6-25-1989

Charter of the City of New York (Draft)

New York City Charter Revision Commission

Follow this and additional works at: http://brooklynworks.brooklaw.edu/trager

Recommended Citation

This Article is brought to you for free and open access by BrooklynWorks. It has been accepted for inclusion in David G. Trager Papers from the NYC Charter Revision Commissions: Dec. 1986-Nov. 1988 & Dec. 1988-Nov. 1989 by an authorized administrator of BrooklynWorks. For more information, please contact matilda.garrido@brooklaw.edu.
DRAFT

CHARTER LANGUAGE

[Illegible]
CHAPTER 1

MAYOR

Sec. 3. Office powers. The mayor shall be the chief executive officer of the city.

Sec. 4. Election; term; salary. The mayor shall be elected at the general election in the year nineteen hundred sixty-five and every fourth year thereafter. The mayor shall hold office for a term of four years commencing on the first day of January after each such election. The salary of the mayor shall be one hundred thirty thousand dollars a year.

Sec. 5. Annual statement to council. The mayor shall communicate to the council at least once in each year a statement of the finances, government and affairs of the city with a summary statement of the activities of the agencies of the city.

Sec. 6. Heads of departments; appoint; remove. a. The mayor shall appoint the heads of administrations, departments, all commissioners and all other officers not elected by the people, except as otherwise provided by law.

b. The mayor, whenever in his judgment the public interest shall so require, may remove from office any public officer holding office by appointment from a mayor of the city, except officers for whose removal other provision is made by law. No public officer shall hold his office for any specific term, except as otherwise provided by law.

Sec. 7. Deputy mayors. The mayor shall appoint one or more
deputy mayors with such duties and responsibilities as the mayor
determines

Sec. 8. General powers. The mayor, subject to this charter,
shall exercise all the powers vested in the city, except as
otherwise provided by law.

a. The mayor shall be responsible for the effectiveness and
integrity of city government operations and shall establish and
maintain such policies and procedures as are necessary and
appropriate to accomplish this responsibility including the
implementation of effective systems of internal control by each
agency and unit under the jurisdiction of the mayor.
b. The mayor shall be a magistrate.
c. Notwithstanding any other provision of law, the mayor shall
have the powers of a finance board under the local finance law and
may exercise such powers without regard to any provision of law
prescribing the voting strength required for a resolution or action
of such finance board, provided, however, that whenever the mayor
determines that obligations should be issued and the amount
thereof, he shall certify such determination to the comptroller
who shall thereupon determine the nature and term of such
obligations and shall arrange for the issuance thereof.
d. The mayor shall establish a minimum per diem compensation
for inspectors of election and clerks employed to assist the
inspectors of election in polling places under the direction of
the board of elections as follows: on registration and primary
election days twenty dollars; on Election day thirty-five dollars,
except that the chairman of each election board shall receive an
additional three dollars compensation per day. The minimum per diem
rate for compensation for election inspectors attending classes of
instruction shall be five dollars.

e. The mayor shall establish a professional internal audit
function in the executive office of the mayor which is sufficient
to provide the mayor with such information and assurances as the
mayor, as the chief executive of the city, requires to ensure the
proper administration of the city's affairs and the efficient
conduct of its business.

f. Except as otherwise provided in section eleven, the mayor
may, by executive order, at any time, create or abolish bureaus,
divisions or positions within the executive office of the mayor as
he or she may deem necessary to fulfill mayoral duties. The mayor
may from time to time by executive order, delegate to or withdraw
from any member of said office, specified functions, powers and
duties, except the mayor's power to act on local laws or
resolutions of the council, to act as a magistrate or to appoint
or remove officials. Every such order shall be filed with the city
clerk who shall forward them forthwith to the City Record for
publication.

Sec. 9. Removal of mayor. The mayor may be removed from office
by the governor upon charges and after service upon him of a copy
of the charges and an opportunity to be heard in his defense.
Pending the preparation and disposition of charges, the governor
may suspend the mayor for a period not exceeding thirty days.
Sec. 10. Succession. a. In case of the suspension of the mayor from office, the mayor's temporary inability to discharge the powers and duties of the office of mayor by reason of sickness or otherwise, or the mayor's absence from the city, the powers and duties of the office of mayor shall devolve upon the president of the council or the comptroller in that order of succession until the suspension, inability or absence shall cease. While so acting temporarily as mayor neither the president of the council nor the comptroller shall exercise any power of appointment to or removal from office or any power lawfully delegated by the mayor to a deputy mayor before the commencement of such suspension or inability, or before or after the commencement of such absence; and shall not, until such suspension, inability or absence shall have continued nine days, sign, approve or disapprove any local law or resolution, unless the period during which the mayor can act thereon would expire during said nine days in which case the president of the council or the comptroller shall have the power to disapprove the same within forty-eight hours before the time to act expires.

b. In the case of a failure of a person elected as mayor to qualify, or a vacancy in the office caused by the mayor's resignation, removal, death or permanent inability to discharge the powers and duties of the office of mayor, such powers and duties shall devolve upon the president of the council, the comptroller or a person selected pursuant to subdivision b of section twenty-seven, in that order of succession, until a new
1. Voluntary declaration of temporary inability. Whenever the mayor transmits to the official next in line of succession and to the city clerk, a written declaration that he or she is temporarily unable to discharge the powers and duties of the office of mayor, such powers and duties shall devolve upon the official next in line of succession, subject to the provisions of subdivision a of this section. Thereafter if the mayor transmits to the acting mayor and to the city clerk a written declaration that he or she is able to resume the discharge of the powers and duties of the office of mayor, the mayor shall resume the discharge of such powers and duties immediately upon the receipt of such declaration by the city clerk.

c. Determination of mayoral inability.

1. Voluntary declaration of temporary inability. Whenever the mayor shall be elected as provided herein. If the vacancy shall occur before the twentieth day of September in any year, such vacancy shall be filled in the general election held in that year, otherwise it shall be filled in the general election held in the following year. The term of the person then elected mayor shall begin on January first after such election and shall expire on the date when the term of the mayor originally elected would have expired. Upon the commencement of the term of the thus elected mayor, the president of the council or the comptroller then acting as mayor shall complete the term of the office to which such person was elected if any remains.
comptroller, the vice-chair of the council, a deputy mayor who shall be designated by the mayor, and the borough president with the longest consecutive service as borough president. If two or more borough presidents have served for an equal length of time, one of such borough presidents shall be selected by lot to be a member of such committee. If at any time there is no valid mayoral designation in force, the deputy mayor with the longest consecutive service as a deputy mayor shall be a member of such committee. The authority to act as a member of such committee shall not be delegable.

(b) Such committee by affirmative declaration of no fewer than four of its members shall have the power to make the declarations described in paragraphs four and five of this subdivision. No such declaration shall be effective unless signed by all the members making it.

3. Panel on mayoral inability. (a) There shall be a panel on mayoral inability. Unless otherwise provided by state law, such panel shall consist of all the members of the council.

(b) The panel shall have the power to make the determinations described in paragraphs four and five of this subdivision.

4. Temporary inability. (a) Whenever the committee on mayoral inability personally serves or causes to be personally served upon the mayor and transmits to the official next in line of succession, the members of the panel on mayoral inability and the city clerk, its written declaration that the mayor is temporarily unable to discharge the powers and duties of the office of mayor, together
with a statement of its reasons for such declaration, such declaration shall constitute a determination of temporary inability unless the mayor, within forty-eight hours after receipt of such declaration, transmits to the official next in line of succession, the members of the committee on mayoral inability, the members of the panel on mayoral inability and the city clerk, a written declaration that he or she is able to discharge the powers and duties of the office of mayor, together with responses to the statement by the committee on mayoral inability of its reasons for its declaration.

(b) If personal service of the committee's declaration upon the mayor cannot be accomplished, or if such service has been accomplished but the mayor has not transmitted a declaration that he or she is able to discharge the powers and duties of the office of mayor within forty-eight hours after receipt of such declaration, such powers and duties shall devolve upon the official next in line of succession, subject to the provisions of subdivision a of this section, unless and until the mayor resumes the authority to discharge such powers pursuant to the provisions of subparagraphs (e) or (f) of this paragraph.

(c) If within such forty-eight hours, the mayor transmits a declaration that he or she is able to discharge the powers and duties of the office of mayor, such powers and duties shall not devolve upon the official next in line of succession and the mayor shall continue to discharge the powers and duties of the office of mayor, unless and until the panel on mayoral inability, within
twenty-one days after its receipt of the mayor's declaration, determines by two-thirds vote of all its members that the mayor is temporarily unable to discharge the powers and duties of the office of mayor. If the panel determines that the mayor is unable to discharge the powers and duties of the office of mayor, such powers and duties shall devolve upon the official next in line of succession, subject to the provisions of subdivision a of this section, unless and until the mayor resumes the authority to discharge such powers and duties pursuant to the provisions of subparagraphs (e) or (f) of this paragraph.

(d) If, at any time prior to a final determination by the panel pursuant to subparagraph (c) of this paragraph the mayor transmits a voluntary declaration of temporary inability pursuant to the provisions of paragraph one of this subdivision, to the official next in line of succession, the members of the committee on mayoral inability, the members of the panel on mayoral inability, and the city clerk, then the procedures set forth in paragraph one of this subdivision shall be followed.

(e) If a determination of temporary inability has been made pursuant to the provisions of subparagraphs (a) or (c) of this paragraph, and if thereafter, the mayor transmits to the acting mayor, the members of the committee on mayoral inability, the members of the panel on mayoral inability and the city clerk, a written declaration that he or she is able to resume the discharge of the powers and duties of the office of mayor, then the mayor shall resume the discharge of such powers and duties four days
after the receipt of such declaration by the city clerk, unless the committee on mayoral inability, within such four days, personally serves or causes to be personally served upon the mayor and transmits to the acting mayor, the members of the panel on mayoral inability and the city clerk, its written declaration that the mayor remains unable to discharge the powers and duties of the office of mayor.

(f) If the committee transmits a declaration that the mayor remains unable to discharge the powers and duties of the office of mayor, the mayor shall not resume the discharge of the powers and duties of the office of mayor unless and until the panel on mayoral inability, within twenty-one days of its receipt of such declaration, determines by two-thirds vote of all its members that the inability has in fact ceased. Upon such a determination by the panel, or after the expiration of twenty-one days, if the panel has not acted, the mayor shall resume the discharge of the powers and duties of the office of mayor.

5. Permanent inability. (a) Whenever the committee on mayoral inability personally serves or causes to be personally served upon the mayor and transmits to the official next in line of succession, the members of the panel on mayoral inability and the city clerk, its declaration that the mayor is permanently unable to discharge the powers and duties of the office of mayor, together with its reasons for such declaration, the panel on mayoral inability shall, within twenty-one days after its receipt of such declaration, determine whether or not the mayor is permanently unable to
discharge the powers and duties of the office of mayor.

(b) If the panel determines by two-thirds vote of all its members that the mayor is permanently unable to discharge the powers and duties of the office of mayor, such powers and duties shall devolve upon the official next in line of succession as acting mayor pursuant to subdivision b of this section, and the office of mayor shall be deemed vacant.

6. Continuation of salary; disability allowance. (a) During the time that any official is acting as mayor pursuant to a determination of temporary inability, the mayor shall continue to be paid the salary of the office of mayor, and the acting mayor shall continue to be paid the salary of the office to which such person was elected.

(b) Any mayor who has been determined to be permanently unable to discharge the powers and duties of the office of mayor pursuant to paragraph five of this subdivision shall continue to receive from the city, a sum which together with the mayor's disability benefits and retirement allowance, if any, computed without optional modification, shall equal the annual salary which such mayor was receiving at the time of the determination of permanent inability. Such disability allowance shall begin to accrue on the date of the determination of permanent inability and shall be payable on the first day of each month until the expiration of the term for which such mayor had been elected or such mayor's death, whichever shall occur first. Such mayor shall apply for any retirement allowance or disability benefits to which he or she may
be entitled and the disability allowance provided for in this section shall not reduce or suspend such retirement allowance or disability benefits, notwithstanding any other provision of law.

Sec. 11. Reorganization of agencies under jurisdiction of mayor. a. The agencies existing on the effective date of this section are continued except as otherwise provided in the charter or as otherwise provided by state or local law enacted since that date or by any actions taken by the mayor pursuant to this section since that date. To achieve effective and efficient functioning and management of city government, the mayor may organize or reorganize any agency under his jurisdiction, including the authority to transfer functions from one agency to another; create new agencies; eliminate existing agencies; and consolidate or merge agencies. Any action by the mayor pursuant to this subdivision shall be termed a "reorganization plan" and shall be published in the City Record.

b. In preparing reorganization plans, the mayor shall eliminate, as appropriate, agencies or functions which duplicate or overlap similar agencies of, or functions performed by, other agencies of city, state or local government.

c. If any proposed reorganization plan involves a change of a provision of this charter, except as provided pursuant to subdivision f of this section, or local law now in effect, or otherwise involves reorganization of an agency created pursuant to a resolution of the board of estimate or executive order of the mayor, a copy of the reorganization plan first shall be submitted
to the council. Within a period of ninety days from the date of
receipt, the council may adopt a resolution that approves or
disapproves the reorganization plan. In the event the council takes
no action within the ninety-day period, the reorganization plan
shall be deemed approved as if the council had taken affirmative
action, and is then effective.

d. The text of a reorganization plan approved pursuant to
subdivision c of this section shall appear as a part of the
administrative code.

e. The mayor may withdraw or modify a reorganization plan
submitted to the council before any final action by the council
with respect to it.

f. The authority of the mayor pursuant to this section shall
not apply (1) to any matter which would otherwise require the
submission of a local law for the approval of the electors pursuant
to section thirty-nine, or (2) to any board or commission
established pursuant to a provision of this charter.

Sec. 12. Mayor's management report. a. Not later than January
thirty-first in each year the mayor shall make public and submit to
the council [and to the board of estimate] a preliminary management
report of the city and not later than September seventeenth in each
year the mayor shall make public and submit to the council [and to
the board of estimate] a management report.

b. The mayor shall include for all versions of the management
report, an appendix indicating the linkages between the program
performance goals and measures included in the management report
and the corresponding appropriations contained in the preliminary, executive and adopted budgets.

[b] g. The preliminary management report shall contain for each city agency

(1) a statement of actual performance for the first four months of the current fiscal year relative to goals and measures;

(2) proposed program and performance goals and measures for the next fiscal year reflecting budgetary decisions made as of the date of submission of the plan; and

(3) an explanation in narrative and/or tabular form of significant changes in performance goals and indicators from the adopted budget condition to the current budget as modified and from said modified budget to the preliminary budget statements.

[c] d. The management report shall contain for each agency

(1) program and performance goals for the current fiscal year and a statement and explanation of performance measures;

(2) a statement of actual performance for the entire previous fiscal year relative to goals; and

(3) a statement of the status of the agency's internal control environment and systems, including a summary of any actions taken during the previous fiscal year, and any actions being taken during the current fiscal year to strengthen the agency's internal control environment and system.

(4) a summary of rulemaking actions undertaken by the agency during the past fiscal year including

(a) the number of rulemaking actions taken,
(b) the number of such actions which were not noticed in the regulatory agenda prepared for such fiscal year, including a summary of the reasons such rules were not included in such regulatory agenda, and

c) the number of such actions which were adopted under the emergency rulemaking procedures.

d) e. For agencies with local service districts or programs within community districts and boroughs, the mayor's preliminary management report and management report insofar as practicable shall include schedules of agency service goals, performance measures and actual performance relative to goals for each such local service district or program.

[e] f. Prior to April eighth in each year the council shall conduct public hearings [jointly with the board of estimate] on the preliminary management report and on the proposed program and performance goals and measures of city agencies contained in such report. The council [and the board of estimate] shall submit to the mayor and make public not later than April eighth a report or reports of findings and recommendations.

Sec. 13. Coordinator of criminal justice. There is established in the executive office of the mayor a position of coordinator of criminal justice, to be appointed by the mayor. The coordinator shall:

(1) advise and assist the mayor in planning for increased coordination and cooperation among agencies under the jurisdiction of the mayor that are involved in criminal justice

1-14
programs and activities;

(2) review the budget requests of all agencies for programs related to criminal justice and recommend to the mayor budget priorities among such programs; and,

(3) perform such other duties as the mayor may assign.

Sec. 14. Office of veterans' affairs (a). There shall be an office of veterans' affairs, the head of which shall be the director of veterans' affairs, who shall be appointed by the mayor.

(b) Definition. The term "veteran" means a person who has served in the active military service of the United States and who has been released from such service otherwise than by dishonorable discharge.

(c) Powers and duties. The office: 1. shall have such powers as provided by the director of the state veterans' service agency and shall have the duty to inform military and naval authorities of the United States and assist members of the armed forces and veterans, who are residents of this state, and their families, in relation to (a) matters pertaining to educational training and retraining services and facilities, (b) health, medical and rehabilitation service and facilities, (c) provisions of federal, state and local laws and regulations affording special rights and privileges to members of the armed forces and veterans and their families, (d) employment and re-employment services, and (e) other matters of similar, related or appropriate nature. The office also shall perform such other duties as may be assigned by the state director of the division of veterans' affairs;
2. shall utilize, so far as possible, the services, commissions, boards, bureaus, institutions and other agencies of the state and of the political subdivisions thereof and all such officers and agencies shall cooperate with and extend such services and facilities to the office as it may require.

(d) Veterans' advisory board. There shall be a veterans' advisory board consisting of five members, three of whom shall be appointed by the mayor and two of whom shall be appointed by the vice-chairman of the council of the city of New York. All members shall serve for a term of three (3) years. The board shall advise the director on all matters concerning veterans.

Sec. 15 Office of Operations. a. There shall be, in the executive office of the mayor, an office of operations. The office shall be headed by a director, who shall be appointed by the mayor.

b. The director of the office of operations shall have the power and the duty to:

1. plan, coordinate and oversee the management of city governmental operations to promote the efficient and effective delivery of agency services;

2. review and report on the city's management organization including productivity and performance function and systems; and

3. review the city's operations and make recommendations, where appropriate, for improving productivity, measuring performance and reducing operating expenses.
CHAPTER 2
COUNCIL

Sec. 21. [Legislative power] The Council. There shall be a

council which shall be the legislative body of the city. In

addition to the other powers vested in it by this charter and other

law, the council shall be vested with the legislative power of the

city [, and shall be the local legislative body of the city]. Any

enumeration of powers in this charter shall not be held to limit

the legislative power of the council, except as specifically

provided in this charter.

Sec. 22. Composition of council.

a. The council shall consist of the president of the council

and of other members termed council members.

b. One council member shall be elected from each council

district as now or hereafter constituted. The population of each

such district shall be one hundred and forty thousand, or as close

thereto as is practicable.

Sec. [33.]23 Council members not to be employees of agencies.

No council member shall be an employee of any agency in any

capacity whatever.

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
case 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 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 serve as the citizen advocate and
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) another city agency is required by law to adjudicate, or (ii) may be resolved through a grievance mechanism established by collective bargaining agreement or contract. If the president of the council receives a complaint which is subject to a procedure described in items (i) or (ii) of this paragraph, the president of the council shall advise the complainant of such procedure.

g. The president of the council shall establish procedures for receiving and processing complaints, responding to complainants, conducting investigations, and 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 may review the programs of city agencies. Such reviews 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. The president of the council shall submit any reports documenting or summarizing such reviews to the council, mayor and appropriate agency and shall include in such reports his or her 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 or officers and the head of each agency involved. Within a reasonable time after submitting such preliminary report, the president of the council shall issue a final report to the council, mayor, and agency documenting the conclusions of the inquiry.

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 reviews required by this section. If a 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 review 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.

1. Before making public any portion of any draft, preliminary or final report relating to the operations or activities of a city agency, the president of the council shall send a copy of the draft report 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, or portion thereof, 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 agency program reviews 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.

Sec. [24]25. Election; term; vacancies. a. The council members shall be elected at the general election in the year nineteen hundred seventy-seven and every fourth year thereafter. The term of office of each council member shall commence on the first day of January after the election and shall continue for four years thereafter; provided however that the council members elected at the general election in the year two thousand and one and at the general election in every twentieth year thereafter shall serve for a term of two years commencing on the first day of January after such election; and provided further that an additional election of council members shall be held at the general election in the year two thousand and three and at the general election in every
twentieth year thereafter and that the members elected at each such additional election shall serve for a term of two years beginning on the first day of January after such election.

b. Any vacancy which may occur among the council members shall be filled by popular election in the following manner.

1. Within three days of the occurrence of a vacancy in the council, 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 district in which the election is to be held.

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

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

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

Sec. [25]26. Salaries. a. The salary of the president of the
council shall be one hundred five thousand dollars a year.
b. The salary of each council member shall be fifty-five
thousand dollars a year. In addition any council member, while
serving as a committee chairperson or other officer of the council,
may also be paid, in addition to such salary, an allowance fixed
by resolution, after a hearing, for the particular and additional
services pertaining to the additional duties of such position.

Sec. 27. Local laws and resolutions increasing or decreasing
salaries or allowances. Neither the salaries fixed by local law nor
other allowances fixed by resolution in accordance with section
twenty-six may be increased or decreased during the period between
the general election day and the thirty-first day of December, both
such days inclusive, in any year in which all of the council
members are elected.

a. The council in addition to all enumerated powers shall have
power to adopt local laws [as to it may seem meet] which it deems appropriate, which are not inconsistent with the provisions of this charter or with the constitution or laws of the United States or this state, for the good rule and government of the city; for the order, protection and government of persons and property; for the preservation of the public health, comfort, peace and prosperity of the city and its inhabitants; and to effectuate the purposes and provisions of this charter or of the other laws relating to the city. The power of the council to act with respect to matters set forth in sections one hundred ninety-seven-c and two hundred of the charter shall be limited by the provisions of section one hundred and ninety-seven-d.

b. The council shall have power to provide for the enforcement of local laws by legal or equitable proceedings, to prescribe that violations thereof shall constitute misdemeanors, offenses or infractions and to provide for the punishment of violations thereof by civil penalty, fine, forfeiture or imprisonment, or by two or more of such punishments.

[b]c. In the event that there exists no other provision of law for the filling of a vacancy in any elective office, resulting from removal or suspension from such office, or the death, resignation or inability of the incumbent to exercise the powers or to discharge the duties of the office, the council by a majority vote of all the council members shall elect a successor to fill the vacancy in such office.

c]d. All local laws shall be general, applying either
throughout the whole city or throughout specified portions thereof.

d. The council shall not pass any local law authorizing the placing or continuing of any encroachment or obstruction upon any street or sidewalk excepting temporary occupation thereof by commercial refuse containers or during and for the purpose of the erection, repairing or demolition of a building on a lot abutting thereon under revocable licenses therefor, and excepting the erection of booths, stands or displays or the maintenance of sidewalk cafes under licenses to be granted only with the consent of the owner of the premises if the same shall be located in whole or in part within stoop lines; any such commercial refuse containers thus placed or continued upon any street or sidewalk pursuant to such a revocable license shall be painted with a phosphorescent substance so that the dimensions thereof shall be clearly discernible at night.

e. All local laws in relation to licenses shall fix the license fees to be paid, if any, and shall provide that all licenses shall be according to an established form and shall be regularly numbered and duly registered.

fg. The council shall hold a public hearing prior to the consideration of any resolution requesting the state legislature, in accordance with the provisions of section two of article nine of the Constitution of the state of New York, to pass any bill, the substance of which, if adopted by the council as a local law, would require its approval by the electorate voting thereon at a referendum. Notice of such public hearing shall be published in
the City Record for at least five days immediately preceding the
commencement of such a hearing.

Sec. [41]29  Power of investigation and oversight.

a. The council, acting as a committee of the whole, and [Each]
each standing or special committee [of the council], through
hearings or otherwise:

1. may investigate any matters within its jurisdiction
relating to the property, affairs, or government of the city or of
any county within the city, or to any other powers of the council,
or to the effectuation of the purposes or provisions of this
charter or any laws relating to the city or of any county within
the city. [The council may from time to time appoint a special
committee to investigate any matters relating to the property,
affairs or government of the city or of any county within the
city.]

2. [Sec. 44. Council review of city agencies. The council,
through its standing committees and as an exercise of its
legislative authority,] shall review on a regular and continuous
basis the activities of the agencies of the city, including their
service goals and performance and management efficiency [of
the agencies of the city]. Each unit of appropriation in the
adopted budget of the city shall be assigned to a standing
committee. Each standing committee of the council shall hold at
least one hearing each year relating to the activities of each of
the agencies under its jurisdiction.

b. Any [such] standing or special committee shall have power
to require the attendance and examine and take testimony under oath
of such persons as it may deem necessary and to require the
production of books, accounts, papers and other evidence relative
to the inquiry. Copies of all reports or studies received by the
council pursuant to sections 1134 and 93(c) shall be assigned to
the appropriate standing committees for review and action, as
necessary.

Sec. 30. Council review of city procurement policies and
procedures.

a. The council shall periodically review all city procurement
policies and procedures, including:

1. the rules and procedures adopted by the procurement policy
board, all rules relating to the participation of minority and
women owned business enterprises in the city's procurement process
and the implementation of those rules and procedures by city
agencies;

2. patterns of contractual spending by city agencies,
including determinations of the need to contract made by agencies
in accordance with rules of the procurement policy board;

3. access to and fairness in city procurement opportunities
and the fair distribution of contract awards and the fair
employment practices of city contractors;

4. procedures for evaluating contractor performance; and

5. procedures for declaring bidders not responsible and for
debarring contractors.

the mayor of the commissioner of investigation and of the members
of the art commission, board of health (other than the chairman),
board of standards and appeals, city planning commission (other
than the chairman), civil service commission, landmarks
preservation commission, tax commission, taxi and limousine
commission and the public members of the environmental control
board shall be made with the advice and consent of the council
after a public hearing. Within thirty days after the first stated
meeting of the council after receipt of a nomination, the council
shall hold a hearing and act upon such nomination and in the event
it does not act within such period, the nomination shall be deemed
to be confirmed.

Sec. [26]32. Local laws. Except as otherwise provided by law,
all legislative action by the council shall be by local law. The
style of local law shall be "Be it enacted by the council as
follows." [Sec. 36. Local laws; subject and title.] Every local
law shall embrace only one subject. The title shall briefly refer
to the subject-matter.

Sec. 33. Local laws and budget modifications; fiscal impact
statements.

a. No local law or budget modification shall be passed unless
it contains a fiscal impact statement.

b. A fiscal impact statement shall contain an estimate of the
fiscal impact of the law or modification on the revenues and
expenditures of the city during the fiscal year in which the law

2-21
or modification is to first become effective and during each of
the succeeding four fiscal years. If the full fiscal impact of a
law or modification is not expected to occur during such five year
period, such fiscal impact statement shall also cover to first year
in which such full fiscal impact is expected to occur.

c. An agency head shall promptly provide any information
requested by the council in preparing a fiscal impact statement.

d. Each fiscal impact statement shall identify the sources of
information used in its preparation.

e. If the estimate or estimates contained in a fiscal impact
statement are inaccurate, such inaccuracies shall not affect, impari
or invalidate the local law or budget modification.

Sec. [34]34. Vote required for local law or resolution. Except
as otherwise provided by law, no local law or resolution shall be
passed except by at least the majority affirmative vote of all the
council members.

Sec. [35]35. Ayes and noes. On the final passage of a local
law or resolution the question shall be taken by ayes and noes,
which shall be entered in the journal of proceedings.

Sec. [37]36. Local laws; passage. No local law shall be passed
until it shall have been in its final form and upon the desks of
the council members at least seven calendar days, exclusive of
Sundays, prior to its final passage, unless the mayor shall have
certified as to the necessity for its immediate passage and such
local law be passed by the affirmative vote of two-thirds of all
the council members.
Sec. [38]37. Local laws; action by mayor.

a. Every local law certified by the clerk of the council, after its passage by the council, shall be presented to the mayor for approval.

b. If the mayor approves the local law, he shall sign it and return it to the clerk; it shall then be deemed to have been adopted. If he disapproves it, he shall return it to the clerk with his objections stated in writing and the clerk shall present the same with such objections to the council at its next regular meeting and such objections shall be entered in its journal. The council within thirty days thereafter may reconsider the same. If after such reconsideration the votes of two-thirds of all the council members be cast in favor of repassing such local law, it shall be deemed adopted, notwithstanding the objections of the mayor. Only one vote shall be had upon such reconsideration. The vote shall be taken by ayes and noes, which shall be entered in the journal. If within thirty days after the local law shall have been presented to him, the mayor shall neither approve nor return the local law to the clerk with his objections, it shall be deemed to have been adopted in like manner as if he had signed it. At any time prior to the return of a local law by the mayor, the council may recall the same and reconsider its action thereon.

Sec. [39]38. Local laws; referendum. A local law shall be submitted for the approval of the electors at the next general election held not less than sixty days after the adoption thereof, and shall become operative as prescribed therein only when approved
at such election by the affirmative vote of a majority of the qualified electors of the city voting upon the proposition, if it:

1. Abolishes or changes the form or composition of the council
[or the board of estimate] or increases or decreases the number of votes any member is entitled to cast.

2. Changes the veto power of the mayor.

3. Changes the law of succession to the mayoralty.

4. Abolishes an elective office, or changes the method of nominating, electing or removing an elective officer, or changes the term of an elective officer, or reduces the salary of an elective officer during his term of office.

5. Abolishes, transfers or curtails any power of an elective officer.


7. Changes a provision of law relating to public utility franchises.

8. Changes a provision of law relating to the membership or terms of office of the city civil service commission.

9. Reduces the salary or compensation of a city officer or employee or increases his hours of employment or changes his working conditions if such salary, compensation, hours or conditions have been fixed by a state statute and approved by the vote of the qualified electors of the city; and no provision effecting such reductions, increases or changes contained in any local law or proposed new charter shall become effective unless
the definite question with respect to such reductions, increases or changes shall be separately submitted and approved by the affirmative vote of a majority of the qualified electors voting thereon.

10. Provides a new charter for the city.

11. Transfers powers vested by this charter in an agency the head of which is appointed by the mayor to an agency the head of which is not so appointed or vice versa, other than transfers of power authorized by this charter from an agency the head of which is appointed by the mayor to a community board, borough president or a borough board.

12. Dispenses with a provision of this charter requiring a public notice and hearing as a condition precedent to official action.

13. Dispenses with a requirement of this charter for public bidding or for public letting of contracts except as otherwise provided pursuant to chapter thirteen of this charter.

14. Changes a provision of this charter governing the classes or character of city bonds or other obligations, the purposes for which or the amount in which any class of obligations may be issued.

15. Removes restrictions in this charter on the sale, lease or other disposition of city property.

16. Curtails the powers of the city planning commission, or changes the vote in the council [or the board of estimate] required to take action without or contrary to the recommendation of the
city planning commission.

17. Repeals or amends this section or any of the following sections of this charter; sections [forty-two] forty, one hundred ninety-one, one hundred ninety-two, one hundred ninety-three, one hundred ninety-nine, two hundred, two hundred twenty-five, eleven hundred ten, eleven hundred eleven, eleven hundred fifteen, eleven hundred sixteen, eleven hundred seventeen, eleven hundred eighteen, and eleven hundred twenty-three.

18. Repeals or amends sections eleven hundred sixteen, twenty-six hundred one, twenty-six hundred four, twenty-six hundred five, and twenty-six hundred six insofar as they relate to elected officials and section twenty-six hundred two.

Sec. [40]39. Reconsideration. At any time prior to the election at which a local law is to be submitted to the electors for approval pursuant to this charter, the council, not later than fifteen days prior to the election, may reconsider its action thereon and repeal such local law without submission to the mayor, whereupon the proposition for its approval shall not be submitted at such election, or if submitted the vote of the electors thereon shall be without effect.

Sec. [42]40. Amendment of charter. Amendments to this charter may be adopted by any of the following methods:

1. By local law adopted in accordance with the provisions of this charter.

2. By vote of the electors of the city upon the petition of electors of the city, an amendment may be adopted.
(a) in relation to the manner of voting for the elective
officers of the city or any of them, or
(b) abolishing any elective office or offices or creating a
new office or offices, including if so provided a transfer of
powers to the newly created office or offices or a disposition of
the powers of any office abolished, but no such amendment shall
repeal or change any limitations contained in this charter on any
power.
(c) such amendment may be adopted in the manner following:
(1) Not less than fifty thousand qualified electors of the city
may file in the office of the city clerk a petition for the
submission to the electors of the city at the next general election
therein held not less than sixty days after filing of such petition
of such a proposed amendment or amendments to the charter to be set
forth in full in the petition. The petition may be made upon
separate sheets and the signatures of each shall be authenticated
in the manner provided by the Election Law for the authentication
of designating petitions. The several sheets so signed and
authenticated when fastened together and offered for filing shall
be deemed to constitute one petition. A signature made earlier
than one hundred twenty days before the filing of the petition
shall not be counted. If within ten days after the filing of such
petition a written objection thereto be filed with the office of
the city clerk, the Supreme Court or any justice thereof of the
first, second or eleventh judicial district shall determine any
question arising thereunder and make such order as justice may
require. Such proceedings shall be heard and determined in the manner prescribed by the Election Law in relation to judicial proceedings thereunder.

