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Charter of the City of New York (Partial Draft)

New York City Charter Revision Commission

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NEW YORK CITY
CHARTER REVISION
COMMISSION

Draft

Charter Language

Suite 1616
11 Park Place
New York, NY 10007

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COUNCIL PRESIDENT

(excerpted from Council chapter)

Sec. [23]24. President of the council. a. The president of the council shall be elected by the electors of the city at the same time and for the same term as in this charter prescribed for the mayor.

b. The president of the council may be removed or suspended in the same manner as provided in this charter with respect to the mayor.

c. Any vacancy in the office of council president shall be filled by popular election in the following manner:

1. Within three days of the occurrence of a vacancy in the office of the council president, the mayor shall proclaim the date for the election or elections required by this subdivision, provide notice of such proclamation to the city clerk and the board of elections and publish notice thereof in the City Record. After the proclamation of the date for an election to be held pursuant to paragraphs four or five of this subdivision, the city clerk shall publish notice thereof not less than twice in each week preceding the date of such election in newspapers distributed within the city, and the board of elections shall mail notice of such election to all registered voters within the city.

2. If a vacancy occurs during the first three years of the term, a general election to fill the vacancy for the remainder of the unexpired term shall be held in the year in which the vacancy occurs, unless the vacancy occurs after the last day on which an occurring vacancy may be filled at the general election in that same year with party nominations of candidates for such election being made at a primary election, as provided in section 6-116 of the election law. If such a vacancy occurs in any year after such last day, it shall be filled for the remainder of the unexpired term at the general election in the following year provided,

however, that no general election to fill a vacancy shall be held in the last year of the term, except as provided in paragraph nine of this subdivision. Party nominations of candidates for a general election to fill a vacancy for the remainder of the unexpired term shall be made at a primary election, except as provided in paragraph five of this subdivision.

3. If a special or general election to fill the vacancy on an interim basis has not been previously held pursuant to paragraphs four, six, seven and eight of this subdivision, the person elected to fill the vacancy for the remainder of the unexpired term at a general election shall take office immediately upon qualification and shall serve until the term expires. If a special or general election to fill the vacancy on an interim basis has been previously held, the person elected to fill the vacancy for the remainder of the unexpired term at a general election shall take office on January first of the year following such general election and shall serve until the term expires.

4. If a vacancy occurs during the first three years of the term and on or before the last day in the third year of the term on which an occurring vacancy may be filled for the remainder of the unexpired term at a general election with party nominations of candidates for such election being made at a primary election, as provided in section 6-116 of the election law, a special or general election to fill the vacancy on an interim basis shall be held, unless the vacancy occurs less than ninety days before the next primary election at which party nominations for a general election

to fill the vacancy may be made and on or before the last day on which an occurring vacancy may be filled for the remainder of the unexpired term at the general election in the same year in which the vacancy occurs with party nominations of candidates for such election being made at a primary election, as provided on section 6-116 of the election law.

5. If a vacancy occurs after the last day in the third year of the term on which an occurring vacancy may be filled for the remainder of the unexpired term at a general election in such year with party nominations of candidates for such election being made at a primary election, as provided in section 6-116 of the election law, but not less than ninety days before the date of the primary election in the fourth year of such term, a special or general election to fill such vacancy for the remainder of the unexpired term shall be held.

6. Elections held pursuant to paragraph four or five of this subdivision shall be scheduled in the following manner: A special election to fill the vacancy shall be held on the first Tuesday at least forty-five days after the occurrence of the vacancy, provided that the mayor, in the proclamation required by paragraph one of this subdivision, may schedule such election for another day no more than ten days after such Tuesday and not less than forty days after such proclamation if the mayor determines that such rescheduling is necessary to facilitate maximum voter participation; except that

(a) if the vacancy occurs before September twentieth in any

year and the first Tuesday at least forty-five days after the occurrence of the vacancy is less than ninety days before a regularly scheduled general election or between a primary and a general election, the vacancy shall be filled at such general election;

(b) if the vacancy occurs before September twentieth in any year and the first Tuesday at least forty-five days after the occurrence of the vacancy is after a regularly scheduled general election, the vacancy shall be filled at such general election; and

(c) if the vacancy occurs on or after September ~~twentieth~~ in any year and the first Tuesday at least forty-five days after the occurrence of the vacancy is after, but less than thirty days after, a regularly scheduled general election, the vacancy shall be filled at a special election to be held on the first Tuesday in December in such year.

7. All nominations for elections to fill vacancies held pursuant to paragraphs four and five of this subdivision shall be by independent nominating petition. A signature on an independent nominating petition made earlier than the date of the proclamation required by paragraph one of this subdivision shall not be counted.

8. A person elected to fill a vacancy in the office of council president at an election held pursuant to paragraph four of this subdivision shall take office immediately upon qualification and serve until December thirty-first of the year in which the vacancy is filled for the remainder of the unexpired term pursuant to

paragraph two of this subdivision. A person elected to fill a vacancy in the office of council president at an election held pursuant to paragraph five of this subdivision shall take office immediately upon qualification and serve until the term expires.

9. If a vacancy occurs less than ninety days before the date of the primary election in the last year of the term, the person elected at the general election in such year for the next succeeding term shall take office immediately upon qualification and fill the vacancy for the remainder of the unexpired term.

d. The president of the council may, by written authority filed with the [board of estimate] appropriate board, body, or committee and with the city clerk, designate any two officers or employees appointed by the president to exercise the powers specified in this subdivision. Either such officer or employee, so designated, may act in the place of the president of the council [as a member of the board of estimate] on any board, body or committee, other than the council, of which the president of the council is a member whenever the president of the council [, although present in the city,] shall be absent from a meeting of said board, body or committee for any reason whatever.

e. The president of the council shall preside over the meetings of the council and shall have the right to participate in the discussion of the council but shall not have a vote except in case of a tie.

f. In addition to other duties and responsibilities, the president of the council shall (1) [oversee the coordination of

city-wide] monitor the operation of the citizen information and service complaint programs of city agencies and make proposals to improve such programs, [and] (2) review complaints of a recurring and multiborough or city-wide nature relating to services and programs, and make proposals to improve the city's response to [and processing of] such complaints, and (3) receive, investigate and otherwise attempt to resolve individual complaints concerning city services and other administrative actions of city agencies except for those complaints which (i) other city agencies are required by law to investigate, adjudicate and remedy or (ii) may be resolved through a grievance mechanism established by collective bargaining agreement or contract.

g. The president of the council shall establish procedures for receiving and processing complaints, responding to complainants, conducting investigations, reporting findings, and shall inform the public about such procedures. Upon an initial determination that a complaint may be valid, the president of the council shall refer it to the appropriate agency. If such agency does not resolve the complaint within a reasonable time, the president of the council may conduct an investigation and make specific recommendations to the agency for resolution of the complaint. If, within a reasonable time after the president of the council has completed an investigation and submitted recommendations to an agency, such agency has failed to respond in a satisfactory manner to the recommendations, the president of the council may issue a report to the council and the mayor. Such report shall describe the

conclusions of the investigation and make such recommendations for administrative, legislative, or budgetary action, together with their fiscal implications, as the president of the council deems necessary to resolve the individual complaint or complaints or to address the underlying problems discovered in the investigation.

h. In addition to other duties and responsibilities, the president of the council shall evaluate the performance of city agencies. Such evaluations shall include, but not be limited to, annual evaluations of: (1) the implementation of the requirements for coterminality of local services contained in all subdivisions of section twenty seven hundred four; (2) the effectiveness of the citizen information and service complaint programs of city agencies; and (3) the responsiveness of city agencies to individual and group requests for data or information regarding the agencies' structure, activities and operations. Any reports of such performance evaluations shall be submitted to the council, mayor and appropriate agency and shall include the president of the council's recommendations for addressing the problems identified and the fiscal implications of such recommendations.

i. On the request of a resident, taxpayer, community board, council member or borough president, or on his or her own motion, the president of the council may inquire into any alleged failure of a city officer or agency to comply with any provision of the charter. If as a result of such inquiry, the president of the council concludes that there is any substantial failure to comply with any provision of the charter, he or she shall submit a

preliminary report documenting the conclusions of the inquiry to the officer and head of each agency involved and shall, upon reasonable notice, hold a public hearing on the matter. Officers of affected agencies shall have the right, and it shall be their duty when requested by the president of the council, to appear and be heard at such hearing. Within a reasonable time after such hearing, the president of the council shall issue a final report to the council, mayor, and agency involved documenting the conclusions of the inquiry and hearing.

j. The president of the council shall have timely access to those records and documents of city agencies, for which a claim of privilege may not properly be raised, which the president of the council deems necessary to complete the investigations, inquiries and evaluations required by this section. If the city agency does not comply with the president of the council's request for such records and documents, the president of the council may request an appropriate committee of the council to require the production of such records and documents pursuant to section twenty-nine.

k. If during the conduct of any investigation, inquiry, or evaluation authorized by this section, the president of the council discovers that the matter may involve criminal conduct, he or she shall promptly refer such matter to the department of investigation or to the appropriate prosecuting attorney or other law enforcement agency. If the president of the council discovers that the matter may involve a conflict of interest, he or she shall promptly refer such matter to the conflicts of interest board.

l. Before making public any report authorized by this section the president of the council shall send a draft copy to any officer, and to the head of any agency, discussed in such report and provide the officer and agency, in writing, with a reasonable deadline for their review and response. The president of the council shall include in any report which is made public a copy of all such officer and agency responses to his or her findings and recommendations.

m. The president of the council may hold public hearings in the course of fulfilling the requirements of this section provided that a complete transcript of any such hearings shall be made available for public inspection free of charge within a reasonable time after the hearing. The president of the council shall also provide a copy of any requested pages of such transcript at a reasonable fee to cover copying and, if relevant, mailing costs.

n. Not later than the thirty-first day of October of each year, the president of the council shall present to the council a report on the activities of the office during the preceding fiscal year. The report shall include: (1) a statistical summary of the complaints received during such fiscal year, categorized by agency, type of complaint, agency response, mode of resolution, and such other factors as the president of the council deems appropriate; (2) an analysis of recurring complaints and the president of the council's recommendations for administrative, legislative, or budgetary actions to resolve the underlying problems causing the complaints; (3) a summary of the findings and recommendations of

the performance evaluations conducted during the fiscal year and a summary of the agency responses to such findings and recommendations; (4) a summary of the charter requirements which, in the opinion of the president of the council, are not being implemented by the city agencies and officers subject to them, including a description of the nature and extent of the failure to comply and a summary of the responses of the agencies or officers to the president of the council's conclusions; and (5) a summary of improvements in charter compliance since the president of the council's last annual report. The president of the council shall include an assessment of the fiscal implications of any recommendations presented in this report.

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CHAPTER 5

COMPTROLLER

Sec. 91. Election; terms; salary. The comptroller shall be elected by the electors of the city at the same time and for the same term as in this charter prescribed for the mayor. The salary of the comptroller shall be one hundred five thousand dollars a year.

Sec. 92. Removal from office. The comptroller may be removed or suspended in the same manner as provided in this charter with respect to the mayor.

Sec. 93. Powers and duties. a. The comptroller from time to time in his or her discretion may, and whenever required by law or requested by the mayor[, the board of estimate] or the council, shall advise the mayor[, the board of estimate] and the council on the financial condition of the city or any phase thereof and make such recommendations, comments and criticisms in regard to the operations, fiscal policies and financial transactions of the city as he or she may deem advisable in the public interest.

b. [He] The comptroller shall have power to audit and investigate all matters relating to or affecting the finances of the city, including without limitation the performance of contracts and the receipt and expenditure of city funds, and for such purpose [he] shall have power to require the attendance and examine and

1 take the testimony under oath of such persons as [he] the
2 comptroller may deem necessary. The comptroller shall conduct all
3 audits of entities under contract with the city as expeditiously
4 as possible and in no case shall initiate an audit later than one
5 year after the expiration of a contract term unless the comptroller
6 determines in writing that: (1) such audit is initiated in
7 connection with litigation brought by or against the city, (2) it
8 was not practicable to initiate an audit within such one year
9 period, or (3) the initiation of the audit after the one year
10 period is appropriate in light of information discovered in an
11 audit of another contract of the same contractor. Such written
12 determinations shall be filed with the mayor, council and council
13 president.

14 c. The comptroller shall have power to audit all agencies, as
15 defined in subdivision two of section eleven hundred fifty, and all
16 agencies, the majority of whose members are appointed by city
17 officials. The comptroller shall be entitled to obtain access to
18 agency records required by law to be kept confidential, other than
19 records which are protected by the privileges for attorney-client
20 communications, attorney work products, or material prepared for
21 litigation, upon a representation by the comptroller that necessary
22 and appropriate steps will be taken to protect the confidentiality
23 of such records. The comptroller shall establish a regular auditing
24 cycle to ensure that one or more of the programs or activities of
25 each city agency, or one or more aspects of each agency's
26 operations, is audited at least once every four years. The audits

1 conducted by the comptroller shall comply with generally accepted
2 government auditing standards. In accordance with such standards,
3 the comptroller shall send a copy of any draft audit report to the
4 head of the audited agency and provide the agency, in writing, with
5 a reasonable deadline for its review and response. The comptroller
6 shall include in the final audit report copies of any such agency
7 response. The comptroller shall send copies of all such audit
8 reports to the council and the mayor.

9 [c] d. The comptroller shall (1) audit financial transactions
10 of the city, including vouchers, warrants, and payrolls; (2) audit
11 all official accounts and the accrual and collection annually of
12 all revenues and receipts; and (3) audit the expenditure of city
13 funds by any public or private agency that receives such funds from
14 the city.

15 [d]e. The comptroller shall audit the operations and programs
16 of city agencies to determine whether funds are being expended or
17 utilized efficiently and economically and whether the desired
18 goals, results or benefits of agency programs are being achieved.
19 [He] The comptroller shall investigate the processing of vouchers
20 and the payment of bills by city agencies and shall audit agency
21 compliance with applicable procedures in procuring goods, services
22 and construction. The comptroller shall also undertake studies,
23 including cost benefit analyses, of purchases of [equipment,] goods
24 [and], services, and construction by agencies of government that
25 use city funds for such purposes and report [his] the findings and
26 recommendations to the mayor, [the board of estimate,] the council

1 and the public.

2 f. Not later than the first day of March of each year, the
3 comptroller shall deliver to the council a report describing all
4 major audits of city agencies conducted by the comptroller during
5 the previous fiscal year, the corrective actions recommended in
6 such audits, the corrective actions which, according to comptroller
7 audits or agency reports, have been implemented, and the
8 comptroller's recommendations, if any, for additional corrective
9 actions.

10 [e]g. The comptroller shall have the power and [it shall be his]
11 duty to audit all vouchers before payment for availability of funds
12 and prepare warrants. No warrant shall be prepared by the
13 comptroller unless sufficient appropriations are available to cover
14 the payments involved. No agency shall expend or commit any funds
15 otherwise than for the program and purposes for which the funds
16 have been appropriated and the comptroller shall conduct audits and
17 take such other action as is required to assure compliance with
18 this provision.

19 [f]h. Except as provided in [subsection e] subdivision g, [not
20 later than July first, nineteen hundred seventy-seven] the agencies
21 shall prepare and audit vouchers before payment, prepare and audit
22 payrolls, receive and inspect goods and forward [bills] vouchers
23 to the comptroller for payment. The comptroller shall prescribe
24 methods, with which all agencies shall comply, for preparing and
25 auditing vouchers before payment, preparing payrolls, and
26 recording, reporting and accounting in the several agencies and

shall conduct reviews to assure compliance. The comptroller may suspend or withdraw the authority delegated to an agency pursuant to this subdivision (1) upon a finding of abuse of such authority or on a determination that the agency lacks adequate internal controls to exercise such authority properly [[and (2) upon the approval of the [board of estimate] audit committee after the agency has had an opportunity to be heard on this matter.]]

[g]i. The comptroller shall have the power to settle and adjust all claims in favor of or against the city in such manner as shall be prescribed by law and for that purpose may administer oaths, except that, with regard to excise and non-property taxes, such power shall be vested in the commissioner of finance. The comptroller shall not revise the terms of a contract or agreement with the city after its execution. The city may include in construction contracts or agreements for capital projects provisions that authorize the comptroller to submit disputes arising under any such contract or agreement to impartial arbitration.

[h]j. [He] The comptroller shall administer and manage the several sinking funds of the city and all other trust funds held by the city, and provide for the receipt and safekeeping of all moneys in such funds, except as provided in paragraph b of subdivision three of section fifteen hundred four of this charter, and in such administration [he] the comptroller shall be deemed to be acting in a fiduciary capacity.

[i]k. [He] The comptroller shall keep the accounts of the city

1 and shall at least once in each month render to each agency a
2 summary statement of so much thereof as relates to such agency.
3 [j]]. Within four months after the close of each fiscal year,
4 the comptroller shall publish a statement for such year, including
5 a full and detailed statement of the [receipts] revenues and
6 expenditures of the city and the [cash balance or] surplus at the
7 end of the fiscal year, including the average daily collected
8 deposits in bank accounts of the city, the investment performance
9 of city pension and other investment funds, an itemized statement
10 of all taxes due and uncollected at the close of the fiscal year,
11 the reserve for estimated uncollectible taxes, and the uncollected
12 parking violation fines receivable, an itemized statement of the
13 condition of the sinking funds, the street and park openings fund
14 and the street improvement fund, so long as such funds shall be
15 continued, and any other assessable improvement funds, and of the
16 tax appropriation and general fund stabilization reserve fund as
17 at the close of the fiscal year, the different sources of city
18 revenue, including itemization of receivables due from state or
19 federal sources by program and fiscal year, and the amount received
20 from each, the several appropriations made for the fiscal year, the
21 objects for which they were made and the amount of [moneys
22 expended] expenditures made under each, the money borrowed on the
23 credit of the city, the amount of each loan, the authority under
24 which it was made and the terms on which it was obtained, and such
25 other information in regard to such fiscal year as may be
26 determined by the comptroller or by law.

1 [k]m. [On January first, nineteen hundred seventy-six, the] The
2 comptroller shall [begin to] establish for his or her office and
3 [in] for all city agencies a uniform system of [uniform] accounting
4 and reporting based on [the principles set forth in the state
5 comptroller's uniform system of accounts for municipalities as
6 modified by the state comptroller in consultation with the city
7 comptroller, for application to the city] generally accepted
8 accounting principles. [Such system of uniform accounting and
9 reporting shall be fully implemented not later than January first,
10 nineteen hundred eighty-one.]

11 (1) [Notwithstanding any provision to the contrary, such
12 accounting principles shall require that:

13 a. all expenses, excluding debt service and pension fund
14 contributions, be accounted for on an accrual basis; and

15 b. revenues be accounted for on an accrual basis only if the
16 liability of the payor of such revenue can be measured precisely
17 and can be shown to have been created during a specific fiscal year
18 and that a cash basis of accounting is to be used for those
19 revenues for which an accrual basis is not feasible.

20 (2)] Such system of uniform accounts shall provide:

21 a. control accounts in the office of the comptroller that are
22 consistent with budgeted units of appropriation and that are
23 adequate to record and control spending by the agencies and to
24 prevent agencies from exceeding appropriations;

25 b. detailed accounts in the agencies for the purposes of cost
26 accounting, rate of expenditure information and other management

1 information data; and

2 c. geographic accounts for the reporting of expenditures for
3 local service districts of agencies within community districts and
4 boroughs.

5 ~~[(3)]~~ (2) The comptroller shall prescribe procedures for
6 accounting and reporting for all agencies, review agency accounts
7 and systems to assure compliance with this chapter and with the
8 methods, standards and procedures prescribed by him or her for the
9 agencies.

10 [1]n. [He] The comptroller shall prescribe systems of accounting
11 for city agencies whose revenues arising out of the use of the
12 facilities and services supplied by such agencies constitute fifty
13 per centum or more of the appropriations provided for the
14 operation of such agencies, which systems of accounting shall
15 conform so far as practicable to standard public utility accounting
16 practices. The comptroller shall publish in the comptroller's
17 annual report [statistical data in regard to the financial
18 operations of such city agencies] the financial statements for such
19 city agencies.

20 [m]o. Notwithstanding the provisions of any general, special
21 or local law or this charter or any contract heretofore or
22 hereafter made or awarded by the city of New York or by any agency,
23 department or authority acting on its behalf, the comptroller may,
24 at his or her discretion, turn over the physical custody and
25 safekeeping of bonds, notes, obligations or other evidences of
26 indebtedness which have been or will be deposited with [him] the

1 comptroller as collateral security as required by law or contract
2 to a custodian who may be (a) any bank or trust company
3 incorporated in the state, or (b) any national bank located in the
4 state, or (c) any private banker duly authorized by the
5 superintendent of banks of this state to engage in business here.
6 The comptroller may enter into a contract with such custodian under
7 terms and conditions which the comptroller may require. Each
8 depositor of collateral security shall bear [his or its] a
9 proportionate share of the cost of such custodial safekeeping which
10 shall be paid to the city of New York.

11 [n]p. No contract or agreement executed pursuant to this
12 charter or other law shall be implemented until (1) a copy has been
13 filed with the comptroller and (2) either the comptroller or the
14 mayor has registered it [or thirty days have elapsed from the date
15 of filing, whichever is sooner] in accordance with section xxx of
16 the charter.

17 [o]g. The council shall periodically review the requirements
18 contained in the charter for studies and reports by the comptroller
19 and may by local law revise such requirements as it deems
20 appropriate. The comptroller, upon request, shall assist the [board
21 of estimate or the] council in the conduct of any of its
22 investigations or studies [by either body] of the fiscal or
23 economic affairs of the city or of any agency. [He] The
24 comptroller shall provide reports to the [board of estimate or the]
25 council upon request [of either body] and shall testify before
26 [either body or a committee of either body] the council or a

1 committee thereof.

2 r. The comptroller shall make a complete transcript of each
3 public hearing conducted by the office available for public
4 inspection free of charge within a reasonable time after such
5 hearing. The comptroller shall also provide a copy of any requested
6 pages of such transcript at a reasonable fee to cover copying and,
7 if relevant, mailing costs.

8 Sec. 94. Deputy comptrollers and other appointees. a. The
9 comptroller shall appoint and at pleasure remove a first, and
10 second deputy comptroller. [He] The comptroller may appoint and at
11 pleasure remove a third deputy comptroller who shall be a person
12 qualified to advise and assist the comptroller in all matters
13 relating to borrowings and the investment of funds. Except as
14 provided in subdivision b of this section, each of the deputies and
15 any officer or employee appointed by the comptroller shall have
16 such powers and duties as may be assigned to such person by the
17 comptroller by instrument in writing filed with the city clerk.
18 Provided however that no more than five (5) such additionally
19 appointed officers or employees shall serve simultaneously. The
20 city clerk shall notify the city council of the filing or
21 revocation of each such appointment.

22 b. [Any deputy comptroller or any one of three officers or
23 employees appointed by the comptroller may, by written authority
24 filed with the board of estimate and with the city clerk, act in
25 the place of the comptroller as a member of the board of estimate.]
26 Any deputy comptroller or any officer or employee appointed by the

1 comptroller may act in place of the comptroller on any [other]
2 board, body or committee of which the comptroller is a member
3 whenever the comptroller shall so authorize in writing and such
4 authorization is filed with such board, body or committee and with
5 the city clerk.

6 c. Any vacancy in the office of comptroller shall be filled
7 by popular election, in the manner set forth in this subdivision.
8 In the event of a vacancy in the office of comptroller until an
9 interim or permanent successor is first elected, or whenever by
10 reason of sickness, absence from the city or suspension from
11 office, the comptroller shall be prevented from attending to the
12 duties of the office, or while the comptroller is acting as mayor,
13 the first deputy comptroller or in the case of his or her illness
14 or absence the second deputy comptroller or in the case of his or
15 her illness or absence the third deputy comptroller shall act as
16 comptroller.

17 1. Within three days of the occurrence of a vacancy in the
18 office of the comptroller, the mayor shall proclaim the date for
19 the election or elections required by this subdivision, provide
20 notice of such proclamation to the city clerk and the board of
21 elections and publish notice thereof in the City Record. After the
22 proclamation of the date for an election to be held pursuant to
23 paragraphs four or five of this subdivision, the city clerk shall
24 publish notice thereof not less than twice in each week preceding
25 the date of such election in newspapers distributed within the
26 city, and the board of elections shall mail notice of such election

1 to all registered voters within the city.

2 2. If a vacancy occurs during the first three years of the
3 term, a general election to fill the vacancy for the remainder of
4 the unexpired term shall be held in the year in which the vacancy
5 occurs, unless the vacancy occurs after the last day on which an
6 occurring vacancy may be filled at the general election in that
7 same year with party nominations of candidates for such election
8 being made at a primary election, as provided in section 6-116 of
9 the election law. If such a vacancy occurs in any year after such
10 last day, it shall be filled for the remainder of the unexpired
11 term at the general election in the following year provided,
12 however, that no general election to fill a vacancy shall be held
13 in the last year of the term, except as provided in paragraph nine
14 of this subdivision. Party nominations of candidates for a general
15 election to fill a vacancy for the remainder of the unexpired term
16 shall be made at a primary election, except as provided in
17 paragraph five of this subdivision.

18 3. If a special or general election to fill the vacancy on an
19 interim basis has not been previously held pursuant to paragraphs
20 four, six, seven and eight of this subdivision, the person elected
21 to fill the vacancy for the remainder of the unexpired term at a
22 general election shall take office immediately upon qualification
23 and shall serve until the term expires. If a special or general
24 election to fill the vacancy on an interim basis has been
25 previously held, the person elected to fill the vacancy for the
26 remainder of the unexpired term at a general election shall take

1 office on January first of the year following such general election
2 and shall serve until the term expires.

3 4. If a vacancy occurs during the first three years of the
4 term and on or before the last day in the third year of the term
5 on which an occurring vacancy may be filled for the remainder of
6 the unexpired term at a general election with party nominations of
7 candidates for such election being made at a primary election, as
8 provided in section 6-116 of the election law, a special or general
9 election to fill the vacancy on an interim basis shall be held,
10 unless the vacancy occurs less than ninety days before the next
11 primary election at which party nominations for a general election
12 to fill the vacancy may be made and on or before the last day on
13 which an occurring vacancy may be filled for the remainder of the
14 unexpired term at the general election in the same year in which
15 the vacancy occurs with party nominations of candidates for such
16 election being made at a primary election, as provided on section
17 6-116 of the election law.

18 5. If a vacancy occurs after the last day in the third year
19 of the term on which an occurring vacancy may be filled for the
20 remainder of the unexpired term at a general election in each year
21 with party nominations of candidates for such election being made
22 at a primary election, as provided in section 6-116 of the election
23 law, but not less than ninety days before the date of the primary
24 election in the fourth year of such term, a special or general
25 election to fill such vacancy for the remainder of the unexpired
26 term shall be held.

1 6. Elections held pursuant to paragraph four or five of this
2 subdivision shall be scheduled in the following manner: A special
3 election to fill the vacancy shall be held on the first Tuesday at
4 least forty-five days after the occurrence of the vacancy, provided
5 that the mayor, in the proclamation required by paragraph one of
6 this subdivision, may schedule such election for another day no
7 more than ten days after such Tuesday and not less than forty days
8 after such proclamation if the mayor determines that such
9 rescheduling is necessary to facilitate maximum voter
10 participation; except that

11 (a) if the vacancy occurs before September twentieth in any
12 year and the first Tuesday at least forty-five days after the
13 occurrence of the vacancy is less than ninety days before a
14 regularly scheduled general election or between a primary and a
15 general election, the vacancy shall be filled at such general
16 election; and

17 (b) if the vacancy occurs before September twentieth in any
18 year and the first Tuesday at least forty-five days after the
19 occurrence of the vacancy is after a regularly scheduled general
20 election, the vacancy shall be filled at such general election;
21 and

22 (c) if the vacancy occurs on or after September twentieth in
23 any year and the first Tuesday at least forty-five days after the
24 occurrence of the vacancy is after, but less than thirty days
25 after, a regularly scheduled general election, the vacancy shall
26 be filled at a special election to be held on the first Tuesday in

1 December in such year.

2 7. All nominations for elections to fill vacancies held
3 pursuant to paragraphs four and five of this subdivision shall be
4 by independent nominating petition. A signature on an independent
5 nominating petition made earlier than the date of the proclamation
6 required by paragraph one of this subdivision shall not be counted.

7 8. A person elected to fill a vacancy in the office of the
8 comptroller at an election held pursuant to paragraph four of this
9 subdivision shall take office immediately upon qualification and
10 serve until December thirty-first of the year in which the vacancy
11 is filled for the remainder of the unexpired term pursuant to
12 paragraph two of this subdivision. A person elected to fill a
13 vacancy in the office of the comptroller at an election held
14 pursuant to paragraph five of this subdivision shall take office
15 immediately upon qualification and serve until the term expires.

