

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF
WEDNESDAY, AUGUST 22, 2012

THE COUNCIL

*Minutes of the Proceedings for the
STATED MEETING
of
Wednesday, August 22, 2012, 2:26 p.m.*

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

Council Members

Christine C. Quinn, Speaker

| | | |
|-------------------------|------------------------|-------------------------|
| Maria del Carmen Arroyo | Vincent J. Gentile | Michael C. Nelson |
| Charles Barron | Sara M. Gonzalez | James S. Oddo |
| Gale A. Brewer | David G. Greenfield | Annabel Palma |
| Fernando Cabrera | Daniel J. Halloran III | Domenic M. Recchia, Jr. |
| Margaret S. Chin | Vincent M. Ignizio | Diana Reyna |
| Leroy G. Comrie, Jr. | Robert Jackson | Joel Rivera |
| Elizabeth S. Crowley | Letitia James | Ydanis A. Rodriguez |
| Erik Martin Dilan | Peter A. Koo | Deborah L. Rose |
| Daniel Dromm | G. Oliver Koppell | James Sanders, Jr. |
| Mathieu Eugene | Karen Koslowitz | Eric A. Ulrich |
| Lewis A. Fidler | Stephen T. Levin | James Vacca |
| Helen D. Foster | Melissa Mark-Viverito | Albert Vann |
| Daniel R. Garodnick | Darlene Mealy | James G. Van Bramer |
| James F. Gennaro | Rosie Mendez | Mark S. Weprin |
| | | Jumaane D. Williams |

Excused: Council Members Dickens, Ferreras, Lander, Lappin, Vallone, Jr., and Wills.

There is presently one vacancy in the Council (12th Council District, The Bronx) pending the certified results of a Special Election to be held on Tuesday, November 6, 2012.

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 44 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 Rev. Anita Burson, Elpida Community Church of Christ Baptist, 121 New York Avenue, Brooklyn, NY 11216.

Will you all just take a deep breath in,
and just release a deep breath out,

and look to your neighbor on your left
and on your right,
those with whom you will deliberate today.
Let us pray. O eternal God,
Lord of history, we thank You
for this day of opportunity,
as we assemble here with representatives
sent from many walks of life,
disciplines, various faiths,
and divergent views,
to represent people of the same.
We pause in this moment
to lift our thoughts in gratitude,
to share our common interests
in problems of this city.
It is through Your power
that men and women won liberty,
and by whose justice they held a vision
of a righteous nation
and indeed a righteous city.
People who laid down their lives
to purchase our freedom,
let us be ever mindful
of the legacies we share
that brought with it diligence,
scholarship and sacrifice.
Help our leaders by worthy
to stand in this place with courage
and an unwavering hope
to fulfill the task
Your will demands be done.
Let us commit ourselves to the purpose
Of making our communities
better places in particular,
and the world in general
a better place for all humankind.
Let us also be reminded
of those who so recently
served this deliberation,
Hope and Lynette.
Our hearts grieve the relationships,
the friendships, and the collegial nature
of working for this august body.
Let us remember their families
and their loved ones,
especially her mother as she also grieves,
Hope's father, Mr. Reichbach.
May we be ever reminded
that grief shows that we loved.
Guide the Mayor, Speaker
and all of the Council officials
elected to serve to develop
our city and communities in Your way
for Your name's sake we pray.
Let all of the people here assembled say
amen.

Council Member Vann 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:

Brooklyn New York Supreme Court Justice Gus Reichbach, 65, passed away from complications of pancreatic cancer on July 14, 2012. At Columbia University, Justice Reichbach, became an anti-war advocate and leader of the Students for a Democratic Society. He started his tenure on the bench when he was selected to the New York City Civil Court in 1990. The Speaker (Council Member Quinn) continued that he was known as long-time community activist and political activist. He is survived by his wife Ellen Meyers and by his brother. The Speaker (Council Member Quinn) sadly noted that Justice Reichbach's daughter, Hope Reichbach, a member of Council Member Levin's staff, had also passed way recently. At this point, the floor was yielded to Council Member Levin who spoke in respectful memory of Justice Reichbach and the Reichbach family.

Six people were killed and three critically wounded in a Wisconsin Sikh temple by a white supremacist gunman on August 5, 2012. Among those killed was first responder Oak Creek Police Officer Lt. Brian Murphy, 51, who, after being shot, waved off the other emergency responders to attend to the other people who were wounded. Officer Murphy was from Brooklyn and his brother recently retired from the New York City Police Department. The Speaker (Council Member Quinn) offered the Council's thoughts and prayers to the victims of the shooting and their families as well as to the entire Sikh community.

On August 18, 2012, Kathleen Cafaro, 73, passed away after a long battle with lung cancer. Ms. Cafaro was the mother of Ruthie DelFranco, the Council's long-time LTS system administrator and executive assistant to the administrative services' director. The Speaker (Council Member Quinn) offered the Council's thoughts and prayers to Ms. DelFranco and her entire family including , her fiancé, the Council's director of security Carl D'Alda, and her sister Annie.

Lynette Velasco, chief of staff to Deputy Majority Leader (Council Member Dickens), passed away suddenly on August 20, 2012. Ms. Velasco had worked for Council Members Juanita Watkins and James Sanders before working for Council Member Dickens and the residents of Harlem. A graduate of Hampton University, Ms. Velasco worked in the field of government, art, not-for-profit management, journalism, and was known as a respected poet as well. The Speaker (Council Member Quinn) offered the Council's thoughts and prayers to her personal family, her Harlem family and her Council family.

MESSAGES & PAPERS FROM THE MAYOR

M-874

Communication from the Mayor - Submitting his determination that coterminality of the 77th, 78th, and 88th police precincts with the corresponding community districts in Brooklyn would be inconsistent with the most effective delivery of police services, pursuant to Section 2704(b) of the City Charter.

August 13, 2012

The Honorable Christine Quinn Speaker
City Council
City Hall
New York, NY 10007

Dear Speaker Quinn:

I write to inform the City Council of my determination, pursuant to City Charter section 2704b that coterminality of the 77th, 78th, and 88th police precincts with the corresponding community districts in Brooklyn would be inconsistent with the most effective delivery of police services. Accordingly, the boundaries of those precincts will be changed, as discussed below.

The New York City Police Department has recently completed a comprehensive analysis of the Atlantic Yards Project in Brooklyn. When the construction is completed, the Barclays Arena will be located on the boundary between the 77th, 78th, and 88th Precincts. The Police Department's analysis has determined that the most effective delivery of police services would be facilitated if the Barclays Arena were to be contained within the confines of a single precinct.

Currently, the northern border of the 78th Precinct begins at the intersection of 6th Avenue and Pacific Street and runs west along Pacific Street to 4th Avenue. The eastern border of the 78th Precinct begins at the intersection of Pacific Street and 6th Avenue and runs south along 6th Avenue (with a small carve out at Bergen Street for the 78th Precinct Stationhouse) and southeast along Flatbush Avenue to Plaza Street East. The areas in question are outlined in Appendix A.

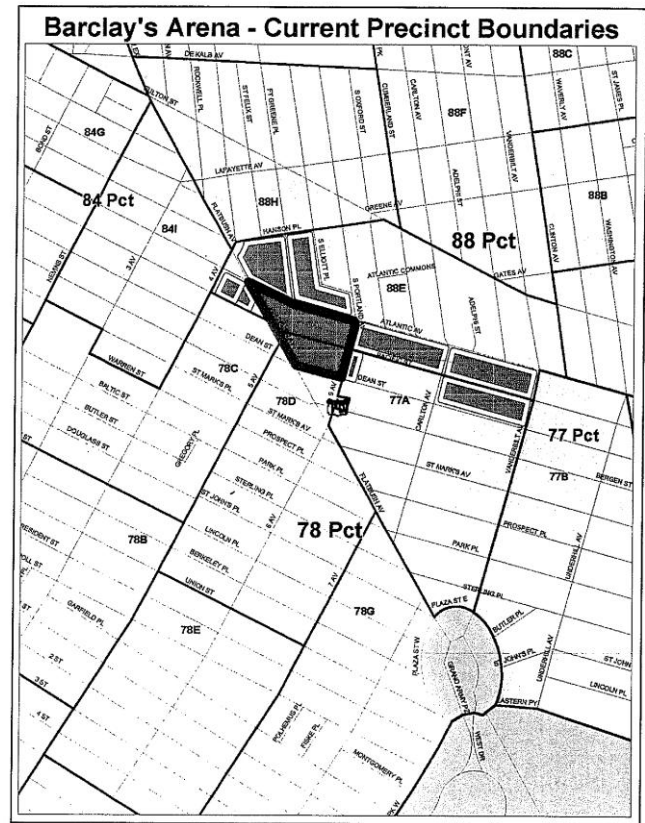
Following consultation with the Police Commissioner, I have determined that the most effective delivery of police services will be accomplished by extending the 78th precincts boundary northward to include Hanson Place, Academy Park Place and Atlantic Avenue, with new boundaries running north/south at South Elliott Place and South Portland Avenue. Further, the eastern border of the 78th Precinct will be extended to Vanderbilt Avenue, running south from Atlantic Avenue to Plaza Street East. The new boundaries are outlined in Appendix

B. This extension will place the arena complex within the confines of one precinct. It should also be noted that this extension of the 78th Precinct boundaries will place the Long Island Railroad station, the subway hub, and the Atlantic Center Mall within the 78th Precinct.

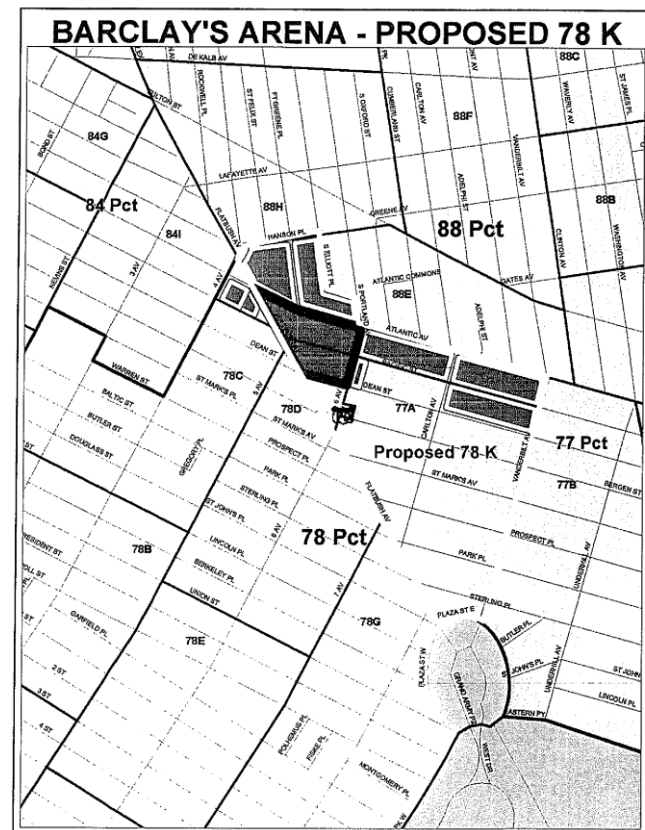
Sincerely,

Michael R. Bloomberg
Mayor

Appendix A: Existing Precinct Boundaries w/ Sectors



Appendix B: Revised Precinct Boundaries with Proposed 78th Precinct 'Sector K'



Received, Ordered, Printed and Filed.

M-875

Communication from the Mayor – Transmitting proposed amendment to a maritime lease between the New York City Department of Small Business Services and Sea Travelers Realty Inc. d/b/a Sea Travelers Marina for certain city owned upland area and lands under water located in the Mill Basin area of Brooklyn, pursuant to Section 1301(2)(f) of the City Charter.

August 20, 2012

Honorable Christine C. Quinn
 Speaker of the Council
 City Hall
 New York, New York 10007

Dear Speaker Quinn,

On behalf of Mayor Bloomberg, I am herewith transmitting copies of a proposed amendment to a maritime lease (the "Lease Amendment") between the New York City Department of Small Business Services ("Landlord" or the "City") and Sea Travelers Realty, Inc. d/b/a Sea Travelers Marina ("Tenant") for certain City-owned upland area and lands underwater located at 2875 Flatbush Avenue in the Mill Basin area of Brooklyn (Block 8591, parts of Lot 125 and 175) pursuant to City Charter Section 1301(2)(f). The Lease Amendment will be administered on behalf of the City by New York City Economic Development Corporation ("NYCEDC"). I'm also transmitting copies of the companion resolution and memorandum of support.

The Mayor would appreciate the approval of the lease amendment at the earliest possible date.

Thank you.

Sincerely,

Patrick A. Wehle

Referred to the Subcommittee on Landmarks, Public Siting and Maritime Uses.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-876

Communication from the Department of Environmental Protection - Submitting the Mayor's approval of the conveyance of the Mt. Hayden Property by donation from the New York City Department of Environmental Protection to the New York State Department of Environmental Conservation, Town of Windham, Greene County, pursuant to Section 72-h of the General Municipal Law.



Carter H. Strickland, Jr.
 Commissioner
 cstrickland@dep.nyc.gov
 59-17 Junction Boulevard
 Flushing, NY 11373
 T: (718) 595-6565
 F: (718) 596-3525

Memorandum

To: Christine C. Quinn,
 Speaker of the New York City Council
 From: Carter H. Strickland, Jr.
 Date: August 20, 2012
 Re: Conveyance of the Mt. Hayden Property by Donation from The City of New York Department of Environmental Protection (DEP) to The State of New York Department of Environmental Conservation (NYSDEC), Town of Windham, Greene County, State of New York

This memorandum is respectfully submitted to provide the City Council with notice of the Mayor's June 29, 2012 approval of the disposition of real property known as the Mt. Hayden Property from the City of New York (the "City") by and through the New York City Department of Environmental Protection ("DEP") to the State of New York (the "State") by the New York State Department of Environmental Conservation ("NYSDEC"). This disposition is being made pursuant to General Municipal Law Section 72-h, which authorizes the Mayor, subject to disapproval by the Council within thirty days following receipt of notice of the approval of the Mayor, to sell, transfer or lease public lands to any municipal corporation without consideration and/or for such terms and conditions approved by the City.

Introduction

The City proposes to dispose of two parcels of property of which it is the fee owner: Parcel "A" (DEP Property Id Number 552) and Parcel "B" (DEP Property Id Number 2663) (collectively referred to as the "Parcels" or the "Mt. Hayden Property"), located in the Town of Windham, County of Greene, State of New York. The Mt. Hayden Property was acquired through the DEP Land Acquisition Program ("LAP") pursuant to the 1997 New York City Watershed Memorandum of Agreement ("MOA"). The Parcels combined consist of fifty-nine (59) individual tax lots totaling +/- 814 acres. Attached herein as Exhibit A, is a map of the Mt. Hayden Property. For the reasons listed below, the Mt. Hayden Property will be donated to the State of New York and will be managed by NYSDEC.

Benefits to the City

DEP and NYSDEC have been working cooperatively over several years to transfer ownership of the Mt. Hayden Property from the City to NYSDEC. This property is adjacent to lands currently owned by the State and managed by

NYSDEC. NYSDEC expressed interest in managing this property for recreational uses including mountain biking. DEP supports these activities but does not want the responsibility of managing these active uses. The specific benefits to the City under this proposed disposition are as follows:

- 1) The City will be relieved of the entire property tax burden for the Parcels (currently the City pays approximately \$36,000 in property taxes annually);
- 2) The responsibilities for stewardship and maintenance will be assumed by NYSDEC;
- 3) The Parcels will be acquired by NYSDEC under Section 9-0501 of the Environmental Conservation Law (ECL) by which the parcels will be forever devoted to reforestation. This land use classification is consistent with the City's goals of acquiring the Parcels for water quality protection purposes;
- 4) The transfer is consistent with DEP's goal to expand recreational opportunities for watershed residents and visitors that promote environmentally sound economic development; and
- 5) The transfer is being undertaken in cooperation with NYSDEC and will foster a positive relationship with both the State and DEP's local partners in the watershed communities.

Thus, this arrangement is beneficial to the City in that it will provide protection and preservation to a portion of the City's watershed while relieving DEP of ownership responsibilities, in addition to tax and stewardship obligations. It will also help promote recreational opportunities that minimally impact water quality and foster positive relationships among the City's watershed partners.

Background

Since 1997, DEP has operated the LAP to acquire land and conservation easements for watershed protection. To date, the City has acquired and is protecting approximately 121,900 acres of land in the one million acre Catskill-Delaware watershed through the LAP. The City's total portfolio of protected land in the Catskill-Delaware watershed consists of approximately 157,400 acres of land. The Mt. Hayden Property represents less than 0.7% of the land protected through the LAP in the Catskill-Delaware watershed, and amounts to 0.5% of the total land protected by DEP in the Catskill-Delaware watershed.

DEP acquired Parcel A and Parcel B in 2002 and 2005, respectively. In or about 2007, DEP and NYSDEC engaged in discussions regarding the possibility of joint efforts to manage and steward State and City lands for recreational use. The Commissioners of both agencies identified the Parcels at Mt. Hayden as ideal land for such efforts due to their location just outside the Catskill Park.

The details of the Parcels are as follows:

Parcel A

Number of Tax Lots: 58
 Closing Date: April 10, 2002
 Purchase Price: \$843,597.42
 Acres: +/- 708.9 acres
 Location: Town of Windham, County of Greene, Schoharie Basin
 Annual Taxes: Approximately \$33,250 in fiscal year 2012

Parcel B

Number of Tax Lots: 1
 Closing Date: May 26, 2005
 Purchase Price: \$274,508.00
 Acres: +/- 105.5 acres
 Location: Town of Windham, County of Greene, Schoharie Basin
 Annual Taxes: Approximately \$2,905 in fiscal year 2012

Required Procedural Approvals

A. NYC Water Board Approval

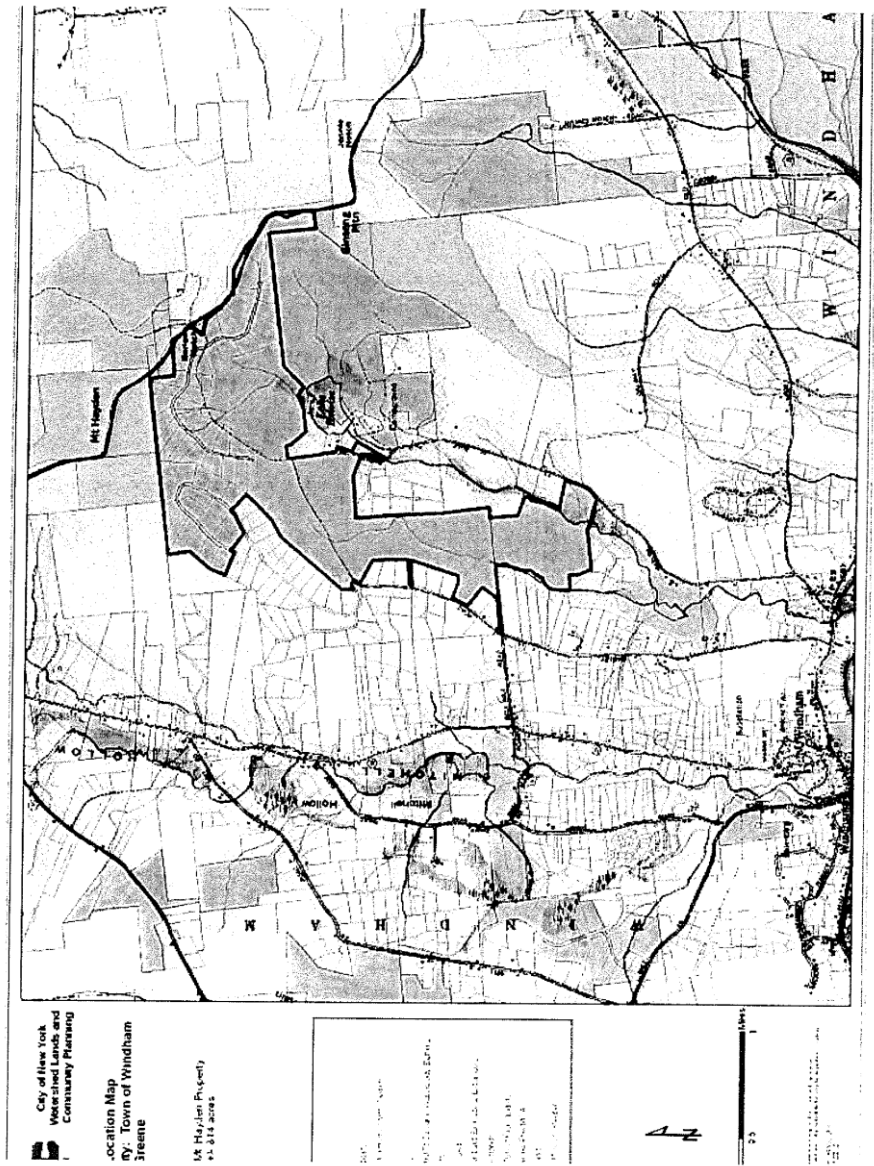
The NYC Water Board approval was granted pursuant to Section 11.1 (d) (ii) of the Lease Agreement, dated July 1, 1985 and as amended, wherein the City may, with the prior written consent of the Board, grant interests in Leased property which do not interfere with the operation and maintenance of the sewer systems and the collection of revenues from such systems. Since the conveyance of Mt. Hayden is a grant in real property interest, the Water Board's consent was required and obtained on September 24, 2010, attached herein as Exhibit B is the portion of the Water Board Minutes approving the Resolution.

B. General Municipal Law 72-h (Mayor's Office Approval and City Council Non-Objection)

New York State General Municipal Law, Article 5, Section 72-h authorizes the Mayor of New York City to transfer to a municipal corporation, government agency or department any real property for consideration or without, subject to the disapproval by the City Council within thirty (30) days following receipt of such notice of the approval of the Mayor. The Mayor's approval for this donation was granted on June 29th, 2012, attached herein as Exhibit C. By this memorandum, DEP is providing the requisite notice to the City Council.

C. Law Department Approval of the Conveyance Deed

Furthermore, the Corporation Counsel of the New York City Law Department has approved the Donation Agreement, attached herein as Exhibit D, and will review and



be required to approve the deed of conveyance, which will be signed by the Deputy Mayor for Operations.

Conclusion

For the reasons stated above, DEP respectfully requests the City Council's consideration of the conveyance of the Mt. Hayden Property to the State.

- Attachments: Exhibit A – Mt. Hayden Property Map
 Exhibit B – Approval Resolution of the New York City Water Board
 Exhibit C – Mayoral Approval of Mt. Hayden Property Disposition
 Exhibit D – Corporation Counsel Approval of the Donation Agreement

- c: Robin Levine, Senior Environmental Counsel for Legal Affairs, DEP
 Paul Rush, Deputy Commissioner for Water Supply, DEP
 Dave Warne, Assistant Commissioner for Water Supply, DEP

MINUTES OF A MEETING OF THE NEW YORK CITY WATER BOARD

A meeting of the New York City Water Board (the "Board") was held on September 24, 2010, at 8:30 a.m. at the New York City Department of City Planning, 22 Reade Street, Spector Hall, New York, New York 10007. The following members of the Board were present:

- Alan M. Moss,
 Marcia Bystryn,
 Mehul Patel, and
 Benjamin Tisdell,

constituting a quorum of the Board. Mr. Moss chaired the meeting, and Albert F. Moncure, Jr., served as Secretary of the meeting.

Adoption of Minutes

The first item on the agenda was approval of the minutes of the Board's previous meeting held on June 25, 2010. There being no discussion, upon motion duly made and seconded, the minutes of the meeting held on June 25, 2010, were unanimously adopted.

Consent to Release Leasehold Interest in Mount Hayden Property

The next item on the agenda was DEP's request for the Board's consent to a proposed land transfer of the 814 acre Mount Hayden Property in the upstate watershed from DEP to New York State. DEP attorney Edrea Ringel described the transaction. DEP would give the property to the state acting through its Department of Environmental Conservation ("DEC")

for use as a mountain bike path and for reforestation and watershed protection purposes. The land transfer would relieve the City of a \$34,000 annual real property tax obligation. Discussion ensued among Mr. Moss, Mr. Lawitts and DEP general counsel Robin Levine about the economic benefit to the Water Board from the proposed transaction. Mr. Moss asked that the property be appraised and questioned whether the \$34,000 in annual property tax relief was adequate compensation for the potential lost profits from sales of timber on the property. Ms. Levine said that although the land has not been appraised, the fair market value of the property today is likely less than DEP's original acquisition price. Mr. Lawitts added that the City gets less than \$5 million annually from timber sales in the entire watershed and those monies are credited to the City's general fund, not the Board's local water fund. He said the lost revenue potential from the proposed transfer is small, and there is a greater net benefit to the Water System from not incurring property taxes and conservation stewardship costs.

There being no further discussion, upon motion duly made and seconded, the following resolution was unanimously adopted:

WHEREAS, the water and wastewater systems (the "Systems") of the City of New York (the "City") have been leased by the City to the New York City Water Board (the "Board") pursuant to an Agreement of Lease, dated as of July 1, 1985 and as amended by Amendment No. 1 dated as of November 1, 1985, between the City and the Board (the "Lease"); and

WHEREAS, the City, through the New York City Department of Environmental Protection ("DEP") operates and maintains the Systems; and

WHEREAS, pursuant to Section 11.1(d)(i) of the Lease, the City may, with the prior written consent of the Board, transfer property covered by the Lease which does not materially adversely affect the revenues of the Systems or impair the ability of the Board to make any payments required under the Lease; and

WHEREAS, the New York State Department of Environmental Conservation ("NYSDEC") is an agency of the State of New York (the "State"); and

WHEREAS, the DEP and NYSDEC have been engaged in discussions regarding the possibility of joint efforts to manage and steward State and City lands for recreational use; and

WHEREAS, the DEP, through its Land Acquisition Program created under the 1997 New York City Watershed Memorandum of Agreement, acquired two (2) parcels of property, Parcel "A" (Property Identification Number 552) and Parcel "B" (Property Identification Number 2663), (herein collectively referred to as the "Mt. Hayden Property") within the Town of Windham, County of Greene, in 2002 and 2005 respectively; and

WHEREAS, the NYSDEC has requested that the Mt. Hayden Property be transferred to the State to allow NYSDEC to construct and maintain multi-use trails, parking areas, and informational kiosks and to provide and manage non-motorized public access and recreational activities on the Mt. Hayden Property; and

WHEREAS, the State has expressed its desire to acquire the Mt. Hayden Property pursuant to Section 9-0501 of the Environmental Conservation Law which enables the NYSDEC to acquire lands to be forever devoted to reforestation for purposes of watershed protection, among other things; and

WHEREAS, the transfer of the Mt. Hayden Property will relieve the City of property tax liabilities as well as stewardship and maintenance responsibilities associated with the Mt. Hayden Property; and

WHEREAS, the transfer, which is being undertaken in cooperation with NYSDEC for the purpose of supplying recreational opportunities desired by local partners in the watershed communities, is consistent with the City's goal to expand recreational opportunities for watershed residents and visitors that promote environmentally sound economic development; and

WHEREAS, based on the recommendation by staff and for such consideration as herein described, the Board has determined that transferring the Mt. Hayden Property to the State is reasonable and appropriate; and

WHEREAS, by letter dated September 21, 2010, the Board has also received certification from William Pfrang, P.E., Vice President of AECOM USA, Inc., Consulting Engineer, that it has evaluated the above property disposition and has confirmed that such transfer does not materially adversely affect the revenues of the Systems or impair the ability of the Board to make any payments required under the Lease; it is therefore,

RESOLVED, that, pursuant to Section 11.1(d) (i) of the Lease, the Board hereby consents to release its leasehold interest in the Mt. Hayden Property in order for the City to transfer said property to the State as described herein.

Adjournment

There being no further business to come before the Board, upon motion duly made and seconded, the meeting was duly adjourned.

SECRETARY



OFFICE OF THE MAYOR
THE CITY OF NEW YORK

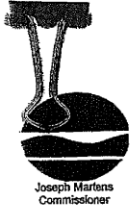
CASWELL F. HOLLOWAY
DEPUTY MAYOR FOR OPERATIONS

MEMORANDUM

To: Carter H. Strickland, Jr., Commissioner
From: Caswell F. Holloway
Date: June 29, 2012
RE: Approval for the Donation of the Mt. Hayden Property to New York State Department of Environmental Conservation pursuant to New York General Municipal Law § 72-h Town of Windham, Greene County, State of New York

In response to your memorandum dated June 7, 2012, this is to confirm my approval of the proposed donation by the City of New York, acting through the Department of Environmental Protection (NYCDEP), to the State of New York, acting through the Department of Environmental Conservation (NYSDEC), of the Mt. Hayden Property consisting of fifty-nine (59) tax lots totaling +/- 814 acres in the Town of Windham, County of Greene, State of New York.

This approval is being made pursuant to New York General Municipal Law § 72-h.



Proceeding No. _____
 Project Designation: CFP Greene 160.08
 Town: Windham
 Acreage: 814.75 acres
 TM Ref: Tax Lots 47-3-1 thru 28, 47-5-2 thru 19, 62-1-35 thru 37, 62-3-1 thru 10.

**LAND DONATION AGREEMENT
 BETWEEN THE
 CITY OF NEW YORK DEPARTMENT OF ENVIRONMENTAL PROTECTION
 AND NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

THIS AGREEMENT is made this _____ day of _____, 2012 by and between

DONOR: THE CITY OF NEW YORK, acting by and through its Commissioner of the Department of Environmental Protection
 Address: New York City Department of Environmental Protections
 59-17 Junction Boulevard
 Flushing, NY 11373

DONEE: THE PEOPLE OF THE STATE OF NEW YORK, acting by and through its Commissioner of the Department of Environmental Conservation
 Address: New York State Department of Environmental Conservation
 625 Broadway, 14th Floor
 Albany, NY 12233-0001

WHEREAS, the DONOR is the owner in fee of certain real property (hereinafter the "Property") located in the Town of Windham, Greene County, within the watershed which supplies water to the City of New York, and

WHEREAS, the DONEE owns hundreds of acres of land in Greene County for the purpose of protecting and conserving the environment and the water supply of the City of New York, and

WHEREAS, DONOR and DONEE share a common mission to protect the watershed of the City of New York and provide public recreation where possible, and

WHEREAS, the parties desire to enter into this Land Donation Agreement ("Agreement") to confirm the mutually agreed upon terms for the transfer of the Property to the State of New York.

NOW THEREFORE,

DONOR AND DONEE AGREE AS FOLLOWS:

1. **AGREEMENT.** Donor shall give and Donee shall accept on terms stated in this Agreement.
2. **PROPERTY.**
 - a. The property to be conveyed is described as follows:
 Street address/Location: Off Nauvoo Road, Town of Windham, County of Greene, State of New York, and more particularly described in ATTACHMENT A (herein, the "Property").
 - b. The conveyance shall also include all the right, title, and interest of the Donor in and to lands lying in the bed of any right of way, highway, road, street or avenue, or in the bed of any waterway, marsh, pond, lake, bay, drainage or irrigation ditch, river, creek or stream, running through the Property or lying in front of or adjacent thereto, and all littoral, riparian, and shore rights belonging thereto, together with any and all rights of ingress and egress, and rights to run utilities, in, over, and across any private drive, lane, waterway or road, running between any highway, road, street or avenue, and the Property except as listed below: NONE
 - c. The conveyance shall also include all the right, title and interest of the Donor in and to all strips and gores between the Property and lands of adjoining owners on all sides.
 - d. The conveyance shall include any improvements, fixtures, timber, oil, gas and minerals, rents and royalties related thereto, in, on or under the Property, and any appurtenant rights necessary to the use and enjoyment of same, in adjoining property.
3. **GIFT.** Donor is giving the Property to Donee as an unconditional gift pursuant to Section 72-h of the General Municipal Law of New York State. Donee is accepting the Property as an unconditional gift.
4. **TITLE.**
 - a. Title to the Property shall be examined with all convenient speed and shall be subject to the approval of the Attorney General of the State of New York after the same has been made satisfactory to the Attorney General.

- b. The Attorney General shall submit all closing requirements in writing to the Donor. Donor shall execute and deliver an Affidavit of Title substantially in the form of Schedule B.
5. **DEED.**
 - a. Whenever notified by the Attorney General by letter or otherwise, Donor shall execute and deliver to the Attorney General, without delay, a Bargain and Sale Deed with Covenants against Grantor's Acts subject to the following:
 - i. Existing easements, if any, for the construction, operation and maintenance of public service electric, telephone, telegraph and pipe lines, or railroads and other transportation corporations or the right of others in any public road, public street, public highway or waterway, running through or along the Property.
 - ii. Other existing easements or encumbrances specifically identified in Fidelity National Title Insurance Company of New York Policy Number 5312-1123646 and Chicago Title Insurance Company Policy Number 2403-30670 attached hereto as Schedule C.
 - iii. A conservation easement granted to the People of the State of New York dated October 5, 2004 and recorded with the Greene County Clerk's office on September 22, 2005 in Liber 1186 at page 89.
 - b. Acceptance of the deed for recording by the County Clerk shall constitute acceptance of the deed by Donee and shall fix the time of vesting of title to the Property in the Donee.
6. **REPRESENTATIONS AND WARRANTIES.**
 - a. Donor owns and has the power to Donate, transfer and convey all right, title and interest in and to the Property, subject to all necessary City approvals, including, but not limited to, approval by the New York City Water Board, New York City Mayoral approval, and as required by the provisions of General Municipal Law §72-h.
 - b. Donee is authorized under Section 3-0301 of the ECL to acquire real property by gift.
 - c. There are no actions, judgments, suits or proceedings existing or pending to Donor's knowledge that will effect Donor's performance of its obligations under this Agreement.

- d.
 - i. Donor shall deliver possession at closing. At closing, no one other than Donor shall be in possession of any portion of the Property.
 - ii. There are no leases, tenancies, or other rights of occupancy, timber contracts, oil, gas or mineral leases, or other contracts in effect or under negotiation with respect to the Property, except as stated in paragraph 5(a)(ii) and (iii).
- e. Donor has no knowledge that hazardous or toxic substances have been generated, treated, stored, used, disposed of or deposited in or on the Property during its ownership.
- f. Donor shall provide to Donee the following reports relating to hazardous or toxic substances at the Property:
 - i. Energy and Environmental Analysts, Inc. Phase I Environmental Site Assessment dated November 1997.
 - ii. Energy and Environmental Analysts, Inc. Phase I Environmental Site Assessment dated September 2004.
- g. Donor shall deliver the Property in "AS IS" condition.
- h. Donor shall cooperate with the Attorney General by providing any abstract of title, copy of any title insurance policy, existing survey and any or all documentation and information relating to the Property within Donor's possession. Except as provided in 5 (a) (ii), to which this donation is subject, the Donor shall secure and deliver any affidavits, satisfactions, releases and conveyances as deemed necessary by the Attorney General for the purpose of disposing of objections to title to the Property.
- i. The parties agree that no broker brought about this donation and therefore neither party shall be liable for the same.
- j. If after making reasonable effort, Donor finds that complying with any of the requirements of this paragraph 6 are too difficult or too expensive, Donor may send Donee a notice indicating that Donor elects not to comply with a specified provision. Donee may elect to waive the specified requirement and accept the Property of Donee or may elect to declare this Agreement void; in such case, upon notification by Donee to Donor, this Agreement shall become void and neither party shall have liability to the other under this Agreement.

7. **PRESERVATION OF THE PROPERTY BY DONOR.** The Donor agrees that the Property shall remain as it is on the date first written above, until closing, and that the Donor will prevent and refrain from any use of the Property for any purpose or in any manner which would adversely affect the Property, including, but not limited to: a)

cutting or removal of trees or vegetation; b) disturbance or removal of soil, rock or minerals; and c) dumping or depositing of materials of any kind. This provision does not affect the prior existing rights of others listed in Paragraphs 5(a) and Paragraph 6(d)(2) herein.

- 8. REAL PROPERTY TAXES, ASSESSMENT, CHARGES. The Donor will pay and discharge all taxes, assessments, and municipal water and sewer charges which are liens against said Property at the time of the closing.