(2) If such proposed amendment or amendments receive the affirmative vote of the majority of the qualified electors of the city voting thereon, it or they shall take effect as prescribed therein.

3. In such other manner as may be provided by law.

Sec. [43]41. Submission of local laws or amendments. A proposition for the submission of a local law or an amendment to this charter for the approval of the electors pursuant to this charter shall contain the title of such local law or a brief statement of the subject of such amendment. The city clerk with the advice of the corporation counsel shall prepare an abstract of such local law or amendment concisely stating the title or subject and the purpose and effect thereof in clear language, and forthwith shall transmit such proposition and such abstract to the election officers charged with the duty of publishing the notice of and furnishing the supplies for such election. A sufficient number of copies of such abstract shall be printed, in such manner that the abstract shall appear with the question to appear on the ballot in bold type and separately from the text of the proposition, and shall be delivered with the other election supplies and distributed to the electors at the time of the registration of voters and at the election. If there be more than one such proposition to be voted upon at such election, each such proposition shall be
separately, consecutively and consistently numbered on the ballot
and on the abstract. In case of a conflict between two local laws
or two amendments adopted at the same election, the one receiving
the largest affirmative vote shall control.

Sec. [28]42. Meetings. The first meeting of the council in
each year shall be held on the first Wednesday after the first
Monday of January at noon. [The stated and occasional] all meetings
of the council shall be held as provided by its rules; provided,
however, that at least two stated meetings shall be held each
month, except in its discretion in July and August. A majority of
the council members shall constitute a quorum. At least thirty six
hours prior to a stated meeting of the council, or as soon as
practicable prior to a special meeting, the council shall publish
and make publically available a proposed agenda for such meeting,
including a list of all proposed local laws or resolutions to be
considered at such meetings.

Sec. [29]43. Special meetings. The mayor may at any time call
special meetings of the council. He shall also call a special
meeting when a requisition for that purpose signed by five council
members has been presented to him. Not less than one day before
a special meeting is held, notice of the time thereof and of the
business proposed to be transacted, signed by the mayor, shall be
published in the City Record, and at the same time the city clerk
shall cause a copy of such notice to be left at or sent by post to
the usual place of abode or of business of each council member; but
want of service of a notice upon any council member shall not
affect the validity of the meeting. No business shall be
transacted at such special meetings other than that specified in
the notice relating thereto.

Sec. [30]44. Vice-Chairman. The council shall elect from among
the council members a vice-chairman, who shall temporarily possess
the powers and perform the duties of the president of the council
when the president is absent or while the president is acting as
mayor, or when a vacancy occurs in the office of the president, and
the vice-chairman shall, during such times, retain the right to
vote in the council, except that during the time when filling a
vacancy in the office of the president the vice-chairman shall have
the right to vote only in case of a tie, and shall be a member of
every board of which the president of the council is a member by
virtue of his office [, except that such vice-chairman shall not
be a member of the board of estimate unless the president of the
council is acting as mayor under subdivision b of section ten or
in case of the failure of a person elected as president of the
council to qualify or a vacancy in the office caused by the
president's resignation, removal, death or permanent inability to
discharge powers and duties. In any such event, the vice-chairman
shall act as president of the council with all powers and duties
of said office.]

Sec. [31]45. Sergeant-at-arms; procedure; expulsion of members.
The council may elect a sergeant-at-arms and such research,
drafting, clerical and other assistants as are needful to its
purposes, within the appropriation provided therefor. [The council
shall determine the rules of its own proceedings at the first organizational meeting of the council in each year and shall file a copy with the city clerk;] [i]t may appoint committees and shall appoint a finance committee properly staffed to consider budgetary and related matters and a land use committee; shall be the judge of the election returns and qualifications of its own members, subject, however, to review by any court of competent jurisdiction; shall keep a public journal of its proceedings; shall make a complete transcript of each of its meetings and committee hearings available for public inspection and review within a reasonable time following such meeting or hearing and provide a copy of any requested pages of such transcript at a reasonable fee to cover copying and, if relevant, mailing costs; shall sit with open doors; shall have authority to compel the attendance of absent members and to punish its members for disorderly behavior, and to expel any member, after charges and a hearing, with the concurrence of two-thirds of all the council members.

Sec. 46. Rules of the council. The council shall determine the rules of its own proceedings at the first stated meeting of the council in each year and shall file a copy with the city clerk. Such rules shall include, but not be limited to, rules that the chairpersons of all standing committees be elected by the council as a whole; that the sponsor of a proposed local law or resolution be able to require a committee vote on such proposed local law or resolution; that a majority of the members of the council be able to discharge a proposed local law or resolution from committee;
that committees shall provide reasonable advance notice of
committee meetings to the public; that all committee votes be
recorded and made available to the public.

Sec. [45]47. Legislative professional staff. Within
appropriations for such purpose, the council shall establish a
structure within the City Council and retain professional staff to
review and analyze proposed budgets and departmental estimates,
requests for new taxes or changes in taxes, budget modifications,
capital borrowings and mayoral management reports. Such staff shall
assist the committees of the council and Council Members in their
analysis of proposed legislation and in review of the performance
and management of city agencies.

Sec. [32]48. City clerk; duties. a. The council shall appoint
a clerk, who shall perform such duties as may be prescribed by law.
The clerk so appointed shall be the city clerk and the clerk of the
council, and shall hold his office for six years and until his
successor shall be appointed and has qualified. The city clerk
shall have charge of all the papers and documents of the city,
except such as are by law committed to the keeping of the several
departments or of other officers. He shall keep the record of the
proceedings of the council. He shall also keep a separate record
of all the local laws of the city in a book to be provided for that
purpose, with proper indices, which book shall be deemed a public
record of such local laws, and each local law shall be attested by
said clerk. [He shall also keep a separate and public record which
shall be known as the "street franchise book." In such record he

2-32
shall forthwith file a copy duly certified by or under the authority of the board of estimate granting, making or adopting the same, of every grant, franchise, contract or resolution in the nature of a franchise which shall hereafter be granted, made or adopted by said board, together with copies of all formalities of the execution or verification thereof, and shall forthwith, after so filing the same, transmit to the board a copy of such record, with a minute of the date and volume thereof, duly certified by him.] Copies of all papers duly filed in his office, and transcripts thereof and of the records of proceedings of the council and copies of the laws, ordinances and local laws of the city, certified by him under the corporate seal of the city, shall be admissible in evidence in all courts and places in the same manner and for the same purposes as papers or documents similarly authenticated by the clerk of a county. The city clerk may be removed on charges by a two-third vote of all the council members, subject, however, to judicial review. He shall collect such fees as shall be fixed by law.

b. It shall be the duty of the city clerk to keep open for inspection at all reasonable times the records and minutes of the proceedings of the council. He shall keep the seal of the city, and his signature shall be necessary to all grants and other documents, except as otherwise provided by law. In the absence of the clerk by sickness or otherwise, his first deputy shall be vested with and possessed of all the rights and powers and be charged with all the duties by law imposed upon the clerk. In the
absence of the first deputy clerk, the city clerk by an instrument
in writing may designate one of his clerks, who shall be vested
with and possessed of all the rights and powers and charged with
all the duties by law imposed upon said clerk. The signature of
the person so designated shall be in place of and of the same force
and effect as the signature of the city clerk. Such designation
shall be made in triplicate and shall be duly filed and remain of
record in the city clerk's office and in the offices of the mayor
and of the comptroller, but the designation shall be for a period
not exceeding three months and shall not extend beyond the city
clerk's term of office and shall be at all times revocable by the
city clerk.
CHAPTER 2-A
DISTRICTING COMMISSION

Sec. 50. Districting Commission; composition; appointment; terms; vacancies; compensation.

a. There shall be a districting commission consisting of [nine] ten members appointed [by the mayor] as provided in this section.

[The two political parties receiving the largest number of votes in the most recent mayoral election shall each have its city council delegation submit a list of ten nominations to the mayor. If such a party does not have any members sitting on the city council,]

1. The council delegation of the political party which has the largest delegation in the council shall, by majority vote, appoint four members of the commission, no more than one of whom may be a resident of the same borough.

2. The council delegation of the political party which has the second largest delegation in the council, shall, by majority vote, appoint three members of the commission, no more than one of whom may be a resident of the same borough.

3. If only one political party has a council delegation then the chairpersons of [its] the county committees of the political party which, at the time of the general election last preceding the
time at which such appointments are required to be made, had the largest number of enrolled voters in the city but no council delegation, shall [each] submit two nominations to the mayor, in order to provide a list of ten nominations from that party. The mayor shall appoint two members from [each of the two lists] such list, no more than one of whom may be a resident of the same borough.

4. The mayor shall appoint five additional members, but the party enrollment of these additional members [no more than two may be enrolled in the same] shall be such that individuals enrolled in a single political party shall not be a majority of the total number of members of the commission.

5. Officers and employees of the city or any city agency, lobbyists required to file a statement of registration under federal, state or local law, the employees of such lobbyists, federal, state and local elected officials, and officers of any political party shall not be eligible to be members of the commission.

6. The mayor shall designate one of the nine members to serve as the chair of the commission.

7. For purposes of this section, a member of the council who was elected to the council upon the nomination of more than one political party shall be considered to be a member of the council delegation of the political party on whose ballot line he or she received the largest number of votes in his or her last election to the council.
b. 1. The commission shall have among its members (a) at least one resident of each borough, and (b) members of the racial and language minority groups in New York City which are protected by the United States Voting Rights Act of 1965, as amended.

2. The mayor, no later than two years before the general election of the council to be held in the year nineteen hundred and ninety-three, and every ten years thereafter, shall convene one or more meetings of all of the appointing and recommending authorities specified in subdivision a of this section for the purpose of establishing a screening and selection process for ensuring that the racial and language minority groups in New York City which are protected by the United States Voting Rights Act of 1965, as amended, will be fairly represented on the commission.

c. Each council delegation authorized by subdivision a of this section to make appointments to the commission shall make such appointments no earlier than one year and eight months before and no later than one year and six months before the general election of the council to be held in the year nineteen hundred and ninety-three, and every ten years thereafter. In any case in which the chairpersons of the county committees of a political party are authorized to submit nominations to the mayor, such nominations shall be submitted no earlier than one year and eight months before, and no later than one year and six months before, the general election of the council to be held in the year two thousand and three, and every ten years thereafter. The mayor shall not make any appointments to the commission until each
council delegation authorized to make appointments has done so but no later than one year and five months before [the first] such a
general election of the [city] council [after each federal
decennial census]. The commission's term shall end upon adoption
of a districting plan, as set forth in section fifty-one.

d. In the event of a vacancy by death, resignation or otherwise, [the mayor shall appoint] a new member [enrolled in the
same political party from which his or her predecessor was selected
shall be appointed in the same manner as the member whose departure
from the commission created the vacancy to serve the balance of
the term remaining.

e. No member of the districting commission shall be removed from office [by the mayor] except by the person or persons who appointed such member and only for cause and upon notice and hearing.

f. The members of the commission shall serve without compensation except that each member shall be allowed actual and necessary expenses to be audited in the same manner as other city charges.

g. The commission may hire or contract for necessary staff assistance and may require agencies of city government to provide technical assistance. The commission shall have a budget as provided by the mayor.

Sec. 51. Powers and duties of the Commission; hearings;
submissions and approval of plan.

a. Following each decennial census, the commission shall
[consult the city council and shall] prepare a plan for dividing the city into districts for the election of council members in accordance with section ___. In preparing the plan, the commission shall be guided by the criteria set forth in section fifty-two.

b. The commission shall hold one or more public hearings not less than one month before it submits the plan to the city council. The commission shall make its plan available to the public for inspection and comment not less than one month before its first public hearing.

c. The commission shall submit its plan to the city council not less than one year before the [first] general election of the city council [after each decennial census] to be held in the year nineteen hundred and ninety-three and every ten years thereafter.

d. The plan shall be deemed adopted [by the city council] unless [disapproved] within three weeks, the council by the vote of the majority of all [the] of its members [of the city council,] objects to such plan. If the city council [fails to adopt] objects to the plan in this manner, it shall return the plan to the commission with its objections, and with the objections of [the] any individual members of the council.

e. Upon the [rejection of its plan] receipt of such objections, the commission shall prepare a revised plan and shall [submit such revised plan to the city council] no later than [nine] ten months before the [first] general election of the city council [after each decennial census. Such revised plan shall be deemed adopted by the city council unless disapproved within two weeks by the vote]
of two thirds of all the members of the city council and unless, by a vote of two thirds of all of its members, the city council votes to file a petition in the Supreme Court, New York County, for a determination that the plan fails to meet the requirements of the Charter. The city council shall file its petition no later than ten days after its disapproval of the plan. Upon a final determination, including a final determination upon appeal, if any, that the plan meets the requirements of the Charter, the plan shall be deemed adopted by the city council and the commission shall deliver the plan to the city clerk.

f. The mayor shall not approve or veto the districting plan.

g. If in any year population figures are not available at least one year and five months before the first general election following the decennial census, the city council may by local law shorten the time periods providing for districting commission action in subsections (b), (c), (d), and (e) of this section. [make such plan available to the council and the public for inspection and comment. The commission shall hold public hearings and seek public comment on such revised plan.

f. Following its consideration of the comments received pursuant to subdivision e of this section, the commission shall, no later than eight months before the general election of the council, prepare and submit a final plan for the redistricting of the council and a statement signed by at least six members of the commission certifying that, within the constraint of subdivision a of section fifty-two, the criteria set forth in the other
subdivisions of such section have been applied in the order in which they are listed and that such criteria have been implemented, in such order, to the maximum extent possible. Such certification shall also set forth the manner in which the commission implemented the requirements of subdivision b of section fifty-two. Such plan shall be deemed adopted upon the commission's filing, with the city clerk, of such plan and such certification.

Sec. 52. District plan; criteria. In the preparation of its plan for dividing the city into districts for the election of council members the commission shall apply the following criteria. To the maximum extent [practicable,] the criteria shall be applied and given priority in the order in which they are listed.

a. The difference in population between the least populous and the most populous districts shall not exceed ten percentum (10%) of the average population for all districts, according to figures available from the most recent decennial census. Any such differences in population must be justified by the other criteria set forth in this section.

b. Such districting plan shall be established in a manner that ensures the fair and effective representation of the racial and language minority groups in New York City which are protected by the United States Voting Rights Act of 1965, as amended.

c. To the extent practicable, district lines shall keep intact neighborhoods and communities with established ties of common interest and association, whether historical, racial, economic, ethnic, religious or other.
[b]d. Each district shall be contiguous, and whenever a part of a district is separated from the rest of the district by a body of water, there shall be a connection by a bridge, a tunnel, a tramway or by regular ferry service.

c Each district shall be compact. To the extent practicable, each district shall be no more than twice as long as it is wide.

df. To the extent practicable, a district shall not cross borough or county boundaries and its boundaries shall coincide with the boundaries of community districts. If any district includes territory in two boroughs then no other district may also include territory from the same two boroughs.

e. To the extent practicable, district lines shall keep intact neighborhoods and communities with established ties of common interest and association, whether historical, racial, economic, ethnic, or religious.]
CHAPTER 2-A

DISTRICTING COMMISSION

Sec. 50. Districting Commission; composition; appointment; terms; vacancies; compensation.

a. There shall be a districting commission consisting of [nine] ten members appointed [by the mayor] as provided in this section.

[The two political parties receiving the largest number of votes in the most recent mayoral election shall each have its city council delegation submit a list of ten nominations to the mayor. If such a party does not have any members sitting on the city council,]

1. The council delegation of the political party which has the largest delegation in the council shall, by majority vote, appoint three members of the commission, no more than one of whom may be a resident of the same borough.

2. The council delegation of the political party which has the second largest delegation in the council, shall, by majority vote, appoint two members of the commission, no more than one of whom may be a resident of the same borough.

3. If only one political party has a council delegation then the chairpersons of [its] the county committees of the political party which, at the time of the general election last preceding the

2a-1
time at which such appointments are required to be made, had the
largest number of enrolled voters in the city but no council
delegation, shall [each] submit two nominations to the mayor, in
order to provide a list of ten nominations from that party. The
mayor shall appoint two members from [each of the two lists] such
list, no more than one of whom may be a resident of the same
borough.

4. The mayor shall appoint five additional members, but the
party enrollment of these additional members. [No more than two may
be enrolled in the same] shall be such that individuals enrolled
in a single political party shall not be a majority of the total
number of members of the commission.

5. Officers and employees of the city or any city agency,
lobbyists required to file a statement of registration under
federal, state or local law, the employees of such lobbyists,
federal, state and local elected officials, and officers of any
political party shall not be eligible to be members of the
commission.

6. The mayor shall designate one of the [nine] members to
serve as the chair of the commission.

7. For purposes of this section, a member of the council who
was elected to the council upon the nomination of more than one
political party shall be considered to be a member of the council
delegation of the political party on whose ballot line he or she
received the largest number of votes in his or her last election
to the council.
b. 1. The commission shall have among its members (a) at least one resident of each borough, and (b) members of the racial and language minority groups in New York City which are protected by the United States Voting Rights Act of 1965, as amended.

2. The mayor, no later than two years before the general election of the council to be held in the year nineteen hundred and ninety-three, and every ten years thereafter, shall convene one or more meetings of all of the appointing and recommending authorities specified in subdivision a of this section for the purpose of establishing a screening and selection process for ensuring that the racial and language minority groups in New York City which are protected by the United States Voting Rights Act of 1965, as amended, will be fairly represented on the commission.

c. Each council delegation authorized by subdivision a of this section to make appointments to the commission shall make such appointments no earlier than one year and eight months before and no later than one year and six months before the general election of the council to be held in the year nineteen hundred and ninety-three, and every ten years thereafter. In any case in which the chairpersons of the county committees of a political party are authorized to submit nominations to the mayor, such nominations shall be submitted no earlier than one year and eight months before, and no later than one year and six months before, the general election of the council to be held in the year two thousand and three, and every ten years thereafter. The mayor shall [appoint] not make any appointments to the commission until each
council delegation authorized to make appointments has done so but no later than one year and five months before [the first] such a general election of the [city] council [after each federal decennial census]. The commission's term shall end upon adoption of a districting plan, as set forth in section fifty-one.

d. In the event of a vacancy by death, resignation or otherwise, [the mayor shall appoint] a new member [enrolled in the same political party from which his or her predecessor was selected shall be appointed in the same manner as the member whose departure from the commission created the vacancy to serve the balance of the term remaining.

e. No member of the districting commission shall be removed from office [by the mayor] except by the person or persons who appointed such member and only for cause and upon notice and hearing.

f. The members of the commission shall serve without compensation except that each member shall be allowed actual and necessary expenses to be audited in the same manner as other city charges.

g. The commission may hire or contract for necessary staff assistance and may require agencies of city government to provide technical assistance. The commission shall have a budget as provided by the mayor.

Sec. 51. Powers and duties of the Commission; hearings; submissions and approval of plan.

a. Following each decennial census, the commission shall
[consult the city council and shall] prepare a plan for dividing the city into districts for the election of council members in accordance with section ___. In preparing the plan, the commission shall be guided by the criteria set forth in section fifty-two.

b. The commission shall hold one or more public hearings not less than one month before it submits the plan to the city council. The commission shall make its plan available to the public for inspection and comment not less than one month before its first public hearing.

c. The commission shall submit its plan to the city council not less than one year before the [first] general election of the city council [after each decennial census] to be held in the year nineteen hundred and ninety-three and every ten years thereafter.

d. The plan shall be deemed adopted [by the city council] unless [disapproved] within three weeks, the council by the vote of the majority of all [the] of its members [of the city council,] objects to such plan. If the city council [fails to adopt] objects to the plan in this manner, it shall return the plan to the commission with its objections, and with the objections of [the] any individual members of the council.

e. Upon the [rejection of its plan] receipt of such objections, the commission shall prepare a revised plan and shall [submit such revised plan to the city council] no later than [nine] ten months before the [first] general election of the city council [after each decennial census. Such revised plan shall be deemed adopted by the city council unless disapproved within two weeks by the vote]
of two thirds of all the members of the city council and unless, by a vote of two thirds of all of its members, the city council votes to file a petition in the Supreme Court, New York County, for a determination that the plan fails to meet the requirements of the Charter. The city council shall file its petition no later than ten days after its disapproval of the plan. Upon a final determination, including a final determination upon appeal, if any, that the plan meets the requirements of the Charter, the plan shall be deemed adopted by the city council and the commission shall deliver the plan to the city clerk.

f. The mayor shall not approve or veto the districting plan.

g. If in any year population figures are not available at least one year and five months before the first general election following the decennial census, the city council may by local law shorten the time periods providing for districting commission action in subsections (b), (c), (d), and (e) of this section.] make such plan available to the council and the public for inspection and comment. The commission shall hold public hearings and seek public comment on such revised plan.

f. Following its consideration of the comments received pursuant to subdivision e of this section, the commission shall, no later than eight months before the general election of the council, prepare and submit a final plan for the redistricting of the council and a statement signed by at least six members of the commission certifying that, within the constraint of subdivision a of section fifty-two, the criteria set forth in the other
subdivisions of such section have been applied in the order in
which they are listed and that such criteria have been implemented,
in such order, to the maximum extent possible. Such certification
shall also set forth the manner in which the commission implemented
the requirements of subdivision b of section fifty-two. Such plan
shall be deemed adopted upon the commission's filing, with the city
clerk, of such plan and such certification.

Sec. 52. District plan; criteria. In the preparation of its
plan for dividing the city into districts for the election of
council members the commission shall apply the following criteria.
To the maximum extent practicable, the criteria shall be applied
and given priority in the order in which they are listed.

a. The difference in population between the least populous and
the most populous districts shall not exceed ten percentum (10%) of
the average population for all districts, according to figures
available from the most recent decennial census. Any such
differences in population must be justified by the other criteria
set forth in this section.

b. Such districting plan shall be established in a manner that
ensures the fair and effective representation of the racial and
language minority groups in New York City which are protected by
the United States Voting Rights Act of 1965, as amended.

c. To the extent practicable, district lines shall keep
intact neighborhoods and communities with established ties of
common interest and association, whether historical, racial,
economic, ethnic, religious or other.
[b]d. Each district shall be contiguous, and whenever a part of a district is separated from the rest of the district by a body of water, there shall be a connection by a bridge, a tunnel, a tramway or by regular ferry service.

c. Each district shall be compact. To the extent practicable, each district shall be no more than twice as long as it is wide.

d. To the extent practicable, a district shall not cross borough or county boundaries and its boundaries shall coincide with the boundaries of community districts. If any district includes territory in two boroughs then no other district may also include territory from the same two boroughs.

e. To the extent practicable, district lines shall keep intact neighborhoods and communities with established ties of common interest and association, whether historical, racial, economic, ethnic, or religious.]
Sec. 50. Districting Commission; composition; appointment; terms; vacancies; compensation.

a. There shall be a districting commission consisting of [nine] twelve members appointed [by the mayor] as provided in this section. [The two political parties receiving the largest number of votes in the most recent mayoral election shall each have its city council delegation submit a list of ten nominations to the mayor. If such a party does not have any members sitting on the city council,]

1. The council delegation of the political party which has the largest delegation in the council shall, by majority vote, appoint four members of the commission, no more than one of whom may be a resident of the same borough.

2. The council delegation of the political party which has the second largest delegation in the council, shall, by majority vote, appoint two members of the commission, no more than one of whom may be a resident of the same borough.

3. If only one political party has a council delegation then the chairpersons of [its] the county committees of the political party which, at the time of the general election last preceding the
time at which such appointments are required to be made, had the
largest number of enrolled voters in the city but no council
delegation, shall [each] submit two nominations to the mayor, in
order to provide a list of ten nominations from that party. The
mayor shall appoint two members from [each of the two lists] such
list, no more than one of whom may be a resident of the same
borough.

4. The mayor shall appoint six additional members, but the
party enrollment of these additional members. [no more than two may
be enrolled in the same] shall be such that individuals enrolled
in a single political party shall not be a majority of the total
number of members of the commission.

5. Officers and employees of the city or any city agency,
lobbyists required to file a statement of registration under
federal, state or local law, the employees of such lobbyists,
federal, state and local elected officials, and officers of any
political party shall not be eligible to be members of the
commission.

6. The mayor shall designate one of the [nine] members to
serve as the chair of the commission.

7. For purposes of this section, a member of the council who
was elected to the council upon the nomination of more than one
political party shall be considered to be a member of the council
delegation of the political party on whose ballot line he or she
received the largest number of votes in his or her last election
to the council.
b. 1. The commission shall have among its members (a) at least one resident of each borough, and (b) members of the racial and language minority groups in New York City which are protected by the United States Voting Rights Act of 1965, as amended.

2. The mayor, no later than two years before the general election of the council to be held in the year nineteen hundred and ninety-three, and every ten years thereafter, shall convene one or more meetings of all of the appointing and recommending authorities specified in subdivision a of this section for the purpose of establishing a screening and selection process for ensuring that the racial and language minority groups in New York City which are protected by the United States Voting Rights Act of 1965, as amended, will be fairly represented on the commission.

c. Each council delegation authorized by subdivision a of this section to make appointments to the commission shall make such appointments no earlier than one year and eight months before and no later than one year and six months before the general election of the council to be held in the year nineteen hundred and ninety-three, and every ten years thereafter. In any case in which the chairpersons of the county committees of a political party are authorized to submit nominations to the mayor, such nominations shall be submitted no earlier than one year and eight months before, and no later than one year and six months before, the general election of the council to be held in the year two thousand and three, and every ten years thereafter. The mayor shall not make any appointments to the commission until each
council delegation authorized to make appointments has done so but no later than one year and five months before [the first] such a general election of the [city] council [after each federal decennial census]. The commission's term shall end upon adoption of a districting plan, as set forth in section fifty-one.

d. In the event of a vacancy by death, resignation or otherwise, [the mayor shall appoint] a new member [enrolled in the same political party from which his or her predecessor was selected] shall be appointed in the same manner as the member whose departure from the commission created the vacancy to serve the balance of the term remaining.

e. No member of the districting commission shall be removed from office [by the mayor] except by the person or persons who appointed such member and only for cause and upon notice and hearing.

f. The members of the commission shall serve without compensation except that each member shall be allowed actual and necessary expenses to be audited in the same manner as other city charges.

g. The commission may hire or contract for necessary staff assistance and may require agencies of city government to provide technical assistance. The commission shall have a budget as provided by the mayor.

Sec. 51. Powers and duties of the Commission; hearings; submissions and approval of plan.
a. Following each decennial census, the commission shall
[consult the city council and shall] prepare a plan for dividing the city into districts for the election of council members in accordance with section ___. In preparing the plan, the commission shall be guided by the criteria set forth in section fifty-two.

b. The commission shall hold one or more public hearings not less than one month before it submits the plan to the city council. The commission shall make its plan available to the public for inspection and comment not less than one month before its first public hearing.

c. The commission shall submit its plan to the city council not less than one year before the [first] general election of the city council [after each decennial census] to be held in the year nineteen hundred and ninety-three and every ten years thereafter.

d. The plan shall be deemed adopted [by the city council] unless [disapproved] within three weeks, the council by the vote of the majority of all [the] of its members [of the city council,] objects to such plan. If the city council [fails to adopt] objects to the plan in this manner, it shall return the plan to the commission with its objections, and with the objections of [the] any individual members of the council.

e. Upon the [rejection of its plan] receipt of such objections, the commission shall prepare a revised plan and shall [submit such revised plan to the city council] no later than [nine] ten months before the [first] general election of the city council [after each decennial census. Such revised plan shall be deemed adopted by the city council unless disapproved within two weeks by the vote]
of two thirds of all the members of the city council and unless,
by a vote of two thirds of all of its members, the city council
votes to file a petition in the Supreme Court, New York County, for
a determination that the plan fails to meet the requirements of the
Charter. The city council shall file its petition no later than ten
days after its disapproval of the plan. Upon a final determination,
including a final determination upon appeal, if any, that the plan
meets the requirements of the Charter, the plan shall be deemed
adopted by the city council and the commission shall deliver the
plan to the city clerk.

f. The mayor shall not approve or veto the districting plan.

g. If in any year population figures are not available at least
one year and five months before the first general election
following the decennial census, the city council may by local law
shorten the time periods providing for districting commission
action in subsections (b), (c), (d), and (e) of this section.

f. Following its consideration of the comments received
pursuant to subdivision e of this section, the commission shall,
no later than eight months before the general election of the
council, prepare and submit a final plan for the redistricting of
the council and a statement signed by at least six members of the
commission certifying that, within the constraint of subdivision
a of section fifty-two, the criteria set forth in the other
subdivisions of such section have been applied in the order in
which they are listed and that such criteria have been implemented,
in such order, to the maximum extent possible. Such certification
shall also set forth the manner in which the commission implemented
the requirements of subdivision b of section fifty-two. Such plan
shall be deemed adopted upon the commission's filing, with the city
clerk, of such plan and such certification.

Sec. 52. District plan; criteria. In the preparation of its
plan for dividing the city into districts for the election of
council members the commission shall apply the following criteria.
To the maximum extent practicable, the criteria shall be applied
and given priority in the order in which they are listed.

a. The difference in population between the least populous and
the most populous districts shall not exceed ten percentum (10%)
of the average population for all districts, according to figures
available from the most recent decennial census. Any such
differences in population must be justified by the other criteria
set forth in this section.

b. Such districting plan shall be established in a manner that
ensures the fair and effective representation of the racial and
language minority groups in New York City which are protected by
the United States Voting Rights Act of 1965, as amended.

c. To the extent practicable, district lines shall keep
intact neighborhoods and communities with established ties of
common interest and association, whether historical, racial,
economic, ethnic, religious or other.
(b) Each district shall be contiguous, and whenever a part of a district is separated from the rest of the district by a body of water, there shall be a connection by a bridge, a tunnel, a tramway or by regular ferry service.

c. Each district shall be compact. To the extent practicable, each district shall be no more than twice as long as it is wide.

d. To the extent practicable, a district shall not cross borough or county boundaries and its boundaries shall coincide with the boundaries of community districts. If any district includes territory in two boroughs then no other district may also include territory from the same two boroughs.

e. To the extent practicable, district lines shall keep intact neighborhoods and communities with established ties of common interest and association, whether historical, racial, economic, ethnic, or religious.]
CHAPTER 3
BUDGET PROCESS

Sec. 55. Budgetary responsibilities of the mayor, the director of management and budget and the comptroller.

a. The mayor shall each year, in accordance with the provisions of this chapter, prepare and submit to the council a preliminary budget and an executive budget each of which shall present a complete financial plan for the city and its agencies for the ensuing fiscal year, setting forth proposed operating and capital expenditures, proposed interfund transfers, anticipated revenues and any other anticipated sources and uses of funds. Each such budget shall consist of three parts, one of which shall be known as the expense budget and which shall set forth proposed appropriations for the operating expenses of the city including debt service, one of which shall be known as the capital budget and program and which shall set forth proposed appropriations for capital projects for the ensuing fiscal year and the three succeeding fiscal years, and one of which shall be known as the revenue budget and which shall set forth the estimated revenues and receipts of the city.

[Sec. 111. Office of management and budget. a.] b. There shall be an office of management and budget in the executive office of the mayor, the head of which shall be director of...
management and budget who shall be appointed by the mayor. [b.]

It shall be the duty of the director to [prepare each year an
executive budget for the ensuing fiscal year and to] perform all
such duties in regard [thereto] to the budget and related matters
as the mayor may direct. [He] The director of management and
budget shall have the power, personally or [by his] through
representatives, to survey each agency for the purpose of
ascertaining its budgetary requirements. [He] The director may
require any agency, or any officer or employee, to furnish data
and information and to answer inquiries pertinent [to such
survey] to the exercise of any of the director's duties in regard
to the budget and related matters.

c. The comptroller shall produce timely analyses of the
preliminary and executive expense and capital budgets including
evaluations of the recommendations of the borough presidents, as
well as those of the mayor and of the assumptions and
methodologies used by the mayor in making the revenue estimates
contained in such budgets.
Sec. [110.] 57. Fiscal year. The fiscal year of the city shall commence on the first day of July in each year and shall terminate at midnight on the ensuing thirtieth day of June.
Sec. 58. Spending pursuant to appropriations. No money shall be paid from any fund under the management of the city, or any fund under the management of any agency or officer of the city, except in pursuance of an appropriation by the council or other specific statutory authorization, [and no city money shall be paid from any fund under the management of any entity under the control of one or more city agencies or officers, except in pursuance of an appropriation by the council or other specific statutory authorization] provided, however, that

(1) if at any time the council shall fail to make an appropriation for the payment of debt service on any debts of the city as they fall due, or for the payments to the several sinking funds, the commissioner of finance shall set apart, from the first revenues thereafter received applicable to the general fund of the city, a sum sufficient to pay such amounts and shall so apply such sum; and

(2) money, the ownership and equitable title of which belongs to an individual, corporation, organization or government other than the city and which is being held by any agency or officer of the city pending transfer of such money to such individual, corporation, organization or government in accordance with the terms and conditions pursuant to which it was placed in the custody of such agency or officer, may be transferred to such individual, corporation, organization or government by such agency or officer without an appropriation by law provided such transfers are made in accordance with such terms and conditions.
(3) no money or other financial resources shall be transferred from one fund to another without specific statutory authorization for such a transfer except that money or other financial resources of a fund may be loaned temporarily to another fund if an accurate accounting and reporting of the balance of financial resources in each fund and of the amount due by each fund to each other fund is made at the end of each month.
Sec. 59. Draft ten-year capital strategy. Not later than the fifteenth day of September in each even-numbered year, the director of management and budget and the director of city planning shall jointly submit to the mayor, the council and the city planning commission a draft ten-year capital strategy prepared in-accordance with the provisions of section two hundred and fifteen.
Sec. [129.] 60. Revenue [estimation report] reports of the comptroller and mayor.

a. Not later than the [thirtieth] thirty-first day of [September] October, the comptroller shall certify to the mayor the actual revenues for the previous fiscal year.

b. Not later than the fifteenth day of [October] November, the mayor shall issue a report comparing actual revenues to estimated revenues in the budget as adopted for [such] the previous fiscal year, accompanied by a detailed listing and an explanation of any variances between actual revenues and estimated revenues. This report shall be published in the City Record.

