

# THE COUNCIL

STATED MEETING OF

THURSDAY, AUGUST 21, 2014

## THE COUNCIL

*Minutes of the Proceedings for the  
STATED MEETING*

*of*

Thursday, August 21, 2014, 1:46 p.m.

The Public Advocate (Ms. James)

*Acting President Pro Tempore and Presiding Officer*

### Council Members

Melissa Mark-Viverito, Speaker

Maria del Carmen Arroyo	Vanessa L. Gibson	Carlos Menchaca
Inez D. Barron	David G. Greenfield	Rosie Mendez
Fernando Cabrera	Vincent M. Ignizio	I. Daneek Miller
Margaret S. Chin	Corey D. Johnson	Antonio Reynoso
Andrew Cohen	Ben Kallos	Donovan J. Richards
Costa G. Constantinides	Andy L. King	Ydanis A. Rodriguez
Elizabeth S. Crowley	Peter A. Koo	Helen K. Rosenthal
Laurie A. Cumbo	Karen Koslowitz	Ritchie J. Torres
Chaim M. Deutsch	Rory I. Lancman	Mark Treyger
Inez E. Dickens	Bradford S. Lander	Eric A. Ulrich
Daniel Dromm	Stephen T. Levin	James Vacca
Rafael L. Espinal, Jr.	Mark Levine	Paul A. Vallone
Mathieu Eugene	Alan N. Maisel	James G. Van Bramer
Julissa Ferreras	Steven Matteo	Jumaane D. Williams
Daniel R. Garodnick	Darlene Mealy	Ruben Wills
Vincent J. Gentile		

Excused: Council Members Cornegy, Palma, Rose, and Weprin.

The Public Advocate (Ms. James) assumed the Chair as the Acting President Pro Tempore and Presiding Officer.

After consulting with the City Clerk and Clerk of the Council (Mr. McSweeney), the presence of a quorum was announced by the Public Advocate (Ms. James).

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

### INVOCATION

The Invocation was delivered by Rev. Dr. Johnson Rethinasamy, Evangelical Immanuel Lutheran Church Located 149-40 11<sup>th</sup> Avenue, Whitestone, N.Y. 11357.

Good afternoon.  
We make our beginning  
in the name of the Father, Son, and the Holy Spirit. Amen.

Listen to my prayer, oh, God, do not ignore my plea.  
Hear me and answer me; reading from the scripture.  
First of all, then I urge that supplication, prayers, intercessions,

and thanksgivings be made for everyone,  
for kings, leaders, and all who are in high positions.  
So that we may lead a quiet and peaceable life in all godliness and dignity.  
This is right and is acceptable in the sight of God, our savior,  
who desires everyone to be saved to know the knowledge of the truth.  
I Timothy Chapter 2, verses 1 through 3. Romans 30:  
Let every person be subject to the governing authorities  
for there is no authority except from God,  
and those that exist have been instituted by God,  
his approval for he is God's servant for your good.

Let us pray.

Almighty God, thank you for blessing us  
with an opportunity to live and serve in the City of New York.  
Continue to grant and remind us that we are people  
from different cultures, speak different languages,  
eat different kinds of food, but we are one united people.  
Support us in defending our freedom and liberties.  
We pray for our elected leaders, civic authorities and our civil servants.  
We are holding them respectfully in the presence of God.  
We hold them in the grace of God so that God, the divine good,  
the way of love, may have His way in watching over us.  
We leave these public servants before you, oh, God, with thanksgiving.  
We intercede and lift up prayers for our Honorable Mayor Bill de Blasio,  
our Honorable Speaker, Melissa Mark-Viverito,  
and our Public Advocate Letitia James,  
and all that are New York City Council Members.  
May God embrace them with light and love, wisdom and courage.  
We pray for the families of our civic leaders.  
May their families enjoy times of rest, renewal, and mutual encouragement.  
We pray for every single servant, for those who hold office,  
and for those who are their community liaisons,  
the duties of administrative assistants.  
We pray for healthcare workers, lawmakers, law enforcement officers,  
fire personnel, and merchants of services, teachers and janitors,  
business administrators, entrepreneurs  
that they know and remember and defend the common good.  
When times are prosperous may our hearts be always thankful,  
and in troubled times do not let our trust in you fail.  
Help us to hold our leaders and servants before God  
with respect, with gratitude and with love.  
We ask this prayer through Jesus Christ the Son of God,  
who lives and breathes with you and the Holy Spirit,  
one God now and forever. Amen.  
The Lord bless you and keep you.  
The Lord make his face to shine upon you, and be gracious unto.  
May the Lord lift up his countenance upon you, and give you his peace.  
I'm going to say it in my own language.  
[Sings a song in a foreign language]

Council Member Vallone, with help from his daughter Catena, moved to spread the Invocation in full upon the Record.

During the spreading of the Invocation, the Public Advocate (Ms. James) recognized Council Member Vallone's two daughters Catena and Leah and welcomed them to the Chambers.

### ADOPTION OF MINUTES

Council Member Mendez moved that the Minutes of the Stated Meetings of June 11 and June 26, 2014 be adopted as printed.

## COMMUNICATION FROM CITY, COUNTY &amp; BOROUGH OFFICES

M-110

**Communication from the Manhattan Borough President - Submitting the name of Anna Hayes to the Council for its advice and consent regarding her reappointment to the City Planning Commission, Pursuant to Sections 31 and 192 of the City Charter.**

July 29, 2014

Speaker Melissa Mark-Viverito  
Speaker of the New York City Council  
City Hall  
New York, N.Y. 10007

Dear Speaker Mark-Viverito,

Please be advised that I hereby nominate Anna Hayes Levin for reappointment to the New York City Planning Commission, effective from July 1, 2014.

Ms. Levin has been an independent and valuable member of the Commission, and I feel certain that she will continue to serve in that manner.

Sincerely,

Gale A. Brewer

Referred to the Committee on Rules, Privileges and Elections.

Preconsidered M-111

**Communication from the Office of Management & Budget - Transfer City funds between two agencies in fiscal year 2014 to implement required changes to the City's expense budget to pay collective bargaining agreements in the Health and Hospital Corporation, pursuant to Section 107(b) of the New York City Charter (MN-6).**

August 18, 2014

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(b) of the New York City Charter, I request your approval to transfer City funds between two agencies in fiscal year 2014 to implement required changes in the City's expense budget to pay collective bargaining agreements in the Health and Hospital Corporation.

This modification (MN-6) will implement expense budget changes by transferring \$51.7 million of collective bargaining funding from the Miscellaneous Budget's Reserve for Collective Bargaining to the Health and Hospital Corporation.

Your approval of modification (MN-6) is respectfully requested.

Sincerely,

Dean Fuleihan

**(For text of MN-6 numbers, please see the attachment following the resolution following the Report of the Committee on Finance for M-111 & Res No. 394 printed in these Minutes)**

Referred to the Committee on Finance.

Preconsidered M-112

**Communication from the Office of Management & Budget - Transfer City funds between two agencies in fiscal year 2015 to implement required changes to the City's expense budget to pay collective bargaining agreements in the Health and Hospital Corporation, pursuant to Section 107(b) of the New York City Charter (MN-1).**

August 18, 2014

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(b) of the New York City Charter, I request your approval to transfer City funds between two agencies in fiscal year 2015 to implement required changes in the City's expense budget to pay collective bargaining agreements in the Health and Hospital Corporation.

This modification (MN-1) will implement expense budget changes by transferring \$43.8 million of collective bargaining funding from the Miscellaneous Budget's Reserve for Collective Bargaining to the Health and Hospital Corporation.

Your approval of modification (MN-1) is respectfully requested.

Sincerely,

Dean Fuleihan

**(For text of MN-1 numbers, please see the attachment following the resolution following the Report of the Committee on Finance for M-112 & Res No. 395 printed in these Minutes)**

Referred to the Committee on Finance.

## LAND USE CALL UPS

M-113

By Council Member Garodnick:

**Pursuant to Rule 11.20b of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 254 Fifth Avenue, Borough of Manhattan, Community Board No. 5, Application no. 20145718 TCM shall be subject to review by the Council.**

Coupled on Call – Up Vote

M-114

By Council Member Johnson:

**Pursuant to Rule 11.20b of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 24 Fifth Avenue, Borough of Manhattan, Community Board No. 2, Application no. 20145612 TCM shall be subject to review by the Council.**

Coupled on Call – Up Vote

## LAND USE CALL UP VOTE

The Public Advocate (Ms. James) put the question whether the Council would agree with and adopt such motions which were decided in the **affirmative** by the following vote:

**Affirmative** – Arroyo, Barron, Cabrera, Chin, Cohen, Constantinides, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras, Garodnick, Gentile, Gibson, Greenfield, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Matteo, Mealy, Menchaca, Mendez, Miller, Reynoso, Richards, Rodriguez, Rosenthal, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Wills, Ignizio, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **47**.

At this point, the Public Advocate (Ms. James) declared the aforementioned items **adopted** and referred these items to the Committee on Land Use and to the appropriate Land Use subcommittee.

## REPORTS OF THE STANDING COMMITTEES

## Report of the Committee on Education

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

Report for Int. No. 449

**Report of the Committee on Education in favor of approving and adopting a Local Law to establish a program in relation to the employment of school bus drivers, attendants, dispatchers and mechanics by qualified employers.**

The Committee on Education, to which the annexed preconsidered proposed local law was referred on August 21, 2014, respectfully

#### REPORTS:

#### INTRODUCTION

On Thursday August 21, 2014, the City Council's Committee on Education, chaired by Council Member Daniel Dromm, will consider Preconsidered Int. No. 449, a local law to establish a program in relation to the employment of school bus drivers, attendants, dispatchers, and mechanics by qualified employers. The Committee held a hearing on this bill Tuesday August 19, 2014.

#### School Buses in NYC

The New York City Department of Education's (DOE) Office of Pupil Transportation is the largest school transportation department in the country.<sup>1</sup> Over 600,000 New York City students attending both public and non-public schools located within the five boroughs and neighboring counties in New York, New Jersey and Connecticut use these services.<sup>2</sup>

Pursuant to State Education Law, City school districts are not required to provide transportation for students residing within that school district.<sup>3</sup> However, if a City school district decides to provide transportation, it must be "offered equally to such children in like circumstances."<sup>4</sup> State Education Law further mandates that the City provide transportation for special education children residing in New York City to and from the school they legally attend.<sup>5</sup> The type of transportation provided (yellow bus or MetroCard for public transportation) is determined by the student's Individualized Education Program, which is developed by the Committee on Special Education.<sup>6</sup> Additionally, while general education students must travel to an assigned bus stop for pick up, special education students receive door-to-door bus transportation from and to their home.<sup>7</sup> The DOE contracts out all school bus services, and as of March 2014, there were twenty Early Intervention and Special Education pre-kindergarten school bus contractors,<sup>8</sup> while thirty-seven companies provide K-12 General and Special Education busing.<sup>9</sup>

<sup>1</sup> DOE website, "Pupil Transportation,"

<http://schools.nyc.gov/Offices/Transportation/default.htm>, accessed on August 15, 2014.

<sup>2</sup> *Id.*

<sup>3</sup> NY Ed. Law § 3635(1) (C).

<sup>4</sup> *Id.*

<sup>5</sup> DOE website, "Door-to-Door (SE) Busing,"

<http://schools.nyc.gov/Offices/Transportation/ServicesandEligibility/DoortoDoor/default.htm>, accessed Mar. 24, 2014.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

#### Employee Protection Provisions

Between 1979 and 2011, contracts for buses between the City and unions included Employee Protection Provisions (EPP). Initially, these provisions went into effect in a 1979 agreement negotiated between Local 1181 Amalgamated Transit Union and the DOE after New York City bus drivers and escorts (also called matrons) went on strike. The EPPs require the DOE to maintain a "Master Seniority List" of drivers, escorts and mechanics; school bus companies that win new routes or hire more drivers must hire from this list, in order of seniority, and maintain the workers' wages and pensions.