The Donee agrees to reimburse the Donor the prorated share of any current taxes, assessments and municipal water and sewer charges (except metered charges or charges based upon use) as of the vesting of title and upon completion of the audit and application process, which Donee completes subsequent to closing. The obligation of Donor to pay and discharge taxes and Donee to pay a tax proration shall not merge into the deed and will survive the closing.

- 9. TAXABLE STATUS OF DONEE. The Donee shall designate the Property once acquired, as the Mt Hayden detached Preserve parcel which is part of the Elm Ridge Wild Forest. As forest preserve lands, Donee is obligated pursuant to Real Property Tax Law Section 532 to pay real property taxes for all purposes.

- 10. RIGHT TO INSPECT THE PROPERTY. From the date of this Agreement, Donee, through its employees and contractors, may enter upon the Property and adjoining property owned by Donor, after reasonable notice to Donor, for the purpose of making surveys, inspections and investigations as Donee deems appropriate, including, without limitation, making an environmental assessment of the soils, waters and improvements, if any, on the Property

- 11. UNACCEPTABLE ENVIRONMENTAL CONDITIONS. If in its sole discretion Donee determines the environmental conditions are unacceptable, Donee may terminate this Agreement; in such case, this Agreement shall become void and neither party shall have any liability to the other under this Agreement.

- 12. SURVEY. The Donor or Donee may at its option, but at its own cost and expense, cause an accurate survey and map of the Property to be made, and in that event the deed from the Donor to Donee shall, at the option of the Donee, describe the Property according to such survey and map.

- 13. BINDING CONTRACT. After signatures are affixed hereto and upon approval by the Attorney General and the State Comptroller, this Agreement shall be binding upon the parties, their heirs, personal representative, assigns and successors in interest.

- 14. The following provisions in this Agreement shall survive closing: 6a, 6c, 6e, 6h, 8 and 9.

- 15. ENTIRE AGREEMENT. This Agreement and its attachments contain all of the agreements of the parties hereto. There are no promises, agreements, terms, conditions, warranties, representations or statements other than those contained herein. This Agreement may not be changed orally and it may not be modified in writing unless and until the written modification is approved by the Attorney General and the State Comptroller.

- 16. CONTACTS: Pursuant to State Finance Law, the permissible contacts for the Donee regarding this Agreement are the following:

Donee Contact: Philip J. Haskins, Real Property Supervisor, Region 4
Address: 1130 N. Westcott Road, Schenectady, NY 12306
Office Phone Number: (518) 357-2149
Fax Number: (518) 357-2146
e-mail: pjhaskin@gw.dec.state.ny.us

Donee Contact: Keith Matteson, Real Property Superintendent
Address: 625 Broadway, 5th Floor
Office Phone Number: (518) 402-9442
Fax Number: (518) 402-9018
e-mail: bkmatteson@gw.dec.state.ny.us

Donee Contact: Jeanne Konz, Office of General Counsel
Address: 625 Broadway, 14th Floor
Office Phone Number: (518) 402-9188
Fax Number: (518) 402-9018
e-mail: jmkonz@gw.dec.state.ny.us

and Donor's Legal Contact: May Chin, Esq., Bureau of Legal Affairs
Address: NYCDEP, 71 Smith Avenue, Kingston, NY 12401
Office Phone Number: (845)340-7204
Email: mchin@dep.nyc.gov

This Agreement is executed in six (6) counterparts and each shall be an original for all purposes.

IN WITNESS WHEREOF, the parties hereto have executed this instrument the day and year first above written.

5/20/12

DONOR: THE CITY OF NEW YORK acting by and through its Commissioner of the Department of Environmental Protection

By: *Ch. N. Stettin*
Title: *Commissioner*

Approved as to Form

Steve Stern
Acting Corporation Counsel 3/12/12
DONOR'S ACKNOWLEDGEMENT:

STATE OF NEW YORK)
) ss.
COUNTY OF *Queens*)

On the *30* day of *March* in the year 20*12*, before me, the undersigned, personally appeared *Cynthia Stettin*, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, of the person on behalf of which the individual acted, executed the instrument.

Melissa S. Siegel
Notary Public, State of New York

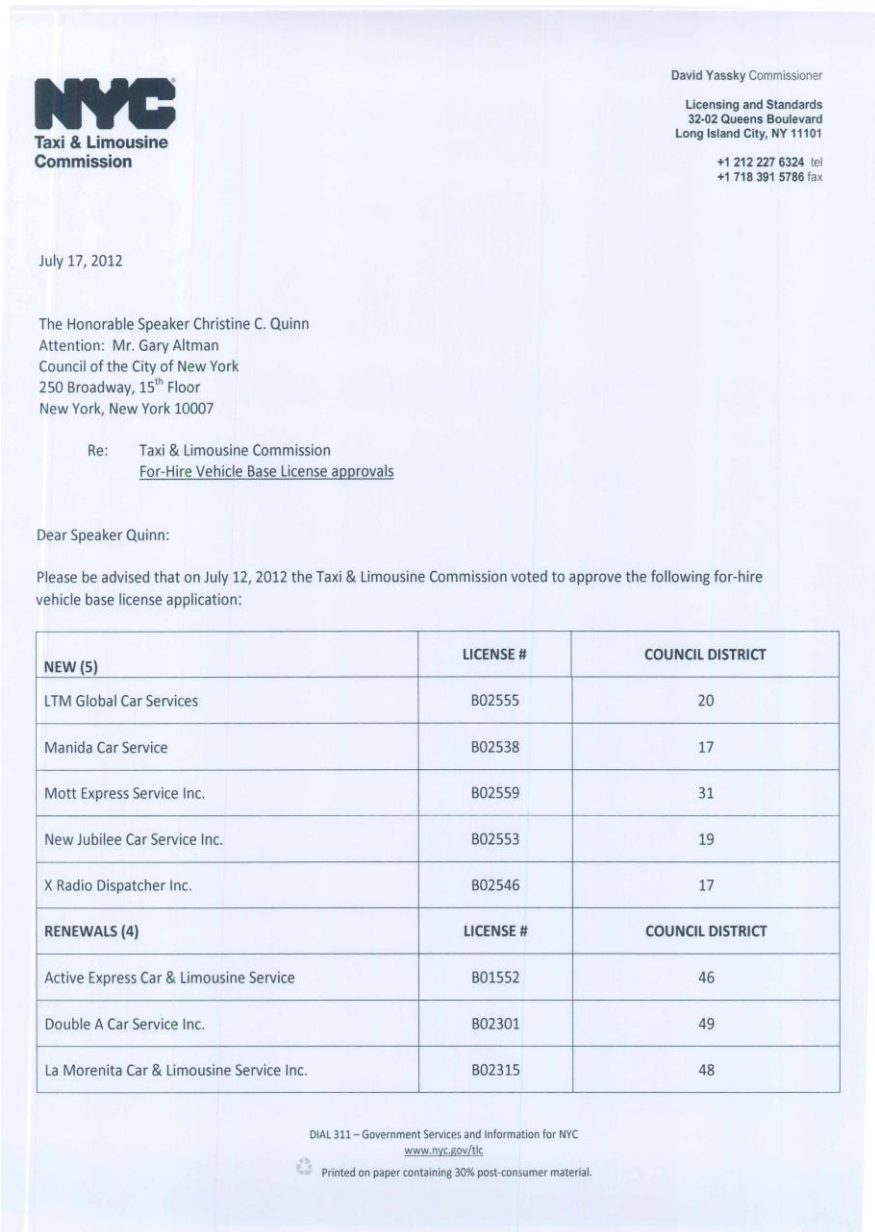
MELISSA S. SIEGEL
Notary Public, State of New York
No. 02514832255
Qualified in Queens County
Commission Expires July 31, 2013

Mt. Hayden Donation Agreement

Referred to the Subcommittee on Planning, Dispositions and Concessions.

M-877

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation base station FLAMINGO TRANSPORTATION & LIMO. SERVICE INC., Council District 35, pursuant to Section 19-511(i), of the administrative code of the city of New York.



| NEW (5) | LICENSE # | COUNCIL DISTRICT |
|--|-----------|------------------|
| LTM Global Car Services | B02555 | 20 |
| Manida Car Service | B02538 | 17 |
| Mott Express Service Inc. | B02559 | 31 |
| New Jubilee Car Service Inc. | B02553 | 19 |
| X Radio Dispatcher Inc. | B02546 | 17 |
| RENEWALS (4) | LICENSE # | COUNCIL DISTRICT |
| Active Express Car & Limousine Service | B01552 | 46 |
| Double A Car Service Inc. | B02301 | 49 |
| La Morenita Car & Limousine Service Inc. | B02315 | 48 |

The complete application packages compiled for the above bases are available for your review upon request. If you wish to receive a copy please contact Ms. Michelle Lange, Business Licensing Unit, at langem@tlc.nyc.gov. Please find enclosed herein the original applications for the approved base stations.

Very truly yours,

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

Referred to the Committee on Transportation.

M-878

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation base station license WASHINGTON RADIO DISPATCH INC., Council District 10, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-877 printed in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

LAND USE CALL UPS

M-879

By the Chair of the Land Use Committee Council Member Comrie:

Pursuant to Rule 11.20(c) of the Council and Section 197-d (b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure Application no. C 110219 ZSR shall be subject to Council review. This item is related Uniform Land Use Review Procedure Application no. C 110218 ZMR.

Coupled on Call – Up Vote

M-880

By the Chair of the Land Use Committee Council Member Comrie:

Pursuant to Rule 11.20(c) of the Council and Section 197-d (b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure Application no. C 060494 MMR shall be subject to Council review. This item is related Uniform Land Use Review Procedure Application nos. C 060495 ZMR and C060496 HAR.

Coupled on Call – Up Vote

LAND USE CALL UP VOTE

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

Affirmative –Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dilan, Dromm, Eugene, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Ulrich, Vacca, Van Bramer, Vann, Weprin, Williams, Oddo, Rivera and the Speaker (Council Member Quinn) – **44**.

At this point, the President Pro Tempore (Council Member Rivera) declared the aforementioned items **adopted** and referred these items to the Committee on Land Use and to the appropriate Land Use subcommittee.

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Environmental Protection

Report for Int. No. 834-A

Report of the Committee on Environmental Protection 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 the New York city panel on climate change and the New York city climate change adaptation task force.

The Committee on Environmental Protection, to which the annexed proposed amended local law was referred on April 18, 2012 (Minutes, page 1202), respectfully

REPORTS:

Introduction

On August 21, 2012, the Committee on Environmental Protection will hold a hearing on Int. No. 834-A, a bill that would require the New York City Panel on Climate Change to convene regularly, for the purpose of producing a report on climate change adaptation in New York City. On April 25, 2012, the Environmental Protection Committee held a hearing on an earlier version of this bill and heard from representatives of the Mayor’s Office of Long-Term Planning and Sustainability, local community boards, environmental activists, and other persons.

Recent Developments

Carbon dioxide (CO₂) in the atmosphere currently measures at 394.49 ppm, and it has increased by an average of 2.0 ppm/year over the last ten years.¹ According to the National Oceanic and Atmospheric Administration's Annual Greenhouse Gas Index, the direct climate impact, known as "radiative forcing," of long-lived greenhouse gases is up twenty-nine percent from the base year of 1990.² The primary cause of CO₂ emission is the burning of fossil fuels, including gas, oil and coal, to meet basic human needs for cooking, heating, cooling, lighting and communication.

According to the Energy Information Center, the United States is the second largest emitter of greenhouse gases in the world. John Boden, Director of the Energy Department's Carbon Dioxide Information Analysis Center at Oak Ridge National Lab, has stated that the latest figures put global CO₂ emissions higher than the worst case scenario described by the Intergovernmental Panel on Climate Change in 2007.³ The IPCC 2007 projections were for a global temperature rise of 4 to 11 degrees by the end of the century, with the best estimate at 7.5 degrees. Some climatologists now believe that temperature could rise 3-5 degrees by 2050.⁴

Anticipated Impacts of Climate Change

The impacts of climate change, anticipated by many experts such as the National Academy of Sciences,⁵ NYSERDA,⁶ the Environmental Protection Agency,⁷ the Intergovernmental Panel on Climate Change, and the New York City Mayor's Office of Long Term Planning and Sustainability, include sea level rise, changes to coastlines and coastal wetlands, human health impacts,⁸ environmental justice impacts, and severe weather, including droughts and hurricanes,⁹ that would damage infrastructure and ecosystems.¹⁰

Human Health Impacts of Climate Change and Increases in Temperature

This past summer, high heat and poor air quality caused between nineteen and twenty-four deaths in New York City, according to the New York City Chief Medical Examiner.¹¹ The Department of Health and Mental Hygiene ("DOHMH") projects that, due to climate change, the number of days per year with temperatures in excess of 90 degrees in New York City could increase from the 8-9 days we currently experience to 40-89 days.¹² According to DOHMH, the elderly are disproportionately susceptible to heat-related mortality factors.¹³ Heat-related mortality will also disproportionately affect other populations with illnesses such as heart disease, diabetes, respiratory diseases and psychiatric cognitive disorders. In New York City, people of color are disproportionately represented in the high risk groups that are also more susceptible to heat related mortality factors noted above.¹⁴

High heat days will also increase ozone-related health impacts, according to the Mailman School of Public Health at Columbia University.¹⁵ Scientists at the School analyzed climate change and ozone-related health impacts and found that there was a median 4.5 percent increase in ozone-related acute mortality across the 31 county New York Metropolitan Region.¹⁶ When the additional effects of ozone precursor emission increases were factored in with climate change, a 4.4 median increase in the number of ozone related deaths across the New York Metropolitan region is projected by the 2050s.¹⁷

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¹ ftp://ftp.cmdl.noaa.gov/ccg/co2/trends/co2_annmean_mlo.txt

² <http://www.esrl.noaa.gov/gmd/aggi/>

³ Monster greenhouse Gas Levels Seen, www.cbsnews.com November 22, 2011.

⁴ Expert Sees Temperatures rising 3-5 degrees by 2050, Texas Official Climatologist told students at the University of Houston law Center temperature could rise by 3-5 degrees by 2050, www.law.uh.edu/news/spring_2011; Gerard Wynn, 4 degrees Warming Likely without CO₂; (citing a 2009 Oxford University study that found global temperatures could rise by 4 degrees by 2050), www.reuters.com/article/2009/09.

⁵ Climate Change Adaptation In New York City: Building a Risk Management Response, Ann., N.Y. Acad. Sci., 2010, National Academy of Sciences,

⁶ Responding to Climate Change in New York State, NYSERDA, Synthesis Report, 2011.

⁷ Coastal Sensitivity to Sea level Rise; A Focus on the Mid-Atlantic Region, U.S. Climate Change Science Program Strategic Plan, Environmental protection Agency, January 2009.

⁸ Id.

⁹ IPCC SREX Summary for Policymaker, 2007.

¹⁰ NYSERDA report at pg. 24 and 44.

¹¹ Gena, Mangiaratta, City Limits, For Cities, Heat Can Be as Unjust as it is Deadly, writing that New York City Medical Examiner conclusions on heat related mortalities are strictly limited in comparison to other cities where excessive heat need only be a complicating factor in the mortality. In New York City it is typically the only factor.(July 2011)

¹² Id.

¹³ Department of Health and Mental Hygiene presentation to the American Public Health Association Webinar Series: Climate Change Adaptation: Addressing Heat Related Mortality among Seniors in New York City, March 2011 (identifying respiratory diseases and diabetes as some of the medical conditions that make the elderly more susceptible to heat related mortality) see also The Interagency Working Group on Climate Change, A Human Health perspective on Climate Change, A Report Outlining the Research Needs on the human Health Effects of Climate Change, April 2010 (identifying cancer, cardiovascular disease and stroke, mental health and stress related disorder, neurological diseases and disorders and weather related morbidity and mortality as an additional areas where public health would likely be impacted by climate change).

¹⁴ National Institute of Environmental Health Sciences, A Human Health Perspective on Climate Change, A Report Outlining the Research needs on the Human Health Effects of Climate Change, April 22, 2010.

¹⁵ Kim Knowlton, Joyce Rosenthal, Christian Hogrefe, Barry Lynn, Stuart Gaffin, Richard Goldberg, Cynthia Rosenzweig, Kevin Civerolo, Jia-Yeong Ku, and Patrick L. Kinney, Assessing Ozone related Health Impacts under a Changing Climate, Environ. Health Perspect. 2004, November: 112 (15) 1557-1563.

¹⁶ Id.

¹⁷ Id.

The New York City Panel on Climate Change

The New York City Panel on Climate Change (NPCC) was convened in August 2008 by Mayor Michael Bloomberg to advise on issues related to climate change and adaptation. Modeled on the Intergovernmental Panel on Climate Change, the NPCC consists of a diverse group of experts and developed the first official climate change projections for New York City. NPCC prepared the report "Climate Change Adaptation in New York City: Building a Risk Management Response" (the Report) in May 2010 to assist the New York City Climate Change Adaptation Task Force in developing a coordinated adaptation plan for the City.¹⁸ NPCC has also produced three workbooks on climate risk and adaptation, Climate Risk Information, Adaptation Assessment Guidebook, and Climate Protection Levels, to help the City and the Task Force in making decisions about these issues.

Climate Change Adaptation in New York City: Building a Risk Management Response

NPCC takes the stance that, while mitigation actions to reduce greenhouse gas emissions will help reduce climate change and its impacts, climate change will still impact New York City.¹⁹ Therefore, adaptation is needed to address both unavoidable short-term risks as well as long-term risks. The Report argues that "[t]aking climate change adaptation action now will limit damages and costs through the coming decades and, in many cases, can provide near-term benefits including operational cost savings and job creation."²⁰

Below are some of the key findings of the Report:²¹

1. New York City Panel on Climate Change
2. Key findings
3. Meeting the challenges to climate change adaptation in New York City
4. Recommendations for action
5. Needed studies to facilitate Flexible Adaptation Pathways
6. Putting adaptation in place
 - Temperature increases and sea level rise are already occurring and will continue to occur and accelerate in the future.
 - Warmer temperatures in the city are extremely likely and heat waves are likely to become more frequent and intense and will be longer in duration.
 - Potential progressive sea level rise and enhanced flooding of low-lying neighborhoods and infrastructure poses a challenge to planning for coastal waterfront development in New York City.
 - Severe droughts are likely to occur and intense precipitation is likely to increase, causing inland flooding.
 - There is the potential that "tipping points" in the climate process could be crossed, such as the potential for a rapid melt of polar ice sheets, that could lead to large-scale impacts; therefore effective indicators and monitoring programs should be developed.
 - The city should develop "strategies that can evolve through time as climate risk assessment, evaluation of adaptation strategies, and monitoring continue," known as Flexible Adaptation Pathways. The Mayor's Office of Long-Term Planning and Sustainability should continue to coordinate the private and public sectors to update strategies.

The Report asserts that the City already has the tools needed to incorporate climate change projections and risks into risk and hazard strategies, design standards, and the legal framework governing the design and operation of infrastructure. New York City Panel on Climate Change

1. Key findings
2. Meeting the challenges to climate change adaptation in New York City
3. Recommendations for action
4. Needed studies to facilitate Flexible Adaptation Pathways
5. Putting adaptation in place

The following are eight recommendations for action identified in the Report to assess and mitigate the effects of climate change.²²

Meeting the challenges to climate change adaptation in New York City

Recommendations for action

Needed studies to facilitate Flexible Adaptation Pathways

Putting adaptation in place

1. **Adopt a risk-based approach to develop Flexible Adaptation Pathways.** This includes regular reviews of the City's adaptation program.
2. **Create a mandate for an ongoing body of experts that provides advice and prepares tools related to climate change adaptation for the City of New York.** This body could regularly update climate change projections and reassess climate change impacts and adaptation. This body appears to be a continuation of NPCC.
3. **Establish a climate change monitoring program.** This would involve creating a network of monitoring systems and organizations and a region-wide indicator database for analysis.
4. **Partner with a wide range of public and private stakeholders to coordinate adaptation strategies.**

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¹⁸ New York City Panel on Climate Change, "Climate Change Adaptation in New York City: Building a Risk Management Response," *Annals of the New York Academy of Sciences*, May 2010, pp. 1-354.

¹⁹ Id., Executive Summary, p. 7.

²⁰ Id., Executive Summary, p. 7.

²¹ Id., Conclusions and Recommendations, pp. 143-144.

²² Id., Conclusions and Recommendations, p. 145.

5. **Revise current standards and codes and develop new ones to increase the city's resilience to climate change.** The city should develop design standards, specifications, and regulations that take climate change into account and work with the Federal Emergency Management Agency (FEMA) and the National Oceanic and Atmospheric Administration (NOAA) to update the Flood Insurance Rate Maps (FIRMs) and Sea, Lake and Overland Surges from Hurricanes (SLOSH) maps to include climate change projections.
6. **Work with the insurance industry to facilitate the use of risk-sharing mechanisms to address climate change impacts.**
7. **Focus on strategies for responding to incremental changes as well as low-probability, high-impact events.** Long-term high impact events could include catastrophic storm surges exacerbated by sea level rise.
8. **Pay particular attention to early win-win adaptation strategies.** Examples include those that have near-term benefits or meet multiple goals such as greenhouse gas mitigation and emergency planning.

NPCC identified the following key areas for further study that are needed to facilitate Flexible Adaptation Pathways:²³

- New York City Panel on Climate Change
- Key findings
- Meeting the challenges to climate change adaptation in New York City
- Recommendations for action
- Needed studies to facilitate Flexible Adaptation Pathways
- Putting adaptation in place
- **Identify, characterize, and understand nonlinear tipping points, triggers, and decision pathways.** This will allow the City to recognize when different adaptation measures should be taken if outcomes fall outside the range of projected changes.
- **Analyze the economics and financing of adaptation.**
- **Conduct feasibility studies of nonstructural and structural citywide protective measures.**
- **Perform sensitivity tests of critical infrastructure facilities and operations.** These tests will help the City understand the impacts of extreme events and changes in mean annual temperature and precipitation.
- **Study the interdependencies among and within infrastructure sectors and systems.** For example, power outages could cause public transportation delays and affect the water supply if pumps are not operating.

The Report concludes that “the City of New York is well on its way to implementing a comprehensive climate change adaptation strategy and institutionalizing ongoing adaptation planning.”²⁴

NPCC's Report and other work on climate change and its potential impacts on the City, as well as the strategies they have begun to develop for understanding climate risks and planning to adapt to climate change and minimize those risks, demonstrates the vital role NPCC can play moving forward. Their analysis also concludes that there is significant work ahead in areas such as research and planning, among many other things, that NPCC's expertise will be critical in accomplishing. However, because NPCC was established by the Mayor, it could be dissolved by a future Mayor who might not value the role NPCC plays in adapting the City to an uncertain and disruptive climate future.

Conclusion

Understanding and preparing for future climate change is vitally important, as climate change has the potential to impact the City and its citizens in significant adverse ways. The NPCC has demonstrated the critical role it can play in aiding the City in these efforts. Int. No. 834-A would insure that NPCC can play that role into the future.

Discussion of Int. No. 834-A

Section 1 contains the legislative finding and intent.

Section 2 adds two new sections, 3-122 and 3-123, to chapter 1 of title 3 of the New York City Administrative Code. Paragraph a of section 3-122 contains several definitions, including “vulnerable populations,” a designation never before codified in an environmental context. Paragraph b of section 3-122 establishes a New York City Panel on Climate Change and states that its members will be appointed by the Mayor, will serve at his or her pleasure, and will have relevant backgrounds.

Paragraph c contains two subparagraphs. Subparagraph 1 mandates that the Panel meet at least twice a year. These meetings will be used to review all relevant scientific data on climate change, and to make recommendations to the Office of Long-Term Planning and Sustainability and the Climate Change Adaptation Task Force.

Subparagraph 2 establishes reporting requirements for the Panel. It calls for a report within one year after the Intergovernmental Panel on Climate Change releases its assessment report, and updated reports every three years thereafter. It also requires that the NPCC recommend a framework through which stakeholders may incorporate the Panel's climate change projections into their planning processes.

Paragraph d requires that the Panel advise the Office of Long-Term Planning and Sustainability on creating a community/borough based communications

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²³ Id., Conclusions and Recommendations, pp. 145-146.

²⁴ Id., Conclusions and Recommendations, p. 146.

strategy as well as summaries of the Panel's findings in order to ensure that as many people as possible are effectively informed on climate change.

Section 3-123, paragraph a, creates a New York City Climate Change Adaptation Task Force consisting of governmental agencies at the city, state, and Federal level, and private individuals or agencies with a significant stake in maintaining the City's health and welfare. The taskforce will be chaired by the Office of Long-Term Planning and Sustainability, and will include representatives from city agencies including the Department of City Planning, the Department of Environmental Protection, the Department of Buildings, and the Department of Sanitation, among others. Representatives of non-City agencies will be appointed by, and serve at the pleasure of, the Mayor, and they will not receive compensation for their services.

Paragraph b, subparagraph 1, mandates that the Task Force meet at least twice a year to review the projections and recommendations of the NPCC, and evaluate the potential impacts on healthcare delivery, vulnerable populations, critical infrastructure, the existing ecosystem, and our economy.

Subparagraph 2 requires that the Task Force, upon reception of the recommendations made by the NPCC, create a report containing an inventory of potential risks to the city and its inhabitants, develop adaptation strategy, and identify any issues that might require further study. This report will be made available to the public.

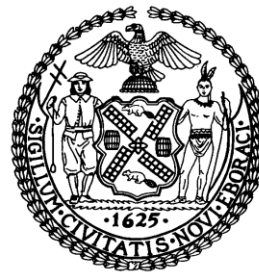
Paragraph c requires the Office of Long-Term Planning and Sustainability to create a community/borough based communications strategy to ensure that as many City residents as possible are aware of the impacts of climate change. It also requires that the Office of Long-Term Planning and Sustainability work with appropriate community groups to ensure the best possible communications strategy.

Section 3 of Int. No. 834-A states that the law would take effect 180 days after enactment and provides for the Mayor to take any necessary actions, such as the appointment of Panel or Task force members, prior to the 180 day effective date.

Update

This legislation was voted out of Committee on August 21, 2012 with a vote of 5 in the affirmative, 0 negative votes and no abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 834-A:)



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

PROPOSED INTRO. NO: 834-A

COMMITTEE: Environmental
Protection

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the New York city panel on climate change and the New York city climate change adaptation task force.

SPONSORS: Council Members Gennaro, Brewer, Fidler, Gonzalez, James, Koppell, Koslowitz, Lander, Levin, Palma, Rose, Wills, Rodriguez, Dromm, Lappin, Jackson and Williams.

SUMMARY OF LEGISLATION: This legislation requires the institutionalization and regular convening of a New York City panel on climate change whose members shall serve without compensation from the city. Members shall include, but not be limited to, climate change and climate impact scientists who shall be appointed by, and serve at the pleasure of, the mayor. The panel shall meet at least twice a year to review the most recent scientific data related to climate change and its potential impacts on the City, advise the Office of Long-Term Planning and Sustainability and the New York City climate change adaptation task force.

This law also requires that there be a New York city climate change adaptation task force consisting of city, state and federal agencies and private organizations and entities responsible for developing, maintaining, operating or overseeing the city's public health, natural systems, critical infrastructure, buildings and economy. The task force shall be chaired by the Office of Long-Term Planning and Sustainability, and will include, but need not be limited to, representatives from the Department of Buildings, the Department of Design and Construction, Department of City Planning, the Department of Environmental Protection, the Department of Parks and Recreation, the Department of Sanitation, the Department of Transportation, the Economic Development Corporation, the Office of Emergency Management, the Office of Management and Budget, the Department for the Aging and the Department of Health and Mental Hygiene. Public members shall include, but need not be limited to, representatives from organizations in the health care, communications, energy and transportation fields, who shall be appointed by, and serve at the pleasure of, the Mayor without compensation from the City. The Mayor shall invite the appropriate federal, state and local agencies and authorities to participate.

The task force shall meet at least twice a year for the purposes of reviewing the climate change projections as recommended by the New York city panel on climate change evaluating the potential impacts to public health and the delivery of public health services to the city. Within one year of the development of recommended climate change projections, the task force shall create an inventory of potential risks due to climate change to the city and identify issues for further study. A report with recommendations shall be issued based on this information and submitted to the Mayor and the City Council and shall be made available to the public.

The Office of Long-Term Planning and Sustainability shall develop a community- or borough-level communications strategy intended to ensure that the public is informed about the findings of the task force, including the creation of a summary of the report for dissemination to city residents.

EFFECTIVE DATE: This local law would take effect one hundred eighty days after enactment, except that the Mayor shall take all actions necessary for its implementation, including the appointment of panel and task force members, prior to such effective date.

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

FISCAL IMPACT STATEMENT:

| | Effective FY13 | FY Succeeding Effective FY14 | 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: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation.

SOURCE OF INFORMATION: Mayor's Office of Long-Term Planning and Sustainability

Mayor's Office of Legislative Affairs

ESTIMATE PREPARED BY: Nathan Toth, Deputy Director

Kate Seely-Kirk, Senior Legislative Financial Analyst

HISTORY: Introduced as Intro. 834 by the Council on April 18, 2012 and referred to the Committee on Environmental Protection. A hearing was held and the legislation was laid over by the Committee on April 25, 2012. Intro. 834 has been amended, and the amended version, Proposed Int. 834-A, will be considered by the Committee on August 21, 2012.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 834-A:)

Int. No. 834-A

By Council Members Gennaro, Brewer, Fidler, Gonzalez, James, Koppell, Koslowitz, Lander, Levin, Palma, Rose, Wills, Rodriguez, Dromm, Lappin, Jackson, Williams, Chin, Greenfield, Sanders and Vacca.

A Local Law to amend the administrative code of the city of New York, in relation to the New York city panel on climate change and the New York city climate change adaptation task force.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that, in order prepare for and mitigate the expected impact of climate change on New York City's communities, vulnerable populations, public health, natural systems, critical infrastructure, buildings and the economy, to help fulfill the goals of PlaNYC 2030, and to augment the New York City Climate Protection Act, Local Law No. 22 for the year 2008, the New York City Panel on Climate Change and the New York City Climate Change Adaptation Task Force should be institutionalized. The Council also finds that climate scientists project that temperatures, sea levels and some extreme weather events will increase dramatically in the coming decades. The Council further finds that many of these variables could have a significant effect on New York City's future and that identifying and gauging these variables could help the City prepare an intelligent response to climate change. Therefore, the Council finds that it is in the best interests of the City to institutionalize and regularly convene the New York City Panel on Climate Change and the New York City Climate Change Adaptation Task Force, for the purpose of advising the City on climate change projections and adaptation.

§2. Subchapter 2 of chapter 1 of title 3 of the administrative code of the city of New York is amended by adding new sections 3-122 and 3-123 to read as follows:

§3-122 *New York city panel on climate change. a. For the purposes of this section and section 3-123 of this subchapter, the following terms shall mean:*

1. "Vulnerable populations" means persons or communities at increased risk of harm as a direct or indirect consequence of climate change based on one or more of the following risk factors: (i) proximity to disproportionately impacted areas; (ii) age, including senior citizen or minor status; (iii) income level; (iv) disability; (v) chronic or mental illness; and (vi) language.

2. "Public health" means impacts on physical health, mental health and social well-being and public or private services that treat and prevent disease, prolong life and promote health.

3. "Natural systems" means ecosystems and assets that provide ecologic benefits, including but not limited to waterbodies, trees, wetlands and parks.

4. "Critical infrastructure" means systems and assets, with the exception of residential and commercial buildings, that support vital city activities and for which the diminished functioning or destruction of such systems and assets would have a debilitating impact on public safety and/or economic security.

b. There shall be a New York city panel on climate change whose members shall serve without compensation from the city. Members shall include, but not be limited to, climate change and climate impact scientists who shall be appointed by, and serve at the pleasure of, the mayor.

c. 1. The panel shall meet at least twice a year for the purpose of (i) reviewing the most recent scientific data related to climate change and its potential impacts on the city's communities, vulnerable populations, public health, natural systems, critical infrastructure, buildings and economy; and (ii) advising the office of long-term planning and sustainability and the New York city climate change adaptation task force established pursuant to section 3-123 of this subchapter.

2. The panel shall make recommendations regarding (i) the near-, intermediate and long-term quantitative and qualitative climate change projections for the city of New York within one year of the release of an assessment report by the intergovernmental panel on climate change, but not less than once every three years; and (ii) a framework for stakeholders to incorporate climate change projections into their planning processes.

d. The panel shall advise the office of long-term planning and sustainability on the development of a community- or borough-level communications strategy intended to ensure that the public is informed about the findings of the panel, including the creation of a summary of the climate change projections for dissemination to city residents.

§3-123 *New York city climate change adaptation task force. a. There shall be a New York city climate change adaptation task force consisting of city, state and federal agencies and private organizations and entities responsible for developing, maintaining, operating or overseeing the city's public health, natural systems, critical infrastructure, buildings and economy. The task force shall be chaired by the office of long-term planning and sustainability, and shall include, but need not be limited to, representatives from the department of buildings, the department of design and construction, department of city planning, the department of environmental protection, the department of parks and recreation, the department of sanitation, the department of transportation, the economic development corporation, the office of emergency management, the office of management and budget, the department for the aging and the department of health and mental hygiene. Public members shall include, but need not be limited to, representatives from organizations in the health care, communications, energy and transportation fields, who shall be appointed by, and serve at the pleasure of, the mayor without*

compensation from the city. The mayor shall invite the appropriate federal, state and local agencies and authorities to participate.

b. 1. The task force shall meet at least twice a year for the purposes of reviewing the climate change projections as recommended by the New York city panel on climate change pursuant to section 3-122 of this subchapter; evaluating the potential impacts to public health and the delivery of public health services to the city's communities and vulnerable populations and how such delivery may be affected by climate change; evaluating the potential impacts to the city's natural systems, critical infrastructure and buildings and how services provided by such systems, infrastructure and buildings may be affected by climate change; identifying the rules, policies and regulations governing public health, natural systems, critical infrastructure, buildings and economy that may be affected by climate change; and formulating and updating coordinated strategies to address the potential impact of climate change on the city's communities, vulnerable populations, public health, natural systems, critical infrastructure, buildings and economy.

2. Within one year of the development of recommended climate change projections pursuant to section 3-122 of this subchapter, the task force shall create an inventory of potential risks due to climate change to the city's communities, vulnerable populations, public health, natural systems, critical infrastructure, buildings and economy; develop adaptation strategies to address such risks that may include design guidelines for new infrastructure; and identify issues for further study. A report with recommendations shall be issued based on this information and submitted to the mayor and the city council and shall be made available to the public.

c. The office of long-term planning and sustainability shall develop a community- or borough-level communications strategy intended to ensure that the public is informed about the findings of the task force, including the creation of a summary of the report for dissemination to city residents. In developing such communications strategy, the director shall consult with non-governmental and community-based organizations.

§3. This local law shall take effect one hundred eighty days after enactment, except that that the mayor shall take all actions necessary for its implementation, including the appointment of panel and task force members, prior to such effective date.

JAMES F. GENNARO, Chairperson; G. OLIVER KOPPELL, PETER F. VALLONE, Jr., ELIZABETH CROWLEY, STEPHEN T. LEVIN;
Committee on Environmental Protection, August 21, 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 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 Res. No. 1473

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 August 22, 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 28, 2012, the Council adopted the expense budget for fiscal year 2013 with various programs and initiatives (the "Fiscal 2013 Expense Budget"). On June 29, 2011, the Council adopted the expense budget for fiscal year 2012 with various programs and initiatives (the "Fiscal 2012 Expense Budget"). On June 29, 2010, the Council adopted the expense budget for fiscal year 2011 with various programs and initiatives (the "Fiscal 2011 Expense Budget").

Analysis. This Resolution, dated August 22, 2012, approves new designations and changes in the designation of certain organizations receiving discretionary funding in accordance with the Fiscal 2013 Expense Budget, and approves the new designations and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in such budget. This Resolution also approves new designations and changes in the designation of certain organizations receiving local and youth discretionary funding in accordance with the Fiscal 2012 and Fiscal 2011 Expense Budget.

