
New York City Charter Revision Commission

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Summary of Final proposals
(Adopted during public meetings on July 31, Aug. 1 and Aug. 2, 1989)

Charter of the City of New York
(Proposed by the Commissioners, August, 1989)
Charter of the City of New York

Proposed by the New York City Charter Revision Commission

August 1989
The attached document presents by brackets (for deletions) and underlining (for insertions) the revisions of the charter being recommended by the New York City Charter Revision Commission to the electors of the City of New York for their consideration at the November 7, 1989 general election. While this attachment includes many entire chapters of the charter, only the deletions and insertions indicated are being proposed by the Commission. The other (non-bracketed, non-underlined) material represents the current charter.

The attached document in which the Commission's proposed deletions and insertions are shown does not reflect all amendments to the charter made by state and local laws since the summer of 1988. The official version of the charter to be filed with the city clerk will reflect such previous changes in the underlying document.
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* Only the chapters marked by asterisks are included.
** Only the two affected sections of this chapter are included.
CHAPTER 1

MAYOR

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

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

Sec. 5. Annual statement to council. The mayor shall communicate to the council at least once in each year a statement of the finances, government and affairs of the city with a summary statement of the activities of the agencies of the city. Such statement shall include a summary of the city's progress in implementing the goals and strategies contained in the final strategic policy statement issued pursuant to section seventeen of this charter.

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

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

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

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

a. The mayor shall be responsible for the effectiveness and integrity of city government operations and shall establish and maintain such policies and procedures as are necessary and appropriate to accomplish this responsibility including the implementation of effective systems of internal control by each agency and unit under the jurisdiction of the mayor.

b. The mayor shall be a magistrate.

c. Notwithstanding any other provision of law, the mayor shall have the powers of a finance board under the local finance law and may exercise such powers without regard to any provision of law prescribing the voting strength required for a resolution or action of such finance board, provided, however, that whenever the mayor determines that obligations should be issued and the amount thereof, he shall certify such determination to the comptroller who shall thereupon determine the nature and term of such obligations and shall arrange for the issuance thereof.

d. The mayor shall establish a minimum per diem compensation for inspectors of election and clerks employed to assist the inspectors of election in polling places under the direction of the board of elections as follows: on registration and primary election days twenty dollars; on Election day thirty-five dollars, except that the chairman of each election board shall receive an additional three dollars compensation per day. The minimum per diem rate for compensation for election inspectors attending classes of instruction shall be five dollars.

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

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

Sec. 9. Removal of mayor. The mayor may be removed from office
by the governor upon charges and after service upon him of a copy
of the charges and an opportunity to be heard in his defense.
Pending the preparation and disposition of charges, the governor
may suspend the mayor for a period not exceeding thirty days.

Sec. 10. Succession. a. In case of the suspension of the
mayor from office, the mayor's temporary inability to discharge
the powers and duties of the office of mayor by reason of sickness
or otherwise, or the mayor's absence from the city, the powers and
duties of the office of mayor shall devolve upon the president of
the council or the comptroller in that order of succession until
the suspension, inability or absence shall cease. While so acting
temporarily as mayor neither the president of the council nor the
comptroller shall exercise any power of appointment to or removal
from office or any power lawfully delegated by the mayor to a
deputy mayor before the commencement of such suspension or
inability, or before or after the commencement of such absence; and
shall not, until such suspension, inability or absence shall have
continued nine days, sign, approve or disapprove any local law or
resolution, unless the period during which the mayor can act
thereon would expire during said nine days in which case the
president of the council or the comptroller shall have the power
to disapprove the same within forty-eight hours before the time to
act expires.
1 b. In the case of a failure of a person elected as mayor to qualify, or a vacancy in the office caused by the mayor's resignation, removal, death or permanent inability to discharge the powers and duties of the office of mayor, such powers and duties shall devolve upon the president of the council, the comptroller or a person selected pursuant to subdivision b of section twenty-seven, in that order of succession, until a new mayor shall be elected as provided herein. If the vacancy shall occur before the twentieth day of September in any year, such vacancy shall be filled in the general election held in that year, otherwise it shall be filled in the general election held in the following year. The term of the person then elected mayor shall begin on January first after such election and shall expire on the date when the term of the mayor originally elected would have expired. Upon the commencement of the term of the thus elected mayor, the president of the council or the comptroller then acting as mayor shall complete the term of the office to which such person was elected if any remains.

c. Determination of mayoral inability.

1. Voluntary declaration of temporary inability. Whenever the mayor transmits to the official next in line of succession and to the city clerk, a written declaration that he or she is temporarily unable to discharge the powers and duties of the office of mayor, such powers and duties shall devolve upon the official next in line of succession, subject to the provisions of subdivision a of this section. Thereafter if the mayor transmits to the acting mayor and to the city clerk a written declaration that he or she is able to resume the discharge of the powers and duties of the office of mayor, the mayor shall resume the discharge of such powers and duties immediately upon the receipt of such declaration by the city clerk.

2. Inability committee. (a) There shall be a committee on mayoral inability consisting of: the corporation counsel, the comptroller, the vice-chair of the council, a deputy mayor who
shall be designated by the mayor, and the borough president with
the longest consecutive service as borough president. If two or
more borough presidents have served for an equal length of time,
one of such borough presidents shall be selected by lot to be a
member of such committee. If at any time there is no valid mayoral
designation in force, the deputy mayor with the longest consecutive
service as a deputy mayor shall be a member of such committee. The
authority to act as a member of such committee shall not be
deleagable.

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

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

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

4. Temporary inability. (a) Whenever the committee on mayoral
inability personally serves or causes to be personally served upon
the mayor and transmits to the official next in line of succession,
the members of the panel on mayoral inability and the city clerk,
its written declaration that the mayor is temporarily unable to
discharge the powers and duties of the office of mayor, together
with a statement of its reasons for such declaration, such
declaration shall constitute a determination of temporary inability
unless the mayor, within forty-eight hours after receipt of such
declaration, transmits to the official next in line of succession,
the members of the committee on mayoral inability, the members of
the panel on mayoral inability and the city clerk, a written
declaration that he or she is able to discharge the powers and
duties of the office of mayor, together with responses to the
statement by the committee on mayoral inability of its reasons for
(b) If personal service of the committee's declaration upon the mayor cannot be accomplished, or if such service has been accomplished but the mayor has not transmitted a declaration that he or she is able to discharge the powers and duties of the office of mayor within forty-eight hours after receipt of such declaration, such powers and duties shall devolve upon the official next in line of succession, subject to the provisions of subdivision a of this section, unless and until the mayor resumes the authority to discharge such powers pursuant to the provisions of subparagraphs (e) or (f) of this paragraph.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) an appendix indicating the relationship between the program performance goals and measures included in the management report pursuant to paragraph two of this subdivision and the corresponding appropriations contained in the preliminary budget.

c. The management report shall contain for each agency

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

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

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

(4) a summary of rulemaking actions undertaken by the agency during the past fiscal year including
(a) the number of rulemaking actions taken,
(b) the number of such actions which were not noticed in the regulatory agenda prepared for such fiscal year, including a summary of the reasons such rules were not included in such regulatory agenda, and
(c) the number of such actions which were adopted under the emergency rulemaking procedures[.].

(5) a summary of the procurement actions taken during the previous fiscal year, including: (i) for each of the procurement methods specified in section three hundred forty-two: the number and dollar value of the procurement contracts entered into during such fiscal year; and (ii) for all procurement contracts entered into pursuant to a procurement method other than that specified in paragraph one of subdivision a of section three hundred forty-two: the number and dollar value of such procurement contracts by each of the reasons specified in paragraph one of subdivision b of section three hundred forty-two; and

(6) an appendix indicating the relationship between the program performance goals included in the management report pursuant to paragraph two of this subdivision and the corresponding expenditures made pursuant to the adopted budget for the previous fiscal year.

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

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

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

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

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

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

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

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

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

2. shall utilize, so far as possible, the services, commissions, boards, bureaus, institutions and other agencies of the state and of the political subdivisions thereof and all such officers and agencies shall cooperate with and extend such services and facilities to the office as it may require.

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

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

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

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

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

3. maintain for the mayor a management, planning and reporting system and direct the operation of such system; and

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

c. There shall be an office of the language services coordinator within the office of operations. Within appropriations therefor, the coordinator shall appoint such experts and assistants as necessary to fulfill the duties assigned to the office by this charter. The office of the language services
1 coordinator shall have the following powers and duties.

1. To establish standards and criteria, to be used by city agencies which provide services to the public, for estimating, and reporting on, the need to provide such services in languages other than English.

2. To provide technical assistance to such city agencies in developing appropriate plans and programs to: (i) deliver their services in languages other than English, (ii) translate written materials into such languages, and (iii) educate the public about such agency plans and programs.

3. In conjunction with a committee of agency representatives, to develop testing materials to evaluate the ability of city employees to deliver services in languages other than English; to develop materials to be used in the training of such employees; and, either on its own or in cooperation with the appropriate agencies, to provide such training.

4. To monitor and report on the performance of city agencies in delivering services in languages other than English.

5. To maintain in a central place which is accessible to the public a library of written materials published by city agencies in such languages.

Sec. 16. Report on social indicators. The mayor shall submit an annual report to the council, borough presidents, and community boards analyzing the social, economic and environmental health of the city and proposing strategies for addressing the issues raised in such analysis. The report shall present and analyze data on the social, economic and environmental conditions which are significantly related to the jurisdiction of the agencies responsible for the services specified in section twenty seven hundred four, the health and hospitals corporation, and such other agencies as the mayor shall from time to time specify. The report shall include the generally accepted indices of unemployment, poverty, child welfare, housing quality, homelessness, health, physical environment, crime, and such other indices as the mayor
shall require by executive order or the council shall require by local law. Such report shall be submitted no later than sixty days before the community boards are required to submit budget priorities pursuant to section sixty-one and shall contain: (1) the reasonably available statistical data, for the current and previous five years, on such conditions in the city and, where possible, in its subdivisions; and a comparison of this data with such relevant national, regional or other standards or averages as the mayor deems appropriate; (2) a narrative discussion of the differences in such conditions among the subdivisions of the city and of the changes over time in such conditions; and (3) the mayor's short and long term plans, organized by agency or by issue, for responding to the significant problems evidenced by the data presented in the report.

Sec. 17. Strategic policy statement. a. On or before the fifteenth day of November of nineteen hundred ninety, and every four years thereafter, the mayor shall submit a preliminary strategic policy statement for the city to the borough presidents, council, and community boards. Such preliminary statement shall include: (i) a summary of the most significant long-term issues faced by the city; (ii) policy goals related to such issues; and (iii) proposed strategies for meeting such goals. In preparing the statement of strategic policy, the mayor shall consider the strategic policy statements prepared by the borough presidents pursuant to subdivision fourteen of section eighty-two of this charter.

b. On or before the first day of February of nineteen hundred ninety-one, and every four years thereafter, the mayor shall submit a final strategic policy statement for the city to the borough presidents, council and community boards. The final statement shall include such changes and revisions as the mayor deems appropriate after reviewing the comments received on the preliminary strategic policy statement.
CHAPTER 2
COUNCIL

Sec. 21. [Legislative power] The Council. There shall be a council which shall be the legislative body of the city. In addition to the other powers vested in it by this charter and other law, the council shall be vested with the legislative power of the city [, and shall be the local legislative body of the city]. Any enumeration of powers in this charter shall not be held to limit the legislative power of the council, except as specifically provided in this charter.

Sec. 22. Composition of council.

a. The council shall consist of the president of the council and of fifty-one other members termed council members. Consistent with state law, the size of the council and the number of districts from which council members are elected may be increased by local law without any further approval in accordance with section thirty-eight of this chapter.

b. One council member shall be elected from each council district as now or hereafter constituted.

Sec. [33]23. Council members not to be employees of agencies. No council member shall be an employee of any agency in any capacity whatever.

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

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

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

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

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

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

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

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

6. Elections held pursuant to paragraph four or five of this
subdivision shall be scheduled in the following manner: A special
election to fill the vacancy shall be held on the first Tuesday at
least forty-five days after the occurrence of the vacancy, provided
that the mayor, in the proclamation required by paragraph one of
this subdivision, may schedule such election for another day no
more than ten days after such Tuesday and not less than forty days
after such proclamation if the mayor determines that such
rescheduling is necessary to facilitate maximum voter participation; except that
(a) if the vacancy occurs before September twentieth in any year and the first Tuesday at least forty-five days after the occurrence of the vacancy is less than ninety days before a regularly scheduled general election or between a primary and a general election, the vacancy shall be filled at such general election;
(b) if the vacancy occurs before September twentieth in any year and the first Tuesday at least forty-five days after the occurrence of the vacancy is after a regularly scheduled general election, the vacancy shall be filled at such general election; and
(c) if the vacancy occurs on or after September twentieth in any year and the first Tuesday at least forty-five days after the occurrence of the vacancy is after, but less than thirty days after, a regularly scheduled general election, the vacancy shall be filled at a special election to be held on the first Tuesday in December in such year.
7. All nominations for elections to fill vacancies held pursuant to paragraphs four and five of this subdivision shall be by independent nominating petition. A signature on an independent nominating petition made earlier than the date of the proclamation required by paragraph one of this subdivision shall not be counted.
8. A person elected to fill a vacancy in the office of council president at an election held pursuant to paragraph four of this subdivision shall take office immediately upon qualification and serve until December thirty-first of the year in which the vacancy is filled for the remainder of the unexpired term pursuant to paragraph two of this subdivision. A person elected to fill a 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 serve as the public advocate and shall (1) [oversee the coordination of city-wide citizen] monitor the operation of the public 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; (3) receive individual complaints concerning city services and other administrative actions of city agencies; and (4) investigate and otherwise attempt to resolve such individual complaints except for those which (i) another city agency is required by law to adjudicate, (ii) may be resolved through a grievance mechanism established by collective bargaining.
agreement or contract, or (iii) involve allegations of conduct which may constitute a violation of criminal law or a conflict of interest. If the president of the council receives a complaint which is subject to a procedure described in items (i) or (ii) of this paragraph, the president of the council shall advise the complainant of the appropriate procedure for the resolution of such complaint. If the president of the council receives a complaint of the type described in item (iii) of this paragraph, the president of the council shall promptly refer the matter in accordance with subdivision k of this section.

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

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

i. Except for those matters which involve conduct which may constitute a violation of criminal law or a conflict of interest, the president of the council may, on the request of a resident, taxpayer, community board, council member or borough president, or on his or her own motion, inquire into any alleged failure of a city officer or agency to comply with any provision of the charter. If as a result of such inquiry, the president of the council concludes that there is any substantial failure to comply with any provision of the charter, he or she shall submit a preliminary report documenting the conclusions of the inquiry to the officer or officers and the head of each agency involved. Within a reasonable time after submitting such preliminary report, the president of the council shall issue a final report to the council, mayor, and agency documenting the conclusions of the inquiry.

j. The president of the council shall have timely access to those records and documents of city agencies which the president of the council deems necessary to complete the investigations, inquiries and reviews required by this section. If a city agency does not comply with the president of the council's request for such records and documents, the president of the council may request an appropriate committee of the council to require the production of such records and documents pursuant to section twenty-nine of the charter. The provisions of this subdivision shall not apply to those records and documents of city agencies for which a claim of
privilege may properly be raised or which are prepared or maintained by the department of investigation for use in any investigation authorized by chapter thirty-four of the charter.

k. If the president of the council receives a complaint alleging conduct which may constitute a violation of criminal law or a conflict of interest, he or she shall promptly refer the complaint regarding criminal conduct to the department of investigation or, as applicable, to the appropriate prosecuting attorney or other law enforcement agency and shall refer the complaint regarding conflict of interest to the conflicts of interest board. If during the conduct of any investigation, inquiry, or review authorized by this section, the president of the council discovers that the matter involves conduct which may constitute a violation of criminal law or a conflict of interest, he or she shall take no further action but shall promptly refer the matter regarding criminal conduct to the department of investigation or, as applicable, to the appropriate prosecuting attorney or other law enforcement agency and shall promptly refer the matter regarding conflict of interest to the conflicts of interest board. Unless otherwise provided by law, all complaints received and any investigative file prepared or maintained by the president of the council, regarding matters covered by this subdivision, shall be confidential.

l. Before making public any portion of any draft, preliminary or final report relating to the operations or activities of a city officer or agency, the president of the council shall send a copy of the draft report to any officer, and to the head of any agency, discussed in such report and provide the officer and agency, in writing, with a reasonable deadline for their review and response. The president of the council shall include in any report, or portion thereof, which is made public a copy of all such officer and agency responses.

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 sixty days after the hearing. The president of the council shall also provide a copy of any requested pages of such transcript at a reasonable fee to cover copying and, if relevant, mailing costs.

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

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

b. Any vacancy which may occur among the council members shall
be filled by popular election in the following manner.
1. Within three days of the occurrence of a vacancy in the
council, the mayor shall proclaim the date for the election or
elections required by this subdivision, provide notice of such
proclamation to the city clerk and the board of elections and
publish notice thereof in the City Record. After the proclamation
of the date for an election to be held pursuant to paragraphs four
or five of this subdivision, the city clerk shall publish notice
thereof not less than twice in each week preceding the date of such
election in newspapers distributed within the city, and the board
of elections shall mail notice of such election to all registered
voters within the district in which the election is to be held.
2. If a vacancy occurs during the first three years of [the]
a four year term or in the first year of a two-year 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]
a four-year term or the first year of a two-year term and on or
before the last day in the third year of such a four-year term or
the first year of such a two-year 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] a four-year term or the first year of a two-year 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 a four-year term or the second year of such a two-year 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 council at an election held pursuant to paragraph four of this subdivision shall take office immediately upon qualification and serve until December thirty-first of the year in which the vacancy is filled for the remainder of the unexpired term pursuant to paragraph two of this subdivision. A person elected to fill a vacancy in the council at an election held pursuant to paragraph five of this subdivision shall take office immediately upon qualification and serve until the term expires.

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

Sec. [25]26. Salaries. a. The salary of the president of the council shall be one hundred five thousand dollars a year.

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

c. If, prior to the enactment of a local law increasing the compensation of council members, the council establishes a commission to study and make recommendations for changes in the compensation levels of council members or if it otherwise causes an analysis of such compensation levels to be made to assist it in its consideration of such a local law, such study or analysis may
include an analysis of the benefits, detriments, costs and impacts of placing restrictions on earned income derived by council members from sources other than their council salary.

Sec. 27. Local laws and resolutions increasing or decreasing salaries or allowances. No local law or resolution increasing or decreasing the salaries or other allowances in accordance with section twenty-six shall be adopted during the period between the general election day and the thirty-first day of December, both such days inclusive, in any year in which all of the council members are elected.


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

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

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

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

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

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

[f]g. The council shall hold a public hearing prior to the
consideration of any resolution requesting the state legislature,
in accordance with the provisions of section two of article nine
of the Constitution of the state of New York, to pass any bill,
the substance of which, if adopted by the council as a local law,
would require its approval by the electorate voting thereon at a
referendum. Notice of such public hearing shall be published in
the City Record for at least five days immediately preceding the
commencement of such a hearing.
Sec. [41]29. **Power of investigation and oversight.**

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

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

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

b. Any [such] standing or special committee shall have power to require the attendance and examine and take testimony under oath of such persons as it may deem necessary and to require the production of books, accounts, papers and other evidence relative to the inquiry. Copies of all reports or studies received by the council pursuant to section eleven hundred thirty-four and subdivision c of section ninety-three shall be assigned to the appropriate standing committees for review and action, as necessary.

Sec.30. **Council review of city procurement policies and procedures.**
a. The council shall periodically review all city procurement policies and procedures, including:

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

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

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

4. procedures for evaluating contractor performance; and

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

Sec. [46]31. Power of [Advice] advice and consent. Appointment by the mayor of the commissioner of investigation and of the members of the art commission, board of health (other than the chairman), board of standards and appeals, city planning commission (other than the chairman), civil service commission, landmarks preservation commission, tax commission, taxi and limousine commission and the public members of the environmental control board shall be made with the advice and consent of the council after a public hearing. Within thirty days after the first stated meeting of the council after receipt of a nomination, the council shall hold a hearing and act upon such nomination and in the event it does not act within such period, the nomination shall be deemed to be confirmed.

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

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

a. No proposed local law or budget modification shall be voted on by a council committee or the council unless it is accompanied by a fiscal impact statement containing the information set forth in subdivision b of this section.

b. A fiscal impact statement shall indicate the fiscal year in which the proposed law or modification would first become effective and the first fiscal year in which the full fiscal impact of the law or modification is expected to occur; and contain an estimate of the fiscal impact of the law or modification on the revenues and expenditures of the city during the fiscal year in which the law or modification is to first become effective, during the succeeding fiscal year, and during the first fiscal year in which the full fiscal impact of the law or modification is expected to occur.

c. All agency heads shall promptly provide to any council committee any information that it requests to assist it in preparing a fiscal impact statement.

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

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

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

Sec. 35. Ayes and noes.

a. On the final passage of a local law or resolution the question shall be taken by ayes and noes, which shall be entered in the journal of proceedings. No such vote may be cast except by a council member who is present and who casts his or her own vote
in the manner prescribed by the rules of the council.

b. All committee votes on proposed local laws or resolutions shall be taken by ayes and noes, which shall be entered in a committee report a copy of which shall be filed with the clerk or other official specified by the council rules for this purpose and which shall be available for public inspection. No such vote may be cast except by a member of the committee who is present at the meeting at which the vote is taken.

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

Sec. [38]37. Local laws; action by mayor.

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

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

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

1. Abolishes or changes the form or composition of the council
   [or the board of estimate] or increases or decreases the number of
   votes any member is entitled to cast or reduces the number of
districts from which council members shall be elected.

2. Changes the veto power of the mayor.

3. Changes the law of succession to the mayoralty.

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

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


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

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

9. Reduces the salary or compensation of a city officer or
   employee or increases [his] the hours of employment or changes
   [his] the working conditions of such officer or employee if such
   salary, compensation, hours or conditions have been fixed by a
   state statute and approved by the vote of the qualified electors
   of the city; and no provision effecting such reductions, increases
   or changes contained in any local law or proposed new charter shall

2-20
become effective unless the definite question with respect to such 
reductions, increases or changes shall be separately submitted and 
approved by the affirmative vote of a majority of the qualified 
electors voting thereon.

10. Provides a new charter for the city.

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

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

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

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

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

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

17. Repeals or amends this section or any of the following 
sections of this charter; sections [forty-two] forty, one hundred 
ninety-one, one hundred ninety-two, one hundred ninety-three, one 
hundred ninety-nine, two hundred, two hundred twenty-five, eleven 
hundred ten, eleven hundred eleven, eleven hundred twelve, eleven 
hundred sixteen, eleven hundred seventeen, eleven hundred eighteen, 
and eleven hundred twenty-three.
1 18. Repeals or amends sections [eleven hundred sixteen,]
2 twenty-six hundred one, twenty-six hundred four, twenty-six hundred
3 five, and twenty-six hundred six insofar as they relate to elected
4 officials and section twenty-six hundred two.
5
6 Sec. [40]22. Reconsideration. At any time prior to the
7 election at which a local law is to be submitted to the electors
8 for approval pursuant to this charter, the council, not later than
9 fifteen days prior to the election, may reconsider its action
10 thereon and repeal such local law without submission to the mayor,
11 whereupon the proposition for its approval shall not be submitted
12 at such election, or if submitted the vote of the electors thereon
13 shall be without effect.
14
15 Sec. [42]40. Amendment of charter. Amendments to this charter
16 may be adopted by any of the following methods:
17 1. By local law adopted in accordance with the provisions of
18 this charter.
19 2. By vote of the electors of the city upon the petition of
20 electors of the city, an amendment may be adopted
21 (a) in relation to the manner of voting for the elective
22 officers of the city or any of them, or
23 (b) abolishing any elective office or offices or creating a
24 new office or offices, including if so provided a transfer of
25 the powers to the newly created office or offices or a disposition of
26 the powers of any office abolished, but no such amendment shall
27 repeal or change any limitations contained in this charter on any
28 power.
29 (c) such amendment may be adopted in the manner following:
30 (1) Not less than fifty thousand qualified electors of the city
31 may file in the office of the city clerk a petition for the
32 submission to the electors of the city at the next general election
33 therein held not less than sixty days after filing of such petition
34 of such a proposed amendment or amendments to the charter to be set
35 forth in full in the petition. The petition may be made upon
36 separate sheets and the signatures of each shall be authenticated
in the manner provided by the Election Law for the authentication of designating petitions. The several sheets so signed and authenticated when fastened together and offered for filing shall be deemed to constitute one petition. A signature made earlier than one hundred twenty days before the filing of the petition shall not be counted. If within ten days after the filing of such petition a written objection thereto be filed with the office of the city clerk, the Supreme Court or any justice thereof of the first, second or eleventh judicial district shall determine any question arising thereunder and make such order as justice may require. Such proceedings shall be heard and determined in the manner prescribed by the Election Law in relation to judicial proceedings thereunder.

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

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

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

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

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

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

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

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

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

Sec. 48. City clerk; duties. a. The council shall appoint a clerk, who shall perform such duties as may be prescribed by law. The clerk so appointed shall be the city clerk and the clerk of the council, and shall hold [his] office for six years and until [his] such clerk's successor shall be appointed and has qualified. The city clerk shall have charge of all the papers and documents of the city, except such as are by law committed to the keeping of the
several departments or of other officers. [He] The city clerk shall keep the record of the proceedings of the council[. He] and shall also keep a separate record of all the local laws of the city in a book to be provided for that purpose, with proper indices, which book shall be deemed a public record of such local laws, and each local law shall be attested by said clerk. [He shall also keep a separate and public record which shall be known as the "street franchise book." In such record he shall forthwith file a copy duly certified by or under the authority of the board of estimate granting, making or adopting the same, of every grant, franchise, contract or resolution in the nature of a franchise which shall hereafter be granted, made or adopted by said board, together with copies of all formalities of the execution or verification thereof, and shall forthwith, after so filing the same, transmit to the board a copy of such record, with a minute of the date and volume thereof, duly certified by him.] Copies of all papers duly filed in [his] the office of the city clerk, and transcripts thereof and of the records of proceedings of the council and copies of the laws, ordinances and local laws of the city, certified by [him] the city clerk under the corporate seal of the city, shall be admissible in evidence in all courts and places in the same manner and for the same purposes as papers or documents similarly authenticated by the clerk of a county. The city clerk may be removed on charges by a two-third vote of all the council members, subject, however, to judicial review. [He] The city clerk shall collect such fees as shall be fixed by law.

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

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

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

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

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

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

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

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

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

7. For purposes of this section, a member of the council who was elected to the council upon the nomination of more than one political party shall be considered to be a member of the council delegation of the political party on whose ballot line he or she received the largest number of votes in his or her last election to the council.

b. 1. The commission shall have among its members (a) at least one resident of each borough, and (b) members of the racial and language minority groups in New York City which are protected by the United States voting rights act of nineteen hundred sixty-five, as amended, in proportion, as close as practicable, to their population in the city.

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

c. Each council delegation authorized by subdivision a of this section to make appointments to the commission shall make such
appointments no earlier than one year and eight months before, and no later than one year and six months before, the general election of the council to be held in the year nineteen hundred ninety-three, and every ten years thereafter. In any case in which the chairpersons of the county committees of a political party are authorized to submit nominations to the mayor, such nominations shall be submitted no earlier than one year and eight months before, and no later than one year and six months before, the general election of the council to be held in the year nineteen hundred ninety-three, and every ten years thereafter. The mayor shall make appointments to the commission after each council delegation authorized to make appointments has done so but no later than one year and five months before [the first] such a general election of the [city] council [after each federal decennial census]. The commission's term shall end upon adoption of a districting plan, as set forth in section fifty-one.

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

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

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

g. The commission may hire or contract for necessary staff assistance and may require agencies of city government to provide technical assistance. The commission shall have a budget as provided by the mayor.
Sec. 51. Powers and duties of the [Commission] commission; hearings; submissions and approval of plan.

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

b. The commission shall hold one or more public hearings not less than one month before it submits [the] its plan to the city council, in accordance with subdivision c of this section. The commission shall make its plan available to the public for inspection and comment not less than one month before [its] the first such public hearing.

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

d. The plan submitted in accordance with subdivision c of this section shall be deemed adopted [by the city council] unless [disapproved] within three weeks, the council by the vote of [the] a majority of all [the] of its members [of the city council] adopts a resolution objecting to such plan. If the city council fails to adopt the plan, it shall return and returns the plan to the commission with [its] such resolution and a statement of [its] objections, and with copies of the written objections of [the] any individual members of the council who have submitted objections to the speaker prior to such date. Any objections from individual members submitted to the speaker by such date shall be transmitted to the districting commission whether or not the council objects to such districting plan.

e. Upon the [rejection of its plan] receipt of any such resolution and objections, the commission shall prepare a revised plan and shall [submit such revised plan to the city council] no later than [nine] ten months before [the first] such general
1 election of the city council [after each decennial census. Such
2 revised plan shall be deemed adopted by the city council unless
3 disapproved within two weeks by the vote of two thirds of all the
4 members of the city council and unless, by a vote of two thirds of
5 all of its members, the city council votes to file a petition in
6 the Supreme Court, New York County, for a determination that the
7 plan fails to meet the requirements of the Charter. The city
8 council shall file its petition no later than ten days after its
9 disapproval of the plan. Upon a final determination, including a
10 final determination upon appeal, if any, that the plan meets the
11 requirements of the Charter, the plan shall be deemed adopted by
12 the city council and the commission shall deliver the plan to the
13 city clerk.
14 f. The mayor shall not approve or veto the districting plan.
15 g. If in any year population figures are not available at least
16 one year and five months before the first general election
17 following the decennial census, the city council may by local law
18 shorten the time periods providing for districting commission
19 action in subsections (b), (c), (d), and (e) of this section.]
20 make such plan available to the council and the public for
21 inspection and comment. The commission shall hold public hearings
22 and seek public comment on such revised plan.
23 f. Following its consideration of the comments received
24 pursuant to subdivision e of this section, the commission shall,
25 no later than eight months before such general election of the
26 council, prepare and submit a final plan for the redistricting of
27 the council and a statement signed by at least nine members of the
28 commission certifying that, within the constraint of subdivision
29 a of section fifty-two, the criteria set forth in the other
30 subdivisions of such section have been applied in the order in
31 which they are listed and that such criteria have been implemented,
32 in such order, to the maximum extent practicable. Such
33 certification shall also set forth the manner in which the
34 commission implemented the requirements of subdivision b of section
fifty-two. Such plan shall be deemed adopted upon the commission's filing, with the city clerk, of such plan and such certification.

Sec. 52. District plan; criteria. 1. In the preparation of its plan for dividing the city into districts for the election of council members, the commission shall apply the [following] criteria set forth in the following paragraphs [To] to the maximum extent practicable[, the criteria]. The following paragraphs shall be applied and given priority in the order in which they are listed.

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

b. Such districting plan shall be established in a manner that ensures the fair and effective representation of the racial and language minority groups in New York City which are protected by the United States voting rights act of nineteen hundred sixty-five, as amended.

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

d) A district shall not cross borough or county boundaries.

f. Districts shall not be drawn for the purpose of separating geographic concentrations of voters enrolled in the same political party into two or more districts in order to diminish the effective representation of such voters.
g. The districting plan shall be established in a manner that minimizes the sum of the length of the boundaries of all of the districts included in the plan.

[b] 2. Each district shall be contiguous, and whenever a part of a district is separated from the rest of the district by a body of water, there shall be a connection by a bridge, a tunnel, a tramway or by regular ferry service.

3. If any district includes territory in two boroughs, then no other district may also include territory from the same two boroughs.
CHAPTER 3

[BOARD OF ESTIMATE]

Sec. 61. Membership. The mayor, the comptroller, the president of the council and the presidents of the boroughs shall constitute the board of estimate.

Sec. 62. Voting in the board. a. As members of the board of estimate, the mayor, the comptroller and the president of the council shall each be entitled to cast two votes, and the president of each borough shall be entitled to cast one vote.

b. Except as otherwise provided in this charter or by law, the board shall act by resolution adopted by a majority of the whole number of votes authorized to be cast by all the members of the board.

c. No resolution or amendment of any resolution shall be passed at the same meeting of the board at which it is originally presented unless by a three-fourths vote or shall be finally passed except at a meeting open to the public. Prior to a final vote by the board on any resolution or amendment of any resolution members of the general public shall be afforded the opportunity to be heard on such resolution or amendment.

d. A quorum of the board shall consist of a sufficient number of members thereof to cast six votes, including at least two of the members authorized to cast two votes each.

Sec. 63. Meetings. The first meeting of the board in every year shall be called by the mayor upon due notice. The board shall meet at least once every other week except that it shall meet at least once a month during the months of July and August. Additional meetings shall be called as the board shall direct. The mayor, or in his absence the president of the council, shall preside at all meetings.

Sec. 64. Journal; record. a. The secretary of the board shall keep a journal of the meetings of the board, which shall be a public record and which shall contain a record of ayes and noes on
all votes taken on any resolution or other action of the board, the
text of any resolution as passed by the board, a record of any
other action taken by the board in such form as may be required by
the board and such other matters as may be required by the board.
b. A full stenographic record of all public meetings of the
board shall be filed in the office of the secretary and shall be
a public record, and a transcript thereof or of any part thereof
shall be promptly furnished to any citizen or taxpayer of the city
on his demand made within ninety days of the meeting on payment of
reasonable fees fixed by law or by resolution of the board.
Sec. 65. Rules. The board may adopt rules for the conduct of
its proceedings not inconsistent with the provisions of law, and
such rules shall not be suspended at any meeting except by
affirmative vote of two-thirds of the votes which all members
present are entitled to cast. By unanimous vote, it may delegate
to any member or committee the power to act or hold hearings on
any matter within its jurisdiction other than matters included in
chapters six, eight, nine and fourteen; but such delegation shall
not apply to any particular matter specified by any member in a
notice filed with the secretary.
Sec. 66. Secretary. The secretary of the board shall be
appointed and may be removed at pleasure by the board.
Sec. 67. Responsibilities of the board. The board shall
exercise the powers and perform the duties imposed upon it by this
charter, and shall:
1. Grant leases of city property and concessions for the use
of city property and enter into leases of property to the city for
city use.
2. Make recommendations to the mayor or the council in regard
to matters of city policy whenever requested or on its own
initiative.
3. Hold public hearings on any such matter of city policy or
other matters within the scope of its responsibilities whenever
requested by the mayor or required to do so by this charter or
other provision of law or whenever in its judgment the public
interest will be benefited thereby.

4. Have final authority respecting the use, development and
improvement of city land.

5. Have authority to approve standards, scopes and final
designs of capital projects.

6. Have power to supersede a community board or withdraw from
a community board delegated powers of such community board for
violation of law, malfeasance or misfeasance by three-quarters vote
after notice to members of the community board and a public
hearing.

7. Hold a hearing on tax abatement applications relating to
the development of city land where the granting of such
applications involves the exercise of administrative discretion by
any city agency.

Sec. 68. Bureaus under the board. a. There shall be the
following bureaus under the board:

1. The bureau of the secretary, the head of which shall be the
secretary of the board of estimate.

2. The bureau of franchises, the head of which shall be the
director of franchises.

b. The head of each bureau shall be appointed by and shall be
removable at the pleasure of the board. The head of each bureau
and the secretary shall perform such duties as may be conferred
upon him by the board or by law and shall have the powers of the
head of a department in respect to the organization of his bureau
and the officers and employees thereof.]
Sec. 55. Budgetary responsibilities of the mayor, the director of management and budget and the comptroller.

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

[Sec. 111. Office of management and budget. a.] b. There shall be an office of management and budget in the executive office of the mayor, the head of which shall be director of management and budget who shall be appointed by the mayor. [b.] It shall be the duty of the director to [prepare each year an executive budget for the ensuing fiscal year and to] perform all such duties in regard [thereto] to the budget and related matters as the mayor may direct. [He] The director of management and budget shall have the power, personally or [by his] through representatives, to survey each agency for the purpose of ascertaining its budgetary requirements. [He] The director may require any agency, or any officer or employee, to furnish data and information and to answer inquiries pertinent [to such survey] to the exercise of any of the
director's duties in regard to the budget and related matters.

c. The comptroller shall produce timely analyses of the preliminary and executive budgets including evaluations of the recommendations of the borough presidents, as well as those of the mayor and of the assumptions and methodologies used by the mayor in making the revenue estimates contained in such budgets.

Sec. [110.] 57. Fiscal year. The fiscal year of the city shall commence on the first day of July in each year and shall terminate at midnight on the ensuing thirtieth day of June.

Sec. 58. Spending pursuant to appropriations.

a. No money, except for grants or gifts from private entities, shall be paid from any fund under the management of the city, or any fund under the management of any agency or officer of the city, or any other entity the majority of the members of whose board are city officials or are appointed directly or indirectly by city officials, except in pursuance of an appropriation by the council or other specific legal authorization provided, however, that

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

(2) money, the ownership and equitable title of which belongs to an individual, corporation, organization or government other than the city and which is being held by any agency or officer of the city pending transfer of such money to such individual, corporation, organization or government in accordance with the terms and conditions pursuant to which it was placed in the custody
of such agency or officer, may be transferred to such individual, corporation, organization or government by such agency or officer without an appropriation by law provided such transfers are made in accordance with such terms and conditions; and

(3) money or other financial resources may only be transferred from one fund to another without specific statutory authorization for such a transfer if that money or those other financial resources are being loaned temporarily to such other fund and an accurate accounting and reporting of the balance of financial resources in each fund and of the amount due by each fund to each other fund is made at the end of each month; and

(4) grants or gifts from private entities exempt from the requirements of this section, and expenditures of such funds, shall be subject to disclosure, at least annually, by the responsible agency, officer or entity in a form and containing such information as the mayor shall prescribe for this purpose by rule.

b. The head of each agency of the city, and each entity the majority of the members of whose board are city officials or individuals appointed directly or indirectly by city officials, shall, on or before the fifteenth day of October in each year, submit to the mayor and the council, in such form as the mayor shall prescribe, a statement of the sources, amounts and disposition of all money received by such agency or entity, or by a unit or officer of such agency during the preceding fiscal year, other than (i) money appropriated for the use of such agency or entity by the council, or (ii) money paid by such agency or entity into the city treasury and reported in the annual report of the comptroller for such fiscal year. The mayor shall ensure that copies of such statements are available for public inspection, and shall designate a city officer to maintain copies of such statements for such purpose.
Sec. 59. Draft ten-year capital strategy. Not later than the first day of November in each even-numbered year, the director of management and budget and the director of city planning shall jointly submit to the mayor, the council, the borough presidents and the city planning commission a draft ten-year capital strategy prepared in accordance with the provisions of section two hundred fifteen.

Sec. [129.] 60. Revenue [estimation report] reports of the comptroller and mayor.

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

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

Sec. 61. Community board budget priorities.

a. Not later than thirty days prior to the date set by mayor in accordance with section sixty-two of this chapter for the submission of departmental estimates, each community board shall submit to the mayor and the appropriate borough president a statement of its expense budget priorities and a statement of its capital budget priorities for the ensuing fiscal year, in such form and containing such information as the mayor shall prescribe. The form prescribed by the mayor shall include (i) a method by which continuing support may be expressed by a community board for existing programs and capital projects and (ii) reasonable
limitations on the total number of expense and capital budget priorities which a community board may propose. The mayor shall provide each community board with reasonable notice of the date set for the submission of such priorities. The mayor shall ensure that representatives of each agency that delivers local services, or is responsible for capital projects, within any community district shall be available for consultation with the community board for such community district in the preparation of its statement of budget priorities.

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

c. Copies of each statement of budget priorities shall be provided expeditiously by the mayor to the city planning commission and the head of each agency affected.

Sec. 62. Departmental estimates.

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

b. In the preparation of such departmental estimates, the head of
each agency that delivers local services, or is responsible for
capital projects, within any community district shall (1) consult
with the community board for such community district through
appropriate officers and employees of the agency, and (2) consider
the community board statements of expense and capital budget
priorities submitted in accordance with section sixty-one of this
chapter.

Sec. [212.] 63. Report of the comptroller on capital debt and
obligations. Not later than the first day of December in each
year, the comptroller shall submit to the mayor, [the board of
estimate,] the council and the city planning commission a report,
which shall be published forthwith in the City Record, setting
forth the amount and nature of all obligations authorized on
account of each pending capital project and the liabilities
incurred for each such project outstanding on the first day of July
and setting forth and commenting in detail upon the city's
financial condition and advising as to the maximum amount and
nature of debt and reserves which in [his] the comptroller's
opinion the city may soundly incur for capital projects during each
of the four succeeding fiscal years, and containing such other
information relevant to this subject as may be required by local
law, by the mayor by executive order, or which the comptroller
deems necessary and relevant.

Sec. 64. Report of the comptroller on the state of the city's
finances. Not later than the fifteenth day of December, the
comptroller shall report to the council, at a stated meeting of the
council, on the state of the city's economy and finances, including evaluations of the city's financial plan, as most recently updated by the mayor in accordance with section eighty-five, and the assumptions on which the revenue and expenditure forecasts contained therein are based.

Sec. [214-a.]

Sec. [214-a. d. ] 65. City planning commission hearing and statement on the draft ten-year capital strategy. Not later than the [fifteenth day of March] sixteenth day of January in each odd numbered year, the city planning commission shall submit to the mayor, [board of estimate,] the borough presidents and the council a report containing [a statement of the city's capital needs and priorities, including recommended dollar allocations for general categories of programs and on explanation of recommended priorities among such categories of programs and their likely impact on the orderly growth and development of the city] its comments on the draft ten-year capital strategy submitted in accordance with section fifty-nine of this chapter, including such recommendations as it deems appropriate. The city planning commission, in the preparation of such report, shall, upon adequate public notice, hold a public hearing at which interested organizations and individuals may express their opinions regarding the draft ten-year capital strategy.

Sec. [213.] 66. [Certificate] Preliminary certificate of the mayor on capital debt and obligations. No later than the [fifteenth] sixteenth day of January, the mayor shall [issue] submit to the council, the comptroller, the borough presidents and the city planning commission and publish [his] a preliminary [statement] certificate [and no later than the twenty-sixth day of April the mayor shall issue and publish his certificate as to] setting forth the maximum amount of debt and reserves which, in [his] the mayor's opinion, the city may soundly incur for capital projects [and all
projects to be financed by capital debt] during the ensuing fiscal year and during each of the following three fiscal years, and the maximum amount of appropriations and expenditures for capital projects which the city, given such maximum amount of debt and reserves, may soundly make during each such fiscal year [with any recommendations he may wish to make as to capital projects to be included in the capital budget]. At any time up to the submission of [his] the executive capital budget to [the board of estimate and to] the council, the mayor may amend such preliminary [statement] certificate. Any such amendments shall be submitted to the council, the comptroller, the borough presidents and the city planning commission, and published forthwith in the City Record.

Sec. 67. Submission of the preliminary budget. Not later than the sixteenth day of January, the mayor shall submit to the council and publish a preliminary budget for the ensuing fiscal year. Copies of such budget shall be provided to the council, borough presidents, each community board and borough board, the city planning commission, and the department of city planning.

Sec. 68. Ten-year capital strategy. Not later than the twenty-sixth day of April in each odd-numbered year, the mayor shall issue and publish a ten-year capital strategy, prepared in accordance with the provisions of section two hundred fifteen of this charter.

[Sec. 112-a.]

b.] 69. Community board review of preliminary budget. Not later than the fifteenth day of February, each community board shall [(1) hold a public hearing on the preliminary budget statements with respect to the service needs and priorities of the community district and (2)] submit [a statement of its budget priorities and recommendations] to the mayor, [board of estimate,] the council, director of management and budget, the appropriate borough
president and [the respective borough board] each member of the
borough board of the borough in which the community board is
located, a statement containing the community board's assessment
of the responsiveness of the preliminary budget to its statement
of budget priorities submitted pursuant to section sixty-one and
any other comments or recommendations which it wishes to make in
regard to the preliminary budget.

[Sec. 214-a.]
b. Not later than the fifteenth day of February each community
board shall (1) hold a public hearing on the preliminary budget
statements with respect to the capital needs and priorities of the
community district, and (2) submit a statement of its budget
priorities and capital improvement needs for the ensuing fiscal
year and the three succeeding fiscal years to the mayor, board of
estimate, council, city planning commission, department of city
planning, and the respective borough board.]

Sec. [113.] 70. Statement of debt service by the comptroller.

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

1. A] a schedule of the appropriations required during the
ensuing fiscal year for debt service, including appropriations to
the several sinking funds as required by law[.], and
2. [An itemized statement of the condition of the street and
park openings fund and of the street improvement fund, and any
appropriation therefor required by law.
3. Suchl such other information as may be required by law.
[b. At such times as the mayor, the board of estimate or the council shall request, the comptroller shall submit to them a certified statement showing as of a specified date:

1. An itemized statement of all taxes due and uncollected.
2. Such other information as may be requested by the mayor, the board of estimate or the council.]

Sec. [114.] 71. Statement of assessed valuation, and statement of taxes due and uncollected by the commissioner of finance.

Not later than the fifteenth day of February in each year, the commissioner of finance shall submit to the mayor[, to the board of estimate] and to the council:

a. a tentative estimate of the assessed valuation of real property subject to taxation for the ensuing fiscal year, which shall be published forthwith in the City Record[.]; and

b. a certified statement showing as of a specified date the amount of all real property taxes due, the amount expected to be received and the amount actually uncollected by such categories and classifications as will facilitate understanding of such information.