In 2006, the DOE solicited bids for school bus services for new routes that included EPPs. Twenty-seven bus companies sued, claiming, amongst other things, that the EPPs would inflate bids and increase the costs for school bus services in contravention of bidding laws. The case was decided in 2011, when the New York Court of Appeals held that the provisions were subject to heightened scrutiny and the "DOE has not proven that the EPPs are designed to save the public money, encourage robust competition, or prevent favoritism," striking them down. In *L & M Bus Corp. v. New York City Dep't of Educ.*<sup>10</sup> (hereinafter *L & M Bus Corp.*), the court found these provisions were "unique," and held that the DOE had failed to demonstrate cost savings in violation of competitive bidding laws.

From 2008 to 2011, while this case was pending, the Bloomberg Administration worked with the State legislature to pass legislation codifying the EPPs in school bus contracts. The Bloomberg Administration had also argued alongside union attorneys in the lawsuit in support of the EPPs, saying that they would lead to a more experienced work force and lower costs. The law was passed by the legislature on June, 2011. However, in July, Mayor Bloomberg wrote a letter urging Governor Cuomo to veto the measure, stating that the protections were costly and anticompetitive. The Governor subsequently vetoed the measure.

It is of note, however, that the Court of Appeals decision did not declare that EPPs are illegal. The holding was that the DOE did not show that the EPPs would save costs and reduce service disruptions.

<sup>8</sup> DOE website:

<http://schools.nyc.gov/Offices/Transportation/ParentResources/KeyDocuments/prekbusdirectory.htm>

<sup>9</sup> DOE website:

<http://schools.nyc.gov/NR/rdonlyres/E11B866B-0B8E-4F4D-9461->

[A9569C6C229A/0/SchoolAgeBusCompanyDirectoryupdated9282012.pdf](http://schools.nyc.gov/Offices/Transportation/ParentResources/KeyDocuments/prekbusdirectoryupdated9282012.pdf).

<sup>10</sup> *L & M Bus Corp. v. New York City Dep't of Educ.*, 17 N.Y. 3<sup>rd</sup> 149, 153 (N.Y. Ct. App. 2011).

#### 2013 School Bus Driver and Matron Strike

When the next contracts came up for renewal in late 2012, the Bloomberg Administration had already decided that EPPs would not be in the renewal contracts. In January 2013, bus drivers and matrons, mostly members of Local 1181 of the Amalgamated Transit Union, went on strike, demanding that EPPs be included in their new contract.<sup>11</sup> The Mayor countered that they were illegal under the *L & M Bus Corp.* decision and stated that the dispute was actually between the union and the bus companies.<sup>12</sup> The union countered that the *L & M Bus Corp.* decision was being misconstrued.<sup>13</sup> After a five week standoff in a bitter cold month during which there were numerous problems with students getting to school, and high absenteeism, the strike was called off on February 14, 2013, without a contract.<sup>14</sup> The union said that it planned to negotiate further with the new mayor, who would take office on January 1, 2014, as several candidates had expressed support for the strikers.<sup>15</sup>

<sup>11</sup> Al Baker, "School Bus Drivers End Strike, in Win for New York Mayor," N.Y. Times, Feb. 15, 2013.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

The DOE reported that on February 4, 2013, during the strike, 2,973 bus routes out of approximately 7,700 routes were running, including 13 percent of general education bus routes and 40.6 percent of special education bus routes.<sup>16</sup> A *New York Daily News* article reported on February 5, 2013 that only about 50,000 of the students who normally use DOE's busing services were getting bused to and from school.<sup>17</sup> The remaining 100,000 students had to use alternative means of transportation. The article cited City officials as saying the City "spent as much as \$17 million on MetroCards, taxi vouchers and mileage reimbursements for personal vehicles" as of February 4, 2013, but at the same time DOE had achieved \$50 million in savings by withholding payments to bus companies for the services that were not provided.<sup>18</sup>

#### Atlantic Express Bankruptcy

In December of last year, Local 1181 voted not to accept a new scaled down contract from the City's largest school bus contractor, Atlantic Express, which then announced it was going out of business.<sup>19</sup> Atlantic Express filed for Chapter 11 bankruptcy<sup>20</sup> and operated its last trips at the end of 2013.<sup>21</sup> It had operated twenty-five percent of the City's school bus routes—approximately 1,600 routes<sup>22</sup>—and it employed about two thousand drivers and matrons. According to the company, it was unable to reach a deal with the union that reduced labor costs.<sup>23</sup> The workers were unwilling to accept a contract without EPPs and for lower wages and

<sup>16</sup> New York City Department of Education, email to City Council staff on February 4, 2013

<sup>17</sup> Ben Chapman, "School bus strike actually saving the city money, despite payouts to parents," N.Y. Daily News, Feb 6, 2013.

<sup>18</sup> *Id.*

<sup>19</sup> Tracy Porpora, "Union votes 'No' -- Atlantic Express says it will close by the end of the year," Staten Island Advance website, Dec. 4, 2013, available at: [http://www.silive.com/news/index.ssf/2013/12/union\\_votes\\_no\\_--atlantic\\_ezp.html](http://www.silive.com/news/index.ssf/2013/12/union_votes_no_--atlantic_ezp.html). TO *Id.*

<sup>21</sup> Ben Chapman, "New York City's top school bus operator to give last ride at end of year," N.Y. Daily News, Dec, 5, 2013.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

benefits.<sup>24</sup> Atlantic Express stated that it was unable to compete for bus contracts under the changed bidding rules, unless the union agreed to competitive compensation to new bidders; new contractors could bid significantly lower because non-union companies typically have lower labor costs.<sup>25</sup>

#### Pension Fund Liability

According to Local 1181, the removal of the EPPs from school busing contracts could create a huge deficiency in pension funds for current and retired workers.<sup>26</sup> Under federal law, generally when a company pulls out of a pension fund it must pay in "withdrawal liability."<sup>27</sup> Several years ago, the pension fund for school bus workers received a "special exception" from the United States (U.S.) Pension Benefit Guarantee Corporation, whereby bus companies could stop contributing to the fund without paying withdrawal liability.<sup>28</sup> The reason for this exception was that, because of the EPPs, the workers contributing to the fund would retain their salary and benefits if they went to work for a different or new bus company.<sup>29</sup> Now that bus companies may go bankrupt, like Atlantic Express, and new companies are coming into the industry that do not provide pension plans, the pension fund is in danger of being depleted.<sup>30</sup> The union also maintains that the DOE may be liable for this withdrawal liability, which could be in the hundreds of millions of dollars, and would negate any cost savings anticipated by changes in the bidding process that would

allow non-union bus companies to provide school bus services. 31

<sup>24</sup> *Id.*

<sup>25</sup> Emmanuel Felton, "School busing giant files for bankruptcy," N.Y. World, Nov. 7, 2013, available at: <http://www.thenewyorkworld.com/2013/11/07/atlantic-express-bankruptcy/>.

<sup>26</sup> Letters to Local 1181 members from Robert D'ulisse, Director of the local, dated Jan. 22, 2013 and letter to DOE Chancellor Dennis Walcott from Barry Slevin, attorney for Local 1181 dated Jan. 16, 2013 available at:

<http://atu1181.org/wp-content/uploads/2013/01/effect-of-strike-on-pension.pdf>.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.* A copy of the exception is attached as Exhibit A.

<sup>29</sup> *Id.* n. 37 *supra*.

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

#### **ANALYSIS**

This preconsidered legislation would establish a grant program in relation to the employment of school bus drivers, attendants, dispatchers and mechanics by qualified employers. Bill section one contains a definitional provision in the first subdivision. This section would allow the Department of Small Business Services (SBS) to establish a program that would provide grants to employers that provide transportation services for children in grades kindergarten through twelve for the 2014-2015 school year pursuant to request for bids number B2321, if such employers hire certain school bus drivers, attendants, dispatchers or mechanics that fall into two categories. The first category of eligible workers are school bus drivers, attendants, dispatchers and mechanics who: (i) are residents of New York City; (ii) were employed on June 30, 2014 by entities that had a contract expiring June 30, 2014 with the Department of Education (DOE) to provide transportation services for children in grades kindergarten through twelve, or had a subcontract with a company that had such a contract with DOE; and (iii) are paid an hourly rate in the 2014-15 school year that is less than they were paid in the 2013-14 school year. The second category of eligible workers are school bus drivers, attendants, dispatchers and mechanics who: (i) are residents of New York City; (ii) were on, or were eligible to be on, the master seniority lists as of June 30, 2014; and (iii) are paid a lower hourly rate in the 2014-15 school year than they were paid dating to the placement on master seniority lists.

Pursuant to the provisions of the bill, the grant that SBS would provide to a qualified employer that hires a worker from either group would make up the difference between the hourly rate the worker was paid in 2013-14 and the hourly rate the worker is paid in 2014-15 multiplied by the worker's hours in 2014-15, and the difference in costs to maintain employer contributions for employees' health and retirement benefits received in 2013-14. Other components of the grant would include costs associated with payroll taxes and workers' compensation insurance.

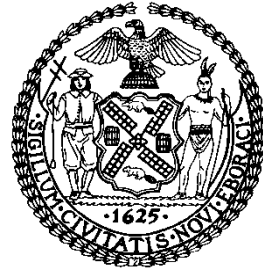
Pursuant to the bill's provisions, the bill would condition the award of the grant upon the qualified employer providing: (i) retirement and health benefits to each 2014 qualified employee from the same health and retirement funds from which such employee received retirement and health benefits during the 2013-14 school year, provided that such employee is represented by the same employee organization during the 2013-14 and 2014-15 school years; (ii) thirty-nine weeks of employment during the school year to each qualified employee; and (iii) a customary work day of eight hours to each qualified employee, to the extent the work day of such employee was eight hours during the 2013-14 school year. The bill also provides that, to be eligible for an award of a grant, qualified employers must agree that, following the effective date of this local law, they will hire workers from the master seniority lists in the order of their seniority. However, this requirement does not apply to hiring by qualified employers that occurs prior to the effective date of this local law, and the grant shall be reduced if the employee has been employed by such employer for less than ten months.

Further, the bill provides that SBS shall make monthly installments of the grant only after receiving satisfactory proof from the qualified employer that the qualified employer has paid the required portions of the grant to the qualified employee.

The legislation would establish a cap of \$42 million for the grants authorized by this legislation. The bill would authorize SBS to promulgate rules to implement this local law.

Bill section two provides that this bill will take effect immediately, and would sunset on December 31, 2015.

**(The following is the text of the Fiscal Impact Statement for Int. No. 449:)**



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION**

LATONIA MCKINNEY, ACTING  
DIRECTOR

**FISCAL IMPACT STATEMENT**

**PRECONSIDERED INTRO. NO.**

**COMMITTEE:**  
Education

**TITLE:** A Local Law to establish a program in relation to the employment of school bus drivers, attendants, dispatchers, and mechanics by qualified employers.

**SPONSORS:** Council Members Miller and Eugene (by request of the Mayor)

**SUMMARY OF LEGISLATION:** This legislation would permit the Department of Small Business Services (SBS) to establish a grant program in relation to the employment of school bus drivers, attendants, dispatchers and mechanics by certain transportation companies contracted with the Department of Education (DOE) to provide transportation services to students in kindergarten through twelfth grade. The program would provide grants to certain contracted or subcontracted transportation companies if they employ school bus drivers, attendants, dispatchers and mechanics in the 2014-2015 school year who were also employed as of June 30, 2014 and who 1) are paid an hourly rate in the 2014-2015 school year that is less than what they were paid in the 2013-2014 school year; or 2) were on, or were eligible to be on, the master seniority lists as of June 30, 2014 and are paid a lower hourly rate in the 2014-2015 school year than they were paid dating to the placement on master seniority lists.

