Charter of the City of New York (Partial Draft)

New York City Charter Revision Commission

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Draft
Charter Language
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Sec. [23]24. President of the council. a. The president of the council shall be elected by the electors of the city at the same time and for the same term as in this charter prescribed for the mayor.
b. The president of the council may be removed or suspended in the same manner as provided in this charter with respect to the mayor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

f. In addition to other duties and responsibilities, the president of the council shall (1) [oversee the coordination of
city-wide] monitor the operation of the citizen information and service complaint programs of city agencies and make proposals to improve such programs, [and] (2) review complaints of a recurring and multiborough or city-wide nature relating to services and programs, and make proposals to improve the city's response to [and processing of] such complaints, and (3) receive, investigate and otherwise attempt to resolve individual complaints concerning city services and other administrative actions of city agencies except for those complaints which (i) other city agencies are required by law to investigate, adjudicate and remedy or (ii) may be resolved through a grievance mechanism established by collective bargaining agreement or contract.

g. The president of the council shall establish procedures for receiving and processing complaints, responding to complainants, conducting investigations, reporting findings, and shall inform the public about such procedures. Upon an initial determination that a complaint may be valid, the president of the council shall refer it to the appropriate agency. If such agency does not resolve the complaint within a reasonable time, the president of the council may conduct an investigation and make specific recommendations to the agency for resolution of the complaint. If, within a reasonable time after the president of the council has completed an investigation and submitted recommendations to an agency, such agency has failed to respond in a satisfactory manner to the recommendations, the president of the council may issue a report to the council and the mayor. Such report shall describe the
conclusions of the investigation and make such recommendations for administrative, legislative, or budgetary action, together with their fiscal implications, as the president of the council deems necessary to resolve the individual complaint or complaints or to address the underlying problems discovered in the investigation.

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

i. On the request of a resident, taxpayer, community board, council member or borough president, or on his or her own motion, the president of the council may inquire into any alleged failure of a city officer or agency to comply with any provision of the charter. If as a result of such inquiry, the president of the council concludes that there is any substantial failure to comply with any provision of the charter, he or she shall submit a
preliminary report documenting the conclusions of the inquiry to
the officer and head of each agency involved and shall, upon
reasonable notice, hold a public hearing on the matter. Officers
of affected agencies shall have the right, and it shall be their
duty when requested by the president of the council, to appear and
be heard at such hearing. Within a reasonable time after such
hearing, the president of the council shall issue a final report
to the council, mayor, and agency involved documenting the
conclusions of the inquiry and hearing.

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

k. If during the conduct of any investigation, inquiry, or
evaluation authorized by this section, the president of the council
discovers that the matter may involve criminal conduct, he or she
shall promptly refer such matter to the department of investigation
or to the appropriate prosecuting attorney or other law enforcement
agency. If the president of the council discovers that the matter
may involve a conflict of interest, he or she shall promptly refer
such matter to the conflicts of interest board.
1. Before making public any report authorized by this section the president of the council shall send a draft copy to any officer, and to the head of any agency, discussed in such report and provide the officer and agency, in writing, with a reasonable deadline for their review and response. The president of the council shall include in any report which is made public a copy of all such officer and agency responses to his or her findings and recommendations.

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

n. Not later than the thirty-first day of October of each year, the president of the council shall present to the council a report on the activities of the office during the preceding fiscal year. The report shall include: (1) a statistical summary of the complaints received during such fiscal year, categorized by agency, type of complaint, agency response, mode of resolution, and such other factors as the president of the council deems appropriate; (2) an analysis of recurring complaints and the president of the council's recommendations for administrative, legislative, or budgetary actions to resolve the underlying problems causing the complaints; (3) a summary of the findings and recommendations of
the performance evaluations conducted during the fiscal year and a summary of the agency responses to such findings and recommendations; (4) a summary of the charter requirements which, in the opinion of the president of the council, are not being implemented by the city agencies and officers subject to them, including a description of the nature and extent of the failure to comply and a summary of the responses of the agencies or officers to the president of the council's conclusions; and (5) a summary of improvements in charter compliance since the president of the council's last annual report. The president of the council shall include an assessment of the fiscal implications of any recommendations presented in this report.
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
determinations 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,
the comptroller shall send a copy of any draft 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 in the final audit report copies of any such agency
response. The comptroller shall send copies of all such 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
[and] 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, according to comptroller audits or agency reports, have been implemented, and the comptroller's recommendations, if any, for additional corrective actions.

e\[e]g. 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]h. 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.])]