16 9. If a vacancy occurs less than ninety days before the date
17 of the primary election in the last year of the term, the person
18 elected at the general election in such year for the next
19 succeeding term shall take office immediately upon qualification
20 and fill the vacancy for the remainder of the unexpired term.

21 Sec. 95. Annual audit. An annual audit shall be made of the
22 consolidated operating accounts of the city and year-end
23 receivables accounts of the city by a firm or firms of certified
24 public accountants selected by the [board of estimate] audit
25 committee, after submission of more than one proposal to perform
26 the audit, unless such audit is performed or shall be performed by

1 the state comptroller. Copies of the annual audit shall be
2 submitted to the mayor, the comptroller, [the board of estimate,]
3 the council and the state comptroller and shall be published in the
4 City Record. No firm of certified public accountants shall perform
5 any such audit or a part of such audit for more than four
6 consecutive years.

7 [Sec. 95*. Third deputy comptroller. The comptroller may appoint
8 and at pleasure remove a third deputy comptroller who shall be a
9 person qualified to advise and assist the comptroller in all
10 matters related to borrowings and the investment of funds.]

11 Sec. 96. Actuarial audit. The [board of estimate] audit
12 committee biennially shall select an independent actuary to review
13 and comment upon the financial soundness and probity of the
14 actuarial assumptions employed by the city to calculate
15 contributions to the city pension funds. The report of the actuary
16 shall be published in the City Record. No actuary may be selected
17 more than twice consecutively.

18 Sec. 97. Audit committee. a. There shall be an audit committee
19 which shall consist of the mayor, the comptroller, the president
20 of the Council, and four private members appointed by the mayor,
21 two of whom shall be appointed upon the recommendation of the
22 comptroller. The members of the committee shall elect a private
23 member as chairperson for an annual term commencing on the first
24 day of March.

25 b. The private members of the audit committee shall include
26 (i) two persons with expertise in municipal finance, and (ii) two

1 officers or employees of two different firms of independent public
2 accountants which are not engaged by the City of New York. The
3 private members shall serve for staggered two-year terms and shall
4 continue in office until their successors have been appointed and
5 qualified. Private members shall serve without salary but shall be
6 reimbursed for expenses actually and necessarily incurred in the
7 performance of official duties and shall also receive a per diem
8 allowance when rendering services to the committee.

9 c. The audit committee shall:

10 [(1) approve or disapprove the comptroller's suspension
11 or withdrawal of authority delegated to an agency pursuant to
12 subdivision h of section ninety-three;]

13 (2) select a firm or firms of certified public
14 accountants to perform the annual audit of the city's accounts
15 required by section ninety-five

16 (3) assist in the determination of areas of inquiry for,
17 review the progress of, and evaluate the results of, the annual
18 audit required by section ninety-five;

19 (4) select the independent actuary required to perform
20 the actuarial audit required by section ninety-six;

21 (5) perform such other functions as are agreed to by all
22 of the members.

2 CHAPTER 8

3 CITY PLANNING

4 Sec. 191. Department and director of city planning. a.

5 There shall be a department of city planning, the head of which
6 shall be the director of city planning. ~~He~~ The director of
7 city planning shall be ~~chairman~~ the chair and a member of the
8 city planning commission and shall serve at the pleasure of the
9 mayor.

10 b. The director of city planning shall:

11 1. Advise and assist the mayor ~~and~~, the board of estimate~~s~~ and
12 the council in regard to the physical planning and public
13 improvement aspects of all matters related to the development of
14 the city.

15 2. Provide staff assistance to the city planning commission
16 in all matters under its jurisdiction.

17 3. Be the custodian of the city map and record thereon all
18 changes legally authorized.

19 4. Conduct continuous studies and collect statistical and
20 other data to serve as the basis for planning recommendations.

21 5. Provide community boards with such staff assistance and
22 other professional and technical assistance as may be necessary
23 to permit such boards to perform their planning duties and
24 responsibilities under this chapter.

25 6. Perform such other functions as are assigned to ~~him~~ by
26 the mayor or other provisions of law.

1 c. The department shall employ such planning experts,
2 engineers, architects and other officers and employees as may be
3 required to perform its duties, within the appropriation
4 therefor.

1 Sec. 192. City planning commission. a. There shall be a
2 city planning commission to consist of the ~~chairman~~ chair and
3 ~~six~~ ten other members ~~to be appointed by the mayor~~. The
4 mayor shall appoint the chair and four other members of the
5 commission, the president of the council shall appoint one
6 member, and each borough president shall appoint one member.
7 Members shall be chosen for their independence, integrity and
8 civic commitment. ~~The appointments shall be made so that there~~
9 ~~is at least one resident of each borough on the commission.~~
10 Except as otherwise provided in section one hundred ninety-one,
11 no member shall hold any other city office. Members other than
12 the ~~chairman~~ chair shall be appointed for a term of ~~eight~~
13 five years ~~.~~. In case of a vacancy in the office of a member
14 other than that of the chairman, the mayor shall appoint a member
15 to serve for the remainder of the unexpired term. ~~.~~ ; provided,
16 however, that of the members other than the chair, one member
17 appointed by the mayor and one member appointed by a borough
18 president shall serve for terms to expire on June 30, nineteen
19 hundred ninety-one; one member appointed by the mayor and one
20 member appointed by a borough president shall serve for terms to
21 expire on June 30, nineteen hundred ninety-two; the member
22 appointed by the president of the council and one member
23 appointed by a borough president shall serve for terms to expire
24 on June 30, nineteen hundred ninety-three; one member appointed
25 by the mayor and one member appointed by the borough president
26 shall serve for terms to expire on June 30, nineteen hundred

1 ninety-four; and one member appointed by the mayor and one member
2 appointed by the borough president shall serve for terms to
3 expire on June 30, nineteen hundred ninety-five. The borough
4 presidents shall determine by lot the length of the term to be
5 served by the member first appointed by each borough president.
6 The appointing officials shall make their first appointments to
7 the commission on or before March 1, nineteen hundred ninety.
8 The commission members so appointed shall assume office on July
9 1, nineteen hundred ninety.

10 b. Members of the board shall serve until their successors
11 have been confirmed. Any vacancy occurring other than by
12 expiration of a term shall be filled by nomination by the
13 official who appointed the member. A person so appointed shall
14 serve for the unexpired portion of the term of the member
15 succeeded. Terms shall begin on the date after the expiration
16 date of the preceding term.

17 [b.] c. One of the members other than the [chairman] chair
18 shall be designated by the mayor as [vice-chairman] vice-chair.
19 The [vice-chairman] vice-chair shall possess the powers and
20 perform the duties of the [chairman] chair when the [chairman]
21 chair is absent or while a vacancy exists in the office of
22 [chairman] chair, and shall at such times serve as director of
23 city planning.

24 d. The city planning commission shall be responsible for the
25 conduct of planning relating to the orderly growth and
26 improvement and future development of the city, including

Sec. 193. Removal by mayor after hearing. A member of the
1 adequate and appropriate resources for the housing, business,
2 industry, transportation, distribution, recreation, comfort,
3 convenience, health and welfare of its population.

4 e. Not less than once every five years, the commission shall
5 undertake and complete a comprehensive review of the zoning
6 resolution and shall file a report with the mayor, the council,
7 the council president, the borough presidents, and the community
8 boards, which shall describe the results of its review and its
9 recommendations based on such review.

10 f. The chair of the city planning commission shall make a
11 complete transcript of the meetings and hearings of the
12 commission available for public inspection free of charge within
13 a reasonable period of time after any such meeting or hearing.
14 The chair shall also provide a copy of any requested pages of
15 such transcript to any resident or taxpayer at a reasonable fee
16 to cover the cost of copying and, if relevant, mailing.

1 Sec. 193. Removal by mayor after hearing. A member of the
2 commission other than the ~~chairman~~ chair may be removed by the
3 mayor only upon proof of official misconduct or of negligence in
4 official duties or of conduct in any manner connected with his or
5 her official duties which tends to discredit his or her office,
6 or of mental or physical inability to perform his or her duties;
7 and before removal ~~the~~ any such member shall receive a copy of
8 the charges and shall be entitled to a hearing before the mayor
9 and to the assistance of counsel at such hearing.

1 Sec. 197-a. Plans. a. The city planning commission shall be
2 responsible for the conduct of planning relating to the orderly
3 growth and improvement and future development of the city,
4 including adequate and appropriate resources for the housing,
5 business, industry, transportation, distribution, recreation,
6 comfort, convenience, health and welfare of its population.
7 Plans for the development, growth, and improvement of the city
8 and of its boroughs and community districts may be initiated
9 proposed by (1) the mayor, (2) the city planning commission, (3)
10 the department of city planning, (4) a borough president with
11 respect to his or her borough, (3) (5) a borough board with
12 respect to land located within two or more community districts
13 its borough, or (4) (6) a community board with respect to land
14 located within its community district. A community board, or
15 borough board or borough president that initiates proposes any
16 such plan shall conduct a public hearing on it and submit a
17 written recommendation to the city planning commission. Plans
18 initiated proposed by the mayor, or the city planning
19 commission, the department of city planning, a borough president
20 or a borough board shall be referred to the affected community
21 board or boards for review and recommendation after such public
22 hearing. and, if land located within Plans affecting two or
23 more community districts shall be referred is included, to the
24 affected borough board or boards for review and recommendation
25 after public hearing. Plans proposed by the mayor, the city
26 planning commission, the department of city planning, a community

1 community board or borough board shall also be referred to the
2 affected borough presidents for review and recommendation. A
3 community board or borough board may review a plan which does not
4 involve land so located as to require its review if in its
5 judgment the plan significantly affects the welfare of the
6 district or borough served by such board. In such a case the
7 plan and any advice relative thereto submitted by any officer or
8 agency shall be made available to such board on request. Such
9 board may hold its own public hearing on such plan if it desires
10 and may submit its own recommendations in regard thereto to the
11 city planning commission. The city planning commission shall
12 prepare and, with the approval of the mayor, establish the
13 procedures and schedule for review and public hearings by
14 community boards and borough boards on any plans initiated by the
15 mayor, a borough president or the city planning commission [which
16 involve matters of city-wide concern].

Time
17 b. The city planning commission shall adopt rules
18 establishing minimum standards for the form and content of plans
19 pursuant to this section. Upon receipt of a plan proposed
20 pursuant to this section, the city planning commission shall
21 determine whether such plan satisfies the standards established
22 in such rules. If the city planning commission determines that a
23 plan submitted by a community board satisfies the standards, the
24 department of city planning shall, prepare or cause to be
25 prepared any environmental analysis of the plan required by law

1 to enable the city planning commission and the council to act on
2 the plan pursuant to subdivision c of this section.

3 c. The city planning commission shall (1) review any plan
4 ~~initiated~~ proposed pursuant to subdivision a of this section
5 that complies with the standards established by rule pursuant to
6 subdivision b of this section, (2) hold a public hearing on the
7 plan ~~it~~ and (3) by resolution approve, approve with
8 modifications or disapprove ~~recommend to the board of estimate~~
9 approval, modification or disapproval of the plan. If the city
10 planning commission has approved a plan with or without
11 modifications, the commission shall file a copy of the plan and
12 the resolution of the commission with the city clerk, and the
13 council ~~board of estimate~~ shall hold a public hearing on the
14 plan ~~and the recommendation of the city planning commission~~,
15 and thereafter ~~take final action of approval, modification or~~
16 disapproval by majority vote shall either approve or disapprove
17 the plan in the form approved by the commission. Any such action
18 of the council shall be final unless vetoed by the mayor within
19 five days of the vote. A veto by the mayor of a vote of
20 disapproval by the council shall be deemed to be a final approval
21 of the resolution of the city planning commission disapproved by
22 the council unless the council overrides such veto. Any such
23 mayoral veto shall be subject to override by a two-thirds vote of
24 the council within ten days of the veto. If the council fails to
25 act within one hundred twenty days of the date the resolution of
26 the city planning commission to approve a plan is filed with the

1 city clerk, the plan in the form approved by the commission shall
2 be deemed approved and shall be effective on the one-hundred-
3 twenty-first day after filing with the council. The [board]
4 council may by a ^{two-thirds} three-fourths vote override any action of the
5 city planning commission which disapproved a plan if the mayor
6 shall have certified to the city planning commission that such a
7 plan is necessary. [If the city planning commission has approved
8 a plan with or without modification, the board of estimate may
9 take final action on it by majority vote.] Copies of approved
10 plans shall be filed with the city clerk, the department of city
11 planning and every borough president and the borough boards and
12 community boards affected.

1 Sec. 197-b. Notification to community boards. Advance
2 notification of all preliminary and final plans and of all
3 requests for proposals and letters of intent relating to private
4 use or the disposition of city-owned land of public agencies,
5 local development corporations and public benefit corporations or
6 of private agencies, entities or developers filed with the city
7 or issued by or on behalf of the city that relate to the use,
8 development or improvement of land owned by the city or subject
9 to city regulation shall be given to the affected community board
10 or boards and the office of the borough president, provided that
11 exceptions may be made in matters of no appreciable public
12 concern by agency rule.

1 Sec. 197-c. Uniform land use review procedure.

2 a. Except as otherwise provided in this charter, proposals
3 and applications by any person or agency for changes, approvals,
4 contracts, consents, permits or authorization thereof, respecting
5 the use, development or improvement of real property subject to
6 city regulation shall be reviewed pursuant to a uniform review
7 procedure in the following categories:

8 *double no* (1) The city map pursuant to section one hundred
9 *triple no* ninety-eight and section one hundred ninety-nine;

10 *triple no* (2) Map of a subdivision or platting of land into streets,
11 avenues or public places pursuant to section two
12 hundred two;

13 (3) Designations of zoning districts under the zoning
14 resolution, including conversion from one land use to
15 another land use, pursuant to sections two hundred and
16 two hundred one;

17 *Automatic* (4) Special permits within the jurisdiction of the city
18 *no council jurisdiction* planning commission under the zoning resolution,
19 pursuant to sections two hundred and two hundred one;

20 (5) Site selection for capital projects pursuant to section
21 *triple no* two hundred twenty-seven;

22 (6) *7.* ~~Franchises~~, and revocable Revocable consents and
23 requests for proposals and other solicitations for
24 franchises pursuant to section three hundred sixty
25 three and for major concessions as defined in section
26 three hundred sixty six involving residential,

1 industrial, commercial, transportation or community
2 facility projects pursuant to chapter fourteen], but
3 only with respect to the land use impacts or
4 implications, if any, of such franchises, major
5 concessions and revocable consents;

6 (7) Improvements in real property the costs of which are
7 payable other than by the city pursuant to section two
8 hundred twenty-nine;

9 (8) Housing and urban renewal plans and projects pursuant
10 to city, state and federal housing laws;

11 (9) Sanitary or waterfront land-fills pursuant to
12 applicable charter provisions or other provisions of
13 law;

14 (10) Sale, lease[,] (other than the lease of office space),
15 exchange, or other disposition of [real property to the
16 city and of] the real property of the city, [and]
17 including the [proposed acquisition,] sale or lease of
18 land under water pursuant to [section sixty-seven,]
19 section sixteen hundred [three] two, chapter fifteen,
20 and other applicable provisions of law; [and,

21 (11) Acquisition by the city of real property (other than
22 the acquisition of office space or an office building),
23 including acquisition by purchase, condemnation,
24 exchange or lease and including the acquisition of land
25 under water pursuant to section sixteen hundred two,

1 chapter fifteen, and other applicable provisions of
2 law;

3 (12) Waterfront plans, pursuant to section seven hundred
4 five; and

5 (13) Such other matters involving the use, development or
6 improvement of property as are specified by the board
7 of estimate local law adopted upon the recommendation
8 of the city planning commission.

9 b. Each proposal or application, any amendments thereto and
10 any written information prepared by an applicant for purposes of
11 determining (1) whether an environmental impact statement will be
12 required by law and (2), prior to the actual drafting thereof,
13 the form and content of any environmental impact statement
14 required by law, shall be filed with the department of city
15 planning, which. The department of city planning shall forward
16 a copy of any materials it receives pursuant to this subdivision
17 (whether or not such materials have been certified as complete)
18 within five days to the borough president of the borough in which
19 the land involved is located, to the community board for each
20 community district in which the land involved, or any part
21 thereof, is located, and to the borough board if the proposal or
22 application involves land located in two or more districts in a
23 borough. The department of city planning shall be responsible
24 for certifying that applications pursuant to subdivision a of
25 this section are complete and ready to proceed through the
26 uniform land use review procedure provided for in this section.

1 If an application under this section has not been certified
2 within six months after filing, the applicant shall have the
3 right at any time thereafter to appeal to the city planning
4 commission for certification. Within sixty days of the filing of
5 such an appeal, the commission shall either certify the
6 application or state in writing what further information is
7 necessary to complete the application. A second appeal for
8 certification of an application shall not be permitted unless the
9 applicant has submitted all the information specified by the
10 commission in response to the first appeal.

11 c. If a meeting involving a city agency and an applicant is
12 convened to determine, in advance of the drafting, the form and
13 content of any environmental impact statement required by law for
14 a proposal or application subject to review under this section,
15 each affected community board and each affected borough president
16 shall receive advance notice of such meeting, and each shall have
17 the right to send one representative to participate in the
18 meeting.

19 d. Each such community board shall, not later than sixty days
20 after receipt of [the proposal or] an application that has been
21 certified pursuant to subdivision b of this section, [either]

22 (1) notify the public of the proposal or application in a
23 manner specified by the city planning commission
24 pursuant to subdivision h of this section, and

25 (2) either (a) conduct a public hearing thereon and [(3)]
26 prepare and submit a written recommendation directly to

1 the city planning commission and to the president of
2 the borough in which such community board is located or
3 waive the (b) submit a written waiver of the right to
4 conduct of a public hearing and the preparation of
5 prepare such written recommendations where authorized
6 by this charter to the commission and the president of
7 the borough.

8 e. A copy of a recommendation by a community board pursuant
9 to subdivision [c] d of this section that involves land located
10 within two or more community districts in a borough shall also be
11 filed with the borough board within the same time period as
12 specified in subdivision [c] d. Not later than thirty days after
13 the filing of a recommendation or waiver with the borough board
14 by every community board in which land involved is located, or
15 after the expiration of the time allowed for such community
16 boards to act, the borough board may hold a public hearing on the
17 proposal or application and any such recommendations and submit a
18 written recommendation or waiver thereof to the city planning
19 commission.

20 f. Not later than thirty days after the filing of a
21 recommendation or waiver with the borough president by all
22 community boards in which land involved is located, or after the
23 expiration of the time allowed for such community boards to act,
24 the borough president may submit a written recommendation or
25 waiver of the right to make a recommendation to the city planning
26 commission.

1 g. Not later than sixty days after the ~~[[filing]]~~ expiration of
2 time allowed for the filing of a recommendation or waiver with
3 [[it]] the city planning commission by a [[community board, or
4 borough board or the latest filing if there is more than one
5 within the time allowed]] borough president, the [[city planning]]
6 commission shall approve, modify, or disapprove, the proposal or
7 application [[and shall file its decision with the board of
8 estimate]]. Any such action of the commission shall require a
9 vote of a majority of the members, except that if (1) a city
10 facility (as defined in section two hundred three) requires an
11 approval pursuant subdivision a of this section, (2) the borough
12 president in whose borough such city facility is to be located
13 recommends against approval of the proposed city facility within
14 the time provided in subdivision f of this section, and (3) the
15 borough president has proposed an alternative site in the same
16 borough for such city facility pursuant to subdivision f or g of
17 section two hundred four, any approval pursuant to subdivision a
18 of this section of such city facility shall require a vote of
19 seven members of the commission; provided, however, that no such
20 seven-vote requirement shall apply if the city facility proposed
21 by the applicant is provided for in a local law or in a plan
22 approved by the council pursuant to section one hundred ninety-
23 seven-a. The city planning commission shall conduct a public
24 hearing on any proposal or application on which a hearing was not
25 held by a community board or borough board and on any other
26 proposal or application on which a hearing is required by law.

1 The commission may waive a public hearing if a community board or
2 borough board held a public hearing after adequate notice. Prior
3 to taking any action pursuant to this subdivision on a matter
4 involving the siting of a capital project, the sale, lease,
5 exchange or other disposition of real property, a franchise or a
6 revocable consent, the city planning commission shall obtain a
7 report from the office of management and budget, the department
8 of general services or the bureau of franchises, as appropriate.
9 Any action of the city planning commission which modifies or
10 disapproves a recommendation of the community board, borough
11 president or borough board shall be accompanied by a written
12 explanation of its reason for such action.

13 [g. The city planning commission shall file copies of its
14 decision or recommendation with the board of estimate, together
15 with copies of any recommendation of a community board or
16 borough board. Within sixty days of such filing, the board of
17 estimate shall hold a public hearing on the matter and take final
18 action by a majority vote unless otherwise specified in this
19 charter.]

20 h. The city planning commission [, after a public hearing,]
21 shall establish (1) rules providing guidelines, minimum
22 standards, and procedural requirements for community boards,
23 borough presidents, borough boards and the commission in the
24 exercise of their duties and responsibilities pursuant to this
25 section, (2) minimum standards for certification of applications
26 pursuant to subdivision b of this section, and (3) specific time

1 periods for review of submissions made in connection with
2 applications pursuant to this section prior to certification.

3 i. If a community board, borough president or borough board
4 ~~[[~~, or the city planning commission~~]]~~ fails or waives its right to
5 act within the time limits for review pursuant to subdivisions d,
6 e and f ~~[[c, d and e]]~~ of this section, the proposal or
7 application is referred to the next level of review. If the city
8 planning commission ~~[[board of estimate]]~~ fails to act on a
9 proposal or application within the time limit specified in
10 subdivision ~~[[f]]~~ g of this section, ~~[[any prior decision of the~~
11 city planning commission with respect to the land use impact and
12 implications is final.~~]]~~ the proposal or application shall be
13 deemed to have been denied.

14 j. Notice of any hearing on a proposal or application by the
15 city planning commission or ~~[[board of estimate]]~~ the council shall
16 be published in the City Record at least ten days immediately
17 prior to the date of the hearing, and a copy of the notice shall
18 be mailed to all community boards or borough boards affected by
19 the proposal or application.

20 k. A community or borough board may review a proposal or
21 application which is subject to uniform land use review procedure
22 pursuant to this section but does not involve land so located as
23 to require reference to such board for review, if in the board's
24 judgment the proposal or application might significantly affect
25 the welfare of the community district or borough served by such
26 board. In such a case the proposal or application and the

1 related materials submitted to the affected board or boards by
2 the city planning department shall be submitted also to such
3 board on request, and such board may hold its own public hearing
4 thereon if it so desires and may submit its own recommendations
5 in regard thereto to the city planning commission for
6 consideration at any time before the city planning commission
7 takes action thereon.

1 [Sec. 197-d. Temporary exemption for certain city properties.

2 a. Notwithstanding the provisions of section eleven hundred
3 fifty-two or any other section to the contrary, chapter eight of
4 this charter shall not apply to the sale, lease, exchange or
5 other disposition of real property of the city of New York under
6 the jurisdiction of the municipal service administration.

7 b. The provisions of this section shall remain in full force
8 and effect only until the thirty-first day of December, nineteen
9 hundred seventy-six.]

10 Sec. 197-d. Council Review. a. If the city planning
11 commission approves any matter described in clauses (3) or (8) of
12 subdivision a of section one hundred ninety-seven-c or a change
13 in the text of the zoning resolution pursuant to section two
14 hundred or section two hundred one, the commission shall, within
15 five days of the decision, file with the council a copy of its
16 decision, together with copies of all community board, borough
17 board and borough president recommendations.

18 b. If the city planning commission approves a sale, lease,
19 exchange or other disposition of residential real property
20 pursuant to clause (10) of subdivision a of section one hundred
21 ninety-seven-c, the commission shall, within five days of the
22 decision, file with the council a copy of its decision together
23 with copies of all community board, borough board and borough
24 president recommendations; provided, however that no such filing
25 shall be required if such decision of the commission is made
26 pursuant to a program established by a local law or pursuant to a

1 plan approved by the council pursuant to section one hundred
2 ninety-seven-a.

3 c. If (1) both an affected community board and the affected
4 borough president within the time periods allotted for their
5 reviews pursuant to section one hundred ninety-seven-c recommend
6 against approval of a matter described in clause (1), (2), (5),
7 (9), (10), (11) or (12) of subdivision a of section one hundred
8 ninety-seven-c and (2) the affected borough president files with
9 the city planning commission and the city clerk a written
10 objection to a decision of the commission to approve such a
11 matter within five days of the decision, the commission shall
12 within five days of the filing of the objection file with the
13 council a copy of such decision together with a copy of any
14 recommendation of a community board, borough president or borough
15 board; provided, however, that no such filing shall be required
16 if such decision of the commission is made pursuant to a program
17 established by a local law or pursuant to a plan approved by the
18 council pursuant to section one hundred ninety-seven-a.

19 d. Within forty-five days of the filing with the council
20 pursuant to subdivision a, b or c of this section of any decision
21 of the city planning commission, the council shall hold a public
22 hearing on the matter and shall either approve or disapprove such
23 decision by a majority vote.

24 e. If the council fails to act by the required vote within
25 any time limit specified in this section, any prior decision of
26 the city planning commission shall be final and shall be

1 effective on the day after the expiration of the time limit for
2 action by the council provided for in this section.

3 f. All votes of the council pursuant to this chapter shall
4 be final unless vetoed by the mayor within five days of the vote.
5 Any such mayoral veto shall be subject to override by a two-
6 thirds vote of the council within ten days of the veto.

1 Sec. 198. City Map. a. The city map, as the same shall
2 exist at the time when this charter goes into effect, is hereby
3 continued.

4 b. The director of city planning shall be the custodian of
5 the city map, and it shall be his or her duty to complete and
6 maintain the same and to register thereon all changes resulting
7 from action authorized by law.

8 c. The city map shall be on file in the office of the
9 department of city planning, and certified copies thereof and of
10 all changes thereto shall be filed in the offices of the
11 corporation counsel, the city clerk and of the borough president
12 of the borough in which the land shown on the map is located and
13 in the office in which conveyances of real estate are required to
14 be recorded in the county in which the land shown on the map is
15 located.

1 Sec. 199. Projects and changes in city map. a. No
2 improvement or project affecting the city map and no addition to
3 or change in the city map shall be authorized otherwise than as
4 provided in this charter.

5 b. The review of any proposed addition to or change in the
6 city map initiated by or referred to the city planning commission
7 shall be made pursuant to section one hundred ninety-seven-c
8 except that if the city planning commission (1) does not
9 recommend approval or recommends a modification of the proposed
10 addition to or change in the city map which is not acceptable to
11 the board of estimate or (2) fails to act within the time limit
12 specified in subdivision e of section one hundred ninety-seven-c,
13 the board of estimate nevertheless may approve or modify the
14 proposed addition to or change in the city map by a three-fourths
15 vote. and, if applicable, section one hundred ninety-seven-d.

1 Sec. 200. Zoning regulations. a. Except as provided in
2 subdivision b, any existing resolution or regulation of the
3 council, the board of estimate or of the city planning
4 commission to regulate and limit the height and bulk of
5 buildings, to regulate and determine the area of yards, courts
6 and other open spaces, to regulate density of population or to
7 regulate and restrict the locations of trades and industries and
8 location of buildings designed for specific uses or creating
9 districts for any such purpose, including any such regulation
10 which provides that the board of standards and appeals may
11 determine and vary the application of such resolutions or
12 regulations in harmony with their general purpose and intent and
13 in accordance with general or specific rules contained in such
14 regulations, may be amended, repealed or added to only in the
15 following manner:

16 1. The city planning commission may upon its own initiative
17 at any time or upon application as provided in section two
18 hundred one, adopt a resolution for any such purpose subject to
19 the limitations provided by law. Before adopting any such
20 resolution, the commission shall notify any community board or
21 borough board affected by the resolution and shall afford persons
22 interested an opportunity to be heard at a time and place to be
23 specified in a notice of hearing to be published in the City
24 Record for the ten days of publication of the City Record
25 immediately prior thereto setting forth in general terms the
26 nature of the proposed resolution and a statement of the place at

1 which the entire resolution may be examined. [Any such
2 resolution shall be filed with the secretary of board of estimate
3 within five days from the day of its adoption.]