In an effort to continue to make the budget process more transparent, the Council is also providing a list setting forth new designations and/or changes in the designation of certain organizations receiving local, aging, and youth discretionary funding in the Fiscal 2013 Expense Budget, 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 and Fiscal 2011 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 2013 Expense Budget, as described in Chart 1; sets forth new designations and changes in the designation of aging discretionary funding pursuant to the Fiscal 2013 Expense Budget, as described in Chart 2; sets forth new designations and changes in the designation of youth discretionary funding pursuant to the Fiscal 2013 Expense Budget, as described in Chart 3; sets forth the new designations and changes in the designation of certain organizations that will receive funding pursuant to certain initiatives in the Fiscal 2013 Expense Budget, as described in Charts 4-14; sets forth the new designations and/or changes in the designation of discretionary funding pursuant to the Fiscal 2012 Expense Budget, as described in Chart 15-16; sets forth the new designations and changes in the designation of local discretionary funding pursuant to the Fiscal 2011 Expense Budget, as described in Chart 17.

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 2013 Expense Budget, dated June 28, 2012, the Adjustments Summary/Schedule C/ Fiscal 2012 Expense Budget, dated June 29, 2011, and the Adjustments Summary/Schedule C/ Fiscal 2011 Expense Budget, dated June 29, 2010.

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 2013 Expense Budget.

Chart 2 sets forth the new designation and changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2013 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 2013 Expense Budget.

Chart 4 sets forth the new designation of certain organizations receiving funding pursuant to the OST Initiative in accordance with the Fiscal 2013 Expense Budget.

Chart 5 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Injection Drug Users Health Alliance (IDUHA) Initiative in accordance with the Fiscal 2013 Expense Budget.

Chart 6 sets forth the new designation of certain organizations receiving funding pursuant to the Small Business and Job Development/Financial Literacy Initiative in accordance with the Fiscal 2013 Expense Budget.

Chart 7 sets forth changes in the designation of certain organizations receiving funding pursuant to the Anti-Gun Violence Initiative in accordance with the Fiscal 2013 Expense Budget.

Chart 8 sets forth the new designation of certain organizations receiving funding pursuant to the Medical Services in Adult Shelters Initiative in accordance with the Fiscal 2013 Expense Budget.

Chart 9 sets forth changes in the designation of certain organizations receiving funding pursuant to the After-Three Corporation Initiative in accordance with the Fiscal 2013 Expense Budget.

Chart 10 sets forth changes in the designation of certain organizations receiving funding pursuant to the Anti-Gun Violence Initiative in accordance with the Fiscal 2013 Expense Budget.

Chart 11 sets forth the new designation of certain organizations receiving funding pursuant to the Adult Literacy Initiative in accordance with the Fiscal 2013 Expense Budget.

Chart 12 sets forth changes in the designation of certain organizations receiving funding pursuant to the DYCD Food Pantries Initiative in accordance with the Fiscal 2013 Expense Budget.

Chart 13 sets forth changes in the designation of certain organizations receiving funding pursuant to the EarlyLearn/Childcare Initiative in accordance with the Fiscal 2013 Expense Budget.

Chart 14 sets forth changes in the designation of certain organizations receiving funding pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2013 Expense Budget.

Chart 15 sets forth the new designation and changes in the designation of a certain organization receiving local discretionary funding pursuant to the Fiscal 2012 Expense Budget.

Chart 16 sets forth changes in the designation of certain organizations receiving funding pursuant to the Adult Literacy Services Initiative in accordance with the Fiscal 2012 Expense Budget.

Chart 17 sets forth the new designation and changes in the designation of a certain organization receiving local discretionary funding pursuant to the Fiscal 2011 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 2013, 2012, and Fiscal 2011 Expense Budgets. Such Resolution would take effect as of the date of adoption.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1473:)

Res. No. 1473

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

By Council Members Recchia, Gentile and Koppell.

Whereas, On June 28, 2012 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2013 with various programs and initiatives (the "Fiscal 2013 Expense Budget"); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 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, On June 29, 2011 the 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 a certain organization receiving aging discretionary funding in accordance with the 2012 Expense Budget; and

Whereas, On June 29, 2010 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2011 with various programs and initiatives (the "Fiscal 2011 Expense Budget"); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new designation and changes in the designation of a certain organization receiving local discretionary funding in accordance with the 2011 Expense Budget; and

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 2013 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 2013 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 2013 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the OST Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Injection Drug Users Health Alliance (IDUHA) Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Small Business and Job Development/Financial Literacy Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Anti-Gun Violence Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Medical Services in Adult Shelters Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the After-Three Corporation Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Anti-Gun Violence Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Adult Literacy Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the DYCD Food Pantries Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the EarlyLearn/Childcare Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 15; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Adult Literacy Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving local discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 17.

ATTACHMENT:

CHART 1: Local Initiatives - Fiscal 2013

| Member | Organization | EIN Number | Agency | Amount | Agri # | U/A | Fiscal Condition/Sponsoring Organization | Fiscal Condition EIN |
|------------|---|-------------|--------|--------------|--------|-----|--|----------------------|
| CC | Queens Community Houses, Inc. ** | 11-27175583 | DYCD | \$10,000.00 | 260 | 005 | | |
| CC | Queens Community Houses, Inc. ** | 11-27175583 | DYCD | \$10,000.00 | 125 | 003 | | |
| CC | Queens Community Houses, Inc. ** | 11-27175583 | DYCD | \$10,000.00 | 125 | 003 | | |
| Dilan | Ridgewood Bushwick Senior Citizens Council, Inc. ** | 11-2453853 | DYCD | \$75,000.00 | 260 | 005 | | |
| Dilan | Ridgewood Bushwick Senior Citizens Council, Inc. ** | 11-2453853 | DYCD | \$75,000.00 | 260 | 005 | | |
| Eugene | Ereanus Neighborhood Federation ** | 11-2450986 | DYCD | \$5,000.00 | 260 | 005 | | |
| Eugene | Ereanus Neighborhood Federation ** | 11-2450986 | HPD | \$5,000.00 | 806 | 009 | | |
| Wagner | Child Center of New York, Inc. The | 11-733454 | DYCD | \$5,000.00 | 260 | 312 | | |
| Wagner | Child Center of New York, Inc. The | 11-733454 | HPD | \$5,000.00 | 806 | 009 | | |
| CC | East River Development Alliance, Inc. | 06-105892 | CC-2 | \$500,000.00 | 000 | 005 | | |
| CC | East River Development Alliance, Inc. | 06-105892 | NYCHA | \$200,000.00 | 088 | 002 | | |
| Gentile | Bella Voce Inc. | 20-5066250 | DCLA | \$1,500.00 | 126 | 003 | Bay Ridge Bnsmhurat Beautification | 11-3232323 |
| Gentile | Bella Voce Inc. | 20-5066250 | DCLA | \$1,500.00 | 126 | 003 | Preservation Alliance Inc | |
| Wann | Bedford Shyvesant Restoration Corporation ** | 11-6083182 | D88S | \$15,000.00 | 801 | 002 | | |
| Wann | Bedford Shyvesant Restoration Corporation ** | 11-6083182 | DYCD | \$15,000.00 | 260 | 005 | | |
| James | Groundswell Community Mural Project | 11-3427213 | DYCD | \$3,500.00 | 260 | 005 | | |
| James | Groundswell Community Mural Project | 11-3427213 | DYCD | \$3,500.00 | 260 | 005 | | |
| Delegation | Crown Heights Jewish Community Council, Inc. ** | 23-7880986 | DYCD | \$4,218.00 | 260 | 005 | | |
| Delegation | Crown Heights Jewish Community Council, Inc. ** | 23-7880986 | HPD | \$4,218.00 | 806 | 009 | | |
| Delegation | Brooklyn Housing and Family Services, Inc. ** | 11-2412584 | HPD | \$4,218.00 | 806 | 009 | | |
| Crawley | Glendale Civilian Observation Patrol, Inc. The | 11-2502910 | DYCD | \$3,500.00 | 260 | 005 | | |
| Crawley | Glendale Civilian Observation Patrol, Inc. The | 11-2502910 | DYCD | \$3,500.00 | 260 | 005 | Greater Ridgewood Youth Council, Inc. | 11-2518141 |
| Crawley | Glendale Civilian Observation Patrol, Inc. The | 23-7948786 | FDNY | \$3,500.00 | 057 | 005 | | |
| Crawley | Glendale Volunteer Ambulance Corps, Inc. | 23-7948786 | FDNY | \$3,500.00 | 057 | 005 | | |
| Crawley | Glendale Volunteer Ambulance Corps, Inc. | 11-2330754 | FDNY | \$3,500.00 | 057 | 005 | Greater Ridgewood Youth Council, Inc. | 11-2518141 |
| Crawley | Middle Village Volunteer Ambulance Corps, Inc. | 11-2330754 | FDNY | \$3,500.00 | 057 | 005 | | |
| Crawley | Middle Village Volunteer Ambulance Corps, Inc. | 23-7461514 | FDNY | \$3,500.00 | 057 | 005 | Greater Ridgewood Youth Council, Inc. | 11-2518141 |
| Crawley | Middle Village Volunteer Ambulance Corps, Inc. | 23-7461514 | FDNY | \$3,500.00 | 057 | 005 | | |
| Recchia | Ridgewood Volunteer Ambulance Corp., Inc. | 23-7461514 | FDNY | \$3,500.00 | 057 | 005 | Greater Ridgewood Youth Council, Inc. | 11-2518141 |
| Recchia | Ridgewood Volunteer Ambulance Corp., Inc. | 13-840434 | DOE | \$10,000.00 | 040 | 402 | | |
| Recchia | Public School 207K | 13-840434 | DOE | \$10,000.00 | 040 | 402 | | |
| Recchia | Gravesend Athletic Association ** | 11-3018783 | DYCD | \$30,000.00 | 260 | 312 | | |
| Recchia | St. Simon and Jude Senior Group ** | 11-1771832 | DYCD | \$5,000.00 | 125 | 003 | | |
| Recchia | St. Mary's Roman Catholic Church ** | 11-1631816 | DYCD | \$5,000.00 | 125 | 003 | | |
| Recchia | St. Mary's Roman Catholic Church ** | 11-1631816 | DYCD | \$5,000.00 | 125 | 003 | | |
| Recchia | Most Precious Blood Roman Catholic Church ** | 11-1680778 | DYCD | \$5,000.00 | 125 | 003 | | |
| Recchia | Our Lady of Grace Roman Catholic Church ** | 11-1684947 | DYCD | \$5,000.00 | 125 | 003 | | |

* Indicates pending completion of pre-qualification review.
 ** Requires a budget modification for the changes to take effect

CHART 6: Small Business and Job Development/Financial Literacy - FY 2013

| Organization | EIN Number | Agency | Amount | Agy # | U/A * |
|---|------------|--------|----------------|-------|-------|
| Small Business and Job Development/Financial Literacy | 13-6400434 | DSBS | (\$600,000.00) | 801 | 002 |
| ACCION USA, Inc. | 11-3317234 | DSBS | \$64,500.00 | 801 | 002 |
| Asian Americans for Equality | 13-3187792 | DSBS | \$85,500.00 | 801 | 002 |
| Business Outreach Center Network, Inc. | 11-3306111 | DSBS | \$106,750.00 | 801 | 002 |
| Caribbean American Chamber of Commerce and Industry, Inc. | 11-2903423 | DSBS | \$85,500.00 | 801 | 002 |
| Harlem Business Alliance, Inc. | 13-3591350 | DSBS | \$64,500.00 | 801 | 002 |
| Jamaica Business Resource Center | 11-3306944 | DSBS | \$64,500.00 | 801 | 002 |
| Queens Economic Development Corporation | 11-2436149 | DSBS | \$43,250.00 | 801 | 002 |
| St. Nick's Alliance Corporation | 51-0192170 | DSBS | \$85,500.00 | 801 | 002 |

* Indicates pending completion of pre-qualification review.

CHART 5: Injection Drug Users Health Alliance (IDUHA Initiative) - FY 2013

| Organization | EIN Number | Agency | Amount | Agy # | U/A * |
|--|------------|--------|------------------|-------|-------|
| Injection Drug Users Health Alliance (IDUHA Initiative) | 13-6400434 | DOHMH | (\$1,000,000.00) | 816 | 112 |
| Harm Reduction Coalition | 94-3204958 | DOHMH | \$43,257.05 | 816 | 112 |
| Public Health Solutions | 13-5668201 | DOHMH | \$69,767.44 | 816 | 112 |
| Safe Horizon, Inc. (Streetwork) | 13-2946970 | DOHMH | \$50,751.13 | 816 | 112 |
| Citywide Harm Reduction Program, Inc. | 13-4009817 | DOHMH | \$86,879.09 | 816 | 112 |
| New York Harm Reduction Educators, Inc. | 13-3678469 | DOHMH | \$76,654.46 | 816 | 112 |
| St. Ann's Corner of Harm Reduction | 33-1007278 | DOHMH | \$81,608.32 | 816 | 112 |
| After-Hours Project, Inc. | 13-3724008 | DOHMH | \$72,743.46 | 816 | 112 |
| Housing Works, Inc. | 13-3594089 | DOHMH | \$24,942.97 | 816 | 112 |
| Family Services Network of New York | 11-2592851 | DOHMH | \$49,489.49 | 816 | 112 |
| VOCAL-NY (formerly, New York City AIDS Housing Network (NYCAHN)) | 13-0943385 | DOHMH | \$92,539.23 | 816 | 112 |
| Harlem United Community AIDS Center | 13-3461695 | DOHMH | \$85,012.60 | 816 | 112 |
| Lower East Side Harm Reduction Center, Inc. | 13-3727641 | DOHMH | \$70,147.60 | 816 | 112 |
| Positive Health Project | 13-3845305 | DOHMH | \$49,749.58 | 816 | 112 |
| Praxis Housing Initiatives, Inc. | 13-3832223 | DOHMH | \$30,714.28 | 816 | 112 |
| Washington Heights Corner Project | 20-8672015 | DOHMH | \$75,835.33 | 816 | 112 |
| Washing Heights Corner Project | 11-2837694 | DOHMH | \$53,383.12 | 816 | 112 |
| AIDS Center of Queens County, Inc. | 13-3598132 | DOHMH | \$46,524.85 | 816 | 112 |
| Community Health Action of Staten Island (formerly St. AIDS Taskforce) | 13-3598132 | DOHMH | \$46,524.85 | 816 | 112 |

* Indicates pending completion of pre-qualification review.

CHART 8: Medical Services in Adult Shelters - FY 2013

| Organization | EIN Number | Agency | Amount | Agy # | U/A * |
|---|------------|--------|------------------|-------|-------|
| Human Resources Administration | 13-6400434 | HRA | (\$1,200,000.00) | 069 | 101 |
| Care for the Homeless | 13-3666994 | HRA | \$255,854.26 | 069 | 101 |
| Covenant House | 13-3076376 | HRA | \$63,874.30 | 069 | 101 |
| Damian Family Care Centers Inc. | 22-3433631 | HRA | \$139,242.29 | 069 | 101 |
| Harlem United Community Aids Center Inc. | 13-3461695 | HRA | \$85,165.73 | 069 | 101 |
| Sunset Park Health Council Inc. db/a Lutheran Family Health Centers | 20-2508411 | HRA | \$133,770.04 | 069 | 101 |
| Montefiore Medical Center - New York Children's Health Project | 13-1740114 | HRA | \$63,736.16 | 069 | 101 |
| Project Renewal, Inc. | 13-2602882 | HRA | \$303,149.87 | 069 | 101 |
| William F. Ryan Community Health Center, Inc. | 13-2684976 | HRA | \$63,736.16 | 069 | 101 |
| Floating Hospital | 13-1624168 | HRA | \$91,471.19 | 069 | 101 |

* Indicates pending completion of pre-qualification review.

CHART 7: Anti-Gun Violence Initiative - FY 2013

| Organization | EIN Number | Agency | Amount | Agy # | U/A * |
|------------------------------|------------|--------|----------------|-------|-------|
| Anti-Gun Violence Initiative | 13-6400434 | OCJC | (\$550,000.00) | 088 | 002 |
| Legal Aid Society | 13-5662265 | OCJC | \$550,000.00 | 088 | 002 |

* Indicates pending completion of pre-qualification review.

CHART 10: Anti-Gun Violence Initiative - FY 2013

| Organization | EIN Number | Agency | Amount | Agy # | U/A * |
|--|------------|--------|-------------|-------|-------|
| Anti-Gun Violence Initiative | 13-6400434 | DO:MH | \$70,000.00 | 816 | 114 |
| Fund for Public Health in New York, Inc. | 05-0539199 | DO:MH | \$70,000.00 | 816 | 114 |

* Indicates pending completion of pre-qualification review.

CHART 9: After-Three Corporation - FY 2013

| Organization | EIN Number | Agency | Amount | Agy # | U/A * |
|------------------------------|------------|--------|------------------|-------|-------|
| After-Three Corporation | 13-4004600 | DYCD | (\$3,000,000.00) | 260 | 312 |
| The After School Corporation | 13-4004600 | DYCD | \$3,000,000.00 | 260 | 312 |

* Indicates pending completion of pre-qualification review.

CHART 11: Adult Literacy Council Initiative - FY 2013 (Continued)

| Organization | EIN Number | Agency | Amount | Agy # | U/A * |
|--|------------|--------|-------------|-------|-------|
| Inwood Community Services | 13-3087407 | DYCD | \$10,000.00 | 260 | 005 |
| Jacob A. Rits Neighborhood Settlement House, Inc. | 11-1729398 | DYCD | \$17,000.00 | 260 | 005 |
| Jewish Community Council of Greater Conroy Island, Inc. | 11-2665181 | DYCD | \$69,000.00 | 260 | 005 |
| Jewish Community Center of Staten Island, Inc. | 13-5962296 | DYCD | \$41,000.00 | 260 | 005 |
| Kingbridge Heights Community Center, Inc. | 13-2813609 | DYCD | \$30,000.00 | 260 | 005 |
| Korean Community Services of Metropolitan New York, Inc. | 23-7348989 | DYCD | \$30,000.00 | 260 | 005 |
| Literacy Partners, Inc. | 51-0180665 | DYCD | \$60,000.00 | 260 | 005 |
| Little Sisters of the Assumption Family Health Service, Inc. | 13-2867881 | DYCD | \$10,000.00 | 260 | 005 |
| Lutheran Family Health Center's Family Support Center | 11-1839567 | DYCD | \$30,000.00 | 260 | 005 |
| Make the Road New York | 11-3344388 | DYCD | \$30,000.00 | 260 | 005 |
| Maura Clarke-Ila Ford Center, Inc. | 11-3188470 | DYCD | \$10,000.00 | 260 | 005 |
| Mercy Center | 13-3865634 | DYCD | \$30,000.00 | 260 | 005 |
| Mixteca Organization, Inc. | 11-3561651 | DYCD | \$30,000.00 | 260 | 005 |
| Moshulu-Montefiore Community Center, Inc. | 13-3622107 | DYCD | \$10,000.00 | 260 | 005 |
| New Immigrant Community Empowerment (NICE) | 11-3560625 | DYCD | \$17,000.00 | 260 | 005 |
| Northern Manhattan Improvement Corporation | 13-2972415 | DYCD | \$30,000.00 | 260 | 005 |
| Opportunities for a Better Tomorrow | 11-2954620 | DYCD | \$30,000.00 | 260 | 005 |
| Phipps Community Development Corporation | 13-2707665 | DYCD | \$30,000.00 | 260 | 005 |
| Queens Community House, Inc. | 11-2375583 | DYCD | \$28,000.00 | 260 | 005 |
| Queens Public Library - Baisley Park Library | 13-6400434 | DYCD | \$11,000.00 | 260 | 005 |
| Riverside Language Program, Inc. | 13-3280364 | DYCD | \$30,000.00 | 260 | 005 |
| SCO Family of Services | 11-2777668 | DYCD | \$10,000.00 | 260 | 005 |
| SEVA Immigrant Community Advocacy Project, Inc. | 20-8013346 | DYCD | \$10,000.00 | 260 | 005 |
| Shorefront Jewish Community Council, Inc. | 11-2986161 | DYCD | \$30,000.00 | 260 | 005 |
| South Bronx Overall Economic Development Corporation | 13-2736022 | DYCD | \$30,000.00 | 260 | 005 |
| Southern Queens Park Association, Inc. | 11-2432846 | DYCD | \$10,000.00 | 260 | 005 |
| St. Mary's Community Service, Inc. | 11-2954971 | DYCD | \$30,000.00 | 260 | 005 |
| St. Nick's Alliance Corporation | 51-0192170 | DYCD | \$30,000.00 | 260 | 005 |
| Staten Island Employment Education Consortium | 13-3097367 | DYCD | \$41,000.00 | 260 | 005 |

* Indicates pending completion of pre-qualification review.

CHART 11: Adult Literacy Council Initiative - FY 2013

| Organization | EIN Number | Agency | Amount | Agy # | U/A * |
|---|------------|--------|------------------|-------|-------|
| Adult Literacy Council Initiative | 13-6400434 | DYCD | (\$1,500,000.00) | 260 | 005 |
| African Services Committee | 13-3749744 | DYCD | \$10,000.00 | 260 | 005 |
| American-Italian Coalition of Organizations, Inc. (AMICO) | 11-2488439 | DYCD | \$10,000.00 | 260 | 005 |
| Asian Americans for Equality | 13-3187792 | DYCD | \$30,000.00 | 260 | 005 |
| Bedford Stuyvesant Restoration Corporation | 11-6083182 | DYCD | \$10,000.00 | 260 | 005 |
| Boro Park Jewish Community Council | 11-3475983 | DYCD | \$10,000.00 | 260 | 005 |
| BronxWorks, Inc. | 13-3254484 | DYCD | \$30,000.00 | 260 | 005 |
| BronxWorks, Inc. | 13-3254484 | DYCD | \$10,000.00 | 260 | 005 |
| Catholic Charities Neighborhood Services, Inc. | 11-2047151 | DYCD | \$30,000.00 | 260 | 005 |
| Central Queens YM & YWHA, Inc. | 11-1635359 | DYCD | \$17,000.00 | 260 | 005 |
| Chinatown Manpower Project, Inc. | 13-2752514 | DYCD | \$13,000.00 | 260 | 005 |
| Church Avenue Merchants Block Association (CAMBA) | 11-2480339 | DYCD | \$30,000.00 | 260 | 005 |
| College of Mount Saint Vincent | 13-1740445 | DYCD | \$10,000.00 | 260 | 005 |
| Council of Jewish Organizations of Flatbush, Inc. | 11-2884728 | DYCD | \$30,000.00 | 260 | 005 |
| Council of Peoples Organization, Inc. | 75-3046891 | DYCD | \$10,000.00 | 260 | 005 |
| Cypress Hills Local Development Corporation | 11-2653663 | DYCD | \$30,000.00 | 260 | 005 |
| Dominico-American Society of Queens, Inc. | 06-1398995 | DYCD | \$30,000.00 | 260 | 005 |
| Ecuadorian International Center, Inc. | 01-0627174 | DYCD | \$28,000.00 | 260 | 005 |
| Edith and Carl Marks Jewish Community House of Bensonhurst | 11-1633484 | DYCD | \$10,000.00 | 260 | 005 |
| El Puente de Williamsburg | 11-2614265 | DYCD | \$10,000.00 | 260 | 005 |
| Fifth Avenue Committee, Inc. | 11-2475743 | DYCD | \$30,000.00 | 260 | 005 |
| Flushing Jewish Community Council | 11-2669559 | DYCD | \$30,000.00 | 260 | 005 |
| Fordham Bedford Community Services, Inc. | 13-3805049 | DYCD | \$30,000.00 | 260 | 005 |
| Fortune Society, Inc., The | 13-2645436 | DYCD | \$10,000.00 | 260 | 005 |
| Greater Ridgewood Youth Council, Inc. | 11-2518141 | DYCD | \$30,000.00 | 260 | 005 |
| Hellenic American Neighborhood Action Committee, Inc. (HANAC) | 11-2290832 | DYCD | \$30,000.00 | 260 | 005 |
| Hellenic American Neighborhood Action Committee, Inc. (HANAC) | 11-2423857 | DYCD | \$38,000.00 | 260 | 005 |
| Highbridge Community Life Center | 13-3015539 | DYCD | \$30,000.00 | 260 | 005 |
| Indochina Sino-American Senior Citizen Center, Inc. | 13-3584616 | DYCD | \$30,000.00 | 260 | 005 |

* Indicates pending completion of pre-qualification review.

CHART 12: DYCD Food Pantries - Fiscal 2013

| Member | EIN Number | Agency | Amount | Agy # | UIA * |
|--------|------------|--------|--------------|-------|-------|
| Queens | 11-3519422 | DYCD | (\$5,000.00) | 260 | 005 |
| Queens | 11-2057787 | DYCD | \$5,000.00 | 260 | 005 |

Organization

St. Paul the Apostle Church
St. Paul the Apostle Church

* Indicates pending completion of pre-qualification review.

CHART 11: Adult Literacy Council Initiative - FY 2013 (Continued)

| Member | EIN Number | Agency | Amount | Agy # | UIA * |
|---|------------|--------|-------------|-------|-------|
| Union Settlement Association, Inc. | 13-1632530 | DYCD | \$10,000.00 | 260 | 005 |
| University Settlement Society of New York | 13-5562374 | DYCD | \$30,000.00 | 260 | 005 |
| Urban Justice Center | 13-3442022 | DYCD | \$10,000.00 | 260 | 005 |
| Young Men's and Young Women's Hebrew Association of Washington Heights and Inwood | 13-1635908 | DYCD | \$10,000.00 | 260 | 005 |
| Young Men's Christian Association of Greater New York | 13-1624228 | DYCD | \$30,000.00 | 260 | 005 |

* Indicates pending completion of pre-qualification review.

CHART 14: Immigrant Opportunities Initiative - Fiscal 2013

| Member | EIN Number | Agency | Amount | Agy # | UIA * |
|----------|------------|--------|---------------|-------|-------|
| Brooklyn | 11-3048411 | DYCD | (\$25,000.00) | 260 | 005 |
| Brooklyn | 11-2634818 | DYCD | \$25,000.00 | 260 | 005 |

Organization

Catholic Migration Services, Inc.
Catholic Migration Services, Inc.

* Indicates pending completion of pre-qualification review.

CHART 13: EarlyLearn / Childcare - Fiscal 2013

| Member | EIN Number | Agency | Amount | Agy # | UIA * |
|---------|------------|--------|----------------|-------|-------|
| Chin | 13-3233970 | ACS | (\$350,000.00) | 068 | 004 |
| Chin | 13-3083712 | ACS | \$350,000.00 | 068 | 004 |
| James | 11-1630780 | ACS | (\$250,000.00) | 068 | 004 |
| James | 11-1630780 | ACS | \$250,000.00 | 068 | 004 |
| Sanders | 11-6077336 | ACS | (\$291,600.00) | 068 | 004 |
| Sanders | 13-3552709 | ACS | \$291,600.00 | 068 | 004 |
| Chin | 13-600494 | ACS | (\$71,550.00) | 068 | 004 |
| Chin | 13-6202692 | ACS | \$71,550.00 | 068 | 004 |

Organization

Action for Progress - Action for Progress DCC
Action for Progress - Action for Progress DCC
Brooklyn Bureau of Community Services - BCS Duffield Children's Center
Brooklyn Community Services - BCS Duffield Children's Center
Rockaway Community Corporation Inc. - Rockaway Community Corporation 1
Aldel, Inc. - Hemmet Child Care Center
Administration for Children Services
Chinese American Planning Council, Inc.

* Indicates pending completion of pre-qualification review.

CHART 15: Local Discretionary - Fiscal 2012

| Member | Organization | EIN Number | Agency | Amount | Agry # | U/A | Fiscal Conduit/Sponsoring Organization | Conduit EIN * |
|--------|-----------------------------------|------------|--------|--------------|--------|-----|--|---------------|
| Comrie | Cambria Heights Civic Association | 11-1201011 | DYCD | (\$3,500.00) | 260 | 005 | | |
| Comrie | Cambria Heights Civic Association | 11-2788513 | DYCD | \$3,500.00 | 260 | 005 | | |

* Indicates pending completion of pre-qualification review.

CHART 16: Adult Literacy Services Initiative - FY 2012

| Organization | EIN Number | Agency | Amount | Agry # | U/A |
|--|------------|--------|---------------|--------|-----|
| Fordham Bedford - Children's Services | 13-3805048 | DYCD | (\$30,000.00) | 260 | 005 |
| Fordham Bedford Community Services, Inc. | 13-3805048 | DYCD | \$30,000.00 | 260 | 005 |

* Indicates pending completion of pre-qualification review.

CHART 17: Local Discretionary - Fiscal 2011

| Member | Organization | EIN Number | Agency | Amount | Agry # | U/A | Fiscal Conduit/Sponsoring Organization | Conduit EIN * |
|--------|--|------------|--------|--------------|--------|-----|--|---------------|
| Fidler | Congregation Menkas Shuloh Torah | 41-2071384 | DYCD | (\$5,000.00) | 260 | 005 | | |
| Fidler | Congregation Menkas Shuloh Torah DBA Magen Yisroel | 41-2071384 | DYCD | \$5,000.00 | 260 | 005 | | |

* Indicates pending completion of pre-qualification review.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, 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, August 22, 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 of the Committee on Health

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

Report for Int. No. 918

Report of the Committee on Health 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 trap-neuter-return information and activities in the city of New York.

The Committee on Health, to which the annexed proposed local law was referred on August 22, 2012, respectfully

REPORTS:

INTRODUCTION

On August 21, 2012, the Committee on Health, chaired by Council Member Maria del Carmen Arroyo, will vote on Preconsidered Int. No. , a local law to amend the Administrative Code of the City of New York, in relation to

trap-neuter-return information and activities in the City of New York. The Committee previously conducted a hearing on this legislation on August 17, 2012. Representatives from the New York City Department of Health and Mental Hygiene ("DOHMH"), animal advocacy organizations, and other concerned members of the community testified on this legislation.

BACKGROUND

On September 21, 2011, the New York City Council passed Local Law 59, which implemented various reforms to New York City's animal shelter system.¹ One of these reforms required the DOHMH to promulgate rules providing for the registration of individuals or groups conducting trap-neuter-return (TNR) activities, as well as the establishment of criteria for such registration.² TNR is a strategy that is utilized to humanely and effectively manage feral cat populations and colonies.³ The TNR process begins by trapping the cats in a colony, then neutering the cats, identifying them through eartipping, vaccinating them for rabies, and finally, releasing them back into their territory.⁴ While New York City does not directly provide TNR services, many animal advocacy organizations, including but not limited to the Mayor's Alliance for New York City's Animals, Neighborhood Cats, the American Society for the Prevention of Cruelty to Animals, as well as a host of other animal welfare organizations and advocates, provide these services throughout the five boroughs.

¹ L.L. 59 of 2011.

² Id.

³ American Society for the Prevention of Cruelty to Animals, Trap, Neuter, Return, http://www.aspcanet.org/aspca/animal_care/animal_welfare/animal_welfare_services/animal_welfare_services.asp (I last visited Aug. 13, 2012).

⁴ Neighborhood Cats, TNR Handbook: A Guide to Trap-Neuter-Return for the Feral Cat Caretaker (2004), <http://www.neighborhoodcats.org/uploads/files/Resources/TNR%20Handbook%20Final%2008%2002.pdf> (last visited Aug. 13, 2012).

PRECONSIDERED INT. NO. 918

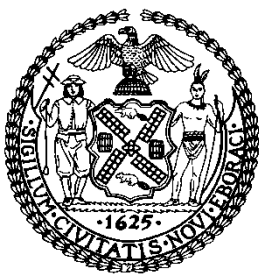
Preconsidered Int. No. 918 would amend several sections of Chapter 8 of Title 17 of the Administrative Code. Section 1 of the bill would amend section 17-804 by adding a new subdivision e, which requires the Department of Health and Mental Hygiene to post and maintain on its website a regularly updated list of organizations in New York City that offer TNR information and conduct TNR activities.

Section 2 of Preconsidered Int. No. 918 would amend section 17-807, to remove the requirement that the Commissioner of DOHMH promulgate rules for the registration of individuals or groups conducting TNR activities and establish criteria for such registration.

Section 3 of Preconsidered Int. No. 918 would amend Local Law 59 of 2011, by removing the requirement that the Commissioner of DOHMH promulgate the rules required by section 17-807 of the administrative code of the city of New York within 180 days after its enactment into law.

Preconsidered Int. No. 918 would become effective immediately and shall be deemed to have been in full force and effect on September 21, 2011, although the requirement that DOHMH post and maintain on its website a regularly updated list of organizations in New York City that offer TNR information and conduct TNR activities would become effective 30 days after enactment.

(The following is the text of the Fiscal Impact Statement for Int. No. 918:)



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION
PRESTON NIBLACK, DIRECTOR
FISCAL IMPACT STATEMENT

PRECONSIDERED INTRO. NO. ____

COMMITTEE: Health

TITLE: To amend the administrative code of the city of New York, in relation to trap-neuter-return information and activities in the city of New York.

SPONSORS: By Council Member Lappin

SUMMARY OF LEGISLATION: Preconsidered Intro. No. ____ requires the Department of Health and Mental Hygiene (DOHMH) to post and maintain on its website a regularly updated list of New York City organizations offering trap-neuter-return (TNR) information and conducting TNR activities.

EFFECTIVE DATE: Section 17-804, which requires the DOHMH to update TNR activity, will be effective 30 days after the enactment of this local law. Other provisions of this law would take effect immediately and shall be deemed to be in full force and effect on September 21, 2011.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: 2014

FISCAL IMPACT STATEMENT:

| | Effective FY13 | FY Succeeding Effective FY13 | Full Fiscal Impact FY14 |
|------------------|----------------|------------------------------|-------------------------|
| Revenues (+) | \$0 | \$0 | \$0 |
| Expenditures (-) | \$0 | \$0 | \$0 |
| Net | \$0 | \$0 | \$0 |

IMPACT ON REVENUES: None, enactment of this legislation will not have a direct impact on revenues.

IMPACT ON EXPENDITURES: None, enactment of this legislation will not have a direct impact on expenditures. The DOHMH maintains and regularly updates its own website (www.nyc.gov/health). The proposed activities in this legislation require minimal staff time and effort. The DOHMH is confident current staff will be able to absorb these responsibilities without any additional cost to the agency.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCES OF INFORMATION: Department of Health and Mental Hygiene

ESTIMATE PREPARED BY: Pamela Corbett, Legislative Financial Analyst
Latonia Mckinney, Deputy Director
City Council Finance Division

HISTORY: Preconsidered Intro. No. ____ will be introduced on August 22, 2012, and referred to the Committee on Health. On August 17, 2012, the Committee on Health held a hearing on Preconsidered Intro. No. ____ and the bill was laid over. The Committee on Health will consider Preconsidered Intro. No. ____ on August 21, 2012, and the legislation will be voted on by the Full Council on August 22, 2012.

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 918:)

Int. No. 918

By Council Members Lappin, Chin, Fidler, Rose, Gennaro, Koppell, Gentile and Mark-Viverito.

A Local Law to amend the administrative code of the city of New York, in relation to trap-neuter-return information and activities in the city of New York.

Be it enacted by the Council as follows:

Section 1. Section 17-804 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

e. The department shall post and maintain on its website a regularly updated list of organizations in New York city that offer trap-neuter-return information and conduct trap-neuter-return activities.

§ 2. Section 17-807 of the administrative code of the city of New York, as amended by local law number 59 for the year 2011, is amended to read as follows:

§ 17-807 Rules. The commissioner [shall] may promulgate such rules as are necessary for the purposes of implementing and carrying out the provisions of this chapter[,including rules providing for the registration of individuals or groups conducting trap-neuter-return activities, and the establishment of criteria for such registration].

§ 3. Section 10 of local law number 59 for the year 2011 is amended to read as follows:

§ 10. This local law shall become effective immediately; provided, however, that the commissioner shall promulgate the rules required by section 17-807 of the administrative code of the city of New York, as amended by section 7 of this local law, within 180 days after its enactment into law].

§ 4. This local law shall become effective immediately and shall be deemed to have been in full force and effect on September 21, 2011; provided, however, that the

amendments made to section 17-804 of the administrative code of the city of New York by section one of this local law shall become effective thirty days after the enactment of this local law.

