

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —CHARTER MEETING OF
WEDNESDAY, JANUARY 4, 2012

THE COUNCIL

*Minutes of the Proceedings for the
Minutes of the*

CHARTER MEETING

of

Wednesday, January 4, 2012, 12:55 p.m.

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

Council Members

Christine C. Quinn, Speaker

Maria del Carmen Arroyo	Sara M. Gonzalez	James S. Oddo
Charles Barron	David G. Greenfield	Annabel Palma
Gale A. Brewer	Daniel J. Halloran III	Domenic M. Recchia, Jr.
Fernando Cabrera	Vincent M. Ignizio	Diana Reyna
Margaret S. Chin	Robert Jackson	Joel Rivera
Leroy G. Comrie, Jr.	Letitia James	Ydanis A. Rodriguez
Elizabeth S. Crowley	Peter A. Koo	James Sanders, Jr.
Inez E. Dickens	G. Oliver Koppell	Larry B. Seabrook
Daniel Dromm	Karen Koslowitz	Eric A. Ulrich
Mathieu Eugene	Bradford S. Lander	James Vacca
Lewis A. Fidler	Jessica S. Lappin	Peter F. Vallone, Jr.
Helen D. Foster	Stephen T. Levin	Albert Vann
Daniel R. Garodnick	Darlene Mealy	James G. Van Bramer
James F. Gennaro	Rosie Mendez	Mark S. Weprin
Vincent J. Gentile	Michael C. Nelson	Jumaane D. Williams
		Ruben Wills

Excused: Council Members Dilan, Ferreras, Mark-Viverito, and Rose.

The Majority Leader (Council Member Rivera) assumed the Chair as the President Pro Tempore and Acting Presiding Officer.

After being informed by the City Clerk and Clerk of the Council (Mr. McSweeney), the presence of a quorum was announced by the President Pro Tempore (Council Member Rivera).

There were 47 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, N.Y., N.Y. 10007.

INVOCATION

The Invocation was delivered by Imam Al-Hajj Talib W. Abdur-Rashid, The Mosque of Islamic Brotherhood Inc., 130 West 113th Street, New York, New York 10026.

Blessed new year to everyone.

Peace be unto you all. Shalom.
Almighty God,
Creator of the Heavens and the Earth
and all things in between,
you of the most beautiful names
used by your servants to call upon you,
Almighty and Everlasting God.
You who are called Almighty God
or Ja [phonetic] or Dios or Yahweh
or Jehovah or Mumba,
you whom we Muslims call Allah.
We pray this day with gratitude and sincerity;
Our Lord, you are the source of peace
and from you comes peace.
Praise and glory be onto you oh Lord
of glory and honor, your law.
You spoke to your servant Jeremiah, saying
"And seek the peace, safety and security
of the City where I have sent you.
Pray to the Lord for it, for in its peace,
safety and security, you will enjoy success."
Therefore, we pray this day
for peace, safety and security,
for this City, our City of New York,
that we might enjoy success
for all of its inhabitants.
We pray for justice,
for there is no meaningful
and authentic peace without justice.
We pray for tranquility of mind and spirit
for the least amongst us,
as well as for the prosperous,
that every man, woman, youth and child
might be secure from poverty
and safe from the ravages of greed.
We pray for safety and security
From hatred, prejudice, bigotry unfounded
and unwarranted suspicion, fear mongering
and terrorism in all of its forms,
for surely these are not
the higher qualities of the human mind,
nor the blessed qualities of the human spirit.
Open our hearts and minds that we might learn
From our mistakes of the past year
and utilize these lessons
to make this a better year
for all of the inhabitants of this City.
Grant us knowledge, wisdom, understanding,
humility, sensitivity, courage,
compassion, empathy and love, oh God.
Increase the transparency
of those who govern our City,
and strengthen us, the people,
that those with authority might be rendered
fully accountable for their actions.
All of these things we pray
In your most holy name,

Amin and Amen.

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

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

Dr. Josephine English, 91, died in Brooklyn on December 17, 2011 due to complications from gallstone surgery. Dr. English was one of the first African American obstetricians in New York where she delivered thousands of babies in her nearly sixty year career. Dr. English earned her medical degree in Nashville in 1949, began her career at Harlem Hospital, then started the Women's Community Health Clinic in Bushwick in the 1950s and other practices in Fort Green in the 1980s. She is survived by four children and numerous grandchildren.

Constantine "Connie" Sodomani Eristoff, 81, father of former Council Member and Finance Commissioner Andrew Eristoff, died of cancer on December 26, 2011. Mr. Eristoff was a conservationist who was involved in decision making roles regarding projects dealing with the environment in and around New York City. He served as Highway Commissioner, then Transportation Commissioner under Mayor Lindsay, and then served three Governors as a member of the MTA. From 1989 to 1993, Mr. Eristoff served as the federal EPA head for the New York region. He was instrumental in obtaining a waiver for New York City that has saved the City billions of dollars by not requiring us to build a federally mandated but unnecessary water filtration plant. He is survived by his wife, his children, and numerous grandchildren. At this point, the floor was yielded to Council Member James Gennaro who also spoke in memory of Mr. Eristoff.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

Preconsidered M-737

Communication from the Office of Management & Budget - Transfer City funds between various agencies in Fiscal Year 2012 to implement changes to the City's expense budget, pursuant to Section 107(b) of the New York City Charter. (MN-2)

December 30, 2011

TO THE CITY COUNCIL

Dear Council Members:

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

This modification (MN-2) will implement expense budget changes which were reflected in the City's November Financial Plan modification. In addition, this modification (MN-2) includes changes requested by the City Council after the November Financial Plan was released. These changes include restoration of some PEG initiatives as well as changes to Local Initiatives.

Your approval of modification MN-2 is respectfully requested.

Yours truly,

Mark Page

(For text of the MN-2 numbers and Appendix A, please see the Attachment to Res No. 1195 following the Report of the Committee on Finance for M-737 printed in these Minutes)

Referred to the Committee on Finance.

M-738

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Columbia Street Limo. Service Inc., Council District 38, pursuant to Section 19-511(i), of the administrative code of the city of New York.

December 20, 2011

The Honorable Speaker Christine C. Quinn

Attention: Mr. Gary Altman
Council of the City of New York
250 Broadway, 15th Floor
New York, New York 10007

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

Dear Speaker Quinn:

Please be advised that on December 15, 2011 the Taxi & Limousine Commission voted to approve the following for-hire vehicle base license application:

RENEWAL (1):	LICENSE #	COUNCIL DISTRICT
Columbia Street Limo. Service Inc.	B01010	38

The complete application package compiled for the above base is available for your review upon request. If you wish to receive a copy please contact Ms. Michelle Lange, Business Licensing Unit, at 718-391-5697. Please find enclosed herein the original application for the approved base station.

Very truly yours,

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

Referred to the Committee on Transportation.

REPORTS OF THE STANDING COMMITTEES

Reports of the Committee on Finance

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

Report for Int. No. 749

Report of the Committee on Finance in favor of approving and adopting a Local Law in relation to the date of submission by the mayor of a preliminary management report and the date prior to which the council shall conduct public hearings and the date by which the council shall submit a report or reports pertaining thereto, the date of submission by the mayor of the preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects, the date of submission by the mayor of the preliminary budget, the date of publication by the director of the independent budget office of a report on revenues and expenditures, the date of submission by the community boards of statements in regard to the preliminary budget, the date of submission by the commissioner of finance of an estimate of the assessed valuation of real property and statement of real property taxes due, expected to be received, and uncollected, the date of submission by the mayor of a tax benefit report, the date of submission by the borough boards of statements on budget priorities, the date of submission by the council of estimates of the financial needs of the council, the date of submission by the borough presidents of proposed modifications of the preliminary budget, the date of publication by the director of the independent budget office of a report analyzing the preliminary budget, the date by which the council shall hold hearings and submit recommendations in regard to the preliminary budget, and the date of submission by the campaign finance board of estimates of the financial needs of the campaign finance board, relating to the fiscal year two thousand thirteen.

The Committee on Finance, to which the annexed proposed local law was referred on January 4, 2012, respectfully

REPORTS:

ANALYSIS:

Various provisions in chapter ten of the New York City Charter (the "Charter") prescribe the actions that need to be taken as part of the annual budget submission process for the following fiscal year's budget. The Charter specifies certain dates on which the Mayor must submit its preliminary budget, as well as the Mayor's Preliminary Management Report ("PMMR"). The Charter also prescribes the dates for preliminary budget actions taken by other agencies, such as the Independent Budget Office, the Department of Finance, as well as city officials, such as the Borough Presidents.

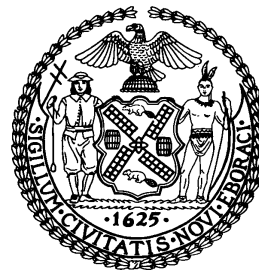
This Intro would provide for an extension of the date for the submission of fiscal year 2013 budget-related documents by the Mayor and other agencies, and also extends the date by which the Council must conduct its hearings and submit its recommendations on the preliminary budget and the PMMR.

The extended dates are noted below, and dates of greater importance to the Council and/or require Council action are highlighted. Generally, most dates were pushed back approximately 17 days, the same length of the extension of time provided for the release of the preliminary budget.

	Charter Date	Extended Date For FY 2013
Mayor's submission of preliminary management report (Charter sec.12)	not later than January 30	not later than February 16
Council's public hearings and report on preliminary management report (sec.12) <i>(These hearings are done jointly with the prelim. budget hearings)</i>	prior to April 8	prior to April 25
Mayor's preliminary certificate on maximum capital debt and obligations (sec.235)	not later than January 16	not later than February 2
Mayor's submission of preliminary budget (sec.236)	not later than January 16	not later than February 2
IBO revenue report (sec.237)	on or before February 1	on or before February 17
Community boards submission of assessment of preliminary budget (sec.238)	not later than February 15	not later than March 5
Finance Commissioner's submission of estimate of assessed valuation and of taxes due and uncollected (sec.239)	not later than February 15	not later than March 5
Mayor's submission of tax benefit report (sec.240)	not later than February 15	not later than March 5
Borough board's statement on borough priorities (sec. 241)	not later than February 25	not later than March 13
Council's submission of operating budget (sec.243)	not later than March 10	not later than March 29
Borough President's submission of recommended modifications to preliminary budget (sec.245)	not later than March 10	not later than March 27

IBO preliminary budget report (sec.246)	on or before March 15	on or before April 2
Council's preliminary budget hearings and submission of recommendations (sec.247)	not later than March 25	not later than April 11
Campaign Finance Board's submission of financial needs (sec.1052)	not later than March 10	not later than March 27

(The following is the Fiscal Impact Statement for Int. No. 749:)



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

PRECONSIDERED INT.

COMMITTEE:
Finance

TITLE: A Local Law in relation to the date of submission by the mayor of a preliminary management report and the date prior to which the council shall conduct public hearings and the date by which the council shall submit a report or reports pertaining thereto, the date of submission by the mayor of the preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects, the date of submission by the mayor of the preliminary budget, the date of publication by the director of the independent budget office of a report on revenues and expenditures, the date of submission by the community boards of statements in regard to the preliminary budget, the date of submission by the commissioner of finance of an estimate of the assessed valuation of real property and statement of real property taxes due, expected to be received, and uncollected, the date of submission by the mayor of a tax benefit report, the date of submission by the borough boards of statements on budget priorities, the date of submission by the council of estimates of the financial needs of the council, the date of submission by the borough presidents of proposed modifications of the preliminary budget, the date of publication by the director of the independent budget office of a report analyzing the preliminary budget, the date by which the council shall hold hearings and submit recommendations in regard to the preliminary budget, and the date of submission by the campaign finance board of estimates of the financial needs of the campaign finance board, relating to the fiscal year two thousand thirteen.

SPONSORS:
Council
Member Recchia (by request of the Mayor)

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

1. Mayor's submission of the preliminary management report no later than February 16, 2012.
2. Completion of the City Council's public hearings on the preliminary management report and submission of recommendations no later than April 25, 2012.
3. Mayor's submission of the preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects no later than February 2, 2012.
4. Mayor's submission of the preliminary budget no later than February 2, 2012.
5. Independent Budget Office's submission of report on revenues and expenditures no later than February 17, 2012.
6. Community Boards' submission of assessment of the preliminary budget no later than March 5, 2012.
7. Commissioner of Finance's submission on estimates of the assessed valuation of real property and a certified statement of all real property taxes due no later than March 5, 2012.
8. Mayor's submission of tax benefit report no later than March 5, 2012.
9. Borough Boards' submission of budget priorities no later than March 13, 2012.
10. City Council's submission of its operating budget no later than March 29, 2012.
11. Borough President's submission of any proposed modifications to the preliminary budget no later than March 27, 2012.
12. Independent Budget Office's submission of report analyzing the preliminary budget no later than April 2, 2012.
13. Completion of City Council's preliminary budget hearings and submission of recommendations no later than April 11, 2012.
14. Campaign Finance Board's submission of the financial needs of the campaign finance board no later than March 27, 2012.

EFFECTIVE DATE:

This legislation would take effect immediately, except that if it shall have become a law after January 16, 2012, it shall be retroactive to and deemed to have been in full force and effect as of January 16, 2012.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2012

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: There would be no impact on expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Tanisha Edwards, Counsel
City Council Finance Division

HISTORY: To be considered by Committee on January 4, 2012

Accordingly, this Committee recommends its adoption.

(For text of the bill, please see the Introduction and Reading of Bills section printed in these Minutes)

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN

BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, January 4, 2012.

(The following is the text of a Message of Necessity from the Mayor for the Immediate Passage of Int No. 749:)

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

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

A LOCAL LAW

In relation to the date of submission by the mayor of a preliminary management report and the date prior to which the council shall conduct public hearings and the date by which the council shall submit a report or reports pertaining thereto, the date of submission by the mayor of the preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects, the date of submission by the mayor of the preliminary budget, the date of publication by the director of the independent budget office of a report on revenues and expenditures, the date of submission by the community boards of statements in regard to the preliminary budget, the date of submission by the commissioner of finance of an estimate of the assessed valuation of real property and statement of real property taxes due, expected to be received, and uncollected, the date of submission by the mayor of a tax benefit report, the date of submission by the borough boards of statements on budget priorities, the date of submission by the council of estimates of the financial needs of the council, the date of submission by the borough presidents of proposed modifications of the preliminary budget, the date of publication by the director of the independent budget office of a report analyzing the preliminary budget, the date by which the council shall hold hearings and submit recommendations in regard to the preliminary budget, and the date of submission by the campaign finance board of estimates of the financial needs of the campaign finance board, relating to the fiscal year two thousand thirteen.

Given under my hand and seal this 3rd day of January, 2012 at City Hall in the City of New York.

Michael R. Bloomberg
Mayor

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for Res. No. 1174

Report of the Committee on Finance in favor of approving a Resolution concerning the increase in the annual expenditure for the 34th Street, the Grand Central, the 125th Street, the Mosholu-Jerome-East Gun Hill Road, the Fordham Road and the Bayside Village Business Improvement Districts, and the setting of the date, time and place for the hearing of the local law increasing the annual expenditure for such districts.

The Committee on Finance, to which the annexed resolution was referred on December 19, 2011 (Minutes, page 5370), respectfully

REPORTS:

ANALYSIS

This resolution sets a date for a public hearing pursuant to requests from the six Business Improvement Districts (BIDs) to increase their annual expenditures effective as of July 1, 2011. On January 18, 2012 is the scheduled date in the City Council Hearing Room, 16th floor, 250 Broadway, New York, NY at 10 a.m. is the time for a public hearing (the "Public Hearing") to hear all persons interested in the legislation, which would increase the amount to be expended annually in the six BIDs

Pursuant to Section 25-410(b) of the Administrative Code, a BID may obtain an increase in its budget (i.e. the total amount allowed to be expended annually by the BID or improvements, services, maintenance and operation) by means of the

adoption of a local law amending the BID’s district plan. Such a local law may be adopted by the City Council after a determination that it’s in the public interest to authorize such an increase in the maximum annual amount, and that the tax and debt limits prescribed in section 25-412 of the Administrative Code will not be exceeded. Notice of the hearing on this local law must be published in at least one newspaper having general circulation in the district specifying the date, time and place where, the hearing will be held and stating the increase proposed in the maximum amount to be expended annually.

Although this is the only relevant legal requirement for the provision of notice, in the case of other recent requests for budget increases by BIDs, the Finance Committee Chair informed the Department of Small Business Services that it desires written notices of the proposed increases and the hearing date to be mailed to property owners within the BIDs, and has only considered budget increases for those BIDs providing such additional notice. The Chair has requested that the same procedure be followed with regard to the increase that is the subject of this resolution.

The following BIDs have requested increases to their budgets as indicated below:

BID ASSESSMENT INCREASE REQUESTS
FISCAL YEAR 2012

BID Name	Year Est.	Last Assessment Increase	Present Assessment	Proposed Assessment	Purpose of Assessment Increase
Bayside Village	2007	None	\$81,368	\$155,000	Enhance business promotional programs such as new social media and special events; upgrading seasonal decorations; and increase in costs of services and wages.
Fordham Road	2004	None	\$500,000	\$625,000	Expand surety program including video cameras; enhance business promotional activities; increases in printing and other office expenses; salary and other costs-of-living increases.
Grand Central Partnership	1988	FY 06 \$550,740	\$11,565,540	\$12,709,372	Provide for an engineering study for rooftop lighting project; capture lost revenue relating to increases in square footage from new properties; preserve reserve funds to finance capital projects; and increases in insurance, legal fees, personnel and wage costs.
Mosholu Jerome East Gun Hill Road	1997	None	\$209,000	\$259,000	Enhance advertising and business promotional activities; and provide for an annual fall festival.
125 th Street	1994	FY 11 \$25,264	\$867,390	\$947,820	Re-structure BID staffing; increases in sanitation and public safety costs; and increases in professional fees, insurance and office expenses.
34 th Street Partnership	1992	FY 09 \$75,500	\$9,291,500	\$9,940,000	Enhanced maintenance services for new streetscape; extended information kiosk hours; overtime cost for painting streetscape elements; new business promotional activities in social media; provide for a full time design position; increase services for Herald and Greeley Square Parks events; and an increase in personnel costs.

These increases, which have already been approved by the District Management Associations of the 6 BIDs, would result in a higher assessment on all properties currently subject to BID assessments as a result of the increase in the assessment rate.

Accordingly, this Committee recommends its adoption.

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

Res. No. 1174

Resolution concerning the increase in the annual expenditure for the 34th Street, the Grand Central, the 125th Street, the Mosholu-Jerome-East Gun Hill Road, the Fordham Road and the Bayside Village Business Improvement Districts, and the setting of the date, time and place for the hearing of the local law increasing the annual expenditure for such districts.

By Council Members Recchia, Comrie, Dickens, Foster, Rose, Seabrook and Jackson.

Whereas, pursuant to Chapter 4 of Title 25 of the Administrative Code of the City of New York or the predecessor of such Chapter (the "BID Law") the City established the 34th Street, the Grand Central, the 125th Street, the Mosholu-Jerome-East Gun Hill Road, the Fordham Road and the Bayside Village Business Improvement Districts in the City of New York; and

Whereas, pursuant to Local Law No. 82 for the year of 1990, the City Council assumed responsibility for adopting legislation relating to Business Improvement Districts; and

Whereas, pursuant to Section 25-410(b) of the BID Law, an increase in the amount to be expended annually may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize the increase and that the tax and debt limits prescribed in Section 25-412 of the BID Law will not be exceeded; and

Whereas, the six Business Improvement Districts wish to increase the amount to be expended annually beginning on July 1, 2011 as follows: 34th Street, \$9,940,000; Grand Central, \$12,709,372; 125th Street, \$947,820; Mosholu-Jerome-East Gun Hill Road, \$259,000; Fordham Road, \$625,000; and Bayside Village, \$155,000; and

Whereas, pursuant to Section 25-410(b) of the BID Law, the City Council is required to give notice of the public hearing by publication of a notice in at least one newspaper having general circulation in the districts specifying the time when and the place where the hearing will be held and stating the proposed amount to be expended annually; now, therefore, be it

RESOLVED, that the Council of the City of New York, pursuant to Section 25-410(b) of the BID Law, hereby directs that:

(i) _____ is the date and the City Council Hearing Room, 16th floor, 250 Broadway, Manhattan is the place and _____ is the time for a public hearing (the "Public Hearing") to hear all persons interested in the legislation, which would increase the amount to be expended annually in the six Business Improvement Districts; and

(ii) On behalf of the City Council and pursuant to Section 25-410(b) of the BID Law, the District Management Associations of the 34th Street, the Grand Central, the 125th Street, the Mosholu-Jerome-East Gun Hill Road, the Fordham Road, and the Bayside Village Business Improvement Districts are hereby authorized to publish in a newspaper of general circulation in each district, not less than ten (10) days prior to the Public Hearing, a notice stating the time and place of the Public Hearing and setting forth the increase in the amount to be expended annually in each of the six Business Improvement Districts.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, January 3, 2012.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

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

Report for Res. No. 1192

Report of the Committee on Finance in favor of approving a Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget

The Committee on Finance, to which the annexed resolution was referred on January 4, 2012, respectfully

REPORTS:

Introduction. The Council of the City of New York (the "Council") annually adopts the City’s budget covering expenditures other than for capital projects (the "expense budget") pursuant to Section 254 of the Charter. On June 29, 2011, the Council adopted the expense budget for fiscal year 2012 with various programs and initiatives (the "Fiscal 2012 Expense Budget").

Analysis. This Resolution, dated January 3, 2012, amends the description for the Description/Scope of Services for The Ridge Chorale, an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$5,500 within the budget of the Department of Youth and Community Development. This Resolution also changes the source of funding through which the organization will receive funding. This organization will now receive youth discretionary funding in the amount of \$5,500, and the Description/Scope of

Services for such organization will now read: "To support low cost and free performances in Brooklyn."

Additionally, this Resolution amends the description for the Description/Scope of Services for the Department of Sanitation, an agency receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$5,000 within the budget of the Department of Sanitation. This Resolution changes the Description/Scope of services to read: "To maintain the residential and public space through use of practical measures such as, debris and garbage removal for the preservation of public health, via regulated service."

Also, this Resolution amends the description for the Description/Scope of Services for the Cambria Heights Civic Association, an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$3,500 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: "Improve the physical appearance of the community by repairing four of the Welcome to Cambria Heights signs that were installed throughout the community."

Moreover, this Resolution amends the description for the Description/Scope of Services for the Southern Queens Park Association, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$10,000 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: "For youth and family services, community development and/or coordination of programs at the Roy Wilkins Park."

Further, this Resolution amends the description for the Description/Scope of Services for the Southern Queens Park Association, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$18,000 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: "Funds are requested to support: Youth and Family services, community development and/or coordination of the programs at the Roy Wilkins Park.; Cultural and Community Development Initiatives. Community residents will be prepared to take and pass their GED, and take advantage of other educational and career opportunities. Computer literacy and office skills will also be taught. Community stakeholders will participate in entrepreneurial initiatives and workforce development."

Additionally, this Resolution amends the description for the Description/Scope of Services for the Southern Queens Park Association, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$25,000 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: "For youth and family services, community development and/or coordination of programs at the Roy Wilkins Park."

Also, this Resolution amends the description for the Description/Scope of Services for the Dr. Theodore A. Atlas Foundation, Inc. an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$37,500 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: "Funds to support the after-school Boxing Program."

Further, this Resolution amends the description for the Description/Scope of Services for the Citizens Committee for New York City, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$3,500 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: "To encourage and sustain volunteer-led initiatives around beautification, recycling and access to fresh food in New York City neighborhoods. Through the New Yorkers for Better Neighborhoods program, selected groups receive grants of \$500 - \$3,000, project planning assistance, and skills building workshops to make their projects a success. Examples of projects Citizens Committee for New York City has supported include planting trees; transforming vacant lots into community gardens; launching recycling initiatives; conducting community outreach on the environmental impact of eating locally; building green roofs; and inter-generational health and gardening workshops. Citizens Committee measures success by tracking quantifiable data such as the number of volunteer hours invested, number of trees planted; vacant lots transformed, tree guards built, pounds of waste recycled, and pounds of produce grown. We also measure the effect on "social capital," or the sense of community within participating groups' neighborhoods, by counting the number of participants and volunteer hours invested in projects through questionnaires, surveys, and site visits."

Additionally, this Resolution amends the description for the Description/Scope of Services for the Society for Equitable Excellence, an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$3,500 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: "Co-Naming Streets after great historic figures in Harlem's and North Manhattans

History - design, purchase, and procure Murals and Plaques extolling that history - mounting quality designation ceremonies - running a civil rights history film series."

Moreover, this Resolution amends the description for the Description/Scope of Services for the Civic Association of Harlem, Inc. (CASH), an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$7,500 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: "To support an environmental community learning project which includes an outreach campaign in the Harlem community. Civic Association Serving Harlem (CASH) will work at a grassroots level to educate the public (Harlem Residents) about free and reduced-cost "whole house" comprehensive energy assessments for residents, free energy audits for buildings used by small businesses and not-for-profit organizations, low cost financing for energy efficiency improvements and participation in clean energy training opportunities."

Also, this Resolution amends the description for the Description/Scope of Services for The Drammeh Institute, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$10,000 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: "To facilitate an after school filmmaking program in the Bronx, serving the youth between the ages 14 and 18. The program will be led by two instructors and offer language intensive workshops on story development and the fundamentals of filmmaking -- using video. Each student will be given their own digital video camera to work on their final class project."

Additionally, this Resolution amends the description for the Description/Scope of Services for the Library Action Committee of Corona-East Elmhurst, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$25,000 within the budget of the Department of Cultural Affairs. This Resolution changes the Description/Scope of services to read: "Annual Family Day and other cultural performances for the fiscal year."

Moreover, this amends the description for the Description/Scope of Services for Episcopal Social Services of New York, Inc., an organization receiving youth discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$10,000 within the budget of the Department of Youth and Community Development. The Resolution changes the Description/Scope of services to read: "Funds to support the Get Moving Stay Fit after-school program at PS 36."