Note: The change in reporting dates is being made in accordance with a proposal of the comptroller.
Sec. 61. Community board budget priorities.

a. Not later than such date as the mayor may direct, each community board shall submit to the mayor a statement of its expense budget priorities and a statement of its capital budget priorities for the ensuing fiscal year, in such form and containing such information as the mayor shall prescribe. The form prescribed by the mayor shall include a method by which continuing support may be expressed by a community board for existing programs and capital projects and it shall set reasonable limitations on the total number of expense and capital budget priorities which a community board may propose. The mayor shall set the date for the submission of such priorities so as to ensure that such priorities shall be available to the head of each agency for a sufficient amount of time to allow for the effective consideration of such priorities in the preparation of the departmental estimates required by section sixty-two of this chapter. The mayor shall ensure that representatives of each agency that delivers local services, or is responsible for capital projects, within any community district shall be available for consultation with the community board for such community district in the preparation of its statements of budget priorities.

b. Each community board in the preparation of its statements of budget priorities, shall, upon adequate public notice, hold a
public hearing at which residents of the community district and other interested individuals may express their opinions as to the service and capital needs of the district.

c. Copies of each statement of budget priorities shall be provided expeditiously by the mayor to each agency head affected.
Sec. 62. Departmental estimates.

a. Not later than such date as the mayor may direct, the head of each agency shall submit to the mayor, in such form and containing such information as the mayor shall require, a detailed estimate of the expense and capital budget requirements of such agency for the ensuing fiscal year, prepared in accordance with the provisions of section one hundred and section two hundred and twelve, respectively, and a detailed estimate of all receipts, from sources other than taxes, which the agency anticipates collecting during the ensuing fiscal year. Such estimates shall be known collectively as departmental estimates and shall be known respectively as expense budget departmental estimates, capital budget departmental estimates and revenue budget departmental estimates. Copies of such departmental estimates shall be provided expeditiously by the mayor to each borough president.

b. In the preparation of such departmental estimates, the head of each agency that delivers local services, or is responsible for capital projects, within any community district (1) shall consult with the community board for such community district through appropriate officers and employees of the agency, and (2) consider the community board statements of expense and capital budget priorities submitted in accordance with section sixty-one of this chapter.
Sec. [212.] 63. Report of the comptroller on capital debt and obligations. Not later than the first day of December in each year, the comptroller shall submit to the mayor, [the board of estimate,] the council and the city planning commission a report, which shall be published forthwith in the City Record, setting forth the amount and nature of all obligations authorized on account of each pending capital project and the liabilities incurred for each such project outstanding on the first day of July and setting forth and commenting in detail upon the city's financial condition and advising as to the maximum amount and nature of debt and reserves which in [his] the comptroller's opinion the city may soundly incur for capital projects during each of the four succeeding fiscal years, and containing such other information relevant to this subject as may be required by local law, by the mayor by executive order, or which the comptroller deems necessary and relevant.
Sec 64. Report of the comptroller on the state of the city's finances. No later than fifteenth day of December, the comptroller shall report to the council, at a stated meeting of the council, on the state of the city's economy and finances, including evaluations of the city's financial plan, as most recently updated by the mayor in accordance with section eighty-five and the assumptions on which the revenue and expenditure forecasts contained therein are based.
Sec. [214-a.]

d.] 65. City planning commission hearing and statement on the
draft ten-year capital strategy. Not later than the fifteenth day
of [March] December in each even numbered year, the city planning
commission shall submit to the mayor, [board of estimate,] the
borough presidents and the council a report containing [a
statement of the city's capital needs and priorities, including
recommended dollar allocations for general categories of programs
and on explanation of recommended priorities among such
categories of programs and their likely impact on the orderly
growth and development of the city] its comments on the draft
ten-year capital strategy submitted in accordance with section
fifty-nine of this chapter, including such recommendations as it
deems appropriate. The city planning commission, in the
preparation of such report, shall, upon adequate public notice,
hold a public hearing at which interested organizations and
individuals may express their opinions regarding the draft ten-
year capital strategy.
Sec. [213.] 66. [Certificate] Preliminary certificate of the mayor on capital debt and obligations. No later than the [fifteenth] sixteenth day of January the mayor shall [issue] submit to the council, the comptroller and the borough presidents and publish [his] a preliminary [statement] certificate [and no later than the twenty-sixth day of April the mayor shall issue and publish his certificate as to] setting forth the maximum amount of debt and reserves which, in [his] the mayor's opinion, the city may soundly incur for capital projects [and all projects to be financed by capital debt] during the ensuing fiscal year and during each of the following three fiscal years, and the maximum amount of appropriations and expenditures for capital projects which the city, given such maximum amount of debt and reserves, may soundly make during each such fiscal year [with any recommendations he may wish to make as to capital projects to be included in the capital budget]. At any time up to the submission of [his] the executive capital budget to [the board of estimate and to] the council, the mayor may amend such preliminary [statement] certificate. Any such amendments shall be submitted to the council, the comptroller and the borough presidents and published forthwith in the City Record.
Sec. 67. Submission of the preliminary budget. Not later than the sixteenth day of January, the mayor shall submit to the council and publish a preliminary budget for the ensuing fiscal year. Copies of such budget shall be provided to the council, borough presidents, each community board and borough board, the city planning commission, and the department of city planning.
Sec. 68. Ten-year capital strategy. Not later than the sixteenth day of January in each odd-numbered year, the mayor shall issue and publish a ten-year capital strategy, prepared in accordance with the provisions of section two hundred and fifteen of this charter.
b.] 69. Community board review of preliminary budget. Not later than the fifteenth day of February, each community board shall [(1) hold a public hearing on the preliminary budget statements with respect to the service needs and priorities of the community district and (2)] submit [a statement of its budget priorities and recommendations] to the mayor, [board of estimate,] the council, [director of management and budget,] and [the respective borough board] each member of the borough board of the borough in which the community board is located, a statement containing the community board's assessment of the responsiveness of the preliminary budget to its statements of budget priorities submitted pursuant to section sixty-one and any other comments or recommendations which it wishes to make in regard to the preliminary budget.

b. Not later than the fifteenth day of February each community board shall (1) hold a public hearing on the preliminary budget statements with respect to the capital needs and priorities of the community district, and (2) submit a statement of its budget priorities and capital improvement needs for the ensuing fiscal year and the three succeeding fiscal years to the mayor, board of estimate, council, city planning commission, department of city planning, and the respective borough board.]
Sec. [113.] 70. Statement of debt service by the comptroller.

[a.] Not later than the fifteenth day of February in each year, the comptroller shall submit to the mayor[, to the board of estimate] and to the council a certified statement which shall be published forthwith in the City Record and which shall contain:

1. A schedule of the appropriations required during the ensuing fiscal year for debt service, including appropriations to the several sinking funds as required by law.

2. [An itemized statement of the condition of the street and park openings fund and of the street improvement fund, and any appropriation therefor required by law.

3. Such other information as may be required by law.

[b. At such times as the mayor, the board of estimate or the council shall request, the comptroller shall submit to them a certified statement showing as of a specified date:

1. An itemized statement of all taxes due and uncollected.

2. Such other information as may be requested by the mayor, the board of estimate or the council.]

Note: The itemized statement of taxes due and uncollected will be prepared by the commissioner of finance pursuant to section seventy-one.

3-18
Sec. [114.] 71. Statement of assessed valuation, statement of
taxes due and uncollected, and report on tax benefits of the
commissioner of finance.

a. Not later than the fifteenth day of February in each year, the
commissioner of finance shall submit to the mayor[, to the board
of estimate] and to the council a tentative estimate of the
assessed valuation of real property subject to taxation for the
ensuing fiscal year, which shall be published forthwith in the
City Record.

b. At such times as the mayor or the council shall request, the
commissioner of finance shall submit to them a certified
statement showing as of a specified date the amount of all taxes
due and uncollected by such categories and classifications as
will facilitate understanding of such information.

c. Not later than the fifteenth day of February the commissioner
of finance shall submit to the mayor and the council a tax
benefit report which shall include

1. a listing of all exclusions, exemptions, credits or
other benefits allowed against city tax liability, whether
against the base or the rate of, or the amount due pursuant to, a
particular city tax, provided however that such listing need not
include any benefits which are applicable without any city action
to such city tax because they are available in regard to a
federal or state tax on which such city tax is based.
2. A description of each tax benefit included in such
listing, providing the following information:
(a) the legal authority for such tax benefit;
(b) the objectives of, and eligibility requirements
for, such tax benefit;
(c) such data and supporting documentation as are
available and meaningful regarding the number and kind of
taxpayers claiming, using and carrying forward benefits pursuant
to such tax benefit and the total amount of benefits pursuant to
such tax benefit claimed, used, and carried forward, and the
median, mean and distribution of benefits pursuant to such tax
benefit for such of the following taxable and/or fiscal years for
which such information is available, to the extent such
information is available, beginning during nineteen hundred eighty-five, and each subsequent year up to and including the
most recently completed taxable and/or fiscal year;
(d) such data and supporting documentation as are
available and meaningful regarding the economic and social impact
and other benefits of such tax benefit during each of such years;
and
(e) a listing and summary of all evaluations and
audits of such tax benefit issued during the previous two years.
Sec. [112-a.]

72. Borough board preliminary budget hearings. Not later than the twenty-fifth day of February each borough board shall [submit a comprehensive statement on the budget priorities of the borough to the mayor, board of estimate, council, and director of management and budget.], upon adequate public notice, hold one or more public hearings on the preliminary budget, to obtain the views and recommendations of the community boards within the borough, residents of the borough and others with substantial interests in the borough, on the proposals contained in the preliminary budget and on the capital and service needs of the borough. Officers of agencies, when requested by the borough board, shall appear and be heard.

[Sec 214-a.

c. Not later than the twenty-fifth day of February, each borough board shall submit a comprehensive statement of the budget priorities and needs of the borough for the fiscal year and three succeeding years to the mayor, board of estimate, council, city planning commission, and department of city planning.]
Section 73. The operating budget of the council. Not later than the tenth day of March the council shall submit to the mayor detailed itemized estimates of the financial needs of the council for the ensuing fiscal year. Such estimates shall be comprised of at least one personal service unit of appropriation and at least one other than personal service unit of appropriation for each standing committee of the council and for each organizational unit established pursuant to section forty-five of this charter. The mayor shall include such estimates in the executive budget without revision, but with such recommendations as the mayor may deem proper.
Sec. 74. Borough president's draft recommendations and hearings on the preliminary budget.

a. Not later than the tenth day of March, but at least ten days prior to the public hearing required by subdivision c of this section, each borough president shall submit to the mayor, the council and the other members of the borough board, for their review and consideration draft version of the recommendations which the borough president intends to submit to the mayor pursuant to the provisions of subdivision a section seventy-five of this chapter.

b. The mayor shall ensure that representatives of the director of management and budget, the director of city planning and the head of each agency shall be available for consultation with each borough president in the preparation of such draft recommendations.

c. Each borough president shall consult with the mayor and the director of management and budget in the preparation of such draft recommendation.

d. Not later than the twenty-fifth day of March, each borough president shall, upon adequate public notice, hold one or more public hearings on such draft recommendations. Officers of agencies, representatives of community boards and other
interested parties, shall have the right to appear and be heard
in regard to such draft recommendations.
Sec. 75. Borough president recommendations to mayor.

a. Not later than the twenty-fifth day of March, each borough president shall submit to the mayor and council, in such form and containing such information as the mayor shall prescribe,

1. any proposed modifications of the budget which the borough president recommends in accordance with the provisions of subdivision b of this section;

2. the proposed appropriations which the borough president recommends for inclusion in the executive capital budget pursuant to the capital budget borough allocation process established by section two hundred and eleven of this charter; and

3. the proposed appropriations which the borough president recommends for inclusion in the executive expense budget pursuant to the expense budget borough allocation process established by section one hundred and two of this charter, provided that such amount shall be based on the assumption that such expense budget borough allocation for the ensuing fiscal year will be the same as the expense budget borough allocation for the current fiscal year as established pursuant to subdivision b of section one hundred and two of this charter.

b. Each borough president shall propose such modifications to the preliminary budget as the borough president deems to be in the best interest of the borough, taking into consideration community and borough board priorities and testimony received at 3-25
public hearings held pursuant to sections seventy-two and seventy-four of this chapter. The net effects of any such modifications recommended by the borough president may not result in an increase in the total amount of expenditures proposed in the preliminary budget. If increases in spending within the borough are recommended, offsetting reductions in other spending within the borough must also be recommended. Any proposed increases and any proposed reductions in spending must be stated separately and distinctly and refer each to a single object or purpose.
Sec. [216.] 76. Council[Preliminary capital] preliminary budget
hearings and recommendations.

a. Not later than the twenty-fifth day of March, [the board of
estimate and] the council through its committees, shall hold
[joint] hearings on the program objectives and fiscal
implications of the preliminary budget [statements], the
community boards statements of budget priorities [of community
boards and], the borough [boards, the report of the city planning
commission on the long range capital needs of the city,]
president's draft recommendations submitted pursuant to section
seventy-four to the extent that such recommendations are
available at the time of these hearings, the ten-year capital
strategy, and the status of capital projects and expense
appropriations previously authorized. The public and
representatives of community boards and borough boards may attend
and be heard in regard to all such matters. Representatives of
the director of management and budget and the director of city
planning may attend the hearings and ask questions. Officials of
agencies, when requested by the [board of estimate or] committees
of the council shall appear and be heard. [The public and
representatives of community boards and borough boards may attend
and be heard.]

b. Findings and recommendations of [the board of estimate and]
the council, or its committees, [as to capital projects proposed

3-27
to be included in the budget including recommendations for any changes in the unit of appropriation structure which the council deems appropriate, shall be submitted to the mayor not later than the twenty-fifth day of March. The total dollar amount of such recommendations shall not exceed net effect of the changes recommended by the council in the capital budget shall not result in a capital budget which exceeds the maximum amount set forth in the mayor's preliminary statement certificate pursuant to section sixty-six of this chapter.

[Sec. 115. Preliminary hearings.

Not later than the twenty-fifth day of March, the board of estimate and the council through its committees shall hold joint hearings on the preliminary budget statements, recommendations of community boards, recommendations of borough boards, and such other information as may be available to them, and submit any findings and recommendations to the mayor. The public and representatives of the director of management and budget may participate in the hearings. Officers of agencies, when requested by the board of estimate or the council, shall appear and be heard. Representatives of community boards and borough boards may appear and be heard.]
Sec. [116.] 77. Submission of the executive budget.

a. Not later than the twenty-sixth day of April the mayor [simultaneously] shall submit to [the board of estimate and] the council (1) a proposed executive budget for the ensuing fiscal year, and (2) a budget message, both of which, and any accompanying reports and schedules, [shall be public records and] shall be printed forthwith.

b. Concomitantly with the submission of the executive budget, the mayor shall submit to the council an expense budget bill and a capital budget bill containing all the appropriations and reappropriations proposed in the executive budget.

c. As soon after the submission of the executive budget as is practicable, the mayor shall submit to the council copies of all proposed local laws and all proposed home rule requests necessary to implement the recommendations made in the executive budget.

d. Adjustment of expense budget borough allocation. If the executive expense budget submitted by the mayor in accordance with this section includes an expense budget borough allocation which is greater or lesser than the expense budget borough allocation for the previous fiscal year, the mayor shall concomitantly with the submission of the executive expense budget notify each borough president of the difference between such amounts and of the portion of such difference allocable to each.
1 borough pursuant to the provisions of section one hundred and
two. Within seven days of receiving such notification, each
2 borough president shall submit to the mayor and the council, in
such form as the mayor shall prescribe, proposed additional
3 appropriations or proposed reductions in appropriations equaling
such portion of such difference. If a borough president fails to
4 submit any proposed reductions required to be submitted pursuant
to subdivision e of this section, proposed appropriations, not
5 exceeding such adjusted amount, shall be considered in the
6 priority order in which they were submitted pursuant to
7 subdivision c of section one hundred and two.
8
9 e. Adjustments of capital budget borough allocations. If the
10 executive capital budget submitted by the mayor in accordance
11 with this section includes a capital budget borough allocation
12 which is greater or lesser than the capital budget borough
13 allocation that was included in the preliminary capital budget
14 for such year, the mayor shall concomitantly with the submission
15 of such executive capital budget, notify each borough president
16 of the difference between such amounts and of the portion of such
17 difference allocable to each borough pursuant to the provisions
18 of subdivision a of this section. Within seven days of receiving
19 such notification, each borough president shall submit to the
20 mayor and the council, in such form as the mayor shall prescribe,
21 proposal additional appropriations or proposed reductions in
22 appropriations equaling such portion of such difference. If a
1 borough president fails to submit any proposed reductions
2 required to be submitted pursuant to subdivision e of this
3 section, proposed appropriations, not exceeding such adjusted
4 amount, shall be considered in the priority order in which they
5 were submitted pursuant to paragraph one of subdivision c of
6 section two hundred and eleven of this charter.

3-31
[Sec. 219.

a. Not later than the twenty-sixth day of April in each year, the mayor shall submit to the board of estimate and to the council with an explanatory message, a proposed executive capital budget for the ensuing fiscal year, the aggregate amount of which shall not exceed the amount in the mayor's certificate, and a proposed executive capital program for the three succeeding fiscal years.

[Sec. 219.

d. The proposed executive capital budget, executive capital program, and message from the mayor and any accompanying reports and schedules shall be public records and shall be published forthwith.]
Sec. [117.]

b.] 78. The budget message. The budget message, which shall not be deemed a part of the budget, shall include:

1. An explanation, in summary terms, of the major programs, projects, emphases and objectives of the budget, the general fiscal and economic condition of the city, the tax and fiscal base of the city, and intergovernmental fiscal relations.

2. Itemized information and supporting schedules of positions, salaries and other[-]than[-]personal service expenses, anticipated for the ensuing fiscal year[, accompanied by comparison with the amounts appropriated in the current expense budget as originally adopted and as modified through the first nine months of the fiscal year, and with the amounts actually expended in the previous year and through the first nine months of the current fiscal year].

3. [Estimates of all revenue receipts and recommendations] Recommendations for any changes in the revenue sources and fiscal [sources and] operations of the city, including intergovernmental revenue and fiscal arrangements.

4. An itemized statement of the [revenue] actual revenues and receipts and accruals of the general fund and of all other revenue sources, including state and federal aid and revenues for specified purposes, for each of the four preceding fiscal years, and for the first [nine] eight months of the current fiscal year, and the estimated [receipts] amount of such items for the balance of the current fiscal year, and for the ensuing fiscal year. In
preparing such information the mayor shall consult with the comptroller.

5. A listing of the sources and amounts of all revenues and other monies of a nonrecurring nature that are being proposed to be utilized during the ensuing fiscal year and that are not expected to be available or used in subsequent fiscal years.

6. [For] A four-year financial plan, containing, (a) for each agency, for all existing programs, forecasts of [expenses] expenditures for the ensuing fiscal year and the succeeding three fiscal years at existing levels of service; (b) forecasts of revenue by source from existing sources of revenue for the ensuing fiscal year and the succeeding three fiscal years; and (c) for each new or expanded program, [a three year] an indication of when such program is projected to be fully implemented and a forecast of the annual recurring costs [after] for such program or program expansion after it is fully implemented.

7. For each [existing program] agency, a comparison of the [expenses] proposed appropriations for the ensuing fiscal year with (i) the amounts appropriated in the current expense budget as originally adopted and as modified through the first eight months of the current fiscal year, (ii) the amounts actually expended in the previous fiscal year and (iii) the amounts actually expended through the first eight months of the current fiscal year and the estimated expenditures for the balance of the
current fiscal year [with the prior year's forecast for the current year].

8. For each agency that has local service districts within community districts and boroughs, a statement of proposed direct [expenses] expenditures in each service district for each unit of appropriation and a statement of the basis for the allocation of direct [expenses] expenditures to local service districts of each such agency.

9. An explanation of principal changes in performance goals and indicators from the date of submission of the preliminary management report to the submission of the proposed executive budget[s].

10. An itemized statement, covering the city's entire capital plant, except for those portions of the capital plant which have been committed to the care and control of the board of education or officers or employees thereof, by agency and project type and, within project type, by personal services and other[-]than[-]personal services, of the amounts appropriated for maintenance of such capital plant in the previous and current fiscal years as originally adopted and as modified through the first nine months of the current fiscal year, and of the amounts actually expended for such maintenance in the previous fiscal year and through the first nine months of the current fiscal year and the amounts estimated to be expended for such purpose during the balance of the current fiscal year; and, for each agency, an explanation of the substantive differences, if any, between the amounts actually
expended for such maintenance in the previous fiscal year or
projected to be expended for such purpose in the current fiscal
year and the amounts originally appropriated for such purpose for
such years.

11. A presentation of the maintenance activities proposed by
the mayor to be completed during the ensuing fiscal year for all
major portions of the capital plant, as such terms are defined in
subdivision a of section eleven hundred ten-a, categorized by
agency and project type; an explanation of the differences, if
any, between such proposed activities and the activities
scheduled to be undertaken during such fiscal year pursuant to
subdivision c of such section; an explanation of the differences,
if any, between the proposed appropriations for such activities
and the estimates of the amounts submitted, pursuant to
subdivision f of such section, as necessary to maintain such
portions of the capital plant; and a presentation and explanation
of the differences, if any, between the maintenance activities
for all major portions of the capital plant proposed by the
mayor, in the budget message for the previous fiscal year, to be
completed during such fiscal year and the activities actually
completed during such fiscal year.

12. A statement of the extent to which the executive budget
incorporates the revisions of the preliminary budget suggested by
the borough presidents, in accordance with paragraph one of
subdivision a of section seventy-five and the reasons why any
other suggested revisions were not incorporated in the executive budget.

13. A statement of the modifications, if any, which the mayor recommends that the council make in the appropriations submitted by the borough presidents pursuant to paragraph two and three of subdivision a of section seventy-five.

14. A detailed statement of the methodology and assumptions used to determine the revenue estimates presented pursuant subdivision four, five and six of this section.

15. A statement of the implications for the orderly development of the city, its community districts and boroughs of the capital projects included in or contemplated by the capital budged and the capital program.

16. A certificate setting forth the maximum amount of debt and reserves which, in the mayor's opinion, the city may soundly incur for capital projects during the ensuing fiscal year and during each of the following three fiscal years, and the maximum amount of appropriations and expenditures for capital projects which the city, given such maximum amount of debt and reserves, may soundly make during each such fiscal year.
Recommendations of comptroller and city planning commission.

Not later than the sixth day of May, the comptroller and the city planning commission shall submit to the board of estimate and to the council reports, which shall be published forthwith in the City Record, containing such comments and recommendations with respect to the proposed executive capital budget and capital program as they may deem advisable.]
Sec. 79. Borough president recommendations on the executive budget. Not later than the sixth day of May, each borough president shall submit to the mayor and the council a response to the mayor's executive budget. Such response shall indicate which of the recommended appropriations submitted to the borough president pursuant to paragraph one of subdivision a of section seventy-five, which were not included by the mayor in the executive budget, should be formally considered by the council for inclusion in the budget. Any appropriations recommended in this manner for inclusion in the budget shall be accompanied by recommendations for offsetting reductions in other appropriations within the borough. Any such increases or reductions or must be stated separately and distinctly and refer each to a single object or purpose.
Sec. [119.] 80. [Budget] Executive budget hearings.

Between the sixth day of May and the twenty-fifth day of May in each year, the council shall hold public hearings on the budget as presented by the mayor. The council may hold such hearings either as a body or by its finance committee or other committees. [The hearings may be held jointly by consent of both bodies.] Officers of agencies and representatives of community boards and borough boards shall have the right, and it shall be their duty when requested by the [board of estimate or the] council, to appear and be heard in regard to the executive budget and to the capital and service needs of the communities, boroughs and the city.

[Sec. 221. Executive capital budget; hearings.

Between the sixth day of May and the twenty-fifth day of May in each year, the board of estimate and the council shall hold public hearings on the proposed executive capital budget and executive capital program. The council may hold hearings as a body or by its finance committee or other committees. Such hearings may be held jointly by consent of both bodies. Officers of agencies and representatives of community boards and borough boards shall have the right, and it shall be their duty when requested by the board of estimate or the council, to appear and be heard.]
Sec. [120. The budget; approval.] 81. Amendment and adoption of the executive budget.

a. The [board of estimate and the] council may not alter any appropriation bill submitted by the mayor pursuant to section seventy-seven except to increase, decrease, add or omit any unit of appropriation [in the budget as submitted by the mayor,] for personal service or other than personal service or any appropriation for any capital project or add, omit or change any terms or conditions [of it] related to any or all such appropriations; provided, however, that any such increases or additions must be stated separately and distinctly from any items of the bill or program and refer each to a single object or purpose.

b. The council shall formally consider all recommendations made by the borough presidents pursuant to section seventy-nine of this chapter and all recommendations made by the mayor pursuant to paragraph thirteen of section seventy-eight of this chapter.

c. Such an appropriation bill or such a capital program when passed by the council shall become law immediately without further action by the mayor, except that appropriations for the council or appropriations added to the mayor's bill or program by the council shall be subject to the approval of the mayor.
[b. Except as otherwise provided by law, and subject to the veto
of the mayor pursuant to section one hundred twenty-one, the
board of estimate and the council, by separate concurrent vote of
each body, shall adopt a single budget, and it shall be returned
to the mayor not later than the fifth day of June. In the event
of a disagreement between the two bodies, each shall appoint
members to a conference committee to reconcile differences and to
make recommendations to the respective bodies for concurrent vote
of each body.]}

c. d. If [a single budget] an expense budget appropriations
bill has not been adopted by the fifth day of June pursuant to
[subdivision] subdivisions a and b of this section, the budget
and tax rate adopted as modified for the current fiscal year
shall be deemed to have been extended for the new fiscal year
until such time as a new expense budget [is] appropriations bill
has been adopted.

d. The mayor shall not participate in any action or vote of the
board of estimate on the budget.

e. The actions and votes of the board of estimate and the
council shall be certified to the mayor by the secretary of the
board of estimate and the president of the council,
respectively.]
[Sec. 222. Capital budget; adoption.

a. The board of estimate and the council, by separate concurrent vote of each body, may increase, decrease or omit the amount of the appropriation for any capital project in the proposed executive capital budget or executive capital program, or add any new capital project to such proposed budget or program or add, omit, or change any term or condition of such proposed budget or program. Except as otherwise provided by law, and subject to the veto of the mayor pursuant to section two hundred twenty-three, the board of estimate and the council, by separate concurrent vote of each body, shall adopt a single capital budget and a single capital program, and they shall be returned to the mayor not later than the fifth day of June. In the event of a disagreement between the two bodies, each shall appoint members to a conference committee to reconcile differences and make recommendations to the respective bodies.

b.] d. If a [single] capital budget appropriations bill and a [single] capital program have not been adopted by the fifth day of June pursuant to [subdivision] subdivisions a and b of this section, [they shall be deemed adopted so far as acted on by both bodies with the lower amount of any item in dispute between the two bodies in effect] the unutilized portion of all prior capital appropriations shall be deemed reappropriated.
[c. The mayor shall not participate in any action or vote of
the board of estimate on the executive capital budget or in any
action or vote on the executive capital program.]
Sec. [121.] 82. Veto of the mayor.

a. The mayor, not later than the [tenth day of June,) fifth day after the council has acted upon an appropriations bill or capital program submitted with the executive budget may disapprove any increase or addition to [the budget, any unit of appropriation,] any such bill or program, or any change in any term or condition [of the budget] included in such bill or program. The mayor, by such date, may also disapprove any item or term or condition included in such bill pursuant to the provisions of section seventy-three of this chapter. The mayor shall return [the budget] such bill or program by that date to the [board of estimate and] council, setting forth [his] objections in writing.

b. [Either the board of estimate by a two-thirds vote of all the members of the board other than the mayor, or the] The council, by a two-thirds vote of all the council members, may override any disapproval by the mayor pursuant to subdivision a of this section; provided, however, that if no such action by the council is taken within ten days of such disapproval, [, with the concurrence of the other body by a majority vote of all members other than the mayor in the case of the board of estimate. The board of estimate and the council shall act and the expense budget] the bill or program to which such disapprovals relate shall be deemed adopted [not later than the twentieth day of
June. In the event the board of estimate and the council fail to act by that date, the expense budget as modified by the disapprovals by the mayor [is adopted].

[Sec. 223. Veto of the mayor.]

a. Any action by the council on a capital project or on the terms and conditions of the capital budget shall be certified to the mayor by the president of the council. Any action by the board of estimate on a capital project or on the terms and conditions of the capital budget shall be certified to the mayor by the secretary of the board of estimate.

b. The mayor, not later than the tenth day of June, may disapprove any increase or addition to the executive capital budget or executive capital program or any increase or addition to any capital project in the executive capital budget or executive capital program, or any change in any term or condition of the executive capital budget or executive capital program. The mayor shall return the capital budget and capital program by that date to the board of estimate and council, setting forth his objections in writing.

c. Either the board of estimate by a two-thirds vote of all the members of the board other than the mayor, or the council by a two-thirds vote of all the council members, may override any
disapproval by the mayor pursuant to subdivision b of this section with the concurrence of the other body by a majority vote of all members other than the mayor in the case of the board of estimate. The board of estimate and the council shall act and the capital budget and capital program shall be adopted not later than the twentieth day of June. In the event the board of estimate and the council fail to act by that date, the capital budget and capital program as modified by the mayor are adopted.

d. Not later than the twenty-first day of June, the capital budget as finally adopted shall be certified by the mayor and the city clerk as the capital budget for the ensuing fiscal year. The capital budget shall, not later than five days after such certification be filed in the office of the comptroller and shall be published forthwith.]
Sec. [122.] 83. Appropriation, certification and publication.

Not later than the [twenty-first day of June in each year,] day after the budget bills are finally adopted, [the budget] such bills as finally adopted in such year shall be certified by the mayor, the comptroller and the city clerk as the budget for the ensuing fiscal year, and the several amounts therein specified as appropriations or units of appropriation shall be and become appropriated to the several purposes therein named, whether payable from the tax levy or otherwise and subject to the terms and conditions of the budget. The budget shall thereupon be filed in the offices of the comptroller and the city clerk, shall [be a public record and] be published forthwith.
Sec. 84. Ten-year capital strategy. Not later than thirty days after the budget is finally adopted, the mayor shall make such changes in the ten-year capital strategy, submitted pursuant to section sixty-eight of this chapter, as are necessary to reflect any changes which were made in the capital budget and capital program in accordance with sections eighty-one and eighty-two of this chapter.
Sec. 85. Financial plan. Not later than thirty days after the 
budget is finally adopted, the mayor shall issue an update of the 
four year financial plan submitted pursuant to paragraph six of 
section seventy-eight of this section. Such update shall reflect 
the changes which were made in the budget in accordance with 
sections eighty-one and eighty-two of this chapter. In addition, 
on such schedule as the mayor deems appropriate, the mayor shall 
issue additional updates of the financial plan during the fiscal 
year.
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
take the testimony under oath of such persons as [he] the comptroller may deem necessary. The comptroller shall conduct all audits of entities under contract with the city as expeditiously as possible and in no case shall initiate an audit later than one year after the expiration of a contract term unless the comptroller determines in writing that: (1) such audit is initiated in connection with litigation brought by or against the city, (2) it was not practicable to initiate an audit within such one year period, or (3) the initiation of the audit after the one year period is appropriate in light of information discovered in an audit of another contract of the same contractor. Such written determination shall be filed with the mayor, council and council president.

c. The comptroller shall have power to audit all agencies, as defined in subdivision two of section eleven hundred fifty, and all agencies, the majority of whose members are appointed by city officials. The comptroller shall be entitled to obtain access to agency records required by law to be kept confidential, other than records which are protected by the privileges for attorney-client communications, attorney work products, or material prepared for litigation, upon a representation by the comptroller that necessary and appropriate steps will be taken to protect the confidentiality of such records. The comptroller shall establish a regular auditing cycle to ensure that one or more of the programs or activities of each city agency, or one or more aspects of each agency's operations, is audited at least once every four years. The audits
conducted by the comptroller shall comply with generally accepted government auditing standards. In accordance with such standards, and before any draft or final audit or audit report, or portion thereof, may be made public, the comptroller shall send a copy of the draft audit or audit report to the head of the audited agency and provide the agency, in writing, with a reasonable deadline for its review and response. The comptroller shall include copies of any such agency response in any draft or final audit or audit report, or portion thereof, which is made public. The comptroller shall send copies of all final audits and audit reports to the council and the mayor.

