 2011. Intro. 534 has been amended, and the amended version, Proposed Int. 534-A, will be considered by the Committee on April 18, 2012.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 534-A:)

Int. No. 534-A

By Council Members Gennaro, Barron, Brewer, Cabrera, Fidler, James, Koppell, Koslowitz, Lander, Palma, Seabrook, Van Bramer, Vann, Williams, Mark-Viverito, Levin, Nelson, Koo, Lappin, Rodriguez, Garodnick, Rivera, Greenfield, Vacca, Vallone Jr., Jackson, Eugene and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of environmental protection to undertake an assessment of the electricity generation capability of the city's water supply and wastewater treatment systems and bodies of water within the city's jurisdiction.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that the City of New York has a substantial interest in determining the inherent power generation potential of the City's water systems. The City's water supply system, a wonder of modern-day engineering, relies nearly entirely on gravity to transport water from our upstate reservoirs to the City. This means of delivery has the potential to generate energy in a manner that does not harm water quality or interfere with water distribution. A system that harnesses this water flow may provide the City with emissions-free energy, which would reduce the City's greenhouse gas emissions-as the City is obliged to do under Local Law No. 22 for the year 2008, the New York City Climate Protection Act. Power generated by our water supply system would not require costly and environmentally-damaging dams to be constructed; instead, it may be possible, subject to operational and economic considerations, to take advantage of existing infrastructure by utilizing hydropower technologies to capture energy and potentially achieve cost savings.

Accordingly, the Council finds that it is in the best interests of the City to study the potential to generate clean energy using hydropower from our water supply and wastewater treatment infrastructure systems, as well as the bodies of water within the City's jurisdiction.

§2. Subchapter 4 of chapter 3 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-366 to read as follows:

§ 24-366 *Assessment of electric generation viability.* a. *The department shall undertake a resource assessment of the city's potable water supply and wastewater treatment systems and the natural bodies of water within the city's jurisdiction to determine the potential of such systems and bodies of water for generating electricity. In performing such assessment the department shall include an examination of the potential to construct and operate energy generating facilities within such systems and natural bodies of water; the means for transmitting the electricity generated; the need to construct and operate generation-related infrastructure; grid-connection issues; generation system installation and maintenance costs; and risks to the operation of water supply and wastewater treatment systems and natural bodies of water posed by energy-generating facilities.*

b. The department shall conduct a technological review of in-conduit and free-flow hydropower technologies that are appropriate for the pressure and water flow rates for each site identified in the resource assessment.

c. With information gathered during the resource assessment and technological review, the department shall conduct an economic analysis to determine the economic viability of generating electricity for each site identified in the resource assessment.

d. The resource assessment, technological review and economic analysis shall be completed within eighteen months of the effective date of the local law that added this section and shall be submitted to the mayor and the speaker of the council.

§3. This local law shall take effect immediately.

JAMES F. GENNARO, Chairperson; G. OLIVER KOPPELL, PETER F. VALLONE, Jr., ELIZABETH CROWLEY, BRADFORD S. LANDER, STEPHEN T. LEVIN; Committee on Environmental Protection, April 17, 2012.

(The following is the text of a Message of Necessity from the Mayor for the Immediate Passage of Int No. 534-A:)

THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

Pursuant to authority vested in me by section twenty of the Municipal Home Rule and by section thirty-seven of the New York City Charter, I hereby certify to the necessity for the immediate passage of a local law, entitled:

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to requiring the department of environmental protection to undertake an assessment of the electricity generation capability of the city's water supply and wastewater treatment systems and bodies of water within the city's jurisdiction.

Given under my hand and seal this 17th day of April, 2012 at City Hall in the City of New York.

Michael R. Bloomberg
Mayor

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 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 Int. No. 838

Report of the Committee on Finance in favor of approving and adopting a Local Law in relation to the date of submission by the Mayor of the proposed executive budget and budget message, the date of submission by the Borough Presidents of recommendations in response to the Mayor's executive budget, the date of publication of a report by the director of the independent budget office analyzing the executive budget, the date by which the Council hearings pertaining to the executive budget shall conclude, the date by which if the expense budget has not been adopted, the expense budget and tax rate adopted as modified for the current fiscal year shall be deemed to have been extended for the new fiscal year until such time as a new expense budget has been adopted, the date by which if a capital budget and a capital program have not been adopted, the unutilized portion of all prior capital appropriations shall be deemed reappropriated, the date of submission by the Mayor of an estimate of the probable amount of receipts, the date by which any person or organization may submit an official alternative estimate of revenues, the date by which if the Council has not fixed the tax rates for the ensuing fiscal year, the commissioner of finance shall be authorized to complete the assessment rolls using estimated rates, and related matters, relating to the fiscal year two thousand thirteen.

The Committee on Finance, to which the annexed proposed local law was referred on April 18, 2012, respectfully

REPORTS:

ANALYSIS:

Various provisions in the New York City Charter (the “Charter”) prescribe the actions that need to be taken as part of the annual budget submission process during a fiscal year. Such provisions also prescribe dates on which these actions must be taken.

This legislation would extend the dates for various actions relating to the budget process for Fiscal 2013, including the date by which the Mayor must submit the proposed executive budget and budget message, the date by which the Council must conclude its hearings on the executive budget, the date by which the Mayor must submit its revenue estimate, the date for budget adoption, as well as other dates for related actions in the budget process.

The extended dates are noted below, and dates of greater importance to the Council and/or require Council action are highlighted. Generally, most dates were pushed back approximately 7 days, the same length of the extension of time provided for the release of the executive budget, with the exception of the Council’s budget hearings, which were extended 14 days.



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

PRECONSIDERED INT. 838
COMMITTEE: Finance

TITLE: A Local Law in relation to the date of submission of various reports related to the Executive Budget for Fiscal 2013. **SPONSORS:** Council Member Recchia (by request of the Mayor)

SUMMARY OF LEGISLATION: This legislation would change the charter-mandated deadline dates for the following:

SUMMARY OF LEGISLATION: This legislation would change the charter-mandated deadline dates for the following: Most dates were extended by approximately 8 days.

1. Mayor’s submission of the proposed executive budget and budget message no later than May 3, 2012.
2. Borough presidents’ submission of recommendations in response to Mayor’s executive budget no later than May 11, 2012.
3. Director of Independent Budget Office’s submission of report analyzing the Mayor’s executive budget no later than May 22, 2012.
4. Completion of City Council’s executive budget hearings no later than June 7, 2012.
5. If an expense budget has not been adopted by June 13, 2012, the expense budget and tax rate adopted as modified for the current fiscal year shall be deemed to have been extended for the new fiscal year until such time as a new expense budget has been adopted.
6. If a capital budget and capital program have not been adopted by June 13, 2012, the unutilized portion of all prior capital appropriations shall be deemed reappropriated.
7. Mayor’s submission to Council of an estimate of probable amount of receipts no later than June 13, 2012.
8. Any person/organization’s submission of an official alternative estimate of revenues no later than May 22, 2012.
9. If the Council has not fixed the tax rates for the ensuing year on or before June 13, 2012, the Department of Finance is authorized to complete the rolls and collect property tax using estimated rates.
10. If the Council has not fixed the tax rates for ensuing fiscal year on or before June 13, 2012, the Council shall fix the tax rates for ensuing fiscal year at percentages differing from the estimated rates, and property tax payments shall be paid at the estimated rates. However, if fixed after such date, tax bills shall be revised and made due and payable in January to reflect rates fixed by the Council.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2012

	<u>Charter Date</u>	<u>Extended Date For FY 2013</u>
Mayor’s submission of proposed executive budget and budget message (sec. 249)	not later than April 26	not later than May 3
Borough Presidents’ recommendations in response to Mayor’s executive budget (sec. 251)	not later than May 6	not later than May 11
Report of the Independent Budget Office on the Mayor’s executive budget (sec. 252)	not later than May 15	not later than May 22
City Council’s public hearings on the Mayor’s executive budget (sec. 253)	shall conclude by May 25	shall conclude by June 7
Date by which if new expense budget is not adopted, the current expense budget and tax rate is deemed extended until such adoption (sec. 254 d.)	by June 5	by June 13
Date by which if new capital budget and program are not adopted, unutilized portion of capital appropriations are deemed reappropriated (sec. 254 e.)	by June 5	by June 13
Mayor’s submission of revenue estimate (sec. 1515)	not later than June 5	not later than June 13
Submission of alternative estimate of revenues (sec. 1515)	not later than May 15	prior to May 22
Date subsequent to which if Council has not fixed tax rates, DOF may complete rolls and collect property tax at estimated rates (sec. 1516-a)	June 5	June 13
Council fixing of tax rates (sec. 1516-a)	June 5	June 13

FISCAL IMPACT STATEMENT:

	Effective FY12	FY Succeeding Effective FY13	Full Fiscal Impact FY12
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: There would no impact on revenues resulting from the enactment of this legislation.
IMPACT ON EXPENDITURES: There would be no impact on expenditures resulting from the enactment of this legislation.
SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable
SOURCE OF INFORMATION: City Council Finance Division
ESTIMATE PREPARED BY: Tanisha Edwards
 City Council Finance Division
HISTORY: To be considered by Committee on April 18, 2012

The legislation leaves intact the five days which the Mayor has to veto any increases or additions to the budget or any unit of appropriation or any change in any term and condition as adopted by the Council, as well as the ten day period which the Council has under law to override any such veto.

This legislation would take effect immediately.

(The following is the text of the Fiscal Impact Statement for Int. No. 838:)

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 838A:)

Int. No. 838
By Council Members Recchia and Wills (by request of the Mayor).

A Local Law in relation to the date of submission by the Mayor of the proposed executive budget and budget message, the date of submission by the Borough Presidents of recommendations in response to the Mayor’s executive budget, the date of publication of a report by the director of the

independent budget office analyzing the executive budget, the date by which the Council hearings pertaining to the executive budget shall conclude, the date by which if the expense budget has not been adopted, the expense budget and tax rate adopted as modified for the current fiscal year shall be deemed to have been extended for the new fiscal year until such time as a new expense budget has been adopted, the date by which if a capital budget and a capital program have not been adopted, the unutilized portion of all prior capital appropriations shall be deemed reappropriated, the date of submission by the Mayor of an estimate of the probable amount of receipts, the date by which any person or organization may submit an official alternative estimate of revenues, the date by which if the Council has not fixed the tax rates for the ensuing fiscal year, the commissioner of finance shall be authorized to complete the assessment rolls using estimated rates, and related matters, relating to the fiscal year two thousand thirteen.

Be it enacted by the Council as follows:

Section 1. During the calendar year 2012 and in relation to the 2013 fiscal year:

1. Notwithstanding any inconsistent provisions of section 249 of the New York city charter, as added by vote of the electors on November 7, 1989, subdivision a of section 249 as amended by local law number 25 for the year 1998, the Mayor shall pursuant to such section submit a proposed executive budget and budget message as therein described not later than May 3, 2012.

2. Notwithstanding any inconsistent provisions of section 251 of the New York city charter, as added by vote of the electors on November 7, 1989, each borough president shall pursuant to such section submit recommendations in response to the Mayor's executive budget as therein described not later than May 11, 2012.

3. Notwithstanding any inconsistent provisions of section 252 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of the independent budget office shall pursuant to such section publish a report analyzing the executive budget as therein described not later than May 22, 2012.

4. Notwithstanding any inconsistent provisions of section 253 of the New York city charter, as added by vote of the electors on November 7, 1989, the Council shall pursuant to such section hold hearings on the executive budget as therein described which shall conclude by June 7, 2012.

5. Notwithstanding any inconsistent provisions of subdivision d of section 254 of the New York city charter, as added by vote of the electors on November 7, 1989, and subdivision b of section 1516 of the New York city charter, as amended by vote of the electors on November 7, 1989, if an expense budget has not been adopted by June 13, 2012 pursuant to subdivisions a and b of section 254 of the New York city charter, the expense budget and tax rate adopted as modified for the current fiscal year shall be deemed to have been extended for the new fiscal year until such time as a new expense budget has been adopted.

6. Notwithstanding any inconsistent provisions of subdivision e of section 254 of the New York city charter, as added by vote of the electors on November 7, 1989, if a capital budget and a capital program have not been adopted by June 13, 2012 pursuant to subdivisions a and b of such section, the unutilized portion of all prior capital appropriations shall be deemed reappropriated.

7. Notwithstanding any inconsistent provisions of subdivision a of section 1515 of the New York city charter, as amended by vote of the electors on November 7, 1989, the Mayor shall pursuant to such subdivision prepare and submit to the Council an estimate of the probable amount of receipts as therein described not later than June 13, 2012.

8. Notwithstanding any inconsistent provisions of subdivision d of section 1515 of the New York city charter, as added by vote of the electors on November 7, 1989, any person or organization may pursuant to such subdivision submit an official alternative estimate of revenues as described therein at any time prior to May 22, 2012.

9. Notwithstanding any inconsistent provisions of subdivision a of section 1516-a of the New York city charter, as amended by vote of the electors on November 7, 1989, if the Council has not fixed the tax rates for the ensuing fiscal year on or before June 13, 2012, the commissioner of finance shall pursuant to such subdivision be authorized to complete the assessment rolls using estimated rates and to collect the sums therein mentioned according to law. The estimated rates shall equal the tax rates for the current fiscal year.

10. Notwithstanding any inconsistent provisions of subdivision b of section 1516-a of the New York city charter, as amended by vote of the electors on November 7, 1989, if, subsequent to June 13, 2012, the Council shall, pursuant to section 1516 of the New York city charter, fix the tax rates for the ensuing fiscal year at percentages differing from the estimated rates, real estate tax payments shall nevertheless be payable in accordance with subdivision a of section 1516-a of such charter at the estimated rates, where the commissioner of finance has exercised the authority granted by subdivision a of section 1516-a of such charter to complete the assessment rolls using estimated rates and to collect the sums therein mentioned according to law. However, in such event, prior to the first day of January in such fiscal year, the commissioner of finance shall cause the completed assessment rolls to be revised to reflect the tax rates fixed by the Council pursuant to section 1516 of such charter, and an amended bill for the installment or installments for such fiscal year due and payable on or after the first day of January shall be submitted to each taxpayer in which whatever adjustment may be required as a result of the estimated bill previously submitted to the taxpayer shall be reflected.

§2. This local law shall take effect immediately.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, April 18, 2012.

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 Finance and had been favorably reported for adoption.

Report for Res. No. 1298

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 April 18, 2012, 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, 2011, the Council adopted the expense budget for fiscal year 2012 with various programs and initiatives (the "Fiscal 2012 Expense Budget"). On June 29, 2010, the Council adopted the expense budget for fiscal year 2011 with various programs and initiatives (the "Fiscal 2011 Expense Budget").

Analysis. This Resolution, dated April 18, 2012, amends the description for the Description/Scope of Services for Lutheran Family Health Center's Family Support Center, an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$15,000 within the budget of the Department of Health and Mental Hygiene. This Resolution changes the Description/Scope of Services to read: "Lutheran HealthCare will provide influenza vaccines to seniors residing in the 47th Council District of Brooklyn. In addition the funds will be used to purchase a digital blood pressure machine, a glucometer machine, and additional supplies (testing strip, needles) for testing events throughout the 47th council district.

Additionally, this Resolution amends the description for the Description/Scope of Services for

Thirteen, an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$25,000 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of Services to read: "To enable approximately 100 educators from the Council-supported Urban Advantage middle schools to participate in the two-day Celebration of Teaching and Learning, the largest professional development conference in New York City, to be held in Manhattan on March 16-17, 2012."

Moreover, this Resolution amends the description for the Description/Scope of Services for

The Narrows Botanical Garden, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$4,500 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: "To support local gardening programs, including concerts, art shows, and other performances designed to enrich the lives of local residents, within the Narrows Botanical Gardens in Shore Road Park."

Further, this Resolution amends the description for the Description/Scope of Services for

the Friends of Crown Heights Educational Centers, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$8,000 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: "The funds would be used to offset costs of the ESL program."

Lastly, this Resolution also approves new designations and changes in the designation of certain organizations receiving local and youth discretionary funding in accordance with the Fiscal 2012 and Fiscal 2011 Expense Budgets, and approves

the new designations and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in such budgets.

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 2012 and Fiscal 2011 Expense Budgets.

This resolution sets forth new designations and specific changes in the designation of certain organizations receiving local initiative funding pursuant to the Fiscal 2012 Expense Budget, as described in Chart 1; sets forth new designations and changes in the designation of youth discretionary funding pursuant to the Fiscal 2012 Expense Budget, as described in Chart 2; sets forth the new designations and changes in the designation of certain organizations that will receive funding pursuant to certain initiatives in the Fiscal 2012 Expense Budget, as described in Charts 3-7; and sets forth the new designations and changes in the designation of certain organizations that will receive funding pursuant to a certain initiative in the Fiscal 2011 Expense Budget, as described in Chart 8.

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 2012 Expense Budget, dated June 29, 2011, and the Adjustments Summary/Schedule C/ Fiscal 2011 Expense Budget, dated June 29, 2010.

Specifically, Chart 1 sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget.

Chart 2 sets forth the new designation and changes in the designation of a certain organization receiving youth discretionary funding in accordance with the Fiscal 2012 Expense Budget.

Chart 3 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2012 Expense Budget. Chart 3 indicates a name change. The correct name for organization with EIN 11-2710506 is MinKown Center for Community Action, Inc..

Chart 4 sets forth the new designation and changes in the designation of a certain organization receiving funding pursuant to the Food Pantries-DYCD Initiative in accordance with the Fiscal 2012 Expense Budget. Chart 4 indicates an EIN correction. The correction EIN for the Mariner's Temple Baptist Church is 13-2694850.

Chart 5 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Senior Center Closures PEG Restoration in accordance with the Fiscal 2012 Expense Budget.

Chart 6 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Operation SNUG Initiative in accordance with the Fiscal 2012 Expense Budget. Pending a budget modification, funding through the Office of the Criminal Justice Coordinator for the New York City Mission Society will be transferred to the Health and Hospitals Corporation.

Chart 7 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Vera Institute of Justice Initiative in accordance with the Fiscal 2012 Expense Budget. Pending a budget modification, funding through the Administration of Children's Services for the Vera Institute of Justice will be transferred to the Department of Probation

Chart 8 sets forth the new designation and changes in the designation of a certain organization receiving funding pursuant to the Food Pantries-DYCD Initiative in accordance with the Fiscal 2011 Expense Budget. Chart 8 indicates an EIN correction. The correction EIN for the Mariner's Temple Baptist Church is 13-2694850.

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.

It should be further noted that organizations referenced with a triple asterisk (***) indicates a correction from a previous Transparency Resolution.

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 2012 and 2011 Expense Budgets. Such Resolution would take effect as of the date of adoption.

Accordingly, this Committee recommends its adoption.

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

Res. No. 1298

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

By Council Members Recchia and Wills.

Whereas, On June 29, 2011 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2012 with various programs and initiatives (the "Fiscal 2012 Expense Budget"); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local 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, On June 29, 2010 the 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 designation and changes in the designation of a certain organization receiving funding pursuant to a certain initiative in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for The Lutheran Family Health Center's Family Support Center, an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$15,000 within the budget of the Department of Health and Mental Hygiene to read: "Lutheran HealthCare will provide influenza vaccines to seniors residing in the 47th Council District of Brooklyn. In addition the funds will be used to purchase a digital blood pressure machine, a glucometer machine, and additional supplies (testing strip, needles) for testing events throughout the 47th council district."; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Thirteen, an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$25,000 within the budget of the Department of Youth and Community Development to read: "To enable approximately 100 educators from the Council-supported Urban Advantage middle schools to participate in the two-day Celebration of Teaching and Learning, the largest professional development conference in New York City, to be held in Manhattan on March 16-17, 2012."; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for The Narrows Botanical Garden, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$4,500 within the budget of the Department of Youth and Community Development to read: "To support local gardening programs, including concerts, art shows, and other performances designed to enrich the lives of local residents, within the Narrows Botanical Gardens in Shore Road Park."; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for The Friends of Crown Heights Educational Centers, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$8,000 within the budget of the Department of Youth and Community Development to read: "The funds would be used to offset costs of the ESL program."; now, therefore be it

Resolved, That the City Council approves the new Description/Scope of Services for certain organizations receiving local discretionary funding in the Fiscal 2012 Expense Budget; 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 2012 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 youth discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 2; and be it further

CHART 5: Senior Center Closures -- PEG Restoration - Fiscal 2012

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Glenridge Senior Citizen Multi-Service & Advisory Center, Inc. - Glenridge Senior Citizen Multiservice	11-2327136	DFTA	(\$130,000.00)	125	003
Peter Cardella Senior Citizen Center, Inc.	11-2328536	DFTA	\$80,000.00	125	003
Peter Cardella Senior Citizen Center, Inc.	11-2328536	DFTA	\$10,000.00	125	003
Ridgewood Older Adult Center and Services, Inc.	05-0607283	DFTA	\$60,000.00	125	003

* Indicates pending completion of pre-qualification review.

