

NEW ISSUE

In the opinion of Bond Counsel, interest on the Bonds will be exempt from personal income taxes imposed by the State of New York or any political subdivision thereof, including the City, and assuming continuing compliance with the provisions of the Internal Revenue Code of 1986, as amended, as described herein, interest on the Tax-Exempt Bonds will not be includable in the gross income of the owners thereof for Federal income tax purposes. See "SECTION IX: OTHER INFORMATION—Tax Exemption" herein for further information. Interest on the Taxable Bonds will be includable in gross income for Federal income tax purposes.

## The City of New York

### General Obligation Bonds, Fiscal 1998 Series G

**\$902,725,000 Current Interest Tax-Exempt Bonds**  
**\$82,502,215.70 Tax-Exempt Capital Appreciation Bonds**  
**\$64,670,000 Taxable Bonds**

Dated: Date of Delivery

Due: As shown on inside cover

The Bonds will be issued as registered bonds. The Bonds will be registered in the nominee name of the Depository Trust Company, New York, New York, which will act as securities depository for the Bonds.

Interest on the Bonds (other than the Tax-Exempt Capital Appreciation Bonds) will be payable semiannually, beginning August 1, 1998. The Tax-Exempt Capital Appreciation Bonds do not bear current interest and the accreted value thereof is payable at maturity in multiples of \$5,000. The Bonds (other than the Tax-Exempt Capital Appreciation Bonds) can be purchased in principal amounts of \$5,000 or any integral multiple thereof. Other terms of the Bonds including optional and mandatory redemption provisions are described herein. *A detailed schedule of the Bonds is set forth inside this cover page.*

Certain of the Bonds will be insured by MBIA Insurance Corporation, as shown on the inside cover.

The Bonds are offered subject to prior sale, when, as and if issued by the City and accepted by the Underwriters, subject to the approval of the legality of the Bonds by Brown & Wood LLP, New York, New York, Bond Counsel to the City, and to certain other conditions. Certain legal matters in connection with the preparation of this Official Statement will be passed upon for the City by Morgan, Lewis & Bockius LLP, New York, New York. Certain legal matters will be passed upon for the Underwriters by Rogers & Wells, New York, New York. It is expected that the Bonds will be available for delivery in New York, New York, on or about February 18, 1998.

### Salomon Smith Barney

Goldman, Sachs & Co.

J. P. Morgan & Co.

Artemis Capital Group, Inc.

Bear, Stearns & Co. Inc.

First Albany Corporation

Lehman Brothers

Merrill Lynch & Co.

Morgan Stanley Dean Witter

Morgan Stanley & Co. Incorporated

PaineWebber Incorporated

Prudential Securities Incorporated

Roosevelt & Cross Incorporated

Samuel A. Ramirez & Co., Inc.

Advest, Inc.

M.R. Beal & Company

A.G. Edwards & Sons, Inc.

Fleet Securities, Inc.

Lebenthal & Co., Inc.

CIBC Oppenheimer

Pryor, McClendon, Counts & Co., Inc.

Siebert Brandford Shank & Co.

a division of Muriel Siebert & Co., Inc.

William E. Simon & Sons Municipal Securities Inc.

**\$1,049,897,215.70 General Obligation Bonds, Fiscal 1998 Series G**

<u>August 1</u>	<u>\$985,227,215.70 Tax-Exempt Bonds</u>			<u>\$64,670,000 Taxable Bonds</u>		
	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Price or Yield</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Yield</u>
1998	\$35,590,000	4¼%	3.65%	\$30,765,000	5.65%	5.65%
1999	37,425,000	3.90	100	33,905,000	6	5.96
2000	35,425,000	4	4.05			
2001	20,850,000	4.10	4.20			
2001	16,085,000	5	4.20			
2002	35,285,000	4.30	100			
2003	9,530,000	4.30	4.40			
2003	27,380,000	5	4.40			
2004	5,650,000	4.40	4.50			
2004	32,845,000	5	4.50			
2005	10,500,000	4½	4.60			
2005	33,055,000	5	4.60			
2006(1)	5,500,000	4.30	4.40			
2006(1)	38,710,000	5	4.40			
2007	29,088,844.40(2)		4.65(2)			
2008	28,916,794.65(2)		4.75(2)			
2009	24,496,576.65(2)		4.83(2)			
2010(1)	3,195,000	4.60	4.70			
2010(1)	37,295,000	5	4.70			
2011	15,330,000	5	5.04			
2011	27,260,000	5¼	5.04			
2012	45,220,000	5	5.10			
2013	4,500,000	5	5.12			
2013	46,085,000	5.35	5.12			
2014	53,265,000	5	5.20			
2015	55,995,000	5	5.23			
2016	55,565,000	5¼	100			
2018	99,580,000	5	5.25			
2022	70,495,000	5	5.28			
2025	45,110,000	5½	5.29			

(1) Insured by MBIA Insurance Corporation.

(2) The principal amount of the Tax-Exempt Capital Appreciation Bonds is the initial issuance price. Principal and accrued interest will be payable, at maturity, in \$5,000 denominations.

**Tax-Exempt Capital Appreciation Bonds, Fiscal 1998 Series G**

<u>August 1</u>	<u>Aggregate Initial Offering Price*</u>	<u>Initial Offering Price Per \$5,000 Maturity Amount</u>	<u>Approximate Yield to Maturity</u>
2007 .....	\$29,088,844.40	\$3,237.85	4.65%
2008 .....	28,916,794.65	3,060.95	4.75
2009 .....	24,496,576.65	2,894.55	4.83

\* The aggregate maturity amount of the Tax-Exempt Capital Appreciation Bonds is \$134,470,000.

No dealer, broker, salesperson or other person has been authorized by the City or the Underwriters to give any information or to make any representations in connection with the Bonds or the matters described herein, other than those contained in this Official Statement, and, if given or made, such other information or representations must not be relied upon as having been authorized by the City or the Underwriters. This Official Statement does not constitute an offer to sell or the solicitation of an offer to buy, nor shall there be any sale of the Bonds by any person in any jurisdiction in which it is unlawful for such person to make such offer, solicitation or sale. The information and expressions of opinion contained herein are subject to change without notice, and neither the delivery of this Official Statement, nor any sale made hereunder, shall, under any circumstances, create any implication that there has been no change in the matters described herein since the date hereof. This Official Statement is submitted in connection with the sale of the Bonds referred to herein and may not be reproduced or used, in whole or in part, for any other purpose. The Underwriters may offer and sell Bonds to certain dealers and others at prices lower than the offering prices stated on the Cover Page hereof. The offering prices may be changed from time to time by the Underwriters. No representations are made or implied by the City or the Underwriters as to any offering of any derivative instruments.

The factors affecting the City's financial condition are complex. This Official Statement should be considered in its entirety and no one factor considered less important than any other by reason of its location herein. Where agreements, reports or other documents are referred to herein, reference should be made to such agreements, reports or other documents for more complete information regarding the rights and obligations of parties thereto, facts and opinions contained therein and the subject matter thereof.

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**IN CONNECTION WITH THIS OFFERING, THE UNDERWRITERS MAY OVER-ALLOT OR EFFECT TRANSACTIONS WHICH STABILIZE OR MAINTAIN MARKET PRICES OF THE BONDS AT LEVELS ABOVE THOSE WHICH MIGHT OTHERWISE PREVAIL IN THE OPEN MARKET. SUCH STABILIZING, IF COMMENCED, MAY BE DISCONTINUED AT ANY TIME.**

**IN MAKING AN INVESTMENT DECISION INVESTORS MUST RELY ON THEIR OWN EXAMINATION OF THE ISSUER AND THE TERMS OF THE OFFERING, INCLUDING THE MERITS AND RISKS INVOLVED. THESE SECURITIES HAVE NOT BEEN RECOMMENDED BY ANY FEDERAL OR STATE SECURITIES COMMISSION OR REGULATORY AUTHORITY. FURTHERMORE, THE FOREGOING AUTHORITIES HAVE NOT CONFIRMED THE ACCURACY OR DETERMINED THE ADEQUACY OF THIS DOCUMENT. ANY REPRESENTATION TO THE CONTRARY IS A CRIMINAL OFFENSE.**

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**OFFICIAL STATEMENT  
OF  
THE CITY OF NEW YORK**

This Official Statement provides certain information concerning The City of New York (the "City") in connection with the sale of \$1,049,897,215.70 aggregate principal amount of the City's General Obligation Bonds, Fiscal 1998 Series G (the "Bonds"). The Bonds consist of \$902,725,000 current interest tax-exempt bonds (the "Current Interest Tax-Exempt Bonds"), \$82,502,215.70 issuance amount of tax-exempt capital appreciation bonds (the "Tax-Exempt Capital Appreciation Bonds" and, together with the Current Interest Tax-Exempt Bonds, the "Tax-Exempt Bonds"), and \$64,670,000 current interest taxable bonds (the "Taxable Bonds").

**INTRODUCTORY STATEMENT**

The Bonds will be general obligations of the City for the payment of which the City will pledge its faith and credit. All real property subject to taxation by the City will be subject to the levy of *ad valorem* taxes, without limitation as to rate or amount, to pay the principal of, applicable redemption premium, if any, and interest on the Bonds.

The City, with a population of approximately 7.4 million, is an international center of business and culture. Its non-manufacturing economy is broadly based, with the banking and securities, life insurance, communications, publishing, fashion design, retailing and construction industries accounting for a significant portion of the City's total employment earnings. Additionally, the City is the nation's leading tourist destination. Manufacturing activity in the City is conducted primarily in apparel and printing.

After noticeable improvements in the City's economy during calendar year 1994, economic growth slowed in calendar year 1995, and thereafter improved in calendar years 1996 and 1997, reflecting improved securities industry earnings and employment in other sectors. The City's current financial plan assumes that moderate economic growth will exist through calendar year 2002, with moderating job growth and wage increases.

For each of the 1981 through 1997 fiscal years, the City achieved balanced operating results as reported in accordance with applicable generally accepted accounting principles ("GAAP"). See "SECTION VI: FINANCIAL OPERATIONS—1993-1997 Summary of Operations". The City has been required to close substantial gaps between forecast revenues and forecast expenditures in order to maintain balanced operating results. There can be no assurance that the City will continue to maintain balanced operating results as required by State law without additional tax or other revenue increases or additional reductions in City services or entitlement programs, which could adversely affect the City's economic base.

Pursuant to the New York State Financial Emergency Act for The City of New York (the "Financial Emergency Act" or the "Act"), the City prepares a four-year annual financial plan, which is reviewed and revised on a quarterly basis and which includes the City's capital, revenue and expense projections and outlines proposed gap-closing programs for years with projected budget gaps. The City's current financial plan projects a surplus in the 1998 fiscal year, before discretionary transfers, and substantial budget gaps for each of the 2000, 2001 and 2002 fiscal years. This pattern of current year balanced operating results and projected subsequent year budget gaps has been consistent through virtually the entire period since 1982, during which the City has achieved balanced operating results for each fiscal year. For information regarding the current financial plan, as well as subsequent developments, see "SECTION I: RECENT FINANCIAL DEVELOPMENTS" and "SECTION VII: 1998-2002 FINANCIAL PLAN". The City is required to submit its financial plans to review bodies, including the New York State Financial Control Board ("Control Board"). For further information regarding the Control Board and the Act which provides for oversight and, under certain circumstances, control of the City's financial and management practices, see "SECTION III: GOVERNMENT AND FINANCIAL CONTROLS—City Financial Management, Budgeting and Controls—*Financial Emergency Act*" and "*—Financial Control Board Oversight.*"

The City depends on aid from the State of New York (the "State") both to enable the City to balance its budget and to meet its cash requirements. There can be no assurance that there will not be reductions in State aid

to the City from amounts currently projected; that State budgets will be adopted by the April 1 statutory deadline, or interim appropriations enacted; or that any such reductions or delays will not have adverse effects on the City's cash flow or expenditures. See "SECTION I: RECENT FINANCIAL DEVELOPMENTS—The State". In addition, the Federal budget negotiation process could result in a reduction in or a delay in the receipt of Federal grants which could have additional adverse effects on the City's cash flow or revenues. See "SECTION VII: 1998-2002 FINANCIAL PLAN—Assumptions," and "—Certain Reports".

The Mayor is responsible for preparing the City's financial plan, including the City's current financial plan for the 1998 through 2002 fiscal years (the "1998-2002 Financial Plan" or "Financial Plan"). The City's projections set forth in the Financial Plan are based on various assumptions and contingencies which are uncertain and which may not materialize. Changes in major assumptions could significantly affect the City's ability to balance its budget as required by State law and to meet its annual cash flow and financing requirements. Such assumptions and contingencies are described throughout this Official Statement and include the condition of the regional and local economies, the impact on real estate tax revenues of the real estate market, wage increases for City employees consistent with those assumed in the Financial Plan, employment growth, the ability to implement proposed reductions in City personnel and other cost reduction initiatives, the ability of the New York City Health and Hospitals Corporation ("HHC") to take actions to offset potential budget shortfalls, the ability to complete revenue generating transactions, provision of State and Federal aid and mandate relief and the impact on City revenues and expenditures of Federal and State welfare reform and any future legislation affecting Medicare or other entitlements. Despite these and similar risks and uncertainties, the City has achieved balanced operating results in each of its last seventeen fiscal years. See "SECTION VII: 1998-2002 FINANCIAL PLAN".

Implementation of the Financial Plan is also dependent upon the City's ability to market its securities successfully. The City's financing program for fiscal years 1998 through 2002 contemplates the issuance of \$7.0 billion of general obligation bonds and \$7.5 billion of bonds to be issued by the New York City Transitional Finance Authority (the "Finance Authority") to finance City capital projects. The Finance Authority was created as part of the City's effort to assist in keeping the City's indebtedness within the forecast level of the constitutional restrictions on the amount of debt the City is authorized to incur. See "SECTION VIII: INDEBTEDNESS—City Indebtedness—*Limitations on the City's Authority to Contract Indebtedness*". In a challenge to the constitutionality of the New York City Transitional Finance Authority Act (the "Finance Authority Act"), the trial court recently held that the Finance Authority Act is constitutional. See "SECTION IX: OTHER INFORMATION—Litigation". In addition, the City issues revenue and tax anticipation notes to finance its seasonal working capital requirements. The success of projected public sales of City bonds and notes, New York City Municipal Water Finance Authority ("Water Authority") bonds and Finance Authority bonds will be subject to prevailing market conditions. The City's planned capital and operating expenditures are dependent upon the sale of its general obligation bonds and notes, and the Water Authority and Finance Authority bonds. Future developments concerning the City and public discussion of such developments, as well as prevailing market conditions, may affect the market for outstanding City general obligation bonds and notes.

The City Comptroller and other agencies and public officials have issued reports and made public statements which, among other things, state that projected revenues and expenditures may be different from those forecast in the City's financial plans. It is reasonable to expect that such reports and statements will continue to be issued and to engender public comment. See "SECTION VII: 1998-2002 FINANCIAL PLAN—Certain Reports". For information concerning the City's credit rating, see "SECTION IX: OTHER INFORMATION—Ratings".

The factors affecting the City's financial condition and the Bonds described throughout this Official Statement are complex and are not intended to be summarized in this Introductory Statement. This Official Statement should be read in its entirety.

## SECTION I: RECENT FINANCIAL DEVELOPMENTS

### 1998-2002 Financial Plan

The City's operating results for the 1997 fiscal year were balanced in accordance with GAAP, after taking into account the use of \$1.362 billion for expenditures due in the 1998 fiscal year. The 1997 fiscal year is the City's seventeenth consecutive year of GAAP balanced results.

On January 29, 1998, the City published the Financial Plan for the 1998 through 2002 fiscal years, which relates to the City, the Board of Education ("BOE") and the City University of New York ("CUNY"). The Financial Plan is a modification to the four-year financial plan submitted to the Control Board on June 10, 1997 (the "June Financial Plan").

The June Financial Plan identified actions to close a previously projected budget gap for the 1998 fiscal year. The proposed actions in the June Financial Plan for the 1998 fiscal year included (i) agency actions totaling \$621 million; (ii) the proposed sale of various assets; and (iii) additional State aid of \$294 million, including a proposal that the State accelerate a \$142 million revenue sharing payment to the City from March 1999. The June Financial Plan also included a proposed discretionary transfer in the 1998 fiscal year of \$300 million of debt service due in the 1999 fiscal year for budget stabilization purposes.

The 1998-2002 Financial Plan published on January 29, 1998 reflects actual receipts and expenditures and changes in forecast revenues and expenditures since the June Financial Plan. The 1998-2002 Financial Plan projects revenues and expenditures for the 1998 and 1999 fiscal years balanced in accordance with GAAP, and projects gaps of \$1.8 billion, \$2.0 billion and \$1.9 billion for the 2000, 2001 and 2002 fiscal years, respectively. Changes since the June Financial Plan include: (i) an increase in projected tax revenues of \$841 million, \$738 million, \$808 million and \$802 million in the 1998 through 2001 fiscal years, respectively, including an increase in sales tax revenues resulting from the State adopting a smaller sales tax reduction than previously assumed; (ii) a reduction in assumed State aid of \$283 million in the 1998 fiscal year and of between \$134 million and \$142 million in each of the 1999 through 2001 fiscal years, reflecting the State adopted budget, including, in the 1998 fiscal year, the failure of the State budget to implement the proposed acceleration of \$142 million of revenue sharing payments; (iii) a reduction in projected debt service expenditures totaling \$164 million, \$291 million, \$127 million and \$145 million in the 1998 through 2001 fiscal years, respectively; (iv) an increase in BOE spending of \$70 million, \$182 million, \$59 million and \$61 million in the 1998 through 2001 fiscal years, respectively; and (v) an increase in expenditures totaling \$71 million in the 1998 fiscal year and between \$214 million and \$273 million in each of the 1999 and 2001 fiscal years, reflecting additional spending for the City's proposed drug initiative and other agency spending. The 1998-2002 Financial Plan includes a proposed discretionary transfer in the 1998 fiscal year of an additional \$920 million of debt service due in the 1999 fiscal year, and a proposed discretionary transfer in the 1999 fiscal year of \$210 million of debt service due in fiscal year 2000, for budget stabilization purposes, raising the total for the 1999 fiscal year to \$1.2 billion.

In addition, the Financial Plan sets forth gap-closing actions to eliminate a previously projected gap for the 1999 fiscal year and to reduce projected gaps for fiscal years 2000 through 2002. The gap-closing actions for the 1998 through 2002 fiscal years include: (i) additional agency actions totaling \$122 million, \$429 million, \$354 million, \$303 million and \$311 million in fiscal years 1998 through 2002; (ii) additional Federal aid of \$250 million in each of fiscal years 1999 through 2002, which could include funds to be distributed from the tobacco settlement, increased Medicaid assistance, unrestricted Federal revenue sharing aid or increased funds for school construction; and (iii) additional State aid of \$200 million in each of fiscal years 1999 through 2002, including a proposed increase in revenue sharing payments and reimbursement of inmate costs. The gap-closing actions are partially offset by proposed new tax reduction programs totaling \$237 million, \$537 million, \$610 million and \$774 million in fiscal years 1999 through 2002, respectively, including the elimination of the City sales tax on all clothing as of December 1, 1998, the extension of current tax reductions for owners of cooperative and condominium apartments starting in fiscal year 2000, a personal income tax credit for child care and for resident shareholders of Subchapter S corporations and elimination of the commercial rent tax over three years commencing in fiscal year 2000, all of which are subject to State legislative approval.

The Financial Plan assumes (i) approval by the Governor and the State Legislature of the extension of the 14% personal income tax surcharge, which is scheduled to expire on December 31, 1999 and the extension of which is projected to provide revenue of \$168 million, \$507 million and \$530 million in the 2000, 2001 and 2002 fiscal years, respectively, and of the extension of the 12.5% personal income tax surcharge, which is scheduled to expire on December 31, 1998 and the extension of which is projected to provide revenue of \$187 million, \$531 million, \$554 million and \$579 million in the 1999 through 2002 fiscal years, respectively; (ii) collection of

the projected rent payments for the City's airports, totaling \$365 million, \$175 million, \$170 million and \$70 million in the 1999 through 2002 fiscal years, respectively, which may depend on the successful completion of negotiations with the Port Authority or the enforcement of the City's rights under the existing leases through pending legal actions; and (iii) State approval of the repeal of the Wicks Law relating to contracting requirements for City construction projects and the additional State funding assumed in the Financial Plan, and State and Federal approval of the State and Federal gap-closing actions proposed by the City in the Financial Plan. It can be expected that the Financial Plan will engender public debate which will continue through the time the budget is scheduled to be adopted in June 1998, and that there will be alternative proposals to reduce taxes, including the 12.5% personal income tax surcharge, and increase spending. Accordingly, the Financial Plan may be changed by the time the budget for the 1999 fiscal year is adopted. The Financial Plan provides no additional wage increases for City employees after their contracts expire in fiscal years 2000 and 2001. In addition, the economic and financial condition of the City may be affected by various financial, social, economic and political factors which could have a material effect on the City.

### **Collective Bargaining Agreements**

The projections for the 1998 through 2002 fiscal years reflect the costs of the settlements and arbitration awards with the United Federation of Teachers ("UFT"), a coalition of unions headed by District Council 37 of the American Federation of State, County and Municipal Employees ("District Council 37") and other bargaining units, which together represent approximately 86% of the City's workforce, and assume that the City will reach agreement with its remaining municipal unions under terms which are generally consistent with such settlements and arbitration awards. The settlements and arbitration awards provide for a wage freeze in the first two years, followed by a cumulatively effective wage increase of 11% by the end of the five-year period covered by the agreements, ending in fiscal years 2000 and 2001. Additional benefit increases would raise the total cumulatively effective increase to 13%. Assuming the City reaches similar settlements with its remaining municipal unions, the cost of all settlements for all City-funded employees, as reflected in the Financial Plan, would total \$459 million and \$1.2 billion in the 1998 and 1999 fiscal years, respectively, and exceed \$2 billion in every fiscal year after the 1999 fiscal year. On January 23, 1998, the City reached a tentative settlement with the Correction Officers' Benevolent Association which is consistent with the settlements previously reached by the City with certain other municipal unions. See "SECTION VII: 1998-2002 FINANCIAL PLAN—Assumptions—*Expenditure Assumptions*—1. Personal Service Costs". The Financial Plan provides no additional wage increases for City employees after their contracts expire in fiscal years 2000 and 2001.

### **The State**

The State's budget for the State's 1997-1998 fiscal year, commencing on April 1, 1997, which was originally enacted by the Legislature on August 4, 1997, is balanced on a cash basis with a projected surplus of \$1.83 billion, resulting primarily from growth in projected tax collections. The Governor presented his 1998-1999 Executive Budget to the Legislature on January 20, 1998. The Governor's Executive Budget projected balance on a cash basis in the General Fund. The Legislature and the State Comptroller will review the Governor's Executive Budget and are expected to comment on it. There can be no assurance that the Legislature will enact the Executive Budget into law, or that the State's adopted budget projections will not differ materially and adversely from the projections set forth in the Executive Budget. Depending upon the amount of State aid provided to localities, the City might be required to make substantial additional changes in the Financial Plan.

The Executive Budget contains projections of a potential imbalance in the 1999-2000 fiscal year of \$1.75 billion and in the 2000-2001 fiscal year of \$3.75 billion, assuming implementation of the 1998-1999 Executive Budget recommendations and implementation of \$600 million and \$800 million of unspecified efficiency initiatives and other actions in the 1999-2000 and 2000-2001 fiscal years, respectively. The Executive Budget stated that the assumed unspecified efficiency initiatives and other actions for such fiscal years are comparable with reductions over the past several years, and that the Governor plans to make additional proposals to limit State spending and to take such other actions as are necessary in order to address any potential remaining gap. The Executive Budget identifies various risks, including either a financial market or broader economic correction during the period, which risks are heightened by the relatively lengthy expansions currently underway, and the financial turmoil in Asia.

If the State's budget for the State's 1998-1999 fiscal year is not adopted by the statutory deadline and interim appropriations are not enacted, the projected receipt by the City of State aid could be delayed. For further information concerning the State, including the State's credit ratings, see "SECTION VII: 1998-2002 FINANCIAL PLAN—Assumptions".



## SECTION II: THE BONDS

### General

The Bonds will be general obligations of the City issued pursuant to the Constitution and laws of the State and the New York City Charter (the "City Charter") and in accordance with a certificate of the Deputy Comptroller for Finance. The Bonds will mature and bear interest as described on the inside cover page of this Official Statement and will contain a pledge of the City's faith and credit for the payment of the principal of, redemption premium, if any, and interest on the Bonds. All real property subject to taxation by the City will be subject to the levy of *ad valorem* taxes, without limitation as to rate or amount, to pay the principal of, redemption premium, if any, and interest on the Bonds.

### Market Risk of Tax-Exempt Capital Appreciation Bonds

The Tax-Exempt Capital Appreciation Bonds do not bear current interest, and the accreted value thereof is payable at maturity in multiples of \$5,000. A table of hypothetical accreted values for the Tax-Exempt Capital Appreciation Bonds is contained in Appendix F. The Tax-Exempt Capital Appreciation Bonds may not be suitable for all investors. The purchase of obligations not bearing current interest, such as the Tax-Exempt Capital Appreciation Bonds, may result in greater price volatility than the purchase of an obligation bearing current interest. In addition, there is no assurance that a secondary market will develop and be maintained for the Tax-Exempt Capital Appreciation Bonds. The Tax-Exempt Capital Appreciation Bonds are OID Bonds as defined in "SECTION IX: OTHER INFORMATION—Tax Exemption".

### Payment Mechanism

Pursuant to the Financial Emergency Act, a general debt service fund (the "General Debt Service Fund" or the "Fund") has been established for City bonds and certain City notes. Pursuant to the Act, payments of the City real estate tax must be deposited upon receipt in the Fund, and retained under a statutory formula, for the payment of debt service (with exceptions for debt service, such as principal of seasonal borrowings, that is set aside under other procedures). The statutory formula has in recent years resulted in retention of sufficient real estate taxes to comply with the City Covenants (as defined in "SECTION II: THE BONDS—Certain Covenants and Agreements"). If the statutory formula does not result in retention of sufficient real estate taxes to comply with the City Covenants, the City will comply with the City Covenants either by providing for early retention of real estate taxes or by making cash payments into the Fund. The principal of and interest on the Bonds will be paid from the Fund until the Act expires on July 1, 2008, and thereafter from a separate fund maintained in accordance with the City Covenants. Since its inception in 1978, the Fund has been fully funded at the beginning of each payment period.

If the Control Board determines that retentions in the Fund are likely to be insufficient to provide for the debt service payable therefrom, it must require that additional real estate tax revenues be retained or other cash resources of the City be paid into the Fund. In addition, the Control Board is required to take such action as it determines to be necessary so that the money in the Fund is adequate to meet debt service requirements.

### Enforceability of City Obligations

As required by the State Constitution and applicable law, the City pledges its faith and credit for the payment of the principal of and interest on all City indebtedness. Holders of City debt obligations have a contractual right to full payment of principal and interest at maturity. If the City fails to pay principal or interest, the holder has the right to sue and is entitled to the full amount due, including interest to maturity at the stated rate and at the rate authorized by law thereafter until payment. Under the General Municipal Law, if the City fails to pay any money judgment, it is the duty of the City to assess, levy and cause to be collected amounts sufficient to pay the judgment. Decisions indicate that judicial enforcement of statutes such as this provision in the General Municipal Law is within the discretion of a court. Other judicial decisions also indicate that a money judgment against a municipality may not be enforceable against municipal property devoted to public use.

The rights of the owners of Bonds to receive interest, principal and redemption premium, if any, from the City could be adversely affected by a restructuring of the City's debt under Chapter 9 of the Federal Bankruptcy Code. No assurance can be given that any priority of holders of City securities (including the Bonds) to payment

from money retained in the Fund or from other sources would be recognized if a petition were filed by or on behalf of the City under the Federal Bankruptcy Code or pursuant to other subsequently enacted laws relating to creditors' rights; such money might then be available for the payment of all City creditors generally. Judicial enforcement of the City's obligation to make payments into the Fund, of the obligation to retain money in the Fund, of the rights of holders of bonds and notes of the City to money in the Fund, of the obligations of the City under the City Covenants and of the State under the State Covenant and the State Pledge and Agreement (in each case, as defined in "SECTION II: THE BONDS— Certain Covenants and Agreements") may be within the discretion of a court. For further information concerning rights of owners of Bonds against the City, see "SECTION VIII: INDEBTEDNESS—City Indebtedness".

### **Certain Covenants and Agreements**

The City will covenant that: (i) a separate fund or funds for the purpose of paying principal of and interest on bonds and interest on notes of the City (including required payments into, but not from, City sinking funds) shall be maintained by an officer or agency of the State or by a bank or trust company, and (ii) not later than the last day of each month, there shall be on deposit in a separate fund or funds an amount sufficient to pay principal of and interest on bonds and interest on notes of the City due and payable in the next succeeding month. The City currently uses the debt service payment mechanism described above to perform these covenants. The City will further covenant in the Bonds to limit its issuance of bond anticipation notes as required by the Act, as in effect from time to time, and to comply with the financial reporting requirements of the Act, as in effect from time to time.

The State pledges and agrees in the Financial Emergency Act that the State will not take any action that will impair the power of the City to comply with the covenants described in the preceding paragraph (the "City Covenants") or any right or remedy of any owner of the Bonds to enforce the City Covenants (the "State Pledge and Agreement"). The City will include in the Bonds the covenant of the State (the "State Covenant") to the effect, among other things, that the State will not substantially impair the authority of the Control Board in specified respects. The City will covenant to make continuing disclosure (the "Undertaking") as summarized below under "SECTION IX: OTHER INFORMATION—Continuing Disclosure Undertaking". In the opinion of Bond Counsel, the enforceability of the City Covenants, the Undertaking, the State Pledge and Agreement and the State Covenant may be subject to bankruptcy, insolvency, reorganization, moratorium and other similar laws affecting creditors' rights heretofore or hereafter enacted and may also be subject to the exercise of the State's police powers and of judicial discretion in appropriate cases. The City Covenants, the Undertaking, the State Pledge and Agreement and the State Covenant shall be of no force and effect with respect to any Bond if there is a deposit in trust with a bank or trust company of sufficient cash or cash equivalents to pay when due all principal of, applicable redemption premium, if any, and interest on such Bond.

### **Use of Proceeds**

The proceeds from the sale of the Bonds will be used for refunding purposes including certain expenses of the City incurred in connection with the issuance and sale of the Bonds. The proceeds from the sale of the Bonds are expected to be used to refund the bonds identified in Appendix C hereto by providing for the payment of the principal of and interest and redemption premium, if any, on such bonds to the extent and to the payment dates shown. The proposed refunding is subject to the delivery of the Bonds.

### **Redemption**

Thirty days' notice shall be given to the holders of Bonds to be redeemed prior to maturity. The City may select the dates, amounts and maturities of Bonds for redemption in its sole discretion. On and after any redemption date, interest will cease to accrue on the Bonds called for redemption.

**Optional Redemption**

The Bonds maturing on and after August 1, 2010 will be subject to redemption at the option of the City on or after February 1, 2008, in whole or in part, by lot within each maturity, on any date (only on February 1 and August 1 for the 5% Bonds due in 2010) at the following redemption prices, plus accrued interest to the date of redemption:

<u>Redemption Dates</u>	<u>Redemption Price as Percentage of Par</u>
February 1, 2008 through January 31, 2009 .....	101 %
February 1, 2009 through January 31, 2010 .....	100½%
February 1, 2010 and thereafter .....	100 %

The Bonds maturing in 2009 will be subject to redemption at the option of the City on or after August 1, 2008, in whole or in part by lot, on any date, at their maturity value.

**Mandatory Redemption**

The Bonds maturing in 2018, 2022 and 2025 are Term Bonds subject to mandatory redemption, by lot within each stated maturity, on each August 1 at a redemption price equal to the principal amount thereof, plus accrued interest, without premium, in the amounts set forth below:

<u>August 1</u>	<u>Principal Amount to be Redeemed (In Thousands)</u>		
	<u>2018 Maturity</u>	<u>2022 Maturity</u>	<u>2025 Maturity</u>
2017 .....	\$61,860		
2018 .....	37,720(1)		
2019 .....		\$33,815	
2020 .....		11,620	
2021 .....		12,215	
2022 .....		12,845(1)	
2023 .....			\$14,275
2024 .....			15,020
2025 .....			15,815(1)

(1) Stated maturity

At the option of the City, there shall be applied to or credited against any of the required amounts the principal amount of any such Term Bonds that have been defeased, purchased or redeemed and not previously so applied or credited.

Defeased Term Bonds shall at the option of the City no longer be entitled, but may be subject, to the provisions thereof for mandatory redemption.

**Bond Insurance**

The following information pertaining to MBIA Insurance Corporation (“MBIA”) has been supplied by MBIA. The City makes no representation as to the accuracy or adequacy of such information or as to the absence of material adverse changes in such information subsequent to the dates indicated. Summaries of or references to the insurance policy to be issued by MBIA are made subject to all the detailed provisions thereof to which reference is hereby made for further information and do not purport to be complete statements of any or all of such provisions. See “APPENDIX E—SPECIMEN INSURANCE POLICY”.

The Bonds due in 2006 and 2010 will be insured by MBIA (the “MBIA Insured Bonds”).

The MBIA policy unconditionally and irrevocably guarantees the full and complete payment required to be made by or on behalf of the City to the City’s Fiscal Agent or its successor of an amount equal to (i) the principal of (either at the stated maturity or by an advancement of maturity pursuant to a mandatory sinking fund payment) and interest on, the MBIA Insured Bonds as such payments shall become due but shall not be so paid (except that in the event of any acceleration of the due date of such principal by reason of mandatory or optional redemption or acceleration resulting from default or otherwise, other than any advancement of maturity pursuant to a mandatory sinking fund payment, the payments guaranteed by the MBIA policy shall be made in such amounts and at such times as such payments of principal would have been due had there not been any such acceleration);

and (ii) the reimbursement of any such payment which is subsequently recovered from any owner of the MBIA Insured Bonds pursuant to a final judgment by a court of competent jurisdiction that such payment constitutes an avoidable preference to such owner within the meaning of any applicable bankruptcy law (a "Preference").

The MBIA policy does not insure against loss of any prepayment premium which may at any time be payable with respect to any MBIA Insured Bond. The MBIA policy does not, under any circumstance, insure against loss relating to: (i) optional or mandatory redemptions (other than mandatory sinking fund redemptions); (ii) any payments to be made on an accelerated basis; (iii) payments of the purchase price of MBIA Insured Bonds upon tender by an owner thereof; or (iv) any Preference relating to (i) through (iii) above. The MBIA policy also does not insure against nonpayment of principal of or interest on the MBIA Insured Bonds resulting from the insolvency, negligence or any other act or omission of the City's Fiscal Agent or any other paying agent for the MBIA Insured Bonds.

Upon receipt of telephonic or telegraphic notice, such notice subsequently confirmed in writing by registered or certified mail, or upon receipt of written notice by registered or certified mail, by MBIA from the City's Fiscal Agent or any owner of a MBIA Insured Bond the payment of an insured amount for which is then due, that such required payment has not been made, MBIA on the due date of such payment or within one business day after receipt of notice of such nonpayment, whichever is later, will make a deposit of funds, in an account with State Street Bank and Trust Company, N.A., in New York, New York, or its successor, sufficient for the payment of any such insured amounts which are then due. Upon presentment and surrender of such MBIA Insured Bonds or presentment of such other proof of ownership of the MBIA Insured Bonds, together with any appropriate instruments of assignment to evidence the assignment of the insured amounts due on the MBIA Insured Bonds as are paid by MBIA, and appropriate instruments to effect the appointment of MBIA as agent for such owners of the MBIA Insured Bonds in any legal proceeding related to payment of insured amounts on the Insured MBIA Bonds, such instruments being in a form satisfactory to State Street Bank and Trust Company, N.A., State Street Bank and Trust Company, N.A. shall disburse to such owners or the City's Fiscal Agent payment of the insured amounts due on such MBIA Insured Bonds, less any amount held by the City's Fiscal Agent for the payment of such insured amounts and legally available therefor.

MBIA is the principal operating subsidiary of MBIA Inc., a New York Stock Exchange listed company. MBIA Inc. is not obligated to pay the debts of or claims against MBIA. MBIA is domiciled in the State of New York and licensed to do business in and subject to regulation under the laws of all 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands of the United States and the Territory of Guam. MBIA has two European branches, one in the Republic of France and the other in the Kingdom of Spain. New York has laws prescribing minimum capital requirements, limiting classes and concentrations of investments and requiring the approval of policy rates and forms. State laws also regulate the amount of both the aggregate and individual risks that may be insured, the payment of dividends by MBIA, changes in control and transactions among affiliates. Additionally, MBIA is required to maintain contingency reserves on its liabilities in certain amounts and for certain periods of time.

On November 14, 1997, MBIA Inc. announced the signing of a definitive agreement to merge with CapMAC Holdings Inc. ("CHI"), the parent company of Capital Markets Assurance Corporation ("CapMAC"), in a stock-for-stock transaction. The announcement also stated that all outstanding policies issued by CapMAC will be backed by the full financial resources of MBIA Inc., and that the agreement is subject to regulatory approvals and approval by CHI shareholders.

As of December 31, 1996, MBIA had admitted assets of \$4.4 billion (audited), total liabilities of \$3.0 billion (audited), and total capital and surplus of \$1.4 billion (audited) determined in accordance with statutory accounting practices prescribed or permitted by insurance regulatory authorities. As of September 30, 1997, MBIA had admitted assets of \$5.1 billion (unaudited), total liabilities of \$3.4 billion (unaudited), and total capital and surplus of \$1.7 billion (unaudited) determined in accordance with statutory accounting practices prescribed or permitted by insurance regulatory authorities.

Furthermore, copies of MBIA's year end financial statements prepared in accordance with statutory accounting practices are available without charge from MBIA. A copy of the Annual Report on Form 10-K of MBIA Inc. is available from MBIA or the Securities and Exchange Commission. The address of MBIA is 113 King Street, Armonk, New York 10504 and its telephone number is (914) 273-4545.

Moody's Investors Service, Inc. ("Moody's") rates the claims paying ability of MBIA "Aaa".

Standard & Poor's Ratings Services, a division of The McGraw-Hill Companies, Inc. ("Standard & Poor's"), rates the claims paying ability of MBIA "AAA".

Fitch IBCA, Inc. ("Fitch") rates the claims paying ability of MBIA "AAA".

Each rating of MBIA should be evaluated independently. The ratings reflect the respective rating agency's current assessment of the creditworthiness of MBIA and its ability to pay claims on its policies of insurance. Any further explanation as to the significance of the above ratings may be obtained only from the applicable rating agency.

The above ratings are not recommendations to buy, sell or hold the MBIA Insured Bonds, and such ratings may be subject to revision or withdrawal at any time by the rating agencies. Any downward revision or withdrawal of any of the above ratings may have an adverse effect on the market price of the MBIA Insured Bonds. MBIA does not guarantee the market price of the MBIA Insured Bonds nor does it guarantee that the ratings on the MBIA Insured Bonds will not be revised or withdrawn.

This policy is not covered by the Property/Casualty Insurance Security Fund specified in Article 76 of the New York Insurance Law.

## **Bond Certificates**

### *Book-Entry Only System*

The Depository Trust Company ("DTC"), New York, New York, will act as securities depository for the Bonds. Reference to the Bonds under the caption "Bond Certificates" shall mean all Bonds that are deposited with DTC from time to time. The Bonds will be issued as fully-registered bonds registered in the name of Cede & Co. (DTC's partnership nominee) and deposited with DTC.

DTC is a limited-purpose trust company organized under the New York Banking Law, a "banking organization" within the meaning of the New York Banking Law, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds securities that its direct participants ("Direct Participants") deposit with DTC. DTC also facilitates the settlement among Participants of securities transactions, such as transfers and pledges, in deposited securities through electronic computerized book-entry changes in Participants' accounts, thereby eliminating the need for physical movement of securities certificates. Direct Participants include securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is owned by a number of its Direct Participants and by the New York Stock Exchange, Inc., the American Stock Exchange, Inc., and the National Association of Securities Dealers, Inc. Access to the DTC system is also available to others such as securities brokers and dealers, banks and trust companies that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly ("Indirect Participants"). The Rules applicable to DTC and its Participants are on file with the Securities and Exchange Commission.

Purchases of Bonds under the DTC system must be made by or through Direct Participants, which will receive a credit for the Bonds on DTC's records. The ownership interest of each actual purchaser of each Bond (under this caption, "*Book-Entry Only System*", a "Beneficial Owner") is in turn to be recorded on the Direct and Indirect Participants' records. Beneficial Owners will not receive written confirmation from DTC of their purchase, but Beneficial Owners are expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Bonds are to be accomplished by entries made on the books of Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in the Bonds, except in the event that use of the book-entry system for the Bonds is discontinued.

To facilitate subsequent transfers, all Bonds deposited by Participants with DTC are registered in the name of DTC's partnership nominee, Cede & Co. The deposit of Bonds with DTC and their registration in the name of Cede & Co. effect no change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Bonds; DTC's records reflect only the identity of the Direct Participants to whose accounts such Bonds are

credited, which may or may not be the Beneficial Owners. The Participants will remain responsible for keeping account of their holdings on behalf of their customers.

Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time.

Neither DTC nor Cede & Co. will consent or vote with respect to Bonds. Under its usual procedures, DTC mails an omnibus proxy (the "Omnibus Proxy") to the City as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts the Bonds are credited on the record date (identified in a listing attached to the Omnibus Proxy).

Redemption notices shall be sent to Cede & Co. If less than all of the Bonds within a maturity are being redeemed, DTC's practice is to determine by lot the amount of the interest of each Direct Participant in such maturity to be redeemed.

Principal and interest payments on the Bonds will be made to DTC. DTC's practice is to credit Direct Participants' accounts on the payment date in accordance with their respective holdings shown on DTC's records unless DTC has reason to believe that it will not receive payment on the payment date. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name", and will be the responsibility of such Participant and not of DTC, the Fiscal Agent, or the City, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of principal and interest to DTC is the responsibility of the City or the Fiscal Agent, disbursement of such payments to Direct Participants shall be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners shall be the responsibility of Direct and Indirect Participants.

DTC may discontinue providing its services as securities depository with respect to the Bonds at any time by giving reasonable notice to the City or the Fiscal Agent. Under such circumstances, in the event that a successor securities depository is not obtained, Bond certificates are required to be printed and delivered.

The City may decide to discontinue use of the system of book-entry transfers through DTC (or a successor securities depository). In that event, Bond certificates will be printed and delivered.

The information in this section concerning DTC and DTC's book-entry system has been obtained from sources that the City believes to be reliable, but the City takes no responsibility for the accuracy thereof.

No assurance can be given by the City that DTC will make prompt transfer of payments to the Participants or that Participants will make prompt transfer of payments to Beneficial Owners. The City is not responsible or liable for payment by DTC or Participants or for sending transaction statements or for maintaining, supervising or reviewing records maintained by DTC or Participants.

For every transfer and exchange of the Bonds, the Beneficial Owners may be charged a sum sufficient to cover any tax, fee or other charge that may be imposed in relation thereto.

#### *Discontinuance of the Book-Entry Only System*

In the event that the book-entry only system is discontinued, the City will authenticate and make available for delivery replacement Bonds in the form of registered certificates. In addition, the following provisions would apply: principal of the Bonds and redemption premium, if any, will be payable in lawful money of the United States of America to the registered owners thereof on the maturity date of the Bonds in immediately available funds at the office of the Fiscal Agent, The Chase Manhattan Bank, if by hand, One Chase Manhattan Plaza Level 1B, New York, New York 10081, Attn: Municipal Bond Redemption Window; if by mail, Corporate and Municipal Redemption, P.O. Box 1215 New York, New York 10116-1215, or any successor fiscal agent designated by the City, and interest on the Bonds will be payable by wire transfer or by check mailed to the respective addresses of the registered owners thereof as shown on the registration books of the City as of the close of business on the fifteenth day of the calendar month immediately preceding the applicable interest payment date.

## SECTION III: GOVERNMENT AND FINANCIAL CONTROLS

### Structure of City Government

The City of New York is divided into five counties, which correspond to its five boroughs. The City, however, is the only unit of local government within its territorial jurisdiction with authority to levy and collect taxes, and is the unit of local government primarily responsible for service delivery. Responsibility for governing the City is currently vested by the City Charter in the Mayor, the City Comptroller, the City Council, the Public Advocate and the Borough Presidents.

- The Mayor.* Rudolph W. Giuliani, the Mayor of the City, took office on January 1, 1994 and has been elected for a second term commencing January 1, 1998. The Mayor is elected in a general election for a four-year term and is the chief executive officer of the City. The Mayor has the power to appoint the commissioners of the City's various departments. The Mayor is responsible for preparing and administering the City's annual Expense and Capital Budgets (as defined below) and financial plan. The Mayor has the power to veto local laws enacted by the City Council, but such a veto may be overridden by a two-thirds vote of the Council. The Mayor has powers and responsibilities relating to land use and City contracts and all residual powers of the City government not otherwise delegated by law to some other public official or body. The Mayor is also a member of the Control Board.
- The City Comptroller.* Alan G. Hevesi, the Comptroller of the City, took office on January 1, 1994 and has been elected for a second term commencing January 1, 1998. The City Comptroller is elected in a general election for a four-year term and is the chief fiscal officer of the City. The City Comptroller has extensive investigative and audit powers and responsibilities which include keeping the financial books and records of the City. The City Comptroller's audit responsibilities include a program of performance audits of City agencies in connection with the City's management, planning and control of operations. In addition, the City Comptroller is required to evaluate the Mayor's budget, including the assumptions and methodology used in the budget. The Office of the City Comptroller is responsible under the City Charter and pursuant to State Law and City investment guidelines for managing and investing City funds for operating and capital purposes. The City Comptroller is also a member of the Control Board and is a trustee, the custodian and the delegated investment manager of the City's five pension systems. The investments of those pension system assets, aggregating approximately \$72 billion, are made pursuant to the directions of the respective Boards of Trustees.
- The City Council.* The City Council is the legislative body of the City and consists of the Public Advocate and 51 members elected for four-year terms who represent various geographic districts of the City. Under the Charter, the City Council must annually adopt a resolution fixing the amount of the real estate tax and adopt the City's annual Expense Budget and Capital Budget (as defined below). The City Council does not, however, have the power to enact local laws imposing other taxes, unless such taxes have been authorized by State legislation. The City Council has powers and responsibilities relating to franchises and land use and as provided by State law.
- The Public Advocate.* Mark Green, the Public Advocate, took office on January 1, 1994 and has been elected for a second term commencing January 1, 1998. The Public Advocate is elected in a general election for a four-year term. The Public Advocate may preside at meetings of the City Council without voting power, except in the case of a tie vote. The Public Advocate is first in the line of succession to the Mayor in the event of the disability of the Mayor or a vacancy in the office. The Public Advocate appoints a member of the City Planning Commission and has various responsibilities relating to, among other things, monitoring the activities of City agencies, the investigation and resolution of certain complaints made by members of the public concerning City agencies and ensuring appropriate public access to government information and meetings.
- The Borough Presidents.* Each of the City's five boroughs elects a Borough President who serves for a four-year term concurrent with other City elected officials. The Borough Presidents consult with the Mayor in the preparation of the City's annual Expense Budget and Capital Budget. Five percent of discretionary increases proposed by the Mayor in the Expense Budget and, with certain exceptions, five percent of the appropriations supported by funds over which the City has substantial discretion proposed

by the Mayor in the Capital Budget, must be based on appropriations proposed by the Borough Presidents. Each Borough President also appoints one member to BOE and has various responsibilities relating to, among other things, reviewing and making recommendations regarding applications for the use, development or improvement of land located within the borough, monitoring and making recommendations regarding the performance of contracts providing for the delivery of services in the borough, and overseeing the coordination of a borough-wide public service complaint program.

The City Charter provides that no person shall be eligible to be elected to or serve in the office of Mayor, Public Advocate, Comptroller, Borough President or Council member if that person had previously held such office for two or more full consecutive terms, unless one full term or more has elapsed since that person last held such office. This Charter provision applies to terms of office commencing on or after January 1, 1994.

### **City Financial Management, Budgeting and Controls**

The Mayor is responsible under the City Charter for preparing the City's annual expense and capital budgets (as adopted, the "Expense Budget" and the "Capital Budget", respectively, and collectively, the "Budgets") and for submitting the Budgets to the City Council for its review and adoption. The Expense Budget covers the City's annual operating expenditures for municipal services, while the Capital Budget covers expenditures for capital projects, as defined in the City Charter. Operations under the Expense Budget must reflect the aggregate expenditure limitations contained in financial plans.

The City Council is responsible for adopting the Expense Budget and the Capital Budget. Pursuant to the City Charter, the City Council may increase, decrease, add or omit specific units of appropriation in the Budgets submitted by the Mayor and add, omit or change any terms or conditions related to such appropriations. The City Council is also responsible, pursuant to the City Charter, for approving modifications to the Expense Budget and adopting amendments to the Capital Budget beyond certain latitudes allowed to the Mayor under the City Charter. However, the Mayor has the power to veto any increase or addition to the Budgets or any change in any term or condition of the Budgets approved by the City Council, which veto is subject to an override by a two-thirds vote of the City Council, and the Mayor has the power to implement expenditure reductions subsequent to adoption of the Expense Budget in order to maintain a balanced budget. In addition, the Mayor has the power to determine the non-property tax revenue forecast on which the City Council must rely in setting the property tax rates for adopting a balanced City budget.

#### **OMB**

OMB, with a staff of approximately 300 professionals, is the Mayor's primary advisory group on fiscal issues and is also responsible for the preparation, monitoring and control of the City's Budgets and four-year financial plans. In addition, the City prepares a Ten-Year Capital Strategy.

State law requires the City to maintain its Expense Budget balanced when reported in accordance with GAAP. In addition to the City's annual Expense and Capital Budgets, the City prepares a four-year financial plan which encompasses the City's revenue, expenditure, cash flow and capital projections. All Covered Organizations, as hereinafter defined, are also required to maintain budgets that are balanced when reported in accordance with GAAP. From time to time certain Covered Organizations have had budgets providing for operations on a cash basis but not balanced under GAAP.

To assist in achieving the goals of the financial plan and budget, the City reviews its financial plan periodically and, if necessary, prepares modifications to incorporate actual results and revisions to projections and assumptions to reflect current information. The City's revenue projections are continually reviewed and periodically updated with the benefit of discussions with a panel of private economists analyzing the effects of changes in economic indicators on City revenues and information from various economic forecasting services. The City conforms aggregate expenditures to the limitations contained in the financial plan.



### *Office of the Comptroller*

The City Comptroller is the City's chief fiscal officer and is responsible under the City Charter for reviewing and commenting on the City's Budgets and financial plans, including the assumptions and methodologies used in their preparation. The City Comptroller, as an independently elected public official, is required to report annually to the City Council on the state of the City's economy and finances and periodically to the Mayor and the City Council on the financial condition of the City and to make recommendations, comments and criticisms on the operations, fiscal policies and financial transactions of the City. Such reports, among other things, have differed with certain of the economic, revenue and expenditure assumptions and projections in the City's financial plans and Budgets. See "SECTION VII: 1998-2001 FINANCIAL PLAN—Certain Reports".

The Office of the Comptroller, with a professional staff of approximately 620, establishes the City's accounting and financial reporting practices and internal control procedures. The City Comptroller is also responsible for the preparation of the City's annual financial statements, which, since 1978, have been required to be reported in accordance with GAAP.

The Comprehensive Annual Financial Report of the Comptroller for the 1996 fiscal year, which includes, among other things, the City's financial statements for the 1996 fiscal year, has received the GFOA award of the Certificate of Achievement for Excellence in Financial Reporting, the sixteenth consecutive year the Comprehensive Annual Financial Report of the Comptroller has won such award.

All contracts for goods and services requiring the expenditure of City moneys must be registered with the City Comptroller. No contract can be registered unless funds for its payment have been appropriated by the City Council or otherwise authorized. The City Comptroller also prepares vouchers for payments for such goods and services and cannot prepare a voucher unless funds are available in the Budgets for its payment.

The City Comptroller is also required by the City Charter to audit all City agencies and has the power to audit all City contracts. The Office of the Comptroller conducts both financial and management audits and has the power to investigate corruption in connection with City contracts or contractors.

The Mayor and City Comptroller are responsible for the issuance of City indebtedness. The City Comptroller oversees the payment of such indebtedness and is responsible for the custody of certain sinking funds.

### *Financial Reporting and Control Systems*

Since 1978, the City's financial statements have been required to be audited by independent certified public accountants and to be presented in accordance with GAAP. The City has completed seventeen consecutive fiscal years with a General Fund surplus when reported in accordance with then applicable GAAP.

Both OMB and the Office of the Comptroller utilize financial monitoring, reporting and control systems, including the Integrated Financial Management System and a comprehensive Capital Projects Information System, which provide comprehensive current and historical information regarding the City's financial condition. This information, which is independently evaluated by each office, provides a basis for City action required to maintain a balanced budget and continued financial stability.

The City's operating results and forecasts are analyzed, reviewed and reported on by each of OMB and the Office of the Comptroller as part of the City's overall system of internal control. Internal control systems are reviewed regularly, and the City Comptroller requires an annual report on internal control and accountability from each agency. Comprehensive service level and productivity targets are formulated and monitored for each agency by the Mayor's Office of Operations and reported publicly in a semiannual management report.

The City has developed and utilizes a cash forecasting system which forecasts its daily cash balances. This enables the City to predict more accurately its short-term borrowing needs and maximize its return on the investment of available cash balances. Monthly statements of operating revenues and expenditures, capital revenues and expenditures and cash flow are reported after each month's end, and major variances from the financial plan are identified and explained.

City funds held for operation and capital purposes are managed by the Office of the City Comptroller, with specific guidelines as to investment vehicles. The City does not invest such funds in leveraged products or use reverse repurchase agreements. The City invests primarily in obligations of the United States Government, its agencies and instrumentalities, and repurchase agreements with primary dealers. The repurchase agreements are collateralized by United States Government treasuries, agencies and instrumentalities, held by the City's custodian bank and marked to market daily.

More than 95% of the aggregate assets of the City's five defined benefit pension systems are managed by outside managers, supervised by the Office of the City Comptroller, and the remainder is held in cash or managed by the City Comptroller. Allocations of investment assets are determined by each fund's board of trustees. As of December 31, 1997, aggregate pension assets were allocated approximately as follows: 59% U.S. equities; 30% U.S. fixed income; 10% international equities; 0% international fixed income; and 1% cash.

#### *Financial Emergency Act*

The Financial Emergency Act requires that the City submit to the Control Board, at least 50 days prior to the beginning of each fiscal year (or on such other date as the Control Board may approve), a financial plan for the City and certain State governmental agencies, public authorities or public benefit corporations ("PBCs") which receive or may receive monies from the City directly, indirectly or contingently (the "Covered Organizations") covering the four-year period beginning with such fiscal year. BOE, the New York City Transit Authority and the Manhattan and Bronx Surface Transit Operating Authority (collectively, "New York City Transit" or "NYCT"), HHC and the New York City Housing Authority (the "Housing Authority" or "HA") are examples of Covered Organizations. The Act requires that the City's four-year financial plans conform to a number of standards. Unless otherwise permitted by the Control Board under certain conditions, the City must prepare and balance its budget covering all expenditures other than capital items so that the results of such budget will not show a deficit when reported in accordance with GAAP. Provision must be made, among other things, for the payment in full of the debt service on all City securities. The budget and operations of the City and the Covered Organizations must be in conformance with the financial plan then in effect.

From 1975 to June 30, 1986, the City was subject to a Control Period, as defined in the Financial Emergency Act, which was terminated upon the satisfaction of the statutory conditions for termination, including the termination of all Federal guarantees of obligations of the City, a determination by the Control Board that the City had maintained a balanced budget in accordance with GAAP for each of the three immediately preceding fiscal years and a certification by the State and City Comptrollers that sales of securities by or for the benefit of the City satisfied its capital and seasonal financing requirements in the public credit markets and were expected to satisfy such requirements in the 1987 fiscal year. With the termination of the Control Period, certain Control Board powers were suspended including, among others, its power to approve or disapprove certain contracts (including collective bargaining agreements), long-term and short-term borrowings, and the four-year financial plan and modifications thereto of the City and the Covered Organizations. After the termination of the Control Period but prior to the statutory expiration date of the Financial Emergency Act on July 1, 2008, the City is still required to develop a four-year financial plan each year and to modify the plan as changing circumstances require. During this period, the Control Board will also continue to have certain review powers and must reimpose a Control Period upon the occurrence or substantial likelihood and imminence of the occurrence of any one of certain events specified in the Act. These events are (i) failure by the City to pay principal of or interest on any of its notes or bonds when due or payable, (ii) the existence of a City operating deficit of more than \$100 million, (iii) issuance by the City of notes in violation of certain restrictions on short-term borrowing imposed by the Act, (iv) any violation by the City of any provision of the Act which substantially impairs the ability of the City to pay principal of or interest on its bonds or notes when due and payable or its ability to adopt or adhere to an operating budget balanced in accordance with the Act, or (v) joint certification by the State and City Comptrollers that they could not at that time make a joint certification that sales of securities in the public credit market by or for the benefit of the City during the immediately preceding fiscal year and the current fiscal year satisfied its capital and seasonal financing requirements during such period and that there is a substantial likelihood that such securities can be sold in the general public market from the date of the joint certification through the end of the next succeeding fiscal year in amounts that will satisfy substantially all of the capital and

seasonal financing requirements of the City during such period in accordance with the financial plan then in effect.

#### *Financial Control Board Oversight*

The Control Board, with the Municipal Assistance Corporation for The City of New York ("MAC") and the Office of the State Deputy Comptroller ("OSDC"), reviews and monitors revenues and expenditures of the City and the Covered Organizations. In addition, an independent budget office (the "IBO") has been established pursuant to the City Charter to provide analysis to elected officials and the public on relevant fiscal and budgetary issues affecting the City.

The Control Board is required to: (i) review the four-year financial plan of the City and of the Covered Organizations and modifications thereto; (ii) review the operations of the City and the Covered Organizations, including their compliance with the financial plan; and (iii) review long-term and short-term borrowings and certain contracts, including collective bargaining agreements, of the City and the Covered Organizations. The requirement to submit four-year financial plans and budgets for review was in response to the severe financial difficulties and loss of access to the credit markets encountered by the City in 1975. The Control Board must reexamine the financial plan on at least a quarterly basis to determine its conformance to statutory standards.