Not later than the fifteenth day of February the mayor shall submit to the council a tax benefit report which shall include:

a. a listing of all exclusions, exemptions, abatements, credits or other benefits allowed against city tax liability, against the base or the rate of, or the amount due pursuant to, each city tax, provided however that such listing need not include any benefits which are applicable without any city action to such city tax because they are available in regard to a federal or state tax on
which such city tax is based; and
b. a description of each tax benefit included in such listing,
providing the following information:
1. the legal authority for such tax benefit;
2. the objectives of, and eligibility requirements for,
such tax benefit;
3. such data and supporting documentation as are available and meaningful regarding the number and kind of taxpayers using benefits pursuant to such tax benefit and the total amount of benefits used pursuant to such tax benefit, by taxable and/or fiscal year;
4. for each tax benefit pursuant to which a taxpayer is allowed to claim benefits in one year and carry them over for use in one or more later years, the number and kind of taxpayers carrying forward benefits pursuant to such tax benefit and the total amount of benefits carried forward, by taxable and/or fiscal year;
5. for nineteen hundred ninety and each year thereafter for which the information required by paragraphs three and four are not available, the reasons therefor, the steps being taken to provide such information as soon as possible, and the first year for which such information will be available;
6. such data and supporting documentation as are available and meaningful regarding the economic and social impact and other consequences of such tax benefit; and
7. a listing and summary of all evaluations and audits of such tax benefit issued during the previous two years.

Sec. [112-a.
c.] 72. Borough board preliminary budget hearings. Not later than the twenty-fifth day of February each borough board shall submit a comprehensive statement on the budget priorities of the borough to the mayor, [board of estimate,] council, and director of management and budget. Each borough board, in the preparation of
this statement, shall, upon adequate public notice, hold one or
more public hearings on the preliminary budget, to obtain the views
and recommendations of the community boards within the borough,
residents of the borough and others with substantial interests in
the borough, on the proposals contained in the preliminary budget
and on the capital and service needs of the borough. Officers of
agencies, when requested by the borough board, shall appear and be
heard.

[Sec 214-a.
c. Not later than the twenty-fifth day of February, each borough
board shall submit a comprehensive statement of the budget
priorities and needs of the borough for the fiscal year and three
succeeding years to the mayor, board of estimate, council, city
planning commission, and department of city planning.]

Sec. 73. The operating budget of the council. Not later than the
tenth day of March, the council shall approve and submit to the
mayor detailed itemized estimates of the financial needs of the
council for the ensuing fiscal year. Such estimates shall be
comprised of at least one personal service unit of appropriation
and at least one other than personal service unit of appropriation
for each standing committee of the council and for each
organizational unit established pursuant to section forty-five of
this charter. The mayor shall include such estimates in the
executive budget without revision, but with such recommendations
as the mayor may deem proper.

Sec. 74. Preparation of the executive budget. In preparing the
executive budget to be submitted in accordance with section
seventy-seven, the mayor shall consult with the borough presidents.

Sec. 75. Borough president recommendations to the mayor.
a. Not later than the tenth day of March, each borough president shall submit to the mayor and council, in such form and containing such information as the mayor shall prescribe, any proposed modifications of the preliminary budget which the borough president recommends in accordance with the provisions of subdivision b of this section.

b. Each borough president shall propose such modifications to the preliminary budget as the borough president deems to be in the best interest of the borough, taking into consideration community and borough board priorities and testimony received at public hearings held pursuant to section seventy-two of this chapter. The net effects of any such modifications recommended by the borough president may not result in an increase in the total amount of appropriations proposed in the preliminary budget. If increases in appropriations within the borough are recommended, offsetting reductions in other appropriations within the borough must also be recommended. Each proposed increase or reduction must be stated separately and distinctly and refer each to a single object or purpose.


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

b. Findings and recommendations of [the board of estimate and] the council, or its committees, [as to capital projects proposed to be included in the budget] including recommendations for any changes in the unit of appropriation structure which the council deems appropriate, shall be submitted to the mayor and published not later than the twenty-fifth day of March. The [total dollar amount of such recommendations shall not exceed] net effect of the changes recommended by the council in the preliminary capital budget shall not result in a capital budget which exceeds the maximum amount [of debt] set forth in the [mayor's] preliminary [statement] certificate issued pursuant to section [two hundred thirteen] sixty-six of this chapter.

[Sec. 115. Preliminary hearings.]
Not later than the twenty-fifth day of March, the board of estimate and the council through its committees shall hold joint hearings on the preliminary budget statements, recommendations of community boards, recommendations of borough boards, and such other information as may be available to them, and submit any findings and recommendations to the mayor. The public and representatives of the director of management and budget may participate in the hearings. Officers of agencies, when requested by the board of estimate or the council, shall appear and be heard. Representatives of community boards and borough boards may appear.
and be heard.]

Sec. [116.] 77. Submission of the executive budget.

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

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

c. Adjustment of expense budget borough allocation. If the executive expense budget submitted by the mayor in accordance with this section includes an expense budget borough allocation which is greater or less than the expense budget borough allocation certified by the mayor to the borough presidents in accordance with subdivision d of section one hundred two, the mayor shall, concomitantly with the submission of the executive expense budget, notify each borough president of the difference between such amounts and of the portion of such difference allocable to each borough pursuant to the provisions of section one hundred two. Within seven days of receiving such notification, each borough president shall submit to the mayor and the council, in such form as the mayor shall prescribe, proposed additional appropriations or proposed reductions in appropriations equaling such portion of such difference.

d. Adjustments of capital budget borough allocations. If the executive capital budget submitted by the mayor in accordance with
this section includes a capital budget borough allocation which is
greater or less than the capital budget borough allocation
certified by the mayor to the borough presidents in accordance with
subdivision c of section two hundred eleven the mayor shall.
concomitantly with the submission of such executive capital budget,
notify each borough president of the difference between such
amounts and of the portion of such difference allocable to each
borough pursuant to the provisions of subdivision a of section two
hundred eleven. Within seven days of receiving such notification,
each borough president shall submit to the mayor and the council,
in such form as the mayor shall prescribe, proposed additional
appropriations or proposed reductions in appropriations equaling
such portion of such difference.

[Sec. 219.

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

[Sec. 219.

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

Sec. [117.

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

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

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

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

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

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

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

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

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

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

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

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

12. A statement of the extent to which the executive budget
incorporates the revisions to the preliminary budget suggested by
the borough presidents, in accordance with subdivision a of section
seventy-five and the reasons why any other suggested revisions were
13. A statement of the modifications, if any, which the mayor recommends that the council make in the appropriations submitted by the borough presidents pursuant to sections one hundred two and two hundred eleven.

14. A statement of any substantive changes in the methodology and assumptions used to determine the revenue estimates presented pursuant to subdivisions four, five and six of this section from the methodology and assumptions presented in the preliminary budget.

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

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

[Sec. 220. Recommendations of comptroller and city planning commission.

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

Sec. [119.] 80. [Budget] Executive budget hearings.
Between the sixth day of May and the twenty-fifth day of May in each year, the [board of estimate and the] council shall hold public hearings on the budget as presented by the mayor. The council may hold such hearings either as a body or by its finance committee or other committees. [The hearings may be held jointly by consent of both bodies.] Officers of agencies and representatives of community boards and borough boards shall have the right, and it shall be their duty when requested by the [board of estimate or the] council, to appear and be heard in regard to the executive budget and to the capital and service needs of the communities, boroughs and the city.

[Sec. 221. Executive capital budget; hearings.
Between the sixth day of May and the twenty-fifth day of May in each year, the board of estimate and the council shall hold public hearings on the proposed executive capital budget and executive
capital program. The council may hold hearings as a body or by its finance committee or other committees. Such hearings may be held jointly by consent of both bodies. Officers of agencies and representatives of community boards and borough boards shall have the right, and it shall be their duty when requested by the board of estimate or the council, to appear and be heard.]

Sec. [120. The budget; approval.] 81. Amendment and adoption of the executive budget.

a. The [board of estimate and the] council may not alter the budget as submitted by the mayor pursuant to section seventy-seven except to increase, decrease, add or omit any unit of appropriation [in the budget as submitted by the mayor,] for personal service or other than personal service or any appropriation for any capital project or add, omit or change any terms or conditions [of it] related to any or all such appropriations; provided, however, that each increase or addition must be stated separately and distinctly from any items of the budget and refer each to a single object or purpose; and, provided, further, that the aggregate amount appropriated for capital projects shall not exceed the maximum amount of appropriations contained in the mayor's certificate issued pursuant to subdivision sixteen of section seventy-eight.

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

c. Such budget when passed by the council shall become effective immediately without further action by the mayor, except that appropriations for the council or appropriations added to the mayor's executive budget by the council or any changes in terms and conditions, shall be subject to the veto of the mayor. When
finally adopted in accordance with this section and section eighty-two, such budget as adopted and as modified during the fiscal year in accordance with sections one hundred seven and two hundred sixteen shall have the force of law.

[b. Except as otherwise provided by law, and subject to the veto of the mayor pursuant to section one hundred twenty-one, the board of estimate and the council, by separate concurrent vote of each body, shall adopt a single budget, and it shall be returned to the mayor not later than the fifth day of June. In the event of a disagreement between the two bodies, each shall appoint members to a conference committee to reconcile differences and to make recommendations to the respective bodies for concurrent vote of each body.]

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

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

e. The actions and votes of the board of estimate and the council shall be certified to the mayor by the secretary of the board of estimate and the president of the council, respectively.]

[Sec. 222. Capital budget; adoption.

a. The board of estimate and the council, by separate concurrent vote of each body, may increase, decrease or omit the amount of the appropriation for any capital project in the proposed executive

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

b. If a capital budget and a capital program have not been adopted by the fifth day of June pursuant to subdivisions a and b of this section, they shall be deemed adopted so far as acted on by both bodies with the lower amount of any item in dispute between the two bodies in effect the unutilized portion of all prior capital appropriations shall be deemed reappropriated.

c. The mayor shall not participate in any action or vote of the board of estimate on the executive capital budget or in any action or vote on the executive capital program.

Sec. [121.] 82. Veto of the mayor.

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

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

[Sec. 223. Veto of the mayor.

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

b. The mayor, not later than the tenth day of June, may disapprove any increase or addition to the executive capital budget or executive capital program or any increase or addition to any capital project in the executive capital budget or executive capital program, or any change in any term or condition of the executive capital budget or executive capital program. The mayor shall return the capital budget and capital program by that date to the board of estimate and council, setting forth his objections
c. Either the board of estimate by a two-thirds vote of all the
members of the board other than the mayor, or the council by a
two-thirds vote of all the council members, may override any
disapproval by the mayor pursuant to subdivision b of this section
with the concurrence of the other body by a majority vote of all
members other than the mayor in the case of the board of estimate.
The board of estimate and the council shall act and the capital
budget and capital program shall be adopted not later than the
twentieth day of June. In the event the board of estimate and the
council fail to act by that date, the capital budget and capital
program as modified by the mayor are adopted.
d. Not later than the twenty-first day of June, the capital budget
as finally adopted shall be certified by the mayor and the city
clerk as the capital budget for the ensuing fiscal year. The
capital budget shall, not later than five days after such
certification be filed in the office of the comptroller and shall
be published forthwith.]

Sec. [122.] 83. Appropriation, certification and publication.
Not later than the [twenty-first day of June in each year,] day
after the budget is finally adopted, the budget as finally adopted
in such year shall be certified by the mayor, the comptroller and
the city clerk as the budget for the ensuing fiscal year, and the
several amounts therein specified as appropriations or units of
appropriation shall be and become appropriated to the several
purposes therein named, whether payable from the tax levy or
otherwise and subject to the terms and conditions of the budget.
The budget shall thereupon be filed in the offices of the
comptroller and the city clerk, and shall [be a public record and]
be published forthwith.
Sec. 84. Ten-year capital strategy. Not later than thirty days after the budget is finally adopted, the mayor shall prepare a statement of how the capital budget and program as finally adopted vary, if at all, from the ten-year capital strategy, submitted pursuant to section sixty-eight of this chapter. Such statement shall be published as an appendix to the ten-year capital strategy.

Sec. 85. Financial plan. Not later than thirty days after the budget is finally adopted, the mayor shall issue an update of the four-year financial plan submitted pursuant to paragraph six of section seventy-eight of this chapter. Such update shall reflect the changes which were made in the budget in accordance with sections eighty-one and eighty-two of this chapter. In addition, on such schedule as the mayor deems appropriate, the mayor shall issue additional updates of the financial plan during the fiscal year.
CHAPTER 4
BOROUGH PRESIDENTS

Sec. 81. Qualifications; election; term; salary; removal; vacancy. a. There shall be a president of each borough, who shall be a resident thereof at the time of election and remain a resident thereof throughout the term of office.
b. The borough president shall be elected by the electors of the borough at the same time and for the same term as in this charter prescribed for the mayor.
c. The salary of the borough president shall be ninety-five thousand dollars a year.
d. A president of a borough may be removed or suspended in the same manner as provided in this charter with respect to the mayor.
e. Any vacancy in the office of a borough president shall be filled by popular election in the manner set forth in this subdivision. Until an interim or permanent successor is first elected, the deputy borough president or the executive assistant, in the order of priority specified by the borough president pursuant to subdivision one of section eighty-two, shall act as borough president.

1. Within three days of the occurrence of a vacancy in a borough presidency, 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 appropriate borough.

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 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
1. If a 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 a borough presidency 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 a borough presidency 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. 82. Powers and duties. The president of a borough shall:

1. Appoint and may at pleasure remove a deputy and an executive assistant, either of whom may discharge such of the powers of the president of the borough as the president by instrument in writing filed in the borough president's office and with the [board of estimate] city clerk and each board, body or committee of which the borough president is a member, may delegate to either of them.
Either the deputy or the executive assistant, designated pursuant to this subdivision, in the order of priority specified by the president in such instrument, shall, when such office becomes vacant, or when such president is prevented from attending to the duties of the office, by reason of sickness, absence from the city or suspension from office, temporarily act as such president.

2. Have power to appoint a secretary and such assistants, clerks and subordinates as such borough president may deem necessary, within the appropriation therefor. The said secretary, assistants, clerks and subordinates shall hold office at the pleasure of the president, subject to the provisions of the civil service law.

3. Continue to maintain a topographical bureau for such borough and appoint the director of the bureau who shall also serve as construction coordinator and consulting engineer for the borough and shall have qualifications as a licensed professional engineer. In addition to other duties, the director of the bureau shall monitor capital projects in the borough and shall be available to serve as an expeditor on construction projects in the borough and provide technical assistance with respect to construction projects.

4. Have power to recommend capital projects.

5. Have power to hold public hearings on matters of public interest.

6. Make recommendations to the mayor and to other city officials in the interests of the people of [his] the borough.

7. [Appoint such professional staff within] Within appropriations therefor, establish and maintain a budget office for the borough to assist the borough president in the preparation of budget proposals, review and analysis of proposed budgets, departmental estimates, budget modifications and other fiscal matters under the jurisdiction of the president of the borough.

8. Consult with the mayor in the preparation of the executive expense budget and the executive capital budget and submit proposed appropriations and other budget recommendations to the mayor and
the council in accordance with chapters three, six, and nine of the charter.

9. Establish and maintain a planning office for the borough to assist the borough president in planning for the growth, improvement and development of the borough; reviewing and making recommendations regarding applications and proposals for the use, development or improvement of land located within the borough; preparing environmental analyses required by law; providing technical assistance to the community boards within the borough; and performing such other planning functions as are assigned to the borough president by this charter or other law.

10. Monitor and make recommendations regarding the performance of contracts providing for the delivery of services in the borough and, when the borough president deems it appropriate, require that a hearing be held in the borough by a contract performance panel.

11. Have power to have legislation introduced in the council; such proposed legislation shall indicate that it was introduced at the behest of the borough president.

12. Provide training and technical assistance to the members of community boards within the borough.

13. Oversee the coordination of a borough-wide public service complaint program and report to the mayor, council president and public on recurring complaints of borough residents and the borough president's recommendations for improving the city's response to such complaints.

14. On or before the first day of September of nineteen hundred ninety, and every four years thereafter, prepare a strategic policy statement for the borough and provide copies of such statement to the mayor, council and community boards in the borough. Such statement shall include: (i) a summary of the most significant long-term issues faced by the borough; (ii) policy goals relate to such issues; and (iii) proposed strategies for meeting such goals. In preparing the statement, the borough president shall consult with the community boards in the borough.
15. Make a complete transcript of each public hearing called by the borough president available for public inspection free of charge within sixty days after the hearing and provide a copy of any requested pages of such transcript at a reasonable fee to cover copying and, if relevant, mailing costs.

Sec. 83. Organization of office. Any borough president to the extent to which the organization of such borough president's office is not prescribed by law, may organize such borough president's office 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 borough president may consider advisable.

Sec. 85. Borough board. a. There shall be in each borough a board to be known as the borough board which shall consist of the borough president and the district council members from such borough, and the chairperson of each community board in the borough. The borough president shall be the chairperson of such board, which shall hold public hearings at stated intervals in the borough and report to [the board of estimate,] the council, the mayor and the city planning commission on borough programs and proposed borough capital projects. The borough president, the council members from the borough and the chairperson of the community boards in the borough shall be voting members of the borough board but [A] a member from a community board shall vote only on issues that directly affect the community district represented by such member. The borough board shall employ technical and clerical assistance within appropriations for such purposes, and the borough president shall provide necessary additional staff assistance.

b. Each borough board shall:

(1) Cooperate with community boards and city agencies with
respect to matters relating to the welfare of the borough and its residents;

(2) In its discretion hold or conduct public or private hearings;

(3) Adopt by-laws and meet at least once a month but no formal action of the board shall be taken except at a meeting open to the public;

(4) Assist agencies that deliver services within the borough in the preparation of service statements for the borough and review such statements;

(5) Prepare comprehensive and special purpose plans for the physical growth, improvement and development of the borough;

(6) Review and make recommendations with respect to applications and proposals of public agencies and private entities for the use, development, or improvement of land located in more than one district;

(7) Mediate disputes and conflicts among two or more community districts in the borough;

(8) Submit a comprehensive statement of the expense and capital budget priorities and needs of the borough;

(9) Evaluate the progress of capital developments within the borough and the quality and quantity of services provided by agencies within the borough; [and]

(10) Give notice of all its public meetings and hearings, and make such meetings and hearings available for broadcasting and cablecasting;

(11) Keep a public record of its activities and transactions, including minutes of meetings, majority and minority reports, by-laws, and all documents which the board is required by law to review; such documents shall, in accordance with law, be made available to elected officials upon request and for reasonable public inspection;

([10]12) Otherwise consider the needs of the borough.
c. A majority of the members of any borough board entitled to vote on a matter before such board shall constitute a quorum of such board for action on such board.

d. Whenever any act is authorized to be done or any determination or decision made by any borough 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.

e. Any borough board may adopt rules permitting a member to designate a representative to exercise all the power of such member as a member of the borough board. Such a representative shall be considered a member of the board for the purpose of determining a quorum of the borough board.

Sec. 86. Opening and closing streets. Except in the case of an emergency, no person, agency, business, association, or corporation shall remove the pavement, disturb the surface or otherwise open or close a street, road or highway until a written notice is filed at least ten days in advance of the intended action with the construction coordinator and consulting engineer for the borough in the office of the borough president and the office of district manager for the community district in which the street, road or highway is located. In the event of an emergency, such notice may be made in person or by telephone before the action is instituted and in writing immediately after the action is instituted. If this is not feasible, notice shall be made in person or by telephone and in writing immediately after the action is instituted.
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 two years 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 two year period, or (3) the initiation of the audit after the two year period is appropriate in light of information discovered in an
audit of another contract of the same contractor. Such written
determination shall be filed with the mayor, council and council
president.

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

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.
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.

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: (i) purchases of equipment, goods and services, and construction by agencies of government that use city funds for such purposes and (ii) the adoption and use of new technology by city agencies to promote their economy and efficiency, and periodically report the findings and recommendations of such studies to the mayor, the board of estimate, the council and the public.

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

The comptroller shall have the power and 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.
Except as provided in 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 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 audit committee after the agency has had an opportunity to be heard on this matter.

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

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

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 revenues and expenditures of the city and the 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 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.

On January first, nineteen hundred seventy-six, the comptroller shall establish for his or her office and in 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 uniform system of [uniform] accounts shall provide:

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

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

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

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

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

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

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

r. The comptroller shall make a complete transcript of each
public hearing conducted by the office available for public
inspection free of charge within sixty days 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 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 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] assets of the city by a firm or firms of certified public accountants selected by the [board of estimate] audit committee, after submission of more than one proposal to perform the audit, unless such audit is performed or shall be performed by the state comptroller. Copies of the annual audit shall be submitted to the mayor, the comptroller, [the board of estimate,] the council and the state comptroller and shall be published in the City Record. No firm of certified public accountants shall perform any such audit or a part of such audit for more than [four] eight consecutive years provided, however, that no audit engagement contract shall exceed four 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] comptroller, with the approval of the 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 finance, and (ii) two persons with expertise in accounting. Two private members, one of whom shall have been recommended by the comptroller, shall serve for two-year terms commencing on the first day of March of nineteen hundred ninety; and two private members, one of whom shall have been recommended by the comptroller, shall serve for two year terms commencing on the first day of March of nineteen hundred ninety-one. Private members 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) approve the selection of the independent actuary to perform the actuarial audit required by section ninety-six; and

(5) perform such other functions as are agreed to by all of the members.
Sec. 98. Independent budget office.

a. There shall be an independent budget office to be headed by a director who shall be appointed upon the recommendation of the independent budget office advisory board, by a special committee convened for this purpose. Such committee shall consist of the comptroller, the council president, a borough president chosen by the borough presidents, and a council member chosen by the council, and shall act by majority vote. The director shall be appointed without regard to political affiliation and solely on the basis of fitness to perform the duties assigned by this chapter. The term of office of the director first appointed shall expire on August first, nineteen hundred ninety-four, and the terms of office of directors subsequently appointed shall expire on such date in each fourth year thereafter. Any individual appointed to fill a vacancy prior to the expiration of a term shall serve only for the unexpired portion of the term. An individual serving as director at the expiration of a term may continue to serve until a successor is appointed.

b. The appropriations available to pay for the expenses of the independent budget office during each fiscal year shall not be less than ten percentum of the appropriations available to pay for the expenses of the office of management and budget during such fiscal year. The director shall appoint such personnel and procure the services of such experts and consultants, within the appropriations available therefor, as may be necessary for the director to carry out the duties and functions assigned herein. Such personnel and experts shall perform such duties as may be assigned to them by the director.
c. The director shall be authorized to secure such information, data, estimates and statistics from the agencies of the city as the director determines to be necessary for the performance of the functions and duties of the office, and such agencies shall provide such information, to the extent that it is available, in a timely fashion. The director shall not be entitled to obtain records which are protected by the privileges for attorney-client communications, attorney work product, and material prepared for litigation.

d. There shall be an independent budget office advisory committee consisting of ten members appointed jointly by the comptroller and the council president for five year staggered terms. Of the members originally appointed, two shall serve until the thirty-first day of March of nineteen hundred ninety-three, two shall serve until the thirty-first day of March of nineteen hundred ninety-four, two shall serve until the thirty-first day of March of nineteen hundred ninety-five, two shall serve until the thirty-first day of March of nineteen hundred ninety-six and two shall serve until the thirty-first day of March nineteen hundred ninety-seven. The members shall all be individuals with extensive experience and knowledge in the fields of finance, economics, accounting, public administration and public policy analysis, including at least one former director of the New York City office of management and budget or of a comparable office in another local governmental jurisdiction in the United States; one nationally recognized expert in the fields of budget theory and the budgetary process; one former director of the New York State division of the budget or of a comparable legislative or executive office in another state government; one dean or director or former dean or director of a graduate school of business administration located in New York City; one dean or director or former dean or director of a graduate school of public administration or public affairs or public policy located in New York City; one chair of former chair of a graduate
economics department of a college or university located in New York City; one officer or former officer of, or economic advisor of, a labor union; one officer or former officer of, or economic advisor to, a business corporation; one officer or former officer of a civic or public interest advocacy organization involved in budgetary matters; and one officer or former officer of a human services advocacy organization involved in budget matters. No member may be reappointed to consecutive terms. Vacancies occurring because of the expiration of terms shall be filled promptly on the recommendation of the members of the committee whose terms are not expiring. Vacancies occurring otherwise shall be filled promptly on the recommendation of the remaining members of the committee. The members of the committee shall receive no compensation but shall be reimbursed for their necessary expenses. The committee shall at its first meeting in every even numbered year elect, from among its members, a chair and vice-chair who shall serve until the thirty-first day of March of the next even numbered year.

Sec. 99. Powers and duties.

a. It shall be the duty of the office to provide to the comptroller, the president of the council, the members and committees of the council, the borough presidents, and the community boards information which will assist such officials and bodies in the discharge of their responsibilities which are related to the budgetary process, including:

1. information with respect to the budget, appropriations bills and proposed local laws with fiscal implications;
2. information with respect to estimated revenues and receipts and changing revenue conditions; and
3. to the extent practicable, such other information or analyses as may be requested by such officials and bodies.
b. The director, upon the request of a borough president or the
president of the council for a proposed local law introduced by
such official, or the chair or ranking minority member of a
committee of the council for a proposed local law being considered
by such committee, shall complete a fiscal impact statement of such
proposed local law consistent with the requirements of section
thirty-three.

c. The director shall from time to time publish such reports as may
be appropriate to enhance official and public understanding of the
budgetary process and of the budget documents published in
accordance with the provisions of chapters three, six and nine.
The director shall from time to time publish such reports as may
be necessary or appropriate to provide such information, data, and
analysis as will enhance official and public understanding of
matters relating to city revenues, expenditures, financial
management practices and related matters.

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

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

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

h. The director shall make all information, data, estimates, and statistics obtained under subdivision c of section ninety-eight, and all studies and reports prepared by the office, available for public inspection and copying during normal business hours and shall, to the extent practicable, furnish a copy of any such information or report to any person upon request at a reasonable cost.
Sec. [112.]100. [Departmental] Format of expense budget departmental estimates, preliminary expense budget, and executive expense budget.

a. [On such date as the mayor may direct, the head of each agency shall submit to the director of management and budget an estimate of the requirements for expense of such agency for the ensuing fiscal year. Such estimates shall be known as] The expense budget departmental estimates [and], the preliminary expense budget, and the executive expense budget for each year shall consist of proposed units of appropriation for personal [services] service and proposed units of appropriation for other than personal [services] service for the ensuing fiscal year.

b. Each agency head, for the departmental estimates, and the mayor, for the executive budget, shall submit (i) a statement of the impact [on] of the proposed units of appropriation on the level of services to be provided during the ensuing fiscal year and (ii) a written response to each of the expense budget priorities included in each community board's statement of budget priorities submitted in accordance with section sixty-one of this charter, including the disposition of each such priority and a meaningful explanation of any disapprovals contained in such estimates or budget. [Each agency that delivers local services within community district shall consult with the respective community boards in the preparation of its estimates.]

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

d. Each proposed unit of appropriation contained in the departmental estimates, the preliminary expense budget and the executive expense budget shall be accompanied by a statement of the programmatic objectives of the program, purpose, activity or institution involved.
e. Each [requested] proposed unit of appropriation contained in the departmental estimates and the executive budget shall be supported by line items showing how the total amount of such unit is determined. [Such]

f. The departmental estimates shall be in such form and contain such further information as may be required by the mayor or by law[. Such departmental estimates] and shall be public records and which shall at all reasonable times be open to public inspection.

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

h. The departmental estimates and the executive expense budget shall include a contract budget prepared in accordance with the provisions of section one hundred four.

Sec. [112-a.]101. Preliminary expense budget [statements].

[a. Not later than the sixteenth day of January, the mayor shall submit the preliminary budget statements for the ensuing fiscal year to the board of estimate, council and each community board and borough board. Such] The preliminary expense budget [statements] shall contain proposed expenditures and a forecast of revenues for the ensuing fiscal year, including, for each tax revenue source which represents five percent or more of the total forecast of tax revenues, a detailed statement of the methodology
and assumptions used to determine the forecast of revenues estimated to be received from such source in sufficient detail to facilitate official and public understanding of the manner in which such forecasts are made, [and] shall indicate proposed units of appropriations for personal [services] service and for other than personal service, [services. Such preliminary budget statements shall consist of: (1)] shall include a financial plan covering estimates of expenditures and revenues for the four ensuing fiscal years with the amounts estimated to be available for discretionary increases, as defined in section one hundred two, in such years. [(2)] shall include the departmental estimates of agency expenditures for the ensuing fiscal year pursuant to section one hundred [twelve] together with proposed sources of revenue for each unit of appropriation specified therein and [(3)] shall present a plan to ensure balance between the expense and revenue budgets during the ensuing fiscal year[, by unit of appropriation where actions are allocated to specific agencies, showing the number of full-time personnel affected in each agency, the estimated impact on services that would result from such plan and the funding consequences of such plan].

Sec. 102. Expense budget borough allocations.

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

1. all such proposed expenditures which are necessary to continue to operate current programs and provide current services
at the levels at which they were authorized to be operated or provided, pursuant to the expense budget for the current year as adopted in accordance with section eighty-one and eighty-two or at levels not exceeding such levels:

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

3. all proposed increases in such expenditures for current programs or services which are projected to be necessary as a result of federal, state or local laws or judicial decisions which require increases in benefit levels, service levels, or similar matters:

4. all proposed increases in such expenditures for new programs or new services required by federal, state or local law to be initiated during the ensuing fiscal year; and

5. all proposed expenditures, in excess of the expenditures specified in paragraph one of this subdivision, which are necessary to continue to operate current programs and provide current services at the levels at which they are currently authorized to be operated or provided pursuant to the expense budget for the current year as modified in accordance with section one hundred seven, excluding the portion of such excess which is attributable to budget modifications adopted in accordance with such section which were not necessary to (i) continue to operate programs and provide services at the level at which they were authorized in the expense budget for the current year as initially adopted, (ii) accommodate actual but unanticipated caseload increases in such programs, or (iii) accommodate actual but unanticipated increases in spending of the types referred to in paragraphs three and four of this subdivision, and excluding that portion of any expenditure increase which was financed by a decrease in any appropriations originally included in the executive expense budget for the current year to pay for a discretionary increase.
b. Borough allocation. Five percent of the total amount of the discretionary increases which the mayor includes in the executive expense budget for the ensuing fiscal year shall be allocated among the boroughs by a formula based on factors related to population and need and shall be known as the expense budget borough allocation. Such formula shall be established by local law, but in any fiscal year for which no such local law is effective, such expense budget borough allocation shall be allocated among the boroughs on the basis of the average of (i) each borough's share of the total population of the city, (ii) each borough's share of the total population of the city below one hundred twenty-five percent of the poverty level, and (iii) each borough's share of the total land area of the city. Such a borough allocation shall be reduced by any amounts necessary, in excess of the amounts available pursuant to section one hundred two-a of this chapter, to pay for the operating costs, as certified in accordance with the provisions of subparagraph a of paragraph one of subdivision c of section two hundred eleven, of capital project constructed with funds recommended for appropriation by the borough president in accordance with the provisions of section two hundred eleven.

c. Preliminary borough allocations; initial borough president notification. Concomitantly with the submission of the preliminary expense budget, the mayor shall inform each borough president of the portion of the executive expense budget for the ensuing fiscal year and for the three subsequent fiscal years that, pursuant to the formula required by subdivision b of this section, would be allocated to each borough if the amount of the discretionary increases for the ensuing fiscal year and for the three subsequent years were the same as the amounts projected by the mayor, in accordance with section one hundred one, to be available for such purposes in such years. The amount of such portion shall be known as the preliminary expense budget borough allocation.
d. Borough president proposals. Each borough president, during
the consultations required by section seventy-four, shall submit
to the mayor, in such form as the mayor shall prescribe, proposed
appropriations for the expense budget not exceeding such borough's
allocation of the expense budget borough allocation as certified
by the mayor to the borough presidents during such consultations.
The timing of such certification shall allow sufficient time for
such consultations and for meeting the deadlines established by
section seventy-seven. The mayor shall include such proposed
appropriations without modification in the executive expense budget
in accordance with the provisions subdivision two of section one
hundred three of this charter, provided, however, that the mayor
may also include such comments and recommendations relating to such
proposed appropriations as the mayor may deem proper.

Sec. 102-a. Capital budget borough allocation expense budget
contingencies. An amount equal to nine tenths of one percent of
the cost of capital projects constructed with funds recommended
for appropriation in accordance with the provisions of section two
hundred eleven, shall be available to provide for the expense
budget requirements of such capital projects.

Sec. [117.]103. Contents of the executive expense budget.

a. There shall be included in the budget:

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

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

[3.](b) The amount required to pay the interest and
principal of city obligations as certified by the comptroller.
[4. The amounts required by law to be appropriated to
the street and park openings fund and the street improvement fund
as certified by the comptroller.]

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

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

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

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

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

[10. There shall be appropriated in the expense budget]

(g) [A] A reserve for unanticipated contingencies.

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

2. The proposed appropriations submitted by the borough
presidents in accordance with section one hundred two.

3. An identification of the proposed appropriations, being
proposed, by agency and project type and, within project type, by
personal service and other than personal service, for the
maintenance of all major portions of the capital plant, as such
terms are defined in subdivision a of section eleven hundred ten-
a.

4. The terms and conditions under which appropriations shall
be administered.

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

Sec. 104. Contract budget.

a. Each contract budget shall set forth by agency each major
category of contractual services and each multiple purpose category
of contractual services for which appropriations are being
proposed.

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

c. For purposes of this section

1. the term "major category" shall mean:

(a) a programmatic category related to a major service
provided by the agency or a major responsibility of the agency
regardless of dollar amount; or

(b) a programmatic category related to a particular
state or federal requirement; or

(c) a subcategory of those categories set forth in
subparagraph a or b of this paragraph where the dollar amount
constitutes a major commitment of city funds; or
(d) a category established by the council as a major category pursuant to subdivision f of this section; or

(e) a category certified by the mayor as a major category.

2. the term "multiple purpose category" shall mean:

a. groupings of contractual services for related purposes, none of which individually constitute a major category, but which together facilitate public understanding of contractual spending provided by an agency; or

b. a grouping of unrelated contractual services, which individually do not constitute a major category, and which are not appropriately grouped with other contractual spending of the agency.

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

d. Major categories. Each major category of contractual services shall be accompanied by a detailed description of the programmatic objectives of the category, the number of contracts estimated to be included in the category and the proposed appropriations for that category.

e. Multiple purpose categories. All other contractual services shall be aggregated in multiple purpose categories. Each multiple purpose category shall be accompanied by the number of contracts estimated to be included in the category and the supporting schedules identifying the purposes and amounts involved in sufficient detail to allow the council to certify that the category does not contain major categories of contractual services.

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

G. Adoption of contract budget. The council may increase, decrease
add or omit any amount in the contract budget as submitted by the
mayor, or change any terms and conditions of the amount in that
category. The mayor may disapprove any increase or addition to the
amounts in the categories, or any change in any term and condition
of the contract budget. The mayor's disapproval may be overridden
by a two-thirds vote of all of the members of the council.

H. Modification of terms and conditions. All spending for
contractual services shall be in accordance with the terms and
conditions of the contract budget as adopted; provided, however,
that during any fiscal year the mayor shall notify the council of
any proposed modification of such a term or condition. Within
thirty days of the first stated meeting of the council following
the receipt of such notice, the council may disapprove the proposed
notification.

Sec. [118.]105. Appropriations for [supplies, materials and
equipment] goods, services or construction. Appropriations for
the [purchase] procurement of [supplies, materials and equipment]
goods, services or construction or the provision of services,
utilities, or facilities [required by and to be purchased or
provided] by the department of general services for [the account
of the various] other agencies and institutions [for which the
department of general services is authorized by] in accordance with
the authority of the department of general services under the
provisions of this charter [to make purchases or provide services,
utilities, or facilities] shall be made to the department of general services but shall be segregated under the name of the agency or institution for which they are intended and shall be considered and accounted for as appropriated for such agency or institution. Nothing herein contained shall prevent the designation of part of such appropriations as a general stores account or under other appropriate designation to enable the department of general services to maintain a stock in anticipation of requirements or to provide services, utilities or facilities for joint use by more than one agency or institution.

Sec. [123.] 106. [Budget] Expense budget administration.

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

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

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

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

e. Whenever the mayor determines, pursuant to the provisions of this charter or other relevant statutes, that the full amount of any appropriation should not be available for expenditure during the fiscal year, the mayor shall notify the council of such determination and the implications and consequences of those impoundments for service levels and programmatic goals affected. The mayor shall respond in writing to a request by the council for an explanation of why an appropriation should not be expended.
f. 1. Within thirty days of the adoption of the executive expense budget, the head of each agency responsible for one or more of the services listed in paragraph four of this subdivision shall submit to each borough president, a plan for the allocation within the borough of the personnel and resources appropriated for each such service in the borough.

2. Within thirty days of receiving such a plan, the borough president may propose a reallocation of the personnel and resources within the borough. Such proposed reallocations shall be implemented by the agency, unless the head of the agency objects, in writing, to the borough president. If such an objection is submitted, the borough president may submit a revised reallocation proposal to the agency head which shall be implemented by the agency head provided that no such modification may increase or decrease the personnel or resources allocated to any community district for such service by more than five percent.

3. If, during the course of the fiscal year, however, a material reallocation of personnel or resources within a borough is anticipated by an agency head to be necessary for any of the services listed in subdivision four, the agency head shall consult with the borough president prior to the implementation of any such reallocation.

4. The services covered by this subdivision shall include the following services and any additional services identified for this purpose by the mayor: local parks services, street cleaning and refuse collection, housing code enforcement, highway and street maintenance and repair; sewer maintenance and repair, and the maintenance of public buildings by the department of general services.

Sec. [124.] 107. Budget modification.
a. Subject to the quarterly spending allotments and aggregate position and salary limits established pursuant to section one hundred twenty-three six, and to other applicable provisions of this charter, of the civil service law and of other law, changes in schedules, within units of appropriation, may be made by the head of each agency. Any such changes shall be published in the City Record and copies shall be forwarded reported to the mayor and the comptroller not less than ten days before not more than ten days after the effective date thereof, and shall be made available for public review upon adequate notice.

b. The mayor during any fiscal year may transfer part or all of any unit of appropriation to another unit of appropriation, except that when any such transfer (1) shall be from one agency to another or (2) shall result in any unit of appropriation having been increased or decreased by more than five percent or fifty thousand dollars, whichever is greater, from the budget as adopted for such unit of appropriation, the mayor shall notify the board of estimate and the council of the proposed action. Within thirty days after the first stated meeting of each body following the receipt of such notice, either the board of estimate or the council may disapprove the proposed action; provided, however, that the mayor may recommend such a transfer if it is related to an appropriation included in the budget pursuant to section one hundred two only with the concurrence of the relevant borough president; and a borough president may make such a recommendation with regard to such an appropriation if it is concurred in by the mayor and does not include a reduction in an appropriation other than one included in the budget pursuant to section one hundred two on the recommendation of such borough president. Written notice of any transfer pursuant to this subdivision shall be given to the comptroller and shall be
published in the City Record as soon as possible after such transfer.

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

d. As used in this section, the term "unit of appropriation" shall mean and include: (1) a unit of appropriation for personal service as defined in subdivision b of section one hundred [twelve] of the charter together with that portion of a unit of appropriation for other than personal service, as defined in subdivision [c] of such section one hundred [twelve], which is allocated to such unit of appropriation for personal service; or (2) a unit of appropriation for other than personal service as defined in subdivision c of such section one hundred [twelve].] e. The council may during any fiscal year transfer part or all of any unit of appropriation within the council appropriation to any other council unit of appropriation for any of its programs or projects or for any other purpose, solely by adoption of a council resolution. Each such transfer shall be published in the City Record and written notice thereof shall be given to the mayor and to the comptroller not less than ten days before the effective date thereof.

f. The procedures and required approvals pursuant to sections [one hundred twenty, one hundred twenty-one and one hundred twenty-two,] eighty-one, eighty-two, and eighty-three, without regard to the dates specified therein, shall be followed in the case of (1) any proposed amendment to the budget respecting the creation of new units of appropriation, or (2) the appropriation of new revenues from any source except for revenues from federal, state or private sources in regard to the use of which the city has no discretion provided, however, that the mayor
shall give notice to the council of the receipt and proposed utilization of any such revenues, or (3) the proposed use by the city of previously unappropriated funds received from any source. Any request by the mayor respecting an amendment to the budget that involves an increase in the budget shall be accompanied by a statement of the source of current revenues or other identifiable and currently available funds required for the payment of such additional amounts.

Section 108. The council shall be required to publish quarterly accountings of its actual and planned expenditures, in sufficient detail to indicate the positions and their purposes which have been funded, as well as the activities and categories of materials and supplies purchased.

Sec. [126.] 109. General fund. All revenues of the city, of every administration, department, board, office and commission thereof, and of every borough, county and other division of government within the city, from whatsoever source except taxes on real estate, not required by law to be paid into any other fund or account shall be paid into a fund to be termed the "general fund."

Sec. [130.] 110. Expenditure reports. Any public or private agency, authority, corporation, board or commission which receives city funds and is not otherwise subject to the requirements of section one hundred [twenty-three] six of this chapter shall submit quarterly reports of the expenditure of such funds to the mayor in such form and detail as the mayor may prescribe.

Sec. [131.] 111. Self-dealing among members of the governing boards of charitable institutions.
a. Any charitable institution which receives any payment from the New York city charitable institutions budget shall pass and implement by-laws which will:

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

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

3. Require each member of its governing board to submit to the agency each year a disclosure statement including such member's name, home address, principal occupation and business interests from which such member or such member's spouse received income equal to or greater than ten per cent of their aggregate gross income during the previous year.

b. At the discretion of the agency, any payment or any portion of any payment may be withheld from any institution which has failed to pass and implement such by-laws.
Sec. 191. Department and director of city planning. a. There shall be a department of city planning, the head of which shall be the director of city planning. The director of city planning shall be the chair and a member of the city planning commission and shall serve at the pleasure of the mayor.

b. The director of city planning shall:

1. Advise and assist the mayor, the borough presidents 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. Assist the mayor in the preparation of strategic plans, including the preparation of the report provided for in section sixteen concerning the social, economic and environmental health of the city, the strategic policy statement provided for in section eighteen and the ten-year capital strategy provided for in section two hundred fifteen.

7. Appoint a deputy executive director for strategic planning.

8. Make a complete transcript of the public meetings and hearings of the commission available for public inspection free of charge within sixty days after any such meeting or hearing. The
1 director shall also provide a copy of any requested pages of such
2 transcript to any resident or taxpayer at a reasonable fee to cover
3 the costs of copying and, where relevant, mailing.
4 9. Perform such other functions as are assigned to him or her
5 by the mayor or other provisions of law.
6 c. The department shall employ such planning experts,
7 engineers, architects and other officers and employees as may be
8 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] twelve other members [to be appointed by the mayor. The appointments shall be made so that there is at least one resident of each borough on the commission.] The mayor shall appoint the chair and six 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. Appointments of all members, except for the chair, shall be subject to the advice and consent of the council. For such appointments by officials other than the mayor, the procedure for obtaining the advice and consent of the council shall be the same as the procedure provided for in section thirty-one for appointments of the mayor. Members, except for the chair, shall not be considered regular employees of the city for purposes of chapter sixty-eight. The agency served by the members of the commission shall for purposes of chapter sixty-eight be deemed to be both the commission and the department of city planning. No member, while serving as a member, shall appear directly or indirectly before the department, the commission, or any other city agency for which the conflicts of interest board shall, by rule, determine such appearance creates a conflict of interest with the duties and responsibilities of the member. No firm in which a member has an interest may appear directly or indirectly before the department or commission. For purposes of this section, the terms "agency," "appear," "firm," and "interest" shall be defined as provided in chapter sixty-eight. Except as otherwise provided in section one hundred ninety-one, no member shall hold any other city office. Members other than the [chairman] chair shall be appointed for a term of [eight] five years [. In case of a vacancy in the office of a member other than that of the chairman, the mayor shall appoint a member to serve for the remainder of the unexpired term.]. Provided, however, that of the members other than the chair, one member appointed by the mayor
and one member appointed by a borough president shall serve for
terms to expire on June 30, nineteen hundred ninety-one; one member
appointed by the mayor and one member appointed by a borough
president shall serve for terms to expire on June 30, nineteen
hundred ninety-two; one member appointed by the mayor and one
member appointed by a borough president shall serve for terms to expire on June 30, nineteen hundred ninety-three; one member
appointed by the mayor and one member appointed by a borough
president shall serve for terms to expire on June 30, nineteen
hundred ninety-four; and two members appointed by the mayor, 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-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 commission shall serve until their
successors have been confirmed. Any vacancy occurring other than
by expiration of a term shall be filled by the official who
appointed the member in the same manner as the original
appointment. A person so appointed shall serve for the unexpired
portion of the term of the member succeeded. Terms shall begin on
the next date after the expiration date of the preceding term.