4 2. [Approval, disapproval or modification by the board of
5 estimate of such a] Any resolution by the commission
6 [recommending] approving a change in the zoning resolution [must
7 occur within sixty days from the date of filing of the resolution
8 with the board. In case the board shall fail to act on such
9 affirmative resolution within such period of sixty days, such
10 change shall be deemed approved and effective on the sixty-first
11 day after the date of filing unless a protest of owners of
12 affected property shall have been filed in accordance with the
13 provisions of paragraph three.] shall be subject to review and
14 approval by the council pursuant to section one hundred ninety-
15 seven-d. Any resolution for a zoning change which the mayor
16 shall have certified to the planning commission as necessary, and
17 which has been disapproved by the commission, may be adopted by
18 the [board of estimate] council by a three-fourths vote and,
19 after notice to the parties affected, a public hearing. The
20 time limits on council action in section one hundred ninety-
21 seven-d [foregoing limitation of sixty days] shall be
22 inapplicable to such an adoption and the change shall become
23 effective at a time fixed by the [board of estimate] council.
24 3. In case a protest against such a proposed resolution
25 approved by the city planning commission shall have been
26 presented to the city clerk [secretary of the board of estimate]

1 within thirty days from the date of the filing of such resolution
2 with the ~~[[board]]~~ city clerk, duly signed and acknowledged by the
3 owners of twenty per centum or more of the area of:

4 (1) the land included in changes proposed in such proposed
5 resolution, or

6 (2) the land immediately adjacent extending one hundred
7 feet therefrom, or

8 (3) the land, if any, directly opposite thereto extending
9 one hundred feet from the street frontage of such
10 opposite land,

11 such resolution shall not be effective after the filing of such
12 protest unless approved by the council ~~[[board of estimate,~~ either
13 in the form in which it was filed or as modified by the board,~~]]~~
14 by a three-fourths vote of the ~~[[board]]~~ council within one
15 hundred eighty days after the filing of said resolution with the
16 ~~[[secretary of the board of estimate]]~~ city clerk. The effective
17 date of such resolution, if so approved, shall be the date of
18 such approval. A protest duly filed as herein provided may be
19 withdrawn at any time within sixty days from the date of the
20 filing of such resolution.

21 b. Designations of zoning districts under the zoning
22 resolution and the issuance of special permits which under the
23 terms of the zoning resolution are within the jurisdiction of the
24 city planning commission shall conform to the procedures provided
25 in section one hundred ninety-seven-c and, in the case of such
26 designations of zoning districts, section one hundred ninety-

1 seven-d, except that whenever the city planning commission has
2 not recommended approval of a proposed change in the designation
3 of a zoning district or the issuance of a special permit under
4 the zoning resolution or has failed to act on such a matter
5 within the time specified in section one hundred ninety-seven-c,
6 the ~~board of estimate~~ council by a three-fourths vote may
7 approve such change or the issuance of such permit only if the
8 mayor shall have certified to the city planning commission that
9 such change or issuance is necessary.

1 Sec. 201. Applications for zoning changes and special
2 permits. a. Applications for changes in zoning resolutions or
3 regulations ~~for~~ for the issuance of special permits within the
4 jurisdiction of the city planning commission under the zoning
5 resolution~~]~~ may be filed by any taxpayer, community board, ~~for~~
6 borough board or borough president with the city planning
7 commission. ~~For~~ All such applications ~~involving~~ changes in
8 the designation of zoning districts or the issuance of special
9 permits under the zoning resolution, the~~]~~ shall be subject to
10 review and ~~hearing procedure in~~ approval pursuant to section
11 one hundred ninety-seven-c and one hundred ninety-seven-d, as
12 modified by subdivision b of section two hundred ~~]~~, shall be
13 applicable. For applications involving other changes in zoning
14 resolutions and regulations, the commission prior to taking
15 action upon any such application shall refer it to the affected
16 community boards or borough boards for a public hearing and
17 recommendation~~]~~.

18 b. Applications for special permits within the jurisdiction
19 of the city planning commission under the zoning resolution may
20 be filed by any taxpayer. All such applications for the issuance
21 of special permits shall be subject to review and approval
22 pursuant to section one hundred ninety-seven-c.

1 Sec. 202. Platting of land and dedication of streets and
2 public places. a. No map of a subdivision or platting of land
3 into streets, avenues or public places and blocks within the
4 limits of the city shall be received for filing in the office in
5 which instruments affecting real property are required to be
6 recorded in the county in which the land is situated, unless such
7 map shall have been [submitted to the board of estimate and
8 approved by such board, after transmittal to the city planning
9 commission for report, by the same procedure as provided in
10 subdivision b of section one hundred ninety-nine for changes in
11 the city map.] reviewed and approved pursuant to section one
12 hundred ninety-seven-c and, if applicable, section one hundred
13 ninety-seven-d. If such map is disapproved [by the board of
14 estimate, the secretary of the board] ,the chair of the city
15 planning commission shall certify such fact in writing upon such
16 map, and such map shall be received only for record without such
17 approval.

18 b. No street, avenue, highway or public place, the layout
19 of which has not been approved as provided in this section, shall
20 be deemed to have been accepted by the city as a street, avenue,
21 highway or public place, unless such street, avenue, highway or
22 public place shall lie within the lines of a street, avenue,
23 highway or public place upon the city map.

1 Sec. 203. City site selection criteria. a. Not later
2 than July 1, nineteen hundred ninety, the mayor, after consulting
3 with each of the borough presidents, shall file with the city
4 planning commission proposed rules establishing criteria for
5 selecting sites for city facilities. The criteria shall provide
6 for the fair distribution among communities of the burdens and
7 benefits associated with city facilities, consistent with
8 community needs and efficient and cost effective delivery of
9 services. Not later than sixty days after the filing of such
10 proposed rules, the city planning commission shall approve or
11 approve with modifications the rules and shall file the rules as
12 approved with the council.

13 b. At any time after the adoption of such criteria, the
14 mayor, after consulting with the borough presidents, may submit
15 to the city planning commission proposed amendments to the rules.
16 Amendments to the rules shall be subject to the review and
17 approval of the commission pursuant to the procedures and time
18 limits provided in subdivision a of this section.

19 c. For purposes of this chapter, "city facility" shall mean
20 a facility used or occupied or to be used or occupied to meet
21 city needs.

1 Sec. 204. Citywide statement of needs concerning city
2 facilities and new uses of city-owned real property. a. Each
3 year not later than January 16, together with the submission of
4 the preliminary capital budget pursuant to sections sixty seven
5 and two hundred thirteen, the mayor shall submit to the council,
6 borough presidents, borough boards and community boards a
7 citywide statement of needs concerning city facilities and new
8 uses of city-owned real property prepared in accordance with the
9 criteria established pursuant to section two hundred three.
10 Copies of the statement shall also be made available to the
11 public in the main branch of the public library in each borough.
12 The statement shall detail by agency and program for the ensuing
13 two fiscal years: (1) all proposed new city facilities and all
14 proposed significant expansions of city facilities and (2) all
15 city facilities which the city plans to close or to reduce
16 significantly in size or in capacity for service delivery.
17 b. With respect to the city facilities referred to in
18 clause (1) of subdivision a of this section, the statement of
19 needs shall describe for each proposed new city facility or
20 expansion: (1) the public purpose to be served, (2) the size and
21 nature of the facility, (3) the proposed location by borough and,
22 if practicable, by community district or group of community
23 districts, and (4) the specific criteria to be used in selecting
24 a site for the facility.
25 c. With respect to the city facilities referred to in
26 clause (2) of subdivision a of this section, the statement of

1 needs shall describe with respect to each such city facility:
2 (1) the reasons for such closure or reduction, (2) the location,
3 and (3) the criteria for selecting the city facility for closure
4 or for reduction in size or service delivery.

5 d. The statement of needs shall be accompanied by a map
6 together with explanatory text, indicating (1) the location and
7 current use of all city-owned real property and (2) all area or
8 site-specific designations relating to the disposition or future
9 use of city-owned real property. Information which can be
10 presented most effectively in text may be presented in this
11 manner. In addition to being transmitted with the statement of
12 needs pursuant to subdivision a of this section, such map shall
13 also be kept on file with the department of city planning and
14 shall be available for public inspection and copying. The map
15 shall be updated on an annual basis.

16 e. Preparation of the statement of needs. (1) Annually on
17 such date as the mayor shall direct, each agency shall submit to
18 the mayor a statement containing all the information required to
19 be included in the statement of needs for the ensuing two fiscal
20 years pursuant to subdivisions a, b and c of this section that
21 relates to the plans, jurisdiction and responsibility of such
22 agency. Such statements shall be known as the departmental
23 statements of need for city facilities and city-owned real
24 property. In preparing such departmental statements of needs,
25 each agency shall review and consider the district needs
26 statements submitted by community boards pursuant to paragraph 10

1 of subdivision d of section twenty eight hundred and the
2 statements of budget priorities submitted by the community boards
3 pursuant to section sixty one.

4 (2) The mayor, assisted by the department of city planning
5 and the department of general services, shall review such
6 departmental statements of need and use them to prepare the
7 statement of needs. In preparing the statement of needs, the
8 mayor shall apply the criteria established pursuant to section
9 two hundred three.

10 f. Upon receipt of the statement of needs, each community
11 board and borough president shall review the statement of needs.
12 Each community board shall make the statement of needs available
13 to the public and conduct a public hearing on the statement of
14 needs. Each community board and borough president shall have the
15 right to submit comments on the statement of needs to the
16 department of city planning within ninety days of receipt of the
17 statement. Each borough president shall have the right, within
18 ninety days of receipt of the statement of needs, to submit a
19 written statement to the department of city planning proposing
20 sites for any city facilities to be located in his or her borough
21 pursuant to the statement of needs. All such sites proposed by a
22 borough president shall be located in his or her borough and
23 shall be certified by the borough president as being consistent
24 with the specific criteria for site selection contained in the
25 statement of needs and with the criteria established pursuant to
26 section two hundred three. Each city agency shall consider such

1 written statements in taking actions with respect to matters
2 included in the statement of needs.

3 g. Whenever an application is submitted to the department
4 of city planning for a city facility pursuant to subdivision a of
5 section one hundred ninety-seven-c, the applicant shall include
6 as part of the application a statement of (1) how the proposed
7 action satisfies the criteria for site selection established
8 pursuant to section two hundred three, (2) whether the proposed
9 action is consistent with the most recent statement of needs and
10 (3) whether the proposed action is consistent with any written
11 statements or comments submitted by borough presidents and
12 community boards in response to the statement of needs. If the
13 proposed action is not consistent with the site selection
14 criteria, the statement of needs, or any such written statements
15 or comments submitted in response to the statement of needs, the
16 agency shall include as part of its application a statement of
17 the reasons for any such inconsistencies. If the proposed action
18 is not referred to in the statement of needs, the applicant shall
19 submit to the borough president of the borough in which the city
20 facility is proposed to be located, a description of the public
21 purpose to be served by the city facility, its proposed location,
22 the size and nature of the facility and the specific criteria for
23 the selection of the site or real property. The affected borough
24 president shall have the right, within thirty days of the
25 submission of such description, to propose an alternative site
26 located in his or her borough for the proposed city facility,

1 provided that the borough president shall certify that the
2 alternative site satisfies the criteria for site selection under
3 section two hundred three and in the description of the facility.
4 The application for the proposed site selection or acquisition
5 shall not be certified and shall not be reviewed pursuant to
6 section one hundred ninety-seven-c until at least thirty days
7 after the submission of such information to the affected borough
8 president. A borough president may elect to waive the right to
9 such thirty-day review period.

10 h. The mayor's management report, prepared pursuant to
11 section twelve, shall include a review of the implementation of
12 the statement of needs. Such review shall consist of (1) a list
13 of the proposed actions in the statement of needs that have been
14 implemented and of those proposed actions that have not been
15 implemented and (2) a description of the proposed actions in the
16 statement of needs which have been implemented in a manner
17 significantly different from what was proposed in the statement
18 of needs and the reasons therefor.

6/19/89 -DRAFT

CHAPTER 13

[CONTRACTS AND PURCHASES]

PROCUREMENT

Sec. [341.] 340. Scope.

Except as otherwise provided in this charter or by statute, all [supplies, materials and equipment to be furnished and work or labor to be done,] goods, services or construction to be paid for out of the city treasury or out of moneys under the control of or assessed or collected by [the] a city agency or any entity the majority of members of whose boards are appointed by city elected officials, shall be [furnished or provided] procured as prescribed in this chapter.

1 Sec. 341. Procurement Policy Board.

2 a. There shall be a procurement policy board consisting of three
3 members, two of whom shall be appointed by the mayor and one of
4 whom shall be appointed by the comptroller. Members shall have
5 demonstrated sufficient business or professional experience to
6 discharge the functions of the board. Members shall not be
7 prohibited from holding any other public office or employment
8 provided that no member may have substantial authority for the
9 procurement of goods, services or construction pursuant to this
10 chapter. The mayor shall designate the chair.

11 b. The board shall promulgate rules as required by this chapter,
12 which shall include:

13 1. the methods for entering into and awarding contracts,
14 consistent with the standards defined in this chapter;

15 2. the manner in which agencies shall administer and oversee
16 the performance of contracts;

17 3. standards by which agencies shall declare a bidder to be
18 not responsible;

19 4. the circumstances under which procurement may be used for
20 the provision of technical, consultant or personal services, which
21 shall include but not be limited to, circumstances where the use
22 of procurement is (a) desirable to develop, maintain or strengthen
23 links of communities to non-profit and charitable organizations
24 based in communities where services are to be provided, (b) cost-

1 effective, (c) to obtain special expertise, (d) to obtain personnel
2 or expertise not available in the agency, (e) to provide a service
3 not needed on a long-term basis, (f) to accomplish work within a
4 limited amount of time, or (g) to avoid a conflict of interest.

5 c. The board may promulgate such additional rules, policies and
6 procedures consistent with and as may be necessary to implement the
7 provisions of this chapter and shall at least once every three
8 years review all of its rules, policies and procedures and make
9 such revisions as the board deems necessary and desirable.

10 d. The board shall annually report to the mayor and the council
11 such recommendations as the board deems proper for the organization
12 and management of the agency procurement function including, where
13 appropriate, recommendations for revision of this chapter or other
14 local laws affecting procurement by the city.

15 e. The board shall not exercise authority with respect to the
16 award or administration of any particular contract, or with respect
17 to any dispute, claim or litigation pertaining thereto.

1 Sec. 342. [Purchases not requiring public letting] Procurement;
2 general rule and exceptions.

3 a. 1. Except as provided for in subdivision c of this section,
4 contracts shall be awarded by competitive sealed bidding under such
5 rules as shall be made by the procurement policy board, except
6 that, in a special case as defined in subdivision b of this
7 section, the head of an agency proposing to award such contract may
8 order otherwise in accordance with policies and procedures
9 established by the procurement policy board.

10 2. A determination by an agency to use other than competitive
11 sealed bidding shall be made in writing, stating the reasons why
12 competitive sealed bidding is not practicable or not advantageous
13 and why the method of procurement selected pursuant to subdivision
14 f of this section is the most competitive under the circumstances.
15 The agency shall submit copies of such determination to the
16 procurement policy board and the comptroller and shall include the
17 determination or a summary of the determination in any notice
18 required to be published pursuant to section three hundred and
19 forty-five of this chapter.

20 b. Special cases shall include situations in which it is either
21 not practicable or not advantageous to the city to use competitive
22 sealed bidding for one of the following reasons:

23 i. specifications cannot be made sufficiently specific to
24 permit selection based on price alone;

1 ii. judgment is required in evaluating competing proposals,
2 and the best value to the city requires a balancing of price,
3 quality, and other factors;

4 iii. an emergency involving danger to life, safety, property
5 or a necessary service requires immediate action;

6 iv. the good, service or construction to be procured is
7 available only from a single source;

8 v. testing or experimentation is required with a product or
9 technology, or a new source for a product or technology, or to
10 evaluate the service or reliability of such product or technology;

11 or

12 vi. such other reasons as defined by rule of the procurement
13 policy board.

14 [a.] c. Notwithstanding the provisions of section three hundred
15 and forty-three of this chapter, [If] if the several parts of the
16 [work, labor or the supplies, materials and equipment to be done
17 or furnished] goods, services or construction to be procured shall
18 together involve an expenditure of not more than five hundred
19 dollars, such purchases may be made without competition; provided,
20 however, that the aggregate total of such purchase by any agency
21 shall not exceed twenty thousand dollars in any one month [without
22 the prior approval of the board of estimate].

23 [b. In the event of an emergency requiring an immediate purchase
24 involving an expenditure of not more than one thousand dollars,

1 such purchase may be made without competition. An "emergency", for
2 this purpose, is an instance or situation in which: (1) a threat
3 to health or safety exists, (2) a necessary service is threatened
4 with material damage or suspension, or (3) buildings or property
5 are threatened. Such emergency purchase shall require the prior
6 approval of the commissioner of general services unless it is
7 outside normal working hours.

8 c.] If the several parts of the [work, labor or the supplies,
9 materials and equipment to be done or furnished] goods, services
10 or construction shall together involve an expenditure of not more
11 than ten thousand dollars, the items may be procured on order
12 awarded to the lowest responsible bidder upon bids submitted
13 without public advertisement[. An order for construction, repair,
14 rehabilitation or alteration may be awarded to the lowest
15 responsible bidder without public advertisement if it involves an
16 expenditure of not more than fifteen thousand dollars and is
17 awarded] pursuant to [regulations and conditions prescribed by the
18 board of estimate] rules of the procurement policy board.

19 [d. In the event of an emergency requiring an immediate purchase,
20 a purchase order for equipment, supplies or materials involving an
21 expenditure of more than five thousand dollars may be awarded to
22 the lowest responsible bidder upon bids submitted without public
23 advertisement on written approval of the comptroller and the
24 corporation counsel accompanied by a statement of the reasons for

1 such action.

2 e.] d. Notwithstanding any other provision of this charter, the
3 dollar limits [pursuant to] set forth in this section for
4 [purchases] procurement without [public letting] competitive sealed
5 bidding may be [raised] adjusted as to any or all agencies by the
6 concurrent action of the [board of estimate] procurement policy
7 board and council [by a two-thirds vote of each body]. No action
8 pursuant to this subdivision shall become effective until thirty
9 days after such action is taken.

10 e. Any contract for goods or services in value of more than one
11 million dollars let by other than competitive sealed bidding, and
12 any contract for construction let by other than competitive sealed
13 bidding, or other than competitive sealed bidding, where
14 solicitation of bids was made only to a prequalified group, shall
15 require the additional approval of the mayor prior to its
16 execution.

17 f. If, in accordance with subdivision a of this section, an agency
18 determines that the use of competitive sealed bidding is not
19 practicable or not advantageous to the city, the agency shall
20 select the most competitive alternative method of procurement
21 provided herein which is appropriate under the circumstance:

22 i. Competitive sealed proposals. Proposals may be solicited

1 through a request for proposals with award to the responsible
2 offeror whose proposal is determined to be the most advantageous
3 to the city, taking into consideration the price and such other
4 factors as are set forth in the request for proposals. No other
5 factors or criteria shall be used in the evaluation and award of
6 the contract except those specified in the request for proposals.
7 Discussions may be conducted with responsible offerors who submit
8 proposals, and offerors shall be accorded fair and equal treatment
9 with respect to any opportunity for discussion and revision of the
10 proposals. Such revisions may be permitted after submissions and
11 prior to award for the purpose of obtaining a best and final offer.
12 The agency contract file shall contain the basis on which the award
13 was made.

14 ii. Multi-step sealed proposals.

15 (a) A preliminary request for proposals may be issued
16 requesting the submission of unpriced offers. Submissions in
17 response to such a preliminary request for proposals may be relied
18 upon by an agency to either (a) to solicit competitive sealed bids
19 in accordance with section three hundred and forty-three of this
20 chapter; (b) to solicit competitive sealed bids from prequalified
21 entities in accordance with paragraph iii of this subdivision; (c)
22 to solicit proposals in accordance with paragraph i of this
23 subdivision; or (d) to solicit proposals from pre-qualified
24 entities in accordance with paragraph iv of this subdivision.

1 iii. Solicitation of bids from prequalified entities. Bids
2 may be solicited from entities that have been prequalified for the
3 provision of a good, service or construction pursuant to section
4 three hundred and forty-four by mailing notice to each prequalified
5 entity, unless special circumstances require a selective
6 solicitation of prequalified entities. Award of the contract shall
7 be made in accordance with the provisions of section three hundred
8 forty-three of this chapter. A determination to employ selective
9 solicitation shall be made in writing by the agency, approved by
10 the mayor and such writing and approval shall be filed in the
11 office of the procurement policy board and comptroller.

12 iv. Solicitation of proposals from pre-qualified entities.
13 Proposals may be solicited from entities that have been
14 prequalified for the provision of a good, service or construction
15 pursuant to section three hundred and forty-four by mailing notice
16 to each prequalified entity, unless special circumstances require
17 a selective solicitation of prequalified entities. Award of the
18 contract shall be made in accordance with the provisions of
19 paragraph i of this subdivision. A determination to employ
20 selective solicitation shall be made in writing by the agency,
21 approved by the mayor and such writing and approval shall be filed
22 in the office of the procurement policy board and comptroller.

23 v. Sole source. A contract may be awarded for a good,
24 service or construction without competition when an agency

1 determines, pursuant to rules promulgated by the procurement policy
2 board, that there is only one source for the required good, service
3 or construction. The agency contract file shall contain the
4 agency's determination that only a single source is available for
5 the required good, service or construction, including the process
6 by which the agency made such determination. Copies of such notice
7 shall be filed with the procurement policy board and the
8 comptroller. When an agency determines that there is only a single
9 source for a good, service or construction, an agency shall give
10 immediate notice in the City Record of its intention to enter into
11 sole source negotiations for that good, service or construction and
12 shall in its notice solicit the application of vendors interested
13 in doing similar work in the future for qualification in accordance
14 with section three hundred and forty-four, or for notice in
15 accordance with subdivision a of section three hundred and forty-
16 five.

1 Sec. 343. [Public letting] Competitive sealed bidding. The term
2 competitive sealed bidding shall mean a method of procurement where
3 the award of a contract is made to the lowest responsible bidder
4 whose bid meets all the requirements and criteria set forth in the
5 invitation for bids.

6 [a. If the several parts of the work, labor or the supplies,
7 materials and equipment to be done or furnished shall together
8 involve the expenditure of more than five thousand dollars, or in
9 the case of construction, repair, rehabilitation or alteration, the
10 expenditure of more than fifteen thousand dollars, such work or
11 labor or supplies, materials, and equipment or construction,
12 repair, rehabilitation or alteration shall be obtained only by
13 contract on public letting founded on sealed bids under such
14 regulations as shall be made by the board of estimate, except that
15 in a special case the board of estimate by a two-thirds vote may
16 order otherwise.]

17 a. Procedures for competitive sealed bidding.

18 1. Bids shall be solicited through an invitation for bids,
19 which shall include a purchase description and all contractual
20 terms and conditions applicable to the procurement. The terms of
21 such contracts shall be settled by the corporation counsel as an
22 act of preliminary specification to a proposal for bids.

23 [b.] 2. The agency letting the contract may reject all bids
24 if it shall deem it for the interest of the city so to do; if not,

1 it shall, without other consent or approval, award the contract to
2 the lowest responsible bidder, unless the [board of estimate by a
3 two-thirds vote] mayor shall determine that it is for the public
4 interest that a bid other than that of the lowest responsible
5 bidder shall be accepted. Tie bids are to be decided by the agency
6 letting the contract and the award made. Whenever a contract is
7 awarded to [another] other than the lowest bidder [,except by
8 action of the board of estimate,] because the lowest bidder is
9 determined by the agency not to be a responsible bidder, the agency
10 making such determination and awarding [the same] such contract
11 shall file in [its office] the agency contract file [and in the
12 offices of the comptroller, the commissioner of general services
13 and the city clerk] a statement in detail of the reasons therefore
14 and shall submit copies of such determination with the procurement
15 policy board and the comptroller. [Notwithstanding any other
16 provision of this subdivision, the agency letting the contract may
17 award the contract to other than the lowest bidder upon prior
18 approval of the corporation counsel and the comptroller.]

19 3. Any bidder who is declared not responsible by an agency may
20 appeal such decision to the agency head, who shall refer the matter
21 to the office of administrative trials and hearings for a hearing.
22 The office of administrative trials and hearings shall make a
23 recommendation for action to be taken to the agency head, who shall
24 take final action regarding such matter.

1 [c.] b. Notwithstanding any other requirement of this section,

2 1. any [work or labor to be contracted or supplies, materials
3 and equipment to be purchased,] goods, services or construction to
4 be procured involving the use of funds received wholly or partially
5 from or through the federal government, may be procured, ordered
6 or awarded through the United States General Services
7 Administration, if the price is lower than the prevailing market
8 price,

9 2. any goods, services or construction to be procured in value
10 in excess of five hundred dollars may be procured, ordered or
11 awarded through the New York State office of general services,
12 provided, however, that if bids have otherwise been received for
13 such procurement, it may only be procured, ordered or awarded
14 through the New York State office of general services if it may be
15 so procured upon the same terms, conditions and specifications but
16 at a lower price.

17 [d.]c. No bid shall be valid unless accompanied by a deposit in
18 the amount and manner set forth and specified in the proposal;
19 provided, however, that the [commissioner of general services]
20 procurement policy board shall establish such requirements for bid
21 deposits as are necessary and practicable, and, pursuant to rules
22 and standards, may waive the bid deposit requirement for specific
23 classes of purchase or types of transactions [and, in his
24 discretion, for individual transactions]. Upon the award of the
25 contract the deposits of unsuccessful bidders shall be returned to

1 them, and the deposit of the successful bidder shall be returned
2 [to him] upon [his executing] execution of the contract and
3 furnishing of the required security.

4 [e.]d. Every proposal for bids shall contain a provision that in
5 the event of the failure of the bidder to execute the contract and
6 furnish the required security within ten days after notice of the
7 award of the contract, [to him, his] the deposit or so much thereof
8 as shall be applicable to the amount of the award made [to him]
9 shall be retained by the city, and [he] the bidder shall be liable
10 for and shall agree to pay on demand the difference between the
11 price bid and the price for which such contract shall be
12 subsequently relet, including the cost of such reletting and less
13 the amount of such deposit. No plea of mistake in such accepted
14 bid shall be available to the bidder for the recovery of [his] the
15 deposit or as a defense to any action based upon such accepted bid.

1 Section 344. Prequalification.

2 a. Prospective vendors may be prequalified as contractors for the
3 provision of particular types of goods, services and construction.
4 Such prequalification may be by categories designated by size.
5 Agencies shall maintain lists of prequalified vendors and entry
6 into a prequalified group shall be continuously available.
7 Additionally, agencies shall solicit the qualifications of
8 interested vendors for each prequalified good, service or
9 construction at least once annually in a notice published in the
10 City Record.

11 b. Any vendor who is denied prequalification by an agency may
12 appeal such decision to the agency head, who shall refer the matter
13 to the office of administrative trials and hearings for a hearing.
14 The office of administrative trials and hearings shall make a
15 recommendation for action to be taken to the agency head, who shall
16 take final action regarding such matter.

1 Sec. 345. Notification of contract opportunities and awards.

2 a. For each category of goods, services or construction which is
3 regularly procured by an agency, the agency shall, pursuant to
4 rules promulgated by the procurement policy board, publish in the
5 City Record a notice soliciting the names of vendors interested in
6 being notified of future procurement opportunities in each such
7 category.

8 b. Pursuant to rules of the procurement policy board, notice of
9 the solicitation of bids or proposals pursuant to sections three
10 hundred and forty-two and three hundred and forty-three, the
11 intention to enter into sole service negotiations pursuant to
12 paragraph v. of subdivision f of section three hundred and forty-
13 two and the intention to enter into a contract for a price
14 exceeding ten thousand dollars pursuant to this chapter, shall be
15 published in the City Record, and, where appropriate, in newspapers
16 of city, state or national distribution and trade publications.

17 c. The procurement policy board, in consultation with the
18 commissioner of general services, shall promulgate rules providing
19 for the publication and content of notices of contract actions
20 required by this section. Such rules shall include provisions
21 regarding,

22 i. the timing and frequency of notices,

23 ii. the required duration of solicitation periods,

1 iii. the form and content of notices, including the
2 organization and presentation of such notices within standard
3 categories of goods, services and construction which are
4 sufficiently detailed to provide meaningful distinctions among
5 categories.

6 d. The notice requirements of this section shall not apply to
7 contracts awarded on an emergency basis pursuant to subparagraph
8 c of paragraph one of subdivision b of section three hundred and
9 forty two, provided that the agency shall, as soon as is
10 practicable, publish notice that such a contract has been entered
11 into, pursuant to rules of the procurement policy board.

1 Sec. 346. Public hearings on contract awards.

2 a. At least ten days prior to entering into any contract, other
3 than a renewal contract, to be awarded by other than competitive
4 sealed bidding, for goods or services the price of which exceeds
5 one hundred thousand dollars, or for construction the price of
6 which exceeds five million dollars, the head or deputy head of the
7 agency to award the contract shall conduct a public hearing to
8 receive testimony regarding the agency's proposed selection of a
9 contractor. Adequate public notice of such public hearing shall
10 be included in the notice of agency intention to enter into a
11 contract published in accordance with section three hundred and
12 forty-five of this chapter. The procurement policy board by rule
13 may provide for an alternative schedule for such hearings.