CHART 4: Food Pantries-DYCD - Fiscal 2012

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A *
Manhattan	Mariners' Temple Baptist Church	11-2894850	DYCD	(\$8,899.00)	260	005 *
Manhattan	Mariners' Temple Baptist Church	13-2894850	DYCD	\$8,899.00	260	005 *

* Indicates pending completion of pre-qualification review.

CHART 7: Vera Institute of Justice - Fiscal 2012

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Vera Institute of Justice **	13-1941627	ACS	(\$250,000.00)	068	008
Vera Institute of Justice **	13-1941627	DOP	\$250,000.00	781	003

* Indicates pending completion of pre-qualification review.

CHART 6: Operation SNUG - Fiscal 2012

Organization	EIN Number	Agency	Amount	Agy #	U/A *
New York City Mission Society **	13-5562301	OCJC	(\$167,000.00)	098	002
New York City Mission Society **	13-5562301	HHC	\$167,000.00	819	001

* Indicates pending completion of pre-qualification review.

CHART 8: Food Pantries - Fiscal 2011

Member	Organization	EIN Number	Agency	Amount	Aggr #	UJA *
Manhattan	Manhatten's Temple Baptist Church	11-2594650	DYCD	(\$8,889.00)	260	005
Manhattan	Manhatten's Temple Baptist Church	13-2694850	DYCD	\$8,889.00	260	005

* Indicates pending completion of pre-qualification review.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, April 18, 2012.

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 Finance and had been favorably reported for adoption.

Report for M-775

Report of the Committee on Finance in favor of approving a Communication from the Office of Management & Budget - Transfer City funds between various agencies in Fiscal Year 2012 to implement changes to the City's expense budget, pursuant to Section 107(b) of the New York City Charter (MN-3)

The Committee on Finance, to which the annexed resolution was referred on April 18, 2012, respectfully

REPORTS:

Introduction. At a meeting held on April 18, 2012, the Committee on Finance of the City Council of the City of New York (the "City Council") considered a request, attached hereto as Exhibit A (the "Modification"), from the Office of Management and Budget of the Mayor of The City of New York (the "Mayor"), to modify units of appropriation and transfer city funds in the amount of \$710,089,217 between various agencies in the Fiscal Year 2012 expense budget as adopted by the Council on June 29, 2011, pursuant to Section 107(b) of the New York City Charter (the "Charter"). The net effect of this modification is zero.

Analysis. MN-3 for Fiscal Year 2012 re-allocates funds among agencies and units of appropriation to reflect actions in the February Financial Plan. In total, \$710 million is re-allocated, including \$585.3 million to the Budget Stabilization Account in order to pre-pay Fiscal Year 2013 expenses and balance the Fiscal Year 2013

budget. The major sources of savings and reductions include a \$425 million reduction in the reserve previously set aside for changes in pension assumptions and methods, reduced borrowing costs, and a reduction of \$107.6 million in the General Reserve.

Savings and Reductions

Major savings and reduction actions reflected in MN-3 include:

Non-agency actions

- Recognition of savings from Actuary's recommendations for changes in pension assumptions and methods: \$425 million;
- A transfer from the General Reserve to the Budget Stabilization Account: \$107.6 million; and
- Debt service savings from lower-than-anticipated borrowing costs: \$75.3 million plus a net increase in anticipated receipts from swaps of \$5.8 million.

Agency Actions

Reductions in agency spending include rolling various program funds not needed in Fiscal Year 2012 to Fiscal Year 2013, including:

- DOITT's Film Office Incentive Program (\$8.0 million);
- Brownfields Fund (EDC; \$7.8 million);
- A penalty levied by the State Department of Environmental Conservation against EDC for heating oil tank violations (\$2.1 million); and
- Funds for Environmental Impact Statements (\$654,000) and BluePrint (\$498,000) in the Department of City Planning.

Chart 1 below highlights the major savings and reductions (agency and non-agency) reflected in MN-3.

Chart 1: Savings and Reductions

Agency	Action	Amount (*000s)
Pensions	Change in Actuarial Assumptions & Methods	(\$425,000)
Misc. Budget	Transfer to Budget Stabilization Account	(107,558)
Debt Service	Debt service savings less swap receipts	(81,040)
Various	Coll. Bargaining and Fringe adjustments	(12,665)
DOITT	Film Office Incentive Program Roll to 2013	(7,961)
Misc. Budget	CPSD	(7,751)
EDC	Brownfields Fund Roll to 2013	(5,930)
DOE	HIP Rate Change	(2,411)
EDC	DEC Heating Oil Tank Penalty Roll to 2013	(2,090)
DCP	Reallocate EIS Funding	(654)
DCP	BluePrint Rollover	(498)

Use of Funds (See also Chart 2 on following page)

The bulk of the savings will be allocated to the Budget Stabilization Account (\$585.3 million). Remaining savings will be used to fund a variety of new needs, including:

- Funds for the June primary and special election: \$24.9 million;
- Advantage Rental Subsidy payments that were greater than anticipated following a court order to the City to continue making payments through March: \$24.0 million;
- The Clean Heat Initiative in the Department of Small Business Services: \$5.0 million;
- Information technology maintenance needs in various agencies: \$4.0 million;
- Court-ordered emergency repairs to correct living conditions on Riker's Island: \$2.8 million. (Note that this action was not previously included in the February Financial Plan.);
- The TLC Five-Boro Accessibility Study under the outer-borough taxi agreement: \$2.0 million;
- Funding in the Department of Buildings for contracted elevator inspections: \$1.2 million; and
- Restoring funding to avoid the one-week winter furlough of DOT street resurfacing personnel: \$1.06 million.

Chart 2: Use of Funds

Agency	Action	Amount (*000s)
Debt service	Budget Stabilization Account	\$585,297
BOE	Election Funding	24,880
HRA	Advantage Rental Subsidies	24,000
SBS	Clean Heat Initiative	5,000
Various	IT Maintenance	4,003
Correction	Court-ordered emergency repairs	2,800
TLC	Five-Boro Taxi Accessibility Study	2,043

DOB	Private Elevator Inspection Contract	1,200
DOT	Restore One-Week Resurfacing Furlough	1,056

For more detail on the funding transfer between agencies, initiatives and discretionary programs, see Appendix A of the attached report.

Procedure. If the Mayor wishes to transfer part or all of any unit of appropriation to another unit of appropriation from one agency to another; or when a transfer from one unit of appropriation to the another, and such transfer results in any unit of appropriation being increased or decreased by the greater of five percent or \$50,000, section 107(b) of the Charter requires that the Mayor must first notify the Council of the proposed action. Within 30 days after the first stated meeting of the Council following receipt of such notice, the Council may disapprove such proposed action. If the Council fails to approve or disapprove such proposed action within such 30-day period, the proposed action becomes effective and the Mayor has the authority to make such transfer.

Description of Above-captioned Resolution. In the above-captioned resolution, the Council would approve the Modification pursuant to Section 107(b) of the Charter. Such resolution would take effect as of the date of adoption.

(The following is the text of the Memo to the Finance Committee from the Finance Division of the New York City Council:)

TO: Honorable Christine C. Quinn
Speaker

Honorable Domenic M. Recchia, Jr.
Chairman, Finance Committee

FROM: Preston Niblack, Director, Finance Division
Jeffrey Rodus, First Deputy Director, Finance Division
Tanisha Edwards, Counsel, Finance Division

DATE: April 18, 2012

SUBJECT: A budget modification (MN-3) for Fiscal Year 2012 to implement changes in the City's expense budget.

INITIATION: By letter dated April 17, 2012, the Director of the Office of Management and Budget submitted to the Council, pursuant to section 107(b) of the New York City Charter, a request for approval to transfer funds, totaling \$710,089,217 between various agencies in Fiscal Year 2012 to implement changes in the City's expense budget.

BACKGROUND: MN-3 re-allocates funds among agencies and units of appropriation to reflect actions in the February Financial Plan and also reallocates appropriations to fund the Council's Local Initiatives.

FISCAL IMPACT: MN-3 represents the reallocation of appropriations. The net effect of this modification is zero.

Accordingly, this Committee recommends its adoption.

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

Res. No. 1302

Resolution approving the modification (MN-3) of units of appropriation and the transfer of city funds between agencies proposed by the Mayor pursuant to Section 107(b) of the New York City Charter.

By Council Member Recchia.

Whereas, at a meeting held on April 18, 2012, the Committee on Finance of the City Council of the City of New York (the "City Council") considered a request, attached hereto as Exhibit A (the "Modification"), from the Office of Management and Budget of the Mayor of The City of New York (the "Mayor"), to modify units of appropriation and transfer city funds in the amount of \$710,089,217 between various agencies in the Fiscal Year 2012 expense budget as adopted by the Council on June 29, 2011, pursuant to Section 107(b) of the New York City Charter (the "Charter");

and

Whereas, pursuant to Section 107(b) of the Charter, the City Council has thirty (30) days after the first stated meeting of the City Council following such receipt within which to act upon the Modification;

NOW, THEREFORE, The Council of The City of New York hereby resolves as follows:

1. Approval of Modification. The City Council hereby approves, pursuant to Section 107(b) of the Charter, the actions proposed by the Mayor as set forth in the Modification.

2. Effective Date. This resolution shall take effect as of the date hereof.

ATTACHMENT:

EXHIBIT A

April 17, 2012

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(b) of the New York City Charter, I request your approval to transfer City funds between various agencies in fiscal year 2012 to implement changes in the City's expense budget.

This modification (MN-3) will implement expense budget changes which were reflected in the City's February Financial Plan modification. At the request of the City Council, MN -3 also reallocates appropriations to fund the Council's Local Initiatives.

Appendix A details State, Federal, and other funds impacted by these changes.

Your approval of modification MN-3 is respectfully requested.

Yours truly,

Mark Page

Fiscal Year 2012 Budget Modification

- MN 3 -

FROM

002	MAYORALTY	
050	CRIMINAL JUSTICE PROGRAMS PS	-150,000
560	SPECIAL ENFORCEMENT-PS	-150,000
014	BOROUGH PRESIDENT STATEN ISLAN	
001	PERSONAL SERVICES	-174,780
030	DEPARTMENT OF CITY PLANNING	
001	PERSONAL SERVICES	-134,305
002	OTHER THAN PERSONAL SERVICES	-977,418
040	DEPARTMENT OF EDUCATION	
401	GE INSTR & SCH LEADERSHIP - PS	-5,400,000
461	FRINGE BENEFITS - PS	-2,411,000
056	POLICE DEPARTMENT	
006	CRIMINAL JUSTICE	-15,000,000
008	TRANSIT POLICE-PS	-15,500,000
057	FIRE DEPARTMENT	
006	FIRE EXTING & RESP-OTPS	-4,731
068	ADMIN FOR CHILDREN'S SERVICES	
008	JUVENILE JUSTICE - OTPS	-250,000
069	DEPARTMENT OF SOCIAL SERVICES	
105	ADULT SERVICES - OTPS	-1,604,300
071	DEPT OF HOMELESS SERVICES	
200	DEPT OF HOMELESS SERVICES-OTPS	-13,260,088
095	PENSION CONTRIBUTIONS	
001	CITY ACTUARIAL PENSIONS	-419,600,000
098	MISCELLANEOUS	
001	PERSONAL SERVICES	-2,502,600
002	OTHER THAN PERSONAL SERVICES	-117,545,664
003	FRINGE BENEFITS	-12,664,819
099	GNRL & LSE PRCHS DBT SVC FUNDS	
001	FUNDED DEBT-W/O CONST LIMIT	-48,128,862
006	NYC Transitional Finance Authority	-32,910,937

		FROM	
126	DEPARTMENT OF CULTURAL AFFAIRS		
	003 CULTURAL PROGRAMS		-500
260	DEPT OF YOUTH & COMMUNITY DEV		
	005 COMMUNITY DEVELOPMENT OTPS		-4,000
	312 OTHER THAN PERSONAL SERVICES		-4,000
801	DEPT OF SMALL BUSINESS SERVICES		
	001 DEPT. OF BUSINESS P.S.		-183,666
	006 ECONOMIC DEVELOPMENT CORP.		-8,019,760
	010 WORKFORCE INVESTMENT ACT - PS		-162,334
806	HOUSING PRESERVATION AND DEVEL		
	001 OFFICE OF ADMINISTRATION		-27,843
	009 OFFICE OF DEVELOPMENT OTPS		-18,000
816	DEPARTMENT OF HEALTH AND MENTAL HYGIENE		
	122 CHEMICAL DEPENDENCY AND HEALTH PROMOTION		-20,000
836	DEPARTMENT OF FINANCE		
	001 ADMINISTRATION & PLANNING		-3,716,802
	002 OPERATIONS		-1,000,000
	003 PROPERTY		-700,000
	004 AUDIT		-1,000,000
856	DEPT OF CITYWIDE ADMIN SERV		
	390 DIV OF FACILITIES MGMT AND CONST- OTPS		-55,700
858	DEPT OF INFO TECH & TELECOMM		
	002 OTHER THAN PERSONAL SERVICES		-6,799,508
905	DISTRICT ATTORNEY RICHMOND		
	002 OTHER THAN PERSONAL SERVICES		-7,600
			-710,089,217

		TO	
002	MAYORALTY		
	021 OFFICE OF THE MAYOR-OTPS		300,000
003	BOARD OF ELECTIONS		
	001 PERSONAL SERVICES		10,300,000
	002 OTHER THAN PERSONAL SERVICES		14,580,000
004	CAMPAIGN FINANCE BOARD		
	001 PERSONAL SERVICES		468
008	OFFICE OF THE ACTUARY		
	100 PERSONAL SERVICE		1,067
012	BOROUGH PRESIDENT - BROOKLYN		
	001 PERSONAL SERVICES		474
013	BOROUGH PRESIDENT - QUEENS		
	001 PERSONAL SERVICES		243
014	BOROUGH PRESIDENT STATEN ISLAN		
	002 OTHER THAN PERSONAL SERVICES		175,000
015	OFFICE OF THE COMPTROLLER		
	002 FIRST DEPUTY COMPT-PS		57,462
	005 FIRST DEPUTY COMPT-OTPS		446,596
021	OFFICE OF ADMINISTRATIVE TAX APPEALS		
	001 PERSONAL SERVICES		2,236
025	LAW DEPARTMENT		
	001 PERSONAL SERVICES		724,584
032	DEPARTMENT OF INVESTIGATION		
	001 PERSONAL SERVICES		139,344
037	NEW YORK PUBLIC LIBRARY		
	006 SYSTEMWIDE SERVICES		248,886
040	DEPARTMENT OF EDUCATION		
	402 GE INSTR & SCH LEADERSHIP - OTPS		11,100
054	CIVILIAN COMPLAINT REVIEW BD		
	001 CCRB-PS		468
056	POLICE DEPARTMENT		
	002 EXECUTIVE MANAGEMENT		28,000,000
	009 HOUSING POLICE-PS		2,500,000

		TO	
056	POLICE DEPARTMENT		
	100 OPERATIONS-OTPS		48,000
	400 ADMINISTRATION-OTPS		2,395,080
057	FIRE DEPARTMENT		
	001 EXECUTIVE ADMINISTRATIVE		19,596
	002 FIRE EXTING AND EMERG RESP		103,649
	004 FIRE PREVENTION		19,278
	005 EXECUTIVE ADMIN-OTPS		555,533
	009 EMERGENCY MEDICAL SERVICES-PS		597,598
	010 EMERGENCY MEDICAL SERV-OTPS		72,246
069	DEPARTMENT OF SOCIAL SERVICES		
	103 PUBLIC ASSISTANCE - OTPS		24,000,000
	201 ADMINISTRATION		1,058,789
	205 ADULT SERVICES		53,125
071	DEPT OF HOMELESS SERVICES		
	100 DEPT OF HOMELESS SERVICES-PS		13,260,088
072	DEPARTMENT OF CORRECTION		
	001 ADMINISTRATION		33,940
	002 OPERATIONS		187
	003 OPERATIONS - OTPS		2,800,000
098	MISCELLANEOUS		
	005 INDIGENT DEFENSE SERVICES		557,266
099	GNRL & LSE PRCHS DBT SVC FUNDS		
	004 BUDGET STABILIZATION ACCOUNT		585,297,225
103	CITY CLERK		
	001 PERSONAL SERVICES		430
125	DEPARTMENT FOR THE AGING		
	001 EXECUTIVE & ADMIN MGMT - PS		1,909
	002 COMMUNITY PROGRAMS - PS		1,549
	003 COMMUNITY PROGRAMS - OTPS		1,443,487
131	OFFICE PAYROLL ADMINISTRATION		
	100 PERSONAL SERVICE		8,048

		TO	
156	NYC TAXI AND LIMOUSINE COMM		
	001 PERSONAL SERVICE		138,187
	002 OTHER THAN PERSONAL SERVICE		1,906,250
313	OFC OF COLLECTIVE BARGAINING		
	001 PERSONAL SERVICES		234
349	MANHATTAN COMMUNITY BOARD #9		
	003 RENT		1,200
382	BRONX COMMUNITY BOARD #2		
	003 RENT AND ENERGY		2,000
432	QUEENS COMMUNITY BOARD #2		
	003 RENT		1,000
434	QUEENS COMMUNITY BOARD #4		
	003 RENT AND ENERGY		500
438	QUEENS COMMUNITY BOARD #8		
	003 RENT		1,500
486	BROOKLYN COMMUNITY BOARD #16		
	003 RENT		7,500
493	STATEN ISLAND COMMUNITY BD #3		
	003 RENT AND ENERGY		2,000
781	DEPARTMENT OF PROBATION		
	003 PROBATION SERVICES-OTPS		250,000
801	DEPT OF SMALL BUSINESS SERVICES		
	002 DEPT. OF BUSINESS O.T.P.S.		4,984,813
	004 CONTRACT COMP & BUS. OPP - PS		346,000
810	DEPARTMENT OF BUILDINGS		
	001 PERSONAL SERVICES		1,200,000
816	DEPARTMENT OF HEALTH AND MENTAL HYGIENE		
	101 HEALTH ADMINISTRATION - PS		17,987
	102 DISEASE CONTROL AND EPIDEMIOLOGY - PS		31,797
	103 HEALTH PROMOTION AND DISEASE PREVEN. - PS		23,831
	104 ENVIRONMENTAL HEALTH - PS		56,368
	106 OFFICE OF CHIEF MEDICAL EXAMINER - PS		10,727
	107 HEALTH CARE ACCESS AND IMPROVEMENT - PS		5,592

TO		
816	DEPARTMENT OF HEALTH AND MENTAL HYGIENE	
108	MENTAL HYGIENE MANAGEMENT SERVICES - PS	12,830
121	MENTAL RETARDATION AND DEVELOPMENTAL DIS	15,000
819	HEALTH AND HOSPITALS CORP	
001	LUMP SUM	167,000
820	OFFICE OF ADMINISTRATIVE TRIALS & HEARIN	
001	PERSONAL SERVICE	3,109
827	DEPARTMENT OF SANITATION	
101	EXECUTIVE ADMINISTRATIVE	1,547
102	CLEANING & COLLECTION	185,446
103	WASTE DISPOSAL	542
104	BUILDING MANAGEMENT	220
105	BUREAU OF MOTOR EQUIP	1,629
106	EXEC & ADMINISTRATIVE-OTPS	214,500
110	WASTE DISPOSAL-OTPS	194,331
829	BUSINESS INTEGRITY COMMISSION	
001	PERSONAL SERVICES	2,350
836	DEPARTMENT OF FINANCE	
011	ADMINISTRATION-OTPS	3,000,000
022	OPERATIONS-OTPS	3,500,000
841	DEPARTMENT OF TRANSPORTATION	
001	EXEC ADM & PLANN MGT.	16,287
002	HIGHWAY OPERATIONS	1,328,194
003	TRANSIT OPERATIONS	778
004	TRAFFIC OPERATIONS	17,264
006	BUREAU OF BRIDGES	170,743
846	DEPT OF PARKS AND RECREATION	
006	MAINT & OPERATIONS - OTPS	1,038,000
856	DEPT OF CITYWIDE ADMIN SERVS	
002	DIV OF CTYWDE PERSONNEL SERV	589,679
858	DEPT OF INFO TECH & TELECOMM	
001	PERSONAL SERVICES	533,945