In order to be eligible for the grant, the school bus driver, attendant, dispatcher, or mechanic must also 1) receive health and retirement benefits in the 2014-2015 school year from the same health and retirement benefit fund from which they received benefits during the 2013-2014 school year or the year they were placed on the master seniority list, as applicable, and are represented by the same employee organization; 2) work at least 39 weeks per year; and 3) have a customary work day of 8 hours per day, if the employee's work day was 8 hours during the 2013-2014 school year or the year they were placed on the master seniority list, as applicable.

The amount of the grant provided by SBS for each employee to the transportation company would make up the difference between the higher hourly rate the worker was paid in the 2013-2014 school year and the lower hourly rate the worker is paid in 2014-2015 school year, for hours actually worked, and the additional costs to the employer to cover employer contributions for employees' health and retirement benefits, payroll taxes, and workers' compensation insurance. The grants would be paid to the transportation companies in monthly installments over a ten-month period.

In order to receive a grant from SBS, the transportation company must 1) establish that it paid each eligible employee the entitled grant amount; and 2) agree that during the 2014-15 school year every school bus driver, attendant, dispatcher and mechanic would be hired from the master seniority lists in the order of his or her seniority.

Lastly, the legislation provides that the maximum amount of grants authorized by SBS pursuant to this program would be \$42 million.

**Effective Date:** This local law would take effect immediately and expire and have no further force and effect on and after December 31, 2015.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** 2015

**FISCAL IMPACT STATEMENT:**

	Effective FY15	FY Succeeding Effective FY16	Full Fiscal Impact FY15
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	Up to \$42 million	TBD	Up to \$42 million
<b>Net</b>	Up to \$42 million	TBD	Up to \$42 million

**IMPACT ON REVENUES:** There would be no impact on revenues resulting from this legislation.

**IMPACT ON EXPENDITURES:** This legislation would increase expenditures by up to \$42 million through December 31, 2015, when the law would sunset. However, it cannot be determined at this time what portion of the costs associated with the

legislation would be borne in Fiscal 2015, if any, and what portion would be borne in Fiscal 2016, if any.

According to the administration, there are sixteen transportation companies eligible to participate in the grant program. These companies have contracts with DOE to provide transportation to and from school to students in grades kindergarten through twelve. Collectively, the eligible vendors have student transportation contracts totaling \$155.8 million in Fiscal 2015 for 1,397 special education bus routes, and these sixteen companies employ approximately 3,000 school bus drivers and attendants. The number of dispatchers and mechanics employed was not provided. It is not feasible to quantify the exact fiscal impact at this time since information regarding the total number of eligible employees, their salary rates, and the number of companies that would participate in the program has not been provided by the administration.

On a temporary basis, according to the administration, grants to participating transportation companies would be paid from the Department of Education's budget for special education buses by the Department of Small Business services through an intra-city mechanism. The DOE would be able to accommodate grant payments during the short term because the budget for special education buses totals \$739.8 million and will not be entirely committed until later in the fiscal year. However, based on current transportation spending projections, the DOE would not be able to sustain the grant program with existing resources. During the course of the fiscal year, depending on the rate of spending and the size of the grants, a budget increase would likely be necessary to cover the costs of this legislation.

In addition to the fiscal impact on the Department of Education's budget, this legislation would impose costs on the Department of Small Business Services related to development and administration of the grant program. According to SBS, the agency would have to hire three to five people for document verification, periodic payments and for other administrative work to administer the program. This would result in approximately \$300,000 in expenditures for SBS, which would include both personal services and other than personal services. The administration has not yet assessed SBS's need for a budget increase and has indicated that the administration will undertake a review subsequent to the launch of the grant program. Our fiscal impact estimate assumes that any additional budgetary resources needed by SBS would be no more than \$300,000 and would be provided from within the \$42 million grant fund.

The impact of up to \$42 million on expenditures is placed in Fiscal 2015, since, for the reasons stated above, it is difficult to determine if the funds would be exhausted earlier or later in this fiscal year or in the next fiscal year, and because the reimbursement and payoff rates are still to be assessed.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** City tax levy

**SOURCES OF INFORMATION:** New York City Council Finance Division, Department of Education, Department of Small Business Services, and the Office of Management and Budget

**ESTIMATE PREPARED BY:** Madina Nizamitdin, Legislative Financial Analyst  
Aliya Ali, Legislative Financial Analyst

**ESTIMATED REVIEWED BY:** Regina Poreda Ryan, Deputy Director, Finance Division  
Rebecca Chasan, Assistant Counsel, Finance Division  
Christina Perrotti, Senior Legislative Financial Analyst

**LEGISLATIVE HISTORY:** Preconsidered Intro. No. was considered by the Committee on Education at a hearing on August 19, 2014 and the legislation was laid over. The Committee will consider and vote on the legislation at a hearing on August 21, 2014 and, upon successful vote of the Committee, the bill will be submitted to the full Council for a vote on August 21, 2014.

*Accordingly, this Committee recommends its adoption.*

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

DANIEL DROMM, *Chairperson*; VINCENT J. GENTILE, MARGARET S. CHIN, STEPHEN T. LEVIN, JUMAANE D. WILLIAMS, ANDY L. KING, INEZ D. BARRON, CHAIM M. DEUTSCH, MARK LEVINE, ALAN N. MAISEL, ANTONIO REYNOSO, MARK TREYGER; Committee on Education, August 21, 2014. *Other Council Members Attending: Ignizio, Greenfield and Miller.*

**(The following is the text of a Message of Necessity from the Mayor for the Immediate Passage of Int No. 449:)**

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

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

**A LOCAL LAW**

To establish a program in relation to the employment of school bus drivers, attendants, dispatchers and mechanics by qualified employers.

Given under my hand and seal this 20<sup>th</sup> day of August, 2014 at City Hall in the City of New York.

\_\_\_\_\_  
Bill de Blasio  
Mayor

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

**Reports of the Committee on Finance**

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

Report for M-111

**Report of the Committee on Finance in favor of approving a Communication from the Office of Management & Budget regarding the transfer of City funds between two agencies in fiscal year 2014 to implement required changes to the City's expense budget to pay collective bargaining agreements in the Health and Hospital Corporation, pursuant to Section 107(b) of the New York City Charter (MN-6).**

The Committee on Finance, to which the annexed preconsidered communication was referred on August 21, 2014, and which was subsequently coupled with the resolution shown below, respectfully

**REPORTS:**

Introduction. At a meeting of the Committee on Finance of the City Council of the City of New York (the "City Council") on August 21, 2014, the Committee on Finance received a communication, dated August 18, 2014, from the Office of Management and Budget of the Mayor of The City of New York (the "Mayor"), of a proposed request, attached hereto (the "Modification"), to modify units of appropriation and transfer city funds between various agencies in the amount of \$51,744,955 in the Fiscal Year 2014 expense budget as adopted by the Council on June 26, 2013, pursuant to Section 107(b) of the New York City Charter (the "Charter").

Analysis. The Council annually adopts the City's budget covering expenditures other than for capital projects (the "expense budget") pursuant to Section 254 of the Charter. On June 26, 2013, the Council adopted the expense budget for Fiscal Year 2014 (the "Fiscal 2014 Expense Budget"). This Modification reallocates appropriations that were reflected in the Fiscal 2014 Expense Budget to fund collective bargaining agreements in the Health and Hospitals Corporation.

Funding in the amount of \$51,744,955 will be allocated from the Reserve for Collective Bargaining to the Health and Hospitals Corporation.

The net effect of the Modification is zero. For more detail on the funding transfer between agencies, see Appendix A of the attached report.

Procedure. If the Mayor wishes to transfer part or all of any unit of appropriation to another unit of appropriation from one agency to another; or when a transfer from one unit of appropriation to the another, and such transfer results in any unit of appropriation being increased or decreased by the greater of five percent or \$50,000, section 107(b) of the Charter requires that the Mayor must first notify the Council of the proposed action. Within 30 days after the first stated meeting of the Council following receipt of such notice, the Council may disapprove such proposed action. If the Council fails to approve or disapprove such proposed action within

such 30-day period, the proposed action becomes effective and the Mayor has the authority to make such transfer.

Description of Above-captioned Resolution. In the above-captioned resolution, the Council would approve the Modification pursuant to Section 107(b) of the Charter. Such resolution would take effect as of the date of adoption.

**(The following is the text of the Fiscal Impact Memo to the Finance Committee from the Finance Division of the New York City Council:)**

TO: Honorable Melissa Mark-Viverito  
Speaker  
Honorable Julissa Ferreras  
Chair, Finance Committee

FROM: Latonia McKinney, Acting Director, Finance Division  
Jeffrey Rodus, Deputy Chief of Staff, Speaker's Office  
Tanisha Edwards, Chief Counsel, Finance Division  
Rebecca Chasan, Assistant Counsel, Finance Division

DATE: August 21, 2014

SUBJECT: A budget modification (MN-6) for Fiscal Year 2014 to implement changes in the City's expense budget.

INITIATION: By letter dated August 18, 2014, the Director of the Office of Management and Budget submitted to the Council, pursuant to section 107(b) of the New York City Charter, a request for approval to modify units of appropriation and transfer funds between two agencies in the amount of \$51,744,955 to implement changes in the City's expense budget.

BACKGROUND: MN-6 reallocates appropriations that were reflected in the FY 2014 Adopted Budget to pay collective bargaining agreements in the Health and Hospitals Corporation.

FISCAL IMPACT: MN-6 represents the reallocation of appropriations. The net effect of this modification is zero.

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 394

**RESOLUTION APPROVING THE MODIFICATION (MN-6) OF UNITS OF APPROPRIATION AND THE TRANSFER OF CITY FUNDS BETWEEN AGENCIES PROPOSED BY THE MAYOR PURSUANT TO SECTION 107(b) OF THE NEW YORK CITY CHARTER.**

By Council Member Ferreras.

**Whereas**, at a meeting of the Committee on Finance of the City Council of the City of New York (the "City Council") on August 21, 2014, the Committee on Finance received a communication, dated August 18, 2014 from the Office of Management and Budget of the Mayor of The City of New York (the "Mayor"), of a proposed request, attached hereto as Exhibit A (the "Modification"), to modify units of appropriation and transfer city funds between two agencies in the amount of \$51,744,955 in the Fiscal Year 2014 expense budget as adopted by the Council on June 26, 2013, pursuant to Section 107(b) of the Charter of the City of New York (the "Charter"); and

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

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

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

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

**ATTACHMENT:**



The City of New York  
**Office of Management and Budget**  
255 Greenwich Street - New York, New York 10007 - 2146  
(212) 788-5900

Dean Fuleihan  
Director

August 18, 2014

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(b) of the New York City Charter, I request your approval to transfer City funds between two agencies in fiscal year 2014 to implement required changes in the City's expense budget to pay collective bargaining agreements in the Health and Hospital Corporation.

This modification (MN-6) will implement expense budget changes by transferring \$51.7 million of collective bargaining funding from the Miscellaneous Budget's Reserve for Collective Bargaining to the Health and Hospital Corporation.

Your approval of modification (MN-6) is respectfully requested.