During a Control Period, in addition to the requirements described above, the Control Board is required to establish procedures with respect to the disbursement of monies to the City and the Covered Organizations from the Control Board Fund created by the Act.

The ex officio members of the Control Board are George E. Pataki, Governor of the State of New York (Chairman); H. Carl McCall, Comptroller of the State of New York; Rudolph W. Giuliani, Mayor of The City of New York; Alan G. Hevesi, Comptroller of The City of New York. In addition, there are three private members appointed by the Governor, John A. Levin, President and Founder of John A. Levin & Co., Inc.; Heather L. Ruth, President of the Bond Market Association; and Robert G. Smith, Ph.D., President of Smith Affiliated Capital Corp. The Executive Director of the Control Board is appointed jointly by the Governor and the Mayor and Cornelius F. Healy is currently serving as Executive Director of the Control Board. The Control Board is assisted in the exercise of its responsibilities and powers under the Financial Emergency Act by the State Deputy Comptroller. Kathleen Grimm has been nominated for the position of State Deputy Comptroller and her appointment is subject to approval by the State Senate.

## SECTION IV: SOURCES OF CITY REVENUES

The City derives its revenues from a variety of local taxes, user charges and miscellaneous revenues, as well as from Federal and State unrestricted and categorical grants. State aid as a percentage of the City's revenues has remained relatively constant over the period from 1980 to 1997, while unrestricted Federal aid has been sharply reduced. The City projects that local revenues will provide approximately 66.7% of total revenues in the 1998 fiscal year while Federal aid, including categorical grants, will provide 13.2%, and State aid, including unrestricted aid and categorical grants, will provide 20.1%. Adjusting the data for comparability, local revenues provided approximately 60.6% of total revenues in 1980, while Federal and State aid each provided approximately 19.7%. A discussion of the City's principal revenue sources follows. For information regarding assumptions on which the City's revenue projections are based, see "SECTION VII: 1998-2002 FINANCIAL PLAN—ASSUMPTIONS". For information regarding the City's tax base, see "APPENDIX A—ECONOMIC AND SOCIAL FACTORS".

### Real Estate Tax

The real estate tax, the single largest source of the City's revenues, is the primary source of funds for the City's General Debt Service Fund. The City expects to derive approximately 36.8% of its total tax revenues and 20.8% of its total revenues for the 1998 fiscal year from the real estate tax. For information concerning tax revenues and total revenues of the City for prior fiscal years, see "SECTION VI: FINANCIAL OPERATIONS—1993-1997 Summary of Operations".

The State Constitution authorizes the City to levy a real estate tax without limit as to rate or amount (the "debt service levy") to cover scheduled payments of the principal of and interest on indebtedness of the City. However, the State Constitution limits the amount of revenue which the City can raise from the real estate tax for operating purposes (the "operating limit") to 2.5% of the average full value of taxable real estate in the City for the current and the last four fiscal years less interest on temporary debt and the aggregate amount of business improvement district charges subject to the 2.5% tax limitation. The table below sets forth the percentage of the debt service levy to the total levy. The most recent calculation of the operating limit does not fully reflect the recent downturn in the real estate market, which is expected to lower the operating limit in the future. The City Council has adopted a distinct tax rate for each of the four categories of real property established by State legislation.

**COMPARISON OF REAL ESTATE TAX LEVIES, TAX LIMITS AND TAX RATES**

Fiscal Year	Total Levy(1)	Levy Within Operating Limit	Debt Service Levy(2)	Percent of Debt Service Levy to Total Levy	Operating Limit	Percent of Levy Within Operating Limit to Operating Limit	Rate Per \$100 of Full Valuation(3)	Average Tax Rate Per \$100 of Assessed Valuation
(Dollars in Millions)								
1994	\$8,113.2	\$5,920.9	\$2,192.2	27.0%	\$13,853.8	42.7%	\$1.30	\$10.37
1995	7,889.8	5,613.9	2,275.9	28.8	13,446.5	41.7	1.14	10.37
1996	7,871.4	5,261.6	2,609.8	33.2	8,633.4	60.9	1.88	10.37
1997	7,835.1	5,007.7	2,827.4	36.1	7,857.3	63.7	2.46	10.37
1998	7,890.4	6,017.5	1,872.9	23.7	7,599.7	79.2	2.55	10.37

(1) As approved by the City Council.

(2) The debt service levy includes a portion of the total reserve for uncollected real estate taxes.

(3) Full valuation is based on the special equalization ratios (discussed below) and the billable assessed valuation. Special equalization ratios and full valuations are revised periodically as a result of surveys by the State Board of Real Property Services.

### Assessment

The City has traditionally assessed real property at less than market (full) value. The State Board of Real Property Services (the "State Board") is required by law to determine annually the relationship between taxable assessed value and market value which is expressed as the "special equalization ratio." The special equalization ratio is used to compute full value for the purpose of measuring the City's compliance with the operating limit and general debt limit. For a discussion of the City's debt limit, see "SECTION VIII: INDEBTEDNESS—City Indebtedness—Limitations on the City's Authority to Contract Indebtedness". The ratios are calculated by using

the most recent market value surveys available and a projection of market value based on recent survey trends, in accordance with methodologies established by the State Board from time to time. Ratios, and therefore full values, may be revised when new surveys are completed. The ratios and full values used to compute the 1998 fiscal year operating limit and general debt limit which are shown in the table below, have been established by the State Board and include the results of the calendar year 1994 market value survey. These estimates of full value established by the State Board do not fully reflect the recent downturn in the real estate market. For information concerning litigation asserting that the special equalization ratios calculated by the State Board in the 1991 calendar year violate State law because they substantially overestimate the full value of City real estate for the purposes of calculating the operating limit for the 1992 fiscal year, and that the City's real estate tax levy for operating purposes in the 1992 fiscal year exceeded the State Constitutional limit, see "SECTION IX: OTHER INFORMATION—Litigation—Taxes".

**BILLABLE ASSESSED AND FULL VALUE OF TAXABLE REAL ESTATE(1)**

<u>Fiscal Year</u>	<u>Billable</u> <u>Assessed Valuation</u> <u>of Taxable</u> <u>Real Estate(2)</u>	+	<u>Special</u> <u>Equalization</u> <u>Ratio</u>	=	<u>Full Valuation(2)</u>
	1994 .....	\$78,364,554,204		0.2853	
1995 .....	76,202,446,309		0.2628		289,963,646,533
1996 .....	76,029,436,876		0.2470		307,811,485,328
1997 .....	75,668,457,434		0.2309		327,710,946,011
1998 .....	76,188,390,641		0.2194		347,257,933,642
				Average:	309,483,645,769

(1) Also assessed by the City, but excluded from the computation of taxable real estate, are various categories of property exempt from taxation under State law. For the 1998 fiscal year, the billable assessed value of real estate categorized by the City as exempt is \$62.0 billion, or 44.9% of the \$138.0 billion billable assessed value of all real estate (taxable and exempt).

(2) Figures for 1995 to 1998 are based on estimates of the special equalization ratio which are revised annually. These figures are derived from official City Council Tax Resolutions adopted with respect to the 1998 fiscal year. These figures differ from the assessed and full valuation of taxable real estate reported in the Annual Financial Report of the City Comptroller, which excludes veterans' property subject to tax for school purposes (approximately \$200 million in each year) and is based on estimates of the special equalization ratio which are not revised annually.

State law provides for the classification of all real property in the City into one of four statutory classes. Class one primarily includes one-, two-, and three-family homes; class two includes certain other residential property not included in class one; class three includes most utility real property; and class four includes all other real property. The total tax levy consists of four tax levies, one for each class. Once the tax levy is set for each class, the tax rate for each class is then fixed annually by the City Council by dividing the levy for such class by the billable assessed value for such class.

Assessment procedures differ for each class of property. For fiscal year 1998, class one was assessed at approximately 8% of market value and classes two, three and four were assessed at 45% of market value. In addition, individual assessments on class one parcels cannot increase by more than six percent per year or twenty percent over a five-year period. Market value increases and decreases for most of class two and all of class four are phased in over a period of five years. Increases in class one market value in excess of applicable limitations are not phased in over subsequent years. There is also no phase in for class three property.

Class two and class four real property have three assessed values: actual, transition and billable. Actual assessed value is established for all tax classes without regard to the five-year phase-in requirement applicable to most class two and all class four properties. The transition assessed value reflects this phase-in. Billable assessed value is the basis for tax liability, and is the lower of the actual or transition assessment.

The share of the total levy that can be borne by each class is regulated by the provisions of the Real Property Tax Law. Each class's share of the total tax levy is updated annually to reflect new construction, demolition, alterations or changes in taxable status and is subject to limited adjustment to reflect market value changes among the four classes. Fiscal year 1998 tax rates were set on June 10, 1997 reflecting a provision of State law that limits the market value adjustment for 1998 to a 5% increase in any class's share compared to its share in 1997. For fiscal year 1998, the average tax rate is held at the current rate of \$10.37, though individual class tax rates may vary.

Recent changes to the Real Property Tax Law will allow taxpayers to use sales prices to challenge the equality of assessments. This change, effective January 1, 1998, may result in significant refund exposure and reduce the City's real estate tax revenue accordingly.

City real estate tax revenues may be reduced in future fiscal years as a result of tax refund claims asserting overvaluation, inequality of assessment and illegality. For a discussion of various proceedings challenging assessments of real property for real estate tax purposes, see "SECTION IX: OTHER INFORMATION—Litigation—*Taxes*". For further information regarding the City's potential exposure in certain of these proceedings, see "APPENDIX B—FINANCIAL STATEMENTS—Notes to Financial Statements—Note H. LONG-TERM OBLIGATIONS—*Judgments and Claims*".

The State Board annually certifies various class ratios and class equalization rates relating to the four classes of real property in the City. "Class ratios", which are determined for each class by the State Board by calculating the ratio of assessed value to market value, are used in real property tax certiorari proceedings involving allegations of inequality of assessments. The City believes that the State Board overestimated market values for class two and class four properties in calculating the class ratios for the 1991 and 1992 assessment rolls and has commenced proceedings challenging these class ratios. A lowering of the market value determination by the State Board for classes two and four would raise the class ratios and could result in a reduction in tax refunds issued as a result of tax certiorari proceedings. For further information regarding the City's proceeding, see "SECTION IX: OTHER INFORMATION—Litigation—*Taxes*".

#### *Trend in Taxable Assessed Value*

During the decade prior to fiscal year 1993, real property tax revenues grew substantially. Because State law provides for increases in assessed values of most properties to be phased into property tax bills over five-year periods, billable assessed values continued to grow and real property tax revenue increased through fiscal year 1993 even as market values declined during the local recession. For the 1994 fiscal year, billable assessed valuation for taxable property decreased by approximately 1.25% from the \$79.3 billion final valuation for fiscal year 1993. Actual assessed valuation decreased approximately 3.0% in fiscal year 1994 from the prior fiscal year valuation of \$81.7 billion. These results reflect changes made to the assessment percentages for class three property, which resulted in a 46% increase in class three billable assessed value. After adjusting for the change in assessment percentages, billable assessed values for all classes declined by 3.6%.

For the 1994 and 1995 fiscal years, billable assessed valuation continued to decline, by 1.3% and 2.8%, respectively. The bulk of the decline was due to continued weakness in class four. For the 1996 fiscal year, billable assessed valuation in total was essentially unchanged from the prior year (a decline of 0.2%), as the rate of decline in class four slowed and slight increases in the valuations of the other classes offset the class four decline. For the 1996 fiscal year, actual assessed valuation increased by 0.8%, the first improvement since fiscal year 1991. Billable assessed valuation for 1996 was essentially unchanged at \$75.9 billion. Fiscal year 1997 actual assessed valuation on the final assessment roll increased by 0.1% or \$86 million, while billable assessed valuation decreased by 0.5% or \$356 million from fiscal year 1996 to \$75.5 billion. For the 1998 fiscal year, actual assessed valuation increased by 1.6% or \$1.3 billion while billable assessed valuation increased by 0.7% to \$76.0 billion, the first increase since 1993. The Department of Finance has released the tentative assessment roll for the 1999 fiscal year, in which billable assessed valuation rose by \$2.6 billion to \$78.6 billion. After accounting for adjustments from the tax commission and other actions, it is estimated that the final assessment roll for the 1999 fiscal year, to be released in May, will be \$500 million lower than the tentative assessment roll level. Billable assessed valuations are forecast to exceed local inflation through the 2002 fiscal year following continued growth in market values.

#### *Collection of the Real Estate Tax*

Real estate tax payments are due each July 1 and January 1, with the exception of payments by owners of real property assessed at \$40,000 or less and cooperatives whose individual units on average are valued at \$40,000 or less, which are paid in quarterly installments on July 1, October 1, January 1 and April 1. Since July 1, 1991, an annual interest rate of 9% compounded daily is imposed upon late payments on properties for which the annual tax bill does not exceed \$2,750 except in the case of (i) any parcel with respect of which the real property taxes are held in escrow and paid by a mortgage escrow agent and (ii) parcels consisting of vacant or unimproved land. Since July 1, 1991, an interest rate of 18% compounded daily is imposed upon late payments on all other properties. These interest rates are set annually.

The City primarily uses two methods to enforce the collection of real estate taxes. The City is authorized to sell real property tax liens on class one properties which are delinquent for at least three years and class two, three and four properties which are delinquent for at least one year. The City Council voted to extend such authority until December 31, 1999. In addition, the City is entitled to foreclose delinquent tax liens by *in rem* proceedings after one year of delinquency with respect to properties other than one- and two-family dwellings and condominium apartments for which the annual tax bills do not exceed \$2,750, as to which a three-year delinquency rule is in effect.

The real estate tax is accounted for on a modified accrual basis. Revenue accrued is limited to prior year payments received, offset by refunds made, within the first two months of the following fiscal year. In deriving the real estate tax revenue forecast, a reserve is provided for cancellations or abatements of taxes and for nonpayment of current year taxes owed and outstanding as of the end of the fiscal year.

The following table sets forth the amount of delinquent real estate taxes (owed and outstanding as of the end of the fiscal year of levy) for each of the fiscal years indicated. Delinquent real estate taxes do not include real estate taxes subject to cancellation or abatement under various exemption or abatement programs. Delinquent real estate taxes generally increase during a recession and when the real estate market deteriorates. Delinquent real estate taxes generally decrease as the City's economy and real estate market recover.

In June 1994, the City sold to Tax Collections Trust, a Delaware trust, the City's delinquent real property tax receivables outstanding as of May 31, 1994 for \$201 million plus a residual interest in the receivables. In April 1995, the City sold to Asset Securitization Cooperative Corporation, a California cooperative corporation, the City's delinquent real property tax receivables outstanding as of April 1, 1995 for \$223 million, with the City retaining a residual interest in the receivables. In fiscal years 1996 and 1997, the City sold to separate business trusts real property tax liens for which the City received net proceeds of approximately \$169 million and \$52 million, respectively. Amounts shown in the table below exclude the proceeds of tax receivables and tax lien sales.

**REAL ESTATE TAX COLLECTIONS AND DELINQUENCIES  
(In Millions)**

<b>Fiscal Year</b>	<b>Tax Levy(1)</b>	<b>Tax Collections on Current Year Levy(2)</b>	<b>Tax Collections as a Percentage of Tax Levy</b>	<b>Prior Year (Delinquent Tax) Collections</b>	<b>Refunds(3)</b>	<b>Cancellations, Net Credits, Abatements, Exempt Property Restored and Shelter Rent</b>	<b>Delinquent as of End of Fiscal Year(4)</b>	<b>Delinquency as a Percentage of Tax Levy</b>
1991(5) ..	\$7,681.3	\$7,199.2	93.7%	\$149.7	\$ (62.7)	\$(166.4)	\$(315.7)	4.11%
1992 .....	8,318.8	7,748.4	93.1	193.7	(124.3)	(200.2)	(370.2)	4.45
1993 .....	8,392.5	7,766.1	92.5	227.7	(107.2)	(215.2)	(411.2)	4.90
1994 .....	8,113.2	7,520.3	92.7	223.1	(199.1)	(189.5)	(403.4)	4.97
1995 .....	7,889.8	7,377.4	93.5	210.8	(162.4)	(130.8)	(381.6)	4.84
1996 .....	7,871.4	7,306.9	92.8	240.6	(399.7)	(275.5)	(289.1)	3.67
1997 .....	7,835.1	7,354.1	93.9	164.0	(279.0)	(204.6)	(284.4)	3.63
1998(6) ..	7,890.4	7,382.0	93.6	108.0	(288.6)	(323.3)	(257.2)	3.26

(1) As approved by the City Council.

(2) Quarterly collections on current year levy. Amounts for fiscal years 1994, 1995 and 1996 are adjusted to eliminate the effects of the 1994 and 1995 sales of delinquent tax receivables.

(3) Includes repurchases of defective tax liens in 1997 and 1998 amounting to \$7.6 million and \$10.0 million, respectively.

(4) These figures include taxes due on certain publicly owned property and exclude delinquency on shelter rent and exempt property restored in 1995 and 1996.

(5) Does not include supplemental levy of \$61.7 million raised in mid-year for the Criminal Justice Fund.

(6) Forecast.

**Other Taxes**

The City expects to derive 63.2% of its total tax revenues for the 1998 fiscal year from a variety of taxes other than the real estate tax, such as: (i) the 4% sales and compensating use tax, in addition to the State 4 1/4% sales and use tax imposed by the State upon receipts from retail sales of tangible personal property and certain services in the City; (ii) the personal income tax on City residents and the earnings tax on non-residents; (iii) a general corporation tax levied on the income of corporations doing business in the City; (iv) a banking corporation tax imposed on the income of banking corporations doing business in the City; and (v) the State-imposed stock transfer tax. While the economic effect of the stock transfer tax was eliminated as of October 1, 1981, the City's revenue loss is, to some extent, mitigated by State payments to a stock transfer tax incentive fund.

For local taxes other than the real property tax, the City may adopt and amend local laws for the levy of local taxes to the extent authorized by the State. This authority can be withdrawn, amended or expanded by State

legislation. Without State authorization, the City may locally impose property taxes to fund general operations in an amount not to exceed 2½% of property values in the City as determined under a State mandated formula. In addition, the State cannot restrict the City's authority to levy and collect real estate taxes in excess of the 2½% limitation in the amount necessary to pay principal of and interest on City indebtedness. For further information concerning the City's authority to impose real property taxes, see "SECTION IV: SOURCES OF CITY REVENUES—Real Estate Tax". Payments by the State to the City of sales tax and stock transfer tax revenues are subject to appropriation by the State and are made available first to MAC for payment of MAC debt service, reserve fund requirements and operating expenses, with the balance, if any, payable to the City.

Revenues from taxes other than the real property tax, including Audits and Criminal Justice Fund, in the 1997 fiscal year have increased by \$967 million or approximately 8.8% from the 1996 fiscal year. The following table sets forth, by category, revenues from taxes, other than the real property tax, for each of the City's 1993 through 1997 fiscal years.

	<u>1993(1)</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>
	(In Millions)				
Personal Income(2) .....	\$3,451	\$ 3,530	\$ 3,591	\$ 3,908	\$ 4,361
General Corporation .....	978	1,193	1,079	1,209	1,478
Banking Corporation .....	362	497	250	361	360
Unincorporated Business Income .....	389	382	379	496	561
Sales .....	2,379	2,451	2,588	2,714	2,912
Commercial Rent .....	624	629	624	531	374
Real Property Transfer .....	125	149	167	175	215
Mortgage Recording .....	118	134	170	147	185
Utility .....	190	208	197	214	215
All Other(3) .....	588	622	593	628	695
Audits .....	519	570	601	657	651
Total .....	<u>\$9,723</u>	<u>\$10,365</u>	<u>\$10,239</u>	<u>\$11,040</u>	<u>\$12,007</u>

(1) A change in certain accounting standards issued by the Governmental Accounting Standards Board applicable to the City resulted in a restatement of the figures for the 1993 fiscal year and the results of operations for the 1993 fiscal year. Such restatement is reflected in the City's audited financial statements for the 1994 fiscal year. For further information concerning such change in accounting standards, see "SECTION VI: FINANCIAL OPERATIONS—1993-1997 Summary of Operations".

(2) Personal Income Tax includes \$110 million of Criminal Justice Fund revenues in the 1993 fiscal year, \$200 million in fiscal year 1994, \$167 million in fiscal year 1995, \$185 million in fiscal year 1996 and \$90 million in fiscal year 1997.

(3) All Other includes, among others, the stock transfer tax, New York City Off-Track Betting Corporation ("OTB") net revenues, cigarette, beer and liquor taxes, the hotel tax and the automobile use tax.

### Miscellaneous Revenues

Miscellaneous revenues include revenue sources such as charges collected by the City for the issuance of licenses, permits and franchises, interest earned by the City on the investment of City cash balances, tuition and fees at the Community Colleges, reimbursement to the City from the proceeds of water and sewer rates charged by the New York City Water Board (the "Water Board") for costs of delivery of water and sewer services and paid to the City by the Water Board for its lease interest in the water and sewer system, rents collected from tenants in City-owned property and from the Port Authority with respect to airports, and the collection of fines. The following table sets forth amounts of miscellaneous revenues for each of the City's 1993 through 1997 fiscal years.

	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>
	(In Millions)				
Licenses, Permits and Franchises .....	\$ 213	\$ 225	\$ 222	\$ 237	\$ 245
Interest Income .....	87	82	95	112	160
Charges for Services .....	397	389	396	415	428
Water and Sewer Payments .....	709	718	738	731	775
Rental Income .....	162	133	127	139	143
Fines and Forfeitures .....	380	369	417	417	491
Other .....	478	659	722	683	807
Total .....	<u>\$2,426</u>	<u>\$2,575</u>	<u>\$2,717</u>	<u>\$2,734</u>	<u>\$3,049</u>



Effective on July 1, 1985, fees and charges collected from the users of the water and sewer system of the City became revenues of the Water Board, a public benefit corporation all of the members of which are appointed by the Mayor. The Water Board currently holds a long-term leasehold interest in the water and sewer system pursuant to a lease between the Water Board and the City (the "Lease").

Other miscellaneous revenues for the 1993 fiscal year contain a one-time collection from the transfer of surplus funds from the Rehabilitation Mortgage Insurance Corporation amounting to \$23 million, a litigation settlement amounting to \$46 million and on-going payments from HHC amounting to \$161 million. The increase in other miscellaneous revenues for the 1994 fiscal year was primarily due to \$81 million being made available to the City by the municipal labor unions from surplus funds in the Stabilization Funds to offset the cost of the January 1993 labor settlement. In addition, fire officers and superior police officers agreed to transfer \$72 million to the City from the Variable Supplements Fund. Other miscellaneous revenues for the 1995 fiscal year include \$200 million from the recovery of prior year FICA overpayments and \$120 million from the sale of upstate jails to the State. Other miscellaneous revenues for fiscal year 1996 include an increase of \$170 million resulting from actions at HHC, a one-time collection of \$28 million from HFA and \$55 million from the recovery of prior year FICA overpayments. Other miscellaneous revenues for fiscal year 1997 include a \$250 million payment from the MTA and \$207 million from the sale of WNYC.

### Unrestricted Intergovernmental Aid

Unrestricted Federal and State aid has consisted primarily of per capita aid from the State government. These funds, which are not subject to any substantial restriction as to their use, are used by the City as general support for its Expense Budget. State general revenue sharing (State per capita aid) is allocated among the units of local government by statutory formulas which take into account the distribution of the State's population and the full valuation of taxable real property. In recent years, however, such allocation has been based on prior year levels in lieu of the statutory formula. For a further discussion of unrestricted State aid, see "SECTION VII: 1998-2001 FINANCIAL PLAN—Assumptions—Revenue Assumptions—5. Unrestricted Intergovernmental Aid".

The following table sets forth amounts of unrestricted Federal and State aid received by the City in each of its 1993 through 1997 fiscal years.

	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>
	(In Millions)				
State Per Capita Aid .....	\$535	\$300	\$325	\$369	\$322
State Shared Taxes(1) .....	8	27	16	17	6
Other(2) .....	<u>164</u>	<u>340</u>	<u>262</u>	<u>235</u>	<u>326</u>
Total .....	<u>\$707</u>	<u>\$667</u>	<u>\$603</u>	<u>\$621</u>	<u>\$654</u>

(1) State Shared Taxes are taxes which are levied by the State, collected by the State and which, pursuant to aid formulas determined by the State Legislature, are returned to various communities in the State. Beginning on April 1, 1982, these payments were replaced by funds appropriated pursuant to the Consolidated Local Highway Assistance Program, known as "CHIPS".

(2) Included in the 1993, 1994, 1995, 1996 and 1997 fiscal years are \$88 million, \$105 million, \$126 million, \$121 million and \$133 million, respectively, of aid associated with the partial State takeover of long-term care Medicaid costs.

### Federal and State Categorical Grants

The City makes certain expenditures for services required by Federal and State mandates which are then wholly or partially reimbursed through Federal and State categorical grants. State categorical grants are received by the City primarily in connection with City welfare, education, higher education, health and mental health expenditures. The City also receives substantial Federal categorical grants in connection with the Federal Community Development ("Community Development") and the Job Training and Partnership Act ("JTPA"). The Federal government also provides the City with substantial public assistance, social service and education grants as well as reimbursement for all or a portion of certain costs incurred by the City in maintaining programs in a number of areas, including housing, criminal justice and health. All City claims for Federal and State grants are subject to subsequent audit by Federal and State authorities. Federal grants are also subject to audit under the Single Audit Act of 1984 by the City's independent auditors. The City provides a reserve for disallowances resulting from these audits which could be asserted in subsequent years. For a further discussion of Federal and State categorical grants and recent welfare legislation, see "SECTION VII: 1998-2002 FINANCIAL PLAN—Assumptions—Revenue Assumptions—6. Federal and State Categorical Grants" and "—Certain Reports".

The following table sets forth amounts of Federal and State categorical grants received by the City for each of the City's 1993 through 1997 fiscal years.

	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>
	(In Millions)				
<b>Federal</b>					
JTPA .....	\$ 128	\$ 106	\$ 108	\$ 105	\$ 95
Community Development(1) .....	193	264	281	279	264
Welfare .....	2,111	2,321	2,318	2,241	2,284
Education .....	867	882	857	887	929
Other .....	<u>311</u>	<u>387</u>	<u>442</u>	<u>682</u>	<u>561</u>
<b>Total</b> .....	<u><u>\$3,610</u></u>	<u><u>\$3,960</u></u>	<u><u>\$4,006</u></u>	<u><u>\$4,194</u></u>	<u><u>\$4,133</u></u>
<b>State</b>					
Welfare .....	\$1,767	\$1,897	\$1,984	\$1,720	\$1,672
Education .....	3,309	3,380	3,769	3,746	3,908
Higher Education .....	117	134	125	118	121
Health and Mental Health.....	189	207	235	241	254
Other .....	<u>279</u>	<u>285</u>	<u>317</u>	<u>254</u>	<u>309</u>
<b>Total</b> .....	<u><u>\$5,661</u></u>	<u><u>\$5,903</u></u>	<u><u>\$6,430</u></u>	<u><u>\$6,079</u></u>	<u><u>\$6,264</u></u>

(1) Amounts represent actual funds received and may be lower or higher than the appropriation of funds actually provided by the Federal government for the particular fiscal year due either to underspending or the spending of funds carried forward from prior fiscal years.

## SECTION V: CITY SERVICES AND EXPENDITURES

### Expenditures for City Services

Three types of governmental agencies provide public services within the City's borders and receive financial support from the City. One category is the mayoral agencies established by the City Charter which include, among others, the Police, Fire and Sanitation Departments. Another is the independent agencies which are funded in whole or in part through the City Budgets but which have greater independence in the use of appropriated funds than the mayoral agencies. Included in this category are certain Covered Organizations such as HHC, the Transit Authority and BOE. A third category consists of certain PBCs which were created to finance the construction of housing, hospitals, dormitories and other facilities and to provide other governmental services in the City. The legislation establishing this type of agency contemplates that annual payments from the City, appropriated through its Expense Budget, may or will constitute a substantial part of the revenues of the agency. Included in this category are, among others, the City University Construction Fund ("CUCF"). For information regarding expenditures for City services, see "SECTION VI: FINANCIAL OPERATIONS—1993-1997 Summary of Operations".

Federal and State laws require the City to provide certain social services for needy individuals and families who qualify for such assistance. As of October 1, 1996, Aid to Families with Dependent Children was replaced by the Temporary Assistance for Needy Families ("TANF") block grant. The State began receiving TANF funds in December 1996. TANF funds are supplemented by City and State contributions.

On August 20, 1997, the State Welfare Reform Act of 1997 was signed into law creating the TANF funded Family Assistance program and the Safety Net Assistance program which replaced Home Relief. The Family Assistance program provides benefits for households with minor children subject, in most cases, to a five-year limit. The Safety Net Assistance program provides benefits for adults without minor children, families who have reached the family assistance time limit and others, including certain immigrants, who are ineligible for Family Assistance but are eligible for public assistance. Cash assistance benefits under the Safety Net Assistance program are subject to time and eligibility limits, with recipients who reach the time limit or fail to satisfy eligibility requirements receiving non-cash assistance. The cost of Safety Net Assistance is borne equally by the City and the State. Under the State Welfare Reform Act of 1997, the City must achieve recipient work quotas and have all able-bodied recipients working after receiving assistance for two years, which could require the City to provide additional funding for workfare and day care.

The Federal government fully funds and administers a program of Supplemental Security Income ("SSI") for the aged, disabled, and blind which provides recipients with a grant based on a nationwide standard. State law requires that this standard be supplemented with additional payments that vary according to an individual's living arrangement. Since September 30, 1978, the State has assumed responsibility for the entire cost of both the State and City shares of this SSI supplement. State assumption of the City's share has been extended through September 1999.

The City also provides funding for many other social services such as day care, foster care, family planning, services for the elderly and special employment services for welfare recipients some of which are mandated, and may be wholly or partially subsidized, by either the Federal or State government. For further information regarding recent welfare legislation, see "SECTION VII: 1998-2002 FINANCIAL PLAN—Assumptions—*Revenue Assumptions*—6. Federal and State Categorical Grants" and "—Certain Reports".

The City's elementary and secondary school system is operated under the general supervision of BOE, with considerable authority over elementary and junior high schools also exercised by the 32 Community School Boards. BOE is responsible to the State on policy issues and to the City on fiscal matters. The number of pupils in the school system for the 1997-1998 school year is estimated to be 1,093,927. Actual enrollment in fiscal years 1993 through 1997 has been 995,465, 1,016,728, 1,034,235, 1,057,344 and 1,075,605, respectively. Between fiscal years 1995 and 1997, the percentage of the City's total budget allocated to BOE has remained relatively stable at approximately 26.2%; in fiscal year 1998 the percentage of the City's total budget allocated to BOE is projected to be 28.0%. See "SECTION VII: 1998-2002 FINANCIAL PLAN—Assumptions—*Expenditure Assumptions*—2. Other Than Personal Service Costs—*Board of Education*". The City's system of higher education, consisting of its Senior Colleges and Community Colleges, is operated under the supervision of CUNY. The City is projected to provide approximately 30.6% of the costs of the Community Colleges in the 1998 fiscal year. The State has full responsibility for the costs of operating the Senior Colleges, although the City is required initially to fund these costs.

The City administers health services programs for the care of the physically and mentally ill and the aged. HHC maintains and operates the City's eleven municipal hospitals, five long-term care facilities and a network of neighborhood health centers. HHC is funded primarily by third party reimbursement collections from Medicare, Medicaid, Blue Cross-Blue Shield and commercial insurers, and also by direct patient payments and City appropriations.

Medicaid provides basic medical assistance to needy persons. The City is required by State law to furnish medical assistance through Medicaid to all City residents meeting eligibility requirements established by the State. The State has assumed 81.2% of the non-Federal share of long-term care costs, all of the costs of providing medical assistance to the mentally disabled, and 53.1% of the non-Federal share of Medicaid costs for clients enrolled in managed care plans. The Federal government pays approximately 50% of Medicaid costs for Federally eligible recipients.

The City's expense budget has increased during the five-year period ended June 30, 1997, due to, among other factors, the costs of labor settlements, debt service costs and the impact of inflation on various other than personal service costs.

## Employees and Labor Relations

### Employees

The following table presents the number of full-time employees of the City, including the mayoral agencies, BOE and CUNY, at the end of each of the City's 1993 through 1997 fiscal years.

	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>
Education .....	86,981	88,639	88,340	85,959	87,969
Police(1) .....	42,649	45,652	43,040	43,589	46,830
Social Services, Homeless and Children's Services .....	28,810	26,013	23,948	23,604	23,061
City University .....	3,682	4,071	3,579	3,581	3,667
Environmental Protection and Sanitation .....	16,714	16,046	15,258	15,313	14,624
Fire(2) .....	15,830	15,871	15,649	15,703	15,693
All Other .....	<u>54,184</u>	<u>50,491</u>	<u>47,486</u>	<u>47,320</u>	<u>45,108</u>
Total .....	<u>248,850</u>	<u>246,783</u>	<u>237,300</u>	<u>235,069</u>	<u>236,952</u>

(1) For comparison purposes, fiscal years 1993 and 1994 have been restated to include the Transit Authority and Housing Authority Police Departments.

(2) For comparison purposes, fiscal years 1993 through 1995 have been restated to include the impact of the EMS merger with the New York City Fire Department.

The following table presents the number of full-time employees of certain Covered Organizations, as reported by such Organizations, at the end of each of the City's 1993 through 1997 fiscal years.

	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>
Transit Authority(1) .....	44,388	44,949	44,954	42,802	42,687
Housing Authority(1) .....	13,698	13,837	13,820	14,273	14,170
HHC(2) .....	<u>44,445</u>	<u>44,195</u>	<u>39,243</u>	<u>37,527</u>	<u>36,336</u>
Total(3) .....	<u>102,531</u>	<u>102,981</u>	<u>98,017</u>	<u>94,602</u>	<u>93,193</u>

(1) For comparison purposes, fiscal years 1993-1995 have been restated to exclude the Transit Authority and Housing Authority Police Departments.

(2) In fiscal year 1996, EMS merged with the New York City Fire Department.

(3) The definition of "full-time employees" varies among the Covered Organizations and the City.

The foregoing tables include persons whose salaries or wages are paid by certain public employment programs, principally programs funded under JTPA, which support employees in non-profit and State agencies as well as in the mayoral agencies and the Covered Organizations.

### Labor Relations

Substantially all of the City's full-time employees are members of labor unions. The Financial Emergency Act requires that all collective bargaining agreements entered into by the City and the Covered Organizations be consistent with the City's current financial plan, except for certain awards arrived at through impasse procedures. During a Control Period, and subject to the foregoing exception, the Control Board would be required to disapprove collective bargaining agreements that are inconsistent with the City's current financial plan.

Under applicable law, the City may not make unilateral changes in wages, hours or working conditions under any of the following circumstances: (i) during the period of negotiations between the City and a union representing municipal employees concerning a collective bargaining agreement; (ii) if an impasse panel is appointed, then during the period commencing on the date on which such panel is appointed and ending sixty days thereafter or thirty days after it submits its report, whichever is sooner, subject to extension under certain circumstances to permit completion of panel proceedings; or (iii) during the pendency of an appeal to the Board of Collective Bargaining. Although State law prohibits strikes by municipal employees, strikes and work stoppages by employees of the City and the Covered Organizations have occurred.

For information regarding the City's most recently negotiated collective bargaining settlement, as well as assumptions with respect to the cost of future labor settlements and related effects on the 1998-2002 Financial Plan, see "SECTION VII: 1998-2002 FINANCIAL PLAN—Assumptions—*Expenditure Assumptions*—1. Personal Service Costs".

#### *Pensions*

The City maintains a number of pension systems providing benefits for its employees and employees of various independent agencies (including certain Covered Organizations). For further information regarding the City's pension systems and the City's obligations thereto, see "SECTION IX: OTHER INFORMATION—Pension Systems".

#### **Capital Expenditures**

The City makes substantial capital expenditures to reconstruct, rehabilitate and expand the City's infrastructure and physical assets, including City mass transit facilities, sewers, streets, bridges and tunnels, and to make capital investments that will improve productivity in City operations. For additional information regarding the City's infrastructure, physical assets and capital program, see "SECTION VII: 1998-2002 FINANCIAL PLAN—Long-Term Capital and Financing Program" and "APPENDIX A—ECONOMIC AND SOCIAL FACTORS".

The City utilizes a three-tiered capital planning process consisting of the Ten-Year Capital Strategy (previously, the Ten-Year Capital Plan), the Four-Year Capital Program and the current-year Capital Budget. The Ten-Year Capital Strategy, which is published once every two years in conjunction with the Executive Budget, is a long-term planning tool designed to reflect fundamental allocation choices and basic policy objectives. The Four-Year Capital Program translates mid-range policy goals into specific projects. The Capital Budget defines for each fiscal year specific projects and the timing of their initiation, design, construction and completion.

On May 8, 1997, the City published a Ten-Year Capital Strategy for fiscal years 1998 through 2007 (the "Ten-Year Capital Strategy"). The Ten-Year Capital Strategy totaled \$45.0 billion, of which approximately 94% would be financed with City funds. See "SECTION VIII: INDEBTEDNESS—City Indebtedness—*Limitations on the City's Authority to Contract Indebtedness*". The Ten-Year Capital Strategy provides \$6.1 billion for the BOE for fiscal years 1998 through 2002. See "SECTION VII: 1998-2002 FINANCIAL PLAN". The Ten-Year Capital Strategy also assumes that the Wicks Law will be repealed by the State Legislature, and that the City will achieve savings of \$1.6 billion over the ten-year period due to increased capital program efficiency once the law is repealed.

The Ten-Year Capital Strategy includes (i) \$12.6 billion to construct new schools and improve existing educational facilities; (ii) \$8.6 billion for improvements to the water and sewer system; (iii) \$4.2 billion for expanding and upgrading the City's housing stock; (iv) \$2.9 billion for reconstruction or resurfacing of City streets; (v) \$1.3 billion for continued City-funded investment in mass transit; (vi) \$4.4 billion for the continued reconstruction and rehabilitation of all four East River bridges and 410 other bridge structures; (vii) \$1.3 billion to expand current jail capacity; and (viii) \$2.1 billion for construction and improvement of court facilities.

Those programs in the Ten-Year Capital Strategy financed with City funds are currently expected to be funded primarily from the issuance of general obligation bonds issued by the City and revenue bonds issued by the Water Authority and the Finance Authority. Debt service on such general obligation bonds is paid out of the City's operating revenues, debt service on Water Authority bonds is paid out of water and sewer system revenues and debt service on Finance Authority bonds is paid out of personal income taxes. From time to time in the past, during recessionary periods when operating revenues have come under increasing pressure, capital funding levels have been reduced from those previously contemplated in order to reduce debt service costs. For information concerning the City's long-term financing program for capital expenditures, see "SECTION VII: 1998-2002 FINANCIAL PLAN—Long-Term Capital and Financing Program".

The City's capital expenditures, including expenditures funded by State and Federal grants, totaled \$18.3 billion during the 1993 through 1997 fiscal years. City-funded expenditures, which totaled \$16.9 billion during the 1993 through 1997 fiscal years, have been financed through the issuance of bonds by the City, the Water Authority, HHC and, commencing in fiscal year 1994, the Dormitory Authority. The following table summarizes the major categories of capital expenditures in the past five fiscal years.

	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>Total</u>
	(In Millions)					
Education .....	\$ 754	\$ 722	\$ 875	\$ 807	\$ 614	\$ 3,772
Environmental Protection .....	746	616	705	1,004	978	4,049
Transportation .....	341	423	444	554	537	2,299
Transit Authority(1) .....	250	221	150	218	202	1,041
Housing .....	431	387	292	246	269	1,625
Hospitals .....	167	163	137	104	83	654
Sanitation .....	188	151	114	131	213	797
All Other(2) .....	<u>740</u>	<u>660</u>	<u>977</u>	<u>732</u>	<u>963</u>	<u>4,072</u>
Total Expenditures(3) .....	<u>\$3,617</u>	<u>\$3,343</u>	<u>\$3,694</u>	<u>\$3,796</u>	<u>\$3,859</u>	<u>\$18,309</u>
City-funded Expenditures(4) .....	<u>\$3,456</u>	<u>\$3,301</u>	<u>\$3,224</u>	<u>\$3,413</u>	<u>\$3,569</u>	<u>\$16,902</u>

(1) Excludes the Transit Authority's non-City portion of the MTA's Capital Program.

(2) All Other includes, among other things, parks, correction facilities, public structures and equipment.

(3) Total Expenditures for the 1993 through 1997 fiscal years include City, State and Federal funding and represent amounts which include an accrual for work-in-progress. The figures for the 1993 through 1997 fiscal years are derived from the Comprehensive Annual Financial Report of the Comptroller.

(4) City-funded Expenditures do not include accruals, but represent actual cash disbursements occurring during the fiscal year.

In December 1996, the City issued a condition assessment and a proposed maintenance schedule for the major portion of its assets and asset systems which have a replacement cost of \$10 million or more and a useful life of at least ten years, as required by the City Charter. For information concerning a report which sets forth the recommended capital investment to bring certain identified assets of the City to a state of good repair, see "SECTION VII: 1998-2002 FINANCIAL PLAN—Long-Term Capital and Financing Program".

## SECTION VI: FINANCIAL OPERATIONS

The City's General Purpose Financial Statements and the auditors' opinion thereon are presented in "APPENDIX B—FINANCIAL STATEMENTS". Further details are set forth in the Comprehensive Annual Financial Report of the Comptroller for the Fiscal Year Ended June 30, 1997, which is available for inspection at the Office of the Comptroller. For a summary of the City's significant accounting policies, see "APPENDIX B—FINANCIAL STATEMENTS—Notes to Financial Statements—Note A". For a summary of the City's operating results for the previous five fiscal years, see "SECTION VI: FINANCIAL OPERATIONS—1993-1997 Summary of Operations".

Except as otherwise indicated, all of the financial data relating to the City's operations contained herein, although derived from the City's books and records, are unaudited. In addition, the City's independent certified public accountants have not compiled or examined, or applied agreed upon procedures to, the forecast of 1998 results or the Financial Plan.

The estimates and projections contained in this Section and elsewhere herein are based on, among other factors, evaluations of historical revenue and expenditure data, analyses of economic trends and current and anticipated Federal and State legislation affecting the City's finances. The City's financial projections are based upon numerous assumptions and are subject to certain contingencies and periodic revisions which may involve substantial change. Consequently, the City makes no representation or warranty that these estimates and projections will be realized.

### 1993-1997 Summary of Operations

The following table sets forth the City's results of operations for its 1993 through 1997 fiscal years in accordance with GAAP. The information regarding the 1993 through 1997 fiscal years has been derived from the City's audited financial statements and should be read in conjunction with the notes accompanying this table and the City's 1996 and 1997 financial statements included in "APPENDIX B—FINANCIAL STATEMENTS". The 1993 through 1995 financial statements are not separately presented herein. For further information regarding the City's revenues and expenditures, see "SECTION IV: SOURCES OF CITY REVENUES" and "SECTION V: CITY SERVICES AND EXPENDITURES".

	Fiscal Year (1)				
	1993(2)	1994	1995	1996	1997
	(In Millions)				
<b>Revenues and Transfers</b>					
Real Estate Tax(3)	\$ 7,886	\$ 7,773	\$ 7,474	\$ 7,100	\$ 7,291
Other Taxes(4)(5)	9,723	10,365	10,239	11,040	12,007
Miscellaneous Revenues	2,426	2,575	2,717	2,734	3,049
Other Categorical Grants	129	128	143	343	379
Unrestricted Federal and State Aid(4)	707	667	603	621	654
Federal Categorical Grants	3,610	3,960	4,006	4,194	4,133
State Categorical Grants	5,661	5,903	6,430	6,079	6,264
Less: Disallowances Against Categorical Grants	(26)	(19)	(21)	(40)	(36)
<b>Total Revenues and Transfers</b>	<b>\$30,116</b>	<b>\$31,352</b>	<b>\$31,591</b>	<b>\$32,071</b>	<b>\$33,741</b>
<b>Expenditures and Transfers</b>					
Social Services	\$ 7,430	\$ 8,030	\$ 8,112	\$ 7,902	\$ 7,749
Board of Education	7,213	7,561	7,863	7,835	8,085
City University	571	353	348	348	354
Public Safety and Judicial	3,759	3,846	4,121	4,446	4,727
Health Services	1,452	1,620	1,737	1,829	1,448
Pensions	1,427	1,274	1,273	1,356	1,319
Debt Service(4)	2,103	2,136	2,320	2,512	4,184
MAC Debt Service Funding(4)	370	354	29	132	264
All Other	5,827	6,173	5,783	5,706	5,606
<b>Total Expenditures and Transfers</b>	<b>\$30,152</b>	<b>\$31,347</b>	<b>\$31,586</b>	<b>\$32,066</b>	<b>\$33,736</b>
<b>Surplus(6)</b>	<b>\$ (36)</b>	<b>\$ 5</b>	<b>\$ 5</b>	<b>\$ 5</b>	<b>\$ 5</b>

(1) The City's results of operations refer to the City's General Fund revenues and transfers reduced by expenditures and transfers. The revenues and assets of PBCs included in the City's audited financial statements do not constitute revenues and assets of the City's General Fund, and, accordingly, the revenues of such PBCs, other than net OTB revenues, are not included in the City's results of operations. Expenditures required to be made by the City with respect to such PBCs are included in the City's results of operations. For further information regarding the particular PBCs included in the City's financial statements, see "APPENDIX B—FINANCIAL STATEMENTS—Notes to Financial Statements—Note A".

(2) In October 1993, the City reported a General Fund operating surplus of \$5,079,000 for the 1993 fiscal year as reported in accordance with then applicable GAAP. The City has been required to restate its fiscal year 1993 financial statements because the City has implemented for the 1994 fiscal year Governmental Accounting Standards Board ("GASB") Statement Number 22, which provides for a change in the method of recognizing certain tax receipts. For purposes of presenting comparative financial statements for the 1994 fiscal year, the City was required to restate the fiscal year 1993 financial statements as if the Statement were adopted in fiscal year 1993. Accordingly, for purposes of presenting fiscal year 1993 financial statements on a comparative basis, the opening fund balance of fiscal year 1993 was restated from \$82,974,000 to \$311,435,000 and the surplus for the 1993 fiscal year was restated from \$5,079,000 to \$(36,025,000).

(3) Real Estate Tax for the 1993, 1994, 1995, 1996 and 1997 fiscal years includes \$128 million, \$147.5 million, \$147 million, \$146 million and \$223 million respectively, of Criminal Justice Fund revenues. Real Estate Tax for fiscal years 1994, 1995, 1996 and 1997 also includes \$201 million and \$223 million from the sale of the City's delinquent tax receivables and \$169 million and \$52 million from the sale of real property tax liens, respectively.

(4) Revenues include amounts paid and expected to be paid to MAC by the State from sales tax receipts, stock transfer tax receipts and State per capita aid otherwise payable by the State to the City. Pursuant to State statute, these revenues flow directly from the State to MAC, and flow to the City only to the extent not required by MAC for debt service, reserve fund requirements and for operating expenses. The City includes such revenues as City revenues and reports the amount retained by MAC from such revenues as "MAC Debt Service Funding", although the City has no control over the statutory application of such revenues to the extent MAC requires them. Estimates of City "Debt Service" include, and estimates of "MAC Debt Service Funding" are reduced by, payments by the City of debt service on City obligations held by MAC. Personal income taxes for the 1993 through 1997 fiscal years include \$110 million, \$200 million, \$167 million, \$185 million and \$90 million of Criminal Justice Fund revenues, respectively.

(5) Other Taxes include transfers of net OTB revenues. For further information regarding the City's revenues from Other Taxes, see "SECTION IV: SOURCES OF CITY REVENUES—Other Taxes".

(6) The General Fund surplus is the surplus after discretionary transfers and expenditures. The City had General Fund operating surpluses of \$1.367 billion, \$229 million, \$71 million, \$72 million and \$371 million before discretionary transfers and expenditures for the 1997, 1996, 1995, 1994 and 1993 fiscal years, respectively.



## Forecast of 1998 Results

The following table compares the forecast for the 1998 fiscal year contained in the financial plan submitted to the Control Board on June 10, 1997 (the "June 1997 Forecast") with the Financial Plan published on January 29, 1998 (the "January 1998 Forecast"). These forecasts were prepared on a basis consistent with GAAP. For information regarding recent developments, see "SECTION I: RECENT FINANCIAL DEVELOPMENTS".

	June 1997 Forecast	January 1998 Forecast	Increase (Decrease) from June 1997 Forecast
(In Millions)			
<b>REVENUES</b>			
Taxes			
General Property Tax .....	\$ 7,217	\$ 7,261	\$ 44 (1)
Other Taxes .....	10,825	11,666	841 (2)
Tax Audit Revenue .....	676	631	(45)
Criminal Justice Fund .....	185	185	—
Tax Reduction Program .....	(47)	—	47 (3)
Miscellaneous Revenues .....	3,649	3,656	7
Unrestricted Intergovernmental Aid .....	788	587	(201)(4)
Other Categorical Grants .....	292	334	42 (5)
Inter-Fund Revenues .....	266	259	(7)
Less: Intra-City Revenues .....	(694)	(718)	(24)
Disallowances Against Categorical Grants .....	(15)	(15)	0
Total City Funds .....	\$23,142	\$23,846	\$ 704
Federal Categorical Grants .....	3,946	4,511	565 (5)
State Categorical Grants .....	6,285	6,511	226 (5)
Total Revenues .....	<u>\$33,373</u>	<u>\$34,868</u>	<u>\$1,495</u>
<b>EXPENDITURES</b>			
Personal Services .....	\$17,307	\$17,818	\$ 511 (6)
Other Than Personal Services .....	14,273	14,625	352 (7)
Debt Service .....	1,917	2,683	766 (8)
MAC Debt Service Funding .....	370	360	(10)
General Reserve .....	200	100	(100)
	<u>\$34,067</u>	<u>\$35,586</u>	<u>\$1,519</u>
Less: Intra-City Expenses .....	(694)	(718)	(24)
Total Expenditures .....	<u>\$33,373</u>	<u>\$34,868</u>	<u>\$1,495</u>
SURPLUS .....	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>

- (1) The increase in General Property Tax resulted from a decrease in the reserve for uncollectibles.
- (2) The increase in Other Taxes resulted from increases in the personal income tax of \$267 million, business taxes of \$320 million, the sales tax of \$160 million and all other taxes of \$94 million.
- (3) The increase in Tax Reduction Program resulted from a postponement of various tax reductions.
- (4) The decrease in Unrestricted Intergovernmental Aid is due to a reduction in assumed State aid reflecting the adopted State budget.
- (5) The increase in Federal, State and Other Categorical Grants is due in part to budget modifications increasing such grants that were processed from July 1997 to December 1997.
- (6) The increase in the Personal Services forecast is due in part to \$99 million in budget modifications processed from July 1997 to December 1997, \$39 million for the drug initiative program, \$370 million for BOE and \$70 million made available to BOE as a result of BOE underspending in 1997, offset by various reductions in projected personal service costs.
- (7) The increase in the Other Than Personal Services forecast is due in part to \$432 million in budget modifications processed from July 1997 to December 1997 and \$30 million for the drug initiative program, offset by a reduction of \$89 million in entitlement spending.
- (8) The increase in Debt Service is due in part to a projected discretionary transfer to the General Debt Service Fund in the 1998 fiscal year of \$920 million for Debt Service due in the 1999 fiscal year for budget stabilization purposes, offset by a discretionary transfer in the 1997 fiscal year of \$75 million of Debt Service due in the 1998 fiscal year and \$92 million in Debt Service reductions resulting from lower interest costs, refundings and lower seasonal borrowings.

## SECTION VII: 1998-2002 FINANCIAL PLAN

The following table sets forth the City's projected operations on a basis consistent with GAAP for the 1998 through 2002 fiscal years as contained in the 1998-2002 Financial Plan. This table should be read in conjunction with the accompanying notes, "Actions to Close the Gaps" and "Assumptions", below. For information regarding recent developments, see "SECTION I: RECENT FINANCIAL DEVELOPMENTS".

	1998-2002				
	Fiscal Years(1)(2)				
	1998	1999	2000	2001	2002
	(In Millions)				
<b>REVENUES</b>					
<b>Taxes</b>					
General Property Tax(3) .....	\$ 7,261	\$ 7,396	\$ 7,899	\$ 8,267	\$ 8,694
Other Taxes(4) .....	11,666	11,900	12,280	12,735	13,255
Criminal Justice Fund .....	185	—	—	—	—
Tax Audit Revenue .....	631	628	620	611	601
Tax Reduction Program(5) .....	—	(237)	(537)	(610)	(774)
State Tax Relief Program(5) .....	—	(46)	(251)	(477)	(676)
Miscellaneous Revenues .....	3,656	3,554	3,328	3,252	3,217
Unrestricted Intergovernmental Aid .....	587	587	792	1,018	1,217
Anticipated Revenues .....	—	390	390	390	390
Other Categorical Grants .....	334	299	296	297	297
Less: Intra-City Revenues .....	(718)	(717)	(717)	(719)	(722)
Disallowances Against Categorical Grants .....	(15)	(15)	(15)	(15)	(15)
Total City Funds .....	\$23,587	\$23,739	\$24,085	\$24,749	\$25,484
Inter-Fund Revenues(6) .....	259	271	274	274	274
Total City Funds and Inter-Fund Revenues .....	\$23,846	\$24,010	\$24,359	\$25,023	\$25,758
Federal Categorical Grants .....	4,511	3,926	3,836	3,819	3,781
State Categorical Grants .....	6,511	6,388	6,388	6,415	6,465
Total Revenues .....	\$34,868	\$34,324	\$34,583	\$35,257	\$36,004
<b>EXPENDITURES</b>					
Personal Service(7) .....	\$17,818	\$18,085	\$18,989	\$19,216	\$19,286
Other Than Personal Service .....	14,625	14,232	14,298	14,555	14,820
<b>Debt Service</b>					
City General Obligation .....	1,445	1,649	2,829	3,070	3,209
Budget Stabilization Account .....	1,220	210	—	—	—
Transitional Finance Authority .....	18	154	299	453	568
MAC Debt Service Funding(4) .....	360	511	488	512	524
General Reserve .....	100	200	200	200	200
Total Expenditures .....	\$35,586	\$35,041	\$37,103	\$38,006	\$38,607
Less: Intra-City Expenses .....	(718)	(717)	(717)	(719)	(722)
Net Total Expenditures .....	\$34,868	\$34,324	\$36,386	\$37,287	\$37,885
GAP TO BE CLOSED .....	\$ —	\$ —	\$(1,803)	\$(2,030)	\$(1,881)

(1) The four-year financial plan for the 1997 through 2000 fiscal years, as submitted to the Control Board on June 21, 1996, contained the following projections for the 1997-2000 fiscal years: (i) for 1997, total revenues of \$32.981 billion and total expenditures of \$32.981 billion; (ii) for 1998, total revenues of \$32.155 billion and total expenditures of \$33.839 billion, with a gap to be closed of \$1.684 billion; (iii) for 1999, total revenues of \$32.310 billion and total expenditures of \$34.969 billion, with a gap to be closed of \$2.659 billion; (iv) for fiscal year 2000, total revenues of \$32.829 billion and total expenditures of \$36.250 billion with a gap to be closed of \$3.421 billion.

The four-year financial plan for the 1996 through 1999 fiscal years, as submitted to the Control Board on July 11, 1995, contained the following projections for the 1996-1999 fiscal years: (i) for 1996, total revenues of \$31.460 billion and total expenditures of \$31.460 billion; (ii) for 1997, total revenues of \$31.620 billion and total expenditures of \$32.508 billion, with a gap to be closed of \$.888 billion; (iii) for 1998, total revenues of \$32.055 billion and total expenditures of \$33.514 billion, with a gap to be closed of \$1.459 billion; (iv) for 1999, total revenues of \$32.906 billion and total expenditures of \$34.344 billion with a gap to be closed of \$1.438 billion.

The four-year financial plan for the 1995 through 1998 fiscal years, as submitted to the Control Board on July 8, 1994, contained the following projections for the 1995-1998 fiscal years: (i) for 1995, total revenues of \$31.635 billion and total

(Footnotes continued on next page)

(Footnotes continued from previous page)

- expenditures of \$31.635 billion; (ii) for 1996, total revenues of \$31.561 billion and total expenditures of \$33.026 billion with a gap to be closed of \$1.465 billion; (iii) for 1997, total revenues of \$31.922 billion and total expenditures of \$33.913 billion with a gap to be closed of \$1.991 billion; and (iv) for 1998, total revenues of \$32.582 billion and total expenditures of \$35.002 billion with a gap to be closed of \$2.420 billion.
- (2) The Financial Plan combines the operating revenues and expenditures of the City, BOE and CUNY. The Financial Plan does not include the total operations of HHC, but does include the City's subsidy to HHC and the City's share of HHC revenues and expenditures related to HHC's role as a Medicaid provider. Certain Covered Organizations and PBCs which provide governmental services to the City, such as the Transit Authority, are separately constituted and their revenues (other than net OTB revenues), are not included in the Financial Plan; however, City subsidies and certain other payments to these organizations are included. Revenues and expenditures are presented net of intra-City items, which are revenues and expenditures arising from transactions between City agencies.
  - (3) Includes \$60 million, \$39 million, \$33 million, \$33 million and \$33 million for the sale of real property tax liens in fiscal years 1998 through 2002, respectively, and property tax relief for owners of condominiums and co-operatives totaling \$91 million in the 1998 fiscal year, and \$160 million in the 1999 fiscal year. These projections do not include the effects of the State Tax Relief Program which will reduce the property tax revenues by an estimated \$11 million in fiscal year 1999, \$66 million in fiscal year 2000, \$121 million in fiscal year 2001 and \$176 million in fiscal year 2002. The State will reimburse the City for the reduced revenue.
  - (4) Revenues include amounts paid and expected to be paid to MAC by the State from sales tax receipts, stock transfer tax receipts and State per capita aid otherwise payable by the State to the City. Pursuant to State statute, these revenues flow directly from the State to MAC, and flow to the City only to the extent not required by MAC for debt service, reserve fund requirements and operating expenses. The City includes such revenues as City revenues and reports the amount retained by MAC from such revenues as "MAC Debt Service Funding", although the City has no control over the statutory application of such revenues to the extent MAC requires them. Estimates of City "Debt Service" include, and estimates of "MAC Debt Service Funding" are reduced by, anticipated payments by the City of debt service on City obligations held by MAC. Other Taxes include transfers of net OTB revenues. This also includes the extension of the 12½% personal income tax surcharge, the 14% personal income tax surcharge, and the base resident and non-resident rate schedule through tax year 2001. Revenues include amounts that are now expected to be paid to the Finance Authority. Personal income taxes will flow directly from the State to the Finance Authority, and flow to the City only to the extent not required by the Finance Authority for debt service, reserves and operating expenses. Sales taxes will flow directly from the State to the Finance Authority, after required payments are made to MAC, to the extent necessary to provide statutory coverage. Estimates of City "Debt Service" include amounts equal to anticipated payments of debt service on Finance Authority obligations.
  - (5) Tax Reduction Program includes the elimination of the City sales tax on all clothing as of December 1, 1998, the extension of current tax reductions for owners of cooperative and condominium apartments starting in fiscal year 2000, a personal income tax credit for child care and for resident shareholders of Subchapter S corporations and elimination of the commercial rent tax over three years commencing in fiscal year 2000, all of which are subject to State legislative approval. State Tax Relief Program includes the reduction of property and personal income taxes funded by increased State aid.
  - (6) Inter-Fund Revenues represent General Fund expenditures, properly includable in the Capital Budget, made on behalf of the Capital Projects Fund pursuant to inter-fund agreements.
  - (7) For an explanation of projected expenditures for personal service costs, see "SECTION VII: 1998-2002 FINANCIAL PLAN—Assumptions—Expenditure Assumptions—1. PERSONAL SERVICE COSTS".