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

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

f. Not later than the first day of March of each year, the comptroller shall deliver to the council a report describing all major audits of city agencies conducted by the comptroller during the previous fiscal year; the corrective actions recommended in such audits; the corrective actions which have been implemented to the extent such information is known to the comptroller on the basis of agency reports, comptroller audits, or otherwise; and the comptroller's recommendations, if any, for additional corrective actions.

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

f) Except as provided in [subsection e] subdivision g, [not later than July first, nineteen hundred seventy-seven] the agencies shall prepare and audit vouchers before payment, prepare and audit payrolls, receive and inspect goods and forward [bills] vouchers
to the comptroller for payment. The comptroller shall prescribe methods, with which all agencies shall comply, for preparing and auditing vouchers before payment, preparing payrolls, and 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.

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.

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 and shall at least once in each month render to each agency a summary statement of so much thereof as relates to such agency.

[j]l. Within four months after the close of each fiscal year, the comptroller shall publish a statement for such year, including a full and detailed statement of the [receipts] revenues and expenditures of the city and the [cash balance or] surplus at the end of the fiscal year, including the average daily collected deposits in bank accounts of the city, the investment performance of city pension and other investment funds, an itemized statement of all taxes due and uncollected at the close of the fiscal year, the reserve for estimated uncollectible taxes, and the uncollected parking violation fines receivable, an itemized statement of the condition of the sinking funds, the street and park openings fund and the street improvement fund, so long as such funds shall be continued, and any other assessable improvement funds, and of the tax appropriation and general fund stabilization reserve fund as at the close of the fiscal year, the different sources of city revenue, including itemization of receivables due from state or federal sources by program and fiscal year, and the amount received from each, the several appropriations made for the fiscal year, the objects for which they were made and the amount of [moneys expended] expenditures made under each, the money borrowed on the
credit of the city, the amount of each loan, the authority under
which it was made and the terms on which it was obtained, and such
other information in regard to such fiscal year as may be
determined by the comptroller or by law.

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

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

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

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

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

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

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

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

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

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

[m]o. Notwithstanding the provisions of any general, special
or local law or this charter or any contract heretofore or
hereafter made or awarded by the city of New York or by any agency,
department or authority acting on its behalf, the comptroller may, at his or her discretion, turn over the physical custody and safekeeping of bonds, notes, obligations or other evidences of indebtedness which have been or will be deposited with [him] the comptroller as collateral security as required by law or contract to a custodian who may be (a) any bank or trust company incorporated in the state, or (b) any national bank located in the state, or (c) any private banker duly authorized by the superintendent of banks of this state to engage in business here. The comptroller may enter into a contract with such custodian under terms and conditions which the comptroller may require. Each depositor of collateral security shall bear [his or its] a proportionate share of the cost of such custodial safekeeping which shall be paid to the city of New York.

No contract or agreement executed pursuant to this charter or other law shall be implemented until (1) a copy has been filed with the comptroller and (2) either the comptroller or the mayor has registered it [or thirty days have elapsed from the date of filing, whichever is sooner] in accordance with section three hundred forty-eight of the charter.

The council shall periodically review the requirements contained in the charter for studies and reports by the comptroller and may by local law revise such requirements as it deems appropriate. At such times as the mayor or the council shall request, the comptroller shall submit to them such information as they may request. The comptroller, upon request, shall assist the
[board of estimate or the] council in the conduct of any of its investigations or studies [by either body] of the fiscal or economic affairs of the city or of any agency. [He] The comptroller shall provide reports to the [board of estimate or the] council upon request [of either body] and shall testify before [either body] the council or a committee [of either body] thereof.

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

Sec. 94. Deputy comptrollers and other appointees. a. The comptroller shall appoint and at pleasure remove a first, and second deputy comptroller. [He] The comptroller may appoint and at pleasure remove a third deputy comptroller who shall be a person qualified to advise and assist the comptroller in all matters relating to borrowings and the investment of funds. Except as provided in subdivision b of this section, each of the deputies and any officer or employee appointed by the comptroller shall have such powers and duties as may be assigned to such person by the comptroller by instrument in writing filed with the city clerk. Provided however that no more than five (5) such additionally appointed officers or employees shall serve simultaneously. The city clerk shall notify the city council of the filing or revocation of each such appointment.
b. [Any deputy comptroller or any one of three officers or employees appointed by the comptroller may, by written authority filed with the board of estimate and with the city clerk, act in the place of the comptroller as a member of the board of estimate.]

Any deputy comptroller or any officer or employee appointed by the comptroller may act in place of the comptroller on any [other] board, body or committee of which the comptroller is a member whenever the comptroller shall so authorize in writing and such authorization is filed with such board, body or committee and with the city clerk.

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

1. Within three days of the occurrence of a vacancy in the office of the comptroller, 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
1 proclamation of the date for an election to be held pursuant to
2 paragraphs four or five of this subdivision, the city clerk shall
3 publish notice thereof not less than twice in each week preceding
4 the date of such election in newspapers distributed within the
5 city, and the board of elections shall mail notice of such election
6 to all registered voters within the city.

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.

3. If a special or general election to fill the vacancy on an
4 interim basis has not been previously held pursuant to paragraphs
5 four, six, seven and eight of this subdivision, the person elected
6 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 each 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; and

(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;
(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 the comptroller 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 the comptroller 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.

Sec. 95. Annual audit. An annual audit shall be made of the
consolidated operating accounts of the city and year-end receivables accounts of the city by a firm or firms of certified public accountants selected by the [board of estimate] audit committee, after submission of more than one proposal to perform the audit, unless such audit is performed or shall be performed by the state comptroller. Copies of the annual audit shall be submitted to the mayor, the comptroller, [the board of estimate,] the council and the state comptroller and shall be published in the City Record. No firm of certified public accountants shall perform any such audit or a part of such audit for more than four consecutive years.

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

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

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

b. The private members of the audit committee shall include (i) two persons with expertise in municipal finance, and (ii) two officers or employees of two different firms of independent public accountants which are not engaged by the City of New York. The private members shall serve for staggered two-year terms and shall continue in office until their successors have been appointed and qualified. Private members shall serve without salary but shall be reimbursed for expenses actually and necessarily incurred in the performance of official duties and shall also receive a per diem allowance when rendering services to the committee.

c. The audit committee shall:

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

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

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

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

(5) perform such other functions as are agreed to by all
Sec. 98. Independent budget office. a. There shall be an independent budget office to be headed by a director who shall be appointed, upon the recommendation of the advisory board established in accordance with the provisions of subdivision h of this section, by a special committee convened for this purpose and consisting of the comptroller, the council president, a borough president chosen by the borough presidents, and a council member chosen by the council. The director shall be appointed without regard to political affiliation and solely on the basis of fitness to perform the duties assigned by this section. The term of office of the director first appointed shall expire on August first, nineteen hundred and ninety four, and the terms of office of directors subsequently appointed shall expire on such date in each fourth year thereafter. Any individual appointed to fill a vacancy prior to the expiration of a term shall serve only for the unexpired portion of the term. An individual serving as director at the expiration of a term may continue to serve until a successor is appointed. The director shall appoint such personnel and procure the services of such experts and consultants as may be necessary for the director to carry out the duties and functions of the office. Such personnel and experts shall perform such duties as may be assigned to them by the director.

b. The director shall be authorized to secure such information, data, estimates and statistics from the agencies of the city as
the director determines to be necessary for the performance of the functions and duties of the office, and such agencies shall provide such materials in a timely fashion.

c. It shall be the duty of the office to provide to the members and committees of the council, the borough presidents, and the community boards information which will assist such officials and bodies in the discharge of all budget and budget-related matters within their jurisdictions including:

(1) information with respect to the budget, appropriations bills and proposed local laws with fiscal implications;

(2) information with respect to revenues, receipts, estimated future revenues and receipts and changing revenue conditions; and

(3) to the extent practicable, such additional information or analysis as may be requested by such officials and bodies.

d. The director shall from time to time publish such reports as may be necessary or appropriate to provide such information, data, and analysis as will enhance official and public understanding of matters relating to city revenues, expenditures, financial management practices and related matters.

e. The director shall, to the extent practicable, prepare for each proposed local law and each budget modification reported by any committee of the council and submit to such committee:

(1) an estimate of the costs which would be incurred in carrying out such proposal in the fiscal year in which it is to become effective and in each of the four fiscal years following such fiscal year, together with the basis for each such estimate.
and

(2) a comparison of the estimate of costs described in paragraph one with any available estimate of costs made by a committee of the counsel, the office of management and budget, or any other agency. The estimate and comparison so submitted shall be included in the report accompanying such bill if it is submitted in a timely manner to such committee before such report is filed.

g. The director may equip the office with up-to-date computer capability, obtain the services of experts and consultants in computer technology, and develop techniques for the evaluation of revenue projections and budgetary requirements.

h. There shall be an advisory committee to the office consisting of eight members appointed jointly by the comptroller and the council president for four year staggered terms. Of the members originally appointed, two shall serve until the thirty-first day of March of nineteen hundred ninety three, two shall serve until the thirty-first day of March of nineteen hundred ninety-four, two shall serve until the thirty-first day of March of nineteen hundred ninety five, and two shall serve until the thirty-first day of March of nineteen hundred ninety six. The members shall all be individuals with extensive experience and knowledge in the fields of finance, economics, accounting and public administration, including at least one former director of the office of management and budget or of a comparable office in another governmental jurisdiction in the United States.

h. On or before the first day of February of each year, the
1 director shall publish a report, for the ensuing fiscal year, with
2 respect to expected levels of revenues and expenditures, taking
3 into account projected economic factors and the proposals contained
4 in the preliminary budget submitted by the mayor for such fiscal
5 year. Such report shall also include a discussion of city budget
6 priorities, including alternative ways of allocating the total
7 amount of appropriations, expenditures and commitments for such
8 fiscal year among major programs or functional categories taking
9 into account how such alternative allocations will meet major city
10 needs and effect balanced growth and development in the city.

k. On or before the fifteenth day of March of each year, the
12 director shall publish a report analyzing the preliminary budget
13 for the ensuing fiscal year.

l. On or before the fifteenth day of May of each year, the
15 director shall publish a report analyzing the executive budget for
16 the ensuing fiscal year.

m. The director shall make all information, data, estimates,
18 and statistics obtained under subdivision b, and all studies and
19 reports prepared by the office, available for public inspection and
20 copying during normal business hours and shall, to the extent
21 practicable, furnish a copy of any such information or report to
22 any person upon request at a reasonable cost.
CHAPTER 6
EXPENSE BUDGET

Note: Sec. 110. is moved and renumbered Sec. 57.
Note: Sec. 111. is moved and renumbered Sec. 56.

Sec. [112.]100. [Departmental] Format of expense budget
departmental estimates, preliminary expense budget, and executive expense budget.

a. [On such date as the mayor may direct, the head of each agency shall submit to the director of management and budget an estimate of the requirements for expense of such agency for the ensuing fiscal year. Such estimates shall be known as] The expense budget departmental estimates [and], the preliminary expense budget, and the executive expense budget for each year shall consist of proposed units of appropriation for personal service[s] and proposed units of appropriation for other than personal service[s] for the ensuing fiscal year, and shall also include a contract budget prepared in accordance with the provisions of section one hundred and four. Each agency head, for the departmental estimates, and the mayor, for the preliminary and executive budgets, shall submit a statement of the impact [on] of the proposed units of appropriation on the level of...
services to be provided during the ensuing fiscal year and for
each community board a written response to each of the expense
budget priorities included in the community board's statement of
budget priorities submitted in accordance with section sixty-one
of this charter. Such responses shall include the response of
the agency head and the mayor, as appropriate, regarding the
disposition of each such priority and a meaningful explanation of
disapprovals. [Each agency that delivers local services within
community district shall consult with the respective community
boards in the preparation of its estimates.]

b. Each proposed unit of appropriation [for personal service]
shall represent the amount requested for personal service or for
other than personal service for a particular program, purpose,
activity or institution[. c. Each] :provided, however, that a
single unit of appropriation for personal service or a single
unit of appropriation for other than personal service may
represent the amount requested for more than one particular
program, purpose, activity or institution if the council has
adopted, on the recommendation of the mayor, or if the council
has adopted on its own initiative and the mayor has approved, a
resolution setting forth the names, and a statement of the
programmatic objectives, of each program, purpose, activity or
institution to be included in such a single unit of
appropriation. Copies of such resolutions must be included as an
appendix to any preliminary budget, executive budget, and adopted
budget to which they apply. If, in accordance with such a
resolution, a proposed unit of appropriation for other than
personal service shall represent the total amount requested for
other than personal service for [a particular agency; provided,
however, that] more than one proposed unit of appropriation for
personal service the amount [thereof] of such unit of
appropriation for other than personal service which is allocable
to each unit of appropriation for personal service [in such
agency] shall be set forth for informational purposes at the end
of each such unit of appropriation for personal service. If, in
accordance with such a resolution, a proposed unit of
appropriation for personal service shall represent the total
amount requested for personal service for more than one proposed
unit of appropriation for other than personal service, the amount
of such unit of appropriation for personal service which is
allocable to each unit of appropriation for other than personal
service shall be set forth for informational purposes at the end
of each such unit of appropriation for other than personal
service.

c. Each proposed unit of appropriation shall be accompanied by a
statement of the programmatic objectives of the program, purpose,
activity or institution involved.

d. Each [requested] proposed unit of appropriation shall be
supported by line items showing how the total amount of such unit
is determined. [Such departmental estimates shall be in such form and contain such further information as may be required by the mayor or by law. Such departmental estimates shall be public records and shall at all reasonable times be open to public inspection.]

e. For each city agency that has local service districts within community districts and boroughs, [the departmental estimates] each proposed unit of appropriation, where practicable, shall contain a statement of proposed direct [expenses] expenditures in each such service district [for each requested unit of appropriation], pursuant to the requirements [and time periods] specified in subdivision k of section ninety-three.
Sec. [112-a.]101. Preliminary expense budget statements.

a. [Not later than the sixteenth day of January, the mayor shall submit the preliminary budget statements for the ensuing fiscal year to the board of estimate, council and each community board and borough board. Such] The preliminary expense budget statements shall contain proposed expenditures and a forecast of revenues for the ensuing fiscal year, including a detailed statement of the methodology and assumptions used to determine such revenue estimates. [and] shall indicate proposed units of appropriations for personal service and for other than personal service services. Such preliminary budget statements shall consist of: (1) shall include a financial plan covering estimates of expenditures and revenues for the four ensuing fiscal years, [(2)] departmental estimates of agency expenditures for the ensuing fiscal year pursuant to section one hundred [twelve] together with proposed sources of revenue for each unit of appropriation specified therein and [(3)] shall present a plan to ensure balance between the expense and revenue budgets during the ensuing fiscal year, [by unit of appropriation where actions are allocated to specific agencies, showing the number of full-time personnel affected in each agency, the estimated impact on services that would result from such plan and the funding consequences of such plan.}
Note: Sec. 112-a (b) and (c) are moved and renumbered Sec. 69 and 72.
Sec. 102. Expense budget borough allocations.

a. Definition. The term "discretionary increases" as used in this section shall mean an amount equal to the total amount of general fund expenditures of city funds proposed to be made in the ensuing fiscal year for all purposes other than debt service minus the sum of the following items, including related fringe benefits:

1. all such proposed expenditures which are necessary to continue to operate current programs and provide current services at the level at which they are currently being operated or provided, or at the level at which they will be operating or provided at the end of the current fiscal year, or at a level not exceeding such levels;

2. all proposed increases in such expenditures for current programs or services which are projected to be necessary to accommodate projected increases in caseload of current programs or to accommodate a legally acceptable portion of such projected increases;

3. all proposed increases in such expenditures for current programs or services which are projected to be necessary as a result of federal, state or local laws or judicial decisions which require increases in benefit levels, service levels, or similar matters; and
4. All proposed increases in such expenditures for new programs or new services required by federal, state or local law to be initiated during the ensuing fiscal year,

b. Borough allocation. Five percent of the total amount of the discretionary increases which the mayor includes in the executive expense budget for the ensuing fiscal year shall be allocated among the boroughs by a formula based on an equal weighting of factors related to population and need and shall be known as the expense budget borough allocation. Such formula shall be established by local law but in any fiscal year for which no such local law is effective such expense budget borough allocation shall be allocated among the boroughs based according to the average of each borough's total share of total population of the city according to the most recent federal decennial census and its percentage share of the total number of persons in the city receiving income support during the most recent year for which such information is available. Such a borough allocation shall be reduced by any amounts necessary, in excess of the amounts available pursuant to section 102-a of this chapter, to pay for the operating costs of a capital project constructed with funds recommended for appropriation by the borough president in accordance with the provisions of paragraph two of subdivision a of section seventy-five.
c. Borough president proposals. Each borough president shall submit to the mayor, in such form as the mayor shall prescribe, proposed appropriations for the expense budget in accordance with section seventy-five of this charter. Such proposed appropriations shall be submitted in priority order. The mayor shall include such proposed appropriations without modification in the executive expense budget in accordance with the provisions subdivision two of section one hundred and three of this charter, provided, however, that the mayor may also include such comments and recommendations relating to such proposed appropriations as the mayor may deem proper.
Sec. 102-a. Capital budget borough allocation expense budget contingencies. An amount equal to nine tenths of one percent of the cost of capital projects constructed with funds recommended for appropriation in accordance with the provisions of paragraph two of subdivision a of section seventy-five, shall be allocated to provide for the expense budget requirements of such capital projects.
Note: Sec. 113 is moved and renumbered Sec. 70.

Note: Sec. 114 is moved and renumbered Sec. 71.

Note: Sec. 115 is deleted. The deleted text appears after Sec. 76.

Note: Sec. 116 is moved and renumbered Sec. 77.
Sec. [117.]103. Contents of the executive expense budget.

[a.] There shall be included in the budget:

1. Units of appropriation, prepared according to section [one hundred twelve] one hundred, in such amounts and upon such terms and conditions as may be determined by the mayor. Such appropriations shall include:

   [2.]a. The amounts required by law to be appropriated to the several sinking funds as certified by the comptroller.

   [3.]b. The amount required to pay the interest and principal of city obligations as certified by the comptroller.

   [4. The amounts required by law to be appropriated to the street and park openings fund and the street improvement fund as certified by the comptroller. ]

   [5.]c. [The] An amount as certified by the comptroller equal to the average of all expenditures during each of the five preceding fiscal years for the payment of the expense of the removal of snow and ice, exclusive of salaries and wages of regular employees of the city except for overtime work and for work on Sundays and holidays, and exclusive of the purchase of equipment.

   [6.]d. The several amounts which are payable from sources other than the real estate tax levy, provided however that amounts appropriated pursuant to chapter nine of this charter which are allocable to a particular program, purpose,
activity or institution, shall be included for informational purposes only.

[7.] Such other amounts as may be required by law.

[8. The terms and conditions under which appropriations shall be administered.]

[9.] Such amounts as shall be determined in the manner provided in this chapter to be necessary to pay the expenses of conducting the business of the city for the ensuing fiscal year and for other lawful public purposes.

[10. There shall be appropriated in the expense budget] a reserve for unanticipated contingencies.

[11. Proposed appropriations, by agency and project type and, within project type, by personal services and other-than-personal services, for the maintenance of all major portions of the capital plant, as such terms are defined in subdivision a of section eleven hundred ten-a.]

All such units and amounts shall be set forth without deduction of revenues from any source except as otherwise provided by law.

2. The proposed appropriations submitted by the borough presidents in accordance with paragraph three of subdivision a of section seventy-five and section one hundred and two.

3. An identification of the proposed appropriations, being proposed by agency and project type and, within project type, by personal service and other than personal service, for the maintenance of all major portions of the capital plant, as such
4. The terms and conditions under which appropriations shall be administered.

Note: Sec. 117 (b) is moved and renumbered Sec. 78.
Sec. 104. Contract budget.

a. The contract budget shall set forth by agency each major category of contractual services for which appropriations are being proposed. All other appropriations being proposed for contractual services shall be set forth in multiple purpose categories.

b. The mayor, for the preliminary and executive budgets, and the council by a resolution adopted with the budget, shall certify that each major category of contractual services is presented as such and that no multiple purpose category contains a major category of contractual services.

c. For purposes of this section following definitions shall apply:

1. The term "major category" shall mean:

   (a) A programmatic category related to a specific service provided by the agency or a specific responsibility of the agency [regardless of dollar amount];

   (b) A programmatic category established by council action pursuant to subdivision q of this section [regardless of dollar amount];

   (c) A programmatic category related to a particular state or Federal requirement; or
(d) a subcategory of the categories set forth in paragraphs one, two and three of this subdivision where the dollar amount constitutes a major commitment of city funds; and
(e) additional categories certified by the mayor as being major.

2. the term "multiple purpose category" shall mean:
   a. a category which contains groupings of related contractual services, which individually and cumulatively do not constitute a major category, and which together facilitate public understanding of contractual services provided by an agency;
   b. a category which contains groupings of unrelated contractual services, which individually and cumulatively constitute a major category, for which there is not appropriate grouping with other contractual services provided by the agency.

3. the term "contractual services" shall mean technical, consultant or personal services provided by the city through contracts.

4. Major categories. Each major category of contractual spending shall include a detailed description of the programmatic purpose of the category and an amount proposed to fund such category. The description shall include the number of actual contracts estimated to be included in the category.
f. Multiple purpose categories. All other categories of contractual spending not identified as major pursuant to subdivision c of this section shall be aggregated in multiple purpose categories. Such multiple purpose categories shall be accompanied by sufficient information to identify purposes and amounts in sufficient detail in supporting schedules, to allow the council to certify they do not contain major categories of contractual services.

g. Change of categories.

(i) The council may alter any category in the contract budget as submitted by the mayor, or change any terms and conditions of it. The mayor shall provide sufficient information and technical assistance to allow the council to certify each category as a major or multiple purpose category. The mayor may disapprove any alteration by the council. The mayor's disapproval may be overridden by a two-thirds vote of all of the members of the council.

(ii) The council may increase, decrease add or omit any amount in the contract budget as submitted by the mayor, or change any terms and conditions of the amount in that category. The mayor may disapprove any increase or addition to the amounts in the categories, or any change in any term and condition of the contract budget. The mayor's disapproval may be overridden by a two-thirds vote of all of the members of the council.
Sec. [118.]105. Appropriations for [supplies, materials and equipment.] goods, services or construction. Appropriations for the purchase of [supplies, materials and equipment or the provision of services, utilities, or facilities] goods, services or construction required by and to be purchased or provided for the account of the various agencies and institutions for which the department of general services is authorized by the provisions of this charter to make [purchases] or provide [services, utilities, or facilities] shall be made to the department of general services but shall be segregated under the name of the agency or institution for which they are intended and shall be considered and accounted for as appropriated for such agency or institution. Nothing herein contained shall prevent the designation of part of such appropriations as a general stores account or under other appropriate designation to enable the service department of general services to maintain a stock in anticipation of requirements or to provide services or construction[, utilities or facilities] for joint use by more than one agency or institution.
Note: Sec. 119 is moved and renumbered Sec. 80.

Note: Sec. 120 is moved and renumbered Sec. 81.

Note: Sec. 121 is moved and renumbered Sec. 82.

Note: Sec. 122 is moved and renumbered Sec. 83.
a. Except as otherwise provided by law, no unit of appropriation shall be available for expenditure by any city agency until the head of the agency has filed with the mayor, the director of management and budget, the comptroller, and the personnel director a schedule, fixing positions and salaries and setting forth other expenses within the units of appropriation are established pursuant to the adopted budget and the administration of which is subject to the provisions of this chapter, the civil service law, and other applicable law.

b. The mayor shall establish and may modify for each agency (1) quarterly spending allotments for each unit of appropriation and (2) aggregate position and salary limits for each unit of appropriation, which shall be published in the City Record. No agency shall expend any sum in excess of such quarterly spending allotments, or exceed aggregate position and salary limits. The mayor may set aside specified sums as necessary reserves which shall not be included in the quarterly spending allotments until released by the mayor. Each agency shall administer all monies appropriated or available for programs and purposes of the agency in accordance with quarterly allotment plans proposed by the agency and approved or modified by the mayor. Each such plan shall set forth by units of appropriation for the quarter of the fiscal year during which it is to remain in effect: (1) rates of
expenditures for personal services and other than personal services; (2) ceilings on the total number of personnel by job categories; and (3) the total amount of funds to be spent or committed by the agency during such quarter.

c. The mayor shall keep informed during the course of each fiscal year, of the progress of expenditures and the receipt of revenues, and it shall be the duty of all agencies, when requested by the mayor, to supply all information needed for this purpose.

d. The mayor may assume direct responsibility for the administration of the schedule required to be filed by the agency head pursuant to subsection a of this section when in his judgment the fiscal condition of the city so requires or when an agency (1) is expending funds in excess of the quarterly spending allotments; or (2) is otherwise not complying with spending allotments or aggregate position and salary limits; or (3) is not maintaining adequate accounts pursuant to requirements of this charter.

e. Whenever the mayor determines pursuant to the provisions of this section or other relevant statutes, that the full amount of any appropriation should not be available for expenditure during the fiscal year, the mayor shall notify the council of such determination and the implications and consequences of those
impoundments on the service levels and programmatic goals
affected. The mayor shall respond in writing to a request by the
council for an explanation of why an appropriation should not be
expended.

f. Within thirty days of the adoption of the executive expense
budget, the head of each agency, other than the police
department, who is responsible for services which are required to
be conterminous with community districts or aggregates of
community districts pursuant to section two thousand seven
hundred and four, shall for each such service, submit to each
borough president a plan for the allocation within the borough of
the personnel and resources appropriated for such service in the
borough. Within thirty days of receiving such a plan, the
borough president would be authorized to propose a reallocation
of such personnel and resources within the borough. The proposed
reallocations shall be implemented by the agency, unless the head
of the agency objects in writing to the borough president. If
such an objection is received, the borough president shall
respond to the head of the agency with modifications, if any,
which shall be made to the borough president's proposed
modifications, which shall be binding on the agency provided that
no such modification may increase or decrease the personnel or
resources allocated to any community district by more than five
percent.
Section. 107. The council publish quarterly accountings of its actual and planned expenditures, indicating the positions and purposes which have been funded, as well as the activities and categories of goods and supplies purchased.
Sec. [124.]108. Budget modification.

a. Subject to the quarterly spending allotments and aggregate position and salary limits established pursuant to section one hundred twenty-three, and to other applicable provisions of this charter, of the civil service law and of other law, changes in schedules, within units of appropriation, may be made by the head of each agency. Any such changes shall be published in the City Record and copies shall be forwarded to the mayor and the comptroller not less than ten days before the effective date thereof.

b. The mayor during any fiscal year may transfer part or all of any unit of appropriation to another unit of appropriation, except that when any such transfer (1) shall be from one agency to another or (2) shall result in any unit of appropriation having been increased or decreased by more than five per cent from the budget as adopted for such unit of appropriation, the mayor shall notify [the board of estimate and] the council of the proposed action. Within thirty days after the first stated meeting [of each body] of the council following the receipt of such notice, [either the board of estimate or] the council may disapprove the proposed action provided, however, that if such transfer is not necessary to provide for expenditures which are necessary to continue the operation of current programs and the provision of current services at the level at which they are
currently being operated or provided or for expenditures for
current programs or services which are necessary to accommodate
actual but unanticipated increases in caseload of current
programs or to accommodate a legally acceptable portion of such
increases; or for increased expenditures for current programs or
services which are necessary as a result of federal, state or
local laws or judicial decisions which require increases in
benefit levels, service levels, or similar matters or for
increases in expenditures for new programs or new services
required by federal, state or local law, it shall be subject to
review by the council in accordance with the provisions of
subdivision f of this section. Written notice of any transfer
pursuant to this subdivision shall be given to the comptroller
and shall be published in the City Record as soon as possible
after such transfer.

c. The provisions of this section shall not be deemed to
authorize any transfer from appropriations required by law.

d. As used in this section, the term "unit of appropriation"
shall mean and include: (1) a unit of appropriation for personal
service as defined in subdivision b of section one hundred
[twelve] of the charter together with that portion of a unit of
appropriation for other than personal service, as defined in
subdivision c of such section one hundred twelve, which is
allocated to such unit of appropriation for personal service; or
(2) a unit of appropriation for other than personal service as defined in subdivision c of such section one hundred [twelve].

e. The council may during any fiscal year transfer part or all of any unit of appropriation within the council appropriation to any other council unit of appropriation for any of its programs or projects or for any other purpose, solely by adoption of a council resolution. Each such transfer shall be published in the City Record and written notice thereof shall be given to the mayor and to the comptroller not less than ten days before the effective date thereof.

f. The procedures and required approvals pursuant to sections [one hundred twenty, one hundred twenty-one and one hundred twenty-two], eighty-one, eighty-two, and eighty-three, without regard to the dates specified therein, shall be followed in the case of (1) any proposed amendment to the budget respecting the creation of new units of appropriation, or (2) the appropriation of new revenues from any source, or (3) the proposed use by the city of previously unappropriated funds received from any source. Any request by the mayor respecting an amendment to the budget that involves an increase in the budget shall be accompanied by a statement of the source of current revenues or other identifiable and currently available funds required for the payment of such additional amounts.
Section 109. The council shall be required to publish quarterly accountings of its actual and planned expenditures, in sufficient detail to indicate the positions and their purposes which have been funded, as well as the activities and categories of materials and supplies purchased.
Sec. [126]110. General fund. All revenues of the city, of every administration, department, board, office and commission thereof, and of every borough, county and other division of government within the city, from whatsoever source except taxes on real estate, not required by law to be paid into any other fund or account shall be paid into a fund to be termed the "general fund."
Note: Sec. 129 is moved and renumbered Sec. 60.
Sec. [130.] 111. Expenditure reports. Any public or private agency, authority, corporation, board or commission which receives city funds and is not otherwise subject to the requirements of section one hundred twenty-three of this chapter shall submit quarterly reports of the expenditure of such funds to the mayor in such form and detail as the mayor may prescribe.
Section 112. The mayor and the comptroller shall report jointly to the public within thirty days of the end of each month on the status of the city's financial plan.
Sec. [131.]113. Self-dealing among members of the governing boards of charitable institutions.

a. Any charitable institution which receives any payment from the New York city charitable institutions budget shall pass and implement by-laws which will:

1. Require disclosure to the agency responsible for the administration of charitable institutions budget and approval by such agency of the material terms of any contract or transaction, direct or indirect, between an institution and any member of its governing board, any partnership of which he or she is a member or any corporation in which he or she holds ten per cent or more of the outstanding common stock.

2. Preclude any member of the governing board of any institution from sharing, participating or benefiting, directly or indirectly, in the proceeds from any contract or transaction entered into between the institution and any third party unless such participation or benefit has been approved in advance by the agency and the governing board of the institution has approved the transaction by a two-thirds majority excluding the vote of member to be benefited.

3. Require each member of its governing board to submit to the agency each year a disclosure statement including such member's name, home address, principal occupation and business interests from which such member or such member's spouse received
1 income equal to or greater than ten per cent of their aggregate 
2 gross income during the previous year. 
3 b. At the discretion of the agency, any payment or any portion of 
4 any payment may be withheld from any institution which has failed 
5 to pass and implement such by-laws.
CHAPTER 8
CITY PLANNING

Sec. 191. Department and director of city planning. a. There shall be a department of city planning, the head of which shall be the director of city planning. The director of city planning shall be the chair and a member of the city planning commission and shall serve at the pleasure of the mayor.

b. The director of city planning shall:

1. Advise and assist the mayor and the council in regard to the physical planning and public improvement aspects of all matters related to the development of the city.

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

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

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

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

6. Perform such other functions as are assigned to him by the mayor or other provisions of law.
7. Appoint a deputy director for strategic planning.

c. The department shall employ such planning experts, engineers, architects and other officers and employees as may be required to perform its duties, within the appropriation therefor.
Sec. 192. City planning commission. a. There shall be a city planning commission to consist of the [chairman] chair and [six] eleven other members [to be appointed by the mayor. The appointments shall be made so that there is at least one resident of each borough on the commission.] The mayor shall appoint the chair and five other members of the commission, the president of the council shall appoint one member, and each borough president shall appoint one member. Members shall be chosen for their independence, integrity and civic commitment. Members, except for the chair, shall not be considered regular employees of the city for purposes of chapter sixty-eight. Except as otherwise provided in section one hundred ninety-one, no member shall hold any other city office. Members other than the [chairman] chair shall be appointed for a term of [eight] five years [.] In case of a vacancy in the office of a member other than that of the chairman, the mayor shall appoint a member to serve for the remainder of the unexpired term.]; provided, however, that of the members other than the chair, one member appointed by the mayor and one member appointed by a borough president shall serve for terms to expire on June 30, nineteen hundred ninety-one; one member appointed by the mayor and one member appointed by a borough president shall serve for terms to expire on June 30, nineteen hundred ninety-two; one member appointed by the mayor and one member appointed by a borough president shall serve for terms to expire on June 30, nineteen hundred ninety-three; one member appointed by the mayor and one member appointed by a borough
1 borough president shall serve for terms to expire on June 30, 2 nineteen hundred ninety-four; and one member appointed by the 3 mayor, the member appointed by the president of the council and 4 one member appointed by a borough president shall serve for terms 5 to expire on June 30, nineteen hundred ninety-five. The borough 6 presidents shall determine by lot the length of the term to be 7 served by the member first appointed by each borough president. 8 The appointing officials shall make their first appointments to 9 the commission on or before March 1, nineteen hundred ninety. 10 The commission members so appointed shall assume office on July 11 1, nineteen hundred ninety. 12

b. Members of the board shall serve until their successors 13 have been confirmed. Any vacancy occurring other than by 14 expiration of a term shall be filled by the official who 15 appointed the member. A person so appointed shall serve for the 16 unexpired portion of the term of the member succeeded. Terms 17 shall begin on the next date after the expiration date of the 18 preceding term.