TO		
860	DEPT RECORDS + INFORMATION SVS	
100	PERSONAL SERVICES	634
901	DISTRICT ATTORNEY NEW YORK	
001	PERSONAL SERVICES	292,752
		710,089,217

TO	
	0

APPENDIX A						
Summary of Changes By Agency						
FROM						
	Total	Intra/City	City	Categ.	Capital	
002	MAYORALTY					
050	CRIMINAL JUSTICE PROGRAMS PS	-150,000	0	-150,000	0	0
560	SPECIAL ENFORCEMENT-PS	-150,000	0	-150,000	0	0
014	BOROUGH PRESIDENT STATEN ISLAN					
001	PERSONAL SERVICES	-174,780	0	-174,780	0	0
030	DEPARTMENT OF CITY PLANNING					
001	PERSONAL SERVICES	-134,305	0	-134,305	0	0
002	OTHER THAN PERSONAL SERVICES	-977,418	0	-977,418	0	0
040	DEPARTMENT OF EDUCATION					
401	GE INSTR & SCH LEADERSHIP - PS	-1,859,807	0	-5,400,000	0	0 3
461	FRINGE BENEFITS - PS	-2,224,555	186,445	-2,411,000	0	0
056	POLICE DEPARTMENT					
006	CRIMINAL JUSTICE	-15,000,000	0	-15,000,000	0	0
008	TRANSIT POLICE-PS	-15,500,000	0	-15,500,000	0	0
057	FIRE DEPARTMENT					
006	FIRE EXTING & RESP-OTPS	-4,731	0	-4,731	0	0
068	ADMIN FOR CHILDREN'S SERVICES					
008	JUVENILE JUSTICE - OTPS	-250,000	0	-250,000	0	0
069	DEPARTMENT OF SOCIAL SERVICES					
105	ADULT SERVICES - OTPS	0	0	-1,604,300	0	0 -1
071	DEPT OF HOMELESS SERVICES					
200	DEPT OF HOMELESS SERVICES-OTPS	0	0	-13,260,088	0	0 13
095	PENSION CONTRIBUTIONS					
001	CITY ACTUARIAL PENSIONS	-425,000,000	0	-419,600,000	0	0 -5
098	MISCELLANEOUS					
001	PERSONAL SERVICES	-2,502,600	0	-2,502,600	0	0

		FROM					
		<u>Total</u>	<u>Intra/City</u>	<u>City</u>	<u>Categ.</u>	<u>Capital</u>	
098	MISCELLANEOUS						
002	OTHER THAN PERSONAL SERVICES	-96,037,176	0	-117,545,664	0	0	21
003	FRINGE BENEFITS	780,123	0	-12,664,819	0	0	8
099	GNRL & LSE PRCHS DBT SVC FUNDS						
001	FUNDED DEBT-W/O CONST LIMIT	-60,202,312	0	-48,128,862	-12,073,450	0	
006	NYC Transitional Finance Authority	-32,910,937	0	-32,910,937	0	0	
126	DEPARTMENT OF CULTURAL AFFAIRS						
003	CULTURAL PROGRAMS	-500	0	-500	0	0	
260	DEPT OF YOUTH & COMMUNITY DEV						
005	COMMUNITY DEVELOPMENT OTPS	-4,000	0	-4,000	0	0	
312	OTHER THAN PERSONAL SERVICES	-4,000	0	-4,000	0	0	
801	DEPT OF SMALL BUSINESS SERVICES						
001	DEPT. OF BUSINESS P.S.	-183,666	0	-183,666	0	0	
006	ECONOMIC DEVELOPMENT CORP.	-8,019,760	0	-8,019,760	0	0	
010	WORKFORCE INVESTMENT ACT - PS	-162,334	0	-162,334	0	0	
806	HOUSING PRESERVATION AND DEVEL						
001	OFFICE OF ADMINISTRATION	-27,843	0	-27,843	0	0	
009	OFFICE OF DEVELOPMENT OTPS	-18,000	0	-18,000	0	0	
816	DEPARTMENT OF HEALTH AND MENTAL HYGIENE						
122	CHEMICAL DEPENDENCY AND HEALTH PRO	-20,000	0	-20,000	0	0	
836	DEPARTMENT OF FINANCE						
001	ADMINISTRATION & PLANNING	-3,716,802	0	-3,716,802	0	0	
002	OPERATIONS	-1,000,000	0	-1,000,000	0	0	
003	PROPERTY	-700,000	0	-700,000	0	0	
004	AUDIT	-1,000,000	0	-1,000,000	0	0	
856	DEPT OF CITYWIDE ADMIN SERV						
390	DIV OF FACILITIES MGMT AND CONST- OTP	-55,700	0	-55,700	0	0	

Monday, April 16, 2012

		TO					
		<u>Total</u>	<u>Intra/City</u>	<u>City</u>	<u>Categ.</u>	<u>Capital</u>	
002	MAYORALTY						
021	OFFICE OF THE MAYOR-OTPS	300,000	0	300,000	0	0	
003	BOARD OF ELECTIONS						
001	PERSONAL SERVICES	10,300,000	0	10,300,000	0	0	
002	OTHER THAN PERSONAL SERVICES	14,580,000	0	14,580,000	0	0	
004	CAMPAIGN FINANCE BOARD						
001	PERSONAL SERVICES	468	0	468	0	0	
008	OFFICE OF THE ACTUARY						
100	PERSONAL SERVICE	1,067	0	1,067	0	0	
012	BOROUGH PRESIDENT - BROOKLYN						
001	PERSONAL SERVICES	474	0	474	0	0	
013	BOROUGH PRESIDENT - QUEENS						
001	PERSONAL SERVICES	243	0	243	0	0	
014	BOROUGH PRESIDENT STATEN ISLAN						
002	OTHER THAN PERSONAL SERVICES	175,000	0	175,000	0	0	
015	OFFICE OF THE COMPTROLLER						
002	FIRST DEPUTY COMPT-PS	69,317	0	57,462	0	11,855	
005	FIRST DEPUTY COMPT-OTPS	446,596	0	446,596	0	0	
021	OFFICE OF ADMINISTRATIVE TAX APPEALS						
001	PERSONAL SERVICES	2,236	0	2,236	0	0	
025	LAW DEPARTMENT						
001	PERSONAL SERVICES	724,584	0	724,584	0	0	
032	DEPARTMENT OF INVESTIGATION						
001	PERSONAL SERVICES	139,344	0	139,344	0	0	
037	NEW YORK PUBLIC LIBRARY						
006	SYSTEMWIDE SERVICES	248,886	0	248,886	0	0	
040	DEPARTMENT OF EDUCATION						
402	GE INSTR & SCH LEADERSHIP - OTPS	12,442,542	0	11,100	0	0	12

Monday, April 16, 2012

		FROM					
		<u>Total</u>	<u>Intra/City</u>	<u>City</u>	<u>Categ.</u>	<u>Capital</u>	
858	DEPT OF INFO TECH & TELECOMM						
002	OTHER THAN PERSONAL SERVICES	-6,430,312	0	-6,799,508	0	0	
905	DISTRICT ATTORNEY RICHMOND						
002	OTHER THAN PERSONAL SERVICES	-7,600	0	-7,600	0	0	
		-673,649,015	186,445	-710,089,217	-12,073,450	0	39

Monday, April 16, 2012

		TO					
		<u>Total</u>	<u>Intra/City</u>	<u>City</u>	<u>Categ.</u>	<u>Capital</u>	
040	DEPARTMENT OF EDUCATION						
438	PUPL TRANSPORTATION - OTPS	-4,187,388	0	0	0	0	-4
472	CHARTER/CONTRACT/POSTER CARE PMTS -	-20,083,740	0	0	0	0	-20
481	CATEGORICAL PROGRAMS - PS	652,694	652,694	0	0	0	
482	CATEGORICAL PROGRAMS - OTPS	2,354,847	2,567,632	0	0	0	
042	CITY UNIVERSITY						
001	COMMUNITY COLLEGE-OTPS	55,000	0	0	0	0	
054	CIVILIAN COMPLAINT REVIEW BD						
001	CCRB-PS	468	0	468	0	0	
056	POLICE DEPARTMENT						
002	EXECUTIVE MANAGEMENT	28,000,000	0	28,000,000	0	0	
009	HOUSING POLICE-PS	2,500,000	0	2,500,000	0	0	
100	OPERATIONS-OTPS	48,000	0	48,000	0	0	
400	ADMINISTRATION-OTPS	2,395,080	0	2,395,080	0	0	
057	FIRE DEPARTMENT						
001	EXECUTIVE ADMINISTRATIVE	19,596	0	19,596	0	0	
002	FIRE EXTING AND EMERG RESP	103,649	0	103,649	0	0	
004	FIRE PREVENTION	19,278	0	19,278	0	0	
005	EXECUTIVE ADMIN-OTPS	555,533	0	555,533	0	0	
009	EMERGENCY MEDICAL SERVICES-PS	922,635	0	597,598	325,037	0	
010	EMERGENCY MEDICAL SERV-OTPS	72,246	0	72,246	0	0	
069	DEPARTMENT OF SOCIAL SERVICES						
101	ADMINISTRATION-OTPS	4,074,250	0	0	0	0	2
103	PUBLIC ASSISTANCE - OTPS	24,000,000	0	24,000,000	0	0	
201	ADMINISTRATION	1,253,638	0	1,058,789	0	0	
205	ADULT SERVICES	104,167	0	53,125	0	0	
071	DEPT OF HOMELESS SERVICES						
100	DEPT OF HOMELESS SERVICES-PS	0	0	13,260,088	0	0	-13

Monday, April 16, 2012

	Total	TO		Categ.	Capital
		Intra/City	City		
072 DEPARTMENT OF CORRECTION					
001 ADMINISTRATION	33,940	0	33,940	0	0
002 OPERATIONS	187	0	187	0	0
003 OPERATIONS - OTPS	2,800,000	0	2,800,000	0	0
098 MISCELLANEOUS					
005 INDIGENT DEFENSE SERVICES	557,266	0	557,266	0	0
099 GNRL. & LSE PRCHS DBT SVC FUNDS					
004 BUDGET STABILIZATION ACCOUNT	585,297,225	0	585,297,225	0	0
103 CITY CLERK					
001 PERSONAL SERVICES	430	0	430	0	0
125 DEPARTMENT FOR THE AGING					
001 EXECUTIVE & ADMIN MGMT - PS	1,909	0	1,909	0	0
002 COMMUNITY PROGRAMS - PS	1,549	0	1,549	0	0
003 COMMUNITY PROGRAMS - OTPS	1,443,487	0	1,443,487	0	0
131 OFFICE PAYROLL ADMINISTRATION					
100 PERSONAL SERVICE	8,048	0	8,048	0	0
156 NYC TAXI AND LIMOUSINE COMM					
001 PERSONAL SERVICE	138,187	0	138,187	0	0
002 OTHER THAN PERSONAL SERVICE	1,906,250	0	1,906,250	0	0
313 OFC OF COLLECTIVE BARGAINING					
001 PERSONAL SERVICES	234	0	234	0	0
349 MANHATTAN COMMUNITY BOARD #9					
003 RENT	1,200	0	1,200	0	0
382 BRONX COMMUNITY BOARD #2					
003 RENT AND ENERGY	2,000	0	2,000	0	0
432 QUEENS COMMUNITY BOARD #2					
003 RENT	1,000	0	1,000	0	0

Monday, April 16, 2012

	Total	TO		Categ.	Capital
		Intra/City	City		
434 QUEENS COMMUNITY BOARD #4					
003 RENT AND ENERGY	500	0	500	0	0
438 QUEENS COMMUNITY BOARD #8					
003 RENT	1,500	0	1,500	0	0
486 BROOKLYN COMMUNITY BOARD #16					
003 RENT	7,500	0	7,500	0	0
493 STATEN ISLAND COMMUNITY BD #3					
003 RENT AND ENERGY	2,000	0	2,000	0	0
781 DEPARTMENT OF PROBATION					
003 PROBATION SERVICES-OTPS	250,000	0	250,000	0	0
801 DEPT OF SMALL BUSINESS SERVICES					
002 DEPT. OF BUSINESS O.T.P.S.	4,984,813	0	4,984,813	0	0
004 CONTRACT COMP & BUS. OPP - PS	346,000	0	346,000	0	0
810 DEPARTMENT OF BUILDINGS					
001 PERSONAL SERVICES	1,200,000	0	1,200,000	0	0
002 OTHER THAN PERSONAL SERVICES	0	0	0	0	0
816 DEPARTMENT OF HEALTH AND MENTAL HYGIENE					
101 HEALTH ADMINISTRATION - PS	26,201	0	17,987	0	0
102 DISEASE CONTROL AND EPIDEMIOLOGY - P	46,317	0	31,797	0	0
103 HEALTH PROMOTION AND DISEASE PREVEN	34,714	0	23,831	0	0
104 ENVIRONMENTAL HEALTH - PS	82,109	0	56,368	0	0
106 OFFICE OF CHIEF MEDICAL EXAMINER - PS	15,626	0	10,727	0	0
107 HEALTH CARE ACCESS AND IMPROVEMENT	8,146	0	5,592	0	0
108 MENTAL HYGIENE MANAGEMENT SERVICE	12,830	0	12,830	0	0
113 HEALTH PROMOTION AND DISEASE PREV.-O	-796,600	0	0	0	0
121 MENTAL RETARDATION AND DEVELOPMEN	15,000	0	15,000	0	0
819 HEALTH AND HOSPITALS CORP					
001 LUMP SUM	167,000	0	167,000	0	0

Monday, April 16, 2012

	Total	TO		Categ.	Capital
		Intra/City	City		
820 OFFICE OF ADMINISTRATIVE TRIALS & HEARIN					
001 PERSONAL SERVICE	3,109	0	3,109	0	0
827 DEPARTMENT OF SANITATION					
101 EXECUTIVE ADMINISTRATIVE	278,847	0	1,547	0	277,300
102 CLEANING & COLLECTION	185,446	0	185,446	0	0
103 WASTE DISPOSAL	542	0	542	0	0
104 BUILDING MANAGEMENT	220	0	220	0	0
105 BUREAU OF MOTOR EQUIP	1,629	0	1,629	0	0
106 EXEC & ADMINISTRATIVE-OTPS	214,500	0	214,500	0	0
110 WASTE DISPOSAL-OTPS	194,331	0	194,331	0	0
829 BUSINESS INTEGRITY COMMISSION					
001 PERSONAL SERVICES	2,350	0	2,350	0	0
836 DEPARTMENT OF FINANCE					
011 ADMINISTRATION-OTPS	3,000,000	0	3,000,000	0	0
022 OPERATIONS-OTPS	3,500,000	0	3,500,000	0	0
841 DEPARTMENT OF TRANSPORTATION					
001 EXEC ADM & PLANN MGT.	-2,914,151	0	16,287	0	1,632 -1
002 HIGHWAY OPERATIONS	-1,101,752	0	1,328,194	0	464,857 -2
003 TRANSIT OPERATIONS	-168,178	0	778	0	261
004 TRAFFIC OPERATIONS	-6,358,113	0	17,264	0	4,314 -3
006 BUREAU OF BRIDGES	-886,666	0	170,743	0	11,752
846 DEPT OF PARKS AND RECREATION					
006 MAINT & OPERATIONS - OTPS	1,038,000	0	1,038,000	0	0
856 DEPT OF CITYWIDE ADMIN SERV					
002 DIV OF CITYWIDE PERSONNEL SERV	589,679	0	589,679	0	0
858 DEPT OF INFO TECH & TELECOMM					
001 PERSONAL SERVICES	533,945	0	533,945	0	0

Monday, April 16, 2012

	Total	TO		Categ.	Capital
		Intra/City	City		
860 DEPT RECORDS + INFORMATION SVS					
100 PERSONAL SERVICES	634	0	634	0	0
901 DISTRICT ATTORNEY NEW YORK					
001 PERSONAL SERVICES	292,752	0	292,752	0	0
	679,294,402	3,220,326	710,089,217	325,037	771,971 -31

Monday, April 16, 2012

					TO
Total	Intra/City	City	Categ.	Capital	
5,645,387	3,406,771	0	-11,748,413	771,971	8

affordability levels and leasehold provisions with the seven buildings that comprise the exemption area. In order to keep the project financially viable and provide affordable housing, HPD is requesting an exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law.

The St. Lucy’s Apartments consist of two buildings with 100 units of affordable rental housing for low-income families. The Sponsor, East 104th Street Housing Development Fund Corporation will finance the acquisition with a loan from the New York City Housing Development Corporation and tax credit equity. In order to keep the project financially viable and provide affordable housing, HPD is requesting an exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law.

The MHANY Cluster II contains one building with 8 units of affordable rental housing for low-income families. The Sponsor, MHANY 2012 II Housing Development Fund Corporation will finance the acquisition with a loan from HPD and a private lender. In order to keep the project financially viable and provide affordable housing, HPD is requesting an exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law.

These items have the approval of Councilmember’s Dickens, Mealy, and Viverito.

Accordingly, this Committee recommends its adoption.

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

Res. No. 1303

Resolution approving an exemption from real property taxes for property located at (Block 1675, Lot 11) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 591)

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated April 9, 2012 that the Council take the following action regarding a housing project (the "Project") to be located at (Block 1675, Lot 11) Manhattan ("Exemption Area"):

Approve an exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption");

WHEREAS, the project description that HPD provided to the Council states that the purchaser of the Project (the "Sponsor") is a duly organized housing development fund company under Article XI of the Private Housing Finance Law;

WHEREAS, the Council held a hearing on the Project on April 18, 2012;

WHEREAS, the Council has considered the financial implications relating to the Tax Exemption;

RESOLVED:

The Council hereby grants an exemption from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:

- (a) "Company" shall mean East 103rd Street Associates LLC.
- (b) "Effective Date" shall mean the date of repayment of the HUD Mortgage.
- (c) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1675, Lot 11 on the Tax Map of the City of New York.

(d) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty-three (33) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned or leased by either a housing development fund company or an entity wholly controlled by a housing development fund company.

Monday, April 16, 2012

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, April 18, 2012.

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 Finance and had been favorably reported for adoption.

Report for L.U. No. 591

Report of the Committee on Finance in favor of approving St. Lucy’s Apartments, Block 1675, Lot 11, Manhattan, Council District No. 8

The Committee on Finance, to which the annexed resolution was referred on April 18, 2012, respectfully

REPORTS:

(The following is the text of the Memo to the Finance Committee from the Finance Division of the New York City Council:)

April 18, 2012

TO: Hon. Domenic M. Recchia, Jr.
Chair, Finance Committee

Members of the Finance Committee

FROM: Anthony Brito, Finance Division

RE: Finance Committee Agenda of April 18, 2012-Resolution approving tax exemptions for three preconsidered Land Use Items (Council District’s 8, 9 and 41).

HPD has submitted a request to the Council to approve property tax exemptions for the following properties: Savoy Park located in Councilwoman Dicken’s District, St. Lucy’s Apartments located in Councilwoman Viverito’s District and the MHANY Cluster II located in Councilwoman Mealy’s District.