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

[h]i. 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. 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.
The comptroller shall [begin to] establish for his or her office and [in] for all city agencies a uniform system of 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 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.

[n]p. 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 xxx of the charter.

[ol]g. 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. 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 or a committee of either body] the council or a
committee thereof.

r. 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
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

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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 in 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; 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 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 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 required to perform
   the actuarial audit required by section ninety-six;

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

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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 chairman 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.
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] ten other members [to be appointed by the mayor]. The mayor shall appoint the chair and four 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. [The appointments shall be made so that there is at least one resident of each borough on the commission.] 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; the member appointed by the president of the council 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 the borough president shall serve for terms to expire on June 30, nineteen hundred
ninety-four; and one member appointed by the mayor and one member
appointed by the borough president shall serve for terms to
expire on June 30, nineteen hundred ninety-five. The borough
presidents shall determine by lot the length of the term to be
served by the member first appointed by each borough president.
The appointing officials shall make their first appointments to
the commission on or before March 1, nineteen hundred ninety.
The commission members so appointed shall assume office on July
1, nineteen hundred ninety.

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

[c.] One of the members other than the [chairman] chair
shall be designated by the mayor as [vice-chairman] vice-chair.
The [vice-chairman] vice-chair shall possess the powers and
perform the duties of the [chairman] chair when the [chairman]
chair is absent or while a vacancy exists in the office of
[chairman] chair, and shall at such times serve as director of
city 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, comfort,
convenience, health and welfare of its population.

e. 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 council president, the borough presidents, and the community
boards, which shall describe the results of its review and its
recommendations based on such review.

f. 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
a reasonable period of time 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 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 [the] any such member 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. 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 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, [(3)] (5) a borough board with respect to land located within two or more community districts in its borough, or [(4)] (6) a community board with respect to land located within its community district. A community board, or borough board or borough president that proposes any such plan shall conduct a public hearing on it and submit a written recommendation to the city planning commission. Plans 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 for review and recommendation after such public hearing. And, if land located within] plans affecting two or more community districts 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

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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. Upon receipt of a plan proposed pursuant to this section, the city planning commission shall determine whether such plan satisfies the standards established in such rules. If the city planning commission determines that a plan submitted by a community board satisfies the standards, the department of city planning shall, prepare or cause to be prepared any environmental analysis of the 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 (1) review any plan
[initiated] proposed pursuant to subdivision a of this section
that complies with the standards established by rule pursuant to
subdivision b of this section, (2) hold a public hearing on the
plan [it] and (3) by resolution approve, approve with
modifications or disapprove [recommend to the board of estimate
approval, modification or disapproval of] the plan. 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 city clerk, and the
council [board of estimate] 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] by majority vote shall either approve or disapprove
the plan in the form approved by the commission. Any such action
of the council shall be final unless vetoed by the mayor within
five days of the vote. A veto by the mayor of a vote of
disapproval by the council shall be deemed to be a final approval
of the resolution of the city planning commission disapproved by
the council unless the council overrides such veto. Any such
mayoral veto shall be subject to override by a two-thirds vote of
the council within ten days of the veto. If the council fails to
act within one hundred twenty days of the date the resolution of
the city planning commission to approve a plan is filed with the
city clerk, the plan in the form approved by the commission shall be deemed approved and shall be effective on the one-hundred-twenty-first day after filing with the council. The council may by a three-fourths 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 of all preliminary and final plans and of all requests for proposals and letters of intent relating to 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 issued by or on behalf of the city that relate to the use, development or improvement of land owned by the city or subject to city regulation 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.
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 sections two hundred and two hundred one;

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

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

(6) Revocable consents and requests for proposals and other solicitations for franchises pursuant to section three hundred sixty three and for major concessions as defined in section three hundred sixty six involving residential,
industrial, commercial, transportation or community
facility projects pursuant to chapter fourteen, 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[,] (other than the lease of office space),
exchange, or other disposition of [real property to the
city and of] the real property of the city, [and]
including the [proposed acquisition,] sale or lease of
land under water pursuant to [section sixty-seven,]
section sixteen hundred [three] two, chapter fifteen,
and other applicable provisions of law; [and,
(11) Acquisition by the city of real property (other than
the acquisition of office space or an office 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, 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 department of city planning[, which]. 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. Within sixty days of the filing of such an appeal, the commission shall either certify the application or state in writing what further information is necessary to complete the application. A second 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 participate in the meeting.

d. Each such community board shall, not later than sixty days after receipt of the proposal or 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 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]
prepare such written recommendations where authorized
by this charter to the commission and the president of
the borough.