MARIA del CARMEN ARROYO, Chairperson; JOEL RIVERA, PETER F. VALLONE, Jr., ALBERT VANN, ROSIE MENDEZ, MATTHIEU EUGENE, JAMES G. VAN BRAMER; Committee on Health, August 21, 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).

Reports of the Committee on Land Use

Report for L.U. No. 648

Report of the Committee on Land Use in favor of approving Application no. 20125797 HHM, pursuant to §7385 of the Health and Hospital Corporation Enabling Act, concerning the sublease between the New York City Health and Hospitals Corporation and MetroHealth Homes Housing Development Fund Corporation, Borough of Manhattan, Community District 11, Council District 8.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 28, 2012 (Minutes, page 2637), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 11 20125797 HHM

Application submitted by the New York Health and Hospitals Corporation pursuant to §7385(6) of its Enabling Act requesting the approval of the leasing of a parcel of land consisting of approximately 20,000 square feet on the Metropolitan Hospital Center campus for use by Metro Health Homes Housing Development Fund Corporation known as Metro East 99th Street, LLC, for the development of housing for low-income elderly and/or disabled individuals.

INTENT

To facilitate the development of housing for low-income elderly and/or disabled individuals.

PUBLIC HEARING

DATE: August 21, 2012

Witnesses in Favor: One Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: August 22, 2012

The Subcommittee recommends that the Land Use Committee approve the Lease.

In Favor: Sanders, Palma, Arroyo, Mendez, Williams Against: None Abstain: None

COMMITTEE ACTION

DATE: August 22, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Jackson, Sanders, Vann, Gonzalez, Palma, Arroyo, Garodnick, Mendez, Vacca, Weprin, Williams, Ignizio, Koo Against: Barron Abstain: None

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

Res. No. 1477

Resolution approving the leasing of a parcel of land located on the Metropolitan Hospital Center Campus, Borough of Manhattan (20125797 HHM; L.U. No. 648).

By Council Members Comrie and Lander.

WHEREAS, the New York City Health and Hospitals Corporation, filed with the Council on June 12, 2012 notice of the Board of Directors authorization dated June 8, 2012 of the leasing agreement of a parcel of land consisting of 20,000 square feet on the Metropolitan Hospital Center Campus to the Metro Health Homes Housing Development Fund Corporation as nominee for Metro East 99 Street LLC, as tenant, upon the terms and conditions set forth in the Health and Hospitals Corporation resolution authorizing the leasing, a copy of which is attached hereto (the "Leasing"), Community District 11, Borough of Manhattan;

WHEREAS, the Leasing is subject to review and action by the Council pursuant to Section 7385(6) of the Health and Hospitals Corporation Act;

WHEREAS, upon due notice, the Council held a public hearing on the Leasing on August 21, 2012; and

WHEREAS, the Council has considered the land use and financial implications and other policy issues relating to the Leasing;

RESOLVED:

Pursuant to Section 7385(6) of the Health and Hospitals Corporation Act, the Council approves the Leasing upon the terms and conditions set forth in the Board of Directors' resolution authorizing the Leasing, a copy of which is attached hereto.

ATTACHMENT:

SUBLEASE AGREEMENT

METRO 99 HOUSING DEVELOPMENT FUND CORPORATION (HDFC)

METROPOLITAN HOSPITAL CENTER

RESOLUTION

Authorizing the President of the New York City Health and Hospitals Corporation (the "Corporation") to execute a sublease with MetroHealth Homes Housing Development Fund Corporation (the "HDFC") as nominee for Metro East 99 Street LLC (the "LLC" in such capacities being referred to together with the HDFC, as the "Tenant") for the development of housing for low income elderly and/or disabled persons on the campus of Metropolitan Hospital Center (the "Facility").

WHEREAS, it is a priority of both the New York State Department of Health and of the Corporation to facilitate the discharge of residents in the Corporation's skilled nursing facilities to suitable housing if their medical needs can be met in community based non-institutional settings; and

WHEREAS, there is an acute shortage of housing for low income elderly and/or disabled residents in the Corporation's skilled nursing facilities whose medical needs can best be met in community based, non-institutional settings and could be discharged if suitable housing were available; and

WHEREAS, the Tenant will develop and operate on the Facility's campus a building containing housing for low income elderly and/or disabled individuals who are residents in the Corporation's skilled nursing facilities and whose medical needs can best be met in community based, non-institutional settings, such development and operation to be subject to review and approval by the New York City Department of Housing Preservation and Development ("NYCHPD") and such other lenders, investors, or government agencies as may be required by the financing and structure of the project; and

WHEREAS, the Corporation leases its real estate properties from the City of New York under the 1970 Operating Agreement between the Corporation and the City of New York thereby making any further lease of such properties by the Corporation to a third party effectively a sublease; and

WHEREAS, a Public Hearing was held on May 9, 2012, in accordance with the requirements of the Corporation's Enabling Act, and prior to execution, the sublease will be subject to approval of the City Council and the Office of the Mayor.

NOW, THEREFORE, be it

RESOLVED, that the President of the New York City Health and Hospitals Corporation (the "Corporation") be and hereby is authorized to execute a sublease with MetroHealth Homes Housing Development Fund Corporation (the "HDFC") as nominee for Metro East 99 Street LLC (the "LLC" in such capacities being referred to together with the HDFC, as the "Tenant") for the development of housing on the campus of Metropolitan Hospital Center (the "Facility") for low

Page Two – Resolution
Sublease Agreement – 99th Street Development

income elderly and/or disabled individuals who are residents of the Corporation's skilled nursing facilities and whose medical needs can best be met in community based, non-institutional settings.

The Tenant shall have use and occupancy of an approximately 20,000 square-foot parcel of land which currently is used as a parking lot on the northern side of 99th Street east of Second Avenue on the campus of Metropolitan Hospital Center. The Tenant shall develop a ten story building having approximately 150,000 square feet containing approximately 176 units of housing. The units will be a mix of one bedroom and studio apartments with an apartment for a live-in superintendent. The building will house low income elderly and/or disabled individuals who had been residents of the Corporation's skilled nursing facilities and whose medical needs can best be met in community based, non-institutional settings.

The Corporation shall enter into a sublease with the Tenant for a term of ninety-nine (99) years. In recognition of the substantial benefit the project will bring to the Corporation and its patients, the Tenant shall prepay only a nominal rent to the Corporation. The sublease will commence immediately upon sublease execution which is projected for late September 2012.

The Tenant shall be responsible for all costs associated with the development and operation of its housing program. Pursuant to a license agreement between the HDFC and the Corporation to be authorized by separate resolution adopted in conjunction with this one, preliminary site preparation and foundation work will begin during June 2012 prior to sublease execution. Upon sublease execution such license shall terminate and the Tenant shall continue its construction under the sublease. All work will be in accordance with plans and specifications prepared by the Tenant, subject to approval by the Corporation, such approval not to be unreasonably withheld. Construction is anticipated to be concluded and the building ready for occupancy in December 2013.

The cost for all utilities provided to the building the Tenant will construct shall be the Tenant's responsibility provided that Tenant may pass the cost of utilities to the residents of the building. The Tenant shall also be responsible for all structural and nonstructural, interior and exterior maintenance of, and repairs to, the property.

The Tenant shall indemnify the Corporation and the City of New York and shall provide adequate insurance against all liability arising from its use and occupancy of the Demised Premises, naming the Corporation and the City of New York as additional insured parties.

EXECUTIVE SUMMARY

**SUBLEASE AGREEMENT
METROPOLITAN HOSPITAL CENTER
METROHEALTH HOMES HOUSING DEVELOPMENT CORPORATION FOR THE BENEFIT OF
METRO EAST 99 STREET LLC**

OVERVIEW: The President seeks authorization from the Board of Directors to execute a sublease with MetroHealth Homes Housing Development Corporation (the "HDFC") for the benefit of Metro East 99 Street LLC (the "LLC" in such capacities being referred to together with the HDFC, as the "Tenant") for the development on the campus of Metropolitan Hospital Center of housing for low income elderly and/or disabled individuals who are residents of the Corporation's skilled nursing facilities and whose care can best be provided in community based, non-institutional settings.

**NEED/
PROGRAM:** It is a priority of both the New York State Department of Health and of the Corporation to facilitate the discharge of residents of skilled nursing facilities if their care can best be provided in community based and non-institutional settings. Many patients can be treated better in a residential setting where they can take charge of more aspects of their own lives and where they can be more fully integrated into the community. Medical, social work and behavioral health services can be brought to a resident, as appropriate, such that the resident continues to receive the services he or she requires despite having been discharged from a skilled nursing facility. Such care can be provided at substantially reduced cost compared with the cost of treatment in a skilled nursing facility. However, there is an acute shortage of housing for low income elderly and/or disabled residents. The construction of the project will directly address the need for such housing. The location of the project directly across from Metropolitan Hospital Center will facilitate the provision of appropriate services for the residents by Metropolitan Hospital staff.

TENANT: The principals of the managing member of the LLC are principals of SKA Marin. SKA Marin is an experienced developer of low income housing for seniors and disabled tenants. SKA Marin was the principal in the successful development of the Kings County Senior Housing development on the Kings County Hospital Center campus pursuant to a sublease with the Corporation approximately seven years ago.

The project will be financed with 4% low income tax credits, a loan made by the Housing Development Corporation in conjunction with the New York City Department of Housing Preservation and Development ("NYCHPD"), MRT financing and other private financing. Ongoing rents will be paid through project-based Section 8 vouchers issued by the New York City Housing Authority.

Page Two – Executive Summary
Sublease Agreement – 99th Street Development

Because of the HPD loan requirements, the lease will be made in the name of the HDFC but the LLC will have all of the rights of the Tenant to enforce the lease terms, to perform the Tenant's obligations and to be recognized as the "beneficial tenant." The LLC will be responsible for the performance of the Tenant's obligations.

TERMS: The Corporation will enter into a sublease with the Tenant with a term of ninety-nine (99) years. The term of the sublease shall commence upon sublease execution. In recognition of the substantial benefit the project will bring to the Corporation and its patients, the Tenant shall prepay only a nominal rent to the Corporation.

The Tenant will be responsible for all costs associated with the development and operation of its housing program. The HDFC will begin construction pursuant to a license agreement to be issued in June 2012 pursuant to separate resolution adopted in conjunction with this one and that will terminate upon commencement of the sublease. Upon sublease execution construction shall continue on the project under the sublease. All plans and specifications of the project shall be subject to the prior approval of the Corporation which approval shall not be unreasonably withheld.

The cost for all utilities provided to the Demised Premises will be the responsibility of the Tenant provided Tenant may pass the cost of utilities to the building residents. The Tenant will also be responsible for all structural and nonstructural interior and exterior, maintenance of, and repairs to, the property.

The Tenant will indemnify the Corporation and the City of New York and will provide adequate insurance against all liability arising from its use and occupancy of the property, naming the Corporation and the City of New York as additional insured parties.

SUMMARY OF ECONOMIC TERMS

| East 99th Street Apartments | | 3/26/2012 |
|---------------------------------------|---------------------|------------------------|
| NY, NY | | |
| 176 | | Units |
| SOURCES AND USES | | |
| <u>SOURCES</u> | | |
| Construction | Total | Per Unit |
| Construction Bond Amount ¹ | \$29,200,000 | \$165,909 ² |
| NYS MRT Second Mortgage | \$7,300,000 | \$41,477 |
| HPD Third Mortgage | \$7,000,000 | \$39,773 |
| 4% Tax Credit Equity | \$1,759,812 | \$9,999 |
| NYSERDA | \$0 | \$0 |
| Developer Fee ³ | \$6,549,664 | \$37,214 |
| TOTAL SOURCES⁴ | \$51,809,476 | \$294,372 |
| <u>Permanent</u> | | |
| HDC First Mortgage | Total | Per Unit |
| NYS MRT Second Mortgage | \$15,157,306 | \$86,121 |
| HPD Third Mortgage | \$7,300,000 | \$41,477 |
| 4% Tax Credit Equity | \$7,000,000 | \$39,773 |
| NYSERDA | \$20,537,861 | \$116,692 |
| Deferred Developer's Fee | \$0 | \$0 |
| Cap | \$1,814,309 | \$10,309 |
| TOTAL SOURCES | \$51,809,476 | \$294,372 |
| <u>USES</u> | | |
| Total | Per Unit | |
| Acquisition Cost | \$0 | \$0 |
| Construction Cost | \$34,453,245 | \$195,757 |
| Soft Cost ⁵ | \$10,806,567 | \$61,401 |
| Developer's Fee | \$6,549,664 | \$37,214 |
| TOTAL USES⁶ | \$51,809,476 | \$294,372 |

¹ Costs during construction reflect actual project needs as well as IRS requirements that bond proceeds be at least 50% of the total project development costs. At construction, short term and long term bonds are issued. Once construction is completed, permanent financing is put in place with the amount of initial debt being reduced by the equity raised by the sale of the 4% low income housing tax credits.

² The cost per unit compares favorably to new construction undertaken under prevailing wage requirements. There is some additional cost due to the use of piles to support the project. Piles are used to avoid the need to construct a foundation and this choice is made to avoid complications of possible ground water and additional costly remediation and disposal of hazardous material. The exact additional cost attributable to the use of piles is not yet established as geotechnical testing is not yet completed.

³ Of the full fee of \$6.5 million only about \$900K is paid on sublease signature. Of the rest, some is paid when the building fully occupied and some is deferred over 12 years with the exact amounts paid and deferred depending on the finances of the project. The above illustrates how this might work out with about \$900K paid on sublease signature, about \$3.8 million when tenants move in and about \$1.8 million deferred for 18 yrs.

⁴ Credit enhancement is provided by Citibank during construction. The State of New York Mortgage Agency (SONY-MA) provides permanent mortgage insurance when construction is completed.

⁵ Soft costs include \$500K to furnish all apartments as the residents lack funds to do so; \$300K to satisfy DOB engineering requirements; construction interest; negative arbitrage; fees to HDC; insurance, legal services; capitalized operating and replacement reserve requirements; etc.

⁶ Note that it is not yet settled which funder will be the source of the reimbursement of the \$2.8 million advanced by HHC. This will be negotiated and reflected in an appropriate agreement. Because the HHC funds will be used for construction, reimbursement could be made by HPD or HDC funds.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, JAMES SANDERS, Jr., ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO; Committee on Land Use, August 22, 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 L.U. No. 654

Report of the Committee on Land Use in favor of approving Application no. 20125522 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 11 Carmine Tacos, LLC d.b.a. Dos Toros Taqueria, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 11 Carmine Street, Borough of Manhattan, Council District 3, Community Board 2. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on July 25, 2012 (Minutes, page 3189), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2

20125522 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 11 Carmine Tacos LLC, d/b/a Dos Toros Taqueria, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 11 Carmine Street.

INTENT

To allow an eating or drinking place located on a property which abuts the street to establish, maintain and operate an unenclosed service area on the sidewalk of such street.

PUBLIC HEARING

DATE: August 20, 2012

Witnesses in Favor: One
None

Witnesses Against:

SUBCOMMITTEE RECOMMENDATION

DATE: August 20, 2012 and recessed to August 21, 2012

The Subcommittee recommends that the Land Use Committee approve the Petition.

In Favor: Against: Abstain:

- | | | |
|-----------|------|------|
| Weprin | None | None |
| Rivera | | |
| Reyna | | |
| Comrie | | |
| Jackson | | |
| Vann | | |
| Garodnick | | |
| Vacca | | |
| Ignizio | | |

COMMITTEE ACTION

DATE: August 21, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor: Against: Abstain:

- | | | |
|---------|------|------|
| Comrie | None | None |
| Rivera | | |
| Reyna | | |
| Barron | | |
| Jackson | | |

Sanders
 Vann
 Palma
 Arroyo
 Garodnick
 Mendez
 Vacca
 Levin
 Weprin
 Williams
 Ignizio
 Halloran
 Koo

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

Res. No. 1478

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 11 Carmine Street, Borough of Manhattan (20125522 TCM; L.U. No. 654).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on July 6, 2012 its approval dated July 6, 2012 of the petition of 11 Carmine Tacos LLC, d/b/a Dos Toros Taqueria, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 11 Carmine Street, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

WHEREAS, the Petition is subject to review by the Council pursuant to Section 20-226(e) of the Administrative Code;

WHEREAS, upon due notice, the Council held a public hearing on the Petition on August 20, 2012; and

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Petition;

RESOLVED:

Pursuant to Section 20-226 of the Administrative Code, the Council approves the Petition.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES SANDERS, Jr., ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III; Committee on Land Use, August 21, 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 L.U. No. 655

Report of the Committee on Land Use in favor of disapproving Application no. 20125549 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Huitres NYC Inc., d.b.a. Buschenschauk, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 320 Court Street, Borough of Brooklyn, Council District 39, Community Board 6. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on July 25, 2012 (Minutes, page 3189), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 6

20125549 TCK

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Huitres NYC Inc., d/b/a Buschenschank, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 320 Court Street.

INTENT

To allow an eating or drinking place located on a property which abuts the street to establish, maintain and operate an unenclosed service area on the sidewalk of such street.

PUBLIC HEARING

DATE: August 20, 2012

Witnesses in Favor: One
 Two

Witnesses Against:

SUBCOMMITTEE RECOMMENDATION

DATE: August 21, 2012

The Subcommittee recommends that the Land Use Committee disapprove the Petition.

| In Favor: | Against: | Abstain: |
|------------------|-----------------|-----------------|
| Weprin | None | None |
| Rivera | | |
| Reyna | | |
| Comrie | | |
| Jackson | | |
| Vann | | |
| Garodnick | | |
| Vacca | | |
| Ignizio | | |

COMMITTEE ACTION

DATE: August 21, 2012

The Committee recommends that the Council approve the attached resolution.

| In Favor: | Against: | Abstain: |
|------------------|-----------------|-----------------|
| Comrie | None | None |
| Rivera | | |
| Reyna | | |
| Barron | | |
| Jackson | | |
| Sanders | | |
| Vann | | |
| Palma | | |
| Arroyo | | |
| Garodnick | | |
| Mendez | | |
| Vacca | | |
| Levin | | |
| Weprin | | |

Cont'd

Williams
 Ignizio
 Halloran
 Koo

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

Res. No. 1479

Resolution disapproving the petition for a revocable consent for an unenclosed sidewalk café located at 320 Court Street, Borough of Brooklyn (20125549 TCM; L.U. No. 655).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on July 13, 2012 its approval dated July 13, 2012 of the petition of Huitres NYC Inc., d/b/a Buschenschank, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 320 Court Street, Community District 6, Borough of Brooklyn (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

WHEREAS, the Petition is subject to review by the Council pursuant to Section 20-226(e) of the Administrative Code;

WHEREAS, upon due notice, the Council held a public hearing on the Petition on August 20, 2012; and

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Petition;

RESOLVED:

Pursuant to Section 20-226 of the Administrative Code, the Council disapproves the Petition.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES SANDERS, Jr., ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III; Committee on Land Use, August 21, 2012

Coupled to be Disapproved.

Report for L.U. No. 656

Report of the Committee on Land Use in favor of approving Application no. 20125699 TCQ, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 42-02 Tavern, Inc., d.b.a. Doyle's Corner, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 42-02 Broadway, Borough of Queens, Council District 26, Community Board 1. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on July 25, 2012 (Minutes, page 3190), respectfully

REPORTS:

SUBJECT

QUEENS CB - 1

20125699 TCQ

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 42-02 Tavern Inc., d/b/a Doyle's Corner, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 42-02 Broadway.

INTENT

To allow an eating or drinking place located on a property which abuts the street to establish, maintain and operate an unenclosed service area on the sidewalk of such street.

PUBLIC HEARING

DATE: August 20, 2012

Witnesses in Favor: One
None

Witnesses Against:

SUBCOMMITTEE RECOMMENDATION

DATE: August 20, 2012 and recessed to August 21, 2012

The Subcommittee recommends that the Land Use Committee approve the Petition.

| In Favor: | Against: | Abstain: |
|------------------|-----------------|-----------------|
| Weprin | None | None |
| Rivera | | |
| Reyna | | |
| Comrie | | |
| Jackson | | |
| Vann | | |
| Garodnick | | |
| Vacca | | |
| Ignizio | | |

COMMITTEE ACTION

DATE: August 21, 2012

The Committee recommends that the Council approve the attached resolution.

| In Favor: | Against: | Abstain: |
|------------------|-----------------|-----------------|
| Comrie | None | None |
| Rivera | | |
| Reyna | | |
| Barron | | |
| Jackson | | |
| Sanders | | |
| Vann | | |
| Palma | | |
| Arroyo | | |
| Garodnick | | |
| Mendez | | |
| Vacca | | |
| Levin | | |
| Weprin | | |
| Williams | | |
| Ignizio | | |
| Halloran | | |
| Koo | | |

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

Res. No. 1480

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 42-02 Broadway, Borough of Queens (20125699 TCQ; L.U. No. 656).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on July 6, 2012 its approval dated July 6, 2012 of the petition of 42-02 Tavern Inc., d/b/a Doyle's Corner, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 42-02 Broadway, Community District 1, Borough of Queens (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

WHEREAS, the Petition is subject to review by the Council pursuant to Section 20-226(e) of the Administrative Code;

WHEREAS, upon due notice, the Council held a public hearing on the Petition on August 20, 2012; and

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Petition;

RESOLVED:

Pursuant to Section 20-226 of the Administrative Code, the Council approves the Petition.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES SANDERS, Jr., ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III; Committee on Land Use, August 21, 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 L.U. No. 657

Report of the Committee on Land Use in favor of approving Application no. 20125726 HKK (N 120369 HKK), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Sears Roebuck & Company Department Store located at 2227-2323 Beverly Road (Block 5133, part of Lot 14) (List No.455 LP-2469), Borough of Brooklyn, Community Board 14, Council District no. 40, as an historic landmark .

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on July 25, 2012 (Minutes, page 3190), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 14 20125726 HKK (N 120369 HKK)

Designation by the Landmarks Preservation Commission (List No. 455/LP-2469), pursuant to Section 3020 of the New York City Charter, of the landmark designation of the Sears Roebuck & Company Department Store located at 2227-2323 Beverly Road (a/k/a 2388-2420 Bedford Avenue) (Tax Map Block 5133, part of Lot 14), as an historic landmark.

PUBLIC HEARING

DATE: August 20, 2012

Witnesses in Favor: One Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: August 20, 2012

The Subcommittee recommends that the Land Use Committee affirm the designation.

Table with 3 columns: In Favor, Against, Abstain. Lists names: Sanders, Palma, Arroyo, Mendez, Williams, Halloran.

COMMITTEE ACTION

DATE: August 21, 2012

The Committee recommends that the Council approve the attached resolution.

Table with 3 columns: In Favor, Against, Abstain. Lists names: Comrie, Rivera, Reyna, Barron, Jackson, Sanders, Vann, Palma.

- Arroyo
Garodnick
Mendez
Vacca
Levin
Weprin
Williams
Ignizio
Halloran
Koo

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

Res. No. 1481

Resolution affirming the designation by the Landmarks Preservation Commission of the Sears Roebuck & Company Department Store located at 2227-2323 Beverly Road a.k.a 2388-2420 Bedford Avenue (Tax Map Block 5133, Lot 14 in part), Borough of Brooklyn, Designation List No. 455, LP-2469 (L.U. No. 657; 20125726 HKK; N 120369 HKK).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on May 21, 2012 a copy of its designation dated May 15, 2012 (the "Designation"), of the Sears Roebuck & Company Department Store located at 2227-2323 Beverly Road a.k.a 2388-2420 Bedford Avenue, Community District 14, Borough of Brooklyn as a landmark and Tax Map Block 5133, Lot 14 in part, as its landmark site pursuant to Section 3020 of the New York City Charter;

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the City Charter;

WHEREAS, the City Planning Commission submitted to the Council on July 13, 2012, its report on the Designation dated July 11, 2012 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on August 20, 2012; and

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Designation;

RESOLVED:

Pursuant to Section 3020 of the City Charter, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES SANDERS, Jr., ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III; Committee on Land Use, August 21, 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 L.U. No. 658

Report of the Committee on Land Use in favor of approving Application no. 20125727 HKM (N 120368 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Van Tassell and Kearney Auction Mart located at 126-128 East 13th Street (Block 558, Lot 43 in part) (List No.455 LP-2205), Borough of Manhattan, Community Board 3, Council District no. 2, as an historic landmark .

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on July 25, 2012 (Minutes, page 3190), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 3 20125727 HKM (N 120368 HKM)

Designation by the Landmarks Preservation Commission (List No. 455/LP-2205), pursuant to Section 3020 of the New York City Charter, of the landmark designation of the Van Tassell & Kearney Auction Mart located at 126-128 East 13th Street (Tax Map Block 558, Lot 43 in part), as an historic landmark.

PUBLIC HEARING

DATE: August 20, 2012

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: August 20, 2012

The Subcommittee recommends that the Land Use Committee affirm the designation.

| In Favor: | Against: | Abstain: |
|-----------|----------|----------|
| Sanders | None | None |
| Palma | | |
| Arroyo | | |
| Mendez | | |
| Williams | | |
| Halloran | | |

COMMITTEE ACTION

DATE: August 21, 2012

The Committee recommends that the Council approve the attached resolution.

| In Favor: | Against: | Abstain: |
|-----------|----------|----------|
| Comrie | None | None |
| Rivera | | |
| Reyna | | |
| Barron | | |
| Jackson | | |
| Sanders | | |
| Vann | | |
| Palma | | |
| Arroyo | | |
| Garodnick | | |
| Mendez | | |
| Vacca | | |
| Levin | | |
| Weprin | | |
| Williams | | |
| Ignizio | | |
| Halloran | | |
| Koo | | |

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

Res. No. 1482

Resolution affirming the designation by the Landmarks Preservation Commission of the Van Tassell & Kearney Auction Mart located at 126-128 East 13th Street (Tax Map Block 558, Lot 43 in part), Borough of Manhattan, Designation List No. 455, LP-2205 (L.U. No. 658; 20125727 HKM; N 120368 HKM).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on May 21, 2012 a copy of its designation dated May 15, 2012 (the "Designation"), of the Van Tassell & Kearney Auction Mart located at 126-128 East 13th Street,

Community District 3, Borough of Manhattan, as a landmark and Tax Map Block 558, Lot 43 in part, as its landmark site pursuant to Section 3020 of the New York City Charter;

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the City Charter;

WHEREAS, the City Planning Commission submitted to the Council on July 13, 2012 its report on the Designation dated July 11, 2012 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on August 20, 2012; and

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Designation;

RESOLVED:

Pursuant to Section 3020 of the City Charter, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES SANDERS, Jr., ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III; Committee on Land Use, August 21, 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 L.U. No. 659

Report of the Committee on Land Use in favor of approving Uniform land use review procedure application no. N 120248 HAM, an Urban Development Action Area Designation and Project located at 120 East 125th Street (Block 1773, Lot 62) to facilitate the rehabilitation of a vacant four-story building, Borough of Manhattan, Community Board 11, Council District no. 8. 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.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on July 25, 2012 (Minutes, page 3191), respectfully

REPORTS:**SUBJECT**

MANHATTAN CB - 11

N 120248 HAM

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 120 East 125th Street (Block 1773, Lot 62), as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area;

to facilitate the rehabilitation of a vacant four-story building.

INTENT

To facilitate the rehabilitation of a vacant four story building.

PUBLIC HEARING

DATE: August 20, 2012

Witnesses in Favor: Three
None

Witnesses Against:

SUBCOMMITTEE RECOMMENDATION

DATE: August 20, 2012

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

| | | |
|------------------|-----------------|-----------------|
| In Favor: | Against: | Abstain: |
| Gonzalez | None | None |
| Dickens | | |
| Koo | | |

COMMITTEE ACTION

DATE: August 21, 2012

The Committee recommends that the Council approve the attached resolution.

| | | |
|------------------|-----------------|-----------------|
| In Favor: | Against: | Abstain: |
| Comrie | None | None |
| Rivera | | |
| Reyna | | |
| Barron | | |
| Jackson | | |
| Sanders | | |
| Vann | | |
| Palma | | |
| Arroyo | | |
| Garodnick | | |
| Mendez | | |
| Vacca | | |
| Levin | | |
| Weprin | | |
| Williams | | |
| Ignizio | | |
| Halloran | | |
| Koo | | |

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

Res. No. 1483

Resolution approving the decision of the City Planning Commission on an application submitted by the Department of Housing Preservation and Development, No. N 120248 HAM, approving the designation of property located at 120 East 125th Street (Block 1773, Lot 62), as an Urban Development Action Area, and approving the project for the area as an Urban Development Action Area Project (L.U. No. 659; N 120248 HAM).

By Council Members Comrie and Levin.

WHEREAS, the City Planning Commission filed with the Council on July 13, 2012 its decision dated July 11, 2012 (the "Decision"), on the application submitted by the Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law of New York State regarding:

- a) the designation of property located at 120 East 125th Street (Block 1773, Lot 62), as an Urban Development Action Area (the "Area"); and
 - b) an Urban Development Action Area Project for such area (the "Project");
- to facilitate the rehabilitation of a vacant four-story building in Community District 11, Borough of Manhattan (N 120248 HAM) (the "Application");

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, the Application and Decision are subject to review and action by the Council pursuant to Article 16 of the General Municipal Law of New York State;

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on July 17, 2012 its recommendations regarding the Application dated July 12, 2012;

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision on August 20, 2012; and

WHEREAS, the Council has considered the relevant environmental issues and Negative Declaration issued on March 23, 2011 (CEQR No. 10HPD018M);

WHEREAS, the Council has considered the land use and financial implications and other policy issues relating to the Application;

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment.

Pursuant to Section 197-d and on the basis of the Application and Decision, and based on the environmental determination and consideration described in this report, N 120248 HAM, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

The Council finds that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an urban development action area project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council approves the designation of the Disposition Area as an urban development action area pursuant to Section 693 of the General Municipal Law.

The Council approves the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES SANDERS, Jr., ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III; Committee on Land Use, August 21, 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 L.U. No. 660

Report of the Committee on Land Use in favor of approving Application no. C 120177 PCM submitted by the Police Department and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the site selection and acquisition of property located at 512 West 23rd Street (Block 694, Lot 40), for use as an ambulance station, Borough of Manhattan, Community Board 4, Council District 3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on July 25, 2012 (Minutes, page 3191), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 4

C 120177 PCM

City Planning Commission decision approving an application submitted by the Fire Department of New York (FDNY) and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 512 West 23rd Street (Block 694, Lot 40), for use as an ambulance station.

INTENT

To utilize the property to develop the Midtown West Ambulance Station.

PUBLIC HEARING**DATE:** August 20, 2012**Witnesses in Favor:** Two**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** August 20, 2012

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

| In Favor: | Against: | Abstain: |
|------------------|-----------------|-----------------|
| Sanders | None | None |
| Palma | | |
| Arroyo | | |
| Mendez | | |
| Williams | | |
| Halloran | | |

COMMITTEE ACTION**DATE:** August 21, 2012

The Committee recommends that the Council approve the attached resolution.

| In Favor: | Against: | Abstain: |
|------------------|-----------------|-----------------|
| Comrie | None | None |
| Rivera | | |
| Reyna | | |
| Barron | | |
| Jackson | | |
| Sanders | | |
| Vann | | |
| Palma | | |
| Arroyo | | |
| Garodnick | | |
| Mendez | | |
| Vacca | | |
| Levin | | |
| Weprin | | |
| Williams | | |
| Ignizio | | |
| Halloran | | |
| Koo | | |

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

Res. No. 1484

Resolution approving the decision of the City Planning Commission on ULURP No. C 120177 PCM (L.U. No. 660), for the site selection and acquisition of property located at 512 West 23rd Street (Block 694, Lot 40) in Community District 4, Borough of Manhattan, for use as an ambulance station.

By Council Members Comrie and Lander.

WHEREAS, the City Planning Commission filed with the Council on July 13, 2012 its decision dated July 11, 2012 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the Fire Department of New York and the Department of Citywide Administrative Services for the site selection and acquisition of property located at 512 West 23rd Street (Block 694, Lot 40), Community District 4, Borough of Manhattan (the "Site"), for use as an ambulance station (ULURP No. C 120177 PCM) (the "Application");

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on August 20, 2012;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on November 10, 2011 (CEQR No. 12FDO001M);

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment.

Pursuant to Section 197-d of the City Charter and on the basis of the Application and Decision, and based on the environmental determination and consideration described in this report C 120177 PCM, incorporated by reference herein, the Council approves the Decision.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES SANDERS, Jr., ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III; Committee on Land Use, August 21, 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 L.U. No. 661

Report of the Committee on Land Use in favor of approving Application no. 20125689 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Groove Enterprises, d.b.a. Groove, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 125 MacDougal Street, Borough of Manhattan, Community Board 2, Council District 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on July 25, 2012 (Minutes, page 3192), respectfully

REPORTS:**SUBJECT****MANHATTAN CB - 2****20125689 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Groove Enterprises, Inc., d/b/a Groove, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 125 MacDougal Street.

INTENT

To allow an eating or drinking place located on a property which abuts the street to continue to maintain and operate an unenclosed service area on the sidewalk of such street.

PUBLIC HEARING**DATE:** August 20, 2012**Witnesses in Favor:** One
None**Witnesses Against:****SUBCOMMITTEE RECOMMENDATION****DATE:** August 20, 2012 and recessed to August 21, 2012

The Subcommittee recommends that the Land Use Committee approve the Petition.

The Committee recommends that the Council approve the attached resolution.

| | | |
|------------------|-----------------|-----------------|
| In Favor: | Against: | Abstain: |
| Comrie | None | None |
| Rivera | | |
| Reyna | | |
| Barron | | |
| Jackson | | |
| Sanders | | |
| Vann | | |
| Palma | | |
| Arroyo | | |
| Garodnick | | |
| Mendez | | |
| Vacca | | |
| Levin | | |
| Weprin | | |
| Williams | | |
| Ignizio | | |
| Halloran | | |
| Koo | | |

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

Res. No. 1486

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 57 Greenwich Avenue, Borough of Manhattan (20125742 TCM; L.U. No. 662).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on July 13, 2012 its approval dated July 13, 2012 of the petition of 1 Perry Street Restaurant Inc., d/b/a Yerba Buena, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 57 Greenwich Avenue, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

WHEREAS, the Petition is subject to review by the Council pursuant to Section 20-226(e) of the Administrative Code;

WHEREAS, upon due notice, the Council held a public hearing on the Petition on August 20, 2012; and

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Petition;

RESOLVED:

Pursuant to Section 20-226 of the Administrative Code, the Council approves the Petition.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES SANDERS, Jr., ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III; Committee on Land Use, August 21, 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 Land Use and had been favorably reported for adoption.

Report for L.U. No. 663

Report of the Committee on Land Use in favor of approving Application No. 20125427 SCQ, a proposed site for a new, approximately 472-Seat Primary School Facility, P.S. 339-Queens, to be located at the South Side of 39th Avenue between 57th and 58th Streets (Block 1228, Lots 48, 52, 57, 58, 60 and 61), Council District No. 26, Borough of Queens. This matter is subject

to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 22, 2012, respectfully

REPORTS:

SUBJECT

QUEENS CB - 2 **20125427 SCQ**

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 472-Seat Primary School Facility to be located at 57-02 to 57-08 39th Avenue and 39-12 to 39-16 58th Street (Tax Block 1228, Lots 48, 52, 57, 58, 60 and 61), in the Woodside section of Queens, Community School District No. 30.

INTENT

To facilitate the development of a new, approximately 472-Seat Primary School Facility in Woodside, Queens.