Savoy Park consists of seven buildings with 1,807 units of affordable rental housing for low-income families. The Sponsor, SLM Savoy Park I, LLC and its subsidiary HDFC will enter into a regulatory agreement with the City establishing

- (e) "HDC" shall mean the New York City Housing Development Corporation.
- (f) "HDFC" shall mean East 103rd Street Housing Development Fund Corporation.
- (g) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (h) "HUD" shall mean the Department of Housing and Urban Development of the United States of America.
- (i) "HUD Mortgage" shall mean the original mortgage insured by HUD pursuant to Section 221(d)(3) of the National Housing Act, as amended.
- (j) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
- (k) "Owner" shall mean, collectively, the HDFC and the Company.
- (l) "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on December 28, 1973 (Cal. No. 1).
- (m) "Regulatory Agreement" shall mean the regulatory agreement between HDC and the Owner (i) providing that for a term of 32 years, approximately 74% of the dwelling units in the Exemption Area must, upon vacancy, be rented to families whose incomes do not exceed 60% of area median income, and that the remaining units must be rented, upon vacancy, to families whose incomes do not exceed 100% of area median income, and (ii) in which Owner shall represent that the Exemption Area was operated in accordance with the rent and income requirements of the low income housing tax credit program and Article XI of the Private Housing Finance Law from the Effective Date to the date of execution of the Regulatory Agreement.
- (n) "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.
- (o) "Shelter Rent Tax" shall mean an amount equal to three and two-tenths percent (3.2%) of Shelter Rent.
2. The Prior Exemption shall terminate upon the Effective Date.
3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
4. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.
5. Notwithstanding any provision hereof to the contrary:
- a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not

cured within the time period specified therein, the New Exemption shall prospectively terminate.

- b. The New Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.
- c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
- d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked.
6. In consideration of the New Exemption, the HDFC, for itself, its successors and assigns, shall (i) execute and record the Regulatory Agreement, and (ii) waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, April 18, 2012.

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 Finance and had been favorably reported for adoption.

Report for L.U. No. 592

Report of the Committee on Finance in favor of approving MHANY Brooklyn Cluster II, Block 1483, Lot 28, Brooklyn, Council District No. 41

The Committee on Finance, to which the annexed resolution was referred on April 18, 2012, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for LU No. 591 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1304

Resolution approving an exemption from real property taxes for property located at (Block 1483, Lot 28) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 592)

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated February 9, 2012 that the Council take the following action regarding a housing project (the "Project") to be located at (Block 1483, Lots 28) Brooklyn ("Exemption Area"):

Approve an exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption");

WHEREAS, the project description that HPD provided to the Council states that the purchaser of the Project (the "Sponsor") is a duly organized housing development fund company under Article XI of the Private Housing Finance Law;

WHEREAS, the Council held a hearing on the Project on April 18, 2012;

WHEREAS, the Council has considered the financial implications relating to the Tax Exemption;

RESOLVED:

The Project shall be developed upon the terms and conditions set forth in the Project Summary that HPD has submitted to the Council, a copy of which is attached hereto.

1. For the purposes hereof, the following terms shall have the following meanings:

- (a) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
- (b) "Exemption" shall mean the exemption from real property taxation provided hereunder.
- (c) "Exemption Area" shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1483, Lot 28 on the Tax Map of the City of New York.
- (d) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (e) "HDFC" shall mean MHANY 2012 II Housing Development Fund Corporation.
- (f) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (g) "Owner" shall mean the HDFC.
- (h) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.

2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.

3. Notwithstanding any provision hereof to the contrary:

- a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
- b. The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.
- c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

6. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, April 18, 2012.

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 Finance and had been favorably reported for adoption.

Report for L.U. No. 593

Report of the Committee on Finance in favor of approving Savoy Park, Block 1737, Lots 1, 15, 25, 59, and 69, Manhattan, Council District No. 9

The Committee on Finance, to which the annexed resolution was referred on April 18, 2012, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for LU No. 591 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1305

Resolution approving an exemption from real property taxes for property located at (Block 1737, Lots 1, 15, 25, 59, and 69) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 593)

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated April 9, 2012 that the Council take the following action regarding a housing project (the "Project") to be located at (Block 1737, Lots 1, 15, 25, 59, and 69) Manhattan ("Exemption Area"):

Approve an exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption");

WHEREAS, the project description that HPD provided to the Council states that the purchaser of the Project (the "Sponsor") is a duly organized housing development fund company under Article XI of the Private Housing Finance Law;

WHEREAS, the Council held a hearing on the Project on April 18, 2012;

WHEREAS, the Council has considered the financial implications relating to the Tax Exemption;

RESOLVED:

The Council hereby grants an exemption from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:

- (a) "Company" shall mean SLM Savoy Park I, LLC.
- (b) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, (ii) the date that HPD and the Owner enter into the Regulatory Agreement, and (iii) the date that the HDFC enters into the Lease.

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on January 23, 2012 a copy of its designation dated January 17, 2012 (the "Designation"), of the East 10th Street Historic District, Community District 3, Borough of Manhattan.

The historic district boundaries consist of:

Properties bounded by a line beginning at the intersection of the northern curblineline of East 10th Street and the eastern curblineline of Avenue A, continuing northerly along the eastern curblineline of Avenue A to its intersection with a line extending westerly from northern property line of 293 East 10th Street, easterly along the northern property line of 293 East 10th Street, northerly along a portion of the western property line of 295 East 10th Street, easterly along the northern property lines of 295 to 299 East 10th Street, southerly along a portion of the eastern property line of 299 East 10th Street, easterly along the northern property lines of 301 to 303 East 10th Street and a portion of the northern property line of 305 East 10th Street, northerly along a portion of the western property line of 305 East 10th Street, easterly along a portion of the northern property line of 305 East 10th Street and the northern property line of 307 East 10th Street, southerly along a portion of the eastern property line of 307 East 10th Street, easterly along the northern property line of 309 East 10th Street, southerly along a portion of the eastern property line of 309 East 10th Street, easterly along the northern property lines of 311 to 319 East 10th Street, southerly along a portion of the eastern property line of 319 East 10th Street, easterly along the northern property line of 321 East 10th Street, northerly along a portion of the western property line of 323 East 10th Street, easterly along the northern property lines of 323 to 339 East 10th Street, southerly along a portion of the eastern property line of 339 East 10th Street, easterly along the northern property lines of 341 to 345 East 10th Street to the western curblineline of Avenue B, southerly along the western curblineline of Avenue B to its intersection with the northern curblineline of East 10th Street, westerly along the northern curblineline of East 10th Street to the point of the beginning.

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the City Charter;

WHEREAS, the City Planning Commission submitted to the Council on March 16, 2012 its report on the Designation dated March 14, 2012 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on April 3, 2012; and

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

RESOLVED:

Pursuant to Section 3020 of the City Charter, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III, PETER A. KOO; Committee on Land Use, April 4, 2012.

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 and Elections

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

Report for M-774

Report of the Committee on Rules, Privileges and Elections approving the appointment by the Mayor of James Stolpinski as a member of the New York City Waterfront Management Advisory Board

The Committee on Rules, Privileges and Elections, to which the annexed resolution was referred on April 18, 2012, respectfully

REPORTS:

Topic I: New York City Waterfront Management Advisory Board – (Mayoral Candidate for appointment upon advice and consent of the Council)

• **James Stolpinski [Preconsidered M 774]**

New York City Charter ("Charter") §1303 provides for the establishment of a Waterfront Management Advisory Board ("the Board"). The Board serves as an advisory body to the Deputy Mayor for Economic Development, the Commissioner of Small Business Services, and the City Planning Commission concerning any matters relating to the industrial, commercial, residential, recreational or other use of wharves, waterfront property and waterfront infrastructure in the City.

The Board consists of 17 members: the Deputy Mayor for Economic Development, as Chairperson; the Commissioner of Small Business Services, as Vice Chair; the Chairperson of the City Planning Commission; the Commissioner of Environmental Protection; one City Council Member designated by the City Council; and twelve members to be appointed by the Mayor with the advice and consent of the City Council, provided that there is at least one appointed member from each borough. Appointed members shall include representatives of labor, the maritime industries, the transportation industries, the real estate industry, the hospitality industries, as well as environmental advocates and community advocates. [§1303(a).]

The 12 appointed members of the Board serve for staggered three-year terms, except that of the members first appointed: four shall be appointed for terms of one-year, four shall be appointed for terms of two years, and four shall be appointed for terms of three years. Members serve without compensation. [§1303(b).]

As enumerated in *Charter* §1303(e), the Board is required to:

(1) Hold at least one meeting every six months;

(2) Consult and advise the Deputy Mayor for Economic Development, the Commissioner of Small Business Services and the City Planning Commission on any matter relating to the industrial, commercial, residential, recreational or other use or development of wharves, waterfront property and waterfront infrastructure in the City, and on other matters as may be requested by the Chairperson of the Board;

(3) Create any committees or subcommittees consisting of at least one Board member or their designated representative as the board deems appropriate to carry out the Board's responsibilities, provided that there shall be a committee on recreational uses of the waterfront; and

(4) Issue a report by March 1, 2010, and every two years after, to the Mayor, the City Council, and Borough Presidents regarding the development of wharves, and waterfront property and infrastructure in the City during the immediately preceding two calendar years, provided that the report due March 1, 2010 shall relate to calendar year 2009 only.

If appointed, Mr. Stolpinski, a resident of Staten Island, will be eligible to serve the remainder of a one-year term that began on September 1, 2011 and expires on August 31, 2012. Copies of Mr. Stolpinski's résumé and report/resolution are annexed to this briefing paper.

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

• **Robert F. Nolan [Preconsidered M 797]**

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 (a)(b)(c)(d).]

As provided by law, a Board of Directors consisting of sixteen members administers HHC. [HHC By-Laws Article IV § 2] 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 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. [HHC By-Laws Article VI §1(b).] 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. [HHC By-Laws Article VI § 1(i).] The Chair of each committee, both standing and special, shall be designated by a majority vote of the Board. [HHC By-Laws Article VI § 1(d).]

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. [*Unconsolidated Laws of the State of New York* § 7384 (1).] 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. [*Unconsolidated Laws of the State of New York* § 7384 (4).]

Mr. Nolan is scheduled to appear before the Committee on Rules, Privileges and Elections on Wednesday, April 18, 2012. If Mr. Nolan, a resident of the Bronx, is re-designated by the Council, and subsequently re-appointed to HHC by the Mayor, he will be eligible to serve for the remainder of a five-year term that began on March 21, 2012 and expires on March 20, 2017. Copies of Mr. Nolan's résumé and report/resolution are annexed to this briefing paper.

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.

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.

After interviewing the candidates and reviewing the relevant material, this Committee decided to recommend the respective appointments of the nominees (for nominee Robert F. Nolan [Preconsidered M 797], please see the Report of the Committee on Rules, Privileges and Elections for M-797 & Res No. 1310 printed in these Minutes; for nominee James Stolpinski [Preconsidered M 774], please see immediately below):

The Committee on Rules, Privileges and Elections which was referred to on April 18, 2012, respectfully reports:

Pursuant to §§ 31 and 1303 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of James Stolpinski as a member of the New York City Waterfront Management Advisory Board to serve for the remainder of a one-year term that began on September 1, 2011 and expires on August 31, 2012.

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

Res. No. 1309

Resolution approving the appointment by the Mayor of James Stolpinski as a member of the New York City Waterfront Management Advisory Board

By Council Member Rivera.

RESOLVED, that pursuant to §§ 31 and 1303 of the New York City Charter, the Council does hereby approve the appointment by the Mayor of James Stolpinski as a member of the New York City Waterfront Management Advisory Board to serve for the remainder of a one-year term that began on September 1, 2011 and expires on August 31, 2012.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., ERIK MARTIN-DILAN, LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, INEZ E. DICKENS, JAMES VACCA, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN; Committee on Rules, Privileges and Elections, April 18, 2012.

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 and Elections and had been favorably reported for adoption.

Report for M-797

Report of the Committee on Rules, Privileges and Elections approving the re-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 resolution was referred on April 18, 2012, respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M- 774 above printed in these Minutes)

Accordingly, this Committee recommends its adoption.

The Committee on Rules, Privileges and Elections which was referred to on April 18, 2012, 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 re-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 began on March 21, 2012 and will expire on March 20, 2017.

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

Res. No. 1310

Resolution approving the re-designation 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 re-designation of Robert F. Nolan as a candidate for re-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 began on March 21, 2012 and will expire on March 20, 2017.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., ERIK MARTIN-DILAN, LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, INEZ E. DICKENS, JAMES VACCA, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN; Committee on Rules, Privileges and Elections, April 18, 2012.

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:

Approved New Applicant's Report

<u>Name</u>	<u>Address</u>	<u>District #</u>
Avinand Joseph Jutagir	389 East 89 th Street #19C New York, N.Y. 10128	5
Sergio J. Romero	2375 First Avenue #12C New York, N.Y. 10035	8
Shenese Talton	2141 Crotona Avenue #1G Bronx, N.Y. 10457	15
Mona Salama	31-30 41 st Street Astoria, N.Y. 11103	22
John Brent Hill	580 Union Street #4R Brooklyn, N.Y. 11215	39
Vanessa McNeil	428D Chester Street Brooklyn, N.Y. 11212	42
Ahmet Kargi	8645 Bay Parkway #D2 Brooklyn, N.Y. 11214	47
Trisha Munroe	416 Maryland Avenue #3B Staten Island, N.Y. 10305	49
Hector Quinones	111-4 Freedom Avenue Staten Island, N.Y. 10314	50

Approved New Applicants and Reapplicants

<u>Name</u>	<u>Address</u>	<u>District #</u>
John L. Rivera	16 Monroe Street #11A New York, N.Y. 10002	1
Nicole Freeman	113 East 13 th Street #10F New York, N.Y. 10003	2
Richard Kneiling	306 East 83 rd Street New York, N.Y. 10028	5
Martin M. Williamson	2508 Broadway #2A New York, N.Y. 10025	6
Martha Chevalier	654 West 161 st Street New York, N.Y. 10032	7
Mary Chauncey	70 East 18 th Street New York, N.Y. 10029	8
Mary R. Frazier	700 Lenox Avenue #8G New York, N.Y. 10039	9
Kathie Lorenzo	12 West 119 th Street #3 New York, N.Y. 10026	9
Maria Batista	294 Audubon Avenue #1 New York, N.Y. 10033	10
Cirse S. Guzman	10 Post Avenue #5D New York, N.Y. 10034	10
Blanca Martinez	164 Sherman Avenue #21 New York, N.Y. 10034	10

Magali Figueroa	140 Debs Place #25F Bronx, N.Y. 10475	12
Roxanne Gair	3909 Secor Avenue Bronx, N.Y. 10466	12
Daniel W. Iseley	24A Cooper Place Bronx, N.Y. 10475	12
Marina King	100-15 Aldrich Street #15G Bronx, N.Y. 10475	13
Michael Stephens	560 Balcom Avenue #7M Bronx, N.Y. 10465	14
Ernest Bauer	1624 Webster Avenue Bronx, N.Y. 10457	14
Norma Jimenez	2415 Morris Avenue #G4 Bronx, N.Y. 10468	16
Michael Broun Jr.	2873 Coddington Avenue Bronx N.Y. 10461	17
Lydia E. Cruz	3244 Third Avenue #A3 Bronx, N.Y. 10451	17
Cynthia J. Davis	1015 Anderson Avenue Bronx, N.Y. 10452	17
John Curley	22-08 201 st Street Queens, N.Y. 1136	19
Jin Ho Lee	36-22A Francis Lewis Blvd #201 Flushing, N.Y. 11358	19
Carmen Castro	133-01 Sanford Avenue #4M Flushing, N.Y. 11355	20
Raul Fong	48-50 187 th Street Queens, N.Y. 11365	20
Ralph Branson	32-20 101 st Street Queens, N.Y. 11369	21
John Boyne	4-21 27 th Avenue #10 Astoria, N.Y. 11102	22
Inessa Segal	31-16 28 th Road #4F Astoria, N.Y. 11102	22
Jacqueline Black	209-17B Hillside Avenue Queens, N.Y. 11427	23
Iqbal Muhammad Shaikh	88-73 193 rd Street #6F Queens, N.Y. 11423	23
Stanley Tischler	108-53 62 nd Drive #11K Queens, N.Y. 11375	24
Carol L. Bouknight	97-07 Horace Harding Expressway #15B Rego Park, N.Y. 11368	25
Luz A. Gonzalez	163-19 Phorane Avenue #1 Jamaica, N.Y. 11433	27
Juanita Hayes	159-14 134 th Avenue Jamaica, N.Y. 11434	28
Joel Bobadilla	9009 104 th Street Richmond Hill, N.Y. 11418	30
Yvonne Hernandez	102-26 86 th Avenue #B1 Richmond Hill, N.Y. 11418	30
Domenico Mistretta	59-20 59 th Road Maspeth, N.Y. 11378	30
Gail A. Zaroni	94-16 Park Lane South Woodhaven, N.Y. 11421	30
Evelyn Vega	334 Beach 56 th Street #6C Arverne, N.Y. 11692	31
Theresa Ariola	86-1 164 th Avenue Queens, N.Y. 11414	32
Ginet Reyes	85-1 Forest Parkway Woodhaven, N.Y. 11421	32
Catherine V. Thompson	932 St.Marks Avenue #2E Brooklyn, N.Y. 11213	36
Rosemarie Coles	454 15 th Street #4R Brooklyn, N.Y. 11215	39
Annie Dunn	621 Lefferts Avenue #C17 Brooklyn, N.Y. 11203	40
Willermine Bonica	284 Sutter Avenue #2B Brooklyn, N.Y. 11212	41
Patrick F. Falletta	1946 Bergan Avenue #2B Brooklyn, N.Y. 11234	41
Sunday Ayanfodum	735 Lincoln Avenue #13E	42

Tamishia C. Flowers	Brooklyn, N.Y. 11208 142 Freeport Loop #2D Brooklyn, N.Y. 11239	42
Margaret D. Gardner	215 Cozine Avenue #1 Brooklyn, N.Y. 11207	42
Gwendolyn Hernandez	744 Pennsylvania Avenue #B6 Brooklyn, N.Y. 11207	42
Laiyin L. Li	73-12 15 th Avenue #1 Brooklyn, N.Y. 11228	43
Erika Stafford	365 87 th Street Brooklyn, N.Y. 11209	43
Susan Freund	1825 55 th Street Brooklyn, N.Y. 11204	44
Joanne Collins	1343 East 57 th Street Brooklyn, N.Y. 11234	46
Bruce Zurrow	316 Emmons Avenue #2 Brooklyn, N.Y. 11235	46
Sharon Fox	2610 Ocean Parkway #4A Brooklyn, N.Y. 11235	47
Louis J. Salmonese	1829 West 10 th Street Brooklyn, N.Y. 11223	47
L. Byers-Bernardini	165 St.Marks Place #9B Staten Island, N.Y. 10301	49
Joanne Nelson-Williams	35 Long Pond Lane Staten Island, N.Y. 10304	49
Catherine Carhonaro	99 East Macon Avenue Staten Island, N.Y. 10308	51
Frank Morano	1026 Sinclair Avenue Staten Island, N.Y. 10309	51
Dana M. Morigi	106 Alverson Avenue Staten Island, N.Y. 10309	51

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 774 & Res 1309 -- | James Stolpinski - appointment to the Waterfront Management Advisory Board. |
| (2) | M 775 & Res 1302 -- | Transfer City Funds between various agencies in FY12 (MN-3). |
| (3) | M 797 & Res 1310 -- | Robert F. Nolan- Council Candidate re-designation and subsequent re-appointment to the New York City Health and Hospitals Corporation. |
| (4) | Int 534-A -- | Requiring the department of environmental protection to undertake an assessment of the electricity generation capability of the city's water supply and wastewater treatment systems and bodies of water within the city's jurisdiction (with a Message of Necessity from the Mayor requiring an affirmative vote of at least two-thirds of the Council for passage). |
| (5) | Int 838 -- | Extension of Budget dates. |
| (6) | Int 711-A -- | relation to requiring various agencies to distribute information on how to obtain a library card. |
| (7) | Res 1298 -- | Designation of funding in expense budget (Transparency Resolution). |
| (8) | L.U. 586 & Res 1306 -- | App. 20125334 HKK (N 120185 HKK), 47-49 Graham Avenue [Block 3105, Lot 26) (List No.451, LP-2471)], Borough of Brooklyn, Community District 1, Council District 34. |
| (9) | L.U. 588 & Res 1307 -- | Application no. 20125363 HKK (N 070006(A) HKK), 360 Third Avenue (Block 978, Lot 7, now lot 7 in part) (List No.452-A, LP-2202-A), Borough of Brooklyn, Community District 6, Council |

- | | | |
|------|---|---|
| (10) | L.U. 589 & Res 1308 -- | District 38.
Application no. 20125456 HKM (N 120184 HKM), East 10th Street Historic District (List No.451, LP-2492), Borough of Manhattan, Community District 3, Council District 2. |
| (11) | L.U. 591 & Res 1303 -- | St. Lucy's Apartments, Block 1675, Lot 11, Manhattan, Council District No. 8. |
| (12) | L.U. 592 & Res 1304 -- | MHANY Brooklyn Cluster II, Block 1483, Lot 28, Brooklyn, Council District No. 41. |
| (13) | L.U. 593 & Res 1305 -- | Savoy Park, Block 1737, Lots 1, 15, 25, 59, and 69, Manhattan, Council District No. 9. |
| (14) | 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, 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, 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) – 49.