Also, this Resolution amends the description for the Description/Scope of Services for the Alianza Dominicana, Inc., an organization receiving youth discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$27,800 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: "To enhance the services of our MOSAIC Beacon School at PS 11 after school and day camp programs. These funds will be utilized for incentives, stipends and for trips and special activities."

Further, this Resolution amends the description for the Description/Scope of Services for the Alianza Dominicana, Inc., an organization receiving youth discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$30,000 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: "To enhance the services of our La Plaza Beacon School at IS 143 for our after school and day camp programs. These funds will be utilized to hire staff to enhance our after school and Saturday programs that caters to our beacon participants."

Additionally, this Resolution amends the description for the Description/Scope of Services for the Spirit of the Children, Inc., an organization receiving youth discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$4,000 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: "In the Spirit of the Children will be offering training during FY12 to Child Welfare Staff working with older youth. In addition, separate training sessions will be provided to the youth. Specifically, we will offer the following topics as a package that will consist of (2) staff trainings and (2) youth trainings. In the last year in the Spirit of the Children experienced an increase in the number of calls from child welfare service providers working with the youth preparing them to exit from foster care. This demonstrated a need for increased knowledge in how to effectively prepare youth in foster care for discharge, and based on the number of youth that are aging out of foster care into homelessness. In response, the Spirit of the Children, Inc. is offering training during FY12 to Child Welfare Staff working with older youth. In addition, separate training sessions will be provided to the youth. "

Additionally, this Resolution amends the description for the Description/Scope of Services for the Queen Village Committee for Mental Health for J-CAP, Inc., an organization receiving youth discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$15,000 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: "Funds to support family reunification; substance abuse prevention/education; truancy, drop-out and delinquency prevention

services. The target population will be at-risk youth between the ages of 13 and 17 parent(s) is enrolled in a residential or outpatient substance use disorder program. We expect to serve 15 youth in twelve bi-weekly workshops over the course of 6 months that will be scheduled on Saturday afternoons. All activities will be conducted during non-school hours.”

Lastly, this Resolution also approves new designations and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding in accordance with the Fiscal 2012 Expense Budget, and approves the new designations and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2012 Expense Budget.

In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving local, aging, and youth discretionary funding, as well as new designations and/or changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2012 Expense Budget.

This resolution sets forth new designations and specific changes in the designation of certain organizations receiving local initiative funding pursuant to the Fiscal 2012 Expense Budget, as described in Chart 1; sets forth new designations and changes in the designation of aging discretionary funding pursuant to the Fiscal 2012 Expense Budget, as described in Chart 2; sets forth new designations and changes in the designation of youth discretionary funding pursuant to the Fiscal 2012 Expense Budget, as described in Chart 3; and sets forth the new designations and changes in the designation of certain organizations that will receive funding pursuant to certain initiatives in the Fiscal 2012 Expense Budget, as described in Charts 4-11.

The charts, attached to the resolution, contain the following information: name of the council member(s) designating the organization to receive funding or name of the initiative, as set forth in Adjustments Summary/Schedule C/ Fiscal 2012 Expense Budget, dated June 29, 2011.

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

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

Chart 3 sets forth the new designation and changes in the designation of a certain organization receiving youth discretionary funding in accordance with the Fiscal 2012 Expense Budget.

Chart 4 sets forth the new designation and changes in the designation of a certain organization receiving funding pursuant to the Young Adult Institute and Workshop Initiative in accordance with the Fiscal 2012 Expense Budget. Specifically, Chart 4 indicates an EIN correction. The correct EIN for Young Adult Institute and Workshop, Inc., an organization receiving funding in the amount of \$200,000 in accordance with the Fiscal 2012 Expense Budget is 11-2030172.

Chart 5 sets forth the new designation of the New York City Mission Society, an organization receiving funding in the amount of \$167,000 pursuant to the Operation SNUG - Initiative in accordance with the Fiscal 2012 Expense Budget.

Chart 6 sets forth the new designation of Connect, Inc., an organization receiving funding in the amount of \$330,000 pursuant to the CONNECT, Inc. Community Empowerment Program Initiative in accordance with the Fiscal 2012 Expense Budget.

Chart 7 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Runaway and Homeless Youth Services PEG Restoration in accordance with the Fiscal 2012 Expense Budget.

Chart 8 sets forth the new designation and changes in the designation of organizations receiving funding pursuant to the Housing Preservation Initiative in accordance with the Fiscal 2012 Expense Budget. As indicated in Chart 8, funding for Mount Hope Housing Company in the amount of \$50,000 has been removed. Such funding will now be provided to the New Settlement Apartments.

Chart 9 sets forth the new designation and changes in the designation of organizations receiving funding pursuant to the Community Consultants Initiative in accordance with the Fiscal 2012 Expense Budget. As indicated in Chart 9, funding for Mount Hope Housing Company in the amount of \$10,000 has been removed. Such funding will now be provided to the Northwest Bronx Community and Clergy Coalition for Sistās and Brothās United.

Chart 10 sets forth the new designation and changes in the designation of organizations receiving funding pursuant to the Domestic Violence Empowerment

Initiative (DOVE) in accordance with the Fiscal 2012 Expense Budget. As indicated in Chart 10, funding for National Council of Negro Women of Greater New York, Inc. in the amount of \$46,625 has been removed. Such funding will now be provided to the Queens Hospital Center.

Chart 11 sets forth the new designation and changes in the designation of organizations receiving funding pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2012 Expense Budget.

It is to be noted that organizations identified in the attached Charts with an asterisk (*) have not yet completed or began the prequalification process conducted by the Mayor's Office of Contract Services (for organizations to receive more than \$10,000) by the Council (for organizations to receive \$10,000 or less total), or other government agency. Organizations identified without an asterisk have completed the appropriate prequalification review.

It should be further noted that funding for organizations in the attached Charts with a double asterisk (**) will not take effect until the passage of a budget modification.

Description of Above-captioned Resolution. In the above-captioned resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2012 Expense Budget. Such resolution would take effect as of the date of adoption.

Accordingly, this Committee recommends its adoption.

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

Res. No. 1192

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

By Council Members Recchia and Wills.

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

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the Description/Scope of Services for The Ridge Chorale, an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$5,500 within the budget of the Department of Youth and Community Development, and also changes the source of funding through which the organization will receive funding. This organization will now receive youth discretionary funding in the amount of \$5,500, and the Description/Scope of Services for such organization will now read: “To support low cost and free performances in Brooklyn”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Bottomless Closet, an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$2,500 within the budget of the Department of Youth and Community Development. The Resolution changes the Description/Scope of services to read: “Bottomless Closet provides assistance to NYC women in their transition into the workforce by providing business attire, interview preparation, resume review and professional development workshops”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Department of Sanitation, an agency receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$5,000 to read: “To maintain the residential and public space through use of practical measures such as, debris and garbage removal for the preservation of public health, via regulated service.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Cambria Heights Civic Association, an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$3,500 within the budget of the Department of Youth and Community Development. The Resolution changes the Description/Scope of services to read: “Improve the physical appearance of the

community by repairing four of the Welcome to Cambria Heights signs that were installed throughout the community.” and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Southern Queens Park Association, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$10,000 within the budget of the Department of Youth and Community Development. The Resolution changes the Description/Scope of services to read: “For youth and family services, community development and/or coordination of programs at the Roy Wilkins Park.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Southern Queens Park Association, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$18,000 within the budget of the Department of Youth and Community Development. The Resolution changes the Description/Scope of services to read: “For youth and family services, community development and/or coordination of programs at the Roy Wilkins Park.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Southern Queens Park Association, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$25,000 within the budget of the Department of Youth and Community Development. The Resolution changes the Description/Scope of services to read: “For youth and family services, community development and/or coordination of programs at the Roy Wilkins Park.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Dr. Theodore A. Atlas Foundation, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$37,500 within the budget of the Department of Youth and Community Development. The Resolution changes the Description/Scope of services to read: “Funds to support the after-school Boxing Program.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Citizens Committee for New York City, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$3,500 within the budget of the Department of Youth and Community Development. The Resolution changes the Description/Scope of services to read: “To encourage and sustain volunteer-led initiatives around beautification, recycling and access to fresh food in New York City neighborhoods. Through the New Yorkers for Better Neighborhoods program, selected groups receive grants of \$500 to \$3,000, project planning assistance, and skills building workshops to make their projects a success. Examples of projects Citizens Committee for New York City has supported include planting trees; transforming vacant lots into community gardens; launching recycling initiatives; conducting community outreach on the environmental impact of eating locally; building green roofs; and inter-generational health and gardening workshops. Citizens Committee measures success by tracking quantifiable data such as the number of volunteer hours invested, number of trees planted; vacant lots transformed, tree guards built, pounds of waste recycled, and pounds of produce grown. We also measure the effect on “social capital,” or the sense of community within participating groups’ neighborhoods, by counting the number of participants and volunteer hours invested in projects through questionnaires, surveys, and site visits.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Bottomless Closet, an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$2,500 within the budget of the Department of Youth and Community Development. The Resolution changes the Description/Scope of services to read: “Co-Naming Streets after great historic figures in Harlem’s and North Manhattans History - design, purchase, and procure Murals and Plaques extolling that history - mounting quality designation ceremonies - running a civil rights history film series.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Civic Association Serving Harlem, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$7,500 within the budget of the Department of Youth and Community Development. The Resolution changes the Description/Scope of services to read: “To support an environmental community learning project which includes an outreach campaign in the Harlem community. Civic Association Serving Harlem (CASH) will work at a grassroots level to educate the public (Harlem Residents) about ~~educating the public about~~ free and reduced-cost “whole house” comprehensive energy assessments for residents, free energy audits for buildings used by small businesses and not-for-profit organizations, low cost financing for energy efficiency improvements and participation in clean energy training opportunities.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for The Drammeh Institute, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense

Budget in the amount of \$10,000 within the budget of the Department of Youth and Community Development. The Resolution changes the Description/Scope of services to read: “To facilitate an after school filmmaking program in the Bronx, serving the youth between the ages 14 and 18. The program will be led by two instructors and offer language intensive workshops on story development and the fundamentals of filmmaking -- using video. Each student will be given their own digital video camera to work on their final class project.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Library Action Committee of Corona-East Elmhurst, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$20,000 within the budget of the Department of Cultural Affairs. The Resolution changes the Description/Scope of services to read: “Annual Family Day and other cultural performances for the fiscal year.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Episcopal Social Services of New York, Inc., an organization receiving youth local discretionary funding in the amount of \$10,000 within the budget of the Department of Youth and Community Development in accordance with the Fiscal 2012 Expense Budget to read: “Funds to support the Get Moving Stay Fit after-school program at PS 36.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Queens Village Committee for Mental Health for J-CAP, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$15,000 within the budget of the Department of Youth and Community Development. The Resolution changes the Description/Scope of services to read: “Funds to support family reunification; substance abuse prevention/education; truancy, drop-out and delinquency prevention services. The target population will be at-risk youth between the ages of 13 and 17 parent(s) is enrolled in a residential or outpatient substance use disorder program. We expect to serve 15 youth in twelve bi-weekly workshops over the course of 6 months that will be scheduled on Saturday afternoons. All activities will be conducted during non-school hours.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Alianza Dominicana, Inc., an organization receiving youth discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$27,800 within the budget of the Department of Youth and Community Development. The Resolution changes the Description/Scope of services to read: “To enhance the services of our MOSAIC Beacon School at PS 11 after school and day camp programs. These funds will be utilized for incentives, stipends and for trips and special activities.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Alianza Dominicana, Inc., an organization receiving youth discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$30,000 within the budget of the Department of Youth and Community Development. The Resolution changes the Description/Scope of services to read: “To enhance the services of our La Plaza Beacon School at IS 143 for our after school and day camp programs. These funds will be utilized to hire staff to enhance our after school and Saturday programs that caters to our beacon participants.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for In the Spirit of the Children, Inc., an organization receiving youth discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$4,000 within the budget of the Department of Youth and Community Development. The Resolution changes the Description/Scope of services to read: “In the Spirit of the Children will be offering training during FY12 to Child Welfare Staff working with older youth. In addition, separate training sessions will be provided to the youth. Specifically, we will offer the following topics as a package that will consist of (2) staff trainings and (2) youth trainings. In the last year in the Spirit of the Children experienced an increase in the number of calls from child welfare service providers working with the youth preparing them to exit from foster care. This demonstrated a need for increased knowledge in how to effectively prepare the youth in foster care for discharge, and based on the number of youth that are aging out of foster care into homelessness. In response, the Spirit of the Children, Inc. is offering training during FY12 to Child Welfare Staff working with older youth. In addition, separate training sessions will be provided to the youth.”; now, therefore be it

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

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 2; and be it further

CHART 2: Aging Discretionary - Fiscal 2012

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Conduit EIN *
Brewer	St. Martin's Housing Corporation	13-2639529	DFTA	(\$2,000.00)	125	003	Jewish Association for Services for the Aged (JASA)	13-2620896
Brewer	St. Martin's Housing Corporation	13-2639529	DFTA	\$2,000.00	125	003	Jewish Association for Services for the Aged (JASA)	13-2620896
Comrie	Roy Wilens Senior Dolphins	13-1592005	DFTA	(\$5,000.00)	125	003		
Comrie	Roy Wilens Senior Dolphins	13-1592005	DFTA	\$5,000.00	125	003		
Clain	Caring Community, Inc., The	11-3122484	DFTA	(\$8,000.00)	125	003		
Clain	Caring Community, Inc., The	13-2980755	DFTA	(\$8,000.00)	125	003		
Quinn	Greenwich House, Inc.	13-5692704	DFTA	(\$8,000.00)	125	003		
Quinn	Caring Community, Inc., The	13-2690755	DFTA	(\$23,000.00)	125	003		
Quinn	Greenwich House, Inc.	13-5692704	DFTA	(\$23,000.00)	125	003		
Gennaro	Young Israel of Queens Valley	11-2267779	DFTA	(\$10,000.00)	125	003		
Gennaro	Young Israel of Queens Valley	13-5813362	DFTA	\$10,000.00	125	003		

* Indicates pending completion of pre-qualification review.

CHART 3: Youth Discretionary - Fiscal 2012

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Conduit EIN *
Gentile	Bay Ridge B'nai Mithunim Beautification and Preservation Alliance, Inc.	11-3233233	DYCD	(\$20,000.00)	260	312		
Gentile	Arab American Association of New York, Inc.	11-3604766	DYCD	\$2,000.00	260	312		
Gentile	Italian Board of Guardians	11-1633571	DYCD	\$2,000.00	260	312		
Gentile	Midori Foundation, Inc., The (d/b/a Midori and Friends)	13-3682472	DYCD	\$10,000.00	260	312		
Gentile	Ridge Chorale, The	11-6264893	DYCD	\$5,600.00	260	312		
Gentile	Boy Scouts of America - Greater New York Council	13-1624015	DYCD	\$600.00	260	312		
Dromm	Jewish Center of Jackson Heights, The	11-1881124	DYCD	(\$5,000.00)	260	312		
Dromm	82nd Street Academics	20-0788532	DYCD	\$5,000.00	260	312		
Comrie	African Poetry Theatre, Inc.	11-2515922	DYCD	(\$26,000.00)	260	312		
Comrie	Community Youth Care	77-0695007	DYCD	\$7,000.00	260	312		
Comrie	Hollis Presbyterian Church	11-1631786	DYCD	\$11,000.00	260	312		
Comrie	Jamaica NAACP Day Care Center, Inc.	11-2216994	DYCD	\$10,000.00	260	312		
Comrie	Episcopal Social Services of New York, Inc.	13-3709095	DYCD	(\$5,000.00)	260	312		
Artoyo	Castia Maria, Inc.	13-1623894	DYCD	\$5,000.00	260	312		
Artoyo	STATEN ISLAND RISING STARS	65-1321528	DYCD	(\$2,500.00)	260	312		
Rosa	STATEN ISLAND RISING STARS	65-1321528	DYCD	\$2,500.00	260	312	Jewish Community Center of Staten Island, Inc.	13-5562256
Hudson	St. Fidelis Roman Catholic Church	11-1897271	DYCD	(\$3,500.00)	260	312		
Hudson	Genealogical Society	22-1016071	DYCD	(\$3,500.00)	260	312		
Wills	St. Basil's Episcopal Church	13-1624015	DYCD	(\$3,000.00)	260	312		
Wills	South Queens Bay Senior Girls Club, Inc.	11-1568621	DYCD	(\$3,500.00)	260	312		
Wills	Nicole Palko Real Estate Fund, Inc., The	20-4545512	DYCD	(\$3,500.00)	260	312		
Wills	Sean Elijah Ball Foundation, Inc.	26-4682827	DYCD	\$3,500.00	260	312		
Wills	Bethany Baptist Church	11-2538705	DYCD	(\$8,000.00)	260	312		
Wills	Rochdale Village Social Services, Inc.	11-3397470	DYCD	\$8,000.00	260	312		
Brewer	Jazz at Lincoln Center, Inc.	13-3688641	DYCD	(\$3,000.00)	260	312		
Brewer	Workman's Circle/Archer Ring, Inc.	13-6178558	DYCD	\$3,000.00	260	312		
Crowley	Wlaniak Polish Folk Dance Company, Inc.	26-3601466	DYCD	(\$3,000.00)	260	312	Masspell Town Hall, Inc.	22-7259702
Crowley	Blaauw-Weiss Gottschee, Inc.	11-6074351	DYCD	\$3,000.00	260	312	Masspell Town Hall, Inc.	22-7259702

* Indicates pending completion of pre-qualification review.

CHART 5: Operation SNUG - Fiscal 2012

Organization	EIN Number	Agency	Amount	Agy #	U/A
New York City Mission Society **	13-5562307	OCJC	\$167,000.00	098	002

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART 4: Young Adult Institute and Workshop, Inc. (YAI) - Fiscal 2012

Organization	EIN Number	Agency	Amount	Agy #	U/A
Young Adult Institute and Workshop, Inc. (YAI)	13-6400434	DOHMH	(\$200,000.00)	816	121
Young Adult Institute and Workshop, Inc. (YAI)	11-2030172	DOHMH	\$200,000.00	816	121

* Indicates pending completion of pre-qualification review.

CHART 7: Runaway and Homeless Youth Services PEG Restoration - Fiscal 2012

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Covenant House New York/Under 21, Inc.	13-3076376	DYCD	(\$974,176.00)	260	312
Covenant House New York/Under 21, Inc.	13-3076376	DYCD	\$800,216.00	260	312
Covenant House New York/Under 21, Inc.	13-3076376	DYCD	\$173,960.00	260	312
SCO Family of Services	11-2777066	DYCD	(\$369,900.00)	260	312
SCO Family of Services	11-2777066	DYCD	\$164,400.00	260	312
SCO Family of Services	11-2777066	DYCD	\$205,500.00	260	312

* Indicates pending completion of pre-qualification review.

CHART 6: CONNECT, Inc. Community Empowerment Program - Fiscal 2012

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Connect, Inc.	02-0694269	ACS	\$330,000.00	088	006

* Indicates pending completion of pre-qualification review.

CHART 9: Community Consultants - Fiscal 2012

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Mount Hope Housing Company	13-3419970	HPD	(\$10,000.00)	806	009
Northwest Bronx Community and Clergy Coalition for Sistas and Brothers United	13-2806160	HPD	\$10,000.00	806	009

* Indicates pending completion of pre-qualification review.

CHART 8: Housing Preservation Initiative - Fiscal 2012

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Mount Hope Housing Company	13-3419970	HPD	(\$50,000.00)	806	009
New Settlement Apartments	14-1719016	HPD	\$50,000.00	806	009

* Indicates pending completion of pre-qualification review.

CHART 10: Domestic Violence and Empowerment (DoVE) Initiative - Fiscal 2012

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A *
	National Council of Negro Women of Greater New York, Inc.	13-3247858	MISC	(\$46,625.00)	088	002
	Queens Hospital Center (QHC)	11-6111784	MISC	\$46,625.00	088	002

* Indicates pending completion of pre-qualification review.

CHART 11: Immigrant Opportunities Initiative - Fiscal 2012

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A *
Brooklyn	Legal Aid Society - Brooklyn **	13-5582265	DYCD	(\$100.00)	260	005
Brooklyn	SBH Community Service Network, Inc. (Sephardic Bikur Cholim)	23-7496410	DYCD	\$39.00	260	005
Brooklyn	Fifth Avenue Committee, Inc.	11-2475743	DYCD	\$1.00	260	005
Brooklyn	Research Foundation of the City University of New York - Citizenship NOW **	13-1988190	CUNY	\$50.00	042	001

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, January 3, 2012.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

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

Report for M-737

Report of the Committee on Finance in favor of approving a Communication from the Office of Management & Budget - Transfer City funds between various agencies in Fiscal Year 2012 to implement changes to the City's expense budget, pursuant to Section 107(b) of the New York City Charter. (MN-2)

The Committee on Finance, to which the annexed resolution was referred on January 4, 2012, respectfully

REPORTS:

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

TO: Honorable Christine C. Quinn
Speaker

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

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

DATE: January 4, 2012

SUBJECT: A budget modification (MN-2) for Fiscal Year 2012 to implement changes in the City's expense budget.

INITIATION: By letter dated December 30, 2011, the Director of the Office of Management and Budget submitted to the Council, pursuant to section 107(b) of the New York City Charter, a request for approval to transfer funds, totaling \$485,157,483 between various agencies in Fiscal Year 2012 to implement changes in the City's expense budget.

BACKGROUND: MN-2 will implement expense budget changes which were reflected in the City's November Financial Plan modification. In addition, this modification includes changes requested by the Council after the November Financial Plan was released, which include some restorations of PEG initiatives, as well as changes to Local Initiatives.

FISCAL IMPACT: MN-2 represents the reallocation of appropriations. The net effect of this modification is zero.

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

Res. No. 1195

Resolution approving the modification (MN-2) of units of appropriation and the transfer of city funds between agencies proposed by the Mayor pursuant to Section 107(b) of the New York City Charter

Whereas, at a meeting of the Committee on Finance of the City Council of the City of New York (the "City Council"), the Committee on Finance received a communication, dated December 30, 2011, from the Office of Management and Budget of the Mayor of The City of New York (the "Mayor"), of a proposed request, attached hereto as Exhibit A (the "Modification"), to modify units of appropriation and transfer city funds in the amount of \$485,157,483 between various agencies in the Fiscal Year 2012 expense budget as adopted by the Council on June 29, 2011, pursuant to Section 107(b) of the New York City Charter (the "Charter"); and

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

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

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

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

ATTACHMENT:



The City of New York
Office of Management and Budget
75 Park Place - New York, New York 10007 - 2148
(212) 738-5900

Mark Page
Director

December 30, 2011

TO THE CITY COUNCIL

Dear Council Members:

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

This modification (MN-2) will implement expense budget changes which were reflected in the City's November Financial Plan modification. In addition, this modification (MN-2) includes changes requested by the City Council after the November Financial Plan was released. These changes include restoration of some PEG initiatives as well as changes to Local Initiatives.

Your approval of modification MN-2 is respectfully requested.