Sincerely,

Dean Fuleihan

**Fiscal Year 2014 Modification  
MN - 6**

**FROM**

<b>098</b>	<b>Miscellaneous</b>	
	001 Reserve for Collective Bargaining	(\$51,744,955)

**TO**

<b>819</b>	<b>Health and Hospitals Corporation</b>	
	001 Lump Sum	\$51,744,955

JULISSA FERRERAS, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES VAN BRAMER, VANESSA L. GIBSON, LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, VINCENT M. IGNIZIO; Committee on Finance, August 21, 2014. *Other Council Members Attending: Matteo.*

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

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

Report for M-112

**Report of the Committee on Finance in favor of approving a Communication from the Office of Management & Budget regarding the transfer of City funds between two agencies in fiscal year 2015 to implement required changes to the City's expense budget to pay collective bargaining agreements in the Health and Hospital Corporation, pursuant to Section 107(b) of the New York City Charter (MN-1).**

The Committee on Finance, to which the annexed preconsidered communication was referred on August 21, 2014, and which was subsequently coupled with the resolution shown below, respectfully

**REPORTS:**

**Introduction.** At a meeting of the Committee on Finance of the City Council of the City of New York (the "City Council") on August 21, 2014, the Committee on Finance received a communication, dated August 18, 2014, from the Office of Management and Budget of the Mayor of The City of New York (the "Mayor"), of a proposed request, attached hereto (the "Modification"), to modify units of appropriation and transfer city funds between various agencies in the amount of \$43,822,583 in the Fiscal Year 2015 expense budget as adopted by the Council on June 26, 2014, pursuant to Section 107(b) of the New York City Charter (the "Charter").

**Analysis.** The Council annually adopts the City's budget covering expenditures other than for capital projects (the "expense budget") pursuant to Section 254 of the Charter. On June 26, 2014, the Council adopted the expense budget for Fiscal Year 2015 (the "Fiscal 2015 Expense Budget"). This Modification reallocates appropriations that were reflected in the Fiscal 2015 Expense Budget to fund collective bargaining agreements in the Health and Hospitals Corporation.

Funding in the amount of \$43,822,583 will be allocated from the Reserve for Collective Bargaining to the Health and Hospitals Corporation.

The net effect of the Modification is zero. For more detail on the funding transfer between agencies, see Appendix A of the attached report.

**Procedure.** If the Mayor wishes to transfer part or all of any unit of appropriation to another unit of appropriation from one agency to another; or when a transfer from one unit of appropriation to the another, and such transfer results in any unit of appropriation being increased or decreased by the greater of five percent or \$50,000, section 107(b) of the Charter requires that the Mayor must first notify the Council of the proposed action. Within 30 days after the first stated meeting of the Council following receipt of such notice, the Council may disapprove such proposed action. If the Council fails to approve or disapprove such proposed action within such 30-day period, the proposed action becomes effective and the Mayor has the authority to make such transfer.

**Description of Above-captioned Resolution.** In the above-captioned resolution, the Council would approve the Modification pursuant to Section 107(b) of the Charter. Such resolution would take effect as of the date of adoption.

**(The following is the text of the Fiscal Impact Memo to the Finance Committee from the Finance Division of the New York City Council:)**

TO: Honorable Melissa Mark-Viverito  
Speaker  
Honorable Julissa Ferreras  
Chair, Finance Committee

FROM: Latonia McKinney, Acting Director, Finance Division  
Jeffrey Rodus, Deputy Chief of Staff, Speaker's Office  
Tanisha Edwards, Chief Counsel, Finance Division  
Rebecca Chasan, Assistant Counsel, Finance Division

DATE: August 21, 2014

SUBJECT: A budget modification (MN-1) for Fiscal Year 2015 to implement changes in the City's expense budget.

INITIATION: By letter dated August 18, 2014, the Director of the Office of Management and Budget submitted to the Council, pursuant to section 107(b) of the New York City Charter, a request for approval to modify units of appropriation and transfer funds between two agencies in the amount of \$43,822,583 to implement changes in the City's expense budget.

BACKGROUND: MN-1 reallocates appropriations that were reflected in the FY 2015 Adopted Budget to pay collective bargaining agreements in the Health and Hospitals Corporation.

FISCAL IMPACT: MN-1 represents the reallocation of appropriations. The net effect of this modification is zero.

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 395

**RESOLUTION APPROVING THE MODIFICATION (MN-1) OF UNITS OF APPROPRIATION AND THE TRANSFER OF CITY FUNDS BETWEEN AGENCIES PROPOSED BY THE MAYOR PURSUANT TO SECTION 107(b) OF THE NEW YORK CITY CHARTER.**

By Council Member Ferreras.

**Whereas**, at a meeting of the Committee on Finance of the City Council of the City of New York (the "City Council") on August 21, 2014, the Committee on Finance received a communication, dated August 18, 2014 from the Office of Management and Budget of the Mayor of The City of New York (the "Mayor"), of a proposed request, attached hereto as Exhibit A (the "Modification"), to modify units of appropriation and transfer city funds between two agencies in the amount of \$43,822,583 in the Fiscal Year 2015 expense budget as adopted by the Council on June 26, 2014, pursuant to Section 107(b) of the Charter of the City of New York (the "Charter"); and

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

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

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

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

**ATTACHMENT:**



The City of New York  
**Office of Management and Budget**  
255 Greenwich Street - New York, New York 10007 - 2146  
(212) 768-5900  
Dean Fuleihan  
Director

August 18, 2014

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(b) of the New York City Charter, I request your approval to transfer City funds between two agencies in fiscal year 2015 to implement required changes in the City's expense budget to pay collective bargaining agreements in the Health and Hospital Corporation.

This modification (MN-1) will implement expense budget changes by transferring \$43.8 million of collective bargaining funding from the Miscellaneous Budget's Reserve for Collective Bargaining to the Health and Hospital Corporation.

Your approval of modification (MN-1) is respectfully requested.

Sincerely,

Dean Fuleihan

Fiscal Year 2015 Modification  
MN – 1

FROM

098      **Miscellaneous**  
001      Reserve for Collective Bargaining      (\$43,822,583)

TO

819      **Health and Hospitals Corporation**  
001      Lump Sum      \$43,822,583

JULISSA FERRERAS, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES VAN BRAMER, VANESSA L. GIBSON, LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, VINCENT M. IGNIZIO; Committee on Finance, August 21, 2014. *Other Council Members Attending: Matteo.*

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

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

Report for Res. No. 381

**Report of the Committee on Finance in favor of approving a Resolution concerning the establishment of the West Shore Business Improvement District in the Borough of Staten Island and setting the date, time and place for the public hearing to hear all persons interested in the establishment of such district.**

The Committee on Finance, to which the annexed preconsidered resolution was referred on August 21, 2014, respectfully

**REPORTS:**

**BACKGROUND**

Pursuant to the authority granted by chapter 4 of title 25 of the Administrative Code of the City of New York (hereinafter the “Law”), the Mayor and the Council are authorized to establish Business Improvement Districts (hereinafter “BIDs”) in New York City. BIDs, which are specifically established areas, use the City’s property tax collection mechanism to approve a special tax assessment with which to fund additional services that would enhance the area and improve local business. The additional services are normally in the areas of security, sanitation, physical/capital improvements (lighting, landscaping, sidewalks, etc.), seasonal activities (Christmas lighting) and related business services (marketing and advertising). The Steering Committee of a BID demarcates the areas in which services will be enhanced and also establishes the mechanism for the assessment needed to generate the required budget.

The proposed West Shore BID (hereinafter the “District”) is located in the borough of Staten Island and is generally bounded by Bloomfield Avenue to the north, the Arthur Kill to the west, Meredith Avenue to the south, and the West Shore Expressway to the east. The District is located within manufacturing and commercial zones, with a portion of the land being publicly owned by the City or State of New York including some designated wetlands.

The District represents 72 tax lots and is located in Staten Island Community Board 2. Of the 72 tax lots, 52 are privately-owned and 20 are publicly-owned. Located on the 52 privately-owned tax lots are 42 businesses, including 25 industrial or transportation businesses, 13 commercial businesses, and 1 not-for-profit business.

The District will be managed by the West Shore BID Management Association, Inc. Services to be provided within the District include: sanitation and maintenance (to address illegal dumping and abandoned cars and to maintain various medians); district-wide improvements (including wayfinding and streetscape improvements, such as signage); security services (such as night and weekend security patrols); and administrative and advocacy services.

Sanitation and Maintenance	\$24,000
District-wide Improvements	\$6,000
Security Services	\$17,420
General & Administrative Expenses and Advocate Salary	\$63,000

The budget for the first year of operation is \$110,420. All properties within the District devoted in whole or in part to industrial or commercial uses and/or vacant but developable properties will be assessed at a base contribution of \$1,000 per parcel and then further assessed at a contribution based on the property’s assessed value and lot size. The average annual assessment will be approximately \$2,200, the median annual assessment will be approximately \$1,400, and no assessment may be more than \$8,000. Not-for-profit owned property devoted wholly to public or not-for-profit use and publicly-owned property are exempt from assessment. Residential properties, of which there are none in the District, and wetland parcels, will be assessed \$1 per year.

**PRECONSIDERED RESOLUTION**

This Preconsidered Resolution is required by Section 25-407(b) (2) of the Administrative Code, which requires, in relevant part, that a further hearing shall be called by Resolution if the City Council finds that notice of the initial hearing on the proposed District was incorrectly or insufficiently given to property owners within a proposed district.

The main purpose of this Resolution is to set the public hearing date, time and place for the review of the local law which would establish the West Shore BID.

The hearing on the local law and the Plan will be held on September 10, 2014 at 10:00 a.m. in the Committee Room at City Hall in New York, New York to hear all persons interested in the establishment of the District.

This Resolution also directs Small Business Services (hereinafter “SBS”) and the West Shore BID Steering Committee, respectively, to, not less than ten nor more than thirty days before the date of the public hearing, mail a copy of this Resolution or a summary thereof to each owner of real property within the proposed District at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills concerning real property within the proposed District, and to the tenants of each building within the proposed District. The Resolution also directs SBS to arrange for the publication of a copy of this Resolution or a summary thereof at least once in the City Record or a newspaper in general circulation in the City, the first publication to be not less than ten nor more than thirty days before the date of the public hearing.

**(For text of the BID District Plan, please refer to the Office of the City Clerk at 141 Worth Street, Executive Offices, 1st Floor, New York, N.Y. 10013)**

*Accordingly, this Committee recommends its adoption.*

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

JULISSA FERRERAS, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES VAN BRAMER, VANESSA L. GIBSON, LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, VINCENT M. IGNIZIO; Committee on Finance, August 21, 2014. *Other Council Members Attending: Matteo.*

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



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

Report for Res. No. 382

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

The Committee on Finance, to which the annexed preconsidered resolution was referred on August 21, 2014, respectfully

**REPORTS:**

Introduction. The Council of the City of New York (the “Council”) annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter. On June 26, 2014, the Council adopted the expense budget for fiscal year 2015 with various programs and initiatives (the “Fiscal 2015 Expense Budget”). On June 27, 2013, the Council adopted the expense budget for fiscal year 2014 with various programs and initiatives (the “Fiscal 2014 Expense Budget”).

Analysis. This Resolution, dated July 24, 2014, approves new designations and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2015 Expense Budget and approves new designations and changes in the designation of certain organizations to receive funding pursuant to local and youth discretionary funding in the Fiscal 2014 Expense Budget, and amends the description for the Description/Scope of Services of certain organizations receiving local, aging and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2015 Expense Budget.

In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving local, aging, and youth discretionary funding and funding for certain initiatives in the Fiscal 2015 Expense Budget, as well as new designations and/or changes in the designation of certain organizations to receive funding pursuant to local and youth discretionary funding in the Fiscal 2014 Expense Budget.

This resolution sets forth the new designation and changes in the designation of certain organizations receiving local initiative funding pursuant to the Fiscal 2015 Expense Budget, as described in Chart 1; sets forth the new designation and changes in the designation of certain organizations receiving aging discretionary funding pursuant to the Fiscal 2015 Expense Budget, as described in Chart 2; sets forth the new designation and changes in the designation of certain organizations receiving youth discretionary funding pursuant to the Fiscal 2015 Expense Budget, as described in Chart 3; sets forth the new designation and the changes in the designation of certain organizations that will receive funding pursuant to certain initiatives in the Fiscal 2015 Expense Budget, as described in Charts 4 and 5; amends the description for the Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding and funding for certain initiatives pursuant to the Fiscal 2015 Expense Budget as described in Chart 6; sets forth the changes in the designation of a certain organization that will receive local discretionary funding pursuant to the Fiscal 2014 Expense Budget, as described in Chart 7; and sets forth the new designation of a certain organization receiving youth discretionary funding pursuant to the Fiscal 2014 Expense Budget, as described in Chart 8.

