



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

**EXECUTIVE ORDER NO. 52**

**October 9, 2001**

**RESTRICTIONS UPON AGENCY EXPENSE BUDGET ADMINISTRATION**

**WHEREAS**, the terrorist attack of September 11, 2001 has had an impact upon the City's economy; and

**WHEREAS**, although certain direct costs of such attack will be reimbursed by the federal and State governments, the City must also address the unanticipated expenditures and reduction in City revenues that have resulted from the attack; and

**WHEREAS**, it is the responsibility of the City, and in particular of the Mayor, under State law and the City Charter, to ensure the maintenance of a balanced budget and sound fiscal practices, and to set aside necessary reserves in furtherance of such responsibility;

**NOW, THEREFORE**, by the power vested in me as Mayor of the City of New York, it is hereby ordered as follows:

**Section 1. Establishment of necessary reserves.** Pursuant to section 106 of the City Charter, it is hereby determined that necessary reserves of \$1,000,000,000 (\$1 billion) shall be set aside from agency allotments in the Fiscal Year 2002 expense budget of the City. The Office of Management and Budget (OMB) shall prepare detailed agency schedules for implementation of such reserves. This section shall apply to all agencies for which units of appropriation for personal services and other than personal services (OTPS) are included in such expense budget.

**Section 2. Restriction on agency personnel actions.** No mayoral agency shall hire any personnel or fill a vacancy in any position except upon the written approval of OMB. OMB may approve such action only upon written submission by the agency proposing such action and a determination by OMB that such proposed action is either:

- (a) Directly related to public health or safety;
- (b) Necessary to enhance or maintain the City's revenue base, or to prevent additional City expenditures;
- (c) Required by law;

(d) Necessary for continuation of critical agency functions; or

(e) Funded by state, federal, other non-City or capital funds.

OMB shall consult with the Office of the Corporation Counsel as necessary in considering agency submissions pursuant to this section.

**Section 3. Restriction on agency other than personal service funding commitments.** No mayoral agency shall commit funds in excess of \$50,000 for OTPS except as set forth in this section. Any such commitment shall require approval of an OTPS Review Committee, which shall consist of representatives of the Office of Management and Budget, the Office of Operations and the Mayor's Office of Contracts. Such committee may approve such commitment only upon written submission by the agency proposing such commitment and a determination by such committee that such proposed commitment meets the criteria set forth in paragraphs (a) through (e) of Section 2 of this Order. Such committee shall consult with the Office of the Corporation Counsel as necessary in considering agency submissions pursuant to this section.

**Section 4. Agency head implementation.** Heads of mayoral agencies shall promptly take all necessary steps to ensure that their agencies are in compliance with the terms of this Order.

**Section 5. Rule of construction.** References to "agencies" and "agency heads" in this Order shall be deemed to include boards, commissions and other entities where such boards, commissions and entities administer agency budgets.

**Section 6. Effective Date.** This Order shall take effect immediately.



Rudolph W. Giuliani  
Mayor