Yours truly,

Mark Page

Fiscal Year 2012 Budget Modification

- MN 2 -

FROM

002	MAYORALTY	
020	OFFICE OF THE MAYOR-PS	-1,433,101
040	OFFICE OF MGMT AND BUDGET-PS	-361,000
041	OFFICE OF MGMT AND BUDGET-OTPS	-100,000
061	OFF OF LABOR RELATIONS-PS	-60,604
380	OFFICE OF OPERATIONS-PS	-400,000
003	BOARD OF ELECTIONS	
001	PERSONAL SERVICES	-2,008,360
008	OFFICE OF THE ACTUARY	
100	PERSONAL SERVICE	-111,379
010	BOROUGH PRESIDENT - MANHATTAN	
001	PERSONAL SERVICES	-78,000
013	BOROUGH PRESIDENT - QUEENS	
001	PERSONAL SERVICES	-150,000
017	DEPARTMENT OF EMERGENCY MANAGEMENT	
001	PERSONAL SERVICES	-75,053
025	LAW DEPARTMENT	
001	PERSONAL SERVICES	-2,564,000
030	DEPARTMENT OF CITY PLANNING	
001	PERSONAL SERVICES	-416,969
032	DEPARTMENT OF INVESTIGATION	
001	PERSONAL SERVICES	-707,903
035	NEW YORK RESEARCH LIBRARY	
001	LUMP SUM APPROPRIATION	-451,000
037	NEW YORK PUBLIC LIBRARY	
006	SYSTEMWIDE SERVICES	-2,259,000
038	BROOKLYN PUBLIC LIBRARY	
001	LUMP SUM	-1,591,000
039	QUEENS BOROUGH PUBLIC LIBRARY	
001	LUMP SUM	-1,666,000

Friday, December 30, 2011

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FROM

040	DEPARTMENT OF EDUCATION	
424	SE INSTRUCTIONAL SUPPORT - OTPS	-18,000,000
435	SCHOOL FACILITIES - PS	-5,000,000
436	SCHOOL FACILITIES - OTPS	-20,000,000
440	SCHOOL FOOD SERVICES - OTPS	-13,605,097
444	ENERGY AND LEASES - OTPS	-10,000,000
470	SE PRE-K CONTRACT PMTS - OTPS	-82,012,000
042	CITY UNIVERSITY	
001	COMMUNITY COLLEGE-OTPS	-13,616,428
054	CIVILIAN COMPLAINT REVIEW BD	
001	CCRB-PS	-266,064
002	CCRB-OTPS	-2,000
056	POLICE DEPARTMENT	
004	ADMINISTRATION-PERSONNEL	-3,770,215
057	FIRE DEPARTMENT	
001	EXECUTIVE ADMINISTRATIVE	-2,746,611
009	EMERGENCY MEDICAL SERVICES-PS	-7,805,714
068	ADMIN FOR CHILDREN'S SERVICES	
006	CHILD WELFARE-OTPS	-18,376,114
069	DEPARTMENT OF SOCIAL SERVICES	
103	PUBLIC ASSISTANCE - OTPS	-5,800,538
105	ADULT SERVICES - OTPS	-1,000
203	PUBLIC ASSISTANCE	-3,931,000
072	DEPARTMENT OF CORRECTION	
001	ADMINISTRATION	-1,100,068
003	OPERATIONS - OTPS	-1,130,725
073	BOARD OF CORRECTION	
001	PERSONAL SERVICES	-19,651
098	MISCELLANEOUS	
001	PERSONAL SERVICES	-71,123
003	FRINGE BENEFITS	-62,456,978
005	INDIGENT DEFENSE SERVICES	-8,317,579
002	GENERAL RESERVE	-94,075,813

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FROM

099	GNRL & LSE PRCHS DBT SVC FUNDS	
003	LEASE PURCH & CITY GUAR DEBT	-40,180.986
006	NYC Transitional Finance Authority	-19,404.881
101	PUBLIC ADVOCATE	
002	OTHER THAN PERSONAL SERVICES	-175.000
125	DEPARTMENT FOR THE AGING	
002	COMMUNITY PROGRAMS - PS	-112.369
126	DEPARTMENT OF CULTURAL AFFAIRS	
003	CULTURAL PROGRAMS	-626.143
004	METROPOLITAN MUSEUM OF ART	-1,900.000
006	AMER MUSEUM NATURAL HISTORY	-500.000
022	OTHER CULTURAL INSTITUTIONS	-77.591
127	FINANCIAL INFO SERVICES AGENCY	
001	PERSONAL SERVICES	-379.261
131	OFFICE PAYROLL ADMINISTRATION	
100	PERSONAL SERVICE	-1,196.739
200	OTHER THAN PERSONAL SERVICE	-2,383.390
132	INDEPENDENT BUDGET OFFICE	
002	OTHER THAN PERSONAL SERVICE	-61.375
134	CIVIL SERVICE COMMISSION	
001	PERSONAL SERVICES	-17.000
226	COMMISSION ON HUMAN RIGHTS	
002	OTHER THAN PERSONAL SERVICES	-53.000
260	DEPT OF YOUTH & COMMUNITY DEV	
005	COMMUNITY DEVELOPMENT OTPS	-618.590
312	OTHER THAN PERSONAL SERVICES	-3,174.471
312	CONFLICTS OF INTEREST BOARD	
001	PERSONAL SERVICES	-89.501
002	OTHER THAN PERSONAL SERVICES	-18.000
781	DEPARTMENT OF PROBATION	
002	PROBATION SERVICES	-1,694.184
003	PROBATION SERVICES-OTPS	-911.658

FROM

801	DEPT OF SMALL BUSINESS SERVICES	
001	DEPT. OF BUSINESS P.S.	-225.067
004	CONTRACT COMP & BUS. OPP - PS	-41.023
006	ECONOMIC DEVELOPMENT CORP.	-578.240
010	WORKFORCE INVESTMENT ACT - PS	-111.811
011	WORKFORCE INVESTMENT ACT - OTPS	-1,057.482
806	HOUSING PRESERVATION AND DEVEL	
001	OFFICE OF ADMINISTRATION	-182.451
004	OFFICE OF HOUSING PRESERVATION	-1,504.576
008	OFFICE OF ADMINISTRATION OTPS	-226.796
010	HOUSING MANAGEMENT AND SALES	-150.000
011	OFFICE OF HOUSING PRESERVATION	-1,887.293
816	DEPARTMENT OF HEALTH AND MENTAL HYGIENE	
101	HEALTH ADMINISTRATION - PS	-67.238
102	DISEASE CONTROL AND EPIDEMIOLOGY - PS	-26.305
103	HEALTH PROMOTION AND DISEASE PREVEN.- PS	-84.874
106	OFFICE OF CHIEF MEDICAL EXAMINER - PS	-364.930
107	HEALTH CARE ACCESS AND IMPROVEMENT - PS	-48.810
108	MENTAL HYGIENE MANAGEMENT SERVICES - PS	-2,021.290
113	HEALTH PROMOTION AND DISEASE PREV.-OTPS	-1,416.677
116	OFFICE OF CHIEF MEDICAL EXAMINER - OTPS	-25.923
120	MENTAL HEALTH	-3.500
121	MENTAL RETARDATION AND DEVELOPMENTAL DIS	-3,997.000
819	HEALTH AND HOSPITALS CORP	
001	LUMP SUM	-3,278.368
826	DEPT ENVIRONMENTAL PROTECTION	
002	ENVIRONMENTAL MANAGEMENT	-46.283
005	ENVIRONMENTAL MANAGEMENT -OTPS	-61.046
827	DEPARTMENT OF SANITATION	
101	EXECUTIVE ADMINISTRATIVE	-139.056
104	BUILDING MANAGEMENT	-255.780
111	BUILDING MANAGEMENT-OTPS	-20,000

FROM

836	DEPARTMENT OF FINANCE	
003	PROPERTY	-813,000
004	AUDIT	-2,990,000
841	DEPARTMENT OF TRANSPORTATION	
004	TRAFFIC OPERATIONS	-328,646
007	BUREAU OF BRIDGES - OTPS	-48,780
011	OTPS-EXEC AND ADMINISTRATION	-711,350
013	OTPS-TRANSIT OPERATIONS	-155,440
014	OTPS-TRAFFIC OPERATIONS	-909,779
856	DEPT OF CITYWIDE ADMIN SERV	
100	EXECUTIVE AND SUPPORT SERVICES	-76,209
290	DIV OF ADMINISTRATION AND SECURITY- OTPS	-18,381
858	DEPT OF INFO TECH & TELECOMM	
001	PERSONAL SERVICES	-1,081,839
860	DEPT RECORDS + INFORMATION SVS	
100	PERSONAL SERVICES	-90,014
		-485,157,483

TO

002	MAYORALTY	
021	OFFICE OF THE MAYOR-OTPS	400,000
008	OFFICE OF THE ACTUARY	
200	OTHER THAN PERSONAL SERVICE	905,000
010	BOROUGH PRESIDENT - MANHATTAN	
002	OTHER THAN PERSONAL SERVICES	78,000
013	BOROUGH PRESIDENT - QUEENS	
002	OTHER THAN PERSONAL SERVICES	150,000
015	OFFICE OF THE COMPTROLLER	
005	FIRST DEPUTY COMPT-OTPS	140,000
017	DEPARTMENT OF EMERGENCY MANAGEMENT	
002	OTHER THAN PERSONAL SERVICES	841,895
021	OFFICE OF ADMINISTRATIVE TAX APPEALS	
001	PERSONAL SERVICES	136,490
025	LAW DEPARTMENT	
002	OTHER THAN PERSONAL SERVICES	178,000
040	DEPARTMENT OF EDUCATION	
402	GE INSTR & SCH LEADERSHIP - OTPS	11,500
439	SCHOOL FOOD SERVICES - PS	1,605,097
454	CENTRAL ADMINISTRATION - OTPS	52,070
042	CITY UNIVERSITY	
002	COMMUNITY COLLEGE PS	33,610,488
056	POLICE DEPARTMENT	
001	OPERATIONS	216,590,565
002	EXECUTIVE MANAGEMENT	135,381
100	OPERATIONS-OTPS	3,135,660
400	ADMINSITRATION-OTPS	1,223,875
057	FIRE DEPARTMENT	
002	FIRE EXTING AND EMERG RESP	58,646,464
004	FIRE PREVENTION	51,006
005	EXECUTIVE ADMIN-OTPS	1,000
006	FIRE EXTING & RESP-OTPS	3,653,695
008	FIRE PREVENTION-OTPS	13,000

TO

057	FIRE DEPARTMENT	
010	EMERGENCY MEDICAL SERV-OTPS	272.642
068	ADMIN FOR CHILDREN'S SERVICES	
002	OTHER THAN PERSONAL SERVICES	152.839
069	DEPARTMENT OF SOCIAL SERVICES	
101	ADMINISTRATION-OTPS	1,103.074
201	ADMINISTRATION	972.359
071	DEPT OF HOMELESS SERVICES	
100	DEPT OF HOMELESS SERVICES-PS	589.369
200	DEPT OF HOMELESS SERVICES-OTPS	10,747.015
072	DEPARTMENT OF CORRECTION	
002	OPERATIONS	61,975.396
098	MISCELLANEOUS	
002	OTHER THAN PERSONAL SERVICES	3,461.612
099	GNRL & LSE PRCHS DBT SVC FUNDS	
001	FUNDED DEBT-W/O CONST LIMIT	3,488,410
004	BUDGET STABILIZATION ACCOUNT	6,113.198
101	PUBLIC ADVOCATE	
001	PERSONAL SERVICES	175,000
103	CITY CLERK	
001	PERSONAL SERVICES	60,000
125	DEPARTMENT FOR THE AGING	
003	COMMUNITY PROGRAMS - OTPS	135,000
126	DEPARTMENT OF CULTURAL AFFAIRS	
001	OFFICE OF COMMISSIONER-PS	32,321
014	S.I. ZOOLOGICAL SOCIETY	24,362
015	S I HISTORICAL SOCIETY	14,279
021	STUDIO MUSEUM IN HARLEM	38,950
127	FINANCIAL INFO SERVICES AGENCY	
002	OTHER THAN PERSONAL SERVICES	903,308
156	NYC TAXI AND LIMOUSINE COMM	
001	PERSONAL SERVICE	30,000

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TO

260	DEPT OF YOUTH & COMMUNITY DEV	
311	PROGRAM SERVICES - PS	118,593
313	OFC OF COLLECTIVE BARGAINING	
002	OTHER THAN PERSONAL SERVICES	34,418
801	DEPT OF SMALL BUSINESS SERVICES	
002	DEPT. OF BUSINESS O.T.P.S.	1,864,240
806	HOUSING PRESERVATION AND DEVEL	
009	OFFICE OF DEVELOPMENT OTPS	87,000
810	DEPARTMENT OF BUILDINGS	
002	OTHER THAN PERSONAL SERVICES	100,000
816	DEPARTMENT OF HEALTH AND MENTAL HYGIENE	
104	ENVIRONMENTAL HEALTH - PS	42,901
112	DISEASE CONTROL AND EPIDEMIOLOGY - OTPS	530,572
114	ENVIRONMENTAL HEALTH - OTPS	49,000
117	HEALTH CARE ACCESS AND IMPROVEMENT- OTPS	2,762,796
820	OFFICE OF ADMINISTRATIVE TRIALS & HEARIN	
001	PERSONAL SERVICE	300,000
002	OTHER THAN PERSONAL SERVICE	97,070
827	DEPARTMENT OF SANITATION	
102	CLEANING & COLLECTION	24,582,824
105	BUREAU OF MOTOR EQUIP	131,001
106	EXEC & ADMINISTRATIVE-OTPS	1,609,472
109	CLEANING & COLLECTION-OTPS	76,485
110	WASTE DISPOSAL-OTPS	16,103
112	MOTOR EQUIPMENT-OTPS	183,968
836	DEPARTMENT OF FINANCE	
001	ADMINISTRATION & PLANNING	512,500
002	OPERATIONS	3,022,500
005	LEGAL	1,457,000
007	PARKING VIOLATIONS BUREAU	558,000
009	CITY SHERIFF	225,000
022	OPERATIONS-OTPS	730,825
033	PROPERTY-OTPS	50,000

Friday, December 30, 2011

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TO

836	DEPARTMENT OF FINANCE	
044	AUDIT-OTPS	524,000
077	PARKING VIOLATIONS BUREAU OTPS	250,000
841	DEPARTMENT OF TRANSPORTATION	
012	OTPS-HIGHWAY OPERATIONS	167,480
846	DEPT OF PARKS AND RECREATION	
002	MAINTENANCE & OPERATIONS	12,842,750
006	MAINT & OPERATIONS - OTPS	3,693,500
850	DEPT OF DESIGN & CONSTRUCTION	
002	OTHER THAN PERSONAL SERVICES	685,000
856	DEPT OF CITYWIDE ADMIN SERV	
190	EXECUTIVE AND SUPPORT SERVICES-OTPS	772,000
300	DIV OF FACILITIES MGMT AND CONSTRUCTION	70,500
390	DIV OF FACILITIES MGMT AND CONST- OTPS	3,829,250
400	DIV OF MUNICIPAL SUPPLY SERV.	93,000
690	COMMUNICATIONS	1,100,000
858	DEPT OF INFO TECH & TELECOMM	
002	OTHER THAN PERSONAL SERVICES	2,606,518
866	DEPARTMENT OF CONSUMER AFFAIRS	
003	OTHER THAN PERSONAL SERVICE	224,900
901	DISTRICT ATTORNEY NEW YORK	
001	PERSONAL SERVICES	6,425,042
904	DISTRICT ATTORNEY QUEENS CO.	
001	PERSONAL SERVICES	246,913
905	DISTRICT ATTORNEY RICHMOND	
001	PERSONAL SERVICES	5,919
906	OFF.OF PROSECUTION SPEC.NARC.	
001	PERSONAL SERVICES	586,123
002	OTHER THAN PERSONAL SERVICES	40,000
945	PUBLIC ADMINISTRATOR-RICHMOND	
002	OTHER THAN PERSONAL SERVICES	4,000
		485,157,483

Friday, December 30, 2011

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TO

0

Friday, December 30, 2011

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APPENDIX A
Summary of Changes By Agency

	FROM						Federal Other
	Total	Intra-City	City	Categories	Capital	State	
038 BROOKLYN PUBLIC LIBRARY	-1,591,000	0	-1,591,000	0	0	0	0
001 HEMPSTAD	-1,666,000	0	-1,666,000	0	0	0	0
039 QUEENS BOROUGH PUBLIC LIBRARY	-18,000,000	0	-18,000,000	0	0	0	0
040 DEPARTMENT OF EDUCATION	-4,915,000	0	-5,000,000	85,000	0	0	0
424 SENIORS CENTER REPORT - OPS	14,903,392	0	-20,000,000	33,179,892	0	0	0
435 SCHOOL FACILITIES - OPS	-13,605,097	0	-13,605,097	0	0	0	0
436 SCHOOL FACILITIES - OPS	-10,000,000	0	-10,000,000	0	0	0	0
440 SCHOOL BOARD SERVICES - OPS	-44,412,000	0	-82,012,000	0	0	37,600,000	0
444 EMPLOY AND LEASING - OPS	-11,710,548	0	-13,616,428	0	0	1,905,880	0
470 SUPPLY CONTRACT PRIS - OPS	-266,064	0	-266,064	0	0	0	0
042 CITY UNIVERSITY	-2,000	0	-2,000	0	0	0	0
001 COMMUNITY COLLEGE - OPS	-3,770,215	0	-3,770,215	0	0	0	0
054 CIVILIAN COMPLAINT REVIEW BD	-2,746,611	0	-2,746,611	0	0	0	0
001 CURBS	286,570	0	-7,805,714	8,092,284	0	0	0
002 CURBS	2,982,886	0	-18,376,114	0	0	16,870,000	0
056 POLICE DEPARTMENT	-5,125,319	0	-5,800,538	0	0	339,219	0
004 ADMINISTRATIVE PERSONNEL	-1,000	0	-1,000	0	0	0	0
001 FACILITY ADMINISTRATIVE	0	0	-3,931,000	0	0	0	3,931,000
009 EMERGENCY MEDICAL SERVICES							
068 ADMIN FOR CHILDREN'S SERVICES							
006 CHILD WELFARE - OPS							
069 DEPARTMENT OF SOCIAL SERVICES							
103 PUBLIC ASSISTANCE - OPS							
105 ADULT SERVICES - OPS							
203 PUBLIC ASSISTANCE							

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	FROM						Federal Other
	Total	Intra-City	City	Categories	Capital	State	
132 INDEPENDENT BUDGET OFFICE	-61,375	0	-61,375	0	0	0	0
002 OTHER THAN PERSONAL SERVICES	-17,000	0	-17,000	0	0	0	0
134 CIVIL SERVICE COMMISSION	-53,000	0	-53,000	0	0	0	0
001 PERSONAL SERVICES	-618,590	0	-618,590	0	0	0	0
226 COMMISSION ON HUMAN RIGHTS	-3,174,471	0	-3,174,471	0	0	0	0
002 OTHER THAN PERSONAL SERVICES	-89,501	0	-89,501	0	0	0	0
260 DEPT OF YOUTH & COMMUNITY DEV	-18,000	0	-18,000	0	0	0	0
005 COMMUNITY DEVELOPMENT - OPS	-1,694,184	0	-1,694,184	0	0	0	0
312 CONFLICTS OF INTEREST BOARD	-911,658	0	-911,658	0	0	0	0
001 PERSONAL SERVICES	-225,067	0	-225,067	0	0	0	0
002 OTHER THAN PERSONAL SERVICES	-41,023	0	-41,023	0	0	0	0
781 DEPARTMENT OF PROBATION	-578,240	0	-578,240	0	0	0	0
002 PROBATION SERVICES	-111,811	0	-111,811	0	0	0	0
003 PROBATION SERVICES - OPS	-1,057,482	0	-1,057,482	0	0	0	0
801 DEPT OF SMALL BUSINESS SERVICES	-182,451	0	-182,451	0	0	0	0
001 DEPT OF BUSINESS OPS	-1,504,576	0	-1,504,576	0	0	0	0
004 CONTRACT COMP & BUS OPS - OPS	-226,796	0	-226,796	0	0	0	0
006 ECONOMIC DEVELOPMENT CORP	-150,000	0	-150,000	0	0	0	0
010 WORKFORCE INVESTMENT ACT - OPS	-226,204	0	-1,887,293	0	0	664,468	0
011 WORKFORCE INVESTMENT ACT - OPS							
806 HOUSING PRESERVATION AND DEVEL							
001 OFFICE OF ADJUTANT GENERAL							
004 OFFICE OF HOUSING PRESERVATION							
008 OFFICE OF ADMINISTRATIVE SERVICES							
010 HOUSING MANAGEMENT AND SALES							
011 OFFICE OF HOUSING PRESERVATION							

Friday, December 30, 2011

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	FROM						Federal Other
	Total	Intra-City	City	Categories	Capital	State	
002 MAYORALTY	-1,433,101	0	-1,433,101	0	0	0	0
020 OFFICE OF THE MAYOR'S OPS	-561,000	0	-561,000	0	0	0	0
040 OFFICE OF MONTH AND BUDGET OPS	-100,000	0	-100,000	0	0	0	0
041 OFFICE OF MOST AND BUDGET OPS	-60,604	0	-60,604	0	0	0	0
061 OFFICE OF LABOR RELATIONS	-400,000	0	-400,000	0	0	0	0
380 OFFICE OF OPERATIONS - OPS	-2,008,560	0	-2,008,560	0	0	0	0
003 BOARD OF ELECTIONS	-111,579	0	-111,579	0	0	0	0
001 PERSONAL SERVICES	-78,000	0	-78,000	0	0	0	0
008 OFFICE OF THE ACTUARY	-150,000	0	-150,000	0	0	0	0
100 PERSONAL SERVICE	-75,053	0	-75,053	0	0	0	0
010 BOROUGH PRESIDENT - MANHATTAN	-2,584,000	0	-2,564,000	-20,000	0	0	0
001 PERSONAL SERVICES	-416,969	0	-416,969	0	0	0	0
013 BOROUGH PRESIDENT - QUEENS	-707,903	0	-707,903	0	0	0	0
001 PERSONAL SERVICES	-451,000	0	-451,000	0	0	0	0
017 DEPARTMENT OF EMERGENCY MANAGEMENT	-2,259,000	0	-2,259,000	0	0	0	0
001 PERSONAL SERVICES							
025 LAW DEPARTMENT							
001 PERSONAL SERVICES							
030 DEPARTMENT OF CITY PLANNING							
001 PERSONAL SERVICES							
032 DEPARTMENT OF INVESTIGATION							
001 PERSONAL SERVICES							
035 NEW YORK RESEARCH LIBRARY							
001 EMPLOYMENT APPROPRIATION							
037 NEW YORK PUBLIC LIBRARY							
006 SYSTEMS AND SERVICES							

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	FROM						Federal Other
	Total	Intra-City	City	Categories	Capital	State	
072 DEPARTMENT OF CORRECTION	-575,720	0	-1,100,068	0	724,348	0	0
001 ADMINISTRATIVE	-1,071,765	0	-1,130,725	58,960	0	0	0
003 OPERATIONS - OPS	-19,651	0	-19,651	0	0	0	0
073 BOARD OF CORRECTION	-71,123	0	-71,123	0	0	0	0
001 PERSONAL SERVICES	9,999,022	0	-62,456,978	0	0	35,811,000	0
003 FRENCH BENEFITS	-8,317,579	0	-8,317,579	0	0	0	0
005 URGENT PERSONAL SERVICES	-94,075,813	0	-94,075,813	0	0	0	0
002 GENERAL RESERVE	-40,180,986	0	-40,180,986	0	0	0	0
099 GNRL & LSE PRCHS DBT SVC FUNDS	-22,006,676	0	-19,404,881	0	0	0	-2,601,795
003 LEASE PUBLIC UTILITY DEBT	-175,000	0	-175,000	0	0	0	0
006 NYC Financial Services Authority	-112,369	0	-112,369	0	0	0	0
002 OTHER THAN PERSONAL SERVICES	-626,143	0	-626,143	0	0	0	0
125 DEPARTMENT FOR THE AGING	-1,900,000	0	-1,900,000	0	0	0	0
002 COMMUNITY PROGRAMS - OPS	-500,000	0	-500,000	0	0	0	0
126 DEPARTMENT OF CULTURAL AFFAIRS	-77,591	0	-77,591	0	0	0	0
003 CULTURAL PROGRAMS	-379,261	0	-379,261	0	0	0	0
004 METROPOLITAN MUSEUM OF ART	-1,196,739	0	-1,196,739	0	0	0	0
064 METROPOLITAN MUSEUM OF ART	-2,383,390	0	-2,383,390	0	0	0	0
006 AMERICAN NATURAL HISTORY							
022 OTHER CULTURAL INSTITUTIONS							
127 FINANCIAL INFO SERVICES AGENCY							
001 PERSONAL SERVICES							
131 OFFICE PAYROLL ADMINISTRATION							
100 PERSONAL SERVICE							
200 OTHER THAN PERSONAL SERVICE							

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		TO					FROM				
		Total	Intra-City	City	Categ.	Capital	State	CD	Federal	Other	
816	DEPARTMENT OF HEALTH AND MENTAL HYGIENE										
101	HEALTH ADMINISTRATORS - PS	400,000	0	400,000	0	0	0	0	-67,238	0	
102	DISEASE CONTROL AND PREVENTION - P	-41,101	0	-41,101	0	0	0	0	-26,305	-7,459,854	
103	HEALTH INFORMATION AND RESEARCH SERVICES	905,000	0	905,000	0	0	0	0	-84,874	-15,125,155	
106	OFFICE OF CHILD MEDICAL EXAMINER - PS	-564,930	0	-564,930	0	0	0	0	-364,930	0	
107	HEALTH CARE ACCESS AND IMPROVEMENT	78,000	0	78,000	0	0	0	0	-48,810	0	
108	MENTAL HYGIENE MANAGEMENT SERVICE	-21,290	0	-21,290	0	0	0	0	-2,021,290	0	
113	HEALTH INFORMATION AND RESEARCH SERVICES	-1,416,677	0	-1,416,677	0	0	0	0	-1,416,677	0	
116	OFFICE OF CHILD MEDICAL EXAMINER - OT	-25,923	0	-25,923	0	0	0	0	-3,500	0	
120	MENTAL HEALTH	-3,500	0	-3,500	0	0	0	0	-3,500	0	
121	MENTAL HEALTH SERVICES AND DEVELOPMENTS	-12,784,723	0	-12,784,723	0	0	0	0	-3,997,000	#####	
819	HEALTH AND HOSPITALS CORP	1,844,082	5,122,450	-3,278,368	0	0	0	0	0	0	
826	DEPT ENVIRONMENTAL PROTECTION	-46,283	0	-46,283	0	0	0	0	0	0	
005	ENVIRONMENTAL MANAGEMENT - OTS	-61,046	0	-61,046	0	0	0	0	0	0	
827	DEPARTMENT OF SANITATION	-616,356	0	-616,356	0	0	0	0	-139,056	0	
101	EXECUTIVE ADMINISTRATIVE	-255,780	0	-255,780	0	0	0	0	-255,780	0	
104	BUILDING MANAGEMENT	-20,000	0	-20,000	0	0	0	0	-20,000	0	
111	BUILDING MANAGEMENT - OTS	-813,000	0	-813,000	0	0	0	0	-813,000	0	
836	DEPARTMENT OF FINANCE	-2,990,000	0	-2,990,000	0	0	0	0	-2,990,000	0	
003	PROPERTY	-328,646	0	-328,646	0	0	0	0	-328,646	0	
004	AUDI	-48,780	0	-48,780	0	0	0	0	-48,780	0	
841	DEPARTMENT OF TRANSPORTATION	-711,350	0	-711,350	0	0	0	0	-711,350	0	
004	TRUCK OPERATIONS	-155,440	0	-155,440	0	0	0	0	-155,440	0	
007	BUREAU OF BUSES - OTS	0	0	0	0	0	0	0	0	0	
011	OPS/TRANSIT ADMINISTRATION	0	0	0	0	0	0	0	0	0	
013	OPS-TRANSIT OPERATIONS	0	0	0	0	0	0	0	0	0	