[b] c. One of the members other than the [chairman] chair shall
be designated by the mayor as [vice-chairman] vice-chair and shall
serve as [such] vice-chair at the pleasure of the mayor. 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] the
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, improvement and future development of the city, including adequate and appropriate resources for the housing, business, industry, transportation, distribution, recreation, culture, comfort, convenience, health and welfare of its population.

e. The city planning commission shall oversee implementation of laws that require environmental reviews of actions taken by the city. The commission shall establish by rule procedures for environmental reviews of proposed actions by the city where such reviews are required by law. Such rules shall include procedures for (1) selection of the city agency or agencies that will be responsible for determining whether an environmental impact statement is required in connection with a proposed action and for preparation and filing of any such statement required by law, (2) participation by the city in environmental reviews involving agencies other than city agencies and (3) coordination of environmental review procedures with the land use review procedures set forth in this chapter. The director of city planning and the commissioner of the department of environmental protection shall assign from the staffs of such departments an office of environmental coordination, which shall provide assistance to all city agencies in fulfilling their environmental review responsibilities.

f. On December 31, nineteen hundred ninety-two and every four years thereafter, the commission shall file with the mayor, the council, the president of the council, the borough presidents, and the community boards, a zoning and planning report. The report shall include (1) a statement of the planning policy of the commission, which policy shall take into consideration, among other things, the ten-year capital strategy, the four-year capital program, the report on the social, economic and environmental health of the city issued pursuant to section eighteen, the strategic policy statements provided for in section eighteen and
plans approved pursuant to section one hundred ninety-seven-a, (2) a summary of the significant plans and studies completed or undertaken by the department of city planning in the preceding four years, (3) an analysis of those portions of the zoning resolution that merit reconsideration in light of the policy of the commission and (4) proposals for implementing the planning policy of the commission whether by amendment of the zoning resolution, development of plans or otherwise.
Sec. 193. Removal of commission members [by mayor after
hearing]. A member of the commission other than the [chairman]
chair may be removed by the [mayor] appointing official only upon
proof of official misconduct, [or of negligence in] neglect of
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]. Before removal [he], 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] on a
record by the office of administrative trials and hearings, which
shall make final findings of fact, recommend a decision and submit
such findings and recommended decision to the appointing official
for final action.
Sec. 195. Acquisitions of office space. Acquisitions by the city of office space or existing buildings for office use, whether by purchase, condemnation, exchange or lease, shall be subject to the following review and approval procedure:

a. The agency proposing any such acquisition shall file with the department of city planning a notice of intent to acquire. The department of city planning shall send such notice to the community board in which the proposed acquisition is located and all borough presidents.

b. Within thirty days of the filing of such notice, the city planning commission shall hold a public hearing on such acquisition and shall approve or disapprove such acquisition. Notice of such hearing shall be published in the City Record not less than ten days in advance of such hearing.

c. In reviewing any such acquisition, the commission shall apply the criteria for the location of city facilities provided for in section two hundred and three.

d. Within the thirty days provided for commission action pursuant to subdivision b of this section, the commission shall file any approval of such an acquisition with the council. Within twenty days of such filing, the council may by two-thirds vote disapprove such acquisition.
Sec. 196. Affected boards and borough presidents. For purposes of this chapter: the term "affected community board" shall mean the community board for a community district in which land included in a plan or an application pursuant to this chapter is located; the term "affected borough president" shall mean the president of a borough in which land included in such a plan or an application is located; and a borough board shall be deemed "affected" if such a plan or application includes land within two or more community districts within the borough represented by such borough board.
Sec. 197-a. Plans. a. [The city planning commission shall be responsible for the conduct of planning relating to the orderly growth and improvement and future development of the city, including adequate and appropriate resources for the housing, business, industry, transportation, distribution, recreation, comfort, convenience, health and welfare of its population.]

Plans for the development, growth, and improvement of the city and of its boroughs and community districts may be [initiated] proposed by (1) the mayor, (2) the city planning commission, (3) the department of city planning, (4) a borough president with respect to land located within his or her borough, (5) a borough board with respect to land located within [two or more community districts] its borough, or [(4)] (6) a community board with respect to land located within its community district. A community board [or] a borough board or borough president that [initiates] proposes any such plan shall [conduct a public hearing on it and] submit the plan together with a written recommendation to the city planning commission[]. Plans initiated by the mayor or the city planning commission shall be referred to the affected community board or boards and, if land located within two or more community districts is included, to the affected borough board or boards for review and recommendation after public hearing] for determinations pursuant to subdivision b of this section. Any such submission may be made by a community board, borough board or borough president only after the board or borough president proposing such a plan has held a public hearing on the plan.

b. The city planning commission shall adopt rules establishing minimum standards for the form and content of plans pursuant to this section within a reasonable time period after July 1, nineteen hundred ninety. Upon receipt of a plan proposed pursuant to this section by a community board, borough board or borough president, the city planning commission shall, within a reasonable time period, determine whether such plan satisfies the standards established in such rules and is consistent with sound
planning policy. If the commission makes such determinations with respect to a plan submitted by a community board, the office of environmental coordination established pursuant to subdivision e of section one hundred ninety-two, together with such other city agency or entity as may be required pursuant to law or rule, shall prepare or cause to be prepared any environmental analysis of such plan required by law to enable the city planning commission and the council to act on the plan pursuant to subdivision d of this section. If the city planning commission makes the determinations provided for in this subdivision with respect to a plan, such plan shall be referred to the department of city planning for circulation and review pursuant to subdivisions c and d of this section.

c. All plans proposed pursuant to this section shall be referred to the department of city planning for circulation by the department to all affected community boards, all affected borough boards and all affected borough presidents for review and written recommendation, except that any such plan need not be circulated to the agency or official that proposed such plan. All affected community boards and borough boards to which such a plan is referred shall hold a public hearing on any such plan, except that in the case of a plan that includes an entire borough or land in more than one borough, only one public hearing need be held in each affected borough. The city planning commission shall establish by rule the procedures and schedule for review of such plans, consistent with the provisions of this section. 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 case the plan and any [advice] written recommendations 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 written 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 or the city planning commission which involve matters of city-wide concern. b. The]

d. Within a reasonable time period following review and recommendation of a plan pursuant to subdivision c of this section, the city planning commission shall (1) review any such plan [initiated pursuant to subdivision a of this section], (2) hold a public hearing on such plan and [recommend to the board of estimate approval, modification or disapproval of the] (3) by resolution approve, approve with modifications or disapprove such plan. [The board of estimate shall hold a public hearing on the plan and the recommendation of the city planning commission, and thereafter take final action of approval, modification or disapproval. The board] If the city planning commission has approved a plan with or without modifications, such plan shall be subject to review and action by the council pursuant to section one hundred ninety-seven-d. The council may by a [three-fourths] two-thirds vote [override any action of the city planning commission] approve a plan which the city planning commission disapproved [a] or on which the commission has failed to act if the mayor so requests. Upon the filing by the mayor of such a request with the commission and the council, the commission shall within five days file with the council a copy of its decision together with a copy of the plan. [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] the affected borough presidents, [and] the affected borough boards and the affected community boards [affected].
Sec. 197-b. Notification [to community boards] of plans and proposals.

a. Advance [notification] notice of all preliminary and final plans of public agencies and public benefit corporations or of private agencies, entities or developers filed with the city that relate to the use, development or improvement of land subject to city regulation shall be given to the affected community board or boards and the office of the affected borough president, provided that exceptions may be made in matters of no appreciable public concern by agency rule.

b. Copies of (1) all requests for proposals and other solicitations of proposals issued by or on behalf of the city, whether or not issued by an agency, a local development corporation or other entity, and (2) all letters of intent executed by or on behalf of the city, whether or not executed by an agency, a local development corporation or other entity, that relate to the private use or the disposition of city-owned land, shall be conveyed to the community boards where such land is located and the office of the borough president where such land is located promptly after issuance or execution.
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) Changes in the city map pursuant to section one hundred ninety-eight and section one hundred ninety-nine;

(2) Maps of [a subdivision or plating] subdivisions or plattings of land into streets, avenues or public places pursuant to section two hundred two;

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

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

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

(6) Revocable consents [involving residential, industrial, commercial, transportation or community facility projects pursuant to chapter fourteen] pursuant to section three hundred sixty-four, requests for proposals and other solicitations for franchises pursuant to section three hundred sixty-three, and major concessions as defined pursuant to section three hundred seventy-four;

(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 landfills 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 for office use or a building for office use), 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; and

(12) Such other matters involving the use, development or improvement of property as are [specified by the board of estimate upon recommendation of] proposed by the city planning commission and enacted by the council pursuant to local law.

b. [Each proposal or application] The following documents shall be filed with the department of city planning [, which]: (1) applications under this section, (2) any amendments thereto that are made prior to approval of such applications pursuant to this chapter, (3) any written information submitted by an applicant for purposes of determining whether an environmental impact statement will be required by law and (4) documents or records intended to define or substantially redefine the overall scope of issues to be addressed in any draft environmental impact statement required by law. The department of city planning shall forward a copy of any materials it receives pursuant to this subdivision (whether or not such materials have been certified as complete) within five days to [the] each affected borough president.
community board [for each community district in which the land involved, or any part thereof, is located, and to the] or borough board [if the proposal or application involves land located in two or more districts in a borough].

c. 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. Upon certification of an application, the department shall give notice of such certification to the council. If an application under this section has not been certified within six months after filing, both the applicant and, if the land use proposed in an application is consistent with the land use policy or strategic policy statement of the affected borough president, the affected borough president shall have the right at any time thereafter to appeal to the city planning commission for certification. The commission shall promptly, but in any event within sixty days of the filing of such an appeal, either certify the application or state in writing what further information is necessary to complete the application. If such an appeal is brought by an affected borough president, the affirmative vote of five members of the commission shall be sufficient to certify the application.

d. If a meeting involving a city agency and an applicant is convened to define or substantially redefine the overall scope of issues to be addressed in any draft environmental impact statement required by law for an application subject to review under this section, each affected community board and each affected borough president shall receive advance notice of such meeting, and each shall have the right to send one representative to the meeting.

e. Each [such] affected community board shall, not later than sixty days after receipt of [the proposal or] an application that has been certified pursuant to subdivision c of this section, [either]
(1) notify the public of the [proposal or] application in a manner specified by the city planning commission pursuant to subdivision [g] k 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 affected borough president or [waive the] (b) where authorized by this charter, submit a written waiver of the right to conduct [of] a public hearing and [the preparation of] to submit such written recommendations [where authorized by this charter] to the commission and the affected borough president.

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

[e] g. Not later than thirty days after the filing of a recommendation or waiver with the borough president by all affected community boards, or, if any affected community board shall fail to act, thirty days after the expiration of the time allowed for such community board to act, the borough president shall submit a written recommendation or waiver thereof to the city planning commission.

h. Not later than sixty days after expiration of time allowed for the filing of a recommendation or waiver with [it] the city planning commission by a [community board or borough board or the

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latest filing if there is more than one within the time allowed. The borough president, the city planning commission shall approve, approve with modifications, or disapprove the proposal or application (and shall file its decision with the board of estimate). Any such approval or approval with modifications of the commission shall require the affirmative vote of seven of the members; except that the affirmative vote of nine members shall be required to approve or approve with modifications an application pursuant to paragraph (5), (10) or (11) of subdivision a of this section relating to a new city facility if the affected borough president recommends against approval of such application pursuant to subdivision g of this section and has proposed an alternative location in the same borough for such new city facility pursuant to subdivision f or g of section two hundred four. 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. All applications that are subject to review and approval by the commission pursuant to this section. 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 or acquisition of real property, a request for a proposal or other solicitation for a franchise or a revocable consent, the city planning commission shall obtain a report from the office of management and budget or the department of general services or the bureau of franchises, as appropriate. Any action of the city planning commission which modifies or disapproves a written recommendation of the community board, borough president or borough board shall be accompanied by a written explanation of its reason for such action.
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.

The city planning commission, after a public hearing, shall establish 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 c of this section, and (3) specific time periods for review of applications pursuant to this section prior to certification.

If a community board, borough president or borough board, or the city planning commission fails or waives its right to act within the time limits for review pursuant to subdivisions c, d and e, f and g of this section, the application shall be referred to the next level of review. If the city planning commission fails to act on an application within the time limit specified in subdivision h of this section, any prior decision of the city planning commission with respect to the land use impact and implications is final. The application shall be deemed to have been denied unless the application is pursuant to paragraph (3) or (4) of subdivision a of this section, in which case the application may be forwarded to the council for review pursuant to the provisions of subdivision b of section two hundred, if applicable, or is pursuant to paragraph (8) of subdivision a of this section, in which case the application shall be referred to the council for review and action as provided by state law.

Notice of any hearing on a proposal or an application by the city planning commission or 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.

1. The commission shall establish by rule procedures for advance posting of notices of commission hearings on applications. Such notices shall be posted at the location of the land involved in such manner and with respect to such types of applications as the commission deems appropriate. Failure to post any such notice shall not affect or impair the validity of any decision of the city planning commission, the council or other agency or official pursuant to this chapter.

[j] m. A community or borough board may review an [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] upon the request of such board, and such board may hold its own public hearing thereon if it so desires and may submit its own written 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. The city planning commission shall file with the council and with the affected borough president a copy of its decisions to approve or approve with modifications (1) all matters described in subdivision a of section one hundred ninety-seven-c, (2) plans pursuant to section one hundred ninety-seven-a, and (3) changes in the text of the zoning resolution pursuant to sections two hundred and two hundred and one. Any such filing of a decision pursuant to section one hundred ninety-seven-c shall be completed prior to the expiration of the sixty-day period for action by the commission. Any such filing with the council shall include copies of all written recommendations of community boards, borough boards and borough presidents with respect to the decision being filed.

b. The following decisions filed with the council pursuant to subdivision a of this section, shall be subject to review and action by the council:

(1) any decision of the city planning commission to approve or approve with modifications a matter described in paragraph (3) or (8) of subdivision a of section one hundred ninety-seven-c, a disposition of residential real property (as defined in this paragraph) pursuant to clause (10) of subdivision a of section one hundred ninety-seven-c (except for dispositions to companies that have been organized exclusively to develop housing projects for persons of low income), a plan pursuant to section one hundred ninety-seven-a, or a change in the text of the
zoning resolution pursuant to sections two hundred or two hundred and one. For purposes of this section, residential real property shall mean real property improved by structures, whether or not occupied, built for or converted to a use which is primarily residential, but shall not include property subsequently converted to non-residential use;

(2) any other decision of the city planning commission to approve or approve with modifications a matter described in subdivision a of section one hundred ninety-seven-c, if (i) both an affected community board (after holding a public hearing) and the affected borough president, within the time periods allotted for their reviews pursuant to section one hundred ninety-seven-c, have recommended in writing against approval and (ii) the affected borough president, within five days of receiving a copy of the decision of the commission, files with the commission and the council a written objection to the decision; and

(3) any other decision of the city planning commission to approve or approve with modifications a matter described in subdivision a of section one hundred ninety-seven-c, if within twenty days of the filing of such decision pursuant to subdivision a of this section, the council resolves by majority vote of the council as a whole to review the decision of the commission.

c. Within fifty days of the filing with the council pursuant to subdivision a of this section of any decision of the city planning commission which pursuant to subdivision b of this section is subject to review by the council, the council shall hold a public hearing, after giving public notice not less than five days in advance of such hearing, and the council, within such fifty days, shall take final action on the decision. A majority vote of the council as a whole shall be required to approve, approve with modifications or disapprove such a decision. If, within the time period provided for in this subdivision or, if applicable, in subdivision d of this section, the council fails to act or fails
to act by the required vote on a decision of the city planning
commission subject to council review pursuant to subdivision b of
this section, the council shall be deemed to have approved the
decision of the commission.
d. The council shall not approve with modifications a
commission decision if the commission has determined pursuant to
this subdivision that additional review of the modification is
required. Prior to approving such a decision of the commission
with modifications, the council shall file the text of any such
proposed modifications with the commission. Within fifteen days
of such filing, the commission shall file with the council a
written statement indicating whether such proposed modifications
are of such significance that additional review of environmental
issues or additional review pursuant to section one hundred ninety-
seven-c is required. If no additional review is required, the
commission may include in such statement its advisory
recommendation concerning the proposed modification, together with
any proposed amendments to the proposed modification. The council
may thereafter approve such proposed modifications, with or without
the amendments proposed by the commission. The time period for
council action shall be tolled during such fifteen-day period;
provided, however, that proposed modifications may be referred to
the commission pursuant to this subdivision only once with respect
to each application or group of related applications under review
by the council.
e. All actions of the council pursuant to this section shall
be filed by the council with the mayor prior to the expiration of
the time periods for council action provided for in subdivisions
c and d of this section. Actions of the council pursuant to this
section shall be final unless the mayor within five days of
receiving a filing with respect to such an action of the council
files with the council a written disapproval of the action. Any
mayoral disapproval under this subdivision shall be subject to
override by a two-thirds vote of the council as a whole within ten

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days of such filing by the mayor.

f. The mayor shall have the right to file a written disapproval of any approval deemed to have occurred pursuant to subdivision c of this section as a result of a failure of the council to act or to act by the required vote. Any such written disapproval must be filed within five days of the expiration of the time period for action by the council under subdivisions c and d of this section. Any mayoral disapproval under this subdivision shall be subject to override by a two-thirds vote of the council as a whole within ten days of such filing by the mayor.

g. If a decision of the commission approving an application is not subject to council review pursuant to paragraph 1 of subdivision b of this section and is not made subject to council review pursuant to paragraph 2 or 3 of subdivision b of this section, the mayor may nonetheless file with the council a written objection to such decision of the commission within five days of the expiration of time for the council to act under paragraph 3 of subdivision b of this section. Any mayoral objection under this subdivision shall be subject to override by a two-thirds vote of the council as a whole within ten days of such filing by the mayor.
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, of 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 section one hundred ninety-seven-d.
Sec. 200. Zoning [regulations] resolution. 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] to amend the text
of the zoning resolution subject to the limitations provided by
law. Before adopting any such resolution, the commission shall
notify any community board or borough board affected by the
resolution and shall afford persons interested an opportunity to
be heard at a time and place to be specified in a notice of hearing
to be published in the City Record for the ten days of publication
of the City Record immediately prior thereto setting forth in
general terms the nature of the proposed resolution and a statement
of the place at which the entire resolution may be examined. [Any
such resolution shall be filed with the secretary of the board of
estimate within five days from the day of its adoption.]

2. [Approval, disapproval or modification by the board of
estimate of such a] Any resolution by the commission [recommending]
approving a change in the text of 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 text change which the mayor shall have certified to the
council [planning commission] as necessary, and which has been
disapproved by the commission, may be adopted by the [board of
estimate] council by a [three-fourths] two-thirds vote and, after
notice to the parties affected, a public hearing. The [foregoing
limitation of sixty days shall be inapplicable to such an adoption
and the] council shall act upon such resolution within fifty days
of the filing of the certification of the mayor with the council.
The change shall become effective [at a time fixed] upon approval
by the [board of estimate] council.

3. In case a protest against such a proposed resolution
approved by the city planning commission shall have been presented
to the [secretary of the board of estimate] city clerk within
thirty days from the date of the filing of such resolution with the
[board] council, duly signed and acknowledged by the owners of
twenty per cent or more of the area of:

(1) the land included in changes proposed in such proposed
resolution, or
(2) the land immediately adjacent extending one hundred feet
therefrom, or
(3) the land, if any, directly opposite thereto extending
one hundred feet from the street frontage of such
opposite land,
such resolution shall not be effective after the filing of such
protest unless approved by the [board of estimate, either in the
form in which it was filed or as modified by the board,] council
by a three-fourths vote of the [board] council within one hundred
eighty days after the filing of said resolution with the [secretary
of the board of estimate] city clerk. The effective date of such
resolution, if so approved, shall be the date of such approval. A protest duly filed as herein provided may be withdrawn at any time within sixty days from the date of the filing of such resolution.

b. Designations of zoning districts under the zoning resolution and the issuance of special permits which under the terms of the zoning resolution are within the jurisdiction of the city planning commission shall [conform] be subject to review and approval pursuant to the procedures provided in section one hundred ninety-seven-c and section one hundred ninety-seven-d, except that whenever the city planning commission has not recommended approval of a proposed change in the designation of a zoning district or the issuance of a special permit under the zoning resolution or has failed to act on such a matter within the time specified in section one hundred ninety-seven-c, the [board of estimate] council by a [three-fourths] two-thirds vote may approve such change or the issuance of such permit only if the mayor shall have certified to the [city planning commission] council that such change or issuance is necessary. The council shall act upon such designation or permit within fifty days of the filing of the certification of the mayor with the council.
Sec. 201. Applications for zoning changes and special permits.

a. Applications for changes in the zoning [resolutions or regulations or for the issuance of special permits within the jurisdiction of the city planning commission under the zoning] resolution may be filed by any taxpayer, community board, [or] borough board, borough president, by the mayor or by the land use committee of the council if two-thirds of the members of the committee shall have voted to approve such filing with the city planning commission. [For] All such applications involving changes in the designation of zoning districts [or the issuance of special permits] under the zoning resolution[, the] shall be subject to review and [hearing procedure in] approval pursuant to section one hundred ninety-seven-c and one hundred ninety-seven-d, [as modified by subdivision b of section two hundred, shall be applicable.] For applications involving other changes in zoning resolutions and regulations, the commission prior to taking action upon any such application shall refer it to the affected community boards or borough boards for a public hearing and recommendation.

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

b. No street, avenue, highway or public place, the layout of which has not been approved as provided in this section, shall be deemed to have been accepted by the city as a street, avenue, highway or public place, unless such street, avenue, highway or public place shall lie within the lines of a street, avenue, highway or public place upon the city map.
Sec. 203. Criteria for location of city facilities. 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 (1) the location of new city facilities and (2) the significant expansion, closing or significant reduction in size or capacity for service delivery of existing facilities. The criteria shall be designed to further the fair distribution among communities of the burdens and benefits associated with city facilities, consistent with community needs for services and efficient and cost effective delivery of services and with due regard for the social and economic impacts of such facilities upon the areas surrounding the sites. Not later than thirty days after the filing of such proposed rules, the city planning commission shall publish a notice of proposed rule making under section one thousand forty-three with regard to such rules, as proposed by the mayor or as proposed to be modified by the commission. Promptly thereafter, the 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. Not later than thirty days after the filing of such proposed amendments, the city planning commission shall publish a notice of proposed rule making under section one thousand forty-three with regard to such amendments, as proposed by the mayor or as proposed to be modified by the commission. Promptly thereafter, the commission shall approve, approve with modifications or determine not to approve the amendments and shall file any approved amended rules with the council.

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 that is located on real property owned or leased by the city or is operated by the city or pursuant to a written agreement on behalf of the city.
Sec. 204. Citywide statement of needs. a. Each year not later than November 15, the mayor shall submit to the council, borough presidents, borough boards and community boards a citywide statement of needs concerning city facilities prepared in accordance with the criteria established pursuant to section two hundred three. Copies of the statement shall also be made available to the public in the main branch of the public library in each borough. The statement shall identify by agency and program: (1) all new city facilities and all significant expansions of city facilities for which the mayor or an agency intends to make or propose an expenditure or to select or propose a site during the ensuing two fiscal years and (2) all city facilities which the city plans to close or to reduce significantly in size or in capacity for service delivery during the ensuing two fiscal years.

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 significant expansion: (1) the public purpose to be served thereby, (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 locating the new facility or expansion.

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 proposed closing or reduction, (2) the location, and (3) the specific criteria for selecting the city facility for closure or for reduction in size or capacity for 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, (2) all final commitments relating to the disposition or future use of city-owned real property, including assignments by the department of
general services pursuant to clause (b) of subdivision three of section sixteen hundred two and (3) to the extent such information is available to the city, the location of health and social service facilities operated by the state of New York or the federal government or pursuant to written agreement on behalf of the state or the federal government. 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 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 at least 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. In preparing such departmental statements of need, each agency shall review and consider the district needs statements submitted by community boards pursuant to paragraph 10 of subdivision d of section twenty eight hundred and the statements of budget priorities submitted by the community boards pursuant to section sixty-one.

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

f. Upon receipt of the statement of needs pursuant to subdivision a of this section, each community board and borough president shall review the statement of needs. Each community board
shall make the statement of needs available to the public and conduct a public hearing on the statement of needs. Each community board and borough president shall have the right to submit comments on the statement of needs to the department of city planning within ninety days of receipt of the statement. Each borough president shall have the right, within ninety days of receipt of the statement of needs, to submit a written statement to the mayor proposing locations for any new city facilities to be located in his or her borough pursuant to the statement of needs. All such locations 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 location of city facilities 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 involving a new city facility is submitted to the department of city planning pursuant to paragraph (5), (10) or (11) of 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 location of city facilities 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 criteria for location of city facilities, 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 new facility is not referred to in the statement of needs, the applicant shall submit to the affected borough president a description of the public
purpose to be served by the city facility, its proposed location, the appropriation (if any) that the agency intends to use in connection with the facility, the size and nature of the facility and the specific criteria for the location of the facility. The affected borough president shall have the right, within thirty days of the submission of such description, to propose an alternative location in his or her borough for the proposed city facility, provided that the borough president shall certify that the alternative location satisfies the criteria for location of city facilities under section two hundred three and the specific criteria for locating the facility in the statement of needs. The application for the proposed site selection, disposition or acquisition shall not be certified and shall not be reviewed pursuant to section one hundred ninety-seven-c until at least thirty days after the submission of such information to the affected borough president. A borough president may elect to waive the right to such thirty-day review period.

h. The mayor's management report, prepared pursuant to section twelve, shall include a review of the implementation of the statement of needs. Such review shall consist of (1) a list of the proposed actions in the statement of needs that have been implemented and of those proposed actions that have not been implemented and (2) a description of the proposed actions in the statement of needs which have been implemented in a manner significantly different from what was proposed in the statement of needs and the reasons therefor.
Sec. [211.] 210. Definitions.

[a.] As used in this charter:

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

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

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

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

   (a) Purposes and public to be served;

   (b) Programs to be conducted in the facility;

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

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

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

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

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

   [(h)] (g) Estimated expenditures for the project for each fiscal year until its completion;
Estimated annual costs to operate programs within the facility when fully staffed and to maintain the facility; and,

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

5. The term "cost" shall include the contract liabilities and expenditure incurred for work in carrying out the physical improvement and interest thereon, and the compensation to be made to the owner of any real property acquired for the improvement as determined by a court or by agreement, and interest thereon.

6. The term "expenses" shall mean any expenses incurred in relation to an assessable improvement exclusive of cost and of damages assessed by the board of assessors.

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

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

9. The term "assessable improvement fund" shall mean the fund established pursuant to section three hundred.

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

Section 211. Capital budget borough allocations.

a. Borough allocation. Five percent of the appropriations funded
by debt supported by city tax levy funds proposed in the executive
capital budget for the ensuing fiscal year, except any lump sum
appropriation for school construction or rapid transit proposed to
be made to public authorities established pursuant to the
provisions of state law, shall be allocated among the boroughs by
a formula based on an equal weighting of factors relating to
population and geographic area, and shall be known as the capital
budget borough allocation. Such formula shall be established by
local law, but in any fiscal year for which no such local law is
effective such amount shall be allocated among the boroughs on the
basis of the average of (i) each borough's share of the total
population of the city, and (ii) each borough's share of the total
land area of the city.

b. Preliminary borough allocations; initial borough president
notification. Concomitantly with the submission of the preliminary
capital budget and preliminary certificate, the mayor shall inform
each borough president of the portion of the executive capital
budget for the ensuing fiscal year and of the executive capital
budgets for each of the three succeeding years that, pursuant to
the formula required by subdivision a of this section, would be
allocated to each borough if the amount of the appropriations
proposed in the executive capital budget for each of such fiscal
years were the same as the maximum amounts of appropriations for
such years which the mayor anticipates to be certified in the
preliminary certificate issued in accordance with section sixty-
six. The amount of such portion shall be known as the preliminary capital budget borough allocation.

c. Borough president proposals. 1. Each borough president, during the consultations required by section seventy-four, shall submit to the mayor, in such form as the mayor shall prescribe, proposed capital appropriations in an amount not exceeding that borough's allocation of the capital budget borough allocation as certified by the mayor to the borough presidents during such consultations. The timing of such certification shall allow sufficient time for such consultations and for meeting the deadlines established by section seventy-seven. Each such proposed appropriation shall be accompanied by the following information:

(a) for each such proposed appropriation for construction of a capital project, the estimated annual cost to operate and maintain the facility to be constructed pursuant to such appropriation when construction is completed. Such estimates shall be prepared in accordance with the standards established for this purpose pursuant to section two hundred twenty-one of this chapter and shall be certified by the director of the office of management and budget. In the event that a borough president and the director of management and budget do not agree on such estimate for a particular project, such director and the director of the independent budget office shall jointly certify an estimate for such purpose;

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

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

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

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

d. The mayor shall include the proposed appropriations submitted by the borough presidents in accordance with subdivision c of this section in the executive capital budget provided however, that the
The mayor shall include the proposed appropriations submitted by the borough presidents in accordance with subdivision c of this section in the executive capital budget provided however, that the mayor may also include such comments and recommendations relating to such proposals as the mayor deems appropriate.

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

Sec. [214-a.] 213. Preliminary capital budget [statements for capital projects].

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

[Sec. 215. Preliminary budget statements public records.
Such preliminary budget statements shall be a public records and
shall at all reasonable times be open to public inspection.]

Sec. [219.] 214. Executive capital budget.

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

1. A brief description and the location of each project; the
total estimated cost of the project; the [amount of obligations]
appropriations which have been [authorized; the amount of
obligations which are required to be authorized during the balance
of the current fiscal year] previously adopted for this project;
the amount of [obligations] appropriations recommended to be
[issued in] adopted for the ensuing fiscal year, the aggregate
amount of which shall not exceed the amount in the mayor's
certificate; the amount of [obligations] appropriations required
thereafter to complete the project; the sources of funds for the
project including state, federal, private and other funds; the
period of probable usefulness; [the estimated additional annual
debt service;] the estimated additional annual maintenance and
operation costs; [and] any terms and conditions of the project; and
the estimated dates of completion of final scope, final design and
final construction;

2. A listing of all pending projects; and any recommendations
that any pending projects be modified, rescinded or postponed
accompanied by a statement of the budgetary impact of any such
action; and [the estimated completion date for each project;]

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

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

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

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

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

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

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

Sec. 215 Ten-year Capital Strategy.

a. The ten-year capital strategy shall be issued by the mayor pursuant to section sixty-eight after (i) submission of a preliminary strategy by the department of city planning and the office of management and budget pursuant to section fifty-nine, and (ii) submission of a report on the preliminary strategy by the city planning commission following a public hearing, pursuant to section sixty-five.

b. Contents of ten-year capital strategy. Each ten-year capital strategy shall include:

(1) a narrative describing the strategy for the development of the city's capital facilities for the ensuing ten fiscal years; the factors underlying such strategy including goals, policies constraints and assumptions and the criteria for assessment of capital needs; the anticipated sources of financing for such strategy; and the implications of the strategy, including possible economic, social and environmental effects.
(2) tables presenting the capital commitments estimated to be
made during each of the ensuing ten fiscal years, by program
category and agency. Where relevant the anticipated sources of
financing for particular categories and projects shall be
specified, and
(3) a map or maps which illustrate major components of the
strategy as relevant.

c. In the preparation of the preliminary ten-year capital
strategy, the department of city planning and office of management
and budget shall consider (i) the strategic policy statements of
the mayor and the borough presidents pursuant to section seventeen.
(ii) relevant citywide, borough and community plans adopted
pursuant to section one hundred ninety seven-a, and (iii) the
reports pursuant to section eighty-four comparing the most recent
ten-year capital strategy with the capital budgets and programs
adopted for the current and previous fiscal years.

Sec. [224.] 216. Amendment.

a. Upon receipt of a recommendation in writing from the mayor or
a borough president, in manner specified herein, the [board of
estimate and the] council may amend the capital budget or capital
program in the same manner as the adoption of the capital budget
and capital program including the right to approve the proposed
amendment as submitted or to increase or decrease the amounts of
funds proposed to be appropriated thereby, but only if funds are
available within the capital budget and the applicable program
category of the capital program, provided, however that (i) the
mayor may only recommend such an amendment relating to an
appropriation included in the capital budget pursuant to section
two hundred eleven of this charter with the concurrence of the
relevant borough president; and (ii) the borough president may only
make such a recommendation with regard to such an appropriation if
it provides for an offsetting reduction in another appropriation included in the capital budget pursuant to section two hundred eleven on the recommendation of such borough president and it is concurred in by the mayor.

b. Upon the adoption of any such amendment by the [board of estimate and by the] council, it shall be certified by the mayor, [the secretary of the board of estimate,] the president of the council and the city clerk and the capital budget shall be amended accordingly.

c. Not later than five days after such certification such amendment shall be filed in the office of the comptroller and shall be published forthwith in the City Record.

Sec. [225.] 217. Restrictions on capital projects.

a. No obligations of the city shall be issued or authorized for or on account of any capital project not included in a capital budget, or for which funds have not been reserved in an appropriate program category of the capital program for any year of such program in which it is projected that funds will be expended for the completion of the project, or in excess of the maximum amount of obligations which may be issued on account of such project as fixed in such capital budget; and no amount may be expended on account of any capital project in excess of the amount appropriated for such purposes in a capital budget, except that the amount appropriated for such purposes may be increased by the mayor by not more than fifteen per centum thereof in order to meet any costs required to advance such project. Notice of any such increase shall be provided to the [board of estimate and] council together with a statement of identifiable funds available for payment of the increase.
b. Funds included in the capital budget for a capital project that are not obligated or committed during the fiscal year in which appropriated shall not be obligated or committed in the subsequent fiscal year unless reappropriated in a subsequent capital budget or an amendment thereto. A capital project included in a capital budget that is not initiated by the expenditure of funds within two years after its inclusion in the budget shall be eliminated from the budget.

c. [Not later than the fiscal year commencing July first, nineteen hundred eighty-seven, the] The city may issue capital debt only to finance capital projects as defined in section two hundred ten. [The mayor, during a period of ten successive fiscal years, beginning with the fiscal year ending June thirtieth, nineteen hundred seventy-seven, shall progressively eliminate from the] The capital budget may not include expense items that are properly includable only in the expense budget, as determined in accordance with the accounting principles set forth in the state comptroller's uniform system of accounts for municipalities, as the same may be modified by the state comptroller, in consultation with the city comptroller, for application to the city. [Such reduction shall be at the cumulative rate of at least ten percent per year from the total of the amount of expense items included in the capital budget for the fiscal year ending June thirtieth, nineteen hundred seventy-five, and no new or additional expense item or non-capital item shall be included in the capital budget during such period.]

d. No capital project shall be included in the proposed executive capital budget or otherwise adopted as part of the capital budget or as an amendment thereto unless sufficient funds are available within the appropriate general program category of the capital program for any year of such program in which it is projected that
additionl appropriations will be necessary for the completion of the project.

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

Sec. [227.] 218. Site selection.

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

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

c. During the review required by subdivision a, the community board and borough president shall also review, and may comment on, the scope of the project.

Sec. [228.] 219. Project initiation; commitment plan.

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

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

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

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

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

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

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

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

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

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

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

3. Such improvement shall be approved by the city planning commission and reviewed pursuant to section one hundred ninety-seven-c.

4. Any agreement providing for the performance of such work and the furnishing of such security, shall be first approved by the [board of estimate] council before the same shall become effective.

Sec. [231.]221. Standards for capital projects. The mayor shall prepare general standards and cost limits for categories of capital projects [which] and standards for the preparation of the scope of project for capital projects of various types. Such standards and
Limits shall be submitted by [him] the mayor to the [board of estimate] council for review. The proposed standards shall become effective thirty days after they have been filed with the [board of estimate] council unless within that time the [board] council modifies or disapproves them or part of them, after conducting a public hearing. Any modification by the council shall be subject to disapproval by the mayor in accordance with section thirty-eight and any such disapproval shall be subject to override by the council in accordance with such section.

Sec. [232.]222. Scope of project.

a. Each agency, with respect to a capital project under its jurisdiction included in a capital budget, shall prepare a proposed scope of project within appropriated planning funds. In preparing the proposed scope of project, the agency shall consult with the community board for the community district in which the capital project is to be located. The proposed scope of project, or, in the case of a delay, an explanation for such delay along with a revised schedule, shall be submitted to the mayor and to the respective council committee, borough president and community board [within nine months from the effective date of the] by the date specified in the adopted capital budget in which the capital project is included. [If the proposed scope of project is not submitted by such date, the board of estimate shall conduct a public hearing to determine the reasons for the delay.] Such proposed scope shall identify all substantial differences between the guidelines for the capital project as contained in such scope and the description of the capital project contained in the report issued pursuant to subdivision d of section two hundred nineteen at the time such project was proposed in the executive budget or following the budget adoption in which such project was added to the capital budget.
b. Not later than sixty days after receipt of the proposed scope of project from an agency pursuant to subdivision a of this section, the mayor shall approve, modify, or disapprove the proposed scope of project and notify the agency, and the respective council committee, borough president and community board. In the case of a scope approved by the mayor with modifications, such notification shall include a copy of the scope as approved. [If a borough president or a community board petitions the board of estimate to review such action of the mayor within thirty days thereof, or if the mayor fails to act, the board of estimate after such a public hearing may approve, modify, or disapprove the scope of project within sixty days. A scope of project approved by the mayor shall be effective thirty days after it has been acted upon by the mayor if no petition for review is made to the board of estimate within the specified time period.]

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

d. No scope of project shall be approved by the mayor unless (1) it contains the information required by paragraph four of section two hundred ten and it conforms to the applicable standards for the type of project adopted pursuant to this chapter, and (2) funds are available within the appropriate program category of the capital program that can be reserved for each fiscal year required to complete the project.

Sec. [233.]223. Design of capital project. The proposed design and final design for a capital project shall be made available for review to the respective council committee, borough president and the community board for the community district in which the project
is to be located. The mayor or his representative shall review the final design to determine its conformance with the approved scope of project pursuant to this chapter. [Within thirty days after receipt of the final design, the borough president or community board may petition to have it reviewed by the board of estimate to determine only if the final design violates the scope of project or creates excessive costs. The board of estimate shall have thirty days within which to approve or disapprove the final design. If no petition for review is made to the board of estimate, and no objections are received by the mayor within the thirty day period, the final design shall be effective.]

Sec. [234.]224. Works of art.

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

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

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

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

e. The mayor shall adopt rules and regulations to implement the provisions of this section.
CHAPTER 10

OBLIGATIONS OF THE CITY

Sec. 250. Assessment bonds. a. Serial bonds to meet the expenditures payable from the street and park openings fund or the street improvement fund for the payment of which the moneys available in either such fund are insufficient shall not be issued in an amount in excess of the amount of assessments remaining uncollected and a lien upon lands assessed, of awards confirmed and of advance payments to be made for or upon awards in proceedings upon which assessments remain to be imposed, and of contract liability and of payments on account of work in progress and work completed for which assessments remain to be imposed. The proceeds of the sale of all such bonds shall be paid into the fund on account of which the bonds were issued, and all such bonds shall be redeemed from such fund.

b. Serial bonds to meet the expenditures payable from an assessable improvement fund for the payment of which moneys available are insufficient shall not be issued in an amount in excess of the amount of assessments remaining uncollected, of awards confirmed and of advance payments to be made for or upon awards in proceedings upon which assessments remain to be imposed and of contract liability and of payments on account of work in progress and for work completed for which assessments remain to be imposed. The proceeds of the sale of all such bonds shall be paid into the fund on account of which the bonds were issued and all such bonds shall be redeemed from such fund.

Sec. 251. Real property fund. There shall be a fund to be known as the "real property fund." There shall be paid into such fund the proceeds of all sales of real property of the city, except as otherwise provided by law.

[Sec. 252. Payments from real property fund. The comptroller may, in his or her discretion, authorize the expenditure of any money in the real property fund for the purchase of real property]
for which [he] the comptroller has been authorized to issue obligations and within the amount authorized. Upon authorization of the board of estimate, the comptroller may, in his or her discretion, authorize the expenditure of any money in such fund for payment of any charges or expenses which the city is required to pay under the terms of any lease of real property owned by the city and leased to others and for payment of any costs or charges incurred by the city in connection with the maintenance, construction, improvement, repair, demolition, sale, rental or other disposition of real property owned by the city.]

Sec. 253. Allocation of authorization to department of general services. So much of the amount of any obligation authorized as is applicable to the purchase of supplies, materials and equipment or the provision of services, utilities or facilities which the department of general services is authorized to purchase or provide shall be allotted to the department of general services, but shall be considered and accounted for as a part of the cost of the project for which the obligations were authorized.

Sec. 254. Short term debt. a. Subject to the provisions of [subsections] subdivisions b, c and d of this section, the city may issue temporary debt obligations in anticipation of taxes and revenues as authorized by state law.

b. Revenue or tax anticipation notes shall be issued against a specific tax or revenues receivable which are clearly identified by source and fiscal year.

c. If the amount of taxes or revenues receivable against which anticipation notes have been issued becomes equal to the amount of such notes outstanding, the city shall deposit all further funds obtained from such sources into a segregated bank account which may be used only to redeem such debt upon maturity.

d. The city shall not issue anticipation notes against taxes or revenues which have been receivable for more than two years.
Sec. 270. Application. The provisions of this chapter shall apply to the several sinking funds of the city established prior to July first, nineteen hundred eighty-one.

Sec. 271. Sinking fund of the city of New York. There is hereby continued the fund known as the "sinking fund of the city of New York" which shall have for its purpose the amortization and redemption of the principal of the debt of the city of New York incurred on and after the first day of January, eighteen hundred ninety-eight, and evidenced by corporate stock of the city of New York, excepting that issued to provide for the supply of water and that issued since the first day of January, nineteen hundred ten, for rapid transit or rapid transit unification purposes and that issued since the first day of July nineteen hundred eighty-one which is redeemable from the general sinking fund or any other sinking fund established pursuant to chapter eleven-A of this charter.

Sec. 272. Water sinking fund of the city of New York. There is hereby continued the fund known as the "water sinking fund of the city of New York" which shall have for its purpose the amortization and redemption of all corporate stock of the city of New York issued on and after the first day of January, eighteen hundred ninety-eight, to provide for the supply of water, excepting that issued since the first day of July nineteen hundred eighty-one which is redeemable from the general sinking fund or any other sinking fund established pursuant to chapter eleven-A of this charter.

Sec. 273. Rapid transit sinking fund of the city of New York. There is hereby continued the fund known as the "rapid transit sinking fund of the city of New York" which shall have for its purpose the amortization and redemption of all corporate stock of
the city of New York issued on and after the first day of January, nineteen hundred ten, for rapid transit purposes, excepting that issued since the first day of July nineteen hundred eighty-one which is redeemable from the general sinking fund or any other sinking fund established pursuant to chapter eleven-A of this charter.

Sec. 273-a. Transit unification sinking fund of the city of New York. There is hereby continued the fund known as the "transit unification sinking fund of the city of New York" which shall have for its purpose the amortization and redemption of all corporate stock of the city of New York issued on and after the first day of January, nineteen hundred thirty-nine, for transit unification purposes.

Sec. 274. Administration of sinking funds. The comptroller shall administer and manage the several sinking funds of the city established prior to July first, nineteen hundred eighty-one and shall have custody of the securities in such funds. In the administration of such funds the comptroller shall be deemed to be acting in a fiduciary capacity. Where moneys of such sinking funds are invested pursuant to section two hundred seventy-five of this charter, in securities which are obligations of the United States or of any agency, subdivision, department, division or instrumentality thereof, or obligations fully guaranteed or insured as to interest and principal by an agency, subdivision, department, division or instrumentality of the United States, acting pursuant to a grant of authority from the congress of the United States, notwithstanding any other provision of law, the comptroller may turn over the physical custody and safekeeping of these obligations to (a) any bank or trust company incorporated in this state, or (b) any national bank located in this state, or (c) any private banker duly authorized by the superintendent of banks of this state to engage in business here. All such private bankers shall, as private bankers, maintain a permanent capital of not less than one million dollars in this state. The comptroller may direct such bank, trust
company or private banker to register and hold any such securities in its custody, in the name of its nominee. The comptroller may deposit, or authorize such bank, trust company or private banker, to deposit, or arrange for the deposit of, any of such securities with a federal reserve bank to be credited to an account as to which the ownership of, and other interest in, such securities may be transferred by entries on the books of such federal reserve bank without physical delivery of any such securities. The records of any such bank, trust company or private banker shall show, at all times, the ownership of such obligations, and they shall, when held in the possession of such bank, trust company or private banker be, at all times, kept separate from the assets of such bank, trust company or private banker. When any such obligations are so registered in the name of a nominee, such bank, trust company or private banker shall be absolutely liable for any loss occasioned by the acts of such nominee with respect to such obligations.

Sec. 275. Investment of sinking fund moneys. The comptroller may invest the moneys of the several sinking funds of the city established prior to July first, nineteen hundred eighty-one in any of the following securities:

1. Obligations of the city of New York.
2. Obligations of the state of New York.
3. Obligations of the United States or of any agency, subdivision, department, division or instrumentality thereof, or obligations fully guaranteed or insured as to interest and principal by any agency, subdivision, department, division or instrumentality of the United States, acting pursuant to a grant of authority from the congress of the United States.
4. Obligations of the municipal assistance corporation for the city of New York.

Sec. 276. Annual appropriations to the sinking funds. For the redemption of the corporate stock redeemable from the several sinking funds of the city established prior to July first, nineteen hundred eighty-one there shall be included annually in the budget
and paid into each of such sinking funds an amount to be estimated and certified by the comptroller, which amount shall be not less than the aggregate of such annual contributions, as calculated at the time each issue of corporate stock redeemable from such sinking fund was made, would be sufficient if thereafter annually contributed to such fund together with the accumulations of interest thereon computed at the rate of four per centum per annum to meet and discharge such outstanding corporate stock when the same shall be payable; provided, however, that if at the close of a fiscal year there is in any sinking fund a surplus over and above the reserve required by such sinking fund computed as hereinabove provided, the comptroller, in estimating the amount to be included for such sinking fund in the budget, shall reduce the amount of the annual contributions by the amount of such surplus. Amounts received annually from the operation of any rapid transit railroad for the construction, equipment or acquisition of which corporate stock redeemable from any such fund shall have been issued, shall not be considered or treated as surplus, but such amounts shall be deducted from the amount certified by the comptroller for the budget for the ensuing year.