PUBLIC HEARING

DATE: August 20, 2012

Witnesses in Favor: Two **Witnesses Against:** None

SUBCOMMITTEE RECOMMENDATION

DATE: August 20, 2012 and recessed to August 21, 2012

The Subcommittee recommends that the Land Use Committee approve the Site Plan.

| | | |
|------------------|-----------------|-----------------|
| In Favor: | Against: | Abstain: |
| Sanders | None | None |
| Palma | | |
| Arroyo | | |
| Mendez | | |
| Williams | | |
| Halloran | | |

COMMITTEE ACTION

DATE: August 21, 2012

The Committee recommends that the Council approve the attached resolution.

| | | |
|------------------|-----------------|-----------------|
| In Favor: | Against: | Abstain: |
| Comrie | None | None |
| Rivera | | |
| Reyna | | |
| Barron | | |
| Jackson | | |
| Sanders | | |
| Vann | | |
| Palma | | |
| Arroyo | | |
| Garodnick | | |
| Mendez | | |
| Vacca | | |
| Levin | | |
| Weprin | | |
| Williams | | |
| Ignizio | | |
| Halloran | | |
| Koo | | |

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

Res. No. 1487

Resolution approving the site plan for a new, approximately 472-Seat Primary School Facility to be located at 57-02 to 57-08 39th Avenue and 39-12 to 39-16 58th Street (Tax Block 1228, Lots 48, 52, 57, 58, 60, and 61), Woodside, Borough of Queens (Non-ULURP No. 20125427 SCQ; Preconsidered L.U. No. 663).

By Council Members Comrie and Lander.

WHEREAS, the New York City School Construction Authority submitted to the Council on August 15, 2012, a site plan dated August 15, 2012, pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 472-Seat Primary School Facility, known as P.S. 339-Queens, to be located at 57-02 to 57-08 39th Avenue and 39-12 to 39-16 58th Street (Tax Block 1228, Lots 48, 52, 57, 58, 60, and 61) in the Woodside section of Queens, Community Board No. 2, Borough of Queens, Community School District No. 30 (the "Site Plan");

WHEREAS, the Site Plan is subject to review and action by the Council pursuant to Section 1732 of the New York State Public Authorities Law;

WHEREAS, upon due notice, the Council held a public hearing on the Site Plan on August 20, 2012;

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration issued on August 13, 2012 (SEQR Project Number 13-003); and

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Site Plan;

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment.

Pursuant to Section 1732 of the Public Authorities Law, the Council approves the Site Plan.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES SANDERS, Jr., ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III; Committee on Land Use, August 21, 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 Land Use and had been favorably reported for adoption.

Report for L.U. No. 664

Report of the Committee on Land Use in favor of approving Application No. 20125428 SCQ, a proposed site for a new, approximately 379-Seat Primary School Facility, P.S. 892-Queens, to be located at 199-02 112th Avenue (Block 10975, Lot 1), Council District No. 27, Borough of Queens. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 22, 2012, respectfully

REPORTS:

SUBJECT

QUEENS CB - 12

20125428 SCQ

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 379-Seat Primary School Facility to be located at 199-02 112th Avenue (Tax Block 10975, Lot 1), Community School District No. 29.

INTENT

To facilitate the development of a new, approximately 379-Seat Primary School Facility in St. Albans, Queens.

PUBLIC HEARING

DATE: August 20, 2012

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: August 20, 2012 and recessed to August 21, 2012

The Subcommittee recommends that the Land Use Committee approve the Site Plan.

| In Favor: | Against: | Abstain: |
|------------------|-----------------|-----------------|
| Sanders | None | None |
| Palma | | |
| Arroyo | | |
| Mendez | | |
| Williams | | |
| Halloran | | |

COMMITTEE ACTION

DATE: August 21, 2012

The Committee recommends that the Council approve the attached resolution.

| In Favor: | Against: | Abstain: |
|------------------|-----------------|-----------------|
| Comrie | None | None |
| Rivera | | |
| Reyna | | |
| Barron | | |
| Jackson | | |
| Sanders | | |
| Vann | | |
| Palma | | |
| Arroyo | | |
| Garodnick | | |
| Mendez | | |
| Vacca | | |
| Levin | | |
| Weprin | | |
| Williams | | |
| Ignizio | | |
| Halloran | | |
| Koo | | |

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

Res. No. 1488

Resolution approving the site plan for a new, approximately 379-Seat Primary School Facility to be located at 199-02 112th Avenue (Tax Block 10975, Lot 1), St. Albans, Borough of Queens (Non-ULURP No. 20125428 SCQ; Preconsidered L.U. No. 664).

By Council Members Comrie and Lander.

WHEREAS, the New York City School Construction Authority submitted to the Council on August 7, 2012, a site plan dated August 7, 2012, pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 379-Seat Primary School Facility, known as P.S. 892-Queens, to be located at 199-02 112th Avenue (Tax Block 10975, Lot 1) in the St. Albans section of Queens, Community Board No. 12, Borough of Queens, Community School District No. 29 (the "Site Plan");

WHEREAS, the Site Plan is subject to review and action by the Council pursuant to Section 1732 of the New York State Public Authorities Law;

WHEREAS, upon due notice, the Council held a public hearing on the Site Plan on August 20, 2012;

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration issued on July 25, 2012 (SEQR Project Number 13-001); and

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Site Plan;

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES SANDERS, Jr., ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III; Committee on Land Use, August 21, 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 Land Use and had been favorably reported for adoption.

Report for L.U. No. 665

Report of the Committee on Land Use in favor of approving Application No. 20125429 SCM, a proposed site for a new, approximately 692-Seat Primary/Intermediate School Facility, P.S. 342-Manhattan, to be located at the Southwest Corner of West 61st Street and West End Avenue (Block 1171, Lot 165 in portion), Council District No. 6, Borough of Manhattan. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 22, 2012, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 7

20125429 SCM

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 692-Seat Primary/Intermediate School Facility to be located at Southwest Corner of West 61st Street and West End Avenue (Tax Block 1171, Lot 165), Community School District No. 3.

INTENT

To facilitate the development of a new, approximately 692-Seat Primary/Intermediate School Facility in the Upper West Side of Manhattan.

PUBLIC HEARING

DATE: August 20, 2012

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: August 20, 2012 and recessed to August 21, 2012

The Subcommittee recommends that the Land Use Committee approve the Site Plan.

| In Favor: | Against: | Abstain: |
|------------------|-----------------|-----------------|
| Sanders | None | None |
| Palma | | |
| Arroyo | | |
| Mendez | | |
| Williams | | |
| Halloran | | |

COMMITTEE ACTION

DATE: August 21, 2012

The Committee recommends that the Council approve the attached resolution.

| In Favor: | Against: | Abstain: |
|------------------|-----------------|-----------------|
| Comrie | None | None |
| Rivera | | |
| Reyna | | |
| Barron | | |
| Jackson | | |
| Sanders | | |
| Vann | | |
| Palma | | |
| Arroyo | | |
| Garodnick | | |
| Mendez | | |
| Vacca | | |
| Levin | | |
| Weprin | | |
| Williams | | |
| Ignizio | | |
| Halloran | | |
| Koo | | |

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

Res. No. 1489

Resolution approving the site plan for a new, approximately 692-Seat Primary/Intermediate School Facility to be located at the Southwest Corner of West 61st Street and West End Avenue (Tax Block 1171, Lot 165 in portion), Borough of Manhattan (Non-ULURP No. 20125429 SCM; Preconsidered L.U. No. 665).

By Council Members Comrie and Lander.

WHEREAS, the New York City School Construction Authority submitted to the Council on August 7, 2012, a site plan dated August 7, 2012, pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 692-Seat Primary/Intermediate School Facility, known as P.S. 342-Manhattan, to be located at the Southwest Corner of West 61st Street and West End Avenue (Tax Block 1171, Lot 165 in portion), Community Board No. 7, Borough of Manhattan, Community School District No. 3 (the "Site Plan");

WHEREAS, the Site Plan is subject to review and action by the Council pursuant to Section 1732 of the New York State Public Authorities Law;

WHEREAS, upon due notice, the Council held a public hearing on the Site Plan on August 20, 2012;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Site Plan;

WHEREAS, the Council has considered the relevant environmental issues and the Final Supplemental Environmental Impact Statement (FSEIS) for which a Notice of Completion was issued on October 15, 2010, with respect to the Application (CEQR No. 09DCP020M), and the CEQR Technical Memoranda issued on September 10, 2010 and October 26, 2010, with respect to modifications thereto set forth in the Decision, and the CEQR Technical Memorandum issued on December 15, 2010 with respect to the proposed modifications to the Decision;

RESOLVED:

Having considered the FSEIS and the Technical Memoranda dated September 10, 2010; October 26, 2010 and December 15, 2010, with respect to the Decision, the Council finds that:

- (1) The FSEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the action to be approved (the Decision), with further modifications set forth and analyzed in the Technical Memorandum dated December 15, 2010, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FSEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration, Exhibit B, attached hereto by reference, those project components related to the environment and mitigation measures that were identified as practicable.
- (4) The Decision together with the FSEIS and the Technical Memoranda, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Section 1732 of the Public Authorities Law, the Council approves the Site Plan.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES SANDERS, Jr., ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III; Committee on Land Use, August 21, 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 of the Committee on Rules, Privileges and Elections

Report for M-853

Report of the Committee on Rules, Privileges and Elections approving the appointment of Joseph Douek as a member of the New York City Planning Commission.

The Committee on Rules, Privileges and Elections, to which the annexed resolution was referred on July 25, 2012 (Minutes, page 2809), respectfully

REPORTS:

Topic: *New York City Planning Commission – (Brooklyn Borough President’s nominee for appointment upon advice and consent of the Council)*

• **Joseph Douek [M-853]**

Section 192 of the *New York City Charter* (“Charter”) states that there shall be a thirteen-member CPC, with seven appointments made by the Mayor (including the Chair), one by the Public Advocate, and one by each Borough President [Charter §192(a)]. All members, except the Chair, are subject to the advice and consent of the Council [Charter §192(a)]. Further, the *Charter* states that members are to be chosen for their independence, integrity, and civic commitment [Charter §192(a)].

The *Charter* provides that CPC members serve for staggered five-year terms, except for the Chair, who as Director of the Department of City Planning

(Charter §191), serves at the pleasure of the Mayor [Charter §192(a)]. For purposes of Chapter 68 (Conflicts of Interest) of the *Charter*, CPC members, other than the Chair, shall not be considered regular employees of the City [Charter §192(b)]. There is no limitation on the number of terms that a CPC member may serve [Charter §192(a)]. CPC members are prohibited from holding any other City office while they serve on CPC [Charter §192(b)]. The Chair receives an annual salary of \$205,180. The member who is designated as Vice-Chair receives an annual salary of \$62,271. The other members receive an annual salary of \$54,150.

CPC is responsible for:

- undertaking long-range planning for the City’s orderly growth, improvement and future development, including appropriate resources for housing, business, industry, recreation and culture [Charter §192(d)];
- assisting the Mayor and other officials in developing the ten-year capital strategy, the four-year capital program and the annual *Statement of Needs* [Charter §192(f)];
- overseeing and coordinating environmental reviews under the *City Environmental Quality Review* (“CEQR”), as mandated by state law (*Environmental Conservation Law – Article 8*) [Charter §192(e)];
- preparing a zoning and planning report at least once every four years, which includes a review of the *Zoning Resolution*, with any recommendations for changes and proposals for implementing planning policies [Charter §192(f)]; and
- approving or disapproving the acquisition by the City of office space [Charter §195].

CPC has also promulgated rules:

- establishing minimum standards for certifying *Uniform Land Use and Review Procedure* (“ULURP”) applications and specific time periods for pre-certification review [Charter §197-c (i)];
- creating capital site selection criteria [Charter §218 (a)];
- setting minimum standards for the form and content of plans for the development of the City and boroughs [Charter §197-a (b)]; and
- defining “major concessions [Charter §374 (b)].”

Mr. Douek is scheduled to appear before the Committee on Rules, Privileges, and Elections on August 22, 2012. Upon appointment by the Brooklyn Borough President with the advice and consent of the Council, Mr. Douek, a resident of Brooklyn, will replace Shirley A. McRae and serve for the remainder of a five-year term that expires on June 30, 2017. Copies of Mr. Douek’s résumé and report/resolution are annexed to this briefing paper.

After interviewing the candidate and reviewing the relevant material, this Committee decided to approve the appointment of the candidate, Joseph Douek.

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to §§ 31 and 192 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Brooklyn Borough President of Joseph Douek as a member of the New York City Planning Commission to serve for the remainder of a five-year term that expires on June 30, 2017.

This matter was referred to the Committee on July 25, 2012.

In connection herewith, Council Member Rivera offered the following resolution:

Res. No. 1490

RESOLUTION APPROVING THE APPOINTMENT BY THE BROOKLYN BOROUGH PRESIDENT OF JOSEPH DOUEK AS A MEMBER OF THE NEW YORK CITY PLANNING COMMISSION.

By Council Member Rivera

RESOLVED, that pursuant to §§ 31 and 192 of the *New York City Charter*, the Council does hereby approve the appointment by the Brooklyn Borough President of Joseph Douek as a member of the New York City Planning Commission to serve for the remainder of a five-year term that expires on June 30, 2017.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, JAMES VACCA, ELIZABETH CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN; Committee on Rules, Privileges and Elections, August 22, 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).

GENERAL ORDER CALENDAR

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

| <u>Name</u> | <u>Address</u> | <u>District #</u> |
|------------------------|--|-------------------|
| Denise Ramos | 182 South Street #7J New York, N.Y. 10038 | 1 |
| Nathan Schwartzberg | 215 East 68 th Street #3J New York, N.Y. 10065 | 4 |
| Rubi Buenrostro | 712 Seaman Avenue New York, N.Y. 10034 | 7 |
| Elestina Ghorashi | 175 Pinehurst Avenue #1B New York, N.Y. 10033 | 7 |
| Jennifer Ferrer | 63 Post Avenue #22 New York, N.Y. 10034 | 10 |
| David D. Lois | 3410 Paul Avenue #13A Bronx, N.Y. 10468 | 11 |
| Carolyn Bartee | 625 Jefferson Place #B Bronx, N.Y. 10456 | 16 |
| Stephanie Diaz | 920 Westchester Avenue Bronx, N.Y. 10459 | 17 |
| Maureen Coppola | 15-42 208 th Place Bayside, N.Y. 11360 | 19 |
| Arie Braizblot | 86-06 35 th Avenue #4H Queens, N.Y. 11372 | 25 |
| Steve Gauvy | 119-16 114 th Road Queens, N.Y. 11412 | 27 |
| Dayhanara M. Baez | 94-14 86 th Avenue Queens, N.Y. 11421 | 30 |
| Damaris Olivieri | 390 Bushwick Avenue #11H Brooklyn, N.Y. 11206 | 34 |
| Blondine Raphael | 805 St. Marks Avenue #d5B Brooklyn, N.Y. 11213 | 36 |
| Jazlyn Batista | 73 DeSales Place Brooklyn, N.Y. 11207 | 37 |
| Sarah Milardo | 225 24 th Street #3R Brooklyn, N.Y. 11232 | 38 |
| Maria Paulucci-Shammas | 933 80 th Street Brooklyn, N.Y. 11228 | 43 |
| Salvina Isakov | 49 Bokee Court Brooklyn, N.Y. 11223 | 47 |
| Lina Donskaya | 2 West End Avenue #4J Brooklyn, N.Y. 11235 | 48 |

Approved New Applicants and Reapplicants

| <u>Name</u> | <u>Address</u> | <u>District #</u> |
|-------------------------|--|-------------------|
| Lana Faith Pollack | 577 Grand Street #F907 New York, N.Y. 10002 | 1 |
| Karen M. Mack | 500 East Houston Street New York, N.Y. 10002 | 2 |
| Margaret L. Paige | 331 East 29 th Street #10E New York, N.Y. 10016 | 2 |
| Josue Mendez Goetz | 350 West 24 th Street #11C New York, N.Y. 10011 | 3 |
| Gloria Torres | 747 Tenth Avenue #101 New York, N.Y. 10019 | 3 |
| Julio J. Castro, Jr. | 1288 First Avenue Suite #2RS New York, N.Y. 10021 | 5 |
| Jeffrey Hunter | 521 East 82 nd Street #2A New York, N.Y. 10028 | 5 |
| Towanna Banks | 2680 8 th Avenue #7F New York, N.Y. 10030 | 7 |
| Alexandro J. Gomez | 239 East 110 th Street #1 New York, N.Y. 10029 | 8 |
| Mia Phipps | 420 East 105 th Street #513 New York, N.Y. 10029 | 8 |
| Iris Torres | 324 East 108 th Street #3D New York, N.Y. 10029 | 8 |
| Alba Lavandier | 3191 Rochambeau Avenue #3A Bronx, N.Y. 10467 | 11 |
| Joanne Cicero | 1852 Tenbroeck Avenue Bronx, N.Y. 10461 | 13 |
| Lynn Sanchez | 1505 Walton Avenue #3J Bronx, N.Y. 10452 | 14 |
| Cornell Nolton | 1330 Webster Avenue #13A Bronx, N.Y. 10456 | 16 |
| Richard Ortega | 1420 Washington Avenue #6F Bronx, N.Y. 10456 | 16 |
| Azucena Ycaza | 1382 Croton Avenue #2A Bronx, N.Y. 10456 | 16 |
| Shanik Rodriguez | 737 Southern Blvd #3C Bronx, N.Y. 10455 | 17 |
| Simone Cherry | 1439 East Avenue #7F Bronx, N.Y. 10462 | 18 |
| Vishnudat Goolcharran | 1344 Rosedale Avenue Bronx, N.Y. 10472 | 18 |
| Joseph P. Green | 1357 Bronx River Avenue Bronx, N.Y. 10472 | 18 |
| Christine Chu | 34-03 Murray Street #3 Flushing, N.Y. 11345 | 20 |
| Andre McCray | 137-40 45 th Avenue Queens, N.Y. 11355 | 20 |
| Brenda Andrle | 2415 33 rd Street Queens, N.Y. 11102 | 22 |
| Keri Lynn Fontana | 51-34 30 th Avenue #5I Woodside, N.Y. 11377 | 22 |
| Nelson Ness Matos | 31-45 Crescent Street #5A Astoria, N.Y. 11106 | 22 |
| James Montefinise | 81-03 263 rd Street Queens, N.Y. 11004 | 23 |
| Bruce Tifeld | 224-01 Hillside Avenue Queens, N.Y. 11427 | 23 |
| Janet Mosheyev | 75-36 169 th Street Fresh Meadows, N.Y. 11366 | 24 |
| Vivian Kleiner | 85-10 34 th Avenue #215 Queens, N.Y. 11372 | 25 |
| Shawn Adams | 100-54 Francis Lewis Blvd Queens, N.Y. 11429 | 27 |
| Dorris Battle | 112-26 179 th Street Jamaica, N.Y. 11433 | 27 |
| Jaime A. Rojas | 212-25 112 th Road Queens Village, N.Y. 11429 | 27 |
| Marcelie Fortune-Murray | 118-21 153 rd Street Queens, N.Y. 11434 | 28 |
| John D. Givens | 86-52 Woodhaven Blvd | 30 |

| | | |
|-------------------------|--|----|
| Flavio Colella | Queens, N.Y. 11421 217-17 Rockaway Point Blvd Breezy Point, N.Y. 11697 | 32 |
| Edward S. Lentol II | 107-43 113 th Street South Richmond Hill, N.Y. 11419 | 32 |
| Gladys Rosario | 8000 Shore Front Parkway #7E Queens, N.Y. 11693 | 32 |
| Blanca E. Molina | 640 Warren Street #4R Brooklyn, N.Y. 11217 | 33 |
| Miriam L. Camacho | 124 Withers Street Brooklyn, N.Y. 11211 | 34 |
| Annie Richardson | 116 Gates Avenue #1 Brooklyn, N.Y. 11238 | 35 |
| Ronnie Doswell | 446 Greene Avenue #3 Brooklyn, N.Y. 11216 | 36 |
| Ainsley Harris Jr. | 469 Quincy Street Brooklyn, N.Y. 11221 | 36 |
| Nicole Kennedy | 306 Macon Street Brooklyn, N.Y. 11216 | 36 |
| Miriam Martinez | 44 Marcus Garvey Blvd #213 Brooklyn, N.Y. 11206 | 36 |
| Samuel L. Revells | 74 Utica Avenue Brooklyn, N.Y. 11213 | 36 |
| Janie M. Ford | 180 Powell Street #14H Brooklyn, N.Y. 11212 | 37 |
| Mildred Schmalfuss | 102 Autumn Avenue Brooklyn, N.Y. 11208 | 37 |
| Michael P. Boyle | 5813 6 th Avenue Brooklyn, N.Y. 11220 | 38 |
| Barbara A. Bagans | 118 Prospect Park South We Brooklyn, N.Y. 11218 | 39 |
| Todd Hodges | 501 13 th Street Brooklyn, N.Y. 11215 | 39 |
| Blenda P. Emptage-Smith | 50 Lefferts Avenue #2L Brooklyn, N.Y. 11225 | 40 |
| Nina S. Mickens | 222 Lenox Road #6U Brooklyn, N.Y. 11226 | 40 |
| Martha A. Harris | 340 Dumont Avenue #8A Brooklyn, N.Y. 11212 | 41 |
| Mary Jemison Head | 546 Decatur Street Brooklyn, N.Y. 11233 | 41 |
| Maria Butts | 175 Ardsley Loop #15C Brooklyn, N.Y. 11239 | 42 |
| David W. Grady, Jr. | 1257 Loring Avenue #5H Brooklyn, N.Y. 11208 | 42 |
| Helene Holloway | 1028 East 103 rd Street Brooklyn, N.Y. 11236 | 42 |
| Melanie Angelica Luna | 675 Lincoln Avenue Brooklyn, N.Y. 11208 | 42 |
| Evelyn McLeod | 502 Bradford Street Brooklyn, N.Y. 11207 | 42 |
| Frank R. Dukes, Jr. | 358 Webster Avenue Brooklyn, N.Y. 11230 | 44 |
| Madelyn Morales | 1535 West 2 nd Street Brooklyn, N.Y. 11204 | 44 |
| Israel Mayer Steinberg | 1823 53 rd Street Brooklyn, N.Y. 11204 | 44 |
| Philip J. Vincenti | 2184 59 th Street Brooklyn, N.Y. 11204 | 44 |
| Aleksandra Volina | 618 Ocean Parkway #C 1 Brooklyn, N.Y. 11218 | 44 |
| Yves David | 2603 Avenue D Brooklyn, N.Y. 11226 | 45 |
| Ertha Sinclair | 298 East 56 th Street Brooklyn, N.Y. 11203 | 45 |
| Wanda Cean | 635 East 82 nd Street Brooklyn, N.Y. 11236 | 46 |
| Jeffrey Codrington | 1275 East 82nd Street Brooklyn, N.Y. 11236 | 46 |
| Alla Gnip | 2179 East 26 th Street Brooklyn, N.Y. 11229 | 46 |
| Kimberly Grillo | 1514 East 95 th Street | 46 |

| | | |
|---------------------|---|----|
| Andrew M. Russo | Brooklyn, N.Y. 11236 1647 East 35 th Street Brooklyn, N.Y. 11234 | 46 |
| Susan Pang | 8642 Bay Parkway Brooklyn, N.Y. 11214 | 47 |
| Eugene Huebner | 2642 Brown Street Brooklyn, N.Y. 11235 | 48 |
| Olga Zinkina | 1600 Avenue T #6H Brooklyn, N.Y. 11229 | 48 |
| Lillian Balaguer | 399 Port Richmond Avenue Staten Island, N.Y. 10302 | 49 |
| Jacqueline Campbell | 301 A Andros Avenue Staten Island, N.Y. 10303 | 49 |
| Evelise Rodriguez | 303 Mosel Avenue Staten Island, N.Y. 10304 | 49 |
| Dianne M. Addeo | 358 Crystal Avenue Staten Island, N.Y. 10314 | 50 |
| Angela Abbriano | 20 Carlyle Green Staten Island, N.Y. 10312 | 51 |
| Paul V. DiStefano | 139 Hereford Street Staten Island, N.Y. 10308 | 51 |
| Sophia Froncillo | 142 Kelvin Avenue Staten Island, N.Y. 10306 | 51 |
| Michele B. McNulty | 105 Keating Street Staten Island, N.Y. 10309 | 51 |
| Mary B. Volpe | 244 Kelly Blvd #1 Staten Island, N.Y. 10314 | 51 |

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 853 & Res 1490 --** Joseph Douek – appointment to the New York City Planning Commission.
- (2) **Int 834-A --** New York city panel on climate change and the New York city climate change adaptation task force.
- (3) **Int 918 --** Trap-neuter-return information and activities in the city of New York.
- (4) **Res 1473 --** Designation of funding in the Expense Budget (**Transparency Resolution**).
- (5) **L.U. 648 & Res 1477 --** App. **20125797 HHM**, concerning the sublease between the New York City Health and Hospitals Corporation and MetroHealth Homes Housing Development Fund Corporation.
- (6) **L.U. 654 & Res 1478 --** App. **20125522 TCM**, 11 Carmine Street, Borough of Manhattan, Council District 3, Community Board 2.
- (7) **L.U. 655 & Res 1479 --** App. **20125549 TCK**, 320 Court Street, Borough of Brooklyn, Council District 39, Community Board 6 (**Coupled for Disapproval**).
- (8) **L.U. 656 & Res 1480 --** App. **20125699 TCQ**, 42-02 Broadway, Borough of Queens, Council District 26, Community Board 1.
- (9) **L.U. 657 & Res 1481 --** App. **20125726 HKK (N 120369 HKK)**, 2227-2323 Beverly Road (Block 5133, part of Lot 14) (List No.455 LP-2469), Borough of Brooklyn, Community Board 14, Council District no. 40.
- (10) **L.U. 658 & Res 1482 --** App. **20125727 HKM (N 120368 HKM)**, 126-128 East 13th Street (Block 558, Lot 43 in part) (List No.455 LP-2205), Borough of Manhattan, Community Board 3, Council District no. 2.
- (11) **L.U. 659 & Res 1483 --** App. **N 120248 HAM**, 120 East 125th Street (Block 1773, Lot 62, Borough of Manhattan, Community Board 11, Council District no. 8.
- (12) **L.U. 660 & Res 1484 --** App. **C 120177 PCM**, 512 West 23rd Street (Block 694, Lot 40), for use as an ambulance station, Borough of Manhattan,

- Community Board 4, Council District 3.
- (13) L.U. 661 & Res 1485 -- App. 20125689 TCM, 125 MacDougal Street, Borough of Manhattan, Community Board 2, Council District 3.
- (14) L.U. 662 & Res 1486 -- App. 20125742 TCM, 57 Greenwich Street, Borough of Manhattan, Community Board 2, Council District 3.
- (15) L.U. 663 & Res 1487 -- App. 20125427 SCQ, P.S. 339-Queens, to be located at 57-02 to 57-08 39th Avenue and 39-12 to 39-16 58th Street (Block 1228, Lots 48, 52, 57, 58, 60 and 61), Council District No. 26, Borough of Queens.
- (16) L.U. 664 & Res 1488 -- App. 20125428 SCQ, P.S. 892-Queens, to be located at 199-02 112th Avenue (Block 10975, Lot 1), Council District No. 27, Borough of Queens.
- (17) L.U. 665 & Res 1489 -- App. 20125429 SCM, P.S. 342-Manhattan, to be located at the Southwest Corner of West 61st Street and West End Avenue (Block 1171, Lot 165 in portion), Council District No. 6.
- (18) 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, Dilan, Dromm, Eugene, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Ulrich, Vacca, Van Bramer, Vann, Weprin, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – 44.

The General Order vote recorded for this Stated Meeting was 44-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for LU No. 648 & Res No. 1477:

Affirmative – Arroyo, Brewer, Cabrera, Chin, Comrie, Crowley, Dilan, Dromm, Eugene, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Ulrich, Vacca, Van Bramer, Vann, Weprin, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – 43.

Negative – Barron – 1.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 834-A and 918.

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. 910-A

Report of the Committee on Education in favor of approving, as amended, a Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation supporting breakfast in the classroom in every school in New York City.

The Committee on Education, to which the annexed amended resolution was referred on June 29, 2011 (Minutes, page 2683), respectfully

REPORTS:

INTRODUCTION

On Tuesday, August 21, 2012, the Committee on Education, chaired by Council Member Robert Jackson, considered Proposed Resolution No. 910-A, a resolution calling upon the New York State Legislature to pass and the Governor to sign legislation supporting breakfast in the classroom in every school in New York City. The Resolution passed by a vote of 13-1. A copy of the Resolution is attached.

Background

New York City's school system is one of the largest in the country and serves over 1.1 million children in nearly 1700 schools.²⁵ However, according to a report entitled *School Breakfast in America's Big Cities*, New York City has the lowest school breakfast participation rate amongst low-income students²⁶ with fewer than 40 percent of those students who qualify for free or reduced lunch also eating free breakfast.²⁷

It is now widely known that eating breakfast can not only help improve math, reading, and standardized test scores, it can also help improve overall health. According to a United States Department of Agriculture (USDA) Food Assistance and Nutrition Research Program study, students who take advantage of available school breakfast programs consume a better diet, consume lower percentages of calories from fat, are less likely to have a low intake of magnesium, and are less likely to have low serum levels of vitamin C and vitamin B9.²⁸

According to the New York City Department of Education (NYCDOE), a free breakfast is available to students in every school cafeteria.²⁹ The school breakfast program is federally funded and schools are required to offer a breakfast that meets national nutritional standards to every student.³⁰ When school breakfasts are served in the cafeteria they are often underutilized because children are unable to arrive to school early enough to participate in the breakfast program, are unwilling to visit the cafeteria for breakfast while other students are outside the building, and sometimes because they want to avoid the stigma associated with a cafeteria breakfast.³¹

The Breakfast in the Classroom program is considered an effective alternative to get breakfast to those students who need it. A Newark New Jersey school that participated in a Breakfast in the Classroom program saw an increase of 150 percent in the free school breakfast program.³² There are several ways to implement the Breakfast in the Classroom program, including delivering food directly to classrooms where students can eat, or handing each student a bagged breakfast as they come into school. Serving breakfast in classrooms could improve student performance, increase attendance and punctuality and limit nurse's office visits in the morning.³³

Proposed Resolution No. 910-A

Proposed Resolution No. 910-A would point out that in 1966, Congress enacted the Child Nutrition Act which allows States to opt into the school breakfast program. The Proposed Resolution would note that school districts that choose to take part in the school breakfast program receive cash subsidies from the U.S. Department of Agriculture and are required to serve a breakfast that meets federal nutritional standards and to offer free or reduced price breakfasts to eligible students.

Proposed Resolution No. 910-A would point out that that according to a report by the U.S. Department of Agriculture, children who have a school breakfast program available consume a better overall diet, consume a lower percentage of calories from fat, are less likely to have a low intake of magnesium, and are less likely to have low serum levels of vitamin C and vitamin B9.

Proposed Resolution No. 910-A would indicate that school breakfast programs can help reduce the number of children experiencing food insecurity, in turn, resulting in improved school performance and overall health. The Proposed Resolution would point out that according to the National Education Association, when school breakfast programs are served in the cafeteria, before the school day begins, they are often underutilized due to logistical barriers and perceived stigmas.

Proposed Resolution No. 910-A would point out that in 2004, when Newark, New Jersey implemented a breakfast in the classroom program, participation in the school breakfast program increased by 150 percent. Proposed Resolution No. 910-A would note that according to Hunger Solutions New York, over half of the students in New York State qualify for free and reduced price school meals, which require the

for the Lower Ma_____

²⁵ About Our Schools, New York City Department of Education (NYC DOE), available at: <http://schools.nyc.gov/AboutUs/default.htm> accessed on June 11, 2012.

²⁶ School Breakfast in America's Big Cities: 2010-2011, Food Research and Action Center, January 2012, available at: http://frac.org/pdf/urban_school_breakfast_report_2012.pdf accessed on June 11, 2012.

²⁷ Yasmeen Khan, Report: Eligible Students Missing Free Breakfasts, February 2012, available at:

<http://www.nytimes.com/schoolbook/2012/02/01/report-eligible-students-missing-free-breakfasts> accessed on June 11, 2012.

²⁸ Jayanta Bhattacharya and Janet Currie, Evaluating the Impact of School Nutrition Programs, Food Assistance and Nutrition Program, July 2008, available at: <http://www.ers.usda.gov/publications/efan04008/efan04008.pdf> accessed on June 12, 2012.

²⁹ School Meals Program, NYC DOE, available at: <http://www.opt-osfns.org/osfns/meals/default.aspx> accessed on June 12, 2012.

³⁰ USDA School Breakfast program Fact Sheet available at: <http://www.fns.usda.gov/cnd/Breakfast/AboutBFast/SBPFactSheet.pdf> accessed on June 18, 2012.

³¹ Madeleine Levin, How to Expand Participation in School Breakfast, Food Research and Action Center, June 2010, available at: http://frac.org/newsite/wp-content/uploads/2010/04/cnr06_breakfast.pdf accessed on June 12, 2012.

³² Increasing School Breakfast Participation, No Kid Hungry: Center for Best Practices, available at: <http://bestpractices.nokidhungry.org/school-breakfast/increasing-school-breakfast-participation> accessed on June 12, 2012.

³³ Breakfast in the Classroom, NYC DOE Office of School Food and Nutrition Services, available at: <http://www.opt-osfns.org/schoolfood/public1/default.aspx> accessed on June 12, 2012.

student to live in a household with income less than 185% of the poverty threshold or receive certain types of public assistance.

Proposed Resolution No. 910-A would point out that according to the State Education Department, in New York State only 22% of all students participate in the school breakfast program, and only 32% of students who qualify for free or reduced-price school meals participate in the school breakfast program.

Proposed Resolution No. 910-A would also point out that as New York City's school system is the largest in the country with over 1.1 million students and nearly 1700 schools, the New York City Department of Education should prioritize offering breakfast in the classroom to schools with high percentages of students participating in the free and reduced priced lunch programs. Proposed Resolution No. 910-A would also point out that since every school is configured differently and has different needs, principals should be given the authority to determine how a school administers and participates in the program.

Finally, Proposed Resolution No. 910-A would state that the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign legislation supporting breakfast in the classroom in every school in New York City.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 910- A:)

Res. No. 910-A

Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation supporting breakfast in the classroom in every school in New York City.

By Council Members Levin, Chin, Comrie, Dickens, Rose, Vann, James, Garodnick, Jackson, Koppell, Lander, Dromm, Brewer, Rodriguez, Williams, Barron, Eugene, Gentile, Greenfield and Gennaro.

Whereas, In 1966, Congress enacted the Child Nutrition Act which allows States to opt into the school breakfast program; and

Whereas, School districts that choose to take part in the school breakfast program receive cash subsidies from the U.S. Department of Agriculture and are required to serve a breakfast that meets federal nutritional standards and to offer free or reduced price breakfasts to eligible students; and

Whereas, According to a report by the U.S. Department of Agriculture, children who have a school breakfast program available consume a better overall diet, consume a lower percentage of calories from fat, are less likely to have a low intake of magnesium, and are less likely to have low serum levels of vitamin C and vitamin B9; and

Whereas, School breakfast programs can help reduce the number of children experiencing food insecurity, in turn, resulting in improved school performance and overall health; and

Whereas, According to the National Education Association, when school breakfast programs are served in the cafeteria, before the school day begins, they are often underutilized due to logistical barriers and perceived stigmas; and

Whereas, In 2004, when Newark, New Jersey implemented a breakfast in the classroom program, participation in the school breakfast program increased by 150 percent; and

Whereas, According to Hunger Solutions New York, over half of the students in New York State qualify for free and reduced price school meals, which require the student to live in a household with income less than 185% of the poverty threshold or receive certain types of public assistance; and

Whereas, According to the State Education Department, in New York State only 22% of all students participate in the school breakfast program, and only 32% of students who qualify for free or reduced-price school meals participate in the school breakfast program; and

Whereas, As New York City's school system is the largest in the country with over 1.1 million students and nearly 1700 schools, the New York City Department of Education should prioritize offering breakfast in the classroom to schools with high percentages of students participating in the free and reduced priced lunch programs; and

Whereas, Since every school is configured differently and has different needs, principals should be given the authority to determine how a school administers and participates in the program; 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 legislation supporting breakfast in the classroom in every school in New York City.

ROBERT JACKSON, Chairperson; CHARLES BARRON, G. OLIVER KOPPELL, ALBERT VANN, DANIEL R. GARODNICK, JAMES VACCA, FERNANDO CABRERA, MARGARET S. CHIN, DANIEL DROMM, KAREN KOSLOWITZ, STEPHEN T. LEVIN, MARK S. WEPRIN, DAVID G. GREENFIELD; Committee on Education, August 21, 2012.