The charts, attached to the Resolution, contain the following information: name of the council member(s) designating the organization to receive funding or name of the initiative, as set forth in Adjustments Summary/Schedule C/Fiscal 2015 Expense Budget, dated June 26, 2014, and Adjustments Summary/Schedule C/Fiscal 2014 Expense Budget, dated June 27, 2013.

Specifically, Chart 1 sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2015 Expense Budget.

Chart 2 sets forth the new designation and changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2015 Expense Budget.

Chart 3 sets forth the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2015 Expense Budget.

Chart 4 sets forth the changes in the designation, specifically the amount, of certain organizations receiving funding pursuant to the Communities of Color Nonprofit Stabilization Fund Initiative in accordance with the Fiscal 2015 Expense Budget.

Chart 5 sets forth the changes in designation of a certain initiative receiving funding within the Department of Health and Mental Hygiene in accordance with the Fiscal 2015 Expense Budget. Funding for this initiative will be provided to the Department of Youth and Community Development which will be effectuated upon a budget modification.

Chart 6 amends the description for the Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding and funding pursuant to certain initiatives in accordance with the Fiscal 2015 Expense Budget.

Chart 7 sets forth changes in the designation, specifically the addition of fiscal conduit information, of a certain organization receiving local discretionary funding in accordance with the Fiscal 2014 Expense Budget.

Chart 8 sets forth the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2014 Expense Budget.

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

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

Description of Above-captioned Resolution. In the above-captioned Resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2014 and Fiscal 2015 Expense Budgets. Such Resolution would take effect as of the date of adoption.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 382:)**

Res. No. 382

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

By Council Member Ferreras.

**Whereas,** On June 26, 2014 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2015 with various programs and initiatives (the “Fiscal 2015 Expense Budget”); and

**Whereas,** On June 27, 2013, the Council adopted the expense budget for fiscal year 2014 with various programs and initiatives (the “Fiscal 2014 Expense Budget”); and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2014 and 2015 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2015 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding and funding pursuant to certain initiatives; now therefore be it

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 1; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 2; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 3; and be it further

**Resolved,** That the City Council approves the changes in the designation, specifically the amount, of certain organizations receiving funding pursuant to the Communities of Color Nonprofit Stabilization Fund Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 4; and be it further

**Resolved,** That the City Council approves the change in designation of the Anti-Gun Violence Initiative – Mental Health/Therapeutic Services, specifically funding removed from within the Department of Health and Mental Hygiene, in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 5; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for a certain organization receiving local, aging, and youth discretionary funding and funding pursuant to certain initiatives in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 6; and be it further

**Resolved,** That the City Council approves the changes in the designation, specifically the addition of fiscal conduit information, of a certain organization receiving local discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 7; and be it further

**Resolved,** That the City Council approves the new designation and change in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 8.

**ATTACHMENT:**

CHART 1: Local Initiatives - Fiscal 2015

Member	Organization	EIN Number	Agency	Amount	Agcy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Barron	Fort Greene Council, Inc. - Boulevard Senior Center	11-2308040	DFTA	(\$0,000.00)	125	003		
Barron	Wayside Out-Reach Development, Inc. (WORD) - Boulevard Senior Center	11-3529880	DFTA	\$00,000.00	125	003		
King	IRANSE Girls & Boys International Corporation	46-3299217	DYCD	(\$2,500.00)	260	312		
King	Faith at Work Christian Church	27-0127215	DYCD	\$2,500.00	260	312		
Vicosa	AARP Fort Schuyler Chapter #1242	23-7247809	DFTA	(\$1,000.00)	125	003	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811
Vicosa	AARP Fort Schuyler Chapter #1242	23-7247809	DFTA	\$1,000.00	125	003	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811
Vicosa	Catholic Widows and Widowers of the Bronx	13-3715149	DYCD	(\$1,000.00)	260	005	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811
Vicosa	Catholic Widows and Widowers of the Bronx	13-3715149	DYCD	\$1,000.00	260	005	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811
Crowley	75th Street Block Association, Inc. **	11-3442596	DYCD	\$1,000.00	260	005	Mansfield Town Hall	23-7259702
Crowley	75th Street Block Association, Inc. **	11-3442596	DYCD	(\$1,000.00)	260	005	Mansfield Town Hall	23-7259702
Crowley	Allied Veterans Memorial Committee of Greater Ridgewood and Glendale	38-3853340	DYCD	(\$2,500.00)	260	005	Mansfield Town Hall	23-7259702
Crowley	Allied Veterans Memorial Committee of Greater Ridgewood and Glendale	38-3853340	DYCD	\$2,500.00	260	005	Mansfield Town Hall	23-7259702
Crowley	Feathered Friends Parrot Adoption Services, Inc.	20-1981209	DYCD	(\$2,000.00)	260	005	Mansfield Town Hall	23-7259702
Crowley	Feathered Friends Parrot Adoption Services, Inc.	20-1981209	DYCD	\$2,000.00	260	005	Mansfield Town Hall	23-7259702
Crowley	Glendale Volunteer Ambulance Corps, Inc.	23-7348788	PNY	(\$4,000.00)	057	005	Greater Ridgewood Youth Council	11-2518141
Crowley	Glendale Volunteer Ambulance Corps, Inc.	23-7348788	PNY	\$4,000.00	057	005	Greater Ridgewood Youth Council	11-2518141
Crowley	Ridgewood Volunteer Ambulance Corps, Inc.	23-7405154	PNY	(\$4,000.00)	057	005	Greater Ridgewood Youth Council	11-2518141
Crowley	Ridgewood Volunteer Ambulance Corps, Inc.	23-7405154	PNY	\$4,000.00	057	005	Greater Ridgewood Youth Council	11-2518141
Crowley	Middle Village Volunteer Ambulance Corps, Inc.	11-2320754	PNY	(\$4,000.00)	057	005	Greater Ridgewood Youth Council	11-2518141
Crowley	Middle Village Volunteer Ambulance Corps, Inc.	11-2320754	PNY	\$4,000.00	057	005	Greater Ridgewood Youth Council	11-2518141
Crowley	United Presbyterian Church of Ridgewood	11-3236059	DYCD	(\$5,000.00)	260	005	Greater Ridgewood Youth Council	11-2518141
Crowley	United Presbyterian Church of Ridgewood	11-3236059	DYCD	\$5,000.00	260	005	Greater Ridgewood Youth Council	11-2518141
Villone	Korean American Senior Citizens Society of Greater New York, Inc.	11-3515647	DFTA	(\$3,500.00)	125	003		
Villone	Korean American Senior Citizens Society of Greater New York, Inc.	11-3515647	DFTA	\$3,500.00	125	003		
CC - Miller	Greater Bethel Community Development Corp.	32-000557	DYCD	(\$50,000.00)	260	005		
CC - Miller	Greater Bethel Community Development Corp.	32-000557	DYCD	\$50,000.00	260	005		
Rosenthal	Greater Bethel Interdenominational Church, Inc.	51-0153893	DYCD	(\$50,000.00)	068	002		
Rosenthal	Greater Bethel Interdenominational Church, Inc.	51-0153893	DYCD	\$50,000.00	068	002		
Rosenthal	New York City Housing Authority - WSJURA Brownstones	13-6400434	NYCHA	(\$500.00)	098	002		
Rosenthal	New York City Housing Authority - WSJURA B	13-6400434	NYCHA	\$500.00	098	002		
Rosenthal	Common Cents New York, Inc. **	13-3613229	DYCD	(\$3,500.00)	260	312		
Rosenthal	Common Cents New York, Inc. **	13-3613229	DYCD	\$3,500.00	260	312		
Constabandines	Pride Not Prejudice, Inc. **	46-1334329	DOE	(\$4,000.00)	071	200		
Constabandines	Pride Not Prejudice, Inc. **	46-1334329	DOE	\$4,000.00	071	200		
Constabandines	Community Word Project **	13-4114145	DCLA	\$4,000.00	126	003		
Constabandines	Community Word Project **	13-4114145	DCLA	\$4,000.00	126	003		
Barron	Research Foundation CUNY - Meagar Evers College	13-1988190	CUNY	(\$15,000.00)	042	001		
Barron	Research Foundation of the City University of New York - Meagar Evers College Center for Black Literature	13-1988190	CUNY	\$15,000.00	042	001		

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

CHART 1: Local Initiatives - Fiscal 2015 (continued)

Member	Organization	EIN Number	Agency	Amount	Agcy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Cabrera	P.S. 226 **	13-6400434	DOE	\$100,000.00	040	402		
Cabrera	P.S. 279 Captain Manuel Rivera, Jr. **	13-6400434	DOE	\$100,000.00	040	402		
Cabrera	Luisa Prieto Fuentes School of Science and Discovery **	13-6400434	DOE	\$100,000.00	040	402		
Cabrera	P.S. 360 **	13-6400434	DOE	\$100,000.00	040	402		
Cabrera	P.S. 248 Joe Center **	13-6400434	DOE	\$100,000.00	040	402		
Cabrera	Creston Academy **	13-6400434	DOE	\$100,000.00	040	402		
Cabrera	M.S. 390 **	13-6400434	DOE	\$100,000.00	040	402		
Cabrera	I.S. 117 Joseph H. Wade **	13-6400434	DOE	\$100,000.00	040	402		
Cabrera	P.S. 053 Timothy Dwight **	13-6400434	DOE	\$100,000.00	040	402		
Cabrera	P.S. 315 Lab School **	13-6400434	DOE	\$100,000.00	040	402		
Cabrera	Bronx Community Board # 8	13-6400434	BXCB	(\$5,000.00)	388	002		
Cabrera	Bronx Community Board # 7	13-6400434	BXCB	\$5,000.00	387	002		
Cabrera	School for Environmental Citizenship **	13-6400434	DOE	(\$5,000.00)	841	014		
Cabrera	School for Environmental Citizenship **	13-6400434	DOE	\$5,000.00	841	014		
Cabrera	Department of Transportation **	13-6400434	DOE	\$10,000.00	040	402		
Cabrera	Department of Transportation **	13-6400434	DOE	\$10,000.00	040	402		
Cabrera	Department of Education P.S. 238 - Langston Hughes **	13-6400434	DOE	\$3,000.00	040	402		
Cabrera	Department of Education P.S. 238 - Langston Hughes **	13-6400434	DOE	\$3,000.00	040	402		
CC-Rosenthal, T. Orms, Van Branner	American Museum of Natural History	13-6162653	DCLA	(\$100,000.00)	126	006		
CC-Rosenthal, T. Orms, Van Branner	American Museum of Natural History	13-6162653	DCLA	\$100,000.00	126	006		
Johnson	APICHA Community Health Center	13-3706365	DOHMH	(\$3,000.00)	816	112		
Johnson	APICHA Community Health Center	13-3706365	DOHMH	\$3,000.00	816	112		
Manchaca	APICHA Community Health Center	13-3706365	DOHMH	(\$3,500.00)	816	112		
Manchaca	APICHA Community Health Center	13-3706365	DOHMH	\$3,500.00	816	112		
CC	APICHA Community Health Center	13-3706365	DOHMH	(\$10,000.00)	816	112		
CC	APICHA Community Health Center	13-3706365	DOHMH	\$10,000.00	816	112		
Manhattan Del. Rosenthal, CC-Cumbo, Rosenthal, Van Branner	APICHA Community Health Center	13-3706365	DOHMH	(\$10,500.00)	816	112		
Manhattan Del. Rosenthal, CC-Cumbo, Rosenthal, Van Branner	APICHA Community Health Center	13-3706365	DOHMH	\$10,500.00	816	112		
Miller	Cool Culture, Inc.	16-1639698	DCLA	(\$75,000.00)	126	003		
Miller	Cool Culture, Inc.	16-1639698	DCLA	\$75,000.00	126	003		
Miller	Greater Bethel Interdenominational Ministries	51-0153893	DOHMH	(\$7,500.00)	816	112		
Miller	Greater Bethel Interdenominational Church, Inc.	51-0153893	DOHMH	\$7,500.00	816	112		
Johnson	NY Writer's Coalition, Inc.	11-3604670	DCLA	(\$3,000.00)	126	003		
Johnson	NY Writer's Coalition, Inc.	11-3604670	DCLA	\$3,000.00	126	003		
Dickers	Bank Street College of Education **	13-5562167	DYCD	(\$5,000.00)	260	312		
Dickers	Bank Street College of Education **	13-5562167	DYCD	\$5,000.00	260	312		
Dickers	Harlem Hospital Center - Hip Hop Heals **	13-2655001	DOHMH	\$5,000.00	816	112		
Dickers	Harlem Hospital Center - Hip Hop Heals **	13-2655001	DOHMH	\$5,000.00	816	112		