The General Order vote recorded for this Stated Meeting was 49-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **LU No. 593 & Res No. 1305:**

Affirmative – Arroyo, Brewer, Cabrera, Chin, 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, 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) – 48.

Abstention – Barron – 1.

The following was the vote recorded for **M-797 & Res No. 1310:**

Affirmative – Arroyo, Brewer, Cabrera, Chin, 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, 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) – 48.

Abstention – Barron – 1.

The following Introductions were sent to the Mayor for his consideration and approval: Int No.. 534-A passed under a Message of Necessity from the Mayor, Int No. 711-A, and Int No. 838.

INTRODUCTION AND READING OF BILLS

Int. No. 828
By Council Members Brewer, Dickens, James, Lander, Levin, Palma, Rose, Wills and Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to the New York city false claims act.

Be it enacted by the Council as follows:

Section 1. Subdivisions 6 and 7 of section 7-802 of the administrative code of the city of New York, as added by local law number 53 for the year 2005, are renumbered 7 and 8, respectively, and a new subdivision 6 is added to read as follows:

6. "Original source" means an individual who either (i) prior to a public disclosure pursuant to paragraph three of subdivision d of section 7-804 of this chapter has voluntarily disclosed to the city the information on which allegations or transactions in a claim are based, or (ii) has knowledge that is independent of and materially adds to the publicly disclosed allegations or transactions, and who has voluntarily provided such information to the city.

§ 2. Subdivision d of section 7-804 of the administrative code of the city of New York, as added by local law number 53 for the year 2005, is amended by adding a new paragraph 3 to read as follows:

3. if substantially the same allegations or transactions as alleged in the proposed complaint were publicly disclosed

(i) in a criminal, civil or administrative hearing;

(ii) in a legislative or administrative report, hearing, audit or investigation; or

(iii) by the news media and likely to be seen by the city officials responsible for addressing false claims;

unless the person who submitted the proposed complaint is an original source of the information. The corporation counsel may, in his or her absolute discretion, waive the application of this paragraph.

§ 3. Paragraphs 1 and 2 of subdivision i of section 7-804 of the administrative code of the city of New York, as added by local law number 53 for the year 2005, are amended to read as follows:

i. Awards from proceeds. 1. If the corporation counsel has elected to commence a civil enforcement action based on a proposed civil complaint, then the person or persons who submitted such proposed civil complaint collectively shall be entitled to receive between [ten]fifteen and twenty-five percent of the proceeds recovered in such civil enforcement action or in settlement of such action. Where the court finds that the action was based primarily on disclosures of specific information (other than information provided by the person bringing the action) relating to allegations or transactions in a criminal, civil or administrative hearing, in a legislative or administrative report, hearing, audit or investigation, or from the news media, the court may award such sums as it considers appropriate, but in no case more than ten percent of the proceeds, taking into account the significance of the information and the role of the person or persons who submitted the proposed civil complaint in advancing the case to litigation.

2. If a person, or such person's attorney has been designated to commence a civil enforcement action based on such person's proposed civil complaint, then such person shall be entitled to receive between [fifteen]twenty-five and thirty percent of the proceeds recovered in such civil enforcement action or in settlement of such action.

§ 4. Section 4 of local law number 53 for the year 2005 is amended to read as follows:

§ 4. This local law shall take effect 90 days after it shall have been enacted into law, and shall apply to claims filed or presented prior to, on or after such date[, and shall remain in effect until the first day of June, 2012 when it shall be deemed repealed; provided, however, that such expiration date shall not apply to any civil enforcement action brought pursuant to section 7-804 of the administrative code of the city of New York that was commenced prior to such date but has not by such date reached a final disposition].

§ 4. This local law shall take effect immediately.

Referred to the Committee on Governmental Operations (preconsidered but laid over by the Committee on Governmental Operations).

Res. No. 1293

Resolution calling upon the New York State Legislature to pass and the Governor to sign S.27/A.1883, legislation which would establish the Asian Lunar New Year as an official holiday for New York City students.

By Council Members Chin, Dromm, Ferreras, Fidler, Gentile, Gonzalez, James, Koo, Lander, Palma, Recchia, Rose, Williams and Halloran.

Whereas, The Asian Lunar New Year is considered to be a significant holiday by many in the Asian community; and

Whereas, The Lunar New Year is celebrated by Chinese, Koreans, Vietnamese and other Asian ethnic groups; and

Whereas, Legislation was introduced in the New York State Senate and Assembly that would amend the State Education Law in relation to establishing the Asian Lunar New Year school holiday; and

Whereas, S.27/A.1883, sponsored by Senator Daniel Squadron and Assembly Member Grace Meng, calls for the establishment of the Asian Lunar New Year day as a school holiday for all school districts of cities with one million inhabitants or more, with an Asian population of seven and one-half percent or more; and

Whereas, According to statistics from the New York City Department of Education (DOE), approximately 14% of students in the New York City school system are considered to be Asian American; and

Whereas, While the DOE excuses absences taken for missed days due to religious observances, the child is still marked absent and will miss a day of classes; and

Whereas, These absences will impact upon the child's and the school's attendance record; and

Whereas, Currently, New York City public schools are closed on several religious holidays, including Christmas, Good Friday, Rosh Hashanah and Passover; and

Whereas, New York's flourishing population of Asian American residents and students, along with the cultural importance of the Asian Lunar New Year, point to the necessity for the observance to be a school holiday; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign S.27/A.1883, legislation which would establish the Asian Lunar New Year as an official holiday for New York City students.

Referred to the Committee on Education

Int. No. 829

By Council Members Crowley, Chin, Fidler, Gentile, James, Koppell, Rose, Wills and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to capturing methane at New York city municipally-owned solid waste landfills.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that methane that is emitted from solid waste landfills is the second largest source of human related methane emissions in the United States and that the United States is responsible for eighteen percent of the global methane emissions from landfills. Methane is a potent greenhouse gas and a contributor to smog, which is associated with respiratory illnesses adversely impacting hundreds of thousands of New York City residents. The Council also finds that methane gas emissions present an opportunity to capture landfill gas to generate electricity or replace fossil fuels in industrial or manufacturing operations. The Council further finds that methane from the Freshkills Landfill Gas Plant generates one million dollars per month in revenue for New York City.

Therefore, the Council finds that it is in the best interests of the City to further explore opportunities to capture landfill gas from other closed municipally-owned solid waste landfills located within New York City.

§2. Subchapter 3 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-119.1 to read as follows:

§ 24-119.1 Landfill gas recovery. On or before December 1, 2013, and every three years thereafter, the department shall submit to the mayor and council a report studying the feasibility, including a cost-benefit analysis, of the construction and operation of an on-site landfill gas recovery facility at each closed and capped municipally-owned solid waste landfill in New York city where no such landfill gas recovery facility is currently located. A draft of such report shall be submitted to the mayor and the council no less than ninety days before the submission of the final report.

§3. This local law shall take effect immediately.

Referred to the Committee on Environmental Protection

Int. No. 830

By Council Members Crowley, Cabrera, Greenfield, Koslowitz, Lander, Recchia, Williams, Wills, Rodriguez and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to elimination of permit and or filing fees for green building projects undertaken on one to four family homes.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that our society needs energy sources to meet our demands that are sustainable, environmentally friendly, affordable, and that contribute to energy independence. Green building projects include the use of renewable energy and natural or recycled building materials. Renewable energy sources have the potential to meet our energy needs into the future without damaging air quality or adding to greenhouse gas emissions which exacerbate climate change. Solar energy, wind energy, geothermal energy and energy from biomass are desirable forms of energy because they are renewable, almost pollution free and would reduce greenhouse gas emissions. By contrast, our current energy consumption patterns leave us vulnerable to energy instability and climate change.

The Council further finds that green building or renovation projects can help small building owners meet some of their energy needs and building maintenance costs. Use of renewable energy is cleaner and cheaper, because there is no fuel cost, as well as more sustainable and it provides greater energy security. However, existing Building Code provisions and policies make it unduly burdensome to undertake green building or renovation projects on one to four family homes. For example, the permit fee alone can be as much as ten percent of the project cost, which can be substantial for a small building owner. Therefore the Council finds that it is in the best interests of the City to remove this impediment to green building and construction projects so as to further incentivize installation of green building or renovation projects on one to four family homes.

§2. Section 24-101.5 of the administrative code of the city of New York is amended by adding the definition for “green building project,” in alphabetical order following the definition of “fire protection plan,” to read as follows:

GREEN BUILDING PROJECT. A building project or renovation that, when implemented, will produce an increase in energy efficiency and water efficiency, enhance green infrastructure or advance environmental innovation. This may include installation renewable energy sources such as biomass, solar energy, geothermal ground source heat pumps or wind energy systems or the use of natural building materials and passive designs but does not include the use of coal, natural gas, oil or propane.

§3. Section 28-112.1 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended by adding a new exemption 3 to read as follows:

3. A permit, inspection or other service or privilege as regulated in this code shall not be subject to this provision if the work proposed is for a green building project as defined in section 24-101.5 of this code that is undertaken on a one to four family home.

§4. This local law shall take effect ninety days from enactment and shall be applicable to any construction documents pending before the department of buildings on such effective date and the commissioner of buildings shall take such measures 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. 831

By Council Members Crowley, James, Koppell, Palma, Rose, Wills, Rodriguez, Ulrich, Gonzalez, Lander, Sanders, and Lappin.

A Local Law to amend the administrative code of the city of New York, in relation to speed limits when passing vehicles engaged in the collection of waste.

Be it enacted by the Council as follows:

Section 1. Subchapter three of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-187 to read as follows:

§19-187 Speed limit when passing vehicles collecting waste. The driver of a motor vehicle, upon overtaking a vehicle engaged in the collection of waste and recyclables for the department of sanitation or a vehicle engaged in the collection of waste and recyclables for a private entity licensed pursuant to section 16-505 of the code, shall not exceed a speed of ten miles per hour.

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

Referred to the Committee on Transportation

Int. No. 832

By Council Members Crowley, James, Koppell, Koslowitz, Palma, Rose, Wills, Rodriguez, Gonzalez, Lander, Sanders, Lappin and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to safety rules and procedures for employees engaged in the collection of waste and recyclables.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-136 to read as follows:

§16-136 Safety rules and procedures for employees engaged in collection of waste and recyclables. a. Within one hundred eighty days of the effective date of this section, the commissioner shall review all department regulations and procedures concerning the safety of department employees engaged in the collection of waste and recyclables and determine whether such rules and procedures should be updated. At such time, the commissioner shall formalize and publish such regulations and procedures and make them accessible to the public on the department website.

b. Within one hundred eighty days of the effective date of this section, the commissioner shall establish a list of preferred practices concerning the safety of employees of private companies, licensed pursuant to section 16-505 of the code, who are engaged in the collection of waste and recyclables. Such list of preferred practices may be based on the regulations and procedures set forth in subdivision a of this section.

2. This local law shall take effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management

Res. No. 1294

Resolution calling upon the Department of Education to calculate salaries of teachers in the New York City public school system based on the Department’s central budget, rather than an individual school’s budget.

By Council Members Crowley, James, Rose, Wills and Halloran.

Whereas, The Department of Education (the “Department”) provides primary and secondary education to over 1 million prekindergarten to grade 12 students throughout 1,700 schools in 32 school districts, and employs approximately 75,000 teachers; and

Whereas, The Department prepares students to meet grade level standards in reading, writing and math, and prepares high school students to pass Regents exams and to meet graduation requirements; and

Whereas, The Department also operates the school food service program, maintains public school buildings and offices, and provides transportation services to students; and

Whereas, Further, the Department provides special education instructional services and related therapies to students enrolled in both public and private school settings; and

Whereas, Finally, the Department distributes categorical supports to non-public schools and service providers; and

Whereas, The Department’s \$19.2 billion Operating Budget (the total budget less pension and debt service costs) includes funding for principals, teachers, textbooks and supplies; and

Whereas, It also pays for central administration and field support offices, which work with schools to provide support and help improve student achievement; and

Whereas, Each public school has an individual school budget that is funded by the Department through a variety of allocation formulas and pass-through entities; and

Whereas, The Department’s budget is divided into 26 units of appropriation (“UA”), each of which contains funding to support either personal services (wages and salaries) or other than personal services spending related to a particular service area or function; and

Whereas, All of the funding allocated to schools to support their operations is budgeted centrally within UAs 401, 402, 403, 404, 481 and 482 (although not all of the money budgeted in these UAs funds schools’ budgets); and

Whereas, The City’s budget does not include information on how much money any individual school receives, nor does it show how many employees any particular school has or what specific courses of study are available; and

Whereas, Beginning in the 2007-2008 school year, the Department began using the fair student funding (“FSF”) formula to distribute most of the city and unrestricted state funds needed to operate the schools; and

Whereas, The FSF allocation, which totals \$4.8 billion this school year, is the core of a school’s budget; and

Whereas, The FSF allocation covers basic instructional needs, including teachers’ salaries, and is allocated to each school based on the number and need level of students enrolled at that school, instructional staff, and school operating overhead; and

Whereas, In times when an individual school’s budget is decreased, it is possible that the amount of money spent per pupil can remain the same, or even increase; and

Whereas, Accordingly, funding for resources, such as standardized tests, after-school programs, school buses, heating and cooling for school buildings, safety, and school lunches, must compete with funding for resources needed for wages and salaries within an individual school; and

Whereas, All money allocated through FSF can be used at the principals’ discretion; and

Whereas, Teachers’ salaries, reflected in a salary schedule, are determined by the contract entered into between the United Federation of Teachers and the City; and

Whereas, The salary schedule provides for proportional increases in salary when there is an increase in experience level (based on years), and education level; and

Whereas, As a result, principals often must make the difficult decision of hiring inexperienced and less educated teachers, and therefore, less expensive teachers, rather than hiring more experienced teachers with advanced education, to ensure that

the individual school has sufficient resources to allow students to get a sound education; and

Whereas, Prior to the FSF, money allocated to an individual school was determined by the experience and education level of a school's teachers, which determined the teachers' salaries and the school's staffing needs, rather than student achievement needs; and

Whereas, In preparation for the transition to the FSF, where it was assumed that many teachers would be adversely affected in terms of obtaining or maintaining employment, in April 2007, the Department provided a Legacy Teacher Supplement ("LTS"), which is given to schools as a separate allocation for teachers to fund the increases in salaries due to increases in education and longevity; and

Whereas, The LTS is only provided for teachers who were on the school's budget prior to the implementation of FSF; and

Whereas, While LTS is a tremendous resource in preserving existing teachers, it does not safeguard against the reluctance to hire more experienced teachers whose salary would be counted against an individual school's budget; and

Whereas, Schools opened after April 2007 are most significantly disadvantaged in that these schools are ineligible to receive any LTS funding, and therefore, such schools are most often staffed with only new, inexperienced teachers; and

Whereas, Allowing the salary for teachers to be calculated against the Department's Operating Budget as a whole, rather than an individual school's budget, would diminish the competition felt by principals to sacrifice teacher quality; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Department of Education to calculate salaries of teachers in the New York City public school system based on the Department's central budget, rather than an individual school's budget.

Referred to the Committee on Education

Int. No. 833

By Council Members Dilan, Koo, Koppell, Recchia, Wills and Rodriguez (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to disclosure of smoking policies for class A multiple dwellings.

Be it enacted by the Council as follows:

Section 1. Legislative findings. The Council hereby finds that there are more than two hundred fifty chemicals in secondhand smoke known to be toxic or carcinogenic. Secondhand smoke is a major cause of heart disease, stroke, respiratory disease, lung cancer and other illnesses. Non-smokers exposed to secondhand smoke in the home have higher risks of asthma, heart disease, lung cancer and chronic respiratory disease. Non-smokers who already have chronic heart or lung diseases are particularly susceptible to the effects of second-hand smoke. Young children are also particularly vulnerable to the dangers of secondhand smoke and, on average, are exposed to more of it than adults. More than fifty percent of adults in New York City living in multiple dwellings report being exposed to secondhand smoke from neighboring apartments. Children in non-smoking homes within multiple dwellings have forty-five percent more blood cotinine (a biomarker for smoke exposure) than children in non-smoking homes who live in detached houses. Based on these findings, the Council declares that enactment of this provision is necessary to ensure that tenants of rental, cooperative and condominium units are informed of where smoking is permitted and where it is prohibited in a particular building and that prospective tenants and purchasers are so informed before signing a lease or purchasing a residential unit.

§ 2. Section 17-502 of the administrative code of the city of New York is amended by adding new subdivisions qq, rr, ss, tt and uu to read as follows:

qq. "Class A multiple dwelling" means a class A multiple dwelling as defined by subdivision 8 of section 27-2004 of the administrative code of the city of New York.

rr. "Class A multiple dwelling smoking policy" means a written declaration that discloses in a clear and conspicuous fashion where smoking is permitted or prohibited on the premises, including outside areas within fifteen feet of entrances, doorways and air intake units of the class A multiple dwelling. The policy shall address all indoor and outdoor locations of the property in question, including common areas, balconies, courtyards, rooftops and dwelling units. The policy shall comply with all applicable federal, state and local laws, rules and regulations and shall apply to tenants, including invitees of tenants, and any other person on the premises.

ss. "Owner of a class A multiple dwelling" means the owner of record, seller, manager, landlord or governing body of a class A multiple dwelling, including the board of managers in the case of a condominium and the board of directors in the case of a cooperative apartment corporation, or an agent authorized to act on behalf of such owner of record, seller, manager, landlord or governing body.

tt. "Purchaser" means a person who purchases a dwelling unit in a class A multiple dwelling.

uu. When referring to a dwelling unit in a class A multiple dwelling, "tenant" means a tenant, tenant-stockholder of a cooperative apartment corporation,

condominium unit owner, subtenant, lessee, sublessee or other person entitled to the possession or to the use or occupancy of a dwelling unit.

§ 3. Title 17 of the administrative code of the city of New York is amended by adding a new section 17-506.1 to read as follows:

§ 17-506.1 Obligation of owners of class A multiple dwellings to adopt and disclose smoking policy. a. Adoption of class A multiple dwelling smoking policy. The owner of a class A multiple dwelling shall adopt a class A multiple dwelling smoking policy.

b. Class A multiple dwelling smoking policy rider. 1. Before a prospective or current tenant enters into a lease agreement to rent or lease a dwelling unit, the owner of a class A multiple dwelling shall provide the tenant with a copy of the building's class A multiple dwelling smoking policy. The tenant shall sign and return to the owner of a class A multiple dwelling a rider, acknowledging his or her receipt of the class A multiple dwelling smoking policy, and the rider shall be incorporated into, and become part of, the lease agreement.

2. Before a purchaser enters into a contract of sale for a dwelling unit, the owner of a class A multiple dwelling shall provide the purchaser with a copy of the building's class A multiple dwelling smoking policy. The purchaser shall sign and return to the owner of a class A multiple dwelling a rider, acknowledging his or her receipt of the class A multiple dwelling smoking policy, and the rider shall be incorporated into, and become part of, the contract of sale.

c. Notification of material changes to class A multiple dwelling smoking policy. The owner of a class A multiple dwelling shall promptly notify all tenants upon adoption of the building's class A multiple dwelling smoking policy or the making of any material change to the building's class A multiple dwelling smoking policy.