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.

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.
q. Not later than sixty days after the [filing] expiration of time allowed for the filing of a recommendation or waiver with [lit] 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 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 pursuant to subdivision a of this section of such city facility shall require a vote of seven members of the commission; provided, however, that no such seven-vote requirement shall apply if the city facility proposed by the applicant is provided for in a local law or in a plan approved by the council pursuant to section one hundred ninety-seven-a. 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 siting 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, 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.

[g. 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.]

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. 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 d,
e and f [c, d and e] of this section, the proposal or
application is referred to the next level of review. If the city
planning commission [board of estimate] 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.

j. 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.

k. 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; provided, however that no such filing shall be required if such decision of the commission is made pursuant to a program established by a local law or pursuant to a
plan approved by the council pursuant to section one hundred ninety-seven-a.

c. If (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 of a matter described in clause (1), (2), (5), (9), (10), (11) or (12) of subdivision a of section one hundred ninety-seven-c and (2) the affected borough president files with the city planning commission and the city clerk a written objection to a decision of the commission to approve such a matter within five days of the decision, 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; provided, however, that no such filing shall be required if such decision of the commission is made pursuant to a program established by a local law or pursuant to a plan approved by the council pursuant to section one hundred ninety-seven-a.

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, the council shall hold a public hearing on the matter and shall either approve or disapprove such decision by a majority vote.

e. 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.

f. All votes of the council pursuant to this chapter shall
be final unless vetoed by the mayor within five days of the vote.

Any such mayoral veto shall be subject to override by a two-
thirds vote of the council within ten days of the veto.
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 board of estimate
within five days from the day of its adoption.]}

2. [Approval, disapproval or modification by the board of
estimate of such an] 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 vote and,
after notice to the parties affected, a public hearing. The
time limits on council action in section one hundred ninety-
seven-d [foregoing limitation of sixty days] 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 city clerk [secretary of the board of estimate]
within thirty days from the date of the filing of such resolution 
with the [board] city clerk, 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 council [board of estimate, either 
in the form in which it was filed or as modified by the board,] 
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 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 zoning resolutions or regulations 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, borough board or borough president with the city planning commission. 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 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. 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.
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 and new uses of city-owned real property. 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 and new uses of city-owned real property 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. 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, 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.

g. 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.
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 and 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 annually report 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. 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 best value to the city requires 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.

[a.] c. Notwithstanding the provisions of section three hundred and forty-three of this chapter, 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].

[b. In the event of an emergency requiring an immediate purchase involving an expenditure of not more than one thousand dollars,
such purchase may be made without competition. An "emergency", for this purpose, is an instance or situation in which: (1) a threat to health or safety exists, (2) a necessary service is threatened with material damage or suspension, or (3) buildings or property are threatened. Such emergency purchase shall require the prior approval of the commissioner of general services unless it is outside normal working hours.

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

d. In the event of an emergency requiring an immediate purchase, a purchase order for equipment, supplies or materials involving an 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 set forth in this section for purchases procurement without competitive sealed bidding may be adjusted as to any or all agencies by the concurrent action of the 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 one million dollars let by other than competitive sealed bidding, and any contract for construction let by other than competitive sealed bidding, or other than competitive sealed bidding, where solicitation of bids was made only to a prequalified group, 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 pre-qualified 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.

v. 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.

[d.]c. 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.

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 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.
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 sections three hundred and forty-two and three hundred and forty-three, the intention to enter into sole service negotiations pursuant to paragraph v. of subdivision f of section three hundred and forty-two and the intention to enter into a contract for a price exceeding ten 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. 346. Public hearings on contract awards.

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

b. The requirements of this section shall not apply to any procurement let pursuant to a finding of an emergency under subparagraph c of paragraph one of subdivision b of section three hundred and forty-two.
sec. 347. 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;
   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;
   iii. the proposed vendor has been debarred by the city.

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:

i. a lack of legal authority for the contract;

ii. a failure to comply with procedural requisites; or

iii. possible corruption in the letting of the contract or the contractor.

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 by the comptroller until the mayor has responded to the comptroller's objections in writing indicating what, if any, corrective action shall be taken and that the contract should be registered. 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.] 348. 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. [346.] 349. Inspection.

Inspection and acceptance or rejection of all deliveries of [supplies, materials and equipment] goods 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.
Sec. [347.] 250. Specifications.