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

CHART 1: Local Initiatives - Fiscal 2015 (continued)

Member	Organization	EIN Number	Agency	Amount	Agcy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Langman	Doa Fund, Inc. The **	11-2603193	PNYS	(\$50,000.00)	071	200		
Langman	Doa Fund, Inc. The **	11-2603193	PNYS	\$50,000.00	071	200		
Langman	Broth Family Services, Inc. **	11-2603193	DYCD	\$10,000.00	260	005		
Langman	Broth Family Services, Inc. **	11-2603193	DYCD	\$10,000.00	260	005		
Langman	Eschscholzer Jewish Theatre, Inc. **	11-1866813	DYCD	\$10,000.00	260	005		
Langman	Eschscholzer Jewish Theatre, Inc. **	11-1866813	DYCD	\$10,000.00	260	005		
Langman	Queensborough Community College Auxiliary Enterprise Association, Inc. - Kupferberg Holocaust Center **	13-3998872	DCLA	\$10,000.00	126	003		
Rodriguez	Hapiano Federation, Inc.	11-2037770	CUNY	\$20,000.00	042	001		
Rodriguez	Hapiano Federation, Inc.	11-2037770	CUNY	\$20,000.00	042	001		
Rodriguez	Broth Family Services, Inc. **	13-2564241	DYCD	\$10,000.00	260	312		
Rodriguez	Broth Family Services, Inc. **	13-2564241	DYCD	\$10,000.00	260	312		
Rodriguez	Department of Parks and Recreation - Ann Loftus Playground-Park Associate **	11-2603193	DYCD	(\$3,500.00)	260	312		
Rodriguez	Department of Parks and Recreation - Ann Loftus Playground-Park Associate **	11-2603193	DYCD	\$3,500.00	260	312		
Kellos	Friends of St. Catharines Park, Inc.	13-6400434	DFR	\$3,500.00	846	006		
Kellos	Friends of St. Catharines Park, Inc.	13-6400434	DFR	\$3,500.00	846	006		
Kellos	Department of Parks and Recreation	13-6400434	DFR	(\$7,500.00)	846	006		
Kellos	Department of Parks and Recreation	13-6400434	DFR	\$7,500.00	846	006		
Kellos	Department of Parks and Recreation	13-6400434	DFR	(\$7,500.00)	846	006		
Kellos	Department of Parks and Recreation	13-6400434	DFR	\$7,500.00	846	006		
Cornegy	Department of Transportation - Helmet Filling and Distribution **	11-3250772	HFD	(\$4,500.00)	806	009		
Cornegy	Department of Transportation - Helmet Filling and Distribution **	11-3250772	HFD	\$4,500.00	806	009		
Cornegy	Bedford Stuyvesant Residents Association, Inc. **	13-6400434	DOE	\$3,000.00	841	004		
Cornegy	Bedford Stuyvesant Residents Association, Inc. **	13-6400434	DOE	\$3,000.00	841	004		
Cornegy	Alpha Upsilon Uplift, Inc. **	11-3624376	DYCD	\$1,500.00	260	005		
Cornegy	Alpha Upsilon Uplift, Inc. **	11-3624376	DYCD	\$1,500.00	260	005		
Cornegy	Bedford Stuyvesant Residents Association, Inc. **	13-6400434	DYCD	(\$2,000.00)	260	312		
Cornegy	Bedford Stuyvesant Residents Association, Inc. **	13-6400434	DYCD	\$2,000.00	260	312		
Lavina	Community Association of Progressive Dominicans	13-3267455	HFD	\$2,000.00	806	009		
Lavina	Community Association of Progressive Dominicans	13-3267455	HFD	\$2,000.00	806	009		
Lavina	Manhattan Community Board #9	13-6400434	WNCB	(\$1,500.00)	349	002		
Lavina	Manhattan Community Board #9	13-6400434	WNCB	\$1,500.00	349	002		
Eganea	Caribbean Research Center at Medgar Evers College, The **	11-2631818	DYCD	(\$10,000.00)	260	005		
Eganea	Caribbean Research Center at Medgar Evers College, The **	11-2631818	DYCD	\$10,000.00	260	005		
Eganea	Brooklyn Queens Land Trust **	11-2665181	DFTA	\$5,000.00	125	003		
Eganea	Brooklyn Queens Land Trust **	11-2665181	DFTA	\$5,000.00	125	003		
Eganea	Friends of Brooklyn Community Board 8, Inc.	45-3110977	DYCD	\$2,000.00	260	005		
Eganea	Friends of Brooklyn Community Board 8, Inc.	45-3110977	DYCD	\$2,000.00	260	005		

CHART 2: Aging Discretionary - Fiscal 2015

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Ferreras	Department for the Aging	13-640034	DFTA	\$5,000.00	125	003		
Ferreras	Queensborough Community College Auxiliary Enterprise	11-203770	DFTA	\$5,000.00	125	003		
Mendez	Association, Inc.	13-566271	DFTA	\$5,000.00	125	003		
Mendez	Department for the Aging	13-566271	DFTA	\$5,000.00	125	003		
Mendez	Educational Alliance	13-2981783	DFTA	\$10,000.00	125	003		
Mendez	Department for the Aging	13-566271	DFTA	\$750.00	125	003		
Mendez	Educational Alliance	13-566271	DFTA	\$750.00	125	003		
Mendez	Grand Street Settlement, Inc.	13-566220	DFTA	\$750.00	125	003		
Mendez	Henry Street Settlement	13-566220	DFTA	\$750.00	125	003		
Mendez	Older Adults Technology Services (OATS), Inc.	55-0862599	DFTA	\$2,000.00	125	003		
Mendez	Philly Community Development Corporation	13-2707865	DFTA	\$750.00	125	003		
Mendez	Self Reliance Association of American Ukrainians, Inc.	13-6629116	DFTA	\$750.00	125	003		
Mendez	United Jewish Council of the East Side, Inc.	13-2735378	DFTA	\$750.00	125	003		
Mendez	Visiting Neighbors, Inc.	23-776098	DFTA	\$2,750.00	125	003		
Comagy	Vocal Etern, Inc.	37-146920	DFTA	\$750.00	125	003		
Comagy	Summer Houses Tenants Association, Inc.	11-2733344	DFTA	\$21,000.00	125	003		
Comagy	Temple Houses Resident Association, Inc.	11-3065879	DFTA	\$5,000.00	125	003		
Comagy	Herb Stuy Campaign Against Hunger	20-054564	DFTA	\$15,000.00	125	003		

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

CHART 3: Youth Discretionary - Fiscal 2015

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Gentile	St. Bernadette School	11-2202663	DYCD	\$5,500.00	260	312		
Gentile	Ridge Chorale, Inc.	11-6264963	DYCD	\$1,000.00	260	312		
Gentile	New York Junior Tennis League, Inc.	23-7442266	DYCD	\$1,500.00	260	312		
Gentile	Narrowes Community Theater	51-0167270	DYCD	\$1,000.00	260	312		
Cumbo	Big Brothers Big Sisters of New York City, Inc.	13-600383	DYCD	\$1,000.00	260	312		
Cumbo	Center for Leadership on Urban Solutions, Inc.	45-4968344	DYCD	\$1,000.00	260	312		
Cumbo	Department of Youth and Community Development	13-640034	DYCD	\$10,000.00	260	312		
Cumbo	Stand Up Brooklyn, Inc.	90-0950229	DYCD	\$5,000.00	260	312		
Cumbo	500 Men Making a Difference, Inc.	45-2568264	DYCD	\$1,500.00	260	312		
Cumbo	IFeayo Cultural Arts Academy, Inc.	11-3027538	DYCD	\$1,500.00	260	312		
Cumbo	First Baptist Church of Crown Heights	11-2033098	DYCD	\$1,000.00	260	312		
Cumbo	Girls for Gender Equity, Inc.	04-3897166	DYCD	\$1,000.00	260	312		
Ferreras	Lafayette City Youth and Adult Activities Association, Inc.	11-3106423	DYCD	\$10,000.00	260	312		
Ferreras	Educational Civic Committee of New York	11-3853173	DYCD	\$5,000.00	260	312		
Ferreras	Flushing Council on Culture and the Arts	11-2652189	DYCD	\$5,000.00	260	312		
Vacca	Pelham Parkway Little League	13-308259	DYCD	\$5,000.00	260	312	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811
Vacca	Pelham Parkway Little League	13-308259	DYCD	\$5,000.00	260	312	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811
Vacca	Throggs Neck Little League	52-1287397	DYCD	\$2,000.00	260	312	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811
Vacca	Throggs Neck Little League	52-1287397	DYCD	\$2,000.00	260	312	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811
Vacca	48th Precinct Law Enforcement Explorers Program	02078653	DYCD	\$3,500.00	260	312	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811
Vacca	48th Precinct Law Enforcement Explorers Program	02078653	DYCD	\$3,500.00	260	312	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811
Crowley	Maggies Little Theater at St. Margarets Parish	11-172360	DYCD	\$4,000.00	260	312	Maspeth Town Hall	23-729702
Crowley	Maggies Little Theater at St. Margarets Parish	11-172360	DYCD	\$4,000.00	260	312	Maspeth Town Hall	23-729702
Crowley	Our Lady of the Miraculous Medal	11-172360	DYCD	\$4,000.00	260	312	Maspeth Town Hall	23-729702
Crowley	Sacred Heart School	11-2027268	DYCD	\$5,000.00	260	312	Maspeth Town Hall	23-729702
Crowley	Sacred Heart School	11-2027268	DYCD	\$5,000.00	260	312	Maspeth Town Hall	23-729702
Crowley	St. Mattheus Sports Association	11-1686268	DYCD	\$5,000.00	260	312	Greater Ridgewood Youth Council	11-2518141
Crowley	St. Mattheus Sports Association	11-1686268	DYCD	\$5,000.00	260	312	Greater Ridgewood Youth Council	11-2518141
Crowley	Works Little League, Inc.	11-2948074	DYCD	\$2,000.00	260	312	Greater Woodhaven Development Corporation, Inc.	11-2609190
Crowley	Works Little League, Inc.	11-2948074	DYCD	\$2,000.00	260	312	Greater Woodhaven Development Corporation, Inc.	11-2609190
Crowley	Queen's Titans, Inc.	46-3655539	DYCD	\$3,500.00	260	312	Maspeth Town Hall	23-729702
Crowley	Queen's Titans, Inc.	46-3655539	DYCD	\$3,500.00	260	312	Maspeth Town Hall	23-729702
Crowley	St. Stanislaus Athletic Association	11-1981305	DYCD	\$8,000.00	260	312	Maspeth Town Hall	23-729702
Crowley	St. Stanislaus Athletic Association	11-1981305	DYCD	\$8,000.00	260	312	Maspeth Town Hall	23-729702
Crowley	Roman Catholic Church of St. Margaret	11-172360	DYCD	\$4,500.00	260	312	Maspeth Town Hall	23-729702
Crowley	Roman Catholic Church of St. Margaret	11-172360	DYCD	\$4,500.00	260	312	Maspeth Town Hall	23-729702