[b.] c. One of the members other than the [chairman] chair 19 shall be designated by the mayor as [vice-chairman] vice-chair 20 and shall serve as vice-chair at the pleasure of the mayor. The 21 [vice-chairman] vice-chair shall possess the powers and perform 22 the duties of the [chairman] chair when the [chairman] chair is 23 absent or while a vacancy exists in the office of [chairman] 24 chair, and shall at such times serve as director of city 25 planning.
d. The city planning commission shall be responsible for the conduct of planning relating to the orderly growth and improvement and future development of the city, including adequate and appropriate resources for the housing, business, industry, transportation, distribution, recreation, culture, comfort, convenience, health and welfare of its population.

e. The city planning commission shall oversee implementation of laws that require environmental reviews of actions taken by the city. The commission shall establish by rule procedures for environmental reviews of proposed actions by the city where such reviews are required by law. Such rules shall include procedures for (1) selecting the city agency or agencies that will be responsible for determining whether an environmental impact statement is required in connection with a proposed action and for preparing and certifying as complete any such statement required by law, and (2) coordinating environmental review procedures with the land use review procedures set forth in this chapter. The director of the department of city planning and the commissioner of environmental protection shall designate from the staffs of such departments an office of environmental coordination, which shall provide assistance to all city agencies in fulfilling their environmental review responsibilities.

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

g. The chair of the city planning commission shall make a complete transcript of the meetings and hearings of the commission available for public inspection free of charge within sixty days after any such meeting or hearing. The chair shall also provide a copy of any requested pages of such transcript to any resident or taxpayer at a reasonable fee to cover the cost of copying and, if relevant, mailing.
Sec. 193. Removal by mayor after hearing. A member of the commission other than the \[chairman\] chair may be removed by the \[mayor\] appointing official only upon proof of official misconduct or of negligence in official duties or of conduct in any manner connected with his or her official duties which tends to discredit his or her office, or of mental or physical inability to perform his or her duties; and before removal [he] any such member shall receive a copy of the charges and shall be entitled to a hearing before the \[mayor\] appointing official and to the assistance of counsel at such hearing.
Sec. 197-a. Plans. a. [The city planning commission shall be responsible for the conduct of planning relating to the orderly growth and improvement and future development of the city, including adequate and appropriate resources for the housing, business, industry, transportation, distribution, recreation, comfort, convenience, health and welfare of its population.]

Plans for the development, growth, and improvement of the city and of its boroughs and community districts may be [initiated] proposed by (1) the mayor, (2) the city planning commission, (3) the department of city planning, (4) a borough president with respect to his or her borough, (5) a borough board with respect to [land located within two or more community districts] its borough, or (6) a community board with respect to [land located within] its community district. A community board [or], borough board or borough president that [initiates] proposes any such plan shall conduct a public hearing on it and submit a written recommendation to the city planning commission. Plans [initiated] proposed by the mayor [or] the city planning commission, the department of city planning, a borough president or a borough board shall be referred to the affected community board or boards [and, if land located within] for review and recommendation after such public hearing. Plans affecting two or more community districts [is included,] shall be referred to the affected borough board or boards for review and recommendation after public hearing. Plans proposed by the mayor, the city planning commission, the department of city planning, a community
board or borough board shall also be referred to the affected borough presidents for review and recommendation. A community board or borough board may review a plan which does not involve land so located as to require its review if in its judgment the plan significantly affects the welfare of the district or borough served by such board. In such a case the plan and any advice relative thereto submitted by any officer or agency shall be made available to such board on request. Such board may hold its own public hearing on such plan if it desires and may submit its own recommendations in regard thereto to the city planning commission. The city planning commission shall prepare and, with the approval of the mayor, establish the procedures and schedule for review and public hearings by community boards and borough boards on any plans initiated by the mayor, a borough president or the city planning commission [which involve matters of city-wide concern].

b. The city planning commission shall adopt rules establishing minimum standards for the form and content of plans pursuant to this section within a reasonable time period after July 1, nineteen-ninety. Upon receipt of a plan proposed pursuant to this section, the city planning commission shall, within a reasonable time period, determine whether such plan satisfies the standards established in such rules and is consistent with sound planning policy. If the commission makes such a determination with respect to a plan submitted by a community board, either the department of city planning or such
prepared any environmental analysis of such plan required by law
to enable the city planning commission and the council to act on
the plan pursuant to subdivision c of this section.

c. The city planning commission shall, within a reasonable
time period, (1) review any plan [initiated] proposed pursuant to
subdivision a of this section with respect to which the commission
has made the determinations described in subdivision b of this
section, (2) hold a public hearing on [it] the plan and [recommend
to the board of estimate approval, modification or disapproval of
the] (3) by resolution approve, approve with modifications or
disapprove such plan. [The board of estimate] If the city planning
commission has approved a plan with or without modifications, the
commission shall file a copy of the plan and the resolution of the
commission with the council, and the council shall hold a public
hearing on the plan [and the recommendation of the city planning
commission], and thereafter take [final] action [of approval,
modification or disapproval. The board] on the plan. The
procedures and requirements for any such council action, for
mayoral disapproval of such action, and for council override of
such disapproval shall be governed by subdivisions d, e, and f of
section one hundred ninety-seven-d; provided, however, that (i)
the council shall have one hundred twenty days, not forty-five
days, to act as provided in subdivision d of section one hundred
ninety-seven-d and (ii) the council may by a [three-fourths] two-
thirds vote override any action of the city planning commission
which disapproved a plan if the mayor shall have certified to the

8-10
(ii) the council may by a two-thirds vote override any action of the city planning commission which disapproved a plan if the mayor shall have certified to the city planning commission that such a plan is necessary. [If the city planning commission has approved a plan with or without modification, the board of estimate may take final action on it by majority vote.] Copies of approved plans shall be filed with the city clerk, the department of city planning and every borough president and the borough boards and community boards affected.
Sec. 197-b. Notification to community boards. [Advance notification] Notice of all preliminary and final plans and of all requests for proposals and other solicitations of proposals relating to the private use or the disposition of city-owned land of public agencies, local development corporations and public benefit corporations or of private agencies, entities or developers filed with the city or to be issued by or on behalf of the city that relate to the use, development or improvement of land [subject to city regulation] owned by the city shall be given to the affected community board or boards and the office of the borough president, provided that exceptions may be made in matters of no appreciable public concern by agency rule. Such notice shall be given a reasonable time period in advance of final action on any such plans, requests for proposals, or other solicitations.
Sec. 197-c. Uniform land use review procedure.

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

(1) The city map pursuant to section one hundred ninety-eight and section one hundred ninety-nine;

(2) Map of a subdivision or platting of land into streets, avenues or public places pursuant to section two hundred two;

(3) Designations of zoning districts under the zoning resolution, including conversion from one land use to another land use, pursuant to [section] sections two hundred and two hundred one;

(4) Special permits within the jurisdiction of the city planning commission under the zoning resolution, pursuant to [section] sections two hundred and two hundred one;

(5) Site selection for capital projects pursuant to section two hundred twenty-seven;

(6) [Franchises, and revocable] Revocable consents [involving residential, industrial, commercial, transportation or community facility projects pursuant to chapter fourteen] requests for proposals and other
solicitations for franchises pursuant to section three hundred sixty-three, and major concessions as defined pursuant to section three hundred seventy-six, but only with respect to the land use impacts or implications, if any, of such franchises, major concessions and revocable consents:

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

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

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

(10) Sale, lease, exchange, or other disposition of real property to the city and of the real property of the city, including the proposed acquisition, sale or lease of land under water pursuant to section sixty-seven, section sixteen hundred three, chapter fifteen, and other applicable provisions of law; and,

(11) Acquisition by the city of real property (other than the acquisition for office use of space or a building), including acquisition by purchase, condemnation, exchange or lease and including the acquisition of land under water pursuant to section sixteen hundred two.
chapter fifteen, and other applicable provisions of law:

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

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

b. [Each proposal or application] The following documents shall be filed with the department of city planning [], which:

proposals and applications under this section, any amendments thereto that are made prior to approval of such a proposal or application pursuant to this chapter, and any written information prepared by an applicant for purposes of determining (1) whether an environmental impact statement will be required by law and (2), prior to the actual drafting thereof, the form and content of any environmental impact statement required by law. The department of city planning shall forward a copy of any materials it receives pursuant to this subdivision (whether or not such materials have been certified as complete) within five days to the borough president of the borough in which the land involved is located, to the community board for each community district in which the land involved, or any part thereof, is located, and to the borough board if the proposal or application involves land located in two or more districts in a borough. The department of city planning shall be responsible for certifying that
applications pursuant to subdivision a of this section are
complete and ready to proceed through the uniform land use review
procedure provided for in this section. If an application under
this section has not been certified within six months after
filing, the applicant shall have the right at any time thereafter
to appeal to the city planning commission for certification. The
commission shall promptly, but in any event within sixty days of
the filing of such an appeal, either certify the application or
state in writing what further information is necessary to
complete the application. An additional appeal for certification
of an application shall not be permitted unless the applicant has
submitted all the information specified by the commission in
response to the first appeal.

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

d. Each such community board shall, not later than sixty days
after receipt of [the proposal or] an application that has been
certified pursuant to subdivision b of this section, [either]
(1) notify the public of the proposal or application in a
manner specified by the city planning commission
pursuant to [subdivision g] subdivision h of this section, and

(2) either (a) conduct a public hearing thereon and [(3)]
prepare and submit a written recommendation directly to
the city planning commission and to the president of
the borough in which such community board is located or

[waive the] (b) submit a written waiver of the right to
conduct [of] a public hearing and [the preparation of]
to submit such written recommendations where authorized
by this charter to the commission and the president of
the borough.

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

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

g. Not later than sixty days after expiration of time allowed for the filing of a recommendation or waiver with [it] the city planning commission by a [community board or borough board or the latest filing if there is more than one within the time allowed] borough president, the [city planning] commission shall approve, modify, or disapprove, the proposal or application [and shall file its decision with the board of estimate]. Any such action of the commission shall require a vote of a majority of the members, except that if (1) a city facility (as defined in section two hundred three) requires an approval pursuant to subdivision a of this section, (2) the borough president in whose borough such city facility is to be located recommends against approval of the proposed city facility within the time provided in subdivision f of this section, and (3) the borough president has proposed an alternative site in the same borough for such city facility pursuant to subdivision f or g of section two hundred four, any approval of such facility pursuant to subdivision a of this section shall require a vote of eight members of the commission. The [city planning] commission shall conduct a public hearing on any proposal or application on which a hearing was not held by a community board or borough board and on any other proposal or application on which a hearing is
required by law. The commission may waive a public hearing if a community board or borough board held a public hearing after adequate notice. Prior to taking any action pursuant to this subdivision on a matter involving the citing of a capital project, the sale, lease, exchange or other disposition of real property, a franchise or a revocable consent, the city planning commission shall obtain a report from the office of management and budget[,] or the department of general services [or the bureau of franchises], as appropriate. Any action of the city planning commission which modifies or disapproves a recommendation of the community board, borough president or borough board shall be accompanied by a written explanation of its reason for such action.

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

g] h. The city planning commission [, after a public hearing,] shall establish (1) rules providing guidelines, minimum standards, and procedural requirements for community boards, borough presidents, borough boards and the commission in the exercise of their duties and responsibilities pursuant to this section, (2) minimum standards for certification of applications
pursuant to subdivision b of this section, and (3) specific time
periods for review of submissions made in connection with
applications pursuant to this section prior to certification.

[i] i. If a community board, borough president or borough
board [or the city planning commission] fails or waives its
right to act within the time limits for review pursuant to
subdivisions [c, d and e] d, e and f of this section, the
proposal or application is referred to the next level of review.
If the [board of estimate] city planning commission fails to act
on a proposal or application within the time limit specified in
subdivision [f] g of this section, [any prior decision of the
city planning commission with respect to the land use impact and
implications is final] the proposal or application shall be
deemed to have been denied unless the proposal or application is
pursuant to clause (3) or (8) of subdivision (a) of this section
in which case the proposal or application shall be referred to
the council for review pursuant to subdivision d of section one
hundred ninety-seven-d.

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

[j] j. A community or borough board may review a proposal or
application which is subject to uniform land use review procedure
pursuant to this section but does not involve land so located as
to require reference to such board for review, if in the board's
judgment the proposal or application might significantly affect
the welfare of the community district or borough served by such
board. In such a case the proposal or application and the
related materials submitted to the affected board or boards by
the city planning department shall be submitted also to such
board on request, and such board may hold its own public hearing
thereon if it so desires and may submit its own recommendations
in regard thereto to the city planning commission for
consideration at any time before the city planning commission
takes action thereon.
Sec. 197-d. Temporary exemption for certain city properties.

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

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

Sec. 197-d. Council Review.

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

b. If the city planning commission approves a sale, lease, exchange or other disposition of residential real property pursuant to clause (10) of subdivision a of section one hundred ninety-seven-c, the commission shall, within five days of the decision, file with the council a copy of its decision together with copies of all community board, borough board and borough president recommendations. Residential property shall mean real property improved by structures built for or converted to residential use, whether or not occupied.
c. If with regard to a proposal or application for a matter described in clause (1), (2), (5), (6), (9), (10), (11) or (12) of subdivision a of section one hundred ninety-seven-c, (1) both an affected community board and the affected borough president within the time periods allotted for their reviews pursuant to section one hundred ninety-seven-c recommend against approval, (2) the city planning commission approves the proposal or application, (3) the affected borough president, within five days of the decision, files with the city planning commission and the council a written objection to the decision of the commission, then the commission shall within five days of the filing of the objection file with the council a copy of such decision together with a copy of any recommendation of a community board, borough president or borough board.

d. Within forty-five days of the filing with the council pursuant to subdivision a, b or c of this section of any decision of the city planning commission, (1) the council or the land use committee of the council shall hold a public hearing on the matter and (2) the council may thereafter by a majority vote of the council either approve or disapprove such decision; provided, however, that in the case of council review of a change in the text of the zoning resolution pursuant to section two hundred one, the council shall have one hundred twenty days from the date of the filing of the decision of the commission with the council in which to take the actions described in this subdivision. The council shall not modify a decision of the city planning commission without
the written approval of the commission.

e. All votes of the council to approve or disapprove a
decision of the city planning commission pursuant to this section
shall be filed by the council with the mayor and shall be final
unless disapproved by the mayor within five days of such filing.

Any such mayoral disapproval shall be filed by the mayor with the
council and shall be subject to override by a two-thirds vote of
the council within ten days of such filing.

f. If the council fails to act by the required vote within
any time limit specified in this section, any prior decision of
the city planning commission shall be final and shall be effective
on the day after the expiration of the time limit for action by the
council provided for in this section.
Sec. 198. City Map. 

a. The city map, as the same shall exist at the time when this charter goes into effect, is hereby continued.

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

c. The city map shall be on file in the office of the department of city planning, and certified copies thereof and of all changes thereto shall be filed in the offices of the corporation counsel, the city clerk and of the borough president of the borough in which the land shown on the map is located and in the office in which conveyances of real estate are required to be recorded in the county in which the land shown on the map is located.
Sec. 199. Projects and changes in city map. a. No improvement or project affecting the city map and no addition to or change in the city map shall be authorized otherwise than as provided in this charter.

b. The review of any proposed addition to or change in the city map initiated by or referred to the city planning commission shall be made pursuant to section one hundred ninety-seven-c except that if the city planning commission (1) does not recommend approval or recommends a modification of the proposed addition to or change in the city map which is not acceptable to the board of estimate or (2) fails to act within the time limit specified in subdivision e of section one hundred ninety-seven-c, the board of estimate nevertheless may approve or modify the proposed addition to or change in the city map by a three-fourths vote] and, if applicable, section one hundred ninety-seven-d.
Sec. 200. Zoning regulations. a. Except as provided in subdivision b, any existing resolution or regulation of the council, the board of estimate or of the city planning commission to regulate and limit the height and bulk of buildings, to regulate and determine the area of yards, courts and other open spaces, to regulate density of population or to regulate and restrict the locations of trades and industries and location of buildings designed for specific uses or creating districts for any such purpose, including any such regulation which provides that the board of standards and appeals may determine and vary the application of such resolutions or regulations in harmony with their general purpose and intent and in accordance with general or specific rules contained in such regulations, may be amended, repealed or added to only in the following manner:

1. The city planning commission may upon its own initiative at any time or upon application as provided in section two hundred one, adopt a resolution for any such purpose subject to the limitations provided by law. Before adopting any such resolution, the commission shall notify any community board or borough board affected by the resolution and shall afford persons interested an opportunity to be heard at a time and place to be specified in a notice of hearing to be published in the City Record for the ten days of publication of the City Record immediately prior thereto setting forth in general terms the nature of the proposed resolution and a statement of the place at which the entire resolution may be examined. [Any such
resolution shall be filed with the secretary of the board of estimate within five days from the day of its adoption.] 2. [Approval, disapproval or modification by the board of estimate of such a] Any resolution by the commission recommending approving a change in the zoning resolution [must occur within sixty days from the date of filing of the resolution with the board. In case the board shall fail to act on such affirmative resolution within such period of sixty days, such change shall be deemed approved and effective on the sixty-first day after the date of filing unless a protest of owners of affected property shall have been filed in accordance with the provisions of paragraph three] shall be subject to review and approval by the council pursuant to section one hundred ninety-seven-d. Any resolution for a zoning change which the mayor shall have certified to the planning commission as necessary, and which has been disapproved by the commission, may be adopted by the [board of estimate] council by a [three-fourths] two-thirds vote and, after notice to the parties affected, a public hearing. The [foregoing limitation of sixty days] time limits on council action in section one hundred ninety-seven-d shall be inapplicable to such an adoption and the change shall become effective at a time fixed by the [board of estimate] council. 3. In case a protest against such a proposed resolution approved by the city planning commission shall have been presented to the [secretary of the board of estimate] city clerk within thirty days from the date of the filing of such resolution.
with the [board] council, duly signed and acknowledged by the owners of twenty per centum or more of the area of:

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

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

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

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

b. Designations of zoning districts under the zoning resolution and the issuance of special permits which under the terms of the zoning resolution are within the jurisdiction of the city planning commission shall conform to the procedures provided in section one hundred ninety-seven-c and, in the case of such designations of zoning districts, section one hundred ninety-seven-d, except that whenever the city planning commission has
not recommended approval of a proposed change in the designation
of a zoning district or the issuance of a special permit under
the zoning resolution or has failed to act on such a matter
within the time specified in section one hundred ninety-seven-c,
the [board of estimate] council by a [three-fourths] two-thirds
vote may approve such change or the issuance of such permit only
if the mayor shall have certified to the city planning commission
that such change or issuance is necessary.
Sec. 201. Applications for zoning changes and special permits. a. Applications for changes in the zoning regulations or for the issuance of special permits within the jurisdiction of the city planning commission under the zoning resolution may be filed by any taxpayer, community board, [or] borough board, borough president or by the land use committee of the council upon a two-thirds vote of the committee members approving such filing with the city planning commission. [For] All such applications involving changes in the designation of zoning districts or the issuance of special permits under the zoning resolution, the shall be subject to review and [hearing procedure in] approval pursuant to section one hundred ninety-seven-c and one hundred ninety-seven-d, as modified by [subdivision b of] section two hundred [, shall be applicable. For applications involving other changes in zoning resolutions and regulations, the commission prior to taking action upon any such application shall refer it to the affected community boards or borough boards for a public hearing and recommendation].

b. Applications for special permits within the jurisdiction of the city planning commission under the zoning resolution may be filed by any taxpayer. All such applications for the issuance of special permits shall be subject to review and approval pursuant to section one hundred ninety-seven-c.
Sec. 202. Platting of land and dedication of streets and public places. a. No map of a subdivision or platting of land into streets, avenues or public places and blocks within the limits of the city shall be received for filing in the office in which instruments affecting real property are required to be recorded in the county in which the land is situated, unless such map shall have been [submitted to the board of estimate and approved by such board, after transmittal to the city planning commission for report, by the same procedure as provided in subdivision b of section one hundred ninety-nine for changes in the city map] reviewed and approved pursuant to section one hundred ninety-seven-c and, if applicable, section one hundred ninety-seven-d. If such map is disapproved [by the board of estimate, the secretary of the board] the chair of the city planning commission shall certify such fact in writing upon such map, and such map shall be received only for record without such approval.

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

8-32
Sec. 203. City site selection criteria. a. Not later than July 1, nineteen hundred ninety, the mayor, after consulting with each of the borough presidents, shall file with the city planning commission proposed rules establishing criteria for selecting sites for city facilities. The criteria shall provide for the fair distribution among communities of the burdens and benefits associated with city facilities, consistent with community needs and efficient and cost effective delivery of services. Not later than sixty days after the filing of such proposed rules, the city planning commission shall approve or approve with modifications the rules and shall file the rules as approved with the council.

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

c. For purposes of this chapter, "city facility" shall mean a facility used or occupied or to be used or occupied to meet city needs.
Sec. 204. Citywide statement of needs concerning city facilities. a. Each year not later than January 16, together with the submission of the preliminary capital budget pursuant to sections sixty-seven and two hundred thirteen, the mayor shall submit to the council, borough presidents, borough boards and community boards a citywide statement of needs concerning city facilities prepared in accordance with the criteria established pursuant to section two hundred three. Copies of the statement shall also be made available to the public in the main branch of the public library in each borough. The statement shall detail by agency and program for the ensuing two fiscal years: (1) all proposed new city facilities and all proposed significant expansions of city facilities and (2) all city facilities which the city plans to close or to reduce significantly in size or in capacity for service delivery.

b. With respect to the city facilities referred to in clause (1) of subdivision a of this section, the statement of needs shall describe for each proposed new city facility or expansion: (1) the public purpose to be served, (2) the size and nature of the facility, (3) the proposed location by borough and, if practicable, by community district or group of community districts, and (4) the specific criteria to be used in selecting a site for the facility.

c. With respect to the city facilities referred to in clause (2) of subdivision a of this section, the statement of needs shall describe with respect to each such city facility:
(1) the reasons for such closure or reduction, (2) the location, and (3) the criteria for selecting the city facility for closure or for reduction in size or service delivery.

d. The statement of needs shall be accompanied by a map together with explanatory text, indicating (1) the location and current use of all city-owned real property and (2) all area or site-specific designations relating to the disposition or future use of city-owned real property, including designations by the department of general services pursuant to clause (b) of subdivision three of section sixteen hundred two. Information which can be presented most effectively in text may be presented in this manner. In addition to being transmitted with the statement of needs pursuant to subdivision a of this section, such map shall also be kept on file with the department of city planning and shall be available for public inspection and copying. The map shall be updated on an annual basis.

e. Preparation of the statement of needs. (1) Annually on such date as the mayor shall direct, each agency shall submit to the mayor a statement containing all the information required to be included in the statement of needs for the ensuing two fiscal years pursuant to subdivisions a, b and c of this section that relates to the plans, jurisdiction and responsibility of such agency. Such statements shall be known as the departmental statements of need for city facilities and city-owned real property. In preparing such departmental statements of needs, each agency shall review and consider the district needs.
statements submitted by community boards pursuant to paragraph 10 of subdivision d of section twenty eight hundred and the statements of budget priorities submitted by the community boards pursuant to section sixty one.

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

f. Upon receipt of the statement of needs pursuant to subdivision a of this section, each community board and borough president shall review the statement of needs. Each community board shall make the statement of needs available to the public and conduct a public hearing on the statement of needs. Each community board and borough president shall have the right to submit comments on the statement of needs to the department of city planning within ninety days of receipt of the statement. Each borough president shall have the right, within ninety days of receipt of the statement of needs, to submit a written statement to the department of city planning proposing sites for any city facilities to be located in his or her borough pursuant to the statement of needs. All such sites proposed by a borough president shall be located in his or her borough and shall be certified by the borough president as being consistent with the specific criteria for site selection contained in the statement.
of needs and with the criteria established pursuant to section two hundred three. Each city agency shall consider such written statements in taking actions with respect to matters included in the statement of needs.

q. Whenever an application is submitted to the department of city planning for a city facility pursuant to subdivision a of section one hundred ninety-seven-c, the applicant shall include as part of the application a statement of (1) how the proposed action satisfies the criteria for site selection established pursuant to section two hundred three, (2) whether the proposed action is consistent with the most recent statement of needs and (3) whether the proposed action is consistent with any written statements or comments submitted by borough presidents and community boards in response to the statement of needs. If the proposed action is not consistent with the site selection criteria, the statement of needs, or any such written statements or comments submitted in response to the statement of needs, the agency shall include as part of its application a statement of the reasons for any such inconsistencies. If the proposed action is not referred to in the statement of needs, the applicant shall submit to the borough president of the borough in which the city facility is proposed to be located, a description of the public purpose to be served by the city facility, its proposed location, the size and nature of the facility and the specific criteria for the selection of the site or real property. The affected borough president shall have the right, within thirty days of the
submission of such description, to propose an alternative site
located in his or her borough for the proposed city facility,
provided that the borough president shall certify that the
alternative site satisfies the criteria for site selection under
section two hundred three and in the description of the facility.
The application for the proposed site selection or acquisition
shall not be certified and shall not be reviewed pursuant to
section one hundred ninety-seven-c until at least thirty days
after the submission of such information to the affected borough
president. A borough president may elect to waive the right to
such thirty-day review period.
h. The mayor's management report, prepared pursuant to
section twelve, shall include a review of the implementation of
the statement of needs. Such review shall consist of (1) a list
of the proposed actions in the statement of needs that have been
implemented and of those proposed actions that have not been
implemented and (2) a description of the proposed actions in the
statement of needs which have been implemented in a manner
significantly different from what was proposed in the statement
of needs and the reasons therefor.
Sec. [211.] 210. Definitions.

[a.] As used in this charter:

1. The term "capital project" shall mean:
   (a) A project which provides for the construction, reconstruction, acquisition or installation of a physical public betterment or improvement which would be classified as a capital asset under generally accepted accounting principles for municipalities or any preliminary studies and surveys relative thereto or any underwriting or other costs incurred in connection with the financing thereof.
   (b) The acquisition of property of a permanent nature including wharf property.
   (c) The acquisition of any furnishings, machinery, apparatus or equipment for any public betterment or improvement when such betterment or improvement is first constructed or acquired.
   (d) Any public betterment involving either a physical improvement or the acquisition of real property for a physical improvement consisting in, including or affecting:
      (1) Streets and parks;
      (2) Bridges and tunnels;
(3) Receiving basins, inlets and sewers, including
intercepting sewers, plants or structures for the treatment,
disposal or filtration of sewage, including grit chambers, sewer
tunnels and all necessary accessories thereof;

(4) The fencing of vacant lots and the filling of sunken lots.

(e) Any other project allowed to be financed by the local
finance law, with the approval of the mayor and the comptroller.

[(e)] (f) Any combination of the above.

2. The term "pending" shall mean not yet completed.

3. The term "standards" for each category of capital projects
to which they apply shall include: maximum gross and net areas
allowed; types of programs which may be operated in the facility;
performance requirements for environmental systems; allowable
materials and finishes; maximum areas allowed for different
functions and activities; approximate cost limits per square foot
of construction; and such other items designated by the mayor or
by resolution of the [board of estimate] council.

4. The term "scope of project" or "proposed scope of project"
shall mean a [detailed plan prepared for] description of a
capital project included in the capital budget that contains
specific guidelines [within general standards] for the design and
implementation of such project consistent with the standards for
the appropriate category of capital projects and includes each of
the following items of information which are relevant to the
capital project involved:

(a) Purposes and public to be served;
(b) Programs to be conducted in the facility and performance required for those program differences;

[(c)] (c) Social, economic, and environmental impact statements;

(d)] (c) Gross and net amounts of space and bulk for any building or structure and for areas for different functions and activities;

[(e)] (d) Identification of required architectural, engineering or other consultants and estimated fees for such consultants;

[(f)] (e) [Schedule of] Estimated completion dates for scope, design and construction;

[(g)] (f) Total estimated project costs, including costs for site acquisition, preparation and tenant relocation, design, construction and equipment;

[(h)] (g) Estimated expenditures for the project for each fiscal year until its completion;

[(i)] (h) Estimated annual costs to operate programs within the facility when fully staffed and to maintain the facility; and,

[(j)] (i) Such other information as shall be required by the mayor or by resolution of the [board of estimate] council.

5. The term "cost" shall include the contract liabilities and expenditure incurred for work in carrying out the physical improvement and interest thereon, and the compensation to be made to the owner of any real property acquired for the improvement as determined by a court or by agreement, and interest thereon.
6. The term "expenses" shall mean any expenses incurred in relation to an assessable improvement exclusive of cost and of damages assessed by the board of assessors.

7. The term "street," as used in this chapter, shall include street, avenue, road, alley, lane, highway, boulevard, concourse, parkway, driveway, culvert, sidewalk, crosswalk, boardwalk, and viaduct, and every class of public road, square and place, except marginal streets.

8. The term "real property" shall include all lands and improvements, lands under water, water front property, the water of any lake, pond or stream, all easements and hereditament, corporeal or incorporeal, and every estate, interest and right, legal or equitable, in lands or water, and right, interest, privilege, easement and franchise relating to the same, including terms for years and liens by way of judgment, mortgage or otherwise.

9. The term ["assessable improvement fund" shall mean the fund established pursuant to section three hundred] "major capital project" shall mean a capital project which will have a substantial effect on the size and nature of the city capital expenditures in accordance with standards established by the mayor for this purpose.

[b. Unless otherwise provided in the capital budget, the cost and expense of the physical improvements or the acquisition of the real property for physical improvements contained in item (d) of
subdivision one of paragraph a of this section shall be paid directly or indirectly in the first instance out of the assessable improvement fund and shall be recouped by the city with the taxes of so many fiscal years, not exceeding five, next succeeding the completion of the work or the acquisition of the property as shall be certified by the head of the department at whose request such real property was acquired or the improvement made.]
1 Note: Sec. 212 is moved and renumbered Sec. 62.

2 Note: Sec. 213 is moved and renumbered Sec. 66.
Section 211. Capital budget borough allocations.

a. Borough allocation. Five percent of the appropriations proposed in the capital budget for the ensuing fiscal year, except any lump sum appropriation proposed to be made pursuant to the provisions of the school construction authority act, shall be allocated among the boroughs on the basis of the average of (i) the borough's share of the city's population and (ii) the borough's share of the city's total land area. Such formula may be modified by local law, provided that such modified formula is based on an equal weighting of factors relating to population and geographic area.

b. Preliminary borough allocations; initial borough president notification. Concomitantly with the submission of the preliminary capital budget, the mayor shall inform each borough president of the portion of the executive capital budget for the ensuing fiscal year that, pursuant to the formula required by subdivision a of this section, would be allocated to each borough if the amount of the appropriations for the ensuing fiscal year proposed in the executive capital budget were the same as the amount of such appropriations being proposed in the preliminary capital budget. The amount of such portion shall be known as the preliminary capital budget borough allocation.
c. Borough president proposals. 1. Each borough president shall submit to the mayor, in such form as the mayor shall prescribe, proposed capital appropriations in an amount equal to that borough's preliminary capital budget borough allocation. Such proposed appropriations shall be submitted in priority order and each such proposed appropriation shall be accompanied by the following information:

(a) for each such proposed appropriation for construction of a capital project, the estimated annual cost to operate and maintain the facility to be constructed pursuant to such appropriation when construction is completed. Such estimates shall be prepared in accordance with the standards established for this purpose pursuant to section two hundred and twenty-one of this chapter;

(b) for each such proposed appropriation for the planning and design of a capital project, (i) the estimated cost of the construction of the project, and (ii) the fiscal year in which the borough president intends to propose an appropriation for the construction of the project, if no technical problems regarding the viability of the project are identified during planning, site selection or design;

(c) the total of all appropriations which will be necessary during the three ensuing fiscal years to provide for the construction of projects for which planning and design appropriations are being proposed.
2. If a borough president proposes an appropriation for the construction of a capital project, the appropriation must provide for the total amount estimated to be necessary for the completion of the project. If such a proposed appropriation for the construction of a capital project is for an amount which is less than the amount that the office of management and budget estimates to be necessary for the completion of the project, the borough's capital budget borough allocation in any future year in which additional appropriations are necessary for the completion of the project shall be reduced by the amount of such additional appropriations.