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
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.] 351. Payments procedure.

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 and shall require 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 352. 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. The president of each borough shall be responsible for monitoring the delivery of contractual services in the borough.

1. In the case that the borough president determines there is reason to believe a contract 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.
Sec. 353. 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. 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. 354. 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:

   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) 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. arrears on any debt or contract, default as surety or otherwise upon any obligation, 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.
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
to comply with the directions contained in this section shall not invalidate or affect the proceeding.

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 [ ] 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
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 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 of property for the use of the city shall be subject to review and approval [in the manner specified] pursuant to 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.]
DEPARTMENT OF PARKS AND RECREATION

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.

Sec. 534. Landmarks preservation commission.

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

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

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

3. 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.

4. The mayor shall designate one of the members of the
commission to be chairman and one to be vice-chairman. The
chairman and vice-chairman 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 duties. The
commission shall submit an annual report on its activities to the
mayor.

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

6. 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.

7. 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, the affected community board and the office of the borough president in whose borough the property or district is located.

8. 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 but shall be subject to review by the council within ninety 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 vetoed by the mayor within five days of the vote. Any such mayoral veto shall be subject to override by a two-thirds vote of the council within ten days of the veto.
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. He shall devote his entire time to the performance of his 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 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 staff. He 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 and shall designate one of the
members to serve as vice-chairman who shall act as chairman in the
absence of the chairman or in the event that a vacancy exists in
the office of chairman.

c. Every member of the board shall receive a salary, which
shall not be reduced during his 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.

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 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 official duties which tends to discredit his office, or of mental or physical inability to perform his duties; but before removal he 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 chairman and at such other times as the board may determine. The chairman, or in his absence the acting chairman, 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 any corporation in which he 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 trade and commerce made in relation to the structures or uses on water front property under his 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 may be varied or modified only to
the extent permitted by such title and only in the manner and
subject to the conditions therein specified.

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

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

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

Sec. 667. Inspections. Any member of the board or any
subordinate thereof shall, when authorized in writing by the
chairman, and the director or any officer or employee designated
by him in writing shall have power at any time to enter, inspect
and examine any premises, buildings, structures, vehicles or
vessels for the purpose of carrying out the duties of the board
and shall report his 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' imprisomolment, 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 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
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 [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] rules of the
department;
(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 thirty 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 thirty-day period shall be deemed to be approval of the lease. 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 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;

(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 
publishation 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 board
of estimate 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] the 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.
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 purchase, lease, condemn or otherwise acquire real
property for the city and to sell, lease, exchange or otherwise
dispose of real property of the city, subject to the requirements
of section three hundred-eighty four and to review and approval
pursuant to sections one hundred ninety-seven-c and, if applicable,
one hundred ninety-seven-d. 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]

(b) to assign to city agencies space and real property owned
or leased by the city, to establish [undertake] comprehensive and
continuing programs and standards for [to manage] 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];

(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;

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

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

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

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

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

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

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

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

6. such powers, rights and duties vested in or exercised by
7. the New York city housing authority as may be transferred to or
8. 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
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;
(c) manage and superintend all real property acquired by the city
for, or devoted to, housing or urban renewal purposes;
(d) 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
tobacco 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;
(e) 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;
(f) undertake projects and exercise the rights, powers and
privileges authorized by sections fifty-five and fifty-five-a of
the public housing law;
(g) 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;

(h) 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;

(i) 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) sell, lease, exchange or otherwise dispose of 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 one hundred ninety-seven-c and one hundred ninety-seven-d, provided that any disposition by public auction shall be conducted by the department of general services;

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

Sec. 1059. Inspection by taxpayers of books and papers. All books, accounts and papers in the office of any borough president or any division or bureau thereof, or in any city administration or department or any division or bureau thereof, except the police and law departments, shall at all times be open to the inspection of any taxpayer, subject to such reasonable rules and regulations in regard to the time and manner of such inspection.
as the borough president, administration, department, office, division or bureau may make; in case such inspection shall be refused, such taxpayer, on his sworn petition, describing the particular book, account or paper that he desires to inspect, may, upon notice of not less than one day, apply to any justice of the supreme court for an order that he be allowed to make such inspection as such justice shall by his order authorize. The provisions of this section shall not apply to any papers prepared by or for the comptroller for use in any proceedings to adjust or pay a claim against the city or any agency or by or for counsel for use in actions or proceedings to which the city or any agency is a party or for use in any investigation authorized by this charter.