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		TO					FROM				
		Total	Intra-City	City	Categ.	Capital	State	CD	Federal	Other	
002	MAYORALTY	400,000	0	400,000	0	0	0	0	0	0	
021	OFFICE OF THE MAYOR - OTS	0	0	0	0	0	0	0	0	0	
008	OFFICE OF THE ACTUARY	905,000	0	905,000	0	0	0	0	0	0	
200	OTHER THAN PERSONAL SERVICES	78,000	0	78,000	0	0	0	0	0	0	
010	BOROUGH PRESIDENT - MANHATTAN	0	0	0	0	0	0	0	0	0	
002	OTHER THAN PERSONAL SERVICES	0	0	0	0	0	0	0	0	0	
011	BOROUGH PRESIDENT BRONX	0	0	0	0	0	0	0	0	0	
001	PERSONAL SERVICES	0	0	0	0	0	0	0	0	0	
012	BOROUGH PRESIDENT - BROOKLYN	0	0	0	0	0	0	0	0	0	
001	PERSONAL SERVICES	0	0	0	0	0	0	0	0	0	
013	BOROUGH PRESIDENT - QUEENS	150,000	0	150,000	0	0	0	0	0	0	
002	OTHER THAN PERSONAL SERVICES	0	0	0	0	0	0	0	0	0	
014	BOROUGH PRESIDENT STATEN ISLAND	0	0	0	0	0	0	0	0	0	
001	PERSONAL SERVICES	0	0	0	0	0	0	0	0	0	
015	OFFICE OF THE COMPTROLLER	140,000	0	140,000	0	0	0	0	0	0	
005	FIRST DEPUTY COMPTROLLER	841,895	0	841,895	0	0	0	0	0	0	
017	DEPARTMENT OF EMERGENCY MANAGEMENT	136,490	0	136,490	0	0	0	0	0	0	
002	OTHER THAN PERSONAL SERVICES	178,000	0	178,000	0	0	0	0	0	0	
021	OFFICE OF ADMINISTRATIVE TAX APPEALS	10,490,048	0	10,490,048	0	0	10,478,548	0	0	0	
001	PERSONAL SERVICES	1,605,097	0	1,605,097	0	0	0	0	0	0	
025	LAW DEPARTMENT	52,070	0	52,070	0	0	0	0	0	0	
002	OTHER THAN PERSONAL SERVICES	8,329,742	99,717	8,329,742	0	0	0	0	8,320,025	0	
040	DEPARTMENT OF EDUCATION	42,770,814	284,977	42,770,814	0	0	-26,219,829	0	68,705,666	0	
402	GENERAL & LSE PRCHTS DBT SVC FUNDS	0	0	0	0	0	0	0	0	0	
439	SUBORDINATE LEADERSHIP - OTS	0	0	0	0	0	0	0	0	0	
454	CENTRAL ADMINISTRATION - OTS	0	0	0	0	0	0	0	0	0	
461	FRENCH BISHOPS - PS	0	0	0	0	0	0	0	0	0	
481	CATEGORICAL PROGRAMS - PS	0	0	0	0	0	0	0	0	0	

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		TO					FROM				
		Total	Intra-City	City	Categ.	Capital	State	CD	Federal	Other	
040	DEPARTMENT OF EDUCATION	40,517,498	7,146,139	0	0	0	-8,755,544	0	42,126,903	0	
482	CATEGORICAL PROGRAMS - OTS	33,610,488	0	33,610,488	0	0	0	0	0	0	
042	CITY UNIVERSITY	226,916,303	0	216,590,565	0	0	0	0	10,325,738	0	
002	COMMUNITY COLLEGES	135,381	0	135,381	0	0	0	0	0	0	
056	POLICE DEPARTMENT	3,135,660	0	3,135,660	0	0	0	0	0	0	
001	OPERATIONS	1,223,875	0	1,223,875	0	0	0	0	0	0	
002	FIRE FIGHTING AND EMERGENCY RESP	58,646,464	0	58,646,464	0	0	0	0	0	0	
004	FIRE PREVENTION	51,006	0	51,006	0	0	0	0	0	0	
005	EMERGENCY ADMIN - OTS	1,000	0	1,000	0	0	0	0	0	0	
006	FIRE FIGHTING & RESCUES	3,653,695	0	3,653,695	0	0	0	0	0	0	
008	FIRE PREVENTION - OTS	13,000	0	13,000	0	0	0	0	0	0	
010	EMERGENCY MEDICAL SERVICES - OTS	272,642	0	272,642	0	0	0	0	0	0	
068	ADMIN FOR CHILDREN'S SERVICES	291,871	0	152,839	0	0	101,115	0	37,917	0	
069	DEPARTMENT OF SOCIAL SERVICES	1,103,074	0	1,103,074	0	0	0	0	0	0	
101	ADMINISTRATION - OTS	1,544,707	291,871	972,359	0	0	119,352	0	161,125	0	
071	DEPT OF HOMELESS SERVICES	589,369	0	589,369	0	0	0	0	0	0	
100	DEPT OF HOMELESS SERVICES - PS	14,328,502	0	10,747,015	0	0	1,660,824	0	1,920,663	0	
200	DEPT OF HOMELESS SERVICES - OTS	57,271,436	0	61,975,396	941,040	0	0	0	-5,645,000	0	
072	DEPARTMENT OF CORRECTION	-32,655,695	0	-3,461,612	0	0	-36,117,307	0	0	0	
002	OPERATIONS	0	0	0	0	0	0	0	0	0	
098	MISCELLANEOUS	0	0	0	0	0	0	0	0	0	
002	OTHER THAN PERSONAL SERVICES	0	0	0	0	0	0	0	0	0	

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	TO				TO				Federal Other
	Total	IntraCity	City	Categ.	Total	IntraCity	City	Categ.	
383 BRONX COMMUNITY BOARD #3 001 PERSONAL SERVICES	0	0	0	0	0	0	0	0	0
384 BRONX COMMUNITY BOARD #4 001 PERSONAL SERVICES	0	0	0	0	0	0	0	0	0
385 BRONX COMMUNITY BOARD #5 001 PERSONAL SERVICES	0	0	0	0	0	0	0	0	0
386 BRONX COMMUNITY BOARD #6 001 PERSONAL SERVICES	0	0	0	0	0	0	0	0	0
387 BRONX COMMUNITY BOARD #7 001 PERSONAL SERVICES	0	0	0	0	0	0	0	0	0
388 BRONX COMMUNITY BOARD #8 001 PERSONAL SERVICES	0	0	0	0	0	0	0	0	0
389 BRONX COMMUNITY BOARD #9 001 PERSONAL SERVICES	0	0	0	0	0	0	0	0	0
390 BRONX COMMUNITY BOARD #10 001 PERSONAL SERVICES	0	0	0	0	0	0	0	0	0
391 BRONX COMMUNITY BOARD #11 001 PERSONAL SERVICES	0	0	0	0	0	0	0	0	0
392 BRONX COMMUNITY BOARD #12 001 PERSONAL SERVICES	0	0	0	0	0	0	0	0	0
431 QUEENS COMMUNITY BOARD #1 001 PERSONAL SERVICES	0	0	0	0	0	0	0	0	0
432 QUEENS COMMUNITY BOARD #2 001 PERSONAL SERVICES	0	0	0	0	0	0	0	0	0
433 QUEENS COMMUNITY BOARD #3 001 PERSONAL SERVICES	0	0	0	0	0	0	0	0	0
434 QUEENS COMMUNITY BOARD #4 001 PERSONAL SERVICES	0	0	0	0	0	0	0	0	0

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	TO				TO				Federal Other
	Total	IntraCity	City	Categ.	Total	IntraCity	City	Categ.	
475 BROOKLYN COMMUNITY BOARD #5 001 PERSONAL SERVICES	0	0	0	0	0	0	0	0	0
476 BROOKLYN COMMUNITY BOARD #6 001 PERSONAL SERVICES	0	0	0	0	0	0	0	0	0
477 BROOKLYN COMMUNITY BOARD #7 001 PERSONAL SERVICES	0	0	0	0	0	0	0	0	0
478 BROOKLYN COMMUNITY BOARD #8 001 PERSONAL SERVICES	0	0	0	0	0	0	0	0	0
479 BROOKLYN COMMUNITY BOARD #9 001 PERSONAL SERVICES	0	0	0	0	0	0	0	0	0
480 BROOKLYN COMMUNITY BOARD #10 001 PERSONAL SERVICES	0	0	0	0	0	0	0	0	0
481 BROOKLYN COMMUNITY BOARD #11 001 PERSONAL SERVICES	0	0	0	0	0	0	0	0	0
482 BROOKLYN COMMUNITY BOARD #12 001 PERSONAL SERVICES	0	0	0	0	0	0	0	0	0
483 BROOKLYN COMMUNITY BOARD #13 001 PERSONAL SERVICES	0	0	0	0	0	0	0	0	0
484 BROOKLYN COMMUNITY BOARD #14 001 PERSONAL SERVICES	0	0	0	0	0	0	0	0	0
485 BROOKLYN COMMUNITY BOARD #15 001 PERSONAL SERVICES	0	0	0	0	0	0	0	0	0
486 BROOKLYN COMMUNITY BOARD #16 001 PERSONAL SERVICES	0	0	0	0	0	0	0	0	0
487 BROOKLYN COMMUNITY BOARD #17 001 PERSONAL SERVICES	0	0	0	0	0	0	0	0	0
488 BROOKLYN COMMUNITY BOARD #18 001 PERSONAL SERVICES	0	0	0	0	0	0	0	0	0

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	Total	Intra-City	City	Categs.	Capital	State	CD	Federal	Other
827 DEPARTMENT OF SANITATION									
112 MAJOR EQUIPMENT-OPTS	183,968	0	183,968	0	0	0	0	0	0
836 DEPARTMENT OF FINANCE									
001 ADMINISTRATION & TRAINING	512,500	0	512,500	0	0	0	0	0	0
002 OPERATIONS	3,022,500	0	3,022,500	0	0	0	0	0	0
005 LEGAL	1,457,000	0	1,457,000	0	0	0	0	0	0
007 PARKING VIOLATIONS BUREAU	558,000	0	558,000	0	0	0	0	0	0
009 CITY SHERIFF	225,000	0	225,000	0	0	0	0	0	0
011 ADMINISTRATIONS-OPTS	0	0	0	0	0	0	0	0	0
022 OPERATIONS-OPTS	730,825	0	730,825	0	0	0	0	0	0
033 PROPERTY-OPTS	50,000	0	50,000	0	0	0	0	0	0
044 AUDIT-OPTS	524,000	0	524,000	0	0	0	0	0	0
077 PARKING VIOLATIONS BUREAU-OPTS	250,000	0	250,000	0	0	0	0	0	0
841 DEPARTMENT OF TRANSPORTATION									
002 HIGHWAY OPERATIONS	403,721	0	0	0	403,721	0	0	0	0
012 ODS HIGHWAY OPERATIONS	167,480	0	167,480	0	0	0	0	0	0
846 DEPT OF PARKS AND RECREATION									
002 MAINTENANCE & OPERATIONS	6,329,349	-6,513,401	12,842,750	0	0	0	0	0	0
003 DESIGN & ENGINEERING	545,000	0	0	0	545,000	0	0	0	0
006 MAINT & OPERATIONS-OPTS	3,693,500	0	3,693,500	0	0	0	0	0	0
010 DESIGN & ENGINEERING-OPTS	253,076	0	0	0	253,076	0	0	0	0
850 DEPT OF DESIGN & CONSTRUCTION									
002 OTHER THAN PERSONAL SERVICES	685,000	0	685,000	0	0	0	0	0	0
856 DEPT OF CITYWIDE ADMIN SERV									
190 EXECUTIVE AND SUPPORT SERVICES-OPTS	772,000	0	772,000	0	0	0	0	0	0
300 DIV OF FACILITIES MAINT AND CONSTRUCT	70,500	0	70,500	0	0	0	0	0	0
390 DIV OF FACILITIES MAINT AND CONST-OPT	3,829,250	0	3,829,250	0	0	0	0	0	0
400 DIV OF MUNICIPAL SUPPLY SERVICES	95,000	0	95,000	0	0	0	0	0	0

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	Total	Intra-City	City	Categs.	Capital	State	CD	Federal	Other
491 STATEN ISLAND COMMUNITY BD #1									
001 PERSONAL SERVICES	0	0	0	0	0	0	0	0	0
492 STATEN ISLAND COMMUNITY BD #2									
001 PERSONAL SERVICES	0	0	0	0	0	0	0	0	0
493 STATEN ISLAND COMMUNITY BD #3									
001 PERSONAL SERVICES	0	0	0	0	0	0	0	0	0
801 DEPT OF SMALL BUSINESS SERVICES									
002 DEPT OF BUSINESS OPTS	1,864,240	0	1,864,240	0	0	0	0	0	0
005 CONTRACT COST & B.S.OPT-OPTS	0	0	0	0	0	0	0	0	0
806 HOUSING PRESERVATION AND DEVEL									
009 OTHER THAN PERSONAL SERVICES	87,000	0	87,000	0	0	0	0	0	0
810 DEPARTMENT OF BUILDINGS									
002 OTHER THAN PERSONAL SERVICES	100,000	0	100,000	0	0	0	0	0	0
816 DEPARTMENT OF HEALTH AND MENTAL HYGIENE									
104 ENVIRONMENTAL HEALTH-OPTS	31,977	0	42,901	-34,152	0	159,652	0	170,576	0
111 HEALTH ADMINISTRATION-OPTS	0	0	0	-1,278,990	0	639,495	0	639,495	0
112 DISEASE CONTROL AND PREVENTION-O	820,581	0	530,572	-300,000	0	440,009	0	150,000	0
114 ENVIRONMENTAL HEALTH-OPTS	49,000	0	49,000	0	0	0	0	0	0
117 HEALTH CARE ACCESS AND IMPROVEMENT	4,316,869	0	2,762,796	0	0	1,554,073	0	0	0
820 OFFICE OF ADMINISTRATIVE TRIALS & HEARIN									
001 PERSONAL SERVICE	300,000	0	300,000	0	0	0	0	0	0
002 OTHER THAN PERSONAL SERVICE	97,070	0	97,070	0	0	0	0	0	0
827 DEPARTMENT OF SANITATION									
102 CLEANING & COLLECTORS	24,582,824	0	24,582,824	0	0	0	0	0	0
105 BUREAU OF MAJOR EQUIP	131,001	0	131,001	0	0	0	0	0	0
106 ENCL & ADMINISTRATIVE-OPTS	1,609,472	0	1,609,472	0	0	0	0	0	0
109 CLEANING & COLLECT-OPTS	4,799,360	0	76,485	0	0	4,722,875	0	0	0
110 WASTE DISPOSAL-OPTS	16,103	0	16,103	0	0	0	0	0	0

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	Total	Intra-City	City	Categs.	Capital	State	CD	Federal	Other
856 DEPT OF CITYWIDE ADMIN SERV									
490 DIV OF MUNICIPAL SUPPLY-OPTS	0	0	0	0	0	0	0	0	0
690 CONTRACT SERVICES	1,100,000	0	1,100,000	0	0	0	0	0	0
858 DEPT OF INFO TECH & TELECOMM									
002 OTHER THAN PERSONAL SERVICES	2,606,518	0	2,606,518	0	0	0	0	0	0
866 DEPARTMENT OF CONSUMER AFFAIRS									
003 OTHER THAN PERSONAL SERVICE	224,900	0	224,900	0	0	0	0	0	0
901 DISTRICT ATTORNEY NEW YORK									
001 PERSONAL SERVICES	6,425,042	0	6,425,042	0	0	0	0	0	0
904 DISTRICT ATTORNEY QUEENS CO.									
001 PERSONAL SERVICES	246,913	0	246,913	0	0	0	0	0	0
905 DISTRICT ATTORNEY RICHMOND									
001 PERSONAL SERVICES	5,919	0	5,919	0	0	0	0	0	0
906 OFF OF PROSECUTION SPEC.NARC.									
001 PERSONAL SERVICES	586,123	0	586,123	0	0	0	0	0	0
002 OTHER THAN PERSONAL SERVICES	40,000	0	40,000	0	0	0	0	0	0
945 PUBLIC ADMINISTRATOR-RICHMOND									
002 OTHER THAN PERSONAL SERVICES	4,000	0	4,000	0	0	0	0	0	0
	508,857,297	1,309,303	485,157,483	-54,170,657	1,201,797	-51,216,737	0	126,823,108	0

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DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, January 4, 2012.

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On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

GENERAL ORDER CALENDAR

Report for Int. No. 567-A

Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to provide online access to street resurfacing and capital improvement information for city blocks.

The Committee on Transportation, to which the annexed amended proposed local law was referred on May 11, 2011 (Minutes, page 1503), and which was laid over by the Council on December 19, 2011 (Minutes, page 5351), respectfully

REPORTS:

INTRODUCTION

On December 15, 2011, the Committee on Transportation, chaired by Council Member James Vacca, will hold a hearing on Proposed Int. No. 567-A, a Local Law to amend the administrative code of the city of New York, in relation to requiring the Department of Transportation (DOT) to provide online access to street resurfacing and capital improvement information for each city block. This bill would require DOT to provide on its website information regarding the year of the last resurfacing or capital improvement to city blocks and the current DOT rating of the block. In addition, the bill would require that on or before January 31, 2013, this information shall be searchable by city block.

This is the second hearing on this legislation. The first hearing was held on November 1, 2011. Witnesses presenting testimony at that hearing included the DOT. Amendments were made to this legislation based on testimony received at that hearing.

BACKGROUND

With technology constantly changing the speed at which information is disseminated, the public is expecting higher levels of public notification and interaction with their government. In response to greater demands for information the Council has put forward a number of initiatives to encourage greater public input and awareness of projects that are shaping and re-shaping their communities.

Recently several bills have been enacted to provide greater disclosure of information dealing with traffic statistics and major transportation projects, such as Local Laws 61, 64 and 66 of 2011. These items of legislation are meant to encourage greater community input. The present bill is a natural progression from the work that the Council has undertaken in this area. In FY 2011, DOT conducted over 300,000 street repairs, and issued over 200,000 construction permits for work all over the City. DOT also resurfaced over 1,000 lane miles.¹ These projects are meant to improve the City's road and street infrastructure, but in many instances require disruption to streets, sidewalks, and parking. Therefore, it is important that the public has access to information about projects that will impact their day to day activities.

ANALYSIS

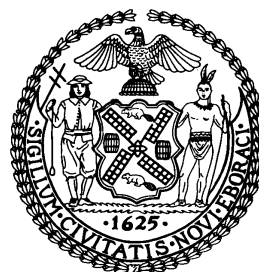
Section one of Proposed Int. No. 567-A would amend subchapter one of chapter one of title 19 by adding a new section 19-154, entitled "Publication of street resurfacing information." New section 19-154 would require the Department of Transportation (DOT) to provide on its website information regarding resurfacing and capital improvement of city blocks, to wit: (i) the year the last resurfacing or capital improvement to the city block occurred and (ii) the current DOT rating for the city block based on its rating system of good, fair and poor. In addition, on or before January 31, 2013, this information shall be searchable by city block.

Section two of Int. No. 567 states that the local law takes effect immediately.

(The following is the text of the Fiscal Impact Statement for Int. No. 567-A:)

for the Lower Ma_____

¹ Mayor's Management Report, September 2011. Page 65.



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

PROPOSED INTRO. NO: 567-A

COMMITTEE: Transportation

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the Department of Transportation to provide online access to street resurfacing and capital improvement information for city blocks.

SPONSORS: Council Members Oddo, Cabrera, Dromm, Fidler, Garodnick, Gentile, Mealy, Mendez, Palma, Sanders Jr., Chin, Koslowitz, Van Bramer, Nelson, Rose, Rodriguez, Halloran, Koo, Ulrich and Ignizio

SUMMARY OF LEGISLATION: This legislation would amend chapter 1 of title 19 of the Administrative Code by adding a new section 19-154 entitled "Publication of Street Resurfacing Information" to require that the Commissioner of the Department of Transportation make available online through the Department's website information regarding the resurfacing and capital improvement of city blocks. Such information shall include but not be limited to the year city blocks were last resurfaced or received capital improvement and the current rating for city blocks pursuant to the Department's street rating system as good, fair, or poor. In addition, the required information shall be searchable by city block on or before January 31, 2013.

EFFECTIVE DATE: This legislation would take effect immediately after its enactment into law.

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

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: Because the Department will use existing resources to comply with this local law, it is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable

SOURCE OF INFORMATION: City Council Finance Division
Mayor's Office of Legislative Affairs

ESTIMATE PREPARED BY: Nathan Toth, Deputy Director
Chima Obichere, Unit Head

HISTORY: Introduced as Intro. 567 by the Council on May 11, 2011 and referred to the Committee on Transportation. A hearing was held and the legislation was laid over by the Committee on November 1, 2011. Intro. 567 has been amended, and the amended version, Proposed Int. 567-A, will be considered by the Committee on December 15, 2011.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 567-A:)

Int. No. 567-A

By Council Members Oddo, Cabrera, Dromm, Fidler, Garodnick, Gentile, Mealy, Mendez, Palma, Sanders, Chin, Koslowitz, Van Bramer, Nelson, Rose, Rodriguez, Jackson, Arroyo, Vann, Lappin, Vacca, Brewer, Vallone, Weprin, Levin, Barron, Eugene, Gennaro, Greenfield, Lander, Crowley, Koppell, Mark-Viverito, Recchia, Halloran, Koo, Ulrich, Ignizio and Wills.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to provide online access to street resurfacing and capital improvement information for city blocks.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-154 to read as follows:

§19-154 Publication of street resurfacing information. a. The commissioner shall make available online through the department's website information regarding the resurfacing and capital improvement of city blocks. Such information shall include but not be limited to: (i) what year city blocks were last resurfaced or received capital improvement; (ii) the current rating for city blocks pursuant to the department's street rating system as one of the following: good, fair, or poor.

b. On or before January 31, 2013, the information required by subdivision a of this section shall be searchable by city block.

§2. This local law shall take effect immediately.

JAMES VACCA, Chairperson; MICHAEL C. NELSON, GALE A. BREWER, DANIEL R. GARODNICK, JESSICA S. LAPPIN, DARLENE MEALY, YDANIS RODRIGUEZ, DEBORAH L. ROSE, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, PETER A. KOO; Committee on Transportation, January 4, 2012.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for Int. No. 585-A

Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to establishing limits on the emissions of volatile organic compounds in carpet and carpet cushion.

The Committee on Housing and Buildings, to which the annexed amended proposed local law was referred on May 26, 2011 (Minutes, page 1650), and which was laid over by the Council on December 19, 2011 (Minutes, page 5318), respectfully

REPORTS:

BACKGROUND AND ANALYSIS:

On December 19, 2011, the Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan, will conduct a hearing on Proposed Int. No. 585-A, related to limiting the emissions of volatile organic compounds that are found in carpets and carpet cushions. On June 21, 2011, the Committee held a hearing on an earlier version of this bill, wherein testimony was received from the Mayor's Office of Long-Term Planning and Sustainability, and other persons interested in the legislation. Proposed Int. No. 585-A, which is before the Committee today, was amended following this initial hearing.

Volatile is a term in chemistry that refers to the tendency of any substance to evaporate at normal temperatures.² A volatile organic compound (VOC) is therefore any chemical compound with molecules containing carbon that will evaporate at normal temperatures. While most VOCs have no known health effects, several VOCs are known to cause acute to chronic health effects including "eye, nose, and throat irritation; headaches, loss of coordination, nausea; damage to liver, kidney, and central nervous system."³ Some VOCs are suspected or known to cause cancer.⁴ VOCs have also been linked to "sick building syndrome," which causes building occupants to experience acute health and comfort effects as a result of time spent in a building. Although it affects up to 50% of the American workforce, no specific illness can be identified as causing sick building syndrome.⁵

The Environmental Protection Agency's Office of Research and Development has found that levels of common organic pollutants can be 2 to 5 times higher inside than outside. Two factors that attribute significantly to such comparatively high indoor pollution rates include poor ventilation and the quantity of VOC emitting sources located inside.⁶ Common sources of VOCs include paints, sealants, solvents, cleansers, disinfectants, carpets, carpet cushions, adhesives and other interior finishes.⁷

for the Lower Ma_____

² <http://www.ilpi.com/msds/ref/volatility.html>

³ Environmental Protection Agency, An Introduction to Indoor Air Quality (IAQ), Volatile Organic Compounds (VOC). <http://www.epa.gov/iaq/voc.html>

⁴ Id.

⁵ Environmental Protection Agency, An Introduction to Indoor Air Quality (IAQ), Indoor Facts No. 4 (revise) Sick Building Syndrome. <http://www.epa.gov/iaq/pubs/sbs.html>

⁶ Environmental Protection Agency, An Introduction to Indoor Air Quality (IAQ), Volatile Organic Compounds (VOC). <http://www.epa.gov/iaq/voc.html>

⁷ Id.

Proposed Int. No. 585-A would limit the emissions of VOCs in carpets and carpet cushions and would prohibit the sale and installation of non-complaint carpet and carpet cushion.

Proposed Int. No. 585-A

Section one of this proposed bill creates a new Chapter 14 in Title 17 of the Administrative Code of the City of New York titled "Limits on Volatile Organic Compound Emissions in Carpet and Carpet Cushion."

Section 17-1401 defines the terms "carpet," "carpet adhesive," "carpet backing," "carpet business," "carpet cushion," "emission factor," "owner," "person," "total volatile organic compound or TVOC" and "volatile organic compound or VOC."

Section 17-1402 prohibits carpet businesses and building owners from selling or offering for sale non-complaint carpet or carpet cushion, and also prohibits carpet business and owners from installing or causing to be installed non-complaint carpet or carpet cushion.

Section 17-1403 requires that carpet adhesive be compliant with state VOC standards for adhesives.

Section 17-1404 provides the standard for testing for both carpets and carpet cushions. Carpets shall comply with the emission factor limits set forth in table I for both 24-hour and 14-day testing periods, and carpet cushions shall comply with the emission factor limits in table II for a 24-hour testing period.

Section 17-1405 prohibits carpet businesses from removing the labels from carpet or carpet cushion and requires carpet businesses to obtain documentation from the manufacturer that the carpet and carpet cushion they sell is compliant with the City's standards. If the carpet or carpet cushion was sold outside of the City for installation inside the City, the documentation must be available at the site of installation.

Section 17-1406 provides that carpets that have been certified as Green Label Plus and carpet cushions that have been certified as Green Label are deemed to be compliant with the City's standards, and no further documentation for those carpets and carpet cushions is required under 17-1405. The Commissioner of Health and Mental Hygiene may, by rule, recognize other certification programs as being compliant with the City's standards.

Section 17-1407 provides that the requirements of this Chapter shall be posted in a conspicuous location or provided in written form to all customers in all commercial establishments where carpet and carpet cushion is sold.

Section 17-1408 provides that nothing in this Chapter shall be construed to require the replacement of carpet or carpet cushion installed prior to July 1, 2013.