§ 4. Section 17-508 of the administrative code of the city of New York is amended by adding a new subdivision d-1 to read as follows:

d-1. It shall be unlawful for any owner of a class A multiple dwelling to fail to adopt or fail to disclose the class A multiple dwelling smoking policy as required pursuant to section 17-506.1.

§ 5. Subdivisions e, f, h and i of section 17-508 of the administrative code of the city of New York, as amended by local law number 11 for the year 2011, are amended to read as follows:

e. Every person who violates subdivisions a or b of this section shall, for a first violation thereof, be liable for a civil penalty of not less than two hundred dollars nor more than four hundred dollars; for a second violation, both of which were committed within a period of twelve months, be liable for a civil penalty of not less than five hundred dollars nor more than one thousand dollars; and for a third or subsequent violation, all of which were committed within a period of twelve months, be liable for a civil penalty of not less than one thousand dollars nor more than two thousand dollars. Every person who violates subdivision d or d-1 of this section shall be liable for a civil penalty of one hundred dollars for each violation, except that every person who violates subdivision d of this section by smoking in a pedestrian plaza as prohibited by paragraph seven of subdivision c of section 17-503 or in a park or other property under the jurisdiction of the department of parks and recreation as prohibited by paragraph three of subdivision d of section 17-503 shall be liable for a civil penalty of fifty dollars for each violation.

f. A proceeding to recover any civil penalty authorized pursuant to the provisions of subdivision e of this section shall be commenced by the service of a notice of violation which shall be returnable to the [administrative tribunal established by the board of] health tribunal at the office of administrative trials and hearings, except that (i) a proceeding to recover a civil penalty authorized pursuant to subdivision e for violation of subdivision d by smoking in a pedestrian plaza or in a park or other property under the jurisdiction of the department of parks and recreation, as prohibited by paragraph seven of subdivision c and by paragraph three of subdivision d of section 17-503 respectively, shall be commenced by the service of a notice of violation which shall be returnable to the environmental control board, and (ii) a proceeding to recover a civil penalty authorized pursuant to subdivision e for violation of subdivision d-1 shall be commenced by the service of a notice of violation which shall be returnable to the health tribunal at the office of administrative trials and hearings or the environmental control board. The [board of health's administrative] health tribunal at the office of administrative trials and hearings and the environmental control board shall have the power to impose the civil penalties prescribed by subdivision e of this section.

h. If the [administrative tribunal established by the board of] health tribunal at the office of administrative trials and hearings or the environmental control board finds, upon good cause shown, that the respondent cannot correct the violation specified in subdivision g of this section, it may postpone the period for compliance with such order upon such terms and conditions and for such period of time as shall be appropriate under the circumstances.

i. In any proceeding before the [administrative tribunal established by the board of] health tribunal at the office of administrative trials and hearings or the environmental control board, if the tribunal finds that the department or other agency issuing the notice of violation has failed to prove the violation charged, it shall notify the department or other agency issuing the notice of violation, and the order requiring the respondent to correct the condition constituting the violation shall be deemed to be revoked.

§ 6. Subdivision a of section 17-513 of the administrative code of the city of New York is amended to read as follows:

a. The commissioner shall promulgate rules in accordance with the provisions contained in this chapter, and such other rules as may be necessary for the purpose of implementing and carrying out the provisions of this chapter; provided that such rules may include a requirement for owners of class A multiple dwellings to submit class A multiple dwelling smoking policies to the department of health and mental

hygiene for the purpose of making such class A multiple dwelling smoking policies publicly available.

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

Referred to the Committee on Housing and Buildings.

Res. No. 1295

Resolution calling on the New York State Legislature to amend the Arts and Cultural Affairs Law to define “e-ticket,” “paperless ticket” and “paperless ticketing system,” and calling for greater enforcement of current law relating to the transferability of tickets.

By Council Members Garodnick, Brewer, James, Koo and Lander.

Whereas, In 2007, the State of New York enacted a law that repealed all restrictions governing the pricing of resold tickets for theater, music and sporting events (the “Repeal”); and

Whereas, Prior to the Repeal, tickets for large venues could not be resold for more than 45 percent of their original value, and tickets for small venues could not be resold for more than 20 percent of their original value; and

Whereas, Though the Repeal was due to sunset in 2009, it has been extended every year since; and

Whereas, When the Repeal was extended in 2010, language was added to the Arts and Cultural Affairs Law to provide for a means for transferring paperless tickets from one consumer to another; and

Whereas, This new language, located in section 25.30(1)(c) of the Arts and Cultural Affairs Law, prohibits a primary ticket seller from using “a paperless ticketing system unless the consumer is given an option to purchase paperless tickets that the consumer can transfer at any price, and at any time, and without additional fees, independent of the operator or the operator’s agent”; and

Whereas, Section 25.30(1)(c) of the Arts and Cultural Affairs Law also states that “an operator or an operator’s agent may employ a paperless ticketing system that does not allow for independent transferability of paperless tickets only if the consumer is offered an option at the time of initial sale to purchase the same tickets in some other form that is transferrable [sic] independent of the operator or operator’s agent including, but not limited to, paper tickets or e-tickets”; and

Whereas, The Arts and Cultural Affairs Law does not define “paperless ticket,” “paperless ticketing system,” or “e-ticket,” potentially complicating one’s understanding of the law; and

Whereas, In spite of the absence of important definitions, the law is clear on the prohibition of nontransferable tickets; and

Whereas, Unfortunately, on several occasions since the 2010 extension of the Repeal, tickets to live music events in New York City have been sold via will-call only, requiring the ticket purchaser to show up in person and present his or her credit card in order to gain entry; and

Whereas, While using will-call ticketing exclusively may be well-intentioned, it fails to comply with state law and robs consumers of their right to transfer tickets as they see fit; and

Whereas, Limiting transferability of tickets can have an adverse effect on certain consumers, such as those who purchase tickets as a gift for someone else, those who wish to resell their tickets when they are unable to attend the event, and those who might need to sell a portion of their season tickets in order to be able to afford the rest of the package; and

Whereas, In light of the growing prevalence of electronic ticketing, it is important that consumers retain the ability to transfer tickets in any circumstance; and

Whereas, The most recent extension of the Repeal is due to sunset on May 14, 2012; and

Whereas, The next extension presents the state legislature with an opportunity to improve the language of the Arts and Cultural Affairs Law by defining the necessary terms; and

Whereas, As the state legislature considers another extension, it is also appropriate to call on the state Attorney General to improve the enforcement of Section 25.30(1)(c); now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to amend the Arts and Cultural Affairs Law to define “e-ticket,” “paperless ticket” and “paperless ticketing system,” and calls for greater enforcement of current law relating to the transferability of tickets.

Referred to the Committee on Consumer Affairs.

Int. No. 834

By Council Members Gennaro, Brewer, Fidler, Gonzalez, James, Koppell, Koslowitz, Lander, Levin, Palma, Rose, Wills and Rodriguez.

A Local Law to amend the New York city charter, in relation to convening the New York city panel on climate change regularly, for the purpose of producing a report on climate change adaptation in New York city.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that in order to increase the effectiveness of New York City measures intended to prepare for and alter the course of adverse climate change impacts on New York City’s critical infrastructure and vulnerable citizens, and consistent with the spirit of PlaNYC 2030 and the New York City Climate Protection Act, Local Law 22 of 2008, the New York City Panel on Climate Change should be institutionalized. The Council also finds that global climate models predict that temperatures, precipitation, sea levels, and extreme weather events will increase dramatically, even in the next ten years. The Council further finds that a significant number of variables, including but not limited to an increase in temperatures, can have an immutable effect on New York City’s future and that identifying and gauging these variables can also inform and dictate our intelligent response to climate change. Finally, the Council finds that New York City will be benefited by permanent, periodic updates on current climate change data, trends, and projections, and analysis on how this information poses new and various risk scenarios concerning critical infrastructure and vulnerable citizens. Therefore, the Council finds that it is in the best interests of the City to convene the New York City Panel on Climate Change regularly, for the purpose of producing a report on Climate Change Adaptation in New York City.

§ 2. Section 20 of the New York city charter is amended by adding a new subdivision j to read as follows:

j. New York city panel on climate change. 1. There shall be a New York city panel on climate change whose members shall include but not be limited to, climate scientists and experts, academics, and private sector practitioners, including legal, insurance, and risk management experts, who shall be appointed by the mayor.

2. i. The panel shall meet at least once every two years for the purpose of developing climate change projections for New York city and tools to assist the city’s climate change adaptation task force, or any other applicable department or office, in implementing procedures, actions, and programs to address current and future impacts on critical New York city infrastructure, and on vulnerable citizens.

ii. For purposes of this subdivision, the term “vulnerable citizens” shall mean individuals or communities especially susceptible to, and unable to cope with, extreme climate change impacts including persons age sixty or older, women, children, persons with disabilities, and the poor.

3. No later than one year after the panel first convenes and every second year thereafter, the panel shall prepare and make public a report of its findings on climate change data, predictions, and the current and projected impacts on infrastructure and vulnerable citizens. The report shall include, at a minimum:

i. Observed climate. Current findings on trends in temperature, precipitation, sea level changes, and extreme weather events.

ii. Indicators and monitoring. Discussion and analysis of indicators to monitor for climate change data, which shall include, but not be limited to, the Earth’s carbon cycle, global and regional sea level, changes in polar ice, and advances in climate science and technology.

iii. Future data predictions. Predictions of future temperature, precipitation, sea level changes, and extreme weather events, identifying their probability of occurrence and the factors that influence any uncertainties in each prediction.

iv. Climate risk factors and infrastructure impacts. Generalized climate variables prioritized by considerations of the potential impacts to New York city’s critical infrastructure and vulnerable citizens, which shall include, but not be limited to, temperature-related impacts, precipitation-related impacts, and sea level rise-related impacts.

v. Climate change scenarios. Descriptions of plausible future climate conditions in New York city based on future data predictions and response strategies based on current or possible adaptation plans, taking into account factors such as, but not limited to, population growth, and technological and land-use changes.

vi. Adaptation plan assessment. Analysis and assessment of the New York city climate change adaptation task force’s, or any other applicable department or office’s, active or adopted adaptation plans in light of the panel’s current findings and predictions on climate change data and impacts.

§ 3. This local law shall take effect one hundred eighty days after enactment, except that the director of the office of long-term planning and sustainability shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Environmental Protection.

Int. No. 835

By Council Members Halloran, Nelson, Gentile, Greenfield, James, Koo, Koppell, Recchia, Rose, Wills, Rodriguez and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to authorizing the department of sanitation to ensure the removal of snow and ice from fire hydrants.

Be it enacted by the Council as follows:

Section 1. Section 15-205 of chapter 2 of title 15 of the administrative code of the city of New York is amended to read as follows:

§15-205 Obstruction of fire hydrants. It shall be unlawful in any manner to obstruct the use of any fire hydrant, to allow any snow or ice to be thrown or piled upon or around the same, or to place, or allow to be placed, any material or thing in front thereof, from the curb line to the center of the street and to within ten feet from either side thereof. All snow and ice accumulating in the street, within such space, shall be removed by the owner, lessee, or tenant of the premises fronting such space. *The provisions of this section may be enforced by the department and the department of sanitation.* All material or things found obstructing any fire hydrant may be forthwith removed by the officers or employees of the department *or the department of sanitation*, at the risk, cost and expense, of the owner or claimant. The provision of this section requiring that no thing shall be placed within ten feet from either side of a fire hydrant shall not apply to any newsstand which was first licensed by the department of consumer affairs prior to the first day of August, nineteen hundred seventy-nine where the person who held the license for such newsstand on the first day of August, nineteen hundred ninety-one continues to be the licensee for such newsstand; provided, however, that where a newsstand which was first licensed prior to the first day of August, nineteen hundred seventy-nine is reconstructed in its entirety or in substantial part, which reconstruction was commenced on or after the first day of August, nineteen hundred ninety-one, such newsstand shall be subject to such requirement that no thing be placed within ten feet from either side of a fire hydrant.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 836

By Council Members Koslowitz, Koo, Dickens, Palma, Arroyo, Weprin, Van Bramer, Reyna, Comrie, Vacca, Brewer, Gentile, James, Recchia, Rose, Wills, Halloran and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to requiring food vendors to post prices.

Be it enacted by the Council as follows:

Section 1. Section 17-314 of the administrative code of the city of New York is amending by adding a new subdivision e to read as follows:

e. Post prices for each food item offered for sale from any vehicle or food cart used in the operation of his or her business. It shall be unlawful to charge more for a food item than the amount displayed on such vehicle or food cart.

§2. This local law shall take effect one hundred twenty days after enactment provided, however that the commissioner of consumer affairs shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Consumer Affairs.

Int. No. 837

By Council Members Lander, James, Rose, Wills, Halloran and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to a sidewalk litter exemption on holidays during which alternate side parking is suspended.

Be it enacted by the Council as follows:

Section 1. Subdivision 2 of section 16-118 of the administrative code of the city of New York is amended by adding a new paragraph c to read as follows:

(c) This subdivision shall not apply on holidays on which alternate side of the street parking rules have been suspended pursuant to section 19-163 of the code.

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

Referred to the Committee on Sanitation and Solid Waste Management.

Res. No. 1296

Resolution calling upon the United States Congress to disapprove the proposed increase in the “Minimum Rent” for Section 8 voucher holders as proposed in the second draft, dated October 5, 2011, of the Section 8 Savings Act of

2011 released by the Majority Leadership of the House Committee on Financial Services.

By Council Members Palma, Arroyo, Brewer, Chin, Dromm, James, Koslowitz, Lander, Levin, Rose, Wills and Rodriguez.

Whereas, The Section 8 Housing Choice Voucher program, currently administered by the United States Department of Housing and Urban Development (HUD), is the nation’s primary form of low-income housing assistance, with approximately two million low-income families and elderly and disabled individuals currently receiving vouchers authorized by Congress; and

Whereas, The Section 8 Housing Choice Voucher program was established in 1976 and primarily helps families with income levels no greater than 50 percent of area median income; and

Whereas, Section 8 vouchers enable these low-income families to pay no more than 30% of their household income in rent, with the difference in rent covered by HUD; and

Whereas, In New York City, approximately 121,000 low-income families currently receive Section 8 housing vouchers; and

Whereas, Recently, the Majority Leadership of the House Committee on Financial Services released a draft version of the “Section 8 Savings Act of 2011” (SESA); and

Whereas, SESA contains provisions that could increase the rents paid by Section 8 voucher holders some of whom are extremely low-income; and

Whereas, According to a report by the Center on Budget and Policy Priorities, entitled, *Proposed Change in HUD’s Minimum Rent Policy Could Raise Rents for Several Hundred Thousand Poor Families*, the bill increases the minimum rent in proportion to the Fair Market Rent (FMR) in the area where such voucher holder resides and would have the most detrimental effect on the poorest New Yorkers; and

Whereas, Pursuant to the provisions in SESA, the minimum rents that Section 8 voucher holders would pay would increase from \$50 to 12% of the local FMR, whichever is higher; and

Whereas, The FMR is the amount that the local Public Housing Authority (PHA), which administers the Section 8 voucher at the local level, is the highest monthly rent amount for an apartment unit that a PHA will accept in the program; and

Whereas, Such linkage would adversely affect New York City voucher holders because New York City has higher FMRs, on average, than other cities across the country, and

Whereas, For example in New York City the FMR for a studio is \$1,301 and a two-bedroom is \$1,566 and in the proposed draft of SESA a tenant’s portion of the rent for such studio and two-bedroom would increase by \$106.12 and \$136.72, respectively for the poorest families receiving a Section 8 voucher; and

Whereas, If SESA was enacted and Section 8 voucher holders were unable to pay their new rent and faced eviction it is unlikely that, given the affordable housing crisis in New York City, such Section 8 voucher holders would be able to find new apartments that are affordable and might be forced to leave New York City, thereby depriving New York City of its economic diversity; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to disapprove the proposed increase in the “Minimum Rent” for Section 8 voucher holders as proposed in the second draft, dated October 5, 2011, of the Section 8 Savings Act of 2011 released by the Majority Leadership of the House Committee on Financial Services.

Referred to the Committee on Housing and Buildings.

Res. No. 1297

Resolution supporting the federal government’s initiative to end homelessness among veterans by 2014.

By Council Members Palma, Arroyo, Brewer, Cabrera, Chin, Dromm, Fidler, Gonzalez, James, Koppell, Lander, Levin, Recchia, Rose, Vann, Wills, Rodriguez and Ulrich.

Whereas, The term “homeless” generally refers to people who lack permanent housing, including those who live on the streets, outdoors, in cars or abandoned buildings, or in transitional or emergency housing; and

Whereas, Veterans become homeless and are at risk for homelessness for the same reasons as non-veterans, including rising foreclosure and unemployment rates; and

Whereas, According to a 2009 report from New York State Senator Kirsten Gillibrand, New York City had an estimated 17,300 veterans who were unemployed, nearly 2,300 of whom were recent veterans of Iraq and Afghanistan; and

Whereas, According to the U.S. Department of Veterans Affairs (VA), a large number of homeless and at-risk of becoming homeless veterans also suffer from the lingering effects of post-traumatic stress disorder (PTSD) and substance abuse, which are compounded by a lack of family and support networks; and

Whereas, The majority of military personnel serving in Operation Enduring Freedom and Operation Iraqi Freedom who have experienced high-intensity guerilla warfare and chronic threats of explosive devices suffer from PTSD; and

Whereas, According to the VA, veterans returning from Afghanistan and Iraq are falling into homelessness at a faster pace than those of the Vietnam War; and

Whereas, According to the most recent joint report from the U.S. Department of Housing & Urban Development (HUD) and the VA on veterans homelessness, there were 144,842 veterans who experienced at least one night of homelessness over the course of calendar year 2010; and

Whereas, While veterans represent 9% of the total U.S. population, in 2010 they accounted for 13% of adults in shelters and 16% of homeless adults according to the 2010 annual homeless assessment report published by HUD and the VA; and

Whereas, According to the same 2010 annual homeless assessment, New York State has the third highest homeless veterans population in the country with 7.7% of the nation's homeless veterans residing in the State; and

Whereas, In January 2010, a point in time survey conducted jointly by HUD and the VA estimated that there are 5,857 homeless veterans in New York City; and

Whereas, The New York City Department of Homeless Services (DHS) and the VA partnered in 2006 to develop a plan to end homelessness among veterans in New York City, which, according to a 2009 joint NYC-VA task force report, resulted in a 62% reduction in the number of homeless veterans in the DHS shelter system from September 2006 to September 2009; and

Whereas, DHS has employed several strategies that have been successful in reducing veterans homelessness, including establishing short term transitional housing specifically for veterans, a veterans multi-service center, and the development of a veterans-specific Safe Haven facility; and

Whereas, All states should be working to end homelessness among veterans across the nation; and

Whereas, In June 2010, the Obama Administration and the U.S. Interagency Council on Homelessness (USICH) introduced Opening Doors: Federal Strategic Plan to Prevent and End Homelessness, a joint action by the 19 USICH member agencies along with local and state partners in the public and private sectors to end veterans homelessness by 2014; now, therefore, be it

Resolved, That the Council of the City of New York strongly supports the Federal government's initiative to end homelessness among veterans by 2014.

Referred to the Committee on Veterans.

Int. No. 838

By Council Members Recchia and Wills (by request of the Mayor).

A Local Law in relation to the date of submission by the Mayor of the proposed executive budget and budget message, the date of submission by the Borough Presidents of recommendations in response to the Mayor's executive budget, the date of publication of a report by the director of the independent budget office analyzing the executive budget, the date by which the Council hearings pertaining to the executive budget shall conclude, the date by which if the expense budget has not been adopted, the expense budget and tax rate adopted as modified for the current fiscal year shall be deemed to have been extended for the new fiscal year until such time as a new expense budget has been adopted, the date by which if a capital budget and a capital program have not been adopted, the unutilized portion of all prior capital appropriations shall be deemed reappropriated, the date of submission by the Mayor of an estimate of the probable amount of receipts, the date by which any person or organization may submit an official alternative estimate of revenues, the date by which if the Council has not fixed the tax rates for the ensuing fiscal year, the commissioner of finance shall be authorized to complete the assessment rolls using estimated rates, and related matters, relating to the fiscal year two thousand thirteen.