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

b. Any agency specified pursuant to subdivision a of this section may convene an executive session closed to the public by a three-fourths vote of all of its members, but shall not take
final action at any such meeting.

Sec.1060. Commission on public information and communication.
a. There shall be a commission on public information and communication which shall consist of the president of the council, as chair, the corporation counsel or the delegate of such officer, the director of operations or the delegate of such officer, the commissioner of the department of records and information services or the delegate of such officer, all of whom shall serve on the board without compensation. In addition, there shall be five other members, each appointed for a four year term, who shall not hold or seek public or political party office or be public employees in any jurisdiction, except the representative of the community board as set forth herein, to be appointed as follows: three by the mayor, one of whom is or has been a representative of the news media and one of whom shall be a member of a community board; one by the president of the council and one by the vice chairman of the council. Such members shall receive a per diem compensation for each calendar day they perform the work of the commission. No such members shall serve for more than two consecutive four year terms.
All initial appointments shall be made by the first day of March, nineteen hundred ninety.

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

c. The commission shall appoint an executive director and
general counsel and such other officers, employees, and consultants as are necessary to fulfill its duties.

d. The commission shall:

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

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

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

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

(5) on the request of any member of the public, elected official, or city agency or official, render advisory opinions regarding the application of those provisions of the charter or other laws which require public access to meetings, transcripts.
records, and other information. Such advisory opinions shall be
indexed by subject matter and maintained on a cumulative basis;
(6) make recommendations regarding the application of new
communications technology to improve public access to city produced
and maintained information.

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

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

Sec. 1062. Cablecasting and broadcasting city government
proceedings. a. All future cable television franchises and
franchise renewals shall require that (i) at least one channel be
dedicated to the cablecasting of the public proceedings of the
council and its committees and the city planning commission and
(ii) that the franchisee provide the interconnections necessary to allow the direct cablecasting of such proceedings.

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

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

b. The procurement policy board shall regularly review the scope and form of all information maintained in the registry and shall promulgate rules regarding its contents, organization and management.
c. The mayor shall ensure adequate public access to the central registry of information, which shall be maintained in a manner to facilitate public review, with due consideration for the need to protect, where appropriate, the confidentiality of contract and contractor information.

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

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

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

[(iii)]c. 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] d. 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 of general services 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] e. The commissioner of general services shall cause a continuous series of the City Record to be bound as completed quarterly and to be deposited with his or her 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[;

f. The commissioner of general services shall provide copies of each issue of the City Record to the municipal reference and research center where they shall be distributed to any members of the public requesting them without charge. The commissioner shall also provide free subscriptions to the City Record to each borough president, council member, community board, and branch of the public library and to the news media as defined in paragraph three.
of subdivision b of section one thousand forty-three of the 
charter. The commissioner of general services, each borough 
president, council member and community board shall make copies of 
each issue of the City Record available in a central location for 
reasonable public inspection without charge.
CHAPTER 49

OFFICERS AND EMPLOYEES

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

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

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

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

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

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

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

Sec. 1109. Summary inquiry. A summary inquiry into any alleged
violation or neglect of duty in relation to the property,
government or affairs of the city may be conducted under an order
to be made by any justice of the supreme court in the first, second
or eleventh judicial district on application of the mayor, the
comptroller, the president of the council, any five council members, the commissioner of investigation or any five citizens who are taxpayers, supported by affidavit to the effect that one or more officers, employees or other persons therein named have knowledge or information concerning such alleged violation or neglect of duty. Such inquiry shall be conducted before and shall be controlled by the justice making the order or any other justice of the supreme court in the same district. Such justice may require any officer or employee or any other person to attend and be examined in relation to the subject of the inquiry. Any answer given by a witness in such inquiry shall not be used against him in any criminal proceeding, except that for all false answers or material points he shall be subject to prosecution for perjury.

The examination shall be reduced to writing and shall be filed in the office of the clerk of such county within the first, second or eleventh judicial district as the justice may direct, and shall be a public record.