Sec. 277. Monthly report. Not later than the tenth day in each month, the comptroller shall submit to the [board of estimate] mayor and the council a certified report, which shall be published forthwith in the City Record, setting forth the operations of the several sinking funds during the preceding month and the condition of such funds at the commencement and close of such month and such other information as may be required.

Sec. 278. Annual report. Not later than the first day of September in each year, the comptroller shall submit to the [board of estimate] mayor and the council a certified report, which shall be published forthwith in convenient form as a supplement to the City Record and which shall set forth in detail the operations of the several sinking funds during the preceding fiscal year, the reserves required, the assets of such funds at the close of such
year, the obligations redeemable from such funds, the dates of
their maturities and such other information as may be required.
Sec. [341.] 340. Scope.

Except as otherwise provided in this charter or by statute,

1. 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 city shall be [furnished or provided] procured as prescribed in this chapter; provided, however, that for (i) the office of an independently elected city official, or (ii) the council, where the provisions of this chapter require action by the mayor or an appointee of the mayor in regard to a particular procurement except for mayoral action pursuant to subdivision c of section three hundred and sixty-four, such action shall not be taken by the mayor or such appointee of the mayor, but shall be taken respectively, by (i) by such elected official or (ii) the speaker of the council, or another member of the council designated by the speaker with the approval of a majority of the members of the council, and

2. all goods, services or construction to be procured by an entity, the majority of the members of whose board are city officials or are individuals appointed directly or indirectly by city officials shall be procured as prescribed in this chapter; provided, however, that where the provisions of this chapter require action by the mayor or an appointee of the mayor in regard to a particular procurement except for action pursuant to subdivision c of section three hundred and sixty-four, such action shall not be taken by the mayor or such appointee of the mayor, but shall be taken by the governing board of such entity or by the chair of the board or chief executive officer of such entity pursuant to a resolution adopted by such board delegating such
authority to such officer.

Sec. 341. Procurement Policy Board.

a. There shall be a procurement policy board consisting of five members, three of whom shall be appointed by the mayor and two of whom shall be appointed by the comptroller. Each member shall serve at the pleasure of the appointing official. Members shall have demonstrated sufficient business or professional experience to discharge the functions of the board. At least one member appointed by the mayor and one member appointed by the comptroller shall not hold any other public office or public employment. The remaining 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, including rules establishing:

1. the methods for soliciting bids or proposals and awarding contracts, consistent with the provisions of this chapter;

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

3. standards and procedures to be used in determining whether bidders are 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 the relationships between non-profit and charitable organizations and the communities where services are to be provided, (b) cost-effective, or (c) necessary to (i) obtain special expertise, (ii) obtain personnel or expertise not available in the agency, (iii)
to provide a service not needed on a long-term basis, (iv)
accomplish work within a limited amount of time, or (v) avoid a
conflict of interest;
5. the form and content of the files which agencies are
required to maintain pursuant to section three hundred and sixty-
four and such other contract records as the board deems necessary
and appropriate;
6. the time schedules within which city officials shall be
required to take the actions required by this chapter, chapter 13-
A and chapter 13-B, or by any rule issued pursuant thereto, in
order for contracts to be entered into, registered and otherwise
approved, and recommended time schedules within which city
officials should take action pursuant to any other provision of law
or rule regarding individual contracts. The promulgation of rules
defining time schedules for actions by the director of economic and
financial opportunity and the director of the office of labor
services shall require the approval of each director, as such rules
pertain to actions required of their offices, prior to the adoption
of such rules by the procurement policy board;
7. procedures for the fair and equitable resolution of
contract disputes; and
8. such other rules as are required by this chapter.

c. The board may promulgate such additional rules, policies and
procedures consistent with and as may be necessary to implement
the provisions of this chapter. The board shall 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. In the promulgation of any rules pertaining to the procurement
of construction or construction related services, the board shall
consult with any office designated by the mayor to provide overall
coordination to the city's capital construction activities.
e. The board shall make such recommendations as it deems necessary and proper to the mayor and the council regarding the organization, personnel structure and management of the agency procurement function including, where appropriate, recommendations for revision of this charter or local laws affecting procurement by the city. Such reports may include recommendations regarding agency use of advisory groups to assist in preparation of bids or proposals and selection of contractors. The board shall also review the form and content of city contract documents and shall submit to the law department recommendations for standardization and simplification of contract language.

f. 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 sections three hundred forty-four, three hundred forty-five and three hundred and forty-six, 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 the head of an agency to use other than competitive sealed bidding except as provided for by sections three hundred forty-four and three hundred forty-six 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 section three hundred forty-seven is the most competitive alternative that is appropriate under the
circumstances. The head of the agency shall submit a copy of such
determination to the procurement policy board and shall include
the determination or a summary of the determination in the notice
of solicitation, or for an emergency procurement in the notice of
award, required to be published pursuant to section three hundred
fifty-five of this chapter.

b. 1. For the purposes of this chapter, the term "special case"
shall be defined as a situation 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 definite and
certain to permit selection based on price alone;
   ii. judgment is required in evaluating competing proposals,
and it is in the best interest of the city to require a balancing
of price, quality, and other factors;
   iii. the good, service or construction to be procured is
available only from a single source;
   iv. 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
   v. such other reasons as defined by rule of the procurement
policy board.

2. The procurement policy board may provide by rule that it
is either not practicable or not advantageous to the city, for one
of the reasons set forth in paragraph one of this subdivision, to
procure a specified type of good, service or construction by
competitive sealed bidding.

Sec. 343. [Public letting] Competitive sealed bidding. a. 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 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.]

b. Procedures for competitive sealed bidding.

1. Bids shall be solicited through an invitation for bids, which shall include a purchase description and a notice of where vendors may obtain a copy of all contractual terms and conditions applicable to the procurement. A notice of the intention to solicit bids shall be publicly advertised in accordance with the provisions of section three hundred and fifty-five of this chapter. The terms of such contracts shall be settled by the corporation counsel as an act of preliminary specification to [a proposal] an invitation 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 in writing, justifying the reasons therefor, that it is [for the public interest] in the best interest of the city that a bid other than that of the lowest responsible bidder shall be accepted. Such determination shall be filed with the procurement policy board and published in the City Record. 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 or because the lowest bid is determined by the agency to not meet the requirements and criteria set forth in the invitation for bids, the agency making such determination and awarding [the same] such contract shall immediately notify the lowest bidder of such determination and 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] therefor and shall submit copies of such determination to the procurement policy board. [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 and any bidder whose bid is determined by an agency to not meet the requirements and criteria set forth in the invitation for bids may, within five days of receipt of notice of the agency decision, appeal such decision to the agency head. A determination of an agency head on an appeal of a decision of non-responsibility may be appealed to the mayor who shall take final action regarding such matter. A determination of an agency head of an appeal of a decision that a bid does not meet the requirements and criteria set forth in the invitation for bids shall be final.

[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.

[e.] d. Every [proposal] invitation 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.

[Sec. 342.] Sec. 344. Small purchases.
a. Notwithstanding the provisions of section three hundred and forty-two of this chapter, [If] if the several parts of the [work, labor or the supplies, materials and equipment to be done or furnished] goods, services or construction to be procured shall together involve an expenditure of not more than five hundred dollars, such purchases may be made without competition; [provided, however, that the aggregate total of such purchase by any agency shall not exceed twenty thousand dollars in any one month without the prior approval of the board of estimate].

[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 or services 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. Awards pursuant to regulations and conditions prescribed by the board of estimate this section shall be made in accordance with 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 chapter for purchases procurement without competitive sealed bidding may be raised as to any or all agencies by the concurrent action of the board of estimate procurement policy board and council [by a two-thirds vote of each body]. No action pursuant
to this subdivision shall become effective until thirty days after
such action is taken.

Sec. 345. Emergency Procurement. Notwithstanding the provisions
of section three hundred forty-two of this chapter, in the case of
an unforeseen danger to life, safety, property or a necessary
service, an emergency procurement may be made with the prior
approval of the comptroller and corporation counsel, provided that
such procurement shall be made with such competition as is
practicable under the circumstances, consistent with the provisions
of section three hundred forty-seven of this chapter. A written
determination of the basis for the emergency and the selection of
the contractor shall be filed with the procurement policy board
and the determination or summary of such determination shall be
included in the notice of the award of contract published pursuant
to section three hundred fifty-five of this chapter.

Sec. 346. Intergovernmental procurement. Notwithstanding any
other requirement of this [section] chapter,
  a. 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, or any other federal agency if the price is lower
than the prevailing market price, and
  b. any goods, services or construction may be procured,
ordered or awarded through the New York State office of general
services, or any other state agency, if the price is lower than the
prevailing market price.

Sec. 347. Alternatives to competitive sealed bidding.
a. If, in accordance with section three hundred forty-two, 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 for by sections three hundred forty-eight through three hundred fifty-two which is appropriate under the circumstance. Each agency contract file shall contain documentation of such determination and of the basis upon which each contract is awarded, in such form as may be required by the procurement policy board.

b. Each contract for goods, services or construction in value of more than two million dollars proposed by an agency to be awarded which is let by other than (i) competitive sealed bidding, (ii) competitive sealed bids from prequalified vendors, or (iii) competitive sealed proposals, where the weight assigned to each of the factors or criteria to be considered in selecting the proposal most advantageous to the city was set forth in a writing filed in the agency contract file prior to the opening of proposals shall require the approval of the mayor or a deputy mayor prior to its execution. The mayor or deputy mayor shall not delegate the authority to make such approvals to any other body or official.

Sec. 348. Competitive sealed bids from prequalified vendors. Bids may be solicited from vendors that have been prequalified for the provision of a good, service or construction pursuant to section three hundred fifty-four by mailing notice to each prequalified vendor or, if special circumstances require, to a selected list of prequalified vendors. 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 for a particular procurement or for a particular category of procurement 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.
Sec. 349. 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 or criteria 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, provided that offerors shall be accorded fair treatment with respect to any opportunity for discussion and revision of the proposals.

Sec. 350. Competitive sealed proposals from prequalified vendors. Proposals may be solicited from vendors that have been prequalified for the provision of a good, service or construction pursuant to section three hundred fifty-four by mailing notice to each prequalified vendor or, if special circumstances require, to a selected list of prequalified vendors. Award of the contract shall be made in accordance with the provisions of section three hundred forty-nine. A determination to employ selective solicitation for a particular procurement or for a particular category of procurement 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.

Sec. 351. Sole source.

a. 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.

b. Whenever 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 such determination and shall in such notice solicit the application of vendors qualified to provide such good, service or construction, or interested in providing such good service or construction in the future. The procurement policy board shall by rule define the timing and duration of such notification to ensure that vendors qualified to provide such good, service or construction have sufficient opportunity to express their interest to the agency prior to the initiation of any sole source negotiation; provided, however, that if the agency has determined that it should not reveal to the vendor with whom it is negotiating that it is doing so on a sole source basis under circumstances defined by rule of the procurement policy board, the notice required by this subdivision shall be made upon the completion of such negotiations or the award of the contract. Vendors interested in providing such good, service or construction in the future shall be prequalified in accordance with section three hundred fifty four, or shall be included for receipt of notice in accordance with subdivision a of section three hundred fifty-five.

Sec. 352. Alternative procurement procedures. A contract may be awarded according to another procurement procedure established by rule of the procurement policy board, under circumstances, defined by rule of the procurement policy board, in which the use of such procedures is in the best interest of the city. An agency determination to utilize such an alternative procurement procedure for a particular procurement or for a particular type of procurement shall require the written approval of the mayor prior to seeking bids or proposals. The agency contract file shall
contain the determination to use limited or no competition which shall state (1) which circumstance defined by the board to be in the best interest of the city apply to the procurement, including the basis upon which the agency made such determination, and (2) which procedure, as defined by board pursuant to this section, was used in awarding the contract. Copies of such notice shall be filed with the procurement policy board.

Sec. 353. Multi-step sealed proposals. 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 (a) to solicit competitive sealed bids in accordance with section three hundred forty-three of this chapter; (b) to solicit competitive sealed bids from prequalified entities in accordance with section three hundred forty-eight; (c) to solicit competitive sealed proposals in accordance with section three hundred forty-nine; or (d) to solicit proposals from prequalified vendors in accordance with section three hundred fifty.

Section 354. Prequalification.

a. Prospective vendors may be prequalified as contractors for the provision of particular types of goods, services and construction, in accordance with general criteria established by rule of the procurement policy board which may include, but shall not be limited to, the experience, past performance, the ability to undertake work, financial capability, responsibility, and reliability of prospective bidders, and may be supplemented by criteria established by rule of the agency for the prequalification of vendors for particular types of goods, services or construction or by criteria published in the City Record by the agency for the prequalification of vendors for a particular procurement. Such prequalification may be by categories designated by size and other
factors. Agencies shall maintain lists of prequalified vendors and entry into a prequalified group shall be continuously available.

b. Any vendor who is denied prequalification or whose prequalification is revoked by an agency may appeal such decision to the agency head. A determination of an agency head may be appealed to the office of administrative trials and hearings for a hearing which shall take final action regarding such matter. A decision by an agency to suspend a vendor's prequalification may be appealed to the agency head, provided that if such suspension extends for more than three months it shall be deemed a revocation of the prequalification for the purposes of this section.

Sec. 355. Notification of contract opportunities and awards.

a. Pursuant to rules of the procurement policy board, each agency shall

1. for each category of goods, services or construction which is regularly procured by the agency, periodically publish in the City Record a notice soliciting the names of vendors interested in being notified of future procurement opportunities in each such category,

2. for each category of goods, services or construction for which the agency prequalifies vendors for future procurement, periodically publish in the City Record a notice soliciting the names and qualifications of vendors interested in being considered for prequalification for such category, and

3. publish in the City Record, and, where appropriate, in newspapers of city, state or national distribution and trade publications, notice of (a) the solicitation of bids or proposals pursuant to section three hundred forty-three and three hundred forty-seven through three hundred fifty-two, where the value of a contract for goods or services is estimated to be above ten thousand dollars.
or for construction above fifteen thousand dollars, except where
the agency has determined that solicitation should be limited to
prequalified vendors:

(b) the award of a contract for goods or services
exceeding ten thousand dollars in value or a contract for
construction exceeding fifteen thousand dollars in value. Each
such notice of award shall indicate the name of the contractor, the
dollar value of the contract, the procurement method by which the
contract was let, and for contracts let by other than competitive
sealed bidding, a citation of the clause of subdivision b of
section three hundred forty-two pursuant to which a procurement
method other than competitive sealed bidding was utilized.

b. 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 chapter. 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.

c. The notice required by subparagraph a of paragraph three of
subdivision a of this section shall not apply to contracts awarded
on an emergency basis pursuant to section three hundred forty-five,
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, nor shall such notice
requirements apply where the notice would disclose litigation
strategy or otherwise impair the conduct of litigation by the city.
Sec. 356. Public hearings on contract awards.

a. Prior to entering into any contract for goods, services or construction to be awarded by other than competitive sealed bidding or competitive sealed bids from prequalified vendors, the value of which exceeds one hundred thousand dollars, the head or deputy head of the agency shall upon reasonable public notice conduct a public hearing to receive testimony regarding the proposed contract. The procurement policy board may by rule exempt from this public hearing requirement contracts to be let which do not differ materially in terms and conditions, as defined by the board, from contracts currently held by the city where the parties to such contracts are the same; provided, that under no circumstance may such exemption apply to any contract in value exceeding ten million dollars.

b. The requirements of this section shall not apply to any procurement (i) let pursuant to a finding of an emergency under section three hundred forty-five, (ii) required to be made on an accelerated basis due to markets which experience significant, short-term price fluctuations, as identified by rule of the board, or (iii) where a public hearing would disclose litigation strategy or otherwise impair the conduct of litigation by the city.

Sec. 357. Certification of legal authority and procedural requisites.

a. In the case of any contract which is let by other than competitive sealed bidding, the mayor shall certify, prior to the filing of the contract with the comptroller for registration in accordance with section three hundred fifty-eight of this chapter, that the procedural requisites for the solicitation and award of the contract have been met. The mayor may delegate such function
to the agency proposing to award a contract only upon adequate assurance of an agency's capacity to comply with procedural requirements.

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

Sec. 358. 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 a certification required by section three hundred fifty-seven of this chapter has not been made; or

iii. the proposed vendor has been debarred by the city in accordance with the provisions of section three hundred sixty-five.

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

d. The requirements of this section shall not apply to
   (1) an emergency contract awarded pursuant to section three hundred forty-five or to an accelerated procurement as defined under section three hundred fifty-six, provided that the agency shall, as soon as is practicable, submit any such contract to the comptroller for an audit of the procedures and basis for the determination of the need for an emergency or accelerated procurement, or
   (2) a contract awarded pursuant to this chapter for the provision of goods, services or construction that is not to be paid for out of the city treasury or out of moneys under the control of the city, provided that the board of the entity awarding such a contract shall within ten days of awarding contract, file a copy of such contract and any related materials specified by the mayor, with the mayor or the mayor's designee for purposes of section three hundred sixty-four of this charter.

Sec. [344.] 359. 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 rule of the procurement policy board.

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] rules 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.

[Sec. 345. Defaulter to city.]

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.] 360. 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.] 361. 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.

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.

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
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.] 362. Payments procedure.

a. The [commissioner of general services] procurement policy board shall [prepare and] promulgate [procedures, standards and guidelines] rules for the expeditious processing of payment vouchers by city agencies and departments[; and shall oversee, monitor, and report to the mayor, the board of estimate and the public on agency performance of such function] including (i) the maximum amount of time allowed for the processing and payment of such vouchers from the later of (a) the date such vouchers are received by the agency, or (b) the date on which the goods, services or construction to which the voucher relates have been received and accepted by the agency, (ii) a program for the payment of interest to vendors on vouchers not paid within the maximum amount of time pursuant to clause i of this subdivision, (iii) a process for the allocation and charging of any such interest payments to the budget of the agency responsible for the delay leading to the interest payments and (iv) agency reporting on the promptness of such payments in such form and containing such information as the board shall prescribe. The board shall coordinate and publish such agency prompt payment reports.
Sec 363. 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 a central place in accordance with subdivision c of section three hundred sixty-four.

b. 1. If a borough president determines there is reason to believe a term or condition of a contract providing for the delivery of services in the borough is not being complied with and that the 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 appropriate 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 findings within ten business days from receipt of such findings, 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 action as it deems appropriate and shall
promptly deliver its recommendations in writing to the agency head,
borough president and contractor. Within thirty days of receipt of
the panel's recommendation, the agency head shall respond in
writing to the panel and the borough president, indicating which
of the panel's recommendations shall be acted upon and what, if
any, alternative action will be taken.

4. In the case of any contract regarding which more than one
borough president has submitted a determination in accordance with
paragraph one of this subdivision, the agency receiving such
determinations shall notify each such borough president of the
agency response submitted in accordance with paragraph two of this
subdivision. A hearing, if any, held shall include the comments
of all such borough presidents.

Sec. 364. Information on city contracts.

a. Agency contract files. Each agency shall maintain files
containing information pertaining to the solicitation, award and
management of each contract of the agency in accordance with
standard record maintenance requirements established pursuant to
section three thousand four of this charter. The agency contract
files shall contain copies of each determination, writing or filing
required by this chapter pertaining to a contract and such
information as is prescribed by rule of the procurement policy
board, in such form as is prescribed by the procurement policy
board. Agency contract files shall be open to public inspection
with adequate protection for information which is confidential.
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 cannot 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. Centralized contract and contractor information. The mayor shall ensure that copies of city contracts and other standard information regarding city contracts and contractors are reasonably available for public inspection in accordance with provisions of section one thousand sixty-four of this charter.

Sec. 365. 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 suspend or debar from bidding on or receiving city contracts.

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 determine 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 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 such determination may be appealed to the agency head for final action.

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

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

   b. 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 record of unsatisfactory performance in accordance with the terms of one or more contracts;

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

   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, or

   e. violation of the provisions of chapter thirteen-a or thirteen-b of this charter, or any rule or standard promulgated pursuant thereto.
CHAPTER 13-A
Office of Economic and Financial Opportunity

Sec. 352. Office of economic and financial opportunity.

1. There shall be an office of economic and financial opportunity, the head of which shall be the director of the office of economic and financial opportunity. The purpose of the office shall be to enhance the ability of minority and women owned business enterprises to compete for city contracts, to enhance city agencies' awareness of such business enterprises, and to ensure their meaningful participation in the city procurement process.

2. The director may, within the appropriations available therefor, appoint such deputies, assistants, and other employees as may be needed for the performance of the duties prescribed herein, and may request and shall receive from any agency such assistance as may be necessary to carry out the provisions of this chapter.

3. The director shall establish, administer, coordinate, and enforce a citywide program for the identification, recruitment, certification and participation of minority and women owned business enterprises in the city procurement process.

4. The director shall be authorized to promulgate rules necessary to implement the purposes of this chapter. The director shall consult with the procurement policy board in drafting and adopting such rules. Such rules shall define sanctions which are appropriate to remedy violations or penalize contractors for failure to comply with the provisions of this chapter or with any program or rule established pursuant to this chapter. The time schedules for actions required to be taken pursuant to this chapter shall be defined by rule of the procurement policy board in accordance with the provisions of section three hundred forty one.

5. The director shall monitor the implementation of all financial, technical, managerial, and bonding assistance programs operated by city agencies to enhance participation by minority and...
6. The director shall have the following powers and duties to implement the purposes of this chapter:

a. to direct and assist agencies in their efforts to increase participation by minority and women owned business enterprises as contractors and subcontractors in the city procurement process;

b. to develop standardized forms and reporting documents;

c. to conduct, coordinate and facilitate technical assistance and educational programs;

d. to periodically review the compliance of city agencies with the provisions of this chapter;

e. to annually report to the mayor and the council on the activities of the office and efforts by agencies to comply with the provisions of this chapter. Such report shall recommend such activities and programs as the director deems necessary to effectuate the purposes of this chapter;

f. to establish and operate, on behalf of the city, a centralized program for the certification of minority owned business enterprises and women owned business enterprises, for the purposes of establishing the eligibility of such businesses for participation in the programs and processes designed to ensure the meaningful participation by such businesses in the procurement activities of all city agencies. For the purposes of such certification, "minority owned business enterprise" and "women owned business enterprise" shall mean business enterprises authorized to do business in this state, including sole proprietorships, partnerships and corporations, in which (i) at least fifty-one percent of the ownership interest is held by United States citizens or permanent resident aliens who are either, (a) minority group members, or (b) women, (ii) the ownership interest of such persons is real, substantial and continuing, and (iii) such persons have and exercise the authority to control independently the day to day business decisions of the enterprise. "Minority group member" shall mean a United States citizen or permanent

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resident alien who is a member of a racial or language minority
group in New York City pursuant to the Voting Rights act of 1965,
as amended;
g. to audit such business enterprises and periodically review and
in appropriate cases recertify their eligibility for participation
in programs established pursuant to this chapter;
h. to direct and assist city agencies in their efforts to increase
participation by minority and women-owned business enterprises in
any city-operated financial, technical, and management assistance
program;
i. to assist all business enterprises certified pursuant to this
chapter in becoming prequalified for all categories of procurement
for which they are may be eligible and for which contracting
agencies utilize prequalification in the procurement process;
j. to prepare and periodically update a directory of such city
certified business enterprises for use by city agencies and
contractors and develop a clearinghouse of information on programs
and services available to such business enterprises;
k. to provide such assistance to certified businesses enterprises
and businesses interested in being certified as is needed to ensure
that such businesses benefit from city technical, managerial,
financial assistance, and other business development programs.

Sec. 353. Responsibilities of the city agencies. 1. The
head of each city, county, borough or other office, position,
administration, board, department, division, commission, bureau,
corporation, authority, or other agency of government, where the
majority of board members are appointed by the mayor or serve by
virtue of being city officers or the expenses of which are paid in
whole or in part from the city treasury, and including but not
limited to the board of education, school boards, city and
community colleges, financial services corporation, city housing
authority, public development corporation, and health and hospitals
corporation, shall:
a. establish and implement reasonable measures and procedures
to secure the meaningful participation of city certified businesses
enterprises in the agency's (1) procurement of goods, services and
construction, and (2) financial, technical and managerial
assistance programs for such business enterprises;
b. monitor all city contracts under the agency's jurisdiction
for compliance with programs and policies established pursuant to
this chapter, and refer and recommend appropriate matters to the
office of economic and financial opportunity and the law
department;
c. designate a deputy commissioner or other executive officer
to advise the director concerning the activities of the agency in
carrying out its responsibilities pursuant to this chapter;
d. cooperate with and furnish to the office such information
and assistance as may be required in the performance of the
office's functions under this chapter and the rules promulgated
hereunder;
e. make available to prospective bidders a current copy of
the directory of city certified businesses; and
f. periodically report to the office on activities undertaken
to promote and increase participation by city-certified businesses
in its procurement and any financial, technical, or management
assistance program which it administers.

Sec. 354. Enforcement, sanctions and remedies. Upon
receiving a complaint or at its own instance, a contracting agency
may conduct such investigation as is necessary to determine whether
a contractor is in compliance with the requirements of this chapter
or any rule or program adopted pursuant to this chapter. The
contracting agency shall, upon a determination of noncompliance,
assess appropriate sanctions to be imposed on the contractor, in
accordance with rules of the office of economic and financial
opportunity promulgated for this purpose. A copy of such
determination shall be submitted to the director of the office, who
shall respond to the agency prior to the imposition of sanctions
with such modifications of the agency's determination of sanctions as are necessary to ensure compliance with the office's rules for sanctions.

Sec. 355. Small and locally-based business enterprises. In addition to the purposes provided in section three hundred fifty-two, the office shall administer any programs for small or locally-based business enterprise programs as may be established by law. The office shall, pursuant to applicable local laws, certify such enterprises as are eligible to participate in such programs, periodically review and recertify their eligibility, audit business enterprises that participate in such programs, and publish a directory of participating enterprises.
Sec. 360. The office of labor services. 1. There shall be an office of labor services the head of which shall be the director of the office of labor services.

2. The director may appoint, within the appropriations available therefor, such deputies, assistants, and other employees as may be needed for the performance of the duties prescribed herein, and may request and shall receive from any contracting agency of the city such assistance as may be necessary to carry out the provisions of this chapter.

3. The director shall administer the provisions of this chapter and enforce a citywide program to ensure that city contractors and subcontractors take appropriate action to ensure that women and minority group members are afforded equal employment opportunity, and that all persons are protected from discrimination prohibited under the provisions of federal, state and local laws and executive orders with regard to recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, rates of pay and other forms of compensation. "Minority group member" shall mean a United States citizen or permanent resident alien who is a member of a racial or language minority group in New York City protected by the Voting Rights Act of 1965, as amended, or such other groups as may be covered by rule of the agency.

4. The director shall promulgate such rules as are necessary to implement the purposes of this chapter. The director shall consult with the procurement policy board in drafting and adopting such rules.

5. The director shall have the following powers and duties:

(a) to implement, monitor compliance with, and enforce this chapter and programs established pursuant to local, state and federal law and executive order requiring contractors to provide equal employment opportunity;
(b) to implement, monitor compliance with, and enforce on-
the-job training requirements on construction projects;
(c) to monitor compliance by contractors with state and
federal prevailing wage requirements;
(d) to advise and assist contractors, subcontractors and
labor unions with respect to their obligations to provide equal
employment opportunity;
(e) to advise and assist persons in the private sector with
respect to employment problems related to the purposes of this
chapter;
(f) to establish appropriate advisory committees; and
(g) to serve as a city liaison to federal, state and local
agencies responsible for contractors' and subcontractors' compliance with equal employment opportunity.
(h) such other powers and duties as may be conferred on the
office by law or executive order for the purpose of ensuring that
persons or businesses which benefit from doing business with the
city provide equal employment opportunity.
6. The director shall develop appropriate language for inclusion
in city contracts regarding the subject matter of this chapter. Such contract language shall be reviewed by the corporation
counsel. Such contract language shall require that a contractor:
(a) shall not unlawfully discriminate in accordance with the
requirements of applicable federal, state and local laws;
(b) shall inform any employee representatives authorized to
bargain collectively for its employees of the contractor's
obligations pursuant to this chapter, and negotiate with such
representatives to obtain their cooperation in the implementation
of such obligations;
(c) shall require that any subcontractor it employs in the
performance of the contract comply with the requirements of this
chapter.
7. a. The director shall require employment reports to be
submitted in such form and containing such information as the
director may prescribe, by contractors to whom agencies propose to
award city contracts and their proposed subcontractors, when such
contacts or subcontracts have a value above a monetary threshold
that the director shall by rule establish. The director may by
rule provide for appropriate exemptions from such requirement.

b. An employment report shall include, but not be limited to,
employment practices, policies, procedures, statistics and
collective bargaining agreements. The contracting agency shall
transmit the employment report to the director after the selection
of a proposed contractor or subcontractor. The director shall
review all employment reports to determine whether such contractors
and subcontractors are in compliance with the equal employment
opportunity requirements of local, state and federal law and
executive orders.

c. Except as provided in paragraphs d, e and f of this
subdivision, a contracting agency may award the contract or approve
a subcontractor upon receiving the approval of the office, or after
a number of days to be specified by rule have passed since it
submitted the employment report of the proposed contractor to the
office, whichever is sooner.

d. If the director notifies the contracting agency that a
proposed contractor or subcontractor has failed to submit a
complete employment report, the director shall require the
contracting agency not to award the contract or approve the
subcontractor until after a complete employment report has been
submitted to the office for its review.

e. If the director notifies the contracting agency that the
office has reason to believe that the contractor or subcontractor
is not in substantial compliance with the requirements of this
chapter, the director may require the contracting agency not to
award the contract or approve the subcontractor until the
contractor has agreed to take appropriate action to come into
compliance with such requirements.

f. The director may by rule provide for circumstances when
a contract or subcontract may be awarded without the prior approval of the office, which shall include but not be limited to requirements contracts which may be awarded prior to approval of an employment report, subject to the condition that a purchase shall not be made under the contract until the office has approved the employment report, emergency contracts, and contracts with contractors or subcontractors for which the office has previously approved an employment report.

g. The time schedules for actions required to be taken pursuant to this chapter shall be defined by rule of the procurement policy board in accordance with the provisions of section three hundred forty-one.

8. Periodic Review. The director may require contractors or subcontractors to file periodic employment reports after the award of a contract in such form and with such frequency as the director may direct by rule to determine whether such contractors or subcontractors are in compliance with applicable legal requirements and the provisions of this chapter.

Sec. 361. Responsibilities of city agencies.
The head of each city, county, borough or other office, position, administration, board, department, division, commission, bureau, corporation, authority, or other agency of government, where the majority of board members are appointed directly or indirectly by the mayor or serve by virtue of being city officers, or the expenses of which are paid in whole or in part from the city treasury, including the board of education, city and community colleges, financial services corporation, health and hospitals corporation, public development corporation, school boards, and city housing authority, shall:

1. assist the office in monitoring compliance with the equal employment opportunity requirements of contracts under its jurisdiction and refer and recommend matters to the office with respect to non-compliance with the provisions of this chapter;

2. designate a deputy commissioner or other executive officer
to advise the director of the office of labor services concerning
the activities and progress of the agency in carrying out its
responsibilities pursuant to this chapter;
3. in accordance with the provisions of section three hundred
sixty-five, impose remedies and sanctions for failure to comply
with the requirements included in city contracts pursuant to this
chapter.

Sec. 364. Enforcement, remedies and sanctions.

Upon receiving a complaint or at its own instance, the office
may conduct such investigation as may be necessary to determine
whether contractors and subcontractors are in compliance with the
equal employment opportunity requirements of federal, state and
local laws and executive orders. If the director has reason to
believe that a contractor or subcontractor is not in compliance
with the provisions of this chapter, the director shall seek the
contractor's or subcontractor's agreement to adopt and adhere to
an employment program designed to ensure equal employment
opportunity, including but not limited to measures designed to
remedy underutilization of minorities and women in the contractor's
or subcontractor's workforce, and may, in addition, recommend to
the contracting agency that payments to the contractor be suspended
pending a determination of the contractor's or subcontractor's
compliance with such requirements. If the contractor or
subcontractor does not agree to adopt or does not adhere to such
a program, the director shall make a determination as to whether
the contractor or subcontractor is in compliance with the
provisions of this chapter, and shall notify the head of the
contracting agency of such determination and any sanctions,
including withholding of payment, imposition of an employment
program, or other sanction or remedy provided by law or by
contract, which the director believes should be imposed. The head
of the contracting agency shall impose such sanction unless he or
she notifies the director in writing that the agency head does not
agree with the recommendation, in which case the director and the
head of the contracting agency shall jointly determine any sanction to be imposed. If the agency head and the director do not agree on the sanction to be imposed, the matter shall be referred to the mayor, who shall determine any sanction to be imposed.

Sec. 365. Confidentiality. To the extent permitted by law and consistent with the proper discharge of the office's responsibilities under this chapter, all information provided by a contractor to the office shall be confidential.

Sec. 366. This chapter shall not apply:

a. to contracts for financial or other assistance between the city and a government or governmental agency;

b. to contracts, resolution, indentures, declarations of trust, or other instruments authorizing or relating to the authorization, issuance, award, and sale of bonds, certificates of indebtedness, notes or other fiscal obligations of the city, or consisting thereby, except as otherwise provided by law or executive order; or

c. to employment by the city of its officers and employees which is subject to equal employment opportunity requirements of applicable law.
CHAPTER 14
FRANCHISES, REVOCABLE CONSENTS AND CONCESSIONS

[Sec. 361. Definition. The term "the streets of the city" as used in this chapter shall include streets, avenues, highways, boulevards, concourses, driveways, bridges, tunnels, parks, parkways, waterways, docks, bulkheads, wharves, piers and public grounds or waters within or belonging to the city.

Sec. 362. Powers of board of estimate. The board of estimate shall have the control of the streets of the city except as in this charter otherwise provided, and shall have the exclusive power in behalf of the city to grant franchises or rights or make contracts providing for or involving the occupation or use of any of the streets of the city, whether on, under or over the surface thereof, for railroads, pipe or other conduits or ways or otherwise for the transportation of persons or property or the transmission of gas, electricity, steam, light, heat or power, or the installation of transformer vaults, and to give the consent of the city to any franchise or right of any kind or nature whatsoever for or relating to the occupation or use of the streets of the city under the provisions of the constitution or of any statute. Sec. 363. Franchise to be granted by contract.] Sec. 362. Definitions.

For the purposes of this charter:

a. "Concession" shall mean a grant made by an agency for the private use of city-owned property for which the city receives compensation other than in the form of a fee to cover administrative costs, except that concessions shall not include franchises, revocable consents and leases.

b. "Franchise" shall mean a grant by an agency of a right to occupy or use the inalienable property of the city to provide a public service.

c. "Responsible Agency" shall mean (1) with respect to a franchise, the agency designated by the mayor pursuant to section three hundred sixty-three or three hundred seventy-eight as the
agency having primary expertise and responsibility for the type of franchise involved. (2) with respect to a revocable consent, the agency authorized to grant a revocable consent of the type involved pursuant to section three hundred sixty-four, or (3) with respect to a concession, the agency granting a concession.

d. "Revocable Consent" shall mean a grant by the city of a right, revocable at will, (1) to any person to construct and use for private use pipes, conduits and tunnels under, railroad tracks upon, and connecting bridges over inalienable property, (2) to an owner of real property or, with the consent of the owner, to a tenant of real property to use adjacent inalienable property for such purposes as may be permitted by rules of the department of transportation or the department of telecommunications or (3) to a public service corporation for facilities ancillary to, but not within, a franchise granted prior to the effective date of this section.

Sec. 363. Franchises. a. Franchises shall be awarded only in accordance with the provisions of an authorizing resolution adopted by the council pursuant to the provisions of this section.

b. An initial determination of the need for franchises of a particular type shall be made by the head of the agency designated by the mayor as having the primary expertise and responsibility in the policy area covered by that type of franchise. Upon making such a determination, such agency, with the advice of the corporation counsel and such other agencies as the mayor shall determine, shall prepare a proposed authorizing resolution for that type of franchise and shall submit such proposed authorizing resolution to the mayor. Such a proposed authorizing resolution shall set forth the nature of the franchise or franchises to be granted, the public service to be provided, the terms and conditions of the franchise or franchises including any subsidies that will be given to a franchisee, the method by which proposals will be solicited for the franchise or franchises and the criteria to be used in evaluating the proposals submitted in response to
such a solicitation.

c. The mayor may submit such a proposed authorizing resolution to the council. Promptly upon submission to the council, the text of any such authorizing resolution shall be published in the City Record. Within ninety days of receiving such a proposed resolution, the council or a committee of the council shall hold a public hearing on such resolution. The council may approve, approve with modifications or disapprove such resolution by majority vote. Any action of the council approving a modification to a proposed authorizing resolution or disapproving a proposed authorizing resolution shall be subject to the disapproval of the mayor in the same manner as a local law which is passed by the council, and any such disapproval shall be subject to reconsideration, repassing and adoption, notwithstanding the objections of the mayor, in the same manner as a local law which is disapproved by the mayor. The council may on its own initiative amend an authorizing resolution. The procedure for council review and approval of such a proposed amendment shall be the same as for an authorizing resolution.

d. No authorizing resolution or other action of the council may provide for any involvement by the council or any member of the council in the selection of a franchisee pursuant to such resolution.

e. Pursuant to an authorizing resolution adopted by the council, the responsible agency may issue one or more requests for proposals or other solicitations of proposals; provided that (1) the corporation counsel shall have determined that the request for proposals is consistent with the provisions of the authorizing resolution and (2) no such request or solicitation shall be issued unless either the department of city planning has determined that the proposed franchise would not have land use impacts or implications or such request or solicitation has been reviewed and approved pursuant to section one hundred ninety-seven-c and section one hundred ninety-seven-d. A community board may waive a public
hearing and the preparation of a written recommendation with
respect to any such request for proposals or solicitation which in
its judgment does not involve a substantial land use interest. Any
such request for proposals or solicitation issued in accordance
with this subdivision shall set forth the criteria and procedures
to be utilized in evaluating the proposals submitted in response
to such request or solicitation.

f. The selection of a franchisee shall be in accordance with
the provisions of the authorizing resolution covering franchises
of the type involved. Each such selection and each franchise
agreement shall be subject to the review and approval of the
franchise and concession review committee pursuant to sections	hree hundred seventy-one, three hundred seventy-two and three
hundred seventy-three.

g. Nothing in this section shall preclude any agency, prior
to proposing an authorizing resolution, from issuing one or more
requests for information or other solicitations of information
regarding the availability of potential franchisees with expertise
in the subject matter of a proposed type of franchise, suggestions
regarding the appropriate terms and conditions which should be
contained in an authorizing resolution for that type of franchise
or any other information which would assist the agency in
determining how to proceed with regard to the public service
involved.

h. All franchises shall be consistent with the following
requirements:

(1) Every grant of [or consent to] a franchise [of any
character] or modification thereof must be by written [contract]
agreement approved by the franchise and concession review committee
and executed by [or] the responsible agency under the authority of
[the board of estimate] an authorizing resolution adopted by the
council in accordance with the provisions of this chapter.

[Sec. 364. Limitation on period of grant. a.]
(2) No such [contract] agreement shall be for a longer period than twenty-five years except that in the case of a tunnel railroad it may be for a period not exceeding fifty years.

(b.)

(3) The [contract] agreement may, at the option of the city, provide for giving to the grantee the right of renewals not exceeding in the aggregate twenty-five years on a fair redetermination of the compensation to the city to be made upon standards and methods as therein specified.

[Sec. 365. Rights to cease without compensation upon termination.]

(4) At the termination of such [contract] agreement all the rights or property of the grantee in the [streets of the city] inalienable property of the city to which the franchise relates shall cease without compensation.

[Sec. 366. Plant and appurtenances may inure to city upon termination. a.]

(5) Any such [contract] agreement may provide that upon its termination the property, plant and equipment of the grantee shall, to the extent therein specified, thereupon be and become the property of the city, either without compensation to the grantee or on payment to the grantee of the fair value thereof as property, to be determined as provided in the contract, but excluding any value derived from the franchise. [b.] The city shall have the option either to take and operate on its own account the property, plant and equipment when so acquired, or to lease the same for a term not exceeding twenty years or to require that the property of the city be restored to its condition prior to the granting of the franchise.

[Sec. 366-a. Review of proposals. a. A petition for a franchise or revocable consent shall be filed with the board of estimate, department of city planning and the bureau of franchises.

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b. Review by a community board or borough board of such petition shall be in the manner specified pursuant to section one hundred ninety-seven-c. Such review shall be limited to the land use impact and implications of the subject matter of the petition and shall not extend to any fees or compensation to be paid in connection therewith. A community board may waive a public hearing and the preparation of a written recommendation with respect to any such petition which in its judgment does not involve a substantial land use interest.

c. Notwithstanding any provision of this charter or the administrative code, revocable consents to construct and operate sidewalk cafes shall be reviewed pursuant to article ten of title B of chapter thirty-two of the administrative code.

Sec. 367. General provisions of contracts. a. Every such contract shall contain adequate provisions by way of forfeiture or otherwise to secure efficiency of public service at reasonable rates and for the maintenance of the property in good condition throughout the full term of the grant.

b. Sec. 368. Public hearing on the petition. a. Before any such contract shall be made, a public hearing shall be held by the board of estimate upon the petition therefor at which citizens, including representatives of community or borough boards, shall be entitled to appear and be heard. Such hearing shall be held on at least ten days' notice, which notice, together with the petition in full, shall be published in the City Record, and, at the expense of the petitioner, at least twice in two daily newspapers to be designated by the mayor and which are published in the borough affected. Where only one daily newspaper is published in the borough affected, the mayor shall designate that newspaper together with a daily newspaper published in the city of New York and having a circulation in the borough affected. Where more than one borough is affected or where no daily newspaper is published in the borough affected, the mayor shall designate two daily newspapers published in the city and having a circulation in the borough or boroughs
affected. b. Copies of such notice, together with the petition in full, shall be forwarded to the community board or boards in the community district or districts affected, and to the borough board or boards for review pursuant to section one hundred ninety-seven-c.

Sec. 369. Inquiry by board of estimate. The board of estimate shall make inquiry as to the money value of the proposed franchise or right and the adequacy of the compensation proposed to be paid therefor, and shall embody the result of such inquiry in a form of contract, with all the terms and conditions, including the provisions as to rates, fares and charges.

Sec. 370. Proposed contract and resolution to be entered on minutes. Such proposed contract together with the form of resolution authorizing the same shall, but not until after the hearing upon the petition, be entered on the minutes of the board of estimate.

(6) Every [contract] agreement granting a franchise for the performance of any public service shall contain an agreement by the grantee to recognize the right of its employees to bargain collectively through representatives of their own choosing, and at all times to recognize and deal with the representatives duly designated or selected by the majority of its employees for the purpose of collective bargaining in respect to rates of pay, wages, hours of employment or other conditions of employment and not to dominate, interfere with or participate in the management or control of or give financial support to any union or association of its employees. This subdivision shall not apply to a contract providing for a modification or amendment of or extension of service under a franchise not containing a similar provision, provided that the term of such franchise is not extended thereby.

Sec. 364. Revocable consents. a. A revocable consent shall not be granted for a use that would interfere with the use of inalienable property of the city for public purposes, nor shall a
revocable consent be granted for a purpose for which a franchise may be granted.

b. All revocable consents shall be revocable at any time by the responsible agency, shall be granted for a fixed term, and shall provide for adequate compensation to be annually provided to the city during the continuance of the consent.

c. Revocable consents, other than for telecommunications purposes, may be granted by the department of transportation with respect to property under its jurisdiction or by such other agency as may be authorized by law to grant revocable consents. Revocable consents for telecommunications purposes may be granted by the department of telecommunications. All revocable consents shall require the approval of the department of transportation.

d. Every petition for the grant of a revocable consent shall be filed with the department of transportation. Each petition shall state the location of the proposed revocable consent and shall be in such form and contain such other information as the department of transportation and other responsible agencies, if any, shall require by rule. Petitions for each type of revocable consent shall be distributed to and reviewed by the agencies required to do so by local law or executive order of the mayor. If, in the judgment of the department of city planning, a proposed revocable consent has land use impacts or implications, the petition for the proposed revocable consent shall be subject to review and approval pursuant to section one hundred ninety-seven-c and section one hundred ninety-seven-d.

e. Notwithstanding any provision of this charter or the administrative code, revocable consents to construct and operate sidewalk cafes shall be reviewed pursuant to subchapter six of chapter two of title twenty of the administrative code.

Sec. 365. Terms of agreements; enforcement. a. Every agreement memorializing the terms and conditions of a franchise, revocable consent or concession shall contain adequate provisions by way of forfeiture or otherwise (1) to secure efficiency of
public service at reasonable rates, if a public service is to be provided, (2) to assure the maintenance of the property of the city in good condition throughout the term of the agreement, and (3) to provide for adequate compensation to the city.

b. The responsible agency shall also monitor the performance of the grantee and enforce the terms and conditions of any franchise, revocable consent or concession under its jurisdiction.