Anticipated Revenues include additional Federal aid of \$190 million in each of fiscal years 1999 through 2002, which could include funds to be distributed from the tobacco settlement, unrestricted Federal revenue sharing aid or increased funds for school construction, and additional State aid of \$200 million in each of fiscal years 1999 through 2002, including a proposed increase in revenue sharing payments and reimbursement of inmate costs, which are subject to Federal and State approval, respectively.

Various actions proposed in the Financial Plan are uncertain. See "SECTION I: RECENT FINANCIAL DEVELOPMENTS". If these measures cannot be implemented, the City will be required to take other actions to decrease expenditures or increase revenues to maintain a balanced financial plan. See "SECTION VII: 1998-2001 FINANCIAL PLAN—Certain Reports" and "—Assumptions".

### **Actions to Close the Gaps**

In connection with the Financial Plan, the City has outlined a gap-closing program for fiscal years 2000, 2001 and 2002 to eliminate the respective \$1.8 billion, \$2.0 billion and \$1.9 billion projected budget gaps for such fiscal years. This program, which is not specified in detail, assumes for the 2000, 2001 and 2002 fiscal years, respectively, additional agency programs to reduce expenditures or increase revenues by \$703 million, \$830 million and \$751 million; savings from privatization initiatives and asset sales of \$300 million, \$300 million and \$230 million; additional Federal and State aid of \$400 million, \$500 million and \$500 million;

additional entitlement cost containment initiatives of \$300 million, \$300 million and \$300 million; and the availability of \$100 million, \$100 million and \$100 million of the General Reserve.

The City's projected budget gap for the 2001 and 2002 fiscal years does not reflect the savings expected to result from the prior years' programs to close the gaps set forth in the Financial Plan. Thus, for example, recurring savings anticipated from the actions which the City proposes to take to balance the fiscal year 2000 budget are not taken into account in projecting the budget gaps for the 2001 and 2002 fiscal years.

Although the City has maintained balanced budgets in each of its last seventeen fiscal years and is projected to achieve balanced operating results for the 1998 fiscal year, there can be no assurance that the gap-closing actions proposed in the Financial Plan can be successfully implemented or that the City will maintain a balanced budget in future years without additional State aid, revenue increases or expenditure reductions. Additional tax increases and reductions in essential City services could adversely affect the City's economic base.

### **Assumptions**

The 1998-2002 Financial Plan is based on numerous assumptions, including the condition of the City's and the region's economy and a modest employment recovery and the concomitant receipt of economically sensitive tax revenues in the amounts projected. The 1998-2002 Financial Plan is subject to various other uncertainties and contingencies relating to, among other factors, the extent, if any, to which wage increases for City employees exceed the annual wage costs assumed for the 1998 through 2002 fiscal years; continuation of projected interest earnings assumptions for pension fund assets and current assumptions with respect to wages for City employees affecting the City's required pension fund contributions; the willingness and ability of the State to provide the aid contemplated by the Financial Plan and to take various other actions to assist the City; the ability of HHC, BOE and other such agencies to maintain balanced budgets; the willingness of the Federal government to provide the amount of Federal aid contemplated in the Financial Plan; the impact on City revenues and expenditures of Federal and State welfare reform and any future legislation affecting Medicare or other entitlement programs; adoption of the City's budgets by the City Council in substantially the forms submitted by the Mayor; the ability of the City to implement cost reduction initiatives, and the success with which the City controls expenditures; the impact of conditions in the real estate market on real estate tax revenues; the City's ability to market its securities successfully in the public credit markets; and unanticipated expenditures that may be incurred as a result of the need to maintain the City's infrastructure. See "SECTION I: RECENT FINANCIAL DEVELOPMENTS". Certain of these assumptions have been questioned by the City Comptroller and other public officials. See "SECTION VII: 1998-2002 FINANCIAL PLAN—Certain Reports".

The State's budget for the State's 1997-1998 fiscal year, commencing on April 1, 1997, was adopted by the Legislature on August 4, 1997. Prior to adoption of the budget, the Legislature enacted appropriations for disbursements for its 1997-1998 fiscal year considered to be necessary for State operations and other purposes. The State Financial Plan for the 1997-1998 fiscal year, originally formulated on August 11, 1997, is currently projected to be balanced on a cash basis, with a projected surplus of \$1.83 billion, resulting primarily from growth in income taxes.

The Governor presented his 1998-1999 Executive Budget to the Legislature on January 20, 1998. The Governor's Executive Budget projects balance on a cash basis in the General Fund. Total General Fund receipts and transfers from other funds and total General Fund disbursements and transfers to other funds are projected to be \$36.2 billion. The Legislature and the State Comptroller will review the Governor's Executive Budget and are expected to comment on it. Leaders of the Legislature have proposed additional tax reductions and increased spending on school construction. There can be no assurance that the Legislature will enact the Executive Budget into law, or that the State's adopted budget projections will not differ materially and adversely from the projections set forth in the Executive Budget. Depending upon the amount of state aid provided to localities, the City might be required to make substantial additional changes in the Financial Plan.

The Executive Budget contains projections of a potential imbalance in the 1999-2000 fiscal year of \$1.75 billion and in the 2000-2001 fiscal year of \$3.75 billion, assuming implementation of the 1998-1999 Executive Budget recommendations and implementation of \$600 million and \$800 million of unspecified efficiency initiatives and other actions in the 1999-2000 and 2000-2001 fiscal years, respectively. The Executive Budget stated that the assumed unspecified efficiency initiatives and other actions for such fiscal years are comparable with reductions over the past several years, and that the Governor plans to make additional proposals to limit State spending and to take such other actions as are necessary in order to address any potential remaining gap. The projections reflect constant law income tax liability growth of approximately 5.3% and sales tax growth averaging slightly less than 5%, while business tax receipts are projected to rise slowly over the two years. The Executive Budget identifies various risks, including either a financial market or broader economic correction

during the period, which risks are heightened by the relatively lengthy expansion currently underway, and the financial turmoil in Asia. In addition, the Executive Budget notes that a normal forecast error of one percentage point in the expected growth rate could raise or lower receipts by over \$1 billion by the last year of the projection period, and that funding is not included for any costs associated with new collective bargaining agreements after the expiration of the current contracts at the end of the 1998-1999 fiscal year. The State has released an update to the Annual Information Statement on January 30, 1998, which discusses the Executive Budget and the State Financial Plan for the 1998-1999 fiscal year.

The 1997-1998 adopted State budget and the 1998-1999 Executive Budget include multi-year tax reductions, including a State funded property and local income tax reduction program, estate tax relief, utility gross receipts tax reductions, permanent reductions in the State sales tax on clothing, and elimination of assessments on medical providers. The various elements of the State and local tax and assessment reductions have little or no impact on the 1997-1998 State Financial Plan, but reduce projected revenues by greater than \$3.0 billion in the 2000-2001 fiscal year.

The economic and financial condition of the State may be affected by various financial, social, economic and political factors. Those factors can be very complex, may vary from fiscal year to fiscal year, and are frequently the result of actions taken not only by the State and its agencies and instrumentalities, but also by entities, such as the Federal government, that are not under the control of the State. In addition, the State Financial Plan is based upon forecasts of national and State economic activity. Economic forecasts have frequently failed to predict accurately the timing and magnitude of changes in the national and the State economies. Actual results could differ materially and adversely from projections and those projections may be changed materially and adversely from time to time.

The State has closed projected budget gaps of \$5.0 billion, \$3.9 billion and \$2.3 billion for its 1995-1996, 1996-1997 and 1997-1998 fiscal years, respectively. In recent years, State actions affecting the level of receipts and disbursements, the relative strength of the State and regional economy, actions of the Federal government and other factors have created structural budget gaps for the State. These gaps resulted from a significant disparity between recurrent revenues and the costs of maintaining or increasing the level of support for State programs. To address a potential imbalance in any given fiscal year, the State would be required to take actions to increase receipts and/or reduce disbursements as it enacts the budget for that year, and under the State Constitution, the Governor is required to propose a balanced budget each year. There can be no assurance, however, that the Legislature will enact the Governor's proposals or that the State's actions will be sufficient to preserve budgetary balance in a given fiscal year or to align recurring receipts and disbursements in future fiscal years.

On February 3, 1998, the New York State Comptroller issued a report which noted that a significant cause for concern is the budget gaps in the 1999-2000 and 2000-2001 fiscal years, which the State Comptroller projected at \$2.6 billion and \$4.8 billion, respectively, reflecting uncertainty concerning the receipt by the State of \$250 million of funds from the tobacco settlement assumed for each of such fiscal years, as well as the unspecified actions assumed in the State's projections. The State Comptroller also stated that if the economy slows, the size of the gaps would increase.

In recent years, the State has failed to adopt a budget prior to the beginning of its fiscal year. A prolonged delay in the adoption of the State's budget beyond the statutory April 1 deadline without interim appropriations could delay the projected receipt by the City of State aid, and there can be no assurance that State budgets in future fiscal years will be adopted by the April 1 statutory deadline.

The State's Annual Information Statement, updates and any supplements thereto may be obtained by contacting the Division of the Budget, State Capitol, Albany, New York 12224, Tel.: (518) 473-8705.

On August 28, 1997, Standard & Poor's revised its ratings on the State's general obligation bonds from A- to A and, in addition, revised its ratings on the State's moral obligation, lease purchase, guaranteed and contractual obligation debt. On January 6, 1992, Moody's reduced its ratings on outstanding limited-liability State lease purchase and contractual obligations from A to Baa1. On February 10, 1997, Moody's confirmed its A2 rating on the State's general obligation long-term indebtedness.

The projections and assumptions contained in the 1998-2002 Financial Plan are subject to revision which may involve substantial change, and no assurance can be given that these estimates and projections, which include actions which the City expects will be taken but which are not within the City's control, will be realized. The principal projections and assumptions described below are based on information available in January 1998. For information regarding certain recent developments, see "SECTION I: RECENT FINANCIAL DEVELOPMENTS".

## Revenue Assumptions

### 1. GENERAL ECONOMIC CONDITIONS

The Financial Plan assumes that after noticeable improvements in the City's economy during calendar years 1997 and 1998, economic growth will slow, with local employment increasing modestly through fiscal year 2002. This assumption is based on continuing restrictive monetary policy. However, there can be no assurance that the economic projections assumed in the Financial Plan will occur or that the tax revenues projected in the Financial Plan to be received will be received in the amounts anticipated.

The following table presents a forecast of the key economic indicators for the calendar years 1997 through 2002. This forecast is based upon information available in January 1998.

#### FORECAST OF KEY ECONOMIC INDICATORS

U.S. ECONOMY	Calendar Years					
	1997	1998	1999	2000	2001	2002
<i>Economic Activity and Income</i>						
Real GDP (billions of 1992 dollars).....	7,188.4	7,352.5	7,502.4	7,689.9	7,884.0	8,055.8
Percent Change .....	3.8	2.3	2.0	2.5	2.5	2.2
Pre-tax Corporate Profits (\$ billions) .....	723.9	752.8	776.9	804.9	846.7	892.5
Percent Change .....	7.0	4.0	3.2	3.6	5.2	5.4
Personal Income (\$ billions).....	6,870.1	7,228.1	7,513.4	7,835.6	8,183.1	8,544.5
Percent Change .....	5.8	5.2	3.9	4.3	4.4	4.4
Non-Agricultural Employment (millions) .....	122.3	124.5	126.2	127.9	129.6	131.1
Change From Prior Year .....	2.7	2.3	1.7	1.7	1.7	1.5
Unemployment Rate .....	5.0	4.8	5.1	5.3	5.4	5.4
CPI-All Urban (1982-84=100) .....	160.6	164.6	168.4	172.7	177.3	182.3
Percent Change .....	2.4	2.5	2.3	2.6	2.7	2.8
Wage Rate (\$ per year).....	31,671	32,865	33,834	34,826	35,828	36,868
Percent Change .....	4.2	3.8	2.9	2.9	2.9	2.9
3-month Treasury Bill Rate .....	5.0	5.1	4.9	4.7	4.7	4.8
Federal Funds Rate .....	5.5	5.8	5.1	4.8	4.8	5.0
<b>NEW YORK CITY ECONOMY</b>						
Personal Income (\$ billions).....	246.9	259.4	269.2	280.4	292.2	304.3
Percent Change .....	5.7	5.1	3.7	4.2	4.2	4.1
Non-Agricultural Employment (thousands).....	3,406.4	3,450.4	3,482.3	3,511.8	3,538.6	3,565.6
Change From Prior Year .....	48.9	44.0	31.9	29.5	26.8	27.0
Real Gross City Product (billions of 1992 dollars) .....	326.8	335.4	342.4	352.1	362.3	371.2
Percent Change .....	3.9	2.7	2.1	2.8	2.9	2.5
Wage Rate (\$ per year).....	48,852	51,159	52,869	54,836	56,912	58,916
Percent Change .....	5.7	4.7	3.3	3.7	3.8	3.5
CPI-All Urban NY-NJ Area (1982-84=100).....	170.7	174.8	178.6	183.0	187.7	192.7
Percent Change .....	2.3	2.4	2.2	2.5	2.5	2.7

SOURCE: OMB model for the City economy.

### 2. REAL ESTATE TAX

Projections of real estate tax revenues are based on a number of assumptions, including, among others, assumptions relating to the tax rate, the assessed valuation of the City's taxable real estate, the delinquency rate, debt service needs, a reserve for uncollectible taxes and the operating limit. See "SECTION IV: SOURCES OF CITY REVENUES—Real Estate Tax".

The delinquency rate for the 1997 fiscal year was 3.63%. The 1998-2002 Financial Plan projects delinquency rates of 3.26%, 3.14%, 2.89%, 2.68% and 2.63%, respectively, for the 1998 through 2002 fiscal years. For information concerning the delinquency rates for prior years, see "SECTION IV: SOURCES OF CITY REVENUES—Real Estate Tax—Collection of the Real Estate Tax". For a description of proceedings seeking real estate tax refunds from the City, see "SECTION IX: OTHER INFORMATION—Litigation—Taxes".

### 3. OTHER TAXES

The following table sets forth amounts of revenues (net of refunds) from taxes other than the real estate tax projected to be received by the City in the 1998-2002 Financial Plan. The amounts set forth below include projected tax program revenues and exclude the Criminal Justice Fund and audit revenues.

	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>
	(In Millions)				
Personal Income(1) .....	\$ 4,454	\$ 4,733	\$ 4,963	\$ 5,172	\$ 5,410
General Corporation .....	1,417	1,330	1,307	1,382	1,435
Banking Corporation .....	456	379	402	406	412
Unincorporated Business Income .....	552	545	584	634	669
Sales(2) .....	3,048	3,157	3,213	3,263	3,395
Commercial Rent .....	347	322	319	336	352
Real Property Transfer .....	277	301	326	346	359
Mortgage Recording .....	225	245	265	281	290
Utility .....	221	224	229	233	242
All Other(3) .....	669	664	673	682	691
Total .....	<u>\$11,666</u>	<u>\$11,900</u>	<u>\$12,281</u>	<u>\$12,735</u>	<u>\$13,255</u>

(1) Personal Income includes \$18 million, \$154 million, \$299 million, \$453 million and \$568 million of personal income tax revenues projected to be paid to the Finance Authority for debt service in 1998 through 2002 fiscal years, respectively.

Personal Income includes revenues which would be generated by extension of the 14% personal income tax surcharge beyond calendar year 1999 and extension of the 12.5% personal income tax surcharge beyond calendar year 1998, resulting in revenues aggregating to \$187 million, \$699 million, \$1.061 billion and \$1.109 billion in the 1999, 2000, 2001 and 2002 fiscal years, respectively, and the Personal Income projections assume renewal of both surcharges, which requires enactment of State legislation. These projections do not include the effects of the State Tax Relief Program, which will reduce personal income tax revenues by an estimated \$35 million, \$185 million, \$356 million and \$500 million in the 1999 through 2002 fiscal years, respectively. The State will reimburse the City for such reduced revenues.

(2) Includes amounts for MAC debt service of \$360 million, \$511 million, \$488 million, \$512 million and \$524 million in the 1998 through 2002 fiscal years, respectively.

(3) All Other includes, among others, stock transfer tax, the OTB net revenues, cigarette, beer and liquor taxes, the hotel tax and the automobile use tax. Stock transfer tax is \$114 million in each of the 1997 through 2002 fiscal years.

The 1998-2002 Financial Plan reflects the following assumptions regarding projected baseline revenues from Other Taxes: (i) with respect to personal income tax revenues, slower income growth commencing in the 1999 fiscal year, reflecting moderation in securities industry profits and a decline in capital gains realizations in calendar year 1998; (ii) with respect to the general corporation tax, a slowdown in the outlook for the securities industry in fiscal year 1999 and subsequent years, an increase in refunds in the 1998 fiscal year and the impact of limited liability company legislation which will reduce the number of corporate entities over time; (iii) with respect to the banking corporation tax, a decline in the liability estimate in fiscal year 1999, reflecting a slowdown in securities activities and loan growth; (iv) with respect to the unincorporated business tax, a decline in fiscal year 1998 reflecting tax reform and credit increase; (v) with respect to the sales tax, a slowdown in the economy and securities industry wage income growth in fiscal year 1999; (vi) with respect to the mortgage recording and real property transfer taxes, strong growth in fiscal year 1998 reflecting strong economic activity coupled with low interest rates; (vii) with respect to the commercial rent tax, continuing improvement in occupancy and rental rates; and (viii) with respect to the All Other category, the current general economic forecast. The 1998-2002 Financial Plan also assumes the timely extension by the State Legislature of the current rate structures for the non-resident earnings tax, for the resident personal income tax (including two temporary surcharges), for the general corporation tax, for the two special sales taxes and for the cigarette tax. Legislation extending the general corporation tax, the two special sales taxes and the cigarette tax to December 31, 1999 has been enacted. Legislation has been enacted extending the current rate structure for the non-resident earnings tax and the resident personal income tax (excluding the 12.5% personal income tax surcharge) to December 31, 1999. On December 31, 1999, a lower rate schedule for the resident personal income tax with a maximum rate of 1.61% is to become effective, unless the current rate schedule is extended, as has been the case since 1989. The rate schedule for the resident personal income tax is scheduled to further decline to 1.48% on January 1, 2001. The Financial Plan assumes the timely extension of the current maximum rate of 3.4% for the resident personal income tax. Legislation extending the 12.5% personal income tax surcharge to December 31, 1998, was enacted in March 1997. Legislation extending the 14% personal income tax surcharge to December 31, 1999 was also enacted. Under current legislation, the City's 4% sales tax would be reduced to 3% on July 1, 2008 or earlier if MAC's funding requirements for the payment of outstanding debt and other expenses are met prior to July 1, 2008. The Financial Plan reflects the continuation of the sales tax at the rate of 4%.

#### 4. MISCELLANEOUS REVENUES

The following table sets forth amounts of miscellaneous revenues projected to be received by the City in the 1998-2002 Financial Plan.

	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>
	(In Millions)				
Licenses, Permits and Franchises .....	\$ 258	\$ 258	\$ 257	\$ 258	\$ 259
Interest Income .....	131	110	122	114	112
Charges for Services .....	421	415	411	406	406
Water and Sewer Payments(1) .....	875	777	778	786	757
Rental Income .....	130	459	257	248	143
Fines and Forfeitures .....	467	485	477	471	471
Other .....	656	333	309	250	347
Intra-City Revenues .....	718	717	717	719	722
Total .....	<u>\$3,656</u>	<u>\$3,554</u>	<u>\$3,328</u>	<u>\$3,252</u>	<u>\$3,217</u>

(1) Received from the Water Board. For further information regarding the Water Board, see "SECTION VII: 1998-2001 FINANCIAL PLAN Long-Term Capital and Financing Program".

The 1998-2002 Financial Plan projects that aggregate miscellaneous revenues categories will remain relatively stable with offsetting increases and declines. Rental Income in the 1999 through 2002 fiscal years includes \$365 million, \$175 million, \$170 million and \$70 million from the Port Authority as rent payments for the City's airports, of which \$350 million, \$140 million and \$135 million in the 1999 through 2001 fiscal years, respectively, is currently the subject of a dispute with the Port Authority. Other revenues include a \$200 million payment in the 1998 fiscal year from the MTA.

Among the rent claims which the City has asserted in an arbitration against the Port Authority is a \$187 million claim resulting from the Port Authority's exclusion from the City rent calculation of the sum of passenger facility charges ("PFCs") which the Port Authority has collected since 1992. On June 27, 1996, the Appellate Division of the New York Supreme Court held that the PFC claim does not raise any issue of Federal law so long as any additional rent to be paid on the claim would be paid from funds other than PFCs. On November 20, 1996, the Chief Counsel of the Federal Aviation Administration ("FAA") issued a letter, at the Port Authority's request, stating that it was the FAA's position that under Federal law the sums of PFCs collected by the Port Authority could not be included in the determination of rent. On January 21, 1997, the Chief Counsel stated in a letter to the City's Corporation Counsel that his prior letter was an "advisory opinion" that by its terms was not binding. If the City prevails on the PFC claim, the additional rent resulting from that claim would not be paid from PFCs; rather, such payment would be made from the Port Authority's consolidated operating funds.

#### 5. UNRESTRICTED INTERGOVERNMENTAL AID

The following table sets forth amounts of unrestricted intergovernmental aid projected to be received by the City in the 1998-2002 Financial Plan.

	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>
	(In Millions)				
State Revenue Sharing .....	\$327	\$327	\$327	\$ 327	\$ 327
Other Aid .....	260	260	465	691	890
Total .....	<u>\$587</u>	<u>\$587</u>	<u>\$792</u>	<u>\$1,018</u>	<u>\$1,217</u>

The Other Aid category primarily consists of approximately \$134 million annually from aid associated with the State takeover of long-term care Medicaid costs, \$35 million annually from New York State audits, \$23 million annually in inter-governmental transfers, \$13 million in prior year claims settlements and proposed State aid for tax relief of \$46 million to \$676 million in fiscal years 1999 through 2002. In addition, collections in fiscal year 1998 include a one-time payment of \$45 million.

The receipt of State Revenue Sharing funds could be affected by potential prior claims asserted by the State. For information concerning recent shortfalls in projected State tax revenues and the possible impact on State aid to the City, see "SECTION VII: 1998-2002 FINANCIAL PLAN—Assumptions".



## 6. FEDERAL AND STATE CATEGORICAL GRANTS

The following table sets forth amounts of Federal and State categorical grants projected to be received by the City in the 1998-2002 Financial Plan.

	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>
	(In Millions)				
Federal					
JTPA.....	\$ 100	\$ 101	\$ 101	\$ 101	\$ 101
Community Development(1).....	316	261	261	261	261
Welfare .....	2,467	2,271	2,225	2,222	2,221
Education .....	1,000	905	905	905	905
Other .....	628	388	344	330	293
Total.....	<u>\$4,511</u>	<u>\$3,926</u>	<u>\$3,836</u>	<u>\$3,819</u>	<u>\$3,781</u>
State					
Welfare .....	\$1,608	\$1,521	\$1,472	\$1,465	\$1,464
Education .....	4,170	4,161	4,246	4,275	4,326
Higher Education .....	161	158	158	158	155
Health and Mental Health .....	275	286	261	260	260
Other.....	297	262	251	257	260
Total.....	<u>\$6,511</u>	<u>\$6,388</u>	<u>\$6,388</u>	<u>\$6,415</u>	<u>\$6,465</u>

(1) This amount represents the projected annual level of new funds. Unspent Community Development grants from prior fiscal years could increase the amount actually received.

The 1998-2002 Financial Plan assumes that all existing Federal and State categorical grant programs will continue, unless specific legislation provides for their termination or adjustment, and assumes increases in aid where increased costs are projected for existing grant programs. For information concerning projected State budget gaps and the possible impact on State aid to the City, see "SECTION VII: 1998-2002 FINANCIAL PLAN—Assumptions".

A major component of Federal categorical aid to the City is the Community Development program. Pursuant to Federal legislation, Community Development grants are provided to cities primarily to aid low and moderate income persons by improving housing facilities, parks and other capital improvements, by providing certain social programs and by promoting economic development. These grants are based on a formula that takes into consideration such factors as population, housing overcrowding and poverty.

As of November 30, 1997, approximately 15.54% of the City's full-time employees (consisting of employees of the mayoral agencies and BOE) were paid by JTPA funds, Community Development funds, water and sewer funds and from other sources not funded by unrestricted revenues of the City. In the 1998 fiscal year, the City will receive \$222.5 million from the Community Development Block grant. This is \$6.5 million less than the amount received in the 1997 fiscal year.

The City's receipt of categorical aid is contingent upon the satisfaction of certain statutory conditions and is subject to subsequent audits, possible disallowances and possible prior claims by the State or Federal governments. The general practice of the State and Federal governments has been to deduct the amount of any disallowances against the current year's payment. It may be legally possible for substantial disallowances of aid claims to be asserted during the course of the 1998-2002 Financial Plan. The amounts of such disallowances attributable to prior years declined from \$124 million in the 1977 fiscal year to \$87 million in the 1997 fiscal year. This decrease reflects favorable experience with the level of disallowances in recent years, which may not continue. As of June 30, 1997, the City had an accumulated reserve of \$168 million for future disallowances of categorical aid.

On August 22, 1996 the President signed the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the "1996 Welfare Act"). Subsequently, the Federal government enacted the Balanced Budget Act of 1997, which amended the 1996 Welfare Act, and the State enacted its Welfare Reform Act of 1997. These laws made major changes to welfare and other benefit programs including conversion of AFDC into the TANF

block grant to states, and the imposition of Federal and State work requirements and time limits on assistance. The State also amended its statutes in response to Federal restrictions on benefits to non-citizens.

On August 5, 1997 the President signed the Balanced Budget Act of 1997 into law. The Act includes various tax reductions, reinstates SSI and Medicaid eligibility for some immigrants, adds significant funding for State Welfare to Work programs and reduces Medicaid Disproportionate Share payments. Appropriations have been enacted which include increases in education and criminal justice funding. On February 2, the President released his Executive Budget for Federal fiscal year 1999. The Executive Budget provides assistance to the City particularly in the areas of funding for educational construction, subsidized child care, housing assistance and the restoration of food stamp benefits to certain legal immigrants. Restoration of Federal funding for such food stamp benefits would save the City approximately \$30 million in City fiscal year 1999 in food assistance program expenditures. The Executive Budget does not include funding for the Local Law Enforcement Block Grant or the Juvenile Accountability Incentive Block Grant which was funded at \$250 million in Federal fiscal year 1998. The Financial Plan assumes that this funding will be restored. Such funding was not included in the Executive Budget for Federal fiscal year 1997, but was later restored for that year.

The Financial Plan reflects budgetary changes resulting from Federal restorations of certain benefits to immigrants under the Balanced Budget Act of 1997 and the creation of the New York State Food Assistance Program which replaces Federal food stamps for certain groups of immigrants. The estimates made by OMB are preliminary and depend on a variety of factors, which are impossible to predict, including the implementation of workfare and child care programs modified by newly enacted State law, the impact of possible litigation challenging the law, and the impact of adverse economic developments on welfare and other benefit programs. It is expected that OMB's preliminary estimates of potential costs will change, based on new policies to be developed by the State and City with respect to benefits no longer funded as Federal entitlements. For information concerning litigation relating to the City's workfare program, see "SECTION VII: ASSUMPTIONS—Expenditure Assumptions—2. Other Than Personal Service Costs—Public Assistance".

#### Expenditure Assumptions

##### I. PERSONAL SERVICE COSTS

The following table sets forth projected expenditures for personal service costs contained in the 1998-2002 Financial Plan.

	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>
	(In Millions)				
Wages and Salaries .....	\$12,997	\$12,971	\$13,184	\$13,275	\$13,283
Pensions .....	1,482	1,383	1,445	1,421	1,328
Other Fringe Benefits .....	3,136	3,294	3,536	3,625	3,780
Reserve for Collective Bargaining(1) .....	203	437	824	895	895
Total .....	<u>\$17,818</u>	<u>\$18,085</u>	<u>\$18,989</u>	<u>\$19,216</u>	<u>\$19,286</u>

(1) The Reserve for Collective Bargaining provides funding for prospective labor settlements for all agencies.

The 1998-2002 Financial Plan projects that the authorized number of City-funded employees whose salaries are paid directly from City funds, as opposed to Federal or State funds or water and sewer funds, will decrease from an estimated level of 204,685 on June 30, 1998 to an estimated level of 203,987 by June 30, 2002, before implementation of the gap-closing program outlined in the Financial Plan.

Contracts with all of the City's municipal unions expired in the 1995 and 1996 fiscal years. The City has reached settlements with unions representing approximately 86% of the City's workforce. The Financial Plan reflects the costs of the settlements and assumes similar increases for all other City-funded employees. For additional information see "SECTION I: RECENT FINANCIAL DEVELOPMENTS—Collective Bargaining Agreements".

The terms of wage settlements could be determined through the impasse procedure in the New York City Collective Bargaining Law, which can impose a binding settlement.

For a discussion of the City's pension costs, see "SECTION IX: OTHER INFORMATION—Pension Systems" and "APPENDIX B—FINANCIAL STATEMENTS—Notes to Financial Statements—Note Q".

## 2. OTHER THAN PERSONAL SERVICE COSTS

The following table sets forth projected OTPS expenditures contained in the 1998-2002 Financial Plan.

	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>
	(In Millions)				
Administrative OTPS.....	\$ 7,624	\$ 7,316	\$ 7,440	\$ 7,594	\$ 7,729
Public Assistance .....	2,511	2,312	2,203	2,186	2,186
Medical Assistance (Excluding City Medicaid Payments to HHC) .....	2,228	2,276	2,314	2,370	2,441
HHC Support.....	723	738	753	772	783
Other .....	<u>1,539</u>	<u>1,590</u>	<u>1,588</u>	<u>1,633</u>	<u>1,681</u>
Total .....	<u>\$14,625</u>	<u>\$14,232</u>	<u>\$14,298</u>	<u>\$14,555</u>	<u>\$14,820</u>

Legislation has been passed by the State which prohibits the disposal of solid waste in any landfill located within the City after December 31, 2001. The Financial Plan reflects estimated costs of phasing out the use of landfills located within the City. A suit has been commenced against the City by private individuals under the Resource Conservation and Recovery Act seeking to compel the City to take certain measures or, alternatively, to close the Fresh Kills landfill. If, as a result of such litigation, the City is required to close the landfill earlier than required by State legislation, the City could incur additional costs during the Financial Plan period.

### *Administrative OTPS*

The 1998-2002 Financial Plan contains estimates of the City's administrative OTPS expenditures for general supplies and materials, equipment and selected contractual services in the 1997 and 1998 fiscal years. Thereafter, to account for inflation, selected OTPS expenditures are projected to rise by approximately 2.2%, 2.4%, 2.5% and 2.6% in fiscal years 1999 through 2002, respectively. However, it is assumed that the savings from a procurement initiative will offset the need for funding projected increases in OTPS expenditures that result from the accounting for inflation.

### *Energy*

The 1998-2002 Financial Plan assumes different rates of inflation for energy costs for each of the 1998 through 2002 fiscal years. Inflation rates for each of the 1999 through 2002 fiscal years are set forth in the following table.

	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>
Gasoline and Fuel Oil .....	2.3 %	3.5 %	3.5 %	3.5 %
Electricity .....	1.0	1.5	1.5	1.5
Natural Gas .....	4.2	1.0	(1.0)	(1.0)

Total energy expenditures are projected at \$487 million in the 1998 fiscal year, rising to \$511 million in fiscal year 2002. These estimates assume a constant level of energy usage, with the exception of varying annual workload and consumption changes from additional buildings taken by the City through *in rem* tax proceedings, the privatization initiative in the In-Rem Program and the annualization of fiscal year 1998 adjustments, where applicable.

### *Public Assistance*

The average number of persons receiving income benefits under public assistance is projected to be 817,341 per month in the 1998 fiscal year. The 1998-2002 Financial Plan projects that the average number of recipients will decrease by 13.1% in the 1998 fiscal year from the average number of recipients in the 1997 fiscal year. The Financial Plan assumes that public assistance grant levels will remain flat in the 1998 fiscal year. Of total public assistance expenditures in the City for the 1998 fiscal year, the City-funded portion is projected to be \$484.9 million, a decrease of 25.7% from the 1997 fiscal year, and is projected to continue to decrease to \$372.1 million in fiscal year 2002.

The City operates a workfare program for recipients of TANF and Safety Net Assistance (formerly Home Relief). Recipients are assigned to work a certain number of hours each month, determined in relation to the amount of their grant. The State Supreme Court, New York County has recently ruled that the City has not been determining the number of hours which workfare participants must work in a manner consistent with requirements of the State Constitution and the Social Services Law (since amended by legislation enacted August 20, 1997) which, among other things, could result in workfare participants working fewer hours. The City has filed a notice of appeal.

#### *Medical Assistance*

Medical assistance payments projected in the 1998-2002 Financial Plan consist of payments to voluntary hospitals, skilled nursing facilities, intermediate care facilities, home care and physicians and other medical practitioners. The City-funded portion of medical assistance payments is estimated at \$2.123 billion for the 1998 fiscal year and is expected to increase to \$2.353 billion in fiscal year 2002. Such payments include, among other things, City-funded Medicaid payments, but exclude City-funded Medicaid payments to HHC, as discussed below. City Medicaid costs (including City-funded Medicaid payments to HHC) assumed in the 1998-2002 Financial Plan do not include 81.2% of the non-Federal share of long-term care costs which have been assumed by the State. The 1998-2002 Financial Plan projects savings of \$795 million in the 1998 fiscal year due to the State having assumed such costs, and projects such savings will increase to \$877 million in fiscal year 2002.

#### *Health and Hospitals Corporation*

HHC operates under its own section of the 1998-2002 Financial Plan as a Covered Organization. HHC's financial plan projects City-funded expenditures of \$723 million for the 1998 fiscal year, increasing to \$772 million in fiscal year 2002. The City-funded expenditures in the 1998 fiscal year include \$51 million for the care of prisoners and uniformed personnel, \$7 million of general City support, \$604 million of the City's share of Medicaid payments and \$61 million primarily for intra-city payments related to mental health services.

The Financial Plan projects a balanced budget for HHC in fiscal years 1998 and 1999 and gaps of \$169 million, \$188 million and \$195 million in fiscal years 2000, 2001 and 2002, respectively. Various actions taken by HHC to close or reduce projected budget gaps include an early retirement incentive program and other expenditure reductions and management initiatives. Before gap-closing actions, total receipts are projected to be \$3.187 billion in the 1998 fiscal year, decreasing to \$3.0 billion in fiscal year 2002. Total disbursements are projected to be \$3.360 billion in the 1998 fiscal year, increasing to \$3.650 billion in fiscal year 2002. These projections assume: (i) collective bargaining increases in personal service and fringe benefits that correspond to the agreements reached with the coalition of unions of City employees; (ii) continued headcount reduction through attrition; (iii) increases in other than personal service costs of 3.8% in fiscal year 1998, a decrease of 1% in fiscal year 1999, an increase of 1% in fiscal year 2000 and no increases in fiscal years 2001 and 2002; (iv) decreases in affiliation contract costs of 5.0%, 4.5%, 3.0%, 1.5% and 0% in fiscal years 1998 through 2002, respectively; and (v) Medicaid increases of 3.1%, 8.5%, 4.4%, 0% and 0% in fiscal years 1998 through 2002, respectively. In addition, significant changes have been and may be made in Medicaid, Medicare and other third-party payor programs, which could have a material adverse impact on HHC's financial condition. For additional information concerning HHC, see "SECTION VII: 1998-2002 FINANCIAL PLAN—*Certain Reports*".

### *Other*

The projections set forth in the 1998-2002 Financial Plan for OTPS-Other include the City's contributions to New York City Transit ("NYCT"), the Housing Authority, CUNY and subsidies to libraries and various cultural institutions. They also include projections for the cost of future judgments and claims which are discussed below under "Judgments and Claims". In the past, the City has provided additional assistance to certain Covered Organizations which had exhausted their financial resources prior to the end of the fiscal year. No assurance can be given that similar additional assistance will not be required in the future.

### *New York City Transit*

In January 1998, the City published a financial plan for NYCT covering its 1998 through 2002 fiscal years (the "NYCT Financial Plan"). NYCT's fiscal year coincides with the calendar year. The NYCT Financial Plan projects for 1998 revenues of \$3.65 billion and expenses of \$3.81 billion, leaving a budget gap of \$162.4 million. This gap will be offset by anticipated cash flow adjustments as well as funds made available from a \$186.3 million surplus in 1997. City assistance in 1998 to NYCT's operating budget is \$231 million.

The NYCT Financial Plan forecasts budget gaps of \$185.7 million in 1999, \$257.3 million in 2000, \$279.3 million in 2001 and \$302.8 million in 2002, before implementation of cash flow adjustments and additional gap-closing actions. These out-year gaps are not required to be funded in the City's financial plans. The plan assumes that the gaps in 1999 through 2002 fiscal years will be closed in part by increased user charges, productivity measures, reduced service levels, additional management actions or some combination of these actions.

On July 13, 1996, the State Legislature approved, and the Governor subsequently signed into law, legislation authorizing a five-year \$11.9 billion capital plan for the MTA for 1995 through 1999, including approximately \$9 billion in projects for NYCT, with the additional resources to be provided by additional Federal, State and City capital funds, MTA bonds and other MTA resources. The City pledged \$1.06 billion towards this five-year capital program. The MTA submitted the 1995-1999 Capital Program based on this legislation to its own Board, which approved the program in November 1995 and modified it in April 1996. The program was later submitted to the MTA Capital Program Review Board (the "CPRB"), as State law requires, and was approved on July 11, 1997.

The MTA 1995-1999 Capital Program supersedes the previous capital program for the period covering 1992-1996, which totaled \$9.56 billion in cost, with \$7.4 billion in projects for NYCT. The program for the years 1995 and 1996 experienced minimal changes in the 1995-1999 capital program, under the new five-year cycle. Under the old five-year cycle, there were two previous capital programs covering the periods 1987-1991 and 1982-1986.

There can be no assurance that all the necessary governmental actions for the MTA's future capital programs will be taken, that funding sources currently identified will not be reduced or eliminated, or that parts of the capital program, will not be delayed or reduced. If the MTA Capital Program is delayed or reduced, ridership and fare revenues may decline, which could, among other things, impair the MTA's ability to meet its operating expenses without additional assistance.

### *Board of Education*

The Stavisky-Goodman Act requires the City to allocate to BOE an amount of funds from the total budget either equal to the average proportion of the total budget appropriated for BOE in the three preceding fiscal years or an amount agreed upon by the City and BOE. In the Financial Plan 28.0% of the City's budget is allocated to BOE for the 1998 fiscal year, exceeding the amount required by the Stavisky-Goodman Act.

The 1998-2002 Financial Plan assumes student enrollment to be 1,093,927, 1,106,395, 1,117,483, 1,124,832 and 1,124,832 in the 1998 through 2002 fiscal years, respectively.

### *Judgments and Claims*

In the fiscal year ended on June 30, 1997, the City expended \$327 million for judgments and claims. The 1998-2002 Financial Plan includes provisions for judgments and claims of \$325 million, \$348 million, \$373 million, \$405 million and \$435 million for the 1998 through 2002 fiscal years, respectively. The City is a party to numerous lawsuits and is the subject of numerous claims and investigations. The City has estimated that its potential future liability on account of outstanding claims against it as of June 30, 1997 amounted to approximately \$3.5 billion. This estimate was made by categorizing the various claims and applying a statistical model, based primarily on actual settlements by type of claim during the preceding ten fiscal years, and by

supplementing the estimated liability with information supplied by the City's Corporation Counsel. For further information regarding certain of these claims, see "SECTION IX: OTHER INFORMATION—Litigation".

In addition to the above claims, numerous real estate tax *certiorari* proceedings involving allegations of inequality of assessment, illegality and overvaluation are currently pending against the City. The City's 1997 Financial Statements include an estimate that the City's liability in the *certiorari* proceedings, as of June 30, 1997, could amount to approximately \$378 million. Provision has been made in the Financial Plan for estimated refunds of \$288.6 million, \$262 million, \$213.5 million, \$208.5 million and \$208.5 million for the 1998 through 2002 fiscal years, respectively, which includes provision for repurchase of previously sold defective tax liens. For further information concerning these claims, certain remedial legislation related thereto and the City's estimates of potential liability, see "SECTION IX: OTHER INFORMATION—Litigation—Taxes" and "APPENDIX B—FINANCIAL STATEMENTS—Notes to Financial Statements—Note H".

### 3. DEBT SERVICE

Debt service estimates for the 1998 through 2002 fiscal years include estimates of debt service costs on outstanding City bonds and notes and future debt issuances based on current and projected future market conditions.

### 4. MAC DEBT SERVICE FUNDING

MAC debt service funding estimates are reduced by anticipated payments by the City of debt service on City obligations held by MAC.

### 5. GENERAL RESERVE

The 1998-2002 Financial Plan includes a reserve of \$100 million for fiscal year 1998 and \$200 million for each of fiscal years 1999 through 2002.

## Certain Reports

From time to time, the Control Board staff, MAC, OSDC, the City Comptroller and others issue reports and make public statements regarding the City's financial condition, commenting on, among other matters, the City's financial plans, projected revenues and expenditures and actions by the City to eliminate projected operating deficits. Some of these reports and statements have warned that the City may have underestimated certain expenditures and overestimated certain revenues and have suggested that the City may not have adequately provided for future contingencies. Certain of these reports have analyzed the City's future economic and social conditions and have questioned whether the City has the capacity to generate sufficient revenues in the future to meet the costs of its expenditure increases and to provide necessary services. It is expected that the City Comptroller, the Control Board and OSDC will issue reports in the near future on the Financial Plan. It is reasonable to expect that reports and statements will continue to be issued and to engender public comment.

On December 18, 1997, the City Comptroller issued a report on the November Financial Plan. With respect to the 1998 fiscal year, the report identified a possible \$19 million to \$372 million surplus above the level projected in the November Financial Plan, which itself reflected a \$214 million discretionary transfer in the 1998 fiscal year of debt service due in the 1999 fiscal year for budget stabilization purposes. The report stated that the range of possible surpluses depends primarily on whether the State accelerates \$142 million of State revenue sharing payments from the 1999 fiscal year to the 1998 fiscal year and whether the sale of the Coliseum for \$200 million is completed. With respect to the 1999 fiscal year, the report identified total net budget gaps of between \$1.1 billion and \$1.3 billion, which include the gap set forth in the November Financial Plan. The potential risks identified in the report for the 1999 fiscal year include (i) assumed payments from the Port Authority relating to the City's claim for back rentals and an increase in future rentals, part of which are the subject of arbitration, totaling \$350 million; and (ii) State approval of the extension of the 12.5% personal income tax surcharge beyond December 31, 1998, which would generate \$188 million in the 1999 fiscal year. The potential risks are offset by potential additional resources for the 1999 fiscal year, including the potential for an additional \$100 million of State education aid, \$170 million of additional debt service savings and \$137 million of higher than projected tax revenues. On January 22, 1998, the City Comptroller increased the possible surplus for the 1998 fiscal year by approximately \$520 million, to \$900 million more than projected in the November Financial Plan, due primarily to tax collections which exceed prior projections.

The report noted that if the difficulties in Asia were to reduce the value of assets traded on the U.S. stock market in future months, projected tax revenues could be reduced in the 1999 fiscal year. The report noted that a general lag occurs between the time of the initial stock market downturn and tax collections and that the City did

not feel the consequences of the October 1987 stock market crash until the 1990 fiscal year, when revenues from the City's business and real estate taxes fell by 20% over the prior fiscal year. The report also noted that the gap-closing program for the 1999 fiscal year continues to rely heavily on State actions to generate resources and savings, including \$400 million in unspecified State aid and \$200 million in unspecified entitlement savings, which appear optimistic. In addition, the report noted that the State remains delinquent in the payment of approximately \$633 million in prior year education aid covering the 1989 through 1996 fiscal years, and that the current labor reserve for the 1999 fiscal year does not include funding for contractual increases due employees of certain Covered Organizations, including HHC, which total \$104 million, \$225 million and \$231 million in the 1999 through 2001 fiscal years, respectively, and which the November Financial Plan assumes will be funded by the Covered Organizations. The City Comptroller also noted, in a separate report on the City's capital debt, that debt burden measures, such as annual debt service as a percentage of tax revenues, debt per capita and debt to assessed value of real property, are approaching historically high post-fiscal crisis levels, which calls for restraint in the City's capital program, while the City's infrastructure, which is in need of rehabilitation, requires increased resources.

On December 18, 1997, the staff of the OSDC issued a report on the November Financial Plan. The report projected a potential surplus for the 1998 fiscal year of \$199 million, due to the potential for greater than forecast tax revenues, and budget gaps for the 1999 through 2001 fiscal years which are slightly less than the gaps set forth in the November Financial Plan for such years, due primarily to the potential for greater than forecast tax revenues and lower pension costs for fiscal years 2000 and 2001. The report noted that the budget for the 1998 fiscal year is balanced with \$1.6 billion in non-recurring resources, two-thirds of which represents the portion of the 1997 fiscal year surplus targeted for use in the 1998 fiscal year. The report also identified net risks of \$192 million, \$1.1 billion, \$1.3 billion and \$1.3 billion for the 1998 through 2001 fiscal years, respectively. The additional risks identified in the report relate to: (i) the receipt of Port Authority lease payments totaling \$350 million, \$140 million and \$135 million in the 1999 through 2001 fiscal years, respectively; (ii) City proposals for the acceleration of \$142 million of State revenue sharing payments from the 1999 fiscal year to the 1998 fiscal year, which are subject to approval by the Governor and/or the State Legislature; (iii) the receipt of \$200 million in the 1998 fiscal year in connection with the proposed sale of the New York Coliseum; (iv) unfunded expenditures relating to BOE totaling \$375 million in the 1999 fiscal year and \$397 million in each of the 2000 and 2001 fiscal years; (v) State approval of a three-year extension of the City's 12.5% personal income tax surcharge, which is scheduled to expire on December 31, 1998 and which would generate revenues of \$230 million, \$525 million and \$550 million in the 1999 through 2001 fiscal years, respectively; (vi) the potential for additional funding needs for the City's labor reserve totaling \$104 million, \$225 million and \$231 million in the 1999 through 2001 fiscal years, respectively, to pay for collective bargaining increases for the Covered Organizations, which the November Financial Plan assumes will be paid for by the Covered Organizations, rather than the City; and (vii) the reimbursement of the State by the City in the 1999 fiscal year for \$75 million of State funding of children's services. The report also noted that the November Financial Plan assumes that the State will extend the 14% personal income tax that is scheduled to expire in December 1999, which would generate revenues of \$200 million in fiscal year 2000 and \$560 million annually in subsequent fiscal years, and that the November Financial Plan makes no provision for wage increases after the expiration of current contracts in fiscal year 2000, which would add \$400 million to the 2001 fiscal year budget gap if employees receive wage increases at the projected rate of inflation.

The report noted that despite positive developments over the last few years, including a reduced municipal workforce, reduced welfare rolls, record profits in the securities industries and pension fund investment earnings, the City still faces substantial budget gaps during the financial plan period, and that the projected budget gaps for fiscal years 2000 and 2001 are among the largest gaps faced by the City since the City first achieved budget balance in accordance with generally accepted accounting principles in the 1981 fiscal year. The report noted that, while revenues are projected to grow at 1.3% each year, spending is projected to grow at the average annual rate of 5.2% during the financial plan period. Moreover, the report noted that the City's economy and budget are even more dependent on the securities industry than a decade ago and there have been large, rapid swings in the securities industry which affect revenues significantly. The report noted that while the economy should remain strong for the foreseeable future, economic slowdown is inevitable and that there is already evidence that business tax revenues could be adversely affected by the turmoil in the Asian economy. The report also noted that (i) the MTA has not yet stated how it will fund the cost of recently adopted fare reductions or the additional cost of services for the expected increase in ridership; (ii) school enrollment is expected to continue to grow over the

next eight years and, accordingly, additional expenditures may be required for BOE; (iii) HHC will be required to continue to reduce costs as a result of implementation of managed care; and (iv) the City faces a potential liability of \$633 million in State education aid owed from prior years which has already been reflected in the City's financial statements and which the City could be required to write off if a plan is not reached to fund these claims.

In addition, the staff of the OSDC noted in the report, and in a separate report on Child Care Services in New York City, that, if the State implements the Federal requirement that TANF recipients who have received benefits for two years or more undertake work assignments, as many as 33,500 additional children may require child care, at a cost of between \$135 million and \$225 million beginning in fiscal year 2000, depending upon the method for providing child care services. The report noted that, while the State will receive Federal funds as part of its welfare surpluses that could be used for this purpose, it remains to be seen whether such funds will be shared with the City and other localities. The report noted that the City does not believe that the demand for child care services will exceed the levels assumed in the November Financial Plan, because the City expects a large reduction in the percentage of the TANF recipients receiving benefits for two or more years.

On December 17, 1997, the staff of the Control Board issued a report commenting on the 1998 fiscal year. The report stated that the City should end the 1998 fiscal year with its budget in balance, with sufficient reserves available to offset \$355 million in risks. The principal risks identified in the report included uncertain State funding, the proposed sale of the Coliseum in the 1998 fiscal year, and the assumed receipt of \$76 million by BOE for prior year claims of State aid. The report also noted that there are substantial gaps for fiscal years 2000 and 2001 which remain near historical highs. In addition, the report noted that the State is subject potentially to recoupment of as much as \$2.6 billion of Federal Medicaid reimbursement for provider taxes, and it is not clear what the City's financial exposure might be in the event that the Federal government disallows all or a portion of such Medicaid reimbursement. The report also noted that currently projected City spending for the 1998 fiscal year exceeds the ceiling set forth in an agreement between the City and MAC entered into in 1996. Although, as entered into, the agreement could result in MAC taking up to \$125 million from the City in the 1999 fiscal year, the City does not expect this outcome.

On January 13, 1998, the IBO released a report setting forth its forecast of the City's revenues and expenditures for the 1998 through 2001 fiscal years, assuming continuation of current spending policies and tax laws. In the report, the IBO forecasts that the City will end the 1998 fiscal year with a surplus of \$120 million, in addition to \$514 million in the budget stabilization account, and that the City will face gaps of \$1.4 billion, \$2.6 billion and \$2.8 billion in the 1999 through 2001 fiscal years, respectively, resulting from 4.8% annual growth in spending from 1998 through 2001, compared with 2.2% annual revenue growth. The report noted that slow revenue growth is attributable to a variety of factors, including a gradual deceleration in economic growth through the first half of calendar year 1999, the impact of recently enacted tax cuts and constraints on increases in the real property tax, as well as uncertain back rent payments from the Port Authority, while future costs for existing programs will increase to reflect inflation and scheduled pay increases for City employees during the term of existing labor agreements. The report noted that debt service and education spending will increase rapidly, while spending for social services will rise more slowly due to lower projected caseloads.

On October 31, 1996, the IBO released a report assessing the costs that could be incurred by the City in response to the 1996 Welfare Act, which, among other things, replaces the AFDC entitlement program with TANF, imposes a five-year time limit on TANF assistance, requires 50% of states' TANF caseload to be employed by 2002, and restricts assistance to legal aliens. The report noted that if the requirement that all recipients work after two years of receiving benefits is enforced, these additional costs could be substantial starting in 1999, reflecting costs for worker training and supervision of new workers and increased child care costs. The report further noted that, if economic performance weakened, resulting in an increased number of public assistance cases, potential costs to the City could substantially increase. The report noted that decisions to be made by the State which will have a significant impact on the City budget include the allocation of block grant funds between the State and New York local governments such as the City and the division between the State and its local governments of welfare costs not funded by the Federal government.

Finally, the report noted that the new welfare law's most significant fiscal impact is likely to occur in the years 2002 and beyond, reflecting the full impact of the lifetime limit on welfare participation which only begins to be felt in 2002 when the first recipients reach the five-year limit and are assumed to be covered by Home Relief, which has recently been replaced by the Safety Net Assistance program. In addition, the report noted that, given the constitutional requirement to care for the needy, the 1996 Welfare Act might well prompt a migration



of benefit-seekers into the City, thereby increasing City welfare expenditures in the long run. The report concluded that the impact of the 1996 Welfare Act on the City will ultimately depend on the decisions of State and City officials, the performance of the local economy and the behavior of thousands of individuals in response to the new system.

On August 25, 1997, the IBO issued a report describing recent developments regarding welfare reform. The report noted that Federal legislation adopted in August 1997, modified certain aspects of the 1996 Welfare Act, by reducing SSI eligibility restrictions for certain legal aliens residing in the country as of August 22, 1996, resulting in the continuation of Federal benefits, by providing significant funding to the states to move welfare recipients from public assistance and into jobs and by providing continued Medicaid coverage for those children who lose SSI due to stricter eligibility criteria. In addition, the report noted that the State had enacted the Welfare Reform Act of 1997 which, among other things, requires the City to achieve work quotas and other work requirements and requires all able-bodied recipients to work after receiving assistance for two years. The report noted that this provision could require the City to spend substantial funds over the next several years for workfare and day care in addition to the funding reflected in the Financial Plan. The report also noted that the State Welfare Reform Act of 1997 established a Food Assistance Program designed to replace Federal food stamp benefits for certain classes of legal aliens denied eligibility for such benefits by the 1996 Welfare Act. The report noted that if the City elects to participate in the Food Assistance Program, it will be responsible for 50% of the costs for the elderly and disabled.

### **Long-Term Capital and Financing Program**

The City makes substantial capital expenditures to reconstruct and rehabilitate the City's infrastructure and physical assets, including City mass transit facilities, sewers, streets, bridges and tunnels, and to make capital investments that will improve productivity in City operations.

The City utilizes a three-tiered capital planning process consisting of the Ten-Year Capital Strategy, the Four-Year Capital Plan and the current-year Capital Budget. The Ten-Year Capital Strategy is a long-term planning tool designed to reflect fundamental allocation choices and basic policy objectives. The Four-Year Capital Program translates mid-range policy goals into specific projects. The Capital Budget defines specific projects and the timing of their initiation, design, construction and completion.

City-funded commitments, which were \$344 million in 1979, are projected to reach \$4.075 billion in 1998. City-funded expenditures, which more than tripled between fiscal years 1980 and 1985, are forecast at \$3.453 billion in the 1998 fiscal year; total expenditures are forecast at \$4.021 billion in 1998. For additional information concerning the City's capital expenditures and the Ten-Year Capital Strategy covering fiscal years 1998 through 2007, see "SECTION V: CITY SERVICES AND EXPENDITURES—Capital Expenditures".

The following table sets forth the major areas of capital commitment projected for the 1998 through 2002 fiscal years. See "SECTION V: CITY SERVICES AND EXPENDITURES—Capital Expenditures". See "SECTION VIII: INDEBTEDNESS—City Indebtedness—*Limitations on the City's Authority to Contract Indebtedness*".

**1998-2002 CAPITAL COMMITMENT PLAN**

	1998		1999		2000		2001		2002	
	City Funds	All Funds	City Funds	All Funds	City Funds	All Funds	City Funds	All Funds	City Funds	All Funds
	(In Millions)									
Mass Transit(1)	\$ 231	\$ 231	\$ 206	\$ 206	\$ 106	\$ 106	\$ 106	\$ 106	\$ 106	\$ 106
Roadway, Bridges	561	548	988	1,192	707	876	481	521	699	753
Environmental Protection(2)	1,223	1,238	1,505	1,648	1,542	1,612	1,329	1,354	1,286	1,311
Education	1,201	1,226	1,055	1,305	1,001	1,001	1,524	1,524	1,103	1,103
Housing	213	351	197	332	220	324	303	407	471	576
Sanitation	109	134	240	254	187	187	397	397	200	200
City Operations/Facilities	1,668	1,836	1,201	1,328	627	664	1,113	1,163	925	1,001
Economic and Port Development	225	265	118	131	54	55	53	53	49	49
Reserve for Unattained Commitments	(1,356)	(1,356)	(761)	(761)	(41)	(41)	(431)	(431)	(124)	(124)
Total Commitments(3)	<u>\$4,075</u>	<u>\$4,473</u>	<u>\$4,749</u>	<u>\$5,634</u>	<u>\$4,402</u>	<u>\$4,784</u>	<u>\$4,873</u>	<u>\$5,093</u>	<u>\$4,717</u>	<u>\$4,975</u>
Total Expenditures(4)	<u>\$3,453</u>	<u>\$4,021</u>	<u>\$3,136</u>	<u>\$3,728</u>	<u>\$3,963</u>	<u>\$4,488</u>	<u>\$4,711</u>	<u>\$5,190</u>	<u>\$4,897</u>	<u>\$5,300</u>

- (1) Excludes NYCT's non-City portion of the MTA's five-year Capital Program.
- (2) Includes water supply, water mains, water pollution control, sewer projects and related equipment.
- (3) Commitments represent contracts registered with the City Comptroller, except for certain projects which are undertaken jointly by the City and State. Totals may not add due to rounding.
- (4) Expenditures represent cash payments and appropriations planned to be expended for capital costs, excluding amounts for original issue discount.