14 b. The requirements of this section shall not apply to any
15 procurement let pursuant to a finding of an emergency under
16 subparagraph c of paragraph one of subdivision b of section three
17 hundred and forty-two.

1 Sec. 347. Registration of contracts by the comptroller.

2 a. No contract or agreement executed pursuant to this charter or
3 other law shall be implemented until (1) a copy has been filed with
4 the comptroller and (2) either the comptroller has registered it
5 or thirty days have elapsed from the date of filing, whichever is
6 sooner, unless an objection has been filed pursuant to subdivision
7 c of this section, or the comptroller has grounds for not
8 registering the contract under subdivision b of this section.

9 b. Subject to the provisions of subdivision c of this section, the
10 comptroller shall register a contract within thirty days unless the
11 comptroller has information indicating that:

12 i. there remains no unexpended and unapplied balance of the
13 appropriation or fund applicable thereto, sufficient to pay the
14 estimated expense of executing such contract, as certified by the
15 officer making the same;

16 ii. that the proposed vendor is in arrears to the city, or
17 any agency upon debt or contract, or has defaulted as surety or
18 otherwise upon any obligation to the city or any agency, or is in
19 arrears for taxes;

20 iii. the proposed vendor has been debarred by the city.

21
22 c. The comptroller may, within thirty days of the date of filing
23 of the contract with the comptroller's office, object in writing
24 to the registration of the contract, if in the comptroller's

1 judgment there is sufficient reason to believe that there is:

2 i. a lack of legal authority for the contract;

3 ii. a failure to comply with procedural requisites; or

4 iii. possible corruption in the letting of the contract or ni
5 the contractor.

6 Such objection shall be delivered within such thirty day period to
7 the mayor setting forth in detail the grounds for the comptroller's
8 determination. The contract shall not be registered by the
9 comptroller until the mayor has responded to the comptroller's
10 objections in writing indicating what, if any, corrective action
11 shall be taken and that the contract should be registered. Such
12 response by the mayor shall not serve as the basis for further
13 objection by the comptroller, and the comptroller shall register
14 the contract within ten days of receipt of the mayor's response.

1 Sec. [344.] 348. By whom procured.

2 a. All [work or labor] services to be performed by contract,
3 including the furnishing of [materials or supplies] goods incident
4 thereto, shall be obtained by the agency for whose use the
5 appropriation therefor shall have been made, except as otherwise
6 provided by law or by the mayor.

7 b. All other [supplies, materials and equipment] goods shall be
8 purchased or procured by the department of general services, except
9 as otherwise provided pursuant to this chapter or other law.

10 c. Pursuant to standards and guidelines of the [commissioner of
11 general services] procurement policy board filed in the offices of
12 the comptroller[, the commissioner of finance, and the city clerk]
13 and published in the City Record, and subject to other sections of
14 this chapter, each agency may purchase directly [supplies,
15 materials and equipment] goods in an amount not to exceed one
16 thousand dollars for each transaction or, with the prior approval
17 of the commissioner of general services, in an amount not to exceed
18 five thousand dollars for each transaction. The limitation of this
19 subdivision shall not apply to purchases by an agency under a
20 vendor contract entered into by the commissioner of general
21 services.

22 d. The dollar limits for direct agency purchases without the prior

1 approval of the commissioner of general services pursuant to
2 subdivision c of this section may be raised to five thousand
3 dollars for each transaction for any or all agencies by the
4 commissioner of general services with the approval of the mayor.
5 Any proposed increases in the limits for such purchases above five
6 thousand dollars shall be subject to the further approval of the
7 [board of estimate] comptroller. Any increase in dollar limits
8 pursuant to this subdivision shall be published in the City Record
9 and may be rescinded by the commissioner of general services, the
10 mayor, or the [board of estimate] comptroller.

1 [Sec. 345. Defaulter to city.

2 Any person who is in arrears to the city or any agency upon debt
3 or contract, or who is a defaulter as surety or otherwise upon any
4 obligation to the city or any agency, or who is in arrears for
5 taxes, may be declared by the commissioner of general services or
6 the head of any agency in the case of any purchase made by him, and
7 in the case of any other contract by the comptroller at any time
8 prior to the registration of the contract by him, not to be a
9 responsible bidder, by filing in the offices of the comptroller,
10 the commissioner of finance and the city clerk a statement in
11 detail of the reasons therefor. Any person in arrears or who is
12 a defaulter in the sum of five thousand dollars or more shall be
13 declared not to be a responsible bidder for a period of three years
14 unless some lesser period is prescribed by resolution of the board
15 of estimate.]

1 Sec. [346.] 349. Inspection.

2 Inspection and acceptance or rejection of all deliveries of
3 [supplies, materials and equipment] goods shall be made by the
4 agency that makes the direct purchase other than under a vendor
5 contract. The commissioner of general services may authorize an
6 agency to which delivery is made to perform such functions on
7 purchases made by the department of general services subject to
8 standards and policies of the commissioner. The comptroller may
9 continue to perform such inspectional duties as are necessary for
10 auditing purposes, including ascertainment of whether items
11 purchased and paid for by the department of general services or
12 other agencies have been received and put to use by agencies.

1 Sec. [347.] 350. Specifications.

2 All purchases shall be based upon specifications which are definite
3 and certain, which permit of competition and which shall not be at
4 variance with standard specifications for the various classes of
5 [supplies, materials and equipment] goods approved by the
6 commissioner of general services. Before adopting standard
7 specifications the commissioner shall obtain and consider the
8 recommendations of agencies using the items to be standardized.

1 [Sec. 348. Patented, brand name, sole source articles; how
2 supplied.

3 Except for repairs no patented pavement shall be laid and no
4 patented or brand name or sole source article shall be advertised
5 for, contracted for or purchased, except under such circumstances
6 that there can be a fair and reasonable opportunity for
7 competition, pursuant to standards and policies of the commissioner
8 of general services. In the event that an item involves a purchase
9 price of more than twenty-five hundred dollars, the determination
10 of the commissioner shall be made after (1) the commissioner has
11 conducted or authorized to be conducted a public hearing and (2)
12 the approval in writing of the comptroller has been obtained.]

1 [Sec. 349. Consultant contracts.

2 a. Except as otherwise provided by resolution of the board of
3 estimate, no contract for the performance of technical, consultant
4 or personal services for which competitive bidding is
5 inappropriate, involving the expenditure of more than ten thousand
6 dollars shall be awarded except after public hearing before and
7 approval by a majority of the board of estimate.

8 b. Within ten days after the award of any contract for technical,
9 consultant or personal services, notice thereof shall be published
10 in the City Record.

11 c. This section shall not be applicable to contracts with
12 planners, architects, engineers, or any other person or firm, if
13 such person or firm and their estimated fees have been identified
14 in a scope of project approved by the board of estimate pursuant
15 to chapter nine.

16 d. All mayoral and non-mayoral agencies required to submit
17 contracts to the board of estimate for approval pursuant to this
18 section shall have rules setting forth their procedures regarding
19 the use, oversight and reporting of contracts and selection of
20 contractors for consultant, technical and personal services which
21 require approval pursuant to this section. Such rules shall include
22 the following matters:

1 1. the circumstances under which such contracts may be used, which
2 shall include but not be limited to, circumstances where the use
3 of such contracts is (a) cost-effective, (b) to obtain special
4 expertise, (c) to obtain personnel or expertise not available in
5 the agency, (d) to perform a service not needed on a long-term
6 basis, (e) to accomplish work within a limited amount of time, or
7 (f) to avoid a conflict of interest;

8 2. the methods for selecting contractors, which may include but
9 shall not be limited to recruiting methods, and contractor
10 evaluation criteria such as expertise, resources, prior experience,
11 familiarity with agency operations, cost, and financial capability;

12 3. the manner in which the agency shall oversee the performance of
13 such contracts; and

14 4. agency record keeping procedures for such contracts.

15 The rules established pursuant to this subdivision shall be filed
16 with the council and the board of estimate.

17 e. When contracts are referred to the board of estimate for
18 approval pursuant to this section, the agency head or the agency
19 head's designee shall submit to such board a statement of the
20 reasons why the award of the contract is appropriate under the
21 agency's rules.

22 f. Each entity subject to subdivisions d and e shall have published
23 in the City Record an announcement of proposed contracts over fifty
24 thousand dollars, 10 days prior to their submission to the

1 board of estimate, or at a time shorter than 10 days when
2 reasonable circumstances exist precluding compliance within the 10
3 day period. The reason for such delay or non-publication shall be
4 set forth in the board of estimate calendar.]

1 Sec. [350.] 351. Payments procedure.

2 The [commissioner of general services] mayor shall prepare and

3 promulgate procedures, standards and guidelines for the expeditious

4 processing of payment vouchers by city agencies and departments[;

5 and shall oversee, monitor, and report to the mayor, the board of

6 estimate and the public on agency performance of such function] and

7 shall require agency reporting on the promptness of such payments

8 in such form and containing such information as the mayor shall

9 prescribe. The mayor shall coordinate and publish such agency

10 prompt payment reports.

1 Sec 352. Evaluation and monitoring of contractor performance.

2 a. Each agency letting contracts shall monitor the performance of
3 every contractor. Information with respect to contractor
4 performance shall be maintained in the central registry of contract
5 and contractor information required by subdivision c of section
6 three hundred and fifty-three.

7 b. The president of each borough shall be responsible for
8 monitoring the delivery of contractual services in the borough.

9 1. In the case that the borough president determines there is
10 reason to believe a contract should be terminated for
11 noncompliance, modified, not renewed, modified at the time of
12 renewal, or that the existing terms of the contract should be
13 enforced, the borough president shall document in writing the
14 reasons for that determination and present such determination, with
15 a recommendation for corrective action, to the agency head for
16 review. In the case of a recommendation that a contract should not
17 be renewed or should be modified at the time of renewal, such
18 recommendation shall be made to the agency head at least one
19 hundred and twenty days prior to the expiration of the contract.

20 2. The agency head shall respond to the borough president's
21 comments within ten business days from receipt of such comments,
22 indicating what action, if any, shall be taken. If such action is
23 not satisfactory to the borough president, the borough president
24 shall, within thirty days of receipt of such responses, be

1 authorized to require that a hearing be held in the borough by a
2 contract performance panel consisting of the president of the city
3 council, the comptroller and the mayor, or their designees, to
4 receive the testimony of the borough president and other interested
5 persons on the borough president's recommendations. The hearing
6 shall be held within twenty days from the borough president's
7 request for the hearing. The head of the agency which procured the
8 services in question, or a designee of such agency head, and the
9 contractor whose performance is being evaluated, shall have the
10 right, and it shall be their duty when requested by the panel, to
11 appear and be heard.

12 3. The panel shall recommend, within thirty days of the date
13 of such hearing, such corrective action as it deems appropriate and
14 shall promptly deliver its recommendations in writing to the agency
15 head, borough president and contractor. Within thirty days of
16 receipt of the panel's recommendation, the agency head shall
17 respond in writing to the panel and the borough president,
18 indicating which of the panel's recommendations shall be acted upon
19 and what, if any, alternative action will be taken.

1 Sec. 353. Information on city contracts.

2 a. Agency contract files. Each agency shall maintain files
3 containing information pertaining to the solicitation, award and
4 management of each contract of the agency. The agency contract
5 files shall contain copies of each determination, writing or filing
6 required by this chapter pertaining to a contract and such
7 information as is prescribed by rule of the procurement policy
8 board, in such form as is prescribed by the procurement policy
9 board.

10 b. Requests by elected officials for contract documentation.
11 Whenever an elected official of the city requests documentation
12 relating to the solicitation or award of any city contract, the
13 mayor and city agencies shall promptly provide such documentation
14 as is requested or shall promptly respond to the requesting
15 official with reason why such documentation can not be provided.
16 If the mayor or agency is unable to provide the requested
17 documentation within ten business days of the day the request is
18 received, the mayor or agency shall within such time deliver to the
19 requesting official a statement of the reasons the documentation
20 can not be promptly provided and shall include in such statement
21 a timetable within which the documentation will be provided, not
22 to exceed thirty days from the date of the original request.

23 c. Central registry of contract and contractor information. The

1 mayor shall maintain in a central place a registry of standard
2 information regarding city contracts and contractors in accordance
3 with provisions of section one thousand and sixty-three of this
4 charter.

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1 Sec. 354. Suspension and debarment.

2 a. No person or firm shall be suspended or debarred from
3 contracting with the city or any agency of the city except in
4 accordance with the provisions of this section.

5 b. Authority to debar or suspend.

6 1. Upon the petition of the head of an agency, after
7 reasonable notice and reasonable opportunity for the person or firm
8 to respond at a hearing to be held on a record, the office of
9 administrative trials and hearings shall recommend to the mayor
10 whether a person or firm should be debarred for cause from
11 consideration for award of any city contract for a period not to
12 exceed five years.

13 2. The head of an agency petitioning for the debarment of a
14 person or firm shall have the authority to suspend a person or a
15 firm for a period not to exceed three months from consideration for
16 award of a contract if there is probable cause for debarment.

17 3. The causes for debarment or suspension shall be defined
18 by the procurement policy board and shall include but not be
19 limited to the following:

20 a. indictment or conviction for an offense indicating a
21 lack of business integrity or business honesty which currently,
22 seriously, and directly affects responsibility as a city
23 contractor;

24 b. substantial violation of contract provisions, as set

1 forth below:

2 (i) failure without good cause to perform in
3 accordance with the specifications or within the time limit
4 provided in the contract;

5 (ii) a recent record of unsatisfactory performance
6 in accordance with the terms of one or more contracts;

7 c. arrears on any debt or contract, default as surety or
8 otherwise upon any obligation, or arrears for taxes; or

9 d. an agency determination of non-responsibility made
10 pursuant to subdivision a of section three hundred forty-three,
11 where the determination involves questions of the contractor's
12 qualifications to perform on any city contract.

2
3 CHAPTER 15

4 PROPERTY OF THE CITY

5
6 Sec. 381. Authority to acquire real property. The city may
7 acquire title in fee to real property or any interest therein
8 whenever required for any public or municipal use or purpose or
9 for the promotion of public utility, comfort, health, enjoyment or
10 adornment. Such title or interest shall be acquired according to
11 law by purchase, condemnation or otherwise.

12 Sec. 382. Notice to owners of proceeding to acquire property.
13 In addition to all other requirements of law, written notice of
14 the application to have compensation for real property ascertained
15 in any proceeding brought by the city to acquire title to real
16 property shall be given by the corporation counsel to the owners
17 of all property affected by the proceeding at least ten days prior
18 to such application, by mailing the same to such owners at the
19 address registered or filed with the commissioner of finance for
20 the purpose of forwarding to them bills for taxes, assessments and
21 frontage water rates. Such notice shall state the purpose for
22 which the property is to be acquired and the date when such
23 application will be presented and shall contain a copy of such
24 application. Upon request by the corporation counsel, the
25 commissioner of finance shall furnish a certified list of the
26 registered or filed names and addresses of such owners. Failure

1 to comply with the directions contained in this section shall not
2 invalidate or affect the proceeding.

3 Sec. 383. Inalienable property. The rights of the city in and
4 to its water front, ferries, wharf property, bridges, land under
5 water, public landings, wharves, docks, streets, avenues, highways,
6 parks and all other public places are hereby declared to be
7 inalienable; but upon the closing or discontinuance of any street,
8 avenue, park or other public place, the property may be sold or
9 otherwise disposed of as may be provided by law, and leases of land
10 under water, wharf property, wharves, docks and piers may be made
11 as may be provided by law. Nothing herein contained shall prevent
12 the granting of franchises, permits and licenses in respect to
13 inalienable property.

14 Sec. 384. Disposal of property of the city. a. No real property
15 of the city may be sold, leased, exchanged or otherwise disposed
16 of except with the approval of the [board of estimate] mayor and
17 as may be provided by law unless such power is expressly vested by
18 law in another agency.

19 b. Except as otherwise specifically provided by law:

20 1. The [board of estimate] mayor may authorize the sale or lease
21 only for the highest marketable price or rental, at public auction
22 or by sealed bids and after advertisement for at least thirty days
23 in the City Record, of any real property belonging to the city or
24 any interest therein [, and no] No such sale or lease shall be
25 authorized until a public hearing has been held with respect to
26 such sale or lease after the publishing of notice in the City

1 Record at least thirty days in advance of such hearing. No such
2 lease shall run for a term longer than ninety-nine years. Any
3 conveyance or lease may provide for the restriction of the use of
4 such real property [to purposes determined by the board of
5 estimate].

6 2. Real property of the city may be leased only after appraisal
7 made within [sixty days] six months prior to the authorization of
8 the lease by the [board of estimate] mayor, provided, however, that
9 advertisement for sealed bids shall be commenced within sixty days
10 of such authorization.

11 3. Real property of the city may be sold only after appraisal
12 made within six months prior to authorization of the sale and after
13 a review of such appraisal by the department of general services
14 within thirty days prior to authorization of the sale, provided
15 that advertisement for the public auction for such sale shall be
16 commenced within sixty days of such authorization.

17 4. Notwithstanding the provisions of this charter, or any
18 general, special, or local law to the contrary, the [board of
19 estimate] mayor may, with the approval of a majority of the members
20 of the borough board of the borough in which such real property is
21 located, lease or sell any real property of the city, except
22 inalienable property or any interest therein, to a local
23 development corporation without competitive bidding and for such
24 purpose or purposes and at such rental or for such price as may be
25 determined by the [board of estimate] mayor to be in the public
26 interest, and no such lease shall run for a term longer than

1 ninety-nine years.

2 5. [Review by a community board or borough board of any] Any
3 proposal or application for the sale, lease (other than lease of
4 office space), exchange or other disposition of city property or
5 of property for the use of the city shall be subject to review and
6 approval [in the manner specified] pursuant to sections one hundred
7 ninety-seven-c and, if applicable, one hundred ninety-seven-d.

8 Such review shall be limited to the land use impact and
9 implications of the proposed transaction.

10 (a) A community board may waive the conduct of a public hearing
11 and the preparation of a written recommendation with respect to any
12 proposed lease of property which in the judgment of the board does
13 not involve a substantial land use interest.

14 (b) The city planning commission may waive a public hearing on
15 any proposal or application involving a lease of property.

16 [6. The city planning commission shall act on any proposed
17 lease of property of or for the city within sixty days of filing
18 with it of the recommendation of a community board or borough
19 board, or the latest filing if there is more than one filing within
20 the time allowed under section one hundred ninety-seven-c. The
21 commission may waive a public hearing on any proposal or
22 application involving a lease of property.]

2 CHAPTER 21

3 DEPARTMENT OF PARKS AND RECREATION

4
5 Sec. 531. Department; commissioner. There shall be a
6 department of parks and recreation the head of which shall be the
7 commissioner of parks and recreation.

8 Sec. 532. Deputies. The commissioner may appoint three
9 deputies.

10 Sec. 533. Powers and duties of the commissioner. Except with
11 respect to the functions of the board of education and except as
12 otherwise provided by law, the commissioner shall have the power
13 and it shall be his duty:

14 a. Parks

15 1. to manage and care for all parks, squares and public places,
16 the sidewalks immediately adjoining the same and all playgrounds,
17 playground fixtures and other recreation properties, except those
18 within the jurisdiction of the board of education or other
19 agencies, but such jurisdiction shall not extend to or include the
20 buildings which are now or hereafter may be erected in parks,
21 squares or public places for governmental purposes other than those
22 of the department;

23 2. to prepare plans for the establishment and improvement of a
24 park system for the city with due regard to proper connections with
25 the systems of federal, state and county parks and recreation areas
26 in the city and the counties adjacent to the city, and execute the

1 same when authorized in accordance with the provisions of this
2 charter;

3 3. to maintain the beauty and utility of all parks, squares,
4 public places, playgrounds and other recreational properties,
5 except those within the jurisdiction of the board of education and
6 to institute and execute all measures for the improvement thereof
7 for ornamental purposes and for the beneficial uses of the people
8 of the city;

9 4. to plant and maintain trees and to construct, erect and
10 establish seats, drinking fountains, statues and works of art in
11 any place within his jurisdiction, and to determine when and where
12 lamps or lighting appliances shall be placed and lighted therein
13 and the design thereof;

14 5. to authorize and regulate the use of and the projections on
15 and determine the line or curb and the surface construction of all
16 streets and avenues lying within any park, square or public place
17 or within a distance of three hundred fifty feet from the outer
18 boundaries thereof;

19 6. to maintain buildings and structures now or hereafter erected
20 or established in any park, square, public place or playground
21 under his jurisdiction and to carry out and perform existing
22 contracts with corporations or institutions for the construction
23 and maintenance of such buildings and structures;

24 7. to provide the necessary instruments, furniture and equipment
25 for the several buildings and structures within his jurisdiction
26 and to develop and improve the same subject to the provisions of

law and existing contracts;

8. to have the management, direction and control of all real or personal property granted, devised, bequeathed or conveyed to the city for the extension, improvement or ornamentation of the parks, squares or public places in the city or for the establishment or maintenance, within the limits of any such park, square or public place, of playgrounds, other recreational properties and other facilities within the department's jurisdiction and upon such trusts and conditions as may be prescribed by the grantors or donors thereof and accepted by the commissioner, or proposed by the commissioner and accepted by the grantors or donors thereof;

9. to establish and enforce rules and regulations for the use, government and protection of public parks and of all property under the charge or control of the department, which rules and regulations so far as practicable shall be uniform in all boroughs and shall have the force and effect of law. Any violation of such rules or regulations shall be a misdemeanor triable by a judge of the criminal court of the city of New York and punishable by not more than ninety days imprisonment or by a fine of not more than one thousand dollars or by both;

10. to plan, conduct, supervise, coordinate and promote conservation, environmental, and nature education programs and research and demonstration projects relating thereto and to plan, acquire, design, construct, improve, alter, maintain and manage areas and facilities for conservation and the preservation of natural beauty; and subject to the approval of the mayor, undertake

1 to enter into arrangements with other city, state or federal
2 agencies and recommend to the mayor such arrangements with private,
3 voluntary or commercial agencies, to be entered into subject to the
4 provisions of law, for the performance of functions relating to
5 conservation and the preservation of natural beauty;

6 11. to plan, plant and maintain trees and other plantings and
7 to plan, acquire, design, construct, improve, alter, repair and
8 maintain works of art, as same are defined in subdivision a of
9 section eight hundred fifty-four of the New York city charter, on
10 or over the streets, avenues, squares, parks, docks, piers or other
11 public places belonging to the city, except as otherwise provided
12 by law; and, subject to the approval of the mayor, undertake to
13 enter into arrangements with other agencies of the city, state and
14 federal government and recommend to the mayor such arrangements
15 with private, voluntary or commercial agencies, to be entered into
16 subject to the provisions of law, for the performance of functions
17 relating to neighborhood beautification.

18 b. Recreation

19 1. to plan, acquire, construct, improve and manage facilities
20 for the recreation of the public;

21 2. to plan, develop, conduct and supervise recreation programs
22 for the public including research and demonstration projects
23 relating thereto;

24 3. to review and coordinate recreation activities and programs
25 and facilities conducted by agencies of the city and the budget
26 estimates submitted by such other agencies for such activities

and make such recommendations to the mayor with respect to them as may be appropriate; and

4. to undertake, subject to the approval of the mayor, and to enter into arrangements with other agencies of the city, state or federal government and to recommend to the mayor such arrangements with private, voluntary or commercial agencies to be entered into, subject to the provisions of law, for the performance of any recreation functions conferred upon the department by this chapter or otherwise.

Sec. 534. Landmarks preservation commission.

1. There shall be in the department a landmarks preservation commission consisting of eleven members. The membership of such commission shall include at least three architects, one historian qualified in the field, one city planner or landscape architect, and one realtor. The membership shall include at least one resident of each of the five boroughs.

2. (a) The members of the commission shall be appointed by the mayor for terms of three years, provided that of those members first taking office, three shall be appointed for one year, four for two years, and four for three years. Each member shall serve until the appointment and qualification of his successor. The terms of members first taking office shall commence on the date of their appointment.

(b) Before making any appointment of a member who is required to be an architect, historian or city planner or landscape architect, the mayor may consult with the fine arts federation of

1 New York and any other similar organization. In the event of a
2 vacancy occurring during the term of a member of the commission,
3 the mayor shall make an interim appointment to fill out the
4 unexpired term of such member, and where such member is herein
5 required to have specified qualifications, such vacancy shall be
6 filled by interim appointment of a person having such
7 qualifications, in the manner herein prescribed.

8 3. The members of the commission other than the chairman,
9 shall serve without compensation, but shall be reimbursed for
10 expenses necessarily incurred in the performance of their duties.

11 4. The mayor shall designate one of the members of the
12 commission to be chairman and one to be vice-chairman. The
13 chairman and vice-chairman shall serve as such, until a successor
14 or successors are designated. The commission shall appoint an
15 executive director who shall devote full time to his duties. The
16 commission shall submit an annual report on its activities to the
17 mayor.

18 5. The commission may employ technical experts and such other
19 employees as may be required to perform its duties, within the
20 appropriations therefor.

21 6. The commission shall have such powers and duties as shall
22 be prescribed by law with respect to the establishment and
23 regulation of landmarks, portions of landmarks, landmark sites,
24 interior landmarks, scenic landmarks and historic districts.

25 7. In advance of any hearing on a proposed designation of a
26 landmark, landmark site, interior landmark, scenic landmark or

1 historic district the commission shall send a notice of the
2 proposed designation and the hearing to the city planning
3 commission, the affected community board and the office of the
4 borough president in whose borough the property or district is
5 located.

6 8. All landmarks, landmark sites, interior landmarks, scenic
7 landmarks and historic districts designated by the commission
8 pursuant to any applicable law shall be in full force and effect
9 from and after the date of the action of the commission but shall
10 be subject to review by the council within ninety days of such
11 designation or such other time period as may be specified by law.
12 The council may approve or disapprove a designation by majority
13 vote. The vote of the council shall be final unless vetoed by the
14 mayor within five days of the vote. Any such mayoral veto shall
15 be subject to override by a two-thirds vote of the council within
16 ten days of the veto.

1 DRAFT 6/20/89

2 CHAPTER 27

3 BOARD OF STANDARDS AND APPEALS

4
5 Sec. 659. Executive director of standards and appeals. a.

6 There shall be an executive director of standards and appeals who
7 shall be appointed by and shall hold office at the pleasure of the
8 board of standards and appeals.

9 b. The executive director shall have had at least five years'
10 experience in administrative or supervisory positions dealing with
11 administration and personnel. He shall devote his entire time to
12 the performance of his duties and shall not engage in any other
13 occupation, profession or employment.

4 Sec. 660. Staff, powers and duties. a. The executive director
15 may appoint such engineers, architects, experts and other officers
16 and employees as may be required to perform the duties of his
17 office, with the approval of the board and within the appropriation
18 provided therefor.

19 b. The executive director shall assign and supervise all
20 members of his staff. He shall provide for the testing of
21 materials and appliances and have prepared and presented matters
22 before the board of standards and appeals in accordance with the
23 rules, regulations and directives of such board, and shall prepare
24 the calendar of such board.

25 Sec. 661. Constitution and appointment. a. The board of
26 standards and appeals shall consist of six members to be termed

1 commissioners to be appointed by the mayor each for a term of six
2 years, commencing at the expiration of the terms of the present
3 incumbents.

4 b. One of the members shall be a planner with professional
5 qualifications and at least ten years' experience as a planner.
6 Two of the members shall be registered architects and shall have
7 had at least ten years' experience as architects. One shall be a
8 licensed professional engineer and shall have had at least ten
9 years' experience as an engineer engaged in structural work. One
10 shall be a licensed professional engineer and shall have had at
11 least ten years' experience as an engineer engaged in mechanical
12 work. The mayor shall designate one of the members, who shall have
13 had the required experience as an architect, planner, or as an
14 engineer, to serve as chairman and shall designate one of the
15 members to serve as vice-chairman who shall act as chairman in the
16 absence of the chairman or in the event that a vacancy exists in
17 the office of chairman.

18 c. Every member of the board shall receive a salary, which
19 shall not be reduced during his term of office except in case of
20 a general reduction of salaries and in proportion to reductions of
21 salaries of other officers with similar salaries. A member shall
22 not engage in any other occupation, profession or employment.
23 Members shall attend the hearings and executive sessions of the
24 board, and shall perform such other duties as may be required by
25 the chairman.

26 d. Vacancies shall be filled by the mayor for the unexpired

1 term of the member whose place has become vacant and with a person
2 having his qualifications.