Sec. 371. Public hearing on proposed [contract and resolution] agreement; publication of notice. The [board of estimate shall, not less than twenty-seven days after such entry and before adopting any such resolution,] franchise and concession review committee in the case of a franchise, or the responsible agency in the case of a revocable consent, shall hold a public hearing [thereon at which citizens shall be entitled to appear and be heard] on the proposed agreement memorializing the terms and conditions of each proposed franchise or revocable consent before final approval of the proposed franchise or consent. Any such public hearing conducted by the franchise and concession review committee shall be held within thirty days of the filing with the committee by the responsible agency of a proposed agreement containing the terms and conditions of the proposed franchise. No [such] hearing held by the franchise and concession review committee or by the responsible agency shall be held until after notice thereof and a summary of the terms and conditions of the proposed [contract and proposed resolution authorizing the same] agreement shall have been published [in full] for at least fifteen days, except Sundays and legal holidays, immediately prior thereto in the City Record, nor until a notice of such hearing, [together with] indicating the place where copies of the proposed [contract and resolution] agreement may be obtained by all those interested therein, shall have been published at least twice at the expense of the proposed grantee in [the] two newspapers [in which the petition and notice of hearing thereon shall have been published pursuant to section three hundred sixty-eight] designated by the
mayor which are published in the borough affected. Where only one daily newspaper is published in the borough affected, the mayor shall designate that newspaper together with a daily newspaper published in the city of New York and having a circulation in the borough affected. Where more than one borough is affected or where no daily newspaper is published in the borough affected, the mayor shall designate two daily newspapers published in the city and having a circulation in the borough or boroughs affected.

Sec. 372. [Requisite vote of board of estimate for approval of resolution. No such resolution shall take effect unless carried by a three-fourths vote, and the vote shall be shown by ayes and noes as recorded in the minutes of the board.

Sec. 373.] Powers of the mayor. a. The separate and additional approval of the mayor shall be necessary to the validity of every [such resolution] franchise agreement and revocable consent agreement.

b. Every such [resolution] agreement shall before it takes effect be presented, duly certified, to the mayor for [his] approval. Such [contract or resolution] agreement shall not be effective unless [such resolution shall be] approved by the mayor within sixty days after it is presented to the mayor [to him, or within such further time not exceeding sixty days additional as may be authorized by the board of estimate].

Sec. 374. Revocable consents. Consent to construct and use for private use pipes, conduits and tunnels under, railroad tracks upon, and connecting bridges over, any of the streets of the city shall be by resolution of the board of estimate, subject to the uniform land use review procedure provided for in section one hundred ninety-seven-c, for such term and upon such conditions as may be provided in the resolution, but shall be revocable at any time by resolution of the board of estimate. Such consents shall provide for adequate compensation to be paid annually to the city during the continuance of the consent, and the separate and additional approval of the mayor shall be necessary to their
Sec. 373. Franchise and concession review committee. a. A franchise and concession review committee is hereby established. The committee shall consist of the following officials or their designees: the mayor, who shall serve as chair; the director of the office of management and budget; the corporation counsel; the comptroller; and one additional appointee of the mayor. Whenever the committee reviews a proposed franchise or concession or the procedures for granting a particular concession, the borough president of the borough in which such franchise or concession is located or his or her designee shall also serve as a member of the committee. If such a franchise, concession or procedure relates to more than one borough, the borough presidents of such boroughs shall designate one of such borough presidents or another individual to serve as a member of the committee for the purpose of considering such matter.

b. The mayor shall designate a public officer or employee to act as the clerk of the committee who shall be responsible for maintaining the records and minutes of the committee and performing such other duties as may be required.

c. The committee shall act by the affirmative vote of at least four members except that the affirmative vote of at least five members shall be required to approve a franchise agreement.

d. The committee shall:

(1) adopt rules establishing procedures for granting concessions through public bidding or by other means designed to ensure a competitive and fair process;

(2) review and approve the granting of concessions that are proposed to be granted pursuant to procedures that differ from the procedures established by the rules of the committee, provided, however, that the committee need not review awards of concessions that are not subject to renewal and have a term of less than thirty days;
(3) determine whether each franchise agreement proposed by a city agency is consistent with the request for proposal or other solicitation pursuant to which such agreement was negotiated and require appropriate modifications to any such agreements to correct any significant inconsistencies; and

(4) review and approve the selection of franchisees pursuant to subdivision f of section three hundred sixty-three.

Sec. 374. Concessions. a. No city agency shall grant a concession without either complying with the procedures established by the franchise and concession review committee or obtaining the approval of the committee prior to granting the concession.

b. The city planning commission shall adopt rules that either list major concessions or establish a procedure for determining whether a concession is a major concession. A "major concession" shall mean a concession that has significant land use impacts and implications, as determined by the commission, or for which the preparation of an environmental impact statement is required by law. All major concessions shall be subject to review and approval pursuant to section one hundred ninety-seven-c and section one hundred ninety-seven-d.

Sec. 375. Registration with the comptroller. All agreements memorializing the terms of franchises, revocable consents or concessions shall be agreements subject to the applicable registration requirements and other provisions of section three hundred forty-eight except that the terms "vendor" and "contractor" as used in section three hundred forty-eight shall be deemed to apply to the holders of franchises, revocable consents and concessions.

Sec. 376. Central file. Copies of all franchise and revocable consent agreements shall be filed with the department of transportation. The department of transportation shall compile and keep up to date a listing of all current franchises and revocable consents which shall be available to the public and shall include the date, terms, names of the parties, description of the permitted
use and location of each franchise and revocable consent. Such
listing shall be arranged and indexed so as to enable a member of
the public to determine what current franchises and revocable
consents involving use or occupancy of streets and sidewalks have
been granted for any location in the city and the identity of the
holder of each such franchise or revocable consent.

Sec. 377. Bureau of Franchises. The bureau of franchises
shall be discontinued as of the first day of July, nineteen hundred
ninety. The records and staff of the bureau of franchises shall
be transferred to the department of transportation, except that the
records and staff of the bureau relating to telecommunications
franchises shall be transferred to the department of
telecommunications and the records relating to energy shall be
transferred to such agency as the mayor shall designate.

Sec. 378. Transition. a. All franchises, revocable consents
and concessions granted prior to the effective date of this section
shall remain in full force and effect for the terms which they were
granted.

b. Not later than the first day of March of nineteen hundred
ninety, the mayor shall designate a single agency as the
responsible agency for each type of franchise currently granted by
the city. If such an agency intends to continue granting any such
type of franchise, the agency shall submit to the council a
proposed authorizing resolution for such type of franchise at least
two years, or such shorter period as may be approved by the
franchise and concession review committee, prior to the earliest
expiration date of any existing franchise of that type; provided,
however, that such an agency, with the approval of the franchise
and concession review committee, may extend to the thirty-first
day of December of nineteen hundred ninety-two the expiration date
of any franchise which is scheduled to expire prior to that date,
if such an extension is necessary in order to provide the agency
with adequate time during which to prepare a proposed authorizing
resolution for the type of franchise involved.
Sec. 379. Department; commissioner; powers. a. There shall be a department of telecommunications, the head of which shall be the commissioner of telecommunications.

b. Except as otherwise provided by law, the department shall have the following powers and duties:

(1) to plan and coordinate telecommunications policy for the city;

(2) to administer all franchises and revocable consents relating to telecommunications pursuant to the provisions of chapter fourteen, including, without limitation, proposing authorizing resolutions for telecommunications franchises, developing and issuing requests for proposals for telecommunications franchises, selecting telecommunications franchisees, reviewing and approving petitions for revocable consents relating to telecommunications, negotiating the terms of contracts or other agreements relating to telecommunications franchises and revocable consents, and enforcing the terms and conditions of such agreements;

(3) to develop municipal uses of cable television and coordinate interagency uses of cable television and other telecommunications;

(4) to ensure that priority is given on at least one municipal channel to the cablecasting of the public proceedings of the council and its committees, the city planning commission and other state and city agencies; and

(5) to perform such other responsibilities with respect to telecommunications matters, including responsibilities delegated elsewhere by the charter, as the mayor shall direct.

c. The commissioner shall exercise the powers and duties of the commission in a manner consistent with applicable federal and
Sec. 380. Telecommunications. "Telecommunications" shall mean the transmission of writings, signals, pictures, numbers and sounds or intelligence of all kinds by aid of wire, cable, optical fiber, radio, satellite, electromagnetic wave, microwave or other like connection between points of origin and reception of such transmission, including all instrumentalities, facilities, apparatus and services incidental to such transmission, but shall not include emergency communications.
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, waters, waterways and all other public places are hereby declared to be inalienable; but upon the closing or discontinuance of any street, avenue, park or other public place, the property may be sold or otherwise disposed of as may be provided by law, and leases of land under water, wharf property, wharves, docks and
piers may be made as may be provided by law. Nothing herein
contained shall prevent the granting of franchises, permits and
licenses in respect to inalienable property.

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

b. Except as otherwise specifically provided by law:

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

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

4. Notwithstanding the provisions of this charter, or any
general, special, or local law to the contrary, the [board of
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
proposal or] Any application for the sale, lease (other than lease
of office space), exchange or other disposition of [city] real
property [or of property for the use] of the city shall be [in the
manner specified] subject to review and approval pursuant to
[section] sections one hundred ninety-seven-c and one hundred
ninety-seven-d. Such review shall be limited to the land use
impact and implications of the proposed transaction.

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

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

[6. The city planning commission shall act on any proposed
lease of property of or for the city within sixty days of filing
with it of the recommendation of a community board or borough
board, or the latest filing if there is more than one filing within
the time allowed under section one hundred ninety-seven-c. The
commission may waive a public hearing on any proposal or
application involving a lease of property.]
 Sec. 391. Department; corporation counsel. There shall be a law department the head of which shall be the corporation counsel.

 Sec. 392. Assistants. a. The corporation counsel may appoint a first assistant corporation counsel and such other assistants as may be necessary within the appropriation therefor.
   b. The first assistant corporation counsel shall, during the absence or disability of the corporation counsel, possess all the powers and perform all the duties of the corporation counsel and in case of the death of the corporation counsel or of a vacancy in that office shall act as corporation counsel until the appointment and qualification of a corporation counsel.
   c. Any assistant shall, in addition to the duties regularly assigned to him or her, possess such of the powers and perform such of the duties of the corporation counsel as [he] the corporation counsel shall empower such assistant to exercise by written authority filed and remaining on record in the department.

 Sec. 393. Offices. The corporation counsel may maintain an office in each of the boroughs or any of them.

 Sec. 394. Powers and duties. a. Except as otherwise provided in this chapter or other law, the corporation counsel shall be attorney and counsel for the city and every agency thereof and shall have charge and conduct of all the law business of the city and its agencies and in which the city is interested.
   b. Except as otherwise provided in this chapter or other law, the corporation counsel shall have charge and conduct of the legal proceedings necessary in opening, widening, altering and closing streets and in acquiring real estate or interests therein for the city by condemnation proceedings, and the preparation of all leases, deeds, contracts, bonds, and other legal papers of the city, or of or connected with any agency or officer thereof, and the corporation counsel shall approve as to form all such deeds and bonds and,
individually or by standard type of class, all contracts, leases and
other legal papers[; but the board of estimate may direct such
changes to be made in the form of contracts and specifications as
the interests of the city may in its judgment require].

c. Except as otherwise provided in this chapter or other law,
the corporation counsel shall have the right to institute actions
in law or equity and any proceedings provided by law in any court,
local, state or national, to maintain, defend and establish the
rights, interests, revenues, property, privileges, franchises or
demands of the city or of any part or portion thereof, or of the
people thereof, or to collect any money, debts, fines or penalties
or to enforce the laws. [He] The corporation counsel shall not be
empowered to compromise, settle or adjust any rights, claims,
demands, or causes of action in favor of or against the city, and
[he] shall not permit, offer or confess judgment against the city,
or accept any offer of judgment in favor of the city without the
previous approval of the comptroller, except that with regard to
matters involving excise and non-property taxes, such previous
written approval shall be obtained from the finance administrator;
provided, however, that this inhibition shall not operate to limit
or abridge the discretion of the corporation counsel in regard to
the proper conduct of [this] the trial of any action or proceeding
or to deprive such corporation counsel of the powers and privileges
ordinarily exercised in the courts of litigation by attorneys-at-law
when acting for private clients.

Sec. 395. Legal service to agencies. The corporation counsel
may assign an assistant or assistants to any agency. The head of
each agency, within appropriations for such purpose, may employ
staff counsel to assist in the legal affairs of the agency. No
officer or agency, except as provided in this chapter or otherwise
especially provided, shall have or employ any attorney or counsel,
except where a judgment or order in an action or proceeding may
affect [him] such officer or [them] agency individually or may be
followed by a motion to commit for contempt of court, in which case
[he] such officer or [they] agency may employ and be represented by
attorney or counsel at [his own or] their own expense.

Sec. 396. Actions and proceedings for recovery of penalties. All actions and proceedings for the recovery of penalties for the violation of any law shall be brought in the name of the city of New York and not in that of any agency, except where otherwise provided by law.

Sec. 397. Delegation of legal authority. a. The mayor may delegate to any agency, after consultation with the corporation counsel and the head of the agency, responsibility for the conduct of routine legal affairs of the agency subject to standards, policies, and guidelines of the corporation counsel, and consistent with city-wide controls and uniformity. The mayor may transfer or assign attorneys from the law department to the agency to assist in the conduct of such delegated functions. The corporation counsel shall monitor and evaluate on a regular and continuous basis the exercise of authority delegated pursuant to this section and the mayor, on recommendation of the corporation counsel, may suspend or withdraw any delegated authority whenever in his or her judgment the interests of the city justify such action.

b. Nothing contained in this section shall abrogate the authority of the corporation counsel as attorney and counsel for the city and every agency of the city.
Sec. 520. Salaries of members of the board of education 1. Members of the board of education, other than the president, shall be compensated at the rate of one hundred sixty dollars and the president of the board at the rate of one hundred seventy-five dollars per calendar day when performing the work of the board, provided, however, that in any fiscal year a member or president shall not be compensated for more than two hundred ten calendar days for all work performed by such member or president during the fiscal year.

2. Members of the board of education shall, within the funds provided therefor in the budget of the board of education, be entitled to use an automobile limited to the performance of their public duties provided, that the cost of such automobile shall not exceed that of automobiles provided to city commissioners.

Sec. 521. Property under board of education; care and control; suits in regard thereto. a. The title to all property, real and personal, heretofore or hereafter acquired for school or educational purposes, and also the title to all property, real and personal, purchased for school or educational purposes with any school moneys, whether derived from the issue of bonds or raised by taxation, shall be vested in the city, but under the care and control of the board of education for the purposes of public education, recreation and other public uses.

b. Suits in relation to such property shall be brought in the name of the board of education.

c. The city shall have power to take and hold any property, real or personal, devised or bequeathed or transferred to it for the purposes of education in said city; but such property shall be under the care and control of the board of education for the purposes of public education, recreation and other public uses in the city.
d. Not later than the twenty sixth day of April, the board of education shall submit to the [board of estimate] mayor, the borough presidents and the council an itemized statement, covering those portions of the city's capital plant, as defined in section eleven hundred ten-a, which have been committed to the care and control of the board of education or officers or employees thereof, by project type and, within project type, by personal services and other-than-personal services, of the amounts appropriated for maintenance of such portions of the capital plant in the previous and current fiscal years as originally adopted and as modified through the first nine months of the current fiscal year, and of the amounts actually expended for such maintenance in the previous fiscal year and through the first nine months of the current fiscal year and the amounts estimated to be expended for such purpose during the balance of the current fiscal year; and, an explanation of the substantive differences, if any, between the amounts actually expended for such maintenance in the previous fiscal year or projected to be expended for such purpose in the current fiscal year and the amounts originally appropriated for such purpose for such years.

Sec. 522. Reports of board. The board of education shall on or before the thirtieth day of November in each year make and transmit to the mayor a report in writing, for the year ending on the thirty-first day of July next preceding, stating the whole number of schools under its jurisdiction during the said year; the number of teachers; the total number of pupils on register, and the average attendance at each school; the number of high schools and training schools for teachers, with the number of teachers and the attendance of pupils at each; the corporate schools or societies from which reports have been made to the board of education, the length of time such schools have been kept open, and the number of teachers and of pupils taught in each such school and the total amount of money expended for the purposes of public education in the city during the preceding fiscal year. The board of education
shall also make in said reports such suggestions and
recommendations relative to the public schools of the city as it
may deem proper.

Sec. 523. Removal by mayor after hearing. Any member of the
board of education or of the local school board may be removed by
the mayor on proof of official misconduct in office or of
negligence in official duties or of conduct in any manner connected
with [his] official duties, or otherwise, which tends to discredit
[his] the office of such member or the school system, or for mental
or physical inability to perform [his] duties; but before removal
[he] such member shall receive notice in writing of the charges and
copy thereof, and shall be entitled to a hearing on notice before
the mayor and to the assistance of counsel at said hearing.

Sec. 526. Powers of investigation. The board of education
may investigate, of its own motion or otherwise either in the
board or by a committee of its own body, any subject of which it
has cognizance or over which it has legal control, including the
conduct of any of its members or employees or those of any local
school board; and for the purpose of such investigation, such
board or its president, or committee or its chairman, shall have
and may exercise all the powers which a board of education has or
may exercise in the case of a trial under the education law or the
civil practice law and rules. Any action or determination of a
committee appointed under the provisions of this section shall be
subject to approval or reversal by the board, which may also modify
the determination of the committee in such way as the board shall
deem proper and just, and the judgment of the board thereon shall
be final.

Sec. 527. Changes in state law. This chapter shall not prevent
the city from exercising any power now or hereafter conferred by
law.
CHAPTER 21
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 or her 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 or her 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 or her 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 or her 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
1 rules or regulations shall be a misdemeanor triable by a judge of
2 the criminal court of the city of New York and punishable by not
3 more than ninety days imprisonment or by a fine of not more than
4 one thousand dollars or by both;
5 10. to plan, conduct, supervise, coordinate and promote
6 conservation, environmental, and nature education programs and
7 research and demonstration projects relating thereto and to plan,
8 acquire, design, construct, improve, alter, maintain and manage
9 areas and facilities for conservation and the preservation of
10 natural beauty; and subject to the approval of the mayor, undertake
11 to enter into arrangements with other city, state or federal
12 agencies and recommend to the mayor such arrangements with private,
13 voluntary or commercial agencies, to be entered into subject to the
14 provisions of law, for the performance of functions relating to
15 conservation and the preservation of natural beauty;
16 11. to plan, plant and maintain trees and other plantings and
17 to plan, acquire, design, construct, improve, alter, repair and
18 maintain works of art, as same are defined in subdivision a of
19 section eight hundred fifty-four of the New York city charter, on
20 or over the streets, avenues, squares, parks, docks, piers or other
21 public places belonging to the city, except as otherwise provided
22 by law; and, subject to the approval of the mayor, undertake to
23 enter into arrangements with other agencies of the city, state and
24 federal government and recommend to the mayor such arrangements
25 with private, voluntary or commercial agencies, to be entered into
26 subject to the provisions of law, for the performance of functions
27 relating to neighborhood beautification.
28 b. Recreation
29 1. to plan, acquire, construct, improve and manage facilities
30 for the recreation of the public;
31 2. to plan, develop, conduct and supervise recreation programs
32 for the public including research and demonstration projects
33 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] chair, 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] chair and one to be [vice-chairman] vice-chair. The [chairman] chair and [vice-chairman] vice-chair
shall serve as such, until a successor or successors are
designated. The commission shall appoint an executive director who
shall devote full time to his or her duties. The commission shall
submit an annual report on its activities to the mayor.

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

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. Within
ten days after making a designation, the commission shall file a
copy of such designation with the city planning commission and the
council. Within sixty days after such filing, the city planning
commission shall (a) hold a public hearing on any such designation
of a historic district and (b) shall submit to the council a report
with respect to the relation of any such designation, whether of
a historic district or a landmark, to the zoning resolution,
projected public improvements, and any plans for the development,
growth, improvement or renewal of the area involved. The city
planning commission shall include with any such report its
recommendation, if any, for council action with respect to any such
designation of a historic district.

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9. The council may modify or disapprove by majority vote any designation of the landmarks preservation commission within one hundred twenty days after a copy of such designation is filed with the council provided that the city planning commission has submitted the report required above or that sixty days have elapsed since the filing of the designation with the council. All votes of the council pursuant to this section shall be filed by the council with the mayor and shall be final unless disapproved by the mayor within five days of such filing. Any such mayoral disapproval shall be filed by the mayor with the council and shall be subject to override by a two-thirds vote of the council within ten days of such filing.

10. (a) There shall be a panel, independent of the commission, consisting of five members appointed by the mayor with the advice and consent of the council in accordance with the procedures in section thirty-one. Such panel shall review appeals from determinations of the commission denying applications for certificates of appropriateness, based on the grounds of hardship, to demolish, alter or reconstruct improvements that are exempt from real property taxes, provided that such appeals may be brought only with respect to applications made under applicable law on the grounds of hardship applicable only to tax-exempt properties.

(b) Within a reasonable time period, the mayor shall submit to the council a proposed local law establishing the procedure, including the standard of review, for reviews by such panel. If such a local law is not enacted within one year of the effective date of this subdivision, the mayor shall promptly establish by executive order the procedures for reviews by such panel. Such panel shall not review appeals from determinations of the commission until the effective date of such a local law or executive order; provided, however, that any of the applications described in paragraph a of this subdivision that are denied by the commission after the first day of January, nineteen hundred ninety and prior to the effective date of such local law or
(c) The provisions of this subdivision shall not be construed to alter or amend the provisions of chapter three of title twenty-five of the administrative code and the judicial interpretations thereof.

(d) The failure to appeal to the panel for review of a determination of the commission described in paragraph a of this subdivision shall not preclude the commencement of a judicial action or proceeding for review of such a determination; provided, however, that no such action or proceeding may be brought during the pendency of an appeal before the panel. Notwithstanding anything to the contrary in this subdivision, the commencement of a judicial action or proceeding for review of a determination of the commission shall preclude the appeal of such a determination to the panel. Any party, including the commission, aggrieved by a final determination of the panel may commence a judicial action or proceeding for review of such determination of the panel.
CHAPTER 27
BOARD OF STANDARDS AND APPEALS

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

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

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

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

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

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

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

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

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

Sec. 663. Meetings. Meetings of the board shall be held at the call of the [chairman] chair and at such other times as the board may determine. The [chairman] chair, or in his or her absence the acting [chairman] chair, may administer oaths and compel the attendance of witnesses. All hearings before the board shall be open to the public and shall be before at least four members of the
board, and a concurring vote of at least four members shall be necessary to a decision to grant an application or an appeal, to revoke or modify a variance, special permit or other decision of the board, or to make, amend or repeal a rule or regulation. 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 [,
in international] and trade [and commerce] made in relation to the
structures or uses on water front property under his or her jurisdiction in connection with the application or enforcement of the provisions of the zoning resolution of the city of New York, the labor law and such other laws, rules and regulations as may govern the construction, alteration, maintenance, use, occupancy, safety, sanitary conditions, mechanical equipment and inspection of structures in the city, under the authority conferred upon them by law, by reversing or affirming in whole or in part, or modifying the order, regulation, decision or determination appealed from, and to make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have the power of the officer from whose ruling the appeal is taken, and of any officer under whose written delegation of power such ruling was made.

8. In passing upon appeals, to vary or modify any rule or regulation or the provisions of any law relating to the construction, use, structural changes, equipment, alteration or removal of buildings or structures, or vaults in sidewalks appurtenant thereto, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the law, so that the spirit of the law shall be observed, public safety secured and substantial justice done, provided that the provisions of the housing maintenance code and of any regulation or order issued under such [title] code may be varied or modified only to the extent permitted by such [title] code and only in the manner and subject to the conditions therein specified.

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

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

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

12. To revoke or modify, upon due notice and hearing, variances and special permits previously granted under the zoning resolution if the terms and conditions of such grants have been violated.

Sec. 667. Inspections. Any member of the board or any subordinate thereof shall, when authorized in writing by the [chairman] chair, and the director or any officer or employee designated by [him] the chair in writing shall have power at any time to enter, inspect and examine any premises, buildings, structures, vehicles or vessels for the purpose of carrying out the duties of the board and shall report his or her findings in writing to the board. Refusal to permit such entry shall be triable by a judge of the New York city criminal court and punishable by not more than thirty days' imprisonment, or by a fine of not more than fifty dollars, or both.

Sec. 668. Variances and special permits.

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

1. Each proposal or application 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.

2. Each such community board shall, not later than sixty days
after the receipt of the proposal or application, either notify
the public of the proposal or application, in the manner specified
by the city planning commission pursuant to subdivision [g] i 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.

6. Copies of any written information submitted by an applicant for purposes of determining whether an environmental impact statement will be required by law in connection with an application under this section, and any documents or records intended to define or substantially redefine the overall scope of issues to be addressed in any draft environmental impact statement shall be delivered to all affected community boards and borough boards.

7. If a meeting involving a city agency and an applicant is convened to define or substantially redefine the overall scope of issues to be addressed in any draft environmental impact statement required by law for an application subject to review under this section, each affected community board involved and each borough president involved shall receive advance notice of such meeting, and each shall have the right to send one representative to the meeting.

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

c. Copies of a decision of the board of standards and appeals and copies of any recommendation of the affected community board or borough board shall be filed with the city planning commission [and the board of estimate]. Copies of the decision shall also be filed with the affected community or borough boards. [Within thirty days of such decision, an appeal may be taken to the board.
of estimate by an applicant or other interested party, community
board or borough board. In the event of an appeal, the board of
estimate, in its discretion, may accept jurisdiction in such matter
within thirty days after the filing of the appeal and shall render
a decision within thirty days after accepting jurisdiction. In the
case of an application to determine and vary the zoning resolution,
review by the board of estimate shall be limited to an
administrative determination as to whether the decision of the
board of standards and appeals under each of the specific
requirements of the zoning resolution was supported by substantial
evidence before the board of standards and appeals. The board of
estimate may approve or disapprove such decision and shall provide
written findings and an explanation of the basis for its decision
under the zoning resolution.]
d. Any decision of the board of standards and appeals [or of
the board of estimate] pursuant to this section may be reviewed as
provided by law.
e. The city planning commission shall be a party to any
proceeding to determine and vary the application of the zoning
resolution. The commission may appear and be heard on any
application pursuant to this section before the board of standards
and appeals [or the board of estimate] if, in the judgment of the
planning commission, the granting of relief requested in such
application would violate the requirements of the zoning resolution
relating to the granting of variances. The commission [may appeal
to the board of estimate the granting or denial of any such
variance by the board of standards and appeals and] shall have
standing to challenge the granting or denial of a variance in a
proceeding brought pursuant to article seventy-eight of the civil
practice law and rules, or in any similar proceeding.

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

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

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

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

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

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

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

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

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

(b) to have exclusive charge and control of the wharf property and water front property owned or possessed by the city and of the building, rebuilding, repairing, altering, maintaining, strengthening, protecting, cleaning, dredging and deepening of such wharf property and water front property; [provided, that the board of estimate, on the recommendation of the city planning commission and after a public hearing, notice of which shall be given by publication in the City Record not less than seven or
more than thirty days prior thereto, may withdraw from the
jurisdiction of the department and assign for use for any public
purpose or assign to the jurisdiction of any other agency any
wharf property or water front property owned by the city and not
under lease;]
(c) to have exclusive power to regulate water front property
and the following structures on any water front property:
wharves, piers, docks, bulkheads, structures wholly or partly
thereon, and such other structures used in conjunction with and
in furtherance of water front commerce and/or navigation;
(d) to have the exclusive power to enforce with respect to
public markets, water front property and any structures on water
front property under its jurisdiction, the labor law and such
other laws, rules and regulations as may govern the dredging,
filling, removal, construction, alteration, maintenance, use,
occupancy, safety, sanitary conditions, mechanical equipment and
inspection of structures in the city, and the issuance of permits
and certificates of completion in reference thereto, and to
establish or amend fees to be charged for the issuance of such
permits or certificates of completion, which fees shall be [fixed
by the board of estimate on recommendation of the commissioner
after a public hearing, notice of which shall be given by
publication in the City Record for the five days of publication
of the City Record immediately prior thereto] established by
rules of the commissioner;
(e) to have exclusive power to regulate the use of marginal
streets so that they may be used to the best advantage in
connection with wharf property and to regulate by license or
otherwise the transfer of goods and merchandise upon, over or
under all such marginal streets;
(f) to administer and enforce the provisions of the zoning
resolution of the city of New York in respect to the following
structures on any water front property: wharves, piers, docks,
bulkheads, structures wholly or partly thereon, and such other
structures used in conjunction with and in furtherance of water front commerce and/or navigation in the same manner and in accordance with the same procedure as is prescribed therein;

(g) to lease, subject to the approval of the [board of estimate] council, any wharf property belonging to the city primarily 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 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] council by a three-fourths vote 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. [If the department fails to agree upon terms of a lease with any person desiring to lease any wharf property, it shall, if the offer be made in writing, decline it in writing and such person may submit his proposed lease to the board of estimate at its next regular meeting, and if the board accepts the same by a three-fourths vote at such meeting or any one of its three regular meetings next succeeding thereto, the department shall promptly execute such lease] The council shall act within forty-five days of the filing of the proposed terms and conditions of any such lease with the council. Failure of the council to act on a lease within such forty-five-day period shall be deemed to be an approval of such lease. All votes of the council pursuant to this subdivision shall be filed by the council with the mayor and shall be final unless disapproved by the mayor within five days
of such filing except that there shall be no right of mayoral
disapproval if a three-fourths vote of the council is required
pursuant to this subdivision. Any such mayoral disapproval shall
be filed by the mayor with the council and shall be subject to
override by a two-thirds vote of the council within ten days of
such filing;
(h) to grant temporary permits terminable at will for a period
not exceeding one year to use and occupy any wharf property
belonging to the city;
(i) to set aside by order any wharf property belonging to the
city, which has not been leased, for general wharfage purposes or
for the use of any special kind of commerce, or of any class of
vessel, or of any agency, and to revoke or modify such order as
to any such wharf property at any time;
(j) to regulate [subject to the approval of the board of
estimate[,] the charges for wharfage, cranage and dockage of all
vessels or floating structures using any wharf property set aside
under subdivision (i) of this section, provided that the rates
which it shall be lawful to charge for wharfage, cranage and
dockage from any vessel or floating structure which makes use of
any other wharf property within the port of New York shall be
fixed by [the board of estimate after public hearing on
recommendation] rules of the [department] commissioner;
(k) to establish, amend and enforce all needful rules [and
regulations] for the proper care of all public markets, wharf
property, waterfront property and all airports, airplane landing
sites, seaplane bases and heliports owned or possessed by the
city and placed in his or her charge or over which he or she
shall have power of regulation and to issue such orders as may be
necessary for such enforcement. The violation of or the failure
to comply with any such order[,] or 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. Water front plans. (a) The plans for the water
front of the city are continued in effect and may be changed by
the commissioner [with the approval of the board of estimate
after a public hearing before the board. Notice of such hearing
shall be published in the City Record for the seven days of
publication of the City Record immediately prior thereto]
pursuant to the procedure provided for in this subdivision. 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] for review and
approval of any such change to the plans for the water front
shall be the same as in case of a change in the city map [not
initiated by the city planning commission]. The commissioner may
apply to the city planning commission to incorporate the plans
for the water front or any portion thereof into the city map
pursuant to the procedure for review and approval of a change to
the city map. Any plans for the water front or portions thereof
so incorporated shall thereafter be discontinued as separate
plans.

(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] council, 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.

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(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 chair of the city planning commission shall require. If the city planning commission makes a finding that the proposed change is in accordance with the water front plan or approves the change, the commissioner may proceed with it, but if the city planning commission makes a finding that it is not in accordance with such plan and disapproves the change, then the commissioner shall not proceed unless the [board of estimate by a three-fourths vote] council by a two-thirds vote 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 31
DEPARTMENT OF SANITATION

Sec. 751. Department; commissioner. There shall be a department of sanitation the head of which shall be the commissioner of sanitation.

Sec. 752. Deputies. The commissioner may appoint three deputies.

Sec. 753. Powers and duties of the commissioner. a. Except as otherwise provided by law, the commissioner shall have charge and control of and be responsible for all those functions and operations of the city relating to the cleanliness of the streets and the disposal of waste, including, without limitation, the following:

1. the sweeping, cleaning, sprinkling, flushing, washing and sanding of the streets;
2. the removal and disposition of ashes, street sweepings, garbage, refuse, rubbish and waste;
3. the removal of ice and snow from the streets;
4. the removal of encumbrances from the streets and the storage or disposal of such encumbrances [in accordance with regulations adopted by the board of estimate], except that the mayor may provide by regulation that the removal and storage of household effects or other chattels shall be a responsibility of the department of general services or its successor agency;
5. plans, design, construction, operation, alteration, repair, maintenance, replacement, enlargement and regulation of the use of incinerators, landfills and other plants, facilities and equipment necessary for or useful for performing the functions and exercising the powers and duties enumerated in this section; and
6. the powers and duties of the commissioner with respect to the resource recovery task force set forth in subdivision f of section fourteen hundred and three of this charter.
b. The commissioner may adopt regulations specifying the kind
of ashes, garbage, refuse, rubbish or other material or substance
that will be collected by the city, from whom it will be taken,
the manner in which it shall be arranged or sorted, the time when
it will be collected and the place at which it shall be deposited
for collection, and may prescribe civil penalties for violations
thereof.

c. Such regulations shall be enforced by order of the
commissioner. Such order shall be addressed to the owner or
owners, lessees or occupants of the building, structure,
enclosure, vessel, place or premises affected thereby. It shall
not be necessary to designate such owner or owners, lessees or
occupants by name in such order, however the premises shall be
designated in the address so that the same may be readily
identified. Service of any such order may be made by delivery of
a copy thereof to the owner or any one of several owners, to a
lessee or any one of several lessees, or to any person of
suitable age or discretion in charge of the premises, or if no
person be found in charge of the premises, then by affixing a
copy of such order prominently upon the premises. If such order
is not complied with within the time specified therein, the
commissioner shall prosecute the person or corporation liable
therefor for the penalty prescribed by the regulation violated in
furtherance of which such order shall have been issued and served.

d. The commissioner may adopt regulations controlling the use
of sidewalks and gutters by abutting owners and occupants for the
disposition of sweepings, garbage, refuse or rubbish, and may
provide that the violation thereof shall be punishable by civil
penalty, fine or imprisonment. Such regulations shall be submitted
to the council and when approved by it shall be published and
enforced in like manner as local laws.

Sec. 754. Duties and obligations of property owner with
respect to keeping vacant lots clean. Notwithstanding any
provision of law, the owner of any property at [his] such owner's
own cost shall keep any vacant lot or lots on such property in a clean and sanitary manner and free of debris and other litter. The department of sanitation shall be responsible for the enforcement of this section and may issue rules and regulations in furtherance of such authority. In the event that an owner of property fails to comply with the provisions of this section, or the rules and regulations of such department, the department may provide for the cleaning of a vacant lot at the expense of the property owner in the manner to be provided by local law.

Sec. 755. Definition. When used in this chapter "street" includes street, avenue, road, alley, lane, highway, parkway, boulevard, concourse, driveway, culvert and crosswalk, and every class of public road, square and place, except a wharf, pier, bulkhead or slip by law committed to the custody and control of any other agency.
CHAPTER 34
DEPARTMENT OF INVESTIGATION

Sec. 801. Department; commissioner. There shall be a department of investigation the head of which shall be the commissioner of investigation. He shall be a member of the bar of the state of New York in good standing and shall have had at least five years of law enforcement experience. The mayor may remove the commissioner upon filing in the office of personnel director and serving upon the commissioner the reasons therefor and allowing such officer an opportunity of making a public explanation.

Sec. 802. Deputies. The commissioner may appoint two deputies, either of whom may, subject to the direction of the commissioner, conduct or preside at any investigations authorized by this chapter.

Sec. 803. Powers and duties. a. The commissioner shall make any investigation directed by the mayor or the council.

b. The commissioner is authorized and empowered to make any study or investigation which in his opinion may be in the best interests of the city, including but not limited to investigations of the affairs, functions, accounts, methods, personnel or efficiency of any agency.

c. For any investigation made pursuant to this section, the commissioner shall prepare a written report or statement of findings and shall forward a copy of such report or statement to the requesting party, if any. In the event that the matter investigated involves or may involve allegations of criminal conduct, the commissioner, upon completion of the investigation, shall also forward a copy of his written report or statement of findings to the appropriate prosecuting attorney, or, in the event the matter investigated involves or may involve a conflict of interest or unethical conduct, to the board of ethics.

d. The jurisdiction of the commissioner shall extend to any agency, officer, or employee of the city, or any person or entity...
doing business with the city, or any person or entity who is paid
or receives money from or through the city or any agency of the
city.

Sec. 804. Complaint bureau. There shall be a complaint bureau
in the department which shall receive complaints from the public.

Sec. 805. Conduct of investigations. a. For the purpose of
ascertaining facts in connection with any study or investigation
authorized by this chapter, the commissioner and each deputy shall
have full power to compel the attendance of witnesses, to
administer oaths and to examine such persons as he may deem
necessary.

b. The commissioner or any agent or employee of the department
duly designated in writing by him for such purposes may administer
oaths or affirmations, examine witnesses in public or private
hearing, receive evidence and preside at or conduct any such study
or investigation.

Sec. 807. Inspectors general of agencies. No person shall be
appointed as an inspector general of a city agency unless such
appointment is approved by the commissioner of investigation. The
commissioner of investigation shall promulgate standards of conduct
and shall monitor and evaluate the activities of inspectors general
in the agencies to assure uniformity of activity by them.
CHAPTER 35
PERSONNEL MANAGEMENT

Sec. 810. Declaration of intent. a. The personnel policies and practices of the city government in furtherance of this charter, the civil service law and rules and other applicable law shall: (1) preserve and promote merit and fitness in city employment; (2) ensure that appointments and promotions in city service are made, and that wages are set, without regard to political affiliation, and without unlawful discrimination based on sex, race, color, religion, religious observance, national origin, disability, age, marital status, citizenship status or sexual orientation; and promote and support the efficient and effective delivery of services to the public.

b. Consistent with subdivision a of this section, the heads of city agencies shall have such powers, duties and responsibilities for personnel management as they shall require to administer their agencies effectively and to supervise, evaluate, motivate, discipline, provide incentives for and improve the skills of employees of the city.

Sec. 811. Department; personnel director. There shall be a department of personnel, the head of which shall be the personnel director. The personnel director shall have all the powers and duties of a municipal civil service commission provided in the civil service law or in any other statute or local law other than such powers and duties as are by this chapter assigned to the mayor, the city civil service commission or the heads of city agencies.

Sec. 812. City civil service commission. a. There shall be a city civil service commission, consisting of five members, not more than three of whom shall be members of the same political party. Members shall be appointed by the mayor, from a list of nominations provided by the screening committee established pursuant to subdivision b of this section, for overlapping terms
of six years. Of the members first appointed, two shall serve for
two years and two for four years and one for six years. The
members shall be removable in the manner provided for members of
a municipal civil service commission in the civil service law. A
vacancy in such commission shall be filled in the same manner as
regular appointments for the balance of the unexpired term. The
mayor shall designate a member as chair and vice chair,
respectively, for one-year terms. Within appropriations for such
purposes, the members of the commission shall be reimbursed on a
per diem basis for attendance at regularly scheduled meetings and
hearings of the commission.

b. There shall be a screening committee which shall submit to
the mayor a list of nominees, which shall include persons with
knowledge or experience of the civil service system, or personnel
management, or compensation practices, from which the mayor shall
make appointments to the city civil service commission. Such
screening committee shall consist of six members, of whom four
shall be appointed by the mayor and two shall be appointed by the
municipal labor committee. The screening committee shall submit the
list of nominees upon the occurrence of any vacancy on the
commission or at least three months prior to the expiration of the
term of any incumbent member.

c. The commission shall appoint a counsel, who shall not be
employed or retained by any other city agency, and may appoint a
secretary and such other subordinates as may be necessary within
the appropriation therefor.

d. The civil service commission shall have the power to hear
and determine appeals by any person aggrieved by any action or
determination of the personnel director made pursuant to
paragraphs three, four, five, six, seven and eight of subdivision
a or paragraph five of subdivision b of section eight hundred
thirteen of this chapter and may affirm, modify, or reverse such
action or determination. Any such appeal shall be taken by
application in writing to the commission within thirty days after
the action or determination appealed from. The commission shall also have the powers and responsibilities of a municipal civil service commission under section seventy-six of the state civil service law. In accordance with the requirements of chapter forty-five of the charter, the commission shall promulgate rules of procedure, including rules establishing time schedules, for the hearings and determinations authorized by this section.

e. The commission, on its own initiative, or upon request of the mayor, council or personnel director, shall have the power and duty to conduct reviews, studies, or analyses of the administration of personnel in the city, including the classification of titles by the personnel director.

f. The commission shall prepare and transmit directly to the mayor departmental estimates as required by section sixty-two of the charter. The mayor shall include such proposed appropriations for the commission as a separate agency in the preliminary and executive budgets as are sufficient for the commission to fulfill the obligations assigned to it by this charter or other law.

Sec. 813. Personnel director; powers and duties. a. The personnel director shall have the following powers and duties in addition to the powers and duties of a municipal civil service commission provided in the civil service law, and those vested in the personnel director as the head of the department, except where any specific power or duty is assigned to the mayor, heads of city agencies or the civil service commission pursuant to this chapter:

(1) To recruit personnel;
(2) To make studies in regard to the grading and classifying of positions in the civil service, establish criteria and guidelines for allocating positions to an existing class of positions, and grade and establish classes of positions;
(3) To schedule and conduct examinations for positions in the civil service;
(4) To establish, promulgate and certify eligible lists in the manner provided in the civil service law, and the rules of the
personnel director;

(5) To determine the appropriateness of eligible lists for the
filling of vacancies in the manner provided in the civil service
law and the rules of the personnel director;

(6) To investigate applicants for positions in the civil
service; to review their qualifications, and to revoke or rescind
any certification or appointment by reason of the disqualification
of the applicant or appointee under the provisions of the civil
service law, and the rules of the personnel director or any other
law;

(7) To review any appointment of persons as provisional
employees within sixty days after appointment to assure compliance
with this charter, the civil service law, and any rule or
regulation issued pursuant to this charter or civil service law;

(8) To certify payrolls in accordance with the provisions of
the civil service law and the rules of the personnel director;

(9) To keep records regarding candidates for appointment to
the civil service and officers and employees in the civil service;

(10) To develop and recommend to the mayor standard rules
governing working conditions, vacations and leaves of absence; and
career, salary and wage plans providing for the creation, abolition
and modification of positions and grades and fixing salaries of
persons paid from the city treasury, subject to the provisions of
this charter, the civil service law, other applicable statutes and
collective bargaining agreements;

(11) To administer the city-wide incentive, training and
development, and other such personnel programs of the city;

(12) To establish and enforce uniform procedures and standards
to be utilized by city agencies in establishing measures, programs
and plans to ensure a fair and effective affirmative employment
plan for equal employment opportunity for minority group members
and women who are employed by, or who seek employment with, city
agencies. Such procedures shall include a time schedule for the
development of such plans which provides for the preparation by
each agency of a draft plan, the review of such draft plan by the
department of personnel, the equal employment practices commission,
and such other agency as the mayor requires, and the consideration
by the agency of any comments received on such draft plans prior
to the adoption of a final plan as required by paragraph nineteen
of subdivision a of section eight hundred fourteen;

(13) To establish a uniform format to be utilized by all city
agencies in the preparation of the quarterly reports required by
subdivision i of section eight hundred fourteen. Such format shall
provide for the presentation of statistical information regarding
total employment, new hiring and promotions in a manner which
facilitates understanding of an agency's efforts to provide fair
and effective equal opportunity employment for minority group
members, women and members of other groups who are employed by, or
who seek employment with, city agencies;

(14) To develop, in conjunction with other city agencies, a
clearinghouse for information on employment and educational
programs and services for minority group members and women; and

(15) To provide assistance to minority group members and
women employed by, or interested in being employed by, city
agencies to ensure that such minority group members and women
benefit, to the maximum extent possible, from city employment and
educational assistance programs.

b. The personnel director shall have the following powers and
duties with respect to the personnel management functions assigned
to city agencies pursuant to subdivisions a, b, c, and d of section
eight hundred fourteen.