Sec. 1110. Trusteeship of public property. The council and the council members and all other officers and employees of the city are hereby declared respectively trustees of the property, funds and effects of the city, so far as such property, funds and effects are or may be committed to their management or control. Such trustees are hereby made subject to all the duties and responsibilities imposed by law on trustees, and such duties and responsibilities may be enforced by the city or by any officer thereof.
Sec. 1110-a. Capital plant inventory and maintenance estimates.

a. For the purposes of this section:

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

2. "Major portion of the capital plant" shall mean (a) any capital asset (1) which is a capital facility or system comprising a component of the public domain or infrastructure general fixed assets of the city or a building comprising a component of the general fixed assets of the city and (2) which, as of December thirty-first, nineteen hundred eighty-eight, or, as the result of any reconstruction or expansion after such date, has a replacement cost of at least ten million dollars and a useful life of at least ten years, or if purchased or constructed after such date, has an original cost of at least ten million dollars, and an original useful life of at least ten years; and (b) any other capital asset of the city designated by the mayor for the purposes of this section; provided, however, that it shall not include any asset which is leased to or otherwise under the cognizance and control of a public benefit corporation or which is otherwise covered, pursuant to state law, by requirements which are substantially similar to the requirements of this section.

b. Not later than October first of nineteen hundred eighty-nine, the head of each agency shall submit to the mayor, for each
major portion of the capital plant for which the agency or any
officer or employee thereof is responsible, the following
information: the date of original acquisition or construction,
the dates of any significant alterations or reconstructions, the
original cost and original useful life, and the current replacement
cost and remaining useful life. Such information shall be
categorized by project type.

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

d. Such maintenance schedules and amendments thereto, other
than amendments reflecting the disposition or demolition of any
portion of the capital plant, shall be prepared or reviewed by
professional engineers or architects registered in the state of
New York and such engineers or architects shall set forth in
writing (1) their opinions as to the reasonableness and sufficiency
of the activities set forth in such schedules for maintaining such
portions of the capital plant and (2) their recommendations, if any, for changes in such schedules. Such opinions and recommendations shall be based upon commonly used standards for acceptable levels of maintenance, the performance and other specifications to which such portions of the capital plant were designed, and such other engineering or architectural standards as may be appropriate. Such professional engineers or architects may be officers or employees of the city of New York.

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

f. Not later than the first day of October of each year, commencing in nineteen hundred ninety, the mayor shall transmit to the board of estimate and the council estimates for the ensuing fiscal year and for each of the three succeeding fiscal years of the amounts, by agency and project type and, within project type, by personal services and other-than-personal services, necessary to maintain all major portions of the capital plant, consistent with the maintenance schedules on file with the mayor pursuant to subdivision e of this section. Such estimates shall be prepared or reviewed by the professional engineers or architects who prepared or reviewed such maintenance schedules or by professional
engineers or architects registered in the State of New York and employed by the office of management and budget or the agencies involved. Such architects or engineers shall set forth in writing (1) their opinions as to the reasonableness of such estimates and whether such estimates have been logically derived from such maintenance schedules and (2) their recommendations, if any, for changes in such estimates. Such opinions and recommendations shall be centrally stored and accessible to any interested party.

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

Sec. 1112. Reports to mayor. The heads of administrations and departments established by this charter, borough presidents and such officers as the mayor may require shall in addition to any other reports required by this charter, once in each year and at such other times as the mayor may direct, make to the mayor, in such form and under such rules as the mayor may prescribe, reports of their operations and action. Notice of the availability of
copies of each of such annual reports shall be published in the City Record within thirty days of the publication of the report involved. The heads of all agencies shall, when required by the mayor, furnish to him such information as he may demand, within such reasonable time as he may direct.

Section XXX.

a. Each agency which delivers services within community districts and boroughs, after consulting with other governmental entities responsible for providing related services, shall annually submit to the mayor and the council a report presenting and analyzing data regarding those social, economic and environmental conditions which are significantly related to the agency's areas of responsibility. Such report shall contain statistical data on such conditions broken down by relevant subdivisions of the city for the most recent year for which such data is available and for the previous five years to the extent that such data is available for such years; and it shall also contain comparable data for New York City as a whole and, to the extent that is available, for New York State, the United States and other large cities in the United States. In addition to such data, such report shall contain a narrative discussion of the differences in the conditions among such subdivisions of the city and between the conditions in the city and elsewhere; of the differences between the conditions in such subdivisions and any city, state, national or professional standards which have been established in regard to such matters; and, the relation between changes in the conditions in the various
subdivisions over time. The report shall also contain short and long term plans for addressing any significant problems evidenced by such differences.

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

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

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

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

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

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

Sec. 1116. Fraud; neglect of duty; willful violation of law
relative to office. a. Any council member or other officer or
employee of the city who shall wilfully violate or evade any
provision of law relating to such officer's office or employment,
or commit any fraud upon the city, or convert any of the public
property to such officer's own use, or knowingly permit any other
person so to convert it or by gross or culpable neglect of duty
allow the same to be lost to the city, shall be deemed guilty of
a misdemeanor and in addition to the penalties imposed by law and
on conviction shall forfeit such office or employment, and be
excluded forever after from receiving or holding any office or employment under the city government.