Note: Numbers may not tally due to rounding.

The following table sets forth the City's current estimates of the planned sources and uses of City funds to be raised through issuances of long-term debt and transfers of monies from the City's General Fund during the City's 1998 through 2002 fiscal years.

**1998-2002 FINANCING PROGRAM**

	1998	1999	2000	2001	2002	Total
	(In Millions)					
<b>SOURCES OF FUNDS:</b>						
City General Obligation Bonds(1)	\$4,178	\$ 570	\$1,125	\$1,524	\$3,141	\$10,538
Finance Authority(2)	1,950	1,755	1,775	1,775	245	7,500
Water Authority Financing(3)	2,101	656	900	1,238	1,336	6,231
DASNY HHC Financing(4)	0	241	0	0	0	241
DASNY Courts Financing(5)	0	0	181	273	286	739
Other Sources(6)	82	(6)	98	70	82	326
Total	<u>\$8,311</u>	<u>\$3,216</u>	<u>\$4,079</u>	<u>\$4,880</u>	<u>\$5,090</u>	<u>\$25,576</u>
<b>USES OF FUNDS:</b>						
City Capital Improvements(7)	\$3,453	\$3,137	\$3,963	\$4,710	\$4,897	\$20,160
City General Obligation Refunding	3,578	0	0	0	0	3,578
Water Authority Refunding	1,183	0	0	0	0	1,183
Reserve Funds and Other(8)	97	79	116	170	193	654
Total	<u>\$8,311</u>	<u>\$3,216</u>	<u>\$4,079</u>	<u>\$4,880</u>	<u>\$5,090</u>	<u>\$25,576</u>

(Footnotes on next page)

*(Footnotes from previous page)*

- (1) The City has sold \$3.978 billion in general obligation bonds (including the Bonds) to date in fiscal year 1998, which includes \$400 million for capital improvements and \$3.578 billion for refunding purposes. The City expects to issue an additional \$200 million of bonds for the capital improvement program.
- (2) The Finance Authority was established in March 1997 and has issued \$1.3 billion of bonds to date for the City's capital improvement program in fiscal year 1998.
- (3) Reflects Water Authority Commercial Paper and Revenue Bonds expected to be issued to finance the water and sewer system's capital program, and includes reserve amounts and refunding bonds issued to date in fiscal year 1998. The Water Authority expects to utilize its authorized commercial paper capacity of \$600 million. These figures do not include bonds which take out commercial paper issued from the prior fiscal year.
- (4) The financing program assumes a DASNY financing of phase one of the reconstruction of Kings County Hospital (approximately \$90 million) and of the reconstruction of Queens Hospital (approximately \$147 million) and other costs associated with debt issuance.
- (5) The financing program includes DASNY financing of 100% of the City courts capital program. The amount reflected in fiscal years 1998 through 2002 of \$739 million includes \$813 million of capital expenditures plus an allocation for reserve funds and other costs of issuance of \$96 million, less \$170 million remaining from the proceeds of a December 1993 DASNY issuance. This \$170 million remaining amount is included in Other Sources.
- (6) Other Sources is comprised of changes in restricted cash balances, MAC program funding, Federal, State and private grants, and the \$170 million remaining amount indicated in footnote (5) above.
- (7) City Capital Improvements includes capital cash expenditures for various City agencies, including the Department of Environmental Protection, the City's court program and a portion of HHC's hospital reconstruction program to be financed through DASNY.
- (8) Reserve Funds and Other comprises amounts necessary to fund certain reserves in connection with the issuance of Water Authority and DASNY revenue bonds, amounts to provide for certain costs of issuance of securities and allocations for original issue discounts and other uses in connection with the issuance of City and DASNY bonds.

Note: Numbers may not tally due to rounding.

A Federal law, the Americans with Disabilities Act of 1990, generally requires that various facilities be made accessible to disabled persons. The City is currently analyzing what actions are required to comply with the law. The City may incur substantial additional capital expenditures, as well as additional operating expenses to comply with the law. Compliance measures which require additional capital measures are expected to be achieved through the reallocation of existing funds within the City's capital program. In addition, the City could incur substantial additional capital expenditures for school construction if alternative proposals to relieve overcrowding in the public schools are not developed and implemented.

Currently, if all City capital projects were implemented, expenditures would exceed the City's financing projections in the current fiscal year and subsequent years. The City has therefore established capital budgeting priorities to maintain capital expenditures within the available long-term financing. Due to the size and complexity of the City's capital program, it is difficult to forecast precisely the timing of capital project activity so that actual capital expenditures may vary from the planned annual amounts.

The City's four-year financing program and capital program includes the issuance of revenue bonds by the Finance Authority to provide for capital financing needs of the City. The bonds issued by the Finance Authority are secured by the City's personal income tax revenue, and other revenues if personal income tax revenues do not satisfy specified debt service ratios, and are not subject to the constitutional debt limitation. See "SECTION VIII: INDEBTEDNESS—City Indebtedness—*Limitations on the City's Authority to Contract Indebtedness*".

The City's current four-year financing program and capital program includes the issuance of water and sewer revenue bonds. The Water Authority is authorized to issue bonds to finance capital investment in the City's water and sewer system. Pursuant to State law, debt service on this indebtedness is secured by water and sewer fees paid by users of the water and sewer system. Such fees are revenues of the Water Board and the Water Board holds a lease interest in the City's water and sewer system. After providing for debt service on obligations of the Water Authority and certain incidental costs, the revenues of the Water Board are paid to the City to cover the City's costs of operating the water and sewer system and as rental for the system. The City's Ten-Year Capital Strategy covering fiscal years 1998 through 2007 projects City-funded water and sewer investment (which is expected to be financed with proceeds of Water Authority debt) at approximately \$8.6 billion of the \$43.4 billion City-funded portion of the plan.

The City is subject to statutory and regulatory standards relating to the quality of its drinking water. State and Federal regulations require the City water supply to meet certain standards to avoid filtration. The City's water supply now meets all technical standards and the City's current efforts are directed toward protection of the watershed area. The City has taken the position that increased regulatory, enforcement and other efforts to protect its water supply, relating to such matters as land use and sewage treatment, will preserve the high quality of water in the upstate water supply system and prevent the need for filtration. The City has estimated that if filtration of the upstate water supply system is ultimately required, the construction expenditures required could be between \$4 billion and \$5 billion. In accordance with the New York City Watershed Memorandum of Agreement which was signed on January 21, 1997, among the City, the State, the U.S. Environmental Protection Agency ("USEPA"), the communities in the watershed area and several environmental groups, on May 6, 1997, USEPA granted the City a filtration avoidance waiver through April 15, 2002. The estimated incremental cost to the City of implementing this Watershed Memorandum of Agreement, beyond investments in the watershed which were planned independently, is approximately \$400 million. The New York City Department of Environmental Protection has estimated that the cost of the Watershed Memorandum of Agreement, including investments in the watershed which were previously included in the capital plan, is \$1.25 billion. The estimated cost does not include certain future administrative, construction, operating and maintenance costs which have not yet been determined.

Implementation of the capital plan is dependent upon the City's ability to market its securities successfully in the public credit markets. The terms and the success of projected public sales of City general obligation bonds and Water Authority, Finance Authority and HHC revenue bonds will be subject to prevailing market conditions at the times of sale. No assurance can be given that the credit markets will absorb the projected amounts of public bond sales. As a significant portion of bond financing is used to reimburse the City's General Fund for capital expenditures already incurred, if the City is unable to sell such amounts of bonds it would have an adverse effect on the City's cash position. In addition, the need of the City to fund future debt service costs from current operations may also limit the City's capital program. The Ten-Year Capital Strategy for fiscal years 1998 through 2007 totals \$45.0 billion, of which approximately 94% is to be financed with City funds. See "SECTION VIII: INDEBTEDNESS—City Indebtedness—*Limitations on the City's Authority to Contract Indebtedness*". Congressional developments affecting Federal taxation generally could reduce the market value of tax-favored investments and increase the City's debt-service costs in carrying out the currently tax-exempt major portion of its capital plan. For information concerning litigation which, if determined against the City, could have an adverse impact on the amount of debt the City can have outstanding under the general debt limit (defined as 10% of the average full value of taxable real estate in the City for the most recent five years), see "SECTION IX: OTHER INFORMATION—Litigation—*Taxes*".

In December 1996, the City issued an assessment of the asset condition and a proposed maintenance schedule for the major portions of its assets and asset systems which have a replacement cost of \$10 million or more and a useful life of at least ten years, as required by the City Charter. The assessment includes an estimate of the capital investment needed from an engineering perspective to bring the assets to a state of good repair. Subsequently, in April 1997, the City issued a report that compares the recommended capital investment with the capital spending allocated by the City in the Four-Year Capital Plan to the specifically identified inventoried assets. The reports do not reflect any policy considerations which could affect the appropriate amount of investment, such as whether there is a continuing need for a particular facility or whether additional changes are necessary to meet current usage requirements. In addition, the recommended capital investment for each inventoried asset is not readily comparable to the capital spending allocated by the City in the Four-Year Capital Plan and the Ten-Year Capital Strategy. Only a portion of the funding set forth in the Four-Year Capital Plan is allocated to specifically identified assets, and funding in the subsequent years of the Ten-Year Capital Strategy is even less identifiable with individual assets. In large part because of the difficulties in comparability at a detailed asset-by-asset level, the report indicates a substantial difference between the amount of investment recommended in the report for all inventoried City assets and amounts allocated to the specifically identified inventoried assets in the Four-Year Capital Plan. OMB estimates that amounts allocated in the Ten-Year Capital Strategy published on May 8, 1997 funded approximately 85% of the total \$3.32 billion investment (excluding HHC) recommended in the report, although the report concludes that the capital investment in the Four-Year Capital Plan for the specifically identified inventoried assets funds 65% of the recommended investment. In addition, the report sets forth operating maintenance recommendations for the inventoried assets totalling \$125 million, \$82 million,

\$93 million and \$93 million for the 1998 through 2001 fiscal years, respectively. OMB has estimated that approximately 40% of such maintenance activities for fiscal year 1997 were included in the then current financial plan.

### **Seasonal Financing Requirements**

The City since 1981 has fully satisfied its seasonal financing needs in the public credit markets, repaying all short-term obligations within their fiscal year of issuance. The City has issued \$1.075 billion of short-term obligations in fiscal year 1998 to finance the City's projected cash flow needs for the 1998 fiscal year. The City issued \$2.4 billion of short-term obligations in fiscal year 1997. Seasonal financing requirements for the 1996 fiscal year increased to \$2.4 billion from \$2.2 billion and \$1.75 billion in the 1995 and 1994 fiscal years, respectively. Seasonal financing requirements were \$1.4 billion in the 1993 fiscal year. The delay in the adoption of the State's budget in certain past fiscal years has required the City to issue short-term notes in amounts exceeding those expected early in such fiscal years. See "SECTION VII: 1998-2002 FINANCIAL PLAN—Assumptions".

At the time of the City's fiscal crisis in 1975, the City had approximately \$6 billion of short-term debt outstanding. As part of a program to deal with this crisis, the State passed the Moratorium Act. This law provided that, subject to certain conditions, for three years no judgments and liens could be enforced on account of outstanding City notes and no action could either be commenced or continued upon outstanding City notes which matured during 1975 or 1976. City notes in an aggregate principal amount of \$2.4 billion were subject to the Moratorium Act. In November 1976, the New York State Court of Appeals declared the Moratorium Act unconstitutional under the State Constitution. All of the City's short-term debt outstanding at the time of the Moratorium Act was either exchanged for MAC bonds or repaid by the City. In the 1975 through 1978 fiscal years, the City was assisted by the Federal and State governments in meeting its seasonal financing needs.

## SECTION VIII: INDEBTEDNESS

### City Indebtedness

#### *Outstanding Indebtedness*

The following table sets forth outstanding indebtedness having an initial maturity greater than one year from the date of issuance of the City, MAC and the PBCs as of December 31, 1997.

(In Thousands)		
Gross City Long-Term Indebtedness .....	\$26,753,673	
Less: Assets Held for Debt Service(1) .....	<u>169,714</u>	
Net City Long-Term Indebtedness .....		\$26,583,959
Gross MAC Long-Term Indebtedness(2) .....	4,241,920	
Less: Assets Held for Debt Service(2) .....	<u>597,198</u>	
Net MAC Long-Term Indebtedness .....		3,644,722
PBC Indebtedness(3)		
Bonds Payable .....	572,017	
Capital Lease Obligations .....	<u>809,638</u>	
Gross PBC Indebtedness .....	1,381,656	
Less: Assets Held for Debt Service .....	<u>173,352</u>	
Net PBC Indebtedness .....		<u>1,208,303</u>
Combined Net City, MAC and PBC Indebtedness .....		<u>\$31,436,984</u>

- (1) With respect to City long-term indebtedness, "Assets Held for Debt Service" consists of General Debt Service Fund assets, and \$165.5 million principal amount of City serial bonds held by MAC.
- (2) With respect to MAC indebtedness, "Assets Held for Debt Service" consists of assets held in MAC's debt service funds less accrued liabilities for interest payable on MAC long-term indebtedness plus amounts held in reserve funds for payment of principal of and interest on MAC bonds. Other MAC funds, while not specifically pledged for the payment of principal of and interest on MAC bonds, are also available for these purposes. For further information regarding MAC indebtedness and assets held for debt service, see "Municipal Assistance Corporation Indebtedness" below and "APPENDIX B—FINANCIAL STATEMENTS—Notes to Financial Statements—Notes C and H".
- (3) "PBC Indebtedness" refers to City obligations to PBCs. For further information regarding the indebtedness of certain PBCs, see "Public Benefit Corporation Indebtedness" below and "APPENDIX B—FINANCIAL STATEMENTS—Notes to Financial Statements—Notes G and H". "PBC Indebtedness" does not include the indebtedness of individual PBCs which are Enterprise Funds. For further information regarding the indebtedness of Enterprise Funds PBCs, see "APPENDIX B—FINANCIAL STATEMENTS—Notes to Financial Statements—Notes J, K, L, M and N".

*Trend in Outstanding Net Indebtedness*

The following table shows the trend in the outstanding net long-term and net short-term debt of the City and MAC and in net PBC indebtedness as of June 30 of each of the fiscal years 1989 through 1997, and as of December 31, 1997 except for short-term debt information, which is as of January 30, 1998.

	City(1)		MAC(2)		Component Unit and City	Total
	Long-Term Net Debt(3)	Short-Term Debt	Long-Term Net Debt(4)	Short-Term Debt	Guaranteed Debt(3)	
	(In Millions)					
1989 .....	\$ 9,332	\$ —	\$6,082	\$ —	\$ 780	\$16,194
1990 .....	11,779	—	5,713	—	782	18,274
1991 .....	15,293	—	5,265	—	803	21,361
1992 .....	17,916	—	4,657	—	782	23,355
1993 .....	19,624	—	4,470	—	768	24,862
1994 .....	21,731	—	4,215	—	1,114	27,060
1995 .....	23,258	—	4,033	—	1,098	28,389
1996 .....	25,052	—	3,936	—	1,155	30,143
1997 .....	26,180	—	3,717	—	1,155	32,127
December 31, 1997 .....	26,584	1,075	3,645	—	1,208	32,512

- (1) Amounts do not include debt of the City held by MAC. See "Outstanding Indebtedness—note 2".
- (2) MAC reported outstanding long-term indebtedness without reduction for reserves, as follows: \$7,307 million, \$6,901 million, \$6,471 million, \$5,559 million, \$5,304 million, \$4,891 million, \$4,694 million, \$4,563 million and \$4,267 million as of June 30 of each of the years 1989 through 1997.
- (3) Net of reserves. See "Outstanding Indebtedness—note 2". Component Units are PBCs included in the City's financial statements other than PBCs which are Enterprise Funds. For more information concerning Component Unit PBCs, see "Public Benefit Corporation Indebtedness" below and "APPENDIX B—FINANCIAL STATEMENTS—Notes to Financial Statements Notes G and H". For more information concerning Enterprise Funds PBCs, see "APPENDIX B—FINANCIAL STATEMENTS—Notes to Financial Statements—Notes J, K, L, M and N".
- (4) Calculations of net MAC indebtedness include the total bonds outstanding under MAC's Second and 1991 General Bond Resolutions and accrued interest on those bonds less the amounts held by MAC in its debt service and reserve funds.

*Rapidity of Principal Retirement*

The following table details, as of December 31, 1997, the cumulative percentage of total City general obligation debt outstanding that is scheduled to be retired in accordance with its terms in each prospective five-year period.

Period	Cumulative Percentage of Debt Scheduled for Retirement
5 years	24.16%
10 years	47.39
15 years	68.02
20 years	83.72
25 years	95.82
30 years	99.83

*City, MAC and City-guaranteed PBC Debt Service Requirements*

The following table summarizes future debt service requirements, as of December 31, 1997, on City and MAC term and serial bonds outstanding and City-guaranteed debt of and capital lease obligations to certain PBCs.

<u>Fiscal Years</u>	<u>City Long-Term Debt</u>		<u>Component Unit and City Guaranteed Debt(2)</u>	<u>MAC Funding Requirements</u>	<u>Total</u>
	<u>Principal Serial Bonds(1)</u>	<u>Interest(1)</u>			
(In Thousands)					
1998 .....	\$ 246,176	\$ 742,680	\$ 62,754	\$ 424,566	\$ 1,476,176
1999 .....	1,243,899	1,513,638	136,370	621,927	3,515,834
2000 .....	1,241,306	1,446,923	135,864	557,009	3,381,102
2001 .....	1,255,177	1,382,133	135,697	557,343	3,330,350
2002 .....	1,308,796	1,318,113	134,367	557,685	3,318,961
2003 through 2147 .....	<u>21,292,825</u>	<u>12,511,180</u>	<u>1,741,923</u>	<u>3,302,767(3)</u>	<u>38,848,695</u>
Total .....	<u>\$26,588,179</u>	<u>\$18,914,667</u>	<u>\$2,346,975</u>	<u>\$6,021,297</u>	<u>\$53,871,118</u>

(1) Excludes debt service on \$165.5 million principal amount of serial bonds held by MAC.

(2) Component Units are PBCs included in the City's financial statements other than PBCs which are Enterprise Funds. For additional information concerning these PBCs, see "Public Benefit Corporation Indebtedness" below and "APPENDIX B—FINANCIAL STATEMENTS—Notes to Financial Statements—Notes G and H". For more information concerning Enterprise Funds PBCs, see "APPENDIX B—FINANCIAL STATEMENTS—Notes to Financial Statements—Notes J, K, L, M and N".

(3) Amount shown is for fiscal years 2003 through 2008.

*Certain Debt Ratios*

The following table sets forth information, as of December 31, for each of the fiscal years 1989 through 1997, with respect to the approximate ratio of the City's debt to certain economic factors. As used in this table, debt includes net City, MAC and PBC debt.

<u>Fiscal Year</u>	<u>Debt as % of Total Taxable Real Property By</u>		
	<u>Debt Per Capita</u>	<u>Assessed Valuation</u>	<u>Estimated Full Valuation(1)</u>
1989 .....	\$2,202	25.4%	4.6%
1990 .....	2,490	26.0	4.5
1991 .....	2,918	28.0	4.5
1992 .....	3,192	27.9	3.9
1993 .....	3,379	30.4	3.8
1994 .....	3,675	34.1	3.7
1995 .....	3,878	37.2	4.1
1996 .....	4,111	39.2	7.1
1997 .....	4,219	40.2	8.3

Source: Comprehensive Annual Financial Report of the Comptroller for the Fiscal Year Ended June 30, 1997.

(1) Based on full valuations for each fiscal year derived from the application of the special equalization ratio reported by the State Board for such fiscal year.



*Ratio of Debt to Personal Income*

The following table sets forth, for each of fiscal years 1984 through 1995, debt per capita as a percentage of personal income per capita in current dollars. As used in this table, debt includes net City, MAC and PBC debt.

<u>Fiscal Year</u>	<u>Debt per Capita</u>	<u>Personal Income per Capita (1)</u>	<u>Debt per Capita as % of Personal Income per Capita</u>
1984 .....	\$1,695	\$15,881	10.67%
1985 .....	1,723	16,919	10.18
1986 .....	1,833	18,318	10.01
1987 .....	1,893	19,567	9.67
1988 .....	2,041	21,463	9.51
1989 .....	2,202	22,937	9.60
1990 .....	2,490	24,572	10.13
1991 .....	2,917	25,242	11.56
1992 .....	3,188	26,985	11.83
1993 .....	3,379	27,098	12.47
1994 .....	3,675	28,133	13.06
1995 .....	3,878	29,743	13.04

Source: Comprehensive Annual Financial Report of the Comptroller for the Fiscal Year Ended June 30, 1997.

(1) Personal income is measured before the deduction of personal income taxes and other personal taxes.

*Certain Provisions for the Payment of City Indebtedness*

The State Constitution requires the City to make an annual appropriation for: (i) payment of interest on all City indebtedness; (ii) redemption or amortization of bonds; (iii) redemption of other City indebtedness (except bond anticipation notes ("BANs"), tax anticipation notes ("TANs"), revenue anticipation notes ("RANs"), and urban renewal notes ("URNs") contracted to be paid in that year out of the tax levy or other revenues); and (iv) redemption of short-term indebtedness issued in anticipation of the collection of taxes or other revenues, such as TANs, RANs and URNs, and renewals of such short-term indebtedness which are not retired within five years of the date of original issue. If this appropriation is not made, a sum sufficient for such purposes must be set apart from the first revenues thereafter received by the City and must be applied for these purposes.

Under the Act, the proceeds of City bond issues, other than refunding issues, are required to be used in the following order: (i) they are to be held for the payment at maturity of any BANs issued in anticipation thereof; (ii) they are to be paid into the City's General Fund in repayment of any advance made therefrom for purposes for which the bonds were issued; and (iii) any balance is to be held for future expenditures for the object or purpose for which the bonds were issued.

Pursuant to the Act, the General Debt Service Fund has been established for the purpose of paying Monthly Debt Service, as defined in the Act. For information regarding the Fund, see "SECTION II: THE BONDS—Payment Mechanism". In addition, as required under the Act, a TAN Account has been established by the State Comptroller within the Fund to pay the principal of outstanding City TANs. After notification by the City of the date when principal due or to become due on an outstanding issue of TANs will equal 90% of the "available tax levy", as defined in the Act, with respect to such issue, the State Comptroller must pay into the TAN Account from the collection of real estate tax payments (after paying amounts required to be deposited in the General Debt Service Fund for Monthly Debt Service) amounts sufficient to pay the principal of such TANs. Similarly, a RAN Account has been established by the State Comptroller within the Fund to pay the principal of outstanding City RANs. Revenues in anticipation of which RANs are issued must be deposited in the RAN Account. If revenue consists of State or other revenue to be paid to the City by the State Comptroller, the State Comptroller must deposit such revenue directly into the RAN Account on the date such revenue is payable to the City. Under the Act, after notification by the City of the date when principal due or to become due on an outstanding issue of RANs will equal 90% of the total amount of revenue against which such RANs were issued on or before the fifth day prior to the maturity date of the RANs, the State Comptroller must commence on such date to retain in the

RAN Account an amount sufficient to pay the principal of such RANs when due. Revenues required to be deposited in the RAN Account vest immediately in the State Comptroller in trust for the benefit of the holders of notes issued in anticipation of such revenues. No person other than a holder of such RANs has any right to or claim against revenues so held in trust. Whenever the amount contained in the RAN Account or the TAN Account exceeds the amount required to be retained in such Account, the excess, including earnings on investments, is to be withdrawn from such Account and paid into the General Fund of the City.

#### *Limitations on the City's Authority to Contract Indebtedness*

The Financial Emergency Act imposes various limitations on the issuance of City indebtedness. No TANs may be issued by the City which would cause the principal amount of such issue of TANs to exceed 90% of the "available tax levy", as defined in the Act, with respect to such issue; TANs and renewals thereof must mature not later than the last day of the fiscal year in which they were issued. No RANs may be issued by the City which would cause the principal amount of RANs outstanding to exceed 90% of the "available revenues", as defined in the Act, for that fiscal year; RANs must mature not later than the last day of the fiscal year in which they were issued; and in no event may renewals of RANs mature later than one year subsequent to the last day of the fiscal year in which such RANs were originally issued. No BANs may be issued by the City in any fiscal year which would cause the principal amount of BANs outstanding, together with interest due or to become due thereon, to exceed 50% of the principal amount of bonds issued by the City in the twelve months immediately preceding the month in which such BANs are to be issued; BANs must mature not later than six months after their date of issuance and may be renewed for a period not to exceed six months. Budget Notes may be issued only to fund projected expense budget deficits; no Budget Notes, or renewals thereof, may mature later than sixty days prior to the last day of the fiscal year next succeeding the fiscal year during which the Budget Notes were originally issued.

The MAC Act contains two limitations on the amount of short-term debt which the City may issue. As of January 30, 1998, the maximum amount of additional short-term debt which the City could issue was \$6.28 billion under the first limitation. The second limitation does not prohibit any issuance by the City of BANs or short-term debt issued and payable within the same fiscal year, such as TANs and RANs. However, subject to the other restrictions and requirements described above, as of January 30, 1998, the maximum amount of TANs, RANs, or Budget Notes issued in the current fiscal year and maturing next fiscal year, that the City could issue was approximately \$584.2 million under the second limitation. These limitations, and other restrictions on maturities of City notes and other requirements described above, could be amended by State legislative action.

The State Constitution provides that, with certain exceptions, the City may not contract indebtedness, including contracts for capital projects to be paid with the proceeds of City bonds ("contracts for capital projects"), in an amount greater than 10% of the average full value of taxable real estate in the City for the most recent five years (the "general debt limit"). See "SECTION IV: SOURCE OF CITY REVENUES—Real Estate Tax—Assessment". For information concerning litigation which, if determined against the City, could have an adverse impact on the amount of debt the City can have outstanding under the general debt limit, see "SECTION IX: OTHER INFORMATION—Litigation—Taxes". Certain indebtedness ("excluded debt") is excluded in ascertaining the City's authority to contract indebtedness within the constitutional limit. TANs, RANs, BANs, URNs and Budget Notes and long-term indebtedness issued for certain types of public improvements and capital projects are considered excluded debt. The City's statutory authority for variable rate debt is limited to 10% of the general debt limit. The State Constitution also provides that, subject to legislative implementation, the City may contract indebtedness for low-rent housing, nursing homes for persons of low income and urban renewal purposes in an amount not to exceed 2% of the average assessed valuation of the taxable real estate of the City for the most recent five years (the "2% debt limit"). Excluded from the 2% debt limit, after approval by the State Comptroller, is indebtedness for certain self-supporting programs aided by City guarantees or loans. Neither MAC indebtedness nor the City's commitments with other PBCs (other than certain guaranteed debt of the Housing Authority) are chargeable against the City's constitutional debt limits.

This City's projection of its capital financing need pursuant to the Mayor's Declaration of Need and Proposed Transitional Capital Plan of June 30, 1997 indicates additional projected debt and contract liabilities of approximately \$3 billion for fiscal year 1998. To provide for the City's capital program, State legislation was enacted which created the Finance Authority, the debt of which is not subject to the general debt limit. Without the Finance Authority or other legislative relief, new contractual commitments for the City's general obligation financed capital program would have been virtually brought to a halt during the Financial Plan period beginning early in the 1998 fiscal year. By utilizing projected Finance Authority borrowing and including the Finance Authority's projected borrowing as part of the total debt-incurring power set forth in the following table, the City's total debt-incurring power has been increased. Even with the increase, the City may reach the limit of its capacity to enter into new contractual commitments in fiscal year 2000.

The following table sets forth the calculation of the debt-incurring power of the City as of December 31, 1997 and of the Finance Authority.

Total City Debt-Incurring Power under General Debt Limit .....		\$30,948,364,577
Gross Debt—Funded .....	\$27,010,068,592	
Less: Excluded Debt .....	<u>980,084,720</u>	
	26,029,983,872	
Less: Fiscal Year 1998 Appropriations for Principal of Debt .....	<u>233,358,997</u>	<u>25,796,624,875</u>
		5,151,739,702
Contracts and Other Liabilities, Net of Restricted Cash .....	5,898,024,286	
Less: Anticipated Finance Authority Financing of Liabilities Incurred Through Fiscal Year 1998 .....	<u>2,205,137,052</u>	
Net Contracts and Other Liabilities Charged to General Debt Limit ....		<u>3,692,887,234</u>
Remaining City Debt-Incurring Power under General Debt Limit .....		1,458,852,468
Remaining Finance Authority Debt-Incurring Power .....		<u>4,659,000,000</u>
City and Finance Authority Debt-Incurring Power .....		<u>\$ 6,117,852,468</u>

(1) Without the creation of the Finance Authority, the debt-incurring power of the City under the general debt limit, as of December 31, 1997, would have been exceeded by \$746 million.

The Finance Authority is authorized to borrow up to \$7.5 billion. The State legislation creating the Finance Authority contemplates that a constitutional amendment changing the methodology used to calculate the debt limit will be passed in fiscal year 2000, which will enable the City to implement the Preliminary Ten-Year Capital Strategy in compliance with the general debt limit. If the State constitution is not amended to increase the City's general obligation debt limitation, the State may, but is not required to, amend the act creating the Finance Authority to increase the amount of debt the Finance Authority is authorized to issue. In order to provide financing for the City's current capital plan through fiscal year 2007, the State may need to increase the Finance Authority's current authorization level by \$4.5 billion for a total of \$12 billion. A proposed amendment to the State constitution may be considered by the State Legislature in 1998 and 1999, and if approved by the State Legislature in two consecutive legislative sessions and approved by voter referendum could have an effective date in the year 2000. See "SECTION IX: OTHER INFORMATION—Litigation" for a description of litigation seeking to have the Finance Authority Act declared unconstitutional.

#### *Federal Bankruptcy Code*

Under the Federal Bankruptcy Code, a petition may be filed in the Federal bankruptcy court by a municipality which is insolvent or unable to meet its debts as they mature. The filing of such a petition would operate as a stay of any proceeding to enforce a claim against the City. The Code requires the municipality to file a plan for the adjustment of its debts, which may modify or alter the rights of creditors and may provide for the municipality to issue indebtedness, which could have priority over existing creditors and which could be secured. Any plan of adjustment confirmed by the court must be approved by the requisite majority of creditors. If confirmed by the bankruptcy court, the plan would be binding upon all creditors affected by it. Each of the City

and the Control Board, acting on behalf of the City, has the legal capacity to file a petition under the Federal Bankruptcy Code.

### **Municipal Assistance Corporation Indebtedness**

MAC was organized in 1975 to provide financing assistance for the City and also to exercise certain review functions with respect to the City's finances. Since its creation, MAC has provided, among other things, financing assistance to the City by refunding maturing City short-term debt and transferring to the City funds received from sales of MAC bonds and notes. MAC is authorized to issue bonds and notes payable from certain stock transfer tax revenues and the City's portion of the State sales tax derived in the City and, subject to certain prior claims, State per capita aid otherwise payable by the State to the City. These revenues are paid, subject to appropriation, directly by the State to MAC to the extent they are needed for MAC debt service, MAC reserve fund requirements or MAC operating expenses; revenues which are not needed by MAC are paid by the State to the City, except for the stock transfer tax revenues, which are rebated to the payers of the tax. MAC bonds and notes constitute general obligations of MAC and do not constitute an enforceable obligation or debt of either the State or the City. Failure by the State to continue the imposition of such taxes, the reduction of the rate of such taxes to rates less than those in effect on July 2, 1975, failure by the State to pay such aid revenues and the reduction of such aid revenues below a specified level are included among the events of default in the resolutions authorizing MAC's long-term debt. The occurrence of an event of default may result in the acceleration of the maturity of all or a portion of MAC's debt.

As of December 31, 1997, MAC had outstanding an aggregate of approximately \$4.242 billion of its bonds. MAC is authorized to issue bonds and notes to refund its outstanding bonds and notes and to fund certain reserves. For additional information regarding MAC indebtedness, see "APPENDIX B—FINANCIAL STATEMENTS—Notes to Financial Statements—Notes C and H".

### **Public Benefit Corporation Indebtedness**

#### *City Financial Commitments to PBCs*

PBCs are corporate governmental agencies created by State law to finance and operate projects of a governmental nature or to provide governmental services. Generally, PBCs issue bonds and notes to finance construction of housing, hospitals, dormitories and other facilities and receive revenues from the collection of fees, charges or rentals for the use of their facilities, including subsidies and other payments from the governmental entity whose residents have benefited from the services and facilities provided by the PBC. These bonds and notes do not constitute debt of the City unless expressly guaranteed or assumed by the City.

The City has undertaken various types of financial commitments with certain PBCs which, although they generally do not represent City indebtedness, have a similar budgetary effect. During a Control Period as defined by the Financial Emergency Act, neither the City nor any Covered Organization may enter into any arrangement whereby the revenues or credit of the City are directly or indirectly pledged, encumbered, committed or promised for the payment of obligations of a PBC unless approved by the Control Board. The principal forms of the City's financial commitments with respect to PBC debt obligations are as follows:

1. *Guarantees*—PBC indebtedness may be directly guaranteed by the City.
2. *Capital Lease Obligations*—These are leases of facilities by the City or a Covered Organization, entered into with PBCs, under which the City has no liability beyond monies legally available for lease payments. State law generally provides, however, that in the event the City fails to make any required lease payment, the amount of such payment will be deducted from State aid otherwise payable to the City and will be paid to the PBC.
3. *Executed Leases*—These are leases pursuant to which the City is legally obligated to make the required rental payments.
4. *Capital Reserve Fund Arrangements*—Under these arrangements, State law requires the PBC to maintain a capital reserve fund in a specified minimum amount to be used solely for the payment of the PBC's obligations. State law further provides that in the event the capital reserve fund is depleted, State aid otherwise payable to the City may be paid to the PBC to restore such fund.

The City's financial statements include MAC and certain PBCs, such as ECF and the CUCF. For further information regarding indebtedness of these PBCs, see "APPENDIX B—FINANCIAL STATEMENTS—Notes to Financial Statements—Notes F and G". Certain other PBCs appear in the financial statements as Enterprise Funds. For information regarding Enterprise Funds PBCs, see "APPENDIX B—FINANCIAL STATEMENTS—Notes to Financial Statements—Notes J, K, L, M and N".

*New York City Educational Construction Fund*

As of December 31, 1997, approximately \$161.2 million principal amount of ECF bonds to finance costs related to the school portions of combined occupancy structures was outstanding. Under ECF's leases with the City, debt service on the ECF bonds is payable by the City to the extent third party revenues are not sufficient to pay such debt service.

*New York City Housing Authority*

As of December 31, 1997, the City had guaranteed \$25.2 million principal amount of HA bonds. The Federal government has agreed to pay debt service on \$13.8 million principal amount of additional HA indebtedness guaranteed by the City. The City has also guaranteed the repayment of \$174.9 million principal amount of HA indebtedness to the State, of which the Federal government has agreed to pay debt service on \$76.7 million. The City also pays subsidies to the HA to cover operating expenses. Exclusive of the payment of certain labor costs, such subsidies amounted to \$33.8 million in the 1996 fiscal year and to \$32.4 million in the 1997 fiscal year.

*New York State Housing Finance Agency*

As of December 31, 1997, \$293.4 million principal amount of HFA refunding bonds relating to hospital and family care facilities leased to the City was outstanding. HFA does not receive third party revenues to offset the City's capital lease obligations with respect to these bonds. Lease payments, which are made by the City seven months in advance of payment dates of the bonds, are intended to cover development and construction costs, including debt service, of each facility plus a share of HFA's overhead and administrative expenses.

*Dormitory Authority of the State of New York*

As of December 31, 1997, \$417.2 million principal amount of DASNY bonds issued to finance the design, construction and renovation of court facilities in the City was outstanding. The court facilities are leased to the City by DASNY, with lease payments made by the City in amounts sufficient to pay debt service on DASNY bonds and certain fees and expenses of DASNY.

*City University Construction Fund*

As of December 31, 1997, approximately \$713.6 million principal amount of bonds, relating to Community College facilities, of the Dormitory Authority subject to capital lease arrangements was outstanding. The City and the State are each responsible for approximately one-half of the CUCF's annual rental payments to the Dormitory Authority for Community College facilities which are applied to the payment of debt service on the Dormitory Authority's bonds issued to finance the leased projects plus related overhead and administrative expenses of the Dormitory Authority.

*New York State Urban Development Corporation*

As of December 31, 1997, \$55.4 million principal amount of UDC bonds subject to executed or proposed lease arrangements was outstanding. This amount differs from the amount calculated by UDC (\$67.4 million) because UDC has included certain interest costs relating to Public School 50 and Intermediate School 229 in Manhattan in its calculation. The City leases schools and certain other facilities from UDC.

## SECTION IX: OTHER INFORMATION

### Pension Systems

The City maintains a number of pension systems providing benefits for its employees and employees of various independent agencies (including certain Covered Organizations). The systems combine features of a defined benefit pension plan with those of a defined contribution pension plan. Membership in the City's five major actuarial systems on June 30, 1996 consisted of approximately 309,000 current employees, of whom approximately 76,000 were employees of certain independent agencies whose pension costs in some cases are provided by City appropriations. In addition, there are approximately 235,000 retirees and beneficiaries currently receiving benefits and other vested members terminated but not receiving benefits. The City also contributes to three other actuarial systems, maintains a non-actuarial retirement system for retired individuals not covered by the five major actuarial systems, provides other supplemental benefits to retirees and makes contributions to certain union annuity funds.

Each of the City's five major actuarial pension systems is managed by a board of trustees which includes representatives of the City and the employees covered by such system. The City Comptroller is the custodian of, and has been delegated investment responsibilities for, the major actuarial systems, subject to the policies established by the boards of trustees of the systems and State law.

The City's pension expenditures for the 1998 fiscal year are expected to approximate \$1.5 billion. In each of fiscal years 1999 through 2002, these expenditures are expected to approximate \$1.4 billion, \$1.4 billion, \$1.4 billion and \$1.3 billion respectively. Certain of the systems provide pension benefits of 50% to 55% of "final pay" after 20 to 25 years of service with additional benefits for subsequent years of service. For the 1997 fiscal year, the City's total annual pension costs, including the City's pension costs not associated with the five major actuarial systems, plus Federal Social Security tax payments by the City for the year, were approximately 19.42% of total payroll costs. In addition, contributions are also made by certain component units of the City and other government units directly to the three cost sharing multiple employer actuarial systems. The State Constitution provides that pension rights of public employees are contractual and shall not be diminished or impaired.

The City makes pension contributions to the five major systems in amounts equivalent to the pension costs as determined in accordance with GAAP. Pension costs incurred with respect to the other actuarial systems to which the City contributes and the City's non-actuarial retirement systems and supplemental pension programs for participants in these non-actuarial systems are recorded and paid currently.

As of June 30, 1996, four of the five major actuarial systems were not fully funded. The excess of the present value of future pension benefits accrued over the value of the present assets of the pension systems for the five major actuarial pension systems (including that which is attributable to independent agencies) as of June 30, 1991 through June 30, 1994, as calculated by the City's Chief Actuary on the basis of the actuarial assumptions then in effect, are set forth in the following table. In addition, such excess as of June 30, 1995 and June 30, 1996, for the five major actuarial pension systems other than New York City Employees' Retirement System, whose actuarial value of assets exceeded its actuarial accrued liability as of such dates, is set forth in the following table.

<u>June 30</u>	<u>Amount(1)</u> <u>(In Billions)</u>
1991 .....	\$4.16
1992 .....	2.67
1993 .....	0.49
1994 .....	5.94(2)
1995 .....	4.03
1996 .....	4.29

- (1) For purposes of making these calculations, accrued pension contributions receivable from the City were not treated as assets of the system.
- (2) Prior to June 30, 1994, amounts are the unfunded pension benefit obligation calculated in accordance with GASB Statement No. 5, *Disclosure of Pension Information by Public Employee Retirement Systems and State and Local Government Employers*. For June 30, 1994, amounts are the unfunded actuarial accrued liability produced by the method used to fund the plans and reflect implementation of GASB Statement No. 27, *Accounting for Pensions by State and Local Governmental Employers*. Before adoption of this Statement, such amount was \$1.85 billion.

The five major actuarial systems are funded on a basis which is designed to reduce gradually the unfunded accrued liability of those systems. For further information regarding the City's pension systems see "APPENDIX B—FINANCIAL STATEMENTS—Notes to Financial Statements—Note Q".

### **Litigation**

The following paragraphs describe certain material legal proceedings and claims involving the City and Covered Organizations other than routine litigation incidental to the performance of their governmental and other functions and certain other litigation arising out of alleged constitutional violations, torts, breaches of contract and other violations of law and condemnation proceedings. While the ultimate outcome and fiscal impact, if any, on the City of the proceedings and claims described below are not currently predictable, adverse determinations in certain of them might have a material adverse effect upon the City's ability to carry out the 1998-2002 Financial Plan. The City has estimated that its potential future liability on account of outstanding claims against it as of June 30, 1997 amounted to approximately \$3.5 billion. See "SECTION VII: 1998-2002 FINANCIAL PLAN—Assumptions—*Expenditure Assumptions*—2. Other Than Personal Service Costs—*Judgments and Claims*".

#### *Taxes*

1. Numerous real estate tax *certiorari* proceedings alleging overvaluation, inequality and illegality are pending against the City. Based on historical settlement activity, and including an estimated premium for inequality of assessment, the City estimates its potential future liability for outstanding *certiorari* proceedings to be \$378 million at June 30, 1997. For a discussion of the City's accounting treatment of its inequality and overvaluation exposure, see "APPENDIX B—FINANCIAL STATEMENTS—Notes to Financial Statements—Note H".

2. The City has brought proceedings challenging the final class ratios for class two and class four property certified by the State Board for the 1991 and 1992 assessment rolls. Class ratios are used in real property tax *certiorari* proceedings involving allegations of inequality of assessment and ratios that are too low can result in more successful claims for refunds for overpayments than appropriate. In a proceeding consolidating the City's challenges to the class ratios for the 1991 and 1992 assessment rolls, on December 15, 1994, the Supreme Court, New York County annulled the class two and class four ratios for those years and remanded the matter to the State Board for recalculation of the ratios consistent with the decision. Pursuant to a stipulation extending its time to appeal, the State Board has not yet appealed the judgment, but if the original class ratios were reinstated on appeal, it could lead to an increase in refunds, for overpayment of real property taxes paid in the 1992 and 1993 fiscal years. The State Board and the City have also agreed to toll the City's time to challenge final class ratios for classes two and four for the 1993 and 1994 assessment rolls, pending the outcome of efforts to resolve the matter without further litigation. For additional information, see "SECTION IV: SOURCES OF CITY REVENUES—Real Estate Tax—*Assessment*".

3. A group of real property taxpayers have brought a series of declaratory judgment actions charging that Tax Resolutions adopted by the City Council violate the State Constitution. Plaintiffs allege that the special equalization ratios calculated by the State Board resulted in the overstatement of the average full valuation of real property in the City with the result that the City's real estate tax levy is in excess of the State Constitution's real estate tax limit. Actions relating to the real estate tax levies for fiscal years 1993, 1994, 1995 and 1996 have been commenced by groups of taxpayers and are pending in State Supreme Court, Albany County and New York County. The first such action was dismissed on standing grounds. Although plaintiffs do not specify the extent of the alleged real property overvaluation, an adverse determination significantly reducing such limit could subject the City to substantial liability for real property tax refunds and could have an adverse impact on the amount of debt the City can have outstanding under the general debt limit (defined as 10% of the average full value of taxable real estate in the City for the most recent five years).

### Miscellaneous

1. Forty actions seeking in excess of \$364 million have been commenced in State Supreme Court, New York County, against the City seeking damages for personal injuries and property damage in connection with an explosion of a Con Edison steam pipe which occurred in Gramercy Park on August 19, 1989.

2. On April 3, 1990, the New York State Court of Appeals ruled, in a case brought by a group of New York City recipients of AFDC, that the New York Social Services Law requires that AFDC recipients receive for housing an adequate allowance that bears a reasonable relationship to the cost of housing and remanded the case to the trial court. On April 16, 1997, the trial court held that the current shelter allowance is not reasonably related to the cost of housing. The State received notice of entry of a settlement order relating to the allowance, which the State has appealed. The shelter allowance, while determined by the State Department of Social Services ("DSS"), is funded by contributions from the Federal, State and City governments. The City's contribution is 25% of the total allowance. If plaintiffs are ultimately successful in seeking substantial increases in the shelter allowance, it could result in substantial costs to the City.

3. Pursuant to regulations of the DSS, the New York City Human Resources Administration ("HRA") provides a limited number of medically disabled and/or physically handicapped persons with "sleep-in home attendants" who are assigned to live in the person's home on a 24-hour basis. On June 12, 1989, the Appellate Division, Second Department affirmed a determination by the New York State Industrial Board of Appeals (the "IBA") in a proceeding initiated by one union representing sleep-in home attendants that the attendants were covered by the Minimum Wage Law. In May 1984, the union commenced a separate but related action in the Supreme Court, New York County on behalf of a number of sleep-in home attendants claiming, *inter alia*, that since 1981 the attendants were entitled to compensation for a 24-hour day and at a rate in excess of the minimum wage. That action has been stayed pending the outcome of a proceeding on this issue before the IBA. On May 28, 1997, the IBA found in favor of HRA and the corporations it contracts with who provide the sleep-in home attendants. The IBA revoked the Notices of Labor Law violation, which had been issued by the State Department of Labor, which asserted that the sleep-in home attendants had been underpaid. The union has challenged the IBA's determination in Supreme Court, New York County. The City and HRA intend to respond to the union's challenge in a timely fashion.

While the potential cost to the City of adverse determinations in the proceedings cannot be determined at this time, such findings could result in substantial costs to the City depending on the number of hours deemed worked by particular attendants, the extent of State and Federal reimbursements, the number of attendants actually covered by a final determination and the rate of pay to be applied.

4. In two pending actions plaintiffs seek broad injunctive relief directed toward the City's lead paint poisoning prevention activities. In the Federal action, a class has been certified consisting of children under the age of seven and pregnant women residing in housing owned by the City or where the City administers community development funds. In the State action, the Appellate Division, First Department, in June 1997, vacated certification of the plaintiff class consisting of children under the age of seven living in multiple dwellings in New York City where a complaint of lead paint has been made which the City allegedly has not timely and adequately inspected and abated. In December 1997, the court in the State action reversed its earlier order and certified the class. Plaintiffs are seeking further review of that order. A preliminary injunction was issued in the State action which directed the City's Department of Housing Preservation and Development ("HPD") to issue regulations in conformance with the court's interpretation of local law governing the removal of lead paint in residential buildings. HPD issued regulations which the court found to be inadequate. As a result, the City and various officials have been held in civil and criminal contempt for failing to comply with the court order. The later findings of contempt are being appealed. The City Council has considered several bills to amend the local law and discussions are ongoing.

The State action also challenges the City's activities relating to the screening of children for lead poisoning, the timeliness and adequacy of enforcement efforts, and inspection of day care facilities. The Federal action seeks warnings to tenants of lead paint hazards, abatement of lead paint hazards, and medical monitoring of class members. Adverse determinations on these issues could result in substantial additional costs to the City.



In addition, nearly 1,200 claims have been filed against the City on behalf of children exposed to lead in City apartments. The suits seek to hold the City liable for failing to fix lead paint hazards in City-owned buildings and for failing to enforce lead safety standards in privately owned buildings. Such claims could cost the City in excess of \$500 million in the future.

5. Numerous actions have been asserted against the City and the Covered Organizations alleging that the City and the Covered Organizations have failed to provide proper housing and services to homeless individuals and families in violation of the State Constitution, the State Social Services Law, the State Mental Hygiene Law, and various related regulations. In one such action brought by homeless mentally-ill patients released from City hospitals, the New York Court of Appeals has ruled that the City must, *inter alia*, assist in locating adequate and appropriate housing when such patients are discharged from in-patient care. The State Supreme Court on remand ordered Defendants to propose procedures for monitoring the post-discharge status of such patients. It is unclear at present what costs the City may incur as a result of these rulings. Adverse determinations in the other actions could also result in substantial costs to the City.

6. In August 1995, former uniformed members of the New York City Police Department and New York City Fire Department who retired by reason of disability brought separate actions in Federal court challenging legislation that provides, among other things, for the payment of variable supplement fund benefits only to retirees who did not retire by reason of a disability. They seek to have the legislation declared void or to be provided with benefits equivalent to those to which the statutory beneficiaries are entitled. In September 1995, Transit Police retirees brought a similar action in Federal court. All these actions were subsequently dismissed, and the plaintiffs have appealed to the Second Circuit Court of Appeals. A similar action with respect to New York City Fire Department retirees has been filed in State court.

7. In May 1991, the Natural Resources Defense Council and other petitioners initiated a proceeding in State Supreme Court, New York County, seeking to compel the City to fully implement various provisions of Local Law No. 19 ("Local Law No. 19") for the year 1989, the New York City Recycling Law, including annual targets for increasing the tonnage of solid waste that is recycled by the Department of Sanitation and its contractors. On February 22, 1994, the New York State Court of Appeals upheld a decision ordering the City to comply with the various mandates of Local Law No. 19 and remanded the case to State Supreme Court to establish a new timetable for compliance. On August 17, 1995, the Appellate Division, First Department, modified a Revised Order which contained new timetables for the City's compliance by deleting various provisions of the Revised Order and adding certain provisions previously agreed to by the litigating parties that took into account changes that had occurred since the commencement of the proceeding. On June 26, 1996, petitioners moved to enforce the recycling tonnage requirements, arguing that the City was out of compliance with them. On January 16, 1997, the Court rejected the City's argument that the City may count construction and demolition debris in the total amount of recycled material to comply with the current tonnage mandates of Local Law No. 19. The City's appeal is pending. In May 1997, the Court signed an order (the "1997 Order") which extends the time for the City to comply with the recycling tonnage requirements of Local Law No. 19. As of July 1997, the City is required to recycle 2100 tons per day of Department of Sanitation collected solid waste. The City is currently recycling slightly over 2100 tons per day of solid waste, not counting construction and demolition debris. Under the 1997 Order, the City is required to recycle 3400 tons per day of solid waste by July 1999 and 4,250 tons per day by July 2001. The City may seek to obtain amendments to Local Law No. 19. If the City is unable to obtain such amendments and is required to fully implement Local Law No. 19, the City will likely incur substantial costs.

8. On January 26, 1994, the Eastern Paralyzed Veterans Association ("EPVA") commenced an action in the United States District Court for the Southern District of New York alleging that the City had failed to take steps prescribed by the Americans with Disabilities Act and regulations promulgated thereunder to make the streets and sidewalks of the City accessible to handicapped persons. The EPVA seeks to compel the City, among other things, to implement a plan to provide curb ramps or other sloped areas at all intersections in the City by a certain future date, to be determined in accordance with U.S. Department of Justice regulations. If the EPVA were to prevail in this action, performing such work in an expedited time frame would impose substantial costs on the City.

9. In January 1994, the President of the United Federation of Teachers and various parents and teachers commenced a proceeding against the City, BOE and the New York State Department of Labor alleging, as against BOE, a failure to maintain the City's school buildings in safe condition as required by the City's Building Code and the State's Education and Labor Laws and, as against the City, a failure to inspect the schools on a regular basis. The suit, which does not seek a specified amount of damages, asks that the defendants be required to perform their inspection, repair, and maintenance obligations alleged to exist under statute in regard to 37 complaints which they filed with respect to conditions at 20 schools and generally throughout the school system. If the plaintiffs were to prevail, BOE could incur substantial costs which it is not possible to estimate at this time.

10. Six separate actions are pending in the State Supreme Court in Putnam County seeking damages in the amount of approximately \$10.5 billion in the aggregate for alleged injury to property caused by regulations enacted for the protection of the water supply of the City. The City has also received approximately 80 additional claims from property owners not party to the litigation, seeking similar relief. In response to a motion to dismiss brought by the City, on June 24, 1997, the Court ruled that plaintiffs could assert claims against the City for any diminution in the value of their property caused by a chilling effect on the real estate market from the City's watershed regulations. The Court further ruled that plaintiffs with development plans not approved by the City under the watershed regulations could assert claims for additional damages beyond any general effect of the City's watershed regulations on the real estate market. The City intends to appeal the Court's decision. If plaintiffs were to prevail, the City could face numerous claims from other property owners in the upstate watershed.

11. In April 1994, a coalition of towns located in the City's upstate watershed commenced litigation in New York State Supreme Court, Albany County, against the City and State alleging deficiencies in the environmental review process undertaken in connection with the City's filtration avoidance application to the United States Environmental Protection Agency, the City's proposed land use regulations, and the City's land acquisition program in the upstate watershed. In December 1994, the City answered the petition and moved for dismissal of part of this proceeding. As part of the Watershed Memorandum of Agreement, the coalition has agreed to discontinue its action after the State has issued the City a permit for its land acquisition program, which it has done, and has adopted the City's land use regulations as State regulations, which it is in the process of doing, in accordance with the Watershed Memorandum of Agreement.

12. On January 31, 1996, an action was commenced by the United States of America against the City, the State and their respective social services agencies in the United States District Court for the Southern District of New York, alleging that the City and the State have submitted false claims to obtain incentive funding and reimbursement for foster care expenditures under the Social Security Act. The complaint seeks treble damages amounting to more than \$112 million. On June 14, 1996, the City moved to dismiss the complaint and for summary judgment.

13. On April 15, 1996, Stanley Hill, Executive Director of District Council 37, representatives of certain other unions, certain Federal, City and State elected officials and other plaintiffs filed an action in the Supreme Court of the State of New York, County of New York, against the Mayor which asserted, among other things, that the City has violated the provisions of the Health and Hospitals Corporation Act by failing to subsidize HHC at the minimum funding levels required for the 1994 through 1997 fiscal years, and failed to pay HHC for the value of services rendered to the City for indigent care and for prisoners, uniformed services and mortuary care to the extent that such services are not reimbursed. On July 15, 1997, the Court permitted the plaintiffs to amend the complaint and seek an order requiring the City to pay to HHC at least \$949 million, \$931 million and \$831 million for the 1994, 1995 and 1996 fiscal years, respectively, and an amount to be determined by the Court for the 1997 fiscal year. The Court denied plaintiff's motion to preliminarily enjoin the defendant from further reducing the City's subsidy to HHC for the 1996 and 1997 fiscal years from the amount originally budgeted for the 1996 fiscal year.

14. The City has been notified that an investigation of the Emergency Medical Service ("EMS") billing practices for Medicare patients has been initiated by the United States. The investigation is pursuant to the False Claims Act, 31 U.S.C. Sections 3729-3733, and concerns allegations that EMS and HHC submitted false claims to the United States relating to ambulance transportation in connection with the Medicare program. It cannot be determined at this time what, if any, financial impact that investigation may have on HHC or on the City.

15. In June 1997, Robert L. Schulz and Gary T. Loughrey commenced an action in the State Supreme Court, Albany County against the State Legislature, Sheldon Silver, Speaker of the Assembly, Joseph Bruno, Senate Majority Leader, and the Governor. The action seeks a declaratory judgment declaring the Finance Authority Act to be unconstitutional as allowing the City to issue debt in avoidance of the City's constitutional debt limit. At their request, the Finance Authority and the City were joined as defendants. On November 25, 1997, the Supreme Court found the Finance Authority Act to be constitutional and granted the defendants' motion for summary judgment. On December 5, 1997, plaintiffs appealed the decision to the New York Court of Appeals.

### **Tax Exemption**

In the opinion of Brown & Wood LLP, New York, New York, as Bond Counsel, except as provided in the following sentence, interest on the Tax-Exempt Bonds will not be includable in the gross income of the owners of the Tax-Exempt Bonds for purposes of Federal income taxation under existing law. Interest on the Tax-Exempt Bonds will be includable in the gross income of the owners thereof retroactive to the date of issue of the Tax-Exempt Bonds in the event of a failure by the City to comply with applicable requirements of the Code, and covenants regarding use, expenditure and investment of bond proceeds and the timely payment of certain investment earnings to the United States Treasury; and no opinion is rendered by Brown & Wood LLP as to the exclusion from gross income of the interest on the Tax-Exempt Bonds for Federal income tax purposes on or after the date on which any action is taken under the Bond proceedings upon the approval of counsel other than such firm.

Interest on the Tax-Exempt Bonds will be exempt from personal income taxes imposed by the State or any political subdivision thereof, including the City.

Interest on the Tax-Exempt Bonds will not be a specific preference item for purposes of the Federal individual or corporate alternative minimum tax. The Code contains other provisions that could result in tax consequences, upon which Brown & Wood LLP renders no opinion, as a result of ownership of such Tax-Exempt Bonds or the inclusion in certain computations (including, without limitation, those related to the corporate alternative minimum tax) of interest that is excluded from gross income. Interest on the Tax-Exempt Bonds owned by a corporation will be included in the calculation of the corporation's Federal alternative minimum tax liability.

Ownership of tax-exempt obligations may result in collateral tax consequences to certain taxpayers, including, without limitation, financial institutions, property and casualty insurance companies, certain foreign corporations doing business in the United States, certain S Corporations with excess passive income, individual recipients of Social Security or railroad retirement benefits, taxpayers eligible for the earned income tax credit and taxpayers who may be deemed to have incurred or continued indebtedness to purchase or carry tax-exempt obligations. Prospective purchasers of the Tax-Exempt Bonds should consult their tax advisors as to applicability of any such collateral consequences.

The excess, if any, of the amount payable at maturity of any maturity of Tax-Exempt Bonds over the initial public offering price to the public (excluding bond houses, brokers or similar persons acting in the capacity of underwriters or wholesalers) at which price a substantial amount of such maturity is sold constitutes original issue discount, which will be excludable from gross income to the same extent as interest on the Tax-Exempt Bonds for Federal, New York State and New York City income tax purposes. The Code provides that the amount of original issue discount accrues in accordance with a constant interest method based on the compounding of interest, and that a holder's adjusted basis for purposes of determining a holder's gain or loss on disposition of Tax-Exempt Bonds with original issue discount (the "Tax-Exempt OID Bonds") will be increased by such amount. A portion of the original issue discount that accrues in each year to an owner of a Tax-Exempt OID Bond which is a corporation will be included in the calculation of the corporation's Federal alternative minimum tax liability. In addition, original issue discount that accrues in each year to an owner of a Tax-Exempt OID Bond is included in the calculation of the distribution requirements of certain regulated investment companies and may result in some of the collateral Federal income tax consequences discussed above. Consequently, owners of any Tax-Exempt OID Bond should be aware that the accrual of original issue discount in each year may result in an alternative minimum tax liability, additional distribution requirements or other collateral Federal income tax

consequences although the owner of such Tax-Exempt OID Bond has not received cash attributable to such original issue discount in such year.