3 Sec. 662. Removal by mayor after hearing. Any member may be
4 removed by the mayor on proof of official misconduct, or of
5 negligence in official duties, or of conduct in any manner
6 connected with his official duties which tends to discredit his
7 office, or of mental or physical inability to perform his duties;
8 but before removal he shall receive a copy of the charges and shall
9 be entitled to a hearing before the mayor and to the assistance of
10 counsel at such hearing.

11 Sec. 663. Meetings. Meetings of the board shall be held at
12 the call of the chairman and at such other times as the board may
13 determine. The chairman, or in his absence the acting chairman,
14 may administer oaths and compel the attendance of witnesses. All
15 hearings before the board shall be open to the public and shall be
16 before at least four members of the board, and a concurring vote
17 of at least four members shall be necessary to a decision. The
18 board shall keep minutes of its proceedings, showing the vote of
19 each member upon every question, or if absent or failing to vote,
20 indicating such fact, and shall also keep records of its
21 examinations and other official action. Such minutes and such
22 records shall be public records.

23 Sec. 664. Member interested in question. No member of the
24 board shall pass upon any question in which he or any corporation
25 in which he is a stockholder or security holder is interested.

26 Sec. 665. Rules and regulations; bulletin. a. Every rule or

1 regulation and every amendment or repeal thereof, and every order,
2 requirement, decision or determination of the board shall
3 immediately be filed in the office of the board and shall be a
4 public record.

5 b. The director shall print and publish weekly a bulletin in
6 which the director shall publish every rule, regulation, amendment
7 or repeal thereof made by the board, and every order, requirement,
8 decision and determination of the board, and the reasons therefor
9 whenever it shall deem it practical to do so, and such other
10 matters, including indices and digests, as the director may deem
11 it advisable to publish.

12 c. Every amendment or repealer to the reference standards of
13 the building code of the city of New York shall be published
14 forthwith in the City Record.

15 Sec. 666. Jurisdiction. The board shall have power:

16 1. To require the testing of and to approve, materials and
17 appliances to be used pursuant to law.

18 2. To make, amend and repeal rules and regulations for carrying
19 into effect the provisions of the laws, resolutions, rules and
20 regulations in respect to any subject-matter jurisdiction whereof
21 is conferred by law upon the board, and to include in such rules
22 and regulations provisions applying to specific conditions and
23 prescribing means and methods of practice to effectuate such
24 provisions and for carrying into effect the powers of the board.

25 3. To make, amend and repeal rules and regulations for the
26 enforcement of those provisions of the labor law and other laws

which relate to the construction or alteration of, structural changes in, plumbing and drainage of, elevators in, fire escapes on, adequacy and means of exit from, or fire protection in, all buildings within the city, which shall take the place of the industrial code and of any rules and regulations of the department of labor of the state of New York relating to the same subject-matter.

4. To make, amend and repeal rules, regulations and directives governing the preparation and presentation by the director of matters before the board.

5. To exercise exclusively with respect to buildings situated within the city, the same powers as are exercised by the department of labor of the state of New York elsewhere in the state.

6. To determine and vary the application of the zoning resolution as may be provided in such resolution and pursuant to section six hundred sixty-eight.

7. To hear and decide appeals from and review,

(a) except as otherwise provided by law, any order, requirement, decision or determination of the commissioner of buildings or any borough superintendent of buildings acting under a written delegation of power from the commissioner of buildings filed in accordance with the provisions of subdivision (b) of section six hundred forty-five, or

(b) any order, requirement, decision or determination of the fire commissioner or any rule or regulation or amendment or repeal thereof made by the fire commissioner, or

1 (c) any order, requirement, decision or determination of the
2 commissioner of transportation or the commissioner of ports,
3 international trade and commerce made in relation to the structures
4 or uses on water front property under his jurisdiction in
5 connection with the application or enforcement of the provisions
6 of the zoning resolution of the city of New York, the labor law and
7 such other laws, rules and regulations as may govern the
8 construction, alteration, maintenance, use, occupancy, safety,
9 sanitary conditions, mechanical equipment and inspection of
10 structures in the city, under the authority conferred upon them by
11 law, by reversing or affirming in whole or in part, or modifying
12 the order, regulation, decision or determination appealed from, and
13 to make such order, requirement, decision or determination as in
14 its opinion ought to be made in the premises, and to that end shall
15 have the power of the officer from whose ruling the appeal is
16 taken, and of any officer under whose written delegation of power
17 such ruling was made.

18 8. In passing upon appeals, to vary or modify any rule or
19 regulation or the provisions of any law relating to the
20 construction, use, structural changes, equipment, alteration or
21 removal of buildings or structures, or vaults in sidewalks
22 appurtenant thereto, where there are practical difficulties or
23 unnecessary hardship in the way of carrying out the strict letter
24 of the law, so that the spirit of the law shall be observed, public
25 safety secured and substantial justice done, provided that the
26 provisions of the housing maintenance code and of any regulation

or order issued under such title may be varied or modified only to the extent permitted by such title and only in the manner and subject to the conditions therein specified.

9. To review, upon motion of any member of the board, any rule, regulation, amendment or repeal thereof, and any order, requirement, decision or determination from which an appeal may be taken to the board under the provisions of this chapter or of any law, or of any rule, regulation or decision of the board; but no such review shall prejudice the rights of any person who has in good faith acted thereon before it is reversed or modified. The provisions of this chapter relating to appeals to the board shall be applicable to such review.

10. To afford an equal right to the city planning commission, community boards, and borough boards and lessees and tenants as well as owners to appear before it for the purpose of proposing arguments or submitting evidence in respect of any matter brought before it pursuant to the zoning resolution of the city of New York.

11. To issue such special permits under the zoning resolution as are authorized by the city planning commission and the board of estimate.

Sec. 667. Inspections. Any member of the board or any subordinate thereof shall, when authorized in writing by the chairman, and the director or any officer or employee designated by him in writing shall have power at any time to enter, inspect and examine any premises, buildings, structures, vehicles or

1 vessels for the purpose of carrying out the duties of the board
2 and shall report his findings in writing to the board. Refusal to
3 permit such entry shall be triable by a judge of the New York city
4 criminal court and punishable by not more than thirty days'
5 imprisonment, or by a fine of not more than fifty dollars, or both.

6
7 Sec. 668. Variances and special permits.

8 a. Community boards and borough boards shall review
9 applications to vary the zoning resolution and applications for
10 special permits within the jurisdiction of the board of standards
11 and appeals under the zoning resolution pursuant to the following
12 procedure:

13 1. Each proposal or application, any amendments thereto and any
14 written information prepared by an applicant for purposes of
15 determining (1) whether an environmental impact statement will be
16 required by law and (2), prior to the actual drafting thereof, the
17 form and content of any environmental impact statement required by
18 law, shall be filed with the board of standards and appeals, which
19 shall forward a copy within five days to the community board for
20 each community district in which the land involved, or any part
21 thereof, is located, and to the borough board if the proposal or
22 application involves land located in two or more districts in a
23 borough. If a meeting involving a city agency and an applicant is
24 convened to determine, in advance of the drafting, the form and
25 content of any environmental impact statement required by law for
26 a proposal or application subject to review under this section,

1 each affected community board shall receive advance notice of such
2 meeting and shall have the right to send one representative to
3 participate in the meeting.

4 2. Each such community board shall, not later than sixty days
5 after the receipt of the proposal or application, either notify
6 the public of the proposal or application, in the manner specified
7 by the city planning commission pursuant to subdivision h of
8 section one hundred ninety-seven-c, conduct a public hearing
9 thereon and prepare and submit a written recommendation thereon
10 directly to the board of standards and appeals, or waive the
11 conduct of such public hearing and the preparation of such written
12 recommendation.

13 3. A copy of a recommendation or waiver by a community board
14 pursuant to paragraph two of this subdivision that involves land
15 located within two or more community districts in a borough shall
16 also be filed with the borough board within the same time period
17 specified in that paragraph. Not later than thirty days after the
18 filing of such a recommendation or waiver with the borough board
19 by every community board in which the land involved is located or
20 after the expiration of the time allowed for such community boards
21 to act, the borough board may hold a public hearing on the proposal
22 or application and any such recommendation and may submit a written
23 recommendation or a waiver thereof to the board of standards and
24 appeals.

25 4. The receipt of such a recommendation or waiver from every
26 community or borough board involved, or the expiration of the

1 time allowed for such boards to act, shall constitute an
2 authorization to the board of standards and appeals to review the
3 application and to make a decision.

4 5. If after the receipt of such a recommendation or waiver from
5 every community or borough board involved, or the expiration of the
6 time allowed for such boards to act, the applicant for a special
7 permit or variance submits to the board of standards and appeals
8 any additional documents or plans, he or she shall at the same time
9 forward copies of such documents or plans to the city planning
10 commission, the council member involved and to the community or
11 borough board involved.

12 b. The recommendation of a community board or borough board
13 pursuant to subdivision a of this section shall be filed with the
14 board of standards and appeals and a copy sent to the city planning
15 commission. The board of standards and appeals shall conduct a
16 public hearing and act on the proposed application. A decision of
17 the board shall indicate whether each of the specific requirements
18 of the zoning resolution for the granting of variances has been met
19 and shall include findings of fact with regard to each such
20 requirement.

21 c. Copies of a decision of the board of standards and appeals
22 and copies of any recommendation of the affected community board
23 or borough board shall be filed with the city planning commission
24 and ~~and~~ the board of estimate. Copies of the decision shall also
25 be filed with ~~the~~ the affected community or borough boards. ~~Within~~
26 thirty days of such decision, an appeal may be taken to the board

of estimate by an applicant or other interested party, community board or borough board. In the event of an appeal, the board of estimate, in its discretion, may accept jurisdiction in such matter within thirty days after the filing of the appeal and shall render a decision within thirty days after accepting jurisdiction. In the case of an application to determine and vary the zoning resolution, review by the board of estimate shall be limited to an administrative determination as to whether the decision of the board of standards and appeals under each of the specific requirements of the zoning resolution was supported by substantial evidence before the board of standards and appeals. The board of estimate may approve or disapprove such decision and shall provide written findings and an explanation of the basis for its decision under the zoning resolution.

d. Any decision of the board of standards and appeals [or of the board of estimate] pursuant to this section may be reviewed as provided by law.

e. The city planning commission shall be a party to any proceeding to determine and vary the application of the zoning resolution. The commission may appear and be heard on any application pursuant to this section before the board of standards and appeals [or the board of estimate] if, in the judgment of the planning commission, the granting of relief requested in such application would violate the requirements of the zoning resolution relating to the granting of variances. The commission [may appeal to the board of estimate the granting or denial of any such

1 variance by the board of standards and appeals and shall have
2 standing to challenge the granting or denial of a variance in a
3 proceeding brought pursuant to article seventy-eight of the civil
4 practice law and rules, or in any similar proceeding.

5 Sec. 669. Procedure on appeals. a. An appeal may be taken by
6 any person aggrieved or by the head of any agency.

7 b. Such appeal may be taken within such time as shall be
8 prescribed by the board by general rule, by filing with the
9 officer from whom the appeal is taken and with the board a notice
10 of appeal, specifying the grounds thereof. The officer from whom
11 the appeal is taken shall forthwith transmit to the board all the
12 papers constituting the record upon which the action appealed from
13 was taken.

14 c. The board shall fix a reasonable time for the hearing of
15 appeals, and give due notice thereof to the parties, and decide
16 the same within a reasonable time. If the appeal is from an order
17 revoking a permit or approval, the hearing shall be had no later
18 than at the third scheduled hearing of the board following the date
19 of filing of the appeal, or five weeks following such date,
20 whichever is sooner, and the decision of the board shall be
21 rendered expeditiously. Upon the hearing any party may appear in
22 person or by agent or attorney.

23 d. Any decision of the board under this section may be reviewed
24 as provided by law.

3 CHAPTER 29

4 DEPARTMENT OF PORTS AND TRADE

6 Sec. 701. Department; commissioner; seal. There shall be a
7 department of ports and trade, the head of which shall be the
8 commissioner of ports and trade. The commissioner may adopt a
9 seal for the department and direct its use.

10 Sec. 702. Deputies. The commissioner may appoint three
11 deputy commissioners, one to be the first deputy commissioner.

12 Sec. 703. Secretary. The commissioner may appoint a
13 secretary to the department, who shall keep and attest to the
14 seal of the department and shall perform such other duties as may
15 be assigned by the commissioner, consistent with law.

16 Sec. 704. Powers and duties of the commissioner. The
17 commissioner shall have the power, and it shall be his or her
18 duty, to promote and foster development of intrastate,
19 interstate, and international commerce and trade in the city of
20 New York and to exercise the functions, operations, powers and
21 duties of the city relating to the development, construction,
22 reconstruction, operation, maintenance, management,
23 administration and regulation of public markets, wharf property,
24 water front property and airports within the city of New York
25 including, without limitation, the following:

1 (a) to exercise the powers of a commissioner of public markets
2 of a city and a city department of public markets under the
3 agriculture and markets law;

4 (b) to have exclusive charge and control of the wharf property
5 and water front property owned or possessed by the city and of
6 the building, rebuilding, repairing, altering, maintaining,
7 strengthening, protecting, cleaning, dredging and deepening of
8 such wharf property and water front property; provided, that the
9 board of estimate, on the recommendation of the city planning
10 commission and after a public hearing, notice of which shall be
11 given by publication in the City Record not less than seven or
12 more than thirty days prior thereto, may withdraw from the
13 jurisdiction of the department and assign for use for any public
14 purpose or assign to the jurisdiction of any other agency any
15 wharf property or water front property owned by the city and not
16 under lease;

17 (c) to have exclusive power to regulate water front property
18 and the following structures on any water front property:
19 wharves, piers, docks, bulkheads, structures wholly or partly
20 thereon, and such other structures used in conjunction with and
21 in furtherance of water front commerce and/or navigation;

22 (d) to have the exclusive power to enforce with respect to
23 public markets, water front property and any structures on water
24 front property under its jurisdiction, the labor law and such
25 other laws, rules and regulations as may govern the dredging,
26 filling, removal, construction, alteration, maintenance, use,

1 occupancy, safety, sanitary conditions, mechanical equipment and
2 inspection of structures in the city, and the issuance of permits
3 and certificates of completion in reference thereto, and to
4 establish or amend fees to be charged for the issuance of such
5 permits or certificates of completion, which fees shall be fixed
6 by [the board of estimate on recommendation of the commissioner
7 after a public hearing, notice of which shall be given by
8 publication in the City Record for the five days of publication
9 of the City Record immediately prior thereto] rules of the
10 department;

11 (e) to have exclusive power to regulate the use of marginal
12 streets so that they may be used to the best advantage in
13 connection with wharf property and to regulate by license or
14 otherwise the transfer of goods and merchandise upon, over or
15 under all such marginal streets;

16 (f) to administer and enforce the provisions of the zoning
17 resolution of the city of New York in respect to the following
18 structures on any water front property: wharves, piers, docks,
19 bulkheads, structures wholly or partly thereon, and such other
20 structures used in conjunction with and in furtherance of water
21 front commerce and/or navigation in the same manner and in
22 accordance with the same procedure as is prescribed therein;

23 (g) to lease, subject to the approval of the [board of
24 estimate] council, any wharf property belonging to the city for
25 purposes of water front commerce or in furtherance of navigation
26 and to lease, pursuant to section three hundred eighty-four and

1 subject to review and approval pursuant to sections one hundred
2 ninety-seven-c and, if applicable, one hundred ninety-seven-d,
3 any wharf property belonging to the city for any other purpose.
4 All such leases shall be for such terms and [in such manner]
5 shall contain such conditions as may be provided by law. [Such
6 leases] Leases of wharf property for purposes of water front
7 commerce or in furtherance of navigation may be sold at public
8 auction duly advertised in the City Record for at least ten days
9 prior thereto, and if not so sold the terms of any lease must be
10 approved by the [board of estimate by a three-fourths vote]
11 council after a public hearing, notice of which shall be
12 published in the City Record for the six days of publication of
13 the City Record immediately prior thereto. The council shall act
14 within thirty days of the filing of the proposed terms and
15 conditions of any such lease with the council. Failure of the
16 council to act within such thirty-day period shall be deemed to
17 be approval of the lease. If the department fails to agree upon
18 terms of a lease with any person desiring to lease any wharf
19 property, it shall, if the offer be made in writing, decline it
20 in writing and such person may submit his proposed lease to the
21 board of estimate at its next regular meeting, and if the accepts
22 the same by a three-fourths vote at such meeting or any one of
23 its three regular meetings next succeeding thereto, the
24 department shall promptly execute such lease;

(h) to grant temporary permits terminable at will for a period not exceeding one year to use and occupy any wharf property belonging to the city;

(i) to set aside by order any wharf property belonging to the city, which has not been leased, for general wharfage purposes or for the use of any special kind of commerce, or of any class of vessel, or of any agency, and to revoke or modify such order as to any such wharf property at any time;

(j) to regulate [], subject to the approval of the board of estimate, [] the charges for wharfage, crantage and dockage of all vessels or floating structures using any wharf property set aside under subdivision (i) of this section, provided that the rates which it shall be lawful to charge for wharfage, crantage and dockage from any vessel or floating structure which makes use of any other wharf property within the port of New York shall be fixed by [] the board of estimate after public hearing on recommendation [] rules of the department;

(k) to establish, amend and enforce all needful rules and regulations for the proper care of all public markets, wharf property, waterfront property and all airports, airplane landing sites, seaplane bases and heliports owned or possessed by the city and placed in his or her charge or over which he or she shall have power of regulation and to issue such orders as may be necessary for such enforcement. The violation of or the failure to comply with any such order, rule or regulation shall be triable in criminal court and punishable, upon conviction, by

1 not more than thirty days imprisonment or by a fine of not less
2 than one hundred dollars nor more than five thousand dollars, or
3 both;

4 (l) to sell, subject to the approval of the board of
5 estimate buildings, structures and other improvements on market
6 property and wharf property to a person leasing such property
7 pursuant to subdivisions (a) and (g) of this section, provided,
8 however, that any such sale of improvements shall be subject to
9 the procedure for review and approval applicable to the lease
10 related to the improvements;

11 (m) to manage and promote the economic development of all
12 airports, airplane landing sites, seaplane bases and heliports
13 owned or possessed by the city; and to lease any part of such
14 property [in the same manner as wharf property] subject to the
15 provisions of section three hundred eighty-four and to review and
16 approval pursuant to sections one hundred ninety-seven-c and one
17 hundred ninety-seven-d;

18 (n) to have charge and control of the regulation for the
19 health and safety of the general public of all airports, airplane
20 landing sites, seaplane bases, heliports, marginal streets and
21 parking facilities appurtenant thereto owned or possessed by the
22 city;

23 (o) to have the exclusive power to regulate all privately
24 owned airports, airplane landing sites, seaplane bases and
25 heliports and the operation out of and into such bases as well as
26 the control of ground effect craft and aircraft operations to or

1 from other sites within the city not so designated as airports,
2 heliports, airplane landing sites or seaplane bases;

3 (p) to promote and encourage the expansion and development of
4 the city as a center for intrastate, interstate and international
5 overland freight transportation;

6 (q) to promote, coordinate and implement activities, projects
7 and programs designed to attract foreign direct investment and
8 promote overseas sales by firms in the city and to otherwise
9 encourage, stimulate and foster the well-being, development,
10 growth and expansion of international business, commerce, and
11 trade in the city; and

12 (r) to administer and promote the development of foreign trade
13 zones within the city.

14 Sec. 705. Waterfront plans. (a) The plans for the water
15 front of the city are continued in effect and may be changed by
16 the commissioner [with the approval of the board of estimate
17 after a public hearing before the board. Notice of such hearing
18 shall be published in the City Record for the seven days of
19 publication of the City Record immediately prior thereto. Such
20 change shall take effect notwithstanding that any plan may have
21 been wholly or partially physically perfected and improvements
22 made in conformity therewith. The board of estimate, before
23 approving any change, shall refer it to the city planning
24 commission, and the procedure thereafter shall be the same as in
25 case of a change in the city map not initiated by the city
26 planning commission.], subject to review and approval pursuant to

1 sections one hundred ninety-seven-c and, if applicable, one
2 hundred ninety-seven-d.

3 (b) No wharf, pier, bulkhead, basin, dock, slip, marginal
4 street or other structure shall be laid out, built, or rebuilt in
5 the port of New York in the area included in such plans except in
6 accordance with such plans as changed from time to time,
7 provided, that the commissioner, with the approval of the [board
8 of estimate] city planning commission, may from time to time
9 change the width or location of any of the piers laid down on
10 such plans and build or rebuild temporary wharf structures or
11 license or permit the building or rebuilding thereof as may be
12 provided by law.

13 (c) The commissioner may widen, open, construct, abandon or
14 close any marginal street or avenue included in such plans and
15 shall maintain the widened portion of such street or avenue, or
16 the new street or avenue as a marginal street, and such new
17 street, or such a widened street to the extent of the portion so
18 widened, shall not be a public street. Before acting under this
19 subdivision, the commissioner shall make a report to the city
20 planning commission including a map showing any proposed change
21 and such other information as the city planning commissioner
22 shall require. If the city planning commission makes a finding
23 that the proposed change is in accordance with the waterfront
24 plan or approves the change, the commissioner may proceed with
25 it, but if the city planning commission makes a finding that it
26 is not in accordance with such plan and disapproves the change,

1 then the commissioner shall not proceed unless the [board of
2 estimate by a three-fourths vote] the council authorizes the
3 commissioner to proceed. The city planning commission shall act
4 on such change within six weeks from the time when it is filed in
5 the office of the commission and if it does not act within such
6 weeks the commissioner may proceed with the change.

1 DRAFT 6/20/89

2 CHAPTER 59

3 DEPARTMENT OF GENERAL SERVICES

4
5 Sec. 1600. Department; commissioner. There shall be a
6 department of general services, the head of which shall be the
7 commissioner of general services.

8 Sec. 1601. Deputies. The commissioner may appoint four
9 deputies, one of whom shall be first deputy commissioner.

10 Sec. 1602. Powers and duties of the commissioner. Except as
11 otherwise provided by law, the commissioner shall have the power
12 and it shall be the commissioner's duty to perform all the
13 functions and operations of the city of New York relating to the
14 construction, maintenance and care of public buildings and
15 structures, the acquisition and disposal of personal property, the
16 provision to city agencies of other than personal services, the
17 acquisition, management, sale or lease by the city of real property
18 other than housing, the provision of automotive, communication and
19 data processing services, the provision, regulation and control of
20 electrical activities and similar services, including without
21 limitation, the following:

22 1. Public buildings and structures. With respect to public
23 buildings and structures the commissioner shall have the following
24 powers and duties:

25 (a) to have charge and control over the plans and
26 specifications for and the construction of all buildings and

1 structures paid for in whole or in part from the city treasury;

2 (b) to manage, alter, repair, operate, maintain and clean
3 buildings, structures and offices leased or occupied for public
4 use by more than one city agency whose management, alteration,
5 repair, operation, maintenance or cleaning is paid for in whole or
6 in part from the city treasury, and as directed by the mayor, to
7 perform services in space occupied for public use by a single city
8 agency;

9 (c) except for the provisions of chapter nine of this charter,
10 to employ when in the commissioner's opinion such services are
11 necessary or desirable, subject to the approval of the mayor and
12 in accordance with the provisions of section three hundred
13 forty-nine of this charter, qualified consultants in private
14 practice to aid the commissioner in carrying out his duties and
15 responsibilities with respect to public building or structures;
16 such consulting or advisory services shall be performed under the
17 supervision of the commissioner;

18 (d) to consult with the agencies for whose use the buildings
19 or structures are intended in preparing and considering plans and
20 specifications and in carrying out such plans and specifications,
21 and to consider any recommendations made by such agency.

22 Notwithstanding the provisions of this subdivision one, the
23 exercise of the powers and duties set forth herein shall be subject
24 to the jurisdiction of any city agency performing urban renewal and
25 public and publicly-aided housing functions to the extent, and in
26 such areas, as directed by the mayor;

(e) to exercise and perform such other powers and duties as may be prescribed by law or delegated to him in relation to laboratory testing of commodities and construction materials.

2. Supply services. With respect to the procurement and disposal of personal property and the procurement of other than personal services, the commissioner shall have the following powers and duties:

(a) the power to purchase, inspect, store and distribute all supplies, materials or equipment required by any city agency, except as otherwise provided by law, or by any office of any county wholly included in the city for which supplies, materials or equipment are required, payment for which is made from the city treasury;

(b) to establish and maintain one or more city storehouses, to operate therein a uniform, modern system of stores control based upon perpetual inventory and maintain a sufficient stock of staple commodities on hand to supply the estimated current needs of the agencies for which the commissioner is authorized to purchase. All purchases other than such purchases for stock for estimated needs and all deliveries from such stock shall be upon justified requisitions. The commissioner shall also oversee the establishment of efficient and economical systems of stores control in other city agencies and review the operations of such storehouses to assure their efficient and economical management;

(c) to receive all old or waste material and other personal property discarded, replaced or not required in storehouses or by

1 any agency for which the commissioner has the power to make
2 purchases and all such agencies shall surrender such property to
3 the commissioner who shall dispose thereof pursuant to rules and
4 regulations promulgated by him governing its redistribution,
5 exchange, transfer, sale or other disposition;

6 (d) to procure, supply and manage contractual services other
7 than personal or professional services for the use of city
8 agencies;

9 (e) to promulgate and codify rules and regulations governing
10 the purchase, payment, storage, delivery of supplies and equipment
11 by agencies of the city and the disposal of unusable and obsolete
12 materials, and to supervise their enforcement;

13 (f) to classify all supplies, materials and equipment; to adopt
14 as standards the minimum number of qualities, sizes and types of
15 commodities consistent with efficient operation and life cycle
16 costs; and to promulgate and enforce written specifications for all
17 such standard commodities.

18 3. Real property. With respect to real property, the
19 commissioner shall have the following powers and duties:

20 (a) to purchase, lease, condemn or otherwise acquire real
21 property for the city and to sell, lease, exchange or otherwise
22 dispose of real property of the city, subject to the requirements
23 of section three hundred-eighty four and to review and approval
24 pursuant to sections one hundred ninety-seven-c and, if applicable,
25 one hundred ninety-seven-d. [to exercise and perform the powers
26 and duties imposed by law upon the board of estimate relating to

1 the acquisition, selling, leasing, exchanging or otherwise
2 disposing of real property of the city and the assignment to city
3 agencies of space owned or leased by the city. The commissioner
4 shall also]

5 (b) to assign to city agencies space and real property owned
6 or leased by the city, to establish [undertake] comprehensive and
7 continuing programs and standards for [to manage] utilization of
8 space owned or leased by the city and to [establish standards,]
9 conduct surveys of space utilization [and assign space to all city
10 agencies except as otherwise provided by law];

11 (c) to manage and superintend all real property of the city not
12 used for public purposes, including real property acquired for a
13 public purpose and not being currently utilized for such purpose,
14 but the commissioner shall not manage and superintend wharf
15 property, real property under the jurisdiction of the department
16 of housing preservation and development, real property under the
17 jurisdiction of the New York city transit authority, real property
18 under the jurisdiction of the New York city housing authority by
19 virtue of an authorization granted by the mayor pursuant to the
20 provisions of subdivision three of section one hundred twenty-five
21 of the public housing law, or except as otherwise provided by law,
22 real property under the jurisdiction of the triborough bridge and
23 tunnel authority;

24 (d) to exercise and perform such other powers and duties as
25 may be prescribed by law or delegated to him in relation to the
26 acquisition, disposition, demolition or other treatment of real

1 property of the city;

2 (e) to employ, where desirable, managing agents to manage city
3 properties and collect rents therefrom and pay bills, pursuant to
4 rules and regulations promulgated by the commissioner [him and
5 approved by the board of estimate].