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 2 Council Members formally voted against this item: Council Members Oddo and Ignizio.

Adopted by the Council by voice-vote.

Report for voice-vote Res. No. 911-A

Report of the Committee on Education in favor of approving, as amended, a Resolution calling upon the New York City Department of Education to support breakfast in the classroom in every school in New York City.

The Committee on Education, to which the annexed amended resolution was referred on June 29, 2011 (Minutes, page 2684), respectfully

REPORTS:

INTRODUCTION

On Tuesday, August 21, 2012, the City Council's Committee on Education, chaired by Council Member Robert Jackson, considered Proposed Resolution No. 911-A, a resolution calling upon the New York City Department of Education to support breakfast in the classroom in every school in New York City. The Resolution passed by a vote of 13-1. A copy of the Resolution is attached.

Background

New York City's school system is one of the largest in the country and serves over 1.1 million children in nearly 1700 schools.¹ However, according to a report entitled *School Breakfast in America's Big Cities*, New York City has the lowest school breakfast participation rate amongst low-income students² with fewer than 40 percent of those students who qualify for free or reduced lunch also eating free breakfast.³

It is now widely known that eating breakfast can not only help improve math, reading, and standardized test scores, it can also help improve overall health. A United States Department of Agriculture (USDA) Food Assistance and Nutrition Research Program study indicates that students who take advantage of available school breakfast programs consume a better diet, consume lower percentages of calories from fat, are less likely to have a low intake of magnesium, and are less likely to have low serum levels of vitamin C and vitamin B9.⁴

According to the New York City Department of Education (NYCDOE), a free breakfast is available to students in every school cafeteria.⁵ The school breakfast program is federally funded and schools are required to offer a breakfast that meets national nutritional standards to every student.⁶ When school breakfasts are served in the cafeteria they are often underutilized because children are unable to arrive to school early enough to participate in the breakfast program, are unwilling to visit the cafeteria for breakfast while other students are outside the building, and sometimes because they want to avoid the stigma associated with a cafeteria breakfast.⁷

The Breakfast in the Classroom program is considered an effective alternative to get breakfast to those students who need it. A Newark New Jersey school that participated in a Breakfast in the Classroom program saw an increase of 150 percent in the free school breakfast program.⁸ There are several ways to implement the Breakfast in the Classroom program, including delivering food directly to classrooms where students can eat, or handing each student a bagged breakfast as they come into school. Serving breakfast in classrooms could improve student performance, increase attendance and punctuality and limit nurse's office visits in the morning.⁹

Proposed Resolution No. 911-A

Proposed Resolution No. 911-A would note that according to the National Education Association Health Network, research suggests that eating breakfast can help improve math, reading, and standardized test scores, as well as help students pay attention in class. The Proposed Resolution would also note that skipping breakfast has been linked to greater body fat and weight problems.

Proposed Resolution No. 911-A would indicate that in 1966, Congress enacted the Child Nutrition Act which grants funding to state educational facilities to provide free and reduced price school lunch and dinner. The Proposed Resolution would further indicate that according to a report by the U.S. Department of Agriculture, children who eat school breakfast consume a lower percentage of calories from fat, less added sugar, more fiber, more vitamin C, and more calcium than children who do not eat school breakfast.

Proposed Resolution No. 911-A would point out that according to the New York City Department of Education (DOE), as of January 2012, only 28.4% of elementary school students, 15.4% of middle school students, and 12.6% of high school students participated in New York City school breakfast programs. The Proposed Resolution would note that according to a 2012 study of 26 large urban school districts by the Food Research and Action Center (FRAC), New York City had the lowest school breakfast participation rate among low-income students.

Proposed Resolution No. 911-A would note that barriers to increasing the participation rate in the school breakfast program include the inability of children to arrive at school for the early food service time, students' unwillingness to visit the cafeteria for a meal while others are outside the school building, a desire to socialize rather than eat, and a desire to avoid the stigma of eating cafeteria breakfast.

Proposed Resolution No. 911-A would further note that according to FRAC, allowing students to eat in the classroom dramatically increases participation by making it convenient and accessible to all.

Proposed Resolution No. 911-A would point out that breakfast in the classroom may be implemented by delivering food either directly to classrooms where students can eat or through the Grab 'n' Go system where bagged breakfasts are handed to each student as they come into school, and the student is allowed to eat breakfast in their first class. Proposed Resolution No. 911-A would also point out that according to FRAC, when children eat breakfast at school, it reduces hunger, tardiness, nurse visits, and improves nutrition and student achievement.

Proposed Resolution No. 911-A would acknowledge that a free breakfast is technically already available to every student in every school cafeteria in New York City. Proposed Resolution No. 911-A would point out that according to the DOE, in New York City breakfast in the classroom is currently only available in 381 schools. Proposed Resolution No. 911-A would also point out that implementation of school breakfast programs remains at the discretion of the principal.

Proposed Resolution No. 911-A would note that as New York City's school system is the largest in the country, with over 1.1 million students and nearly 1700 schools, the DOE should prioritize offering breakfast in the classroom to schools with high percentages of students participating in the free and reduced priced lunch programs. Proposed Resolution No. 911-A would acknowledge that since every school is configured differently and has different needs, principals should have the authority to determine how a school administers and participates in the program.

Finally, Proposed Resolution No. 911-A would state that the Council of the City of New York calls upon the New York City Department of Education to support breakfast in the classroom in every school in New York City.

¹ About Our Schools, New York City Department of Education (NYC DOE), available at: <http://schools.nyc.gov/AboutUs/default.htm> accessed on June 11, 2012.

² School Breakfast in America's Big Cities: 2010-2011, Food Research and Action Center, January 2012, available at: http://frac.org/pdf/urban_school_breakfast_report_2012.pdf accessed on June 11, 2012.

³ Yasmeen Khan, Report: Eligible Students Missing Free Breakfasts, February 2012, available at:

<http://www.nytimes.com/schoolbook/2012/02/01/report-eligible-students-missing-free-breakfasts> accessed on June 11, 2012.

⁴ Jayanta Bhattacharya and Janet Currie, Evaluating the Impact of School Nutrition Programs, Food Assistance and Nutrition Program, July 2008, available at: <http://www.ers.usda.gov/publications/efan04008/efan04008.pdf> accessed on June 12, 2012.

⁵ School Meals Program, NYC DOE, available at: <http://www.opt-osfns.org/osfns/meals/default.aspx> accessed on June 12, 2012.

⁶ USDA School Breakfast program Fact Sheet available at: <http://www.fns.usda.gov/cnd/Breakfast/AboutBFast/SBPFactSheet.pdf> accessed on June 18, 2012.

⁷ Madeleine Levin, How to Expand Participation in School Breakfast, Food Research and Action Center, June 2010, available at: http://frac.org/newsite/wp-content/uploads/2010/04/cnr06_breakfast.pdf accessed on June 12, 2012.

⁸ Increasing School Breakfast Participation, No Kid Hungry: Center for Best Practices, available at: <http://bestpractices.nokidhungry.org/school-breakfast/increasing-school-breakfast-participation> accessed on June 12, 2012.

⁹ Breakfast in the Classroom, NYC DOE Office of School Food and Nutrition Services, available at: <http://www.opt-osfns.org/schoolfood/public1/default.aspx> accessed on June 12, 2012.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 911- A:)

Res. No. 911-A

Resolution calling upon the New York City Department of Education to support breakfast in the classroom in every school in New York City.

By Council Members Levin, Chin, Comrie, Dickens, Rose, Vann, Garodnick, Koppell, Jackson, Lander, Dromm, Brewer, Rodriguez, Williams, Barron, Eugene, Gentile, Greenfield, Sanders and Gennaro.

Whereas, According to the National Education Association Health Network, research suggests that eating breakfast can help improve math, reading, and standardized test scores, as well as help students pay attention in class; and

Whereas, Skipping breakfast has been linked to greater body fat and weight problems; and

Whereas, In 1966, Congress enacted the Child Nutrition Act which grants funding to state educational facilities to provide free and reduced price school lunch and dinner; and

Whereas, According to a report by the U.S. Department of Agriculture, children who eat school breakfast consume a lower percentage of calories from fat, less added sugar, more fiber, more vitamin C, and more calcium than children who do not eat school breakfast; and

Whereas, According to the New York City Department of Education (DOE), as of January 2012, only 28.4% of elementary school students, 15.4% of middle school students, and 12.6% of high school students participated in New York City school breakfast programs; and

Whereas, According to a 2012 study of 26 large urban school districts by the Food Research and Action Center (FRAC), New York City had the lowest school breakfast participation rate among low-income students; and

Whereas, Barriers to increasing the participation rate in the school breakfast program include the inability of children to arrive at school for the early food service time, students' unwillingness to visit the cafeteria for a meal while others are outside the school building, a desire to socialize rather than eat, and a desire to avoid the stigma of eating cafeteria breakfast; and

Whereas, According to FRAC, allowing students to eat in the classroom dramatically increases participation by making it convenient and accessible to all; and

Whereas, Breakfast in the classroom may be implemented by delivering food either directly to classrooms where students can eat or through the Grab 'n' Go system where bagged breakfasts are handed to each student as they come into school, and the student is allowed to eat breakfast in their first class; and

Whereas, Also according to FRAC, when children eat breakfast at school, it reduces hunger, tardiness, nurse visits, and improves nutrition and student achievement; and

Whereas, A free breakfast is technically already available to every student in every school cafeteria in New York City; and

Whereas, According to the DOE, in New York City breakfast in the classroom is currently only available in 381 schools; and

Whereas, implementation of school breakfast programs remains at the discretion of the principal; and

Whereas, As New York City's school system is the largest in the country, with over 1.1 million students and nearly 1700 schools, the DOE should prioritize offering breakfast in the classroom to schools with high percentages of students participating in the free and reduced priced lunch programs; and

Whereas, Since every school is configured differently and has different needs, principals should have the authority to determine how a school administers and participates in the program; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the upon the New York City Department of Education to support breakfast in the classroom in every school in New York City.

ROBERT JACKSON, Chairperson; CHARLES BARRON, G. OLIVER KOPPELL, ALBERT VANN, DANIEL R. GARODNICK, JAMES VACCA, FERNANDO CABRERA, MARGARET S. CHIN, DANIEL DROMM, KAREN KOSLOWITZ, STEPHEN T. LEVIN, MARK S. WEPRIN, DAVID G. GREENFIELD; Committee on Education, August 21, 2012.

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 2 Council Members formally voted against this item: Council Members Oddo and Ignizio.

Adopted by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Int. No. 911

By The Speaker (Council Member Quinn), and Council Members Sanders, Comrie, Dickens, Reyna, Jackson, Mark-Viverito, Mealy, Williams, Arroyo, Brewer, Chin, Crowley, Dromm, Eugene, Foster, Gentile, Gonzalez, James, Koo, Koppell, Koslowitz, Lander, Mendez, Palma, Recchia, Vann and Halloran.

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to opportunities for minority and women owned business enterprises and emerging business enterprises in city procurement.

Be it enacted by the Council as follows:

Section 1. Subdivision e of section 1304 of the New York city charter, as amended by local law number 12 for the year 2006, is amended to read as follows:

e. The commissioner shall have the following powers and duties to implement the purposes of this section:

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

2. to develop standardized forms and reporting documents;

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

4. to periodically review the compliance of city agencies with the provisions of local law for the identification, recruitment, certification and participation in city procurement of minority and women owned business enterprises and emerging

business enterprises;

5. to annually report to the mayor and the council, as required by such local law, on the activities of the division and efforts by agencies to comply with the provisions of such local law;

6. a. to establish and operate, on behalf of the city, a centralized program for the certification of minority owned business enterprises, women owned business enterprises and emerging business enterprises for the purposes of establishing the eligibility of such businesses for participation in the programs and processes established pursuant to local law to ensure their meaningful participation in city procurement.

b. For the purposes of such certification, "minority owned business enterprise" and "women owned business enterprise" shall mean business enterprises authorized to do business in this state, including sole proprietorships, partnerships and corporations, in which (i) at least fifty-one percent of the ownership interest is held by United States citizens or permanent resident aliens who are either minority group members or women, (ii) the ownership interest of such [persons] *individuals* is real, substantial and continuing, and (iii) such [persons] *individuals* have and exercise the authority to control independently the day to day business decisions of the enterprise;

c. For the purposes of such certification, "emerging business enterprise" shall mean a business enterprise authorized to do business in this state, including sole proprietorships, partnerships and corporations, in which (i) at least fifty-one percent of the ownership interest is held by United States citizens or permanent resident aliens; (ii) the ownership interest of such [persons] *individuals* is real, substantial and continuing, (iii) such [persons] *individuals* have and exercise the authority to control independently the day to day business decisions of the enterprise; and (iv) such [persons] *individuals* have demonstrated, in accordance with regulations promulgated by the commissioner, that they are socially and economically disadvantaged. [A person] *An individual* who is "socially and economically disadvantaged" shall mean [a person] *an individual* who has experienced social disadvantage in American society as a result of causes not common to [persons] *individuals* who are not socially disadvantaged, and whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area who are not socially disadvantaged. [A person's] *An individual's* race, national origin, or gender by itself, shall not qualify the [person] *individual* as "socially disadvantaged." In drafting such regulations, the commissioner shall consider criteria developed for federal programs established to promote opportunities for businesses owned by [persons] *individuals* who are socially and economically disadvantaged, including criteria for determining initial and continued eligibility in relation to the net worth of [persons] *individuals* claiming to be economically disadvantaged, provided that the net worth of [a person] *an individual* claiming disadvantage pursuant to this section must be less than one million dollars. In determining such net worth, the department shall exclude the ownership interest in the business enterprise and the equity in the primary personal residence.

d. To be eligible for certification, a business enterprise shall have a real and substantial business presence in the market for the city of New York, as defined by the commissioner pursuant to local law.

e. *The commissioner of small business services may provide by rule criteria and procedures for firms certified as minority owned businesses and women owned businesses by other governmental entities to be recognized as certified business enterprises by the city of New York.*

7. *to conduct site visits at business enterprises prior to certification, the basis for which shall be provided by rule, to verify that such business enterprises are eligible to participate in programs established pursuant to local law;*

[7]8. to audit such business enterprises and periodically review and in appropriate cases recertify their eligibility for participation in programs established pursuant to local law;

[8]9. to direct and assist city agencies in their efforts to increase participation by minority owned business enterprises, women owned business enterprises and emerging business enterprises in any city-operated financial, technical, and management assistance program;

[9]10. to assist all business enterprises certified pursuant to this section in becoming prequalified for all categories of procurement for which they may be eligible and for which contracting agencies utilize prequalification in the procurement process;

[10]11. to prepare, [and] periodically update, *and post online the website of the division* a directory of such city certified business enterprises for use by city agencies and contractors, *which shall include information for each such business enterprise, as applicable, including but not limited to: (i) identification of the market sector in which the business enterprise operates; (ii) the bonding capacity of the business enterprise; (iii) the contract price and specific tasks performed by the business enterprise for its last three contracts; (iv) the union affiliation, if any, of the city certified business enterprise; and (v) the renewal date for certification;* [and]

12. to develop a clearinghouse of information on programs and services available to such business enterprises; and

[11]13. to provide such assistance to business enterprises interested in being certified as is needed to ensure that such businesses benefit from city technical, managerial, and financial assistance, and other business development programs.

§2. Section 6-129 of the administrative code of the city of New York, as amended by local law number 6 for the year 2006, is amended to read as follows:

§ 6-129. Participation by minority-owned and women-owned business enterprises and emerging business enterprises in city procurement.

a. Programs established. There are hereby established a program, to be administered by the department of small business services in accordance with the provisions of this section, designed to enhance participation by minority-owned and women-owned business enterprises in city procurement and a program, also to be administered by such department in accordance with the provisions of this section, designed to enhance participation by emerging business enterprises in city procurement.

b. Policy. It is the policy of the city to seek to ensure fair participation in city procurement; and in furtherance of such policy to fully and vigorously enforce all laws prohibiting discrimination, and to promote equal opportunity in city procurement by vigorously enforcing the city's contractual rights and pursuing its contractual remedies. The program established pursuant to this section is intended to address the impact of discrimination on the city's procurement process, and to promote the public interest in avoiding fraud and favoritism in the procurement process, increasing competition for city business, and lowering contract costs.

c. Definitions. For purposes of this section, the following terms shall have the following meaning:

(1) "Agency" means a city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.

(2) "Agency chief contracting officer" means the [person] *individual* to whom an agency head has delegated authority to organize and supervise the agency's procurement activity.

(3) "Availability rate" means the percentage of business enterprises within an industry classification that are owned by minorities, women or [persons] *individuals* who are socially and economically disadvantaged willing and able to perform agency contracts.

(4) "Bidder" means any person submitting a bid or proposal in response to a solicitation for such bid or proposal from an agency.

(5) "Bidders list" or "proposers list" means a list maintained by an agency that includes persons from whom bids or proposals can be solicited.

(6) "City" means the city of New York.

(7) "City chief procurement officer" means the [person] *individual* to whom the mayor has delegated authority to coordinate and oversee the procurement activity of mayoral agency staff, including the agency chief contracting officers and any offices that have oversight responsibility for procurement.

(8) "Commercially useful function" means a real and actual service that is a distinct and verifiable element of the work called for in a contract. In determining whether an MBE, WBE or EBE is performing a commercially useful function, factors including but not limited to the following shall be considered:

[(i)](a) whether it has the skill and expertise to perform the work for which it is being utilized, and possesses all necessary licenses;

[(ii)](b) whether it is in the business of performing, managing or supervising the work for which it has been certified and is being utilized; and

[(iii)](c) whether it purchases goods and/or services from another business and whether its participation in the contract would have the principal effect of allowing it to act as a middle person or broker in which case it may not be considered to be performing a commercially useful function for purposes of this section.

(9) "Commissioner" shall mean the commissioner of small business services.

(10) "Construction [contract]" means [any agreement with an agency for or in connection with the] construction, reconstruction, demolition, excavation, renovation, alteration, improvement, rehabilitation, or repair of any building, facility, physical structure of any kind.

(11) "Contract" means any agreement, purchase order or other instrument whereby the city is committed to expend or does expend funds in return for goods, professional services, standard services, [architectural and engineering services,] or construction.

(12) "Contractor" means a person who has been awarded a contract *by a*

city agency.

(13) "Direct subcontractor" means a person who has entered into an agreement with a contractor to provide services or perform work that is required pursuant to a contract with a city agency.

(14) "Director" means an individual designated by the mayor who reports directly to the mayor.

[(13)](15) "Directory" means a list prepared by the division of firms certified pursuant to section 1304 of the charter.

[(14)](16) "Division" shall mean the division of economic and financial opportunity within the department of small business services.

(17) "EBE" means an emerging business enterprise certified in accordance with section 1304 of the charter.

[(17)](18) "Geographic market of the city" means the following counties: Bronx, Kings, New York, Queens, Richmond, Nassau, Putnam, Rockland, Suffolk and Westchester within the State of New York; and Bergen, Hudson, and Passaic within the state of New Jersey.

[(16)](19) "Goal" means a numerical target.

[(17)](20) "Graduate MBE," "graduate WBE" or "graduate EBE" means an MBE, WBE or EBE [which shall have been awarded prime contracts by one or more agencies within the past three years where the total city funding from the expense and capital budgets for such contracts was equal to or greater than fifteen million dollars] whose size has exceeded the size standards established for its industry by the United States small business administration for three years.

(21) "Human services" means services provided to third parties, including social services such as day care, foster care, home care, homeless assistance, housing and shelter assistance, preventive services, youth services, and senior centers; health or medical services including those provided by health maintenance organizations; legal services; employment assistance services, vocational and educational programs; and recreation programs.

(22) "Indirect subcontractor" means a person who has entered into an agreement with a direct subcontractor to provide services or perform work that is required pursuant to the direct subcontractor's contract with a contractor.

[(18)](23) "Industry classification" means one of the following classifications:

[(i)](a) construction [services];

[(ii)](b) professional services;

[(iii)](c) standard services; and

[(iv)](d) goods.

[(19)](24) "Joint venture" means an association, of limited scope and duration, between two or more persons who have entered into an agreement to perform and/or provide services required by a contract, in which each such person contributes property, capital, effort, skill and/or knowledge, and in which each such person is entitled to share in the profits and losses of the venture in reasonable proportion to the economic value of its contribution.

[(20)](25) "MBE" means a minority-owned business enterprise certified in accordance with section 1304 of the charter.

[(21)](26) "Minority group" means Black Americans; Asian Americans, and Hispanic Americans, provided that the commissioner shall be authorized to add additional groups to this definition upon a finding that there is statistically significant disparity between the availability of firms owned by [persons] individuals in such a group and the utilization of such firms in city procurement.

(27) "Non-certified firm" means a business enterprise that has not been certified as an MBE, WBE or EBE in accordance with section 1304 of the charter.

[(22)](28) "Person" means any business, individual, partnership, corporation, firm, company, or other form of doing business.

[(23)](29) "Professional services" means services that require specialized skills and the exercise of judgment, including but not limited to accountants, lawyers, doctors, computer programmers and consultants, architectural and engineering services, and construction management services.

[(24)](30) "Qualified joint venture agreement" means a joint venture between one or more MBEs, WBEs, and/or EBEs and another person, in which the percentage of profit or loss to which the certified firm or firms is entitled or exposed to for

participation in the contract, as set forth in the joint venture agreement, is at least 25% of the total profit or loss.

[(25)](31) "Scope of work" means specific tasks required in a contract and/or services or goods that must be provided to perform specific tasks required in a contract.

[(26)](32) "Standard services" means services other than professional services and human services.

[(27)] "Subcontractor" means a person who has entered into an agreement with a contractor to provide something that is required pursuant to a contract.]

[(28)](33) "Utilization rate" means the percentage of total contract expenditures expended on contracts or subcontracts with firms that are owned by women, minorities, or [persons] individuals who are socially and economically disadvantaged, respectively, in one or more industry classifications.

[(29)](34) "WBE" means a women-owned business enterprise certified in accordance with section 1304 of the charter.

[(30)] "EBE" means an emerging business enterprise certified in accordance with section 1304 of the charter.]

d. Citywide goals. (1) The citywide contracting participation goals for MBEs, WBEs and EBEs, which may be met through awards of prime contracts or subcontracts as described in subdivision j of this section, shall be as follows:

For construction contracts [under one million dollars]:

| Category: | Participation goal: |
|--------------------|---|
| Black Americans | [12.63%] 8% of total annual agency expenditures on such contracts |
| Asian Americans | 8% of total annual agency expenditures on such contracts |
| Hispanic Americans | [9.06%] 4% of total annual agency expenditures on such contracts |
| Caucasian females | 18% of total annual agency expenditures on such contracts |
| Emerging | 6% of total annual agency expenditures on such contracts |

For professional services contracts [under one million dollars]:

| [Race/gender group] Category: | Participation goal: |
|----------------------------------|---|
| Black Americans | [9%] 12% of total annual agency expenditures on such contracts |
| Hispanic Americans | [5%] 8% of total annual agency expenditures on such contracts |
| Caucasian females | [16.5%] 37% of total annual agency expenditures on such contracts |
| Emerging | 6% of total annual agency expenditures on such contracts |

For standard services contracts [under one million dollars]:

| [Race/gender group] Category: | Participation goal: |
|----------------------------------|--|
| Black Americans | [9.23%] 12% of total annual agency expenditures on such contracts |
| Asian Americans | 3% of total annual agency expenditures on such contracts |
| Hispanic Americans | [5.14%] 6% of total annual agency expenditures on such contracts |
| Caucasian females | [10.45%] 10% of total annual agency expenditures on such contracts |
| Emerging | 6% of total annual agency expenditures on such contracts |

For goods contracts under one [million] hundred thousand dollars:

| [Race/gender group] Category: | Participation goal: |
|----------------------------------|--|
| Black Americans | [7.47%] 7% of total annual agency expenditures on such contracts |
| Asian Americans | [5.19%] 8% of total annual agency expenditures on such contracts |
| Hispanic Americans | [4.99%] 5% of total annual agency expenditures on such contracts |

| | |
|-------------------|--|
| Caucasian females | [17.87%] 25% of total annual agency expenditures on such contracts |
| Emerging | 6% of total annual agency expenditures on such contracts |

[For construction subcontracts under one million dollars:

| Race/gender group: | Participation goal: |
|--------------------|---|
| Black Americans | 12.63% of total annual agency expenditures on such subcontracts |
| Asian Americans | 9.47% of total annual agency expenditures on such subcontracts |
| Hispanic Americans | 9.06% of total annual agency expenditures on such subcontracts |
| Emerging | 6% of total annual agency expenditures on such subcontracts |

For professional services subcontracts under one million dollars:

| Race/gender group: | Participation goal: |
|--------------------|--|
| Black Americans | 9% of total annual agency expenditures on such subcontracts |
| Hispanic Americans | 5% of total annual agency expenditures on such subcontracts |
| Caucasian females | 16.5% of total annual agency expenditures on such subcontracts |
| Emerging | 6% of total annual agency expenditures on such subcontracts |

] (2) (a) *The division and the city chief procurement officer shall develop a citywide utilization plan for procurements of goods.*

(b) Agencies shall develop agency utilization plans pursuant to subdivision g of this section. *The citywide goals shall not be summarily adopted as goals for all annual agency utilization plans; rather, goals for such plans may be set at levels higher, lower, or the same as the citywide goals, subject to the approval of the commissioner as described in paragraph three of subdivision g of this section. When setting its goals, each agency shall consider the citywide goals, the size and nature of its own procurement portfolio, and the availability of MBEs, WBEs and EBEs with the capacity to perform the specific types and scale of work for which the agency anticipates it will solicit procurements during the year. Agencies shall seek to ensure substantial progress toward the attainment of each of these goals in as short a time as practicable.*

(3) The citywide goals shall not be summarily adopted as goals for individual procurements; rather, as set forth in subdivision i of this section, goals for such procurements may be set at levels higher, lower, or the same as the citywide goals. *In setting such goals, each agency shall take into account the citywide goals and the agency's annual utilization plan, the size and nature of the procurement, and the availability of MBEs, WBEs and EBEs with the capacity to perform the specific types and scale of work involved in its procurements.*

(4) [(A)](a) *No later than 2015, [Beginning twelve months after the effective date of the local law that added this section and every two years thereafter,] the commissioner, in consultation with the city chief procurement officer, shall, for each industry classification and each minority group, review and compare the availability rates of firms owned by minorities and women to the utilization rates of such firms in agency contracts and direct subcontracts, and shall on the basis of such review and any other relevant information, where appropriate, revise by rule the citywide participation goals set forth in this subdivision. In making such revision, the commissioner shall consider the extent to which discrimination continues to have an impact on the ability of minorities and women to compete for city contracts and subcontracts. The commissioner shall submit the results of such review and any proposed revisions to the participation goals to the speaker of the council at least sixty days prior to publishing a proposed rule that would revise participation goals. Such review shall thereafter be conducted at least once every two years.*

[(B)](b) *No later than 2015, [Beginning twelve months after the effective date of the local law that added this section and every two years thereafter,] the commissioner shall review information collected by the department to determine the availability and utilization of EBEs, and shall on the basis of such review and any other relevant information, where appropriate, revise by rule the citywide participation goals set forth in this subdivision. Such revised goals shall be set at a level intended to assist in overcoming the impact of discrimination on such businesses. Such review shall be conducted in 2015 and at least once every two years thereafter.*

e. Responsibilities of the division.

(1) The division shall create and maintain and periodically update directories by industry classification of MBEs, WBEs, and EBEs which it shall supply to all agencies, post on its website and on other relevant city websites and make available for dissemination and/or public inspection at its offices and other locations within each borough.

(2) The division shall make its resources available to assist agencies and contractors in (i) determining the availability of MBEs, WBEs, and EBEs to participate in their contracts as prime contractors and/or subcontractors; and (ii) identifying opportunities appropriate for participation by MBEs, WBEs, and EBEs in contracts.

(3) The division shall develop and maintain relationships with organizations representing contractors, including MBEs, WBEs, and EBEs, and solicit their support and assistance in efforts to increase participation of MBEs, WBEs, and EBEs in city procurement.

(4) The division shall coordinate with city and state entities that maintain databases of MBEs, WBEs, and EBEs and work to enhance city availability data and directories.

(5) The division shall keep agency M/WBE [and EBE] officers informed of conferences, contractor fairs, and other services that are available to assist them in pursuing the objectives of this section.

(6) The division shall conduct, coordinate and facilitate technical assistance and educational programs for MBEs, WBEs, and EBEs and other contractors designed to enhance participation of MBEs, WBEs, and EBEs in city procurement. The division shall further develop a clearinghouse of information on programs and services available to MBEs, WBEs, and EBEs. *The division shall conduct meetings with MBEs, WBEs and EBEs to discuss what agencies look for in evaluating bids and proposals. The division shall also educate prime contractors on opportunities to partner or subcontract with certified MBEs, WBEs and EBEs.*

(7) The division shall develop standardized forms and reporting documents for agencies and contractors to facilitate the reporting requirements of this section.

(8) The division shall direct and assist agencies in their efforts to increase participation by MBEs, WBEs, and EBEs in any city-operated financial, technical, and management assistance program.

(9) The division shall study and recommend to the commissioner methods to streamline the M/WBE and EBE certification process.

(10) Each fiscal year the division, in consultation with the city chief procurement officer, shall audit at least 5% of all open contracts for which contractor utilization plans [are] *have been* established in accordance with subdivision i of this section and 5% of all contracts awarded to MBEs, WBEs, and EBEs to assess compliance with this section. All solicitations for contracts for which contractor utilization plans are to be established shall include notice of potential audit.

(11) The division shall assist agencies in identifying and seeking ways to reduce or eliminate practices such as bonding requirements or delays in payment by prime contractors that may present barriers to competition by MBEs, WBEs, and EBEs.

(12) *The division shall encourage prime contractors to enter joint venture agreements with MBEs, WBEs and EBEs.*

(13) (a) *The division shall, upon reviewing applications for certification and recertification, determine whether a firm qualifies as a graduate MBE, WBE or EBE.*

(b) *The division shall promulgate regulations establishing a process by which a certified MBE, WBE or EBE may challenge a determination that it qualifies as a graduate MBE, WBE or EBE.*

(c) *At any time more than two years after the division has determined that a firm qualifies as a graduate MBE, WBE or EBE, the firm may apply to have such designation lifted. The division shall lift the designation if the firm demonstrates that it has been below the size standards established by the United States small business administration for its industry for a period of two years or more.*

f. Responsibilities of agency M/WBE officers. Each agency head shall designate a deputy commissioner or other executive officer to act as the agency M/WBE officer who shall be directly accountable to the agency head concerning the activities of the agency in carrying out its responsibilities pursuant to this section, including the responsibilities relating to EBE participation. The duties of the M/WBE officer shall include, but not be limited to:

[(i)](1) creating the agency's utilization plan in accordance with

subdivision g of this section;

[(ii)](2) acting as the agency's liaison with the division;

[(iii)](3) acting as a liaison with organizations and/or associations of MBEs, WBEs, and EBEs, informing such organizations and/or associations of the agency's procurement procedures, and advising them of future procurement opportunities;

[(iv)](4) ensuring that agency bid solicitations and requests for proposals are sent to MBEs, WBEs, and EBEs in a timely manner, consistent with this section and rules of the procurement policy board;

[(v)](5) referring MBEs, WBEs, and EBEs to technical assistance services available from agencies and other organizations;

[(vi)](6) reviewing requests for waivers [of target subcontracting percentages] and/or modifications of participation goals and contractor utilization plans in accordance with paragraphs 11 and/or 12 of subdivision i of this section;

[(vii)](7) working with the division and city chief procurement officer in creating directories as required pursuant to subdivision k of this section. In fulfilling this duty, the agency M/WBE officer shall track and record each contractor that is an MBE, WBE or EBE and each subcontractor hired pursuant to such officer's agency contracts that is an MBE, WBE or EBE, and shall share such information with the commissioner, [and] the city chief procurement officer, and the director;

[(viii)](8) for contracts for which contractor utilization [goals] plans have been established pursuant to subdivision i of this section, monitoring each contractor's compliance with its utilization plan by appropriate means, which shall include, but need not be limited to, job site inspections, contacting MBEs, WBEs and EBEs identified in the plan to confirm their participation, and auditing the contractor's books and records;

[(ix)](9) monitoring the agency's procurement activities to ensure compliance with its agency utilization plan and progress towards the participation goals as established in such plan; [and]

[(x)](10) providing to the city chief procurement officer information for the reports required in subdivision l of this section and providing any other plans and/or reports required pursuant to this section or requested by the city chief procurement officer and/or the director[.]; and

(11) participating in meetings required pursuant to subdivision m of this section.

g. Agency utilization plans.

(1) Beginning May 15, 2006, and on April 1 of each year thereafter, each agency which, during the fiscal year which ended on June 30 of the preceding year, has made procurements in excess of five million dollars [during the fiscal year which ended on June 30 of the preceding calendar year], without counting procurements that are exempt pursuant to paragraph two of subdivision q of this section, shall submit an agency utilization plan for the fiscal year commencing in July of the year when such plan is to be submitted to the commissioner. Upon approval by the commissioner such plan shall be submitted to the speaker of the council. Each such plan shall, at a minimum, include the following:

[(i)](a) the agency's participation goals for MBEs, WBEs and EBEs for the year, provided however, that when setting its goals, each agency shall consider the citywide goals, the size and nature of its own procurement portfolio (excluding contracts described in paragraph two of subdivision q of this section), and the availability of MBEs, WBEs and EBEs with the capacity to perform the specific types and scale of work for which the agency anticipates it will solicit procurements during the year;

[(ii)](b) an explanation for any agency goal that is different than the participation goal for the relevant group and industry classification as determined pursuant to subdivision d of this section;

[(iii)](c) a list of the names and titles of agency personnel responsible for implementation of the agency utilization plan;

[(iv)](d) methods and relevant activities proposed for achieving the agency's participation goals; and

[(v)](e) any other information which the agency or the commissioner deems relevant or necessary.

(2) An agency utilization plan shall set forth specific participation goals for MBEs, WBEs and/or EBEs for purchases of professional services, standard services, construction and goods valued at or below twenty thousand dollars, and for purchases of professional services, standard services, construction and goods valued at or below one hundred thousand dollars. When setting its goals for such purchases, in addition to the factors set forth in paragraph (1) of this subdivision,

each agency shall specifically consider the potential for such purchases to provide opportunities for MBEs, WBEs and EBEs to develop greater capacity, thereby increasing competition for city procurements.

[(2)](3) An agency utilization plan may be amended from time to time to reflect changes in the agency's projected expenditures or other relevant circumstances and resulting changes in such agency's participation goals. Such amendments shall be submitted to the commissioner, the city chief procurement officer and the speaker of the council at least thirty days prior to implementation.

(4) Prior to approving individual agency utilization plans, the commissioner, in consultation with the city chief procurement officer, shall consider whether such plans viewed in the aggregate establish any goals exceeding the corresponding citywide goals set forth in subdivision d of this section. If any aggregated goals are found to exceed the corresponding citywide goal, the commissioner shall require agencies to adjust their goals so that plans, viewed in the aggregate, do not establish goals exceeding the citywide goals. Nothing in this paragraph shall be construed to limit the awards of contracts and subcontracts that may be made to MBEs, WBEs and EBEs without using goals.

(5) The commissioner, in consultation with the city chief procurement officer, shall, no later than July 31 of each year, publish on the division's website a plan and schedule for each agency detailing the anticipated contracting actions for the upcoming fiscal year that form the basis for the agency utilization plan of each such agency. The plan and schedule shall include information specific to each prospective invitation for bids, request for proposal, or other solicitation, including, but not limited to, the specific type and scale of the services and/or goods to be procured, the term of the proposed contract, the method of solicitation the agency intends to utilize, and the anticipated fiscal year quarter of the planned solicitation.

h. Achieving agency participation goals.

(1) Each agency head shall be directly accountable for the goals set forth in his or her agency's utilization plan.

(2) Each agency shall make all reasonable efforts to meet the participation goals established in its agency utilization plan. Agencies shall, at a minimum, use the following methods to achieve participation goals:

[(i)](a) Agencies shall engage in outreach activities to encourage MBEs, WBEs and EBEs to compete for all facets of their procurement activities, including contracts awarded by negotiated acquisition, emergency and sole source contracts, and each agency shall seek to utilize MBEs, WBEs and/or EBEs for all types of goods, services and construction they procure.