3. If the total appropriations necessary, during any of the ensuing three fiscal years, to provide for the construction of (i) projects for which the borough president is proposing for planning and design, and (ii) projects for which appropriations were previously made for planning and design on the recommendation of the borough president, is greater than the capital budget borough allocation anticipated to be available during such years based on the certificate issued pursuant to paragraph sixteen of section seventy-eight of this charter, then the borough president shall submit for inclusion in the executive budget a list of the projects requiring construction appropriations during such year, in priority order.

4. If the estimated annual cost to operate and maintain the capital projects being proposed for construction by a borough president is greater than the amounts dedicated to such expense
budget purposes from the expense budget borough allocation and
the capital budget borough allocation expense budget contingency
projected to be available to the borough president in one or more
ensuing fiscal years, then such proposed appropriations may only
be included by a borough president in the capital budget with the
concordance of the mayor.

7. d. The mayor shall include the proposed appropriations submitted
by the borough presidents in accordance with subdivision c of
this section in the executive capital budget provided however,
that the mayor may also include such comments and recommendations
relating to such proposals as the mayor deems appropriate.
Sec. [214.] 212. [Departmental] Format of departmental estimates for capital projects, preliminary capital budget and executive capital budget. [On such date as the mayor may direct the head of each agency shall submit to the director of management and budget,] The departmental estimates for capital projects, the preliminary capital budget and the executive capital budget shall consist of a detailed estimate of all capital projects pending or which [he] the agency head, for departmental estimates, or the mayor, for the preliminary and executive budgets, believes should be undertaken within the ensuing fiscal year and the three succeeding fiscal years. [Such estimates shall be known as departmental estimates for capital projects and shall be in such form and contain such information as may be required by the mayor. Agencies shall consult with the community boards in the preparation of the estimates.] Each agency head, for departmental estimates, and the mayor, for the preliminary and executive budgets, shall submit a written response to each of the capital budget priorities included in the community board's statement of budget priorities submitted in accordance with section sixty-one of this chapter. Such responses shall include the response of the agency head and the mayor, as appropriate, regarding the disposition of each such priority and meaningful explanations of disapprovals.
Sec. [214-a.] 213. Preliminary capital budget [statements for capital projects].

[a. Not later than the fifteenth day of January, the mayor shall submit the preliminary budget statements for capital projects to the board of estimate, council and each community board and borough board, the city planning commission and the department of city planning. Such] The preliminary capital budget [statements] shall consist of: (1) a financial plan covering estimates of capital expenditures for the four ensuing fiscal years, (2) departmental estimates for capital projects as provided in section [214] XXX, together with the cash flow requirements and proposed sources of funding for each project included in such estimates [for the ensuing fiscal year and capital programs for the three succeeding years], [and] (3) a capital program status report which sets forth the appropriations for each project included in the capital budget for the current fiscal year together with the expenditures to date[,] and (4) a summary description of the purpose of each capital project and the needs it will fulfill, the schedule for beginning and constructing the project, its period of probable usefulness and an appropriate maintenance schedule.

Note: Sec 214-a (b) and (c) are deleted. The deleted text appears after Sec. 69 and Sec. 72., respectively.

Note: Sec. 214-a(d) is moved and renumbered Sec. 65.
1. [Sec. 215. Preliminary budget statements public records.]

2. Such preliminary budget statements shall be public records and shall at all reasonable times be open to public inspection.]

3. Note: Sec. 216 is moved and renumbered Sec. 76.
Sec. [219.]  214. Executive capital budget.

Note: Sec. 219 a. is deleted. The deleted text appears after Sec. 77. The substance of this text is included partially in Sec. 77 and partially below in the former section 219(b)(1).

[b.]a. The executive capital budget shall set forth separately each capital project, including the capital projects proposed by the borough presidents in accordance with section two hundred and eleven, and shall [state] include:

1. A brief description and the location of each project; the total estimated cost of the project; the [amount of obligations] appropriations which have been [authorized; the amount of obligations which are required to be authorized during the balance of the current fiscal year] previously adopted for this project; the amount of [obligations] appropriations recommended to be [issued in] recommended to be adopted for the ensuing fiscal year the aggregate amount of which shall not exceed the amount in the mayor's certificate; the amount of [obligations] appropriations required thereafter to complete the project; the sources of funds for the project including state, federal, private and other funds; the period of probable usefulness; [the estimated additional annual debt service;] the estimated additional annual maintenance and operation costs; and any terms and conditions of the project; the estimated dates of completion of final scope, final design and final construction;
2. A listing of all pending projects; and any recommendations that any pending projects be modified, rescinded or postponed accompanied by a statement of the budgetary impact of any such action; [and the estimated completion date for each project;]

3. Information respecting capital projects which do not involve the appropriation of city funds or the issuance of city obligations;

4. A listing of non-capital projects and expense items and amounts proposed to be appropriated in the capital budget for each such project and item;

5. A listing of proposed capital projects by community district and by borough and an identification of those projects which were included in the statement of capital priorities submitted by each community board and borough board.

[c.]b. The executive capital program shall set forth for both program categories and individual projects:

1. A statement for each of the three succeeding fiscal years of the total dollar [authorizations and supporting schedules indicating the amount of funds obligated for each project,] amounts necessary to complete projects initiated in prior years [as] and projects proposed in the executive budget [and] the amounts [reserved] necessary for projects proposed to be initiated in future [budgets] years and the amounts necessary for for amendments and contingencies;
[2. Forecasts for the succeeding three fiscal years, consistent with the capital budget, including assessed and full valuation of taxable real property, the constitutional debt limit, new capital debt to be issued, the tax rate on real property outside the constitutional limitation for operating purposes necessary to service existing debt and debt to be issued pursuant to the capital program.]

[3.] 2. A statement of the likely impact on the expense budget of staffing, maintaining and operating the capital projects included in or contemplated by the capital program; and

[4. A statement of the implications of the capital projects included in or contemplated by the capital program for the orderly development of the city, its community districts and boroughs.]
Sec. 215. Contents of ten-year capital strategy. Each ten-year capital strategy shall include:

a. a narrative describing the strategy for the development of the city's capital facilities for the ensuing ten fiscal years; the factors underlying the development of such strategy including the goals, constraints and assumptions and the criteria for assessment of capital needs; the anticipated sources of financing for such strategy; and the implications of the strategy, including possible economic, social and environmental effects.

b. a table or tables presenting the capital expenditures estimated to be made during each of the ensuing ten fiscal years, by program category. Within each such category, the estimated expenditures for any major capital project shall be specified. Where relevant the anticipated sources of financing for particular categories and projects shall be specified. If a category of capital expenditures involves projects which will be implemented by two or more agencies, the estimated expenditures for such category shall be presented by agency.

c. a table or tables presenting the capital expenditures estimated to be made for each of the ensuing ten fiscal years, by agency, and

d. a map or maps which would serve to illustrate major components of the strategies.
Note: Sec. 219 (d) is deleted, the deleted text appears after Sec. 77.

Note: Sec. 220 is deleted. The deleted text appears after Sec. 78.

Note: Sec. 221 is deleted. The deleted text appears after Sec. 80.

Note: Sec. 222 is deleted. The deleted text appears after Sec. 81.

Note: Sec. 223 is deleted. The deleted text appears after Sec. 82.
Sec. [224.] 216. Amendment.
a. Upon receipt of a recommendation in writing from the mayor, the [board of estimate and the] council may amend the capital budget or capital program in the same manner as the adoption of the capital budget and capital program including the right to approve the proposed amendment as submitted or to increase or decrease the amounts of funds proposed to be appropriated thereby, but only if funds are available within the capital budget and the applicable program category of the capital program, provided however that the mayor may only recommend such an amendment relating to an appropriation included in the capital budget pursuant to section seventy-five of this charter with the concurrence of the relevant borough president provided that the borough president may make such a recommendation with regard to such an appropriation if it provides for an offsetting reduction in another appropriation included in the capital budget pursuant to section seventy-five on the recommendation of such borough president and it is concurred in by the mayor.

b. Upon the adoption of any such amendment by the [board of estimate and by the] council, it shall be certified by the mayor, [the secretary of the board of estimate,] the president of the council and the city clerk and the capital budget shall be amended accordingly.
c. Not later than five days after such certification such amendment shall be filed in the office of the comptroller and shall be published forthwith in the City Record.
Sec.[225.] 217. Restrictions on capital projects.

a. No obligations of the city shall be issued or authorized for or on account of any capital project not included in a capital budget, or for which funds have not been reserved in an appropriate program category of the capital program for any year of such program in which it is projected that funds will be expended for the completion of the project, or in excess of the maximum amount of obligations which may be issued on account of such project as fixed in such capital budget; and no amount may be expended on account of any capital project in excess of the amount appropriated for such purposes in a capital budget, except that the amount appropriated for such purposes may be increased by the mayor by not more than fifteen per centum thereof in order to meet any costs required to advance such project. Notice of any such increase shall be provided to the [board of estimate and] council together with a statement of identifiable funds available for payment of the increase.

b. Funds included in the capital budget for a capital project that are not obligated or committed during the fiscal year in which appropriated shall not be obligated or committed in the subsequent fiscal year unless reappropriated in a subsequent capital budget or an amendment thereto. A capital project included in a capital budget that is not initiated by the
1 expenditure of funds within two years after its inclusion in the
2 budget shall be eliminated from the budget.
3
c. [Not later than the fiscal year commencing July first,
4 nineteen hundred eighty-seven, the] the city may issue capital
5 debt only to finance capital projects as defined in section two
6 hundred [eleven] ten. [The mayor, during a period of ten
7 successive fiscal years, beginning with the fiscal year ending
8 June thirtieth, nineteen hundred seventy-seven, shall
9 progressively eliminate from the capital budget expense items
10 that are properly includable only in the expense budget, as
11 determined in accordance with the accounting principles set forth
12 in the state comptroller's uniform system of accounts for
13 municipalities, as the same may be modified by the state
14 comptroller, in consultation with the city comptroller, for
15 application to the city. Such reduction shall be at the
16 cumulative rate of at least ten percent per year from the total
17 of the amount of expense items included in the capital budget for
18 the fiscal year ending June thirtieth, nineteen hundred
19 seventy-five, and no new or additional expense item or non-
20 capital item shall be included in the capital budget during such
21 period.]
22
d. No capital project shall be included in the proposed
23 executive capital budget or otherwise adopted as part of the
24 capital budget or as an amendment thereto unless sufficient funds
are available within the appropriate general program category of the capital program for any year of such program in which it is projected that [funds will be expended] additional appropriations will be necessary for the completion of the project.

e. No part of any consultant contract that is properly included only in the expense budget under generally accepted accounting principles for municipalities shall be paid for from obligations of the city which would add to or increase the capital debt of the city.
Sec. [227.]218. Site selection.

[a.] The final approval of the selection of sites for capital projects shall [conform] be pursuant to the uniform procedures [provided pursuant to] established by section one hundred ninety-seven-c.

[b. To the maximum extent feasible, final approval of a site for a capital project shall occur prior to or simultaneously with the approval of the scope of the project pursuant to this chapter.]

b. During the review required by subdivision a, the community board and borough president shall also review, and may comment on, the scope of the project.
Sec. [228.]219. Project initiation; commitment plan.

a. The inclusion of a capital project in the capital budget as adopted or amended shall constitute a direction and order to the agency to proceed with the preparation of a scope of project pursuant to this chapter unless sufficient planning funds for such purpose have not been appropriated in the capital budget. The head of the agency shall notify the comptroller of the amount of appropriated planning funds to be encumbered for such purpose.

b. The approval of a scope of project for a capital project pursuant to this chapter, including the amount of obligations necessary to finance the design and construction of the project, shall constitute a direction and order to the agency to design the project, unless sufficient funds for such purpose have not been appropriated in the capital budget or are otherwise not available within the appropriate program category of the capital program. Such approval shall constitute notification to the comptroller of the comptroller's authorization to expend appropriated design funds.

c. The approval of the final design for a capital project pursuant to this chapter shall constitute a direction and order to the agency responsible for construction to prepare bid and award documents and to proceed to bid, unless sufficient funds for such purpose have not been appropriated in the capital budget.
or are otherwise not available within each year of the capital program in which it is projected that funds will be expended for the completion of the project. Such approval shall constitute notification to the comptroller of the comptroller's authorization to expend appropriated construction funds.

d. The mayor shall require each agency to prepare and submit periodic reports, in regard to the progress of its capital projects, including schedules and clear explanations of any delays for particular projects and summary information on each agency's record on such matters. Such reports shall be published [on a quarterly basis] at least three times each year: within ninety days of the adoption of the capital budget; with the preliminary capital budget; and with the executive capital budget [and copies] copies of such reports shall be transmitted by the mayor [or his representative] to [the board of estimate,] the council, the city planning commission, and the [respective] community boards, the borough boards and borough presidents. Such reports shall include, for each project, the dates set in the adopted capital budget for the completion of scope, design, and construction and any changes in such dates.

1. The report issued with the executive budget shall include, for each new capital project being proposed in the executive budget, a description of the project including, to the extent
practicable, the information required to be included in a scope of project by paragraph four of section two hundred and ten.

2. The report issued following the adoption of the budget shall include, for each capital project added to the budget, a description of the project including, to the extent practicable, the information required to be included in a scope of project by paragraph four of section two hundred and ten.

3. The report issued following the adoption of the budget shall include, for each capital project for which a substantial change was made, a revised description of the project including, to the extent practicable, the information required to be included in a scope of project by paragraph four of section two hundred and ten.

e. Any capital project which results in the acquisition or construction of a capital asset which will be subject to the requirements of section eleven hundred ten-a shall contain a provision requiring a comprehensive manual setting forth the useful life of the asset and explaining the activities necessary to maintain the asset throughout such useful life.

f. The mayor may issue directives and adopt rules and regulations in regard to the execution of capital projects, consistent with the requirements of subdivisions a, b, c and d of
1 this section, which shall be binding upon all agencies.
Sec. [229.]220. Improvements payable other than by city. Any owner of real property or any other person interested may apply to the [board of estimate] council to authorize an improvement referred to in paragraph (d) of subdivision one of section two hundred eleven hereof, not included in the capital budget. The [board of estimate] council may authorize such improvement to be made by the city or by such owner or other person interested upon compliance with the following conditions:

1. Such owner or group or other persons interested shall enter into an agreement with the city, whereby [he or] they will either authorize the city, or [himself or] themselves agree, to perform such work in accordance with such plans and specifications approved by the agencies having jurisdiction thereover and under their supervision.

2. All of such work shall be done for the account of or at the sole cost and expense of the person or persons applying for permission to do the same, who shall furnish to the city such security and in such amount as may be required to secure the payment of such cost and expense or the proper performance of the said work in the time and in the manner agreed upon, and shall further secure the city, in the latter case, against latent defects in such work for a period of two years.

3. Such improvement shall be approved by the city planning commission and reviewed pursuant to section one hundred ninety-seven-c.
4. Any agreement providing for the performance of such work and the furnishing of such security, shall be first approved by the board of estimate council before the same shall become effective.
Sec. [231.]221. Standards for capital projects. The mayor shall prepare general standards and cost limits for categories of capital projects [which] and standards for the preparation of the scope of project for capital projects of various types. Such standards and limits shall be submitted by [him] the mayor to the [board of estimate] council for review. The proposed standards shall become effective thirty days after they have been filed with the [board of estimate] council unless within that time the board modifies or disapproves them or part of them, after conducting a public hearing. Any modification by the council shall be subject to disapproval by the mayor in accordance in the section thirty-eight and any such disapproval shall be subject to override by the council in accordance with such section.
Sec. [232.]222. Scope of project.

a. Each agency, with respect to a capital project under its jurisdiction included in a capital budget, shall prepare a proposed scope of project within appropriated planning funds. In preparing the proposed scope of project, the agency shall consult with the community board for the community district in which the capital project is to be located. The proposed scope of project, or, in the case of a delay, an explanation for such delay along with a revised schedule, shall be submitted to the mayor and to the respective council committee, borough president and community board [within nine months from the effective date of the] by the date specified in the adopted capital budget in which the capital project is included. [If the proposed scope of project is not submitted by such date, the board of estimate shall conduct a public hearing to determine the reasons for the delay.] Such proposed scope shall identify all substantial differences between the guidelines for the capital project as contained in such scope and the description of the capital project contained in the report issued pursuant to subdivision d of Section 219 at the time such project was proposed in the executive budget or following the budget adoption in which such project was added to the capital budget.

b. Not later than sixty days after receipt of the proposed scope of project from an agency pursuant to [subsection] subdivision a
of this section, the mayor shall approve, modify, or disapprove
the proposed scope of project and notify the agency, and the
respective council committee, borough president and community
board. In the case of a scope approved by the mayor with
modifications, such notification shall include a copy of the
scope as approved. [If a borough president or a community board
petitions the board of estimate to review such action of the
mayor within thirty days thereof, or if the mayor fails to act,
the board of estimate after such a public hearing may approve,
modify, or disapprove the scope of project within sixty days. A
scope of project approved by the mayor shall be effective thirty
days after it has been acted upon by the mayor if no petition for
review is made to the board of estimate within the specified time
period.]

c. During the review of the selection of a site of a capital
project pursuant to the uniform land use review procedure
established by section one hundred and ninety-seven-c, the
community board and borough president shall also review, and may
comment on, the scope of the project.

d. No scope of project shall be approved by the mayor unless (1)
it contains the information required by paragraph four of section
two hundred ten and it conforms to the applicable standards for
the type of project adopted pursuant to this chapter, and (2)
funds are available within the appropriate program category of
the capital program that can be reserved for each fiscal year required to complete the project.
Sec. [233.]223. Design of capital project. The proposed design and final design for a capital project shall be made available for review to the respective council committee, borough president and the community board for the community district in which the project is to be located. The mayor or his representative shall review the final design to determine its conformance with the approved scope of project pursuant to this chapter. [Within thirty days after receipt of the final design, the borough president or community board may petition to have it reviewed by the board of estimate to determine only if the final design violates the scope of project or creates excessive costs. The board of estimate shall have thirty days within which to approve or disapprove the final design. If no petition for review is made to the board of estimate, and no objections are received by the mayor within the thirty day period, the final design shall be effective.]
Sec. [234.]224. Works of art.

a. As used in this section the term "works of art" includes all forms of the visual and performing arts conceived in any medium, material or combination thereof.

b. Works of art shall be provided for each capital project which involves the construction or the substantial reconstruction of a city-owned public building or structure the intended use of which requires that it be accessible to the public generally or to members of the public participating in, requiring or receiving programs, services or benefits provided thereat. For the purposes of this section a police precinct house and a firehouse shall be deemed to be such buildings.

c. An amount not less than one per cent of the first twenty million dollars and one-half of one per cent of any amount in excess of twenty million dollars of capital funds appropriated by the city for each such capital project, other than funds appropriated for the acquisition of real property, shall be allocated for works of art provided, however, that this section shall in no case require the expenditure of more than four hundred thousand dollars for works of art for any capital project; nor more than the sum of one and one-half million dollars for works of art in any fiscal year. The mayor may exempt a capital project from the provisions of this section if in his
sole judgment the inclusion of works of art as provided hereby would be inappropriate.

d. Reasonable advance notification of the intention to include works of art in a project shall be provided to the appropriate [district] council member, [council-members-at-large,] borough president and chairperson of the community board of the community district in which the project is located. All such works of art shall be subject to the approval of the art commission pursuant to section eight hundred fifty-four of this charter.

e. The mayor shall adopt rules and regulations to implement the provisions of this section.
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.
Sec. 341. Procurement Policy Board.

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

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

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

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

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

4. the circumstances under which procurement may be used for the provision of technical, consultant or personal services, which shall include but not be limited to, circumstances where the use of procurement is (a) desirable to develop, maintain or strengthen links of communities to non-profit and charitable organizations based in communities where services are to be provided, (b) cost-
effective, (c) to obtain special expertise, (d) to obtain personnel or expertise not available in the agency, (e) to provide a service not needed on a long-term basis, (f) to accomplish work within a limited amount of time, or (g) to avoid a conflict of interest.

c. The board may promulgate such additional rules, policies and procedures consistent with and as may be necessary to implement the provisions of this chapter. The board shall also incorporate in its rules any rules adopted by the department of minority and women-owned business development and the department of labor. The board shall at least once every three years review all of its rules, policies and procedures and make such revisions as the board deems necessary and desirable.

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

e. The board shall not exercise authority with respect to the award or administration of any particular contract, or with respect to any dispute, claim or litigation pertaining thereto.
Sec. 342. [Purchases not requiring public letting] Procurement: general rule and exceptions.

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

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

b. 1. Special cases shall include situations in which it is either not practicable or not advantageous to the city to use competitive sealed bidding for one of the following reasons:

   i. specifications cannot be made sufficiently specific to permit selection based on price alone;
ii. judgment is required in evaluating competing proposals, and the interest of the city is best served by requiring a balancing of price, quality, and other factors;

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

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

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

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

2. The procurement policy board may provide by rule that it is either not practicable or not advantageous to the city to procure specified types of goods, services or construction by competitive sealed bidding.

[a.] c. Notwithstanding the provisions of section three hundred and forty-three of this chapter, [If] if the several parts of the work, labor or the supplies, materials and equipment to be done or furnished] goods, services or construction to be procured shall together involve an expenditure of not more than five hundred dollars, such purchases may be made without competition; provided, however, that the aggregate total of such purchase by any agency shall not exceed twenty thousand dollars in any one month [without the prior approval of the board of estimate].
expenditure of more than five thousand dollars may be awarded to
the lowest responsible bidder upon bids submitted without public
advertisement on written approval of the comptroller and the
corporation counsel accompanied by a statement of the reasons for
such action.

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

e. Any contract for goods or services in value of more than two
million dollars let by other than competitive sealed bidding or
competitive sealed proposals, and any contract for construction in
value of more than five hundred thousand dollars let to other than
the lowest responsible bidder whether or not prequalification was
used, shall require the additional approval of the mayor prior to
its execution.

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

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

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

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

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

sole source. A contract may be awarded for a good, service or construction without competition when an agency determines, pursuant to rules promulgated by the procurement policy board, that there is only one source for the required good, service or construction. The agency contract file shall contain the agency's determination that only a single source is available for the required good, service or construction, including the process by which the agency made such determination. Copies of such notice shall be filed with the procurement policy board and the comptroller. When an agency determines that there is only a single source for a good, service or construction, an agency shall give immediate notice in the City Record of its intention to enter into sole source negotiations for that good, service or construction and shall in its notice solicit the application of vendors interested in doing similar work in the future for qualification in accordance with section three hundred and forty-four, or for notice in accordance with subdivision a of section three hundred and forty-five.
Sec. 343. [Public letting] Competitive sealed bidding. The term competitive sealed bidding shall mean a method of procurement where the award of a contract is made to the lowest responsible bidder whose bid meets all the requirements and criteria set forth in the invitation for bids.

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

a. Procedures for competitive sealed bidding.

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

[b.] 2. The agency letting the contract may reject all bids if it shall deem it for the interest of the city so to do; if not,
it shall, without other consent or approval, award the contract to
the lowest responsible bidder, unless the [board of estimate by a
two-thirds vote] mayor shall determine that it is for the public
interest that a bid other than that of the lowest responsible
bidder shall be accepted. Tie bids are to be decided by the agency
letting the contract and the award made. Whenever a contract is
awarded to [another] other than the lowest bidder [, except by
action of the board of estimate,] because the lowest bidder is
determined by the agency not to be a responsible bidder, the agency
making such determination and awarding [the same] such contract
shall file in [its office] the agency contract file [and in the
offices of the comptroller, the commissioner of general services
and the city clerk] a statement in detail of the reasons therefore
and shall submit copies of such determination with the procurement
policy board and the comptroller. [Notwithstanding any other
provision of this subdivision, the agency letting the contract may
award the contract to other than the lowest bidder upon prior
approval of the corporation counsel and the comptroller.]

3. Any bidder who is declared not responsible by an agency may
appeal such decision to the agency head, who shall refer the matter
to the office of administrative trials and hearings for a hearing.
The office of administrative trials and hearings shall make a
recommendation for action to be taken to the agency head, who shall
take final action regarding such matter.
Notwithstanding any other requirement of this section,

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

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

No bid shall be valid unless accompanied by a deposit in the amount and manner set forth and specified in the proposal; provided, however, that the [commissioner of general services] procurement policy board shall establish such requirements for bid deposits as are necessary and practicable, and, pursuant to rules and standards, may waive the bid deposit requirement for specific classes of purchase or types of transactions [and, in his discretion, for individual transactions]. Upon the award of the contract the deposits of unsuccessful bidders shall be returned to
them, and the deposit of the successful bidder shall be returned
[to him] upon [his executing] execution of the contract and
furnishing of the required security.

[e.] Every proposal for bids shall contain a provision that in
the event of the failure of the bidder to execute the contract and
furnish the required security within ten days after notice of the
award of the contract [to him, his] the deposit or so much thereof
as shall be applicable to the amount of the award made [to him]
shall be retained by the city, and [he] the bidder shall be liable
for and shall agree to pay on demand the difference between the
price bid and the price for which such contract shall be
subsequently relet, including the cost of such reletting and less
the amount of such deposit. No plea of mistake in such accepted
bid shall be available to the bidder for the recovery of [his] the
deposit or as a defense to any action based upon such accepted bid.
Section 344. Prequalification.

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

b. Any vendor who is denied prequalification or whose prequalification is revoked by an agency may appeal such decision to the agency head, who shall refer the matter to the office of administrative trials and hearings for a hearing. The office of administrative trials and hearings shall make a recommendation for action to be taken to the agency head, who shall take final action regarding such matter. An agency may temporarily suspend a contractor's prequalification, provided that if such suspension extends for more than three months it shall be deemed a revocation of the prequalification for the purposes of this section.
Sec. 345. Notification of contract opportunities and awards.

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

b. Pursuant to rules of the procurement policy board, notice of the solicitation of bids or proposals pursuant to subdivision of section three hundred and forty-two and section three hundred and forty-three; the intention to enter into sole source negotiations pursuant to paragraph v of subdivision f of section three hundred and forty-two and the intention to enter into a contract for goods or services for a price exceeding ten thousand dollars or for construction for a price to exceed fifteen thousand dollars pursuant to this chapter, shall be published in the City Record, and, where appropriate, in newspapers of city, state or national distribution and trade publications.

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

ii. the required duration of solicitation periods.

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

d. The notice requirements of this section shall not apply to contracts awarded on an emergency basis pursuant to subparagraph c of paragraph one of subdivision b of section three hundred and forty two, provided that the agency shall, as soon as is practicable, publish notice that such a contract has been entered into, pursuant to rules of the procurement policy board.
Sec. 347. Certification of legal authority and procedural requisites.

a. The mayor, or a designee of the mayor other than the head of the agency proposing to award the contract, shall certify, prior to the filing of a contract with the comptroller for registration in accordance with section three hundred and forty-eight of this chapter, that the procedural requisites for the solicitation and award of the contract have been met.

b. The corporation counsel shall certify prior to the filing of a contract with the comptroller for registration in accordance with section three hundred and forty-eight of this chapter, that each agency proposing to award a contract has legal authority to award each such contract.
Sec. 348. Registration of contracts by the comptroller.

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

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

   i. there remains no unexpended and unapplied balance of the appropriation or fund applicable thereto, sufficient to pay the estimated expense of executing such contract, as certified by the officer making the same and pursuant to any local law adapted for this purpose;

   ii. that the proposed vendor is in arrears to the city, or any agency upon debt or contract, or has defaulted as surety or otherwise upon any obligation to the city or any agency, or is in arrears for taxes where such arrears or default is in the sum of five thousand dollars or more;

   iii. that the certifications required by section three hundred and forty-seven of this chapter have not been made;
iv. the proposed vendor has been debarred by the city in accordance with the provisions of section three hundred and fifty-four.

c. The comptroller may, within thirty days of the date of filing of the contract with the comptroller's office, object in writing to the registration of the contract, if in the comptroller's judgment there is sufficient reason to believe that there is possible corruption in the letting of the contract or that the proposed contractor is involved in corrupt activity. Such objection shall be delivered within such thirty day period to the mayor setting forth in detail the grounds for the comptroller's determination. The contract shall not be registered (i) until the mayor has responded to the comptroller's objections in writing indicating what, if any, corrective actions have been taken or will be taken in response to the comptroller's objections and (ii) unless the mayor decides to register the contract despite the comptroller's objections. Such response by the mayor shall not serve as the basis for further objection by the comptroller, and the comptroller shall register the contract within ten days of receipt of the mayor's response.
Sec. [344.] 349. By whom procured.

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

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

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

d. The dollar limits for direct agency purchases without the prior
approval of the commissioner of general services pursuant to subdivision c of this section may be raised to five thousand dollars for each transaction for any or all agencies by the commissioner of general services with the approval of the mayor. Any proposed increases in the limits for such purchases above five thousand dollars shall be subject to the further approval of the [board of estimate] comptroller. Any increase in dollar limits pursuant to this subdivision shall be published in the City Record and may be rescinded by the commissioner of general services, the mayor, or the [board of estimate] comptroller.
Any person who is in arrears to the city or any agency upon debt or contract, or who is a defaulter as surety or otherwise upon any obligation to the city or any agency, or who is in arrears for taxes, may be declared by the commissioner of general services or the head of any agency in the case of any purchase made by him, and in the case of any other contract by the comptroller at any time prior to the registration of the contract by him, not to be a responsible bidder, by filing in the offices of the comptroller, the commissioner of finance and the city clerk a statement in detail of the reasons therefor. Any person in arrears or who is a defaulter in the sum of five thousand dollars or more shall be declared not to be a responsible bidder for a period of three years unless some lesser period is prescribed by resolution of the board of estimate.]
Sec. 350. Inspection.

Inspection and acceptance or rejection of all deliveries of supplies, materials and equipment shall be made by the agency that makes the direct purchase other than under a vendor contract. The commissioner of general services may authorize an agency to which delivery is made to perform such functions on purchases made by the department of general services subject to standards and policies of the commissioner. The comptroller may continue to perform such inspectional duties as are necessary for auditing purposes, including ascertainment of whether items purchased and paid for by the department of general services or other agencies have been received and put to use by agencies.
All purchases shall be based upon specifications which are definite and certain, which permit of competition and which shall not be at variance with standard specifications for the various classes of [supplies, materials and equipment] goods approved by the commissioner of general services. Before adopting standard specifications the commissioner shall obtain and consider the recommendations of agencies using the items to be standardized.
[Sec. 348. Patented, brand name, sole source articles; how supplied.

Except for repairs no patented pavement shall be laid and no patented or brand name or sole source article shall be advertised for, contracted for or purchased, except under such circumstances that there can be a fair and reasonable opportunity for competition, pursuant to standards and policies of the commissioner of general services. In the event that an item involves a purchase price of more than twenty-five hundred dollars, the determination of the commissioner shall be made after (1) the commissioner has conducted or authorized to be conducted a public hearing and (2) the approval in writing of the comptroller has been obtained.]
[Sec. 349. Consultant contracts.

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

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

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

d. All mayoral and non-mayoral agencies required to submit contracts to the board of estimate for approval pursuant to this section shall have rules setting forth their procedures regarding the use, oversight and reporting of contracts and selection of contractors for consultant, technical and personal services which require approval pursuant to this section. Such rules shall include the following matters:
1. the circumstances under which such contracts may be used, which shall include but not be limited to, circumstances where the use of such contracts is (a) cost-effective, (b) to obtain special expertise, (c) to obtain personnel or expertise not available in the agency, (d) to perform a service not needed on a long-term basis, (e) to accomplish work within a limited amount of time, or (f) to avoid a conflict of interest;

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

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

4. agency record keeping procedures for such contracts.

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

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

f. Each entity subject to subdivisions d and e shall have published in the City Record an announcement of proposed contracts over fifty thousand dollars, 10 days prior to their submission to the
1 board of estimate, or at a time shorter than 10 days when reasonable circumstances exist precluding compliance within the 10 day period. The reason for such delay or non-publication shall be set forth in the board of estimate calendar.}
Sec. [350.] 352. Payments procedure.

a. The [commissioner of general services] mayor shall prepare and promulgate procedures, standards and guidelines for the expeditious processing of payment vouchers by city agencies and departments; and shall oversee, monitor, and report to the mayor, the board of estimate and the public on agency performance of such function including (i) the maximum amount of time allowed for the processing of such vouchers from the later of (a) the date such vouchers are received by the agency, or (b) the date on which the goods, services or construction to which the voucher relates have been received and accepted by the agency, and (ii) for agency reporting on the promptness of such payments in such form and containing such information as the mayor shall prescribe. The mayor shall coordinate and publish such agency prompt payment reports.
Sec 353. Evaluation and monitoring of contractor performance.

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

b. 1. In the case that the borough president determines there is reason to believe a contract providing for the delivery of contractual services in the borough should be terminated for noncompliance, modified, not renewed, modified at the time of renewal, or that the existing terms of the contract should be enforced, the borough president shall document in writing the reasons for that determination and present such determination, with a recommendation for corrective action, to the agency head for review. In the case of a recommendation that a contract should not be renewed or should be modified at the time of renewal, such recommendation shall be made to the agency head at least one hundred and twenty days prior to the expiration of the contract.