Owners of Tax-Exempt OID Bonds should consult their personal tax advisors with respect to the determination for Federal income tax purposes of the amount of original issue discount or interest properly accruable with respect to such Tax-Exempt OID Bonds, other tax consequences of owning Tax-Exempt OID Bonds and other state and local tax consequences of holding such Tax-Exempt OID Bonds.

The excess, if any, of the tax basis of Tax-Exempt Bonds to a purchaser (other than a purchaser who holds such Tax-Exempt Bonds as inventory, stock in trade or for sale to customers in the ordinary course of business) over the amount payable at maturity is "bond premium". Bond premium is amortized over the term of such Tax-Exempt Bonds for Federal income tax purposes. Owners of such Tax-Exempt Bonds are required to decrease their adjusted basis in such Tax-Exempt Bonds by the amount of amortizable bond premium attributable to each taxable year such Tax-Exempt Bonds are held. The amortizable bond premium on such Tax-Exempt Bonds attributable to a taxable year is not deductible for Federal income tax purposes. Owners of such Tax-Exempt Bonds should consult their tax advisors with respect to the determination for Federal income tax purposes of the treatment of bond premiums upon sale or other disposition of such Tax-Exempt Bonds and with respect to the state and local tax consequences of owning and disposing of such Tax-Exempt Bonds.

Legislation affecting municipal securities is constantly being considered by the United States Congress. There can be no assurance that legislation enacted after the date of issuance of the Tax-Exempt Bonds will not have an adverse effect on the tax-exempt status of the Tax-Exempt Bonds. Legislative or regulatory actions and proposals may also affect the economic value of tax exemption or the market price of the Tax-Exempt Bonds.

#### **Taxable Bonds**

The following discussion addresses certain Federal income tax consequences to United States holders of the Taxable Bonds. It does not discuss all the tax consequences that may be relevant to particular holders. Each holder should consult his own tax adviser with respect to his particular circumstances.

Interest on the Taxable Bonds will be includable in the gross income of the owners thereof for purposes of Federal income taxation. Interest on the Taxable Bonds will be exempt from personal income taxes imposed by the State or any political subdivision thereof, including the City.

#### **Ratings**

Moody's has rated the Bonds Baa1. Standard & Poor's has rated the Bonds BBB+. Fitch has rated the Bonds A-. These ratings do not reflect any bond insurance relating to any portion of the Bonds. The City expects that ratings on the MBIA Insured Bonds will be received prior to February 18, 1998. The Ratings on the MBIA Insured Bonds will be based on the insurance policy to be issued by MBIA. Bonds insured to maturity by MBIA are rated "AAA" by Standard & Poor's, "Aaa" by Moody's and "AAA" by Fitch. Such ratings reflect only the views of Moody's, Standard & Poor's and Fitch from which an explanation of the significance of such ratings may be obtained. There is no assurance that such ratings will continue for any given period of time or that they will not be revised downward or withdrawn entirely. Any such downward revision or withdrawal could have an adverse effect on the market prices of the Bonds.

In 1975, Standard & Poor's suspended its A rating of City bonds. This suspension remained in effect until March 1981, at which time the City received an investment grade rating of BBB from Standard & Poor's. On July 2, 1985, Standard & Poor's revised its rating of City bonds upward to BBB+ and on November 19, 1987, to A-. On July 10, 1995, Standard & Poor's revised its rating of City bonds downward to BBB+. On February 3, 1997, Standard & Poor's placed its BBB+ rating of City bonds on CreditWatch with positive implications. Standard & Poor's stated that an upgrade will depend on adoption of a budget for the 1999 fiscal year and a financial plan that closely resembles the outline of the current Financial Plan by keeping expenditures and headcount under control, by limiting growth in the already substantial capital budget and by maintenance of conservative budget assumptions.

Moody's ratings of City bonds were revised in November 1981 from B (in effect since 1977) to Baa1, in November 1983 to Baa, in December 1985 to Baa1, in May 1988 to A and again in February 1991 to Baa1. On July 17, 1997, Moody's changed its outlook on City bonds to positive from stable. Fitch has rated City bonds A-.

## **Underwriting**

The Bonds are being purchased for reoffering by the Underwriters, for whom Smith Barney Inc.; Goldman Sachs & Co.; and J. P. Morgan Securities, Inc. are acting as lead Managers.

The compensation for services rendered in connection with the underwriting of the Bonds shall be \$6,048,424.68. All of the Bonds will be purchased if any are purchased.

Certain of the Underwriters hold substantial amounts of City bonds and notes and MAC bonds and may, from time to time during and after the offering of the Bonds to the public, purchase and sell City bonds and notes (including the Bonds) and MAC bonds for their own accounts or for the accounts of others, or receive payments or prepayments thereon. Salomon Smith Barney is a service mark of Smith Barney Inc.

## **Legal Opinions**

The legality of the authorization and issuance of the Bonds will be covered by the approving legal opinion of Brown & Wood LLP, New York, New York, Bond Counsel to the City. Reference should be made to the form of such opinion set forth in Appendix D hereto for the matters covered by such opinion and the scope of Bond Counsel's engagement in relation to the issuance of the Bonds. Such firm is also acting as counsel for and against the City in certain other unrelated matters.

Certain legal matters will be passed upon for the City by its Corporation Counsel.

Morgan, Lewis & Bockius LLP, New York, New York, Special Counsel to the City, will pass upon certain legal matters in connection with the preparation of this Official Statement. A description of those matters and the nature of the review conducted by that firm is set forth in its opinion and accompanying memorandum which are on file at the office of the Corporation Counsel. Such firm is also acting as counsel against the City in certain unrelated matters.

Certain legal matters will be passed upon by Rogers & Wells, New York, New York, counsel for the Underwriters. Such firm is also acting as counsel for and against the City in certain other unrelated matters.

## **Verification**

The accuracy of (i) the mathematical computations of the adequacy of the maturing principal of and interest earned on the government obligations to be held in escrow to provide for the payment of the principal of and interest and redemption premiums, if any, on the bonds identified in Appendix C hereof and (ii) certain mathematical computations supporting the conclusion that the Bonds are not "arbitrage bonds" under the Code, will be verified by a firm of independent certified public accountants.

## **Continuing Disclosure Undertaking**

As authorized by the Act, and to the extent that (i) Rule 15c2-12 (the "Rule") of the Securities and Exchange Commission ("SEC") under the Securities Exchange Act of 1934, as amended (the "1934 Act") requires the underwriters (as defined in the Rule) of securities offered hereby (under this caption, if subject to the Rule, the "securities") to determine, as a condition to purchasing the securities, that the City will covenant to the effect of the Undertaking, and (ii) the Rule as so applied is authorized by a Federal law that as so construed is within the powers of Congress, the City agrees with the record and beneficial owners from time to time of the outstanding securities (under this caption, if subject to the Rule, "Bondholders") to provide:

(a) within 185 days after the end of each fiscal year, to each nationally recognized municipal securities information repository and to any New York State information depository, core financial information and operating data for the prior fiscal year, including (i) the City's audited general purpose financial statements, prepared in accordance with generally accepted accounting principles in effect from time to time, and (ii) material historical quantitative data on the City's revenues, expenditures, financial operations and indebtedness generally of the type found herein in Sections IV, V and VIII and under the captions "1993-1997 Statement of Operations" in Section VI and "Pension Systems" in Section IX; and

(b) in a timely manner, to each nationally recognized municipal securities information repository or to the Municipal Securities Rulemaking Board, and to any New York State information depository, notice of any of the following events with respect to the securities, if material:

(1) principal and interest payment delinquencies;

- (2) non-payment related defaults;
- (3) unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) substitution of credit or liquidity providers, or their failure to perform;
- (6) adverse tax opinions or events affecting the tax-exempt status of the security;
- (7) modifications to rights of security holders;
- (8) bond calls;
- (9) defeasances;
- (10) release, substitution, or sale of property securing repayment of the securities;
- (11) rating changes; and
- (12) failure of the City to comply with clause (a) above.

Event (3) is included pursuant to a letter from the SEC staff to the National Association of Bond Lawyers dated September 19, 1995. However, event (3) may not be applicable, since the terms of the Bonds do not provide for "debt service reserves".

Events (4) and (5). The City does not undertake to provide any notice with respect to credit enhancement added after the primary offering of the securities, unless the City applies for or participates in obtaining the enhancement.

Event (6) is relevant only to the extent interest on the securities is tax-exempt.

Event (8). The City does not undertake to provide the above-described event notice of a mandatory scheduled redemption, not otherwise contingent upon the occurrence of an event, if (i) the terms, dates and amounts of redemption are set forth in detail in the final official statement (as defined in the Rule), (ii) the only open issue is which securities will be redeemed in the case of a partial redemption, (iii) notice of redemption is given to the Bondholders as required under the terms of the securities and (iv) public notice of the redemption is given pursuant to Exchange Act Release No. 23856 of the SEC, even if the originally scheduled amounts are reduced by prior optional redemptions or security purchases.

The City expects to provide the information described in clause (a) above by delivering its first bond official statement that includes its financial statements for the preceding fiscal year or, if no such official statement is issued by the 185-day deadline, by delivering the Comprehensive Annual Financial Report of the Comptroller by such deadline.

At the date hereof, there is no New York State information depository and the nationally recognized municipal securities information repositories are: Bloomberg Municipal Repository, P.O. Box 840, Princeton, New Jersey 08542-0840; Kenny Information Systems, Inc., 65 Broadway—16th Floor, New York, New York 10006; Thomson NRMSIR, 395 Hudson Street, New York, New York 10004, Attn: Municipal Disclosure; and DPC Data Inc., One Executive Drive, Fort Lee, New Jersey 07024.

No Bondholder may institute any suit, action or proceeding at law or in equity ("Proceeding") for the enforcement of the Undertaking or for any remedy for breach thereof, unless such Bondholder shall have filed with the Corporation Counsel of the City evidence of ownership and a written notice of and request to cure such breach, and the City shall have refused to comply within a reasonable time. All Proceedings shall be instituted only as specified herein, in the Federal or State courts located in the Borough of Manhattan, State and City of New York, and for the equal benefit of all holders of the outstanding securities benefitted by the same or a substantially similar covenant, and no remedy shall be sought or granted other than specific performance of the covenant at issue.

Any amendment to the Undertaking may only take effect if:

(a) the amendment is made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature, or status of the City, or type of business conducted; the Undertaking, as amended, would have complied with the requirements of the Rule at the time of award of the securities after taking into account any amendments or interpretations of the Rule, as well as any change in circumstances; and the amendment does not materially impair the interests of Bondholders, as

determined by parties unaffiliated with the City (such as, but without limitation, the City's financial advisor or bond counsel) and the annual financial information containing (if applicable) the amended operating data or financial information will explain, in narrative form, the reasons for the amendment and the "impact" (as that word is used in the letter from the staff of the SEC to the National Association of Bond Lawyers dated June 23, 1995) of the change in the type of operating data or financial information being provided; or

(b) all or any part of the Rule, as interpreted by the staff of the SEC at the date of the Undertaking, ceases to be in effect for any reason, and the City elects that the Undertaking shall be deemed terminated or amended (as the case may be) accordingly.

For purposes of the Undertaking, a beneficial owner of a security includes any person who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares investment power which includes the power to dispose, or to direct the disposition of, such security, subject to certain exceptions, as set forth in the Undertaking. An assertion of beneficial ownership must be filed, with full documentary support, as part of the written request to the Corporation Counsel described above.

#### **Financial Advisor**

The City retains Public Resources Advisory Group ("PRAG") to act as financial advisor with respect to the City's financing program. PRAG is acting as financial advisor for the issuance of the Bonds.

#### **Further Information**

The references herein to, and summaries of, Federal, State and local laws, including but not limited to the State Constitution, the Financial Emergency Act, the Moratorium Act, the MAC Act and the City Charter, and documents, agreements and court decisions, including but not limited to the Financial Plan, are summaries of certain provisions thereof. Such summaries do not purport to be complete and are qualified in their entirety by reference to such acts, laws, documents, agreements or decisions, copies of which are available for inspection during business hours at the office of the Corporation Counsel.

Copies of the most recent financial plan submitted to the Control Board are available upon written request to the Office of Management and Budget, General Counsel, 6th Floor, 75 Park Place, New York, NY 10007, and copies of the most recent published Comprehensive Annual Financial Report of the Comptroller are available upon written request to the Office of the Comptroller, Deputy Comptroller for Finance, 5th Floor, Room 517, Municipal Building, One Centre Street, New York, NY 10007. Financial plans are prepared quarterly, and the Comprehensive Annual Financial Report of the Comptroller is typically prepared at the end of October of each year.

Neither this Official Statement nor any statement which may have been made orally or in writing shall be construed as a contract or as a part of a contract with the original purchasers or any holders of the Bonds.

THE CITY OF NEW YORK

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## ECONOMIC AND SOCIAL FACTORS

This section presents information regarding certain of the major economic and demographic factors in the City which may affect the City. All information is presented on a calendar year basis unless otherwise indicated. The data set forth are the latest available. Sources of information are indicated in the text or immediately following the tables. Although the City considers the sources to be reliable, the City has made no independent verification of the information presented herein and does not warrant its accuracy.

### New York City Economy

The City has a highly diversified economic base, with a substantial volume of business activity in the service, wholesale and retail trade and manufacturing industries and is the location of many securities, banking, law, accounting and advertising firms.

The City is a major seaport and focal point for international business. Many of the major corporations headquartered in the City are multinational in scope and have extensive foreign operations. Numerous foreign-owned companies in the United States are also headquartered in the City. These firms, which have increased in number substantially over the past decade, are found in all sectors of the City's economy, but are concentrated in trade, manufacturing sales offices, tourism and finance. The City is the location of the headquarters of the United Nations, and several affiliated organizations maintain their principal offices in the City. A large diplomatic community exists in the City to staff the 186 missions to the United Nations and the 96 foreign consulates.

Economic activity in the City has experienced periods of growth and recession and can be expected to experience periods of growth and recession in the future. Changes in the economic activity in the City, particularly employment, per capita personal income and retail sales, may have an impact on the City. From 1969 to 1977, the City experienced substantial declines in employment, but from 1978 to 1987 the City experienced strong growth in jobs, especially in the City's finance, insurance and real estate ("FIRE") sector due in large part to lower inflation, lower interest rates and a strong securities market. Beginning in 1988, employment growth in the City slowed, and in 1990 the City experienced job losses, although the U.S. economy expanded during that period. From 1991 to 1993, employment levels in the City continued to decline. In recent years, the City has experienced increases in employment. Real per capita personal income (i.e., per capita personal income adjusted for the effects of inflation and the differential in living costs) has generally experienced fewer fluctuations than employment in the City. Although the City periodically experienced declines in real per capita personal income between 1969 and 1981, real per capita personal income in the City has generally increased from the mid-1980s until the present. In nearly all of the years between 1969 and 1988 the City experienced strong increases in retail sales. However, from 1989 to 1993, the City experienced a weak period of retail sales. Since 1994, the City has returned to a period of growth in retail sales. Overall, the City's economic improvement accelerated significantly in fiscal year 1997. Much of the increase can be traced to the performance of the securities industry, but the City's economy also produced gains in the retail trade sector, the hotel and tourism industry, and business services, with private sector employment higher than previously forecasted. The City's current Financial Plan assumes that, after strong growth in 1997-1998, moderate economic growth will exist through calendar year 2002, with moderating job growth and wage increases. However, there can be no assurance that the economic projections assumed in the Financial Plan will occur or that the tax revenues projected in the Financial Plan to be received will be received in the amounts anticipated.

### Personal Income

Per capita personal income for City residents, unadjusted for the effects of inflation and the differential in living costs, has steadily increased from 1985 to 1995 (the most recent year for which City personal income data are available) and is higher than the average for the United States. From 1985 to 1995, per capita personal income in the City averaged 5.7% growth compared to 4.9% for the nation. The following table sets forth recent information regarding personal income in the City.

**PERSONAL INCOME IN NEW YORK CITY\*†**

<u>Year</u>	<u>Total NYC Personal Income (\$ billions)</u>	<u>Per Capita Personal Income NYC</u>	<u>Per Capita Personal Income U.S.</u>	<u>NYC as a Percent of U.S.</u>
1985 .....	\$124.2	\$17,075	\$14,406	118.5%
1986 .....	133.3	18,212	15,140	120.3
1987 .....	142.7	19,434	16,944	114.7
1988 .....	156.5	21,277	17,017	125.0
1989 .....	167.8	22,842	18,127	126.0
1990 .....	179.9	24,570	19,142	128.4
1991 .....	184.5	25,242	19,638	128.5
1992 .....	197.4	26,985	20,582	131.1
1993 .....	199.1	27,098	21,223	127.7
1994 .....	207.2	28,133	22,044	127.6
1995 .....	219.3	29,743	23,196	128.2

\* In current dollars. Personal Income is based on the place of residence and is measured from income which includes wages and salaries, other labor income, proprietors' income, personal dividend income, personal interest income, rental income of persons, and transfer payments.

† Sources: U.S. Department of Commerce, Bureau of Economic Analysis and the Bureau of the Census.

**Sectoral Distribution of Employment and Income**

In 1996, the City's services employment sector hit an all-time peak, providing more than 1.3 million jobs and accounting for 36.6% of total employment. Figures on the sectoral distribution of employment in the City reflect a significant shift to non-manufacturing employment, particularly to the areas of services and FIRE, and a shrinking manufacturing base in the City relative to the nation.

The structural shift from manufacturing to the services and FIRE sectors affects the level of earnings per employee because employee compensation in finance and related business and professional services is considerably higher than in manufacturing. Moreover, per employee earnings in the FIRE sector are significantly higher in the City than in the nation. From 1977 to 1995, the employment share for FIRE increased from 13.0% to 14.2% in the City while the FIRE sector earnings share for the same period rose from 16% to 25% in the City. This shift in employment and earnings distribution toward the FIRE sector was more pronounced in the City than in the nation overall as indicated in the table below. Due to this shift in earnings distribution, sudden or large shocks in the financial markets have a disproportionately adverse effect on the City relative to the nation.

The City's and the nation's employment and earnings by industry are set forth in the following table.

**SECTORAL DISTRIBUTION OF EMPLOYMENT AND EARNINGS†(1)**

Sector	Employment				Earnings(2)			
	1977		1995		1977		1995	
	NYC	U.S.	NYC	U.S.	NYC	U.S.	NYC	U.S.
<b>Private Sector:</b>								
Non-Manufacturing:								
Services.....	24.6%	18.6%	35.6%	28.3%	24.9%	17.9%	35.3%	28.2%
Wholesale and Retail Trade.....	19.5	22.4	16.7	23.5	16.0	17.2	10.7	15.8
Finance, Insurance and Real Estate.....	13.0	5.4	14.2	5.8	16.0	5.8	25.0	8.2
Transportation and Public Utilities.....	8.1	5.7	6.1	5.2	10.9	7.7	6.5	7.0
Contract Construction.....	2.0	4.7	2.7	4.4	2.4	6.5	2.6	5.6
Mining.....	0.0	1.0	0.0	0.5	0.4	1.8	0.0	0.9
Total Non-Manufacturing.....	67.2	57.8	75.4	67.7	70.8	57.2	80.1	65.7
Manufacturing:								
Durable.....	5.1	14.0	2.0	9.1	4.3	16.4	1.7	11.4
Non-Durable.....	11.8	9.8	6.2	6.7	10.5	9.5	6.1	7.3
Total Manufacturing.....	16.9	23.9	8.2	15.8	14.8	25.9	7.8	18.7
<b>Total Private Sector.....</b>	<b>84.0</b>	<b>81.7</b>	<b>83.6</b>	<b>83.6</b>	<b>85.6</b>	<b>83.1</b>	<b>87.9</b>	<b>84.4</b>
<b>Government(3).....</b>	<b>15.9</b>	<b>18.3</b>	<b>16.4</b>	<b>16.5</b>	<b>14.4</b>	<b>16.9</b>	<b>12.1</b>	<b>15.8</b>

Note: Totals may not add due to rounding.

† Sources: The two primary sources of employment and earnings information are U.S. Dept. of Labor, Bureau of Labor Statistics, and U.S. Department of Commerce, Bureau of Economic Analysis.

- (1) The sectoral distributions are obtained by dividing each industry's employment or earnings by total non-agricultural employment or earnings.
- (2) Includes the sum of wage and salary disbursements, other labor income, and proprietors' income. The latest information available for the City is 1995 data.
- (3) Excludes military establishments.

**Employment Trends**

The City is a leading center for the banking and securities industry, life insurance, communications, publishing, fashion design and retail fields. From 1994 through 1997, the City has experienced significant private sector job growth with the addition of more than 175,000 (an average growth rate of 1.6%) new private sector jobs. This expansion over the last four years is the largest four year job growth rate that the City has experienced since the 1950s, and contrasts with the approximately 9% loss in the City's employment base during 1989-1992.

The table below shows the distribution of employment from 1988 to 1996.

		NEW YORK CITY EMPLOYMENT DISTRIBUTION†									
		Average Annual Employment (in thousands)									
		1988	1989	1990	1991	1992	1993	1994	1995	1996	1997
<b>Private Sector</b>											
Non-Manufacturing											
	Services .....	1,123	1,147	1,149	1,097	1,093	1,116	1,148	1,184	1,229	1,271
	Wholesale and Retail Trade .....	634	630	608	565	546	538	544	555	562	571
	Finance, Insurance and Real Estate ...	542	531	520	494	473	472	480	473	472	476
	Transportation and Public Utilities ...	220	218	229	218	205	203	201	203	205	205
	Construction .....	120	121	115	100	87	86	89	90	91	94
	Total Non-Manufacturing ....	2,639	2,647	2,621	2,474	2,404	2,415	2,462	2,505	2,559	2,617
Manufacturing:											
	Durable .....	98	94	88	77	72	71	69	68	65	64
	Non-Durable .....	272	265	250	231	220	218	211	206	199	197
	Total Manufacturing	370	359	338	308	292	289	280	274	264	261
<b>Total Private Sector</b> ....		3,010	3,006	2,958	2,782	2,697	2,703	2,744	2,779	2,823	2,878
<b>Government</b> .....		596	602	608	593	584	580	567	544	534	528
<b>Total</b> .....		3,606	3,608	3,566	3,375	3,281	3,283	3,311	3,323	3,357	3,406

† Source: U.S. Department of Labor, Bureau of Labor Statistics.  
Note: Totals may not add due to rounding.

As of December, 1997, total employment in the City was 3,458,000; compared to 3,429,000 in December, 1996.

### Unemployment

The unemployment rate of the City's resident labor force is shown in the following table.

	ANNUAL UNEMPLOYMENT RATE <sup>(1)(2)</sup>									
	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997
New York City .....	5.0%	6.9%	6.9%	8.7%	11.0%	10.4%	8.7%	8.2%	8.8%	9.4%
United States .....	5.5%	5.3%	5.6%	6.9%	7.5%	6.9%	6.1%	5.6%	5.4%	5.0%

(1) Percentage of civilian labor force unemployed; excludes those persons unable to work and discouraged workers (i.e., persons not actively seeking work because they believe no suitable work is available).

(2) Beginning in late 1992 the Current Population Survey (which provides household employment and unemployment statistics) methodology was revised for September 1992 and thereafter. As a result, the methodology used for such period differs from the methodology used for the period prior to September 1992 and, consequently, the pre-September 1992 data is inconsistent with the data for September 1992 and thereafter.

Note: Monthly and semi-annual data are not seasonally adjusted. Because these estimates are based on a sample rather than a full count of population, these data are subject to sampling error. Accordingly, small differences in the estimates over time should be interpreted with caution. The Current Population Survey includes wage and salary workers, domestic and other household workers, self-employed persons and unpaid workers who work 15 hours or more during the survey week in family businesses.

Source: U.S. Department of Labor, BLS.

As of December, 1997, total unemployment in the City was 8.0% compared to 8.8% in December, 1996.

## Public Assistance

The following table sets forth the number of persons receiving public assistance in the City.

PUBLIC ASSISTANCE(1)									
(Annual Averages in Thousands)									
<u>1988</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>
840.1	818.5	858.3	939.4	1,007.7	1,085.6	1,140.6	1,109.5	1,003.3	873.6

(1) Figures do not include aged, disabled or blind persons who were transferred from public assistance to the SSI program, which is primarily federally funded.

Note. Due to a change in statistical measurements, the decline in public assistance recipients in 1987 may be slightly overstated.

As of December 31, 1997, the number of persons receiving public assistance in the City was 817,407 compared to 940,564 in December 1996.

## Taxable Sales

The sales tax is levied on a variety of economic activities including retail sales, utility and communication sales, services and manufacturing. The total taxable sales volume has grown steadily over the past 13 years, except for the period from 1991-1992, with a growth rate averaging over 4%.

The City is a major retail trade market with the greatest volume of retail sales of any city in the nation. Retail sales account for almost 50% of the total taxable sales volume.

The following table illustrates the volume of sales and purchases subject to the sales tax over the past ten years.

### TAXABLE SALES AND PURCHASES SUBJECT TO SALES TAX† (In Billions)

<u>Year(1)</u>	<u>Retail(2)</u>	<u>Utility &amp; Communication Sales(3)</u>	<u>Services(4)</u>	<u>Manufacturing</u>	<u>Other(5)</u>	<u>All Total</u>
1987 .....	\$22.6	\$7.1	\$ 7.7	\$3.9	\$6.7	\$48.0
1988 .....	23.8	7.3	8.5	3.9	7.3	50.8
1989 .....	24.5	7.6	9.0	3.8	7.8	52.8
1990 .....	25.4	8.1	9.2	3.7	7.9	54.4
1991 .....	24.0	8.5	9.1	3.3	7.8	52.6
1992 .....	23.8	7.3	9.0	3.2	7.9	51.1
1993 .....	24.1	9.4	9.1	3.2	8.6	54.5
1994 .....	26.2	9.3	10.3	3.3	8.1	57.2
1995 .....	27.6	9.0	10.7	3.3	8.9	59.4
1996 .....	29.1	9.7	11.4	3.6	9.4	63.1

† Source: State Department of Taxation and Finance publication "Taxable Sales and Purchases, County and Industry Data."

(1) The yearly data is for the period from September 1 of the year prior to the listed year through August 31 of the listed year.

(2) Retail sales include building materials, general merchandise, food, auto dealers/gas stations, apparel, furniture, eating and drinking and miscellaneous retail.

(3) Utility and Communication sales include electric and gas and communication.

(4) Services include business services, hotels, personal services, auto repair and other services.

(5) All other sales include construction, wholesale trade and others.

## Population

The City has been the most populous city in the United States since 1810. The City's population is almost as large as the combined population of Los Angeles, Chicago and Houston, the three next most populous cities in the nation.

The City's population reached its peak of approximately 7.9 million in 1970 before declining by 10.4% between 1970 and 1980. From 1980 to 1988, the population of the City steadily increased before dropping slightly from 1989 to 1991. The City's population has increased to approximately 7.4 million in 1996 from approximately 7.3 million in 1991. The following table provides information concerning the City's population.

**POPULATION OF NEW YORK CITY†**

<u>Year(1)</u>	<u>Total Population</u>
1980 .....	7,071,639
1984 .....	7,234,514
1985 .....	7,274,054
1986 .....	7,319,246
1987 .....	7,342,476
1988 .....	7,353,719
1989 .....	7,344,175
1990 .....	7,322,564
1991 .....	7,308,237
1992 .....	7,315,213
1993 .....	7,347,396
1994 .....	7,363,500
1995 .....	7,373,057
1996 .....	7,380,906

† Source: U.S. Department of Commerce, Bureau of the Census.

(1) 1984-1989 and 1991-1996 figures are based on midyear population estimates of the U.S. Bureau of the Census as of March 1997.

Note: Figures do not include an undetermined number of undocumented aliens.

The following table sets forth the distribution of the City's population by age between 1980 and 1990.

**DISTRIBUTION OF POPULATION BY AGE  
(In Thousands)**

<u>Age</u>	<u>1980</u>		<u>1990</u>	
		<u>% of Total</u>		<u>% of Total</u>
Under 5 .....	471	6.7	510	7.0
5 to 17 .....	1,295	18.3	1,177	16.1
18 to 24 .....	826	11.7	778	10.6
25 to 34 .....	1,203	17.0	1,369	18.7
35 to 44 .....	834	11.8	1,117	15.2
45 to 64 .....	1,491	21.1	1,419	19.4
65 and Over .....	952	13.4	953	13.0

Source: U.S. Department of Commerce, Bureau of the Census.

**Housing**

In 1993, the most recent year for which data are available, the housing stock in the City consisted of 2,985,527 housing units, excluding certain special types of units primarily in institutions such as hospitals and universities. The 1993 housing inventory represented an increase of 4,765 units, or .2%, since 1991. The 1991 housing inventory of 2,980,762 housing units represented an increase of 140,505 units, or 5.0% since 1987. Although the total population of the City was essentially unchanged at 7.1 million between 1991 and 1993 and grew by 1.7% between 1987 and 1991, housing in the City remains in short supply. The following table presents the housing inventory in the City.

**HOUSING INVENTORY IN NEW YORK CITY  
(Housing Units in Thousands)**

<u>Ownership/Occupancy Status</u>	<u>1981</u>	<u>1984</u>	<u>1987</u>	<u>1991</u>	<u>1993</u>
Total Housing Units .....	2,792	2,803	2,840	2,980	2,986
Owner Units .....	755	807	837	858	827
Owner-Occupied .....	746	795	817	829	806
Vacant for Sale .....	9	12	19	10	21
Rental Units .....	1,976	1,940	1,932	2,027	2,047
Renter-Occupied .....	1,934	1,901	1,884	1,951	1,977
Vacant for Rent .....	42	40	47	76	70
Vacant Not Available for Sale or Rent(1) .....	62	56	72	94	112

(1) Vacant units that are dilapidated, intended for seasonal use, held for occasional use, held for maintenance purposes or other reasons. Note: Details may not add up to totals due to rounding.  
Sources: U.S. Bureau of the Census, 1981, 1984, 1987, 1991 and 1993 New York City Housing and Vacancy Surveys, as quoted in Blackburn, Anthony J., "Housing New York City", The City of New York Department of Housing Preservation and Development (New York, June 1995).

The 1993 Housing and Vacancy Report indicates that rental housing units predominate in the City. Of all occupied housing units in 1993, 29.1% were conventional home-ownership units, cooperatives or condominiums and 71% were rental units. Most of the recent growth in owner-occupied units has come from the conversion of existing rental units to cooperatives rather than through the new construction of housing for sale to occupants in the City. The vacancy rate for rental housing was 3.44% in 1993, and median rent consumed 30.8% of the gross income of tenants. The housing condition of occupied rental units improved greatly since 1984, with a decrease in the proportion of rental units in dilapidated or deficient condition. This significant reduction is primarily a result of the City's housing improvement efforts.

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**GENERAL PURPOSE  
FINANCIAL STATEMENTS  
OF  
THE CITY OF NEW YORK**

**June 30, 1997 and 1996**

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**Report of Independent Auditors**

The People of The City of New York

We have audited the general purpose financial statements of The City of New York ("The City") as of and for the years ended June 30, 1997 and 1996, as listed in the index. These financial statements are the responsibility of The City's management. Our responsibility is to express an opinion on these financial statements based on our audit. We did not audit the financial statements of the entities disclosed in Note B. Those financial statements were audited by other auditors, whose reports have been furnished to us, and our opinion on the general purpose financial statements, insofar as it relates to the amounts included for such entities, is based solely on the reports of the other auditors.

We conducted our audits in accordance with generally accepted auditing standards. Those standards require that we plan and perform the audits to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits and the reports of other auditors provide a reasonable basis for our opinion.

In our opinion, based on our audits and the reports of the other auditors, the general purpose financial statements referred to above present fairly, in all material respects, the financial position of The City at June 30, 1997 and 1996, and the results of its operations and cash flows of its discretely presented component units for the years then ended in conformity with generally accepted accounting principles.

As described in Note A to the general purpose financial statements, in fiscal year 1997 The City adopted GASB Statement No. 31, *Accounting and Financial Reporting for Certain Investments and for External Investment Pools*.

*KPMG Peat Marwick LLP    Watson Rice LLP    Frye Williams & Co., PC*

October 24, 1997  
New York, New York

**THE CITY OF NEW YORK**  
**COMBINED BALANCE SHEET—ALL FUND TYPES, ACCOUNT GROUPS AND DISCRETELY PRESENTED COMPONENT UNITS**

JUNE 30, 1997  
(in thousands)

	Governmental Fund Types		Fiduciary Fund Type Trust and Agency	Account Groups		Total Memorandum (Memorandum Only) Primary Government	Discretely Presented Component Units	Total Memorandum (Memorandum Only) Reporting Entity
	General	Capital Projects		General Fixed Assets	General Long-term Obligations			
ASSETS:								
Cash and cash equivalents	\$ 190,612	\$ 154	\$ 415,247	\$ —	\$ —	\$ 709,991	\$ 390,470	\$ 1,100,461
Investments, including accrued interest	2,527,567	579,759	87,936,058	—	—	93,333,181	1,101,593	94,434,774
Investments, collateral from securities lending transactions	—	—	9,552,293	—	—	9,552,293	—	9,552,293
Accounts receivable:								
Real estate taxes (less allowance for uncollectible amounts of \$336,808)	563,747	—	—	—	—	563,747	—	563,747
Federal, State and other aid	3,692,369	329,691	—	—	—	4,022,060	—	4,022,060
Patient service, net	969,855	—	3,265,700	—	—	4,235,555	784,201	4,797,690
Other	—	—	—	—	—	—	562,135	4,797,690
Mortgage loans and interest receivable, net	—	—	—	—	—	44,162	2,303,202	2,347,364
Due from other funds	1,690,799	941,202	—	—	—	2,707,001	—	2,707,001
Due from Primary Government	—	—	—	—	—	—	6,332	6,332
Due from Discretely Presented Component Units	158,100	277,488	—	—	—	438,662	—	438,662
Property, plant and equipment	—	—	—	19,856,267	—	19,856,267	24,818,928	44,675,195
Accumulated depreciation and amortization	—	—	—	(6,527,155)	—	(6,527,155)	(8,525,833)	(15,052,988)
Restricted cash and investments	—	—	—	—	—	—	1,762,961	1,762,961
Other	—	214,477	14,225	—	—	229,243	292,670	521,913
Amounts available in debt service funds	—	—	—	—	2,361,478	2,361,478	—	2,361,478
Amounts to be provided for general long-term obligations	—	—	—	—	39,662,165	39,662,165	—	39,662,165
Total assets	\$9,793,049	\$2,342,771	\$101,183,523	\$13,329,112	\$42,023,643	\$171,188,650	\$23,496,659	\$194,685,309

See accompanying notes to financial statements.

**THE CITY OF NEW YORK**  
**COMBINED BALANCE SHEET—ALL FUND TYPES, ACCOUNT GROUPS AND DISCRETELY PRESENTED COMPONENT UNITS**

JUNE 30, 1997  
(in thousands)

	Governmental Fund Types		Fiduciary Fund Type		Account Groups		Total (Memorandum Only) Primary Government	Discretely Presented Component Units	Total (Memorandum Only) Reporting Entity
	General	Capital Projects	Debt Service	Trust and Agency	General Fixed Assets	General Long-term Obligations			
<b>LIABILITIES:</b>									
Accounts payable and accrued liabilities	\$5,044,088	\$1,133,818	\$ 82,789	\$ 11,045,774	\$ —	\$ —	\$ 17,306,469	\$ 1,428,702	\$ 18,735,171
Bonds and notes payable	—	—	—	—	—	31,963,951	31,963,951	12,381,069	44,345,020
Capital lease obligations	—	—	—	—	—	1,099,279	1,099,279	—	1,099,279
Accrued real estate tax refunds	27,460	—	—	—	—	377,932	405,392	—	405,392
Accrued tax refunds—other	40,217	—	—	—	—	—	40,217	—	40,217
Accrued judgments and claims	120,572	104,818	—	—	—	3,490,851	3,716,241	—	3,716,241
Accrued vacation and sick leave	—	—	—	—	—	1,734,830	1,734,830	328,833	2,063,663
Deferred wages	—	—	—	—	—	—	—	—	—
Accrued pension liability	—	—	—	—	—	2,479,390	2,479,390	105,866	2,585,256
Landfill closure and post-closure care costs	—	—	—	—	—	877,410	877,410	—	877,410
Accrued interest payable	—	—	—	—	—	—	—	—	—
Deferred revenues	2,991,900	200,485	—	—	—	—	3,192,385	440,319	440,319
Due to other funds	1,016,202	1,660,914	29,885	—	—	—	2,707,001	178,824	3,371,209
Due to Primary Government	—	—	—	—	—	—	—	—	2,707,001
Due to Discretely Presented Component Units	6,332	—	—	—	—	—	6,332	438,662	438,662
Estimated disallowances of Federal, State and other aid	168,306	—	—	—	—	—	168,306	—	168,306
Securities lending transactions	—	—	—	9,552,293	—	—	9,552,293	—	9,552,293
Other	—	—	—	675,656	—	—	675,656	—	675,656
<b>Total liabilities</b>	<b>9,415,077</b>	<b>3,100,035</b>	<b>112,674</b>	<b>21,273,723</b>	<b>42,023,643</b>	<b>75,925,152</b>	<b>15,402,648</b>	<b>91,327,800</b>	
<b>EQUITY AND OTHER CREDITS:</b>									
Investment in general fixed assets	—	—	—	—	13,329,112	—	13,329,112	8,941,553	13,329,112
Contributed capital	—	—	—	—	—	—	—	—	8,941,553
Retained earnings:									
Reserved for capital improvement	—	—	—	—	—	—	—	55,662	55,662
Reserved for loans and programs	—	—	—	—	—	—	—	89,687	89,687
Reserved for donor restrictions	—	—	—	—	—	—	—	10,732	10,732
Reserved for debt retirement	—	—	—	—	—	—	—	330,355	330,355
Unreserved deficit	—	—	—	—	—	—	—	(1,333,978)	(1,333,978)
Fund balance/Plan net assets:									
Reserved for debt service	—	—	2,361,478	—	—	—	2,361,478	—	2,361,478
Reserved for non-current mortgage loans	—	—	42,400	—	—	—	42,400	—	42,400
Reserved for supplemental benefit payments	—	—	—	—	—	—	—	—	—
Reserved for pension benefits	—	—	—	2,761,028	—	—	2,761,028	—	2,761,028
Unreserved, undesignated (deficit)	377,972	(757,264)	—	77,148,772	—	—	77,148,772	—	77,148,772
<b>Total equity (deficit) and other credits</b>	<b>377,972</b>	<b>(757,264)</b>	<b>2,403,878</b>	<b>79,909,800</b>	<b>13,329,112</b>	<b>95,263,498</b>	<b>8,094,011</b>	<b>103,357,509</b>	
Commitments and contingencies	—	—	—	—	—	—	—	—	—
<b>Total liabilities, equity and other credits</b>	<b>\$9,793,049</b>	<b>\$2,342,771</b>	<b>\$2,516,552</b>	<b>\$101,183,523</b>	<b>\$13,329,112</b>	<b>\$42,023,643</b>	<b>\$171,188,650</b>	<b>\$23,496,659</b>	<b>\$194,685,409</b>

See accompanying notes to financial statements.

**THE CITY OF NEW YORK**  
**COMBINED BALANCE SHEET—ALL FUND TYPES, ACCOUNT GROUPS AND DISCRETELY PRESENTED COMPONENT UNITS**

JUNE 30, 1996  
(in thousands)

	Governmental Fund Types		Fiduciary Fund Type	Account Groups		Total (Memorandum Only) Primary Government	Discretely Presented Component Units	Total (Memorandum Only) Reporting Entity
	General	Capital Projects		Debt Service	Trust and Agency			
ASSETS:								
Cash and cash equivalents .....	\$ 474,781	\$ 210	\$ 54,822	\$ 502,008	\$ —	\$ 1,031,821	\$ 442,211	\$ 1,474,032
Investments, including accrued interest .....	2,061,414	622,502	1,340,685	75,163,550	—	79,188,151	898,382	80,086,533
Investments, collateral from securities lending transactions .....	—	—	—	7,336,120	—	7,336,120	—	7,336,120
Accounts receivable:								
Real estate taxes (less allowance for uncollectible amounts of \$331,871) .....	570,197	—	—	—	—	570,197	—	570,197
Federal, State and other aid .....	3,911,804	276,033	—	—	—	4,187,837	—	4,187,837
Patient service, net .....	958,542	—	—	611,062	—	1,569,604	751,552	2,144,869
Other .....	—	—	—	—	—	—	575,265	2,144,869
Mortgage loans and interest receivable, net .....	—	—	46,112	—	—	46,112	2,219,537	2,265,649
Due from other funds .....	1,715,927	921,417	105,993	475,289	—	3,218,626	—	3,218,626
Due from Primary Government .....	—	—	—	—	—	—	28,329	28,329
Due from Discretely Presented Component Units .....	175,231	228,259	10,879	—	18,419,745	18,419,745	23,499,346	41,919,091
Property, plant and equipment .....	—	—	—	—	—	—	—	414,369
Accumulated depreciation and amortization .....	—	—	—	—	(5,895,541)	(5,895,541)	(8,051,560)	(13,947,101)
Restricted cash and investments .....	—	108,451	931	38,433	—	147,815	1,198,084	1,198,084
Other .....	—	—	—	—	—	—	259,860	407,675
Amounts available in debt service funds .....	—	—	—	—	—	1,241,354	—	1,241,354
Amounts to be provided for general long-term obligations .....	—	—	—	—	—	38,501,198	—	38,501,198
Total assets .....	\$9,867,896	\$2,156,872	\$1,559,422	\$84,126,462	\$12,524,204	\$39,742,552	\$21,821,006	\$171,798,414

See accompanying notes to financial statements.

**THE CITY OF NEW YORK**  
**COMBINED BALANCE SHEET—ALL FUND TYPES, ACCOUNT GROUPS AND DISCRETELY PRESENTED COMPONENT UNITS**

JUNE 30, 1996  
(in thousands)

	Governmental Fund Types		Fiduciary Fund Type		Account Groups		Total (Memorandum Only) Primary Government	Discretely Presented Component Units	Total (Memorandum Only) Reporting Entity
	General	Capital Projects	Debt Service	Trust and Agency	General Fixed Assets	General Long-term Obligations			
<b>LIABILITIES:</b>									
Accounts payable and accrued liabilities	\$5,075,277	\$1,146,678	\$ 57,236	\$ 6,724,089	\$ —	\$ —	\$13,003,280	\$ 1,539,494	\$ 14,542,774
Bonds and notes payable	—	—	—	—	—	30,511,685	30,511,685	11,250,974	41,762,659
Capital lease obligations	—	—	—	—	—	1,067,729	1,067,729	—	1,067,729
Accrued real estate tax refunds	62,045	—	—	—	—	336,498	398,543	—	398,543
Accrued tax refunds—other	44,140	—	—	—	—	—	44,140	—	44,140
Accrued judgments and claims	132,984	103,463	—	—	—	—	3,078,286	312,412	3,078,286
Accrued vacation and sick leave	—	—	—	—	—	—	1,674,888	—	1,987,300
Deferred wages	—	—	—	—	—	—	24,884	—	24,884
Accrued pension liability	—	—	—	—	—	—	2,531,193	108,196	2,639,389
Landfill closure and post-closure care costs	—	—	—	—	—	—	753,836	—	753,836
Accrued interest payable	2,904,318	203,894	—	—	—	—	3,108,212	592,905	3,223,491
Deferred revenues	1,027,410	1,498,660	217,267	475,289	—	—	3,218,626	—	3,218,626
Due to other funds	—	—	—	—	—	—	—	414,369	414,369
Due to Primary Government	—	—	—	—	—	—	—	—	—
Due to Discretely Presented Component Units	28,329	—	—	—	—	—	28,329	—	28,329
Estimated disallowances of Federal, State and other aid	220,255	—	—	—	—	—	220,255	—	220,255
Securities lending transactions	—	—	—	7,336,120	—	—	7,336,120	—	7,336,120
Other	—	—	—	1,028,542	—	—	1,028,542	101,737	1,130,279
<b>Total liabilities</b>	<b>9,494,758</b>	<b>2,952,695</b>	<b>274,503</b>	<b>15,564,040</b>	<b>—</b>	<b>39,742,552</b>	<b>68,028,548</b>	<b>14,435,366</b>	<b>82,463,914</b>
<b>EQUITY AND OTHER CREDITS:</b>									
Investment in general fixed assets	—	—	—	—	12,524,204	—	12,524,204	8,563,633	12,524,204
Contributed capital	—	—	—	—	—	—	—	—	8,563,633
Retained earnings:									
Reserved for capital improvement	—	—	—	—	—	—	—	55,396	55,396
Reserved for loans and programs	—	—	—	—	—	—	—	75,506	75,506
Reserved for donor restrictions	—	—	—	—	—	—	—	10,814	10,814
Reserved for debt retirement	—	—	—	—	—	—	—	306,837	306,837
Unreserved deficit	—	—	—	—	—	—	—	(1,626,546)	(1,626,546)
Fund balance/Plan net assets:									
Reserved for debt service	—	—	1,241,354	—	—	—	1,241,354	—	1,241,354
Reserved for non-current mortgage loans	—	—	—	—	—	—	—	—	—
Reserved for supplemental benefit payments	—	—	43,565	—	—	—	43,565	—	43,565
Reserved for pension benefits	—	—	—	2,458,060	—	—	2,458,060	—	2,458,060
Unreserved, undesignated (deficit)	373,138	(795,823)	—	66,104,362	—	—	66,104,362	—	66,104,362
<b>Total equity (deficit) and other credits</b>	<b>373,138</b>	<b>(795,823)</b>	<b>1,284,919</b>	<b>68,562,422</b>	<b>12,524,204</b>	<b>—</b>	<b>81,948,860</b>	<b>7,385,640</b>	<b>89,334,500</b>
Commitments and contingencies	—	—	—	—	—	—	—	—	—
<b>Total liabilities, equity and other credits</b>	<b>\$9,867,896</b>	<b>\$2,156,872</b>	<b>\$1,559,422</b>	<b>\$84,126,462</b>	<b>\$12,524,204</b>	<b>\$39,742,552</b>	<b>\$149,977,408</b>	<b>\$21,821,006</b>	<b>\$171,798,414</b>

See accompanying notes to financial statements.

# THE CITY OF NEW YORK

## COMBINED STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES ALL GOVERNMENTAL FUND TYPES

FOR THE YEAR ENDED JUNE 30, 1997  
(in thousands)

	Governmental Fund Types			Total (Memorandum Only) Primary Government
	General	Capital Projects	Debt Service	
<b>REVENUES:</b>				
Real estate taxes .....	\$ 7,290,685	\$ —	\$ —	\$ 7,290,685
Sales and use taxes .....	3,346,458	—	—	3,346,458
Income taxes .....	7,567,224	—	—	7,567,224
Other taxes .....	1,063,261	—	—	1,063,261
Federal, State and other categorical aid .....	10,740,750	377,303	226,779	11,344,832
Unrestricted Federal and State aid .....	653,569	—	—	653,569
Charges for services .....	1,364,083	—	—	1,364,083
Other .....	1,684,450	959,876	156,733	2,801,059
<b>Total revenues .....</b>	<b>33,710,480</b>	<b>1,337,179</b>	<b>383,512</b>	<b>35,431,171</b>
<b>OTHER FINANCING SOURCES:</b>				
Transfer from Discretely Presented Component Units .....	30,506	—	—	30,506
Transfers and other payments for debt service .....	—	—	4,386,771	4,386,771
Net proceeds from sale of notes and bonds .....	—	2,519,180	13,608	2,532,788
Capitalized leases .....	—	40,778	—	40,778
Refunding bond proceeds .....	—	—	6,386,543	6,386,543
<b>Total revenues and other financing sources .....</b>	<b>33,740,986</b>	<b>3,897,137</b>	<b>11,170,434</b>	<b>48,808,557</b>
<b>EXPENDITURES:</b>				
<b>Current Operations:</b>				
General government .....	846,778	—	—	846,778
Public safety and judicial .....	4,727,205	—	—	4,727,205
Board of Education .....	8,085,127	—	—	8,085,127
City University .....	354,056	—	—	354,056
Social services .....	7,748,606	—	—	7,748,606
Environmental protection .....	1,116,699	—	—	1,116,699
Transportation services .....	600,769	—	—	600,769
Parks, recreation and cultural activities .....	235,795	—	—	235,795
Housing .....	455,585	—	—	455,585
Health (including payments to HHC) .....	1,448,483	—	—	1,448,483
Libraries .....	107,577	—	—	107,577
Pensions .....	1,318,556	—	—	1,318,556
Judgments and claims .....	326,293	—	—	326,293
Fringe benefit and other benefit payments .....	1,732,249	—	—	1,732,249
Other .....	241,305	—	66,718	308,023
<b>Capital Projects .....</b>	<b>—</b>	<b>3,858,578</b>	<b>—</b>	<b>3,858,578</b>
<b>Debt Service:</b>				
Interest .....	—	—	1,868,269	1,868,269
Redemptions .....	—	—	1,358,219	1,358,219
Lease payments .....	—	—	205,696	205,696
Refunding escrow .....	—	—	166,030	166,030
<b>Total expenditures .....</b>	<b>29,345,083</b>	<b>3,858,578</b>	<b>3,664,932</b>	<b>36,868,593</b>
<b>OTHER FINANCING USES:</b>				
Transfers and other payments for debt service .....	4,391,069	—	—	4,391,069
Payment to refunded bond escrow holder .....	—	—	6,386,543	6,386,543
<b>Total expenditures and other financing uses .....</b>	<b>33,736,152</b>	<b>3,858,578</b>	<b>10,051,475</b>	<b>47,646,205</b>
<b>EXCESS OF REVENUES AND OTHER FINANCING SOURCES</b>				
<b>OVER EXPENDITURES AND OTHER FINANCING USES .....</b>	<b>4,834</b>	<b>38,559</b>	<b>1,118,959</b>	<b>1,162,352</b>
<b>FUND BALANCES (DEFICIT) AT BEGINNING OF YEAR .....</b>	<b>373,138</b>	<b>(795,823)</b>	<b>1,284,919</b>	<b>862,234</b>
<b>FUND BALANCES (DEFICIT) AT END OF YEAR .....</b>	<b>\$ 377,972</b>	<b>\$ (757,264)</b>	<b>\$2,403,878</b>	<b>\$ 2,024,586</b>

See accompanying notes to financial statements.



**THE CITY OF NEW YORK**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES**  
**ALL GOVERNMENTAL FUND TYPES**  
**FOR THE YEAR ENDED JUNE 30, 1996**  
(in thousands)

	Governmental Fund Types			Total (Memorandum Only)
	General	Capital Projects	Debt Service	Primary Government
<b>REVENUES:</b>				
Real estate taxes .....	\$ 7,100,360	\$ —	\$ —	\$ 7,100,360
Sales and use taxes .....	3,110,850	—	—	3,110,850
Income taxes .....	6,807,762	—	—	6,807,762
Other taxes .....	1,095,120	—	—	1,095,120
Federal, State and other categorical aid .....	10,880,081	262,277	216,458	11,358,816
Unrestricted Federal and State aid .....	620,806	—	—	620,806
Charges for services .....	1,312,440	—	—	1,312,440
Other .....	1,118,065	1,028,455	333,273	2,479,793
<b>Total revenues</b> .....	<u>32,045,484</u>	<u>1,290,732</u>	<u>549,731</u>	<u>33,885,947</u>
<b>OTHER FINANCING SOURCES:</b>				
Transfer from Discretely Presented Component Units .....	25,811	—	—	25,811
Transfers and other payments for debt service .....	—	—	2,569,929	2,569,929
Net proceeds from sale of notes and bonds .....	—	2,552,979	—	2,552,979
Capitalized leases .....	—	123,142	—	123,142
Refunding bond proceeds .....	—	—	4,137,265	4,137,265
<b>Total revenues and other financing sources</b> .....	<u>32,071,295</u>	<u>3,966,853</u>	<u>7,256,925</u>	<u>43,295,073</u>
<b>EXPENDITURES:</b>				
<b>Current Operations:</b>				
General government .....	854,884	—	—	854,884
Public safety and judicial .....	4,445,658	—	—	4,445,658
Board of Education .....	7,835,002	—	—	7,835,002
City University .....	347,715	—	—	347,715
Social services .....	7,901,581	—	—	7,901,581
Environmental protection .....	1,138,363	—	—	1,138,363
Transportation services .....	731,890	—	—	731,890
Parks, recreation and cultural activities .....	244,288	—	—	244,288
Housing .....	454,664	—	—	454,664
Health (including payments to HHC) .....	1,828,756	—	—	1,828,756
Libraries .....	252,999	—	—	252,999
Pensions .....	1,356,476	—	—	1,356,476
Judgments and claims .....	308,663	—	—	308,663
Fringe benefit and other benefit payments .....	1,581,649	—	—	1,581,649
Other .....	209,771	—	71,131	280,902
Capital Projects .....	—	3,878,108	—	3,878,108
Debt Service:				
Interest .....	—	—	1,786,313	1,786,313
Redemptions .....	—	—	1,293,709	1,293,709
Lease payments .....	—	—	187,634	187,634
Refunding escrow .....	—	—	21,322	21,322
<b>Total expenditures</b> .....	<u>29,492,359</u>	<u>3,878,108</u>	<u>3,360,109</u>	<u>36,730,576</u>
<b>OTHER FINANCING USES:</b>				
Transfers and other payments for debt service .....	2,574,227	—	—	2,574,227
Payment to refunded bond escrow holder .....	—	—	4,137,265	4,137,265
<b>Total expenditures and other financing uses</b> .....	<u>2,574,227</u>	<u>—</u>	<u>4,137,265</u>	<u>6,711,492</u>
<b>EXCESS (DEFICIENCY) OF REVENUES AND OTHER FINANCING SOURCES OVER EXPENDITURES AND OTHER FINANCING USES</b> .....	<u>4,709</u>	<u>88,745</u>	<u>(240,449)</u>	<u>(146,995)</u>
<b>FUND BALANCES (DEFICIT) AT BEGINNING OF YEAR</b> .....	368,429	(884,568)	1,525,368	1,009,229
<b>FUND BALANCES (DEFICIT) AT END OF YEAR</b> .....	<u>\$ 373,138</u>	<u>\$ (795,823)</u>	<u>\$ 1,284,919</u>	<u>\$ 862,234</u>

See accompanying notes to financial statements.

**THE CITY OF NEW YORK**  
**GENERAL FUND**  
**STATEMENTS OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCES**  
**BUDGET AND ACTUAL**  
**FOR THE YEARS ENDED JUNE 30, 1997 AND 1996**  
(in thousands)

	1997			1996		
	Budget		Actual	Budget		Actual
	Adopted	Modified		Adopted	Modified	
<b>REVENUES:</b>						
Real estate taxes .....	\$ 7,088,000	\$ 7,245,000	\$ 7,290,685	\$ 7,274,000	\$ 7,274,000	\$ 7,100,360
Sales and use taxes .....	3,211,300	3,310,300	3,346,458	3,096,700	3,120,700	3,110,850
Income taxes .....	6,918,555	7,730,020	7,567,224	6,501,900	6,385,100	6,807,762
Other taxes .....	906,718	975,800	1,063,261	1,028,700	1,121,500	1,095,120
Federal, State and other categorical aid	10,197,548	11,117,681	10,740,750	9,891,198	11,433,559	10,880,081
Unrestricted Federal and State aid .....	523,453	686,354	653,569	548,896	548,896	620,806
Charges for services .....	1,494,500	1,351,201	1,364,083	1,253,178	1,276,125	1,312,440
Other .....	2,350,955	1,860,336	1,684,450	1,578,085	1,578,085	1,118,065
Total revenues .....	32,691,029	34,276,692	33,710,480	31,172,657	32,737,965	32,045,484
<b>OTHER FINANCING SOURCES:</b>						
Transfers from Discretely Presented Component Units .....	29,000	29,900	30,506	30,600	30,600	25,811
Total revenues and other financing sources .....	32,720,029	34,306,592	33,740,986	31,203,257	32,768,565	32,071,295
<b>EXPENDITURES:</b>						
General government .....	821,614	880,787	846,778	810,643	902,807	854,884
Public safety and judicial .....	4,456,709	4,792,919	4,727,205	4,225,975	4,503,091	4,445,658
Board of Education .....	7,833,689	8,219,710	8,085,127	7,285,825	7,890,742	7,835,002
City University .....	389,092	391,169	354,056	362,814	396,524	347,715
Social services .....	7,799,586	7,943,635	7,748,606	7,521,862	8,192,520	7,901,581
Environmental protection .....	1,117,470	1,136,790	1,116,699	1,095,985	1,166,366	1,138,363
Transportation services .....	611,495	641,627	600,769	666,882	754,330	731,890
Parks, recreation and cultural activities	227,311	235,834	235,795	238,609	243,011	244,288
Housing .....	437,577	478,522	455,585	399,071	486,364	454,664
Health (including payments to HHC) ..	1,400,442	1,515,067	1,448,483	1,544,494	1,879,644	1,828,756
Libraries .....	105,996	107,661	107,577	176,287	253,112	252,999
Pensions .....	1,349,420	1,323,458	1,318,556	1,555,103	1,356,800	1,356,476
Judgments and claims .....	289,592	326,592	326,293	279,005	309,005	308,663
Fringe benefits and other benefit payments .....	1,752,304	1,741,398	1,732,249	1,227,288	1,596,934	1,581,649
Other .....	1,138,457	264,958	241,305	948,572	245,019	209,771
Total expenditures .....	29,730,754	30,000,127	29,345,083	28,338,415	30,176,269	29,492,359
<b>OTHER FINANCING USES:</b>						
Transfers and other payments for debt service .....	2,989,275	4,306,465	4,391,069	2,864,842	2,592,296	2,574,227
Total expenditures and other financing uses .....	32,720,029	34,306,592	33,736,152	31,203,257	32,768,565	32,066,586
<b>EXCESS OF REVENUES AND OTHER FINANCING SOURCES OVER EXPENDITURES AND OTHER FINANCING USES .....</b>	<u>\$ —</u>	<u>\$ —</u>	4,834	<u>\$ —</u>	<u>\$ —</u>	4,709
<b>FUND BALANCES AT BEGINNING OF YEAR ..</b>			373,138			368,429
<b>FUND BALANCES AT END OF YEAR .....</b>			<u>\$ 377,972</u>			<u>\$ 373,138</u>

See accompanying notes to financial statements.