Be it enacted by the Council as follows:

Section 1. During the calendar year 2012 and in relation to the 2013 fiscal year:

1. Notwithstanding any inconsistent provisions of section 249 of the New York city charter, as added by vote of the electors on November 7, 1989, subdivision a of section 249 as amended by local law number 25 for the year 1998, the Mayor shall pursuant to such section submit a proposed executive budget and budget message as therein described not later than May 3, 2012.

2. Notwithstanding any inconsistent provisions of section 251 of the New York city charter, as added by vote of the electors on November 7, 1989, each borough president shall pursuant to such section submit recommendations in response to the Mayor's executive budget as therein described not later than May 11, 2012.

3. Notwithstanding any inconsistent provisions of section 252 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of the independent budget office shall pursuant to such section publish a report analyzing the executive budget as therein described not later than May 22, 2012.

4. Notwithstanding any inconsistent provisions of section 253 of the New York city charter, as added by vote of the electors on November 7, 1989, the Council shall pursuant to such section hold hearings on the executive budget as therein described which shall conclude by June 7, 2012.

5. Notwithstanding any inconsistent provisions of subdivision d of section 254 of the New York city charter, as added by vote of the electors on November 7, 1989, and subdivision b of section 1516 of the New York city charter, as amended by vote of the electors on November 7, 1989, if an expense budget has not been adopted by June 13, 2012 pursuant to subdivisions a and b of section 254 of the New York city charter, the expense budget and tax rate adopted as modified for the current fiscal year shall be deemed to have been extended for the new fiscal year until such time as a new expense budget has been adopted.

6. Notwithstanding any inconsistent provisions of subdivision e of section 254 of the New York city charter, as added by vote of the electors on November 7, 1989, if a capital budget and a capital program have not been adopted by June 13, 2012 pursuant to subdivisions a and b of such section, the unutilized portion of all prior capital appropriations shall be deemed reappropriated.

7. Notwithstanding any inconsistent provisions of subdivision a of section 1515 of the New York city charter, as amended by vote of the electors on November 7, 1989, the Mayor shall pursuant to such subdivision prepare and submit to the Council an estimate of the probable amount of receipts as therein described not later than June 13, 2012.

8. Notwithstanding any inconsistent provisions of subdivision d of section 1515 of the New York city charter, as added by vote of the electors on November 7, 1989, any person or organization may pursuant to such subdivision submit an official alternative estimate of revenues as described therein at any time prior to May 22, 2012.

9. Notwithstanding any inconsistent provisions of subdivision a of section 1516-a of the New York city charter, as amended by vote of the electors on November 7, 1989, if the Council has not fixed the tax rates for the ensuing fiscal year on or before June 13, 2012, the commissioner of finance shall pursuant to such subdivision be authorized to complete the assessment rolls using estimated rates and to collect the sums therein mentioned according to law. The estimated rates shall equal the tax rates for the current fiscal year.

10. Notwithstanding any inconsistent provisions of subdivision b of section 1516-a of the New York city charter, as amended by vote of the electors on November 7, 1989, if, subsequent to June 13, 2012, the Council shall, pursuant to section 1516 of the New York city charter, fix the tax rates for the ensuing fiscal year at percentages differing from the estimated rates, real estate tax payments shall nevertheless be payable in accordance with subdivision a of section 1516-a of such charter at the estimated rates, where the commissioner of finance has exercised the authority granted by subdivision a of section 1516-a of such charter to complete the assessment rolls using estimated rates and to collect the sums therein mentioned according to law. However, in such event, prior to the first day of January in such fiscal year, the commissioner of finance shall cause the completed assessment rolls to be revised to reflect the tax rates fixed by the Council pursuant to section 1516 of such charter, and an amended bill for the installment or installments for such fiscal year due and payable on or after the first day of January shall be submitted to each taxpayer in which whatever adjustment may be required as a result of the estimated bill previously submitted to the taxpayer shall be reflected.

§2. This local law shall take effect immediately.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Res. No. 1298

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

By Council Members Recchia and Wills.

Whereas, On June 29, 2011 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2012 with various programs and initiatives (the "Fiscal 2012 Expense Budget"); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local 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, On June 29, 2010 the 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 designation and changes in the designation of a certain organization receiving funding pursuant to a certain initiative in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for The Lutheran Family Health Center's Family Support Center, an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$15,000 within the budget of the Department of Health and Mental Hygiene to read: "Lutheran HealthCare will provide influenza vaccines to seniors residing in the 47th Council District of Brooklyn. In addition the funds will be used to purchase a digital blood pressure

machine, a glucometer machine, and additional supplies (testing strip, needles) for testing events throughout the 47th council district.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Thirteen, an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$25,000 within the budget of the Department of Youth and Community Development to read: “To enable approximately 100 educators from the Council-supported Urban Advantage middle schools to participate in the two-day Celebration of Teaching and Learning, the largest professional development conference in New York City, to be held in Manhattan on March 16-17, 2012.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for The Narrows Botanical Garden, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$4,500 within the budget of the Department of Youth and Community Development to read: “To support local gardening programs, including concerts, art shows, and other performances designed to enrich the lives of local residents, within the Narrows Botanical Gardens in Shore Road Park.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for The Friends of Crown Heights Educational Centers, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$8,000 within the budget of the Department of Youth and Community Development to read: “The funds would be used to offset costs of the ESL program.”; now, therefore be it

Resolved, That the City Council approves the new Description/Scope of Services for certain organizations receiving local discretionary funding in the Fiscal 2012 Expense Budget; 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 2012 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 youth discretionary funding in accordance with the Fiscal 2012 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 funding pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2012 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 Food Pantries-DYCD Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 4.

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Senior Center Closures-PEG Restoration in accordance with the Fiscal 2012 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 Operation SNUG Initiative in accordance with the Fiscal 2012 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 Vera Institute of Justice Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves changes in the designation of a certain organization receiving funding pursuant to the Food-Pantries-DYCD Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 8.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of the Exhibits, please the Attachment to the resolution following the Report of the Committee on Finance for Res No. 1298 printed in these Minutes).

Res. No. 1299

Resolution calling on the United States Congress to introduce legislation that would establish an Ethnic Minority Dealers Financing Program within the United States Department of Commerce.

By Council Members Seabrook, Dickens, Rose, Sanders and Wills.

Whereas, According to the National Black Chamber of Commerce, automobile dealerships suffered great losses in the aftermath of the recession of 2008; and

Whereas, According to the National Association of Minority Automobile Dealers, on January 2008, there were 1,325 ethnic minority-owned automobile dealerships, and on January 1, 2011, there were just 921; and

Whereas, The forced closure of automobile dealerships has had a devastating financial impact on both the dealership owners and their communities due to the loss of jobs; and

Whereas, During the recession, domestic automobile manufactures significantly reduced ethnic minority Dealer Development Programs, which had made access to the ownership of automobile dealerships possible for minorities; and

Whereas, The decline in the number of ethnic minority automobile dealers continues, in large part, due to the lack of access to capital and floor plan financing loans; and

Whereas, A program to provide each of these loans is vital to the reinstatement of ethnic minority automobile dealers; and

Whereas, An Ethnic Minority Dealer Financing (EMDF) Program will provide the access to capital that many ethnic minority automobile dealers need at this critical time, as they experience the effects of a transition brought on by larger changes within the domestic automobile industry; and

Whereas, Currently many international automobile manufactures with facilities in the United States lack ethnic minority automobile dealer representation in their dealerships; and

Whereas, Encouraging these international automobile manufactures with dealerships in the United States to implement a Dealer Development Program would increase the number of ethnic minority-owned automobile dealerships in the United States; and

Whereas, The EMDF Program would offer working capital, lock-in term loans, and stable floor plan financing for terminated and displaced dealers so they may take advantage of opportunities to reenter the automobile dealership market during these tough economic times; and

Whereas, The EMDF Program should give the first priority to those ethnic minority automobile dealers, which General Motors, Chrysler, and Ford terminated between 2008 and 2011, and then to ethnic minorities struggling to maintain their dealerships due to lack of access to capital, and finally to ethnic minorities entering the automobile dealership industry; and

Whereas, According to the United States Census Bureau, as of 2009, New York State had the fourth largest number of registered vehicles and licensed drivers; 8,726,000 and 11,329,000 respectively; and

Whereas, According to the Minority Business Roundtable, for every job created in the automobile industry, nine jobs are created to support it; and

Whereas, The EMDF Program would increase the viability and success of ethnic minority dealers as well as create jobs; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to introduce legislation that would establish an Ethnic Minority Dealers Financing Program within the United States Department of Commerce.

Referred to the Committee on Economic Development.

Int. No. 839

By Council Members Vacca, Vallone Jr., Chin, Fidler, Gentile, Koo and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to elevator agency director and elevator technician licenses.

Be it enacted by the Council as follows:

Section 1. Section 28-401.3 of the administrative code of the city of New York is amended by adding definitions for “elevator agency director” and “elevator technician” in alphabetical order following the definition of “direct employ,” to read as follows:

ELEVATOR AGENCY DIRECTOR. *An individual that exercises direct and continuing supervision over the operations of a private elevator inspection agency and who is licensed pursuant to this chapter.*

ELEVATOR TECHNICIAN. *An individual that engages in altering, inspecting, maintaining, repairing, servicing, or testing elevators and who is licensed pursuant to this chapter.*

§2. Section 28-401.3 of the administrative code of the city of New York is amended by adding a definition for “personal supervision” in alphabetical order following the definition of “licensed master plumber, master plumber,” to read as follows:

PERSONAL SUPERVISION. *Direct and continuing supervision, as defined in this section, where responsible control is exercised by the licensed individual personally and directly and not through intermediate supervisors or other intervening levels of supervision.*

§3. The definition of “private elevator inspection agency” contained in section 28-401.3 of the administrative code of the city of New York is amended to read as follows:

PRIVATE ELEVATOR INSPECTION AGENCY. *An approved agency authorized by the commissioner to operate as an independent contractor for the purpose of altering, inspecting, maintaining, repairing, servicing, and testing elevators, escalators and other conveying equipment regulated by this code and shall include but shall not be limited to an insurance company, elevator maintenance company, elevator manufacturer or elevator inspection company.*

§4. Chapter four of title 28 of the administrative code of the city of New York is amended to add a new article 421 to read as follows:

ARTICLE 421

ELEVATOR AGENCY DIRECTOR AND ELEVATOR TECHNICIAN LICENSE

§28-421.1 Elevator agency license required.

§28-421.2 Additional qualifications for elevator agency director.

§28-421.3 Elevator technician license required.

§28-421.4 Additional qualifications for elevator technician.

§28-421.5 Insurance exemption.

§28-421.6 Fee exemption.

§28-421.1 Elevator agency director license required. All operations of a private elevator inspection agency, including but not limited to the alteration, maintenance, inspection, repair, service, and testing of elevators, shall be carried out under the direct and continuing supervision of an elevator agency director. Each elevator agency director shall supervise the operations of only one private elevator inspection agency.

§28-421.2 Additional qualifications for elevator agency director. In addition to satisfying the general requirements of article 401 of this chapter, all applicants for an elevator agency director license shall submit satisfactory proof establishing that the applicant:

1. Meets one of the following criteria:

1.1. Has a valid certificate of approval for a private elevator inspection agency director issued by the department prior to the effective date of this article;

1.2. Has at least ten (10) years of satisfactory experience within the last fifteen (15) years immediately preceding the date of application with at least one thousand seven hundred fifty (1,750) hours of experience per year in the supervision of the alteration, assembly, design, inspection, installation, maintenance, repair, servicing, or testing of elevators; or

1.3. Is a New York state licensed professional engineer or registered architect, and has at least five (5) years of satisfactory experience within the last seven (7) years immediately preceding the date of application with at least one thousand seven hundred fifty (1,750) hours of experience per year in the supervision of the alteration, assembly, design, inspection, installation, maintenance, repair, servicing, or testing of elevators;

2. Has earned a certification from and successfully passed the mechanic examination administered by the National Elevator Industry Educational Program or the National Association of Elevator Contractors or an equivalent instruction program administered by an institution accredited and approved by New York state or the United States department of labor; and

3. Complies with any additional qualifications the department requires by rule.

§28-421.3 Elevator technician license required. It shall be unlawful for any person to alter, maintain, inspect, repair, service or test elevators unless such person:

1. Is an elevator agency director;

2. Is an elevator technician and is employed by and working under the direct and continuing supervision of an elevator agency director or the department; or

3. Is working under the personal supervision of an elevator technician or elevator agency director as part of a New York state approved apprenticeship program and is employed by and/or working under the direct and continuing supervision of an elevator agency director or the department.

§28-421.4 Additional qualifications for elevator technicians. In addition to satisfying the general requirements of article 401 of this chapter, all applicants for an elevator technician license shall submit satisfactory proof establishing that the applicant:

1. Meets one of the following criteria:

1.1. Has a valid certificate of approval for a private elevator agency inspector issued by the department prior to the effective date of this article;

1.2. Has at least five (5) years of satisfactory experience within the last seven (7) years immediately preceding the date of application with at least one thousand seven hundred fifty (1,750) hours of experience per year in the alteration, assembly, design, inspection, installation, maintenance, repair, servicing, or testing of elevators;

1.3. Has successfully completed an apprenticeship under an elevator technician or elevator agency director as part of a New York state approved apprenticeship program; or

1.4. Has successfully completed an educational instruction program administered by the National Elevator Industry Educational Program or the National Association of Elevator Contractors or has successfully completed an equivalent instruction program administered by an institution accredited and approved by New York state or the United States department of labor;

2. Has earned a certification from and successfully passed the mechanic examination administered by the National Elevator Industry Educational Program or the National Association of Elevator Contractors or has earned a certification from and successfully passed an equivalent examination from an institution accredited and approved by New York state or the United States department of labor; and

3. Complies with any additional qualifications the department requires by rule.

§28-421.5 Insurance exemption. Unless otherwise required by rule, elevator technicians employed by private elevator inspection agencies are exempt from the insurance requirements of section 28-401.9.

§28-421.6 Fee exemption. The application fee shall be waived for the following applicants:

1. Any applicant for an elevator agency director license that has a valid certificate of approval for a private elevator inspection agency director issued by the department prior to the effective date of this article; and

2. Any applicant for an elevator technician license that has a valid certificate of approval for a private elevator agency inspector issued by the department prior to the effective of this article.

§5. Section 28-401.15 of the administrative code of the city of New York is amended by adding the following at the end of such section:

Elevator agency director license. \$350. \$350 triennially. Late-Renewal fee: \$50. Reissuance fee: \$50.

Elevator technician license. \$350. \$350 triennially. Late-Renewal fee: \$50. Reissuance fee: \$50.

§6. Section 8.10.1 of Appendix K of the New York city building code is amended to read as follows:

8.10.1 General Requirements for Acceptance Inspections and Tests.

Delete and revise section 8.10.1.1.3 to read as follows:

8.10.1.1 Persons Authorized to Make Inspections and Tests.

8.10.1.1.3 The inspector shall be [a special inspector who meets the qualifications prescribed by rule of the department.] *an elevator technician or elevator agency director as defined in section 28-401.3.*

§7. The first clause of section 8.11.1 of Appendix K of the New York city building code is amended to read as follows:

8.11.1 General Requirements for Periodic Inspections and Tests.

Delete and revise section 8.11.1.1 to read as follows:

8.11.1.1 Persons Authorized to Make Inspections and Tests. The inspector shall be [a special inspector who meets the qualifications prescribed by rule of the department] *an elevator technician or elevator agency director as defined in section 28-401.3.*

§8. This local law shall take effect one hundred twenty days after its enactment except that the commissioner of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings (preconsidered but laid over by the Committee on Housing and Buildings).

Int. No. 840

By Council Members Vacca, Brewer, Fidler, James, Koslowitz, Levin, Recchia, Rose, Wills, Halloran and Ulrich.

A Local Law to amend the New York city charter, in relation to payment availability at tow pounds.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 2903 of the New York city charter is amended by adding a new paragraph 13-c to read as follows:

(13-c) *Notwithstanding any other provisions of law, consult with the commissioner of finance or the police commissioner, or any other appropriate agency head, and ensure that all locations where motor vehicles are being held following the towing of such vehicle accept for payment cash and at least two major credit cards as an alternate means of payment of fees or charges required to be paid in order to retrieve a motor vehicle which has been towed due to a violation of any law, rule, or regulation providing for or regulating parking, stopping, standing or trespassing of a motor vehicle. For the purposes of this provision, "major credit card" shall mean MasterCard, Visa, American Express or Discover.*

§2. This local law shall take effect one hundred twenty days after its enactment into law.

Referred to the Committee on Transportation.

Int. No. 841

By Council Members Vacca, Koslowitz, Wills and Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to the annual reporting of commercial bicycles to community boards.

Be it enacted by the Council as follows:

Section 1. Subdivision d of section 10-157(d) of the administrative code of the city of New York is amended to read as follows:

d. The owner of any business engaged in providing a service as authorized in this section shall file an annual report in such form as shall be designated by the

police commissioner by rule or regulations. Said report shall include, inter alia, the number of bicycles it owns and the number and identity of any employees it may retain. Any business engaged in providing a service as authorized in this section shall be responsible for the compliance with the provisions of this section of any employees it shall retain. *Commencing January 15, 2013 and annually thereafter, a copy of a report shall be provided by the owner of such business, via electronic mail or regular mail, to all community boards whose districts contain an area located within a half mile from such business. Such report shall list the number of bicycles such business owns, the number of employees of such business that may make use of such bicycles, and the three digit identification number required by paragraph one of subdivision a of this section of any bicyclists that may use such bicycles. Such report shall not provide the names or other personal identifying information of any such employees. Such report shall be accompanied by written affirmation or a sworn statement that the contents of such report are true, which statement shall be attested to before a notary public by the owner of such business. Such statement shall also state that the business owner has abided by all provisions of this section.* Nothing contained in this section shall be construed as applying to persons under the age of sixteen who use a bicycle to deliver daily newspapers or circulars.

§2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Res. No. 1300

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.6466-A/A.9794, legislation that would allow licensed social workers to be legally hired by nonprofit social service organizations without requiring a waiver.

By Council Members Vann, Palma, Brewer, Cabrera, Chin, Dickens, James, Koo, Koppell, Levin, Rose, Williams, Wills and Rodriguez.

Whereas, According to the National Association of Social Workers, the primary mission of social work is to enhance human wellbeing and help meet the basic human needs of all people, with particular attention to those who are vulnerable; and

Whereas, Social work focuses on helping people become emotionally and financially stable; and

Whereas, According to the New York State Education Department (NYSED), social workers may help people cope with issues in their everyday lives such as living with disabilities or life-threatening diseases, unemployment, inadequate housing, substance abuse, and child or spousal abuse; and

Whereas, Social workers help people find resources in order to improve their quality of life; and

Whereas, Social workers provide people with information regarding counseling, job training, reduced or low income housing, drug and alcohol cessation programs, and programs that help people augment their food supply; and

Whereas, Social work is critical to society because it encourages and promotes positive social change; and

Whereas, According to the NYSED, in order to become a licensed social worker in New York State, an individual must be of good moral character, be at least 21 years of age, meet education requirements, complete training, and meet examination requirements; and

Whereas, Originally, NYSED did not allow certain nonprofit organizations, including those formed for charitable, educational or religious purposes, to hire licensed social workers; and

Whereas, Licensed professionals were only allowed to work in their own private practices; and

Whereas, NYSED places restrictions on the hiring of licensed social workers by nonprofits and other corporate entities in order to prevent these professionals from being influenced by unlicensed supervisors in support of a corporate goal; and

Whereas, As of 2010, NYSED modified its requirements to permit nonprofit organizations to apply for waivers that would allow them to provide social work services without requiring that the supervisor be a licensed social worker; and

Whereas, This year, the deadline to apply for a waiver was February 1, 2012; and

Whereas, If a nonprofit organization does not apply for a waiver in time, or if its request has been denied, hiring a social worker could lead to criminal charges against the supervisor of the organization; and

Whereas, It is not illegal for certain licensed professionals such as pharmacists and optometrists to be hired without a waiver; and

Whereas, In 2012, Senator John Bonacic (R-NY) and Assembly Member Amy Paulin (D-NY) introduced S.6466-A and companion bill A.9794; and

Whereas, The purpose of this legislation is to amend the Public Health Law and the Education Law in relation to the provision of certain professional services, including social work services, to children's camps and nonprofit social service organizations; and

Whereas, The bill indicates that services may be provided either directly by an entity or indirectly by contract with individuals or professional entities that are duly licensed, registered, or authorized to provide such services; and

Whereas, The bill states that nothing in the education law shall be construed to prohibit a licensed professional from practicing his or her licensed profession; and

Whereas, Therefore, it should not be illegal for a licensed social worker to provide social work services to those in need; and

Whereas, It is counterproductive for services to be cut off from people in need because an organization did not meet a particular deadline; and

Whereas, It is essential that nonprofit social service organizations legally be allowed to hire licensed social workers in order to guarantee that crucial services are provided to those in need; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, S.6466-A/A.9794, legislation that would allow licensed social workers to be legally hired by nonprofit social service organizations without requiring a waiver.