2. The agency head shall respond to the borough president's comments within ten business days from receipt of such comments, indicating what action, if any, shall be taken. If such action is not satisfactory to the borough president, the borough president shall, within thirty days of receipt of such responses, be authorized to require that a hearing be held in the borough by a
contract performance panel consisting of the president of the city
council, the comptroller and the mayor, or their designees, to
receive the testimony of the borough president and other interested
persons on the borough president's recommendations. The hearing
shall be held within twenty days from the borough president's
request for the hearing. The head of the agency which procured the
services in question, or a designee of such agency head, and the
contractor whose performance is being evaluated, shall have the
right, and it shall be their duty when requested by the panel, to
appear and be heard.

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

4. In the case of any contract regarding which a borough
president submits a determination in accordance with paragraph one
of this subdivision which involves the delivery of services in more
than one borough, the agency receiving such determination shall
notify the borough president of each borough affected by the
contract of receipt of such a determination and shall submit copies
of the agency response submitted in accordance with paragraph two
of this subdivision to all borough presidents affected. A hearing.
if any, held shall include the comments of all borough presidents affected and the panel recommendations shall apply to the delivery of services in all boroughs.
Sec. 354. Information on city contracts.

a. Agency contract files. Each agency shall maintain files containing information pertaining to the solicitation, award and management of each contract of the agency in accordance with standard record maintenance requirements established pursuant to section three thousand and four of this charter. The agency contract files shall contain copies of each determination, writing or filing required by this chapter pertaining to a contract and such information as is prescribed by rule of the procurement policy board, in such form as is prescribed by the procurement policy board.

b. Requests by elected officials for contract documentation. Whenever an elected official of the city requests documentation relating to the solicitation or award of any city contract, the mayor and city agencies shall promptly provide such documentation as is requested or shall promptly respond to the requesting official with reason why such documentation can not be provided. If the mayor or agency is unable to provide the requested documentation within ten business days of the day the request is received, the mayor or agency shall within such time deliver to the requesting official a statement of the reasons the documentation can not be promptly provided and shall include in such statement a timetable within which the documentation will be provided, not to exceed thirty days from the date of the original request.
c. Central registry of contract and contractor information. The mayor shall maintain in a central place a registry of standard information regarding city contracts and contractors in accordance with provisions of section one thousand and sixty-three of this charter.
Sec. 355. Suspension and debarment.

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

b. Authority to debar or suspend.

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

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

3. The causes for debarment or suspension shall be defined by the procurement policy board and shall include but not be limited to the following matters, as may be interpreted by rule of the procurement policy board:

   a. indictment or conviction for an offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a city contractor.
b. substantial violation of contract provisions, as set forth below:

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

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

c. substantial arrears on any debt or contract with the city or any agency of the city, default as surety or otherwise upon any obligation to the city or any agency or arrears for taxes; or

d. an agency determination of non-responsibility made pursuant to subdivision a of section three hundred forty-three, where the determination involves questions of the contractor's qualifications to perform on any city contract.
CHAPTER 15

PROPERTY OF THE CITY

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

Sec. 382. Notice to owners of proceeding to acquire property.

In addition to all other requirements of law, written notice of the application to have compensation for real property ascertained in any proceeding brought by the city to acquire title to real property shall be given by the corporation counsel to the owners of all property affected by the proceeding at least ten days prior to such application, by mailing the same to such owners at the address registered or filed with the commissioner of finance for the purpose of forwarding to them bills for taxes, assessments and frontage water rates. Such notice shall state the purpose for which the property is to be acquired and the date when such application will be presented and shall contain a copy of such application. Upon request by the corporation counsel, the commissioner of finance shall furnish a certified list of the registered or filed names and addresses of such owners. Failure
Sec. 383. Inalienable property. The rights of the city in and to its water front, ferries, wharf property, bridges, land under water, public landings, wharves, docks, streets, avenues, highways, parks and all other public places are hereby declared to be inalienable; but upon the closing or discontinuance of any street, avenue, park or other public place, the property may be sold or otherwise disposed of as may be provided by law, and leases of land under water, wharf property, wharves, docks and piers may be made as may be provided by law. Nothing herein contained shall prevent the granting of franchises, permits and licenses in respect to inalienable property.

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

b. Except as otherwise specifically provided by law:

1. The [board of estimate] mayor may authorize the sale or lease only for the highest marketable price or rental, at public auction or by sealed bids and after advertisement for at least thirty days in the City Record, of any real property belonging to the city or any interest therein [ , and no]. No such sale or lease shall be authorized until a public hearing has been held with respect to 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
lease shall run for a term longer than ninety-nine years. Any
conveyance or lease may provide for the restriction of the use of
such real property [to purposes determined by the board of
estimate].

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

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

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

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

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

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

6. The city planning commission shall act on any proposed lease of property of or for the city within sixty days of filing with it of the recommendation of a community board or borough board, or the latest filing if there is more than one filing within the time allowed under section one hundred ninety-seven-c. The commission may waive a public hearing on any proposal or application involving a lease of property.]
Sec. 531. Department; commissioner. There shall be a department of parks and recreation the head of which shall be the commissioner of parks and recreation.

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

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

a. Parks

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

2. to prepare plans for the establishment and improvement of a park system for the city with due regard to proper connections with the systems of federal, state and county parks and recreation areas in the city and the counties adjacent to the city, and execute the
same when authorized in accordance with the provisions of this charter;

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

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

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

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

7. to provide the necessary instruments, furniture and equipment for the several buildings and structures within his jurisdiction 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
to enter into arrangements with other city, state or federal agencies and 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 functions relating to conservation and the preservation of natural beauty;

11. to plan, plant and maintain trees and other plantings and to plan, acquire, design, construct, improve, alter, repair and maintain works of art, as same are defined in subdivision a of section eight hundred fifty-four of the New York city charter, on or over the streets, avenues, squares, parks, docks, piers or other public places belonging to the city, except as otherwise provided by law; and, subject to the approval of the mayor, undertake to enter into arrangements with other agencies of the city, state and federal government and 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 functions relating to neighborhood beautification.

b. Recreation

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

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

3. to review and coordinate recreation activities and programs and facilities conducted by agencies of the city and the budget 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.
LANDMARKS PRESERVATION COMMISSION

Sec. 534. Landmarks preservation commission.

1. There shall be 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 New York and any other similar organization. In the event of a vacancy occurring during the term of a member of the commission, the mayor shall make an interim appointment to fill out the unexpired term of such member, and where such member is herein required to have specified qualifications, such vacancy shall be filled by interim appointment of a person having such qualifications, in the manner herein prescribed.
The members of the commission other than the chairman, shall serve without compensation, but shall be reimbursed for expenses necessarily incurred in the performance of their duties.

The mayor shall designate one of the members of the commission to be chair and one to be vice-chair. The chair and vice-chair shall serve as such, until a successor or successors are designated. The commission shall appoint an executive director who shall devote full time to his or her duties. The commission shall submit an annual report on its activities to the mayor.

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

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

In order to provide an opportunity for comment in advance of any hearing on a proposed designation of a landmark, landmark site, interior landmark, scenic landmark or historic district, the commission shall send a notice of the proposed designation and the hearing to the city planning commission, all affected community boards and the office of the borough president in whose borough the property or district is located.

All landmarks, landmark sites, interior landmarks, scenic landmarks and historic districts designated by the commission.
pursuant to any applicable law shall be in full force and effect from and after the date of the action of the commission. Within five days after making a designation, the commission shall file a copy of such designation with the city planning commission. Within sixty days after such filing, the city planning commission shall hold a public hearing on such designation and shall submit to the council a report with respect to the relation of such designation to the zoning resolution, projected public improvements, social considerations, and any plans for the development, growth, improvement or renewal of the area involved. The city planning commission shall include with such report a recommendation for council action with respect to such designation. The designation shall be subject to review by the council within one hundred twenty days of such designation or such other time period as may be specified by law. The council may approve or disapprove a designation by majority vote. The vote of the council shall be final unless disapproved by the mayor within five days of the vote. Any such mayoral disapproval shall be subject to override by a two-thirds vote of the council within ten days of the disapproval.
CHAPTER 27

BOARD OF STANDARDS AND APPEALS

Sec. 659. Executive director of standards and appeals. a. There shall be an executive director of standards and appeals who shall be appointed by and shall hold office at the pleasure of the board of standards and appeals.

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

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

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

Sec. 661. Constitution and appointment. a. The board of standards and appeals shall consist of six members to be termed
commissioners to be appointed by the mayor each for a term of six years, commencing at the expiration of the terms of the present incumbents.

b. One of the members shall be a planner with professional qualifications and at least ten years' experience as a planner. Two of the members shall be registered architects and shall have had at least ten years' experience as architects. One shall be a licensed professional engineer and shall have had at least ten years' experience as an engineer engaged in structural work. One shall be a licensed professional engineer and shall have had at least ten years' experience as an engineer engaged in mechanical work. The mayor shall designate one of the members, who shall have had the required experience as an architect, planner, or as an engineer, to serve as [chairman] chair and shall designate one of the members to serve as [vice-chairman] vice-chair who shall act as [chairman] chair in the absence of the [chairman] chair or in the event that a vacancy exists in the office of [chairman] chair.

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

d. Vacancies shall be filled by the mayor for the unexpired
term of the member whose place has become vacant and with a person
having his or her qualifications.

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

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

Sec. 664. Member interested in question. No member of the
board shall pass upon any question in which he or she or any
corporation in which he or she is a stockholder or security holder
is interested.
Sec. 665. Rules and regulations; bulletin. 

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

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

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

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

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

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

3. To make, amend and repeal rules and regulations for the
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

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

8. In passing upon appeals, to vary or modify any rule or regulation or the provisions of any law relating to the construction, use, structural changes, equipment, alteration or removal of buildings or structures, or vaults in sidewalks appurtenant thereto, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the law, so that the spirit of the law shall be observed, public safety secured and substantial justice done, provided that the
provisions of the housing maintenance code and of any regulation or order issued under such title code may be varied or modified only to the extent permitted by such title code 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] chair, and the director or any officer or employee designated by [him] the chair in writing shall have power at any
time to enter, inspect and examine any premises, buildings, structures, vehicles or vessels for the purpose of carrying out the duties of the board and shall report his or her findings in writing to the board. Refusal to permit such entry shall be triable by a judge of the New York city criminal court and punishable by not more than thirty days' imprisonment, or by a fine of not more than fifty dollars, or both.

Sec. 668. Variances and special permits.

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

1. Each proposal or application, any amendments thereto and any written information prepared by an applicant for purposes of determining (1) whether an environmental impact statement will be required by law and (2), prior to the actual drafting thereof, the form and content of any environmental impact statement required by law, shall be filed with the board of standards and appeals, which shall forward a copy within five days to the community board for each community district in which the land involved, or any part thereof, is located, and to the borough board if the proposal or application involves land located in two or more districts in a borough. If a meeting involving a city agency and an applicant is convened to determine, in advance of the drafting, the form and content of any environmental impact statement required by law for
a proposal or application subject to review under this section. Each affected community board shall receive advance notice of such meeting and shall have the right to send one representative to participate in the meeting.

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

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

4. The receipt of such a recommendation or waiver from every
1 community or borough board involved, or the expiration of the
time allowed for such boards to act, shall constitute an
authorization to the board of standards and appeals to review the
application and to make a decision.

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

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

c. Copies of a decision of the board of standards and appeals
and copies of any recommendation of the affected community board
or borough board shall be filed with the city planning commission
and the board of estimate. Copies of the decision shall also be
filed with the affected community or borough boards. [Within
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 variance by the board of standards and appeals and shall have standing to challenge the granting or denial of a variance in a proceeding brought pursuant to article seventy-eight of the civil practice law and rules, or in any similar proceeding.

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

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

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

d. Any decision of the board under this section may be reviewed as provided by law.
CHAPTER 29
DEPARTMENT OF PORTS AND TRADE

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

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

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

Sec. 704. Powers and duties of the commissioner. The commissioner shall have the power, and it shall be his or her duty, to promote and foster development of intrastate, interstate, and international commerce and trade in the city of New York and to exercise the functions, operations, powers and duties of the city relating to the development, construction, reconstruction, operation, maintenance, management, administration and regulation of public markets, wharf property, waterfront property and airports within the city of New York including, without limitation, the following:
(a) to exercise the powers of a commissioner of public markets of a city and a city department of public markets under the agriculture and markets law;

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

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

(d) to have the exclusive power to enforce with respect to public markets, water front property and any structures on water front property under its jurisdiction, the labor law and such other laws, rules and regulations as may govern the dredging, filling, removal, construction, alteration, maintenance, use,
occupancy, safety, sanitary conditions, mechanical equipment and inspection of structures in the city, and the issuance of permits and certificates of completion in reference thereto, and to establish or amend fees to be charged for the issuance of such permits or certificates of completion, which fees shall be fixed by [the board of estimate on recommendation of the commissioner after a public hearing, notice of which shall be given by publication in the City Record for the five days of publication of the City Record immediately prior thereto] established by rules of the commissioner;

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

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

(g) to lease, subject to the approval of the [board of estimate] council, any wharf property belonging to the city for purposes of water front commerce or in furtherance of navigation and to lease, pursuant to section three hundred eighty-four and
subject to review and approval pursuant to sections one hundred ninety-seven-c and, if applicable, one hundred ninety-seven-d, any wharf property belonging to the city for any other purpose. All such leases shall be for such terms and [in such manner] shall contain such conditions as may be provided by law. [Such leases] Leases of wharf property for purposes of water front commerce or in furtherance of navigation may be sold at public auction duly advertised in the City Record for at least ten days prior thereto, and if not so sold the terms of any lease must be approved by the [board of estimate by a three-fourths vote] council after a public hearing, notice of which shall be published in the City Record for the six days of publication of the City Record immediately prior thereto. The council shall act within forty-five days of the filing of the proposed terms and conditions of any such lease with the council. Failure of the council to act within such forty-five-day period shall be deemed to be approval of the lease. All votes of the council pursuant to this clause (g) may be disapproved by the mayor. Any such mayoral disapproval shall be subject to override by a two-thirds vote of the council within ten days of the disapproval. [If the department fails to agree upon terms of a lease with any person desiring to lease any wharf property, it shall, if the offer be made in writing, decline it in writing and such person may submit his proposed lease to the board of estimate at its next regular meeting, and if the board accepts the same by a three-fourths vote at such meeting or any one of its three regular meetings]
next succeeding thereto, the 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, cranage 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, cranage 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] commissioner;

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

(1) to sell[,] subject to the approval of the board of
estimate] buildings, structures and other improvements on market
property and wharf property to a person leasing such property
pursuant to subdivisions (a) and (g) of this section, provided,
however, that any such sale of improvements shall be subject to
the procedure for review and approval applicable to the lease
related to the improvements;

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

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

(o) to have the exclusive power to regulate all privately
owned airports, airplane landing sites, seaplane bases and
heliports and the operation out of and into such bases as well as
the control of ground effect craft and aircraft operations to or
from other sites within the city not so designated as airports,
heliports, airplane landing sites or seaplane bases;
(p) to promote and encourage the expansion and development of
the city as a center for intrastate, interstate and international
overland freight transportation;
(q) to promote, coordinate and implement activities, projects
and programs designed to attract foreign direct investment and
promote overseas sales by firms in the city and to otherwise
encourage, stimulate and foster the well-being, development,
growth and expansion of international business, commerce, and
trade in the city; and
(r) to administer and promote the development of foreign trade
zones within the city.
Sec. 705. Waterfront plans. (a) The plans for the water
front of the city are continued in effect and may be changed by
the commissioner [with the approval of the board of estimate
after a public hearing before the board. Notice of such hearing
shall be published in the City Record for the seven days of
publication of the City Record immediately prior thereto. Such
change shall take effect notwithstanding that any plan may have
been wholly or partially physically perfected and improvements
made in conformity therewith. The board of estimate, before
approving any change, shall refer it to the city planning
commission, and the procedure thereafter shall be the same as in
case of a change in the city map not initiated by the city planning commission], subject to review and approval pursuant to sections one hundred ninety-seven-c and, if applicable, one hundred ninety-seven-d.

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

(c) The commissioner may widen, open, construct, abandon or close any marginal street or avenue included in such plans and shall maintain the widened portion of such street or avenue, or the new street or avenue as a marginal street, and such new street, or such a widened street to the extent of the portion so widened, shall not be a public street. Before acting under this subdivision, the commissioner shall make a report to the city planning commission including a map showing any proposed change and such other information as the city planning commissioner shall require. If the city planning commission makes a finding that the proposed change is in accordance with the waterfront plan or approves the change, the commissioner may proceed with...
it, but if the city planning commission makes a finding that it
is not in accordance with such plan and disapproves the change,
then the commissioner shall not proceed unless the [board of
estimate by a three-fourths vote] council authorizes the
commissioner to proceed. The city planning commission shall act
on such change within six weeks from the time when it is filed in
the office of the commission and if it does not act within such
weeks the commissioner may proceed with the change.
Sec. 859. 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 compensation 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. 860. 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
information for the use of those officers, employees, and agencies
of the city responsible for the determination and administration
of the estimated and actual expenditures of the city; the receipt,
investment and disbursement of city funds; the issuance and payment
of principal and interest on obligations of the city; and for the
use of such other officers, employees, or agencies as may require
such information:

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

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

Sec. 861. Staff. The directors shall recommend and the mayor shall
appoint an executive director of financial information services.
Within the appropriations therefor, the agency shall employ such
other officers and employees as may be required to perform its
duties.
CHAPTER 39
OFFICE OF PAYROLL ADMINISTRATION

Sec. 862. Office of payroll administration. There shall be an office of payroll administration which shall be headed by two directors appointed by the mayor, one of whom shall be appointed upon the recommendation of the comptroller. The directors may be city employees. They shall receive no compensation for their services to the office (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. 863. Powers and duties. a. The office of payroll administration shall have the power and duty to:

(1) support the development and continuing implementation of a computerized payroll management system,

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

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

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

(5) coordinate payroll-related matters among the city agencies,

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

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

Sec. 864. Staff. Upon the recommendation of the directors, the mayor shall appoint an executive director of payroll administration. Within the appropriations therefor, the office shall employ such other officers and employees as may be required to perform its duties.
CHAPTER 58
DEPARTMENT OF FINANCE

Sec. 1501. Department; commissioner. There shall be a department of finance, the head of which shall be the commissioner of finance.

Sec. 1502. Deputies. The mayor may appoint three deputy commissioners. The commissioner and deputy commissioners shall provide a bond.

Sec. 1503. Powers and duties of the commissioner. In the performance of his functions, the commissioner shall have, in addition to such others as may be conferred upon him from time to time by law, the power and duty to prepare and disperse payroll checks upon a master warrant prepared by the comptroller as prescribed in the administrative code.

Sec. 1504. Functions of the department. Except as otherwise provided by law, the department shall perform those functions and operations of the city which relate to the administration and collection of all taxes, assessments and charges imposed by the city, the collection of arrears due the city and all other sums due the city, including state and federal aid, the receipt and safekeeping of all moneys paid into the city treasury and payment of money out of the treasury, and the administration and management of certain trust funds held by the city, including, without limitation, the following:
1. Real property assessment. With respect to real property
tax assessment, the department shall assess for taxation all the
taxable real property in the city and prepare the assessment rolls.
The commissioner shall appoint, within the appropriation therefor,
as many assessors as shall be necessary for the performance of such
functions in accordance with the provisions of this chapter.

2. Tax collection. a. The department shall administer all
excise and non-property taxes imposed or administered by the city.
With respect to such taxes, the department shall have the power to
settle and adjust all claims in favor of or against the city and
to make determinations in contested cases. For such purposes, the
commissioner or [his] a delegate may hold hearings and administer
oaths.

b. The department shall collect all real property taxes, water
and sewer charges, other assessments and arrears against real
property and all other taxes, assessments and arrears payable to
the city.

3. Deposit and payment of moneys in the city treasury; trust
funds.

a. The department shall have the power and duty to provide
for the reception and safekeeping of all moneys paid into the
treasury of the city and for the payment of all moneys on warrants
drawn by the comptroller and countersigned by the commissioner.

b. The department shall administer and manage all trust funds
received or held by the city pursuant to a judgment, decree or
order of any court or under section eleven hundred twenty-three of
the surrogate's court procedure act, section ninety-nine-m of the
general municipal law, section eighty-seven of the social services
law, sections four hundred twenty-six and four hundred thirty-two
of the real property law, section two hundred four of the lien law,
section two hundred twenty-five of the family court act and section
five hundred fifty-three of the county law, and in such
administration it shall be deemed to be acting in a fiduciary
capacity. The department shall provide for the receipt and
safekeeping of all such moneys of the trust funds held by the city
and disburse the same on warrants signed by the comptroller.
c. (i) Notwithstanding any provision of law to the contrary and
unless otherwise determined by the court which directed payment of
the funds in the first instance, for purposes of administering and
managing the trust funds, other than cemetery trust funds,
enumerated in paragraph b of this subdivision, whenever the
department is permitted or required by law to deposit such funds
in a savings bank, trust company, bank, or banking association, or
to invest such funds in its discretion or in legal investments for
trustees or savings banks, the department may combine all such
trust funds into one or more common trust funds, which may be
deposited in such savings banks, trust companies, banks or banking
associations as are designated by the state comptroller pursuant
to section one hundred eighty-two of the state finance law, or
invested in legal investments for trustees or savings banks. Such
funds, when deposited in a savings bank, trust company, bank or
banking association, may be placed in demand or time deposit
accounts, including time certificates of deposit, and such deposits shall be either insured by a federal deposit insurance corporation or fully collateralized by securities acceptable to the state comptroller.

(ii) The department may retain trust funds temporarily pending investment or deposit or to meet cash requirements in connection with the deposit or withdrawal of such funds, but such temporary retention of trust funds shall not deprive any owner or beneficiary of any income therefrom to which [he] the owner or beneficiary would otherwise be entitled by law.

(iii) When trust funds are received by the department it shall forthwith open and maintain a separate ledger account for each action, proceeding or matter and shall keep an exact accounting of all such funds and all income earned thereon in such manner as the state comptroller may prescribe.

Sec. 1505. Real property tax assessment. The department shall have those powers and duties with respect to the assessment of real property for taxation as are prescribed by this chapter and, in addition such other powers and duties as may be conferred upon it by law. The department shall maintain in each borough an office for the performance of such powers and duties. Sec. 1506.

Duties of the assessors. The assessors, under the direction of the commissioner, shall assess all the real property in the several districts that may be assigned to them by the commissioner and shall prepare the assessment rolls. The term "assessment" shall mean a determination by the assessors of (a) the taxable status of
real property as of the taxable status date; and (b) the valuation of real property, including the valuation of exempt real property, and where such property is partially exempt, the valuation of both the taxable and exempt portions.

Sec. 1507. Taxable status of property. The taxable status of all real property assessable for taxation in the city shall be fixed for the succeeding fiscal year on the fifth day of January in each year.

Sec. 1508. Assessment of real property. The assessors shall commence to assess real estate on the first day of July in each year, not a Sunday or holiday.

Sec. 1509. Statement of assessed valuation. An assessor or other person designated by the commissioner shall compute from the annual record of the assessed valuation of real estate in each borough the total aggregate amount of the assessed valuation of real property appearing on such annual record for such borough, and shall transmit a statement of such aggregate amount to the commissioner on or before the fifth day of January in each year.

Sec. 1510. Annual record of assessed valuation; public inspection. The books of the annual record of the assessed valuation of real estate shall be opened to the public not later than the fifteenth day of January in each year, not a Sunday or legal holiday, and remain open during the usual business hours for public inspection and examination until the first day of March thereafter. The commissioner, previous to and during the time such books are open to public inspection, shall advertise such fact in
the City Record and in such other newspaper or newspapers published
in the several boroughs as may be authorized by the director of the
City Record with the approval of the mayor and the comptroller.
Sec. 1511. Notice of increase in assessed valuation of real
property. The department or division responsible for the
assessment of real property shall, upon an increase in assessed
valuation of real property, notify the owner, as recorded in said
department or division, of such increase by first-class mail at
least thirty days prior to the final date for filing any appeal.
The department or division shall notify the commissioner of the
mailing of such notices by the filing of an affidavit of such
mailing in the main office of the department.
Sec. 1512. Annual record of assessed valuation, additions and
changes. During the time the books of the annual record of the
assessed valuation of real estate remain open for public inspection
and examination, and, in the case of real estate other than
residential real estate, during an additional period ending the
tenth day of May in each year, the commissioner may place on such
books any real estate and also the assessed valuation of any such
real estate that may have been omitted from such books on the day
of the opening thereof, and [he] may increase or diminish the
assessed valuation of any real estate as in [his] the
commissioner's judgment may be just or necessary for the
equalization of taxation; excepting that in nineteen hundred and
eighty-three, the commissioner may diminish the assessed valuation
of improved real estate with taxes under $2,500 annually until the
25th day of May; but no such addition to the books and no such
increase in assessed valuation shall be made, except upon mailing
ten days' prior written notice addressed to the person whose name
appears on the records in the office of the city collector as being
the owner or agent of the owner of the real estate affected
thereby at the last known address of such owner or agent. Where no
name appears on such records such notice shall be sent to the
premises addressed to either the owner or agent. An affidavit of
such mailing shall be filed in the main office of the department.

When such notice is mailed after the first day of February, such
owners may apply for a correction of such assessment so added or
so increased within twenty days after the mailing of such notice
with the same force and effect as if such application were made on
or before the first day of March in such year. For purposes of this
section the term "residential real estate" shall include but not
be limited to one and two-family homes and multiple dwellings
(including co-operative and condominium dwelling units), but shall
not include hotels, apartment hotels and motels.

Sec. 1513. Apportionment of assessments. When any
separately assessed parcel of real estate shall have been divided
prior to the first day of June, the commissioner may apportion
the assessment thereof in such manner as may be provided by law.

Sec. 1514. Assessment rolls; preparation and delivery. 1.
Commencing immediately after the closing of public inspection and
examination of the books of annual record of the assessed valuation
of real estate, the commissioner shall cause to be prepared from

58 - 7
such books assessment rolls for each borough in such manner as
shall be provided by law.

2. As soon as such rolls are completed, the commissioner
shall annex to each of such rolls [his] a certificate that the same
is correct in accordance with the entries and corrected entries
in the several books of annual record. The rolls so certified
must, on or before the twentieth day of June in each year, be
delivered by the commissioner to the council.

Sec. 1515. Statement and estimate by the mayor. a. The mayor
shall prepare and submit to the council, immediately upon the
adoption of a single budget pursuant to section [one hundred
twenty] eighty-one, a statement setting forth the amount of the
budget as approved by the council [and board of estimate] for the
ensuing year and the mayor shall prepare and submit to the council
not later than the fifth day of June an estimate of the probable
amount of (1) receipts into the city treasury during the ensuing
fiscal year from all the sources of revenue of the general fund and
(2) all receipts other than those of the general fund and taxes on
real property. The mayor may include in [his] the statement of the
amount of the budget as approved by the council [and board of
estimate his] a confirmation of such amount, and thereby waive
[his] mayoral veto power pursuant to section [one hundred
twenty-one] eighty-two of the charter.

b. If, as a result of the exercise of the mayor's veto pursuant
to section [one hundred twenty-one] eighty-two, the amount of the
budget for the ensuing fiscal year differs from the amount of the

58 - 8
budget approved by [the board of estimate and] the council pursuant to section [one hundred twenty] eighty-one, not later than [the twenty-second day of June] two days after the budget is finally adopted the mayor shall prepare and submit to the council a statement setting forth the amount of the budget for the ensuing year, and the council shall, if necessary, fix a new annual tax rate pursuant to subdivision c of section one thousand five hundred sixteen.

C. The mayor, prior to establishing the final estimate of revenue for the ensuing fiscal year as required by this section, shall consider any alternative estimate of revenues which is submitted pursuant to subdivision d of this section and which is accompanied by a detailed statement of the methodologies and assumptions upon which such estimate is based.

d. Any person or organization may, prior to the fifteenth day of May, submit to the mayor an official alternative estimate of revenues for consideration by the mayor in accordance with subdivision c. Such estimate shall be in a form prescribed by the mayor.

Sec. 1516. Fixing of tax rate. a. The council shall fix the annual tax rate immediately upon the approval of the budget pursuant to section [one hundred twenty] eighty-one. The council shall deduct the total amount of receipts as estimated by the mayor from the amount of the budget, for the ensuing fiscal year, and shall cause to be raised by tax on real property such sum as shall be as nearly as possible but not less than, the balance so arrived
at, by fixing a tax rate in cents and thousandths of a cent upon
each dollar of assessed valuation. The tax rate shall be such to
produce a balanced budget within generally accepted accounting
principles for municipalities.

b. If a single budget has not been adopted by the fifth day of
June pursuant to subdivision b of section one hundred twenty, the
tax rate adopted for the current fiscal year shall be deemed to
have been extended for the new fiscal year until such time as a new
budget is adopted.

c. In the event the mayor exercises the veto power pursuant to
section [one hundred twenty-one] eighty-one, the council shall, if
necessary, fix a new annual rate not later than the [twenty-third
day of June], the date the budget is finally adopted in accordance
with the requirements of subdivision a of this section.

Sec. 1516-a. Fixing of tax rate. Notwithstanding provisions of
sections fifteen hundred sixteen, fifteen hundred seventeen and
fifteen hundred eighteen of the charter or any other provisions of
law to the contrary:

(a) If the city council has not fixed the tax rate for the
ensuing fiscal year pursuant to section fifteen hundred sixteen of
the charter on or before the fifth day of June, the commissioner
of finance shall be authorized to complete the assessment rolls
using an estimated rate and to collect the sums therein mentioned
according to law. The estimated rate shall equal the tax rate for
the current fiscal year.

(b) If, subsequent to the fifth day of June, the council shall,
pursuant to section fifteen hundred sixteen of the charter, fix the
tax rate for the ensuing fiscal year at a percentage differing from
the estimated rate, real estate tax payments shall nevertheless be
payable in accordance with subdivision [(a)] of this section at
the estimated rate. However, in such event, prior to the first day
of January in such fiscal year, the commissioner of finance shall
cause the completed assessment rolls to be revised to reflect the
tax rate fixed by the council pursuant to section fifteen hundred
sixteen of the charter, and an amended bill for the installment or
installments for such fiscal year due and payable on or after the
first day of January shall be submitted to each taxpayer in which
whatever adjustment may be required as a result of the estimated
bill previously submitted to the taxpayer shall be reflected.

Sec. 1517. Completion of assessment rolls. At such annual
meeting the council shall cause to be set down in the assessment
rolls, opposite to the several sums set down as the valuation of
real property, the respective sums, in dollars and cents, to be
paid as a tax thereon, rejecting the fractions of a cent. It shall
also cause to be added and set down the aggregate valuations of the
real property in the several boroughs, and shall transmit to the
comptroller of the state by mail a certificate of such aggregate
valuation in each borough.

Sec. 1518. Collection of the real property tax. 1. Immediately
upon the completion of the assessment rolls, the city clerk shall
procure the proper warrants authorizing and requiring the
commissioner to collect the several sums therein mentioned
1 according to law. Such warrants need be signed only by the
2 president of the council and counter-signed by the city clerk.
3 Immediately thereafter and on or before the thirtieth day of June,
4 the assessment rolls of each borough, as corrected according to
5 law and finally completed, or a fair copy thereof, shall be
6 delivered by the president of the council to the commissioner with
7 the proper warrants, so signed and counter-signed, annexed thereto.
8 At the same time the president of the council shall notify the
9 comptroller of the amount of taxes in each book of the assessment
10 rolls so delivered.
11 2. The commissioner upon receiving the assessment rolls and
12 warrants shall immediately cause the assessment rolls and warrants
13 to be filed in the respective borough offices.
14 Sec. 1519. Real property taxes due and payable. The
15 commissioner, immediately after receiving the assessment rolls,
16 shall give notice for at least five days in the City Record that
17 the assessment rolls have been delivered to [him] the commissioner
18 and that all taxes shall be due and payable at [his] the
19 commissioner's office as follows:
20 1. a. With respect to all properties which are:
21 (1) real property with an assessed valuation of forty thousand
22 dollars or less on such assessment roll, except such property held
23 in a cooperative form of ownership; or
24 (2) real property held in a cooperative form of ownership,
25 provided that the assessed valuation on such assessment roll of
26 such property divided by the number of dwelling units contained in
such property shall equal forty thousand dollars or less; all taxes
upon real estate for each fiscal year shall be due and payable in
four equal installments each of which shall be due and payable in
such year as follows: the first payment on the first day of July,
the second payment on the first day of October, the third payment
on the first day of January, the fourth payment on the first day
of April. However, if any property is acquired by the city in
condemnation proceedings, the proportionate share of the amount of
the tax on such property which would be due and payable on the next
succeeding installment date, shall be due and payable on the date
when the title to such property vests in the city.

b. With respect to real property other than such property listed
in paragraph a of this subdivision one:

(1) For the fiscal year commencing on the first day of July
nineteen hundred eighty-two: all taxes upon real estate shall be
due and payable in three installments as follows: the first
payment, consisting of one-fourth of the total amount payable for
the year, shall be due and payable on the first day of July, the
second payment, consisting of one-fourth of the total amount
payable for the year, shall be due and payable on the first day of
September, and the third payment, consisting of one-half of the
total amount payable for the year, shall be due and payable on the
first day of January. However, if any property is acquired by the
city in condemnation proceedings, the proportionate share of the
amount of the tax on such property which would be due and payable
on the next succeeding installment date, shall be due and payable
on the date when the title to such property vests in the city.