**THE CITY OF NEW YORK**  
**COMBINED STATEMENT OF CHANGES IN PLAN**  
**NET ASSETS AND REVENUES, EXPENSES AND**  
**CHANGES IN FUND EQUITY—FIDUCIARY FUND TYPE**  
**AND DISCRETELY PRESENTED COMPONENT UNITS**  
**FOR THE YEAR ENDED JUNE 30, 1997**  
(in thousands)

	Fiduciary	Discretely Presented Component Units				Total	Total
	Fund Type	Health and	Off-Track	Housing and	Water		
	Pension	Hospitals	Betting	Economic	and	Units	Only)
	and	Corporation	Corporation	Development	Sewer		Reporting
	Similar			Entities	System		Entity
	Trust						
<b>ADDITIONS TO PLAN NET ASSETS</b>							
<b>AND OPERATING REVENUES</b>							
Patient service revenues, net	\$ —	\$3,775,931	\$ —	\$ —	\$ —	\$3,775,931	\$3,775,931
Charges for services	—	—	—	—	1,426,690	1,426,690	1,426,690
Rental income	—	—	—	545,269	—	545,269	545,269
Other	—	293,510	220,469	1,762,601	—	2,276,580	2,276,580
Employer, employee contributions	1,829,314	—	—	—	—	—	1,829,314
Investment income, net	14,546,497	—	—	28,963	64,676	93,639	14,640,136
Total additions to plan net assets and operating revenues	16,375,811	4,069,441	220,469	2,336,833	1,491,366	8,118,109	24,493,920
<b>DEDUCTIONS FROM PLAN NET ASSETS AND OPERATING EXPENSES:</b>							
Personal services	—	1,948,917	70,842	702,076	—	2,721,835	2,721,835
Affiliated institutions	—	470,765	—	—	—	470,765	470,765
Racing industry compensation	—	—	72,034	—	—	72,034	72,034
Operations and maintenance	—	846,210	—	—	775,318	1,621,528	1,621,528
Interest expense	—	—	—	177,835	407,997	585,832	585,832
Administrative and program	—	—	6,190	1,218,601	13,375	1,238,166	1,238,166
Depreciation and amortization	—	145,654	3,353	192,209	287,546	628,762	628,762
Benefit payments and withdrawals	4,990,569	—	—	—	—	—	4,990,569
Provision for bad debts	—	542,390	—	—	189,775	732,165	732,165
Other	37,864	—	22,893	302,785	—	325,678	363,542
Distributions to the State and other local governments	—	—	16,541	—	—	16,541	16,541
Total deductions from plan net assets and operating expenses	5,028,433	3,953,936	191,853	2,593,506	1,674,011	8,413,306	13,441,739
Operating income (loss)	11,347,378	115,505	28,616	(256,673)	(182,645)	(295,197)	11,052,181
<b>NON OPERATING REVENUES (EXPENSES):</b>							
Interest and dividend income	—	2,521	1,201	32,319	3,516	39,557	39,557
Interest expense	—	(89,193)	—	—	—	(89,193)	(89,193)
Amounts from other OTB communities	—	—	3,664	—	—	3,664	3,664
Other	—	—	—	(2,855)	—	(2,855)	(2,855)
Total non-operating revenues (expenses)	—	(86,672)	4,865	29,464	3,516	(48,827)	(48,827)
Income (loss) before transfers	11,347,378	28,833	33,481	(227,209)	(179,129)	(344,024)	11,003,354
<b>OPERATING TRANSFERS</b>							
Transfer from Primary Government for debt service	—	—	—	4,298	—	4,298	4,298
Transfer to Primary Government	—	—	(30,506)	—	—	(30,506)	(30,506)
Net additions to plan net assets and net income (loss)	11,347,378	28,833	2,975	(222,911)	(179,129)	(370,232)	10,977,146
<b>PLAN NET ASSETS/FUND EQUITY AT BEGINNING OF YEAR</b>	68,562,422	1,013,731	10,916	1,094,123	5,266,870	7,385,640	75,948,062
Contributed fixed assets and debt service	—	74,976	—	953,094	50,615	1,078,685	1,078,685
Net decrease in donor restricted funds	—	(82)	—	—	—	(82)	(82)
<b>PLAN NET ASSETS/FUND EQUITY AT END OF YEAR</b>	<u>\$79,909,800</u>	<u>\$1,117,458</u>	<u>\$ 13,891</u>	<u>\$1,824,306</u>	<u>\$5,138,356</u>	<u>\$8,094,011</u>	<u>\$88,003,811</u>
<b>PLAN NET ASSETS, COMPONENTS OF FUND EQUITY AT END OF YEAR:</b>							
Reserved	\$ —	\$ 461,690	\$ 19,289	\$4,039,359	\$4,907,650	\$9,427,988	\$ 9,427,988
Reserved for Supplemental Benefits	2,761,028	—	—	—	—	—	2,761,028
Reserved for Pension Benefits	77,148,772	—	—	—	—	—	77,148,772
Unreserved (deficit)	—	655,768	(5,398)	(2,215,053)	230,706	(1,333,977)	(1,333,977)
<b>PLAN NET ASSETS/FUND EQUITY AT END OF YEAR</b>	<u>\$79,909,800</u>	<u>\$1,117,458</u>	<u>\$ 13,891</u>	<u>\$1,824,306</u>	<u>\$5,138,356</u>	<u>\$8,094,011</u>	<u>\$88,003,811</u>

See accompanying notes to financial statements.

**THE CITY OF NEW YORK**  
**COMBINED STATEMENT OF CHANGES IN PLAN**  
**NET ASSETS AND REVENUES, EXPENSES AND**  
**CHANGES IN FUND EQUITY—FIDUCIARY FUND TYPE**  
**AND DISCRETELY PRESENTED COMPONENT UNITS**  
**FOR THE YEAR ENDED JUNE 30, 1996**  
(in thousands)

	Fiduciary	Discretely Presented Component Units				Total Component Units	Total (Memorandum only) Reporting Entity
	Fund Type	Health and Hospitals Corporation	Off-Track Betting Corporation	Housing and Economic Development Entities	Water and Sewer System		
	Pension and Similar Trust						
<b>ADDITIONS TO PLAN NET ASSETS</b>							
<b>AND OPERATING REVENUES</b>							
Patient service revenues, net	\$ —	\$4,281,068	\$ —	\$ —	\$ —	\$4,281,068	\$ 4,281,068
Charges for services	—	—	—	—	1,370,230	1,370,230	1,370,230
Rental income	—	—	—	545,907	—	545,907	545,907
Other	—	179,382	212,098	1,481,134	—	1,872,614	1,872,614
Employer, employee contributions	1,879,315	—	—	—	—	—	1,879,315
Investment income, net	10,153,087	—	—	25,319	61,945	87,264	10,240,351
Total additions to plan net assets and operating revenues	12,032,402	4,460,450	212,098	2,052,360	1,432,175	8,157,083	20,189,485
<b>DEDUCTIONS FROM PLAN NET ASSETS AND OPERATING EXPENSES:</b>							
Personal services	—	2,091,338	69,868	676,047	—	2,837,253	2,837,253
Affiliated institutions	—	504,545	—	—	—	504,545	504,545
Racing industry compensation	—	—	68,774	—	—	68,774	68,774
Operations and maintenance	—	886,931	—	—	730,963	1,617,894	1,617,894
Interest expense	—	—	—	193,427	358,153	551,580	551,580
Administrative and program	—	—	6,587	1,192,309	14,490	1,213,386	1,213,386
Depreciation and amortization	—	159,070	3,042	164,840	251,218	578,170	578,170
Benefit payments and withdrawals	4,576,711	—	—	—	—	—	4,576,711
Provision for bad debts	—	536,396	—	—	317,051	853,447	853,447
Other	18,536	56,869	22,955	114,976	—	194,800	213,336
Distributions to the State and other local governments	—	—	16,833	—	—	16,833	16,833
Total deductions from plan net assets and operating expenses	4,595,247	4,235,149	188,059	2,341,599	1,671,875	8,436,682	13,031,929
Operating income (loss)	7,437,155	225,301	24,039	(289,239)	(239,700)	(279,599)	7,157,556
<b>NON-OPERATING REVENUES (EXPENSES):</b>							
Interest and dividend income	—	3,733	1,055	29,710	5,701	40,199	40,199
Interest expense	—	(85,643)	—	—	—	(85,643)	(85,643)
Amounts from other OTB communities	—	—	3,467	—	—	3,467	3,467
Other	—	—	—	(4,533)	—	(4,533)	(4,533)
Total non-operating revenues (expenses)	—	(81,910)	4,522	25,177	5,701	(46,510)	(46,510)
Income (loss) before transfers	7,437,155	143,391	28,561	(264,062)	(233,999)	(326,109)	7,111,046
<b>OPERATING TRANSFERS:</b>							
Transfer from Primary Government for Debt Service	—	—	—	4,298	—	4,298	4,298
Transfer to Primary Government	—	—	(25,811)	—	—	(25,811)	(25,811)
Net additions to plan net assets and net income (loss)	7,437,155	143,391	2,750	(259,764)	(233,999)	(347,622)	7,089,533
<b>PLAN NET ASSETS/FUND EQUITY AT BEGINNING OF YEAR</b>							
Contributed fixed assets and debt service	—	3,000	—	412,626	51,923	467,549	467,549
Net increase in donor restricted funds	—	476	—	—	—	476	476
<b>PLAN NET ASSETS/FUND EQUITY AT END OF YEAR</b>	<b>\$68,562,422</b>	<b>\$1,013,731</b>	<b>\$ 10,916</b>	<b>\$1,094,123</b>	<b>\$5,266,870</b>	<b>\$7,385,640</b>	<b>\$75,948,062</b>
<b>PLAN NET ASSETS COMPONENTS OF FUND EQUITY (DEFICIT) AT END OF YEAR:</b>							
Reserved	\$ —	\$ 782,937	\$ 18,136	\$3,240,213	\$4,970,900	\$9,012,186	\$ 9,012,186
Reserved for Supplemental Benefits	2,458,060	—	—	—	—	—	2,458,060
Reserved for Pension Benefits	66,104,362	—	—	—	—	—	66,104,362
Unreserved (deficit)	—	230,794	(7,220)	2,146,090	295,970	(1,626,546)	(1,626,546)
<b>PLAN NET ASSETS/FUND EQUITY AT END OF YEAR</b>	<b>\$68,562,422</b>	<b>\$1,013,731</b>	<b>\$ 10,916</b>	<b>\$1,094,123</b>	<b>\$5,266,870</b>	<b>\$7,385,640</b>	<b>\$75,948,062</b>

See accompanying notes to financial statements.

**THE CITY OF NEW YORK**  
**COMBINED STATEMENT OF CASH FLOWS**  
**DISCRETELY PRESENTED COMPONENT UNITS**  
**FOR THE YEAR ENDED JUNE 30, 1997**  
(in thousands)

	Health and Hospitals Corporation	Off-Track Betting Corporation	Housing and Economic Development Entities	Water and Sewer System	Total
<b>OPERATING ACTIVITIES:</b>					
Operating income (loss) .....	\$ 115,505	\$ 28,616	\$(256,673)	\$ (182,645)	\$ (295,197)
Adjustments to reconcile operating income (loss) to net cash provided by (used in) operating activities:					
Depreciation and amortization .....	145,654	3,353	192,209	287,546	628,762
Provision for bad debts .....	542,390	—	—	189,775	732,165
Increase in patient service receivables .....	(649,594)	—	—	—	(649,594)
Decrease (increase) in accounts and other receivables .....	8,335	860	21,216	(270,399)	(239,988)
Increase (decrease) in accounts payable and accrued liabilities .....	(123,037)	893	107,084	(6,757)	(21,817)
Increase (decrease) in accrued vacation and sick leave .....	16,060	(81)	442	—	16,421
Decrease in accrued pension liability .....	(2,156)	(174)	—	—	(2,330)
Increase in deferred revenues .....	—	—	10,152	10,294	20,446
Distribution to Primary Government .....	—	(30,090)	—	—	(30,090)
Increase in program loans issued .....	—	—	(125,830)	—	(125,830)
Receipt from collections of program loans .....	—	—	38,725	—	38,725
Increase in distribution to State and local governments .....	—	(191)	—	—	(191)
Increase in payable to Primary Government .....	—	—	—	71,226	71,226
Transfers from Primary Government for debt service .....	—	—	4,298	—	4,298
Other .....	(248,041)	(49)	(34,918)	275	(282,733)
Total adjustments .....	(310,389)	(25,479)	213,378	281,960	159,470
Net cash provided by (used in) operating activities .....	(194,884)	3,137	(43,295)	99,315	(135,727)
<b>NONCAPITAL FINANCING ACTIVITIES:</b>					
Proceeds from issuing bonds, notes and other borrowings .....	—	—	371,465	—	371,465
Repayments of bonds, notes and other borrowings .....	—	—	(256,681)	—	(256,681)
Amounts from other OTB communities .....	—	3,664	—	—	3,664
Net cash provided by noncapital financing activities .....	—	3,664	114,784	—	118,448
<b>CAPITAL AND RELATED FINANCING ACTIVITIES:</b>					
Additions to fixed assets .....	(133,491)	(4,142)	(392,113)	(820,898)	(1,350,644)
Proceeds from issuing bonds, notes and other borrowings .....	320,000	—	17,029	1,854,390	2,191,419
Repayments of bonds, notes and other borrowings .....	(11,570)	—	(70,837)	(831,146)	(913,553)
Contributed capital other than for operations .....	73,847	—	514,438	—	588,285
Interest paid on bonds, notes and other borrowings .....	(89,193)	—	—	—	(89,193)
Net cash provided by (used in) capital and related financing activities .....	159,593	(4,142)	68,517	202,346	426,314
<b>INVESTING ACTIVITIES:</b>					
Proceeds from sales and maturities of investments .....	—	—	13,881,919	27,521,461	41,403,380
Purchase of investments .....	—	—	(14,074,969)	(27,624,046)	(41,699,015)
Interest on investments .....	2,521	1,201	30,755	4,626	39,103
Net cash provided by (used in) investing activities .....	2,521	1,201	(162,295)	(97,959)	(256,532)
<b>INCREASE (DECREASE) IN CASH AND CASH EQUIVALENTS</b> .....	(32,770)	3,860	(22,289)	203,702	152,503
<b>CASH AND CASH EQUIVALENTS BEGINNING OF YEAR</b> .....	232,737	18,028	246,455	481,409	978,629
<b>CASH AND CASH EQUIVALENTS END OF YEAR</b> .....	<u>\$ 199,967</u>	<u>\$ 21,888</u>	<u>\$ 224,166</u>	<u>\$ 685,111</u>	<u>\$ 1,131,132</u>
Cash and cash equivalents .....	\$ 189,163	\$ 19,107	\$ 177,474	\$ 4,726	\$ 390,470
Restricted cash and investments .....	410,925	2,781	85,878	1,263,377	1,762,961
Less restricted investments .....	400,121	—	39,186	582,992	1,022,299
Cash and cash equivalents end of year .....	<u>\$ 199,967</u>	<u>\$ 21,888</u>	<u>\$ 224,166</u>	<u>\$ 685,111</u>	<u>\$ 1,131,132</u>

The above is a reconciliation of cash and cash equivalents per the statement of cash flows to the balance sheet.

The following are the noncash investing, capital and financing activities:

HHC received capital assets of \$73.8 million for fiscal year 1997 which represent contributed capital from Primary Government.

The Water Board received capital assets of \$50.6 million for fiscal year 1997 which represent contributed capital from Primary Government.

See accompanying notes to financial statements.

**THE CITY OF NEW YORK**  
**DISCRETELY PRESENTED COMPONENT UNITS**  
**COMBINED STATEMENT OF CASH FLOWS**  
**FOR THE YEAR ENDED JUNE 30, 1996**  
(in thousands)

	Health and Hospitals Corporation	Off-Track Betting Corporation	Housing and Economic Development Entities	Water and Sewer System	Total
<b>OPERATING ACTIVITIES</b>					
Operating income (loss)	\$ 225,301	\$ 24,039	\$(289,239)	\$ (239,700)	\$ (279,599)
Adjustments to reconcile operating income (loss) to net cash provided by (used in) operating activities:					
Depreciation and amortization	159,070	3,042	164,840	251,218	578,170
Provision for bad debts	536,396	—	—	317,051	853,447
Increase in patient service receivables	(661,280)	—	—	—	(661,280)
Decrease (increase) in accounts and other receivables	(9,505)	503	42,032	(91,131)	(58,101)
Increase in prepaid expense	—	—	—	(26,329)	(26,329)
Increase (decrease) in accounts payable and accrued liabilities	(5,502)	151	84,455	10,480	89,584
Increase (decrease) in accrued vacation and sick leave	(17,378)	44	(9,326)	—	(26,660)
Decrease in accrued pension liability	(1,525)	(138)	—	—	(1,663)
Increase (decrease) in deferred revenues	—	—	6,347	(12,185)	(5,838)
Distribution to Primary Government	—	(26,274)	—	—	(26,274)
Increase in program loans issued	—	—	(173,549)	—	(173,549)
Receipt from collections of program loans	—	—	31,704	—	31,704
Distribution to State and local governments	—	(104)	—	14,582	14,582
Increase in payable to Primary Government	—	—	4,298	—	4,298
Transfers from Primary Government for debt service	—	—	—	—	—
Other	129,964	15	(3,620)	675	127,034
Total adjustments	130,240	(22,761)	147,181	464,361	719,021
Net cash provided by (used in) operating activities	355,541	1,278	(142,058)	224,661	439,422
<b>NONCAPITAL FINANCING ACTIVITIES:</b>					
Proceeds from issuing bonds, notes and other borrowings	—	—	160,737	—	160,737
Repayments of bonds, notes and other borrowings	—	—	(89,935)	—	(89,935)
Amounts from other OTB communities	—	3,467	—	—	3,467
Net cash provided by noncapital financing activities	—	3,467	70,802	—	74,269
<b>CAPITAL AND RELATED FINANCING ACTIVITIES:</b>					
Additions to fixed assets	(190,103)	(3,177)	(320,858)	(926,597)	(1,440,735)
Proceeds from issuing bonds, notes and other borrowings	—	—	6,831	1,696,451	1,703,282
Repayments of bonds, notes and other borrowings	(226)	—	(70,475)	(745,657)	(816,358)
Contributions for capital and payment of debt	523	—	—	—	523
Contributed capital other than for operations	2,477	—	379,920	—	382,397
Interest paid on bonds, notes and other borrowings	(85,643)	—	—	—	(85,643)
Net cash provided by (used in) capital and related financing activities	(272,972)	(3,177)	(4,582)	24,197	(256,534)
<b>INVESTING ACTIVITIES:</b>					
Proceeds from sales and maturities of investments	—	—	9,779,135	37,260,965	47,040,100
Purchase of investments	—	—	(9,653,698)	(37,336,615)	(46,990,313)
Interest on investments	3,733	1,055	28,624	5,551	38,963
Net cash provided by (used in) investing activities	3,733	1,055	154,061	(70,099)	88,750
<b>INCREASE IN CASH AND CASH EQUIVALENTS</b>	86,302	2,623	78,223	178,759	345,907
<b>CASH AND CASH EQUIVALENTS BEGINNING OF YEAR</b>	146,435	15,405	168,232	302,650	632,722
<b>CASH AND CASH EQUIVALENTS END OF YEAR</b>	\$ 232,737	\$ 18,028	\$ 246,455	\$ 481,409	\$ 978,629
Cash and cash equivalents	\$ 221,851	\$ 15,134	\$ 198,723	\$ 6,503	\$ 442,211
Restricted cash and investments	167,227	2,894	83,558	944,405	1,198,084
Less restricted investments	156,341	—	35,826	469,499	661,666
Cash and cash equivalents end of year	\$ 232,737	\$ 18,028	\$ 246,455	\$ 481,409	\$ 978,629

The above is a reconciliation of cash and cash equivalents per the statement of cash flows to the balance sheet.

The following are the noncash investing, capital and financing activities:  
HHC received capital assets of \$2.5 million for fiscal year 1996 which represent contributed capital from Primary Government.  
The Water Board received capital assets of \$51.9 million for fiscal year 1996 which represents contributed capital from Primary Government.

See accompanying notes to financial statements.

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**THE CITY OF NEW YORK**  
**NOTES TO FINANCIAL STATEMENTS**  
**JUNE 30, 1997 AND JUNE 30, 1996**

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**A. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

The accompanying general purpose financial statements of The City of New York (City or primary government) are presented in conformity with generally accepted accounting principles (GAAP) for governments as prescribed by the Governmental Accounting Standards Board (GASB). The amounts shown in the "Totals —(Memorandum Only) Primary Government" and "Totals—(Memorandum Only) Reporting Entity" columns of the accompanying combined financial statements are only presented to facilitate financial analysis and are not the equivalent of consolidated financial statements.

The following is a summary of the significant accounting policies and reporting practices of the City:

*Reporting Entity*

The City of New York is a municipal corporation governed by the Mayor and the City Council.

The financial reporting entity consists of the primary government including the Board of Education and the community colleges of the City University of New York, organizations for which the primary government is financially accountable, and other organizations for which the nature and significance of their relationship with the primary government are such that exclusion would cause the reporting entity's financial statements to be misleading or incomplete.

The definition of the reporting entity is based primarily on the notion of financial accountability. A primary government is financially accountable for the organizations that make up its legal entity. It is also financially accountable for legally separate organizations if its officials appoint a voting majority of an organization's governing body and either it is able to impose its will on that organization or there is a potential for the organization to provide specific financial benefits to, or to impose specific financial burdens on, the primary government. A primary government may also be financially accountable for governmental organizations that are fiscally dependent on it.

Most component units are included in the financial reporting entity by discrete presentation. Some component units, despite being legally separate from the primary government, are so integrated with the primary government, that they are in substance part of the primary government. These component units are blended with the primary government.

*Blended Component Units*

These component units, although legally separate, all provide services exclusively to the City and thus are reported as if they were part of the primary government. They include the following:

Municipal Assistance Corporation For The City of New York (MAC)  
New York City Samurai Funding Corporation (SFC)  
New York City Educational Construction Fund (ECF)  
City University Construction Fund (CUCF)  
New York City School Construction Authority (SCA)

*Discretely Presented Component Units*

All discretely presented component units are legally separate from the primary government. These entities are reported as discretely presented component units because the City appoints a majority of these organizations' boards, is able to impose its will on them, or a financial benefit/burden situation exists.

The discretely presented component unit column in the combined financial statements includes the financial data of these entities, which are reported in a separate column to emphasize that they are legally separate from the City. They include the following:

New York City Health and Hospitals Corporation (HHC)  
New York City Off-Track Betting Corporation (OTB)  
Housing and Economic Development Entities:

- New York City Housing Development Corporation (HDC)
- New York City Housing Authority (HA)

- New York City Industrial Development Agency (IDA)
- New York City Economic Development Corporation (EDC)
- Business Relocation Assistance Corporation (BRAC)
- Brooklyn Navy Yard Development Corporation (BNYDC)

Water And Sewer System:

- New York City Water Board (Water Board)
- New York City Municipal Water Finance Authority (Water Authority)

Note: These organizations publish separate annual financial statements which are available at: Office of the Comptroller, Bureau of Accountancy—Room 800, 1 Centre Street, New York, New York 10007.

*Fiduciary Funds*

These funds are used to account for assets when a governmental unit is functioning either as a trustee or an agent for another party. They include the following:

Pension and Similar Trust Funds:

- New York City Employees' Retirement System (NYCERS)
- New York City Teachers' Retirement System—Qualified Pension Plan (TRS)
- New York City Board of Education Retirement System—Qualified Pension Plan (BERS)
- New York Police Department Pension Fund—Subchapter 2 (POLICE)
- New York Fire Department Pension Fund—Subchapter 2 (FIRE)
- New York Police Department Police Officers' Variable Supplements Fund (POVSF)
- New York Police Department Police Superior Officers' Variable Supplements Fund (PSOVSF)
- New York Fire Department Firefighters' Variable Supplements Fund (FFVSF)
- New York Fire Department Fire Officers' Variable Supplements Fund (FOVSF)
- Transit Police Officers' Variable Supplements Fund (TPOVSF)
- Transit Police Superior Officers' Variable Supplements Fund (TPSOVSF)
- Housing Police Officers' Variable Supplements Fund (HPOVSF)
- Housing Police Superior Officers' Variable Supplements Fund (HPSOVSF)

Note: These organizations publish separate annual financial statements which are available at: Office of the Comptroller, Bureau of Accountancy—Room 800, 1 Centre Street, New York, New York 10007.

Agency Funds:

- Deferred Compensation Plan for Employees of The City of New York and Related Agencies and Instrumentalities (DCP)
- Other Agency Funds

Significant accounting policies and other matters concerning the financial information of these organizations are described elsewhere in the Notes to Financial Statements.

The City's operations also include those normally performed at the county level and, accordingly, transactions applicable to the operations of the five counties which comprise the City are included in these financial statements.

The New York City Transit Authority is an affiliated agency of the Metropolitan Transportation Authority of the State of New York which is a component unit of New York State and is excluded from the City's financial reporting entity.

*Fund Accounting*

The City uses funds and account groups to report on its financial position and the results of its operations. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

A fund is a separate accounting entity with a self-balancing set of accounts. An account group is a financial reporting device designed to provide accountability for certain assets and liabilities that are not recorded in the funds because they do not directly affect net expendable available financial resources.



Funds are classified into three categories: governmental, fiduciary, and proprietary. Except for proprietary (The only organizations that would be categorized as proprietary funds are reported as discretely presented component units.), each category, in turn, is divided into separate "fund types."

*Governmental*

*General Fund*

The General Fund is the general operating fund of the City. Substantially all tax revenues, Federal and State aid (except aid for capital projects), and other operating revenues are accounted for in the General Fund. This fund also accounts for expenditures and transfers as appropriated in the Expense Budget, which provides for the City's day-to-day operations, including transfers to Debt Service Funds for payment of long-term obligations.

*Capital Projects Fund*

The Capital Projects Fund accounts for resources used to construct or acquire fixed assets and make capital improvements. Such assets and improvements include substantially all land, buildings, equipment, water distribution and sewage collection system, and other elements of the City's infrastructure having a minimum useful life of five years, having a cost of more than \$15,000, and having been appropriated in the Capital Budget (see Budgets). The Capital Projects Fund includes the activities of SCA. Resources of the Capital Projects Fund are derived principally from proceeds of City bond issues, payments from the Water Authority, and from Federal, State, and other aid. The cumulative deficits of \$757 million and \$796 million at June 30, 1997 and 1996, respectively, represent the amounts expected to be financed from future bond issues or intergovernmental reimbursements. To the extent the deficit will not be financed or reimbursed, a transfer from the General Fund will be required.

*Debt Service Funds*

The Debt Service Funds account for the accumulation of resources for payment of principal and interest on long-term obligations. Separate funds are maintained to account for transactions relating to: (i) the City's Debt Service Funds and the General Debt Service Fund required by State legislation; (ii) certain other public benefit corporations whose indebtedness has been guaranteed by the City, or with whom the City has entered into lease purchase and similar agreements; (iii) MAC and SFC; and (iv) ECF and CUCF as component units of the City.

ECF and CUCF are to account for governmental financial resources to pay for long-term debt consistent with the activity of the Debt Service Funds, and not for the construction of major capital projects.

*Fiduciary*

*Trust and Agency Funds*

The Trust and Agency Funds account for the assets and activities of the Pension and Similar Trust Funds and Agency Funds.

The Pension and Similar Trust Funds account for the operations of NYCERS, TRS, BERS, POLICE, and FIRE employee retirement systems, and POVSE, PSOVSE, FFVSE, FOVSE, TPOVSE, TPOVSE, HPOVSE, and HPSOVSE. These funds use the accrual basis of accounting and a measurement focus on the periodic determination of additions, deductions, and net assets held in trust for pension benefits and supplemental benefits payments.

The Agency Funds account for the operations of DCP, which was created in accordance with Internal Revenue Code Section 457 and Other Agency Funds which account for miscellaneous assets held by the City for other funds, governmental units, and individuals. The Agency Funds are custodial in nature and do not involve measurement of results of operations.

*Account Groups*

*General Fixed Assets Account Group*

The General Fixed Assets Account Group accounts for those fixed assets which are used for general governmental purposes and are not available for expenditure. Such assets include all capital assets, except for the City's infrastructure elements that are not required to be capitalized under GAAP. Infrastructure elements include the roads, bridges, curbs and gutters, streets and sidewalks, park land and improvements, and subway tracks and tunnels. The fixed assets of SCA are included in the City's General Fixed Assets Account Group. The fixed assets of the water distribution and sewage collection system are recorded in the Water and Sewer System component unit financial statements under a lease agreement between the City and the Water Board.

*General Long-term Obligations Account Group*

The General Long-term Obligations Account Group accounts for unmatured long-term bonds payable which at maturity will be paid through the Debt Service Funds. In addition, the General Long-term Obligations Account Group includes other long-term obligations for: (i) capital leases; (ii) real estate tax refunds; (iii) judgments and claims; (iv) certain unpaid deferred wages; (v) unpaid vacation and sick leave; (vi) certain unfunded pension liabilities; and (vii) landfill closure and postclosure care costs.

*Discretely Presented Component Units*

The discretely presented component units consist of HHC, OTB, HDC, HA and other component units comprising the Housing and Economic Development Entities, and the Water and Sewer System. These activities are accounted for in a manner similar to private business enterprises, in which the focus is on the periodic determination of revenues, expenses, and net income.

*Basis of Accounting*

The accounting and financial reporting applied to a fund is determined by its measurement focus. Governmental fund types use the flow of current financial resources measurement focus. This focus is on the determination of, and changes in financial position, and generally only current assets and current liabilities are included on the balance sheet. These funds use the modified accrual basis of accounting, whereby revenues are recognized in the accounting period in which they become both measurable and available to finance expenditures of the fiscal period. Expenditures are recorded when the related liability is incurred, except for interest on long-term obligations and certain estimated liabilities recorded in the General Long-term Obligations Account Group.

The measurement focus of the Pension and Similar Trust Funds and the discretely presented component units is on the flow of economic resources. This focus emphasizes the determination of net income and financial position. With this measurement focus, all assets and liabilities associated with the operation of these funds and discretely presented component units are included on the balance sheet. These funds and discretely presented component units use the accrual basis of accounting whereby revenues are recognized in the accounting period in which they are earned, and expenses are recognized in the period incurred. In accordance with GASB Statement No. 20, *Accounting and Financial Reporting for Proprietary Funds and Other Governmental Activities That Use Proprietary Fund Accounting*, the discretely presented component units have elected not to apply Financial Accounting Standards Board statements and interpretations issued after November 30, 1989. The Pension Trust Funds' contributions from members are recorded when the employer makes payroll deductions from Plan members. Employer contributions are recognized when due. Benefits and refunds are recognized when due and payable in accordance with the terms of the Plans.

The Agency Funds use the modified accrual basis of accounting and do not measure the results of operations.

*Budgets and Financial Plans**Budgets*

Annual Expense Budget appropriations, which are prepared on the modified accrual basis, are adopted for the General Fund, and unused appropriations lapse at fiscal year-end. The City uses appropriations in the Capital Budget to authorize the expenditure of funds for various capital projects. Capital appropriations, unless modified or rescinded, remain in effect until the completion of each project.

The City is required by State Law to adopt and adhere to a budget, on a basis consistent with GAAP, that would not have General Fund expenditures in excess of revenues.

Expenditures made against the Expense Budget are controlled through the use of quarterly spending allotments and units of appropriation. A unit of appropriation represents a subdivision of an agency's budget and is the level of control at which expenditures may not legally exceed the appropriation. The number of units of appropriation and the span of operating responsibility which each unit represents, differs from agency to agency depending on the size of the agency and the level of control required. Transfers between units of appropriation and supplementary appropriations may be made by the Mayor subject to the approval provisions set forth in the City Charter. Supplementary appropriations increased the Expense Budget by \$1,587 million and \$1,565 million subsequent to its original adoption in fiscal years 1997 and 1996, respectively.

*Financial Plans*

The New York State Financial Emergency Act for The City of New York, as amended in 1978, requires the City to operate under a "rolling" Four-Year Financial Plan (Plan). Revenues and expenditures, including operating transfers, of each year of the Plan are required to be balanced on a basis consistent with GAAP. The Plan is broader in scope than the Expense Budget; it

comprehends General Fund revenues and expenditures, Capital Projects Fund revenues and expenditures, and all short and long-term financing.

The Expense Budget is generally consistent with the first year of the Plan and operations under the Expense Budget must reflect the aggregate limitations contained in the approved Plan. The City reviews its Plan periodically during the year and, if necessary, makes modifications to incorporate actual results and revisions to assumptions.

#### *Encumbrances*

Encumbrance accounting, under which purchase orders, contracts, and other commitments for expenditures are recorded to reflect the use of the applicable spending appropriations, is used by the General Fund during the fiscal year to control expenditures. The cost of those goods received and services rendered on or before June 30 are recognized as expenditures. Encumbrances not resulting in expenditures by year-end, lapse.

#### *Cash and Investments*

The City considers all highly liquid investments (including restricted assets) with a maturity of three months or less when purchased, to be cash equivalents.

Cash and cash equivalents include compensating balances maintained with certain banks in lieu of payments for services rendered. The average compensating balances maintained during fiscal years 1997 and 1996 were approximately \$264 million and \$242 million, respectively.

Investments in fixed income securities are recorded at fair value. Securities purchased pursuant to agreements to resell are carried at the contract price, exclusive of interest, at which the securities will be resold.

Investments of the Pension and Similar Trust Funds and DCP are reported at fair value. Investments are stated at the last reported sales price on a national securities exchange on the last business day of the fiscal year.

A description of the City's securities lending activities for the Pension and Similar Trust Funds in fiscal years 1997 and 1996 is provided in Deposits and Investments (see Note E).

In March, 1997, GASB issued Statement No. 31, *Accounting and Financial Reporting for Certain Investments and for External Investment Pools*. The Statement requires that most investments be reported in the balance sheet at fair value, and that all investment income, including changes in the fair value of investments, be reported in the statement of operations. The City (other than Component Units) has early implemented Statement No. 31. The adoption of the Statement did not have a material impact on the City's financial statements.

#### *Inventories*

Materials and supplies are recorded as expenditures in governmental funds at the time of purchase. Accordingly, inventories on hand at June 30, 1997 and 1996 (estimated at \$214 million and \$199 million, respectively, based on average cost) have not been reported on the governmental funds balance sheets.

#### *Restricted Cash and Investments*

Certain proceeds of component unit bonds, as well as certain resources set aside for bond repayment, are classified as restricted cash and investments on the balance sheet because their use is limited by applicable bond covenants.

#### *Fixed Assets*

Fixed assets are generally stated at historical cost, or at estimated historical cost based on appraisals or on other acceptable methods when historical cost is not available. Donated fixed assets are stated at their fair market value as of the date of the donation. Capital leases are classified as fixed assets in amounts equal to the lesser of the fair market value or the present value of net minimum lease payments at the inception of the lease (see Note G).

Accumulated depreciation and amortization are reported as reductions of fixed assets. Depreciation is computed using the straight-line method based upon estimated useful lives of 40 to 50 years for buildings and 5 to 35 years for equipment. Capital lease assets and leasehold improvements are amortized over the term of the lease or the life of the asset, whichever is less.

See Notes K, L, M, and N for fixed asset accounting policies used by HHC, OTB, HA, and the Water and Sewer System, respectively.

*Allowance for Uncollectible Mortgage Loans*

Mortgage loans and interest receivable in the Debt Service Funds are net of an allowance for uncollectible amounts of \$709.6 million and \$695.9 million for fiscal years 1997 and 1996, respectively. The allowance is composed of the balance of first mortgages one or more years in arrears and the balance of refinanced mortgages where payments to the City are not expected to be completed for approximately 25 to 30 years.

*Vacation and Sick Leave*

Earned vacation and sick leave is recorded as an expenditure in the period when it is payable from current financial resources. The estimated value of vacation leave earned by employees which may be used in subsequent years or earned vacation and sick leave paid upon termination or retirement, and therefore payable from future resources, is recorded in the General Long-term Obligations Account Group, except for leave of the employees of the discretely presented component units which is accounted for in those component unit financial statements.

*Treasury Obligations*

Bonds payable included in the General Long-term Obligations Account Group and investments in the Debt Service Funds are reported net of "treasury obligations." Treasury obligations represent City bonds held as investments of the Debt Service Funds which are offset and reported as if these bonds had been redeemed.

*Judgments and Claims*

The City is uninsured with respect to risks including, but not limited to, property damage, personal injury, and workers' compensation. Expenditures for judgments and claims (other than workers' compensation and condemnation proceedings) are recorded on the basis of settlements reached or judgments entered within the current fiscal year. Expenditures for workers' compensation are recorded when paid. Settlements relating to condemnation proceedings are reported in the Capital Projects Fund when the liability is estimable. The estimated liability for judgments and claims which have not been adjudicated, settled, or reported at the end of a fiscal year is recorded in the General Long-term Obligations Account Group. The current liability for settlements reached or judgments entered but not yet paid is recorded in the General Fund.

*General Long-term Obligations*

For general long-term obligations, only that portion expected to be financed from expendable available financial resources is reported as a fund liability of a governmental fund. The remaining portion of such obligations is reported in the General Long-term Obligations Account Group. Long-term liabilities expected to be financed from discretely presented component unit operations are accounted for in those component unit financial statements.

*Real Estate Tax*

Real estate tax payments for the fiscal year ended June 30, 1997 were due July 1, 1996 and January 1, 1997 except that payments by owners of real property assessed at \$40,000 or less and cooperatives whose individual units on average are valued at \$40,000 or less were due in quarterly installments on the first day of each quarter beginning on July 1.

The levy date for fiscal year 1997 taxes was June 12, 1996. The lien date is the date taxes are due.

Real estate tax revenue represents payments received during the year and payments received (against the current fiscal year and prior years' levies) within the first two months of the following fiscal year reduced by tax refunds.

The City offered a discount for the prepayment of real estate taxes for fiscal years 1998 and 1997. Collections of these real estate taxes received on or before June 30, 1997 and 1996 were \$1.878 billion and \$1.803 billion, respectively. These amounts were recorded as deferred revenue.

On June 18, 1997, the City sold approximately \$100 million of real property tax liens in a two phase sale. Phase I proceeds of \$61.7 million, fully attributable to fiscal year 1997, were received at the time of the sale. Pursuant to the sale agreement, the City would need to replace or refund the value of liens later determined to be defective, plus interest and a five percent surcharge. It has been estimated that \$9.5 million worth of liens sold in Phase I will require replacement. The estimated refund accrual amount of \$10 million, including the surcharge, brings the fiscal year 1997 sale proceeds to \$51.7 million. Phase II proceeds of \$27.5 million, received August 7, 1997, are from sales of liens on fiscal year 1998 taxes, and therefore represent fiscal year 1998 revenue.

In fiscal year 1997, \$21.4 million, including the surcharge and interest, was refunded for defective liens from the fiscal year 1996 sale. This resulted in charges to fiscal year 1997 revenue of \$7.5 million for principal refunded in excess of the fiscal year 1996 accrual of \$11.5 million, as well as charges to fiscal year 1997 interest expense of \$1.8 million.

In fiscal years 1997 and 1996, \$337 million and \$332 million, respectively, were provided as allowances for uncollectible real estate taxes against the balance of the receivable. Delinquent real estate taxes receivable that are estimated to be collectible but which are not collected in the first two months of the next fiscal year are recorded as deferred revenues.

The City is permitted to levy real estate taxes for general operating purposes in an amount up to 2.5% of the average full value of taxable real estate in the City for the last five years and in unlimited amounts for the payment of principal and interest on long-term City debt. Amounts collected for payment of principal and interest on long-term debt in excess of that required for that purpose in the year of the levy must be applied towards future years' debt service. For the fiscal year ended June 30, 1997, no such excess amount was available to be transferred to the Debt Service Funds. For the fiscal year ended June 30, 1996, an excess amount of \$106 million was transferred to the Debt Service Funds.

#### *Other Taxes and Other Revenues*

Taxpayer-assessed taxes, such as sales and income taxes, net of estimated refunds, are recognized in the accounting period in which they become susceptible to accrual.

Licenses, permits, privileges and franchises, fines, forfeitures, and other revenues are recorded when received in cash. The City receives revenue from the Water Board for operating and maintenance costs and rental payments for use of the Water and Sewer System. These revenues are recognized when the services are provided by the City for the Water Board.

#### *Federal, State, and Other Aid*

Categorical aid, net of a provision for estimated disallowances, is reported as revenue when the related reimbursable expenditures are incurred. Unrestricted aid is reported as revenue in the fiscal year of entitlement.

#### *Bond Discounts/Issuance Costs*

In governmental fund types, bond discounts and issuance costs are recognized as expenditures in the period incurred. Bond discounts and issuance costs in the discretely presented component units are deferred and amortized over the term of the bonds using the bonds-outstanding method, which approximates the effective interest method. Bond discounts are presented as a reduction of the face amount of bonds payable, whereas issuance costs are recorded as deferred charges.

#### *Transfers*

Payments from a fund or discretely presented component unit receiving revenue to a fund or discretely presented component unit through which the revenue is to be expended are reported as operating transfers. Such payments include transfers for debt service and OTB net revenues.

#### *Subsidies*

The City makes various payments to subsidize a number of organizations which provide services to City residents. These payments are recorded as expenditures in the year paid.

#### *Pensions*

Pension cost is required to be measured and disclosed using the accrual basis of accounting (see Note Q), regardless of the amount recognized as pension expense on the modified accrual basis of accounting. Annual pension cost should be equal to the annual required contributions to the pension plan, calculated in accordance with certain parameters.

#### *Comparative Data*

Comparative total data for the prior year have been presented, where appropriate, in order to provide an understanding of changes in the City's operations. Reclassification of certain prior year amounts has been made to conform with the current year presentation.

#### *Estimates and Assumptions*

A number of estimates and assumptions relating to the reporting of revenues, expenditures, assets and liabilities, and the disclosure of contingent liabilities were used to prepare these financial statements in conformity with GAAP. Actual results could differ from those estimates.

*Pronouncements Issued But Not Yet Effective*

In May, 1990, GASB issued Statement No. 11, *Measurement Focus and Basis of Accounting—Governmental Fund Operating Statements*. The Statement establishes an accrual basis of accounting with a financial resources measurement focus for governmental funds. The operating results expressed using the financial resources measurement focus show the extent to which financial resources obtained during a period are sufficient to cover claims against financial resources incurred during that period. The City currently follows the modified accrual basis. Using the modified accrual basis, revenues are recognized in the accounting period in which they become measurable and available and expenditures are recognized when the fund liability is incurred, if measurable, except for unmatured interest on general long-term debt, which is recognized when due. The effective date of the Statement has been deferred by GASB Statement No. 17, *Measurement Focus and Basis of Accounting—Governmental Fund Operating Statements: Amendment of the Effective Dates of GASB Statement No. 11 and Related Statements*, to periods beginning approximately two years after an implementation standard is issued. Early implementation of Statement No. 11 is not permitted. The City has not yet completed the complex analysis required to estimate the financial statement impact of Statement No. 11.

**B. AUDIT RESPONSIBILITY**

In fiscal years 1997 and 1996, respectively, the separately administered organizations included in the financial statements of the City audited by auditors other than KPMG Peat Marwick LLP, are the Municipal Assistance Corporation For The City of New York, New York City Housing Authority, New York City Economic Development Corporation, New York City Educational Construction Fund, New York City Industrial Development Agency, New York City Off-Track Betting Corporation, New York City School Construction Authority, Brooklyn Navy Yard Development Corporation, Business Relocation Assistance Corporation, City University Construction Fund, and the Deferred Compensation Plan.

The following describes the proportion of certain key financial information that is audited by other auditors in fiscal years 1997 and 1996:

	Fund Types								Account Groups				Discretely Presented Component Units	
	General		Capital Projects		Debt Service		Trust and Agency		General Fixed Assets		General Long-term Obligations		1997	1996
	1997	1996	1997	1996	1997	1996	1997	1996	1997	1996	1997	1996		
Total assets/liabilities	0	0	9	8	38	82	2	2	28	30	13	15	20	19
Operating revenues and other financing sources	0	0	18	19	26	27	0	0	NA	NA	NA	NA	29	26

NA: Not Applicable

**C. MUNICIPAL ASSISTANCE CORPORATION FOR THE CITY OF NEW YORK (MAC)**

MAC is a corporate governmental agency and instrumentality of the State constituting a public benefit corporation. MAC was created in June, 1975 by the Municipal Assistance Corporation For The City of New York Act (Act) to assist the City in providing essential services to its inhabitants without interruption and in reestablishing investor confidence in the soundness of City obligations. Pursuant to the Act, MAC is empowered to issue and sell bonds and notes, pay or loan to the City funds received from such sales, and exchange its obligations for those of the City. Also pursuant to the Act, MAC provides certain oversight of the City's financial activities.

MAC has no taxing power. All outstanding bonds issued by MAC are general obligations of MAC and do not constitute an enforceable obligation or a debt of either the City or the State and neither the City nor the State is liable thereon. Neither the City nor a creditor of the City has any claim to MAC's revenues and assets. Debt service requirements and operating expenses are funded by allocations from the State's collection of certain sales and compensating use taxes (imposed by the State within the City at rates formerly imposed by the City), the stock transfer tax, and certain per capita aid subject in each case to appropriation by the State Legislature. Net collections of taxes and per capita aid are returned to the City by the State after MAC debt service requirements are met. The MAC bond resolutions provide for liens by bondholders on certain monies received by MAC from the State.

MAC was authorized by the Act to issue, until January 1, 1985, obligations in an aggregate principal amount of \$10 billion, of which MAC issued approximately \$9.445 billion, exclusive of obligations issued to refund outstanding obligations of MAC and of notes issued to enable the City to fulfill its seasonal borrowing requirements. In July, 1990, State legislation was enacted which, among other things, authorized MAC to issue up to an additional \$1.5 billion of bonds and notes to fund a portion of the capital programs of the New York City Transit Authority and SCA. This legislation also provides for a reduction in the July, 1990 issuance authority to the extent that the transit and schools capital programs are funded by the City. As of June 30, 1997, the City had completed funding of these programs, and MAC's additional \$1.5 billion in borrowing authority lapsed without any of it being used.

MAC continues to be authorized to issue obligations to renew or refund outstanding obligations, without limitation as to amount. No obligations of MAC may mature later than July 1, 2008. MAC may issue new obligations provided their issuance would not cause certain debt service limitations and debt service coverage ratios to be exceeded.

As indicated in Note A, MAC transactions and account balances are included in the accompanying financial statements because MAC's financing activities are considered an essential part of the City's financing activities. In order to include the financial statements of MAC with those of the City, the following eliminations were made: (i) July 1st bond redemptions and interest on bonds payable which are reflected on MAC's statements at June 30; and (ii) certain City obligations purchased by MAC (see Note H). MAC account balances and transactions are shown in the Debt Service Funds and General Long-term Obligations Account Group; revenues appropriated and paid by the State of New York to MAC are first included in General Fund revenues and then transferred to the Debt Service Funds in the fiscal year of such payments.

#### **D. NEW YORK CITY SAMURAI FUNDING CORPORATION (SFC)**

The City created SFC on August 25, 1992. This is a special-purpose governmental not-for-profit entity, created to issue Yen-denominated bonds. The members, directors, and officers of SFC are all elected officials or employees of the City.

SFC issued Yen-denominated bonds to investors on May 27, 1993 and simultaneously bought general obligation bonds from the City. Such bonds require the City to make floating rate interest and principal payments in U.S. dollars to SFC. SFC entered into currency and interest rate exchange agreements to swap the City's payments into fixed rate Yen which are used to pay SFC's bondholders. These agreements limit the City's currency and exchange rate change exposure. SFC's bonds are included in the City's General Long-term Obligations Account Group. The proceeds from the City's bonds sold to SFC were used for housing and economic development projects.

#### **E. DEPOSITS AND INVESTMENTS**

##### *Deposits*

The City's bank depositories are designated by the Banking Commission, which consists of the Comptroller, the Mayor, and the Finance Commissioner. Independent bank rating agencies are used to determine the financial soundness of each bank, and the City's banking relationships are under periodic operational and credit reviews.

The City Charter limits the amount of deposits at any time in any one bank or trust company to a maximum of one-half of the amount of the capital and net surplus of such bank or trust company. The discretely presented component units included in the City's reporting entity maintain their own banking relationships which generally conform with the City's. Bank balances are currently insured up to \$100,000 in the aggregate by the Federal Deposit Insurance Corporation (FDIC) for each bank for all funds other than monies of the retirement systems, which are held by well-capitalized banks and are insured by the FDIC up to \$100,000 per retirement system member. At June 30, 1997 and 1996, the carrying amount of the City's cash and cash equivalents was \$710 million and \$1,032 million, respectively, and the bank balances were \$668 million and \$640 million, respectively. Of the bank balances, \$388 million and \$309 million, respectively, were covered by Federal depository insurance or collateralized with securities held by the City's agent in the City's name, and \$280 million and \$331 million, respectively, were uninsured and collateralized with securities held by the City's agent in the City's name. At June 30, 1997 and 1996, the carrying amount of the discretely presented component units' cash and cash equivalents was \$391 million and \$442 million, respectively, and the bank balances were \$141 million and \$99 million, respectively. Of the bank balances, \$8 million and \$6 million, respectively, were covered by Federal depository insurance or collateralized with securities held by the City's agent in the City's name, and \$133 million and \$93 million, respectively, were uninsured and collateralized with securities held by the City's agent in the City's name.

The uninsured, collateralized cash balances carried during the year represent primarily the compensating balances to be maintained at banks for services provided. It is the policy of the City to invest all funds in excess of compensating balance requirements.

*Investments*

The City's investment of cash in its governmental fund types is currently limited to U.S. Government guaranteed securities purchased directly and through repurchase agreements from primary dealers as well as commercial paper rated A1 or P1 by Standard & Poor's Corporation or Moody's Investors Service, Inc., respectively. The repurchase agreements must be collateralized by U.S. Government guaranteed securities or eligible commercial paper in a range of 100% to 103% of the matured value of the repurchase agreements.

The investment policies of the discretely presented component units included in the City's reporting entity generally conform to those of the City's. The criteria for the Pension and Similar Trust Funds' investments are as follows:

1. Fixed income investments may be made in U.S. Government securities or securities of U.S. Government agencies, securities of companies rated BBB or better by both Standard & Poor's Corporation and Moody's Investors Service, Inc., and any bond that meets the qualifications of the New York State Retirement and Social Security Law, the New York State Banking Law, and the New York City Administrative Code.
2. Equity investments may be made only in those stocks that meet the qualifications of the New York State Retirement and Social Security Law, the New York State Banking Law, and the New York City Administrative Code.
3. Short-term investments may be made in the following:
  - a. U.S. Government securities or U.S. Government agency securities.
  - b. Commercial paper rated A1 or P1 by Standard & Poor's Corporation or Moody's Investors Service, Inc., respectively.
  - c. Repurchase agreements collateralized in a range of 100% to 103% of matured value, purchased from primary dealers of U.S. Government securities.
  - d. Investments in bankers' acceptances and certificates of deposit—time deposits are limited to banks with world-wide assets in excess of \$50 billion that are rated within the highest categories of the leading bank rating services and selected regional banks also rated within the highest categories.
4. Investments up to 15% of total pension fund assets in instruments not specifically covered by the New York State Retirement and Social Security Law.
5. No investment in any one corporation can be: (i) more than 2% of the pension plan net assets; or (ii) more than 5% of the total outstanding issues of the corporation.

All investments are held by the City's custodial banks (in bearer or book-entry form) solely as agent of the Comptroller of The City of New York on behalf of the various account owners. Payments for purchases are not released until evidence of ownership of the underlying investments are received by the City's custodial bank.

Investments of the City and its discretely presented component units are categorized by level of credit risk (the risk that a counterparty to an investment transaction will not fulfill its obligations). Category 1, the lowest risk, includes investments that are insured or registered or for which securities are held by the entity or its agent in the entity's name. Category 2, includes investments that are uninsured and unregistered with securities held by the counterparty's trust department or agent in the entity's name. Category 3, the highest risk, includes investments that are uninsured and unregistered with securities held by the counterparty, or by its trust department or agent but not in the entity's name.



NOTES TO FINANCIAL STATEMENTS, Continued

The City's investments, including those of the discretely presented component units (DPCU), as of June 30, 1997 and 1996 are classified as follows:

	1997											
	1		2 Category				3		Total Carrying Amount		Market Value	
	City	DPCU	City	DPCU	City	DPCU	City	DPCU	City	DPCU		
	(in millions)											
Repurchase agreements	\$ 3,568	\$ 373	\$ —	\$ —	\$ —	\$ —	\$ 3,568	\$ 373	\$ 3,598	\$ 384		
U.S. Government securities	14,353	642	—	5	—	—	14,353	647	14,357	645		
Commercial paper	3,255	—	—	—	—	—	3,255	—	3,256	—		
Corporate bonds	8,801	—	—	—	—	—	8,801	—	8,801	—		
Corporate stocks	48,927	—	—	—	—	—	48,927	—	48,927	—		
Short-term investment fund	2,707	—	—	—	—	—	2,707	—	2,707	—		
Agency discount notes	—	44	—	—	—	—	—	44	—	46		
Time deposits	—	37	—	—	—	—	—	37	—	37		
Securities lending investment collateral (categorized):												
Repurchase agreements	635	—	—	—	—	—	635	—	635	—		
U.S. Government securities	130	—	—	—	—	—	130	—	130	—		
Commercial paper	2,930	—	—	—	—	—	2,930	—	2,930	—		
Agency backed securities	693	—	—	—	—	—	693	—	693	—		
Corporate notes	1,772	—	—	—	—	—	1,772	—	1,772	—		
Certificates of deposits	814	—	—	—	—	—	814	—	814	—		
Limited partnerships	397	—	—	—	—	—	397	—	397	—		
Time deposits	895	—	—	—	—	—	895	—	895	—		
Other (2)	58	—	—	—	—	—	58	—	58	—		
	<u>\$89,935</u>	<u>\$1,096</u>	<u>\$ —</u>	<u>\$ 5</u>	<u>\$ —</u>	<u>\$ —</u>	<u>89,935</u>	<u>1,101</u>	<u>89,970</u>	<u>1,112</u>		
Mutual funds (1)							1,150	—	1,150	—		
International investment fund—fixed income (1)							710	—	710	—		
International investment fund—equity (1)							8,704	—	8,704	—		
Guaranteed investment contracts (1)							906	—	906	—		
Management investment contracts (1)							232	—	232	—		
Securities lending investment collateral (uncategorized):												
International							1,228	—	1,228	—		
Small mortgages							20	—	20	—		
Total investments							<u>\$102,885</u>	<u>\$1,101</u>	<u>\$102,920</u>	<u>\$1,112</u>		

(1) These investments are not categorized because they are not evidenced by securities that exist in physical or book entry form.

(2) These investments are domestic funds that cannot be categorized by type of security.

In fiscal year 1997, the restricted cash and investments which are wholly applicable to discretely presented component units include \$740.4 million of cash, of which the repayment of \$740.4 million was insured or collateralized and none was uninsured and uncollateralized. Restricted investments, principally in U.S. Government securities with a cost and approximate market value of \$1,022.5 million are fully registered with securities held by the City's agent in the entity's name of which \$31.4 million have maturities of three months or less.

	1996									
	Category						Total Carrying Amount		Market Value	
	1		2		3		City	DPCU	City	DPCU
City	DPCU	City	DPCU	City	DPCU	(in millions)		City	DPCU	
Repurchase agreements	\$ 3,432	\$ 173	\$ —	\$ —	\$ —	\$ —	\$ 3,432	\$ 173	\$ 3,737	\$ 173
U.S. Government securities	14,472	579	—	—	—	—	14,472	579	14,458	600
Commercial paper	1,010	—	—	—	—	—	1,010	—	1,010	—
Corporate bonds	8,069	—	—	—	—	—	8,069	—	8,069	—
Corporate stocks	40,352	—	—	—	—	—	40,352	—	40,352	—
Short-term investment fund	2,962	—	—	—	—	—	2,962	—	2,962	—
Agency discount notes	—	92	—	—	—	—	—	92	—	92
Time deposits	—	54	—	—	—	—	—	54	—	54
Securities lending investment collateral (categorized):										
Repurchase agreements	106	—	—	—	—	—	106	—	106	—
U.S. Government securities	39	—	—	—	—	—	39	—	39	—
Commercial paper	2,313	—	—	—	—	—	2,313	—	2,313	—
Agency backed securities	447	—	—	—	—	—	447	—	447	—
Corporate notes	1,096	—	—	—	—	—	1,096	—	1,096	—
Certificates of deposit	1,095	—	—	—	—	—	1,095	—	1,095	—
Limited partnerships	452	—	—	—	—	—	452	—	452	—
Time deposits	681	—	—	—	—	—	681	—	681	—
	<u>\$76,526</u>	<u>\$898</u>	<u>\$ —</u>	<u>\$ —</u>	<u>\$ —</u>	<u>\$ —</u>	<u>76,526</u>	<u>898</u>	<u>76,817</u>	<u>919</u>
Mutual funds (1)							771	—	771	—
International investment fund—fixed income (1)							695	—	695	—
International investment fund—equity (1)							6,144	—	6,144	—
Guaranteed investment contracts(1)							1,004	—	1,004	—
Management investment contracts(1)							256	—	256	—
Securities lending investment collateral (uncategorized):										
International							864	—	864	—
Mutual funds							243	—	243	—
Small mortgages (1)							21	—	21	—
Total investments							<u>\$86,524</u>	<u>\$898</u>	<u>\$86,815</u>	<u>\$919</u>

(1) These investments are not categorized because they are not evidenced by securities that exist in physical or book entry form.

In fiscal year 1996, the restricted cash and investments which are wholly applicable to discretely presented component units include \$536.4 million of cash, of which the repayment of \$520.4 million was insured or collateralized and \$16.0 million was uninsured and uncollateralized. Restricted investments, principally in U.S. Government securities with a cost and approximate market value of \$661.7 million are fully registered with securities held by the City's agent in the entity's name of which \$595.1 million have maturities of three months or less.