Section 17-1409 provides that the requirements of this Chapter shall be enforced by the Department of Health and Mental Hygiene and the Department of Consumer Affairs. Violations of the recordkeeping and notice provisions of this bill carry fines of not more than \$250 and violations of the sale and installation provisions carry fines of not more than \$500. Civil penalties may be recovered in proceedings before the Environmental Control Board, the Administrative Tribunal of the Department of Consumer Affairs, or in any court of appropriate jurisdiction. Although it is the practice of city inspectors to issue notices of violation to the building or business owner, as an additional safeguard, an affirmative defense has been provided for laborers that install carpet who have no ownership interest in the carpet business or managerial or supervisory responsibility.

Section 17-1410 exempts antique or handmade rugs, or carpets made from natural fibers from the provisions of this Chapter.

Table I and II set out the maximum VOC emission factors for carpets and carpet cushions, respectively.

Bill section two adds a new paragraph (3) to subdivision d of section 27-351 of the Administrative Code providing that carpet and carpet cushion used pursuant to the 1968 Building Code shall meet the standards of Chapter 14 of Title 17.

Bill section three adds section 28-113.5 to the Administrative Code providing that carpet and carpet cushion used pursuant to the 2008 Building Code shall meet the standards of Chapter 14 and Chapter 15 of Title 17, respectively.

Section four of this proposed bill adds a new section 804.6 to the Building Code which states that carpet and carpet cushion used pursuant to the code shall meet the standards of Chapter 14 of Title 17.

Bill section five provides that this bill shall take effect on July 1, 2013, except that the Commissioner of Health and Mental Hygiene shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

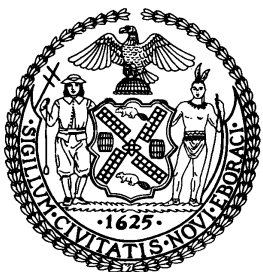
Amendments to Proposed Int. No. 585-A

- Provisions related to the regulation of VOCs in architectural coatings and adhesives were removed and the title of the proposed bill was changed to reflect the subject matter of the bill.
- Provisions relating to standards for carpets and carpet cushion were moved from the Building Code and placed in a new Chapter 14 of Title 17 of the Administrative Code.
- The provisions of this bill will now be enforced by the Department of Health and Mental Hygiene and the Department of Consumer Affairs.
- Definitions for "carpet," "carpet adhesive," "carpet backing," "carpet business," "carpet cushion," "emission factor," "owner," "person," and

“total volatile organic compound or TVOC,” were added, and the definition for “volatile organic compound” was changed.

- Reference to a 24-hour testing standard for carpets was removed.
- Recordkeeping requirements were added for carpet businesses where the label of the product does not indicate that it is compliant with the City’s standards.
- Products compliant with Green Label and Green Label Plus are deemed to be in compliance with the City’s standards. The Commissioner of Health and Mental Hygiene can recognize other certifications that are compliant with the City’s standards by rule.
- A notice provision at the point of sale of carpets and carpet cushions was added.
- A section was added clarifying that this bill does not require the removal or replacement of carpet installed prior to the effective date of this bill.
- The penalty for violation of this Chapter was changed to no more than \$250 for violations of the recordkeeping and notice provisions and no more than \$500 for violations of the sale and installation provisions.
- An affirmative defense was added to for laborers that install carpet who have no ownership interest in the carpet business or managerial or supervisory responsibility.
- Table I, setting out the testing criteria for carpets was expanded from 14 compounds to 33 compounds.
- The effective date of the bill was changed from eighteen months after its enactment to July 1, 2013.
- Technical changes were made throughout the proposed bill for clarity and to organize the material by subject matter.

(The following is the text of the Fiscal Impact Statement for Int. No. 585-A:)



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

PROPOSED INTRO. NO: 585-A

COMMITTEE: Housing and Buildings

TITLE: To amend the administrative code of the city of New York, in relation to establishing limits on the emissions of volatile organic compounds in carpet and carpet cushion.

SPONSOR: By Council Members Recchia, Jr. Fidler, Gentile, Koslowitz, Rose, Williams and Ulrich

SUMMARY OF LEGISLATION: This legislation would prohibit the sale and installation of all non-compliant carpet and carpet cushion by July 1, 2013. If the carpet or carpet cushion has been certified by the Green Label program, a low-VOC standard that has been recognized and adopted by every carpet manufacturer in the United States, no documentation proving compliance is required. However, if carpet or carpet cushion is not Green Label certified, carpet businesses must obtain documentation from the manufacturer that the carpet and carpet cushion is compliant with the City’s standards. This legislation would also require that a notice of the provisions of this law be either conspicuously posted where carpet and carpet cushion are sold, or distributed to customers at the time of sale or installation. Violations of the recordkeeping and notice provisions of this bill carry fines of not more than \$250. Violations of the sale and installation provisions carry fines of not more than \$500. Although it is the practice of city inspectors to issue notices of violation to the building or business owner, as an additional safeguard, an affirmative defense has been provided for laborers that install carpet who have no ownership interest in the carpet business or managerial or supervisory responsibility.

EFFECTIVE DATE: This local law shall take effect on July 1, 2013, except that the commissioner of health and mental hygiene shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FISCAL 2014

FISCAL IMPACT STATEMENT:

	Effective FY14	FY Succeeding Effective FY15	Full Fiscal Impact FY14
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: There would be no impact on revenues resulting from the enactment of this legislation. The City assumes full compliance. Fines are meant for compliance, not to generate revenues.

IMPACT ON EXPENDITURES: There would be no impact on expenditures resulting from the enactment of this legislation.

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Anthony Brito, Senior Legislative Financial Analyst
 Nathan Toth, Deputy Director

HISTORY: Introduced by City Council and referred to Housing and Buildings Committee as Int. No. 585 on May 26, 2011. Hearing held by Committee on June 21, 2011, and the bill was laid over. This legislation will be voted by the Committee on December 16, 2011 as Proposed Int. No. 585-A.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 585-A:)

Int. No. 585-A

By Council Members Recchia, Fidler, Gentile, Koslowitz, Rose, Williams, Arroyo, Lappin, Jackson, Brewer, Mark-Viverito, Lander, Van Bramer, Levin, Barron, Koppell, Rodriguez, Chin, Eugene, Gennaro, Ulrich, Koo and Wills.

A Local Law to amend the administrative code of the city of New York, in relation to establishing limits on the emissions of volatile organic compounds in carpet and carpet cushion.

Be it enacted by the Council as follows:

Section 1. Title 17 of the administrative code of the city of New York is amended by adding a new chapter 14 to read as follows:

CHAPTER 14

LIMITS ON VOLATILE ORGANIC COMPOUND EMISSIONS IN CARPET AND CARPET CUSHION

§17-1401 Definitions. As used in this chapter the following terms have the following meanings:

- (1) *Carpet.* A heavy fabric used to cover a floor and made from wool, cotton, or other natural or synthetic fibers. Such term shall include carpet backing.
- (2) *Carpet business.* Any person engaged in the business of selling or installing carpet or carpet cushion.
- (3) *Carpet adhesive.* Any adhesive labeled for use in the installation of carpet, vinyl backed carpet, or artificial grass.
- (4) *Carpet backing.* Materials such as fabrics, yarns, or chemical compounds at the underside of a carpet, used to reinforce the carpet’s construction.
- (5) *Carpet cushion.* A padding made of hair, felt, jute, foam or sponge rubber, or other natural or man-made materials, that is placed on the floor before a carpet is laid.
- (6) *Emission factor.* The mass of a compound emitted from a specific unit area of product surface per unit of time.
- (7) *Owner.* Any person having a legal or equitable interest in or control of any building, premises or part thereof, including but not limited to the record owner, a tenant or lessee.
- (8) *Person.* Any natural person, agent, firm, partnership, corporation or other legal entity.
- (9) *Total volatile organic compound or TVOC.* Sum of the concentrations of all identified and unidentified VOCs between and including n-pentane through n-heptadecane (C5 - C17) as measured by the gas chromatography/mass spectrometry total ion current (GC/MS TIC) method and expressed as a toluene equivalent value.
- (10) *Volatile organic compound or VOC.* Carbon-containing compounds with vapor pressures at standard conditions ranging between those for n-pentane through n-heptadecane (C5 - C17), excluding carbon monoxide, carbon dioxide,

carbonic acid, metallic carbides and carbonates and ammonium carbonate. For the purposes of this chapter, formaldehyde and acetaldehyde are considered to be VOCs.

§17-1402 Sale or installation of non-compliant carpet or carpet cushion prohibited. On and after July 1, 2013 it shall be unlawful for a carpet business to sell or offer for sale carpet or carpet cushion designed for installation or use in the interior of a building or for a carpet business or owner to install or lay or to cause the installation or laying of carpet or carpet cushion in the interior of any building, premises or part thereof in the city that is not compliant with the standards set forth in section 17-1404.

§17-1403 Carpet adhesive. Carpet adhesive used in the installation of carpet in the interior of any building in the city shall comply with subpart 228-2 of part 228 of title 6 of the official compilation of the codes, rules and regulations of the state of New York.

§17-1404 Standard for testing. Testing of materials, other than carpet adhesive, covered by this chapter shall be in accordance with American Society for Testing and Materials (ASTM) D 5116-10 (standard guide for small-scale environmental chamber determination of organic emissions from indoor materials/products) or as otherwise specified in the rules of the department. Carpet shall comply with the emission factor limits in table I for a 14-day testing period. Carpet cushion shall comply with the emission factor limits in table II for a 24-hour testing period.

§17-1405 Recordkeeping requirements for carpet businesses. Carpet businesses shall not remove the original manufacturer's labels from carpets or carpet cushions unless removal is necessary during installation. Carpet businesses shall obtain documentation from the manufacturer, in a form the department finds acceptable, that all carpet or carpet cushion sold, offered for sale or installed within the city is compliant with the standards set forth in section 17-1404 unless the manufacturer's label otherwise indicates that the carpet or carpet cushion is compliant pursuant to section 17-1406. Such documentation shall be kept on file and available for inspection by consumers and officers and employees of the department or the department of consumer affairs within seventy-two hours of the request. If carpet or carpet cushion is sold outside the city for installation in the city, such documentation shall be available for inspection by consumers and the department at the site upon installation.

§17-1406 Green Label, Green Label Plus and other certification programs.
a. Carpets and carpet cushions that have been certified by, and carry the seal or symbol of, the following certification programs shall be deemed to comply with the standards set forth in section 17-1404: i. Carpet and Rug Institute (CRI) Green Label certification program, version effective February 16, 2010 or such other version as may be specified in the rules of the department; ii. Carpet and Rug Institute (CRI) Green Label Plus certification program, version effective February 16, 2010 or such other version as may be specified in the rules of the department; and iii. other certification programs as may be specified in the rules of the department.

b. Notwithstanding the provisions of subdivision a, this section shall not apply to any certification program if the emission factor allowed for any individual VOC or for TVOC by the applicable version of such program exceeds the standards set forth in section 17-1404.

§17-1407 Notice. Notice of the requirements of this chapter shall be posted in a conspicuous location at the premises of a carpet business within the city where carpet or carpet cushion are sold or offered for sale to consumers or, provided in written form to consumers at the time of sale within the city. If carpet or carpet cushion is sold outside the city for installation in the city, such notice shall be provided to the consumer prior to installation. The form and wording of such notice shall be specified by the department of health and mental hygiene.

§17-1408 Construction. Nothing in this chapter shall be construed to require the removal or replacement of carpet or carpet cushion installed prior to July 1, 2013.

§17-1409 Enforcement and penalties. The provisions of this chapter shall be enforced by the department and the department of consumer affairs. Any person found to be in violation of section 17-1402 or 17-1403 of this chapter or rules of the department promulgated pursuant thereto shall be liable for a civil penalty of not more than five hundred dollars for each violation. Any person found to be in violation of section 17-1405 or 17-1407 of this chapter or rules of the department promulgated pursuant thereto shall be liable for a civil penalty of not more than two hundred fifty dollars for each violation. Such civil penalties may be recovered in proceedings before the environmental control board or the administrative tribunal of the department of consumer affairs or in an action in any court of appropriate jurisdiction. Notices of violation returnable to such board or tribunal may be served by officers and employees of the department and the department of consumer affairs. In any proceeding it shall be an affirmative defense that the respondent is a laborer in the employ of the carpet business to do the physical work of installing the carpet and that he or she has no ownership interest in or control of the business or in any corporation, partnership or other legal entity that owns or controls the business and that he or she has no managerial or supervisory responsibility.

§17-1410 Exemptions. This chapter shall not apply to antique or hand-made rugs or carpets made of natural fibers such as wool, cotton or jute with no VOC containing carpet cushion or carpet backing.

Table I
Carpet 14-Day VOC Emissions Test Criteria

Volatile Organic Compound	Chemical Abstract Service #	Maximum Emission Factor (µgm ² /hr)
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Acetaldehyde	75-07-0	130
Benzene	71-43-2	55
Carbon disulfide	75-15-0	744
Carbon tetrachloride	56-23-5	37
Chlorobenzene	108-90-7	930
Chloroform	67-66-3	279
Dichlorobenzene (1,4-)	106-46-7	744
Dichloroethylene (1,1)	75-35-4	65
Dimethylformamide (N,N-)	68-12-2	74
Dioxane (1,4-)	123-91-1	2790
Epichlorohydrin	106-89-8	2
Ethylbenzene	100-41-4	1860
Ethylene glycol	107-21-1	372
Ethylene glycol monoethyl ether	110-80-5	65
Ethylene glycol monoethyl ether acetate	111-15-9	279
Ethylene glycol monomethyl ether	109-86-4	55
Ethylene glycol monomethyl ether acetate	110-49-6	83
Formaldehyde	50-00-0	16.7
Hexane (n-)	110-54-3	6510
Isophorone	78-59-1	1860
Isopropanol	67-63-0	6510
Methyl chloroform	71-55-6	930
Methylene chloride	75-09-2	372
Methyl t-butyl ether	1634-04-4	7440
Naphthalene	91-20-3	8.2
Phenol	108-95-2	186
Propylene glycol monomethyl ether	107-98-2	6510
Styrene	100-42-5	410
Tetrachloroethylene	127-18-4	32
Toluene	108-88-3	280
Trichloroethylene	79-01-6	558
Vinyl acetate	108-05-4	186
Xylenes, technical mixture (m-,o-, p-xylene combined)	108-38-3 95-47-6 106-42-3	651

Table II
Carpet Cushion 24-Hour VOC Emissions Test Criteria

Volatile Organic Compound	24-hour Testing Period: Maximum Emission Factor (µg/m ² per hour)
Butylated hydroxytoluene	300
Formaldehyde	50
4-Phenylcyclohexene (4PCH)	50
Total Volatile Organic Compounds	1000

§2. Subdivision d of section 27-351 of the administrative code of the city of New York is amended by adding a new paragraph 3 to read as follows:

(3) Volatile organic compounds emissions in carpet and carpet cushion. On and after July 1, 2013 carpet and carpet cushion as defined in section 17-1401 of the administrative code shall comply with the limits on volatile organic compound emissions set forth in chapter 14 of title 17 of such code.

§3. Article 113 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-113.5 to read as follows:

§28-113.5 Volatile organic compounds emissions in carpet and carpet cushion. On and after July 1, 2013 carpet and carpet cushion as defined in section 17-1401 of the administrative code shall comply with the limits on volatile organic compound emissions set forth in chapter 14 of title 17 of such code.

§4. Section 804 of the New York city building code is amended by adding a new section 804.6 to read as follows:

804.6 Volatile organic compounds emissions in carpet and carpet cushion. On and after July 1, 2013 carpet and carpet cushion as defined in section 17-1401 of the administrative code shall comply with the limits on volatile organic compound emissions set forth in chapter 14 of title 17 of such code.

§5. This local law shall take effect on July 1, 2013, except that the commissioner of health and mental hygiene shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

JAMES VACCA, Chairperson; MICHAEL C. NELSON, GALE A. BREWER, DANIEL R. GARODNICK, JESSICA S. LAPPIN, DARLENE MEALY, YDANIS RODRIGUEZ, DEBORAH L. ROSE, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, PETER A. KOO; Committee on Transportation, January 4, 2012.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

Resolved, that the following named persons be and hereby are appointed Commissioners of Deeds for a term of two years:

Approved New Applicant’s Report

Cassandra Harris	275 West 118 th Street #2B New York, N.Y. 10026	9
Kathy Washington	2289 5 th Avenue #15G New York, N.Y. 10037	9
Germain Difo	75 Thayer Street #1G New York, N.Y. 10040	10
Emily Gonzalez	325 East 201 st Street #6G Bronx, N.Y. 10458	11
Rashann Melton	40-12D West Mosholu Parkway South Bronx, N.Y. 10468	11
Hui Zhen Li	6214 10 th Avenue #1 Brooklyn, N.Y. 11219	38
Mariia Khanina	2065 West 4 th Street Brooklyn, N.Y. 11223	47
Dorothy Ho	21 Dorit Court Staten Island, N.Y. 10308	51

Approved New Applicants and Reapplicants

Richard A. Chipman	657 10 th Avenue New York, N.Y. 10036	3
Esther Marlowe	272 First Avenue #8H New York, N.Y. 10009	4
Jay Burnstein	66 West 88 th Street #4F New York, N.Y. 10024	6
Sheila Scoot	55 LaSalle Street #1 New York, N.Y. 10027	7
Ricardo Alicea	322 East 117 th Street New York, N.Y. 10035	8
Verfie Grey	10 East 116 th Street #2A New York, N.Y. 10029	8
Diana Rodriguez-Clark	200 Manhattan Avenue New York, N.Y. 10025	8
Aban Cooper	241 West 113 th Street New York, N.Y. 10026	9
Omayra Nunez	146 West 111 th Street #5B New York, N.Y. 10026	9
Albertha L. Sears	45 East 135 th Street #12E New York, N.Y. 10037	9
Carmen Cabreja	608 West 189 th Street New York, N.Y. 10040	10
Madelyn Vasquez	3530 Rochambeau Avenue Bronx, N.Y. 10467	11
Maureen Hinds	120 Aldrich Street Bronx, N.Y. 10475	12
Rosary Graniela	1330 Vreeland Avenue Bronx, N.Y. 10461	13
Steven J. Wallace	906 Dean Avenue Bronx, N.Y. 10465	13
Virginia Ortiz	1325 Grand Concourse #5M Bronx, N.Y. 10452	14
Sophia Osei-Sarfo	500 East 165 th Street #11K Bronx, N.Y. 10456	16
Rena Broome	599 Morris Avenue Bronx, N.Y. 10451	17
Donna Leak	1595 Unionport Road #9D Bronx, N.Y. 10462	18
Takemasa John Kurita	20-45 23 rd Street #1 Queens, N.Y. 11105	22
Yelena Aronova	153-07 77 th Road	24

Jeraldine Baichoo	Flushing, N.Y. 11367 80-08 168 th Street Queens, N.Y. 11432	24
Denayswharie Dhanraj	59-01 39 th Avenue Woodside, N.Y. 11377	26
Noemi Quesada	6060 54 th Place Maspeth, N.Y. 11378	26
Lynn C. Schulman	104-40 Queens Blvd Forest Hills, N.Y. 11375	29
Carmen Standish	90-02 63 rd Drive #2K Queens, N.Y. 11374	29
Michele D. Adams	222-03 141 st Avenue Queens, N.Y. 11413	31
Glenda Hicks	171-05 143 rd Road Jamaica N.Y. 11434	31
Javier Acevedo	151-12 80 th Street Howard Beach, N.Y. 11414	32
Angelina Agosto	38 Clay Street Brooklyn, N.Y. 11222	33
Gerald A. Esposito	153 Conselyea Street Brooklyn, N.Y. 11211	34
Ada Torres	1091-1103 Gates Avenue Brooklyn, N.Y. 11221	34
Thomasina White	296 Jerome Street #1 Brooklyn, N.Y. 11207	34
Eunice Mateo	785 Marcy Avenue #3A Brooklyn, N.Y. 11216	36
Germain Tillery	642 Monroe Street #2 Brooklyn, N.Y. 11221	36
Quinton Waters	1462 Dean Street Brooklyn, N.Y. 11213	36
Jose J. Rivera	109 St. Nicholas Avenue #2R Brooklyn, N.Y. 11237	37
Iris Morals	615 47 th Street #1 Brooklyn, N.Y. 11220	38
Julie Newman	1014 45 th Street #3A Brooklyn, N.Y. 11219	39
Gwendolyn King	287 Marion Street Brooklyn, N.Y. 11233	41
Ronald Murphy	9110 Ridge Blvd Brooklyn, N.Y. 11209	43
Janice L. Mann	28 Paerdegat 10 th Street Brooklyn, N.Y. 11236	46
Kristel Lynn Simmonds-Cobb	3845 Shore Parkway #2E Brooklyn, N.Y. 11235	46
Lucia Acevedo	2842 West 25 th Street Brooklyn, N.Y. 11224	47
Jeffrey C. Feldman	2650 Ocean Parkway #5G Brooklyn, N.Y. 11235	47
Stanley Pessah	1801 Avenue N Brooklyn, N.Y. 11230	48
Mark Shasho	2041 East 13 th Street Brooklyn, N.Y. 11229	48
Janice Cook	11 Silver Lake Road Staten Island, N.Y. 10301	49
Stephen C. Franklin	15 Van Pelt Avenue Staten Island, N.Y. 10303	49
Mason R. Logie, Jr.	20 Sylva Lane #20 Staten Island, N.Y. 10305	49
Robert O. Reeves	260 Park Hill Avenue #5J Staten Island, N.Y. 10304	49
Annalisa Ciccotto	24 Turf Road Staten Island, N.Y. 10314	50
Rina Amato	9 Zephyr Avenue Staten Island, N.Y. 10312	51
Sheryl F. Diamond	26 Florence Street Staten Island, N.Y. 10308	51
Geraldine Kiefer	19 Glover Street Staten Island, N.Y. 10308	51
Constance R. Raia	30A Saturn Lane Staten Island, N.Y. 10314	51
Vincent Serapiglia	260 Rolling Hill Green	51

	Staten Island, N.Y. 10314	
Elizabeth Talarico	691 Ionia Avenue	51
	Staten Island, N.Y. 10312	
Michael D. Theodorakis	244 Woehrl Avenue	51
	Staten Island, N.Y. 10312	

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

ROLL CALL ON GENERAL ORDERS FOR THE DAY
(Items Coupled on General Order Calendar)

- (1) **M 737 & Res 1195 --** Transfer City Funds between various agencies in FY12 (MN-2)
- (2) **Int 567-A --** Requiring the department of transportation to provide online access to street resurfacing and capital improvement information for city blocks.
- (3) **Int. 585-A --** Establishing limits on the emissions of volatile organic compounds in carpet and carpet cushion.
- (4) **Int 749 --** Date of submission by the mayor of a preliminary management report and preliminary budget (**with a Message of Necessity from the Mayor requiring an affirmative vote of at least two-thirds of the Council for passage**).
- (5) **Res 1174 --** Resolution concerning the increase in the annual expenditure for the 34th Street, the Grand Central, the 125th Street, the Mosholu-Jerome-East Gun Hill Road, the Fordham Road and the Bayside Village Business Improvement Districts, and the setting of the date, time and place for the hearing of the local law increasing the annual expenditure for such districts.
- (6) **Res 1192 --** Designation of funding in the Expense Budget (**Transparency Resolution**).
- (7) **Resolution approving various persons Commissioners of Deeds.**

The President Pro Tempore (Council Member Rivera) put the question whether the Council would agree with and adopt such reports which were decided in the **affirmative** by the following vote:

Affirmative – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dromm, Eugene, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – 47.

The General Order vote recorded for this Stated Meeting was 47-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **M-737 & Res No. 1195**:

Affirmative – Arroyo, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dromm, Eugene, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – 44.

Negative – Barron and Rodriguez – 2.

Abstention – Williams – 1.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 567-A, 585-A, and 749 (passed under a Message of Necessity from the Mayor).

For **Introduction and Reading of Bills**, see the material following the **Resolutions** section below:

RESOLUTIONS

Presented for voice-vote

The following are the respective Committee Reports for each of the Resolutions referred to the Council for a voice-vote pursuant to Rule 8.50 of the Council:

Report for voice-vote Res. No. Res 821-A

Report of the Committee on Public Safety in favor of approving and adopting, as amended, a Resolution calling on the United States Congress to pass and the President to sign into law: (i) H.R.591/S.35, which would close the background check loophole at gun shows by establishing a background check procedure for all firearms sold at gun shows; and (ii) legislation requiring background checks for all private firearm sales.

The Committee on Public Safety, to which the annexed amended resolution was referred on May 11, 2011 (Minutes, page 1523), respectfully

REPORTS:

I. INTRODUCTION

On January 4, 2012, the Public Safety Committee, chaired by Council Member Peter F. Vallone, Jr. will vote on Resolution 821-A, Resolution 1122-A, and Resolution 1171.. The Public Safety Committee held a public hearing to discuss these resolutions on December 15, 2011. At the hearing the Committee heard testimony from New York County District Attorney Cyrus R. Vance, Jr., Colin Weaver, Deputy Director of New Yorkers Against Gun Violence, Allison Dicken, Program Director at the Center to Prevent Youth Violence, Dominique Sharpton from the National Action Network, and Mel Wymore from Community Board 7. Additionally, the Committee received, for the record, a letter written by Attorney General Eric T. Schneiderman to United States Senate Leadership on these issues.

All of the testimony heard by the Committee was in support of all three resolutions, which relate to Federal legislation that could directly affect the safety of the residents of the City of New York. Furthermore, as a result of the hearing, Resolution 821 has been amended to become Resolution 821-A and now includes a call for Congress to pass and the President to sign into law legislation requiring background checks for all private firearm sales. Resolution 821-A and Resolution 1171 support bills that would take significant steps to address the issue of illegal firearms making their way into the City of New York. Resolution 1122-A, opposes a bill that, if passed, would essentially increase the number of concealed firearms present in New York City at any given moment.

II. BACKGROUND

The State and City of New York, having a duty to protect the welfare of their citizens, enacted numerous stringent gun control statutes and provisions that effectively reduce the incidence of gun-related crime, accidents, and violence.⁸ Yet there are myriad sources of illegal guns. This is highlighted by the fact that 85% of the guns recovered at crime scenes in New York City were originally sold and purchased in another state.⁹ This shows that although New York City and State enacted tough legislation, the Federal framework has an impact on the ability to reduce the flow of illegal guns and gun violence in the City of New York. It is for this reason that the Committee on Public Safety is voting on resolutions relating to three pieces of federal legislation today.