(1) To aid in the development of effective and efficient
personnel programs and professional personnel staffs in the
agencies of the city; and to convene the personnel officers of the
agencies from time to time as a personnel council to consider
personnel matters of inter-agency or of city-wide concern;

(2) To approve agency plans and programs pursuant to
paragraphs seven, nine and thirteen of subdivision a of section
eight hundred fourteen;

(3) To establish and enforce standards, guidelines and criteria for the personnel management functions assigned to the agencies and to audit performance by the agencies of such personnel functions;

(4) To reverse or rescind any agency personnel action or decision pursuant to an assignment or delegation of authority in this chapter, upon a finding of abuse after notification to the agency and an opportunity to be heard;

(5) To hear and determine appeals by any person aggrieved by any action or determination of the head of an agency made pursuant to paragraphs three, five, seven and eleven of subdivision a of section eight hundred fourteen, subject to review by the civil service commission as provided in subdivision c of section eight hundred twelve;

(6) To delegate to the head of an agency personnel management functions assigned to the personnel director where such delegation is not otherwise prohibited by the civil service law, and pursuant to terms and conditions prescribed by the director;

(7) To administer personnel programs of a city-wide nature or common to two or more departments where administration by separate agencies would be impracticable and uneconomical[

(8) To annually publish and submit to the mayor, council and the commission on equal employment practices a report on the activities of the department of personnel and city agencies to provide fair and effective affirmative employment practices to ensure equal employment opportunity for minority group members and women who are employed by, or who seek employment with, city agencies. Such report shall include, but not be limited to, an analysis of the city government workforce and applicants for such employment by agency, title and classification; a description of each agency's employment practices, policies and programs; an analysis of the effectiveness of the city's efforts to provide fair and effective affirmative employment practices to ensure equal
employment opportunity for minority group members and women who are
employed by, or who seek employment with, city agencies; and such
legislative, programmatic and budgetary recommendations for the
development, implementation or improvement of such activities as
the personnel director deems appropriate.

c. The personnel director shall promulgate rules and regulations
relating to the personnel policies, programs and activities of city
government in furtherance of and consistent with the state civil
service law and this chapter. The personnel director shall
transmit to the state civil service commission each proposed rule
which must be submitted to such commission, including any which
establishes or reclassifies titles in the non-competitive or exempt
class, within sixty days after the public hearing has been held on
such rule.

d. The personnel director shall, at the time requested by the
city civil service commission or the equal employment practices
commission, provide each commission with all the information which
such commission deems necessary to fulfill the duties assigned to
it by the charter. The provisions of this subdivision shall not
apply to any information which is required by law to be kept
confidential or which is protected by the privileges for attorney-
client communications, attorney work products, or material prepared
for litigation.

e. The personnel director shall submit a quarterly report to the
mayor, the council, the civil service commission and the equal
employment practices commission. Such report shall specify, by
agency and by title, including temporary titles: (1) the number of
provisional employees at the end of the second month of the
quarter; (2) the length of time such provisional employees have
served in their positions; and (3) the actions taken by the city
to reduce the number of such provisional employees and the length
of their service in such positions. Such reports shall be
submitted by the last day of March, June, September, and December
of each year.
Sec. 814. Agency heads; powers and duties. a. Subject to the civil service law and applicable provisions of this charter, heads of city agencies shall have the following powers and duties essential for the management of their agencies in addition to powers and duties vested in them pursuant to this charter or other applicable law:

(1) To recruit personnel;
(2) To participate with the personnel department in job analyses for the classification of positions;
(3) To allocate individual positions to existing civil service titles;
(4) To allocate individual managerial or executive positions to managerial assignment levels;
(5) To assist the personnel department in the determination of minimum qualifications for classes of positions and to review and evaluate qualifications of candidates for positions in the civil service;
(6) To assist the personnel director in the planning and preparation of open competitive examinations;
(7) To schedule and conduct tests other than written tests for promotion to competitive class positions;
(8) To determine whether to hold an open competitive or promotion examination to fill positions in the civil service subject to disapproval of the personnel director within thirty days;
(9) To plan and administer employee incentive and recognition programs;
(10) To fill vacant positions within quarterly spending allotments and personnel controls pursuant to section one hundred twenty-three;
(11) To administer and certify eligible lists for classes of positions unique to the agency;
(12) To make appointments to competitive positions from eligible lists pursuant to subsection one of section sixty-one of
the state civil service law, which authority shall not be
abridged or modified by local law or in any other manner;

(13) To establish and administer performance evaluation
programs to be used during the probationary period and for
promotions, assignments, incentives and training;

(14) To conduct training and development programs to improve
the skills, performance and career opportunities of employees;

(15) To ensure and promote equal opportunity for all persons
in appointment, payment of wages, development and advancement;

(16) To administer employee safety programs;

(17) To maintain personnel records; [and]

(18) To perform such other personnel management functions as
are delegated by the personnel director pursuant to this chapter
or that are not otherwise assigned by this chapter[.];

(19) To establish measures and programs to ensure a fair and
effective affirmative employment plan to provide equal employment
opportunity for minority group members and women who are employed
by, or who seek employment with, the agency and, in accordance
with the uniform procedures and standards established by the
department of personnel for this purpose, to adopt and implement
an annual plan to accomplish this objective. Copies of such plans
shall be filed with the mayor, council, department of personnel,
equal employment practices commission, and city civil service
commission and shall be made available for reasonable public
inspection; and

(20) To provide assistance to minority group members and women
interested in being employed by city agencies to ensure that such
minority group members and women benefit, to the maximum extent
possible, from city employment and educational assistance programs.

b. Within one year from the effective date of this
chapter, the head of each agency shall prepare and submit to the
mayor and the personnel director a plan and schedule for the
discharge of the powers and duties assigned in this section. No
such plan shall take effect until approved by the mayor.
c. The mayor may modify, suspend, or withdraw for cause any power or duty assigned or delegated to the head of an agency pursuant to paragraphs three, four, seven, eight, and eleven of subdivision a of this section.

d. Notification prior to each action or decision of an agency pursuant to this chapter which changes the status of an individual employee, a position, or a class of positions shall be provided to the personnel director. The head of each agency shall certify on each payroll that all personnel actions and transactions of the agency conform with the provisions of the civil service law and this chapter, the rules of the personnel director and other applicable law.

e. Before any new position in the city service shall be created, the agency head shall furnish the commissioner of finance with a certificate stating the title of the class of positions to which the position is to be allocated. If the position is to be allocated to a new class of positions, the agency head shall request of the personnel director, and the personnel director shall furnish to the agency head and the commissioner of finance, a certificate stating the appropriate civil service title for the proposed position, the range of salary of comparable civil service positions and a statement of the class specifications and line of promotion into which such new position will be placed and any such new position shall be created only with the title approved by the personnel director.

f. The heads of all agencies shall, except as otherwise provided by law, have power to appoint and remove, subject to the provisions of the civil service law, all chiefs of bureaus and all other officers, employees and subordinates in their respective administrations, departments or offices, without reference to the tenure of office of any appointee and to assign them their duties. Nothing herein shall be construed to preclude the mayor from entering into a collective bargaining agreement which provides for a procedure governing the discipline of employees, including their
removal, pursuant to section 12-312 of the administrative code of the city of New York for employees of agencies the heads of which are appointed by the mayor.

g. The heads of city agencies or their designated representatives shall fulfill the requirements for agency participation in matters affecting the management of the agency in advance of collective bargaining negotiations affecting employees of any agency contained in section eleven hundred seventy-seven.

h. The head of each city agency shall ensure that such agency does not discriminate against employees or applicants for employment pursuant to federal, state and local law.

i. The head of each city agency shall quarterly publish and submit to the mayor, council, department of personnel, and the equal employment practices commission a report on the agency's efforts during the previous quarter to implement the plan adopted pursuant to paragraph nineteen of subdivision a of section eight hundred fourteen.

j. The head of each city agency shall include in all employment retention, recruitment, training and promotional program literature, advertisements, solicitations and job applications, such language as may be necessary to effectuate the purpose of this chapter.

k. The head of each city agency shall require each employment agency, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding and which is involved in the performance of recruitment and retention with the agency to furnish a written statement that such employment agency, labor union or representative shall not discriminate against employees or applicants for employment pursuant to federal, state or local law and that such union or representative will cooperate in the implementation of the agency's obligations pursuant to this chapter.

Sec. 815. Management service. a. The personnel director, in consultation with the heads of agencies, shall develop and
submit to the mayor a city-wide plan and schedule for the
development of qualified and competent technical, professional,
management, administrative, and supervisory personnel in the
civil service to meet the managerial needs of city government.
The mayor shall approve, disapprove or modify the plan within one
year after the effective date of this chapter.

b. The city-wide plan shall establish a management service
for city agencies and shall provide for:

(1) Membership in the service of employees with significant
policy, administrative, supervisory, managerial or professional
duties that require the exercise of independent judgment in the
scheduling and assignment of work, program management or
planning, evaluation of performance or allocation of resources;
and including the ranking officials assigned to the local service
districts of agencies within community districts and boroughs;

(2) Opportunities for entry into the service by qualified
civil servants and qualified persons not employed by the city
consistent with requirements of the civil service law;

(3) A city-wide qualifying test for entry into the service;

(4) Assessments of capacity and potential to perform
managerial duties as part of competitive tests for entry into the
service and assignments within the service;

(5) A single managerial class of positions for each
occupational series within the service with assignment levels
within each such class;

(6) A plan for achieving equitable pay scales for members of
the service consonant with their duties and responsibilities;

(7) Merit increases, incentive awards, and recognition
programs for members of the service;

(8) Performance evaluations for members of the service to be
used for assignments, incentive awards, probationary period
review, and disciplinary action;

(9) A probationary period not to exceed one year for members
of the service;
Management intern programs, and, 
(11) Training and career development programs. 

c. The personnel director shall conduct city-wide programs 
and functions related to the management service; assist agencies 
in the implementation of the management service plan; and review 
and evaluate agency performance under the plan. 

Sec. 816. a. Appointments and promotions. All appointments, 
promotions and changes in status of persons in the public service 
of the city shall be made in the manner prescribed by the 
constitution of the state and in accordance with the provisions of 
the civil service law and other provisions of law not inconsistent 
therewith nor with this charter. 

b. Whenever qualifications for the appointment of persons to 
public office are prescribed by law, the appointing officer shall, 
upon making such appointment, file with the civil service 
commission a certificate that such appointment complies with such 
law. 

Sec. 817. Power of investigation. The personnel director 
shall have the power to make investigations concerning all 
matters touching the enforcement and effect of the provisions of 
the civil service law insofar as it applies to the city and the 
rules and regulations prescribed thereunder, or concerning the 
actions of any examiner or subordinate of the department, or of 
any officer or employee of the city or of any county within the 
city, in respect to the execution of the civil service law; and 
in the course of such investigations the personnel director shall 
have the power to administer oaths, to compel the attendance of 
witnesses, and to examine such persons as deemed necessary. 

Sec. 818. No compensation to unauthorized employee. No officer 
of the city whose duty is to sign or countersign 
warrants shall draw, sign or issue, or authorize the drawing, 
signing or issuing of any warrant on the commissioner of finance 
or other disbursing officer of the city for payment of salary to 
any person in its service whose appointment or retention has not
been in accordance with the civil service law and the valid rules in force thereunder.

Sec. 819. Examination for licenses. The personnel director shall, unless otherwise provided by law, have power, upon request of any person charged with the duty of issuing licenses or permits, to conduct, under rules and regulations to be established by the personnel director, examinations and tests to determine the qualifications of persons applying for such licenses or permits. The personnel director shall certify to the person having power to issue the license or permit the result of any such examination or test.

Sec. 820. Officers or employees designated to serve in exempt civil service positions. a. Notwithstanding any provision in this charter to the contrary, the mayor or head of an agency may designate any officer or employee occupying a position in the competitive class of the civil service to serve in a position in the exempt class, and in such case, the officer or employee so designated shall thereupon enter upon and exercise all the powers and duties and receive the salary of such exempt position, and shall retain all the rights, privileges and status of such officer or employee's position in the competitive class.

b. The appointment of any person chosen to fill the position thus left vacant shall be temporary and shall terminate upon the return of such officer or employee to such position as provided in subdivision e of this section.

c. Such designation shall be in writing and shall be filed and remain of record in the office of such agency, in the office of the personnel director and in the office of the mayor and shall remain in force until revoked by the mayor or head of such agency, as the case may be.

d. Service in such position in the exempt class shall be credited as service in the competitive class and the status of such officer or employee in respect to pensions or otherwise shall not be adversely affected by such designation.
e. Upon the termination of the officer or employee's services in such exempt position, except by dismissal for cause in the manner provided in section seventy-five of the civil service law, such officer or employee shall immediately and without further application return to the position in the competitive class with the status, rights, privileges and salary enjoyed immediately prior to the designation to the position in the exempt class.
Chapter 36

EQUAL EMPLOYMENT PRACTICES COMMISSION

Sec. 830. a. There shall be an equal employment practices commission which shall review, evaluate and monitor the employment procedures practices and programs of any city agency and the department of personnel to maintain an effective affirmative employment program of equal employment opportunity for minority group members and women who are employed by or who seek employment with city agencies.

b. The commission shall consist of five members who, shall be compensated on a per diem basis. The mayor and the council shall each appoint two members. In addition, the mayor and the speaker of the council shall appoint a fifth member to serve as the chair of the commission for a term of four years.

c. A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission and three members thereof shall constitute a quorum.

d. Members shall be appointed for four year terms except that of the members first appointed, one of those appointed by the mayor and one of those appointed by the council shall serve for terms expiring on the thirtieth day of June of nineteen hundred and ninety-two, one of those appointed by the mayor and one of those appointed by the council shall serve for terms expiring on the thirtieth day of June of nineteen hundred and ninety-five; and the chair shall serve for a term expiring on the thirtieth day of June nineteen hundred and ninety-four.

e. The commission may, within the appropriations available therefor, appoint an executive director and such deputies, assistants, and other employees as may be needed for the performance of the duties prescribed herein.

f. The commission may meet as necessary to implement the provisions of this chapter provided that the commission shall meet at least once every eight weeks.
Sec. 831. Duties and powers of the New York City Equal Employment Practices Commission.

a. The commission: (i) shall monitor the employment policies, programs and practices of each city, county, borough or other office, administration, board, department, division, commission, bureau, corporation, authority, or other agency of government, where the majority of the board members of such agency are appointed by the mayor or serve by virtue of being city officers or the expenses of which are paid in whole or in part from the city treasury, including the board of education, city and community colleges, the financial services corporation, the health and hospital corporation, the public development corporation, and the city housing authority; and (ii) monitor the coordination and implementation of any city affirmative employment program of equal employment opportunity for minority group members and women who are employed by or who seek employment with city agencies, including the activities of the department of personnel, and the civil service commission, pursuant to chapter thirty five, and any other agency designated by the mayor to assist in the implementation or coordination of such efforts, and all city agencies required by section eight hundred and fourteen to establish agency programs.

b. The commission may request and shall receive from any city agency such information, other than information which is required by law to be kept confidential or which is privileged as attorney-client communications, attorney work products or material prepared for litigation, and such assistance as may be necessary to carry out the provisions of this chapter.

c. The commission shall communicate to the commission on human rights any information regarding suspected or alleged violations of chapter one of title eight of the administrative code.

d. The commission shall have the following powers and duties:

1. to review the uniform standards, procedures, and programs of department of personnel pursuant to paragraph twelve and
to review the plans adopted by city agencies in accordance with
the provisions of paragraph nineteen of subdivision a of section
eight hundred fourteen, and to provide any such agency or the
department of personnel with such comments and suggestions as the
commission deems necessary and appropriate;

2. to recommend to the department of personnel, all city
agencies, or any one or more particular agencies, procedures
approaches, measures, standards and programs to be utilized by such
agencies in their efforts to ensure a fair and effective
affirmative employment program for equal employment opportunity for
minority group members and women who are employed by or seek
employment with city agencies;

3. to recommend to any city agency actions which such agency
should consider including in its next annual plan as required by
paragraph nineteen of subdivision a of section eight hundred and
fourteen;

4. to advise and, if requested, assist city agencies in their
efforts to increase employment of minority group members and women
who are employed by seek or employment with city agencies;

5. to audit and evaluate the employment practices and
procedures of each city agency and their efforts to ensure fair and
effective equal employment opportunity for minority group members
and women at least once every four years and whenever requested by
the civil service commission or the human rights commission or
whenever otherwise deemed necessary by this commission;

6. to make such policy, legislative and budgetary
recommendations to the mayor, council, the department of personnel
or any city agency as the commission deems necessary to ensure
equal employment opportunity for minority group members and women;

7. to publish by the fifteenth of February of each year a
report to the mayor and the council on the activities of the
commission and the effectiveness of each city agency's affirmative
employment efforts and the efforts by the department of personnel
to ensure equal employment opportunity for minority group members
and women who are employed by or seek to be employed by city
agencies;
8. to establish appropriate advisory committees;
9. to serve with such other agencies or officials as shall be
designated by the mayor as the city liaison to federal, state and
local agencies responsible for compliance with equal employment
opportunity for minority group members and women who are employed
by or who seek to be employed by city agencies.
10. shall take such other actions as are appropriate to
effectuate the provisions and purpose of this chapter.
Sec. 832. Compliance Procedures.
a. The Commission shall conduct such study or investigations and
hold such hearings as may be necessary to determine whether
agencies are in compliance with the equal employment opportunity
requirements of this chapter and chapter thirty-five.
b. For the purpose of ascertaining facts in connection with any
study or investigation authorized by this chapter, the commission
shall have power to compel the attendance of witnesses, to
administer oaths and to examine such persons as they may deem
necessary. The commission or any agent or employee thereof duly
designated in writing by them for such purposes may administer
oaths or affirmations, examine witnesses in public or private
hearing, receive evidence and preside at or conduct any such study
or investigation.
c. If the commission makes a preliminary determination pursuant to
subsection c of section eight hundred and thirty one, that any
plan, program, procedure, approach, measures or standard adopted
or utilized by any city agency or the department of personnel does
not provide equal employment opportunity; and/or if the commission
makes a preliminary determination pursuant to this chapter and
chapter thirty-five, that an agency has not provided equal
employment opportunity the commission shall notify the agency in
writing of this determination and provide an opportunity for the
agency to respond. If the commission, after consideration of any such response and after consulting with the agency, concludes that the corrective actions, if any, taken or planned by the agency are not sufficient to correct the non-compliance identified in the preliminary determination, it should make a final determination, in writing, including such recommended corrective action as the commission may deem appropriate. The agency shall within thirty days thereafter respond to the commission on any corrective action it intends to make and shall make monthly reports to such commission on the progress of such corrective action. If the commission, after a period of not to exceed six months, determines that the agency has not taken appropriate and effective corrective action, the commission shall notify the agency in writing of this determination and the commission may thereafter publish a report and recommend to the mayor whatever appropriate corrective action the commission deems necessary to ensure compliance with equal employment opportunity pursuant to the requirements of this chapter and chapter thirty-five. Within thirty days of such determination the agency shall submit a written response to the commission and the mayor. The mayor after reviewing the commission's findings and the agency's response, if any, shall order and publish such action as he or she deems appropriate.
CHAPTER 38
FINANCIAL INFORMATION SERVICES AGENCY

Sec. 859. Financial information services agency. There shall be a financial information services agency which shall be headed by three directors appointed by the mayor, one of whom shall be appointed upon the recommendation of the comptroller, and one of whom shall be appointed upon the recommendation of the other two. The directors may be city employees. They shall receive no compensation for their services to the agency (except that a city employee may continue to receive regular compensation) but shall be compensated for expenses actually and necessarily incurred in the performance of their duties.

Sec. 860. Powers and duties. a. The agency shall have the power and duty to:

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

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

(3) provide efficient, coordinated and rapid access to such information for the use of those officers, employees, and agencies of the city responsible for the determination and administration of the estimated and actual expenditures of the city; the receipt, investment and disbursement of city funds; the issuance and payment of principal and interest on obligations of the city; and for the use of such other officers, employees, or agencies as may require such information;

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

Sec. 862. Office of payroll administration. There shall be an office of payroll administration which shall be headed by two directors appointed by the mayor, one of whom shall be appointed upon the recommendation of the comptroller. The directors may be city employees. They shall receive no compensation for their services to the office (except that a city employee may continue to receive regular compensation) but shall be compensated for expenses actually and necessarily incurred in the performance of their duties.

Sec. 863. Powers and duties. a. The office of payroll administration shall have the power and duty to:
   (1) support the implementation of a computerized payroll management system,
   (2) maintain the integrity and accuracy of the payroll system,
   (3) develop uniform procedures for payroll processing and development,
   (4) distribute and account for payroll and administer payroll deductions,
   (5) render services to, and receive information and assistance from, public corporations upon such terms and conditions as may be agreed to by the office and each such corporation.

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

Sec. 864. Staff. Upon the recommendation of the directors, the mayor shall appoint an executive director of payroll administration. Within the appropriations therefor, the office shall employ such other officers and employees as may be required to perform its duties.
CHAPTER 46
ELECTIONS AND VOTER ASSISTANCE

Sec. 1051. Department; board. There shall be a department of campaign finance [and voter assistance].

Sec. 1052. Campaign finance board. a. 1. There shall be a campaign finance board consisting of five members. Two members of the board shall be appointed by the mayor, provided that not more than one such member shall be enrolled in any one political party, and two members shall be appointed by the [vice-chairman] speaker of the council, provided that not more than one such member shall be enrolled in any one political party, and one member, who shall be the chairperson, shall be appointed by the mayor after consultation with the [vice-chairman] speaker. The members shall first be appointed to serve as follows:

(a) one member appointed by the [vice-chairman] speaker for a term of one year;
(b) one member appointed by the mayor for a term of two years;
(c) one member appointed by the [vice-chairman] speaker for a term of three years;
(d) one member appointed by the mayor for a term of four years; and
(e) the chairperson for a term of five years.

Each term shall commence on April first, nineteen hundred eighty-eight. Thereafter, each member shall be appointed for a term of five years by the mayor or the [vice-chairman] speaker, according to the original manner of appointment. In case of a vacancy in the office of a member, a member shall be appointed to serve for the remainder of the unexpired term by the mayor or the [vice-chairman] speaker, according to the original manner of appointment. Each member shall be a resident of the city, registered to vote therein. Each member shall agree not to make
contributions to any candidate for nomination for election, or
election, to the office of mayor, president of the city council,
comptroller, borough president, or member of the council which in
the aggregate are in excess of the maximum contribution
applicable to such office pursuant to any local law establishing
a voluntary system of campaign finance reform. No member shall
serve as an officer of a political party, or be a candidate, or
participate in any capacity in a campaign by a candidate, for
nomination for election or election to the office of mayor,
president of the city council, comptroller, borough president or
member of the city council. Officers and employees of the city
or any city agency, lobbyists required to file a statement of
registration under section 3-213 of the administrative code and
the employees of such lobbyists shall not be eligible to be
members of the board.

2. The members of the board shall be compensated at the
rate of one hundred dollars per calendar day when performing the
work of the board.

3. The board may employ necessary staff, including an
executive director and a counsel, and make necessary expenditures
subject to appropriation.

4. No member of the campaign finance board shall be removed
from office except for cause and upon notice and hearing.

5. The board shall have the power to investigate all
matters relating to the performance of its functions and any
other matter relating to the proper administration of any
voluntary system of campaign finance reform established by local
law and for such purposes shall have the power to require the
attendance and examine and take the testimony under oath of such
persons as it shall deem necessary and to require the production
of books, accounts, papers and other evidence relative to such
investigation.

6. The board shall publicize, as it deems appropriate, the
names of candidates for nomination or election to the office of
mayor, president of the city council, comptroller, borough
president, or city council who violate any of the provisions of
any voluntary system of campaign finance reform established by
local law.

7. The board may render advisory opinions with respect to
questions arising under any local law establishing a voluntary
system of campaign finance reform. Such advisory opinions may be
rendered on the written request of a candidate, an officer of a
political committee or member of the public, or may be rendered
on its own initiative. The board shall make public its advisory
opinions. The board shall develop a program for informing
candidates and the public as to the purpose and effect of the
provisions of any voluntary system of campaign finance reform
established by local law.

8. The board shall have the authority to promulgate such
rules and provide such forms as it deems necessary for the
administration of any voluntary system of campaign finance reform
established by local law. The board shall promulgate regulations
concerning the form in which contributions and expenditures are
to be reported, the periods during which such reports must be
filed and the verification required. The board shall require the
filing of reports of contributions and expenditures for purposes
of determining compliance with any contribution or expenditure
limitations provided in any local law establishing a voluntary
system of campaign finance reform, provided that the schedule
established by the board for such filings shall be in accordance
with the schedule specified by the state board of elections for
the filing of campaign receipt and expenditure statements.

9. The board shall develop a computer data base that shall
contain all information necessary for the proper administration
of this chapter including information on contributions to and
expenditures by candidates and their authorized committees and
distributions of moneys from the campaign finance funds. Such
data base shall be accessible to the public.
10. The board may take such other actions as are necessary
and proper to carry out the purposes of any local law
establishing a voluntary system of campaign finance reform. If at
any time, the board determines that the amount of money in any
special fund or funds established by any such local law,
establishing a voluntary system of campaign finance reform, to
fund a system of optional public campaign financing for
candidates abiding by the requirements of such law, is
insufficient, or is likely to be insufficient, for payment to
such participating candidates pursuant to such law for [the]
elections to be held in perpetuity. [nineteen hundred eighty-
nine,] it shall report this determination to the commissioner of
finance, along with its estimate of the additional amount which
will be necessary to provide such participating candidates with
financing pursuant to such law and a detailed statement of the
assumptions and methodologies on which such estimate is based.
Not more than four days after receiving such estimate and
supporting materials, the commissioner of finance shall transfer
an amount equal to such estimate from the general fund to such
special fund or funds. All monies transferred to such special
fund or funds shall not be considered revenues of the city and
payments from such fund or funds shall be made without
appropriation and shall not be included in the expense budget of
the city. The comptroller shall have custody of such fund or
funds on behalf of the board and shall have the power to invest
the monies of such fund or funds in the manner in which the city
is authorized to invest its funds and shall deposit the monies of
the fund or funds in such deposit banks as have been designated
by the banking commission pursuant to section fifteen hundred
twenty-four of this charter. The comptroller shall submit
monthly reports to the board regarding the status of the fund or
funds and more frequent reports when the board requires. Monies
of the
fund or funds shall be paid out by the comptroller only on warrant of the board.

b. The board shall take such actions as it deems necessary and appropriate to improve public awareness of the candidates, proposals or referenda in all elections in which there are contested elections for the offices of mayor, president of the council, borough presidents, comptroller, or city council or ballot proposals or referenda pursuant to this charter or the municipal home rule law, including but not necessarily limited to the publication of a non-partisan, impartial voters guide providing information on candidates, ballot proposals and referenda, and the distribution of one copy of such guide to each household in which there is at least one registered voter eligible to vote in the election involved.

Sec. 1053. Voters guide. Each voters guide published by the board shall contain: (a) material explaining the date and hours during which the polls will be open for that election; when, where, and how to register to vote; when a citizen is required to reregister; when, where, and how absentee ballots are obtained and used; instructions on how to vote; maps showing the boundaries of council districts; and any other general information on voting deemed by the board to be necessary or useful to the electorate or otherwise consistent with the goals of this chapter; (b) such tables of contents, graphics, and other materials which the board determines will make the voters guide easier to understand or more useful for the average voter; (c) biographical information on each candidate, including but not limited to name, party affiliation, present and previous public offices held, present occupation and employer, prior employment and other public service experience, educational background, and a listing of major organizational affiliations and endorsements; (d) concise statements by each candidate of his or her principles, platform or views; and (e) where there is a ballot proposal or referendum, concise statements explaining such
proposal or referendum and an abstract of each such proposal or referendum. The guide shall be prepared in plain language using words with common and everyday meanings. No later than the first day of January of nineteen hundred eighty nine, the board shall promulgate such rules as it deems necessary for the preparation and publication of the guide in English, Spanish and any other languages the board determines to be necessary and appropriate, and for the distribution of the guide. The purpose of such rules shall be to ensure that the guide and its distribution will serve to fully, fairly and impartially inform the public about the issues and candidates appearing on the ballot.

Sec. 1054. Voter assistance commission. a. There shall be[ , in the department,] a voter assistance commission, the head of which shall be elected by the members of the commission from among their membership [the chair of the campaign finance board, and] which shall consist of sixteen members and which shall advise all appropriate officials on matters relating to voter registration and voter participation in New York city. The commission shall include the first deputy mayor, or if there is no first deputy mayor, such other deputy mayor as the mayor shall designate to serve on this commission, the director of the office of management and budget, the president of the board of education, the president of the council, the executive director of the board of elections, the corporation counsel and the chair of the campaign finance board. In addition there shall be nine members broadly representative of (1) groups that are underrepresented among those who vote and among those who are registered to vote, (2) community, voter registration, civil rights, and disabled groups, and (3) the business community. Each of these members shall serve for a three year term, with three to be appointed by the mayor and the remaining six to be appointed by the council. Of the three members initially appointed by the mayor, one shall serve for a term which expires on June thirtieth, nineteen hundred ninety, one shall serve for a
term which expires on June thirtieth nineteen hundred ninety-one, and one shall serve for a term which expires on June thirtieth nineteen hundred ninety-two. Of the six members initially appointed by the council, two shall serve for terms expiring on June thirtieth nineteen ninety, two shall serve for terms expiring June thirtieth nineteen hundred ninety-one, and two shall serve for terms expiring on June thirtieth nineteen hundred ninety two. The members of the commission shall serve without compensation.

b. The commission, with the advice and assistance of the coordinator, shall:
1. monitor the performance of the voter assistance program established by this chapter;
2. make such recommendations as it deems appropriate to the mayor, the council, [the board of estimate,] the borough presidents, and the board of elections for steps that could and should be taken by such officials or bodies or by city agencies to encourage and facilitate voter registration and voting by all residents of New York City who are eligible to vote;
3. undertake, by itself or in cooperation with other public or private entities, activities intended to encourage and facilitate voter registration and voting by all residents of New York City who are eligible to vote;
4. receive and review the annual report of the coordinator of voter assistance, and, together with such comments as the commission deems necessary and appropriate, forward copies of such report to [the campaign finance board for transmission to] the mayor, the council, [the board of estimate] the borough presidents, and all other public officials with responsibilities for policies, programs and appropriations related to voter registration and voting in New York City and to private entities that are currently or potentially involved in activities intended to increase voter registration and voting; and
5. hold public hearings, at least once annually, between the
day following the general election and December twenty-first,
regarding voter registration and participation in New York City;
Sec. 1055. Coordinator of voter assistance. The commission
shall appoint, upon nomination of the mayor, a coordinator of
voter assistance. The coordinator shall:
1. encourage and facilitate voter registration and voting by
all residents of New York City who are eligible to vote and
recommend methods to increase the rate of registration and voting
by such residents;
2. identify groups or categories of such residents who are
underrepresented among those registered and those voting and
recommend methods to increase the rate of voter registration and
voting among such groups and categories;
3. adopt rules establishing the content and format for city
agencies to follow in preparing the annual voter assistance plans
required by section one thousand fifty-six of this charter;
4. consistent with all state and local laws, coordinate the
activities of all city agencies in general and specialized
efforts to increase registration and voting including, but not
limited to, the distribution of forms for citizens who use or
come in contact with the services of city agencies and
institutions; mailings by city agencies to reach citizens;
cooperative efforts with non-partisan voter registration groups,
community boards, agencies of city, state, and federal
governments, and entities doing business in the city; and
publicity and other outreach programs.
5. monitor voter registration and voting in New York City, and
receive citizen complaints regarding such processes;
6. submit annually, no later than July thirtieth in each year,
to the voter assistance commission a public report on the state
of voter registration and participation in the city. Such report
shall include, but not be limited to (a) a description of the
activities of the voter assistance program and the effectiveness
of those activities in achieving the goals of the program; (b) the number of voter registration forms distributed by the program, the manner in which those forms were distributed and the estimated number of persons registered through the activities of the program; (c) the number and characteristics of citizens registered and unregistered to vote during the previous primary, general and special elections and for the most recent time period for which such information is available; (d) the number and characteristics of citizens who voted during the previous primary, general and special elections; (e) a review and analysis of the voter registration and voting processes in New York City during the previous year; (f) recommendations for increasing voter registration and participation; and (g) any other information or analysis the commission [or the board] deems necessary and appropriate; and

7. prepare and publish studies and reports on issues of relevance to voter registration and participation in New York City.

Sec. 1056. Heads of mayoral agencies shall cooperate with the board of elections and the coordinator of voter assistance to encourage voter registration and voting by all residents of the city of New York eligible to vote, and shall prepare annually, in accordance with rules and guidelines of the coordinator of voter assistance, plans specifying the resources, opportunities, and locations the agency can provide for voter assistance activities.

Sec. 1057. Non-partisanship in program operations. The board, commission and coordinator shall conduct all their activities in a strictly non-partisan manner.
CHAPTER 47
PUBLIC ACCESS TO MEETINGS AND INFORMATION

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. 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. 1061. 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, the commissioner of
telecommunications or the delegate of such officer, the president
of the WNYC communications group or the delegate of such officer,
and one council member elected by the council, all of whom shall
serve on the board without compensation. In addition, there shall
be four 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: two 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 borough presidents acting as a group. 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, within appropriations available therefor.

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 produced or 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 or 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; and (iv) the usefulness and availability of city documents, reports, and publications;

(3) assist city agencies in facilitating public access to their meetings, transcripts, records, and other information, and monitor agency compliance with the provisions of the charter, and other laws which require such public access;

(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, 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: (i) the application of new communications technology to improve public access to city produced or maintained information; (ii) the distribution of information to the public about the purposes and locations of the city's service delivery facilities; and (iii) programming for the municipal cable channels and broadcasting system.

Sec. 1062. Public data directory. a. The commission shall publish annually a directory of the computerized information produced or maintained by city agencies which is required by law to be publicly accessible. Such directory shall include specific descriptions of the contents, format and methods of accessing such information, 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 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. 1063. Cablecasting and broadcasting the public proceedings of city government. a. All future cable franchises and franchise renewals shall require (i) that channels be designated for governmental use and (ii) that the franchisee provide the interconnections necessary to allow the cablecasting of the public proceedings of the council and its committees and the city planning commission.

b. The council and its committees and the city planning commission shall make their public 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 subdivision.

  c. On or before the thirtieth day of June of nineteen hundred
ninety one, the commission on public information and communication
shall submit to the council a proposal for cablecasting the public
proceedings of the council and its committees and the city planning
commission. Such proposal shall include the commission's
recommendations regarding (i) the organization or organizations to
be responsible for obtaining such cablecasting and (ii) funding the
start-up and ongoing costs of such cablecasting.

Sec. 1064. Centralized contract and contractor information.

  a. The mayor shall maintain, in a central place which is accessible
to the public, standard information regarding each city contract
and contractor. Such information shall include: (1) a copy of the
contract; (2) information regarding the method by which the
contract was let; (3) such standard documents as the contractor
is required to submit, which documents shall be updated regularly
in accordance with rules of the procurement policy board; (4)
information regarding the contractor's qualifications and
performance; (5) any evaluations of the contractor and any
contractor responses to such evaluations; (6) any audits of the
contract and any contractor responses to such audits; and (7) any
decisions regarding the suspension or debarment of the contractor.

  b. The procurement policy board shall regularly review the
scope and form of all information maintained pursuant to this
section and shall promulgate rules regarding its contents,
organization and management.

  c. The mayor shall ensure adequate public access to the
information on contracts and contractors, which shall be maintained
in a manner to facilitate public review, with due consideration for
the need to protect, where appropriate, the confidentiality of any
such information.

  d. The information on contracts and contractors shall be
computerized to the extent feasible. The computerized information
shall be stored in a manner which allows for meaningful read only
access to such information by the agency name, contractor name,
contract category, and contract number included in prior notices
published in the City Record pursuant to section three hundred
fifty-one. At least one computer terminal shall be available for
such access in the central place established by the mayor pursuant
to subdivision a of this section.
Sec. 1065. 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. 1066. City Record. 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.
b. There shall be inserted in the City Record nothing aside
from such official matters as are expressly authorized.
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.
d. Nothing herein contained shall prevent the publication
elsewhere of any advertisement required by law to be so published.
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 available without charge to any
member of the public requesting a copy on the publication date or
within a reasonable period of time thereafter, to be determined by
the commissioner of records and information services. 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, upon
receipt, make copies of each issue of the City Record available in
their respective offices for reasonable public inspection without
charge.

Sec. 1067. Organization of the department; notice. In January,
nineteen hundred ninety and every year thereafter, in accordance
with the notice procedures of subdivision b of section one thousand
forty-three of this charter, the head of each agency shall cause
to be published in the City Record and shall give notice of a
written plan or chart describing the organization of the agency.

Sec. 1068. The text of a reorganization plan approved pursuant
to subdivision c of section eleven of the charter and the text of
each resolution or similar action provided for by this charter
which has the force of law or which amends or extends the charter
shall appear as part of the administrative code or of the
compilation of city rules required by section one thousand forty-
five of the charter, as the mayor deems appropriate.
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] the powers and exercise such of [his] the duties of the head of the department and for such times and under such conditions as [he] such head of a department 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] such official 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 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] the jurisdiction of the mayor 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] such witness in any criminal proceeding, except that for all false answers or material points [he] such witness 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
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 or her such information as [he] the mayor may
demand, within such reasonable time as he or she may direct.

[Sec. 1113. Heads of departments to furnish copies of papers
on demand. The heads of all administrations and departments,
extcept 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] such person's 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 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] such
person 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] such
1 officer holds such office ex officio by virtue of an act of the
2 legislature, and in such case shall draw no salary for such ex
3 officio; provided, however, that any member of the police force or
4 any member of the fire department may hold office as a member of
5 a board of education outside of the city of New York if otherwise
6 qualified to serve thereon.

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

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

23 Sec. 1117. Pensioner not to hold office. If a person receiving
24 a pension or a retirement allowance made up of such pension and
25 an annuity purchased by the pensioner from the city or any agency,
26 or out of any fund under the city or any agency, by reason of [his]
27 such person's own prior employment by the city or any agency, shall
28 hold and receive any compensation from any office, employment or
29 position under the state or city or any of the counties included
30 within the city or any municipal corporation or political
31 subdivision of the state, except the offices of inspector of
32 election, poll clerk or ballot clerk under the election law or
33 commissioner of deeds or notary public or jury duty, the payment
34 of said pension only shall be suspended and forfeited during and
for the time such person 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 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 the public office,
work or employment of such officer or employee; 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 such officer, board or commission by this charter,
perform any duties and exercise any powers vested in such officer 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 such officer, board or commission.
Sec. 1122. Bonds. Unless otherwise provided by law, each officer of the city who has possession of or control over any funds of the city shall give bond for the faithful performance of the duties of such officer 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 the answer of such council member, officer or employee would tend to incriminate him or her, or shall refuse to waive immunity from prosecution on account of any such matter in relation to which he or she may be asked to testify upon any such hearing or inquiry, the term or tenure of office or employment of such council member, officer or employee shall terminate and such office or employment shall be vacant, and he or she 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 public officer, board, commission or other public body for the redress of their grievances as such officers and employees.
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 or her commission and to have vacated his or her 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 final 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 final audits, audit reports 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.
Sec. 1150. Definitions. For the purposes of this charter:
1. The term "city" shall mean the city of New York, and unless the context otherwise requires, shall include the several boroughs.
2. The term "agency" shall mean a city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.
3. The term "law" or "laws" shall include the constitution, this charter, any statute, the administrative code, any local law, and any ordinance, rule or regulation having the force of law.
4. The term "statute" shall mean an act of the legislature.
5. The term "maintenance" shall include minor repairs, and in case of doubt the mayor or an officer designated by him shall decide whether a repair is a minor repair.
6. The term "intercepting sewer" shall mean a sewer the principal purpose of which is the interception from other sewers and conveyance of sewage to treatment plants. In case of doubt the [board of estimate] council shall decide whether a sewer is an intercepting sewer.
7. a. The term "wharf property" shall mean wharves, piers, docks and bulkheads and structures thereon and slips and basins, the land beneath any of the foregoing, and all rights, privileges and easements appurtenant thereto and land under water in the port of New York, and such upland or made land adjacent thereto as was vested in the department of docks on January first, nineteen hundred thirty-eight or thereafter was or may be assigned to it or its successor agencies.
   b. "Water front property" shall mean all property fronting on all the tidal waters in the port and city of New York and extending inshore to the property line of the first adverse owner and shall
include such land under water extending offshore to the pierhead line or the property line, whichever extends furthest offshore.

c. "Water front commerce" shall mean the activity on water front property which encompasses the receipt of cargo or goods at the wharves, piers, docks or bulkheads from ships and their delivery to points inland or the receipt of such cargo or goods at such wharves, piers, docks or bulkheads from points inland for shipment by ships and shall include the temporary storage of such cargo or goods in the sheds or warehouses on such property pending their delivery or shipment.

d. "Furtherance of navigation" shall mean the activity on water front property which involves ship building, ship repairing, boating, dry dock facilities and similar uses.

8. The term "the port of New York" shall include all the waters of the North River, the East River and the Harlem River and all the tidal waters embraced within or adjacent to or opposite to the shores of the city.

9. [The terms "three-fourths vote" and "two-thirds vote" when they apply to the board of estimate shall mean respectively three-fourths and two-thirds of the total number of votes which all the members of the board are entitled to cast.

10. The term "administrative code" shall mean the administrative code of the city.

11. The term "budget" shall mean the expense budget unless the context otherwise requires.

12. Except as in this charter otherwise provided, the term "real property" shall include real estate, lands, tenements and hereditaments, corporeal or incorporeal.

Sec. 1151. Effect of this charter on existing law. a. All laws and parts of laws relating to or affecting the city of New York or the municipalities consolidated therein in force when this charter as amended shall take effect are hereby repealed and superseded to the extent that the same are inconsistent with the provisions of this charter and no further.
b. All other laws and parts of laws shall continue in force until repealed, amended, modified or superseded.

c. Insofar as the provisions of this charter are the same in terms or in substance and effect as provisions of law in force when this charter shall take effect, relating to or affecting the city of New York, the provisions of this charter are intended to be not a new enactment but a continuation of such provisions of law, and this charter shall be so construed and applied.

Sec. 1152. Time of taking effect. a. This charter shall take effect on the first day of January, nineteen hundred sixty-three and thereafter shall control in respect to all the powers, functions and duties of all officers, agencies, and employees of the city as provided herein, except that chapter twelve hereof shall take effect on January first, nineteen hundred sixty-two.

b. The amendments to the charter approved by the electors on November fourth, nineteen hundred seventy-five shall take effect on January first, nineteen hundred seventy-seven, and thereafter shall control as provided in respect to all the powers, functions and duties of all offices, agencies, and employees except as further specifically provided in other sections of this revised charter and except:

(1) that existing community districts and community boards shall continue in force and effect until the new community districts and community boards pursuant to chapters sixty-nine and seventy are established pursuant to this revised charter;

(2) that powers and duties of community boards and borough boards pursuant to chapters six, eight, nine, fourteen, fifteen, twenty-seven, sixty-nine and seventy shall be assumed by the existing community boards and borough boards on July first, nineteen hundred seventy-six and such boards shall continue to have such powers and duties until new community boards and borough boards are established within the new community districts and the boroughs pursuant to chapters sixty-nine and seventy, which boards shall assume the powers and duties specified in this charter at

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such time; and
(3) that the other amended provisions of this charter requiring
any act to be done prior to January first, nineteen hundred
seventy-seven shall take effect immediately upon adoption.
c. The amendments to the charter approved by the electors on
November eighth, nineteen hundred eighty-eight shall take effect
immediately, and thereafter shall control as provided in respect
to all the powers, functions and duties of all offices, agencies,
and employees except as further specifically provided in other
sections of this revised charter and except:
(1) that, with respect to the tax appeals tribunal
established in section one hundred sixty-eight,
(a) the mayor shall appoint the first three
commissioners, and shall designate one of them as president, no
later than the first day of July, nineteen hundred eighty-nine;
(b) the tribunal shall adopt rules of procedure pursuant
to section one hundred sixty-nine no later than the first day of
December, nineteen hundred eighty-nine; and
(c) the tribunal shall begin accepting, hearing and
determining appeals on the first day of January, nineteen hundred
ninety, except that it shall not begin accepting, hearing or
determining appeals concerning the taxes authorized by sections
one and two of chapter seven hundred seventy-two of the laws of
nineteen hundred sixty-six until the later of (A) the date such
sections are amended to authorize or otherwise allow such actions
or (B) the first day of January, nineteen hundred ninety;
(2) that the effective date of section one thousand forty-
six shall be the first day of July nineteen hundred ninety and
(3) that the provisions of the new chapter sixty-eight,
entitled conflicts of interest, shall take effect on the first day
of January, nineteen hundred ninety, and the provisions of chapter
sixty-eight heretofore in effect, entitled ethics, shall remain in
effect up to and including the thirty-first day of December of
nineteen hundred and eighty-nine, at which time they shall be
repealed, provided, however, that:

(a) section twenty-six hundred eight of chapter sixty-eight heretofore in effect shall not be repealed but shall be renumbered as section one hundred thirty-one and shall continue in effect;

(b) section twenty-six hundred two shall take effect immediately and subdivisions a, b, c, d, i, j, and k of section twenty-six hundred three of the new chapter sixty-eight shall become effective upon confirmation of the members nominated by the mayor pursuant to subdivision c of such section twenty-six hundred two;

(c) section twenty-six hundred of chapter sixty-eight heretofore in effect, shall only remain in effect until the confirmation of the members nominated by the mayor pursuant to subdivision c of section twenty-six hundred two of the new chapter sixty-eight; and

(d) the powers vested in the board of ethics by chapter sixty-eight heretofore in effect shall, upon the expiration of section twenty-six hundred of such chapter, be transferred, assigned and devolved upon the conflicts of interest board established by section twenty-six hundred two of the new chapter sixty-eight of the charter.

d. The amendments to the charter approved by the electors on November seventh, nineteen hundred eighty-nine shall take effect on the first day of January, nineteen hundred ninety, and thereafter shall control as provided in respect to all the powers, functions and duties of all offices, agencies and employees, except as further specifically provided in other sections of this charter and except:

(1) that, except for section three hundred forty-one which shall take effect on the first day of January, ninety hundred ninety, the provisions of the revised chapter thirteen, entitled procurement, shall take effect on the first day of September.
nineteen hundred ninety, provided, however, that:

(a) the appointments required to be made by the mayor
and the comptroller to the procurement policy board pursuant to
section three hundred forty-one shall be made by the fifteenth day
of January, nineteen hundred ninety:

(b) the procurement policy board, upon its creation,
shall be authorized to exercise the authority granted to it by the
remaining sections of the revised chapter thirteen otherwise not
to take effect until the first day of September, nineteen hundred
ninety, to promulgate rules prior to the effective date of those
sections as are necessary to implement the provisions of the
chapter. Such rules required by the chapter to be promulgated
shall be proposed in accordance with the requirements of
subdivision b of section one thousand forty-three of this charter
by the first day of June, nineteen hundred ninety; and

(c) contract solicitations initiated prior to the first
day of September, nineteen hundred ninety which would otherwise
require the approval of the board of estimate that are not
submitted to the board of estimate for approval by such date shall
be awarded by the agency in accordance with the provisions of the
revised chapter thirteen and, to the extent practicable, with the
rules of the procurement policy board; and

(d) all other contract solicitations for which the
contract will be executed on or after the first day of September,
nineteen hundred ninety shall be awarded in accordance with the
provisions of the revised chapter thirteen and, to the extent
practicable, with the rules of the procurement policy board.