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

CHART 4: Communities of Color Nonprofit Stabilization Fund - Fiscal 2015

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Coalition for Asian American Children and Families		13-3682471	DYCD	\$653,533.00	260	005		
Hispanic Federation		13-3573852	DYCD	\$653,533.00	260	005		
New York Urban League		13-1671035	DYCD	\$653,534.00	260	005		
Coalition for Asian American Children and Families		13-3682471	DYCD	\$500,000.00	260	005		
Hispanic Federation		13-3573852	DYCD	\$1,000,000.00	260	005		
New York Urban League		13-1671035	DYCD	\$1,000,000.00	260	005		

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

CHART 3: Youth Discretionary - Fiscal 2015 (continued)

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Rosenthal	Frida Not Projudicia, Inc.	16-183229	DYCD	\$3,500.00	260	312		
Rosenthal	Common Cents New York, Inc.	13-3719229	DYCD	\$3,500.00	260	312		
Lanman	Rehail Segalman of Alawat Achin	11-207274	DYCD	\$7,000.00	260	312		
Lanman	Voicers Community House, Inc.	11-321693	DYCD	\$7,000.00	260	312		
Lanman	Young Lord of Jamaica Estates	11-321693	DYCD	\$8,600.00	260	312		
Comagy	Voicers Community House, Inc.	11-321693	DYCD	\$8,600.00	260	312		
Comagy	SCO Family of Houses, Inc.	11-277068	DYCD	\$1,000.00	260	312		
Comagy	Brooklyn Youth Football, Inc.	71-081183	DYCD	\$1,000.00	260	312		
Comagy	SCO Family of Houses	11-277068	DYCD	\$1,000.00	260	312		
Comagy	SCO Family of Houses	54-2167738	DYCD	\$1,000.00	260	312		
Comagy	SCO Family of Houses	30-9476160	DYCD	\$2,000.00	260	312		
Comagy	DNVAs for Social Justice	30-9476160	DYCD	\$2,000.00	260	312		
Comagy	Crown Heights Youth Collective, Inc.	11-2568422	DYCD	\$10,000.00	260	312		
Eugene	Arthur Alpha Institute For Urban Health, Inc.	13-171431	DYCD	\$5,000.00	260	312		
Eugene	Arthur Alpha Institute For Urban Health, Inc.	11-318372	DYCD	\$5,000.00	260	312		
Koo	Community Senior Center of Flushing, Inc.	27-4668974	DYCD	\$3,500.00	260	312		
Koo	Chinese Community Center of Flushing	27-4668974	DYCD	\$3,500.00	260	312		

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





CHART 6: Purpose of Funds Changes - Fiscal 2015 (continued)

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds
LOCAL	Levine	Community Voices Heard	13-3801897	DYCD	(\$5,000.00)	Request funding to support the costs of district technical assistance and the possible hiring, training, and supervising of commissioners to support the process.
LOCAL	Levine	Community Voices Heard	13-3801897	DYCD	\$5,000.00	Funding for educating the community public about the City Council, civic participation and engagement in the New York City budgeting process.
LOCAL	Levine	Buyers And Renters United To Save Harlem, Inc.	20-5377284	DYCD	(\$3,500.00)	Funding to continue educational, research and outreach efforts in Council District 7 to provide tenants and the larger community with effective ways to bring greater economic vitality to the neighborhood.
LOCAL	Levine	Buyers And Renters United To Save Harlem, Inc.	20-5377284	DYCD	\$3,500.00	Funding to continue educational, research and outreach efforts in Council District 7 to provide tenants and the larger community with effective ways to bring greater economic vitality to the neighborhood.
LOCAL	Levine	Generation Citizen, Inc.	27-0385292	DYCD	(\$3,500.00)	Requested funding will enable GC to implement a school-based program in a Council District 7 school through which middle and/or high school students develop civic skills and motivation by solving problems in their own communities. Funding can be used to cover salaries, rent, supplies and other program expenses.
LOCAL	Levine	Generation Citizen, Inc.	27-0385292	DYCD	\$3,500.00	Requested funding will enable GC to implement a school-based program in a Council District 7 school through which middle and/or high school students develop civic skills and motivation by solving problems in their own communities. Funding can be used to cover salaries, rent, supplies and other program expenses.
LOCAL	Eugene	Flitbun Development Corporation	51-0186251	DYCD	(\$9,000.00)	To support outreach and summer programs for youth, community development programs to improve neighborhoods, and senior programs.
LOCAL	Eugene	Flitbun Development Corporation	51-0186251	DYCD	\$9,000.00	To provide for the daily sweeping of Cortegou Road and Newark Plaza's commercial strips.
YOUTH	Levin	Town Square, Inc.	86-2488014	DYCD	(\$3,500.00)	To support chess curriculum in schools in District 13.
YOUTH	Levin	Town Square, Inc.	86-2488014	DYCD	\$3,500.00	To support chess curriculum in schools in District 13.
City Council Merit-Based Scholarships		Department of Education	13-4400434	DOE	(\$185,000.00)	To support programming that provides informational resources for parents and schools, environmental programs that support sustainable living, and community building events.
City Council Merit-Based Scholarships		Department of Education	13-4400434	DOE	\$185,000.00	This funding will provide first-year FIT students who graduated from a New York City public high school with a B or better average and who maintain a B or better average in a scholarship of approximately \$400 for each semester of the 2014-2015 academic year.

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

CHART 6: Purpose of Funds Changes - Fiscal 2015 (continued)

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds
City Council Merit-Based Scholarships		City University of New York	13-6400434	CUNY	(\$10,915,000.00)	This funding will provide first-year CUNY students who graduated from a New York City public high school with a B or better average and who maintain a B or better average with a scholarship of approximately \$400 for each semester of the 2014-2015 academic year.
City Council Merit-Based Scholarships		City University of New York	13-6400434	CUNY	\$10,915,000.00	This funding will provide first-year CUNY students who graduated from a New York City public high school with a B or better average and who maintain a B or better average with a scholarship of approximately \$400 for each semester of the 2014-2015 academic year.
LOCAL	Ulrich	Ohr Brynamm	26-0088006	DSS	(\$3,500.00)	Funds will be used to cover the operational costs to operate a Summer Camp including the purchase of supplies and equipment as well as the operational costs including utilities.
LOCAL	Ulrich	Ohr Brynamm	26-0088006	DSS	\$3,500.00	Funds will be used to cover the operational costs to operate a Summer Camp including utilities.
LOCAL	Ulrich	Richmond Hill Business Improvement District	27-1343334	DYCD	(\$3,500.00)	Funds will be used to support commercial revitalization including workshops for business owners, beautification projects, clean up projects.
LOCAL	Ulrich	Richmond Hill Business Improvement District	27-1343334	DYCD	\$3,500.00	Funds will be used to support commercial revitalization including workshops for business owners, beautification projects, clean up projects.
LOCAL	Ulrich	Howard Beach Lindenwood Cvl	46-5165713	DYCD	(\$5,000.00)	Funds will be used to cover operational expenses including supplies and expenses associated with events and meetings.
LOCAL	Ulrich	Howard Beach Lindenwood Cvl	46-5165713	DYCD	\$5,000.00	Funds will be used to cover operational expenses including supplies and expenses associated with events and meetings.

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

CHART 8: Youth Discretionary - Fiscal 2014

Member	Organization	EIN Number	Agency	Amount	Fiscal
Rodriguez	Juan Pablo Duarte Foundation	14-1840245	DYCD	(\$5,000.00)	280   312
Rodriguez	College Summit, Inc.	52-2007028	DYCD	(\$5,000.00)	280   312
Rodriguez	Higams Federation, Inc.	13-3573857	DYCD	\$10,000.00	280   312

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

CHART 7: Local Initiatives - Fiscal 2014

Member	Organization	EIN Number	Agency	Amount	Fiscal
Raynoza	St. Matthias Sports Association	11-1885926	DYCD	(\$5,000.00)	280   312
Raynoza	St. Matthias Sports Association	11-1885926	DYCD	\$5,000.00	280   312

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

JULISSA FERRERAS, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES VAN BRAMER, VANESSA L. GIBSON, LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, VINCENT M. IGNIZIO; Committee on Finance, August 21, 2014. *Other Council Members Attending: Matteo.*

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

**Report of the Committee on Fire and Criminal Justice Services**

Report for Int. No. 292-A

**Report of the Committee on Fire and Criminal Justice Services in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the commissioner of correction, in coordination with the commissioner of health and mental hygiene, to post a quarterly report on its website regarding punitive segregation, restricted housing and clinical alternative to punitive segregation housing statistics for city jails.**

The Committee on Fire and Criminal Justice Services, to which the annexed amended proposed local law was referred on April 29, 2014 (Minutes, page 1351), respectfully

**REPORTS:****I. INTRODUCTION**

On August 20, 2014, the Committees on Fire and Criminal Justice Services (“FCJS”), chaired by Elizabeth S. Crowley, will vote on Proposed Int. No. 292-A, requiring the Department of Correction (“DOC”) to post a quarterly report on its website regarding punitive segregation, restrictive housing and clinical alternatives to punitive segregation housing statistics for city jails. The Committee previously held a hearing on this bill on June 12<sup>th</sup> of this year. The Committee will also hear and vote on Preconsidered Resolution 379 calling on the New York City Department of Correction (“DOC”) to end the practice of placing individuals returning to City jails into punitive segregation, also known as solitary confinement, to complete time owed.

**II. BACKGROUND**

The New York City DOC imposes punitive segregation on pretrial detainees and sentenced prisoners for behavioral infractions during their incarceration.<sup>1</sup> If a prisoner is found guilty of violating DOC rules they are sanctioned for their offense by being put into punitive segregation (sometimes referred to as solitary confinement) which consists of being temporarily placed in a specially designed single-occupancy cell for 23 hours per day, with one hour of recreation and access to daily showers in the housing unit.<sup>2</sup> Punitive segregation prisoners are also given access to health care services and allowed to have visitors; however, before leaving their cell these prisoners must be handcuffed.<sup>3</sup>

Prior to 2013, infractioned prisoners were placed in one of several punitive segregation units at Rikers Island, including, the Mental Health Assessment Unit for Infractioned Inmates (“MHAUII”) at the George R. Vierno Center. Where they were placed was dependent on their age and mental health status. Prior to placing an inmate who committed a rule violation, licensed mental health staff determined which housing was appropriate.<sup>4</sup> MHAUII was a housing unit for infractioned prisoners with mental illnesses and serious mental illnesses who required more intensive mental health services.<sup>5</sup> In the past, any inmate who committed an infraction and was mentally ill – regardless of severity – was placed in MHAUII, where length of time in the unit was based upon the penalty. MHAUII was staffed by clinicians who provided both group and individual mental health treatment and monitoring.<sup>6</sup>

In 2013, DOC announced a system-wide policy reform for punitive segregation in general, and particularly for prisoners with mental illness who commit infractions. Under this policy, DOC set guidelines to standardize the penalty imposed for individual infractions. DOC also incorporated discipline approaches where the first offense is treated less severely than subsequent offenses but made it clear inmates who commit infractions will still be placed in punitive segregation as long as the inmate does not have any mental illnesses.<sup>7</sup> With regard to inmates with mental illness that commit infractions, DOC now differentiates between mental illness and serious mental illness. MHAUII beds have been replaced with Restrict Housing Units (“RHU”) for inmates who incur infractions, have mental illnesses, but who are not determined to be seriously mentally ill.<sup>8</sup> Within the RHU inmates with infractions who are not seriously mentally ill are encouraged to participate in a three-phase behavioral modification program in a group setting staffed by the City’s Department of Health.<sup>9</sup> This program lasts about 8-weeks, and is designed to allow inmates to earn additional out-of-cell time and consideration for conditional release. Under this same policy change, inmates, who commit infractions and are determined to be seriously mentally ill, are not punished. For those inmates, the infraction is set aside with no penalties and the seriously mentally ill inmate is assigned to a secure setting

for the Lower Ma\_\_\_\_\_

<sup>1</sup> New York City Department of Correction, Punitive Segregation Frequently Asked Questions, February 1, 2012.