Referred to the Committee on General Welfare.

Res. No. 1301

Resolution in support of the creation and presentation of a ticker-tape parade to honor the veterans of the Iraq and Afghanistan wars.

By Council Members Williams, Cabrera, Chin, Dromm, Fidler, Gentile, James, Koppell, Koslowitz, Levin, Recchia, Rose, Sanders, Wills, Rodriguez, Halloran and Ulrich.

Whereas, Ticker-tape parades evolved from New York City's long history of public celebrations; and

Whereas, Since early American military times, soldiers have displayed their colors in ceremonial reviews; and

Whereas, Following the American Revolution, parades commemorated events of national importance such as Evacuation Day and Independence Day; and

Whereas, October 29, 1886 marked the first ticker-tape parade in New York City, when exuberant office workers threw their ticker-tape into the streets as an unplanned celebration of the dedication of the Statue of Liberty; and

Whereas, According to recent media account, quoting an unnamed senior government official "A New York City style ticker tape parade has come to represent a major national tribute,"; and

Whereas, Although the Iraq War finally ended on December 31, 2011, only St. Louis has held a "Welcome Home Our Heroes" parade to date with an estimated attendance of 100,000 people; and

Whereas, At least 1.8 million troops have been deployed since October 2001 to the wars in Iraq and Afghanistan, with approximately 85,000 veterans from these conflicts in New York State; and

Whereas, New York City's ticker-tape parades down the Canyon of Heroes in lower Manhattan have long been part of American culture; and

Whereas, Sports champions and near champions, celebrities, foreign dignitaries and veterans of wars and conflicts in World War I and II, Korea, Vietnam and the first Gulf War, have all marched down Broadway to a cheering crowd and skies full of ticker-tape, confetti, paper streams and the like; and

Whereas, The valor and sacrifice of the members of the United States Armed Forces, who serves in Iraq and Afghanistan cannot and should not be ignored; and

Whereas, A ticker-tape parade should serve as a dignified tribute to the many who sacrificed in Iraq and Afghanistan, and as a time and place for the public to gather in demonstration of our gratitude to our servicemen and women; and

Whereas, New Yorkers have traditionally rallied around our heroes and our veterans are no less deserving than others for this fitting token of our appreciation; now, therefore, be it

Resolved, That the Council of the City of New York supports the creation and presentation of a ticker-tape parade to honor the veterans of the Iraq and Afghanistan wars.

Referred to the Committee on Veterans.

L.U. No. 591

By Council Member Recchia:

St. Lucy's Apartments, Block 1675, Lot 11, Manhattan, Council District No. 8

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 592

By Council Member Recchia:

MHANY Brooklyn Cluster II, Block 1483, Lot 28, Brooklyn, Council District No. 41

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 593

By Council Member Recchia:

Savoy Park, Block 1737, Lots 1, 15, 25, 59, and 69, Manhattan, Council District No. 9

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 594

By Council Member Comrie:

Application no. 20115838 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Graham Restaurant LLC d.b.a Cono's O'Pescatore, to establish, maintain and operate an unenclosed sidewalk café located at 299-301 Graham Avenue, Borough of Brooklyn, Council District no.34. 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. 595

By Council Member Comrie:

Application no. C 120108 ZMK submitted by NYC Department of Small Business Services pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section Nos.29a and 29c, Council District 46.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 596

By Council Member Comrie:

Application no. C 070512 MMK submitted by the Department of Small Business Services pursuant to Sections 1302, 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map, , Borough of Brooklyn, Community District 18, Council District no. 46. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to § 197-d (b) (2) of the Charter or called up by vote of the Council pursuant to 197-d (b) (3) of the Charter.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 597

By Council Member Comrie:

Application no. C 120111 PPK submitted by the NYC Department of Small Business Services (DSBS), pursuant to Section 197-c of the New York City Charter, for Disposition to the New York City Economic Development Corporation (EDC) of city-owned property located at 2875 Flatbush Avenue (Block 8591, p/o Lot 125, and p/o Lot 175), which includes the disposition of an easement over p/o Lot 100 and a restriction prohibiting Use Group 16 on Block 8591, p/o Lot 100 and p/o Lot 125, Borough Brooklyn, Community District 18, Council District 46. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to § 197-d (b) (2) of the Charter or called up by vote of the Council pursuant to 197-d (b) (3) of the Charter.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 598

By Council Member Comrie:

Application no. N 120109 ZAK submitted by NYC Department of Small Business Services for the grant of an authorization pursuant to Section 62-822(a)(1) of the Zoning Resolution to modify the location requirements of Sections 62-511(Location of Visual corridors) and 62-56(Requirement's for Upland Connections) and the minimum dimension requirements of Section 62-53 (Requirements for Shore Public Walkways); in connection with a proposed waterfront zoning lot subdivision, on property bounded by Mill Basin, Four Sparrow Marsh Park, and Flatbush Avenue (Block 8591, Lots 125, 175, 980 and p/o Lot 100) in a C3 and C8-1 Districts, Borough of Brooklyn, Community District 18, Council District 46. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to § 197-d (b) (2) of the Charter or called up by vote of the Council pursuant to 197-d (b) (3) of the Charter.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 599

By Council Member Comrie:

Application no. C 090466 ZMQ submitted by ADC Builders & Developers pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 19a, Council District 27.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 600

By Council Member Comrie:

Application no. N 110223 ZRQ by the JetBlue Airways Corporation, pursuant to Sections 197-c and 201 of the New York City Charter for the Zoning Resolution of the City of New York, relating to Article XI, Chapter 7 to modify sign regulations within the Queens Plaza Sub district of the Special Long Island City Mixed Use District, in Community Districts 1 and 2, Borough of Queens, Council District 26.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 601

By Council Member Comrie:

Application no. N 120132 ZRY by the Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter for the Zoning Resolution of the City of New York that would remove Zoning impediments to green building features that will help promote energy efficient building envelopes; renewable energy, stormwater detention, reduction of carbon emissions and provide for a healthier New York City. To incorporate these goals, various Sections of the Zoning Resolution will be amended.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 602

By Council Member Comrie:

Application no. 20125364 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Serafina Meatpacking LLC., d.b.a. Serafina, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 7 Ninth Avenue, Borough of Manhattan, Council District 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, April 19, 2012

Note Topic and Additional Committees

Committee on IMMIGRATION jointly with the Committee on GENERAL WELFARE and the Committee on YOUTH SERVICES 10:00 A.M. Oversight - The Roles of MOIA, ACS, and DYCD in Assisting Immigrant Youth Committee Room - 250 Broadway, 16th Floor Daniel Dromm, Chairperson Annabel Palma, Chairperson Lewis Fidler, Chairperson

Note Topic Addition

Committee on EDUCATION 1:00 P.M. Oversight - Co-locations in New York City Public Schools Committee Room - 250 Broadway, 16th Floor Robert Jackson, Chairperson

Deferred

Committee on ENVIRONMENTAL PROTECTION 1:00 P.M. Preconsidered Int. By Council Member Gennaro A Local Law to amend the New York city charter, in relation to convening the New York city panel on climate change regularly, for the purpose of producing a report on climate change adaptation in New York city. Committee Room - 250 Broadway, 14th Floor James Gennaro, Chairperson

Friday, April 20, 2012

Deferred

Committee on MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE AND DISABILITY SERVICES jointly with the Committee on FIRE AND CRIMINAL JUSTICE SERVICES 10:00 A.M. Oversight Examining the Provision of Physical and Mental Health Services in City Jails and Upon Discharge Committee Room - 250 Broadway, 14th Floor Oliver Koppell, Chairperson Elizabeth Crowley, Chairperson

Monday, April 23, 2012

Committee on SMALL BUSINESS jointly with the Committee on ECONOMIC DEVELOPMENT 10:00 A.M. Tour: Hunts Point Industrial Business Zone Location: 772 Edgewater Road Bronx, NY 10474 Details Attached Diana Reyna, Chairperson Karen Koslowitz, Chairperson

Deferred

Committee on CONTRACTS 10:00 A.M. Agenda to be announced Hearing Room - 250 Broadway, 16th Floor Darlene Mealy, Chairperson

Note Committee Addition

Committee on VETERANS jointly with the Committee On FIRE AND CRIMINAL JUSTICE SERVICES and the Committee on MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE AND

DISABILITY SERVICES 10:00 A.M. Oversight - An Update on Veterans' Treatment Courts in New York City. Committee Room - 250 Broadway, 14th Floor Mathieu Eugene, Chairperson Elizabeth Crowley, Chairperson Oliver Koppell, Chairperson

Note Topic Addition

Committee on TECHNOLOGY 10:00 A.M. Oversight - Broadband Access: Closing the Digital Divide Committee Room - 250 Broadway, 16th Floor Fernando Cabrera, Chairperson

Note Topic and Committee Additions

Committee on TRANSPORTATION 1:00 P.M. Proposed Int. 784-A - By Council Members Vacca, Cabrera, Dromm, Ferreras, Fidler, Gentile, James, Koo, Koppell, Koslowitz, Levin, Recchia, Williams, Foster and Halloran - A Local Law to amend the administrative code of the city of New York, in relation to allowing for transfer of muni-meter time. Followed by Committee on Transportation jointly with the Committee on Lower Manhattan Redevelopment and the Committee on Housing and Building 1:30 p.m. Oversight - Construction Coordination in Lower Manhattan Committee Room - 250 Broadway, 14th Floor James Vacca, Chairperson Margaret Chin, Chairperson Erik Martin-Dilan, Chairperson

Tuesday, April 24, 2012

Note Topic Additions

Committee on CONSUMER AFFAIRS 10:00 A.M. Proposed Int. 16-A - By Council Members Mark-Viverito, Brewer, Fidler, Gentile, James, Palma, Williams, Chin and Dromm - A Local Law to amend the administrative code of the city of New York, in relation to requiring quarterly reports from the environmental control board on vendor adjudications. Int. 434 - By Council Members Levin, Mark-Viverito, James, Barron, Rodriguez, Arroyo, Cabrera, Eugene, Gonzalez, Koppell, Lander, Reyna, Seabrook, Williams, Greenfield, Foster, Mendez, Crowley, Dickens, Chin, Jackson, Mealy, Palma, Rivera, Rose, Brewer, Sanders Jr., Vann, Wills, Dilan and Ulrich - A Local Law to amend the administrative code of the city of New York, in relation to reducing the maximum fine amount for violations of vending regulations. Int. 435 - By Council Members Levin, Mark-Viverito, James, Barron, Rodriguez, Arroyo, Cabrera, Eugene, Gonzalez, Koppell, Lander, Reyna, Williams, Greenfield, Foster, Dromm, Mendez, Crowley, Dickens, Nelson, Chin, Jackson, Seabrook, Mealy, Palma, Rivera, Rose, Koslowitz, Brewer, Sanders Jr., Vann, Wills, Comrie, Dilan, Ferreras, Ulrich and Halloran - A Local Law to amend the administrative code of the city of New York, in relation to defining unrelated violations of vending rules and regulations as separate offenses. Int. 684 - By Council Members Brewer, Ferreras, James, Koppell, Lander, Lappin, Mendez, Palma and Garodnick - A Local Law to amend the administrative code of the city of New York, in relation to prohibiting vending against or within taxi stands. Int. 727 - By Council Members Garodnick, Cabrera, Chin, Comrie, Ferreras, Foster, Gentile, Koppell, Koslowitz, Palma, Halloran and Koo - A Local Law to amend the administrative code of the city of New York, in relation to prohibiting vending in front of building entrances and exits, including service entrances and exits. Int. 789 - By Council Members Garodnick, Comrie, Koo, Koppell, Koslowitz and Brewer - A Local Law to amend the administrative code of the city of New York, in relation to prohibiting vending on the sidewalk abutting no standing zones adjacent to hospitals. Int. 817 - By Council Members Garodnick, Chin, Gentile, James, Koo, Williams and Halloran - A Local Law to amend the administrative code of the city of New York, in relation to requiring certain information to be entered on notices of violation issued to food vendors. Committee Room - 250 Broadway, 14th Floor Daniel Garodnick, Chairperson

Subcommittee on ZONING & FRANCHISES 9:30 A.M. See Land Use Calendar Available Thursday, April 19, 2012 Committee Room - 250 Broadway, 16th Floor Mark Weprin, Chairperson

Deferred

Subcommittee on LANDMARKS, PUBLIC SITING & MARITIME USES 11:00 A.M. See Land Use Calendar Available Thursday, April 19, 2012 Committee Room - 250 Broadway, 16th Floor Brad Lander, Chairperson

Deferred

Subcommittee on PLANNING, DISPOSITIONS & CONCESSIONS 1:00 P.M.

See Land Use Calendar Available Thursday, April 19, 2012

Committee Room— 250 Broadway, 16th Floor Stephen Levin, Chairperson

★ Note Topic Addition

Committee on **JUVENILE JUSTICE** 1:00 P.M.

Oversight - Family Engagement in the Juvenile Justice System

Committee Room – 250 Broadway, 14th Floor Sara Gonzalez, Chairperson

Wednesday, April 25, 2012

★ Note Time and Location

Committee on **ENVIRONMENTAL PROTECTION**10:00 A.M.

Int. 834 - By Council Member Gennaro – A Local Law to amend the New York city charter, in relation to convening the New York city panel on climate change regularly, for the purpose of producing a report on climate change adaptation in New York city.

Committee Room – 250 Broadway, 16th Floor James Gennaro, Chairperson

★ Deferred

Committee on **LOWER MANHATTAN**

REDEVELOPMENT10:00 A.M.

Agenda to be announced

Committee Room— 250 Broadway, 16th Floor Margaret Chin, Chairperson

★ Note Topic Additions

Committee on **PUBLIC SAFETY**10:00 A.M.

Preconsidered Res __ - By Council Member Vallone - Resolution calling upon the New York State Assembly to pass and the Governor to sign into law S.5260-C which would amend the penal law to establish the offense of fraudulent prescription, dispensing and procurement of non-controlled substance prescription medications and devices, and the offense of unlawful possession of non-controlled substance prescription medications and devices.

Oversight - Finding a Cure: Examining Law Enforcement efforts to remedy the Prescription Drug Abuse Epidemic

Committee Room – 250 Broadway, 14th FloorPeter Vallone, Chairperson

★ Note Topic Addition

Committee on **WOMEN’S ISSUES.** 10:00 A.M.

Proposed Res. 1226-A - By Council Members Lander, Mark-Viverito, Brewer, Chin, Crowley, James, Lappin, Levin, Recchia, Rose, Palma and Ulrich - Resolution calling on Village Voice Media to stop accepting adult services advertisements on its online classified site, Backpage.com, because it serves as a platform to traffic minors and adult victims for sex.

Hearing Room – 250 Broadway, 16th Floor Julissa Ferreras, Chairperson

★ Note Topic Addition

Committee on **SANITATION AND**

SOLID WASTE MANAGEMENT 1:00 P.M.

Oversight - Community-based composting efforts in New York City

Committee Room – 250 Broadway, 16th Floor Letitia James, Chairperson

★ Note Topic and Committee Addition

Committee on **WATERFRONTS** jointly with the

Committee on **TRANSPORTATION**..... 1:00 P.M.

Oversight - Is the East River Ferry Staying Afloat? A Status Update

Committee Room – 250 Broadway, 14th Floor Michael Nelson, Chairperson

..... James Vacca, Chairperson

Thursday, April 26, 2012

★ Note Topic Addition

Committee on **PUBLIC HOUSING**10:00 A.M.

Oversight - Update on NYCHA’s Management of its Section 8 Rental Assistance Program.

Committee Room – 250 Broadway, 14th Floor Rosie Mendez, Chairperson

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

★ Note Topic Addition

Committee on **HIGHER EDUCATION**10:00 A.M.

Oversight - How is CUNY prepared to respond to the needs of students given a projected increase in enrollment for Fall 2012?

Hearing Room – 250 Broadway, 16th Floor Ydanis Rodriguez, Chairperson

★ Deferred

Committee on **ECONOMIC DEVELOPMENT** 1:00 P.M.

Agenda to be announced

Committee Room— 250 Broadway, 14th Floor Karen Koslowitz, Chairperson

★ Deferred

Committee on **CIVIL RIGHTS** 1:00 P.M.

Agenda to be announced

Committee Room— 250 Broadway, 16th Floor Deborah Rose, Chairperson

★ Deferred

Committee on **GENERAL WELFARE** 1:00 P.M.

Agenda to be announced

Hearing Room— 250 Broadway, 16th Floor Annabel Palma, Chairperson

Friday, April 27, 2012

★ Note Topic Additions

Committee on **GOVERNMENTAL OPERATIONS**10:00 A.M.

Int. 78 - By Council Members Gentile, Chin, Dickens, Fidler, James, Lander, Nelson, Rodriguez, Halloran and Koo – A Local Law to amend the administrative code of the city of New York, in relation to requiring reports to the city council of any variance or special permit granted despite the community board's recommendation of disapproval or approval with conditions.

Int. 650 - By Council Members Halloran, Vacca, Lander, Rivera, Nelson and Oddo – A Local Law amend the administrative code of the city of New York, in relation to expiration of variances granted by the board of standards and appeals.

Int. 678 - By Council Members Van Bramer, Brewer, Ferreras, Fidler, James, Koppell, Lander, Rose, Williams, Mark-Viverito, Greenfield, Halloran and Ulrich – A Local Law to

amend the New York city charter, in relation to community involvement in decisions of the board of standards and appeals.

Int. 680 - By Council Members Van Bramer, Ferreras, James, Rose, Seabrook, Williams, Mark-Viverito and Ulrich – A Local Law to amend the New York city charter, in relation to the creation of a community advisory review panel for zoning variance and special permit applications.

Committee Room – 250 Broadway, 14th Floor Gale Brewer, Chairperson

★ Addition

Committee on **CIVIL RIGHTS** 1:00 P.M.

Agenda to be announced

Committee Room— 250 Broadway, 16th Floor Deborah Rose, Chairperson

Monday, April 30, 2012

Stated Council Meeting Ceremonial Tributes – 1:00 p.m.

..... Agenda – 1:30 p.m.

Location ~ Council Chambers ~ City Hall.....

MEMORANDUM

March 29, 2012

TO: ALL COUNCIL MEMBERS

RE: TOUR BY THE COMMITTEE ON SMALL BUSINESS JOINTLY
WITH THE COMMITTEE ON ECONOMIC DEVELOPMENT

Please be advised that all Council Members are invited to attend a
tour:

**Hunts Point Industrial Business Zone
772 Edgewater Road
Bronx, NY 10474**

The tour will be on **Monday, April 23, 2012 beginning at 10:00 a.m.** A van will be
leaving City Hall at **9:15 a.m.**

Please Contact Faith Corbett, at 212-788-2802, if you have any questions.

Diana Reyna, Chairperson
Committee on Small Business

Karen Koslowitz, Chairperson
Committee on Economic Development

Christine C. Quinn

Speaker of the Council

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 Monday, April 30, 2012.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

*Editor's Local Law Note: Int Nos. 183-A, 449-A, and 745-A, all adopted by the
Council at the March 28, 2012 Stated Meeting, were signed into law by the Mayor
on April 17, 2012 as, respectively, Local Laws Nos. 21, 22, and 23 of 2012.*