6 4. Communications. With respect to communications facilities,
7 the commissioner shall have the following powers and duties:

8 (a) WNYC Communications Group: to maintain, operate and
9 administer in conformance with all federal, state and local laws
10 and to use the facilities of such group in order to assist any
11 agency which shall require and use such service and also for the
12 instruction, enlightenment, entertainment, recreation and welfare
13 of the inhabitants of the city by the broadcast of any matters
14 which are deemed appropriate and necessary for the public interest
15 and advantage and to connect such facilities with any broadcasting
16 station to unite in the broadcasting of such matters and
17 activities;

18 (b) Communication facilities: except for emergency or other
19 special communication facilities, to provide to city agencies such
20 telephone, radio, television or other communications facilities as
21 they may require for the effective discharge of their
22 responsibilities;

23 (c) City Record: (i) There shall be published daily, except
24 Saturdays, Sundays and legal holidays, under contract or by the
25 department, a paper to be known as the City Record;

26 (ii) there shall be inserted in the City Record nothing aside

1 from such official matters as are expressly authorized;

2 (iii) all advertising required to be done for the city, except
3 as otherwise provided by law, shall be inserted at the public
4 expense in the City Record and a publication therein shall be
5 sufficient compliance with any law requiring publication of such
6 matters or notices;

7 (iv) nothing herein contained shall prevent the publication
8 elsewhere of any advertisement required by law to be so published;
9 provided, however, that no such publication shall be made unless
10 the same is authorized by the commissioner with the approval of the
11 mayor and the comptroller and in a newspaper, magazine, journal or
12 periodical designated by the commissioner with the approval of the
13 mayor and the comptroller;

4 (v) the comptroller shall cause a continuous series of the City
15 Record to be bound as completed quarterly and to be deposited with
16 his certificate thereon in the office of the city register, in the
17 county clerk's office of each county and in the office of the city
18 clerk; and copies of the contents of any part of the same,
19 certified by such register, county clerk or city clerk, shall be
20 received in judicial proceedings as prima facie evidence of the
21 truth of the contents thereof;

22 5. Data processing services. The commissioner shall operate
23 one or more data processing service centers providing data
24 processing equipment, programming services, and computer systems
25 analysis services for city agencies when necessary or desirable,
26 in accordance with executive orders promulgated by the mayor.

1 6. Gas and electricity. With respect to gas and electricity,
2 the commissioner shall have charge and control of furnishing the
3 city or any part thereof, by contract or otherwise, with gas,
4 electricity or any other illuminant or steam; except such functions
5 as are exercised by the public utility service of the city.

6 7. Automotive services. To acquire by purchase, lease or
7 otherwise, vehicles and other automotive equipment for the use of
8 city agencies; to manage, maintain, store and operate a fleet of
9 motor vehicles; to assign such fleet in accordance with the
10 direction of the mayor and to operate shops, yards, garages, fuel
11 depots and other facilities required for the effective and
12 economical use and maintenance of such fleet.

13 Sec. 1603. Right of entry. The commissioner, officers and
14 employees of the department may, in accordance with law, enter upon
15 public or private property for the purpose of making surveys,
16 borings or other investigations necessary for the exercise of the
17 powers or the performance of the duties of the commissioner and the
18 department. Refusal to permit such entry shall be a misdemeanor
19 punishable by not more than thirty days' imprisonment or by a fine
20 of not more than fifty dollars, or both.

21 Sec. 1604. Maintenance of master list of leases. The
22 department shall keep, maintain and annually update a master list
23 of leases wherein the city or its agencies is a tenant. Such master
24 list shall contain at least the following information: name and
25 address of lessor, location wherein lease property is situated,
26 base rent, square footage, escalation provisions, and any other

1 information which the department deems necessary and appropriate.

3 CHAPTER 61

4 DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT

6 Sec. 1800. Department; commissioner. There shall be a
7 department of housing preservation and development, the head of
8 which shall be the commissioner of housing preservation and
9 development.

10 Sec. 1801. Officials of the department. The commissioner
11 may appoint not more than five deputy commissioners, one of whom
12 may be a first deputy commissioner, one of whom shall be a deputy
13 commissioner charged with powers and duties that include, but are
14 not limited to, the control or regulation of rentals pursuant to
15 state or local rent control laws, rules or regulations, and one of
16 whom shall be a deputy commissioner charged with the powers and
17 duties that include, but are not limited to, the powers and duties
18 described in subdivision eight of section eighteen hundred two of
19 this chapter.

20 Sec. 1802. Powers and duties of the commissioner. Except as
21 otherwise specifically provided by law, the commissioner may
22 exercise or delegate any of the following functions, powers and
23 duties which are vested in the department:

24 1. all functions of the city relating to the rehabilitation,
25 maintenance, alteration and improvement of residential buildings
26 and privately owned housing including, but not limited to, the

1 making of rehabilitation loans pursuant to article eight
2 ("municipal loans"), article eight-a ("mini-loans") and article
3 fifteen ("participation loans") of the private housing finance law,
4 acting as liaison with the New York city rehabilitation mortgage
5 insurance corporation established pursuant to article fourteen of
6 the private housing finance law ("REMIC") and the New York city
7 housing development corporation established pursuant to article
8 twelve of the private housing finance law ("HDC"), the execution
9 of emergency repairs to and the sealing, removal and demolition of
10 buildings, structures and privately-owned housing in accordance
11 with applicable provisions of law and the enforcement of those
12 provisions of the multiple dwelling law or any other law, rule or
13 regulation which relate to the maintenance, use, occupancy, safety
14 or sanitary condition of any building or portion thereof which is
15 occupied, arranged or intended to be occupied as a home, residence
16 or dwelling place;

17 2. such functions and duties as may be prescribed by law with
18 respect to the relocation of tenants of real property and the
19 selection of tenants for publicly owned or publicly aided housing
20 in the city;

21 3. all functions of the city, and all powers, rights and duties
22 as provided by any federal, state or local law or resolution,
23 relating to slum clearance, slum prevention and urban renewal;
24 neighborhood conservation; prevention and rehabilitation of
25 blighted, substandard, deteriorated or insanitary areas, and
26 publicly-aided and public housing, including the regulation of

rents in housing built with state or local financing, except housing under the jurisdiction of the New York city housing authority;

4. all functions of the city relating to the control or regulation of rentals pursuant to state or local rent control laws, rules or regulations, including liaison with any body, such as, but not limited to the conciliation and appeals board, the real estate industry stabilization association and the rent guidelines board, in which any rent regulation functions or powers are vested;

5. the functions, rights, powers and duties and the offices granted to, vested in or delegated to the housing and redevelopment board, the housing and development administration or the administrator of the housing and development administration;

6. such powers, rights and duties vested in or exercised by the New York city housing authority as may be transferred to or vested in the city;

7. the functions, powers and duties to:

(a) establish and administer programs including, but not limited to, the municipal loan program, "mini" loan program and participation loan program, designed to encourage the rehabilitation and preservation of existing housing;

(b) administer laws authorizing tax exemption or tax abatement, or both, including, but not limited to, section 11-243 of the administrative code of the city of New York and section four hundred twenty-one of the real property tax law, which are in aid of the construction, rehabilitation, alteration or improvement of

1 residential buildings and structures and the elimination of
2 substandard conditions therein, process applications for such
3 exemption or abatement or both, and coordinate the activities of
4 officers and agencies of the city relating thereto;

5 (c) manage and superintend all real property acquired by the city
6 for, or devoted to, housing or urban renewal purposes;

7 (d) represent the city in carrying out the provisions of the
8 private housing finance law including, but not limited to, article
9 two (relating to limited-profit housing companies), article five
10 (relating to redevelopment companies), article eight (relating to
11 municipal loans), article eight-a (relating to "mini" loans),
12 article eleven (relating to housing development fund companies) and
13 article fifteen (relating to participation loans), and act as and
14 exercise the powers, rights and duties vested in the "supervising
15 agency" pursuant to the private housing finance law;

16 (e) represent the city in carrying out the provisions of article
17 fifteen of the general municipal law ("urban renewal law")
18 including, but not limited to, acquiring, leasing or disposing of
19 real property pursuant to said law and establishing the disposition
20 price of real property in an urban renewal area;

21 (f) undertake projects and exercise the rights, powers and
22 privileges authorized by sections fifty-five and fifty-five-a of
23 the public housing law;

24 (g) impose and collect charges and fees for the financing,
25 regulation, supervision and audit of municipally-aided projects
26 and loan programs administered by the commissioner, which charges

1 and fees shall be set aside in a special account for administrative
2 expenses of the department;

3 (h) act as the coordinating agency with respect to the
4 activities of officers and agencies of the city concerning areas
5 designated by the planning commission or any analogous officer or
6 body, as districts for development or improvement of
7 neighborhoods;

8 (i) acquire real property, pursuant to the federal housing and
9 community development act of nineteen hundred seventy-four, on
10 behalf of other city agencies.

11 [8. On and after September first, nineteen hundred
12 seventy-eight.

13 (a) ~~(j) sell, lease, exchange or otherwise dispose~~ [the powers
14 and duties imposed by law upon the board of estimate relating to
15 the sale, lease, exchange or other disposition] of residential real
16 property of the city, subject to review and approval pursuant to
17 sections one hundred ninety-seven-c and one hundred ninety-seven-
18 d, provided that any disposition by public auction shall be
19 conducted by the department of general services;

20 ~~[(b)]~~ (k) manage~~ment~~ and superintend~~ence of~~ all residential
21 real property of the city not used for public purposes, including
22 real property acquired for a public purpose and not being currently
23 utilized for such purpose, but not ~~management and superintendence~~
24 ~~of~~ wharf property, real property under the jurisdiction of the New
25 York city transit authority, real property under the jurisdiction
26 of the New York city housing authority by virtue of an

1 authorization granted by the mayor pursuant to the provisions of
2 subdivision three of section one hundred twenty-five of the public
3 housing law, or real property under the jurisdiction of the
4 triborough bridge and tunnel authority;

5 (c) such other powers and duties as may be prescribed by law in
6 relation to the management, demolition or sealing or other
7 treatment of residential real property of the city; and

8 (d) employment of professional community and other personnel to
9 manage residential real property of the city.

10 Sec. 1803. Inspectors, inspection. 1. Housing maintenance
11 inspectors shall have such qualifications as shall be prescribed
12 by the department of personnel after consultation with the
13 commissioner.

14 2. The commissioner or any inspector or any officer of the
15 department authorized in writing by the commissioner or the
16 commissioner's delegate may, in accordance with law, for the
17 purpose of performing their respective official duties, enter and
18 inspect any building, structure, enclosure, premises or any part
19 thereof, or anything therein or attached thereto, and any refusal
20 to permit such entry or inspection shall be a misdemeanor triable
21 in the criminal court and punishable upon conviction by not more
22 than thirty days imprisonment, or by a fine of not more than one
23 hundred dollars or both.

24 Sec. 1804. Organization of the department; notice. In
25 January, nineteen hundred seventy-eight and every six months
26 thereafter, in accordance with the procedures of subdivision (b)

1 of section one thousand forty-three of this charter, the
2 commissioner shall cause to be published in the City Record and
3 shall give notice of a written plan or chart describing the
4 organization of the department.

ACCESS TO INFORMATION

[Sec. 1113] Sec. 1058. Heads of departments to furnish copies of papers on demand. The heads of all administrations and departments, except the police and law departments, and the chiefs of each and every division or bureau thereof and all borough presidents, shall with reasonable promptness, furnish to any taxpayer desiring the same, a true and certified copy of any book, account or paper kept by such administration, department, bureau or office or such part thereof as may be demanded, upon payment in advance of ten cents for every hundred words thereof by the person demanding the same. The provisions of this section shall not apply to any papers prepared by or for the comptroller for use in any proceeding to adjust or pay a claim against the city or any agency or by or for counsel for use in actions or proceedings to which the city, or any agency is a party or for use in any investigation authorized by this charter.

[Sec. 1114] Sec. 1059. Inspection by taxpayers of books and papers. All books, accounts and papers in the office of any borough president or any division or bureau thereof, or in any city administration or department or any division or bureau thereof, except the police and law departments, shall at all times be open to the inspection of any taxpayer, subject to such reasonable rules and regulations in regard to the time and manner of such inspection

1 as the borough president, administration, department, office,
2 division or bureau may make; in case such inspection shall be
3 refused, such taxpayer, on his sworn petition, describing the
4 particular book, account or paper that he desires to inspect, may,
5 upon notice of not less than one day, apply to any justice of the
6 supreme court for an order that he be allowed to make such
7 inspection as such justice shall by his order authorize. The
8 provisions of this section shall not apply to any papers prepared
9 by or for the comptroller for use in any proceedings to adjust or
10 pay a claim against the city or any agency or by or for counsel for
11 use in actions or proceedings to which the city or any agency is
12 a party or for use in any investigation authorized by this charter.

13
14 [Sec. 1155] Sec. 1060. Public attendance at executive sessions. a.
15 Except as otherwise provided pursuant to subdivision b of this
16 section, the public may attend all sessions or meetings of the
17 following agencies whenever items on the calendar of such agency
18 are to be considered and acted upon in a preliminary or final
19 manner: art commission, conciliation and appeals board,
20 environmental control board, board of health, landmarks
21 preservation commission, city planning commission, board of
22 standards and appeals, tax commission, youth board, and the council
23 and its committees.

24 b. Any agency specified pursuant to subdivision a of this
25 section may convene an executive session closed to the public by
26 a three-fourths vote of all of its members, but shall not take

1 final action at any such meeting.

2
3 Sec.1060. Commission on public information and communication.

4 a. There shall be a commission on public information and
5 communication which shall consist of the president of the council,
6 as chair, the corporation counsel or the delegate of such officer,
7 the director of operations or the delegate of such officer, the
8 commissioner of the department of records and information services
9 or the delegate of such officer, all of whom shall serve on the
10 board without compensation. In addition, there shall be five other
11 members, each appointed for a four year term, who shall not hold
12 or seek public or political party office or be public employees in
13 any jurisdiction, except the representative of the community board
14 as set forth herein, to be appointed as follows: three by the
15 mayor, one of whom is or has been a representative of the news
16 media and one of whom shall be a member of a community board; one
17 by the president of the council and one by the vice chairman of the
18 council. Such members shall receive a per diem compensation for
19 each calendar day they perform the work of the commission. No such
20 members shall serve for more than two consecutive four year terms.
21 All initial appointments shall be made by the first day of March,
22 nineteen hundred ninety.

23 b. Members may be removed by the mayor for cause after notice
24 and opportunity to be heard. Members shall serve until their
25 successors have been appointed.

26 c. The commission shall appoint an executive director and

1 general counsel and such other officers, employees, and consultants
2 as are necessary to fulfill its duties.

3 d. The commission shall:

4 (1) undertake, by itself, or in cooperation with other
5 entities, activities to educate the public about the availability
6 and potential usefulness of city maintained information and assist
7 the public in obtaining access to such information;

8 (2) review (i) all city information policies, including but
9 not limited to, policy regarding public access to city produced and
10 maintained information, particularly, computerized information;
11 (ii) the quality, structure, and costs to the public of such
12 information; (iii) agency compliance with the various notice,
13 comment, and hearing provisions of the charter and other laws
14 applicable to city agencies; the usefulness and availability of
15 city documents, reports, and publications;

16 (3) monitor and review the performance of city agencies,
17 community boards, and elected officials in complying with the
18 provisions of the charter, and other laws requiring public access
19 to meetings, transcripts, records, and other information;

20 (4) Hold at least one public hearing each year on city
21 information policies and issue at least one report each year with
22 such recommendations as the commission deems advisable;

23 (5) on the request of any member of the public, elected
24 official, or city agency or official, render advisory opinions
25 regarding the application of those provisions of the charter or
26 other laws which require public access to meetings, transcripts,

1 records, and other information. Such advisory opinions shall be
2 indexed by subject matter and maintained on a cumulative basis;

3 (6) make recommendations regarding the application of new
4 communications technology to improve public access to city produced
5 and maintained information.

6
7 Sec. 1061. Public data directory. a. The commission shall publish
8 annually a directory of the publicly accessible computerized
9 information produced or maintained by city agencies. Such directory
10 shall include specific descriptions of the contents of such
11 information, essential information on the way it is maintained, and
12 the name, title, office address, and office telephone number of the
13 official in each agency responsible for receiving inquiries about
14 such information.

15 b. The mayor shall transmit to the commission such information
16 on the publicly accessible computerized information produced or
17 maintained by the agencies as the commission requires to compile
18 and update the public data directory. The mayor shall also ensure
19 that all agencies provide the commission with such assistance and
20 information as the commission requires.

21
22 Sec. 1062. Cablecasting and broadcasting city government
23 proceedings. a. All future cable television franchises and
24 franchise renewals shall require that (i) at least one channel be
25 dedicated to the cablecasting of the public proceedings of the
26 council and its committees and the city planning commission and

1 (ii) that the franchisee provide the interconnections necessary to
2 allow the direct cablecasting of such proceedings.

3 b. The council and its committees and the city planning
4 commission shall make their meetings and hearings available for
5 cablecasting and broadcasting. The council, on the recommendation
6 of the commission on public information and communication, may by
7 local law require that other agencies of city government be subject
8 to the requirments of this section.

9
10 Sec. 1063. Registry of contract and contractor information. a. The
11 mayor shall maintain in a central place a registry of standard
12 information regarding each city contract and contractor. Such
13 registry shall include, but not be limited to: (1) information
14 regarding the method by which the contract was let; (2) the
15 standard documents which the contractor was required to submit,
16 which documents shall be updated regularly in accordance with rules
17 of the procurement policy board; (2) information regarding the
18 contractor's qualifications and performance; (3) any evaluations
19 of the contractor prepared by an agency, borough president, or
20 contract performance panel; (4) any audits of the contract
21 conducted by the comptroller; and (5) any decisions regarding
22 suspension or debarment of the contractor.

23 b. The procurement policy board shall regularly review the
24 scope and form of all information maintained in the registry and
25 shall promulgate rules regarding its contents, organization and
26 management.

1 c. The mayor shall ensure adequate public access to the
2 central registry of information, which shall be maintained in a
3 manner to facilitate public review, with due consideration for the
4 need to protect, where appropriate, the confidentiality of contract
5 and contractor information.

6
7 Sec. 1064. Budget documents. Each budget document required by
8 chapters three, six, or nine of the charter shall be a public
9 document. The official or agency responsible for preparing each
10 such document shall file a copy in the municipal reference and
11 research center, in the principal branch library of each borough
12 and, for the various geographic based budget documents, in the
13 relevant branch library. Copies of each such required budget
14 document shall also be made available for reasonable public
15 inspection in the office of the official or agency responsible for
16 preparing it.

17
18 [Sec. 1602 (4)(c)] Sec. 1065. City Record. [(i)]a. There shall be
19 published daily, except Saturdays, Sundays and legal holidays,
20 under contract or by the department of general services, a paper
21 to be known as the City Record[;].

22 [(ii)there] b. There shall be inserted in the City Record
23 nothing aside from such official matters as are expressly
24 authorized[;].

25 [(iii)all] c. All advertising required to be done for the
26 city, except as otherwise provided by law, shall be inserted at the

1 public expense in the City Record and a publication therein shall
2 be sufficient compliance with any law requiring publication of such
3 matters or notices[;].

4 [(iv)nothing] d. Nothing herein contained shall prevent the
5 publication elsewhere of any advertisement required by law to be
6 so published; provided, however, that no such publication shall be
7 made unless the same is authorized by the commissioner of general
8 services with the approval of the mayor and the comptroller and in
9 a newspaper, magazine, journal or periodical designated by the
10 commissioner with the approval of the mayor and the comptroller[;].

11 [(v) the] e. The [comptroller] commissioner of general
12 services shall cause a continuous series of the City Record to be
13 bound as completed quarterly and to be deposited with his or her
14 certificate thereon in the office of the city register, in the
15 county clerk's office of each county and in the office of the city
16 clerk; and copies of the contents of any part of the same,
17 certified by such register, county clerk or city clerk, shall be
18 received in judicial proceedings as prima facie evidence of the
19 truth of the contents thereof[;].

20 f. The commissioner of general services shall provide copies
21 of each issue of the City Record to the municipal reference and
22 research center where they shall be distributed to any members of
23 the public requesting them without charge. The commissioner shall
24 also provide free subscriptions to the City Record to each borough
25 president, council member, community board, and branch of the
26 public library and to the news media as defined in paragraph three

1 of subdivision b of section one thousand forty-three of the
2 charter. The commisioner of general services, each borough
3 president, council member and community board shall make copies of
4 each issue of the City Record available in a central location for
5 reasonable public inspection without charge.

6/17

CHAPTER 49

OFFICERS AND EMPLOYEES

Sec. 1100. Head of department; whole time. Every head of an administration or department or elected officer except council members who receives a salary from the city shall give whole time to the duties of the office and shall not engage in any other occupation, profession or employment.

Sec. 1101. Deputies. a. Any head of a department established by this charter may appoint and at pleasure, remove so many deputies as may be provided for by law and determine their relative rank, and may appoint and at pleasure remove a secretary to the department if so provided, and, except as otherwise provided by law, shall assign to them their duties, and may by instrument in writing filed in the department designate any deputy to possess any of his powers and exercise such of his duties and for such times and under such conditions as he may specify.

b. During a vacancy in the office of the head of an administration or a department established by this charter, or whenever by reason of illness or absence from the city he shall be prevented from attending to the duties of his office, the highest ranking deputy not absent or under disability shall act as the head of the administration or department.

c. The head of each mayoral department, including each such department within an administration, shall designate a deputy

1 commissioner of the department or a senior officer reporting
2 directly to the head of the department who shall be responsible
3 for the personnel, management and budget administration functions
4 of the department and for financial planning and management in the
5 areas of payroll, purchasing, vouchering, accounting and related
6 areas assigned by the head of the department.

7 Sec. 1102. Organization of department. a. Any head of an
8 administration or a department established by this charter, to the
9 extent to which the organization of the administration, or
10 department is not prescribed by law, shall by instrument in writing
11 filed in the agency organize the administration or department into
12 such divisions, bureaus or offices and make such assignments of
13 powers and duties among them, and from time to time change such
14 organization or assignments as the head of the administration or
15 department may consider advisable.

16 b. Except as provided in section eleven, where divisions,
17 bureaus or offices have been established by law, the mayor may
18 consolidate any two or more divisions, bureaus or offices in any
19 agency under his jurisdiction and change the duties of any such
20 division, bureau or office and in like manner reverse or modify
21 any such action.

22 Sec. 1109. Summary inquiry. A summary inquiry into any alleged
23 violation or neglect of duty in relation to the property,
24 government or affairs of the city may be conducted under an order
25 to be made by any justice of the supreme court in the first, second
26 or eleventh judicial district on application of the mayor, the

1 comptroller, the president of the council, any five council
2 members, the commissioner of investigation or any five citizens
3 who are taxpayers, supported by affidavit to the effect that one
4 or more officers, employees or other persons therein named have
5 knowledge or information concerning such alleged violation or
6 neglect of duty. Such inquiry shall be conducted before and shall
7 be controlled by the justice making the order or any other justice
8 of the supreme court in the same district. Such justice may
9 require any officer or employee or any other person to attend and
10 be examined in relation to the subject of the inquiry. Any answer
11 given by a witness ~~in~~ such inquiry shall not be used against him
12 in any criminal proceeding, except that for all false answers or
13 material points he shall be subject to prosecution for perjury.
14 The examination shall be reduced to writing and shall be filed in
15 the office of the clerk of such county within the first, second or
16 eleventh judicial district as the justice may direct, and shall be
17 a public record.

18 Sec. 1110. Trusteeship of public property. The council and
19 the council members and all other officers and employees of the
20 city are hereby declared respectively trustees of the property,
21 funds and effects of the city, so far as such property, funds and
22 effects are or may be committed to their management or control.
23 Such trustees are hereby made subject to all the duties and
24 responsibilities imposed by law on trustees, and such duties and
25 responsibilities may be enforced by the city or by any officer
26 thereof.

1 Sec. 1110-a. Capital plant inventory and maintenance
2 estimates.

3 a. For the purposes of this section:

4 1. "Maintenance" or "maintain" shall denote those
5 activities necessary to keep the relevant portion of the capital
6 plant in good repair so as to preserve its structural integrity
7 and to prevent its deterioration.

8 2. "Major portion of the capital plant" shall mean (a)
9 any capital asset (1) which is a capital facility or system
10 comprising a component of the public domain or infrastructure
11 general fixed assets of the city or a building comprising a
12 component of the general fixed assets of the city and (2) which,
13 as of December thirty-first, nineteen hundred eighty-eight, or, as
14 the result of any reconstruction or expansion after such date, has
15 a replacement cost of at least ten million dollars and a useful
16 life of at least ten years, or if purchased or constructed after
17 such date, has an original cost of at least ten million dollars,
18 and an original useful life of at least ten years; and

19 (b) any other capital asset of the city designated by the mayor
20 for the purposes of this section; provided, however, that it shall
21 not include any asset which is leased to or otherwise under the
22 cognizance and control of a public benefit corporation or which is
23 otherwise covered, pursuant to state law, by requirements which are
24 substantially similar to the requirements of this section.

25 b. Not later than October first of nineteen hundred eighty-
26 nine, the head of each agency shall submit to the mayor, for each

1 major portion of the capital plant for which the agency or any
2 officer or employee thereof is responsible, the following
3 information: the date of original acquisition or construction,
4 the dates of any significant alterations or reconstructions, the
5 original cost and original useful life, and the current replacement
6 cost and remaining useful life. Such information shall be
7 categorized by project type.

8 c. Not later than October first of nineteen hundred ninety,
9 the head of each agency shall submit to the mayor an agency capital
10 plant inventory presenting, for each major portion of the capital
11 plant for which the agency or any officer or employee thereof is
12 responsible, an update of the information required by subdivision
13 b of this section as well as an assessment of its condition and a
14 schedule, by year, of maintenance activities. The head of each
15 agency shall submit amendments of such agency capital plant
16 inventory to the mayor as necessary to ensure that such inventory,
17 including the condition assessments and maintenance schedules, is
18 complete, current and accurate. Such inventory and amendments
19 thereto shall be categorized by project type.

20 d. Such maintenance schedules and amendments thereto, other
21 than amendments reflecting the disposition or demolition of any
22 portion of the capital plant, shall be prepared or reviewed by
23 professional engineers or architects registered in the state of
24 New York and such engineers or architects shall set forth in
25 writing (1) their opinions as to the reasonableness and sufficiency
26 of the activities set forth in such schedules for maintaining such

1 portions of the capital plant and (2) their recommendations, if
2 any, for changes in such schedules. Such opinions and
3 recommendations shall be based upon commonly used standards for
4 acceptable levels of maintenance, the performance and other
5 specifications to which such portions of the capital plant were
6 designed, and such other engineering or architectural standards as
7 may be appropriate. Such professional engineers or architects may
8 be officers or employees of the city of New York.

9 e. The mayor shall transmit copies of such agency capital
10 plant inventories, and all amendments thereto, to the council, the
11 board of estimate, the comptroller and the city planning commission
12 and shall ensure that all information from such inventories as
13 amended, including the condition assessments and maintenance
14 schedules, and the opinions and recommendations related to such
15 maintenance schedules are centrally stored and accessible to such
16 officials, the agencies involved and other interested parties.

17 f. Not later than the first day of October of each year,
18 commencing in nineteen hundred ninety, the mayor shall transmit to
19 the board of estimate and the council estimates for the ensuing
20 fiscal year and for each of the three succeeding fiscal years of
21 the amounts, by agency and project type and, within project type,
22 by personal services and other-than-personal services, necessary
23 to maintain all major portions of the capital plant, consistent
24 with the maintenance schedules on file with the mayor pursuant to
25 subdivision e of this section. Such estimates shall be prepared
26 or reviewed by the professional engineers or architects who
27 prepared or reviewed such maintenance schedules or by professional

1 engineers or architects registered in the State of New York and
2 employed by the office of management and budget or the agencies
3 involved. Such architects or engineers shall set forth in writing
4 (1) their opinions as to the reasonableness of such estimates and
5 whether such estimates have been logically derived from such
6 maintenance schedules and (2) their recommendations, if any, for
7 changes in such estimates. Such opinions and recommendations shall
8 be centrally stored and accessible to any interested party.

9 Sec. 1111. Authorization to incur liabilities; [Expenses]
10 expenses not to exceed appropriation. The head of each agency
11 shall establish the procedure by which charges and liabilities may
12 be incurred on behalf of the agency. Such procedures shall ensure
13 that no officer or employee, on behalf of or in the name of the
14 agency, shall incur a liability or an expense for any purpose in
15 excess of the amount appropriated or otherwise authorized therefor;
16 and no charge, claim or liability shall exist or arise against the
17 city, or any of the counties contained within its territorial
18 limits, for any sum in excess of the amount appropriated or
19 otherwise authorized for the particular purpose.

20 Sec. 1112. Reports to mayor. The heads of administrations
21 and departments established by this charter, borough presidents
22 and such officers as the mayor may require shall in addition to
23 any other reports required by this charter, once in each year and
24 at such other times as the mayor may direct, make to the mayor, in
25 such form and under such rules as the mayor may prescribe, reports
26 of their operations and action. Notice of the availability of

1 copies of each of such annual reports shall be published in the
2 City Record within thirty days of the publication of the report
3 involved. The heads of all agencies shall, when required by the
4 mayor, furnish to him such information as he may demand, within
5 such reasonable time as he may direct.