III. RESOLUTIONS

Resolution No. 821-A

Resolution No. 821-A calls upon the United States Congress to pass and the President to sign into law: (i) H.R.591/S.35, which would close the background check loophole at gun shows by establishing a background check procedure for all firearms sold at gun shows; and (ii) legislation requiring background checks for all private firearm sales.

The Brady Act (the “Act”), enacted in by Congress 1993, governs federal background checks on firearm purchasers. The Act created two types of gun sales in the U.S. – licensed, regulated sales, and private, unregulated sales. Specifically, the Act requires firearms sellers who are “engaged in the business” of selling guns (federal firearms licensees, or “FFLs”) to conduct background checks of all prospective purchasers using the Federal Bureau of Investigation’s National Instant

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⁸ These include, for example, strict licensing eligibility requirements, the nation’s first gun offender registry act, and tight gun sale laws.

⁹ See NYC Criminal Justice Coordinator Website, Confronting Crime: Illegal Handguns, available at: <http://www.nyc.gov/html/cjc/html/crime/guns.shtml>

Check System (NICS) prior to selling any firearms.¹⁰ The purpose of this background check is to determine whether or not the purchaser is prohibited by federal law from owning a firearm.¹¹ Since 1993, pursuant to the Act, “over 100,000,000 background checks have been performed by an FFL, denying guns to more than 1,600,000 illegal buyers.”¹²

However, a person is not an FFL if the person is not “engaged in the business” of selling firearms. This was intended to encompass “private sellers” who are hobbyists or those selling firearms from their personal collections on rare occasions. Due to the purportedly small number of sales these sellers would conduct they have been exempted from the Act’s background check requirements, however, they are prohibited from selling to a person they know to be, or have reason to believe may be, a prohibited purchaser.¹³ Even with this caveat, this exemption still creates an entire market for background-checkless gun sales. Since gun shows create a marketplace for these types of sellers and sales, the exception is commonly referred to as the “gun show loophole.” This loophole has become a national issue since estimates show that 40% of all gun sales in the United States take place through a “private” sale,¹⁴ and therefore without the necessary background checks to ensure safety. Additionally, the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (“U.S. ATF”) conducted a study that showed gun shows were involved with over 10,000 trafficked guns a year, amounting to about 30% of all criminal gun trafficking.¹⁵ It seems apparent that gun shows attract many people who would not pass a NICS background check, and it is for this reason that the District of Columbia along with 16 states, including New York State,¹⁶ enacted legislation to address gun show sales within their jurisdictions.¹⁷

S.35 and H.R.591 both propose to close this loophole on a national level by defining a gun show as any event where 50 or more firearms are offered or exhibited for sale, and a gun show vendor as any person not licensed under the Act who exhibits, sells, offers for sale, transfers, or exchanges a firearm at a gun show.¹⁸ The bills would also require that gun show promoters or operators register with the U.S. Attorney General, verify the identity of each gun show vendor at all gun shows, and maintain a list of gun show vendors.¹⁹ Also, the bills require that all firearms sales at gun shows be done through an FFL, therefore if a non-licensed person or vendor intends to sell a firearm at a gun show they would be required to use an FFL to complete the transaction.²⁰ The FFL would then be required to conduct the requisite NICS background check and maintain the proper records while also being required to report the firearms transfer to the U.S. Department of Justice within 10-days.²¹

These bills, and similar legislation in the past, have garnered bi-partisan support. In 2004, Senators voted 53 to 46 in favor of an amendment introduced by Arizona Senator John McCain to close the gun show loophole, but the bill to which the amendment was attached was not able to pass Congress.²² Additionally, in 2009 a poll was commissioned by Mayors Against Illegal Guns and conducted by Republican Pollster Frank Luntz, which showed that 69% of all NRA members and 85% of non-NRA gun owners support requiring criminal background checks on all purchasers at gun shows.²³

While the “private seller” exemption is commonly exploited by the gun show marketplace, there is, additionally, a growing trend that in background-checkless sales, where the seller even knows or should have reason to know that the purchaser is prohibited from owning a gun, that are occurring via the internet. In fact, on December 14th, 2011 Mayor Michael Bloomberg released a report entitled “Point, Click, Fire: An Investigation of Illegal Online Gun Sales” (the “Report”), highlighting the issue of private background-checkless gun sales that occur in violation of the law.²⁴ The Report details an investigation undertaken by the City of

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¹⁰ See 18 U.S.C. §921(a)(21)(C). FLLs must also maintain records of firearm sales by recording the serial number of any firearm sold in order to facilitate gun tracing.

¹¹ Federal law prohibits the following people from possessing a firearm: (1) convicted felons; (2) fugitives; (3) drug addicts and abusers; (4) people with serious histories of mental illness; (5) aliens who are in the U.S. illegally; (6) persons dishonorably discharged from the Armed Forces; (7) those who have renounced their U.S. citizenship; (8) those subjects of domestic violence restraining orders; (9) domestic violence misdemeanants; and (10) those with pending felony charges. See 18 U.S.C. §922(g) and 18 U.S.C. §922(n).

¹² Gun Show Background Check Act of 2011, S.35, 112th Cong. §2(a)(7) (2011).

¹³ See 18 USC §922(d).

¹⁴ Garen J. Wintemute, et. al. *Private-Party Gun Sales, Regulation, and Public Safety*, 363 NEW. ENG. J. MED. 508 (Aug. 5, 2010).

¹⁵ U.S. Department of the Treasury, Bureau of Alcohol, Tobacco, Firearms and Explosives, *Following the Gun: Enforcing Federal Laws Against Firearms Traffickers*, June 2000, available at: <http://www.bradycampaign.org/xshare/pdf/facts/2000-atf-following.pdf>

¹⁶ See N.Y. General Business Law Article 39-DD which makes it a class A misdemeanor for anyone to sell a firearm at a gun show without first conducting a NICS background check.

¹⁷ See Mayor’s Against Illegal Guns, *Trace the Guns: The Link Between Gun Laws and Interstate Gun Trafficking*, September 2010, available at: http://www.mayorsagainstillegalguns.org/downloads/pdf/trace_the_guns_report.pdf

¹⁸ See S.35 and H.R. 591, 112th Cong. (2011)

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.* However, the FFL need not give any personal information about the seller or purchaser to the DOJ. This information would only be requested in the event that a firearm subsequently becomes the subject of a law enforcement trace request.

²² See S.1805, 108th Cong. (2004). The McCain Amendment was No. 2636.

²³ See Mayor’s Against Illegal Guns, *GUN OWNERS: NRA Gun-Owners & Non-NRA Gun-Owners*, December 2009, available at: http://www.mayorsagainstillegalguns.org/downloads/pdf/luntz_poll_questionnaire_and_responses.pdf

²⁴ See City of New York, *Point, Click, Fire: An Investigation of Illegal Online Gun Sales*, December 2011, available at: <http://fixgunchecks.org>

New York where undercover investigators attempted to purchase guns from private sellers via the internet while clearly indicating to the seller that they “probably could not pass a background check.”²⁵ The report reveals that 62% of private gun sellers agreed to sell the firearm to the undercover investigator even though it was brought to their knowledge that they would not pass a background check – a clear violation of federal law.²⁶ This investigation, therefore, shows that the “gun show loophole” is merely a subset of the problem. The whole problem is more adequately defined as a “private sale loophole” that encompasses all private sales that take place without a background check, or without the proper action taken by private sellers in situations where they know the purchaser would not pass a background check. The Report concludes that to fix the problem, federal law must require a background check for every gun sale.²⁷

For the foregoing reasons Resolution No. 821-A supports S.35 and H.R.591, and calls upon the United States Congress to pass and the President of the United States to sign these bills into law. Currently, both bills have been referred to committee in their respective houses of the U.S. Congress for deliberation. Additionally, for these same reasons the Committee calls upon the United States Congress to pass and the President of the United States to sign legislation requiring background checks for all firearm sales.

Resolution No. 1122-A

Resolution No. 1122-A calls upon the United States Senate and the President to oppose H.R.822, known as the “National Right-to-Carry Reciprocity Act of 2011” (the “Reciprocity Act”), which would allow a resident from one state who has a carry concealed handgun permit to lawfully carry his or her handgun into a different state, regardless of the licensing eligibility standards in the other state.

A permit to carry a concealed handgun enables a person to carry his or her handgun outside of his or her home, or place of business in a concealed manner. There is no federal law that regulates the issuance of these permits, however, 49 states have enacted legislation that allow and regulate the issuance of concealed carry permits. These regulations vary from state to state but all fall within one of the following four categories:²⁸ (1) Unrestricted – where no permit is required to carry a concealed handgun;²⁹ (2) Shall-Issue – where a permit is needed, but the granting of such permits is subject only to meeting certain criteria laid out in the law and the granting authority has no discretion in the awarding of the permits;³⁰ (3) May-Issue – where a permit is required and the granting of such permits is partially at the discretion of local authorities;³¹ and (4) No-Issue – where private citizens are not allowed to carry a concealed handgun.³²

New York State is considered a may-issue jurisdiction since the state and local authorities have discretion over the issuance of carry concealed permits.³³ While it is true that in New York State a license to possess a handgun also serves as a license to carry a handgun, almost all handgun licenses come with restrictions on carrying. The New York Penal Law provides that all applications for carry licenses be made to the city or county licensing officers where the applicant resides³⁴ and each city and county determines who will be the licensing officer, and provides the appropriate application procedures for carry licenses.³⁵ In New York City the Police Department is the licensing authority and in order to obtain a license to carry a concealed handgun the applicant is required to show that “proper cause” exists for the issuance of the license.³⁶ The decision to issue or deny this license is within the discretion of the Police Commissioner and his decision will only be overturned by a court if it can be shown that he abused his discretion. In addition to all of this, New York State does not honor the carry concealed permits of any other state.³⁷ It is because of these strict licensing standards that New York City has given out only approximately 30,000 carry concealed handgun licenses, with a large percentage of

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²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ See generally May Issue vs. Shall Issue, CCWbyState, available at: <http://www.ccwbystate.com/2011/05/12/may-shall-issue-category/>

²⁹ Alaska, Arizona, Vermont and Wyoming allow residents to carry a concealed firearm without a permit.

³⁰ Shall-issue states are: Arkansas, Colorado, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin.

³¹ Alabama, California, Connecticut, Delaware, Hawaii, Maryland, Massachusetts, New Jersey, New York, and Rhode Island are may-issue states.

³² Illinois is the only no-issue state.

³³ The New York Penal Law states: “[a] license for a pistol or revolver shall be issued to . . . have and carry concealed, without regard to employment or place of possession, by any person when proper cause exists for the issuance thereof.” N.Y. Penal Law §400.00(2)(f).

³⁴ See N.Y. Penal Law §400.00

³⁵ See e.g. Administrative Code of the City of New York §10-131 and §10-301 et. seq.

³⁶ See N.Y. Penal Law §400.00(2)(f) and 38 RCNY §5-03 which states that “Proper cause is determined by a review of all relevant information bearing on the claimed need of the applicant for the license. The following are examples of factors which shall be considered in such a review.

(a) Exposure of the applicant by reason of employment or business necessity to extraordinary personal danger requiring authorization to carry a handgun.

(b) Exposure of the applicant to extraordinary personal danger, documented by proof of recurrent threats to life or safety requiring authorization to carry a handgun.”

³⁷ See N.Y. Penal Law §400.00(3)(a) which requires applicants to be residents of, or principally employed in, New York State.

those being for retired law enforcement officials. In comparison, Florida had 843,463 valid licensed carry concealed permit holders as of July 31, 2011.³⁸

Representative Cliff Stearns (R-FL) introduced the Reciprocity Act, which would amend the U.S. Code by inserting a new section entitled “reciprocity for the carrying of certain concealed firearms.”³⁹ This amendment would allow a resident from one state who has a concealed handgun permit to lawfully carry his or her handgun into all other states (except those no-issue states), regardless of the licensing standards in that other state.⁴⁰ The only restriction upon these license holders is that they would be subject to the same conditions or limitations that apply to residents of the state in which they are visiting.⁴¹ This would override New York’s laws and effectively allow concealed weapons to be carried in New York by an individual who New York has not approved to do so. Unlike New York, some states permit people to carry a concealed weapon even if: (1) they have violent misdemeanor criminal convictions; (2) they have no firearms safety training; (3) they are under the age of 21; or (4) they do not have good character or good cause to carry. Therefore, this legislation would “reduce all states to the lowest common denominator of concealed carry laws”⁴² and could create safety risks to the general public in New York as well as to New York law enforcement officials who may have difficulties verifying the validity of out-of-state permits.

The House Judiciary Committee voted on the Reciprocity Act on October 25, 2011 where it passed by a vote of 19 to 11. Subsequently the bill was voted on by the full House of Representatives on November 16, 2011 and passed by a vote of 272 to 154. While the bill passed with bipartisan support, all members, Republican and Democratic, of the New York City Congressional delegation voted against the measure.⁴³ The bill has now been referred to the United States Senate for consideration. For the foregoing reasons Resolution No. 1122-A calls upon the United States Senate, and the President of the United States to oppose H.R. 822.

Resolution 1171

Resolution 1171 calls upon Congress to pass and the President to sign into law S.1973, known as the “Gun Trafficking Prevention Act of 2012” (“Prevention Act”), which would amend the United States Code by creating the crime of trafficking or assisting in the trafficking of a firearm. The Prevention Act seeks to amend the United States Code by creating the crime of trafficking in firearms. Unlike drugs, which are both illegally manufactured and illegally sold, firearms start off as legal items. For this reason “firearms trafficking” is broadly defined as the illegal diversion of any quantity of legally owned firearms from lawful commerce to unlawful commerce.⁴⁴ Interstate firearms trafficking is problematic and prevalent because states regulate firearm sales differently and there is no federal limitation on the number of guns that an individual may purchase at any one time.⁴⁵ In addition, the severity of the problem is highlighted by the fact that it is estimated that more than half a million firearms are stolen each year in the United States – more than half of which are handguns.⁴⁶ Many of these firearms are subsequently sold illegally on the streets to criminals. According to a study conducted in 2000 by the U.S. ATF, over half of the trafficking investigations they conducted involved firearms known to have been subsequently involved in additional criminal investigations, including investigations of homicide and robbery, assault, felon in possession of firearms, and illegal gun possession.⁴⁷ This problem directly affects the City of New York since nearly 90% of the firearms used in gun crimes within the City come from out of state, and at least 90% of those guns are illegal.⁴⁸

The Prevention Act, sponsored by Senator Gillibrand with Senator Schumer, Senator Kerry and Senator Lautenberg, would focus on “entire criminal networks” by addressing trafficking at all points in the chain. To do so it would create the crime of trafficking in firearms, which would occur when an individual knowingly ships, transports, transfers, or receives 2 or more firearms if the individual knows or has a reason to believe that such exchange would violate any law punishable by a prison term of more than a year. It would also be illegal for an individual to knowingly make materially false statements to a licensed importer, manufacturer, or dealer relating to the purchase of 2 or more firearms, for the person or on behalf of any other person. This would essentially criminalize the act of being

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³⁸ Concealed Weapon / Firearm Summary Report – October 1, 1987 - June 30, 2012, Florida Department of Agriculture and Consumer Services – Division of Licensing, available at: http://licgweb.doacs.state.fl.us/stats/cw_monthly.html

³⁹ National Right-to-Carry Reciprocity Act of 2011, H.R. 822, 112th Cong. (2011).

⁴⁰ See *id.*

⁴¹ *Id.*

⁴² Brady Campaign, National Right to Carry Reciprocity Act of 2011: Fact Sheet, available at: http://www.bradycampaign.org/xshare/Legislation/2011-09_Fact_Sheet_on_HR_822_-_CCW_Reciprocity_FINAL.pdf

⁴³ See New Yorkers Against Gun Violence, How did your NY Representative Vote Fact Sheet, available at: <http://www.nyagv.org/documents/NYVotesonHR822.pdf>

⁴⁴ See U.S. Department of the Treasury, Bureau of Alcohol, Tobacco, Firearms and Explosives, *Following the Gun: Enforcing Federal Laws Against Firearms Traffickers*, June 2000, available at: <http://www.bradycampaign.org/xshare/pdf/facts/2000-atf-following.pdf>

⁴⁵ Douglas S. Weil & Rebecca C. Knox, *Effects of Limiting Handgun Purchases on Interstate Transfer of Firearms*, JOURNAL OF AMERICAN MEDICAL ASSOCIATION 1759, 1759-60 (1996).

⁴⁶ Philip J. Cook & James A. Leitzel, “Smart” Guns: A Technological Fix for Regulating the Secondary Market 7, Terry Sanford Institute of Public Policy, Duke University, Working Paper Series SAN01-10 (July 2001).

⁴⁷ U.S. Department of the Treasury, Bureau of Alcohol, Tobacco, Firearms and Explosives, *Following the Gun: Enforcing Federal Laws Against Firearms Traffickers*, June 2000, available at: <http://www.bradycampaign.org/xshare/pdf/facts/2000-atf-following.pdf>

⁴⁸ See Press Release, NYS Attorney General Eric T. Schneiderman, Schneiderman, Gillibrand Announce Federal Measure to Crack Down on Illegal Gun on the Heels of A.G.’s Investigation Finding Blatant Disregard of Current Law (Dec. 4, 2011), available at: http://www.ag.ny.gov/media_center/2011/dec/dec4a_11.html

a straw-purchaser – someone who buys a gun for someone else to help evade required recordkeeping and background checks. Additionally, the legislation also seeks to crackdown on kingpins by making it unlawful for an individual to direct, promote, or facilitate trafficking in firearms.

The Prevention Act establishes various penalties for individuals who violate these federal regulations. An individual who violates the law shall be fined, imprisoned for a period not exceeding 20 years, or both. Furthermore, the Prevention Act provides the Attorney General of the United States and the U.S. ATF with the power to impose financial penalties and suspend or revoke the licenses of any corrupt gun dealers. To protect the rights of law-abiding gun owners and sellers the legislation will provide an affirmative defense to anyone who transfers a firearm only after a criminal background check has been conducted and there was a finding of no violation, thereby creating the incentive to conduct a background check before the exchange.

Federal passage of the Prevention Act would not only ensure that corrupt gun sellers, straw purchasers and organized gun traffickers are properly punished, but it could also help to dramatically decrease the number of illegal firearms available in the City of New York.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 821-A:)

Res. No. 821-A

Resolution calling on the United States Congress to pass and the President to sign into law: (i) H.R.591/S.35, which would close the background check loophole at gun shows by establishing a background check procedure for all firearms sold at gun shows; and (ii) legislation requiring background checks for all private firearm sales.

By Council Members Vallone, Brewer, Chin, Ferreras, Fidler, Gentile, Gonzalez, Koppell, Lander, Mendez, Nelson, Palma, Rose, Van Bramer, Williams, Vann, Jackson, Mark-Viverito and Koo.

Whereas, Every year various gun shows are held throughout the United States, often drawing many attendees; and

Whereas, According to a representative from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the number of gun shows can reach as high as 5,000 per year; and

Whereas, There are primarily two types of vendors who sell firearms at gun shows and other organized events: federal firearms licensees (FFLs) who are “engaged in the business” of selling firearms, and unlicensed private sellers who are not “engaged in the business” of selling firearms, since they make occasional sales from their personal collections; and

Whereas, Under existing law, FLLs and private sellers are governed by different regulations; and

Whereas, In order to comply with federal laws, a FLL must conduct a background check on all prospective firearms purchasers through the National Instant Criminal Background Check System, and keep records of firearm sales by recording the serial number of any firearm sold in order to facilitate gun tracing, among other requirements; and

Whereas, Unlike FLLs, unlicensed private sellers are not subject to federal laws governing licensed dealers and may sell firearms without conducting a background check and without the record keeping that enables gun tracing; and

Whereas, Private sellers are prohibited from selling a firearm to someone they know, or have reason to believe may be, a prohibited purchaser; and

Whereas, Gun shows are known to allow the sale and exchange of firearms to criminals and other prohibited persons; and

Whereas, In fact, according to a 2000 ATF report, unlicensed sellers were involved in about a fifth of the trafficking investigations and associated with close to 23,000 diverted guns between July 1996 and December 1998; and

Whereas, In order to ensure that criminals and other individuals who ought not obtain handguns do not obtain firearms at gun shows and other organized events, Senator Frank Lautenberg and Congresswoman Carolyn McCarthy introduced S.35/H.R. 591, respectively, which would amend the United States Code by establishing background check procedures for all firearms at gun shows and other organized events; and

Whereas, S.35/H.R. 591 would provide definitions for the following terms: gun show, gun show promoter and gun show vendor; and

Whereas, S.35/H.R. 591 would define the term gun show to include any event at which 50 or more firearms are offered or exhibited for sale; and

Whereas, S.35/H.R. 591 would require gun show promoters to register with the Attorney General of the United States, verify the identity of each gun show vendor at all gun shows, and maintain a list of gun show vendors, among other requirements; and

Whereas, S.35/H.R. 591 would require that firearm transactions between a non-licensed person and another non-licensed person be transferred through a FLL who would in turn be responsible for conducting a background check on the purchaser,

maintaining records of such transactions, and submitting a report of the transfer to the Attorney General of the United States within 10 days after the transfer; and

Whereas, Closing the gun show loophole by requiring a background check on all firearm sales at gun shows is a step that will improve the protection of New Yorkers; and

Whereas, In addition to closing the gun show loophole, because private sales can take place outside of gun shows, other steps must be taken to ensure guns are only sold to those who are eligible to possess them; and

Whereas, For example, the City of New York undertook an investigation that found more than 25,000 guns listed for sale on only ten websites; and

Whereas, This investigation exposed that 62% of private sellers over the internet agreed to sell firearms to a buyer who disclosed he probably could not pass a background check; and

Whereas, This investigation highlights the need for background checks on all firearm sales, regardless of the seller and the selling location; and

Whereas, Legislation requiring background checks on all firearm sales would close all private sale loopholes and provide further assurances that firearms are only sold to those who are not prohibited from owning one; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to pass and the President to sign into law: (i) H.R.591/S.35, which would close the background check loophole at gun shows by establishing a background check procedure for all firearms sold at gun shows; and (ii) legislation requiring background checks for all private firearm sales.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing those in favor, the President Pro Tempore (Council Member Rivera) declared the Resolution to be adopted.

The following 4 Council Members formally abstained to vote on this item: Council Members Halloran, Ignizio, Ulrich and Oddo.

Adopted by the Council by voice-vote.

Report for voice-vote Res. No. 1122-A

Report of the Committee on Public Safety in favor of approving and adopting, as amended, a Resolution calling on the United States Senate and the President to oppose H.R. 822, known as the “National Right-to-Carry Reciprocity Act of 2011,” which would allow a resident from one state who has a license to carry a concealed handgun to lawfully carry his or her handgun into a different state, regardless of the licensing eligibility standards in the other state.

The Committee on Public Safety, to which the annexed amended resolution was referred on November 29, 2011 (Minutes, page 5095), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Public Safety for Res. No. 821-A printed in the voice-vote Resolutions section of these Minutes)

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 1122-A:)

Res. No. 1122-A

Resolution calling on the United States Senate and the President to oppose H.R. 822, known as the “National Right-to-Carry Reciprocity Act of 2011,” which would allow a resident from one state who has a license to carry a concealed handgun to lawfully carry his or her handgun into a different state, regardless of the licensing eligibility standards in the other state.

By Council Members Brewer, Rose, Chin, Dromm, Ferreras, Lander, Mark-Viverito, Mendez, Palma, Vann, Williams, James, Jackson, and Fidler.

Whereas, A permit to carry a concealed handgun allows an individual to carry his or her handgun outside of his or her home or place of business; and

Whereas, Both New York State and New York City have instituted stringent procedures governing whether citizens can lawfully possess and carry a handgun; and

Whereas, In New York State, in order to purchase a handgun an individual must first obtain a license to carry or possess a handgun; and

Whereas, The application process entails meeting the following eligibility requirements and a finding of there being no good cause to deny the license: (i) good moral character, (ii) older than 21 years old, (iii) never convicted of a felony or

serious offense, (iv) stating whether he or she has ever suffered any mental illness or been confined to any hospital or institution, public or private, for mental illness, and (v) neither having had a license revoked nor being under a suspension or ineligibility order issued pursuant to the provisions of section 530.14 of the criminal procedure law or section eight hundred forty-two-a of the family court act; and

Whereas, In New York State, unless a licensing officer places restrictions on the handgun license, a license to possess a handgun also serves as a license to carry a handgun; and

Whereas, The permit is valid throughout New York State except in New York City where such individual needs to obtain a special permit to validate such license from the New York City Police Department; and

Whereas, Although New York State and City possess these safeguards, there is a bill pending in Congress that would undermine New York’s efforts; and

Whereas, Representative Cliff Stearns (R-FL) has introduced H.R. 822, known as the “National Right-to-Carry Reciprocity Act of 2011,” which would amend the United States Code by inserting a new section entitled “reciprocity for the carrying of certain concealed firearms”; and

Whereas, On October 25, 2011, the House Judiciary Committee voted on the bill and it was voted out of the committee by a vote of 19 to 11; and

Whereas, This amendment to the United States Code would allow a resident from one state who has a concealed handgun permit to lawfully carry his or her handgun into most other states, regardless of the licensing standards in that other state; and

Whereas, H.R. 822 would apply to the 48 states that either allow residents of the state to obtain licenses or permits to carry concealed firearms, or that allow the carrying of concealed firearms for lawful purposes without the need for a permit; and

Whereas, H.R. 822 would permit an individual lawfully licensed to carry a concealed handgun in one state to also be lawfully licensed to carry a concealed handgun in any of the other applicable states, so long as he or she is subject to the same conditions or limitations that apply to residents of that state; and

Whereas, H.R. 822 would permit an individual to carry and conceal a handgun in New York State even if the license he or she holds is from another state with less stringent licensing standards; and

Whereas, H.R. 822 would therefore undermine the strict licensing standards put in place by certain states by creating a loophole for those seeking to carry and conceal handguns in those states; and

Whereas, If H.R. 822 were enacted, the bill would create serious and potentially life threatening situations for law enforcement officers especially when conducting car stops since it would make it difficult for an officer to verify the validity of such permits and distinguish legal from illegal handgun possession; and

Whereas, New York State Attorney General Eric Schneiderman opposes the bill and expressed his opinion by saying, “the police have no way of checking whether the license you carry is valid or not”; and

Whereas, There is widespread opposition to the bill including 130 mayors, law enforcement officials, and advocacy groups including the New York State Coalition against Domestic Violence; and

Whereas, Each state should determine for itself who can carry a concealed handgun within its borders; and

Whereas, Everyone including New York State residents should be protected from the threat of gun violence and weapons trafficking; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Senate and the President to oppose H.R. 822, known as the “National Right-to-Carry Reciprocity Act of 2011,” which would allow a resident from one state who has a license to carry a concealed handgun to lawfully carry his or her handgun into a different state, regardless of the licensing eligibility standards in the other state.