(2) Pursuant to the requirements of chapter 5-A of the
charter, the comptroller and the president of the council shall
appoint the independent budget office advisory committee no later
than the fifteenth day of February of nineteen hundred ninety; such
advisory committee shall make its recommendations, to the special
committee convened to appoint the director of the independent
budget office, no later than the fifteenth day of June of nineteen
hundred ninety; and such special committee shall make its
appointment of a director no later than the first day of August of
nineteen hundred ninety.

(3) No appointment to the civil service commission shall be
made on or after the first day of January of nineteen hundred
ninety except upon the recommendation of the screening committee
required by section eight hundred twelve of the charter.

(4) The provisions of subdivision b of section one hundred
and four of the charter shall not apply to the contract budget
submitted by the mayor for the fiscal year beginning the first day
of July, nineteen hundred ninety nor to the contract budget adopted
by the council for such year.

(5) The provisions of sections one hundred ninety-two, one
hundred ninety-six, one hundred ninety-eight, and two hundred and
three, and the provisions of chapters twenty-seven and seventy-one
shall take effect immediately upon certification that the electors
have approved the amendments to the charter, provided, however,
that subdivision a of section one hundred ninety-two (other than
the portions thereof requiring appointments of the members of the
city planning commission on or before the first day of March,
nineteen hundred ninety and providing for the length of the terms
of the first appointees to the commission) shall take effect on the
first day of July, nineteen hundred ninety.

(6) The provisions of sections one hundred ninety-one, one
hundred ninety-three, one hundred ninety-five, one hundred ninety-
seven-a, one hundred ninety-seven-b, one hundred ninety-seven-c,
one hundred ninety-seven-d, one hundred ninety-nine, two hundred,
two hundred and one, two hundred and two, and two hundred and four
(except for subdivisions (g) and (h) thereof), and the provisions
of chapters fourteen, fourteen-A, fifteen, twenty-one, twenty-one-
A, twenty-nine, fifty-nine and sixty-one shall take effect on the
first day of July, nineteen hundred ninety, provided, however,
that:
(a) notwithstanding anything to the contrary herein, the board of estimate shall continue to review and approve applications pursuant to sections one hundred ninety-seven-c and two hundred of the charter as in effect prior to the first day of July, nineteen hundred ninety, that have been acted upon by the city planning commission on or before the thirtieth day of June, nineteen hundred ninety; and

(b) notwithstanding anything to the contrary herein, subdivisions b, d, e, f and g of section one hundred ninety-seven-c shall take effect on the second day of May, nineteen hundred ninety; and the period for review of applications by the borough presidents provided for in such subdivision g shall extend until the thirtieth day of June, nineteen ninety in the case of all applications referred to the borough presidents in the month of May, nineteen hundred ninety.

(7) Subdivisions g and h of section two hundred and four shall take effect on the first day of July, nineteen hundred ninety-one.

(8) An elected city official who, as of the first day of January nineteen hundred ninety, holds both an elected city office and a party office, shall not be subject to the requirements of paragraph fifteen of subdivision c of section twenty-six hundred four in regard to such offices until the earlier of (i) the expiration of the term, of the city office, to which such official was elected prior to such date; or (ii) the expiration of the term, of the party office, to which such official was elected or appointed prior to such date.

9(a) Notwithstanding the provisions of section 25, the council members elected at the general election in the year nineteen hundred eighty-nine shall serve for a term of two years and an additional election of council members shall be held at the general election in the year nineteen hundred ninety-one. The council members elected at such election shall serve for a term of two years.
(b) Notwithstanding the provisions of paragraph 2 of subdivision b, and subdivision c, of section fifty, a districting commission shall be appointed to prepare a districting plan for the nineteen hundred ninety-one additional election of council members in accordance with all of the requirements of chapter 2-A except that such appointments shall be made in accordance with the following schedule:

(i) between the tenth and twentieth days of January nineteen hundred ninety, the mayor shall convene the meeting or meetings required by paragraph 2 of subdivision b of section 52;

(ii) on or before the fifteenth day of March of nineteen hundred ninety, each council delegation authorized to make appointments to the districting commission shall make such appointments, and each chairperson of a county committee of a political party authorized to submit nominations to the mayor shall submit such nominations; and

(iii) following the actions required by paragraph b of this subdivision but no later than the fifteenth day of April of nineteen hundred ninety, the mayor shall make the remaining appointments to the districting commission.

(c) Following its appointment, the districting commission shall meet at least once each month during nineteen hundred ninety and at least once every two weeks during nineteen hundred ninety-one until such time as it has completed its duties pursuant to this section and chapter 2-A.

(d) In carrying out its responsibilities under this section and chapter 2-A, the commission shall utilize the final count results of the nineteen hundred ninety census delivered to the governor no later than the first day of April of nineteen hundred ninety-one in accordance with the provisions of section one hundred forty-one of title thirteen of the United States Code.

(e) As soon as practicable, the commission shall (a) establish liaison with the United States Census Bureau and relevant New York State agencies to facilitate the orderly and timely
receipt of the results of the nineteen hundred ninety census in a format that will facilitate the commission's completion of its responsibilities and (b) obtain such equipment, software, services and personnel as are necessary for it to effectively carry out its responsibilities under this section and chapter 2-A.

(f) On or before the fifteenth day of May of nineteen hundred ninety, the Director of City Planning shall present to the commission an analysis of the demographic changes that have occurred in the City of New York since the nineteen hundred eighty census, a summary of the various estimates that have been made of the nineteen hundred ninety population of the city and various subdivisions of the city, an analysis of the implications of such forecasts for the establishment of districts for the nineteen hundred ninety-one council elections, and estimates of the nineteen hundred ninety population and population characteristics of existing council, assembly, community and congressional districts, to the extent such information is available. The director of city planning shall periodically thereafter provide the commission with any revisions of such information and any such additional information that will be of assistance to the commission in carrying out its responsibilities under chapter 2-a. The director of city planning shall, to the maximum extent practicable, provide the commission with such technical assistance as it may require to carry out its responsibilities.

(g) On or before the fifteenth day of June of nineteen hundred ninety, the Director of city planning and the corporation counsel shall provide the commission with all information, available to them, regarding the status of the nineteen hundred ninety census and the schedule for the release of the results such census, as will assist the commission in developing the work plan and schedule required by subdivision nine of this section.

(h) On or before the fifteenth day of June of nineteen hundred ninety, the director of city planning and the commissioner of computer and data communications services will provide the
commission with as complete a listing as possible of the computer software products available for the utilization of census data in the establishment of districts and the analysis of the demographic characteristics of such districts; a comparative evaluation of the strengths, weaknesses, costs and benefits of the various products available including information as to the quantity and type of staff necessary to utilize the various products; an identification and description of the relevant professional services available from public and private entities; including information regarding the rates at which such services are likely to be available; and a description of the assistance which the department of city planning and the computer and data communications services agency can provide to the commission.

(i) On or before the fifteenth day of September of nineteen hundred ninety, the commission shall adopt a work plan and time schedule for the establishment of council districts for the nineteen hundred ninety-one elections in accordance with this section and chapter 2-A of the charter.

(j) Between the first day of October and the tenth day of December of nineteen hundred ninety, the commission shall hold at least one public hearing in each borough to obtain (i) information regarding demographic trends and conditions and suggestions regarding the factors that interested parties believe the commission should consider and the procedures that it should utilize in the establishment of council districts for the nineteen hundred ninety-one elections.

(k) On or before the first day of February of nineteen hundred ninety-one, the commission shall produce and make available for public inspection prototype fifty-one district plans for the purpose of testing and demonstrating the analytical and technical capabilities necessary to meet the deadlines set forth in subdivision eleven of this section.

(l) Notwithstanding the provisions of section fifty-one, the commission shall complete the steps required by such section in
accordance with the following schedule:

(i) on or before the first day of May of nineteen hundred ninety-one, the commission shall make its plan available to the public for inspection and submit copies to the council for its review and comment; and on or before the tenth day of such month it shall hold one or more public hearings on such plan;

(ii) on or before the twentieth day of May of nineteen hundred ninety-one, the commission shall make a revised plan and supporting data available for public inspection, and shall give public notice that comments on such revised plan may be submitted through the twenty-seventh day of May of nineteen hundred ninety-one; and

(iii) on or before the seventh day of June of nineteen hundred ninety-one, the commission shall adopt its final plan in accordance with subdivision f of section 51 and shall hold one or more public hearings on such plan.

(10) that the amendments to chapter forty-six shall take effect immediately.

(11) that the repeal of chapter three of the charter, heretofore in effect, entitled Board of Estimate, and the repeal of subdivision nine of section eleven hundred fifty, heretofore in effect, shall take effect on the first day of September of nineteen hundred ninety.

e. Officers and employees of the city may take any actions as are necessary and appropriate to prepare for the implementation of the provisions of amendments to the charter approved by the electors on November seventh, nineteen hundred eighty-nine prior to such effective dates as are prescribed by subdivision d of this section.

Sec. 1153. Separability clause. If any provision of this charter or of any amendments thereto shall be held invalid or ineffective in whole or in part or inapplicable to any person or situation, it is the purpose and intent of this charter that all other provisions thereof shall nevertheless be separately and fully effective and that the application of any such provision to other persons or situations shall not be affected.
Sec. 1154. Short title. This charter shall be known and may be cited as "The New York City Charter."

[Sec. 1155. 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, board of estimate and its committees, 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.]
CHAPTER 56-A
OFFICE FOR ECONOMIC DEVELOPMENT

Sec. 1300. Office; executive director. There shall be an office for economic development, the head of which shall be the executive director for economic development, who shall report directly and be responsible to the deputy mayor for economic development.

Sec. 1311. Officials of the office. The deputy mayor for economic development may appoint ten directors and [he] may also appoint deputy directors, assistant directors, and managers within the appropriations available for the office.

Sec. 1312. Powers and duties of the executive director. The executive director shall have the power to exercise or delegate any of the functions, powers and duties vested in [him] such executive director or in the office by this chapter or otherwise. In the performance of his or her functions the executive director shall have, in addition to such others as may be conferred upon him or her from time to time by law, the power and duty:

1. To analyze the needs of the city with respect to matters within the jurisdiction of the office, prepare intermediate and long range programs designed to meet such needs, and establish priorities among them;

2. To prepare and transmit the budget estimates of the office as prescribed by law;

3. To supervise the execution and management of all programs, activities and expenditures of the office;

4. To the extent to which the organization of the office is not prescribed by law, and in accordance with such standards and policies as may be established by the mayor, to organize the office into sections, divisions, bureaus, boards and make assignments of powers and duties among them and from time to time change such organization or assignments.
5. To be responsible for coordinating the activities of public or quasi-public bodies to ensure effective economic development policies and programs in city agencies.

Sec. 1313. Functions of the office. Except as otherwise provided by law, the office shall perform all those functions and operations performed by the city of New York relating to the economic development of the city, including, without limitation, the following:

1. With respect to economic development the office shall have the power and duty:
   a. To establish business, industrial and commercial policies, programs and projects which affect the business, industry, industrial, commercial or economic well-being, development, growth and expansion of the economic life of the city, except for those functions which have been delegated to another agency of city government by statute, local law or executive order, in which instance the office of economic development shall review and coordinate those functions, together with the other agency of city government to which those functions have been delegated.

   The heads of all city agencies are hereby directed to forward to the office for economic development all economic development proposals following intake of said proposals. Upon receipt of a proposal, the office for economic development shall assume responsibility for said proposal but the forwarding agency shall furnish the office for economic development such assistance as may be required to carry out the proposal;

   b. To serve as liaison for the city with the New York city industrial development agency, the public development corporation and all other public or quasi-public bodies involved in economic development within the city or any other such body as the mayor shall direct;

   c. To study, organize, promote, coordinate and carry out within or without the city, activities, projects and programs designed to encourage, stimulate and foster the well-being, development, growth
and expansion of business, industry and commerce in the city, and the enhancement and protection of the economic life of the city;

d. To assist, encourage and promote broadened employee ownership, particularly through the use of employee stock ownership plans and producer cooperatives, by conducting research, outreach and public informational programs pertaining to employee ownership and employee stock ownership plans; by providing technical assistance to employee groups exploring an employee buyout, where such an action might be instrumental in retaining a business within the City of New York; and by ensuring that firms applying for financial assistance from any of the public or quasi-public bodies involved with economic development in the City of New York shall be correctly advised as to the potential advantages of forming an employee stock ownership plan.

2. To serve as a clearing house in connection with efforts to devise solutions for problems affecting business, industry and commerce in the city;

3. To promote and encourage the expansion and development of markets for city products;

4. To promote and encourage the location and development of new business and industry in the city, as well as the maintenance and expansion of existing business and industry, and for the purpose to cooperate with public and private agencies, organizations and individuals;

5. To study conditions affecting business, industry and commerce in the city, and to collect and disseminate such information, make such studies and carry on such education activities as may be necessary or useful in the effective execution of the powers of the office in relation to the promotion and development of business, industry and commerce in the city;

6. To maintain a business information service in order to assist business and industry in the city, and to encourage business and industry outside of the city to patronize the business and industrial establishments of the city;

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7. To make to the mayor, from time to time, recommendations concerning steps deemed advisable for the promotion and advancement of business and industrial prosperity in the city and the elimination of restrictions, burdens and handicapping factors having an adverse effect on business, industry and commerce in the city;

8. To publicize the economic advantages and other factors which make the city a desirable location for business and industry;

9. To collect information and compile and distribute literature and publicity material dealing with the facilities, advantages and attractions of the city and the historic and scenic points and places of interest therein;

10. To plan and conduct publicity and information programs designed to attract tourists, vacationers, visitors and other interested persons to the city, and to encourage, coordinate and cooperate with the efforts of public and private agencies, organizations and groups to publicize the advantages and attractions of the city for such purposes;

11. To encourage and cooperate with the efforts of public and private agencies, organizations and groups in publicizing the business, industrial and commercial advantages of the city;

12. To cooperate with and assist any corporation, organization, agency or instrumentality, whether public or private, the objects of which include, or which is authorized to act for the advancement of the business and industrial prosperity and economic welfare of the city, or the furnishing of encouragement and assistance in the location of new business and industry therein, or the rehabilitation or expansion of existing business and industry therein, or the creation of job opportunities or additional employment therein, so as to provide support by the office for any action, efforts or activities for the accomplishment of any such purposes in the city, on the part of any such corporation, organization, agency or instrumentality; and
13. To issue permits for the taking of motion pictures, and for
the taking of photographs and for the use or operation of
television cameras and/or any other transmitting television
equipment in or about city property, or in or about any street,
park, marginal street, pier, wharf, dock, bridge or tunnel within
the jurisdiction of any city department or agency or involving the
use of any city owned or maintained facilities or equipment.

Sec. 1314. Waterfront management advisory board. There shall
be in the office a waterfront management advisory board which shall
consist of twenty-one members and which shall consult with the
deputy mayor for economic development and the commissioner of
ports[,] international] and trade [and commerce] to advise them on
matters relating to the industrial, commercial, residential,
recreational and any other development of the city's wharves and
waterfront property and on other matters and at their request and
to render annually by March first as of December thirty-first of
the preceding year to the mayor, the [board of estimate] borough
presidents, the city council and people of the city a report
regarding the development of wharves and waterfront property in the
city.

The board shall include the deputy mayor for economic
development, to be designated as the chairperson of the board, the
commissioner of ports[,] international] and trade [and commerce] to
be designated as the vice chairperson, the director of the office
of management and budget, the chairperson of the city planning
commission, the commissioner of parks and recreation, the
commissioner of housing preservation and development, the
commissioner of environmental protection, two city council members
to be designated by the city council; in addition, there shall be
two labor representatives, two industry representatives, and eight
representatives of community interests, one from each borough and
three at large, to be selected by the mayor with the advice and
consent of the city council. The labor, industry and community
representatives shall each serve for a three-year term without
Sec. 1315. New York city sports commission. a. There shall be established a New York city sports commission consisting of five members who shall serve without compensation, each for a term of three years. Two members of the commission shall be appointed by the mayor, and two members shall be appointed by the [vice-chairman] speaker of the council, and one member shall be designated as chairperson by the mayor after consultation with the [vice-chairman] speaker.

The commission may appoint an executive director to serve at its pleasure and may employ or retain other employees and consultants within appropriations for such purpose.

b. Each member may designate a representative who may vote on behalf of such member and who shall be counted as a member for the purpose of determining the existence of a quorum. The designation of a representative shall be made in a prior written notice served upon the chairperson of the commission.

c. The commission shall:

(1) make recommendation to insure the continuation and growth of a healthy environment for professional, amateur and scholastic sports activities in the city; and

(2) seek to promote the city as a positive and profitable base for professional sports teams wishing to relocate their organizations; and

(3) perform such other duties as may be necessary as determined by the commission.
CHAPTER 57
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Sec. 1401. Department; commissioner. There shall be a department of environmental protection, the head of which shall be the commissioner of environmental protection.

Sec. 1402. Deputies. The commissioner may appoint three deputies.

Sec. 1403. Powers and duties of the commissioner. Except as otherwise provided by law, the commissioner shall have charge and control of and be responsible for all those functions and operations of the city relating to the provision of a pure, wholesome and adequate supply of water, the disposal of sewage and the prevention of air, water and noise pollution and shall be authorized to respond to emergencies caused by releases or threatened releases of hazardous substances and to collect and manage information concerning the amount, location and nature of hazardous substances. The powers and duties of the commissioner shall include, without limitation, the following:
a. Water resources control.
   (1) The commissioner shall have charge and control of:
      (a) All structures and property connected with the supply and distribution of water for public use not owned by private corporations, including all fire and drinking hydrants and all water meters;
      (b) Furnishing the water supply and maintaining its quality, and of the investigation for and the construction of all works necessary to deliver the proper and required quality of water with ample reserve for contingencies and future demands; and
      (c) Making and enforcing rules and regulations governing and restricting the use and supply of water; [and
      (d) Making rules and regulations, subject to the approval of the board of estimate, fixing uniform annual charges and extra and miscellaneous charges for the supply of water, meter rates and
minimum charges for the supply of water by meter, annual service 
charges and charges for meters and their connections and for their 
setting, repair and maintenance and charges for water where a meter 
shall fail to register correctly or shall cease to record the flow 
of water or where a meter shall have been removed, and in cases in 
which no fines are fixed by provision of law, or fixing and 
collecting fines for violations of rules and regulations; but no 
fines shall be imposed against any property unless notice thereof 
by mail is addressed to the owner of the property, or if his name 
is unknown, then to the "owner or occupant" thereof and a hearing 
is held;]

(2) The commissioner shall examine into the sources of water 
supply of any private companies supplying the city or any portion 
thereof or its inhabitants with water to see that the same is 
wholesome and the supply is adequate, to establish such rules and 
regulations in respect thereof as are reasonable and necessary for 
the convenience of the public and to exercise superintendence, 
regulation and control in respect to the supply of water by such 
water companies;

(3) Except as otherwise provided by law and subject to the 
provisions of this chapter, the commissioner shall regulate and 
control emissions into the water within and about the city of New 
York of harmful or objectionable substances, contaminants and 
pollutants; enforce all laws, rules and regulations with respect 
to such emissions; make such investigations and studies as may be 
desirable for the purpose of such enforcement and of controlling 
and eliminating pollution of such waters, and for such purpose 
shall have the power to compel the attendance of witnesses and to 
take their testimony under oath.

b. Sewage control.

(1) The commissioner shall have charge and control over the 
location, construction, alteration, repair, maintenance and 
operation of all sewers including intercepting sewers and sewage 
disposal plants, and of all matters in the several boroughs
relating to public sewers and drainage, and shall initiate and make all plans for drainage and shall have charge of all public and private sewers in accordance with such plans; and shall have charge of the management, care and maintenance of sewer and drainage systems therein.

(2) The commissioner may adopt regulations requiring the discharge of sewage, refuse, factory waste and trade waste into the public sewers of the city, or regulating, restricting or prohibiting the use of public sewers for the discharge therein of any material or substance and may prescribe civil penalties for the violation thereof.

c. Air resources control.

The commissioner shall regulate and control the emission into the open air of harmful or objectionable substances, including, but not limited to, smoke, soot, dust, fumes, flash, gas vapors, odors and any products of combustion or incomplete combustion resulting from the use of fuel burning equipment or from the heating of fuels or refuse. [He] The commissioner shall enforce all laws, rules and regulations with respect to such emissions[. He] and shall make such investigations and studies as may be desirable for the purpose of such enforcement and of controlling and eliminating air pollution, and for such purpose shall have power to compel the attendance of witnesses and to take their testimony under oath.

d. Noise pollution control.

The commissioner shall enforce all laws, rules and regulations to eliminate noise pollution. [He] The commissioner shall make investigations and studies to develop permissible sound levels and to correct problems related to noise control, and, for such purposes, [he] shall have power to compel the attendance of witnesses and to take their testimony under oath.

e. Review of environmental consequences of certain activities.

The commissioner shall review and comment upon the environmental consequences of any activity requiring the approval of any agency
of the city where such activity may have a significant impact on
the physical aspects of the environment of the city, and shall be
responsible for investigating, evaluating and reporting upon
activities related to fuel supply and demand, alternative sources
of energy, and resource recovery.

f. Resource recovery task force.

(1) There shall be a resource recovery task force, which shall
consist of no more than twelve employees, as well as such clerical
and secretarial staff as may be necessary, all of whom shall be
assigned by the commissioners of the department of environmental
protection and the department of sanitation. The commissioners
shall jointly appoint an executive director who shall report
directly to both commissioners.

(2) The task force shall advise and make recommendations to
both commissioners with respect to planning and implementation of
programs of energy and materials recovery for the city's solid and
liquid wastes.

(3) The approval of both commissioners shall be required prior
to the adoption of any plan, action or regulation recommended by
the task force except as to environmental impact determinations
which shall be the sole responsibility of the commissioner of
environmental protection.

g. Energy. The commissioner shall have the power and duty of
formulating an energy policy for the city. In formulating such
policy, the commissioner shall analyze the energy and fuel needs
of the city with respect to all kinds of energy, prepare
intermediate and long range plans, goals and programs designed to
meet such needs, establish priorities, among them, to study,
organize, promote, coordinate and carry out activities, projects
and programs designed to encourage fuel and energy conservation,
alternate sources of fuel and energy and encourage, stimulate and
foster others in these programs and goals.

h. Emergency response. The commissioner shall have the power
to respond to emergencies caused by releases or threatened releases
of hazardous substances into the environment. The commissioner may
(1) implement any response measures deemed to be necessary to
protect the public health or welfare or the environment from a
release or threat of release, (2) order responsible persons to
undertake response measures, and (3) recover the costs of response
measures incurred by the department from responsible persons.

i. Community right-to-know. The commissioner shall have the
power to collect, compile and manage information concerning the
amount, location and nature of hazardous substances present in the
city. This information shall be made available to city personnel
responsible for responding to emergencies involving hazardous
substances and the public.

Sec. 1404. Environmental control board. a. There shall be in
the department an environmental control board consisting of the
commissioner, who shall be chairman, the commissioner of
sanitation, the commissioner of buildings, the commissioner of
health, the police commissioner, the fire commissioner and the
commissioner of consumer affairs, all of whom shall serve on the
board without compensation and all of whom shall have the power to
exercise or delegate any of their functions, powers and duties as
members of the board, and six persons to be appointed by the mayor,
with the advice and consent of the city council, who are not
otherwise employed by the city, one to be possessed of a broad
general background and experience in the field of air pollution
control, one with such background and experience in the field of
water pollution control, one with such background and experience
in the field of noise pollution control, one with such background
and experience in the real estate field, one with such background
and experience in the business community, and one member of the
public, and who shall serve for four-year terms. Such members shall
be compensated at the rate of one hundred fifty dollars per day
when performing the work of the board. Within its appropriation,
the board may appoint an executive director and such hearing
officers, including non-salaried hearing officers and other
employees as it may from time to time find necessary for the proper
performance of its duties.

b. The environmental control board may adopt and amend
regulations not inconsistent with any provision of law:

(1) regulating or prohibiting the emission into the open air
from any source, whether fixed or movable, and whether on land or
waters of any harmful or objectionable substances including, but
not limited to, smoke, soot, dust, fumes, flash, gas vapors and
odors, and the installation, construction or alteration of
equipment giving forth such emissions into the open air insofar as
such emissions are effected thereby; and

(2) regulating or prohibiting the emission into the waters
within and about the city of New York from any source whether fixed
or movable and whether on land or water of any harmful or
objectionable substances, contaminants and pollutants.

c. (1) The environmental control board shall enforce the
provisions of the charter and the administrative code, and any
rules and regulations made thereunder, which relate to:

(a) the cleanliness of the streets;

(b) the disposal of wastes;

(c) the provision of a pure, wholesome and adequate supply of
water;

(d) the prevention of air, water and noise pollution;

(e) the regulation of street peddling;

(f) the prevention of fire and danger to life and property
therefrom which are within the jurisdiction of the fire department
and which the fire commissioner shall designate by rule or
regulation;

(g) the construction, alteration, maintenance, use, occupancy,
safety, sanitary condition, mechanical equipment and inspection of
buildings or structures in the city which are within the
jurisdiction of the department of buildings and which the
commissioner of buildings shall designate by rule or regulation;
(h) the response to emergencies caused by releases or threatened
releases of hazardous substances; and
(i) the reporting of information relating to the amount,
location and nature of hazardous substances, and the labeling of
hazardous substances.
(2) The board shall have concurrent jurisdiction with the board
of health to enforce those provisions of the health code and the
rules and regulations relating thereto which the board of health
shall designate.
(3) The board shall have authority from time to time to make,
amend and rescind such rules and regulations as may be necessary
to carry out its duties under this subdivision.
d. (1) (a) The environmental control board shall conduct
proceedings for the adjudication of violations of the laws, rules
and regulations enforced by it pursuant to the provisions of
subdivision c of this section or of any other law providing for
enforcement by the environmental control board in accordance with
this paragraph (1) and with rules and regulations promulgated by
the board, and shall have the power to render decisions and orders
and to impose the civil penalties provided under law for such
violations.
(b) The form and wording of notices of violation shall be
prescribed by the board. The notice of violation or copy thereof
when filled in and served shall constitute notice of the violation
charged, and, if sworn to or affirmed, shall be prima facie
evidence of the facts contained therein.
(c) The notice of violation shall contain information advising
the person charged of the manner and the time in which such person
may either admit or deny the violation charged in the notice. Such
notice of violation shall also contain a warning to advise the
person charged that failure to plead in the manner and time stated
in the notice may result in a default decision and order being
entered against [him] such person. The original or a copy of the
notice of violation shall be filed and retained by the board and
shall be deemed a record kept in the ordinary course of business.

(d) Where a respondent has failed to plead within the time allowed by the rules of the board or has failed to appear on a designated hearing date or a subsequent date following an adjournment, such failure to plead or appear shall be deemed, for all purposes, to be an admission of liability and shall be grounds for rendering a default decision and order imposing a penalty in the maximum amount prescribed under law for the violation charged.

(e) Any final order of the board imposing a civil penalty, whether the adjudication was had by hearing or upon default or otherwise, shall constitute a judgment rendered by the board which may be entered in the civil court of the city of New York or any other place provided for the entry of civil judgments within the state, and may be enforced without court proceedings in the same manner as the enforcement of money judgments entered in civil actions; provided, however, that no such judgment shall be entered which exceeds the sum of ten thousand dollars for each respondent.

(f) Notwithstanding the foregoing provision, before a judgment based upon a default may be so entered the board must have notified the respondent by first class mail in such form as the board may direct:

(i) of the default decision and order and the penalty imposed;

(ii) that a judgment will be entered in the civil court of the city of New York or any other place provided for the entry of civil judgments within the state of New York; and

(iii) that entry of such judgment may be avoided by requesting a stay of default for good cause shown and either requesting a hearing or entering a plea pursuant to the rules of the board within thirty days of the mailing of such notice.

(g) A judgment entered pursuant to this paragraph shall remain in full force and effect for eight years.

(h) Notwithstanding any inconsistent provision of section fifteen hundred four of the New York city civil court act, an
execution with respect to a judgment of the board arising out of
any violation of a provision of chapter thirty-one of the
administrative code of the city of New York shall be directed only
to the sheriff.

(2) The environmental control board shall not enter any final
decision or order pursuant to the provisions of paragraph one of
this subdivision unless the notice of violation shall have been
served in the same manner as is prescribed for service of process
by article three of the civil practice law and rules or article
three of the business corporation law, except that;

(i) service of a notice of violation of any provisions of the
charter or administrative code the enforcement of which is the
responsibility of the fire commissioner, the commissioner of
buildings or the commissioner of environmental protection and over
which the environmental control board has jurisdiction, may be made
by delivering such notice to a person employed by the respondent
on the premises the occupancy of which caused such violation; and

(ii) service of a notice of violation of any provision of the
charter or administrative code, the enforcement of which is the
responsibility of the commissioner of sanitation and over which
the environmental control board has jurisdiction, may be made by
affixing such notice in a conspicuous place to the premises, the
occupancy of which caused such violation.

Such notice may only be affixed or delivered pursuant to items
(i) and (ii) above where a reasonable attempt has been made to
deliver such notice to a person in such premises upon whom service
may be made as provided for by article three of the civil practice
law and rules or article three of the business corporation law.
When a copy of such notice has been affixed or delivered, pursuant
to items (i) and (ii) above, a copy shall be mailed to the person
at the address of such premises and, if the respondent is the owner
or agent of the building with respect to which such notice was
issued and the identity of and an address for such person is
contained in any of the files specified in subparagraphs (a), (b)
and (c) of this paragraph, a copy of the notice shall also be mailed:

(a) to the person registered with the department of housing preservation and development as the owner or agent of the premises, at the address filed with such department in compliance with article two of subchapter four of chapter two of title twenty-seven of the administrative code; or

(b) to the person designated as owner or agent of the building or designated to receive real property tax or water bills for the building at the address for such person contained in one of the files compiled by the department of finance for the purpose of the assessment or collection of real property taxes and water charges or in the file compiled by the department of finance from real property transfer forms filed with the city register upon the sale or transfer of real property; or

(c) to the person described as owner or agent of the premises, at the address for such person contained in the files of the agency which issued such notice of violation compiled and maintained for the purpose of the enforcement of the provisions of the charter or administrative code or other law over which such agency has jurisdiction. Proof of such service shall be filed with the Environmental Control Board within twenty days; service shall be completed within ten days after such filing.

(3) The environmental control board may apply to a court of competent jurisdiction for enforcement of any other decision or order issued by such board or of any subpoena issued by such board.
CHAPTER 58
DEPARTMENT OF FINANCE

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

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

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

Sec. 1504. Functions of the department. Except as otherwise provided by law, the department shall perform those functions and operations of the city which relate to the administration and collection of all taxes, assessments and charges imposed by the city, the collection of arrears due the city and all other sums due the city, including state and federal aid, the receipt and safekeeping of all moneys paid into the city treasury and payment of money out of the treasury, and the administration and management of certain trust funds held by the city, including, without limitation, the following:

1. Real property assessment. With respect to real property tax assessment, the department shall assess for taxation all the taxable real property in the city and prepare the assessment rolls. The commissioner shall appoint, within the appropriation therefor, as many assessors as shall be necessary for the performance of such functions in accordance with the provisions of this chapter.

2. Tax collection. a. The department shall administer all excise and non-property taxes imposed or administered by the city.

With respect to such taxes, the department shall have the power to
1 settle and adjust all claims in favor of or against the city and
2 to make determinations in contested cases. For such purposes, the
3 commissioner or [his] a delegate may hold hearings and administer
4 oaths.
5
6 b. The department shall collect all real property taxes, water
7 and sewer charges, other assessments and arrears against real
8 property and all other taxes, assessments and arrears payable to
9 the city.
10
11 3. Deposit and payment of moneys in the city treasury; trust
12 funds.
13 a. The department shall have the power and duty to provide
14 for the reception and safekeeping of all moneys paid into the
15 treasury of the city and for the payment of all moneys on warrants
16 drawn by the comptroller and countersigned by the commissioner.
17 b. The department shall administer and manage all trust funds
18 received or held by the city pursuant to a judgment, decree or
19 order of any court or under section eleven hundred twenty-three of
20 the surrogate's court procedure act, section ninety-nine-m of the
21 general municipal law, [section]sections eighty-seven and three-h
22 of the social services law, sections four hundred twenty-six and
23 four hundred thirty-two of the real property law, section two
24 hundred four of the lien law, [section two hundred twenty-five of
25 the family court act] and section five hundred fifty-three of the
26 county law, and in such administration it shall be deemed to be
27 acting in a fiduciary capacity. The department shall provide for
28 the receipt and safekeeping of all such moneys of the trust funds
29 held by the city and disburse the same on warrants signed by the
30 comptroller.
31 c. (i) Notwithstanding any provision of law to the contrary
32 and unless otherwise determined by the court which directed payment
33 of the funds in the first instance, for purposes of administering
34 and managing the trust funds, other than cemetery trust funds,
35 enumerated in paragraph b of this subdivision, whenever the
36 department is permitted or required by law to deposit such funds
in a savings bank, trust company, bank, or banking association, or to invest such funds in its discretion or in legal investments for trustees or savings banks, the department may combine all such trust funds into one or more common trust funds, which may be deposited in such savings banks, trust companies, banks or banking associations as are designated by the state comptroller pursuant to section one hundred eighty-two of the state finance law, or invested in legal investments for trustees or savings banks. Such funds, when deposited in a savings bank, trust company, bank or banking association, may be placed in demand or time deposit accounts, including time certificates of deposit, and such deposits shall be either insured by a federal deposit insurance corporation or fully collateralized by securities acceptable to the state comptroller.

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

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

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

Sec. 1506. Duties of the assessors. The assessors, under the direction of the commissioner, shall assess all the real property in the several districts that may be assigned to them by the
commissioner and shall prepare the assessment rolls. The term "assessment" shall mean a determination by the assessors of (a) the taxable status of real property as of the taxable status date; and (b) the valuation of real property, including the valuation of exempt real property, and where such property is partially exempt, the valuation of both the taxable and exempt portions.

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

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

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

Sec. 1510. Annual record of assessed valuation; public inspection. The books of the annual record of the assessed valuation of real estate shall be opened to the public not later than the fifteenth day of January in each year, not a Saturday, Sunday or legal holiday, and remain open during the usual business hours for public inspection and examination until the first day of March thereafter. The commissioner, previous to and during the time such books are open to public inspection, shall advertise such fact in the City Record and in such other newspaper or newspapers published in the several boroughs as may be authorized by the director of the City Record with the approval of the mayor and the comptroller.

Sec. 1511. Notice of increase in assessed valuation of real property. The department or division responsible for the
assessment of real property shall, upon an increase in assessed
valuation of real property, notify the owner, as recorded in said
department or division, of such increase by first-class mail at
least thirty days prior to the final date for filing any appeal.
The department or division shall notify the commissioner of the
mailing of such notices by the filing of an affidavit of such
mailing in the main office of the department.

Sec. 1512. Annual record of assessed valuation, additions and
changes. During the time the books of the annual record of the
assessed valuation of real estate remain open for public inspection
and examination, and, in the case of real estate other than
residential real estate, during an additional period ending the
tenth day of May in each year, the commissioner may place on such
books any real estate and also the assessed valuation of any such
real estate that may have been omitted from such books on the day
of the opening thereof, and [he] may increase or diminish the
assessed valuation of any real estate as in [his] the
commissioner's judgment may be just or necessary for the
equalization of taxation; [excepting that in nineteen hundred and
eighty-three, the commissioner may diminish the assessed valuation
of improved real estate with taxes under $2,500 annually until the
25th day of May;] but no such addition to the books and no such
increase in assessed valuation shall be made, except upon mailing
ten days' prior written notice addressed to the person whose name
appears on the records in the office of the city collector as being
the owner or agent of the owner of the real estate affected
thereby at the last known address of such owner or agent. Where no
name appears on such records such notice shall be sent to the
premises addressed to either the owner or agent. An affidavit of
such mailing shall be filed in the main office of the department.
When such notice is mailed after the first day of February, such
owners may apply for a correction of such assessment so added or
so increased within twenty days after the mailing of such notice
with the same force and effect as if such application were made on

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or before the first day of March in such year. For purposes of this section the term "residential real estate" shall include but not be limited to one and two-family homes and multiple dwellings (including co-operative and condominium dwelling units), but shall not include hotels, apartment hotels and motels.

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

Sec. 1514. Assessment rolls; preparation and delivery. 1. Commencing immediately after the close of the period for public inspection and examination of the books of annual record of the assessed valuation of real estate, the commissioner shall cause to be prepared assessment rolls for each borough in such manner as shall be provided by law. 2. As soon as such rolls are completed, the commissioner shall annex to each of such rolls a certificate that the same is correct in accordance with the entries and corrected entries in the several books of annual record. The rolls so certified must, on or before the twentieth day of June in each year, be delivered by the commissioner to the council.

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

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

c. The mayor, prior to establishing the final estimate of revenue for the ensuing fiscal year as required by this section, shall consider any alternative estimate of revenues which is submitted pursuant to subdivision d of this section and which is accompanied by a statement of the methodologies and assumptions upon which such estimate is based in such detail as is necessary to facilitate official and public understanding of such estimates.

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

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

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

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

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

(a) If the city council has not fixed the tax [rate] rates for the ensuing fiscal year pursuant to section fifteen hundred sixteen of the charter on or before the fifth day of June, the commissioner of finance shall be authorized to complete the assessment rolls using [an] estimated [rate] rates and to collect the sums therein mentioned according to law. The estimated [rate] rates shall equal the tax [rate] rates for the current fiscal year.

(b) If, subsequent to the fifth day of June, the council shall, pursuant to section fifteen hundred sixteen of the charter, fix the tax [rate] rates for the ensuing fiscal year at [a percentage] percentages differing from the estimated [rate] rates, real estate tax payments shall nevertheless be payable in accordance with subdivision [(]a[)] of this section at the estimated [rate] rates. However, in such event, prior to the first day of January in such fiscal year, the commissioner of finance shall cause the completed assessment rolls to be revised to reflect the tax [rate] rates fixed by the council pursuant to section fifteen hundred sixteen of the charter, and an amended bill for the installment or
installments for such fiscal year due and payable on or after the first day of January shall be submitted to each taxpayer in which whatever adjustment may be required as a result of the estimated bill previously submitted to the taxpayer shall be reflected.

Sec. 1517. Completion of assessment rolls. At such annual meeting the council shall cause to be set down in the assessment rolls, opposite to the several sums set down as the valuation of real property, the respective sums, in dollars and cents, to be paid as a tax thereon, rejecting the fractions of a cent. It shall also cause to be added and set down the aggregate valuations of the real property in the several boroughs, and shall transmit to the comptroller of the state by mail a certificate of such aggregate valuation in each borough.

Sec. 1518. Collection of the real property tax. 1. Immediately upon the completion of the assessment rolls, the city clerk shall procure the proper warrants authorizing and requiring the commissioner to collect the several sums therein mentioned according to law. Such warrants need be signed only by the president of the council and counter-signed by the city clerk. Immediately thereafter and on or before the thirtieth day of June, the assessment rolls of each borough, as corrected according to law and finally completed, or a fair copy thereof, shall be delivered by the president of the council to the commissioner with the proper warrants, so signed and counter-signed, annexed thereto. At the same time the president of the council shall notify the comptroller of the amount of taxes in each book of the assessment rolls so delivered.

2. The commissioner upon receiving the assessment rolls and warrants shall immediately cause the assessment rolls and warrants to be filed in the respective borough offices.

Sec. 1519. Real property taxes due and payable. The commissioner, immediately after receiving the assessment rolls, shall give notice for at least five days in the City Record that the assessment rolls have been delivered to [him] the commissioner
and that all taxes shall be due and payable at the commissioner's office as follows:

1. a. With respect to all properties which are:

   (1) real property with an assessed valuation of forty thousand dollars or less on such assessment roll, except such property held in a cooperative form of ownership; or

   (2) real property held in a cooperative form of ownership, provided that the assessed valuation on such assessment roll of such property divided by the number of dwelling units contained in such property shall equal forty thousand dollars or less; all taxes upon real estate for each fiscal year shall be due and payable in four equal installments each of which shall be due and payable in such year as follows: the first payment on the first day of July, the second payment on the first day of October, the third payment on the first day of January, the fourth payment on the first day of April. However, if any property is acquired by the city in condemnation proceedings, the proportionate share of the amount of the tax on such property which would be due and payable on the next succeeding installment date, shall be due and payable on the date when the title to such property vests in the city.

b. With respect to real property other than such property listed in paragraph a of this subdivision one:

   (1) For the fiscal year commencing on the first day of July nineteen hundred eighty-two: all taxes upon real estate shall be due and payable in three installments as follows: the first payment, consisting of one-fourth of the total amount payable for the year, shall be due and payable on the first day of July, the second payment, consisting of one-fourth of the total amount payable for the year, shall be due and payable on the first day of September, and the third payment, consisting of one-half of the total amount payable for the year, shall be due and payable on the first day of January. However, if any property is acquired by the city in condemnation proceedings, the proportionate share of the amount of the tax on such property which would be due and payable
on the next succeeding installment date, shall be due and payable on the date when the title to such property vests in the city.

(2) For the fiscal year commencing on the first day of July nineteen hundred eighty-three and for each fiscal year thereafter: all taxes upon real estate for each fiscal year shall be due and payable in two equal installments, the first of which shall be due and payable on the first day of July in such year, and the second of which shall be due and payable on the first day of January in such year. However, if any property is acquired by the city in condemnation proceedings, the proportionate share of the amount of the tax on such property which would be due and payable on the next succeeding installment date, shall be due and payable on the date when the title to such property vests in the city.

2. All taxes shall be and become liens on the real estate affected thereby and shall be construed as and deemed to be charged thereon on the respective days when they become due and payable, and not earlier, and shall remain such liens until paid.

3. Any installment of taxes on real estate for any fiscal year may be paid, in full or in part, twenty-five days prior to the date on which the first installment for such fiscal year would otherwise become due and payable or at any time thereafter and, provided that payment of any installment or part thereof is made not later than fifteen days prior to the date that such installment would otherwise become due and payable and provided that all prior installments shall have been paid or shall be paid at the same time, a discount shall be allowed from the date of payment of such installment or part thereof to and including the fifteenth day of the calendar month on which such installment would otherwise become due and payable at the rate fixed by the council and a receipt shall be furnished to the extent of such payment and the discount thereon. Upon payment of any such installment or part thereof prior to the date such installment would otherwise become due and payable, such installment or part thereof shall be deemed due and payable and shall be satisfied and extinguished to the extent of
the amount so paid plus the discount provided for herein. Not
later than the fifteenth day of May in each year, the banking
commission shall transmit a written recommendation to the council
of the proposed discount rate for the ensuing fiscal year. The
council may adopt a discount rate for such ensuing fiscal year on
the fifth day of June preceding such ensuing fiscal year or at any
time thereafter. As used in this subdivision, the words "taxes on
real estate," in the case of utility companies, shall also include
special franchise taxes.
Sec. 1520. Interest and penalties on real property taxes.
The commissioner shall charge, receive and collect the interest
and penalties upon taxes on real estate not paid when due and
payable in such manner and at such rates as shall be provided by
law, provided, however, where such taxes are not escrowed, and
where such interest does not exceed five dollars, it shall be
forgiven.
Sec. 1521. Right of entry. The commissioner or any assessor
may, in accordance with law, enter upon real property and into
buildings and structures at all reasonable times to ascertain the
character of the property. Refusal by the owner or [his] the agent
of such owner to permit such entry shall be a misdemeanor triable
by a judge of the criminal court of the city of New York and
punishable by not more than thirty days' imprisonment or a fine of
not more than fifty dollars, or both.
Sec. 1522. Warrants. No money shall be paid out of the
treasury except on a warrant authorized by law, signed by the
comptroller and countersigned by the commissioner of finance which
shall refer to the law under and to the appropriation against which
it is drawn. No warrant shall be paid on account of any
appropriation after the amount authorized to be raised for the
purpose specified in the appropriation shall have been expended.
In counter-signing warrants drawn by the comptroller, the
commissioner shall be under no duty of inquiring as to the
legality or propriety thereof but may rely on the comptroller's
Sec. 1523. Deposits. 1. The commissioner shall deposit all moneys which shall come into [his] the commissioner's hands on account of the city on the day of receipt thereof, or on the business day next succeeding, in such banks and trust companies as shall have been designated as deposit banks, but no amount shall be on deposit at any one time in any one bank or trust company exceeding one-half of the amount of the capital and net surplus of such bank or trust company. The moneys so deposited shall be placed to the account of the commissioner [and he] who shall keep a record in which shall be entered [his] the commissioner's accounts of deposits in, and moneys drawn from, the banks and trust companies in which the deposits shall be made. Each such bank and trust company shall transmit to the comptroller a weekly statement of the moneys which shall be received and paid by it on account of the commissioner.