6 Section XXX.

7 a. Each agency which delivers services within community
8 districts and boroughs, after consulting with other governmental
9 entities responsible for providing related services, shall annually
10 submit to the mayor and the council a report presenting and
11 analyzing data regarding those social, economic and environmental
12 conditions which are significantly related to the agency's areas
13 of responsibility. Such report shall contain statistical data on
14 such conditions broken down by relevant subdivisions of the city
15 for the most recent year for which such data is available and for
16 the previous five years to the extent that such data is available
17 for such years; and it shall also contain comparable data for New
18 York City as a whole and, to the extent that is available, for New
19 York State, the United States and other large cities in the United
20 States. In addition to such data, such report shall contain a
21 narrative discussion of the differences in the conditions among
22 such subdivisions of the city and between the conditions in the
23 city and elsewhere; of the differences between the conditions in
24 such subdivisions and any city, state, national or professional
25 standards which have been established in regard to such matters;
26 and, the relation between changes in the conditions in the various

1 subdivisions over time. The report shall also contain short and
2 long term plans for addressing any significant problems evidenced
3 by such differences.

4 b. Two or more agencies providing related services or with
5 related responsibilities may jointly produce such a report.

6 c. Within one year of the adoption of this section, each
7 agency subject to the provisions of this section shall propose
8 categories of data and standards to be compiled and compared within
9 its report. Such categories and standards shall be subject to
10 review by the Council, through its standing committee(s), and shall
11 be reviewed every two years thereafter by both the agency and the
12 Council.

13 [Sec. 1113. Heads of departments to furnish copies of papers
14 on demand. The heads of all administrations and departments,
15 except the police and law departments, and the chiefs of each and
16 every division or bureau thereof and all borough presidents, shall
17 with reasonable promptness, furnish to any taxpayer desiring the
18 same, a true and certified copy of any book, account or paper kept
19 by such administration, department, bureau or office or such part
20 thereof as may be demanded, upon payment in advance of ten cents
21 for every hundred words thereof by the person demanding the same.
22 The provisions of this section shall not apply to any papers
23 prepared by or for the comptroller for use in any proceeding to
24 adjust or pay a claim against the city or any agency or by or for
25 counsel for use in actions or proceedings to which the city, or any
26 agency is a party or for use in any investigation authorized by

1 this charter.

2 Sec. 1114. Inspection by taxpayers of books and papers. All
3 books, accounts and papers in the office of any borough president
4 or any division or bureau thereof, or in any city administration
5 or department or any division or bureau thereof, except the police
6 and law departments, shall at all times be open to the inspection
7 of any taxpayer, subject to such reasonable rules and regulations
8 in regard to the time and manner of such inspection as the borough
9 president, administration, department, office, division or bureau
10 may make; in case such inspection shall be refused, such taxpayer,
11 on his sworn petition, describing the particular book, account or
12 paper that he desires to inspect, may, upon notice of not less than
13 one day, apply to any justice of the supreme court for an order
14 that he be allowed to make such inspection as such justice shall
15 by his order authorize. The provisions of this section shall not
16 apply to any papers prepared by or for the comptroller for use in
17 any proceedings to adjust or pay a claim against the city or any
18 agency or by or for counsel for use in actions or proceedings to
19 which the city or any agency is a party or for use in any
20 investigation authorized by this charter.]

21 Sec. 1115. Officer not to hold any other civil office. Any
22 person holding office, whether by election or appointment, who
23 shall, during his term of office, accept, hold or retain any other
24 civil office of honor, trust or emolument under the government of
25 the United States, except commissioners for the taking of bail, or
26 of the state, except the office of notary public or commissioner

1 of deeds or officer of the national guard, or who shall hold or
2 accept any other office connected with the government of the city,
3 or who shall accept a seat in the legislature, shall be deemed
4 thereby to have vacated any office held by him under the city
5 government; except that the mayor may accept, or may in writing
6 authorize any other person holding office to accept, a specified
7 civil office in respect to which no salary or other compensation
8 is provided. No person shall hold two city or county offices,
9 except as expressly provided in this charter or by statute; nor
10 shall any officer under the city government hold or retain an
11 office under a county government, except when he holds such office
12 ex officio by virtue of an act of the legislature, and in such case
13 shall draw no salary for such ex officio; provided, however, that
14 any member of the police force or any member of the fire department
15 may hold office as a member of a board of education outside of the
16 city of New York if otherwise qualified to serve thereon.

17 Sec. 1116. Fraud; neglect of duty; willful violation of law
18 relative to office. a. Any council member or other officer or
19 employee of the city who shall wilfully violate or evade any
20 provision of law relating to such officer's office or employment,
21 or commit any fraud upon the city, or convert any of the public
22 property to such officer's own use, or knowingly permit any other
23 person so to convert it or by gross or culpable neglect of duty
24 allow the same to be lost to the city, shall be deemed guilty of
25 a misdemeanor and in addition to the penalties imposed by law and
26 on conviction shall forfeit such office or employment, and be

1 excluded forever after from receiving or holding any office or
2 employment under the city government.

3 b. Any officer or employee of the city or of any city agency
4 who shall knowingly make a false or deceptive report or statement
5 in the course of duty shall be guilty of a misdemeanor and, upon
6 conviction, forfeit such office or employment.

7 Sec. 1117. Pensioner not to hold office. If a person receiving
8 a pension or a retirement allowance made up of such pension and
9 an annuity purchased by the pensioner from the city or any agency,
10 or out of any fund under the city or any agency, by reason of his
11 own prior employment by the city or any agency, shall hold and
12 receive any compensation from any office, employment or position
13 under the state or city or any of the counties included within the
14 city or any municipal corporation or political subdivision of the
15 state, except the offices of inspector of election, poll clerk or
16 ballot clerk under the election law or commissioner of deeds or
17 notary public or jury duty, the payment of said pension only shall
18 be suspended and forfeited during and for the time he shall hold
19 and receive compensation from such office, position or employment;
20 but this section shall not apply where the pension and the salary
21 or compensation of the office, employment or position amount in the
22 aggregate to less than one thousand eight hundred dollars annually.

23 Sec. 1118. Officers and employees not be ordered to work
24 outside public employment. No officer or employee of the city or
25 of any of the counties within its limits shall detail or cause any
26 officer or employee of the city or of any of such counties to do

1 or perform any service or work outside of his public office, work
2 or employment; and any violation of this section shall constitute
3 a misdemeanor.

4 Sec. 1119. Action of boards. Except as otherwise provided by
5 law:

6 1. Whenever any act is authorized to be done or any
7 determination or decision made by any commission, board or other
8 body, the act, determination or decisions of the majority of the
9 commission, board or other body shall be held to be the act,
10 determination or decision of the commission, board or other body.

11 2. A majority of the members ~~of~~ any commission, board or other
12 body shall constitute a quorum of such commission, board or other
13 body.

14 3. Each commission, board or other body may choose at its own
15 pleasure one of its members who shall be its president and one who
16 shall be its treasurer and may appoint a secretary or chief clerk
17 within the appropriation therefore.

18 Sec. 1120. Additional powers and duties. Any elected or
19 appointed officer of the city or any board or commission or any
20 member thereof shall, in addition to the powers and duties vested
21 in him or it by this charter, perform any duties and exercise any
22 powers vested in him or in such board or commission by any other
23 provision of law and any power necessary to carry out the powers
24 and duties vested in him or it.

25 Sec. 1122. Bonds. Unless otherwise provided by law, each
26 officer of the city who has possession of or control over any funds

1 of the city shall give bond for the faithful performance of his
2 duties in such sum as may be fixed and with sureties to be approved
3 by the comptroller. Such bonds shall run to the city of New York,
4 and in case there is another officer who is responsible for the
5 officer giving the bond, shall run also to such officer. Sec.

6 1123. Failure to testify. If any council member or other officer
7 or employee of the city shall, after lawful notice or process,
8 wilfully refuse or fail to appear before any court or judge, any
9 legislative committee, or any officer, board or body authorized to
10 conduct any hearing or inquiry, or having appeared shall refuse to
11 testify or to answer any question regarding the property,
12 government or affairs of the city or of any county included within
13 its territorial limits, or regarding the nomination, election,
14 appointment or official conduct of any officer or employee of the
15 city or of any such county, on the ground that his answer would
16 tend to incriminate him, or shall refuse to waive immunity from
17 prosecution on account of any such matter in relation to which he
18 may be asked to testify upon any such hearing or inquiry, his term
19 or tenure of office or employment shall terminate and such office
20 or employment shall be vacant, and he shall not be eligible to
21 election or appointment to any office or employment under the city
22 or any agency.

23 Sec. 1124. Civil rights protected. Nothing in this charter
24 contained shall affect any rights given or secured by section
25 fifteen of the civil rights law, including the right of officers
26 and employees, as citizens, to appeal to the legislature or to any

1 public officer, board, commission or other public body for the
2 redress of their grievances as such officers and employees.

3 Sec. 1125. Salaries of the district attorneys. Each of the
4 district attorneys of the counties of New York, Bronx, Kings,
5 Queens and Richmond shall receive an annual salary equal to the
6 compensation received by a justice of the supreme court in the
7 county in which such district attorney has been elected and is
8 serving, or ninety-seven thousand dollars a year, whichever is
9 greater.

10 Sec. 1126. Political activities forbidden. No member or
11 officer or employee of the department of personnel or the civil
12 service commission shall hold office or serve as a member of any
13 committee in any political organization or association, nor shall
14 such member, officer or employee serve as a delegate to any
15 political convention. Any member, officer or employee violating
16 this provision shall forfeit such office or employment.

17 Sec. 1127. Condition precedent to employment. a.
18 Notwithstanding the provisions of any local law, rule or regulation
19 to the contrary, every person seeking employment with the city of
20 New York or any of its agencies regardless of civil service
21 classification or status shall sign an agreement as a condition
22 precedent to such employment to the effect that if such person is
23 or becomes a nonresident individual as that term is defined in
24 section 11-1706 of the administrative code of the city of New York
25 or any similar provision of such code, during employment by the
26 city, such person will pay to the city an amount by which a city

1 personal income tax on residents computed and determined as if such
2 person were a resident individual, as defined in such section,
3 during such employment, exceeds the amount of any city earnings tax
4 and city personal income tax imposed on such person for the same
5 taxable period.

6 b. Whenever any provision of this charter, the administrative
7 code of the city of New York or any rule or regulation promulgated
8 pursuant to such charter or administrative code employs the term
9 "salary", "compensation", or any other word or words having a
10 similar meaning, such terms shall be deemed and construed to mean
11 the scheduled salary or compensation of any employee of the city
12 of New York, undiminished by any amount payable pursuant to
13 subdivision a of this section.

14 Sec. 1128. Interference with investigation. a. No person shall
15 prevent, seek to prevent, interfere with, obstruct, or otherwise
16 hinder any study or investigation being conducted pursuant to the
17 charter. Any violation of this section shall constitute cause for
18 suspension or removal from office or employment.

19 b. Full cooperation with the commissioner of investigation
20 shall be afforded by every officer or employee of the city or other
21 persons.

22 Sec. 1129. Members of police department; no other office. Any
23 police commissioner or any member of the police force who shall
24 accept any additional place of public trust or civil emolument
25 except as a member of a community board, or who shall during his
26 or her term of office be nominated for any office elective by the

1 people, except a member of the police force appointed, nominated
2 or elected to a board of education outside of the city of New York,
3 and shall not, within ten days succeeding same, decline the said
4 nomination, shall be deemed thereby to have resigned his commission
5 and to have vacated his office, and all votes cast at any election
6 for any person holding the office of police commissioner, or within
7 thirty days after he or she shall have resigned such office, shall
8 be void.

9 The foregoing provisions shall not apply to any member of the
10 police force who, with the written authorization of the mayor,
11 shall accept any additional place of public trust or civil
12 emolument while on leave of absence without pay from the
13 department.

14 Sec. 1130. Members of fire department; no other office. Any
15 commissioner or any member of the uniformed force of the fire
16 department who shall accept any additional place of public trust
17 or civil emolument except as a member of a community board, or who
18 shall during his or her term of office be nominated for any office
19 elective by the people, except a member of the force appointed,
20 nominated or elected to a board of education outside of the city
21 of New York, to a party position as defined within the New York
22 state election law or to a board of fire commissioners established
23 in accordance with section 3-308 of the village law or section one
24 hundred seventy-four of the town law, and shall not, within ten
25 days succeeding the same, decline the said nomination, shall be
26 deemed thereby to have resigned his or her commission and to have

1 vacated his or her office. The provisions of this section shall
2 apply as long as it does not interfere with his/her performance as
3 a member of the department.

4 The foregoing provisions shall not apply to any member of the
5 uniformed force of the department who, with the written
6 authorization of the mayor, shall accept any additional place of
7 public trust or civil emolument while such member shall be on leave
8 of absence without pay from the department.

9 Sec. 1131. School officers not to be interested in contracts;
10 removal. The board of education shall have the power to remove
11 from office any school officer who shall have been directly or
12 indirectly interested in the furnishing of any supplies or
13 materials, or in the doing of any work or labor, or in the sale or
14 leasing of any real estate, or in any proposal, agreement or
15 contract for any of these purposes, in any case in which the price
16 or consideration is to be paid, in whole or in part, directly or
17 indirectly, out of any school moneys, or who shall have received
18 from any source whatever any commission or compensation in
19 connection with any of the matters aforesaid; and any school
20 officer who shall violate the preceding provisions of this section
21 shall be deemed guilty of a misdemeanor, and shall also forfeit
22 such office and be ineligible to any office or employment under the
23 board of education or under the city or any agency. The provisions
24 of this section shall not apply to authors of school books used in
25 any of the public schools because of any interest they may have as
26 authors in such books.

1 Sec. 1132. Contributions to political funds, etc., prohibited.
2 Neither the city superintendent of schools, nor any associate or
3 assistant superintendent of schools, nor any member of the board
4 of examiners, nor any member of the supervising or teaching staff
5 of the board of education of the city shall be permitted to
6 contribute any moneys directly or indirectly to any fund intended
7 to affect legislation increasing their emoluments, but nothing
8 herein shall be construed to deny any right afforded by section
9 eleven hundred twenty-four.

10 Sec. 1133. Transmission of reports; disposal of records;
11 destruction of other materials. a. The head of each agency shall
12 transmit to the municipal reference and research center at least
13 four copies of each report, document, study or publication of such
14 agency, immediately after the same shall have been issued. The
15 agency head shall transmit to the center four copies of each
16 report, document, study or publication prepared by consultants, or
17 other independent contractors, as soon as such report or study is
18 released.

19 b. No records shall be destroyed or otherwise disposed of by an
20 agency, officer or employee of the city unless approval has been
21 obtained from the commissioner of records and information services,
22 the corporation counsel and the head of the agency which created
23 or has jurisdiction over the records who shall base their
24 determinations on the potential administrative, fiscal, legal,
25 research or historical value of the record. Approval for records
26 disposal shall be contained in an approved records disposal

1 schedule and remain in force until the status of the records
2 changes. The commissioner of records and information services or
3 the head of the agency which created or has jurisdiction over the
4 records may initiate action to eliminate records eligible for
5 disposal. The commissioner of records and information services
6 shall insure the destruction of disposable records within six
7 months of the date of eligibility. Records retained for historical
8 or research purposes shall be transferred, upon request of the
9 commissioner of records and information services, to the municipal
10 archives for permanent custody.

11 c. Other materials not included within the definition of records
12 in this charter may be destroyed, if not otherwise prohibited by
13 law, at any time by the agency in possession of such materials
14 without the approval of the commissioner of records and information
15 services. Such commissioner may, however, formulate procedures and
16 interpretations to guide in the disposition of such materials.

17 Sec. 1134. The head of each agency shall promptly transmit to
18 the council copies of all reports or studies which the charter or
19 other law requires the agency or any official thereof to prepare.
20 The head of each agency shall also promptly transmit to the council
21 copies of all audits and evaluations of such agency prepared by
22 state or federal officials or by private parties.

23 Sec. [1134]1135. Restriction on community board membership of
24 employees of council members and borough presidents. No person
25 who is employed by a borough president or a council member may be
26 appointed to serve on a community board to which such borough

1 president may make appointments or to which such council member
2 may make recommendations for appointment.

3 Sec. [1135]1136. Certification of officers and employees. a.
4 On or before the tenth day after an individual becomes a public
5 servant, such individual shall file a written statement with the
6 city clerk that such individual has read and shall conform to the
7 provisions of this chapter.

8 b. On or before the tenth day after the head of any mayoral
9 agency commences the performance of official duties, such agency
10 head shall, in addition, file a written statement with the city
11 clerk that such agency head has read and shall conform to the
12 provisions of chapter sixteen.

13 c. The department of personnel shall make available such copies
14 of chapters sixteen and forty-nine as are necessary to fulfill the
15 requirements of this section.

1 6/17/89

2
3 CHAPTER 69

4 COMMUNITY DISTRICTS AND COTERMINALITY OF SERVICES

5
6 Sec. 2700. Declaration of intent. [The capacity of the city
7 to provide services to residents and businesses, the welfare and
8 orderly development of communities in the five boroughs, and the
9 active participation of city residents in civic activities has been
10 impeded by

11 (1) the dissimilarity of local service delivery districts of
12 municipal agencies and (2) the disparity among such service
13 districts and the community districts and city council districts.]

14 It is the intent of this chapter to encourage and facilitate
15 coterminous community districts and service districts to be used
16 for the planning of community life within the city, the
17 participation of citizens in city government within their
18 communities, and the efficient and effective organization of
19 agencies that deliver municipal services in local communities and
20 boroughs.

21 Sec. 2701. Community districts. a. [Not later than January
22 first, nineteen hundred seventy-seven, the board of estimate,
23 pursuant to this chapter, shall adopt a map of community districts.

24 b.] Each community district shall:

25 (1) [So far as feasible,lie] Lie within the boundaries of a
26 single borough, except as provided in subdivisions d and e of this
27 section, and coincide with historic, geographic and identifiable

1 communities from which the city has developed;

2 (2) Be suitable for the efficient and effective delivery of
3 those services [by] of municipal agencies required to be made
4 coterminous with the community districts, pursuant to section two
5 thousand seven hundred four, including particularly the service and
6 districting requirements of the police and sanitation departments;
7 and,

8 (3) Be compact and contiguous and have a population of not more
9 than two hundred fifty thousand persons.

10 [c]b. Community districts shall be as nearly equal in
11 population with each other as is possible under the criteria in
12 paragraphs one, two and three of [subsection b] subdivision a of
13 this section.

14 [d. The community districts may serve as the basis for city
15 council districts for the election of council members pursuant to
16 section twenty-two and other applicable law.

17 e]c. With respect to the city's central business district in
18 the borough of Manhattan from fifty-ninth street south, the [board
19 of estimate] council may adopt as part of the community district
20 map, districts which shall reflect its unique character as the
21 city's financial, business and entertainment center. In so doing,
22 the [board of estimate] council shall take into consideration the
23 residential, working and other daytime populations as well as the
24 hotel and transient or other nighttime populations and adhere as
25 nearly as possible to the provisions of paragraph (3) of
26 subdivision b of this section.

[f]d. The community district map for the borough of Manhattan shall include Roosevelt Island, located in the east river, as part of a community district in the borough of Manhattan, immediately opposite and to the west of Roosevelt Island. However, for the purposes of meeting the requirements of section twenty-seven hundred four relating to coterminality of local services, section twenty-seven hundred five relating to district service cabinets and section twenty-seven hundred seven relating to agency budget and service statements, Roosevelt Island shall be deemed included within a community district of the borough of Queens immediately opposite and to the east of Roosevelt Island. The chairperson of the community board of the Manhattan community district which includes Roosevelt Island, or his designee, shall be a member of the district service cabinet of each of the community districts in which Roosevelt Island is included in the respective boroughs.

e. The community district map for the borough of the Bronx shall include that portion of the borough of Manhattan which lies north of the Harlem River.

Sec. 2702. Preparation and adoption of map. a. The map of community districts as of the effective date of this chapter shall be continued until modified pursuant to this section. Not later than the first day of October[,] of nineteen hundred [seventy-six] ninety-three and of every tenth year thereafter, the mayor shall, and at such other times as the mayor deems appropriate, the mayor may, prepare and present to the [board of estimate] council a [preliminary] report reviewing the community district map [pursuant

1 to this chapter] then in force and presenting such recommendations
2 for changes in the map as the mayor deems appropriate. Such review
3 shall consider shifts in population shown in the most recent
4 decennial census that may require adjustments in the community
5 district map to conform to the criteria in section twenty-seven
6 hundred one. If the mayor's recommendations for changes in the map
7 would produce a community district with a population below seventy-
8 five thousand persons, the mayor may consider whether partial
9 suspension of coterminality within the district is likely to
10 provide more efficient or effective service delivery of one or more
11 of the services for which coterminality is required, and may
12 recommend that coterminality for one or more designated services
13 within the community district and any adjacent district be
14 suspended. The mayor's recommendations for changes shall be
15 referred to as the preliminary revision of the community district
16 map.

17 b. The borough presidents, city planning commission, community
18 boards and other civic, community and neighborhood groups and
19 associations shall be consulted and their recommendations
20 considered in the preparation of the preliminary revision of the
21 community district map.

22 c. The mayor shall publish the preliminary revision of the
23 community district map in the City Record and in each [county]
24 borough of the city and shall, jointly with the borough president,
25 conduct one or more public hearings on it in each borough of the
26 city. Within sixty days of such hearing, the mayor shall submit to

1 the council such preliminary revisions of the community district
2 map as he or she deems appropriate.

3 d. The [board of estimate] council shall conduct public
4 hearings on the preliminary revision of the community district map
5 submitted by the mayor and it shall, by resolution, adopt or
6 disapprove the map as submitted [or as modified by it not later
7 than the date specified in subsection a of section twenty-seven
8 hundred one] within one hundred twenty days of such submission.

9 [Sec. 2703. Modification and review. a. The community
10 district map shall be reviewed within one year following the
11 publication of each decennial census, and a new or revised
12 community district map may be adopted pursuant to the criteria and
13 procedures applicable to the creation of community districts
14 pursuant to of sections twenty-seven hundred one and of
15 twenty-seven hundred two. Such review shall consider shifts in
16 population shown in the new census that may require adjustments in
17 the community district map to conform to the criteria in section
18 twenty-seven hundred one.

19 b. The board of estimate, after public hearing on notice and
20 consideration of any recommendation from the mayor, at any time may
21 modify the community district map to assure conformance to the
22 criteria in section twenty-seven hundred one.]

23 Sec. 2704. Coterminality of local services. a. [Within three
24 years after the effective date of the community district map
25 adopted pursuant to this chapter, the] The head of each agency
26 responsible for one or more of the services listed below shall

1 organize the local service delivery districts of such agency as
2 follows.

3 (1) To be coterminous with each of the community districts [for]:
4 local parks services; local recreation services; street cleaning
5 and refuse collection services; the patrol services of the police
6 department; and social services, including community services,
7 community development, youth services, child development, and
8 special services for children; and,

9 (2) To be coterminous with one or more community districts or
10 aggregates of them [for]: housing code enforcement, highway and
11 street maintenance and repair; sewer maintenance and repair, and
12 health services, other than municipal hospitals.

13 b. [Not later than the first day of January, nineteen hundred
14 eighty-three the commissioner of the department of parks and
15 recreation shall organize the department's service districts for
16 local recreation services to be coterminous with each of the
17 community districts.

18 c No later than the first day of January, nineteen hundred
19 eighty-three, the police commissioner shall organize the patrol
20 services of the police department in the boroughs of the Bronx,
21 Manhattan, Queens and Staten Island to be coterminous with each of
22 the community districts in such boroughs. Not later than the first
23 day of April, nineteen hundred eighty-four, the police commissioner
24 shall organize the patrol services of the police department in the
25 borough of Brooklyn to be coterminous with each of the community
26 districts in that borough.] Notwithstanding the provisions of

[this] subdivision a, the requirement that patrol services of the police department be coterminous with each of the community districts in any borough shall not apply to any community district where the mayor, after consultation with the police commissioner, shall determine that establishment of such coterminality would be inconsistent with the most effective delivery of such services. The mayor shall promptly notify the council of any such determination, and the council may, by majority vote, disapprove such determination with respect to any community district within sixty days after the first stated meeting of the council following the receipt of such notice. If the council shall disapprove such determination with respect to any community district, the police commissioner shall organize patrol services to be coterminous with such district within ninety days of such disapproval.

[d] c. The [board of estimate, upon the recommendation] council, by resolution subject to the approval of the mayor, or the mayor by executive order, may direct that city services in addition to those specified [pursuant to subsection] in subdivision a of this section be made coterminous with one or more community districts or aggregates of them.

[e] d. The head of each agency whose local service delivery districts are not required to be coterminous with community districts pursuant to [subsection] subdivision a [or b] of this section shall organize the local service delivery districts of the agency to coincide as closely as possible to the boundaries of the community districts.

1 [f] e. For purposes of this section, coterminality of services
2 shall mean that

3 [(1)] the boundaries of the local service districts of each
4 [designated] agency service listed in subdivision a shall coincide
5 with the boundaries of community districts[, and].

6 f. [(2)] [the] The head of each [designated] agency responsible
7 for one or more of the services listed in subdivision a shall: (1)
8 assign to each such local service district at least one official
9 with managerial responsibilities involving the exercise of
10 independent judgment in the scheduling, allocation and assignment
11 of personnel and equipment and the evaluation of performance or the
12 management and planning of programs [. Each]; each such official
13 shall have operating or line authority over all agency programs,
14 personnel and facilities within the local service district[.]; (2)
15 assign to each borough at least one official with line authority
16 over all agency programs, personnel and facilities within the
17 borough to manage the delivery of agency services in the borough;
18 such official shall consult regularly with the borough president;
19 (3) publish semi-annually in the City Record and make available to
20 interested parties a list, by community district and borough, of
21 the name, title, office mailing address, and office telephone
22 number of the officials appointed pursuant to paragraphs one and
23 two of this subdivision and to subdivision a of section twenty-
24 seven hundred six.

25 g. The head of any agency may assign or reallocate personnel,
26 equipment or other resources outside a community district to meet

1 emergency needs, special situations, or temporary conditions.

2 h. Nothing in this chapter shall prohibit any agency from
3 maintaining sub-districts within a community district for purposes
4 of efficient and effective service delivery so long as the combined
5 sub-districts shall coincide with the boundaries of the community
6 district. Nothing contained in this section shall prevent the
7 establishment of any special district authorized pursuant to
8 federal, state or local law, the boundaries of which do not
9 coincide with the boundaries of a community district.

10 [i. Whenever the population of a community district falls below
11 seventy-five thousand persons, the city planning commission may
12 consider whether partial suspension of coterminality within the
13 district is likely to provide more efficient or effective service
14 delivery of one or more of the services for which coterminality is
15 required. The city planning commission shall give notice to all the
16 affected community districts and shall hold a public hearing.
17 Following the hearing, the commission may recommend to the board
18 of estimate that coterminality for one or more designated services
19 within the community district and any adjacent district be
20 suspended. If the board of estimate votes to approve the
21 recommendation, coterminality shall be suspended for the designated
22 services. The city planning commission may at any time recommend
23 to the board of estimate that the suspension be terminated and that
24 coterminality be restored for one or more of the services.]

25 1. The mayor shall report biennially to the council on the
26 implementation of the requirements of this section. Such report

1 shall include: (1) an evaluation of the quality of the services
2 delivered to community districts pursuant to subdivision a of this
3 section during the preceding two fiscal years, (2) a review of the
4 agencies' implementation of subdivisions d and f of this section,
5 and of subdivision a of section twenty-seven hundred six, and (3)
6 any recommendations for changes in the services listed or in the
7 requirements for those services which the mayor deems appropriate.

8 Sec. 2705. District service cabinet. a. There shall be a
9 district service cabinet within each community district established
10 pursuant to this chapter. The members of the district service
11 cabinet shall include:

12 (1) The agency officials designated pursuant to [subsection d]
13 paragraph one of subdivision f of section twenty-seven hundred
14 four;

15 (2) Representatives of other agencies that provide local
16 services on a regular basis in the community district, who shall
17 be the ranking line official assigned to the district;

18 (3) Each council member whose district comprises all or part
19 of the community district;

20 (4) A representative of the department of city planning
21 designated by the director of city planning;

22 (5) The district manager appointed pursuant to [subsection]
23 subdivision f of section twenty-eight hundred; and,

24 (6) The chairperson of the community board for the community
25 district or his representative.

26 b. Each district service cabinet shall:

(1) Coordinate service functions and programs of the agencies that deliver services in the community district;

(2) Consider interagency problems and impediments to the effective and economic delivery of services in the district;

(3) Plan and recommend joint programs to meet the needs and priorities of community districts and their residents; and

(4) Consult with residents of the community district and their representatives about local service problems and activities;

(5) Keep a public record of its activities and transactions, including minutes of its meetings and majority and minority reports.