### Securities Lending

State statutes and boards of trustees policies permit the Pension and Retirement Systems & certain Variable Supplements Funds (Systems & Funds) to lend their securities (the underlying securities) to brokers-dealers and other entities with a simultaneous agreement to return the collateral for the same securities in the future. The Systems' & Funds' custodians lend the following types of securities: short-term securities, common stock, long-term corporate bonds, U.S. Government and U.S. Government agencies' bonds, asset-backed securities, and international equities and bonds held in collective investment funds. Securities on loan at year-end are classified as a Category 1 risk in the preceding schedule of custodial credit risk. International securities are uncategorized. In return, they receive collateral in the form of cash at 100%—105% of the principal plus accrued interest for reinvestment. At year-end, the Systems & Funds had no credit risk exposure to borrowers because the amounts the Systems & Funds owe the borrowers exceed the amounts the borrowers owe the Systems & Funds. The contracts with the Systems' & Funds' custodian requires borrowers to indemnify the Systems & Funds if the borrowers fail to return the securities, if the collateral is inadequate, and if the borrowers fail to pay the Systems & Funds for income distributions by the securities' issuers while the securities are on loan.

All securities loans can be terminated on demand within a period specified in each agreement by either the Systems & Funds or the borrowers. Cash collateral is invested in the lending agents' short-term investment pools, which have a weighted-average maturity of 90 days. The underlying securities (fixed income) have an average maturity of 10 years except for the TRS securities lending program discussed below which has an average maturity of 5 years.

In addition, TRS administers a securities lending program for TRS and BERS Variable A investment program which is comparable to the securities lending program discussed above.

The City reports securities loaned as assets on the balance sheet. Cash received as collateral on securities lending transactions and investments made with that cash are also recorded as assets. Liabilities resulting from these transactions are reported on the balance sheet. Accordingly, for the year ended June 30, 1997, the City recorded the investments purchased with the cash collateral as Collateral From Securities Lending Transactions with a corresponding liability as Securities Lending Transactions.

**F. GENERAL FIXED ASSETS ACCOUNT GROUP**

The following is a summary of changes in general fixed assets for the fiscal years ended June 30, 1996 and 1997:

	Balance June 30, 1995	Additions	Deletions	Balance June 30, 1996 <small>(in thousands)</small>	Additions	Deletions	Balance June 30, 1997
Land .....	\$ 552,801	\$ 71,847	\$ 2	\$ 624,646	\$ 10,495	\$ —	\$ 635,141
Buildings .....	8,681,196	773,498	—	9,454,694	1,055,144	8,370	10,501,468
Equipment .....	2,892,241	124,034	96,497	2,919,778	259,074	44,264	3,134,588
Construction work-in-progress .....	5,267,082	927,043	773,498	5,420,627	1,219,587	1,055,144	5,585,070
	<u>17,393,320</u>	<u>1,896,422</u>	<u>869,997</u>	<u>18,419,745</u>	<u>2,544,300</u>	<u>1,107,778</u>	<u>19,856,267</u>
Less accumulated depreciation and amortization .....	4,827,202	1,151,935	83,600	5,895,541	669,802	38,188	6,527,155
Total changes in net fixed assets .....	<u>\$12,566,118</u>	<u>\$ 744,483</u>	<u>\$ 786,397</u>	<u>\$12,524,204</u>	<u>\$1,874,498</u>	<u>\$1,069,590</u>	<u>\$13,329,112</u>

The following are the sources of funding for the general fixed assets for the fiscal years ended June 30, 1997 and 1996. Sources of funding for fixed assets are not available prior to fiscal year 1987.

	1997	1996
	<small>(in thousands)</small>	
Capital Projects Fund:		
Prior to fiscal year 1987 .....	\$ 6,718,326	\$ 6,721,206
City bonds .....	11,503,732	10,097,027
Federal grants .....	296,262	305,309
State grants .....	117,777	115,524
Private grants .....	47,857	49,145
Capitalized leases .....	1,172,313	1,131,534
Total funding sources .....	<u>\$19,856,267</u>	<u>\$18,419,745</u>

At June 30, 1997 and 1996, the General Fixed Assets Account Group includes approximately \$1.3 billion of City-owned assets leased for \$1 per year to the New York City Transit Authority which operates and maintains the assets. In addition, assets leased to HHC and to the Water and Sewer System are excluded from the General Fixed Assets Account Group and are recorded in the respective component unit financial statements.

Included in land and buildings at June 30, 1997 and 1996 are leased properties capitalized at \$1,172 million and \$1,132 million, respectively, with related accumulated amortization of \$73 million and \$64 million, respectively.

The City's infrastructure is not required to be capitalized in the General Fixed Assets Account Group under GAAP although the acquisition and construction of such items are expenditures of the Capital Projects Fund (see Note A). For this reason, expenditures of the Capital Projects Fund for the fiscal years ended June 30, 1997 and 1996 exceed the \$2.544 billion and \$1.896 billion increases recorded as general fixed assets by \$1.315 billion and \$1.982 billion, respectively.

**G. LEASES**

The City leases a significant amount of property and equipment from others. Leased property having elements of ownership are recorded as capital leases in the General Fixed Assets Account Group. The related obligations, in amounts equal to the present value of minimum lease payments payable during the remaining term of the leases, are recorded in the General Long-term Obligations Account Group. Other leased property not having elements of ownership are classified as operating leases. Both capital and operating lease payments are recorded as expenditures when payable. Total expenditures on such leases for the fiscal years ended June 30, 1997 and 1996 were approximately \$352 million and \$369 million, respectively.

As of June 30, 1997, the City (excluding discretely presented component units) had future minimum payments under capital and operating leases with a remaining term in excess of one year as follows:

	<u>Capital Leases</u>	<u>Operating Leases</u>	<u>Total</u>
	(in thousands)		
Fiscal year ending June 30:			
1998 .....	\$ 104,328	\$ 171,512	\$ 275,840
1999 .....	111,246	156,968	268,214
2000 .....	111,186	152,275	263,461
2001 .....	111,559	142,330	253,889
2002 .....	112,367	136,381	248,748
Thereafter until 2023 .....	<u>1,311,931</u>	<u>892,974</u>	<u>2,204,905</u>
Future minimum payments .....	\$1,862,617	<u>\$1,652,440</u>	<u>\$3,515,057</u>
Less interest .....	<u>763,338</u>		
Present value of future minimum payments .....	<u>\$1,099,279</u>		

The present value of future minimum lease payments includes approximately \$776 million for leases with Public Benefit Corporations (PBC) where State law generally provides that in the event the City fails to make any required lease payment, the amount of such payment will be deducted from State aid otherwise payable to the City and paid to PBC.

The City also leases City-owned property to others, primarily for markets, ports, and terminals. Total rental revenue on these operating leases for the fiscal years ended June 30, 1997 and 1996 was approximately \$143 million and \$139 million, respectively. As of June 30, 1997, the following future minimum rentals are provided for by the leases:

	<u>Amount</u>
	(in thousands)
Fiscal year ending June 30:	
1998 .....	\$ 50,444
1999 .....	45,042
2000 .....	42,494
2001 .....	39,581
2002 .....	37,784
Thereafter until 2086 .....	<u>846,186</u>
Future minimum rentals .....	<u>\$1,061,531</u>

**H. LONG-TERM OBLIGATIONS**

*Long-term Debt*

Following is a summary of the bond transactions of the City, MAC, SFC, and certain public benefit corporations that are component units of the City and/or whose debt is guaranteed by the City. For information on notes and bonds payable of the discretely presented component units, see Notes K, L, M, and N.

	Balance June 30, 1995	Issued	Repaid or Defeased	Balance June 30, 1996	Issued	Repaid or Defeased	Balance June 30, 1997
	(in thousands)						
City debt:							
General obligation bonds	\$24,504,467	\$5,360,544	\$3,685,796	\$26,179,215	\$6,830,595	\$5,861,631	\$27,148,179
MAC debt:(4)							
Second general resolution bonds .....	4,625,455	—	1,343,600	3,281,855	—	2,356,485	925,370
1991 general resolution bonds .....	256,520	1,197,915	12,120	1,442,315	2,068,695	12,805	3,498,205
	<u>4,881,975</u>	<u>1,197,915</u>	<u>1,355,720</u>	<u>4,724,170</u>	<u>2,068,695</u>	<u>2,369,290</u>	<u>4,423,575</u>
SFC debt:							
Japanese Yen bonds ....	200,000	—	—	200,000	—	—	200,000
Component unit debt: (1)							
City University							
Construction Fund(2) .	388,093	15,702(3)	—	403,795	14,702(3)	—	418,497
New York City Educational Construction Fund ...	132,170	—	5,990	126,180	44,880	6,350	164,710
	<u>520,263</u>	<u>15,702</u>	<u>5,990</u>	<u>529,975</u>	<u>59,582</u>	<u>6,350</u>	<u>583,207</u>
Total before treasury obligations .....	30,106,705	6,574,161	5,047,506	31,633,360	8,958,872	8,237,271	32,354,961
Less treasury obligations ..	1,243,056	—	121,381	1,121,675	—	730,665	391,010
Total summary of bond transactions ..	<u>\$28,863,649</u>	<u>\$6,574,161</u>	<u>\$4,926,125</u>	<u>\$30,511,685</u>	<u>\$8,958,872</u>	<u>\$7,506,606</u>	<u>\$31,963,951</u>

- (1) The debt of CUCF and ECF are reported as bonds outstanding pursuant to their treatment as component units (see Note A).
- (2) Excludes \$274,461 in 1996 and \$285,992 in 1997 to be provided by the State.
- (3) Net adjustment based on allocation of debt between New York State and New York City.
- (4) Includes \$156,645 of principal debt due July 1, 1997 which MAC reports as redeemed as of June 30, 1997.

The bonds payable, net of treasury obligations, at June 30, 1997 and 1996 summarized by type of issue are as follows:

	1997			1996		
	General Obligations	Revenue	Total	General Obligations	Revenue	Total
	(in thousands)					
Bonds payable:						
City debt .....	\$26,757,169	\$ —	\$26,757,169	\$25,057,540	\$ —	\$25,057,540
MAC debt .....	4,423,575	—	4,423,575	4,724,170	—	4,724,170
SFC debt .....	200,000	—	200,000	200,000	—	200,000
Component unit debt .....	—	583,207	583,207	—	529,975	529,975
Total bonds payable .....	<u>\$31,380,744</u>	<u>\$583,207</u>	<u>\$31,963,951</u>	<u>\$29,981,710</u>	<u>\$529,975</u>	<u>\$30,511,685</u>

The following table summarizes future debt service requirements as of June 30, 1997:

	City Debt				Component Unit Debt	Total
	General Obligation Bonds	Interest on Bonds (1)	MAC	SFC (2)		
	(in thousands)					
Fiscal year ending June 30:						
1998 .....	\$ 1,137,971	\$ 1,539,917	\$ 400,102	\$ 14,000	\$ 57,488	\$ 3,149,478
1999 .....	1,238,774	1,481,728	516,333	54,000	59,773	3,350,608
2000 .....	1,187,004	1,416,268	621,563	51,200	58,769	3,334,804
2001 .....	1,198,050	1,355,386	557,324	48,400	58,586	3,217,746
2002 .....	1,252,605	1,296,368	557,381	45,600	57,260	3,209,214
Thereafter until 2147 .....	20,742,765	12,248,167	3,841,152	42,800	692,827	37,567,711
	<u>26,757,169</u>	<u>19,337,834</u>	<u>6,493,855</u>	<u>256,000</u>	<u>984,703</u>	<u>53,829,561</u>
Less interest component .....	—	19,337,834	2,070,280	56,000	401,496	21,865,610
Total future debt service requirements .....	<u>\$26,757,169</u>	<u>\$ —</u>	<u>\$4,423,575</u>	<u>\$200,000</u>	<u>\$583,207</u>	<u>\$31,963,951</u>

- (1) Includes interest estimated at 4% rate on tax-exempt adjustable rate bonds and at 6% rate on taxable adjustable rate bonds.  
(2) Interest estimated at 7% rate.

The average (weighted) interest rates for outstanding City general obligation bonds as of June 30, 1997 and 1996 were 6.1% and 6.5% (range 3.0% to 13.6%), respectively, and the interest rates on outstanding MAC fixed rate bonds as of June 30, 1997 and 1996 ranged from 3.9% to 7.75% and 3.8% to 7.75%, respectively. The last maturity of the outstanding City debt is in the year 2147.

In fiscal year 1997, the City issued \$4.309 billion of general obligation bonds to advance refund general obligation bonds of \$4.016 billion aggregate principal amount issued during the City's fiscal years 1971 through 1996. The net proceeds from the sales of the refunding bonds were irrevocably placed in escrow accounts and invested in United States Government securities. As a result of providing for the payment of the principal and interest to maturity, and any redemption premium, the advance refunded bonds are considered to be defeased and, accordingly, the liability is not reported in the General Long-term Obligations Account Group. The refunding transactions will decrease the City's aggregate debt service payments by \$296 million and provide an economic gain of \$235 million. At June 30, 1997, \$8.473 billion of the City's outstanding general obligation bonds were considered defeased.

The City utilizes derivative financial instruments in connection with certain bond issues in order to reduce debt service costs. The City minimizes the interest rate risk of these instruments through hedging transactions and minimizes counterparty credit risk by dealing with high-quality counterparties.

The City has entered into a number of interest rate swap agreements to facilitate the issuance and sale of certain variable rate bonds by providing protection to the City against variable rate risk. The agreements effectively change the City's interest rate exposure on its obligation to pay fluctuating amounts of interest on floating rate debt instruments to fixed rate interest payments.

Debt instruments subject to interest rate swap agreements were: \$22.5 million Short RITES bonds, \$43.8 million indexed inverse floaters, and \$14.6 million inverse floating rate notes.

The State Constitution requires the City to pledge its full faith and credit for the payment of the principal and interest on City term and serial bonds and guaranteed debt. The general debt-incurring power of the City is limited by the Constitution to 10% of the average of five years' full valuations of taxable real estate. Excluded from this debt limitation is certain indebtedness incurred for water supply, certain obligations for transit, sewage, and other specific obligations which exclusions are based on a relationship of debt service to net revenue.

As of July 1, 1997, the 10% general limitation was approximately \$30.948 billion of which the remaining debt-incurring amount within such limit was \$3.756 billion. The New York State Legislature, recognizing that the City was approaching its constitutional debt limit thereby placing in jeopardy the availability of adequate funding for its capital programs, enacted legislation creating the Transitional Finance Authority (TFA). The TFA is authorized to issue \$7.5 billion in debt for City purposes, providing an alternative to the issuance of General Obligation debt subject to the constitutional limitation.

Pursuant to State legislation on January 1, 1979, the City established a General Debt Service Fund administered and maintained by the State Comptroller into which payments of real estate taxes and other revenues are deposited in advance of debt service payment dates. Debt service on all City notes and bonds is paid from this Fund. In fiscal year 1997, a discretionary transfer of \$1.342 billion was made from the General Fund to the General Debt Service Fund for fiscal year 1998 debt service.

Subsequent to June 30, 1997, the City completed the following long-term and short-term financing:

*City Debt:* On July 31, 1997, the City sold in the public credit market for refunding purposes \$467.1 million tax-exempt general obligation bonds, \$62.1 million taxable general obligation bonds, and \$75 million taxable Euronotes. In addition, to satisfy a portion of its seasonal financing needs for fiscal year 1998, on October 15, 1997, the City sold general obligation Revenue Anticipation Notes of \$1,075 million.

*MAC Debt:* On July 2, 1997, MAC sold its Series L bonds of \$354 million, issued pursuant to the 1991 General Bond Resolution, for refunding purposes.

*TFA Debt:* On October 9, 1997, the TFA issued its Series 1998 A bonds of \$650 million, the first bonds issued pursuant to a financing agreement entered into by the City and the TFA which provides for the application of bond proceeds for City capital expenditures.

#### *Judgments and Claims*

The City is a defendant in lawsuits pertaining to material matters, including claims asserted which are incidental to performing routine governmental and other functions. This litigation includes but is not limited to: actions commenced and claims asserted against the City arising out of alleged torts; alleged breaches of contracts; alleged violations of law; and condemnation proceedings. As of June 30, 1997 and 1996, claims in excess of \$530 billion and \$380 billion, respectively, were outstanding against the City for which the City estimates its potential future liability to be \$3.5 billion and \$2.8 billion, respectively.

As explained in Note A, the estimate of the liability for unsettled claims has been reported in the General Long-term Obligations Account Group. The liability was estimated by categorizing the various claims and applying a historical average percentage, based primarily on actual settlements by type of claim during the preceding ten fiscal years, and supplemented by information provided by the New York City Law Department with respect to certain large individual claims and proceedings. The recorded liability is the City's best estimate based on available information and application of the foregoing procedures.

The City is also a party to a proceeding initiated by a union representing sleep-in home attendants asserting that its attendants were covered by minimum wage law. Hearings based on the number of hours actually worked by its attendants during the first several months of 1981 were completed in September, 1991 and post-hearing briefs were filed in February, 1992. In May, 1984, the union commenced a separate but related action in the Supreme Court, New York County on behalf of a number of sleep-in attendants claiming, *inter alia*, that since 1981, the attendants were entitled to compensation for a 24-hour day at a rate in excess of the minimum wage. That action has been stayed pending a proceeding before the New York State Industrial Board of Appeals. While the potential cost to the City of adverse determinations in the two proceedings cannot be determined at this time, such findings could result in substantial costs to the City depending on the number of hours deemed worked by particular attendants, the extent of State and Federal reimbursements, the number of attendants actually covered by a final determination, and the rate of pay to be applied.

In January, 1996, an action was commenced by the United States of America against the City, the State, and their respective social services agencies in the United States District Court for the Southern District of New York, alleging that the City and the State have submitted false claims to obtain incentive funding and reimbursement for foster care expenditures under the Social Security Act. On June 14, 1996, the City moved to dismiss the complaint and for summary judgment. The potential cost to the City in the event of an adverse determination in this case cannot be determined at this time.

The City has been notified that an investigation of the Emergency Medical Service (EMS) billing practices for Medicare patients has been initiated by the United States. The investigation is pursuant to the False Claims Act, 31 U.S.C. Sections 3729-3733, and concerns allegations that EMS and HHC submitted false claims to the United States relating to ambulance transportation in connection with the Medicare program. It cannot be determined at this time what, if any, financial impact that investigation may have on HHC or on the City.

In addition to the above claims and proceedings, numerous real estate tax certiorari proceedings are presently pending against the City on grounds of alleged overvaluation, inequality, and illegality of assessment. In response to these actions, in December, 1981, State legislation was enacted which, among other things, authorizes the City to assess real property according to four classes and makes certain evidentiary changes in real estate tax certiorari proceedings. Based on historical settlement activity, the City estimates its potential liability for outstanding certiorari proceedings to be \$378 million as reported in the General Long-term Obligations Account Group.

*Landfill Closure and Postclosure Care Costs*

The City's only active landfill available for waste disposal is the Fresh Kills landfill. A portion of the total estimated current cost of the closure and postclosure care is to be recognized as an expense and as a liability in each period the landfill accepts solid waste. For governmental funds, the measurement and recognition of the accrued liability for closure and postclosure care is based on total estimated current cost and landfill usage to date. Expenditures and fund liabilities are recognized using the modified accrual basis of accounting. The remainder of the liability is reported in the General Long-term Obligations Account Group.

Upon the landfill becoming inactive, the City is required by Federal and State law to close the landfill, including final cover, stormwater management, landfill gas control, and to provide postclosure care for a period of 30 years following closure. The City is also required under Consent Order with the New York State Department of Environmental Conservation to conduct certain corrective measures associated with the landfill. The corrective measures include construction and operation of a leachate mitigation system for the active portions of the landfill; also, closure, postclosure, and groundwater monitoring activities for the sections no longer accepting solid waste.

The liability for these activities as of June 30, 1997 is \$663.5 million based on the cumulative landfill capacity used to date. The total estimated current cost is \$748.5 million; therefore, the costs remaining to be recognized are \$85.0 million. During fiscal year 1996, New York State legislation was enacted which states that no waste will be accepted at the Fresh Kills landfill on or after January 1, 2002. Accordingly, the liability for closure and postclosure care costs is based upon an effective cumulative landfill capacity used to date of approximately 89%. Cost estimates are based on current data including contracts awarded by the City, contract bids, and engineering studies. These estimates are subject to adjustment for inflation and to account for any changes in landfill conditions, regulatory requirements, technologies, or cost estimates.

Financial assurance requirements of the Resource Conservation and Recovery Act Subtitle D Part 258 became effective April, 1997. On April 8, 1997, the City's Chief Financial Officer documented for the Fresh Kills Landfill operating record, in satisfaction of the Local Government Financial Test, certain representations which provide financial assurance for closure, postclosure, and corrective measure costs.

The City has five inactive hazardous waste sites not covered by the EPA rule. The City has included the long-term portion of these postclosure care costs in the General Long-term Obligations Account Group.

The following represents the City's total landfill and hazardous waste sites liability which is recorded in the General Long-term Obligations Account Group:

	Amount (in thousands)
Landfill .....	\$663,541
Hazardous waste sites .....	213,869
Total landfill and hazardous waste sites liability .....	<u>\$877,410</u>

*Changes In Certain Long-term Obligations*

In fiscal years 1996 and 1997, the changes in long-term obligations other than for bonds were as follows:

	Balance June 30, 1995	Additions	Deletions	Balance June 30, 1996 (in thousands)	Additions	Deletions	Balance June 30, 1997
Capital lease obligations ..	\$ 966,945	\$ 123,142	\$ 22,358	\$1,067,729	\$ 40,778	\$ 9,228	\$ 1,099,279
Real estate tax refunds .....	314,350	88,874	66,726	336,498	90,846	49,412	377,932
Judgments and claims .....	2,524,028	626,474	308,663	2,841,839	975,305	326,293	3,490,851
Deferred wages .....	46,696	—	21,812	24,884	—	24,884	—
Vacation and sick leave (1)	1,451,538	223,350	—	1,674,888	59,942	—	1,734,830
Pension liability .....	2,571,451	—	40,258	2,531,193	—	51,803	2,479,390
Landfill closure and post- closure care costs .....	459,668	294,168	—	753,836	123,574	—	877,410
Total changes in certain long-term obligations ..	<u>\$8,334,676</u>	<u>\$1,356,008</u>	<u>\$459,817</u>	<u>\$9,230,867</u>	<u>\$1,290,445</u>	<u>\$461,620</u>	<u>\$10,059,692</u>

(1) The amount of additions and deletions is not available, thus the net amounts are presented.



**I. PRIMARY GOVERNMENT/DISCRETELY PRESENTED COMPONENT UNIT RECEIVABLE AND PAYABLE BALANCES**

At June 30, 1997 and 1996, primary government and discretely presented component unit receivable and payable balances were as follows:

	1997		1996	
	Receivable	Payable	Receivable	Payable
	(in thousands)			
<b>PRIMARY GOVERNMENT:</b>				
General Fund:				
Capital Projects Fund .....	\$1,660,914	\$ 941,202	\$1,498,660	\$ 921,417
HDC .....	157,525	—	175,071	—
Debt Service Funds .....	29,885	75,000	217,267	105,993
OTB .....	575	—	160	—
Water Board .....	—	6,332	—	28,329
Total General Fund .....	<u>1,848,899</u>	<u>1,022,534</u>	<u>1,891,158</u>	<u>1,055,739</u>
Capital Projects Fund:				
Water Authority .....	277,488	—	228,259	—
General Fund .....	941,202	1,660,914	921,417	1,498,660
Total Capital Projects Fund .....	<u>1,218,690</u>	<u>1,660,914</u>	<u>1,149,676</u>	<u>1,498,660</u>
Debt Service Funds:				
General Fund .....	75,000	29,885	105,993	217,267
HDC .....	3,074	—	10,879	—
Total Debt Service Funds .....	<u>78,074</u>	<u>29,885</u>	<u>116,872</u>	<u>217,267</u>
Pension and Similar Trust Funds:				
NYCERS .....	—	—	—	260
POLICE .....	—	—	—	400,000
FIRE .....	—	—	—	75,029
PSOVSF .....	—	—	400,000	—
FFVSF .....	—	—	16,430	—
FOVSF .....	—	—	58,599	—
TPOVSF .....	—	—	80	—
HPOVSF .....	—	—	130	—
HPSOVSF .....	—	—	50	—
Total Pension and Similar Trust Funds .....	<u>—</u>	<u>—</u>	<u>475,289</u>	<u>475,289</u>
<b>DISCRETELY PRESENTED COMPONENT UNITS:</b>				
Primary Government:				
OTB .....	—	575	—	160
Water Board .....	6,332	—	28,329	—
Water Authority .....	—	277,488	—	228,259
HDC .....	—	160,599	—	185,950
Total Discretely Presented Component Units ..	<u>6,332</u>	<u>438,662</u>	<u>28,329</u>	<u>414,369</u>
Total primary government/discretely presented component unit receivable and payable balances ...	<u>\$3,151,995</u>	<u>\$3,151,995</u>	<u>\$3,661,324</u>	<u>\$3,661,324</u>

**J. SEGMENT INFORMATION FOR DISCRETELY PRESENTED COMPONENT UNITS**

Due to their nonhomogeneous nature, the City has presented separate columns for HHC, OTB, the Housing and Economic Development Entities, and the Water and Sewer System in the Combining Statement of Revenues, Expenses and Changes in Fund Equity and the Combining Statement of Cash Flows. The following segment information is provided for the assets, liabilities, and fund equity for HHC, OTB, the Housing and Economic Development Entities, and the Water and Sewer System at June 30, 1997 and 1996:

	1997				Total
	Health and Hospitals Corporation	Off-Track Betting Corporation	Housing and Economic Development Entities (in thousands)	Water and Sewer System	
<b>Assets:</b>					
Current .....	\$1,034,953	\$ 19,107	\$1,388,585	\$ 402,086	\$ 2,844,731
Mortgage and interest receivable .....	—	—	2,303,202	—	2,303,202
Land .....	37,918	—	760,478	—	798,396
Buildings and leasehold improvements ..	1,362,334	24,210	5,316,975	5,677	6,709,196
Equipment .....	2,045,731	13,257	359,547	14,892,801	17,311,336
Less accumulated depreciation .....	(2,140,827)	(16,016)	(2,937,100)	(3,431,890)	(8,525,833)
Other .....	462,315	4,452	219,558	1,369,306	2,055,631
Total assets .....	<u>\$2,802,424</u>	<u>\$ 45,010</u>	<u>\$7,411,245</u>	<u>\$13,237,980</u>	<u>\$23,496,659</u>
<b>Liabilities:</b>					
Current .....	\$ 746,852	\$ 24,311	\$1,763,834	\$ 1,101,975	\$ 3,636,972
Long-term .....	938,114	6,808	3,823,105	6,997,649	11,765,676
Total liabilities .....	<u>1,684,966</u>	<u>31,119</u>	<u>5,586,939</u>	<u>8,099,624</u>	<u>15,402,648</u>
Fund Equity .....	1,117,458	13,891	1,824,306	5,138,356	8,094,011
Total liabilities and fund equity .....	<u>\$2,802,424</u>	<u>\$ 45,010</u>	<u>\$7,411,245</u>	<u>\$13,237,980</u>	<u>\$23,496,659</u>
	1996				Total
	Health and Hospitals Corporation	Off-Track Betting Corporation	Housing and Economic Development Entities (in thousands)	Water and Sewer System	
<b>Assets:</b>					
Current .....	\$1,044,582	\$ 15,134	\$1,244,814	\$ 391,209	\$ 2,695,739
Mortgage and interest receivable .....	—	—	2,219,537	—	2,219,537
Land .....	37,687	—	744,221	—	781,908
Buildings and leasehold improvements ..	1,264,570	21,465	4,962,760	5,677	6,254,472
Equipment .....	2,002,902	12,111	338,697	14,109,256	16,462,966
Less accumulated depreciation .....	(1,988,969)	(12,914)	(2,745,493)	(3,304,184)	(8,051,560)
Other .....	218,722	5,425	180,709	1,053,088	1,457,944
Total assets .....	<u>\$2,579,494</u>	<u>\$ 41,221</u>	<u>\$6,945,245</u>	<u>\$12,255,046</u>	<u>\$21,821,006</u>
<b>Liabilities:</b>					
Current .....	\$ 930,067	\$ 23,323	\$1,788,668	\$ 799,497	\$ 3,541,555
Long-term .....	635,696	6,982	4,062,454	6,188,679	10,893,811
Total liabilities .....	<u>1,565,763</u>	<u>30,305</u>	<u>5,851,122</u>	<u>6,988,176</u>	<u>14,435,366</u>
Fund Equity .....	1,013,731	10,916	1,094,123	5,266,870	7,385,640
Total liabilities and fund equity .....	<u>\$2,579,494</u>	<u>\$ 41,221</u>	<u>\$6,945,245</u>	<u>\$12,255,046</u>	<u>\$21,821,006</u>

**K. NEW YORK CITY HEALTH AND HOSPITALS CORPORATION (HHC)***General*

HHC, a public benefit corporation, assumed responsibility for the operation of the City's municipal hospital system in 1970. HHC's financial statements include the accounts of HHC and its wholly-owned subsidiaries, HHC Nurse Referrals, Inc. (dissolved during fiscal year 1996), and HHC Capital Corporation. All significant intercompany accounts and transactions have been eliminated.

The City provides funds to HHC for care given to uninsured indigent patients, members of the uniformed services and prisoners, and for other costs not covered by other payors. The City's Annual Expense Budget determines the support to HHC on a cash-flow basis. In addition, the City has paid HHC's costs for settlements of claims for medical malpractice, negligence, and other miscellaneous torts and contracts, as well as other HHC costs including utilities expense, City debt which funded HHC capital acquisitions, and New York State Housing Finance Agency (HFA) debt on HHC assets acquired through lease purchase agreements. HHC reimburses the City for these debt payments. HHC records both a revenue and an expense in an amount equal to expenditures made on its behalf by the City.

*Revenues*

Patient service accounts receivable and revenues are reported at estimated collectible amounts. Substantially all direct patient service revenue is derived from third-party payors. Generally, revenues from these sources are based upon cost reimbursement principles and are subject to routine audit by applicable payors. HHC records adjustments resulting from audits and from appeals when the amount is reasonably determinable. Included in other revenues are transfers from donor restricted funds of \$183 million and \$176 million in fiscal years 1997 and 1996, respectively.

*Fund Accounting*

HHC maintains separate accounts in its financial records to assure compliance with specific restrictions imposed by the City and other grantors or contributors.

*Plant and Equipment*

All facilities and equipment are leased from the City at \$1 per year. In addition, HHC operates certain facilities which are financed by HFA and leased to the City on behalf of HHC. HHC records as revenue and as expense the interest portion of such lease purchase obligations paid by the City. Because HHC is responsible for the control and maintenance of all plant and equipment, and because depreciation is a significant cost of operations, HHC capitalizes plant and equipment at cost or estimated cost based on appraisals. Depreciation is computed for financial statement purposes on a straight-line basis using estimated useful lives based on American Hospital Association guidelines. As a result of modernizing programs and changes in service requirements, HHC has closed certain facilities and portions of facilities during the past several years. It is the policy of HHC to reflect the financial effect of the closing of facilities or portions thereof in the financial statements when a decision has been made as to the disposition of such assets. HHC records the cost of construction that it controls as costs are incurred. Costs associated with facilities constructed by HFA are recorded when the facilities are placed in service.

*Donor Restricted Assets*

Contributions which are restricted as to use are recorded as donor restricted funds.

*Pensions*

Substantially all HHC employees are eligible to participate in NYCERS (see Note Q). The provisions for pension costs were actuarially determined and amounted to \$17 million and \$19 million for fiscal years 1997 and 1996, respectively. These amounts were fully funded.

*Affiliated Institution Expenses*

Affiliated institution expenses represent contractual expenses incurred by affiliated institutions and charged to HHC for participation in patient service programs at HHC's facilities.

*Debt Service*

In fiscal year 1997, HHC issued Series A, B, C, and D Health Systems bonds in the amount of \$320 million for the purpose of funding a portion of its ongoing capital programs.

The following table summarizes future debt service requirements as of June 30, 1997:

	<u>Principal</u>	<u>Interest</u> (in thousands)	<u>Total</u>
Fiscal year ending June 30:			
1998 .....	\$ 15,130	\$ 42,556	\$ 57,686
1999 .....	15,860	44,075	59,935
2000 .....	16,620	43,350	59,970
2001 .....	17,330	42,563	59,893
2002 .....	18,075	41,727	59,802
Thereafter until 2026 .....	759,725	556,601	1,316,326
Total future debt service requirements .....	<u>\$842,740</u>	<u>\$770,872</u>	<u>\$1,613,612</u>

The interest rates on the bonds as of June 30, 1997 range from 4.50% to 6.30%.

The following is a summary of revenue bond transactions for HHC for the fiscal years ended June 30, 1996 and 1997:

	<u>Balance</u> <u>June 30,</u> <u>1995</u>	<u>Issued</u>	<u>Retired</u>	<u>Balance</u> <u>June 30,</u> <u>1996</u>	<u>Issued</u>	<u>Retired</u>	<u>Balance</u> <u>June 30,</u> <u>1997</u>
	(in thousands)						
Revenue bonds .....	\$531,885	\$ —	\$ —	\$531,885	\$320,000	\$9,145	\$842,740

*Installment Note Payable*

HHC issued a secured 8-year installment note payable with an 8% rate of interest. The following table summarizes future debt service requirements as of June 30, 1997:

	<u>Principal</u>	<u>Interest</u> (in thousands)	<u>Total</u>
Fiscal year ending June 30:			
1998 .....	\$ —	\$144	\$ 144
1999 .....	358	118	476
2000 .....	389	87	476
2001 .....	420	56	476
2002 .....	456	19	475
Total future debt service requirements .....	<u>\$1,623</u>	<u>\$424</u>	<u>\$2,047</u>

*Capital Lease Obligations*

HHC entered into a long-term agreement which involves the construction of a parking garage at Elmhurst Hospital Center. As of June 30, 1997, the future minimum lease payments under the capitalized lease are as follows:

	<u>Amount</u> (in thousands)
Fiscal year ending June 30:	
1998 .....	\$ 858
1999 .....	989
2000 .....	987
2001 .....	989
2002 .....	985
Thereafter until 2013 .....	12,535
Future minimum lease payments .....	17,343
Less interest .....	5,081
Present value of future minimum lease payments .....	<u>\$12,262</u>

*Changes in Fund Equity*

Presented below are the changes in fund equity for the fiscal years ended June 30, 1996 and 1997:

	Unreserved Retained Earnings	Contributed Capital Plant and Equipment	Reserve for Donor Restrictions	Total Fund Equity
	(in thousands)			
Balance, June 30, 1995 .....	\$ 60,136	\$ 796,390	\$ 10,338	\$ 866,864
Excess of revenues over expenses .....	143,391	—	—	143,391
Increase in bonds payable .....	182	(182)	—	—
Decrease in other debt, net .....	(408)	408	—	—
Additions to plant and equipment funded by:				
Donations .....	—	523	—	523
The City of New York .....	—	2,477	—	2,477
HHC .....	(187,103)	187,103	—	—
Donor restricted fund activity:				
Grants and other increases .....	—	—	176,221	176,221
Transfers to statement of revenues and expenses to support related activities: .....	—	—	(175,745)	(175,745)
Depreciation charged to plant and equipment leased .....	157,727	(157,727)	—	—
Relinquished capital projects .....	56,869	(56,869)	—	—
Balance, June 30, 1996 .....	<u>\$ 230,794</u>	<u>\$ 772,123</u>	<u>\$ 10,814</u>	<u>\$1,013,731</u>
Excess of revenues over expenses .....	28,833	—	—	28,833
Increase in bonds payable .....	311,036	(311,036)	—	—
Decrease in other debt, net .....	(905)	905	—	—
Additions to plant and equipment funded by:				
Donations .....	—	1,129	—	1,129
The City of New York .....	—	73,847	—	73,847
HHC .....	(59,644)	59,644	—	—
Donor restricted fund activity:				
Grants and other increases .....	—	—	182,692	182,692
Transfers to statement of revenues and expenses to support related activities .....	—	—	(182,774)	(182,774)
Depreciation charged to plant and equipment leased .....	145,654	(145,654)	—	—
Balance, June 30, 1997 .....	<u><u>\$ 655,768</u></u>	<u><u>\$ 450,958</u></u>	<u><u>\$ 10,732</u></u>	<u><u>\$1,117,458</u></u>

**L. NEW YORK CITY OFF-TRACK BETTING CORPORATION (OTB)**

*General*

OTB was established in 1970 as a public benefit corporation to operate a system of off-track betting in the City. OTB earns: (i) revenues on its betting operations ranging between 15% and 31% of wagers handled, depending on the type of wager; (ii) a 5% surcharge and surcharge breakage on pari-mutuel winnings; (iii) a 1% surcharge on multiple, exotic, and super exotic wagering pools; and (iv) breakage, the revenue resulting from the rounding down of winning payoffs. Pursuant to State law, OTB: (i) distributes various portions of the surcharge and surcharge breakage to other localities in the State; (ii) allocates various percentages of wagers handled to the racing industry; (iii) allocates various percentages of wagers handled and breakage together with all uncashed pari-mutuel tickets to the State; and (iv) allocates the 1% surcharge on exotic wagering pools for the financing of capital acquisitions. All remaining net revenue is distributable to the City. In addition, OTB acts as a collection agent for the City with respect to surcharge and surcharge breakage due from other community off-track betting corporations.

OTB has cumulative deficits of \$5.4 million and \$7.2 million after providing for mandatory transfers in fiscal years 1997 and 1996, respectively.

*Net Revenue Retained for Capital Acquisitions*

For the fiscal years ended June 30, 1997 and 1996, the changes in net revenue retained for capital acquisition were as follows:

	<u>1997</u>	<u>1996</u>
	(in thousands)	
Balance, June 30 .....	\$18,136	\$16,646
Capital acquisition surcharge .....	3,578	3,596
Depreciation of assets purchased with funds restricted for capital acquisition .....	(2,425)	(2,106)
Balance, June 30 .....	<u>\$19,289</u>	<u>\$18,136</u>

Since inception of the capital acquisition surcharge at July 21, 1990, surcharges of approximately \$28.4 million have been collected and approximately \$25.6 million has been used to finance leasehold improvements and the acquisition of property and equipment through June 30, 1997.

*Property and Equipment*

Property and equipment are recorded at cost. Depreciation and amortization are computed using the straight-line method based upon estimated useful lives ranging from 3 to 15 years. Leasehold improvements are amortized principally over the term of the lease.

Rental expense, including escalation charges for leased property for the fiscal years ended June 30, 1997 and 1996 was approximately \$14.0 million and \$13.5 million, respectively. As of June 30, 1997, OTB had future minimum rental obligations on noncancelable operating leases as follows:

	<u>Amount</u>
	(in thousands)
Fiscal year ending June 30:	
1998 .....	\$11,808
1999 .....	10,920
2000 .....	9,945
2001 .....	6,703
2002 .....	6,050
Thereafter until 2009 .....	12,796
Total future minimum rental obligations .....	<u>\$58,222</u>

*Pensions*

Substantially all full-time employees of OTB are members of NYCERS (see Note Q). The provisions for pension costs were actuarially determined and amounted to \$1 million for both fiscal years 1997 and 1996. These amounts were fully funded.

**M. HOUSING AND ECONOMIC DEVELOPMENT ENTITIES***General*

The Housing and Economic Development Entities are comprised of the New York City Housing Development Corporation (HDC), the New York City Housing Authority (HA), the New York City Industrial Development Agency (IDA), the New York City Economic Development Corporation (EDC), the Business Relocation Assistance Corporation (BRAC), and the Brooklyn Navy Yard Development Corporation (BNYDC), the largest of which are HDC and HA.

*HDC*

HDC was established in 1971 to encourage private housing development by providing low interest mortgage loans. The combined financial statements include the accounts of HDC and its wholly-owned subsidiaries, Housing Assistance Corporation,

Housing New York Corporation, and the New York City Residential Mortgage Insurance Corporation. HDC finances multiple dwelling mortgages substantially through issuance of HDC bonds and notes, and also acts as an intermediary for the sale and refinancing of certain City multiple dwelling mortgages. HDC has a fiscal year ending October 31.

HDC is authorized to issue bonds and notes for any corporate purpose in a principal amount outstanding, exclusive of refunding bonds and notes, not to exceed \$ 2.8 billion and certain other limitations.

HDC is supported by service fees, investment income, and interest charged to mortgagors and has been self-sustaining. Mortgage loans are carried at cost. Mortgage loan interest income, fees, charges, and interest expense are recognized on the accrual basis. HDC maintains separate funds in its financial records to assure compliance with specific restrictions of its various bond and note resolutions.

Substantially all HDC employees are eligible to participate in NYCERS (see Note Q). The provisions for pension costs were actuarially computed, determined, and funded by HDC.

The future debt service requirements on HDC bonds and notes payable at October 31, 1996, its most recent fiscal year-end, were as follows:

	<u>Principal</u>	<u>Interest</u> (in thousands)	<u>Total</u>
Fiscal year ending October 31:			
1997 .....	\$ 42,027	\$ 110,161	\$ 152,188
1998 .....	33,775	111,204	144,979
1999 .....	32,885	112,271	145,156
2000 .....	34,413	110,868	145,281
2001 .....	36,301	109,273	145,574
Thereafter until 2036 .....	<u>1,989,443</u>	<u>1,488,616</u>	<u>3,478,059</u>
Total future debt service requirements .....	<u>\$2,168,844</u>	<u>\$2,042,393</u>	<u>\$4,211,237</u>

The bonds and notes will be repaid from assets and future earnings of the assets. The interest rates on the bonds and notes as of October 31, 1996 range from 1.6% to 9.625%.

HDC had no general obligation bonds and notes outstanding at October 31, 1996, whereas \$228.6 million of general obligation bonds and notes were outstanding at October 31, 1995 for which HDC is required to maintain a capital reserve fund equal to one year's debt service. State law in effect provides that the City shall make up any deficiency in such fund. There have not been any capital reserve fund deficiencies.

The following is a summary of bond transactions of HDC for the fiscal years ended October 31, 1995 and 1996:

	<u>Balance</u> <u>October 31,</u> <u>1994</u>	<u>Issued</u>	<u>Retired</u>	<u>Balance</u> <u>October 31,</u> <u>1995</u>	<u>Issued</u>	<u>Retired</u>	<u>Balance</u> <u>October 31,</u> <u>1996</u>
				(in thousands)			
General obligation .....	\$ 230,685	\$ —	\$ 2,065	\$ 228,620	\$ —	\$228,620	\$ —
Revenue .....	<u>1,743,654</u>	<u>160,790</u>	<u>83,330</u>	<u>1,821,114</u>	<u>372,930</u>	<u>25,200</u>	<u>2,168,844</u>
Total summary of bond transactions .....	<u>\$1,974,339</u>	<u>\$160,790</u>	<u>\$85,395</u>	<u>\$2,049,734</u>	<u>\$372,930</u>	<u>\$253,820</u>	<u>\$2,168,844</u>

HA

HA, created in 1934, is a public benefit corporation chartered under the New York State Public Housing Law. HA develops, constructs, manages, and maintains low cost housing for eligible low income families in the boroughs of New York City. At December 31, 1996, HA maintained 346 developments encompassing approximately 182,000 units. HA also maintains a leased housing program which provides housing assistance payments to approximately 72,000 families.

Substantial operating deficits (the difference between operating revenues and expenses) result from the essential services that HA provides, and such operating deficits will continue in the foreseeable future. To meet the funding requirements of these

operating deficits, HA receives subsidies from: (a) the Federal government (primarily the U.S. Department of Housing and Urban Development "HUD") in the form of annual grants for operating assistance, debt service payments, contributions for capital and reimbursement of expenditures incurred for certain Federal housing programs; (b) New York State in the form of operating assistance, reimbursement of certain expenses, and debt service payments; and (c) New York City in the form of operating assistance, reimbursement of certain housing police costs prior to May 1, 1995, and debt service payments. Subsidies are established through budgetary procedures which establish amounts to be funded by the grantor agencies. Projected operating surplus or deficit amounts are budgeted on an annual basis and approved by the grantor agency. Expected variances from budgeted amounts are communicated to the agency during periodic budget revisions, as any revisions to previously approved budgets must be agreed to by the grantor. Capital project budgets are submitted at various times during the year. HA has a calendar year-end.

*Revenue*

Rents are received from tenants on the first day of each month. As a result, receivable balances primarily consist of rents past due and vacated tenants. An allowance for doubtful accounts is established to provide for all accounts which may not be collected in the future for any reason. At December 31, 1996 and 1995, tenant accounts receivable approximated \$24.2 million and \$30.1 million, respectively, with related allowances of \$21.0 million and \$25.5 million, respectively.

HA receives Federal financial assistance from HUD in the form of annual contributions for debt service and operating subsidies for public housing projects, as well as rent subsidies for the Section 8 Housing Assistance Payments Program (HAP). In addition, assistance is also received under HUD's Public Housing Development Programs, Comprehensive Improvement Assistance Program and other programs.

HA also receives Federal assistance from the U.S. Department of Agriculture for child care feeding and summer food service programs and the U.S. Department of Health and Human Services for special programs for the aging.

HA receives financial assistance from the Department of Housing Preservation and Development (HPD), a City of New York agency. HPD receives these funds from HUD based on certain criteria (e.g., population, poverty, and extent of overcrowded housing in the area applying for funds).

HA also receives assistance from New York State and The City of New York in the form of operating subsidies for public housing projects and annual contributions for debt service and capital.

*Land, Structures, and Equipment*

Land, structures, and equipment are recorded at cost which is comprised of initial project development costs, property betterments and additions, and modernization program costs. HA depreciates these assets over their estimated useful lives (buildings—40 years, capital improvements—10 to 30 years, and equipment—5 to 15 years) using the straight-line method of depreciation. Land, structures, and equipment, including modernization costs, are generally funded through grant awards (for Federal, State, and City programs). A summary of costs at December 31, 1996 and 1995 is as follows:

	<u>1996</u>	<u>1995</u>
	(in thousands)	
Land .....	\$ 760,478	\$ 744,167
Buildings .....	3,139,977	3,103,530
Capital improvements .....	2,176,998	1,859,230
Equipment .....	337,117	319,509
	<u>6,414,570</u>	<u>6,026,436</u>
Accumulated depreciation .....	<u>(2,929,198)</u>	<u>(2,738,438)</u>
Land, structures, and equipment—net .....	<u>\$3,485,372</u>	<u>\$ 3,287,998</u>

Interest costs related to debt reflected on the books of HA of \$268 thousand and \$739 thousand were capitalized as part of development costs in calendar years 1996 and 1995, respectively.



*Debt Service*

The future debt service requirements on HA bonds and notes at December 31, 1996, its most recent calendar year-end, were as follows:

	<u>Principal</u>	<u>Interest</u> (in thousands)	<u>Total</u>
Calendar year ending December 31:			
1997 .....	\$ 60,016	\$ 28,898	\$ 88,914
1998 .....	57,989	26,689	84,678
1999 .....	55,305	24,493	79,798
2000 .....	52,430	22,366	74,796
2001 .....	48,009	20,343	68,352
Thereafter until 2024 .....	416,854	115,068	531,922
Total future debt service requirements .....	<u>\$690,603</u>	<u>\$237,857</u>	<u>\$928,460</u>

Interest rates on outstanding bonds and notes as of December 31, 1996 and 1995 range from 1% to 8.875%. During calendar years 1996 and 1995, principal repayments totaled \$60.8 million and \$61.3 million, respectively.

*Advance Notes—HUD*

Advance Notes—HUD at December 31, 1996 and 1995 consist of the following:

	<u>1996</u>	<u>1995</u>
	(in thousands)	
Unsubsidized improvement notes .....	\$ 32,299	\$ 42,058
Modernization and development notes .....	982,333	1,269,971
Total advance notes—HUD .....	<u>\$1,014,632</u>	<u>\$1,312,029</u>

Through 1985, HA funded development projects by issuing Advance Notes which generally matured in less than one year and were refinanced at market rates upon maturity. Principal and interest payments were financed by funds provided by HUD through accruing annual contributions.

In 1985, the U.S. Treasury purchased all then-outstanding Advance Notes. Subsequently, additional Advance Notes were issued by HUD to fund development and modernization projects.

In April, 1986, HUD ceased funding the debt service on all Advance Notes, therefore, principal and interest have not been paid since that date. Subsequently, HUD issued notice PIH 87-12 which covered the forgiveness of Advance Notes held by the Treasury. Three months after issuance of PIH 87-12, HUD temporarily suspended this notice. HA did not file the appropriate paperwork before the suspension of the notice. This notice, if complied with by HA before suspension of the notice, would have allowed HA to remove this debt and accrued interest payable from its balance sheet and reflect these amounts as contributed equity.

HA has continued to accrue interest for a portion of the Advance Notes at the contractual rates in accordance with HUD guidelines. Through December 31, 1996, HUD has given HA permission to discontinue accruing interest on a total of \$669.6 million of notes. Interest expense of \$19.6 million and \$36.6 million are included in the statements of operations for the calendar years ended December 31, 1996 and 1995, respectively, but no subsidies are reflected since HUD does not fund and HA has not been required to pay the interest on the Advance Notes. Accrued interest relating to these notes at December 31, 1996 and 1995, was \$396.4 million and \$547.1 million, respectively. Interest rates on Advance Notes issued range from 5.5% to 9.5% for both calendar years 1996 and 1995.

Accrued interest includes interest of \$.6 million relating to Unsubsidized Improvement Notes at both December 31, 1996 and 1995. The notes which are currently held by HUD, were used to finance capital improvements and rehabilitations at various projects and are being repaid from commercial rents and State maximum subsidy funds. Related interest expense of \$2.6 million and \$3.2 million was included in the statements of operations for the calendar years ended December 31, 1996 and 1995, respectively.

*Pensions*

HA employees are members of NYCERS (see Note Q). The calendar years 1996 and 1995 pension costs reported in the financial statements amounted to \$3.4 million and \$18.2 million, respectively, net of \$8.1 million, reimbursable by the City in calendar year 1995 for its share of the Housing Police pension costs. On December 15, 1995, HA entered into an agreement with the City, effective July 1, 1995, to transfer \$50.4 million of segregated pension-related assets to The City of New York with the City assuming \$50.4 million of HA's statutory pension liability.

*Changes in Fund Equity*

Presented below are the changes in fund equity for the calendar years ended December 31, 1995 and 1996:

	<u>Unreserved (Deficit)</u>	<u>Cumulative Contributions (in thousands)</u>	<u>Total</u>
Balance, December 31, 1994 .....	\$(2,166,070)	\$2,571,467	\$ 405,397
Net deficit .....	(248,865)	—	(248,865)
Allocation of depreciation to cumulative contributions .....	163,483	(163,483)	—
Contributions for payment of debt .....	—	71,837	71,837
Contributions for payment of capital .....	—	340,789	340,789
Balance, December 31, 1995 .....	<u>(2,251,452)</u>	<u>2,820,610</u>	<u>569,158</u>
Net deficit .....	(274,584)	—	(274,584)
Allocation of depreciation to cumulative contributions .....	190,760	(190,760)	—
Contributions for payment of debt .....	—	547,390	547,390
Contributions for payment of capital .....	—	405,704	405,704
Balance, December 31, 1996 .....	<u><u>\$(2,335,276)</u></u>	<u><u>\$3,582,944</u></u>	<u><u>\$1,247,668</u></u>

*Unreserved (Deficit)*

The balance in this account represents the cumulative operating deficit for the Federal program, up to the amount of the operating subsidy and the interest on the debt service.

*Cumulative Contributions*

This account represents the cumulative amount of subsidies received to fund annual operating deficits and interest expense, and contributions made available to HA for capital expenditures associated with modernization and improvements of public housing and the payment of the debt.

*Commitments*

HA rents office space under operating leases which expire at various dates. Future minimum lease commitments under these leases as of December 31, 1996 are as follows:

	<u>Amount (in thousands)</u>
Calendar year ending December 31:	
1997 .....	\$11,646
1998 .....	11,767
1999 .....	11,767
2000 .....	4,501
2001 .....	4,268
Thereafter until 2003 .....	4,980
Total future minimum lease commitments ..	<u><u>\$48,929</u></u>

Rental expense approximated \$11.9 million for both calendar years ended December 31, 1996 and 1995.

*BNYDC*

BNYDC obtained a note payable for \$85,000, due 2008, \$6,500 maturing annually.

**N. WATER AND SEWER SYSTEM**

*General*

The Water and Sewer System, consisting of two legally separate and independent entities, the New York City Water Board (Water Board) and the New York City Municipal Water Finance Authority (Water Authority), was established on July 1, 1985. The Water and Sewer System provides for water supply and distribution, and sewage collection, treatment, and disposal for the City. The Water Authority was established to issue debt to finance the cost of capital improvements to the water distribution and sewage collection system. The Water Board was established to lease the water distribution and sewage collection system from the City and to establish and collect fees, rates, rents, and other service charges for services furnished by the system to produce cash sufficient to pay debt service on the Water Authority's bonds and to place the Water and Sewer System on a self-sustaining basis.

Under the terms of the Water and Sewer System General Revenue Bond Resolution which covers all outstanding bonds of the Water Authority, operations are required to be balanced on a cash basis. At June 30, 1997 and 1996, the Water Authority has a cumulative deficit of \$2,206 million and \$1,869 million, respectively, which is more than offset by a surplus in the Water Board.

*Financing Agreement*

As of July 1, 1985, the City, the Water Board, and the Water Authority entered into a Financing Agreement. The Agreement, as amended, provides that the Water Authority will issue bonds to finance the cost of capital investment in the water distribution and sewage collection system serving the City. It also sets forth the funding of the debt service costs of the Water Authority, operating costs of the water distribution and sewage collection system, and the rental payment to the City.

*Lease Agreement*

As of July 1, 1985, the City entered into a long-term lease with the Water Board which leased all the water and sewer related real and personal property valued at historical cost, net of depreciation and all work-in-progress, at cost, to the Water Board for the term of the lease. The City administers, operates, and maintains the water distribution and sewage collection system. The lease provides for payments to the City to cover the City's cost for operation and maintenance, capital costs not otherwise reimbursed, rent, and for other services provided.

*Contributed Capital*

City financed additions for the fiscal years ended June 30, 1997 and 1996 amounted to \$50.6 million and \$51.9 million, respectively, and are recorded by the Water Board as contributed capital.

*Utility Plant-in-Service*

All additions to utility plant-in-service are recorded at cost. Depreciation is computed on all utility plant-in-service using the straight-line method based upon estimated useful lives as follows:

	<u>Years</u>
Buildings .....	40-50
Water supply and wastewater treatment system .....	15-50
Water distribution and sewage collection system .....	15-75
Equipment .....	5-35

Depreciation on contributed utility plant-in-service is allocated to contributed capital after the computation of net income.

*Debt Service*

The following table summarizes future debt service requirements as of June 30, 1997:

	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
	(in thousands)		
Fiscal year ending June 30:			
1998 .....	\$ 720,002	\$ 417,495	\$ 1,137,497
1999 .....	119,770	410,595	530,365
2000 .....	134,885	403,598	538,483
2001 .....	142,499	396,374	538,873
2002 .....	155,410	389,160	544,570
Thereafter until 2029 .....	6,882,790	5,939,903	12,822,693
Total future debt service requirements .....	<u>\$8,155,356</u>	<u>\$7,957,125</u>	<u>\$16,112,481</u>

The interest rates on the outstanding bonds and commercial paper as of June 30, 1997 and 1996 range from 3.50% to 7.9% and from 2.78% to 7.9%, respectively.

The following is a summary of bond and commercial paper transactions of the Water Authority for the fiscal years ended June 30, 1996 and 1997:

	<u>Balance June 30, 1995</u>	<u>Issued</u>	<u>Defeased or Retired</u>	<u>Balance June 30, 1996</u>	<u>Issued</u>	<u>Defeased or Retired</u>	<u>Balance June 30, 1997</u>
	(in thousands)						
Revenue bonds .....	\$5,650,454	\$1,330,735	\$ 254,703	\$6,726,486	\$1,065,125	\$ 236,255	\$7,555,356
Commercial paper .....	400,000	4,021,800	4,062,700	359,100	4,060,000	3,819,100	600,000
Total summary of bond and commercial paper transactions .....	<u>\$6,050,454</u>	<u>\$5,352,535</u>	<u>\$4,317,403</u>	<u>\$7,085,586</u>	<u>\$5,125,125</u>	<u>\$4,055,355</u>	<u>\$8,155,356</u>

During fiscal year 1997, the Water Authority issued Series A and B Water and Sewer System revenue bonds in the aggregate principal amount of \$1.06 billion to: advance refund a portion of certain outstanding principal amounts of the Water Authority's Water and Sewer System revenue bonds and commercial paper; finance a portion of the capital renovation and improvement program; pay certain costs of issuance; and fund certain reserves.

Although the advance refunding resulted in an accounting loss of \$5.9 million for the fiscal year ended June 30, 1997, the Water Authority reduced its aggregate debt service payments by approximately \$6.4 million and obtained an economic gain of \$6.2 million over the next 8 years. This loss will be amortized using the straight-line method through 2021. For fiscal years 1997 and 1996, amortization expense of \$10.4 million and \$14.7 million, respectively, was incurred.

During prior fiscal years, the Water Authority defeased in substance \$1.445 billion of revenue bonds.

As of June 30, 1997, \$899.7 million of the defeased bonds have been retired from the assets of the escrow accounts.

In prior years, the Water Authority has issued obligations involving the concurrent issuance of long-term variable rate securities that are matched with long-term floating rate securities. These obligations when taken together as a whole, yield a fixed rate of interest at all times. These securities have been issued to achieve a lower prevailing fixed rate of interest in relation to traditional fixed rate bonds.

*Restricted Assets*

Proceeds from the issuance of debt and funds set aside for the operation and maintenance of the water distribution and sewage collection system are classified as restricted assets since their use is limited by applicable bond indentures.

*Changes in Contributed Capital*

Changes in contributed capital for the fiscal years ended June 30, 1997 and 1996 are as follows:

	<u>1997</u>	<u>1996</u>
	(in thousands)	
Balance, June 30 .....	\$4,970,900	\$5,030,356
Plant and equipment contributed .....	50,615	51,923
Allocation of depreciation to contributed capital ...	(113,864)	(111,379)
Balance, June 30 .....	<u>\$4,907,651</u>	<u>\$4,970,900</u>

*Operating Revenues*

Revenues from metered customers, who represent 72% of water customers, are based on billings at rates imposed by the Water Board that are applied to customers' consumption of water and include accruals based upon estimated usage not billed during the fiscal year.

*Commitments and Contingencies*

*Construction*

The Water and Sewer System has commitments of approximately \$1.2 billion at June 30, 1997, for water and sewer projects.