2. The commissioner shall draw moneys of the city from said banks or trust companies only by checks subjoined and attached to warrants and subscribed by [him] the commissioner or by payment orders duly authorized by the comptroller and the commissioner, and no moneys shall be paid by any such banks or trust companies on account of the commissioner except upon such checks or orders; but this provision shall not apply to [transfer checks transferring] transfers of such funds from one city depository to another.

Sec. 1524. Deposit banks. 1. The banking commission which consists of the mayor, the commissioner and the comptroller shall, by majority vote, by written notice to the commissioner, designate the banks or trust companies in which all moneys of the city shall be deposited, and may by like notice in writing from time to time change the banks and trust companies thus designated.

2. a. Except as provided in paragraph b of this subdivision, no bank or trust company shall be designated pursuant to this section unless:
(1) it shall agree to pay into the city treasury interest or to provide the city with equivalent value on the daily balances at a rate which the banking commission shall [, by a majority vote, fix quarterly on the first day of February, May, August, and November in each year,] negotiate according to the current rate of interest upon like balances deposited in banks and trust companies in the city by private persons or corporations;

(2) it shall file with the banking commission and city clerk a certificate signed by the president or other duly authorized officer of such bank setting forth that its board of directors has established and will adhere to a policy of hiring and promotion of employees and officers without regard to sex, race, color, [creed] religion, religious affiliation, [sex,] national origin, disability, age, marital status, or sexual orientation, which certificate shall further set forth affirmatively the steps taken by the bank or trust company to implement said policy; and

(3) it does not provide the following services, either directly or through a subsidiary or agent, to the government of the Republic of South Africa: (a) advertising or otherwise promoting the sale, outside of the Republic of South Africa or Namibia, of krugerrands or other coins minted in the Republic of South Africa or Namibia, (b) underwriting securities of the government of the Republic of South Africa, or (c) making loans to such government, other than loans for educational, housing or health facilities available to all persons on a totally nondiscriminatory basis and located in geographic areas accessible to all population groups without any legal or administrative restrictions.

b. The commission may designate a bank or trust company which does not meet the criteria set forth in clause three of paragraph a of this subdivision upon a determination, made in writing and forwarded to the council, that deposit of city moneys in such bank or trust company is necessary to obtain essential services which are not reasonably obtainable from another bank or trust company. If the banking commission by majority vote shall decide that such
policy not to discriminate or provide services to the government of the Republic of South Africa has been violated after giving the bank or trust company an opportunity to be heard, then upon giving thirty days' notice to the bank or trust company such designation may be revoked.

3. The commissioner may, with the approval of the comptroller, make time deposits of city moneys, for a period not to exceed six months, in any bank or trust company designated for deposit of city funds. Each such bank or trust company shall before deposits are made, other than such as are of a temporary character and specifically relate to the current business of the city, execute and file with the commissioner a bond to the city in such form and in such amount as may be prescribed and approved by the commissioner and the comptroller for the safekeeping and prompt payment of city moneys on demand with interest at the rate agreed upon and, as security for such funds, shall deposit with the comptroller outstanding unmatured obligations [the value of which at the existing prices on the open market shall be equal to the estimated amount of the proposed deposit, for which the comptroller shall deliver a certificate of deposit containing the condition of such bond] of the United States of America, or any obligation fully guaranteed or insured as to interest and principal by the United States of America acting through an agency, subdivision, department or division thereof, obligations of the state of New York or obligations of the city of New York, the value of which at the existing prices on the open market shall be equal to the estimated amount of the proposed deposit, for which the comptroller shall deliver a certificate of deposit containing the condition of such bond.

4. On the withdrawal of all or a part of the funds deposited in any depository and a closing or depleting of the account thereof, or in the event of the deposit actually made being less than estimated amount of such deposit, the commissioner and the comptroller shall certify to such settlement or depletion or
difference and direct the surrender of the whole or a proportionate
share of the securities so deposited to the owner or owners
thereof.

Sec. 1525. City register. 1. There shall be within the
department a city register who shall be appointed by the mayor.
2. The functions, powers and duties formerly exercised by
the registers or registrars of the several counties shall remain
with the city register.

Sec. 1527. Contracts with collection agencies. 1. Notwithstanding any other provisions of law to the contrary, the
commissioner may enter into contracts with collection agencies
for the collection of (i) any or all tax warrants and judgments
for all city taxes subject to collection by the department, other
than real property taxes, or (ii) city water and sewer charges, or
both, provided however, that any such contract shall be subject to
the provisions of [section] sections three hundred forty-two and
three hundred forty-three of this charter.

2. Any such contract shall apply only to such tax warrants and
judgments and to such water and sewer charges as the commissioner
may refer to the collection agency, and shall be terminable at the
will of the commissioner.

3. The consideration to be paid to such collection agency may
be a percentage or percentages of the amount collected by such
agency, or as otherwise provided in the contract, but shall be
within the amount appropriated and available for such purpose.

4. No legal action to collect tax warrants and judgments or
water and sewer charges under any contract entered into pursuant
to this section shall be initiated without the express written
permission of the corporation counsel, and the selection of any
attorney to take such legal action shall be subject to the approval
of the corporation counsel.

5. Before beginning performance of a contract authorized by
subdivision one of this section, the contracting collection
agency shall give security for faithful performance and shall
provide such insurance policies, including but not limited to a
comprehensive general liability insurance, naming the city as a
party in interest, as the [board of estimate] commissioner may
require. The adequacy and sufficiency of such security and
insurance policies, as well as the justification and
acknowledgement thereof, shall be subject to the approval of the
comptroller. The commissioner, in his or her discretion, may
require additional security or insurance in such amounts and
running to such city officers and employees as the commissioner may
require, to indemnify them for any liability incurred by reason of
any act or omission of such collection agency.

6. No contract entered into pursuant to this section may be so
worded as to grant to any contracting collection agency the
exclusive right to perform any work authorized by this section.
CHAPTER 59
DEPARTMENT OF GENERAL SERVICES

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

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

Sec. 1602. Powers and duties of the commissioner. Except as otherwise provided by law, the commissioner shall have the power and it shall be the commissioner's duty to perform all the functions and operations of the city of New York relating to the construction, maintenance and care of public buildings and facilities; the procurement of goods and other personal property, the disposition of surplus property; the provision to city agencies of services other than personal services, the acquisition, disposition and management, sale or lease by the city of real property other than housing, the provision of automotive, communication, energy, and data processing services, the provision, regulation and control of electrical activities and similar services, including without limitation, the following:

1. Public buildings and facilities. With respect to public buildings and facilities, 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 facilities paid for in whole or in part from the city treasury;
   (b) to manage, alter, repair, operate, maintain and clean buildings, facilities 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] facilities; 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] Procurement of goods, other personal property and services. With respect to the procurement and disposal of goods and other personal property and the procurement of services other than personal services, the commissioner shall have the following powers and duties:
(a) [the power] to purchase, inspect, store and distribute all goods, supplies, materials [or] equipment and other personal property 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
(b) to establish and maintain one or more city storehouses, [to
operate] operating 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] surplus
and obsolete 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, and delivery of goods,
supplies, materials and equipment by agencies of the city and the
disposal of [unusable] surplus and obsolete materials, and to
supervise their enforcement;

(f) to classify all goods, supplies, materials and equipment;
to adopt as standards the minimum number of qualities, sizes and
types of commodities consistent with efficient operation and life
cycle costs; and to promulgate and enforce written specifications
for all such standard commodities.
3. Real property. With respect to real property, the commissioner shall have the following powers and duties:

(a) [to exercise and perform the powers and duties imposed by law upon the board of estimate relating to the acquisition, selling, leasing, exchanging or otherwise disposing of real property of the city and the assignment to city agencies of space owned or leased by the city. The commissioner shall also undertake] to purchase, lease, condemn or otherwise acquire real property for the city, subject to the approval of the mayor, 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 subject to review and approval either pursuant to section one hundred ninety-five, if applicable, or pursuant to sections one hundred ninety-seven-c and one hundred ninety-seven-d. No such purchase, lease, condemnation or other acquisition shall be authorized until a public hearing has been held with respect to such acquisition after the publishing of notice in the City Record at least ten days but not more than thirty days in advance of such hearing; provided, however, that in the case of an acquisition by purchase or condemnation, no such hearing shall be required if a public hearing is held with respect to such purchase or condemnation pursuant to any other requirement of law. In the case of a lease in which the city is to be the tenant, the notice for the hearing required in this subdivision shall include a statement of the location and proposed use of the premises, and the term and annual rent of the proposed lease. Before submitting an application pursuant to section one hundred ninety-seven-c for an acquisition or a disposition pursuant to this section, the commissioner shall take into consideration the criteria for site selection established pursuant to section two hundred three. If two years, not including time spent in litigation, have elapsed between (1) the final approval of a disposition or acquisition pursuant to section one hundred ninety-seven-c and section one hundred ninety-seven-d and (2) execution of an agreement in
connection with such disposition or acquisition, a public hearing shall be held on the proposed acquisition or disposition after the publishing of notice in the City Record at least forty-five days in advance of such hearing;

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

[(b)] (c) to manage [and superintend] all real property of the city not used for public purposes, including real property acquired for a public purpose and not being currently utilized for such purpose, [but the commissioner shall not manage and superintend] except 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] and the New York city housing authority by virtue of an authorization granted by the mayor pursuant to the provisions of subdivision three of section one hundred twenty-five of the public housing law, or except as otherwise provided by law, real property under the jurisdiction of the triborough bridge and tunnel authority;

[(c)] (d) to exercise and perform such other powers and duties as may be prescribed by law or delegated to [him] the commissioner in relation to the acquisition, disposition, management, site selection, assignment, demolition or other treatment of real property of the city;

[(d)] (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 him and approved by the board of estimate.]

(f) to 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.

4. Communications and Energy. With respect to communications [facilities] and energy, 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;]

Gas and electricity: to have charge and control of furnishing the city or any part thereof, by contract or otherwise, with gas, electricity, steam, hot water or other energy source, except such functions as are exercised by the public utility service of the city.

5. Data processing services. The commissioner shall [operate one or more data processing service centers providing] provide data processing [equipment] support, 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] The commissioner shall 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] fleets to agencies in accordance with the direction of the
mayor and [to operate] ensure the effective operation of all shops, yards, garages, fuel depots and other facilities required for the [effective and economical use and maintenance of such fleet] maintenance of fleets operated by agencies; and ensure the maintenance of records for all city-owned vehicles.

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.]
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 paragraphs (j), (k), (l) and (m) of subdivision [eight] six of section eighteen hundred two of this chapter.

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

1. all functions of the city relating to the rehabilitation, maintenance, alteration and improvement of residential buildings and privately owned housing including, but not limited to, the making of rehabilitation loans pursuant to article eight ("municipal loans"), article eight-a ("mini-loans") and article fifteen ("participation loans") of the private housing finance law, acting as liaison with the New York city rehabilitation mortgage insurance corporation established pursuant to article fourteen of the private housing finance law ("REMIC") and the New York city housing development corporation established pursuant to article twelve of the private housing finance law ("HDC"), the execution of emergency repairs to and the sealing, removal and demolition of buildings, structures and privately-owned housing in accordance
with applicable provisions of law and the enforcement of those
provisions of the multiple dwelling law or any other law, rule or
regulation which relate to the maintenance, use, occupancy, safety
or sanitary condition of any building or portion thereof which is
occupied, arranged or intended to be occupied as a home, residence
or dwelling place;

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

3. all functions of the city, and all powers, rights and duties
as provided by any federal, state or local law or resolution,
relating to slum clearance, slum prevention and urban renewal;
neighborhood conservation; prevention and rehabilitation of
blighted, substandard, deteriorated or insanitary areas, and
publicly-aided and public housing, including the regulation of
rents in housing built with state or local financing, except
housing under the jurisdiction of the New York city housing
authority;

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

[5]4. the functions, rights, powers and duties and the offices
granted to, vested in or delegated to the housing and redevelopment
board, the housing and development administration or the
administrator of the housing and development administration;

[6]5. such powers, rights and duties vested in or exercised by
the New York city housing authority as may be transferred to or
vested in the city;

[7]6. 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 municipal loans)], article eight-a [(relating to "mini" loans)], article eleven (relating to housing development fund companies) and article fifteen [(relating to participation loans)], and act as and exercise the powers, rights and duties vested in the "supervising agency" pursuant to the private housing finance law;

(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) the powers and duties imposed by law upon the board of
estimate relating to the sale, lease, exchange or other
disposition] (j) sell, lease, exchange or otherwise dispose of
residential real property of the city, provided that no such sale,
lease, exchange or other disposition shall be authorized without
the approval of the mayor and until a public hearing has been held
with respect to such action after the publishing of notice in the
City Record at least thirty days in advance of such hearing, and
provided further that any disposition by public auction shall be
conducted by the department of general services, except as
otherwise provided by law;

[(b) management] (k) manage and [superintendence of] superintend
all residential real property of the city not used for public
purposes, including real property acquired for a public purpose and
not being currently utilized for such purpose, but not [management
and superintendence of] wharf property, real property under the
jurisdiction of the New York city transit authority, real property
under the jurisdiction of the New York city housing authority by
virtue of an authorization granted by the mayor pursuant to the
provisions of subdivision three of section one hundred twenty-five
of the public housing law, or real property under the jurisdiction
of the triborough bridge and tunnel authority;
[(c)] (l) exercise such other powers and duties as may be
prescribed by law in relation to the management, demolition or
sealing or other treatment of residential real property of the
city; and
[(d) employment of] (m) employ professional, community and other
personnel to manage residential real property of the city.

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

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

Sec. 1804. [Organization of the department; notice. In
January, nineteen hundred seventy-eight and every six months
thereafter, in accordance with the procedures of subdivision (b)
of section one thousand forty-three of this charter, the
commissioner shall cause to be published in the City Record and
shall give notice of a written plan or chart describing the
organization of the department.] Acquisitions of real property.
No purchase, lease, condemnation or other acquisition of real
property by the department shall be authorized until (1) a public
hearing has been held with respect to the acquisition after the
publishing of notice in the City Record at least thirty days in
advance of such hearing and (2) the department shall have received
the approval of the mayor; provided, however, that in the case of
an acquisition by purchase or condemnation, no such hearing shall be required if a public hearing is held with respect to such purchase or condemnation pursuant to any other requirement of law. In the case of a lease in which the city is to be the tenant, the notice for the hearing required in this subdivision shall include a statement of the location and proposed use of the premises, and the term and annual rent of the proposed lease.
CHAPTER 67
DEPARTMENT OF CULTURAL AFFAIRS

Sec. 2501. Department; commissioner. There shall be a department of cultural affairs, the head of which shall be the commissioner of cultural affairs.

Sec. 2502. Deputies. The commissioner may appoint a deputy.

Sec. 2503. Powers and duties of commissioner. Except as otherwise provided by law, the commissioner shall have the power and duty:

(a) to plan, acquire, design, construct, improve and manage facilities for the conduct of cultural activities by the city and, to the extent possible, to use the resources of other agencies to perform design and planning functions subject to the approval of such agencies;

(b) to plan, develop, conduct and supervise such cultural activities; and

(c) to foster coordination among city, state and federal agencies, other organizations and institutions with respect to cultural activities in the city.

Sec. 2504. Budget estimates of cultural institutions. The capital and expense budget estimates, to the extent involving expenditures to be paid from the city treasury, of all institutions or other organizations engaging in cultural activities in the city, shall be submitted to the commissioner, who shall submit such expense budget estimates to the director of management and budget and such capital budget estimates to the mayor, the [board of estimate] borough presidents, the council, and the city planning commission in accordance with law, together with the commissioner's recommendations.

Sec. 2505. Cultural affairs advisory commission. 1. There shall be in the department a cultural affairs advisory commission consisting of not fewer than fifteen nor more than twenty-one members, exclusive of a deputy mayor, the commissioner of cultural
affairs, and the commissioner of parks and recreation, who shall serve as ex-officio members. The members of the advisory commission shall serve without compensation.

2. a. Members other than ex-officio members shall be appointed by the mayor for a term of three years and provided that of those members first taking office one-third shall serve for one year, one-third shall serve for two years and the remainder shall serve for three years. Notwithstanding the date of appointment, the terms of members first taking office shall be deemed to commence on the effective date of this chapter.

b. The mayor shall designate one of the members of the commission to be chairman and one to be vice-chairman.

3. The commission shall advise the commissioner and the mayor with respect to cultural activities in the city and in furtherance of this function shall:

a. formulate and recommend goals with regard to cultural activities and policy;

b. foster coordination among city, state and federal agencies and other organizations and institutions with respect to cultural activities;

c. compile data and reports and submit its findings to the commissioner and the mayor; and

d. perform such other related functions and duties which may, from time to time, be deemed appropriate by the mayor.

4. All city agencies are directed to cooperate with the commission, consistent with the law, in order to coordinate and promote cultural activities in this city.
(excerpts: Revisions of Sec. 2602 and New Paragraph Added to Sec. 2604(b))

Sec. 2602. Conflicts of interest board. a. There shall be a conflicts of interest board consisting of [three] five members, appointed by the mayor with the advice and consent of the council. The mayor shall designate a chair.

b. Members shall be chosen for their independence, integrity, civic commitment and high ethical standards. No person while a member shall hold any public office, seek election to any public office, be a public employee in any jurisdiction, hold any political party office, or appear as a lobbyist before the city.

c. Each member shall serve for a term of six years; provided, however, that of the three members first appointed, one shall be appointed for a term to expire on March thirty-first, nineteen hundred ninety-one, one shall be appointed for a term to expire on March thirty-first, nineteen hundred ninety-two and one shall be appointed for a term to expire on March thirty-first, nineteen hundred ninety-four, and of the remaining members, one shall be appointed for a term to expire on March thirty-first, nineteen hundred ninety-two and one shall be appointed for a term to expire on March thirty-first, nineteen hundred ninety-four. If the mayor has not submitted to the council a nomination for appointment of a successor at least sixty days prior to the expiration of the term of the member whose term is expiring, the term of the member in office shall be extended for an additional year and the term of the successor to such member shall be shortened by an equal amount of time. If the council fails to act within forty-five days of receipt of such nomination from the mayor, the nomination shall be deemed to be confirmed. No member shall serve for more than two consecutive six-year terms. [All] The three initial nominations by the mayor shall be made by the first day of February, nineteen
hundred eighty-nine, and both later nominations by the mayor shall be made by the first day of March, nineteen hundred ninety.

d. Members shall receive a per diem compensation, no less than the highest amount paid to an official appointed to a board or commission with the advice and consent of the council and compensated on a per diem basis, for each calendar day when performing the work of the board.

e. 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 mayor made to the council within sixty days of the creation of the vacancy, for the unexpired portion of the term of the member succeeded. If the council fails to act within forty-five days of receipt of such nomination from the mayor, the nomination shall be deemed to be confirmed.

f. Members may be removed by the mayor for substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office or violation of this section, after written notice and opportunity for a reply.

g. The board shall appoint a counsel to serve at its pleasure and shall employ or retain such other officers, employees and consultants as are necessary to exercise its powers and fulfill its obligations. The authority of the counsel shall be defined in writing, provided that neither the counsel, nor any other officer, employee or consultant of the board shall be authorized to issue advisory opinions, promulgate rules, issue subpoenas, issue final determinations of violations of this chapter, or make final recommendations of or impose penalties. The board may delegate its authority to issue advisory opinions to the chair.

h. The board shall meet at least once a month and at such other times as the chair may deem necessary. Two members of the board shall constitute a quorum and all acts of the board shall be by the affirmative vote of at least two members of the board.
Sec. 2604. Prohibited interests and conduct

b. Prohibited Conduct.

15. No elected official, deputy mayor, deputy to a citywide or boroughwide elected official, head of an agency, or other public servant who is charged with substantial policy discretion as defined by rule of the board may be a member of the national or state committee of a political party, serve as an assembly district leader of a political party or serve as the chair or as an officer of the county committee or county executive committee of a political party, except that a member of the City Council may serve as an Assembly district leader or any lesser political office as defined by rule of the board.
CHAPTER 69
COMMUNITY DISTRICTS AND COTERMINALITY OF SERVICES

Sec. 2700. Declaration of intent. [The capacity of the city to provide services to residents and businesses, the welfare and orderly development of communities in the five boroughs, and the active participation of city residents in civic activities has been impeded by (1) the dissimilarity of local service delivery districts of municipal agencies and (2) the disparity among such service districts and the community districts and city council districts.] It is the intent of this chapter to encourage and facilitate coterminous community districts and service districts to be used for the planning of community life within the city, the participation of citizens in city government within their communities, and the efficient and effective organization of agencies that deliver municipal services in local communities and boroughs.

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

b. Each community district shall:

(1) [So far as feasible, lie] Lie within the boundaries of a single borough, except as provided in subdivisions d and e of this section, and coincide with historic, geographic and identifiable communities from which the city has developed;

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

and,

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

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.

With respect to the city's central business district in the borough of Manhattan from fifty-ninth street south, the 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 council shall take into consideration the residential, working and other daytime populations as well as the hotel and transient or other nighttime populations and adhere as nearly as possible to the provisions of paragraph (3) of subdivision [b] a of this section.

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 in effect as of the seventh day of November of nineteen hundred eighty nine shall be continued until modified pursuant to this section. Not later than the first day of October[,] of nineteen hundred [seventy-six] ninety-three and of every tenth year thereafter, the mayor shall, and at such other times as the mayor deems appropriate, the mayor may, prepare and present to the [board of estimate] council a [preliminary] report reviewing the community district map [pursuant to this chapter] then in force and presenting such recommendations for changes in the map as the mayor deems appropriate. Such review shall consider shifts in population shown in the most recent decennial census that may require adjustments in the community district map to conform to the criteria in section twenty-seven hundred one. Such review shall also consider whether reducing the size of any community district would provide more efficient and effective service delivery within the district or districts involved. If the mayor's recommendations for changes in the map would produce a community district with a population below seventy-five thousand persons, the mayor may consider whether partial suspension of coterminality within the district is likely to provide more efficient or effective service delivery of one or more of the services for which coterminality is required, and may recommend that coterminality for one or more designated services within the community district and any adjacent district be suspended. The mayor's recommendations for changes shall be referred to as the preliminary revision of the community district map.

b. The borough presidents, city planning commission, community boards and other civic, community and neighborhood groups and associations shall be consulted and their recommendations considered in the preparation of the preliminary revision of the community district map.
c. The mayor shall publish the preliminary revision of the community district map in the City Record and in each [county] borough of the city and shall, jointly with the borough president, conduct one or more public hearings on it in each borough of the city. Within sixty days after the last such hearing, the mayor shall submit to the council such preliminary revisions of the community district map as he or she deems appropriate.

d. The [board of estimate] council shall conduct public hearings on the preliminary revision of the community district map submitted by the mayor and it shall, by resolution, within one hundred twenty days of such submission, adopt, adopt with modifications, or disapprove the map as submitted [or as modified by it not later than the date specified in subsection a of section twenty-seven hundred one]. If the council adopts the proposed map without modifications, or if the mayor concurs in any modifications adopted by the council, the new map shall be effective as of the date specified in the mayor's proposal or in the modifications adopted by the council and concurred in by the mayor. If the council disapproves the map as submitted by the mayor, or if the council fails to act within the one hundred twenty day period, or if the mayor does not concur in any modifications adopted by the council, the community district map then in force shall remain in effect.

[Sec. 2703. Modification and review. a. The community district map shall be reviewed within one year following the publication of each decennial census, and a new or revised community district map may be adopted pursuant to the criteria and 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

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

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

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

[f] e. For purposes of this section, coterminality of services
shall mean that
[(1)] the boundaries of the local service districts of each
[designated] agency service listed in subdivision a or required to
be made coterminous pursuant to subdivision c shall coincide with
the boundaries of community districts[, and]

f. [(2)the] The head of each [designated] agency responsible
for one or more of the services listed in subdivision a or required

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to be made coterminous pursuant to subdivision c 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] such official shall have operating or line authority over agency programs, personnel and facilities within the local service district; (2) assign to each borough at least one borough commissioner, or official with an equivalent title, who shall have line authority over agency programs, personnel and facilities within the borough related to such services; such official shall consult regularly with the borough president and shall be a member of the borough service cabinet established pursuant to section twenty-seven hundred six of the charter; and (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.

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.

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.) Each
borough president may publish an annual report evaluating the
delivery, within the borough, of the services which are listed in
subdivision a, or are required to be made coterminous pursuant to
subdivision c, of this section.

j. On or before the first day of December of nineteen hundred
ninety, the mayor shall appoint a task force on service delivery,
consisting of no more than ten members, to review the requirements
of subdivisions a, c and f of this section. Such task force shall
include members appointed upon the recommendation of the council,
comptroller, president of the council and borough presidents. The
membership of the task force shall include, but not be limited to,
community board members, district managers, and representatives of
the agencies subject to the requirements of this section. On or
before the first day of December of nineteen hundred ninety two,
the task force shall submit a report to the mayor and council
summarizing its conclusions and presenting such recommendations
for changes in the list of services made coterminous pursuant to
subdivisions a or c, and in the requirements for such services
contained in subdivision f, as the task force deems appropriate.

k. 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 subdivisions a and c 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;
Sec. 2706. Borough agency managers and borough service cabinets. a. The head of each agency delivering services in the boroughs [so far as is practicable] shall designate [a] one or more senior [official] officials of the agency with line authority as borough [representative] representatives of the agency with such coordinative or other duties and responsibilities as the head of the agency may specify in a written statement filed in the agency and with the director of operations and the appropriate borough president.

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

1. Coordinate at the borough level service delivery functions and programs of agencies that provide services in the borough;
2. Consider interagency problems and impediments to the effective and economic delivery of services in the borough;
3. Plan and develop programs addressed to the needs and priorities of the borough and its residents; and
4. Consult with residents of the borough and representatives of the community boards about service problems and activities.
5. Keep a public record of its activities and transactions, including minutes of its meetings.

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

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

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

Sec. 2708. Agency information. Each agency with service districts within the community districts and boroughs shall make available to each community board and borough board and to the respective borough presidents current information on its operations and programs within each community district and borough.
Sec. 2800. Community boards. a. For each community district created pursuant to chapter sixty-nine there shall be a community board which shall consist of (1) not more than fifty persons appointed by the borough president for staggered terms of two years, at least one-half of whom shall be appointed from nominees of the council members elected from council districts which include any part of the community district, and (2) all such council members as non-voting members. The number of members appointed on the nomination of each such council member shall be proportional to the share of the district population represented by such council member. The city planning commission, after each council redistricting pursuant to chapter two-A, and after each community redistricting pursuant to section twenty-seven hundred two, shall determine the proportion of the community district's population represented by each council member. Copies of such determinations shall be filed with the appropriate borough president, community board, and council member. One-half of the members appointed to any new community board shall serve for a term of one year. The terms of all appointed members shall be calculated from the first day of April in the each odd-numbered year in which they take office and one half of the members appointed to any community board shall serve for a term of two years beginning on the first day of April in each even-numbered year in which they take office. Members shall serve until their successors are appointed but no member may serve for more than sixty days after the expiration of his or her original term unless reappointed by the borough president. Not more than twenty-five percent of the appointed members shall be city employees. No person shall be appointed to or remain as a member of the board who does not have a residence, business, professional or other significant interest in the district. The borough
president shall assure adequate representation from the different geographic sections and neighborhoods within the community district. In making such appointments, the borough president shall consider whether the aggregate of appointments fairly represents all segments of the community. Community boards, civic groups and other community groups and neighborhood associations may submit nominations to the borough president and to council members.

b. An appointed member may be removed from a community board for cause, which shall include substantial nonattendance at board or committee meetings over a period of six months, 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 reasonable public inspection, by-laws and statements of the duties assigned by the board to its district manager and other professional staff appointed pursuant to subdivision f of this section; and keep a public record of its activities and transactions, including minutes of its meetings, [and] majority and minority reports, and all documents the board is required by law to review, which shall be made available, in accordance with law, to elected officials upon request and for reasonable public inspection;

(8) Request the attendance of agency representatives at meetings of the community board;

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

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

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

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

(12) 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) 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) Evaluate the progress of capital projects within the
community district based on status reports to be furnished to the
board;

(16) Be authorized to assign a representative to attend 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) 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) 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) Evaluate the quality and quantity of services
provided by agencies within the community district; [and]

(18) Within budgetary appropriations for such purposes,
disseminate information about city services and programs, process
complaints, requests, and inquiries of residents of the community
district; and
(21) Conduct substantial public outreach, including identifying
the organizations active in the community district, maintaining a
list of the names and mailing addresses of such community
organizations, and making such names and, with the consent of the
organization, mailing addresses 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 [who] and shall be
authorized to utilize the services of such other professional staff
and consultants, including planners and other experts, as it may
deem appropriate, all of whom shall serve at the pleasure of the
community board and shall provide the board with the staff support
and technical assistance it requires to fulfill the duties assigned
to it by this charter or other law. 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 in accordance
with the statement of duties required by paragraph seven of
subdivision d of this section. 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 and 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.
SECTION 2901. Department; commissioner. There shall be a department of transportation, the head of which shall be the commissioner of transportation.

SECTION 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.

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

a. Parking and traffic operations. The commissioner shall:

(1) make such rules and regulations for the conduct of vehicular and pedestrian traffic in the streets, squares, avenues, highways and parkways of the city as may be necessary. The violation of such rules and regulations shall be a traffic infraction triable by a judge of the criminal court of the city of New York and, except as otherwise provided by law, punishable by not more than fifteen days' imprisonment, or by a fine of not more than fifty dollars, or both, and may also be adjudicated pursuant to title nineteen of the administrative code or pursuant to articles 2-A and 2-B of the vehicle and traffic law. The police commissioner may, in an emergency, suspend for a period of forty-eight hours the provisions of any such rule or regulation and shall immediately notify the commissioner of such suspension. In order to expedite the movement of traffic or to safeguard pedestrians or property, a police officer or authorized employee of the transportation department may order a person to disregard any traffic signal or any such rule or regulation;
(2) establish, determine, control, install and maintain the
design, type, size and location of any and all signs, signals,
marking, and similar devices indicating the names of the streets
and other public places and for guiding, directing or otherwise
regulating and controlling vehicular and pedestrian traffic in the
streets, squares, parks, parkways, highways, roads, alleys,
marginal streets, bridges and other public ways of the city;
(3) make recommendations to the mayor as to the design and
location of highway lighting devices, poles and fixtures, and the
type of intensity of illumination of streets and highways;
(4) prepare and submit to the mayor a proposed comprehensive
city traffic plan;
(5) collect and compile traffic data and prepare engineering
studies and surveys in regard to vehicular and pedestrian traffic;
(6) prepare and submit to the mayor detailed reports in regard
to traffic conditions in the city;
(7) make recommendations to the mayor in regard to methods of
ameliorating traffic conditions which adversely affect the welfare
of the city and which cannot be remedied by traffic rules and
regulations;
(8) submit to the mayor from time to time for consideration and
forwarding to appropriate city agencies, specific proposals for
amendment of any resolutions, rules, or regulations of any city
agency which affect traffic conditions in the city, and proposed
legislation which may be necessary to implement and effectuate such
proposals;
(9) prepare and submit to the mayor, for consideration and
forwarding [by him] to [the board of estimate,] the council, the
city planning commission and to other agencies of the city,
recommendations and proposals for the improvement of existing
streets, street widening and the location of new streets, avenues,
highways and parkways; the location and design of parking garages
and parking areas; the establishment of public parking garages and
parking areas; the location, type and design of off-street loading
and unloading and parking facilities; and other matters relating to traffic control;

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

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

(12) carry on educational activities for the purpose of promoting traffic safety and free movement of vehicular and pedestrian traffic in the city;

(13) establish parking meter zones, determine the design, type, size, location and use of parking meters and fix the fees for parking in parking areas and public parking garages except that regulations pertaining to the use of parking meter zones shall not apply to vehicles operated by disabled persons duly displaying special vehicle identification cards issued by the commissioner other than at those periods of time when "no standing" restrictions are in effect in the metered zones. The parking fees and fines and penalties for violation of parking rules so collected shall be paid into a special fund to be known as the "traffic improvement fund."

The revenues of such fund, upon authorization by the [board of estimate] council, shall be used for the payment of all costs of purchase, rental, engineering, installation, operation, maintenance and repair of parking meters, for the collection of coins, for the enforcement of rules and regulations pertaining to vehicular parking, the collections of fines and penalties for violation of such rules and regulations, and for the payment of interest on, amortization of, or payment of any indebtedness contracted by the city in connection with the installation, operation and maintenance of parking meters. Any revenues remaining after such payments are made shall be used for capital and other expenditures to ameliorate traffic conditions which adversely affect the welfare of the city;
enforce laws, rules and regulations concerning the parking of vehicles and the movement and conduct of vehicular and pedestrian traffic;

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

(b) The commissioner may employ, hire and retain officers, agents and employees for the purpose of enforcing laws, rules and regulations prohibiting, regulating, directing, controlling or restricting the parking of vehicles and the movement and conduct of vehicular and pedestrian traffic, which officers, agents and employees are hereby authorized, empowered and designated to issue, make and serve tickets, summonses and complaints for traffic infractions pursuant to article two-A of the vehicle and traffic law and such rules and regulations as may be promulgated thereunder, to issue, make and serve simplified traffic information and to issue, make and serve appearance tickets for traffic infractions, misdemeanors and violations related to the movement and conduct of vehicular traffic, pursuant to article two-B of the vehicle and traffic law and title nineteen of the administrative code of the city of New York and such rules and regulations as may be promulgated thereunder.
issue special vehicle identification permits;

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

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

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

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

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

(16) operate and control the parking violations bureau.

(17) Establish and publicize a telephone number for citizen
reporting of violations of section 1203-c of the vehicle and
traffic law;

(a) The department shall affix a sign indicating the
aforementioned telephone number to all above grade signs, located
on city property which display the international symbol of access;
(b) Any person, firm or corporation that is required by law to
install such above grade signs, which display the international
symbol of access, shall affix a sign indicating the aforementioned
telephone number to these signs.
(c) Whenever the department shall determine that such a sign
should be installed or affixed, it may order the owner of the
property to perform such work. Such order shall specify the work
to be performed and shall fix a reasonable time for compliance.
The department shall, by appropriate regulations, provide for a
reinspection by a departmental inspector, if the owner of the
property requests such reinspection.
(d) Upon the owner's failure to comply with such order or
notice within thirty days of service thereof, the department may
perform the work or cause same to be performed, the cost of which,
together with administrative expenses, as determined by the
commissioner, but not to exceed twenty percent of the cost of
performance, shall constitute a debt recoverable from the owner by
lien on the property affected or otherwise. Upon entry by the city
collector, in the book in which such charges are to be entered, of
the amount definitely computed as a statement of account by the
department, such debt shall become a lien prior to all liens or
encumbrances on such property, other than taxes. An owner shall
be deemed to have complied with this subdivision if he or she
performs such work as specified in the order within the time set
forth therein.

(e) Service of a notice or order upon an owner pursuant to the provisions of this section shall be made upon such owner or upon his or her designated managing agent personally or by certified or registered mail, return receipt requested, addressed to the person whose name appears on the records of the city collector as being the owner of the premises. If the records of the city collector show that a party, other than the owner, has been designated to receive tax bills for such property, the notice shall be mailed to such party as well as the owner of record, at his or her last known address. If the postal service returns the order with a notation that the owner refused to accept delivery of such notice, it may be served by ordinary mail and posted in a conspicuous place on the premises.

(f) A copy of such notice or order shall also be filed in the office of the clerk of the county where the property is situated, together with proof of service thereof.

(g) A notice of such account, stating the amount due and the nature of the charge, shall be mailed by the city collector, within five days after such entry, to the last known address of the person whose name appears on the records of the city collector as being the owner or the agent or as the person designated by the owner to receive tax bills or where no name appears, to the premises, addressed to either the owner or the agent.

(h) If such charge is not paid within ninety days from the date of entry, it shall be the duty of the city collector to charge and receive interest thereon, to be calculated to the date of payment from the date of entry.

(i) Such charge and interest shall be collected and the lien thereof may be foreclosed in the manner provided by law for the collection and foreclosure of the lien of taxes, sewer rents, sewer surcharges and water charges due and payable to the city, and the provisions of chapter four of title eleven of the code shall apply to such charge and the interest thereon and the lien thereof.
(j) In addition to collecting the charge for the cost of installation or affixing of such a sign, the city may maintain a civil action for recovery of such charge against a property owner who is responsible under this section for such work in the first instance, provided however, that in the event that the department performs the work without duly notifying such person in the manner prescribed in subdivision e, the cost to the city of performing such work shall be prima facie evidence of the reasonable cost thereof.

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

(1) regulating, grading, curbing, flagging and guttering of streets, including marginal streets and places, and the laying of crosswalks;
(2) designing, constructing and repairing of public roads, streets, highways and parkways;
(3) paving, repaving, resurfacing and repairing of all public roads, streets, including marginal streets and places, highways and parkways and the relaying of all pavement removed for any cause including cleaning, sweeping, landscaping and maintenance functions for arterial highways as defined by regulation;
(4) filling of sunken lots, fencing of vacant lots, digging down of lots and licensing of vaults under sidewalks;
(5) regulation of the use and transmission of gas, electricity, pneumatic power and steam for all purposes in, upon, across, over and under all streets, roads, avenues, parks, public places and public buildings; regulation of the construction of electric mains, conduits, conductors and subways in any streets, roads, avenues, parks and public places and the issuance of permits to builders and others to use or open a street; and to open the same for the purpose of carrying on the business of transmitting, conducting, using and selling gas, electricity or steam or for the service of
pneumatic tubes, provided, however, that this subdivision shall not be construed to grant permission to open or use the streets except by persons or corporations otherwise duly authorized to carry on business of the character above specified;

(6) construction, alteration and maintenance of all bridges and tunnels. The commissioner shall issue a report to the mayor, [board of estimate,] city council and the people of the city about the condition of all bridges and tunnels operated and maintained by the department on March first, as of December thirty-first of the preceding calendar year. The report shall include a description of all capital and revenue budget funds appropriated for rehabilitation and maintenance of bridges and tunnels as well as the program developed by the commissioner for the maintenance of all bridges and tunnels in the city of New York;

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

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

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

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

c. Ferries and related facilities. The commissioner shall:

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

(2) be responsible for constructing, acquiring, operating, maintaining or controlling all ferry boats, ferry houses, ferry
terminals and equipment thereof and all wharf property and marginal
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.
CHAPTER 72
DEPARTMENT OF RECORDS AND INFORMATION SERVICES

Sec. 3000. Department; commissioner. There shall be a department of records and information services which shall include, but not be limited to, municipal archives, a municipal reference and research center and municipal records management division. The head of the department shall be the commissioner, who shall be appointed by the mayor.

Sec. 3001. Deputy. The commissioner may appoint one deputy.

Sec. 3003. Powers and duties. The commissioner: 1. shall be the chief archivist of the city and shall advise the mayor, [board of estimate] borough presidents and council on those matters concerning the preservation of the city's historical documentation: 2. shall act as the chief reference and research librarian for the mayor, [board of estimate] borough presidents and council and shall ensure that all significant research material pertaining to the operations of the city as well as other municipalities shall be preserved and readily available for use; 3. shall act as the chief public records officer for the mayor, [board of estimate] borough presidents and council and shall, except as otherwise provided by law, establish standards for proper records management in any agency or government instrumentality funded in whole or in part from local tax levy monies, and 4. shall have the power to exercise or delegate any of the functions and duties vested in [him] such commissioner by law.

Sec. 3004. Department; duties. 1. The department shall operate a municipal archives, the head of which shall be a professional archivist. The archives shall perform the following functions:

a. develop and promulgate standards, procedures and techniques with regard to archives management;

b. make continuing surveys of existing records to determine the most suitable methods to be used for the creating, maintaining,
storing and servicing of archival material;

c. preserve and receive all city records of historical, research, cultural or other important value;

d. appraise, accession, classify, arrange and make available for reference all records which come into the possession of the archives; and

e. establish and maintain an archives depository for the storage, conservation, processing and servicing of records.

2. The department shall operate a municipal reference and research center, the head of which shall be a professional librarian. The center shall perform the following functions:

a. provide information and assistance to the mayor, the board of estimate, members of committees thereof and administrative officers of the city in connection with problems of municipal administration and proposed legislation;

b. provide legislative reference assistance to the council, its members and committees and maintain, in a legislative reference section, such records and papers as the council and city clerk may remand to its custody;

c. maintain facilities which shall be open to the public wherein, subject to such reasonable regulation as may be prescribed, all books, reports, documents and other materials shall be available for public inspection;

d. ensure that at least one copy of each report, document, study or publication of the city or any of its administrations, departments, boards or other agencies shall be available at the center at all times;

e. collect, compile and maintain data and information pertaining to the operation of the city as well as other municipalities, governmental bodies and public authorities and arrange for the exchange, sale, purchase and loan of information materials from and with legislative and research services, libraries and institutions in other municipalities, governmental bodies and public authorities.
3. The department shall:
   a. provide for the distribution of publications of the city, where such authority is not vested in another city agency, and issue at regular intervals, no less than quarterly, a bulletin describing its facilities and resources;
   b. institute actions in replevin to recover any historical and/or other documents properly owned by, or originating from, the city of New York;
   c. report annually by the thirtieth of September to the mayor, board of estimate and city council on the powers and duties hereinmentioned including but not limited to the cost of savings effectuated by the department during the preceding fiscal year.

4. The department shall operate a municipal records management division, the head of which shall be a professional records manager. The center shall perform the following functions:
   a. develop and promulgate standards, procedures and techniques in relation to records management;
   b. make continuing surveys of operations relating to records and recommend improvements in current records management practices, including the use of space, equipment and materials employed in the creation, maintenance, storage and servicing of records;
   c. establish standards for the preparation of schedules for the disposition of records, providing for the retention of records and archives of continuing value, and for the prompt and orderly disposal of records no longer possessing sufficient administrative, legal or fiscal value to warrant their further retention and
d. establish, maintain and operate facilities for the storage, processing and servicing of records for all city agencies pending their deposit in the municipal archives or their disposition in any manner as may be authorized by law.

Sec. 3007. Departmental libraries. The commissioner shall analyze the needs of each city agency, except the law department, with respect to the establishment and maintenance of any library or research facility therein, and make such recommendations as may
be appropriate in the circumstances.

Sec. 3008. Rules and regulations. The commissioner shall promulgate rules and regulations to effectuate the purposes of this chapter, except that rules and regulations relating to the disposal of records pursuant to section [three thousand five] eleven hundred thirty-three of this [chapter] charter shall be issued by the commissioner after consultation with the corporation counsel and the comptroller.

Sec. 3009. Archives, reference and research advisory board. There shall be in the department an archives, reference and research advisory board which shall consist of fifteen members who shall be appointed by the mayor and which shall consult with the commissioner with respect to the functions referred to in subdivisions one and two of section three thousand four of this chapter to advise [him] such commissioner in matters at his or her request and render annually to the mayor a report regarding the development of municipal archives, reference and research services in the government and administration of the city.

Sec. 3010. Municipal archives reference and research fund. 1. There is hereby established a municipal archives reference and research fund, which shall be credited with all sums appropriated therefor, donations made thereto, and proceeds from the disposition of personal property which is in the custody of the department and which the commissioner has determined is not a record which must be retained pursuant to law and is not necessary for archival, reference, or research purposes. Interest accruing on principal from all aforementioned sources also shall be credited to the fund.

2. The municipal archives reference and research fund established by this section shall be used, subject to the approval of the director of management and budget, by the department for purposes related to its library and archival research programs including, but not limited to, purchasing and conserving books and other records, financing lecture series and commissioning studies and articles.
Sec. 3011. Definitions. As used in this chapter -- 1. "Archives" means those official records which have been determined by the department to have sufficient historical or other value to warrant their continued preservation by the city; 2. "Records" means any documents, books, papers, photographs, sound recordings, machine readable materials or any other materials, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official city business. Library and museum materials made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference and stocks of publications are not included within the definition of records as used in this chapter; 3. "Records management" means the planning, controlling, directing, organizing, training, promoting and other managerial activities involved in records creation, records maintenance and use and records disposition, including but not limited to, the management of correspondence, forms, directives, reports, machine readable records, microfilms information retrieval, files, mail, vital records, equipment and supplies, office copiers, word processing and source data automation techniques, records preservation, records disposal and records centers or other storage facilities; 4. "Records management practices" means any system, procedure or technique followed with respect to effective records creation, records maintenance and use and records disposition; 5. "Records disposition" means: a. The removal by a city agency, in accordance with approved records retention schedules, of records no longer necessary for the conduct of business by such agency through removal methods which may include: (1) the disposal of temporary records by destruction or donation; (2) the transfer of records to the department, and
1. (3) the transfer to the department of records determined to have historical or other sufficient value to warrant continued preservation and
2. b. the transfer of records from one city agency to any other city agency;
3. 6. "Records creation" means any process involved in producing any recorded information necessary to conduct the business of a city agency;
4. 7. "Records management division" means an establishment maintained by the department primarily for the storage, servicing, security and processing of records which must be preserved for varying periods of time and need not be retained in office equipment or space and
5. 8. "Servicing" means making information in records available to any city agency for official use or to the public.