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

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

Sec. 1118. Officers and employees not to be ordered to work outside public employment. No officer or employee of the city or of any of the counties within its limits shall detail or cause any officer or employee of the city or of any of such counties to do
or perform any service or work outside of his public office, work
or employment; and any violation of this section shall constitute
a misdemeanor.

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

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

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

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

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

Sec. 1122. Bonds. Unless otherwise provided by law, each

officer of the city who has possession of or control over any funds

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of the city shall give bond for the faithful performance of his duties in such sum as may be fixed and with sureties to be approved by the comptroller. Such bonds shall run to the city of New York, and in case there is another officer who is responsible for the officer giving the bond, shall run also to such officer. Sec. 1123. Failure to testify. If any council member or other officer or employee of the city shall, after lawful notice or process, wilfully refuse or fail to appear before any court or judge, any legislative committee, or any officer, board or body authorized to conduct any hearing or inquiry, or having appeared shall refuse to testify or to answer any question regarding the property, government or affairs of the city or of any county included within its territorial limits, or regarding the nomination, election, appointment or official conduct of any officer or employee of the city or of any such county, on the ground that his answer would tend to incriminate him, or shall refuse to waive immunity from prosecution on account of any such matter in relation to which he may be asked to testify upon any such hearing or inquiry, his term of office or employment shall terminate and such office or employment shall be vacant, and he shall not be eligible to election or appointment to any office or employment under the city or any agency.

Sec. 1124. Civil rights protected. Nothing in this charter contained shall affect any rights given or secured by section fifteen of the civil rights law, including the right of officers and employees, as citizens, to appeal to the legislature or to any
Sec. 1125. Salaries of the district attorneys. Each of the
district attorneys of the counties of New York, Bronx, Kings,
Queens and Richmond shall receive an annual salary equal to the
compensation received by a justice of the supreme court in the
county in which such district attorney has been elected and is
serving, or ninety-seven thousand dollars a year, whichever is
greater.

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

Sec. 1127. Condition precedent to employment. a.
Notwithstanding the provisions of any local law, rule or regulation
to the contrary, every person seeking employment with the city of
New York or any of its agencies regardless of civil service
classification or status shall sign an agreement as a condition
precedent to such employment to the effect that if such person is
or becomes a nonresident individual as that term is defined in
section 11-1706 of the administrative code of the city of New York
or any similar provision of such code, during employment by the
city, such person will pay to the city an amount by which a city
personal income tax on residents computed and determined as if such person were a resident individual, as defined in such section, during such employment, exceeds the amount of any city earnings tax and city personal income tax imposed on such person for the same taxable period.

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

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

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

Sec. 1129. Members of police department; no other office. Any police commissioner or any member of the police force who shall accept any additional place of public trust or civil emolument except as a member of a community board, or who shall during his or her term of office be nominated for any office elective by the
people, except a member of the police force appointed, nominated
or elected to a board of education outside of the city of New York,
and shall not, within ten days succeeding same, decline the said
nomination, shall be deemed thereby to have resigned his commission
and to have vacated his office, and all votes cast at any election
for any person holding the office of police commissioner, or within
thirty days after he or she shall have resigned such office, shall
be void.

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

Sec. 1130. Members of fire department; no other office. Any
commissioner or any member of the uniformed force of the fire
department who shall accept any additional place of public trust
or civil emolument except as a member of a community board, or who
shall during his or her term of office be nominated for any office
elective by the people, except a member of the force appointed,
nominated or elected to a board of education outside of the city
of New York, to a party position as defined within the New York
state election law or to a board of fire commissioners established
in accordance with section 3-308 of the village law or section one
hundred seventy-four of the town law, and shall not, within ten
days succeeding the same, decline the said nomination, shall be
deemed thereby to have resigned his or her commission and to have
vacated his or her office. The provisions of this section shall apply as long as it does not interfere with his/her performance as a member of the department.