[(ii)](b) Agencies shall encourage eligible businesses to apply for certification as MBEs, WBEs and EBEs and inclusion in the directories of MBEs, WBEs and EBEs. Agencies shall also encourage MBEs, WBEs and EBEs to have their names included on their bidders lists, seek pre-qualification where applicable, and compete for city business as contractors and subcontractors. Agencies are encouraged to advertise procurement opportunities in general circulation media, trade and professional association publications and small business media, and publications of minority and women's business organizations, and send written notice of specific procurement opportunities to minority and women's business organizations.

[(iii)](c) All agency solicitations for bids or proposals shall include information referring potential bidders or proposers to the directories of MBEs, WBEs and EBEs prepared by the division.

[(iv)](d) In planning procurements, agencies shall consider the effect of the scope, specifications and size of a contract on opportunities for participation by MBEs, WBEs and EBEs.

[(v)] For construction contracts, agencies shall consider whether to enter into separate prime contracts for construction support services including, but not limited to, trucking, landscaping, demolition, site clearing, surveying and site security.]

[(vi)](e) Prior to soliciting bids or proposals for contracts valued at over ten million dollars, other than contracts for capital projects valued at over twenty-five million dollars and contracts that are exempt pursuant to paragraph two of subdivision q of this section, an agency shall submit the bid or proposal to the city chief procurement officer for a determination whether it is practicable to divide the proposed contract into smaller contracts and whether doing so will enhance competition for such contracts among MBEs, WBEs and EBEs and other potential bidders or proposers. If the city chief procurement officer determines that it is both practicable and advantageous in light of cost and other relevant factors to divide such contracts into smaller contracts, then he or she shall direct the agency to do so.

[(vii)](f) Agencies shall examine their internal procurement policies, procedures and practices and, where practicable, address those elements, if any, that may negatively affect participation of MBEs, WBEs and EBEs in city procurement.

[(viii)] Agency M/WBE officers shall, in accordance with guidelines established by the city chief procurement officer, establish a process for quarterly meetings with

MBEs, WBEs and EBEs to discuss what the agency looks for in evaluating bids and proposals.

(ix) Agencies shall encourage prime contractors to enter joint venture agreements with MBEs, WBEs and EBEs.]

i. Participation goals for [construction and professional services] contracts *for construction and professional and standard services.*

(1) Prior to issuing the solicitation of bids or proposals for individual [construction and professional services] contracts, agencies shall establish [a target subcontracting percentage for the contract and] participation goals for MBEs, WBEs and/or EBEs. [The "target subcontracting percentage" for the contract shall represent the percentage of the total contract which the agency anticipates a typical prime contractor in the relevant industry would in the normal course of business award to one or more subcontractors for amounts under one million dollars. The participation goals established for a contract shall represent a percentage of the total dollar value of all subcontracts for amounts under one million dollars pursuant to the award]. Such goals may be greater than, less than or the same as the relevant citywide goal or goals established pursuant to subdivision d of this section. *Taking into account the factors listed in this subdivision, an agency may establish a goal for a procurement that may be achieved by a combination of prime contract and subcontract dollars, a combination of construction and services performed pursuant to the contract, and/or a combination of MBEs, WBEs and/or EBEs. Alternatively, an agency may establish specific goals for particular types of services, and/or goals for particular types of certified firms.* In determining the participation goals for a particular contract, an agency shall consider the following factors:

[(i)](a) the scope of work;

[(ii)](b) the availability of MBEs, WBEs and EBEs able to perform the particular tasks required in the contract;

[(iii)](c) the extent to which the type and scale of work involved in the contract [presents] *present prime contracting and subcontracting opportunities for amounts [under one million dollars] within the capacity of MBEs, WBEs and EBEs;*

[(iv)](d) the agency's progress to date toward meeting its annual participation goals through race-neutral, gender-neutral and other means, and the agency's expectations as to the effect such methods will have on participation of MBEs, WBEs and EBEs in the agency's future contracts; and

[(v)](e) any other factors the contracting agency deems relevant.

(2) A contracting agency shall not be required to establish participation goals for

(i) procurements described in subdivision q of this section; or

(ii) when the agency has already attained the relevant goal in its annual utilization plan, or expects that it will attain such goal without the use of such participation goals.

(3) For each contract in which a contracting agency has established participation goals, such agency shall state in the solicitation for such contract that bidders and/or proposers shall be required to agree as a material term of the contract that[, with respect to the total amount of the contract to be awarded to one or more subcontractors pursuant to subcontracts for amounts under one million dollars,] the contractor shall [be subject to] *meet the participation goals unless such goals are waived or modified by the agency in accordance with this section. A contractor that is an MBE, WBE or EBE shall be permitted to count its own participation toward fulfillment of the relevant participation goal, provided that the value of such a contractor's participation shall be determined by subtracting from the total value of the contract any amounts that the contractor pays to direct subcontractors. A contractor that is a qualified joint venture shall be permitted to count a percentage of its own participation toward fulfillment of the relevant participation goal. The value of such a contractor's participation shall be determined by subtracting from the total value of the contract any amounts that the contractor pays to direct subcontractors, and then multiplying the remainder by the percentage to be applied to total profit to determine the amount to which an MBE, WBE or EBE is entitled pursuant to the joint venture agreement;*

(4) For each contract in which participation goals are established, the agency shall include in its solicitation and/or bidding materials a referral to the directories prepared by the division pursuant to this section.

(5) For each contract for which participation goals are established, the contractor shall be required to submit with its bid or proposal[,], a contractor utilization plan indicating:

(a) *whether the contractor is an MBE, WBE, EBE, or a qualified joint venture; [the percentage of the work it intends to subcontract, and]*

(b) the percentage of work it intends to award to *direct* subcontractors; [for

amounts under one million dollars, and,] *and*

(c) in cases where the contractor intends to award *direct* subcontracts, [for amounts under one million dollars,] a description of the type and dollar value of work designated for participation by MBEs, WBEs and/or EBEs, and the time frames in which such work is scheduled to begin and end.

When the *contractor* utilization plan indicates that the bidder or proposer does not intend to [award the target subcontracting percentage] *meet the participation goals*, the bid or proposal shall not be deemed responsive unless the agency has granted a pre-award [waiver] *request for change* pursuant to paragraph 11 of this subdivision.

(6) (a) For each contract for which a *contractor* utilization plan has been submitted, the contracting agency shall require that within thirty days of the issuance of notice to proceed, *and at least once per year thereafter*, the contractor submit a list of persons to which it intends to award subcontracts within the next twelve months. In the event that a contracting agency disapproves a contractor's selection of a subcontractor or subcontractors, the contracting agency shall allow such contractor a reasonable time to propose alternate subcontractors.

(b) *The contracting agency may also require the contractor to report periodically about the contracts awarded by its direct subcontractors to indirect subcontractors.*

(7) For each contract for which a contractor utilization plan has been submitted, the contractor shall, with each voucher for payment, and/or periodically as the agency may require, submit statements, certified under penalty of perjury, which shall include, but not be limited to, the total amount *the contractor* paid to *its direct* subcontractors, *and the total amount direct subcontractors paid to indirect subcontractors*, [(including subcontractors that are not MBEs, WBEs or EBEs)]; the names, addresses and contact numbers of each MBE, WBE or EBE hired as a subcontractor [pursuant to such plan] *by the contractor or any of the contractor's direct subcontractors*, as well as the dates and amounts paid to each MBE, WBE or EBE. The contractor shall also submit, along with its voucher for final payment, the total amount *it* paid to subcontractors, *and the total amount its direct subcontractors paid directly to their indirect subcontractors* [(including subcontractors that are not MBEs, WBEs or EBEs)]; and a final list, certified under penalty of perjury, which shall include the name, address and contact information of each subcontractor that is an MBE, WBE or EBE [hired pursuant to such plan], the work performed by, and the dates and amounts paid to each.

(8) If payments made to, or work performed by, MBEs, WBEs or EBEs are less than the amount specified in the contractor's utilization plan, the agency shall take appropriate action in accordance with subdivision o of this section, unless the contractor has obtained a modification of its utilization plan pursuant to paragraph 12 of this subdivision.

(9) When advertising a solicitation for bids or proposals for a contract for which a participation goal has been established, agencies shall include in the advertisement a general statement that the contract will be subject to participation goals for MBEs, WBEs and/or EBEs.

(10) In the event that a contractor with a contract that includes a *contractor* utilization plan submits a request for a change order the value of which exceeds *the greater of ten percent of such contract or \$500,000*, the agency shall [establish participation goals as if for a new contract for the work to be performed pursuant to such change order] *review the scope of work for the contract, and the scale and types of work involved in the change order, and determine whether the participation goals should be modified.*

(11) [Pre-award waiver] *Requests from bidders or proposers for changes in participation goals.*

(a) *A bidder or proposer may request that an agency change the participation goal or goals established for the procurement on the grounds that goals are unreasonable in light of the availability of certified firms to perform the services required, or by demonstrating that it has legitimate business reasons for proposing a lower level of subcontracting in its utilization plan.*

(b) *If the contracting agency determines that the participation goals established for the procurement are unreasonable in light of the availability of certified firms to perform the services required, it shall revise the solicitation and extend the deadline for bids and proposals.*

[(i)](c) Subject to subparagraph [(ii)](d) of this paragraph, the contracting agency may grant a full or partial waiver of the [target subcontracting percentage] *participation goals* to a bidder or proposer who demonstrates that it has legitimate business reasons for proposing the level of subcontracting in its utilization plan. The contracting agency shall make its determination in light of factors [which] *that* shall include, but not be limited to, whether the bidder or proposer has the capacity and the bona fide intention to perform the contract without any subcontracting, or to perform the contract without awarding the amount of subcontracts [for under one million dollars] represented by the [target subcontracting percentage] *participation goals*. In

making such determination, the agency may consider whether the utilization plan is consistent with past subcontracting practices of the bidder or proposer, *whether the bidder or proposer has made efforts to form a joint venture with a certified firm*, and whether the bidder or proposer has made good faith efforts to identify portions of the contract that it intends to subcontract. Within thirty days of the registration of a contract, the city chief contracting officer shall notify the council of any such waiver granted with respect to the contract.

[(ii)](d) The agency M/WBE officer shall provide written notice of requests for a full or partial waiver of the [target subcontracting percentage] *participation goals* to the division and the city chief procurement officer and shall not approve any such request without the approval of the city chief procurement officer, provided that the city chief procurement officer, upon adequate assurances of an agency's ability to administer its utilization plan in accordance with the provisions of this section, may determine that further approval from the city chief procurement officer is not required with respect to such requests for an agency's contracts or particular categories of an agency's contracts. The city chief procurement officer shall notify the speaker of the council in writing within thirty days of the registration of a contract for which a request for a full or partial waiver of a [target subcontracting percentage] *participation goal* was granted, provided that where an agency has been authorized to grant waivers without approval of the chief procurement officer, such notice shall be provided to the speaker of the council by the agency. Such notification shall include, but not be limited to, the name of the contractor, the original [target subcontracting percentage] *participation goal*, the waiver request, including all documentation, and an explanation for the approval of such request.

(12) Modification of utilization plans *at contractor's request or agency's initiative*. [(i)] (a) A contractor may request modification of its utilization plan after the award of a contract. Subject to subparagraph [(ii)](b) of this paragraph, an agency may grant such request if it determines that such contractor has established, with appropriate documentary and other evidence, that it made all reasonable, good faith efforts to meet the goals set by the agency for the contract. In making such determination, the agency shall consider evidence of the following efforts, as applicable, along with any other relevant factors:

[(A)](i) The contractor advertised opportunities to participate in the contract, where appropriate, in general circulation media, trade and professional association publications and small business media, and publications of minority and women's business organizations;

[(B)](ii) The contractor provided notice of specific opportunities to participate in the contract, in a timely manner, to minority and women's business organizations;

[(C)](iii) The contractor sent written notices, by certified mail or facsimile, in a timely manner, to advise MBEs, WBEs or EBEs that their interest in the contract was solicited;

[(D)](iv) The contractor made efforts to identify portions of the work that could be substituted for portions originally designated for participation by MBEs, WBEs and/or EBEs in the contractor utilization plan, and for which the contractor claims an inability to retain MBEs, WBEs or EBEs;

[(E)](v) The contractor held meetings with MBEs, WBEs and/or EBEs prior to the date their bids or proposals were due, for the purpose of explaining in detail the scope and requirements of the work for which their bids or proposals were solicited;

[(F)](vi) The contractor made efforts to negotiate with MBEs, WBEs and/or EBEs as relevant to perform specific subcontracts, or act as suppliers or service providers;

[(G)](vii) Timely written requests for assistance made by the contractor to the agency M/WBE liaison officer and to the division; *and*

[(H)](viii) Description of how recommendations made by the division and the contracting agency were acted upon and an explanation of why action upon such recommendations did not lead to the desired level of participation of MBEs, WBEs and/or EBEs.

[(ii)](b) The agency M/WBE officer shall provide written notice of requests for such modifications to the division and the city chief procurement officer and shall not approve any such request for modification without the approval of the city chief procurement officer, provided that the city chief procurement officer, upon adequate assurances of an agency's ability to administer its utilization plan in accordance with the provisions of this section, may determine that further approval from the city chief procurement officer is not required with respect to such requests for an agency's contracts or particular categories of an agency's contracts. The city chief procurement officer, shall notify the speaker of the council in writing within seven days of the approval of a request for modification of a utilization plan, provided that where an agency has been authorized to grant modifications without approval of the chief procurement officer, such notice shall be provided to the speaker of the council by the agency. Such notification shall include, but not be limited to, the name of the contractor, the original utilization plan, the modification request, including all documentation, and an explanation for the approval of such request.

[(iii)](c) *An agency may modify the participation goals established for a procurement when the scope of the work has been changed by the agency in a manner that affects the scale and types of work that the contractor indicated in its contractor utilization plan would be awarded to subcontractors.*

[(iv)](d) The agency M/WBE officer shall provide written notice to the contractor of its determination that shall include the reasons for such determination.

(13) For each contract in which a contracting agency has established participation goals, the agency shall evaluate and assess the contractor's performance in meeting each such goal. Such evaluation and assessment shall be a part of the contractor's overall contract performance evaluation required pursuant to section 333 of the charter.

j. Determining credit for MBE, WBE and EBE participation.

(1) An agency's achievement of its annual goals shall be calculated as follows:

[(i)](a) The [total] dollar amount that an agency has paid or is obligated to pay to a prime contractor that is an MBE, WBE or EBE, *reduced by the dollar amount the contractor has paid or is obligated to pay its direct subcontractors upon their completion of work*, [may] shall be credited toward the relevant goal.

[(ii)](b) The total dollar amount that a prime contractor of an agency has paid or is obligated to pay to a *direct* subcontractor that is an MBE, WBE or EBE [may], *reduced by the dollar amount the direct subcontractor has paid or is obligated to pay its indirect subcontractors upon their completion of work*, shall be credited toward the relevant goal.

(c) *The total dollar amount that a direct subcontractor of the prime contractor has paid or is obligated to pay to an indirect subcontractor that is an MBE, WBE or EBE shall be credited toward the relevant goal.*

[(iii)](d) For requirements contracts, credit [may] shall be given for the actual dollar amount paid under the contract.

[(iv)](e) Where one or more MBEs, WBEs or EBEs is participating in a qualified joint venture, the *amounts that the joint venture is required to pay its direct subcontractors shall be subtracted as provided in subparagraph a, and then a percentage of the remaining dollar amount of the contract equal to the percentage of total profit to which MBEs, WBEs or EBEs are entitled pursuant to the joint venture agreement shall be credited toward the relevant goal.*

[(v)](f) No credit shall be given for participation in a contract by an MBE, WBE or EBE that does not perform a commercially useful function.

[(vi)](g) No credit shall be given for the participation in a contract by any company that has not been certified as an MBE, WBE or EBE in accordance with section 1304 of the charter.

[(vii)](h) In the case of a contract for which the contractor is paid on a commission basis, the dollar amount of the contract may be determined on the basis of the commission earned or reasonably anticipated to be earned under the contract.

[(viii)](i) No credit shall be given to a contractor for participation in a contract by a graduate MBE, WBE or EBE.

[(ix)](j) The participation of a certified company shall not be credited toward more than one participation goal.

(2) A contractor's achievement of [each goal] *its participation goals* established in its utilization plan shall be calculated [in the same manner as described for calculating the achievement of agency utilization goals as described in paragraph (1) of this subdivision; provided that no] *as follows*:

[(i)](a) *A contractor's use of direct subcontractors and their indirect subcontractors toward achievement of each goal established in its utilization plan shall be calculated in the same manner as described for calculating the achievement of agency utilization goals as described in paragraph (1) of this subdivision;*

[(ii)](b) *A contractor that is an MBE, WBE or EBE shall be permitted to count its own participation toward fulfillment of the relevant participation goal, provided that the value of such a contractor's participation shall be determined by subtracting from the total value of the contract any amounts that the contractor pays to direct subcontractors;*

[(iii)](c) *No credit shall be given to the contractor for the participation of a company that is not certified in accordance with section 1304 of the charter before the date that [the agency approves] the subcontractor completes the work under the subcontract.*

[(iv)](d) A contractor that is a qualified joint venture shall be permitted to count a percentage of its own participation toward fulfillment of the relevant participation goal. The value of such a contractor's participation shall be determined by subtracting from the total value of the contract any amounts that the contractor pays to direct subcontractors, and then multiplying the remainder by the percentage to be applied to total profit to determine the amount to which an MBE, WBE or EBE is entitled pursuant to the joint venture agreement;

k. Small purchases.

[(1)] Each agency shall, consistent with the participation goals established in subdivision d of this section and such agency's utilization plan, establish goals for purchases valued at or below five thousand dollars which shall be made from MBEs, WBEs and/or EBEs.

[(2)] Whenever an agency solicits bids or proposals for small purchases pursuant to section three hundred fourteen of the charter, the agency shall maintain records identifying the MBEs, WBEs and EBEs it solicited, which shall become part of the contract file.

l. Compliance reporting.

[(1)] The city chief procurement officer, in consultation with the division, shall prepare and submit [semiannual]quarterly reports to the speaker of the council as described in this section. [A p]Preliminary reports containing information for the fiscal year in progress shall be submitted to the speaker of the council by January first, April first, and July first of each year[April 1, 2007, and annually thereafter], and a final report containing information for the preceding fiscal year shall be submitted to the speaker of the council by October first of each year[October 1, 2007 and annually thereafter]. The reports, which shall also be posted on the division's website, shall contain the following information, disaggregated by agency:

[(i)](a) the number and total dollar value of contracts awarded, disaggregated by industry classification and size of contract, including but not limited to, contracts valued at or below twenty thousand dollars, contracts valued above twenty thousand dollars and at or below one hundred thousand dollars, contracts valued above one hundred thousand dollars and at or below one million dollars, contracts valued above one million dollars and at or below five million dollars, contracts valued above five million dollars and at or below twenty five million dollars; [, provided that contracts for amounts under five thousand dollars need not be disaggregated by industry;

[(ii)] The number and total dollar value of contracts awarded to MBEs, WBEs and EBEs, disaggregated by minority and gender group and industry classification, provided that contracts for amounts under five thousand dollars need not be disaggregated by industry;

[(iii)] the total number and total dollar value of contracts awarded valued at less than five thousand dollars and the total number and total dollar value of such contracts awarded to MBEs, WBEs and EBEs, disaggregated by minority and gender group;

[(iv)] the total number and total dollar value of contracts awarded valued at between five thousand and one hundred thousand dollars and the total number and total dollar value of such contracts awarded to MBEs, WBEs and EBEs, disaggregated by minority and gender group and industry classification;

[(v)] the total number and total dollar value of contracts awarded valued at between one hundred thousand dollars and one million dollars and the total number and total dollar value of such contracts awarded to MBEs, WBEs and EBEs, disaggregated by minority and gender group and industry classification;

[(vi)] the total number and total dollar value of contracts awarded valued at over one million dollars and the total number and total dollar value of such contracts awarded to MBEs, WBEs and EBEs, disaggregated by minority and gender group and industry classification;

[(vii)](b) for those contracts for which an agency set participation goals in accordance with subdivision i of this section:

[(A)](i) The number and total dollar amount of such contracts disaggregated by industry classification, size of contract and status as MBE, WBE, EBE, or non-certified firm, and further disaggregated by minority and gender group;

[(B)](ii) the number and total dollar value of such contracts that were awarded to qualified joint ventures and the total dollar amount attributed to the MBE, WBE or EBE joint venture partners, disaggregated by minority and gender group, size of contract and industry classification;

[(C)](iii) The number and total dollar value of subcontracts approved during the reporting period that were entered into pursuant to [such] contracts for which participation requirements under this section have been established (including both contracts awarded during the current reporting period and those awarded in earlier

reporting periods that remain open during the current reporting period), and the number and total dollar amount of such subcontracts awarded to MBEs, WBEs and EBEs, disaggregated by minority and gender group, size of subcontract and industry classification; [and]

[(D)](iv) a list of the requests for full or partial waivers of [target subcontracting percentages granted] participation requirements for such contracts made pursuant to paragraph 11 [12] of subdivision i of this section and the determinations made with respect to such requests, and the number and dollar amount of those contracts for which such waivers were granted, disaggregated by industry classification; and

[(E)](v) a list of the requests for modification of participation requirements for such contracts made pursuant to paragraph 12 of subdivision i of this section and the determinations made with respect to such requests, and the number and dollar amount of those contracts for which such modifications were granted, disaggregated by industry classification;

[(viii)](c) a detailed list of each complaint received pursuant to paragraph 1 of subdivision o of this section which shall, at a minimum, include the nature of each complaint and the action taken in investigating and addressing such complaint including whether and in what manner the enforcement provisions of subdivision o of this section were invoked and the remedies applied;

[(ix)](d) a detailed list of all non-compliance findings made pursuant to paragraph 4 of subdivision o of this section and actions taken in response to such findings;

[(x)](e) the number of firms certified or recertified in accordance with section 1304 of the charter during the six months immediately preceding such report;

[(xi)](f) the number and percentage of contracts audited pursuant to section paragraph 10 of subdivision e of this section and a summary of the results of each audit.

[(xii)](g) a summary of efforts to reduce or eliminate barriers to competition as required pursuant to paragraph 11 of subdivision e of this section;

[(xiii)](h) a list of all solicitations submitted to the city chief procurement officer pursuant to subparagraph [vi]e of paragraph 2 of subdivision h of this section and a summary of the determination made regarding each such submission; and

[(xiv)](i) any other information as may be required by the commissioner and/or the director.

[(2)] The annual reports submitted in October shall, in addition, contain a determination made by the commissioner and the director, as to whether each agency has made substantial progress toward achieving its utilization goals and whether the city has made substantial progress toward achieving the citywide goals established pursuant to subdivision d of this section. [The first three annual reports shall also include detailed information about steps that agencies have taken to initiate and ramp up their efforts to comply with the requirements of this section.]

[(3)] If an agency fails to achieve its utilization goal, such agency shall prepare and submit to the commissioner, the city chief procurement officer, the director, and the speaker of the council by October first a performance improvement plan which shall describe in detail the efforts such agency intends to undertake to increase M/WBE participation.

[(3)](4) The data that provide the basis for the reports required by this subdivision shall be made available electronically to the council at the time the reports are submitted.

m. Agency compliance.

[(1)] [The]Each agency shall submit to the commissioner and the city chief procurement officer such information as is necessary for the city chief procurement officer to complete his or her reports as required in subdivision l of this section. The commissioner, [and] the city chief procurement officer, and the director shall review each agency's submissions. The director shall convene the agency M/WBE officers for those agencies that have established participation goals of greater than one million dollars for construction services, professional services, or standard services as often as the director deems necessary, but no less frequently than once per quarter, in order to have agency M/WBE officers (i) discuss the results of the reports required in subdivision l of this section; (ii) offer detailed information concerning their effectuation of their performance improvement plans and any additional efforts undertaken to meet goals established in agency utilization plans; (iii) share the practices that have yielded successes in increasing M/WBE participation; and (iv) devise strategic plans to improve the performance of those failing to meet goals established in agency utilization plans. [and w]Whenever it has been determined that an agency is not making adequate progress toward the goals established in its agency utilization plan, the commissioner, [and] the city chief

procurement officer, *and the director* shall act to improve such agency's performance, and may take any of the following actions:

[(i)](a) require the agency to submit more frequent reports about its procurement activity;

[(ii)](b) require the agency to notify the commissioner, [and] the city chief procurement officer, *and the director*, prior to solicitation of bids or proposals for, and/or prior to award of, contracts in any category where the agency has not made adequate progress toward achieving its utilization goals;

[(iii)](c) reduce or rescind contract processing authority delegated by the mayor pursuant to sections 317 and 318 of the charter; and

[(iv)](d) any other action the commissioner, [and] the city chief procurement officer, *or the director* deem appropriate.

(2) Noncompliance. Whenever the city chief procurement officer, [or] the commissioner, *or the director* finds that an agency has failed to comply with its duties under this section, he or she shall attempt to resolve such noncompliance informally with the agency head. In the event that the agency fails to remedy its noncompliance after such informal efforts, *the director and* the city chief procurement officer shall submit such findings in writing to the mayor and the speaker of the council, and the mayor shall take appropriate measures to ensure compliance.

(3) Failure by an agency to submit information required by the division, [or] the city chief procurement officer, *or the director*, in accordance with this section, including but not limited to the utilization plan required pursuant to subdivision g of this section, shall be deemed noncompliance.

n. Pre-qualification. An agency establishing a list of pre-qualified bidders or proposers may deny pre-qualification to prospective contractors who fail to demonstrate in their application for pre-qualification that they have complied with applicable federal, state and local requirements for participation of MBEs, WBEs and EBEs in procurements. A denial of pre-qualification may be appealed pursuant to applicable procurement policy board rules.

o. Enforcement.

(1) Any person who believes that a violation of the requirements of this section, rules promulgated pursuant to its provisions, or any provision of a contract that implements this section or such rules, including, but not limited to, any contractor utilization plan, has occurred may submit a complaint in writing to the division, the city chief procurement officer and the comptroller. [Such complaint shall be signed and dated.] The division shall promptly investigate such complaint and determine whether there has been a violation.

(2) Any complaint alleging fraud, corruption or other criminal behavior on, the part of a bidder, proposer, contractor, subcontractor or supplier shall be referred to the commissioner of the department of investigation.

(3) Contract award.

[(i)](a) When an agency receives a protest from a bidder or proposer regarding a contracting action that is related to this section, the agency shall send copies of the protest and any appeal thereof, and any decisions made on the protest or such appeal, to the division and the comptroller.

[(ii)](b) Whenever a contracting agency has determined that a bidder or proposer has violated this section, or rules promulgated pursuant to its provisions, the agency may disqualify such bidder or proposer from competing for such contract and the agency may revoke such bidder's or proposer's prequalification status.

(4) Contract administration.

(a) *For each contract for which participation requirements have been established under this section, at least once annually during the term of such contract, the contracting agency shall review the contractor's progress toward attainment of its utilization plan, including but not limited to, by reviewing the percentage of work the contractor has actually awarded to MBE, WBE and/or EBE subcontractors and the payments the contractor has made to such subcontractors.*

[(i)](b) Whenever an agency believes that a contractor or a subcontractor is not in compliance with this section, rules promulgated pursuant to its provisions or any provision of a contract that implements this section, including, but not limited to any contractor utilization plan, the agency shall send a written notice to the city chief procurement officer, the division and the contractor describing the alleged noncompliance and offering *the contractor* an opportunity to be heard. The agency shall then conduct an investigation to determine whether such contractor or subcontractor is in compliance.

[(ii)](c) In the event that a contractor has been found to have violated this

section, rules promulgated pursuant to its provisions, or any provision of a contract that implements this section, including, but not limited to any contractor utilization plan, the contracting agency shall, after consulting with the city chief procurement officer and the division, determine whether any of the following actions should be taken:

[(A)](i) enter an agreement with the contractor allowing the contractor to cure the violation;

[(B)](ii) revoke the contractor's pre-qualification to bid or make proposals for future contracts;

[(C)](iii) make a finding that the contractor is in default of the contract;

[(D)](iv) terminate the contract;

[(E)](v) declare the contractor to be in breach of contract;

[(F)](vi) withhold payment or reimbursement;

[(G)](vii) determine not to renew the contract;

[(H)](viii) assess actual and consequential damages;

[(I)](ix) assess liquidated damages or reduction of fees, provided that liquidated damages may be based on amounts representing costs of delays in carrying out the purposes of the program established by this section, or in meeting the purposes of the contract, the costs of meeting utilization goals through additional procurements, the administrative costs of investigation and enforcement, or other factors set forth in the contract;

[(J)](x) exercise rights under the contract to procure goods, services or construction from another contractor and charge the cost of such contract to the contractor that has been found to be in noncompliance; or

[(K)](xi) take any other appropriate remedy.

(5) To the extent available pursuant to rules of the procurement policy board, a contractor may seek resolution of a dispute regarding a contract related to this section. The contracting agency shall submit a copy of such submission to the division.

(6) Whenever an agency has reason to believe that an MBE, WBE or EBE is not qualified for certification, or is participating in a contract in a manner that does not serve a commercially useful function, or has violated any provision of this section, the agency shall notify the commissioner who shall determine whether the certification of such business enterprise should be revoked.

(7) Statements made in any instrument submitted to a contracting agency pursuant to these rules shall be submitted under penalty of perjury and any false or misleading statement or omission shall be grounds for the application of any applicable criminal and/or civil penalties for perjury. The making of a false or fraudulent statement by an MBE, WBE or EBE in any instrument submitted pursuant to these rules shall, in addition, be grounds for revocation of its certification.

(8) A contractor's record in implementing its contractor utilization plan shall be a factor in the evaluation of its performance. Whenever a contracting agency determines that a contractor's compliance with a contractor utilization plan has been unsatisfactory, the agency shall, after consultation with the city chief procurement officer, file an advice of caution form for inclusion in VENDEX as caution data.

p. Procurements by elected officials and the council.

(1) In the case of procurements by independently elected city officials other than the mayor, where these rules provide for any action to be taken by *the director* or the city chief procurement officer, such action shall instead be taken by such elected officials.

(2) In the case of procurements by the council, where these rules provide for any action to be taken by *the director* or the city chief procurement officer, such action shall instead be taken by the speaker of the council.

q. Applicability. Agencies shall not be required to apply participation requirements to the following types of contracts:

[(i)](1) those subject to federal or state funding requirements which preclude the city from imposing the requirements of this subdivision;

[(ii)](2) those subject to federal or state law participation requirements for MBEs, WBEs, *disadvantaged business enterprises*, and/or EBEs;

[(iii)](3) contracts between agencies;

[(iv)](4) procurements made through the [united states] *United States* general services administration or another federal agency, or through the New York state office of general services or another state agency, or any other governmental agency.

[(v)](5) emergency procurements pursuant to section three hundred fifteen of the charter;

[(vi)](6) sole source procurements pursuant to section three hundred twenty-one of the charter;

[(vii)](7) [small purchases as defined pursuant to section three hundred fourteen of the charter;] *contracts for human services*; and

[(viii)](8) contracts awarded to not-for-profit organizations.

r. Comptroller. The comptroller shall randomly examine contracts for which contractor utilization plans are established to assess compliance with such plans. All solicitations for contracts for which contractor utilization plans are to be established shall include notice of potential comptroller examinations.

§3. Severability. If any section, subsection, paragraph, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

§4. Effective date. This local law shall take effect 120 days after it shall have become law, provided that the department of small business services may take actions necessary, including rulemaking, to implement the requirements of this local law prior to its effective date.

Referred to the Committee on Contracts.

Int. No. 912

By Council Members Brewer, Barron, James, Williams, Comrie, Arroyo, Dromm, Eugene, Foster, Lander, Mealy, Mendez, Rose, Sanders Jr., Vann and Wills.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting discrimination based on one's arrest record or criminal conviction and repealing subdivision 11 of section 8-107 of chapter one of title eight of the administrative code of the city of New York.

Be it enacted by the Council as follows:

Section 1. Subdivision 10 of section 8-107 of chapter one of title eight of the administrative code of the city of New York, is amended to read as follows:

10. *Arrest, Criminal conviction.* (a) *It shall be an unlawful discriminatory practice, unless specifically required or permitted by any other law, for any person to make any inquiry about, whether in any form of application or otherwise, or to act upon adversely to the person involved, any arrest or criminal accusation of such person not then pending against that person which was followed by a termination of that criminal action or proceeding in favor of such person, as defined in subdivision two of section 160.50 of the criminal procedure law, in connection with the licensing, employment or providing of credit to such person; provided, however, that the prohibition of such inquiries or adverse action shall not apply to licensing activities in relation to the regulation of guns, firearms and other deadly weapons or in relation to an application for employment as a police officer or peace officer as those terms are defined in subdivisions thirty-three and thirty-four of section 1.20 of the criminal procedure law.*

(b) *It shall be an unlawful discriminatory practice, unless specifically required or permitted by law, for any prospective employer, to make any inquiry about, whether in any form of application or otherwise, any criminal conviction of such individual unless such employer first makes a conditional offer of employment to such individual.*

(c) *It shall be unlawful discriminatory practice for any person to deny any license or permit or employment to any person by reason of his or her having been convicted of one or more criminal offenses, or by reason of a finding of a lack of "good moral character" which is based on his or her having been convicted of one or more criminal offenses, when such denial is in violation of the provisions of article twenty-three-a of the correction law.*

(d) *Required disclosures related to arrest record and criminal conviction history for job applicants. The commission shall create a written notice regarding job applicants' rights in relation to history of arrest or criminal conviction that employers shall append to any written application for employment. Such notice shall inform all job applicants that (i) it is prohibited to ask about any arrest not pending that was terminated in the applicant's favor; (ii) it is prohibited to ask about criminal convictions prior to the issuance of a conditional offer of employment; and (iii) upon the issuance of a conditional offer of employment an applicant may be required to provide information pertaining to any criminal convictions, and that a*

criminal background inquiry may be conducted for all candidates who receive a conditional offer of employment.

(e) Pursuant to section seven hundred fifty-five of the correction law, the provisions of this subdivision shall be enforceable against public agencies by a proceeding brought pursuant to article seventy-eight of the civil practice law and rules, and the provisions of this subdivision shall be enforceable against private employers by the commission through the administrative procedure provided for in this chapter or as provided in chapter five of this title. For purposes of this paragraph only, the terms "public agency" and "private employer" shall have the meaning given such terms in section seven hundred fifty of the correction law.

§2. Subdivision 11 of section 8-107 of chapter one of title eight of the administrative code of the city of New York, is REPEALED.

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

Referred to the Committee on Civil Rights.

Int. No. 913

By Council Members Comrie, Arroyo, James, Koo, Lander, Rose, Sanders, Williams, Dickens and Halloran.

A Local Law to amend the New York city charter, in relation to community boards.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 2800 of the New York city charter is amended to read as follows:

a. For each community district created pursuant to chapter sixty-nine there shall be a community board which shall consist of (1) not more than fifty persons appointed by the borough president for staggered terms of two years, at least one-half of whom shall be appointed from nominees of the council members elected from council districts which include any part of the community district, and (2) all such council members as non-voting members. The number of members appointed on the nomination of each such council member shall be proportional to the share of the district population represented by such council member. The city planning commission, after each council redistricting pursuant to chapter two-A, and after each community redistricting pursuant to section twenty-seven hundred two, shall determine the proportion of the community district's population represented by each council member. Copies of such determinations shall be filed with the appropriate borough president, community board, and council member. One-half of the members appointed to any community board shall serve for a term of two years beginning on the first day of April in each odd-numbered year in which they take office and one half of the members appointed to any community board shall serve for a term of two years beginning on the first day of April in each even-numbered year in which they take office. Members shall serve until their successors are appointed but no member may serve for more than sixty days after the expiration of his or her original term unless reappointed by the borough president. Not more than twenty-five percent of the appointed members shall be city employees. No person shall be appointed to or remain as a member of the board who does not have a residence, business, professional or other significant interest in the district. The borough president shall assure adequate representation from the different geographic sections and neighborhoods within the community district. In making such appointments, the borough president shall consider whether the aggregate of appointments fairly represents all segments of the community. Community boards, civic groups and other community groups and neighborhood associations may submit nominations to the borough president and to council members. *No later than October 1, 2012, and on October 1 every other year thereafter, each borough president shall submit to the council a report on community board member appointments in his or her borough, which shall include the following information: (i) the number of open community board member positions, sorted by community district; (ii) a description of outreach efforts to publicize community board member openings; (iii) the number of applicants for open community board member positions, sorted by community district; (iv) the number of persons interviewed for open community board member positions, sorted by community district; and (v) the number of persons appointed to open community board member positions, sorted by community district.*

§ 2. Section 2800 of the New York city charter is amended by adding a new subdivision j to read as follows:

j. *For each borough, there shall be established a pool of professionals available to each community board in such borough to provide urban planning and other technical assistance. Each pool shall be made up of no less than three professional planners appointed by the borough president for such borough; provided, however, that such professional planners may include students enrolled in a master's degree program for urban planning of an accredited local academic institution. Each borough president shall determine the organization, responsibilities, and duties of such pool.*

§ 3. This local law shall take effect ninety days following its enactment.