Pursuant to Rule 8.50 of the Council, The President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing those in favor, the President Pro Tempore (Council Member Rivera) declared the Resolution to be adopted.

The following 4 Council Members formally voted against this item: Council Members Halloran, Ignizio, Ulrich and Oddo.

Adopted by the Council by voice-vote.

Report for voice-vote Res. No. 1171

Report of the Committee on Public Safety in favor of approving and adopting a Resolution supporting S.1973, the Gun Trafficking Prevention Act of 2012, which would amend the United States Code by creating the crime of trafficking or assisting in the trafficking of a firearm.

The Committee on Public Safety, to which the annexed resolution was referred on December 19, 2011 (Minutes, page 5360), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Public Safety for Res. No. 821-A printed in the voice-vote Resolutions section of these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1171:)

Res. No. 1171

Resolution supporting S.1973, the Gun Trafficking Prevention Act of 2012, which would amend the United States Code by creating the crime of trafficking or assisting in the trafficking of a firearm.

By Council Members Dickens, Fidler, Chin, Comrie, Ferreras, James, Palma, Recchia, Rose, Sanders, Seabrook, Van Bramer, Williams and Rodriguez.

Whereas, In December 2011, Senator Gillibrand introduced legislation known as the "Gun Trafficking Prevention Act of 2012," which would amend the United States Code by creating the crime of trafficking or assisting in the trafficking of a firearm; and

Whereas, This piece of legislation is intended to address the purchase and sale of illegal firearms; and

Whereas, There are at least three ways for an individual to obtain a gun illegally: the underground market, through straw purchasers and from corrupt firearm sellers; and

Whereas, The underground gun market contributes more than 90 percent of the guns used to commit crimes; and

Whereas, A straw purchase occurs when someone (the "straw purchaser") legally purchases a gun with the intent to give the gun to someone else, usually someone who would not be able to purchase a gun legally; and

Whereas, While the majority of licensed firearms dealers follow the legal requirements established by the federal government, a few of them disregard the mandatory National Instant Criminal Background Check by selling firearms to individuals who would not qualify to buy a firearm; and

Whereas, The federal government needs to prevent guns from falling into the hands of those individuals not legally allowed to possess them; and

Whereas, The Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") is the law enforcement agency within the United States Department of Justice responsible for tracing guns recovered in the commission of a crime, among other duties; and

Whereas, In order to address corrupt gun sellers, straw purchasers and organized gun traffickers, Senator Kirsten Gillibrand introduced S.1973, which would amend the United States Code by adding a new section entitled "trafficking in firearms;" and

Whereas, S.1973 would make it illegal for an individual to knowingly ship, transport, transfer, or receive 2 or more firearms if the individual has reason to believe that the gun would be used to commit a felony; and

Whereas, S.1973 would make it unlawful for an individual to knowingly make materially false statements to a licensed manufacturer, importer, manufacturer, or dealer of 2 or more firearms; and

Whereas, Additionally, S.1973 would also make it illegal for an individual to direct, promote, or facilitate trafficking in firearms; and

Whereas, An individual who violates the law would be fined, imprisoned for a period not exceeding 20 years, or both; and

Whereas, S.1973 would also include greater penalties for "kingpins" who organize gun trafficking rings and subject individuals who conspire to possess and purchase illegal firearms, such as straw-purchasers, to the same punishment as those who physically sell and receive the illegal guns; and

Whereas, S.1973 also gives the United States Attorney General and the ATF the power to impose tough financial civil penalties and to suspend or revoke the license of corrupt gun dealers; and

Whereas, S.1973 would provide an affirmative defense for anyone who properly conducted a background check that revealed that a buyer could legally possess a gun; and

Whereas, This piece of legislation is necessary to prevent guns from harming communities in New York City and throughout the country; now, therefore, be it

Resolved, That the Council of the City of New York supports S.1973, the Gun Trafficking Prevention Act of 2012, which would amend the United States Code by creating the crime of trafficking or assisting in the trafficking of a firearm.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing those in favor, the President Pro Tempore (Council Member Rivera) declared the Resolution to be adopted.

The following 4 Council Members formally abstained to vote on this item: Council Members Halloran, Ignizio, Ulrich and Oddo.

Adopted by the Council by voice-vote.

Report for voice-vote Res. No. 1172

Report of the Committee on Governmental Operations in favor of approving and adopting a Resolution opposing the United State Supreme Court's interpretation of the Constitution in Citizens United regarding the constitutional rights of corporations, supporting an amendment to the Constitution to provide that corporations are not entitled to the entirety of protections or "rights" of natural persons, specifically so that the expenditure of corporate money to influence the electoral process is no longer a form of constitutionally protected speech, and calling on Congress to begin the process of amending the Constitution.

The Committee on Governmental Operations, to which the annexed resolution was referred on December 19, 2011 (Minutes, page 5363), respectfully

REPORTS:

I. Introduction

Today, the Committee on Governmental Operations (the "Committee"), chaired by Council Member Gale Brewer, will meet to vote on Resolution No. 1172, a resolution opposing the United State Supreme Court's interpretation of the Constitution in *Citizens United* regarding the constitutional rights of corporations, supporting an amendment to the Constitution to provide that corporations are not entitled to the entirety of protections or "rights" of natural persons, specifically so that the expenditure of corporate money to influence the electoral process is no longer a form of constitutionally protected speech, and calling on Congress to begin the process of amending the Constitution (the "Resolution").

The Committee previously held a hearing on the Resolution on December 16, 2011.

II. The Supreme Court's *Citizens United* Decision

In January 2010, the United States Supreme Court issued its decision in *Citizens United v. Federal Election Commission*, holding that independent spending on elections by corporations and other groups could not be limited by government regulations.¹ Specifically, the Court held that a provision of the federal campaign finance law that prohibited certain corporate-funded television broadcasts in the 60 days before a general election (or the 30 days before a primary) violated the First Amendment. In reaching its decision, a majority of the Supreme Court, relying on prior decisions, interpreted the First Amendment of the Constitution to afford corporations the same free speech protections as natural persons. According to the majority, corporations "should not be treated differently under the First Amendment simply because such associations are not 'natural persons'."² Thus, this decision rolled back the legal restrictions on corporate spending in the electoral process, allowing for unlimited corporate spending to influence elections, candidate selection, and policy decisions.

In an eloquent and spirited dissent, Justice John Paul Stevens took issue with the majority's decision. According to Justice Stevens, the majority's opinion is contrary to the true purpose of the First Amendment, as well as common sense. As explained by Justice Stevens:

[C]orporations have no consciences, no beliefs, no feelings, no thoughts, no desires. Corporations help structure and facilitate the activities of human beings, to be sure, and their 'personhood' often serves as a useful legal fiction. But they are not themselves members of 'We the People' by whom and for whom our Constitution was established.³

At bottom, the Court's opinion is [] a rejection of the common sense of the American people, who have recognized a need to prevent corporations from undermining self government since the founding, and who have fought against the distinctive corrupting potential of corporate electioneering since the days of Theodore Roosevelt. It is a strange time to repudiate that common sense. While American democracy is imperfect, few outside the majority of this Court would have thought its flaws included a dearth of corporate money in politics.⁴

Citizens United has proven to be one of the Court's most controversial decisions. Indeed, as summed up by one commentator, "the widespread assumption that the decision 'changed everything' about campaign finance regulation may well be self-reinforcing."⁵ Many scholars and good government groups immediately predicted that *Citizens United* would "open the floodgates" to massive corporate spending in elections all over the country.⁶ Even more disconcerting, is the potential for corporate interests to wield considerable

influence over candidates by threatening to spend substantial corporate funds toward their defeat.⁷

There is mounting evidence that these concerns and predictions are already coming true. In the first national election after *Citizens United*, spending by outside groups surged by 400%.⁸ Nearly half of the money spent came from ten groups, seven of which did not fully disclose their donors.⁹ All told, outside groups, many funded largely or entirely by corporations, spent nearly \$300 million to influence federal elections. Moreover, these groups appear to have been very successful in influencing election outcomes. In 80% of elections in which partisan control changed hands, spending by outside groups favored the winning candidate.¹⁰

III. Proposed Federal Legislation

In response to these developments, several members of Congress are seeking to amend the Constitution in order to reverse the *Citizens United* decision and to establish that corporations are not entitled to the entirety of protections or “rights” of natural persons, specifically so that the expenditure of corporate money to influence the electoral process is no longer a form of constitutionally protected speech.¹¹

IV. Other Jurisdictions

On December 6, 2011, the Los Angeles City Council adopted a resolution in support of a constitutional amendment to ensure “corporations are not entitled to the entirety of protections or ‘rights’ of human beings, specifically so that the expenditure of corporate money to influence the electoral process is no longer a form of constitutionally protected speech, including a constitutional amendment.”¹²

Several other municipalities have or are considering the adoption of similar resolutions.¹³

V. The Resolution

The Resolution opposes the Supreme Court’s interpretation of the Constitution in *Citizens United* regarding the constitutional rights of corporations, supports an amendment to the Constitution to provide that corporations are not entitled to the entirety of protections or “rights” of natural persons, specifically so that the expenditure of corporate money to influence the electoral process is no longer a form of constitutionally protected speech, and calls on Congress to begin the process of amending the Constitution.

VI. The First Hearing

The Committee previously held a hearing on the Resolution on December 16, 2011. At this hearing, the Committee received testimony in support of the Resolution from Amy Loprest, Executive Director of the New York City Campaign Finance Board and Susan Lerner, Executive Director of Common Cause/NY.

¹ *Citizens United v. Federal Election Comm’n*, 558 U.S. ___, 130 S.Ct. 876 (2010).

² *Citizens United*, 130 S.Ct. at 900.

³ *Citizens United*, 130 S.Ct. at 972 (Stevens, J. dissenting).

⁴ *Citizens United*, 130 S.Ct. at 979 (Stevens, J. dissenting).

⁵ Mark Schmitt, “How We Got Here,” *The American Interest*, July-August 2010.

⁶ Kenneth P. Vogel, “Court decision opens floodgates for corporate cash,” *Politico*, January 21, 2010.

⁷ David D. Kirkpatrick, “Lobbyists Get Potent Weapon in Campaign Ruling,” *The New York Times*, January 22, 2010.

⁸ Public Citizen, *12 Months After: The Effects of Citizens United on Elections and the Integrity of the Legislative Process* 9 (Jan. 2011), available at <http://www.citizen.org/documents/Citizens-United-20110113.pdf>.

⁹ *Id.* at 9-10.

¹⁰ *Id.* at 2.

¹¹ There have been at least six proposed amendments introduced in the current session of Congress, including H.J. Res. 72, H.J. Res. 78, H.J. Res. 86, H.J. Res. 88, S.J. Res. 29, and S.J. Res. 33.

¹² See Motion of the Los Angeles City Council, enacted December 6, 2011 (on file with Committee Counsel).

¹³ See Andy Kroll, “Can Citizens United be Rolled Back? Behind the fight to overturn the Supreme Court ruling that unleashed a torrent of corporate election spending,” *Mother Jones*, December 15, 2011.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1172:)

Res. No. 1172

Resolution opposing the United State Supreme Court’s interpretation of the Constitution in *Citizens United* regarding the constitutional rights of corporations, supporting an amendment to the Constitution to provide that corporations are not entitled to the entirety of protections or “rights” of natural persons, specifically so that the expenditure of corporate money to influence the electoral process is no longer a form of constitutionally protected speech, and calling on Congress to begin the process of amending the Constitution.

By Council Members Lander, Mark-Viverito, The Speaker (Council Member Quinn), Brewer, Levin, Chin, James, Rose, Van Bramer, Garodnick, Vann, Gennaro, Barron, Comrie, Jackson, Palma, Reyna, Sanders, Williams, Rodriguez, Koppell, Arroyo, Ferreras, Mendez., Crowley, Eugene, Wills and Dromm.

Whereas, In 2010 the United States Supreme Court issued its decision in *Citizens United v. Federal Election Commission*, holding that independent spending on elections by corporations and other groups could not be limited by government regulations; and

Whereas, This decision rolled back the legal restrictions on corporate spending in the electoral process, allowing for unlimited corporate spending to influence elections, candidate selection, and policy decisions; and

Whereas, In reaching its decision, a majority of the Supreme Court, relying on prior decisions, interpreted the First Amendment of the Constitution to afford corporations the same free speech protections as natural persons; and

Whereas, In his eloquent dissent, Justice John Paul Stevens rightly recognized that “corporations have no consciences, no beliefs, no feelings, no thoughts, no desires. Corporations help structure and facilitate the activities of human beings, to be sure, and their ‘personhood’ often serves as a useful legal fiction. But they are not themselves members of ‘We the People’ by whom and for whom our Constitution was established”; and

Whereas, The Court’s decision in *Citizens United* severely hampers the ability of federal, state and local governments to enact reasonable campaign finance reforms and regulations regarding corporate political activity; and

Whereas, Corporations should not be afforded the entirety of protections or “rights” of natural persons, such that the expenditure of corporate money to influence the electoral process is a form of constitutionally protected speech; and

Whereas, several proposed amendments to the Constitution have been introduced in Congress that would allow governments to regulate the raising and spending of money by corporations to influence elections; now, therefore, be it

Resolved, That the Council of the City of New York opposes the Supreme Court’s interpretation of the Constitution in *Citizens United* regarding the constitutional rights of corporations, and supports amending the Constitution to provide that corporations are not entitled to the entirety of protections or “rights” of natural persons, specifically so that the expenditure of corporate money to influence the electoral process is no longer a form of constitutionally protected speech, and calls on Congress to begin the process of amending the Constitution.

Pursuant to Rule 8.50 of the Council, The President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing those in favor, the President Pro Tempore (Council Member Rivera) declared the Resolution to be adopted.

The following 4 Council Members formally voted against this item: Council Members Halloran, Ignizio, Koo, Ulrich and Oddo.

The following Council Member formally abstained to vote on this item: Council Member Vallone, Jr.

Adopted by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Res. No. 1188

Resolution calling upon the United States Department of Defense to closely examine its policies around cultural diversity and sensitivity and to impose more effective and comprehensive training regiments for military personnel in cultural awareness, diversity and sensitivity to prevent the discrimination and harassment of all military personnel, including servicemen and women within its ranks.

By Council Members Chin, the Speaker (Council Member Quinn), Eugene, Rose and Weprin.

Whereas, The United States Army encompasses 1.5 million personnel across the active, reserve, civilian and contractor sectors; and

Whereas, One of its central sources of strength is the diversity of its workforce; and

Whereas, While the Army was at the forefront of racial integration in the 1950s and today is reputed to be one of the most diverse organizations in the United States, further progress needs to be made to prevent discrimination and harassment within its ranks; and

Whereas, While race is often the sole focus when the subject of diversity is addressed, diversity includes a wide spectrum of an individual’s primary features, including race, ethnicity, gender, age, religion, disability, and sexual orientation, and the term also encompasses secondary features, including communication style, work style, socio-economic status, and geographic origin; and

Whereas, According to Army regulations, military personnel are encouraged to treat others with dignity and respect; and

Whereas, Hazing is defined in Army regulations as any conduct whereby one military member or employee, regardless of service or rank, unnecessarily causes another military member or employee, regardless of service or rank, to suffer or be exposed to an activity that is cruel, abusive, oppressive, or harmful, and any such hazing is prohibited; and

Whereas, Families of American servicemen and women have an expectation that their loved ones will be adequately protected from any and all forms of discrimination and harassment, including, but not limited to, hazing while serving in the military both domestically and when outside of the confines of the territory of the United States; and

Whereas, The military must do more to protect the lives of its enlisted servicemen and women who trust that their selfless acts, commitment and sacrifices to serve and protect the ideas and principles of democracy domestically and abroad, during times of peace and times of war will be regarded with respect and fair treatment; and

Whereas, The recent and tragic circumstances surrounding the death of New York City Army Private Danny Chen highlights the need for greater initial scrutiny and periodic evaluations of those men and women who seek to serve and those who are already serving in the armed forces, to aid in the identification of those individuals who are more prone to behave in a reprehensible manner; and

Whereas, Regular and ongoing anti-discrimination and anti-harassment training, specifically geared towards enhancing and heightening cultural awareness, cultural sensitivity and cultural diversity is needed in all branches of the military; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Department of Defense to closely examine its policies around cultural diversity and sensitivity and to impose more effective and comprehensive training regiments for military personnel in cultural awareness, diversity and sensitivity to prevent the discrimination and harassment of all military personnel, including servicemen and women within its ranks.

Referred to the Committee on Civil Rights.

Res. No. 1189

Resolution calling upon the New York State Legislature to pass and the Governor to sign A.5891/S.4495A, legislation that would prohibit participation in torture and the improper treatment of prisoners by health care professionals.

By Council Members Dromm, Brewer, Cabrera, Jackson, James, Koppell, Lander, Mendez, Palma, Sanders, Seabrook, Williams and Rodriguez.

Whereas, Torture inflicted on prisoners has been commonplace in recent years, and most of this torture is used as part of enhanced interrogation techniques in overseas prisons; and

Whereas, These enhanced interrogation techniques include waterboarding, hypothermia, stress positions, abdomen strikes, threats, forced nudity, and slapping; and

Whereas, In 2004, the Central Intelligence Agency's Inspector General released a report which revealed that health care professionals helped design, monitor, and justify the use of torture at overseas prisons such as Guantanamo Bay; and

Whereas, The Center for Constitutional Rights (CCR) strongly opposes these interrogation practices, expressing that these techniques are in fact cruel treatment; and

Whereas, CCR has emphasized the need for ethical and criminal investigations of health care professionals who take part in torture methods, as well as health care professionals who have broken their commitment to do no harm; and

Whereas, In response to recent accounts of health professionals torturing individuals, CCR launched a campaign entitled "When Healers Harm," to hold health care professionals accountable for their actions; and

Whereas, Although health care professionals themselves are not always the ones inflicting the pain, as many as 50 percent of torture survivors claim that a health care professional had been present during their torture; and

Whereas, Activists and health care professionals have urged legislators to hold health care professionals accountable for their involvement in torture, as this would also serve as a deterrent and prevent future occurrences; and

Whereas, Health care professionals who participate in such acts violate their professional standards and ethics and should not enjoy the privilege of practicing their profession in the state of New York; and

Whereas, On March 2, 2011, Assembly Member Richard Gottfried (D-Manhattan) and Senator Thomas Duane (D-Manhattan) introduced A.5891/S.4495A, legislation that would prohibit any form of participation in torture and the improper treatment of prisoners by health care professionals; and

Whereas, Participation includes engaging, assisting, monitoring, planning, or failing to report the torture or improper treatment of a prisoner; and

Whereas, The purpose of this legislation is to ultimately bar all health care professionals licensed in New York from participating, directly or indirectly, in torture or other abuses no matter where they happen; and

Whereas, Health care professionals would have a duty to refuse to participate in torture and report abuse to the appropriate authorities; and

Whereas, Further, this legislation would also provide a means for health care professionals to refuse an order to participate in the torture of detainees; and

Whereas, Violators of this law could be convicted of misdemeanors and subjected to professional misconduct proceedings, steps which could ultimately lead to the suspension or revocation of their licenses; and

Whereas, Additionally, health care professionals have an ethical obligation to protect prisoners against torture and other cruel, inhuman, or degrading treatment; and

Whereas, The torture of prisoners has become a systemic problem facilitated by official policy and complacency; and

Whereas, This legislation will address those problems and create ways for health care professionals to avoid taking part in torture practices, ultimately keeping their professional commitment to do no harm; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign A.5891/S.4495A, legislation that would prohibit participation in torture and the improper treatment of prisoners by health care professionals.

Referred to the Committee on Health.

Int. No. 747

By Council Members Lander, Barron, Cabrera, Chin, Dromm, Eugene, Greenfield, Jackson, James, Koppell, Levin, Mealy, Seabrook, Williams, Wills, Rodriguez, Halloran and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York city department of education to provide information on establishing afterschool programs.

Be it enacted by the Council as follows:

Section 1. Chapter 20 of the New York city charter is amended by adding a new section 530-d to read as follows:

§ 530-d *Guidelines on establishing afterschool programs.* a. *For the purposes of this section:*

1. "Best practices" shall mean a practice or combination of practices determined to be the most effective, economically feasible, and practical.

2. "Department" shall mean the New York city department of education.

b. The chancellor shall post on the department's website a document with guidelines and information on establishing afterschool programs. The document shall include, but not be limited to:

1. A list of department regulations for afterschool programs.

2. Protocols explaining the guidelines by which afterschool programs may hire and pay staff and contractors including department employees.

3. Insurance guidelines for afterschool programs.

4. Internal revenue service guidelines for operators of afterschool programs.

5. A brief list and explanation of significant federal, state, and local laws regulating afterschool programs.

6. Best practices and options for the creation of scholarships for afterschool programs.

7. Best practices and options for collecting fees for afterschool programs.

8. Best practices and options for successfully integrating afterschool programming with school curricula, common core state standards, and curricula for students receiving additional instructional services.

9. Contact information for the department employee or designee who can provide assistance in the creation of afterschool programs.

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

Referred to the Committee on Education.

Res. No. 1190

Resolution calling upon Congress to pass and the President to sign the Transportation Job Corps Act of 2011, H.R. 929.

By Council Member Lander.

Whereas, The United States Congress has found that the combination of public transportation industry growth and an aging workforce will produce significant new job openings in the transit sector; and

Whereas, Innovations in technology are changing the way transit agencies function, affecting every sector of the workforce, from executive directors to mid-level managers, bus operators, and mechanics, but relatively few programs exist to provide training to workers so that they can perform their jobs adequately, move up the career ladder, and help transit agencies operate at maximum efficiency; and

Whereas, The population of "disconnected youth," ages 16 to 24 who are neither in school nor in the labor force, is estimated to be about 5 million nationally with approximately 200,000 living in New York City; and

Whereas, One of the leading voices of advocacy on behalf of low-income New Yorkers, the Community Service Society, reported that existing education and workforce programs targeting young people only serve up to 7 percent of New York City's disconnected youth; and

Whereas, The Transportation Job Corps Act of 2011, H.R. 929, seeks to amend title 49 of the United States Code in order to expand and improve transit training programs; and

Whereas, Representative Jerrold Nadler (D-NY), as sponsor of this legislation, believes this bill will provide much needed stimulus to create jobs and careers for America's disconnected youth; and

Whereas, H.R. 929 is critical to towns and cities across the nation, because it addresses the improvement of an aging infrastructure that currently does not meet the demands of today's commerce, industry or general population, now, therefore, be it

Resolved, That the Council of the City of New York calls upon Congress to pass and the President to sign the Transportation Job Corps Act of 2011, H.R. 929.

Referred to the Committee on Civil Service and Labor.

Res. No. 1191

Resolution calling upon the Administration for Children's Services not to file a petition of abuse or neglect in family court, when the sole allegation against the parent is marijuana use.

By Council Member Lander.

Whereas, According to a July 2010 Report, "Pot as Pretext: Marijuana, Race and The New Disorder in New York City Street Policing" ("the Report"), marijuana arrests have nearly doubled since the mid-1990s despite the decriminalization of small quantities of marijuana possession; and

Whereas, According to the Report, by 2006 rates were 500% greater than a decade earlier and New York City's four largest boroughs ranked in the top five U.S. counties in per capita marijuana arrest rates; and

Whereas, In fact, according to Ending the Marijuana Arrest Crusade in New York City, ("Ending the Marijuana Arrest Crusade") last year more than 50,300 people were arrested for marijuana possession in public view, making it the top arrest in New York City at a cost to taxpayers of up to \$75 million a year and the generation of an uncalculated social and economic cost for those arrested; and

Whereas, The Report analyzed data on 2.2 million stops and arrests carried out from 2004 to 2008 and found significant racial disparities in the implementation of marijuana enforcement; and

Whereas, Because 86% of those arrested are men of color the arrests force thousands of these young men into the judicial system although the Monitoring the Future Survey, an annual survey of substance use among high school seniors and eighth graders, shows that teenage marijuana use since 1990 is higher among whites than other racial or ethnic groups; and

Whereas, According to an August 17, 2011 New York Times Article, "No Cause for Marijuana Case, but Enough for Child Neglect" ("the New York Times article") marijuana is the most common illicit drug in New York City with 730,000 people, or 12 percent of people age 12 and older, using the drug at least once annually; and

Whereas, According to the New York Times article, hundreds of New Yorkers who were caught by police with small amounts of marijuana, or who simply admitted using it, have been involved in civil child neglect cases in recent years, even though they did not face criminal charges; and

Whereas, Additionally, according to the New York Times article some of these parents have even lost custody of their children; and

Whereas, In fact, the New York Times article states that the child welfare system is an alternate system of justice for these parents when compared to the criminal court system; and

Whereas, Lawyers interviewed for the New York Times article said they currently had more than a dozen cases on their dockets involving parents who had never faced neglect allegations and whose children were placed in foster care because of marijuana allegations; and

Whereas, While sometimes parents are allowed to keep custody of their children when neglect has been found there can be serious repercussions to such a finding, such as prohibiting parents from taking jobs around children, from being foster care parents or adopting, and it makes it easier for Family Court judges to later remove children from their homes; and

Whereas, Given the racial disparities in marijuana enforcement there are reasons to be particularly cautious in pursuing civil child neglect cases based on

possession of small amounts of marijuana or the admission of marijuana use; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Administration for Children's Services not to file a petition of abuse or neglect in family court, when the sole allegation against the parent is marijuana use.