(2) For the fiscal year commencing on the first day of July nineteen hundred eighty-three and for each fiscal year thereafter:

all taxes upon real estate for each fiscal year shall be due and payable in two equal installments, the first of which shall be due and payable on the first day of July in such year, and the second of which shall be due and payable on the first day of January in such year. However, if any property is acquired by the city in condemnation proceedings, the proportionate share of the amount of the tax on such property which would be due and payable on the next succeeding installment date, shall be due and payable on the date when the title to such property vests in the city.

2. All taxes shall be and become liens on the real estate affected thereby and shall be construed as and deemed to be charged thereon on the respective days when they become due and payable, and not earlier, and shall remain such liens until paid.

3. Any installment of taxes on real estate for any fiscal year may be paid, in full or in part, twenty-five days prior to the date on which the first installment for such fiscal year would otherwise become due and payable or at any time thereafter and, provided that payment of any installment or part thereof is made not later than fifteen days prior to the date that such installment would otherwise become due and payable and provided that all prior installments shall have been paid or shall be paid at the same time, a discount shall be allowed from the date of payment of such installment or part thereof to and including the fifteenth day of
the calendar month on which such installment would otherwise become
due and payable at the rate fixed by the council and a receipt
shall be furnished to the extent of such payment and the discount
thereon. Upon payment of any such installment or part thereof prior
to the date such installment would otherwise become due and
payable, such installment or part thereof shall be deemed due and
payable and shall be satisfied and extinguished to the extent of
the amount so paid plus the discount provided for herein. Not
later than the fifteenth day of May in each year, the banking
commission shall transmit a written recommendation to the council
of the proposed discount rate for the ensuing fiscal year. The
council may adopt a discount rate for such ensuing fiscal year on
the fifth day of June preceding such ensuing fiscal year or at any
time thereafter. As used in this subdivision, the words "taxes on
real estate," in the case of utility companies, shall also include
special franchise taxes.

Sec. 1520. Interest and penalties on real property taxes.
The commissioner shall charge, receive and collect the interest
and penalties upon taxes on real estate not paid when due and
payable in such manner and at such rates as shall be provided by
law, provided, however, where such taxes are not escrowed, and
where such interest does not exceed five dollars, it shall be
forgiven.

Sec. 1521. Right of entry. The commissioner or any assessor
may, in accordance with law, enter upon real property and into
buildings and structures at all reasonable times to ascertain the
character of the property. Refusal by the owner or [his] an agent
to permit such entry shall be a misdemeanor triable by a judge of
the criminal court of the city of New York and punishable by not
more than thirty days' imprisonment or a fine of not more than
fifty dollars, or both.

Sec. 1522. Warrants. No money shall be paid out of the
treasury except on a warrant authorized by law, signed by the
comptroller and countersigned by the commissioner of finance which
shall refer to the law under and to the appropriation against which
it is drawn. No warrant shall be paid on account of any
appropriation after the amount authorized to be raised for the
purpose specified in the appropriation shall have been expended.
In counter-signing warrants drawn by the comptroller, the
commissioner shall be under no duty of inquiring as to the
legality or propriety thereof but may rely on the comptroller's
signature thereto.

Sec. 1523. Deposits. 1. The commissioner shall deposit all
moneys which shall come into [his] the commissioner's hands on
account of the city on the day of receipt thereof, or on the
business day next succeeding, in such banks and trust companies as
shall have been designated as deposit banks, but no amount shall
be on deposit at any one time in any one bank or trust company
exceeding one-half of the amount of the capital and net surplus of
such bank or trust company. The moneys so deposited shall be
placed to the account of the commissioner and [he] the commissioner
shall keep a record in which shall be entered [his] the
1 commissioner's accounts of deposits in, and moneys drawn from, the
2 banks and trust companies in which the deposits shall be made. Each
3 such bank and trust company shall transmit to the comptroller a
4 weekly statement of the moneys which shall be received and paid by
5 it on account of the commissioner.
6 2. The commissioner shall draw moneys of the city from said
7 banks or trust companies only by checks subjoined and attached to
8 warrants and subscribed by [him] the commissioner, and no moneys
9 shall be paid by any such banks or trust companies on account of
10 the commissioner except upon such checks; but this provision shall
11 not apply to transfer checks transferring such funds from one city
12 depository to another.
13 Sec. 1524. Deposit banks. 1. The banking commission which
14 consists of the mayor, the commissioner and the comptroller shall,
15 by majority vote, by written notice to the commissioner, designate
16 the banks or trust companies in which all moneys of the city shall
17 be deposited, and may by like notice in writing from time to time
18 change the banks and trust companies thus designated.
19 2. a. Except as provided in paragraph b of this subdivision,
20 no bank or trust company shall be designated pursuant to this
21 section unless:
22 (1) it shall agree to pay into the city treasury interest on
23 the daily balances at a rate which the banking commission shall,
24 by a majority vote, fix quarterly on the first day of February,
25 May, August, and November in each year, according to the current
26 rate of interest upon like balances deposited in banks and trust

58 - 17
companies in the city by private persons or corporations;
(2) it shall file with the banking commission and city clerk a certificate signed by the president or other duly authorized officer of such bank setting forth that its board of directors has established and will adhere to a policy of hiring and promotion of employees and officers without regard to race, color, creed, religious affiliation, sex, national origin or sexual orientation which certificate shall further set forth affirmatively the steps taken by the bank or trust company to implement said policy; and
(3) it does not provide the following services, either directly or through a subsidiary or agent, to the government of the Republic of South Africa: (a) advertising or otherwise promoting the sale, outside of the Republic of South Africa or Namibia, of krugerrands or other coins minted in the Republic of South Africa or Namibia, (b) underwriting securities of the government of the Republic of South Africa, or (c) making loans to such government, other than loans for educational, housing or health facilities available to all persons on a totally nondiscriminatory basis and located in geographic areas accessible to all population groups without any legal or administrative restrictions.

b. The commission may designate a bank or trust company which does not meet the criteria set forth in clause three of paragraph a of this subdivision upon a determination, made in writing and forwarded to the council, that deposit of city moneys in such bank or trust company is necessary to obtain essential services which
are not reasonably obtainable from another bank or trust company.

If the banking commission by majority vote shall decide that such
policy not to discriminate or provide services to the government
of the Republic of South Africa has been violated after giving the
bank or trust company an opportunity to be heard, then upon giving
thirty days' notice to the bank or trust company such designation
may be revoked.

3. The commissioner may, with the approval of the comptroller,
make time deposits of city moneys, for a period not to exceed six
months, in any bank or trust company designated for deposit of city
funds. Each such bank or trust company shall before deposits are
made, other than such as are of a temporary character and
specifically relate to the current business of the city, execute
and file with the commissioner a bond to the city in such form and
in such amount as may be prescribed and approved by the
commissioner and the comptroller for the safekeeping and prompt
payment of city moneys on demand with interest at the rate agreed
upon and, as security for such funds, shall deposit with the
comptroller outstanding unmatured obligations the value of which
at the existing prices on the open market shall be equal to the
estimated amount of the proposed deposit, for which the comptroller
shall deliver a certificate of deposit containing the condition of
such bond of the United States of America, or any obligation fully
guaranteed or insured as to interest and principal by the United
States of America acting through an agency, subdivision, department
or division thereof, obligations of the state of New York or
obligations of the city of New York.

4. On the withdrawal of all or a part of the funds deposited in any depository and a closing or depleting of the account thereof, or in the event of the deposit actually made being less than the estimated amount of such deposit, the commissioner and the comptroller shall certify to such settlement or depletion or difference and direct the surrender of the whole or a proportionate share of the securities so deposited to the owner or owners thereof.

Sec. 1525. City register. 1. There shall be within the department a city register who shall be appointed by the mayor.

2. The functions, powers and duties formerly exercised by the registers or registrars of the several counties shall remain with the city register.

Sec. 1527. Contracts with collection agencies. 1. Notwithstanding any other provisions of law to the contrary, the commissioner may enter into contracts with collection agencies for the collection of (i) any or all tax warrants and judgments for all city taxes subject to collection by the department, other than real property taxes, or (ii) city water and sewer charges, or both, provided however, that any such contract shall be subject to the provisions of [section] sections three hundred forty-two and three hundred forty-three of this charter.

2. Any such contract shall apply only to such tax warrants and judgments and to such water and sewer charges as the commissioner may refer to the collection agency, and shall be terminable at
the will of the commissioner.

3. The consideration to be paid to such collection agency may be a percentage or percentages of the amount collected by such agency, or as otherwise provided in the contract, but shall be within the amount appropriated and available for such purpose.

4. No legal action to collect tax warrants and judgments or water and sewer charges under any contract entered into pursuant to this section shall be initiated without the express written permission of the corporation counsel, and the selection of any attorney to take such legal action shall be subject to the approval of the corporation counsel.

5. Before beginning performance of a contract authorized by subdivision one of this section, the contracting collection agency shall give security for faithful performance and shall provide such insurance policies, including but not limited to a comprehensive general liability insurance, naming the city as a party in interest, as the board of estimate may require. The adequacy and sufficiency of such security and insurance policies, as well as the justification and acknowledgement thereof, shall be subject to the approval of the comptroller. The commissioner, in [his] the commissioner's discretion, may require additional security or insurance in such amounts and running to such city officers and employees as the commissioner may require, to indemnify them for any liability incurred by reason of any act or omission of such collection agency.

6. No contract entered into pursuant to this section may be so
worded as to grant to any contracting collection agency the exclusive right to perform any work authorized by this section.
CHAPTER 59
DEPARTMENT OF GENERAL SERVICES

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

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

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

1. Public buildings and structures. With respect to public buildings and structures the commissioner shall have the following powers and duties:
   (a) to have charge and control over the plans and specifications for and the construction of all buildings and
structures paid for in whole or in part from the city treasury;
(b) to manage, alter, repair, operate, maintain and clean buildings, structures and offices leased or occupied for public use by more than one city agency whose management, alteration, repair, operation, maintenance or cleaning is paid for in whole or in part from the city treasury, and as directed by the mayor, to perform services in space occupied for public use by a single city agency;
(c) except for the provisions of chapter nine of this charter, to employ when in the commissioner's opinion such services are necessary or desirable, subject to the approval of the mayor and in accordance with the provisions of section three hundred forty-nine of this charter, qualified consultants in private practice to aid the commissioner in carrying out his duties and responsibilities with respect to public building or structures; such consulting or advisory services shall be performed under the supervision of the commissioner;
(d) to consult with the agencies for whose use the buildings or structures are intended in preparing and considering plans and specifications and in carrying out such plans and specifications, and to consider any recommendations made by such agency.
Notwithstanding the provisions of this subdivision one, the exercise of the powers and duties set forth herein shall be subject to the jurisdiction of any city agency performing urban renewal and public and publicly-aided housing functions to the extent, and in 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
any agency for which the commissioner has the power to make
purchases and all such agencies shall surrender such property to
the commissioner who shall dispose thereof pursuant to rules and
regulations promulgated by him governing its redistribution,
exchange, transfer, sale or other disposition;
(d) to procure, supply and manage contractual services other
than personal or professional services for the use of city
agencies;
(e) to promulgate and codify rules and regulations governing
the purchase, payment, storage, delivery of supplies and equipment
by agencies of the city and the disposal of unusable and obsolete
materials, and to supervise their enforcement;
(f) to classify all supplies, materials and equipment; to adopt
as standards the minimum number of qualities, sizes and types of
commodities consistent with efficient operation and life cycle
costs; and to promulgate and enforce written specifications for all
such standard commodities.
3. Real property. With respect to real property, the
commissioner shall have the following powers and duties:
(a) to exercise and perform the powers and duties imposed
by law upon the board of estimate relating to the acquisition,
selling, leasing, exchanging or otherwise disposing of real
property of the city and the assignment to city agencies of space
owned or leased by the city. The commissioner shall also
undertake] to purchase, lease, condemn or otherwise acquire real
property for the city and to sell, lease, exchange or otherwise
(b) to assign and reallocate to city agencies space and real property owned or leased by the city, to establish comprehensive and continuing programs [to manage] and standards for utilization of space owned or leased by the city and to [establish standards,] conduct surveys of space utilization [and assign space to all city agencies except as otherwise provided by law];

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

[(c)] (d) to exercise and perform such other powers and duties as may be prescribed by law or delegated to him in relation to the acquisition, disposition, demolition or other treatment of real
1 property of the city;
2 [(d)] [(e)] to employ, where desirable, managing agents to manage
3 city properties and collect rents therefrom and pay bills,
4 pursuant to rules and regulations promulgated by [him and approved
5 by the board of estimate] the commissioner.
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
from such official matters as are expressly authorized;

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

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

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

5. Data processing services. The commissioner shall operate one or more data processing service centers providing data processing equipment, programming services, and computer systems analysis services for city agencies when necessary or desirable, in accordance with executive orders promulgated by the mayor.
6. Gas and electricity. With respect to gas and electricity, the commissioner shall have charge and control of furnishing the city or any part thereof, by contract or otherwise, with gas, electricity or any other illuminant or steam; except such functions as are exercised by the public utility service of the city.

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

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

Sec. 1604. Maintenance of master list of leases. The department shall keep, maintain and annually update a master list of leases wherein the city or its agencies is a tenant. Such master list shall contain at least the following information: name and address of lessor, location wherein lease property is situated, base rent, square footage, escalation provisions, and any other
information which the department deems necessary and appropriate.
CHAPTER 61
DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT

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

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

Sec. 1802. Powers and duties of the commissioner. Except as otherwise specifically provided by law, the commissioner may exercise or delegate any of the following functions, powers and duties which are vested in the department:
1. all functions of the city relating to the rehabilitation, maintenance, alteration and improvement of residential buildings and privately owned housing including, but not limited to, the
making of rehabilitation loans pursuant to article eight
("municipal loans"), article eight-a ("mini-loans") and article
fifteen ("participation loans") of the private housing finance law,
acting as liaison with the New York city rehabilitation mortgage
insurance corporation established pursuant to article fourteen of
the private housing finance law ("REMIC") and the New York city
housing development corporation established pursuant to article
twelve of the private housing finance law ("HDC"), the execution
of emergency repairs to and the sealing, removal and demolition of
buildings, structures and privately-owned housing in accordance
with applicable provisions of law and the enforcement of those
provisions of the multiple dwelling law or any other law, rule or
regulation which relate to the maintenance, use, occupancy, safety
or sanitary condition of any building or portion thereof which is
occupied, arranged or intended to be occupied as a home, residence
or dwelling place;

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

3. all functions of the city, and all powers, rights and duties
as provided by any federal, state or local law or resolution,
relating to slum clearance, slum prevention and urban renewal;
neighborhood conservation; prevention and rehabilitation of
blighted, substandard, deteriorated or insanitary areas, and
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

61-3
residential buildings and structures and the elimination of
substandard conditions therein, process applications for such
exemption or abatement or both, and coordinate the activities of
officers and agencies of the city relating thereto;

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

(c) represent the city in carrying out the provisions of the
private housing finance law including, but not limited to, article
two (relating to limited-profit housing companies), article five
(relating to redevelopment companies), article eight [(relating
to municipal loans)], article eight-a [(relating to "mini" loans)],
article eleven (relating to housing development fund companies) and
article fifteen (relating to participation loans), and act as and
exercise the powers, rights and duties vested in the "supervising
agency" pursuant to the private housing finance law;

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

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

(f) impose and collect charges and fees for the financing,
regulation, supervision and audit of municipally-aided projects
and loan programs administered by the commissioner, which charges
and fees shall be set aside in a special account for administrative expenses of the department;

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

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

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

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

[(b)] (k) manage[ment] and superintend[ence of] all residential real property of the city not used for public purposes, including real property acquired for a public purpose and not being currently utilized for such purpose, but not [management and superintendence of] wharf property, real property under the jurisdiction of the New York city transit authority, real property under the jurisdiction
of the New York city housing authority by virtue of an authorization granted by the mayor pursuant to the provisions of subdivision three of section one hundred twenty-five of the public housing law, or real property under the jurisdiction of the triborough bridge and tunnel authority;

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

[(d) employment of] (m) employ professional, community and other personnel to manage residential real property of the city.

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

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

Sec. 1804. Organization of the department; notice. In
January, nineteen hundred seventy-eight and every six months thereafter, in accordance with the procedures of subdivision (b) of section one thousand forty-three of this charter, the commissioner shall cause to be published in the City Record and shall give notice of a written plan or chart describing the organization of the department.
CHAPTER 69

COMMUNITY DISTRICTS AND COTERMINALITY OF SERVICES

Sec. 2700. Declaration of intent. [The capacity of the city to provide services to residents and businesses, the welfare and orderly development of communities in the five boroughs, and the active participation of city residents in civic activities has been impeded by (1) the dissimilarity of local service delivery districts of municipal agencies and (2) the disparity among such service districts and the community districts and city council districts.] It is the intent of this chapter to encourage and facilitate coterminous community districts and service districts to be used for the planning of community life within the city, the participation of citizens in city government within their communities, and the efficient and effective organization of agencies that deliver municipal services in local communities and boroughs.

Sec. 2701. Community districts. a. [Not later than January first, nineteen hundred seventy-seven, the board of estimate, pursuant to this chapter, shall adopt a map of community districts. b.] Each community district shall: (1) [So far as feasible, lie] Lie within the boundaries of a single borough, except as provided in subdivisions d and e of this
section, and coincide with historic, geographic and identifiable communities from which the city has developed;

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

and,

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

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

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

e. With respect to the city's central business district in the borough of Manhattan from fifty-ninth street south, the [board of estimate] council may adopt as part of the community district map, districts which shall reflect its unique character as the city's financial, business and entertainment center. In so doing, the [board of estimate] council shall take into consideration the residential, working and other daytime populations as well as the hotel and transient or other nighttime populations and adhere as nearly as possible to the provisions of paragraph (3) of
subdivision [b] a 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 in effect as of the seventh day of November of nineteen hundred eighty nine 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 to this chapter] then in force and presenting such recommendations for changes in the map as the mayor deems appropriate. Such review shall consider shifts in population shown in the most recent decennial census that may require adjustments in the community district map to conform to the criteria in section twenty-seven hundred one. Such review shall also consider whether reducing the size of any community district would provide more efficient and effective service delivery within the district or districts involved. If the mayor's recommendations for changes in the map would produce a community district with a population below seventy-five thousand persons, the mayor may consider whether partial suspension of coterminality within the district is likely to provide more efficient or effective service delivery of one or more of the services for which coterminality is required, and may recommend that coterminality for one or more designated services within the community district and any adjacent district be suspended. The mayor's recommendations for changes shall be referred to as the preliminary revision of the community district map.

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

c. The mayor shall publish the preliminary revision of the
community district map in the City Record and in each [county] borough of the city and shall, jointly with the borough president, conduct one or more public hearings on it in each borough of the city. Within sixty days of the last such hearing, the mayor shall submit to the council such preliminary revisions of the community district map as he or she deems appropriate.

d. The [board of estimate] council shall conduct public hearings on the preliminary revision of the community district map submitted by the mayor and it shall, by resolution, within one hundred twenty days of such submission, adopt, adopt with modifications, or disapprove the map as submitted [or as modified by it not later than the date specified in subsection a of section twenty-seven hundred one]. If the council adopts the proposed map without modifications, or if the mayor concurs in any modifications adopted by the council, the new map shall be effective as of the date specified in the mayor's proposal or in the modifications adopted by the council and concurred in by the mayor. If the council disapproves the map as submitted by the mayor, or if the council fails to act within the one hundred twenty day period, or if the mayor does not concur in any modifications adopted by the council, the community district map then in force shall remain in effect.

[Sec. 2703. Modification and review. a. The community district map shall be reviewed within one year following the publication of each decennial census, and a new or revised community district map may be adopted pursuant to the criteria and

69-5
procedures applicable to the creation of community districts pursuant to sections twenty-seven hundred one and of twenty-seven hundred two. Such review shall consider shifts in population shown in the new census that may require adjustments in the community district map to conform to the criteria in section twenty-seven hundred one.

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

Sec. 2704. Coterminality of local services. a. [Within three years after the effective date of the community district map adopted pursuant to this chapter, the] The head of each agency responsible for one or more of the services listed below shall organize the local service delivery districts of such agency as follows.

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

(2) To be coterminal with one or more community districts or aggregates of them [for]: housing code enforcement, highway and street maintenance and repair; sewer maintenance and repair, and health services, other than municipal hospitals.
b. [Not later than the first day of January, nineteen hundred eighty-three the commissioner of the department of parks and recreation shall organize the department’s service districts for local recreation services to be coterminous with each of the community districts.

c.] No later than the first day of January, nineteen hundred eighty-three, the police commissioner shall organize the patrol services of the police department in the boroughs of the Bronx, Manhattan, Queens and Staten Island to be coterminous with each of the community districts in such boroughs. Not later than the first day of April, nineteen hundred eighty-four, the police commissioner shall organize the patrol services of the police department in the borough of Brooklyn to be coterminous with each of the community 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.

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

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

[(2) the] The head of each [designated] agency responsible for one or more of the services listed in subdivision a shall: (1) assign to each such local service district at least one official with managerial responsibilities involving the exercise of independent judgment in the scheduling, allocation and assignment of personnel and equipment and the evaluation of performance or the management and planning of programs [. Each]; each such official
shall have operating or line authority over agency programs, personnel and facilities within the local service district; (2) assign to each borough at least one borough commissioner, or official with an equivalent title, who shall have line authority over agency programs, personnel and facilities within the borough related to such services; such official shall consult regularly with the borough president and shall be a member of the borough service cabinet established pursuant to section twenty-seven hundred six of the charter; (3) publish semi-annually in the City Record and make available to interested parties a list, by community district and borough, of the name, title, office mailing address, and office telephone number of the officials appointed pursuant to paragraphs one and two of this subdivision and to subdivision a of section twenty-seven hundred six.

g. The head of any agency may assign or reallocate personnel, equipment or other resources outside a community district to meet emergency needs, special situations, or temporary conditions.

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

i. [Whenever the population of a community district falls below
seventy-five thousand persons, the city planning commission may consider whether partial suspension of coterminality within the district is likely to provide more efficient or effective service delivery of one or more of the services for which coterminality is required. The city planning commission shall give notice to all the affected community districts and shall hold a public hearing. Following the hearing, the commission may recommend to the board of estimate that coterminality for one or more designated services within the community district and any adjacent district be suspended. If the board of estimate votes to approve the recommendation, coterminality shall be suspended for the designated services. The city planning commission may at any time recommend to the board of estimate that the suspension be terminated and that coterminality be restored for one or more of the services. The mayor shall report biennially to the council on the implementation of the requirements of this section. Such report shall include: (1) an evaluation of the quality of the services delivered to community districts pursuant to subdivision a of this section during the preceding two fiscal years, (2) a review of the agencies' implementation of subdivisions d and f of this section, and of subdivision a of section twenty-seven hundred six, and (3) any recommendations for changes in the services listed or in the requirements for those services which the mayor deems appropriate.

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

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

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

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

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

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

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

b. Each district service cabinet shall:

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

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

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

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

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

69-11
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] one or more senior [official] officials of the agency with line authority as borough [representative] representatives 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) Coordinate at the borough level service delivery functions and programs of agencies that provide services in the borough;

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

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

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

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

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

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

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

Sec. 2708. Agency information. Each agency with service districts within the community districts and boroughs shall make available to each community board and borough board and to the respective borough presidents current information on its operations and programs within each community district and borough.
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
half of the members appointed to any community board shall serve for a term of two years beginning on the first day of April in each even-numbered year in which they take office. Members shall serve until their successors are appointed but no member may serve for more than sixty days after the expiration of his or her original term unless reappointed by the borough president. Not more than twenty-five percent of the appointed members shall be city employees. No person shall be appointed to or remain as a member of the board who does not have a residence, business, professional or other significant interest in the district. The borough president shall assure adequate representation from the different geographic sections and neighborhoods within the community district. In making such appointments, the borough president shall consider whether the aggregate of appointments fairly represents all elements of the community. Community boards, civic groups and other community groups and neighborhood associations may submit nominations to the borough president and to council members.

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

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

d. Each community board shall:

(1) Consider the needs of the district which it serves;

(2) Cooperate with, consult, assist and advise any public officer, agency, local administrators of agencies, legislative body, or the borough president with respect to any matter relating to the welfare of the district and its residents;

(3) At its discretion hold public or private hearings or investigations with respect to any matter relating to the welfare of the district and its residents, but the board shall take action only at a meeting open to the public;

(4) Assist city departments and agencies in communicating with and transmitting information to the people of the district;

(5) Cooperate with the boards of other districts with respect to matters of common concern;

(6) Render an annual report to the mayor, the council and the borough board within three months of the end of each year and such other reports to the mayor or the borough board as they shall require (such reports or summaries thereof to be published in the City Record);

(7) Elect its own officers, adopt and make available for public inspection by-laws and statements of duties for its district manager and planner, and keep a public record of its activities and transactions, including minutes of its meetings, [and] majority and minority reports, and all documents requiring the board's review.
which shall be made available [to elected officials upon request] for inspection by elected officials and members of the public;

(8) Request the attendance of agency representatives at meetings of the community board;

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

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

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

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

[(12)](13) Consult with agencies on the program needs of the community district to be funded from the expense budget, review departmental estimates, hold public hearings on such needs and estimates, and prepare and submit to the mayor expense budget
priorities for the next fiscal year;

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

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

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

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

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

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

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

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

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

f. Each community board, within the budgetary appropriations thereof, shall appoint a district manager and a planner, who shall serve at the pleasure of the community board. The district manager shall (1) have responsibility for processing service complaints, (2) preside at meetings of the district service cabinet and (3) perform such other duties as are assigned by the community board. One of the board members shall be elected by the other members to serve as chairperson. The chairperson shall use no title other than chair or chairperson of the community board and the other members shall use no title other than member of the community board or community board member, except that any member who is elected or appointed to an official position on the board, including but not limited to, vice-chairperson, secretary, treasurer, or chair
1. A member of a committee or subcommittee of the board shall be allowed to use such title when acting in such capacity. The department of investigations 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 to each board's location, rent shall be separately appropriated for
the board.

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

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

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

b. Whenever any act is authorized to be done or any determination or decision made by any community board, the act, determination or decision of the majority of the members present entitled to vote during the presence of a quorum, shall be held to be the act, determination or decision of such board.
CHAPTER 71
DEPARTMENT OF TRANSPORTATION

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

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

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

a. Parking and traffic operations. The commissioner shall:

(1) make such rules and regulations for the conduct of vehicular and pedestrian traffic in the streets, squares, avenues, highways and parkways of the city as may be necessary. The violation of such rules and regulations shall be a traffic infraction triable by a judge of the criminal court of the city of New York and, except as otherwise provided by law, punishable by not more than fifteen days' imprisonment, or by a fine of not more than fifty dollars, or both, and may also be adjudicated pursuant to title nineteen of
the administrative code or pursuant to articles 2-A and 2-B of the
vehicle and traffic law. The police commissioner may, in an
emergency, suspend for a period of forty-eight hours the provisions
of any such rule or regulation and shall immediately notify the
commissioner of such suspension. In order to expedite the movement
of traffic or to safeguard pedestrians or property, a police
officer or authorized employee of the transportation department may
order a person to disregard any traffic signal or any such rule or
regulation;

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

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

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

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

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

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

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

(14) enforce laws, rules and regulations concerning the parking of vehicles and the movement and conduct of vehicular and
pedestrian traffic;

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

(b) The commissioner may employ, hire and retain officers, agents and employees for the purpose of enforcing laws, rules and regulations prohibiting, regulating, directing, controlling or restricting the parking of vehicles and the movement and conduct of vehicular and pedestrian traffic, which officers, agents and employees are hereby authorized, empowered and designated to issue, make and serve tickets, summonses and complaints for traffic infractions pursuant to article two-A of the vehicle and traffic law and such rules and regulations as may be promulgated thereunder, to issue, make and serve simplified traffic information
and to issue, make and serve appearance tickets for traffic
infractions, misdemeanors and violations related to the movement
and conduct of vehicular traffic, pursuant to article two-B of the
vehicle and traffic law and title nineteen of the administrative
code of the city of New York and such rules and regulations as may
be promulgated thereunder.

(15) issue special vehicle identification permits;

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

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

(17) Establish and publicize a telephone number for citizen reporting of violations section 1203-c of the vehicle and traffic law;

(a) The department shall affix a sign indicating the aforementioned telephone number to all above grade signs, located on city property which display the international symbol of access;

(b) Any person, firm or corporation that is required by law to install such above grade signs, which display the international
symbol of access, shall affix a sign indicating the aforementioned telephone number to these signs.

(c) Whenever the department shall determine that such a sign should be installed or affixed, it may order the owner of the property to perform such work. Such order shall specify the work to be performed and shall fix a reasonable time for compliance. The department shall, by appropriate regulations, provide for a reinspection by a departmental inspector, if the owner of the property requests such reinspection.

(d) Upon the owner's failure to comply with such order or notice within thirty days of service thereof, the department may perform the work or cause same to be performed, the cost of which, together with administrative expenses, as determined by the commissioner, but not to exceed twenty percent of the cost of performance, shall constitute a debt recoverable from the owner by lien of the property affected or otherwise. Upon entry by the city collector, in the book in which such charges are to be entered, of the amount definitely computed as a statement of account by the department, such debt shall become a lien prior to all liens or encumbrances on such property, other than taxes. An owner shall be deemed to have complied with this subdivision if he or she performs such work as specified in the order within the time set forth therein.

(e) Service of a notice or order upon an owner pursuant to the provisions of this section shall be made upon such owner or upon his or her designated managing agent personally or by certified or
registered mail, return receipt requested, addressed to the person
whose name appears on the records of the city collector as being
the owner of the premises. If the records of the city collector
show that a party, other than the owner, has been designated to
receive tax bills for such property, the notice shall be mailed to
such party as well as the owner of record, at his or her last known
address. If the postal service returns the order with a notation
that the owner refused to accept delivery of such notice, it may
be served by ordinary mail and posted in a conspicuous place on the
premises.

(f) A copy of such notice or order shall also be filed in the
office of the clerk of the county where the property is situated,
together with proof of service thereof.

(g) A notice of such account, stating the amount due and the
nature of the charge, shall be mailed by the city collector, within
five days after such entry, to the last known address of the person
whose name appears on the records of the city collector as being
the owner or the agent or as the person designated by the owner to
receive tax bills or where no name appears, to the premises,
addressed to either the owner or the agent.

(h) If such charge is not paid within ninety days from the date
of entry, it shall be the duty of the city collector to charge and
receive interest thereon, to be calculated to the date of payment
from the date of entry.

(i) Such charge and interest shall be collected and the lien
thereof may be foreclosed in the manner provided by law for the
collection and foreclosure of the lien of taxes, sewer rents, sewer
surcharges and water charges due and payable to the city, and the
provisions of chapter four of title eleven of the code shall apply
to such charge and the interest thereon and the lien thereof.

(j) In addition to collecting the charge for the cost of
installation or affixing of such a sign, the city may maintain a
civil action for recovery of such charge against a property owner
who is responsible under this section for such work in the first
instance, provided however, that in the event that the department
performs the work without duly notifying such person in the manner
prescribed in subdivision e, the cost to the city of performing
such work shall be prima facie evidence of the reasonable cost
thereof.

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
(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 roads adjacent to such wharves, ferry houses and terminals necessary for the operation of the ferries and related facilities, including parking sites; any ferry and any other such property, including but not limited to, all or part of such wharf property, may be leased in the same manner as other wharf property provided,
however, that from and after the sixtieth day next succeeding the
date on which the provisions of this paragraph as hereby amended
take effect, no substantial or general change in the level of
services furnished upon any such ferry facility under the
jurisdiction of the commissioner shall be instituted, allowed or
continued except upon not less than thirty days notice to the
[board of estimate] city planning commission and the [city]
council. Provided, further that notice of such change shall be
conspicuously posted in a public place at each ferry house and
terminal for a continuous period of at least thirty days in advance
of any such change taking effect and in addition, such notice shall
further be published at least once during such thirty day period
in a daily newspaper of general circulation in the city;
(3) have charge and control of all marine operations within the
city and the power to regulate public and private ferry operations
originating or terminating within the city;
(4) establish tours of ferry facilities and their related
operations as well as tours of the New York harbor at fees to be
established by the commissioner, together with the authority to
publicize and advertise the same;
(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) install, reconstruct, repave and repair the sidewalk in front of or abutting such property, including but not limited to the intersection quadrant for corner property, and

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

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

Sec. 2906. Improved traffic flow at highway construction sites.
The commissioner may provide that on any city-sponsored, authorized
or assisted arterial highway construction site, or major repair
site that in the discretion of the commissioner is likely to
substantially disrupt traffic, signs be posted at least one half
mile or more prior to the area under construction or repair warning
motorists of the fact that such work is in progress and, wherever
possible, advising of an available alternate route.