Referred to the Committee on Governmental Operations.

Res. No. 1471

Resolution calling on the United States Congress to reverse its order of contempt on United States Attorney General Eric Holder.

By Council Members Dickens, Rivera, Chin, Dromm, Foster, Jackson, James, Koppell, Mendez, Rose, Sanders, Vann, Williams, Wills, Palma and Mark-Viverito.

Whereas, In 2009, the United States Department of Justice initiated an investigation known as Operation Fast and Furious, which focused on the illegal trafficking of guns between Phoenix, Arizona and drug cartels in Mexico; and

Whereas, During Operation Fast and Furious, which was conducted by the Phoenix branch of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), agents were instructed to intentionally abstain from arresting “straw purchasers” - individuals who purchase guns for those who can’t obtain them legally - at the time of the purchase; and

Whereas, At the time, it was reasoned that, by delaying arrest of the straw purchasers, the ATF could more easily follow the trail of the guns and eventually bring down entire criminal networks; and

Whereas, Operation Fast and Furious was suspended in December 2010 when a United States Border Patrol agent was killed during a confrontation between border patrol officers and suspected illegal immigrants in the Arizona desert near the Mexican border; and

Whereas, Two AK-47 semiautomatic rifles linked to straw purchases made during Operation Fast and Furious were found at the site of the shooting; and

Whereas, According to the Washington Post, Operation Fast and Furious allowed for the uninterrupted sale of approximately 2,020 illegal gun purchases, of which only 590 have been recovered; and

Whereas, In the aftermath of the incident, the House Oversight and Government Reform Committee, chaired by Rep. Darrell Issa (R-CA), began an investigation into the program; and

Whereas, Despite having appeared before Congress multiple times to testify about the program and having released over 7,600 documents relating to it, the Committee issued a subpoena to Attorney General Holder, demanding documents detailing who in the Justice Department was aware of the operation and the date when they became aware; and

Whereas, On June 20, 2012, at the attorney general’s request, President Obama invoked executive privilege over the subpoenaed documents; and

Whereas, On June 28, 2012, the House voted along largely partisan lines to hold Attorney General Holder in criminal contempt for failing to release the requested documents; and

Whereas, On July 6, 2012, the Justice Department announced it would not prosecute Attorney General Holder for contempt of Congress; and

Whereas, There is little chance that there will be any significant action on the contempt charge, since such citations usually expire at the end of the congressional session, which in this case is January 2013; and

Whereas, This politically-motivated contempt citation is substantively meaningless and only serves to besmirch the reputation of a public servant who has been a tireless advocate for civil rights in this administration; and

Whereas, Under Attorney General Holder’s direction, the Department of Justice has filed a record number of civil rights cases and has taken action to defend the nation’s laws in a variety of matters related to civil rights, including predatory lending practices, hate crimes, human trafficking, bullying, voting rights and lesbian, gay, bisexual and transgender rights; and

Whereas, In addition to enforcing the laws and protecting civil rights for all Americans, Attorney General Holder has also been a powerful voice in calling for continuing a thoughtful dialogue on, and examination of, race relations in our nation; and

Whereas, Election year partisan politics and meaningless threats must not overshadow the exceptional accomplishments of Attorney General Holder; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to reverse its order of contempt on United States Attorney General Eric Holder.

Referred to the Committee on State and Federal Legislation.

Int. No. 914

By Council Members Greenfield, Chin, Fidler, Gentile, Koo, Nelson, Palma, Recchia, Rose, Williams and Wills.

A Local Law to amend the administrative code of the city of New York, in relation to signage at bus stops.

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-175.4 to read as follows:

§ 19-175.4 *Posting of signs at bus stops.* a. *The commissioner shall post a minimum of two signs at each bus stop within the city of New York. One sign shall indicate where the bus stop begins and the other shall indicate where the bus stop ends.*

b. *No violation shall be issued to any vehicle within the bus stop in violation of any law, rule or regulation where only one such sign is posted at such stop except in public safety emergencies as determined by the police department or fire department.*

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

Referred to the Committee on Transportation.

Int. No. 915

By Council Members Halloran and Recchia.

A Local Law to amend the administrative code of the city of New York, in relation to individuals with outstanding charges owed to the city of New York.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 11 of the administrative code of the city of New York is amended by adding a new section 11-134 to read as follows:

§11-134 *Nonpayment of outstanding charges owed to the city.* a. *Where a person disputes a violation, summons or charge issued by an agent of the city before a court of competent jurisdiction, adjudicatory body or the environmental control board and such court of competent jurisdiction, adjudicatory body or the environmental control board finds in favor of such person and directs that any fines paid by such person resulting from the alleged violation, summons or charge be returned to such person, the commissioner shall not issue a return of such funds, if such person has any other amount of funds owed in outstanding fines, civil penalties or judgments entered against such person by a court of competent jurisdiction or the environmental control board at the time of the adjudication. The commissioner shall direct that such funds be credited toward the amount of funds still owed in outstanding fines, civil penalties or judgments entered against such person and no return shall be issued to such person until the remaining balance of funds owed in outstanding fines, civil penalties or judgments by such person is first satisfied.*

b. *The commissioner shall promulgate rules to enforce the provisions of this section.*

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

Referred to the Committee on Finance.

Int. No. 916

By Council Members James, Chin, Gentile, Koppell, Lander, Mendez, Rose, Williams and Wills.

A Local Law to amend the administrative code of the city of New York, in relation to the anti-graffiti task force.

Be it enacted by the Council as follows:

Section 1. Section 10-117.1 of the administrative code of the city of New York is amended to read as follows:

§ 10-117.1 *Anti-graffiti task force.* a. *There is hereby established an anti-graffiti task force consisting of at least seven members. The speaker of the council shall appoint three members, and the mayor shall appoint the balance of the members, one of whom shall be the commissioner of the police department, or his or her designee, who shall serve as chairperson. The members of the task force shall be appointed within thirty days of the effective date of this section and shall serve without compensation. The duration of the task force shall be at the discretion of the mayor, but in any event shall last at least twenty-four [have a duration of twelve] months.*

b. *The task force shall:*

1. *Assess the scope and nature of the city’s graffiti problem, including geographical concentration, perpetrator profile and future trends*

2. *Examine the effectiveness of existing provisions of law aimed at curbing graffiti vandalism, and propose amendments to strengthen such legislation.*

3. *Review current law enforcement activity, clarify enforcement responsibility and suggest ways to augment enforcement capability.*

4. *Identify all existing public and private anti-graffiti programs citywide and in each borough.*

5. Survey efforts to combat graffiti in other jurisdictions, consider the replication of such programs in New York city and recommend further programmatic initiatives.

6. Propose a coordinated, comprehensive anti-graffiti program encompassing prevention, education, removal and enforcement.

7. Maintain regular and systematic contact with civic associations, community boards and other concerned groups and individuals.

8. Assist in the establishment of borough and community anti-graffiti task forces.

9. *Identify gang signs, tags, and other affiliations and messages, and include such information in its reports.*

c. The task force shall meet at least quarterly and shall issue a [final] report *after each twelve month period* to the mayor and the council detailing its activities and recommendations *from the previous twelve month period*.

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

Referred to the Committee on Public Safety.

Res. No. 1472

Resolution calling upon New York State to amend the form that applicants complete to apply for public assistance and to require the sponsor of an immigrant to co-sign the application in order for the immigrant to apply for public assistance.

By Council Members James, Mendez and Rose.

Whereas, Section 212(a)(4) of the Immigration and Nationality Act (“the Act”) bars the admission of any immigrant into the United States who is likely to become a public charge; and

Whereas, For any immigrant seeking admission or adjustment as a permanent resident of the United States whom the federal government deems likely to become a public charge, a sponsor must fill out Form I-864, which is an Affidavit of Support; and

Whereas, Form I-864 is a contract between the federal government and the sponsor, which indicates that the signatory understands what it means to be a sponsor for an immigrant, how his or her assets will be affected for taxation purposes, and when his or her obligations will end; and

Whereas, The sponsor must prove that he or she has sufficient income or financial resources to assure the immigrant that he or she is sponsoring will not become a public charge while the immigrant is in the United States; and

Whereas, Under section 213 of the Act, if the immigrant becomes a public charge, the agency that provides assistance may be able to sue the sponsor to recover the cost of the assistance; and

Whereas, In New York State, public assistance is administered by the Office for Temporary and Disability Assistance (“OTDA”) and in New York City the Human Resources Administration (“HRA”) is the agency that provides assistance to eligible applicants; and

Whereas, In order to apply for public assistance in New York City applicants must fill out form LDSS-2921, the Common Application for Temporary Assistance, Medical Assistance, Food Stamp Benefits, and Child Care Assistance, which is a state form issued by OTDA; and

Whereas, The two major types of cash assistance available in New York State are Family Assistance and Safety Net Assistance; and

Whereas, On July 1, 2012 HRA began issuing public assistance recoupment letters for the first time in order to recover Safety Net Assistance payments from immigrant sponsors; and

Whereas, However, there was no change to LDSS-2921 notifying sponsors that HRA will now recover this money if the immigrant receives Safety Net Assistance; and

Whereas, In order to ensure that sponsors in New York City are aware that HRA is now enforcing this practice, OTDA should amend LDSS-2921 and have the sponsors co-sign the application, which should state that if an immigrant becomes a public charge and receives Safety Net Assistance, HRA will recover the payments from his or her sponsor; now, therefore, be it

Resolved, That the Council of the City of New York calls upon New York State to amend the form that applicants complete to apply for public assistance and to require the sponsor of an immigrant to co-sign the application in order for the immigrant to apply for public assistance.

Referred to the Committee on General Welfare.

Int. No. 917

By Council Members Lander, Gentile, James and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to curb cuts.

Be it enacted by the Council as follows:

Section 1. Subdivision f of section 27-313 of the administrative code of the city of New York is amended to read as follows:

(f) Curb cuts. The lowering of any curb or the change of grade of any sidewalk for the purpose of providing a driveway across such curb or sidewalk shall be constructed in accordance with the specifications prescribed in section 27-558 of article three of subchapter nine of this chapter or as required by the commissioner. The commissioner shall limit the length of any curb cut for the purpose of providing a driveway across such curb or sidewalk, when in the opinion of the commissioner the actual use or intended use of such driveway would endanger the public. The owner shall maintain every part of such driveway in accordance with the specifications prescribed in section 27-558 of article three of subchapter nine of this chapter. Where the vehicular use of such driveway, in the opinion of the commissioner is dangerous to the public, *or where the curb cut is inconsistent with the requirements of the zoning resolution of the city of New York*, the commissioner shall order the owner to discontinue use of such driveway and restore the curb and sidewalk as required by the department of transportation. Upon the failure of the owner to comply with such order, the commissioner may inform the commissioner of transportation of such failure to comply and request the cooperation of the commissioner of transportation acting under his or her authority pursuant to section twenty-nine hundred four of the New York city charter in the enforcement of this section.

§ 2. Section 406 of the New York city building code is amended by adding a new section 406.7.6.1 to read as follows:

406.7.6.1 *Curb cut removal. Where a curb cut is inconsistent with any requirement of the building code or the New York City Zoning Resolution, the commissioner shall order the owner to discontinue use of such curb cut and restore the curb and sidewalk as required by the department of transportation. Upon the failure of the owner to comply with such order, the commissioner may inform the commissioner of transportation of such failure to comply and request the cooperation of the commissioner of transportation acting under his or her authority pursuant to section twenty-nine hundred four of the New York city charter in the enforcement of this section.*

§ 3. Section 104.8.1 of the administrative code of the city of New York is amended by adding a new item 5 to read as follows:

5. *A statement certifying (i) that, where the proposed construction would cause any abutting curb cut to be in noncompliance with any requirement in the zoning resolution or in this code, construction documents include plans to restore the curb and sidewalk of such curb cuts as required by the department of transportation, or (ii) that the proposed construction would not render any curb cut abutting the property to be in noncompliance with the zoning resolution or this code.*

§ 4. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 918

By Council Members Lappin, Chin, Fidler, Rose, Gennaro, Koppell, Gentile and Mark-Viverito.

A Local Law to amend the administrative code of the city of New York, in relation to trap-neuter-return information and activities in the city of New York.

Be it enacted by the Council as follows:

Section 1. Section 17-804 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

e. *The department shall post and maintain on its website a regularly updated list of organizations in New York city that offer trap-neuter-return information and conduct trap-neuter-return activities.*

§ 2. Section 17-807 of the administrative code of the city of New York, as amended by local law number 59 for the year 2011, is amended to read as follows:

§ 17-807 Rules. The commissioner [shall] *may* promulgate such rules as are necessary for the purposes of implementing and carrying out the provisions of this chapter [including rules providing for the registration of individuals or groups conducting trap-neuter-return activities, and the establishment of criteria for such registration].

§ 3. Section 10 of local law number 59 for the year 2011 is amended to read as follows:

§ 10. This local law shall become effective immediately; provided, however, that the commissioner shall promulgate the rules required by section 17-807 of the administrative code of the city of New York, as amended by section 7 of this local law, within 180 days after its enactment into law].

§ 4. This local law shall become effective immediately and shall be deemed to have been in full force and effect on September 21, 2011; provided, however, that the amendments made to section 17-804 of the administrative code of the city of New

York by section one of this local law shall become effective thirty days after the enactment of this local law.

Adopted by the Council (preconsidered and approved by the Committee on Health).

Res. No. 1473

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

By Council Members Recchia, Gentile and Koppell.

Whereas, On June 28, 2012 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2013 with various programs and initiatives (the "Fiscal 2013 Expense Budget"); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 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, On June 29, 2011 the 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 a certain organization receiving aging discretionary funding in accordance with the 2012 Expense Budget; and

Whereas, On June 29, 2010 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2011 with various programs and initiatives (the "Fiscal 2011 Expense Budget"); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new designation and changes in the designation of a certain organization receiving local discretionary funding in accordance with the 2011 Expense Budget; and

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 2013 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 2013 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 2013 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the OST Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Injection Drug Users Health Alliance (IDUHA) Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Small Business and Job Development/Financial Literacy Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Anti-Gun Violence Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Medical Services in Adult Shelters Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the After-Three Corporation Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Anti-Gun Violence Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Adult Literacy Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the DYCD Food Pantries Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the EarlyLearn/Childcare Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 15; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Adult Literacy Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving local discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 17.

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. 1473 printed in these Minutes).

Int. No. 919

By Council Members Rose, Vacca, Brewer, Fidler, Gentile, James, Koo, Koppell, Koslowitz, Mendez, Palma, Recchia, Williams and Wills.

A Local Law to amend the administrative code of the city of New York, in relation to bus and subway fare evasion reporting.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 14 of the administrative code of the city of New York is amended to add a new section 14-154 to read as follows:

§14-154 *Fare evasion reporting.* a. For purposes of this section, "theft of services" shall have the same meaning as in subdivision three of section 165.15 of the penal law.

b. Commencing January 15, 2013 and every six months thereafter, the department shall report to the council the following information related to theft of services on New York city transit buses and subways for the prior six month period, disaggregated by bus and subway line: (i) the number of arrests by department personnel; (ii) the number of summonses issued; and (iii) the number of department personnel specifically designated to combat such theft of services.

§2. This local law shall take effect immediately.

Referred to the Committee on Public Safety.

Int. No. 920

By Council Members Rose, James, Koppell, Palma and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to the location of muni-meters.

Be It enacted by the Council as follows:

Section 1. Chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-167.2 to read as follows:

§19-167.2 *Muni-meter location.* Notwithstanding any other law, rule or regulation to the contrary, the department shall ensure that all muni-meters in a parking field or on a block, installed after the date upon which this local law becomes effective, shall be located no more than thirty feet away from the next adjacent muni-meter. For the purposes of this section, "muni-meter" shall have the same meaning as set forth in subdivision b of section 19-167.1.

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

Referred to the Committee on Transportation.

Int. No. 921

By Council Members Vacca, Dromm, Brewer, Chin, Fidler, Gentile, James, Koo, Koppell, Lander, Recchia, Rose, Williams and Wills.

A Local Law to amend the administrative code of the city of New York, in relation to permitting electrical meters to be installed for electric vehicles.

Be it enacted by the Council as follows:

Section 1. Subdivision i of section 27-3018 of the administrative code of the city of New York is amended to read as follows:

i. The department shall not issue a permit or, if applicable, an electrical sign-off pursuant to an application that involves the energizing of a meter in a one-, two-, three-, or four-family residence, if the department finds that such action will cause the total number of meters for the building to exceed the number of dwelling units specified for such building in the certificate of occupancy, or if there is no certificate of occupancy, as determined by the department, except as permitted herein. A building specified as a one-family residence in the certificate of occupancy or, if there is no certificate of occupancy, as determined by the department, may have only one electric meter *unless at least one passenger vehicle containing a battery capable of being charged from the electrical grid is registered to the owner or occupant of such building. Where such registration is established to the satisfaction of the commissioner, the residence may have one additional electric meter that is used exclusively to charge such vehicle or vehicles.* A building in which two or more dwelling units have been constructed in accordance with the certificate of occupancy, or if there is no certificate of occupancy, as determined by the department, may have:

1. one meter for each dwelling unit; [and]

2. one additional meter for the common areas of the building, provided that smoke detecting devices are installed in all common areas in accordance with departmental requirements. Such common areas may include boiler rooms, shared hallway lighting, shared stairway lighting, and outdoor perimeter lighting but shall not include any habitable space; *and*

3. *one additional meter for each unit owned or occupied by the registered owner of a vehicle or vehicles containing a battery capable of being charged from the electrical grid. Where such registration or registrations are established to the satisfaction of the commissioner, the residence may have such additional meter or meters that is or are used exclusively for the purpose of charging such vehicle or vehicles.*

In the event that a meter has been found to have been installed or to exist in violation of this section, the department may take action leading to the disconnecting of such meter in accordance with the notice requirements set forth in section 27-3020 of this chapter.

§2. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 922

By Council Members Vacca, Brewer, Fidler, Gentile, James, Koo, Koppell, Lander, Palma, Williams, Wills, Mark-Viverito and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to exempting zero emission vehicles from idling restrictions.

Be it enacted by the Council as follows:

Section 1. Section 24-163 of the administrative code of the city of New York is amended by adding a new subdivision h to read as follows:

(h) The restrictions of this section shall not apply to zero emission vehicles, which for the purposes of this section shall mean any motor vehicle that produces no tailpipe emissions from its source of power.

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

Referred to the Committee on Environmental Protection.

Res. No. 1474

Resolution calling on the United States Federal Communications Commission to conduct a review of wireless device radiation standards.

By Council Members Vallone Jr., Fidler, Koo, Nelson, Rose, Williams, Wills and Halloran.

Whereas, In 1996, the Federal Communications Commission (FCC) revised its guidelines for radiofrequency (RF) exposure as a result of a multi-year proceeding and as required by the Telecommunications Act of 1996; and

Whereas, According to the FCC, 44 million people in the United States had wireless phones in 1996; and

Whereas, In 2011, CTIA-The Wireless Association, a trade group for the wireless telecommunications industry, reported that there were 332 million wireless subscriber connections in the United States; and

Whereas, According to the FCC, wireless devices emit RF energy, a form of non-ionizing radiation when used and the closer the device is to the body the more energy a person absorbs; and

Whereas, Companies such as Apple, Inc. recommend that customers carry wireless devices at least 5/8 inch from their bodies to minimize exposure to radiation; and

Whereas, Some researchers believe that low levels of radiation from wireless phones may cause cancers of the brain and central nervous system; and

Whereas, Nevertheless, the majority of evidence, based on studies conducted in the past, does not conclusively link wireless device usage with an adverse impact upon an individual's health, according to the National Institute of Environmental Health Sciences; and

Whereas, Researchers have noted that lack of scientific evidence that wireless devices have a negative impact on health does not mean they are not a health risk; and

Whereas, Children are increasingly using wireless devices to communicate with their parents and friends; and

Whereas, According to the Environmental Health Trust, the current wireless radiation standards were established for adults and did not take into account usage of wireless devices by children; and

Whereas, The World Health Organization encourages further research on the use of mobile phones and the risk of cancer, particularly as such findings relate to young people who potentially will have a longer lifetime exposure period; and

Whereas, Additional studies are needed to determine the impact of increased wireless device usage on children and others, such as teens and adults that use wireless devices as their primary form of communication; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Federal Communications Commission to conduct a review of wireless device radiation standards.

Referred to the Committee on Health.

Int. No. 923

By Council Members Weprin, Vacca, Brewer, Fidler, Gentile, James, Koo, Koppell, Lander, Palma, Recchia, Williams, Mark-Viverito and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to allowing the taxi and limousine commission to replace hybrid electric vehicles with electric vehicles or any other vehicle model which has fewer emissions than electric vehicles.

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 19-532 of the administrative code of the city of New York, is amended to read as follows:

b. Of the total number of taxicab licenses issued by the commission pursuant to subdivision a of this section, at least nine percent shall be issued subject to the requirement that the vehicles operated by or under agreement with the owners of such licenses [either] be powered by compressed natural gas *or electricity* or be a hybrid electric vehicle, *or a vehicle model which has the same emissions as or fewer emissions than electric vehicles*, and at least nine percent shall be issued subject to the requirement that the vehicles operated by or under agreement with the owners of such licenses be fully accessible to persons with disabilities in accordance with standards established by the commission; provided however, of the licenses authorized to be sold pursuant to subdivision a of this section that are issued after June 1, 2006, two hundred fifty-four shall be issued subject to the requirements that the vehicles operated by or under agreement with the owners of such licenses [either] be powered by compressed natural gas *or electricity* or be a hybrid electric vehicle, *or a vehicle model which has the same emissions as or fewer emissions than electric vehicles*, and fifty four shall be issued subject to the requirement that the vehicles operated by or under agreement with the owners of such licenses be fully accessible to persons with disabilities in accordance with standards established by the commission; and provided further that if the prices which the commission is able to obtain for issuance subject to either of the foregoing requirements does not exceed ninety percent of the average price otherwise obtained by the commission for the issuance of licenses pursuant to this section, the commission is authorized to issue such licenses without such requirement.

§2. Section 19-533 of the administrative code of the city of New York is amended to read as follows:

§19-533 Clean air taxis. a. The commission shall approve one or more hybrid electric vehicle models for use as a taxicab within ninety days after the enactment of

this law. The approved vehicle model or models shall be eligible for immediate use by all current and future medallion owners. For the purposes of this chapter, a hybrid electric vehicle shall be defined as a commercially available mass production vehicle originally equipped by the manufacturer with a combustion engine system together with an electric propulsion system that operates in an integrated manner.

b. Notwithstanding subdivision a of this section, an electric vehicle model or any other model with the same emissions as or fewer emissions than an electric vehicle may be used to satisfy the requirements of subdivision a. For the purposes of this chapter, an electric vehicle shall be defined as a vehicle which is propelled by a motor or motors powered exclusively by electricity.

§3. This local law shall take effect immediately after its enactment into law.

Referred to the Committee on Transportation.

Res. No. 1475

Resolution calling upon the New York City Police Department and the Metropolitan Transportation Authority to stop arresting people for committing minor infractions in the transit system, irrespective of whether they have an arrest record or have previously committed minor infractions in the system.

By Council Members Williams, James, Lander and Mendez.

Whereas, Currently, the Metropolitan Transportation Authority (MTA) and New York City Police Department (NYPD) are authorized to impose fines on or arrest people who commit minor infractions in the transit system; and

Whereas, These minor infractions include, but are not limited to, littering, sleeping, occupying more than one seat, and placing a foot on a seat; and

Whereas, Reports indicate that people accused of committing a minor infraction are more likely to be arrested, rather than subjected to a fine if they have an arrest record or have previously committed a minor infraction in the transit system; and

Whereas, In addition to being very disruptive, an arrest can cause significant stress, financial hardship, loss of employment and difficulty in finding employment, among other things; and

Whereas, Many people believe that MTA rules are being enforced unfairly and inconsistently across the city; and

Whereas, The New York Times recently reported that public defenders who represent many of the people arrested for seat violations indicate that their clients are working class, and are often exhausted kitchen workers beginning or ending long shifts at restaurants in Manhattan; and

Whereas, Arresting people for minor infractions is overly punitive and unfair, and officers should only use arrest as a last resort when enforcing MTA rules and should do so uniformly and fairly; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Police Department and the Metropolitan Transportation Authority to stop arresting people for committing minor infractions in the transit system, irrespective of whether they have an arrest record or a have previously committed minor infractions in the system.

Referred to the Committee on Public Safety.

Res. No. 1476

Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation that would establish a public campaign financing system for campaigns for the office of New York State Comptroller.

By Council Members Williams, Brewer, Chin and James.

Whereas, New York State does not currently have a public campaign financing system for candidates running for New York State Comptroller or other statewide public offices; and

Whereas, The current New York State campaign contribution limit for a candidate running in a primary and general election for Comptroller is \$60,700, as compared to \$5,000 for a United States Presidential candidate; and

Whereas, The current New York State limit on direct corporate contributions to candidates is \$5,000, as compared to an absolute ban on such contributions under New York City and federal law; and

Whereas, In 2010 the United States Supreme Court issued a decision in Citizens United v. Federal Election Commission, holding that corporations and other groups may engage in unlimited independent spending on elections; and

Whereas, The Supreme Court decision, combined with New York State's current contribution limits and lack of a public campaign financing system, has the potential to hinder electoral competition and increase the risk of corruption by

allowing wealthy individuals and corporations to spend large amounts to fund political campaigns; and

Whereas, This is particularly problematic for the office of the Comptroller, since this office is responsible for overseeing the State's multi-billion dollar pension system, including making determinations regarding how these funds are to be invested; and

Whereas, Public campaign financing provides candidates with resources to run competitive races, improves election transparency through more stringent disclosure requirements and reduces the risk of corruption and the appearance of impropriety by decreasing the potential for undue influence from wealthy contributors; and

Whereas, A.08367-B, currently pending in the New York State Assembly, would establish a New York State public campaign financing system for campaigns for the office of New York State Comptroller; now, therefore, be it

Whereas, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign legislation that would establish a public campaign financing system for campaigns for the office of New York State Comptroller.

Referred to the Committee on State and Federal Legislation.

L.U. No. 663

By Council Member Comrie:

Application No. 20125427 SCQ, a proposed site for a new, approximately 472-Seat Primary School Facility, P.S. 339-Queens, to be located at 57-02 to 57-08 39th Avenue and 39-12 to 39-16 58th Street (Block 1228, Lots 48, 52, 57, 58, 60 and 61), Council District No. 26, Borough of Queens. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses).

L.U. No. 664

By Council Member Comrie:

Application No. 20125428 SCQ, a proposed site for a new, approximately 379-Seat Primary School Facility, P.S. 892-Queens, to be located at 199-02 112th Avenue (Block 10975, Lot 1), Council District No. 27, Borough of Queens. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses).

L.U. No. 665

By Council Member Comrie:

Application No. 20125429 SCM, a proposed site for a new, approximately 692-Seat Primary/Intermediate School Facility, P.S. 342-Manhattan, to be located at the Southwest Corner of West 61st Street and West End Avenue (Block 1171, Lot 165 in portion), Council District No. 6, Borough of Manhattan. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses).

L.U. No. 666

By Council Member Comrie:

Application no. 20125792 HKX (N 120408 HKX), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Firehouse, Engine Company 83, Hook & Ladder Company 29, located at 618 East 138th Street (aka 618-620 East 138th Street) (Block 2550, Lot 28) (List No. 456 LP-2520), Borough of the Bronx, Community Board 1, Council District 8, as an historic landmark.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 667

By Council Member Comrie:

Application no. 20125793 HKX (N 120409 HKX), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Firehouse, Engine Company 41 (now Engine Company/Squad 41), 330 East 150th Street, (Block 2331, Lot 33) (List 456 LP-2521), Borough of the Bronx, Community Board 1, Council District 17, as an historic landmark.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 668

By Council Member Comrie:

Application no. 20125790 HKM (N 120411 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Hotel Mansfield, 12 West 44th Street (Block 1259, Lot 47) (List No.456a LP-2428), Borough of Manhattan, Community Board 5, Council District 3, as an historic landmark.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 669

By Council Member Comrie:

Application no. 20125791 HKM (N 120412 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Yorkville Bank Building, 1151 Third Avenue (Block 1531, Lot 1) (List No. 456 LP-2510), Borough of Manhattan, Community Board 8, Council District 4, as an historic landmark.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 670

By Council Member Comrie:

Application no. 20125795 HKM (N 120413 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Martha Washington Hotel, 30 East 30th Street (Block 859, Lot 26) (List No.456a LP-2428), Borough of Manhattan, Community District 5. Council District 2, as an historic landmark.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 671

By Council Member Comrie:

Application no. 20125794 HKQ (N 120410 HKQ), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Firehouse, Engine Company 305, Hook and Ladder Company 151, located at 111-02 Queens Boulevard (Block 3294, Lot 20) (List No. 456 LP No. 2522), Borough of Queens, Community Board 6, Council District 29, as an historic landmark.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 672

By Council Member Comrie:

Application No. C 110218 ZMR submitted by The Marco Savo Irrevocable Trust, The Gino Savo Irrevocable Trust, and The Leonello Savo Jr. Irrevocable Trust and The Anthony Savo Irrevocable Trust pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 32d, Borough of Staten Island, Community Board 3, Council District 51.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 673

By Council Member Comrie:

Application No. C 110219 ZSR submitted by The Marco Savo Irrevocable Trust, The Gino Savo Irrevocable Trust, and The Leonello Savo Jr. Irrevocable Trust and The Anthony Savo Irrevocable Trust pursuant to Sections 197-c and 201 of the New York City Charter for a special permit pursuant to Section 74-743(a)(2) to modify the requirements of Section 33-26 (Minimum Required Rear Yard) to allow a 35-foot high 2-story portion of a building within the 20-foot required rear yard, in connection with a proposed commercial development, within a large-scale general development on the northerly side of Veterans' Road West 475 feet easterly of Waunner Street, in a C8-2 District, within the Special South Richmond Development District, Borough of Staten Island, Community Board 3, Council District 51. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d(b)(2) of the Charter or called up by a vote of the Council pursuant to 197-d(b)(3) of the Charter.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 674

By Council Member Comrie:

Application No. C 100041 ZMK submitted by Walton Realty Associates pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 13b, Borough of Brooklyn, Community Board 1, Council District 33.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 675

By Council Member Comrie:

Application No. N 100042 ZRK submitted by Walton Realty Associates pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning a proposed Zoning Text Amendment which will make the Inclusionary Housing Program applicable in a proposed R7A/C2-4 district to facilitate the development of two seven-story buildings with 69 residential units with 14 affordable apartments on 59 Walton Street, Borough of Brooklyn, in Community Board 1, Council District 33.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 676

By Council Member Comrie:

Application No. C 110390 ZMK submitted by 74 Wallabout LLC pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 12d, Borough of Brooklyn, Community Board 1, Council District 33.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 677

By Council Member Comrie:

Application No. C 060494 MMR submitted by the New York City Department of Housing Preservation and Development and the Department of Parks and Recreation, pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving the elimination of a portion of Wolfe's Pond Park north of Hylan Boulevard and west of Luten Avenue; the establishment of Cornelia Avenue north of Hylan Boulevard; the extinguishment of various record streets between Hylan Boulevard and Eylandt Street west of Luten Avenue; and the adjustment of legal grades necessitated thereby, including authorization for any acquisition or disposition of real property related thereto, Borough of Staten Island, Community Board 3, Council District 51. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d(b)(2) of the Charter or called up by a vote of the Council pursuant to 197-d(b)(3) of the Charter.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 678

By Council Member Comrie:

Application No. C 060495 ZMR submitted by New York City Department of Housing Preservation and Development and the Department of Parks and Recreation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 33b, Borough of Staten Island, Community Board 3, Council District 51.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 679

By Council Member Comrie:

Uniform land use review and procedure Application No. C 060496 HAR, submitted by New York City Department of Housing Preservation and Development, for an Urban Development Action Area Designation and Project located at 272-286 Cornelia Avenue (Block 6631, part of Lot 1), and the disposition of city owned property, Borough of Staten Island, Community Board 3, Council District 51. 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 New York General Municipal Law.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 680

By Council Member Comrie:

Application 20135029 HAQ submitted by New York City Department of Housing Preservation and Development (“HPD”), for an amendment to an Urban Development Action Area Project located at 89-06 138th Street (Block 9970, Lot 23), 107-05 Sutphin Boulevard (Block 10090, Lot 21) and 107-08 150th Street (Block 10090, Lot 23), Borough of Queens, Community Board 12, Council Districts 24 and 28. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the Private Housing Finance Law for an exemption from real property taxes.

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

L.U. No. 681

By Council Member Comrie:

Application No. 20135038 HAQ submitted by New York City Department of Housing Preservation and Development (“HPD”), for an exemption of real property taxes for property located at 1-50 50th Avenue (Block 6, Lot 80) and 1-55 Borden Avenue (Block 6, Lot 6), Borough of Queens, Community Board 2, Council District 26. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the Private Housing Finance Law for an exemption from real property taxes.

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

L.U. No. 682

By Council Member Comrie:

Application no. 20135039 PNK, pursuant to § 1301 (2) (f) of the New York City Charter concerning the proposed amendment to a maritime lease between the New York City Department of Small Business Services and Sea Travelers Realty, Inc. d/b/a Sea Travelers Marina for certain City-owned upland area and lands underwater located at 2875 Flatbush Avenue (Block 8591, parts of Lot 125 and 175), Borough of Brooklyn, Community Board 18, Council District 46.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 683

By Council Member Comrie:

Application no. 20135040 PNO, pursuant to Section 72-h of New York General Municipal Law, for the proposed disposition of real property known as the Mt. Hayden Property, Green County, State of New York, from the City of New York, by and through the New York City Department of Environmental Protection to the State of New York by the New York State Department of Environmental Conservations.

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:

Monday, September 3, 2012

LABOR DAY OBSERVED

Wednesday, September 5, 2012

Subcommittee on **ZONING & FRANCHISES**.....**9:30 A.M.**
See Land Use Calendar Available Thursday, August 30, 2012
Committee Room– 250 Broadway, 16th FloorMark Weprin, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING & MARITIME USES**.....**11:00 A.M.**
See Land Use Calendar Available Thursday, August 30, 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, August 30, 2012
Committee Room – 250 Broadway, 16th Floor Stephen Levin, Chairperson

Thursday, September 6, 2012

Committee on **TRANSPORTATION**.....**10:00 A.M.**
Agenda to be announced
Committee Room – 250 Broadway, 14th FloorJames Vacca, Chairperson

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

Monday, September 10, 2012

Committee on **COMMUNITY DEVELOPMENT**..... **1:00 P.M.**
Agenda to be announced
Committee Room – 250 Broadway, 14th FloorAlbert Vann, Chairperson

Wednesday, September 12, 2012

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, September 12, 2012.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Local Law Note: Int Nos. 807-A, adopted by the Council at the July 25, 2012 Stated Meeting, was signed into law by the Mayor on August 8, 2012 as, respectively, Local Laws No. 41 of 2012.