Referred to the Committee on General Welfare.

Int. No. 748

By Council Members Oddo, Ignizio, Comrie, Jackson, Halloran and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to exempting the Department of Environmental Protection from tree replacement requirements when it performs construction work on Bluebelts.

Be it enacted by the Council as follows:

Section 1. Subdivision f of section 18-107 of the administrative code of the city of New York is amended to read as follows:

f. The provisions of this section shall apply to all city agencies, including the department, provided, however, that (i) no city agency or city contractor or subcontractor shall be required to pay a fee to the department, (ii) a tree site plan shall be developed by the department in consultation with the responsible city agency or agencies regarding the location of replacement trees prior to issuance of the permit, [and] (iii) replacement of trees by any city agency or city contractor or subcontractor shall be made not more than eighteen months from the date the project is completed[,] and (iv) the provisions of this section shall not apply to the department of environmental protection when it removes a tree while engaging in the design and construction of a bluebelt as defined in section 24-526.1(3) of the code.

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

Referred to the Committee on Parks and Recreation.

Int. No. 749

By Council Member Recchia (by request of the Mayor).

A Local Law in relation to the date of submission by the mayor of a preliminary management report and the date prior to which the council shall conduct public hearings and the date by which the council shall submit a report or reports pertaining thereto, the date of submission by the mayor of the preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects, the date of submission by the mayor of the preliminary budget, the date of publication by the director of the independent budget office of a report on revenues and expenditures, the date of submission by the community boards of statements in regard to the preliminary budget, the date of submission by the commissioner of finance of an estimate of the assessed valuation of real property and statement of real property taxes due, expected to be received, and uncollected, the date of submission by the mayor of a tax benefit report, the date of submission by the borough boards of statements on budget priorities, the date of submission by the council of estimates of the financial needs of the council, the date of submission by the borough presidents of proposed modifications of the preliminary budget, the date of publication by the director of the independent budget office of a report analyzing the preliminary budget, the date by which the council shall hold hearings and submit recommendations in regard to the preliminary budget, and the date of submission by the campaign finance board of estimates of the financial needs of the campaign finance board, relating to the fiscal year two thousand thirteen.

Be it enacted by the Council as follows:

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

1. Notwithstanding any inconsistent provisions of section 12 of the New York city charter, as amended by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit a preliminary management report as therein described not later than February 16, 2012, and the council shall conduct public hearings on such report prior to April 25, 2012 and submit to the mayor and make public not later than April 25, 2012, a report or reports of findings and recommendations.

2. Notwithstanding any inconsistent provisions of section 235 of the New York city charter, as added by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit and publish a preliminary certificate regarding debt

and reserves and appropriations and expenditures for capital projects as therein described not later than February 2, 2012.

3. Notwithstanding any inconsistent provisions of section 236 of the New York city charter, as amended by local law number 25 for the year 1998, the mayor shall pursuant to such section submit a preliminary budget as therein described not later than February 2, 2012.

4. Notwithstanding any inconsistent provisions of section 237 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of the independent budget office shall publish a report on revenues and expenditures as therein described on or before February 17, 2012.

5. Notwithstanding any inconsistent provisions of section 238 of the New York city charter, as added by vote of the electors on November 7, 1989, each community board shall pursuant to such section submit a statement and recommendations in regard to the preliminary budget as therein described not later than March 5, 2012.

6. Notwithstanding any inconsistent provisions of section 239 of the New York city charter, as added by vote of the electors on November 7, 1989, the commissioner of finance shall pursuant to such section submit an estimate of the assessed valuation of real property and a certified statement of all real property taxes due as therein described not later than March 5, 2012.

7. Notwithstanding any inconsistent provisions of section 240 of the New York city charter, as added by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit a tax benefit report as therein described not later than March 5, 2012.

8. Notwithstanding any inconsistent provisions of section 241 of the New York city charter, as added by vote of the electors on November 7, 1989, each borough board shall pursuant to such section submit a statement of budget priorities as therein described not later than March 13, 2012.

9. Notwithstanding any inconsistent provisions of section 243 of the New York city charter, as added by vote of the electors on November 7, 1989, the council shall pursuant to such section approve and submit estimates of the financial needs of the council as therein described not later than March 29, 2012.

10. Notwithstanding any inconsistent provisions of section 245 of the New York city charter, as added by vote of the electors on November 7, 1989, each borough president shall pursuant to such section submit any proposed modifications of the preliminary budget as therein described not later than March 27, 2012.

11. Notwithstanding any inconsistent provisions of section 246 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of the independent budget office shall pursuant to such section publish a report analyzing the preliminary budget as therein described on or before April 2, 2012.

12. Notwithstanding any inconsistent provisions of section 247 of the New York city charter, as added by vote of the electors on November 7, 1989, the council shall pursuant to such section hold hearings and submit recommendations as therein described not later than April 11, 2012.

13. Notwithstanding any inconsistent provisions of subdivision c of section 1052 of the New York city charter, as added by vote of the electors on November 3, 1998, the campaign finance board shall pursuant to such subdivision submit estimates of the financial needs of the campaign finance board as therein described not later than March 27, 2012.

§ 2. This local law shall take effect immediately, except that if it shall have become a law after January 16, 2012, it shall be retroactive to and deemed to have been in full force and effect as of January 16, 2012.

Adopted by the Council; passed under a Message of Necessity from the Mayor (preconsidered and approved by the Committee on Finance).

Res. No. 1192

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

By Council Members Recchia and Wills.

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

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the Description/Scope of Services for The Ridge Chorale, an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$5,500 within the budget of the Department of Youth and Community Development, and also changes the source of funding through which the organization will receive funding. This organization will now receive youth discretionary funding in the amount of \$5,500, and the Description/Scope of

Services for such organization will now read: “To support low cost and free performances in Brooklyn”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Bottomless Closet, an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$2,500 within the budget of the Department of Youth and Community Development. The Resolution changes the Description/Scope of services to read: “Bottomless Closet provides assistance to NYC women in their transition into the workforce by providing business attire, interview preparation, resume review and professional development workshops”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Department of Sanitation, an agency receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$5,000 to read: “To maintain the residential and public space through use of practical measures such as, debris and garbage removal for the preservation of public health, via regulated service.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Cambria Heights Civic Association, an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$3,500 within the budget of the Department of Youth and Community Development. The Resolution changes the Description/Scope of services to read: “Improve the physical appearance of the community by repairing four of the Welcome to Cambria Heights signs that were installed throughout the community.” and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Southern Queens Park Association, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$10,000 within the budget of the Department of Youth and Community Development. The Resolution changes the Description/Scope of services to read: “For youth and family services, community development and/or coordination of programs at the Roy Wilkins Park.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Southern Queens Park Association, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$18,000 within the budget of the Department of Youth and Community Development. The Resolution changes the Description/Scope of services to read: “For youth and family services, community development and/or coordination of programs at the Roy Wilkins Park.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Southern Queens Park Association, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$25,000 within the budget of the Department of Youth and Community Development. The Resolution changes the Description/Scope of services to read: “For youth and family services, community development and/or coordination of programs at the Roy Wilkins Park.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Dr. Theodore A. Atlas Foundation, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$37,500 within the budget of the Department of Youth and Community Development. The Resolution changes the Description/Scope of services to read: “Funds to support the after-school Boxing Program.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Citizens Committee for New York City, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$3,500 within the budget of the Department of Youth and Community Development. The Resolution changes the Description/Scope of services to read: “To encourage and sustain volunteer-led initiatives around beautification, recycling and access to fresh food in New York City neighborhoods. Through the New Yorkers for Better Neighborhoods program, selected groups receive grants of \$500 to \$3,000, project planning assistance, and skills building workshops to make their projects a success. Examples of projects Citizens Committee for New York City has supported include planting trees; transforming vacant lots into community gardens; launching recycling initiatives; conducting community outreach on the environmental impact of eating locally; building green roofs; and inter-generational health and gardening workshops. Citizens Committee measures success by tracking quantifiable data such as the number of volunteer hours invested, number of trees planted; vacant lots transformed, tree guards built, pounds of waste recycled, and pounds of produce grown. We also measure the effect on “social capital,” or the sense of community within participating groups’ neighborhoods, by counting the number of participants and volunteer hours invested in projects through questionnaires, surveys, and site visits.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Bottomless Closet, an organization receiving local

discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$2,500 within the budget of the Department of Youth and Community Development. The Resolution changes the Description/Scope of services to read: “Co-Naming Streets after great historic figures in Harlem’s and North Manhattans History - design, purchase, and procure Murals and Plaques extolling that history - mounting quality designation ceremonies - running a civil rights history film series.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Civic Association Serving Harlem, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$7,500 within the budget of the Department of Youth and Community Development. The Resolution changes the Description/Scope of services to read: “To support an environmental community learning project which includes an outreach campaign in the Harlem community. Civic Association Serving Harlem (CASH) will work at a grassroots level to educate the public (Harlem Residents) about ~~educating the public about~~ free and reduced-cost “whole house” comprehensive energy assessments for residents, free energy audits for buildings used by small businesses and not-for-profit organizations, low cost financing for energy efficiency improvements and participation in clean energy training opportunities.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for The Drammeh Institute, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$10,000 within the budget of the Department of Youth and Community Development. The Resolution changes the Description/Scope of services to read: “To facilitate an after school filmmaking program in the Bronx, serving the youth between the ages 14 and 18. The program will be led by two instructors and offer language intensive workshops on story development and the fundamentals of filmmaking -- using video. Each student will be given their own digital video camera to work on their final class project.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Library Action Committee of Corona-East Elmhurst, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$20,000 within the budget of the Department of Cultural Affairs. The Resolution changes the Description/Scope of services to read: “Annual Family Day and other cultural performances for the fiscal year.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Episcopal Social Services of New York, Inc., an organization receiving youth local discretionary funding in the amount of \$10,000 within the budget of the Department of Youth and Community Development in accordance with the Fiscal 2012 Expense Budget to read: “Funds to support the Get Moving Stay Fit after-school program at PS 36.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Queens Village Committee for Mental Health for J-CAP, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$15,000 within the budget of the Department of Youth and Community Development. The Resolution changes the Description/Scope of services to read: “Funds to support family reunification; substance abuse prevention/education; truancy, drop-out and delinquency prevention services. The target population will be at-risk youth between the ages of 13 and 17 parent(s) is enrolled in a residential or outpatient substance use disorder program. We expect to serve 15 youth in twelve bi-weekly workshops over the course of 6 months that will be scheduled on Saturday afternoons. All activities will be conducted during non-school hours.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Alianza Dominicana, Inc., an organization receiving youth discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$27,800 within the budget of the Department of Youth and Community Development. The Resolution changes the Description/Scope of services to read: “To enhance the services of our MOSAIC Beacon School at PS 11 after school and day camp programs. These funds will be utilized for incentives, stipends and for trips and special activities.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Alianza Dominicana, Inc., an organization receiving youth discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$30,000 within the budget of the Department of Youth and Community Development. The Resolution changes the Description/Scope of services to read: “To enhance the services of our La Plaza Beacon School at IS 143 for our after school and day camp programs. These funds will be utilized to hire staff to enhance our after school and Saturday programs that caters to our beacon participants.”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for In the Spirit of the Children, Inc., an organization receiving youth discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$4,000 within the budget of the Department of Youth and

Community Development. The Resolution changes the Description/Scope of services to read: “In the Spirit of the Children will be offering training during FY12 to Child Welfare Staff working with older youth. In addition, separate training sessions will be provided to the youth. Specifically, we will offer the following topics as a package that will consist of (2) staff trainings and (2) youth trainings. In the last year in the Spirit of the Children experienced an increase in the number of calls from child welfare service providers working with the youth preparing them to exit from foster care. This demonstrated a need for increased knowledge in how to effectively prepare the youth in foster care for discharge, and based on the number of youth that are aging out of foster care into homelessness. In response, the Spirit of the Children, Inc. is offering training during FY12 to Child Welfare Staff working with older youth. In addition, separate training sessions will be provided to the youth.”; now, therefore be it

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

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving youth discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves changes in the designation of a certain organization receiving funding pursuant to the Young Adult Institute and Workshop Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Operation SNUG - Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the CONNECT, Inc. Community Empowerment Program Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Runaway and Homeless Youth Services PEG Restoration, in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Housing Preservation Initiative, in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Community Consultants Initiative, in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence Empowerment Initiative (DOVE), in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Immigrant Opportunities Initiative, in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 11.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of the Exhibits, please see the Attachment to the resolution following the Report of the Committee on Finance for Res No. 1192 printed in these Minutes).

Res. No. 1193

Resolution authorizing the Council to join an amicus brief in support of the Plaintiff-Appellee in the litigation captioned *The United States of America v. The State of Arizona*, Case No. CV 10-1413-PHX (SRB), which is currently pending before the United States Supreme Court.

By Council Members Rodriguez, the Speaker (Council Member Quinn), and Dromm.

Whereas, In April 2010, Governor Jan Brewer of Arizona signed Senate Bill (“S.B.”) 1070, legislation that requires immigrants to carry alien registration documents with them at all times and requires Arizona law enforcement agents to question the immigration status of anyone suspected to be an undocumented immigrant, into law; and

Whereas, Many observers suspect that this legislation will lead to racial profiling by law enforcement agents and fear that this draconian law will be an example that other states will follow as they seek to combat illegal immigration; and

Whereas, The Council of the City of New York (“Council”) passed Resolution No. 162-A on April 29, 2010, which condemned S.B. 1070, and called on both Congress and President Obama to complete a just and humane comprehensive immigration reform bill in 2010; and

Whereas, On July 6, 2010, the United States filed a complaint in the United States District Court for the District of Arizona, in a case captioned *The United States of America v. Arizona*, Case No. CV 10-1413-PHX (SRB), challenging the constitutionality of S.B. 1070 and also requesting a preliminary injunction to enjoin Arizona from enforcing S.B. 1070; and

Whereas, On July 28, 2010, Judge Susan R. Bolton of the United States District Court for the District of Arizona granted the motion for a preliminary injunction in part and enjoined those sections of S.B. 1070 that: (i) require an officer to make a reasonable attempt to determine the immigration status of a person stopped, detained, or arrested if there is reasonable suspicion to believe that person is in the United States illegally; (ii) criminalize the failure to apply for or carry alien registration papers; (iii) criminalize the solicitation, application for, or performance of work by an unauthorized alien; and (iv) authorize a warrantless arrest of a person where there is probable cause to believe the person committed an offense that would make the person removable from the United States; and

Whereas, The next day, the Council adopted Resolution No. 224-A, which applauded Judge Bolton’s decision and, in anticipation of Arizona’s appeal of Judge Bolton’s decision, endorsed the Council’s decision to file an amicus brief in the case; and

Whereas, The Council subsequently joined an amicus brief submitted by Santa Clara County, California, along with thirteen other municipalities including Baltimore, Berkeley, Minneapolis, New Haven, Seattle, and San Francisco, to the Ninth Circuit Court of Appeals on September 30, 2010; and

Whereas, The municipalities’ brief made the following arguments: (1) the Arizona law impermissibly usurps scarce local resources that should be devoted to public safety by requiring local law enforcement to investigate individuals’ immigration status; (2) the Arizona law would effectively require local officials to engage in racial profiling in violation of the U.S. Constitution; (3) the implementation of the Arizona law would irreparably damage trust between immigrant communities and local law enforcement agencies nationwide; and (4) the Arizona law conflicts with federal immigration policies that enhance public safety, such as the “U” visa law, which creates a legal pathway to citizenship for immigrant crime victims who assist local law enforcement; and

Whereas, The Ninth Circuit affirmed Judge Bolton’s ruling on April 11, 2011, holding that the federal Immigration and Naturalization Act “forecloses any argument that state or local officers can enforce federal immigration law as directed by a mandatory state law”; and

Whereas, Arizona petitioned the United States Supreme Court for a writ of certiorari to review the Ninth Circuit’s decision, and on December 12, 2011, the Supreme Court granted Arizona’s petition; and

Whereas, It is imperative that local governments remain vigilant and outspoken in their opposition to S.B. 1070, especially at this final and critical stage of the litigation; now, therefore, be it

Resolved, That the Council of the City of New York is authorized to join an amicus brief in support of the Plaintiff-Appellee in the litigation captioned *The United States of America v. The State of Arizona*, Case No. CV 10-1413-PHX (SRB), which is currently pending before the United States Supreme Court.

Referred to the Committee on Immigration.

Int. No. 750

By Council Members Vacca, Mark-Viverito, Brewer, Fidler, James, Koppell, Lander, Palma, Recchia, Williams and Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to guards along pedestrian walkways.

Be it enacted by the Council as follows:

Section 1. Section BC 1012.2 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

1012.2 Height. Guards shall form a protective barrier not less than 42 inches (1067 mm) high, measured vertically above the leading edge of the tread, adjacent walking surface or adjacent seatboard.

Exceptions:

1. For occupancies in Group R-3, and within individual dwelling units in occupancies in Group R-2, guards whose top rail also serves as a handrail shall have a height not less than 34 inches (864 mm) and not more than 38 inches (965 mm) measured vertically from the leading edge of the stair tread nosing.

2. The height in assembly seating areas shall be in accordance with Section 1024.14.

3. The height shall be at least 8 feet (2438 mm) for pedestrian walkways designed in accordance with Section 3104 where such walkways are (a) located more than 30 inches (762 mm) above the floor or grade below and (b) accessible to the general public. The upper portion of such guard shall be curved or angled so that the top of the guard extends horizontally over the walking surface of the walkway at least three feet (914 mm) or, where such surface is less than six feet (1828 mm) wide, half the width of such surface. This provision shall apply retroactively to all existing pedestrian walkways.

§2. Section BC 1607.7.1.1 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

1607.7.1.1 Concentrated load. Handrail assemblies and guards shall be able to resist a single concentrated load of 200 pounds (0.89 kN), applied in any direction at any point along the top, and have attachment devices and supporting structure to transfer this loading to appropriate structural elements of the building. This load need not be assumed to act concurrently with the loads specified in the preceding paragraph.

Exception:

1. Guards on pedestrian walkways designed in accordance with Section 3104 where such walkways are (a) located more than 30 inches (762 mm) above the floor or grade below and (b) accessible to the general public, shall also be able to resist a single concentrated load of 200 pounds (0.89 kN), applied in any direction at any point between 42 inches (1067 mm) and 43.25 inches (1099 mm) measured vertically above the leading edge of the tread, adjacent walking surface or adjacent seatboard. This provision shall apply retroactively to all existing pedestrian walkways.

§3. Subchapter seven of the New York city building code is amended by adding a new article 23 to read as follows:

ARTICLE 23

PEDESTRIAN WALKWAYS

§27-522 Retroactive guard requirement. Bridges between buildings as described in subdivision d of section 27-313 of this title shall comply with section BC 1012 of title 28 of this code. This provision shall apply retroactively to all existing bridges between buildings.

§4. This local law shall take effect three years after its enactment except that the commissioner of the department of buildings shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Res. No. 1194

Resolution calling upon the New York State Assembly to pass and the Governor to sign legislation amending the New York State Penal Law to establish as a crime the unlawful procurement of clients, patients, or customers, in order to reduce the staging of automobile accidents.

By Council Members Vacca and Ignizio.

Whereas, According to a 2009 report of the National Association of Insurance Commissioners, New York State has the third highest auto insurance rates in the nation; and

Whereas, According to the Property Casualty Insurance Association of America, all of New York City’s boroughs pay at least 67 percent higher auto insurance premiums, with four out of five of New York City’s counties paying auto insurance rates greater than 100 percent higher than the state average, with Staten Island 67 percent higher, Manhattan 110 percent higher, Queens, 167 percent higher, Brooklyn, 185 percent higher, and the Bronx, 272 percent higher; and

Whereas, Such rates are driven up by a large number of fictitious accidents, which have led to more claims being paid out by insurance companies, which in turn harms the public as insurance companies raise the insurance premiums for all; and

Whereas, New York State has a “no-fault” auto insurance system, often leading to insurance settlement payouts without any independent investigation of the alleged accident or the alleged injuries suffered through that accident; and

Whereas, The Federal Bureau of Investigation estimates that fraudulent billings to health care programs, both public and private, are between three and ten percent of the total annual health care expenditures, comprising approximately 68 billion dollars to 226 billion dollars in fraudulent billings annually; and

Whereas, New York State must help ensure that regulatory and legal measures are as effective as possible in both preventing “no-fault” insurance and overall health care insurance fraud and by identifying and prosecuting any such fraud where it exists; and

Whereas, A “runner” is a person who, knowingly, for profit, seeks to procure clients, patients or customers on behalf of an attorney or health care provider for the purpose of falsely or fraudulently obtaining benefits under a contract of insurance or asserting a claim against an insurer or insured for the services provided by such attorney or health care provider; and

Whereas, Since most fraud schemes depend on a large volume of patients, health care providers and attorneys engaged in fraud will often pay such runners to help stage automobile accidents and recruit clients, patients, and customers; and

Whereas, In testimony given to the New York State Standing Committee on Insurance in April 2011, the Queens District Attorney’s Office testified that 322 individuals and corporations had been convicted of felony insurance fraud in the previous 8 years in Queens County; and

Whereas, Unscrupulous health care providers that contract with runners file false and fraudulent insurance claims which has led to inflating the cost of insurance, especially auto insurance, which is borne by the public; and

Whereas, A.8443, sponsored by Assembly Member David Weprin, introduced in the New York State Assembly on January 14, 2011, seeks to amend the New York State Penal Law by establishing the crime of unlawful procurement of clients, patients or customers; and

Whereas, This crime occurs when someone knowingly acts as a runner or uses, solicits, directs, hires or employs another person to act as a runner; and

Whereas, In an effort to address this problem, on June 16, 2011 the New York State Senate passed S.2004-A, sponsored by Senator Dean Skelos, the companion bill to A.8443, which was delivered to the Assembly on the same date; and

Whereas, The New York State Assembly should pass A.8443, which would assist in preventing medical fraud by making acting as a runner a violation of criminal law in New York State; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Assembly to pass and the Governor to sign legislation amending the New York State Penal Law to establish as a crime the unlawful procurement of clients, patients, or customers, in order to reduce the staging of automobile accidents.

Referred to the Committee on Transportation.

L.U. No. 552

By Council Member Comrie:

Uniform land use review procedure application no. C 120107 HAX, an Urban Development Action Area Designation and Project located at 92 West Tremont Avenue and the disposition of city owned property, Borough of the Bronx, Council District no. 16. This matter is subject to Council Review and action pursuant to §197-c and §197-d of the New York City Charter and Article 16 of the General Municipal Law.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

At this point the Speaker (Council Member Quinn) made the following announcements:

ANNOUNCEMENTS:

Friday, January 6, 2012

★ Deferred
 Committee on **FINANCE**..... **10:00 A.M.**
 Int. No. 731 – By Council Members Recchia, Lappin, Greenfield, Arroyo, Brewer, Chin, Comrie, Dickens, Dromm, Fidler, Foster, Gentile, James, Koslowitz, Lander, Mark Viverito, Mealy, Mendez, Palma, Reyna, Rose, Van Bramer, Vann, Williams, Halloran and Koo – A Local Law to amend the administrative code of the city of New York, in relation to the administration of the senior citizen rent increase exemption program.
 Committee Room – 250 Broadway, 16th Floor
 Domenic M. Recchia, Chairperson

Tuesday, January 10, 2012

★ Deferred
 Subcommittee on **ZONING & FRANCHISES** **9:30 A.M.**
 See Land Use Calendar Available Thursday, January 5, 2012

~~Committee Room – 250 Broadway, 16th Floor Mark Weprin, Chairperson~~

Subcommittee on **LANDMARKS, PUBLIC SITING & MARITIME USES**..... **11:00 A.M.**
 See Land Use Calendar Available Thursday, January 5, 2012
 Committee Room – 250 Broadway, 16th Floor Brad Lander, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS. 1:00 P.M.**
 See Land Use Calendar Available Thursday, January 5, 2012
 Committee Room – 250 Broadway, 16th Floor Stephen Levin, Chairperson

Wednesday, January 11, 2012

★ Deferred
 Committee on **COMMUNITY DEVELOPMENT** **10:00 A.M.**
 Oversight – Concentrated Poverty in New York City
 Committee Room – 250 Broadway, 16th Floor Albert Vann, Chairperson

★ Deferred
 Committee on **YOUTH SERVICES**..... **1:00 P.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 14th Floor Lewis Fidler, Chairperson

★ Deferred
 Committee on **HOUSING AND BUILDINGS**..... **1:00 P.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 16th Floor
 Erik Martin Dilan, Chairperson

Thursday, January 12, 2012

Committee on **LAND USE**..... **10:00 A.M.**
 All items reported out of the subcommittees
 AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
 Committee Room – 250 Broadway, 16th Floor Leroy Comrie, Chairperson

Committee on **JUVENILE JUSTICE** **1:00 P.M.**
 Oversight - Examining the Division of Youth and Family Justice's Positive Alternative Towards Home Program
 Committee Room – 250 Broadway, 14th Floor Sara Gonzalez, Chairperson

Tuesday, January 17, 2012

Committee on **IMMIGRATION** **10:00 A.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 14th Floor Daniel Dromm, Chairperson

Committee on **WOMEN’S ISSUES** **1:00 P.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 14th Floor Julissa Ferreras, Chairperson

Committee on **TRANSPORTATION** **1:00 P.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 16th Floor James Vacca, Chairperson

Wednesday, January 18, 2012

★ Addition
 Committee on **FINANCE**..... **10:00 A.M.**
 Int. 741 - By Council Member Recchia - A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended in six business improvement districts.
 AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
 Committee Room – 250 Broadway, 16th Floor
 Domenic M. Recchia, Chairperson

Stated Council Meeting..... Ceremonial Tributes – 1:00 p.m.
..... Agenda – 1:30 p.m.
Location..... ~ Council Chambers ~ City Hall.....

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, January 18, 2012.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