*Legal*

The City is a defendant in a number of lawsuits pertaining to the Water and Sewer System. As of June 30, 1997, the City estimates its potential future liability for these claims to be \$44 million. This amount is included in the City's General Long-term Obligations Account Group.

*Subsequent Events*

On August 12, 1997 and October 8, 1997, the Water Authority issued fiscal year 1998 Series A and fiscal year 1998 Series C Water and Sewer System revenue bonds in the aggregate principal amount of \$286.075 million and \$89.975 million, respectively, to advance refund part of the Water Authority's outstanding revenue bonds and to pay certain costs of issuance.

The Water Authority also issued, Second Resolution Bonds to the New York State Environmental Facilities Corporation (EFC), fiscal year 1998 Series 1 and fiscal year 1998 Series 2 bonds on July 15, 1997 and August 12, 1997 in the amount of \$44.635 million and \$113.495 million, respectively, to permanently finance improvements to the system initially financed by the Water Authority's commercial paper.

In addition, on September 18, 1997, the Water Authority issued fiscal year 1998 Series B Water and Sewer System revenue bonds in the aggregate principal amount of \$449.5 million to reimburse outstanding commercial paper notes, to pay certain costs of issuance, and to fund certain reserves. The Water Authority also issued fiscal year 1998 Series 3 bonds in the amount of \$478.56 million to EFC to advance refund part of the Water Authority's outstanding bonds held by EFC.

**O. AGENCY FUNDS**

*Deferred Compensation Plan For Employees of The City of New York and Related Agencies and Instrumentalities (DCP)*

The City offers its employees a deferred compensation plan created in accordance with Internal Revenue Code Section 457 (Section 457). DCP is available to certain employees of The City of New York and related agencies and instrumentalities. It permits them to defer a portion of their salary until future years. The compensation deferred is not available to employees until termination, retirement, death, or unforeseen emergency (as defined by the Internal Revenue Service).

All amounts of compensation deferred, all property and rights purchased with those amounts, and all income attributable to those amounts, are (until paid or made available to the employee or beneficiary) solely the property and rights of the City (without being restricted to the provisions of benefits under DCP), subject to the claims of the City's general creditors. Participants' rights under DCP are equal to the fair market value of the deferred account for each participant.

It is the opinion of the City's legal counsel that the City has no liability for losses under DCP but does have the duty of due care that would be required of an ordinary prudent investor. The City believes that it is unlikely that it will use the assets to satisfy the claims of general creditors in the future.

Effective August, 1996, Section 457 was amended and requires amounts maintained under a deferred compensation plan by a state or local government to be held in trust (or custodial account or annuity contract) for the exclusive benefit of plan participants and their beneficiaries. DCP has until calendar year 1999 to implement the new law.

Investments are managed by DCP's trustee under one of eight investment options or a combination thereof. The choices of the investment options are made by the participants.

The following is a summary of the increases and decreases of the fund for the calendar years ended December 31, 1996 and 1995:

	<u>1996</u>	<u>1995</u>
	(in thousands)	
Fund assets, December 31 .....	\$1,575,778	\$1,170,836
Deferrals of compensation .....	256,497	227,855
Earnings and adjustment to market value .....	230,114	228,759
Payments to eligible participants and beneficiaries .	(53,109)	(48,292)
Administrative expenses .....	(3,624)	(3,380)
Fund assets, December 31 .....	<u>\$2,005,656</u>	<u>\$1,575,778</u>

*Other Agency Funds*

Other Agency Funds account for miscellaneous assets held by the City for other funds, governmental units, and individuals.

**P. OTHER POSTEMPLOYMENT BENEFITS**

In accordance with collective bargaining agreements, the City provides Other Postemployment Benefits (OPEB) which include basic medical and hospitalization (health care) benefits to eligible retirees and dependents at no cost to 96.5% of the participants. Basic health care premium costs which are partially paid by the remaining participants vary according to the terms of their elected plans. To qualify, retirees must: (i) have worked for the City with at least five years of credited service as a member of an approved pension system (requirement does not apply if retirement is as a result of accidental disability); (ii) have been employed by the City or a City related agency prior to retirement; (iii) have worked regularly for at least twenty hours a week prior to retirement; and (iv) be receiving a pension check from a retirement system maintained by the City or another system approved by the City. The City's OPEB expense is recorded on a pay-as-you-go basis.

The amounts expended for health care benefits for fiscal years 1997 and 1996 are as follows:

	<u>1997</u>		<u>1996</u>	
	<u>Active</u>	<u>Retired</u>	<u>Active</u>	<u>Retired</u>
Number of employees .....	321,538	177,125	324,008	171,575
Cost of health care (in thousands)* .....	<u>\$1,137,948</u>	<u>\$402,249</u>	<u>\$1,151,620</u>	<u>\$403,786</u>

\* The amounts reflected are based on average headcounts.

In addition, the City sponsors a supplemental (Superimposed Major Medical) benefit plan for City managerial employees to refund medical and hospital bills that are not reimbursed by the regular health insurance carriers.

The amounts expended for supplemental benefits for fiscal years 1997 and 1996 are as follows:

	<u>1997</u>		<u>1996</u>	
	<u>Active</u>	<u>Retired</u>	<u>Active</u>	<u>Retired</u>
Number of claims .....	13,079	3,183	14,612	2,680
Cost of Superimposed Major Medical (in thousands) ...	<u>\$ 2,352</u>	<u>\$ 401</u>	<u>\$ 2,796</u>	<u>\$ 397</u>

**Q. PENSION AND SIMILAR TRUST FUNDS**

*Pension Systems*

*Plan Descriptions*

The City sponsors or participates in pension systems providing benefits to its employees. The pension systems function in accordance with existing State statutes and City laws. Each system combines features of a defined benefit pension plan with those of a defined contribution pension plan. Contributions are made by the employers and the employees.

The majority of City employees are members of one of the following five major actuarial pension systems:

1. New York City Employees' Retirement System (NYCERS), a cost-sharing multiple-employer public employee retirement system, for employees of the City not covered by one of the other pension systems and employees of certain component units of the City and certain other government units.
2. New York City Teachers' Retirement System-Qualified Pension Plan (TRS), a cost-sharing multiple-employer public employee retirement system for teachers in the public schools of the City and certain other specified school and college employees.
3. New York City Board of Education Retirement System-Qualified Pension Plan (BERS), a cost-sharing multiple-employer public employee retirement system, for nonpedagogical employees of the Board of Education and certain employees of the School Construction Authority.
4. New York Police Department, Subchapter Two Pension Fund (POLICE), a single-employer public employee retirement system, for full-time uniformed employees of the Police Department.
5. New York Fire Department, Subchapter Two Pension Fund (FIRE), a single-employer public employee retirement system, for full-time uniformed employees of the Fire Department.

The actuarial pension systems provide pension benefits to retired employees based on salary and length of service. In addition, the actuarial pension systems provide cost-of-living and other supplemental pension benefits to certain retirees and beneficiaries. In the event of disability during employment, participants may receive retirement allowances based on satisfaction of certain service requirements and other provisions. The actuarial pension systems also provide death benefits.

Subject to certain conditions, members become fully vested as to benefits upon the completion of 10 or 15 years of service. Permanent, full-time employees are generally required to become members of the actuarial pension systems upon employment with the exception of NYCERS. Permanent full-time employees who are eligible to participate in NYCERS are required to become members within six months of their permanent employment status but may elect to become members earlier. Other employees who are eligible to participate in NYCERS may become members at their option. Upon termination of employment before retirement, certain members are entitled to refunds of their own contributions including accumulated interest less any loans outstanding.

*Plan Membership*

At June 30, 1996 and 1995, the dates of the most recent actuarial valuations, the membership of the actuarial pension systems consisted of:

	1996					
	NYCERS	TRS	BERS	POLICE	FIRE	TOTAL
Retirees and beneficiaries receiving benefits . . . . .	118,464	47,169	8,115	35,435*	16,316**	225,499
Terminated vested members not yet receiving benefits . . . . .	6,558	3,141	176	13	7	9,895
Active members . . . . .	163,834	76,672	20,710	36,778	11,329	309,323
Total plan membership . . . . .	<u>288,856</u>	<u>126,982</u>	<u>29,001</u>	<u>72,226</u>	<u>27,652</u>	<u>544,717</u>

\* Includes 3,455 former participants of Police, Subchapter 1.

\*\* Includes 3,525 former participants of Fire, Subchapter 1.

	1995					
	NYCERS	TRS	BERS	POLICE	FIRE	TOTAL
Retirees and beneficiaries receiving benefits . . . . .	116,142	43,656	7,957	31,455*	12,551**	211,761
Terminated vested members not yet receiving benefits . . . . .	6,784	2,497	189	10	7	9,487
Active members . . . . .	163,011	78,180	19,789	36,204	11,161	308,345
Total plan membership . . . . .	<u>285,937</u>	<u>124,333</u>	<u>27,935</u>	<u>67,669</u>	<u>23,719</u>	<u>529,593</u>

\* Excludes 3,830 participants of Police, Subchapter 1.

\*\* Excludes 3,700 participants of Fire, Subchapter 1.

*Funding Policy*

The City's funding policy for periodic employer contributions to the actuarial pension systems is to provide for actuarially-determined rates that, expressed as percentages of annualized covered payroll, are designed to accumulate sufficient assets to pay benefits when due.

Member contributions are established by law and vary by Plan.

Employer contributions are accrued by the actuarial pension systems and are funded by the employers on a current basis.

*Annual Pension Costs*

For fiscal year 1997, the City's annual pension costs of approximately \$1.4 billion were equal to the City's required and actual contributions. Annual pension costs for the actuarial pension systems were equal to the amounts computed by the systems' Actuary. The required contributions were determined as part of the June 30, 1996 actuarial valuations using the frozen entry age actuarial cost method.

The actuarial interest rate assumption utilized to determine the fiscal year 1997 employer contribution differed from that used to determine the fiscal year 1996 employer contribution for POLICE. The fiscal year 1997 employer contribution decreased by approximately \$42 million compared to what it would have been utilizing the former assumption.

The City's pension costs, including those computed by the Actuary for the actuarial pension systems, for the fiscal years ended June 30, 1997, 1996, and 1995 were as follows:

	<u>1997</u>	<u>1996</u>	<u>1995</u>
		(in millions)	
NYCERS*	\$ 152.5	\$ 139.8	\$ 271.4
TRS*	350.5	384.8	356.1
BERS*	33.6	35.6	38.9
POLICE	539.8	562.4	419.0
FIRE	255.0	252.1	199.2
OTHER**	42.0	40.3	94.5
<b>Total pension costs</b>	<u>\$1,373.4</u>	<u>\$1,415.0</u>	<u>\$1,379.1</u>

\* NYCERS, TRS, and BERS are cost-sharing multiple-employer public employee retirement systems. The City's total actuarially-determined contributions as a percentage of contributions for all employers to NYCERS, TRS, and BERS were:

	<u>1997</u>	<u>1996</u>	<u>1995</u>
NYCERS	66.65%	63.95%	60.64%
TRS	96.25	96.81	96.31
BERS	96.78	97.19	97.42

\*\* Other pension expenditures represent contributions to other actuarial and pay-as-you-go pension systems for certain employees, retirees, and beneficiaries not covered by any of the five major actuarial pension systems. The City also contributes per diem amounts into certain union-administered annuity funds.

The following is a three-year trend information for the City's actuarially-funded single-employer pension plans:

	<u>Fiscal Year Ending</u>	<u>Annual Pension Cost (APC)</u>	<u>Percentage of APC Contributed</u>	<u>Net Pension Obligation</u>
		(in millions)		
POLICE	6/30/97	\$539.8	100%	\$ —
	6/30/96	562.4	100	—
	6/30/95	419.0	100	—
FIRE	6/30/97	255.0	100	—
	6/30/96	252.1	100	—
	6/30/95	199.2	100	—



The more significant actuarial assumptions and methods used in the calculations of employer contributions to the actuarial pension systems for the fiscal years ending June 30, 1997 and 1996 are as follows:

	<u>1997</u>	<u>1996</u>
Valuation Date . . . . .	June 30, 1996	June 30, 1995
Actuarial Cost Method . . . . .	Frozen entry age.	Frozen entry age.
Amortization Method for Unfunded Actuarial Accrued Liabilities . . . . .	Increasing dollar, except for Unfunded Actuarial Accrued Liabilities attributable to ERI 95 and Retiree Supplementation.	Increasing dollar, except for Unfunded Actuarial Accrued Liabilities attributable to ERI 95.
Remaining Amortization Period . . . . .	14, 5, and 10 years, respectively.	15 years.
Actuarial Asset Valuation Method . . . . .	Modified 5-year average of market value with Market Value Restart as of June 30, 1995.	5-year average of market value with Market Value Restart as of June 30, 1995.
Assumed Rate of Return On Investments . . . . .	8.75% per annum (4.0% per annum for benefits payable under the variable annuity programs of TRS and BERS).	8.75% per annum for NYCERS, TRS, BERS, and FIRE (4.0% per annum for benefits payable under the variable annuity programs of TRS and BERS). 8.50% per annum for POLICE.
Post-Retirement Mortality . . . . .	Tables based on recent experience.	Tables based on recent experience.
Active Service Withdrawal, Death, Disability, Service Retirement . . . . .	Tables based on recent experience.	Tables based on recent experience.
Salary Increases . . . . .	In general, Merit and Promotion Increases plus assumed General Wage Increases of 4.0% per year.	In general, Merit and Promotion Increases plus assumed General Wage Increases of 4.0% per year.
Cost-of-Living Adjustments . . . . .	Provided by the legislature on an ad-hoc basis.	Provided by the legislature on an ad-hoc basis.

In particular, the investment return assumptions used for determining employer contributions to the actuarial pension systems are enacted by the New York State Legislature upon the recommendations of the Boards of Trustees and the Actuary.

The change in Actuarial Asset Valuation Method (AAVM) as of June 30, 1995 to reflect a market basis for investments held by the Plan was made as one component of an overall revision of actuarial assumptions and methods as of June 30, 1995.

Under the prior AAVM, the Actuarial Asset Value (AAV) was reset to Market Value i.e., "Market Value Restart" as of June 30, 1995. The prior AAVM recognized expected investment returns immediately and phased in investment returns greater or less than expected i.e., Unexpected Investment Returns (UIR) over five years at a rate of 20% per year (or at a cumulative rate of 20%, 40%, 60%, 80%, and 100% over five years).

The AAVM used as of June 30, 1996 is a modified version of the typical five-year average of Market Values used previously.

Under this modified AAVM, any UIR for fiscal years 1997 or later will be phased into the AAV beginning the following June 30 at a rate of 10%, 15%, 20%, 25%, and 30% per year (or at a cumulative rate of 10%, 25%, 45%, 70%, and 100% over five years). The UIR for fiscal year 1996 will be phased into AAV beginning June 30, 1996 at a cumulative rate of 20%, 35%, 45%, 70% and 100% over five years.

The modification in the AAVM as of June 30, 1996 had no impact on fiscal year 1997 employer contributions but will impact employer contributions beginning fiscal year 1998.

The Frozen Entry Age actuarial cost method of funding is utilized by the Plan's Actuary to calculate the contributions required of the employer. Under this method, the excess of the actuarial present value of projected benefits of members as of the valuation date, over the sum of the actuarial value of assets plus the unfunded frozen actuarial accrued liability is allocated on a level basis over the future earnings of members who are on the payroll as of the valuation date. Actuarial gains and losses are reflected in the employer normal contribution rate.

There are two types of Unfunded Actuarial Accrued Liabilities (UAAL): the Consolidated Unfunded Accrued Liability (CUAL) and the Balance Sheet Liability (BSL). The employer carries part of the UAAL as an accounting liability. This accounting liability is referred to as the BSL.

Chapter 249 of the Laws of 1996 reestablished total UAAL and consolidated most of those UAAL as of June 30, 1995 for NYCERS, TRS, BERS, and FIRE.

Chapter 598 of the Laws of 1996 reestablished and consolidated total UAAL as of June 30, 1995 for POLICE.

Chapter 157 of the Laws of 1997 provided for an increase of the Actuarial Interest Rate assumption from 8.50% to 8.75% per annum for POLICE and a change in UAAL to be established as of June 30, 1996.

The schedules of payments toward the UAAL and the BSL provide that the UAAL and BSL as of June 30, 1995 be amortized over a period of 15 years beginning in fiscal year 1996, where each annual payment after the first annual payment would equal 103% of its preceding annual payment.

Chapter 12 of the Laws of 1995 established a UAAL for the Early Retirement Incentive Program to be amortized on a level dollar amount over a period of 5 years.

Chapter 119 of the Laws of 1995 established a UAAL for the Retiree Supplementation increases to be amortized on a level dollar amount over a period of 10 years.

### *Similar Trust Funds*

#### *Fund Descriptions*

Per enabling State legislation, certain retirees of POLICE, FIRE, and NYCERS are eligible to receive a schedule of supplemental benefits from certain Variable Supplements Funds (VSFs).

Under current law, VSFs are not to be construed as constituting pension or retirement system funds. Instead, they provide scheduled supplemental payments, other than pension or retirement system allowances, in accordance with applicable statutory provisions. While these payments are guaranteed by the City, the Legislature has reserved to itself and the State of New York, the right and power to amend, modify, or repeal the VSFs and the payments they provide.

The New York City Police Department maintains the Police Officers' Variable Supplements Fund (POVSF) and the Police Superior Officers' Variable Supplements Fund (PSOVSF). These funds operate pursuant to the provisions of Title 13, Chapter 2 of the Administrative Code of The City of New York.

1. POVSF provides supplemental benefits to retirees who retired for service with 20 or more years as police officers of the New York Police Department Pension Fund—Subchapter 1 or Subchapter 2, and who retired on or after October 1, 1968.
2. PSOVSF provides supplemental benefits to retirees who retired for service with 20 or more years holding the rank of sergeant or higher, or detective, of the New York Police Department Pension Fund—Subchapter 1 or Subchapter 2, and who retired on or after October 1, 1968.

The New York City Fire Department maintains the Firefighters' Variable Supplements Fund (FFVSF) and the Fire Officers' Variable Supplements Fund (FOVSF). These funds operate pursuant to the provisions of Title 13, Chapter 3 of the Administrative Code of The City of New York.

3. FFVSF provides supplemental benefits to retirees who retire for service with 20 or more years as firefighters (or wipers) of the New York Fire Department Pension Fund—Subchapter 1 or Subchapter 2, and who retired on or after October 1, 1968.
4. FOVSF provides supplemental benefits to retirees who retire for service with 20 or more years holding the rank of lieutenant or higher and all pilots and marine engineers (uniformed) of the New York Fire Department Pension Fund—Subchapter 1 or Subchapter 2, and who retired on or after October 1, 1968.

The New York City Employees' Retirement System (NYCERS) maintains the Transit Police Officers' Variable Supplements Fund (TPOVSF), the Transit Police Superior Officers' Variable Supplements Fund (TPSOVSF), the Housing Police Officers' Variable Supplements Fund (HPOVSF), and the Housing Police Superior Officers' Variable Supplements Fund (HPSOVSF). These funds operate pursuant to the provisions of Title 13, Chapter 1 of the Administrative Code of The City of New York.

5. TPOVSF provides supplemental benefits to retirees who retire for service with 20 or more years as Transit Police Officers on or after July 1, 1987. Prior to calendar year 2007, when this plan provides for guaranteed schedules of defined supplemental benefits, total supplemental benefit payments cannot exceed the assets of the fund unless the City guarantee becomes effective. As a result of calculations performed by the Funds' Actuary during November, 1993, the City guarantee became effective.
6. TPSOVSF provides supplemental benefits to retirees who retire for service with 20 or more years as Transit Police Superior Officers on or after July 1, 1987. Prior to calendar year 2007, when this plan provides for guaranteed schedules of defined supplemental benefits, total supplemental benefit payments cannot exceed the assets of the fund.
7. HPOVSF provides supplemental benefits to retirees who retire for service with 20 or more years as Housing Police Officers on or after July 1, 1987. Prior to calendar year 2007, when this plan provides for guaranteed schedules of defined supplemental benefits, total supplemental benefit payments cannot exceed the assets of the fund. Chapter 719 of the Laws of 1994 amended the defined schedules of benefits for certain Housing Police Officers and guaranteed the schedules of defined supplemental benefits.
8. HPSOVSF provides supplemental benefits to retirees who retire for service with 20 or more years as Housing Police Superior Officers on or after July 1, 1987. Prior to calendar year 2007, when this plan provides for guaranteed schedules of defined supplemental benefits, total supplemental benefit payments cannot exceed the assets of the fund.

*Funding Policy and Contributions*

The Administrative Code of The City of New York provides that POLICE, FIRE, and NYCERS pay to their respective VSFs amounts equal to certain excess earnings on equity investments, generally limited to the unfunded accumulated benefit obligation for each VSF. The excess earnings are defined as the amount by which earnings on equity investments exceed what the earnings would have been had such funds been invested at a yield comparable to that available from fixed income securities, less any cumulative deficiencies.

For fiscal year 1997, the estimated excess earnings on equity investments was not material, therefore not recorded in the financial statements. For fiscal year 1996, excess earnings of \$450 million was estimated to be transferable to the VSFs. The actual amounts transferred will be based on final calculations. The excess earnings payable from POLICE, FIRE, and NYCERS to their respective VSFs as of June 30, 1996 was \$423 million. A summary of these amounts by VSF is as follows:

<u>Variable Supplements Fund</u>	<u>Estimate 1997</u>	<u>Estimate 1996</u>	<u>Actual 1996**</u>
		(in millions)	
POVSF .....	\$ -	\$ -	\$ -
PSOVSF .....	-	400	382
FFVSF .....	-	-	-
FOVSF .....	-	50	41
TPOVSF .....	-	*	*
TPSOVSF .....	-	*	*
HPOVSF .....	-	*	*
HPSOVSF .....	-	*	*
Total excess earnings payable .....	<u>\$ -</u>	<u>\$450</u>	<u>\$423</u>

\* Total of these VSFs is less than \$1 million.

\*\* The difference between the 1996 estimated excess earnings payable and the actual excess earnings paid is reported in fiscal year 1997.

*Required Supplementary Information*

The following schedule of funding progress is presented as required supplementary information for the five major actuarial pension systems as of June 30, 1996, 1995, and 1994:

	Fiscal Year Ending*	Actuarial Value of Assets** (a)	Actuarial Accrued Liability (AAL) Frozen Entry Age (b)	UAAL (b-a)	Funded Ratio a/b	Covered Payroll (c)	UAAL As A Percentage of Covered Payroll (b-a)/c
	(A)	(B)	(B) & (C)	(D) (in millions)			
NYCERS .....	6/30/96	\$25,809.7	\$24,799.0	\$(1,010.7)	104.1%	\$6,580.4	(15.4)%
	6/30/95	24,623.3	23,231.3	(1,392.0)	106.0	6,432.3	(21.6)
	6/30/94	22,087.2	24,015.6	1,928.4	92.0	6,547.4	29.5
TRS .....	6/30/96	22,176.1	23,749.1	1,573.0	93.4	3,507.8	44.8
	6/30/95	20,412.8	21,751.7	1,338.9	93.8	3,593.0	37.3
	6/30/94	17,981.8	19,275.9	1,294.1	93.3	3,305.7	39.1
BERS .....	6/30/96	1,055.9	1,167.4	111.5	90.5	475.5	23.4
	6/30/95	984.7	1,085.5	100.8	90.7	477.2	21.1
	6/30/94	859.5	939.4	79.9	91.5	472.8	16.9
POLICE .....	6/30/96	10,342.9	11,603.4	1,260.5	89.1	1,920.0	65.6
	6/30/95	9,632.9	10,955.9	1,323.0	87.9	1,844.9	71.7
	6/30/94	8,137.4	9,537.5	1,400.1	85.3	1,478.5	94.7
FIRE .....	6/30/96	3,859.0	5,200.8	1,341.8	74.2	647.7	207.2
	6/30/95	3,617.4	4,880.0	1,262.6	74.1	642.9	196.4
	6/30/94	3,355.6	4,596.1	1,240.5	73.0	606.3	204.6

\* Revised economic and noneconomic assumptions due to experience review as of June 30, 1995.

\*\* Reestablished the Actuarial Asset Value to equal Market Value as of June 30, 1995.

(A) For the year ended June 30, 1995 and later, the valuation method was changed from an end of year to a beginning of year convention.

(B) Includes member contributions. The June 30, 1994 AAL is based on the actuarial assumptions and methods in effect on June 30, 1994. It is also based on June 30, 1994 census data and covered payroll.

The June 30, 1995 AAL is based on the actuarial assumptions and methods in effect on June 30, 1995. It is also based on actual June 30, 1995 census data and covered payroll.

The change in the Actuarial Asset Valuation Method (AAVM) as of June 30, 1995 to reflect a market basis for investments held by the plan was made as one component of an overall revision of actuarial assumptions and methods as of June 30, 1995.

Under the prior AAVM, the Actuarial Asset Value (AAV) was reset to Market Value i.e., "Market Value Restart" as of June 30, 1995. The prior AAVM recognized expected investment returns immediately and phased in investment returns greater or less than expected i.e., Unexpected Investment Returns (UIR) over five years at a rate of 20% per year (or a cumulative rate of 20%, 40%, 60%, 80%, and 100% over five years).

The AAVM used as of June 30, 1996 is a modified version of the typical five-year average of Market Values used previously.

Under this modified AAVM, any UIR for fiscal years 1997 or later will be phased into the AAV beginning the following June 30 at a rate of 10%, 15%, 20%, 25%, and 30% per year (or at a cumulative rate of 10%, 25%, 45%, 70%, and 100% over five years). The UIR for fiscal year 1996 will be phased into AAV beginning June 30, 1996 at a cumulative rate of 20%, 35%, 45%, 70%, and 100% over five years.

The modification in the AAVM as of June 30, 1996 had no impact on fiscal year 1997 employer contributions but will impact employer contributions beginning fiscal year 1998.

(C) To effectively assess the funding progress of the plan, it is necessary to compare the actuarial value of assets and the AAL calculated in a manner consistent with the plans' funding method over a period of time.

The AAL is the portion of the actuarial present value of pension plan benefits and expenses which is not provided for by future normal costs and future member contributions.

(D) The UAAL is the excess of the AAL over the actuarial value of assets. This is the same as unfunded frozen AAL, which is not adjusted from one actuarial valuation to the next to reflect actuarial gains and losses.

**R. COMMITMENTS**

At June 30, 1997, the outstanding commitments relating to projects of the Capital Projects Fund amounted to approximately \$7.3 billion.

To address the need for significant infrastructure and public facility capital investments, the City has prepared a ten-year capital spending program which contemplates expenditures of \$45.0 billion for fiscal years 1998 through 2007. To help meet its capital spending program, the City borrowed \$2.5 billion in the public credit market in fiscal year 1997. The City and/or the TFA plan to borrow \$2.9 billion in the public credit market in fiscal year 1998.

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## BONDS TO BE REFUNDED

The City expects to refund City bonds through issuance by the City of its Fiscal 1998 Series G Bonds by providing for the payment of the principal of and interest and redemption premium, if any, on such bonds to the extent and to the payment date set forth below. The refunding is contingent upon the delivery of the Series G Bonds.

The bonds to be refunded are being refunded in whole or in part as indicated in the notes.

<u>Series</u>	<u>Dated Date</u>	<u>Tax-Exempt Maturities Being Refunded</u>	<u>Payment Date</u>	<u>Amount Being Refunded</u>
February 15, 1970 . . . .	February 15, 1970	August 15, 1998	August 15, 1998	\$ 300,000(1)
April 1, 1970 . . . . .	April 1, 1970	October 1, 1998	October 1, 1998	190,000(2)
April 1, 1971 . . . . .	April 1, 1971	October 1, 1999 October 1, 2001	October 1, 1999 October 1, 2001	140,000(1) 190,000(1)
July 15, 1972 . . . . .	July 15, 1972	January 15, 2002	January 15, 2002	350,000(1)
September 15, 1972	September 15, 1972	March 15, 2002	March 15, 2002	790,000(1)
November 1, 1973 . . .	November 1, 1973	May 1, 2001	May 1, 2001	600,000(1)
March 1, 1974 . . . . .	March 1, 1974	September 1, 2002	September 1, 2002	1,470,000(1)
1990A . . . . .	August 1, 1989	August 1, 1998 August 1, 2012 August 1, 2013 August 1, 2014 August 1, 2015 August 1, 2016 August 1, 2017 August 1, 2019	August 1, 1998 August 1, 1998 August 1, 1998 August 1, 1998 August 1, 1998 August 1, 1998 August 1, 1998 August 1, 1998	18,690,000(1) 5,015,000(1) 1,755,000(1) 7,800,000(1) 11,705,000(1) 8,765,000(1) 7,690,000(1) 11,705,000(1)
1990B . . . . .	October 5, 1989	October 1, 2000	October 1, 1999	4,415,000(1)
1990F . . . . .	February 23, 1990	August 1, 1998	August 1, 1998	5,425,000(1)
1990H . . . . .	February 1, 1990	August 1, 2002	August 1, 2000	695,000(1)
1990I . . . . .	June 1, 1990	August 15, 2004 August 15, 2006 August 15, 2008 August 15, 2009 August 15, 2010 August 15, 2011 August 15, 2012 August 15, 2013 August 15, 2014 August 15, 2015 August 15, 2016 August 15, 2017 August 15, 2018 August 15, 2019 August 15, 2020 August 15, 2021 August 15, 2022	August 15, 1999 August 15, 1999 August 15, 1999 August 15, 1999 August 15, 1999 August 15, 1999 August 15, 1999 August 15, 1999 August 15, 1999 August 15, 1999 August 15, 1999 August 15, 1999 August 15, 1999 August 15, 1999 August 15, 1999 August 15, 1999 August 15, 1999	4,590,000(1) 1,410,000(1) 4,130,000(1) 4,590,000(1) 1,460,000(1) 1,290,000(1) 4,470,000(1) 4,500,000(1) 4,500,000(1) 4,590,000(1) 4,590,000(1) 4,590,000(1) 4,590,000(1) 4,550,000(1) 4,590,000(1) 1,320,000(1) 1,320,000(1) 1,320,000(1)

<u>Series</u>	<u>Dated Date</u>	<u>Tax-Exempt Maturities Being Refunded</u>	<u>Payment Date</u>	<u>Amount Being Refunded</u>
		August 15, 2023	August 15, 1999	\$ 1,315,000(1)
		August 15, 2024	August 15, 1999	1,310,000(1)
		August 15, 2025	August 15, 1999	1,315,000(1)
1991A .....	September 26, 1990	March 15, 2001	March 15, 2000	2,865,000(1)
1992A .....	August 15, 1991	August 15, 2003	August 15, 2001	4,985,000(1)
		August 15, 2004	August 15, 2001	3,215,000(1)
1992C.....	January 7, 1992	August 1, 2004	August 1, 2002	370,000(1)
		August 1, 2005	August 1, 2002	370,000(1)
		August 1, 2010	August 1, 2002	6,100,000(1)
		August 1, 2011	August 1, 2002	7,205,000(1)
		August 1, 2012	August 1, 2002	1,475,000(1)
		August 1, 2013	August 1, 2002	1,475,000(1)
		August 1, 2014	August 1, 2002	1,475,000(1)
		August 1, 2017	August 1, 2002	2,120,000(1)
1992E.....	March 17, 1992	February 1, 2001	February 1, 2001	125,000(1)
		February 1, 2003	February 1, 2002	3,120,000(1)
		February 1, 2005	February 1, 2002	3,120,000(1)
1992F.....	March 17, 1992	February 1, 2002	February 1, 2002	10,000(1)
		February 1, 2005	February 1, 2002	4,400,000(1)
1992H.....	June 1, 1992	February 1, 2000	February 1, 2000	12,600,000(1)
		February 1, 2003	February 1, 2002	8,110,000(1)
		February 1, 2004	February 1, 2002	7,050,000(1)
1993A.....	August 26, 1992	August 1, 1998	August 1, 1998	11,010,000(1)
		August 1, 1999	August 1, 1999	10,025,000(1)
		August 1, 2011(6.50%)	August 1, 2002	4,935,000(1)
		August 1, 2012	August 1, 2002	9,870,000(1)
		August 1, 2013	August 1, 2002	7,515,000(1)
		August 1, 2014	August 1, 2002	5,505,000(1)
		August 1, 2015	August 1, 2002	9,870,000(1)
		August 1, 2016	August 1, 2002	14,760,000(1)
		August 1, 2018	August 1, 2002	14,760,000(1)
		August 1, 2019	August 1, 2002	6,965,000(1)
1993B.....	October 29, 1992	October 1, 1999	October 1, 1999	17,795,000(1)
		October 1, 2002(6.40%)	October 1, 2002	7,425,000(1)
		October 1, 2003(6.60%)	October 1, 2002	11,455,000(1)
		October 1, 2015	October 1, 2002	2,285,000(1)
		October 1, 2017	October 1, 2002	45,330,000(1)
1993C.....	December 22, 1992	August 1, 1998	August 1, 1998	1,215,000(1)
		August 1, 1999	August 1, 1999	1,700,000(1)
		August 1, 2004	August 1, 2002	6,190,000(1)
		August 1, 2005	August 1, 2002	5,520,000(1)
		August 1, 2006	August 1, 2002	5,310,000(1)
		August 1, 2007	August 1, 2002	5,130,000(1)
		August 1, 2008	August 1, 2002	6,190,000(1)
		August 1, 2009(6.50%)	August 1, 2002	2,605,000(1)
1993E.....	May 27, 1993	May 15, 2005(5.80%)	May 15, 2003	2,920,000(1)
		May 15, 2006(5.75%)	May 15, 2003	23,555,000(1)
		May 15, 2007(6%)	May 15, 2003	12,030,000(1)



Series	Dated Date	Tax-Exempt Maturities Being Refunded	Payment Date	Amount Being Refunded
		May 15, 2009(6%)	May 15, 2003	\$ 5,105,000(1)
		May 15, 2010(6%)	May 15, 2003	12,015,000(1)
		May 15, 2011(6%)	May 15, 2003	14,795,000(1)
		May 15, 2012(5.75%)	May 15, 2003	15,085,000(1)
		May 15, 2016	May 15, 2003	2,345,000(1)
		May 15, 2019(6%)	May 15, 2003	12,800,000(1)
		May 15, 2021	May 15, 2003	9,075,000(1)
1993F .....	May 27, 1993	May 15, 2021	May 15, 2003	120,000(1)
1994A .....	August 2, 1993	August 1, 1998	August 1, 1998	11,000,000(1)
		August 1, 1999	August 1, 1999	9,035,000(1)
1994D .....	November 30, 1993	August 15, 1998	August 15, 1998	1,385,000(1)
		August 15, 1999	August 15, 1999	1,385,000(1)
1994E .....	December 29, 1993	August 1, 1998(4.60%)	August 1, 1998	17,305,000(1)
		August 1, 1999(4.875%)	August 1, 1999	90,000(1)
1994F .....	December 29, 1993	August 1, 1998	August 1, 1998	17,525,000(1)
1994G .....	December 29, 1993	August 1, 1998	August 1, 1998	4,600,000(2)
1994H .....	April 12, 1994	August 1, 1998	August 1, 1998	465,000(1)
1995B-1 .....	November 16, 1994	August 15, 1998	August 15, 1998	24,740,000(1)
		August 15, 2001	August 15, 2001	800,000(1)
		August 15, 2002	August 15, 2002	985,000(1)
		August 15, 2007	August 15, 2004	28,285,000(1)
		August 15, 2008	August 15, 2004	22,645,000(2)
		August 15, 2012	August 15, 2004	9,955,000(2)
		August 15, 2013	August 15, 2004	12,945,000(2)
		August 15, 2016	August 15, 2004	70,795,000(2)(3)
1995C .....	January 1, 1995	August 15, 2002	August 15, 2001	1,055,000(1)
		August 15, 2003	August 15, 2001	1,120,000(1)
		August 15, 2004	August 15, 2001	1,200,000(1)
1995F-1 .....	March 1, 1995	February 15, 2002	February 15, 2002	7,585,000(2)
		February 15, 2006	February 15, 2005	1,090,000(1)
		February 15, 2007	February 15, 2005	12,135,000(1)
		February 15, 2010	February 15, 2005	15,675,000(1)(3)
		February 15, 2014	February 15, 2005	17,125,000(1)(3)
		February 15, 2025	February 15, 2005	32,980,000(1)(3)
1995G .....	March 1, 1995	February 15, 2002	February 15, 2002	405,000(2)
		February 15, 2020	February 15, 2005	750,000(1)(3)
1996A .....	August 14, 1995	August 1, 2016	August 1, 2005	3,305,000(1)
		August 1, 2019	August 1, 2005	5,915,000(1)(3)
		August 1, 2025	August 1, 2005	6,000,000(1)(3)
1996D .....	November 2, 1995	February 15, 2001	February 15, 2001	7,375,000(1)
		February 15, 2002	February 15, 2002	3,285,000(1)
1996E .....	November 2, 1995	February 15, 2000	February 15, 2000	2,840,000(1)
		February 15, 2001	February 15, 2001	7,805,000(1)
		February 15, 2002	February 15, 2002	10,760,000(1)
		February 15, 2011	February 15, 2005	6,315,000(1)
		February 15, 2012	February 15, 2005	3,920,000(1)

<u>Series</u>	<u>Dated Date</u>	<u>Tax-Exempt Maturities Being Refunded</u>	<u>Payment Date</u>	<u>Amount Being Refunded</u>
1996G .....	January 9, 1996	February 1, 2000	February 1, 2000	\$ 2,225,000(1)
1996K .....	April 1, 1996	April 1, 2000	April 1, 2000	285,000(2)
		April 1, 2002	April 1, 2002	35,000(2)
		April 1, 2011	April 1, 2006	5,640,000(1)
		April 1, 2012	April 1, 2006	4,170,000(1)
		April 1, 2013	April 1, 2006	9,050,000(2)
		April 1, 2017	April 1, 2006	1,905,000(1)
		April 1, 2026	April 1, 2006	25,060,000(1)(3)
1997I .....	April 24, 1997	April 15, 1999	April 15, 1999	810,000(1)
		April 15, 2000	April 15, 2000	985,000(1)
		April 15, 2001	April 15, 2001	20,000(1)
		April 15, 2002	April 15, 2002	180,000(1)
		April 15, 2027	April 15, 2007	1,995,000(1)(3)

(1) The amount shown is being refunded and is a portion of the bonds of this description.

(2) The amount shown is being refunded and is all of the bonds of this description except those, if any, that have been previously refunded.

(3) The refunded bonds will be credited against the following redemption or maturity dates:

<u>1995B-1</u> <u>2016 Term Bond</u>		<u>1995F-1</u> <u>2010 Term Bond</u>		<u>1995F-1</u> <u>2014 Term Bond</u>	
<u>August 15</u>	<u>Amount</u>	<u>February 15</u>	<u>Amount</u>	<u>February 15</u>	<u>Amount</u>
2014 .....	\$29,825,000	2010.....	\$15,675,000	2014 .....	\$17,125,000
2015 .....	21,650,000				
2016 .....	19,320,000				
<u>1995F-1</u> <u>2025 Term Bond</u>		<u>1995G</u> <u>2020 Term Bond</u>		<u>1996A</u> <u>2019 Term Bond</u>	
<u>February 15</u>	<u>Amount</u>	<u>February 15</u>	<u>Amount</u>	<u>August 1</u>	<u>Amount</u>
2020 .....	\$ 6,335,000	2020.....	\$ 750,000	2018 .....	\$ 3,750,000
2023 .....	8,645,000			2019 .....	2,165,000
2024 .....	8,690,000				
2025 .....	9,310,000				
<u>1996A</u> <u>2025 Term Bond</u>		<u>1996K</u> <u>2026 Term Bond</u>		<u>1997I</u> <u>2027 Term Bond</u>	
<u>August 1</u>	<u>Amount</u>	<u>April 1</u>	<u>Amount</u>	<u>April 15</u>	<u>Amount</u>
2025 .....	\$ 6,000,000	2022.....	\$ 7,855,000	2022 .....	\$ 1,995,000
		2023.....	1,925,000		
		2024.....	3,425,000		
		2025.....	3,700,000		
		2026.....	8,155,000		

BROWN & WOOD LLP

ONE WORLD TRADE CENTER  
NEW YORK, N.Y. 10048-0557

TELEPHONE: 212-839-5300  
FACSIMILE: 212-839-5599

February 18, 1998

HONORABLE ALAN G. HEVESI  
Comptroller  
The City of New York  
Municipal Building  
New York, New York 10007

Dear Comptroller Hevesi:

We have acted as bond counsel in connection with the issuance on this date by The City of New York (the "City"), a municipal corporation of the State of New York (the "State"), of the City's General Obligation Bonds, Fiscal 1998 Series G (the "Bonds").

The Bonds are issued pursuant to the provisions of the Constitution of the State, the Local Finance Law of the State, and the Charter of the City, and in accordance with a certificate of the Deputy Comptroller for Finance and related proceedings (the "Certificate").

Based on our examination of existing law, such legal proceedings and such other documents as we deem necessary to render this opinion, we are of the opinion that:

1. The Bonds have been duly authorized, executed and issued in accordance with the Constitution and statutes of the State and the Charter of the City and constitute valid and legally binding obligations of the City for the payment of which the City has validly pledged its faith and credit, and all real property within the City subject to taxation by the City is subject to the levy by the City of ad valorem taxes, without limit as to rate or amount, for payment of the principal of and interest on the Bonds.

2. Interest on the Bonds is exempt from personal income taxes imposed by the State or any political subdivision thereof, including the City.

3. Except as provided in the following sentence, interest on the Tax-Exempt Bonds identified below is not includable in the gross income of the owners of the Tax-Exempt Bonds for purposes of Federal income taxation under existing law. Interest on the Tax-Exempt Bonds will be includable in the gross income of the owners thereof retroactive to the date of issue of the Tax-Exempt Bonds in the event of a failure by the City to comply with the applicable requirements of the Internal Revenue Code of 1986, as amended (the "Code"), and the covenants regarding use, expenditure and investment of bond proceeds and the timely payment of certain investment earnings to the United States Treasury; and we render no opinion as to the exclusion from gross income of interest on the Tax-Exempt Bonds for Federal income tax purposes on or after the date on which any action is taken under the Certificate upon the approval of counsel other than ourselves.

The Bonds bearing interest at rates lower than 5½% and the Bonds not bearing current interest are Tax-Exempt Bonds.

LOS ANGELES • SAN FRANCISCO • WASHINGTON • BEIJING • TOKYO REPRESENTATIVE OFFICE  
AFFILIATED WITH BROWN & WOOD, A MULTINATIONAL PARTNERSHIP WITH OFFICES IN LONDON AND HONG KONG

4. Interest on the Tax-Exempt Bonds is not a specific preference item for purposes of the Federal individual or corporate alternative minimum tax. The Code contains other provisions that could result in tax consequences, upon which we render no opinion, as a result of ownership of such Tax-Exempt Bonds or the inclusion in certain computations (including without limitation those related to the corporate alternative minimum tax) of interest that is excluded from gross income.

5. The excess, if any, of the amount payable at maturity of any maturity of Tax-Exempt Bonds over the initial offering price of such Bonds to the public at which price a substantial amount of such maturity is sold represents original issue discount which is excluded from gross income for Federal income tax purposes to the same extent as interest on the Tax-Exempt Bonds. The Code further provides that such original issue discount excluded as interest accrues in accordance with a constant interest method based on the compounding of interest, and that a holder's adjusted basis for purposes of determining a holder's gain or loss on disposition of Tax-Exempt Bonds with original issue discount will be increased by the amount of such accrued interest.

The rights of the owners of the Bonds and the enforceability thereof may be subject to bankruptcy, insolvency, reorganization, moratorium and other similar laws affecting creditors' rights heretofore or hereafter enacted, to the extent constitutionally applicable, and the enforcement of related contractual and statutory covenants of the City and the State may also be subject to the exercise of the State's police powers and of judicial discretion in appropriate cases.

The opinions expressed herein are based on an analysis of existing laws, regulations, rulings and court decisions. Such opinions may be adversely affected by actions taken or events occurring, including a change in law, regulation or ruling (or in the application or official interpretation of any law, regulation or ruling) after the date hereof. We have not undertaken to determine, or to inform any person, whether such actions are taken or such events occur and we have no obligation to update this opinion in light of such actions or events.

Very truly yours,

**FINANCIAL GUARANTY INSURANCE POLICY****MBIA Insurance Corporation  
Armonk, New York 10504**

[NUMBER]

MBIA Insurance Corporation (the "Insurer"), in consideration of the payment of the premium and subject to the terms of this policy, hereby unconditionally and irrevocably guarantees to any owner, as hereinafter defined, of the following described obligations, the full and complete payment required to be made by or on behalf of the Issuer to

or its successor (the "Paying Agent ") of an amount equal to (i) the principal of (either at the stated maturity or by any advancement of maturity pursuant to a mandatory sinking fund payment) and interest on, the Obligations (as that term is defined below) as such payments shall become due but shall not be so paid (except that in the event of any acceleration of the due date of such principal by reason of mandatory or optional redemption or acceleration resulting from default or otherwise, other than any advancement of maturity pursuant to a mandatory sinking fund payment, the payments guaranteed hereby shall be made in such amounts and at such times as such payments of principal would have been due had there not been any such acceleration); and (ii) the reimbursement of any such payment which is subsequently recovered from any owner pursuant to a final judgment by a court of competent jurisdiction that such payment constitutes an avoidable preference to such owner within the meaning of any applicable bankruptcy law. The amounts referred to in clauses (i) and (ii) of the preceding sentence shall be referred to herein collectively as the "Insured Amounts." "Obligations" shall mean:

[PAR]  
[LEGAL NAME OF ISSUE]

Upon receipt of telephonic or telegraphic notice, such notice subsequently confirmed in writing by registered or certified mail, or upon receipt of written notice by registered or certified mail, by the Insurer from the Paying Agent or any owner of an Obligation the payment of an Insured Amount for which is then due, that such required payment has not been made, the Insurer on the due date of such payment or within one business day after receipt of notice of such nonpayment, whichever is later, will make a deposit of funds, in an account with State Street Bank and Trust Company, N.A., in New York, New York, or its successor, sufficient for the payment of any such Insured Amounts which are then due. Upon presentment and surrender of such Obligations or presentment of such other proof of ownership of the Obligations, together with any appropriate instruments of assignment to evidence the assignment of the Insured Amounts due on the Obligations as are paid by the Insurer, and appropriate instruments to effect the appointment of the Insurer as agent for such owners of the Obligations in any legal proceeding related to payment of Insured Amounts on the Obligations, such instruments being in a form satisfactory to State Street Bank and Trust Company, N.A., State Street Bank and Trust Company, N.A. shall disburse to such owners, or the Paying Agent payment of the Insured Amounts due on such Obligations, less any amount held by the Paying Agent for the payment of such Insured Amounts and legally available therefor. This policy does not insure against loss of any prepayment premium which may at any time be payable with respect to any Obligation.

As used herein, the term "owner" shall mean the registered owner of any Obligation as indicated in the books maintained by the Paying Agent, the Issuer, or any designee of the Issuer for such purpose. The term owner shall not include the Issuer or any party whose agreement with the Issuer constitutes the underlying security for the Obligations.

Any service of process on the Insurer may be made to the Insurer at its offices located at 113 King Street, Armonk, New York 10504 and such service of process shall be valid and binding.

This policy is non-cancellable for any reason. The premium on this policy is not refundable for any reason including the payment prior to maturity of the Obligations.

This policy is not covered by the Property/Casualty Insurance Security Fund specified in Article 76 of the New York Insurance Law.

IN WITNESS WHEREOF, the Insurer has caused this policy to be executed in facsimile on its behalf by its duly authorized officers, this [DAY] day of [MONTH, YEAR].

**MBIA Insurance Corporation**\_\_\_\_\_  
President

Attest

\_\_\_\_\_  
Assistant Secretary**SPECIMEN**

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**TABLE OF HYPOTHETICAL ACCRETED VALUES FOR TAX-EXEMPT CAPITAL APPRECIATION BONDS**

**(Expressed per \$5,000 maturity amount)**

The Underwriters have prepared the following table to illustrate the hypothetical accretion to the Tax-Exempt Capital Appreciation Bonds, on the basis of semiannual compounding, of the difference between the amount payable at maturity and the initial public offering price ("Initial Offering Price" on the inside cover page). The City is not obligated to pay, or to provide for the payment of, any amounts on the Tax-Exempt Capital Appreciation Bonds prior to their date of maturity. *No representation is made that the hypothetical accreted values presented below bear or will bear any relationship to the market prices of the Tax-Exempt Capital Appreciation Bonds. The market prices of the Tax-Exempt Capital Appreciation Bonds are expected to be more volatile than those of the Bonds paying interest prior to maturity.*

<u>Date</u>	<u>Bonds Due August 1,</u>		
	<u>2007</u>	<u>2008</u>	<u>2009</u>
February 18, 1998 .....	\$ 3,237.85	\$ 3,060.95	\$ 2,894.55
August 1, 1998.....	3,305.95	3,126.70	2,957.80
February 1, 1999 .....	3,382.80	3,200.95	3,029.20
August 1, 1999.....	3,461.45	3,277.00	3,102.40
February 1, 2000 .....	3,541.95	3,354.85	3,177.30
August 1, 2000.....	3,624.30	3,434.50	3,254.05
February 1, 2001 .....	3,708.55	3,516.10	3,332.60
August 1, 2001.....	3,794.80	3,599.60	3,413.10
February 1, 2002 .....	3,883.00	3,685.05	3,495.55
August 1, 2002.....	3,973.30	3,772.60	3,579.95
February 1, 2003 .....	4,065.65	3,862.20	3,666.40
August 1, 2003.....	4,160.20	3,953.90	3,754.95
February 1, 2004 .....	4,256.90	4,047.85	3,845.65
August 1, 2004.....	4,355.90	4,143.95	3,938.50
February 1, 2005 .....	4,457.15	4,242.40	4,033.60
August 1, 2005.....	4,560.80	4,343.15	4,131.05
February 1, 2006 .....	4,666.85	4,446.30	4,230.80
August 1, 2006.....	4,775.35	4,551.90	4,332.95
February 1, 2007 .....	4,886.35	4,660.00	4,437.60
August 1, 2007.....	5,000.00	4,770.70	4,544.80
February 1, 2008 .....		4,884.00	4,654.55
August 1, 2008.....		5,000.00	4,766.95
February 1, 2009 .....			4,882.05
August 1, 2009.....			5,000.00





MSRB

## FORM G-36(OS) - FOR OFFICIAL STATEMENTS

**SECTION I - MATERIALS SUBMITTED**

A. THIS FORM IS SUBMITTED IN CONNECTION WITH (check one)

1.  A FINAL OFFICIAL STATEMENT RELATING TO A PRIMARY OFFERING OF MUNICIPAL SECURITIES (enclose two 2 copies):(a) DATE RECEIVED FROM ISSUER: 2/9/98(b) DATE SENT TO MSRB: 2/9/982.  AN AMENDED OFFICIAL STATEMENT WITHIN THE MEANING OF RULE G-36(d) (enclose two 2 copies):

(a) DATE RECEIVED FROM ISSUER: \_\_\_\_\_

(b) DATE SENT TO MSRB: \_\_\_\_\_

B. IF MATERIALS SUBMITTED WITH THIS FORM CONSIST OF MORE THAN ONE DOCUMENT, (e.g., preliminary official statement and wrap, even if physically attached), PLEASE CHECK HERE: C. IF THIS FORM AMENDS PREVIOUSLY SUBMITTED FORM, WITHOUT CHANGING MATERIALS SUBMITTED, PLEASE CHECK HERE (include copy of original Form G-36(OS)): **SECTION II - IDENTIFICATION OF ISSUE(S)**Each must be listed separately. If more space is needed to list additional issues, please include on separate sheet and check here: 

A. NAME OF

ISSUER: THE CITY OF NEW YORKSTATE: NY

DESCRIPTION

DATED

OF ISSUE: GENERAL OBLIGATION BONDS, FISCAL 1998 SERIES GDATE: 2/18/98

B. NAME OF

ISSUER: \_\_\_\_\_

STATE: \_\_\_\_\_

DESCRIPTION

DATED

OF ISSUE: \_\_\_\_\_

DATE: \_\_\_\_\_

C. NAME OF

ISSUER: \_\_\_\_\_

STATE: \_\_\_\_\_

DESCRIPTION

DATED

OF ISSUE: \_\_\_\_\_

DATE: \_\_\_\_\_

**SECTION III - TRANSACTION INFORMATION**A. LATEST FINAL MATURITY DATE OF ALL SECURITIES IN OFFERING: 8/1/25B. DATE OF FINAL AGREEMENT TO PURCHASE, OFFER OR SELL SECURITIES (Date of Sale): 2/6/98C. ACTUAL OR EXPECTED DATE OF DELIVERY OF SECURITIES TO UNDERWRITER(S) (Bond Closing): 2/18/98D. IF THESE SECURITIES ADVANCE REFUND ALL OR A PORTION OF ANOTHER ISSUE, PLEASE CHECK HERE: 

A separate Form G-36(ARD) and copies of the advance refunding documents must be submitted for each issue advance refunded.

**SECTION IV - UNDERWRITING ASSESSMENT INFORMATION**

This information will be used by the MSRB to compute any rule A-13 underwriting assessment that may be due on this offering. The managing underwriter will be sent an invoice if a rule A-13 assessment is due on the offering.

A. MANAGING

UNDERWRITER: SMITH BARNEY, INC. (SALOMON SMITH BARNEY)

SEC REG.

NUMBER: 8-08177B. TOTAL PAR VALUE OF ALL SECURITIES IN OFFERING \$ 1,049,897,215.70

C. PAR AMOUNT OF SECURITIES UNDERWRITTEN (if different from amount shown in item B above): \$ \_\_\_\_\_

D. CHECK ALL THAT APPLY:1.  At the option of the holder thereof, all securities in this offering may be tendered to the issuer of such securities or its designated agent for redemption or purchase at par value or more at least as frequently as every nine months until maturity, earlier redemption, or purchase by the issuer or its designated agent.2.  At the option of the holder thereof, all securities in this offering may be tendered to the issuer of such securities or its designated agent for redemption or purchase at par value or more at least as frequently as every two years until maturity, earlier redemption, or purchase by the issuer or its designated agent.3.  This offering is exempt from SEC Rule 15c2-12 under section (d)(1)(i) of that rule. Section (d)(1)(i) of SEC Rule 15c2-12 states that an offering is exempt from the requirements of the rule if the securities offered have authorized denominations of \$100,000 or more and are sold to no more than 35 persons each of whom the participating underwriter believes (1) has the knowledge and expertise necessary to evaluate the merits and risks of the investment, and (2) is not purchasing for more than one account, or with a view toward distributing the securities.

**SECTION V - CUSIP INFORMATION**

MSRB rule G-34 requires that CUSIP numbers be assigned to each issue of municipal securities unless the issue is ineligible for CUSIP number assignment under the eligibility criteria of the CUSIP Service Bureau.

**A. CUSIP-9 NUMBERS OF ISSUE(S)**

Maturity date	CUSIP Number		Maturity date	CUSIP Number		Maturity date	CUSIP Number	
<u>Taxable 8/1/98</u>	<u>649668</u>	<u>GO7</u>	<u>8/1/03</u>	<u>649668</u>	<u>GA2</u>	<u>8/1/11</u>	<u>649668</u>	<u>HA1</u>
<u>8/1/99</u>		<u>GR5</u>	<u>8/1/03</u>		<u>GU8</u>	<u>8/1/12</u>		<u>GJ3</u>
<u>CABs 8/1/07</u>	<u>649668</u>	<u>GE4</u>	<u>8/1/04</u>		<u>GB0</u>	<u>8/1/13</u>		<u>GK0</u>
<u>8/1/08</u>		<u>GS3</u>	<u>8/1/04</u>		<u>GV6</u>	<u>8/1/13</u>		<u>HB9</u>
<u>8/1/09</u>		<u>GF1</u>	<u>8/1/05</u>		<u>GC8</u>	<u>8/1/14</u>		<u>GL8</u>
<u>CIBs 8/1/98</u>	<u>649668</u>	<u>FV7</u>	<u>8/1/05</u>		<u>GW4</u>	<u>8/1/15</u>		<u>GM6</u>
<u>8/1/99</u>		<u>FW5</u>	<u>8/1/06</u>		<u>GD6</u>	<u>8/1/16</u>		<u>HC7</u>
<u>8/1/00</u>		<u>FX3</u>	<u>8/1/06</u>		<u>GX2</u>	<u>8/1/18</u>		<u>GN4</u>
<u>8/1/01</u>		<u>FY1</u>	<u>8/1/10</u>		<u>GG9</u>	<u>8/1/22</u>		<u>HD5</u>
<u>8/1/01</u>		<u>GT1</u>	<u>8/1/10</u>		<u>GZ7</u>	<u>8/1/25</u>		<u>GP9</u>
<u>8/1/02</u>		<u>FZ8</u>	<u>8/1/11</u>		<u>GH7</u>			

B. IF ANY OF THE ABOVE SECURITIES HAS A CUSIP-6 BUT NO CUSIP-9, CHECK HERE AND LIST THEM BELOW

(Please see instructions in Form G-36 Manual)

LIST ALL CUSIP-6 NUMBERS ASSIGNED \_\_\_\_\_

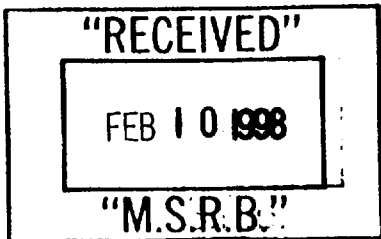
State the reason why such securities have not been assigned a "CUSIP-9" \_\_\_\_\_

C. IF ANY OF THESE SECURITIES IS INELIGIBLE FOR CUSIP NUMBER ASSIGNMENT, PLEASE CHECK HERE:

State the reason why such securities are ineligible for CUSIP number assignment \_\_\_\_\_

**SECTION VI - MANAGING UNDERWRITER'S CERTIFICATION AND SIGNATURE**

THE UNDERSIGNED CERTIFIES THAT THE MATERIALS ACCOMPANYING THIS FORM ARE AS DESCRIBED IN SECTION I ABOVE AND THAT ALL OTHER INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT. THE UNDERSIGNED ACKNOWLEDGES THAT SAID MATERIALS WILL BE PUBLICLY DISSEMINATED.



ON BEHALF OF THE MANAGING UNDERWRITER IDENTIFIED IN SECTION IV ABOVE

SIGNED: \_\_\_\_\_

NAME: \_\_\_\_\_