Sec. 2706. Borough agency managers and borough service cabinets. a. The head of each agency delivering services in the boroughs [so far as is practicable] shall designate a senior official of the agency ,or the official appointed pursuant to paragraph two of subdivision f of section twenty-seven hundred four, with line authority as the borough representative of the agency with such coordinative or other duties and responsibilities as the head of the agency may specify in a written statement filed in the agency and with the director of operations and the appropriate borough president.

b. There shall be a borough service cabinet within each borough whose members shall include the borough representatives designated pursuant to [subsection] subdivision a of this section, and the borough president, who shall be the chairperson. Each borough service cabinet shall:

1 (1) Coordinate at the borough level service delivery functions
2 and programs of agencies that provide services in the borough;

3 (2) Consider interagency problems and impediments to the
4 effective and economic delivery of services in the borough;

5 (3) Plan and develop programs addressed to the needs and
6 priorities of the borough and its residents; and

7 (4) Consult with residents of the borough and representatives
8 of the community boards about service problems and activities.

9 Sec. 2707. Agency budgets and service statements. a. Each
10 agency with service districts within the community districts and
11 boroughs shall prepare annually a statement of its service
12 objectives, priorities, programs and projected activities within
13 each community district and each borough for the new fiscal year,
14 if requested by the respective community board or borough board.

15 b. In preparing such statements for community districts the
16 agencies shall consult with the respective district service
17 cabinets and community boards. In preparing such statements for
18 the borough, the agencies shall consult with the borough service
19 cabinet and borough board. The statements shall be filed no later
20 than August fifteenth with the mayor, [board of estimate,] council,
21 borough president, community board [or] and borough board.

22 c. By no later than three months after the end of the fiscal
23 year, each agency with service districts within the community
24 districts [or] and boroughs shall report to the respective
25 community and borough boards the amount of expenditures within each
26 service district for each unit of appropriation for the preceding

1 year.

2 Sec. 2708. Agency information. Each agency with service
3 districts within the community districts and boroughs shall make
4 available to each community board and borough board and to the
5 respective borough presidents current information on its operations
6 and programs within each community district and borough.

6/17

CHAPTER 70

CITY GOVERNMENT IN THE COMMUNITY

Sec. 2800. Community boards. a. For each community district created pursuant to chapter sixty-nine there shall be a community board which shall consist of (1) not more than fifty persons appointed by the borough president for staggered terms of two years, at least one-half of whom shall be appointed from nominees of the council members elected from council districts which include any part of the community district, and (2) all such council members as non-voting members. The number of members appointed on the nomination of each such council member shall be proportional to the share of the district population represented by such council member. The city planning commission, after each council redistricting pursuant to chapter two-A, and after each community redistricting pursuant to section twenty-seven hundred two, shall determine the proportion of the community district's population represented by each council member. Copies of such determinations shall be filed with the appropriate borough president, community board, and council member. One-half of the members [first] appointed to any [new] community board shall serve for a term of [one year] two years [. The terms of all appointed members shall be calculated from] beginning on the first day of [January] April in [the] each odd-numbered year in which they take office and one

1 half of the members appointed to any community board shall serve
2 for a term of two years beginning on the first day of April in each
3 even-numbered year in which they take office. Not more than
4 twenty-five percent of the appointed members shall be city
5 employees. No person shall be appointed to or remain as a member
6 of the board who does not have a residence, business, professional
7 or other significant interest in the district. The borough
8 president shall assure adequate representation from the different
9 geographic sections and neighborhoods within the community
10 district. Community boards, civic groups and other community
11 groups and neighborhood associations may submit nominations to the
12 borough president and to council members. No member of a community
13 board may serve on a hold-over basis pursuant to section ---- of
14 the ----law for more than sixty days.

15 b. An appointed member may be removed from a community board
16 for cause, which shall include substantial nonattendance at board
17 meetings, by the borough president or by a majority vote of the
18 community board. Vacancies among the appointed members shall be
19 filled promptly upon the occurrence of the vacancy by the borough
20 president for the remainder of the unexpired term in the same
21 manner as regular appointments.

22 c. Members of community boards shall serve as such without
23 compensation but shall be reimbursed for actual and necessary
24 out-of-pocket expenses in connection with attendance at regularly
25 scheduled meetings of the community board.

26 d. Each community board shall:

- 1 (1) Consider the needs of the district which it serves;
- 2 (2) Cooperate with, consult, assist and advise any public
3 officer, agency, local administrators of agencies, legislative
4 body, or the borough president with respect to any matter relating
5 to the welfare of the district and its residents;
- 6 (3) At its discretion hold public or private hearings or
7 investigations with respect to any matter relating to the welfare
8 of the district and its residents, but the board shall take action
9 only at a meeting open to the public;
- 10 (4) Assist city departments and agencies in communicating with
11 and transmitting information to the people of the district;
- 12 (5) Cooperate with the boards of other districts with respect
13 to matters of common concern;
- 14 (6) Render an annual report to the mayor, the council and the
15 borough board within three months of the end of each year and such
16 other reports to the mayor or the borough board as they shall
17 require (such reports or summaries thereof to be published in the
18 City Record);
- 19 (7) Elect its own officers, adopt and make available for public
20 inspection by-laws and statements of duties for its district
21 manager and planner, and keep a public record of its activities and
22 transactions, including minutes of its meetings, [and] majority and
23 minority reports, and all documents requiring the board's review,
24 which shall be made available [to elected officials upon request]
25 for inspection by elected officials and members of the public;
- 26 (8) Request the attendance of agency representatives at

1 meetings of the community board;

2 (9) Prepare comprehensive and special purpose plans for the
3 growth, improvement and development of the community district;

4 (10) Prepare and submit to the mayor, on or before a date
5 established by the mayor, an annual statement of community district
6 needs, including a brief description of the district, the board's
7 assessment of its current and probable future needs, and its
8 recommendations for programs, projects, or activities to meet those
9 needs;

10 (11) Be authorized to request the mayor to respond in writing
11 to the annual statement of community district needs whenever, in
12 the board's judgment, such response is necessary or appropriate;
13 the mayor shall respond to such a request within sixty days;

14 ~~[(10)]~~(12) Consult with agencies on the capital needs of the
15 district, review departmental estimates, hold public hearings on
16 such needs and estimates and prepare and submit to the mayor
17 capital budget priorities for the next fiscal year and the three
18 succeeding fiscal years;

19 ~~[(11)]~~(13) Conduct public hearings and submit recommendations
20 and priorities to the mayor, [the board of estimate,] the council
21 and the city planning commission on the allocation and use within
22 the district of funds earmarked for community development
23 activities under city, state or federal programs;

24 ~~[(12)]~~(14) Consult with agencies on the program needs of the
25 community district to be funded from the expense budget, review
26 departmental estimates, hold public hearings on such needs and

1 estimates, and prepare and submit to the mayor expense budget
2 priorities for the next fiscal year;

3 [(13)](15) Assist in the planning of individual capital
4 projects funded in the capital budget to be located in the
5 community district and review scopes of projects and designs for
6 each capital project;

7 [(14)](16) Evaluate the progress of capital projects within the
8 community district based on status reports to be furnished to the
9 board;

10 (17) Be authorized to assign a representative to attend and
11 participate in any meeting held by a city agency to determine, in
12 advance of drafting, the form and content of any environmental
13 impact statement required by law for a proposal or application
14 for a project in such board's district.

15 [(15)](18) Exercise the initial review of applications and
16 proposals of public agencies and private entities for the use,
17 development or improvement of land located in the community
18 district, including the conduct of a public hearing and the
19 preparation and submission to the city planning commission of a
20 written recommendation;

21 [(16)](19) Assist agencies in the preparation of service
22 statements of agency objectives, priorities, programs and projected
23 activities within the community district and review such
24 statements;

25 [(17)](20) Evaluate the quality and quantity of services
26 provided by agencies within the community district; [and]

1 ~~[(18)]~~(21) Within budgetary appropriations for such purposes,
2 disseminate information about city services and programs, process
3 complaints, requests, and inquiries of residents of the community
4 district; and

5 (22) Conduct substantial public outreach, including identifying
6 the organizations active in the community district, maintaining a
7 list of the names and mailing addresses of such community
8 organizations, and making such list available to the public upon
9 request.

10 e. Each agency shall furnish promptly to each community board
11 on request any information or assistance necessary for the board's
12 work. Each agency shall also report periodically to each board on
13 its service activities programs and operations within the community
14 district.

15 f. Each community board, within the budgetary appropriations
16 thereof, shall appoint a district manager and a planner, who shall
17 serve at the pleasure of the community board. The district manager
18 shall (1) have responsibility for processing service complaints,
19 (2) preside at meetings of the district service cabinet and (3)
20 perform such other duties as are assigned by the community board.
21 One of the board members shall be elected by the other members to
22 serve as chairperson. The chairperson shall use no title other
23 than chair or chairperson of the community board and the other
24 members shall use no title other than member of the community board
25 or community board member, except that any member who is elected
26 or appointed to an official position on the board, including but

not limited to, vice-chairperson, secretary, treasurer, or chair of a committee or subcommittee of the board shall be allowed to use such title when acting in such capacity. The department of [investigations] investigation shall investigate any allegations concerning the misuse of a community board title and shall report its findings to the mayor, the council and the borough president in whose borough the community board is located. The knowing and intentional use of an improper title by any member of a community board shall be punishable by a civil penalty of not less than one hundred dollars nor more than two hundred and fifty dollars for every infraction thereof. The chairperson of the community board or his or her representative shall be a member of the district service cabinet. A member of a community board shall be eligible for appointment to the position of district manager provided that such member does not participate in any manner in the selection of the district manager by the board and resigns as a member of any board prior to or upon assuming the duties of district manager.

g. Each community board may employ such other assistants as it may require within budgeted appropriations for such purposes or funds contributed for such purpose. Any funds appropriated by the city to enable the community boards to conduct their duties and responsibilities pursuant to this chapter shall be allocated directly to each board subject to the terms and conditions of such appropriations. The basic budget appropriation for the personal service and other than personal service needs of each community board shall not include rent. Within reasonable limits appropriate

1 to each board's location, rent shall be separately appropriated for
2 the board.

3 h. Except during the months of July and August, each community
4 board shall meet at least once each month within the community
5 district and conduct at least one public hearing each month. Each
6 board shall give adequate public notice of its meetings and
7 hearings and shall make such meetings and hearings available for
8 broadcasting or cablecasting. At each public meeting, the board
9 shall set aside time to hear from the public. The borough president
10 shall provide each board with a meeting place if requested by the
11 board.

12 i. Each community board may create committees on matters
13 relating to its duties and responsibilities. It may include on
14 such committees persons with a residence or significant interest
15 in the community who are not members of the board, but each such
16 committee shall have a member of the board as its chairperson.
17 Except as otherwise provided by law, meetings of such committees
18 shall be open to the public.

19 Sec. 2801. Actions of community boards. a. A majority of
20 the appointed members of any community board shall constitute a
21 quorum of such board.

22 b. Whenever any act is authorized to be done or any
23 determination or decision made by any community board, the act,
24 determination or decision of the majority of the members present
25 entitled to vote during the presence of a quorum, shall be held to
26 be the act, determination or decision of such board.

3 CHAPTER 71

4 DEPARTMENT OF TRANSPORTATION

5 Sec. 2901. Department; commissioner. There shall be a
6 department of transportation, the head of which shall be the
7 commissioner of transportation.

8 Sec. 2902. Deputies. The commissioner may appoint four
9 deputies, one of whom shall be in charge of highway operations and
10 be a licensed professional engineer in good standing under the
11 education law. The first deputy commissioner shall supervise and
12 be responsible for the operations of the parking violations bureau.

13 Sec. 2903. Powers and duties of the commissioner. Except as
14 otherwise provided by law, the commissioner shall have control over
15 and be responsible for all those functions and operations of the
16 city relating to transportation including, without limitation, the
17 following:

18 a. Parking and traffic operations. The commissioner shall:

19 (1) make such rules and regulations for the conduct of vehicular
20 and pedestrian traffic in the streets, squares, avenues, highways
21 and parkways of the city as may be necessary. The violation of such
22 rules and regulations shall be a traffic infraction triable by a
23 judge of the criminal court of the city of New York and, except as
24 otherwise provided by law, punishable by not more than fifteen
25 days' imprisonment, or by a fine of not more than fifty dollars,
26 or both, and may also be adjudicated pursuant to title nineteen of

1 the administrative code or pursuant to articles 2-A and 2-B of the
2 vehicle and traffic law. The police commissioner may, in an
3 emergency, suspend for a period of forty-eight hours the provisions
4 of any such rule or regulation and shall immediately notify the
5 commissioner of such suspension. In order to expedite the movement
6 of traffic or to safeguard pedestrians or property, a police
7 officer or authorized employee of the transportation department may
8 order a person to disregard any traffic signal or any such rule or
9 regulation;

10 (2) establish, determine, control, install and maintain the
11 design, type, size and location of any and all signs, signals,
12 marking, and similar devices indicating the names of the streets
13 and other public places and for guiding, directing or otherwise
14 regulating and controlling vehicular and pedestrian traffic in the
15 streets, squares, parks, parkways, highways, roads, alleys,
16 marginal streets, bridges and other public ways of the city;

17 (3) make recommendations to the mayor as to the design and
18 location of highway lighting devices, poles and fixtures, and the
19 type of intensity of illumination of streets and highways;

20 (4) prepare and submit to the mayor a proposed comprehensive
21 city traffic plan;

22 (5) collect and compile traffic data and prepare engineering
23 studies and surveys in regard to vehicular and pedestrian traffic;

24 (6) prepare and submit to the mayor detailed reports in regard
25 to traffic conditions in the city;

26 (7) make recommendations to the mayor in regard to methods of

ameliorating traffic conditions which adversely affect the welfare of the city and which cannot be remedied by traffic rules and regulations;

(8) submit to the mayor from time to time for consideration and forwarding to appropriate city agencies, specific proposals for amendment of any resolutions, rules, or regulations of any city agency which affect traffic conditions in the city, and proposed legislation which may be necessary to implement and effectuate such proposals;

(9) prepare and submit to the mayor, for consideration and forwarding [by him] to [the board of estimate,] the council, the city planning commission and to other agencies of the city, recommendations and proposals for the improvement of existing streets, street widening and the location of new streets, avenues, highways and parkways; the location and design of parking garages and parking areas; the establishment of public parking garages and parking areas; the location, type and design of off-street loading and unloading and parking facilities; and other matters relating to traffic control;

(10) coordinate the efforts of and consider the reports, recommendations and suggestions of public and private agencies and civic groups in regard to traffic conditions and traffic control in the city;

(11) prepare analyses of traffic accidents with a view to determining their causes and means for their prevention;

(12) carry on educational activities for the purpose of

1 promoting traffic safety and free movement of vehicular and
2 pedestrian traffic in the city;

3 (13) establish parking meter zones, determine the design, type,
4 size, location and use of parking meters and fix the fees for
5 parking in parking areas and public parking garages except that
6 regulations pertaining to the use of parking meter zones shall not
7 apply to vehicles operated by disabled persons duly displaying
8 special vehicle identification cards issued by the commissioner
9 other than at those periods of time when "no standing" restrictions
10 are in effect in the metered zones. The parking fees and fines and
11 penalties for violation of parking rules so collected shall be paid
12 into a special fund to be known as the "traffic improvement fund."
13 The revenues of such fund, upon authorization by the council [board
14 of estimate], shall be used for the payment of all costs of
15 purchase, rental, engineering, installation, operation, maintenance
16 and repair of parking meters, for the collection of coins, for the
17 enforcement of rules and regulations pertaining to vehicular
18 parking, the collections of fines and penalties for violation of
19 such rules and regulations, and for the payment of interest on,
20 amortization of, or payment of any indebtedness contracted by the
21 city in connection with the installation, operation and maintenance
22 of parking meters. Any revenues remaining after such payments are
23 made shall be used for capital and other expenditures to ameliorate
24 traffic conditions which adversely affect the welfare of the city;

25 (14) enforce laws, rules and regulations concerning the parking
26 of vehicles and the movement and conduct of vehicular and

1 pedestrian traffic;

2 (a) Notwithstanding the provisions of any other law the
3 commissioner shall have the power, concurrently with the police
4 department, to enforce all laws, rules and regulations prohibiting,
5 regulating, directing, controlling or restricting both the parking
6 of vehicles and the movement and conduct of vehicular and
7 pedestrian traffic in and on all streets, squares, avenues,
8 highways, parkways and public off-street parking facilities in the
9 city. As used in this section the term "parking" shall mean and
10 include the parking, standing and stopping of vehicles at meters
11 and off-street parking metered areas and on any highway in the city
12 as such terms are defined in the traffic regulations of the city
13 promulgated pursuant to law; and the term "highway" shall mean and
14 include any highway or public highway as defined in sections one
15 hundred thirty-four and sixteen hundred forty-two of the vehicle
16 and traffic law.

17 (b) The commissioner may employ, hire and retain officers,
18 agents and employees for the purpose of enforcing laws, rules and
19 regulations prohibiting, regulating, directing, controlling or
20 restricting the parking of vehicles and the movement and conduct
21 of vehicular and pedestrian traffic, which officers, agents and
22 employees are hereby authorized, empowered and designated to issue,
23 make and serve tickets, summonses and complaints for traffic
24 infractions pursuant to article two-A of the vehicle and traffic
25 law and such rules and regulations as may be promulgated
26 thereunder, to issue, make and serve simplified traffic

1 informations and to issue, make and serve appearance tickets for
2 traffic infractions, misdemeanors and violations related to the
3 movement and conduct of vehicular traffic, pursuant to article
4 two-B of the vehicle and traffic law and title nineteen of the
5 administrative code of the city of New York and such rules and
6 regulations as may be promulgated thereunder.

7 (15) issue special vehicle identification permits;

8 (a) Upon application, the commissioner shall issue a special
9 vehicle identification permit to a New York city resident certified
10 by the department of health as suffering from a permanent
11 disability seriously impairing mobility, who requires the use of
12 private automobile for transportation and to a non-resident
13 similarly certified who requires the use of a private automobile
14 for transportation to a school in which such applicant is enrolled
15 or to a place of employment, provided, however, that an applicant
16 for such permit must possess an operator's or chauffeur's license
17 with any restrictions indicating special devices or equipment
18 required for the operation of a motor vehicle noted thereon by the
19 department of motor vehicles.

20 (b) A vehicle bearing such special vehicle identification permit
21 when parked shall not be deemed in violation of any of the
22 provisions of the rules and regulations governing parking in the
23 city except where such a vehicle shall be parked in a bus stop, a
24 taxi-stand, within fifteen feet of a fire hydrant, a fire zone, a
25 driveway, a crosswalk, a no stopping zone, a no standing zone, or
26 where such vehicle is double parked.

(c) The name, address and telephone number where the permittee can be reached shall be written on the reverse side of the permit, not to be displayed to the public, but to be available for emergency purposes.

(d) Any person to whom a permit has not been issued, and who shall use a permit issued pursuant to this section for any purpose other than parking a motor vehicle while transporting a physically handicapped person, shall be guilty of a misdemeanor.

(e) Certifications by the department of health of applications for special vehicle identification permits shall be made at those district health offices designated for such purpose by the commissioner of health. At least one such district health office shall be designated in each borough for special vehicle identification permit certifications. Such certifications shall be available by appointment at each of said borough health offices, or an alternative location within the borough as designated by the commissioner by regulation, on a regular basis.

(16) operate and control the parking violations bureau.

b. Highway operations. The commissioner shall have charge and control of the following functions relating to the construction, maintenance and repair of public roads, streets, highways, parkways, bridges and tunnels:

(1) regulating, grading, curbing, flagging and guttering of streets, including marginal streets and places, and the laying of crosswalks;

(2) designing, constructing and repairing of public roads,

streets, highways and parkways;

(3) paving, repaving, resurfacing and repairing of all public roads, streets, including marginal streets and places, highways and parkways and the relaying of all pavement removed for any cause including cleaning, sweeping, landscaping and maintenance functions for arterial highways as defined by regulation;

(4) filling of sunken lots, fencing of vacant lots, digging down of lots and licensing of vaults under sidewalks;

(5) regulation of the use and transmission of gas, electricity, pneumatic power and steam for all purposes in, upon, across, over and under all streets, roads, avenues, parks, public places and public buildings; regulation of the construction of electric mains, conduits, conductors and subways in any streets, roads, avenues, parks and public places and the issuance of permits to builders and others to use or open a street; and to open the same for the purpose of carrying on the business of transmitting, conducting, using and selling gas, electricity or steam or for the service of pneumatic tubes, provided, however, that this subdivision shall not be construed to grant permission to open or use the streets except by persons or corporations otherwise duly authorized to carry on business of the character above specified;

(6) construction, alteration and maintenance of all bridges and tunnels. The commissioner shall issue a report to the mayor, Board of estimate, city council and the people of the city about the condition of all bridges and tunnels operated and maintained by the department on March first, as of December thirty-first of the

preceding calendar year. The report shall include a description of all capital and revenue budget funds appropriated for rehabilitation and maintenance of bridges and tunnels as well as the program developed by the commissioner for the maintenance of all bridges and tunnels in the city of New York;

(7) removal of encroachments on public roads, streets, highways and parkways, with the exception of seasonal horticultural operations, as defined by regulations to be adopted by the commissioner, to be executed by the department of parks and recreation, and snow removal and de-icing operations to be carried out by the department of sanitation;

(8) clearing, grubbing, grading, filling or excavating of vacant lots and other land areas, as provided by law;

(9) installation of metal chain link fences or barriers on overpasses, footbridges, bridges or walkways extending over highways, roadways, parkways and streets. Every fence or barrier so installed shall extend a suitable height above the surface level of such overpass, footbridge, bridge or railing, abutment or curbing thereon or adjacent thereto;

(10) designing, constructing and maintaining a lighting system for streets, highways, parks and public places in the city.

c. Ferries and related facilities. The commissioner shall:

(1) maintain and operate the ferries of the city;

(2) be responsible for constructing, acquiring, operating, maintaining or controlling all ferry boats, ferry houses, ferry terminals and equipment thereof and all wharf property and marginal

1 roads adjacent to such wharves, ferry houses and terminals
2 necessary for the operation of the ferries and related facilities,
3 including parking sites; any ferry and any other such property,
4 including but not limited to, all or part of such wharf property,
5 may be leased in the same manner as other wharf property provided,
6 however, that from and after the sixtieth day next succeeding the
7 date on which the provisions of this paragraph as hereby amended
8 take effect, no substantial or general change in the level of
9 services furnished upon any such ferry facility under the
10 jurisdiction of the commissioner shall be instituted, allowed or
11 continued except upon not less than thirty days notice to the
12 [board of estimate] city planning commission and the [city]
13 council. Provided, further that notice of such change shall be
14 conspicuously posted in a public place at each ferry house and
15 terminal for a continuous period of at least thirty days in advance
16 of any such change taking effect and in addition, such notice shall
17 further be published at least once during such thirty day period
18 in a daily newspaper of general circulation in the city;

19 (3) have charge and control of all marine operations within the
20 city and the power to regulate public and private ferry operations
21 originating or terminating within the city;

22 (4) establish tours of ferry facilities and their related
23 operations as well as tours of the New York harbor at fees to be
24 established by the commissioner, together with the authority to
25 publicize and advertise the same;

26 (5) issue permits for the control of television and photography

activities within or upon ferries and related facilities; and

(6) construct, operate and maintain marinas and public boat launching ramps and related facilities of ferry property and collect fees for the use thereof; such fees to be deposited in a special fund for the continued maintenance, operation or reconstruction of public marine facilities.

d. Mass transportation facilities. The commissioner shall:

(1) prepare or review plans and recommendations with respect to the nature, location, construction, operation and financing of roads, highways, bridges, tunnels, subways or other facilities for mass transportation other than aviation facilities for use in whole or in part within the city whether or not the funds provided for such facilities are derived from the city treasury;

(2) develop and coordinate planning and programming for all forms of mass transportation within the city of New York whether or not said transportation is within the sole operating jurisdiction of the city of New York; and

(3) make recommendations to the mayor, the metropolitan transportation authority, the New York city transit authority, the port authority of New York and New Jersey and other city, state and federal authorities and agencies concerning the mass transit needs of the city of New York.

Sec. 2904. Duties and obligations of property owner with respect to sidewalks, fencing of vacant lots and filling of sunken lots or cutting down of raised lots. The owner of any property at his own cost, shall

1 (1) install, reconstruct, repave and repair the sidewalk in
2 front of or abutting such property, including but not limited to
3 the intersection quadrant for corner property, and

4 (2) fence any vacant lot or lots comprising part or all of such
5 property and fill any sunken lot or lots comprising part or all of
6 such property or cut down any raised lot or lots comprising part
7 or all of such property whenever the transportation department
8 shall so order pursuant to standards and policies of the
9 transportation department. In the event that the owner fails to
10 comply with the provisions of this section, the transportation
11 department may provide for the doing of same at the expense of the
12 owner in the manner to be provided by local law.

13 Sec. 2905. Right of entry. The commissioner or his agent
14 when authorized by him may in accordance with law enter upon public
15 or private property for the purpose of making surveys, borings or
16 other investigations necessary for the exercise of the powers or
17 the performance of the duties of the department. Refusal to permit
18 such entry shall be triable by the judge of the criminal court of
19 the city of New York and punishable by not more than thirty days'
20 imprisonment or by a fine of not more than fifty dollars or both.

21 Sec. 2906. Improved traffic flow at highway construction sites.
22 The commissioner may provide that on any city-sponsored, authorized
23 or assisted arterial highway construction site, or major repair
24 site that in the discretion of the commissioner is likely to
25 substantially disrupt traffic, signs be posted at least one half
26 mile or more prior to the area under construction or repair warning

- 1 motorists of the fact that such work is in progress and, wherever
- 2 possible, advising of an available alternate route.

FINANCIAL INFORMATION SERVICES AGENCY

Sec. _____. Financial information services agency. There shall be a financial information services agency which shall be headed by three directors appointed by the mayor, one of whom shall be appointed upon the recommendation of the comptroller, and one of whom shall be appointed upon the recommendation of the other two.

The directors may be city employees. They shall receive no compenstion for their services to the agency (except that a city employee may continue to receive regular compensation) but shall be compensated for expenses actually and necessarily incurred in the performance of their duties.

Sec. _____. Powers and duties. a. The agency shall have the power and duty to:

(1) implement and manage the integrated financial management system;

(2) control and exercise responsibility for all data processing functions and operations of the city which support the activities of those officers, employees, and agencies of the city responsible for organizing, compiling, coordinating and reporting upon the city's central financial records, data and other related information;

(3) provide efficient, coordinated and rapid access to such

1 information for the use of those officers, employees, and agencies
2 of the city responsible for the determination and administration
3 of the estimated and actual expenditures of the city; the receipt,
4 investment and disbursement of city funds; the issuance and payment
5 of principal and interest on obligations of the city; and for the
6 use of such other officers, employees, or agencies as may require
7 such information;

8 (4) render services to, and receive information and assistance
9 from, such other bodies defined as "covered organizations" in the
10 New York State Financial Emergency Act for the City of New York,
11 as amended, upon such terms and conditions as may be agreed to by
12 the agency and each such body.

13 b. All agencies shall furnish such information or equipment
14 in their possession as shall be necessary and proper to carry out
15 the functions of the financial information services agency as
16 determined by its executive director with the approval of its
17 directors.

18
19 Sec. . Staff. The directors shall recommend and the mayor
20 shall appoint an executive director of financial information
21 services. Within the appropriations therefor, the agency shall
22 employ such other officers and employees as may be required to
23 perform its duties.

24
25 Sec. . Office of payroll administration. There shall be
26 an office of payroll administration which shall be headed by two

1 directors appointed by the mayor, one of whom shall be appointed
2 upon the recommendation of the comptroller. The directors may be
3 city employees. They shall receive no compensation for their
4 services to the office (except that a city employee may continue
5 to receive regular compensation) but shall be compensated for
6 expenses actually and necessarily incurred in the performance of
7 their duties.

8
9 Sec. . Powers and duties. a. The office of payroll
10 administration shall have the power and duty to:

11 (1) support the implementation of a computerized payroll
12 management system,

13 (2) maintain the integrity and accuracy of the payroll system,

14 (3) develop uniform procedures for payroll processing and
15 development,

16 (4) distribute and account for payroll and administer payroll
17 deductions,

18 (5) render services to, and receive information and assistance
19 from, public corporations upon such terms and conditions as may be
20 agreed to by the office and each such corporation.

21 b. All city agencies shall cooperate with the office as may
22 be necessary and proper to ensure efficient operation of the
23 payroll management system.

24
25 Sec. . Staff. Upon the recommendation of the directors, the
26 mayor shall appoint an executive director of payroll

1 administration. Within the appropriations therefor, the office
2 shall employ such other officers and employees as may be required
3 to perform its duties.