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

Sec. 1131. School officers not to be interested in contracts; removal. The board of education shall have the power to remove from office any school officer who shall have been directly or indirectly interested in the furnishing of any supplies or materials, or in the doing of any work or labor, or in the sale or leasing of any real estate, or in any proposal, agreement or contract for any of these purposes, in any case in which the price or consideration is to be paid, in whole or in part, directly or indirectly, out of any school moneys, or who shall have received from any source whatever any commission or compensation in connection with any of the matters aforesaid; and any school officer who shall violate the preceding provisions of this section shall be deemed guilty of a misdemeanor, and shall also forfeit such office and be ineligible to any office or employment under the board of education or under the city or any agency. The provisions of this section shall not apply to authors of school books used in any of the public schools because of any interest they may have as authors in such books.
Sec. 1132. Contributions to political funds, etc., prohibited.

Neither the city superintendent of schools, nor any associate or assistant superintendent of schools, nor any member of the board of examiners, nor any member of the supervising or teaching staff of the board of education of the city shall be permitted to contribute any moneys directly or indirectly to any fund intended to affect legislation increasing their emoluments, but nothing herein shall be construed to deny any right afforded by section eleven hundred twenty-four.

Sec. 1133. Transmission of reports; disposal of records; destruction of other materials.

a. The head of each agency shall transmit to the municipal reference and research center at least four copies of each report, document, study or publication of such agency, immediately after the same shall have been issued. The agency head shall transmit to the center four copies of each report, document, study or publication prepared by consultants, or other independent contractors, as soon as such report or study is released.

b. No records shall be destroyed or otherwise disposed of by an agency, officer or employee of the city unless approval has been obtained from the commissioner of records and information services, the corporation counsel and the head of the agency which created or has jurisdiction over the records who shall base their determinations on the potential administrative, fiscal, legal, research or historical value of the record. Approval for records disposal shall be contained in an approved records disposal
schedule and remain in force until the status of the records changes. The commissioner of records and information services or the head of the agency which created or has jurisdiction over the records may initiate action to eliminate records eligible for disposal. The commissioner of records and information services shall insure the destruction of disposable records within six months of the date of eligibility. Records retained for historical or research purposes shall be transferred, upon request of the commissioner of records and information services, to the municipal archives for permanent custody.

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

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

Sec. [1134]1135. Restriction on community board membership of employees of council members and borough presidents. No person who is employed by a borough president or a council member may be appointed to serve on a community board to which such borough
president may make appointments or to which such council member may make recommendations for appointment.

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

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

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

[c]b. 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]c. 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 of this section.
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.

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

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

[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 procedures applicable to the creation of community districts pursuant to of 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 coterminous 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 coterminous 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] e. 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] f. 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.
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 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 all agency programs, personnel and facilities within the local service district[.];

(2) assign to each borough at least one official with line authority over all agency programs, personnel and facilities within the borough to manage the delivery of agency services in the borough; such official shall consult regularly with the borough president;

(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.

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.]

i. 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 cabinet shall include:

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

(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;

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

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

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

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

b. Each district service cabinet shall:
(1) Coordinate service functions and programs of the agencies that deliver services in the community district;

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

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

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

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

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

b. There shall be a borough service cabinet within each borough whose members shall include the borough representatives designated pursuant to [subsection] subdivision a of this section, and the borough president, who shall be the chairperson. Each borough service cabinet shall:
(1) 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.

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 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

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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. 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. Community boards, civic groups and other community groups and neighborhood associations may submit nominations to the borough president and to council members. No member of a community board may serve on a hold-over basis pursuant to section ---- of the ----law for more than sixty days.

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;

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

[(10)](12) 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)](13) 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)](14) 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)-(15)] 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)-(16)] Evaluate the progress of capital projects within the community district based on status reports to be furnished to the board;

[(17)] 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)-(18)] 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)-(19)] 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)-(20)] Evaluate the quality and quantity of services provided by agencies within the community district; [and]
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

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

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

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,
1. streets, highways and parkways;
2. (3) paving, repaving, resurfacing and repairing of all public roads, streets, including marginal streets and places, highways and parkways and the relaying of all pavement removed for any cause including cleaning, sweeping, landscaping and maintenance functions for arterial highways as defined by regulation;
3. (4) filling of sunken lots, fencing of vacant lots, digging down of lots and licensing of vaults under sidewalks;
4. (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;
5. (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

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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' imprisonment 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.
Sec. 1. 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. 2. 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;

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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, such other 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. Staff. The directors shall recommend and the mayor shall appoint an executive director of financial information services. Within the appropriations therefore, the agency shall employ such other officers and employees as may be required to perform its duties.

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

(1) support the 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
deductions.

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

(5) 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.____. Staff. Upon the recommendation of the directors, the
mayor shall appoint an executive director of payroll

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