<sup>2</sup> Id.

<sup>3</sup> Id.

<sup>4</sup> New York City Department of Correction, New Mental Health Initiative Will Intervene and Provide Treatment for Seriously Mental Ill Among Jail Population, May 13, 2013.

<sup>5</sup> Id.

<sup>6</sup> Id.

<sup>7</sup> Id.

<sup>8</sup> Id.

<sup>9</sup> Id.

within DOC for intensive mental health treatment called Clinical Alternative to Punitive Segregation, also known as CAPS housing.

Although DOC has reformed some of its policies there is still a need for the Council to receive detailed data on DOC’s punitive segregation populations. While the Mayor’s Management Report has several critical indicators regarding the jail population, there is very little reporting by the Department with respect to its use of punitive segregation.

**III. PROPOSED INT. NO. 292-A**

To enable the Council to have a better understanding of DOC’s use of punitive segregation, this introduction creates a local law that will amend the administrative code of the City of New York, in relation to requiring the Commissioner of Correction in coordination with the Commissioner of Health and Mental Hygiene to post a quarterly report on the DOC website regarding punitive segregation, restricted housing and clinical alternative to punitive segregation housing statistics for city jails.

Section 1 of the bill amends Chapter 1 of title 9 of the administrative code of the city of New York by adding a new section 9-134. Subdivision (a) of the newly created section 9-134 sets forth definitions of terms for use in this newly created section. Subdivision (b) of newly created section 9-134 would set forth that the DOC’s reporting requirements pursuant to this law would begin no later than January 20, 2014 for the prior quarter and be updated on the DOC’s website on or before the twentieth day of each subsequent quarter thereafter. Section 9-134 would require that the DOC report on a quarterly basis the total number of inmates housed in punitive segregation, restricted housing and clinical alternative to punitive segregation housing, disaggregated by facility and housing category. Section 9-134 would further require the DOC to report the following information regarding the punitive segregation, restricted housing and clinical alternative to punitive segregation housing populations, disaggregated by facility and housing category:

- (i) the number of inmates in each security risk group as defined by the department’s classification system directive;
- (ii) the number of inmates subject to enhanced restraints, including but not limited to, shackles, waist chains and hand mittens;
- (iii) the number of inmates sent to punitive segregation, restricted housing and clinical alternative to punitive segregation housing during the period;
- (iv) the number of inmates sent to punitive segregation, restricted housing and clinical alternative to punitive segregation housing from mental observation housing areas;
- (v) the number of inmates, by highest infraction offense grade as classified by the department, (grade one, two, or three);
- (vi) the number of inmates serving punitive segregation in the following specified ranges: less than ten days, ten to thirty days, thirty-one to ninety days, ninety-one to one hundred eighty days, one hundred eighty-one to three hundred sixty-five days, and more than three hundred sixty-five days;
- (vii) the number of inmates receiving mental health services;
- (viii) the number of inmates twenty-one years of age and under;
- (ix) the number of inmates over twenty-one years of age in ten-year intervals;
- (x) the race and gender of inmates;
- (xi) the number of inmates who received infractions while in punitive segregation, restricted housing and clinical alternative to punitive segregation housing;
- (xii) the number of inmates who received infractions that lead to the imposition of additional punitive segregation time;
- (xiii) the number of inmates who committed suicide;
- (xiv) the number of inmates who attempted suicide;
- (xv) the number of inmates on suicide watch;
- (xvi) the number of inmates who caused injury to themselves (excluding suicide attempt);
- (xvii) the number of inmates seriously injured while in punitive segregation, restricted housing and clinical alternative to punitive segregation housing;
- (xviii) the number of inmates who were sent to non-psychiatric hospitals outside the city jails;
- (xix) the number of inmates who died (non-suicide);
- (xx) the number of inmates transferred to a psychiatric hospital from punitive segregation (not MHU);
- (xxi) the number of inmates transferred to a psychiatric hospital from MHU, disaggregated by program;
- (xxii) the number of inmates moved from general punitive segregation to MHU, disaggregated by program;
- (xxiii) the number of inmates placed into MHU following a disciplinary hearing, disaggregated by program;
- (xxiv) the number of inmates moved from MHU to punitive segregation, disaggregated by program (not MHU);
- (xxv) the number of inmates prescribed anti-psychotic medications, mood stabilizers or anti-anxiety medications, disaggregated by the type of medication;
- (xxvi) the number of requests made by inmates for medical or mental health treatment and the number granted;
- (xxvii) the number of requests made by inmates to attend congregational religious services and the number granted;
- (xxviii) the number of requests made by inmates for assistance from the law library and the number granted;

- (xxix) the number of requests made by inmates to make telephone calls and the number granted, disaggregated by weekly personal calls and other permissible daily calls;
- (xxx) the number of inmate recreation days and the number of recreation hours attended;
- (xxxi) the number of individual recreation hours that were offered to inmates prior to six a.m.;
- (xxxii) the number of inmate shower days and the number of showers taken;
- (xxxiii) the number of inmates who received visits;
- (xxxiv) the number of instances of allegations of use of force;
- (xxxv) the number of instances of use of force A;
- (xxxvi) the number of instances of use of force B;
- (xxxvii) the number of instances of use of force C;
- (xxxviii) the number of instances in which contraband was found;
- (xxxix) the number of instances of allegations of staff on inmate sexual assault;
- (xl) the number of instances of substantiated staff on inmate sexual assault;
- (xli) the number of instances of allegations of inmate on staff sexual assault, and
- (xlii) the number of instances of substantiated inmate on staff sexual assault.

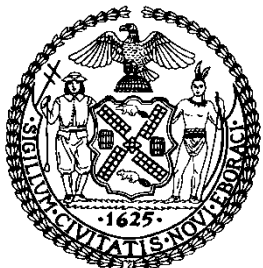
**IV. AMENDMENTS TO PROPOSED INT. NO. 292-A:**

Int. No. 292 was modified since it was previously heard to require a quarterly report due on or before the twentieth day subsequent to each quarter year, commencing on or before January 20<sup>th</sup> rather than a monthly report. The bill previously called for the report to include information regarding punitive segregation, disaggregated by facility, and was modified to require information regarding punitive segregation, restricted housing and clinical alternative to punitive segregation housing, disaggregated by facility and housing category. Current indicators iii, iv, xi and xvii were also modified to reflect the addition of required reporting on restricted housing and clinical alternative to punitive segregation housing. The bill was also amended to require the Commissioner of Correction to work in coordination with the Commissioner of Health and Mental Hygiene to compile the data for the report. In addition to the forty indicators required in Int. No. 292, two indicators were added and the rest renumbered. Current indicator xxxi was added to Proposed Int. No. 292-A and requires the report to include the number of recreation hours that were offered to inmates prior to 6 a.m. for the reporting period. Indicator xxxvii was added to Proposed Int. No. 292-A and requires the report to include the number of instances of Use of Force C, as defined in the bill as a use of force that results in no injury to staff or inmates. Additionally, three of the indicators have been modified. Indicator xxix, which requires the reporting of the number of requests made by inmates to make telephone calls and the number granted for the period, was modified to have the data disaggregated by weekly personal calls and other permissible daily calls. Indicator xxx, which previously required the reporting of the number of requests made by inmates who asked to attend recreation and the number granted, was modified to require the reporting of the number of inmate recreation days as defined in the bill and number of recreation hours granted. Indicator xxxii, which previously required the reporting of the number of requests made by inmates to shower and the number granted, was modified to require the reporting of the number of inmate shower days as defined in the bill and the number of showers taken. The bill previously went into effect 30 days after its enactment, but now will take effect immediately upon enactment.

**V. ANALYSIS OF PRECONSIDERED RES. NO. 379**

DOC administers punitive segregation as a disciplinary tool for pretrial detainees and sentenced inmates for behavioral infractions during their incarceration. Historically, DOC requires individuals who were returning to City jails and had not completed their punitive segregation time from prior incarceration to complete their time owed. In January of 2012, DOC modified its policy and began expunging time owed for certain infractions from prior incarcerations. Currently, “minor infractions” older than a year and “serious infractions” such as the use of a weapon, arson, or assault on staff that are older than two years are expunged for individuals returning to jail. Preconsidered Res. No. 379 calls on the New York City Department of Correction to end the practice of placing individuals returning to City jails into punitive segregation, also known as solitary confinement, to complete time owed.

(The following is the text of the Fiscal Impact Statement for Int. No. 292-A:)



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION**

LATONIA MCKINNEY, ACTING DIRECTOR

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 292-A**

**COMMITTEE:** Fire and Criminal Justice Services

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the commissioner of correction, in coordination with the commissioner of

**SPONSORS:** Members Dromm, King, Lancman, Johnson, Chin, Crowley, Dickens, Gibson, Lander, Levine, Rose, Wills, Barron, Mendez, Rosenthal, Levin, Williams, Koslowitz, Reynoso, Arroyo

health and mental hygiene, to post a and Constantinides quarterly report on its website regarding punitive segregation, restricted housing and clinical alternative to punitive segregation housing statistics for city jails.

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 292-A requires the commissioner of the Department of Correction (DOC), in coordination with the Commissioner of the Department of Health and Mental Hygiene, to post a quarterly report on the DOC’s website regarding punitive segregation, restricted housing and clinical alternatives to punitive segregation statistics for city jails, including, but not limited to data regarding: (i) the number of inmates housed in punitive segregation, restricted housing and clinical alternatives to punitive segregation; (ii) their age, race, and gender; (iii) length of stay; (iv) use of force, injury, death and attempted or committed suicide while segregated; (v) sexual or physical assault, (vi) use of enhanced restraints; (vii) receipt of certain services, such as recreation and showers, medical and psychiatric attention and phone calls; and (viii) infractions committed prior to, and while in, punitive segregation, restricted housing and clinical alternatives to punitive segregation. The first quarterly report will include data covering the period of October 1, 2014 through December 31, 2014.

**EFFECTIVE DATE:** This local law shall take effect immediately upon enactment.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** FY16

**FISCAL IMPACT STATEMENT:**

	Effective FY15	FY Succeeding Effective FY16	Full Fiscal Impact FY16
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** This legislation would have no impact on revenues.

**IMPACT ON EXPENDITURES:** This legislation would have no impact on city expenditures as existing Department of Correction resources would be used to comply with any additional requirements created by this law.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council Finance Division  
New York City Department of Correction

**ESTIMATE PREPARED BY:** Eisha Wright, Unit Head

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Rebecca Chasan, Assistant Finance Counsel

**LEGISLATIVE HISTORY:** On April 29, 2014, Intro. No. 292 was introduced to the full Council and assigned to the Committee on Fire and Criminal Justice Services. The Committee held a hearing and laid the legislation over on June 12, 2014. The legislation was subsequently amended. The Committee on Fire and Criminal Justice Services will consider the amended legislation, Proposed Intro. No. 292-A on August 20, 2014 Upon successful vote by the Committee, the full Council will vote on Proposed Intro. No. 292-A on August 21, 2014.

**DATE PREPARED:** August 20, 2014

*Accordingly, this Committee recommends its adoption, as amended.*

(The following is the text of Int. No. 292-A:)

Int. No. 292-A

By Council Members Dromm, King, Lancman, Johnson, Chin, Crowley, Dickens, Gibson, Lander, Levine, Rose, Wills, Barron, Mendez, Rosenthal, Levin, Williams, Koslowitz, Reynoso, Arroyo, Constantinides, Kallos, Garodnick, Rodriguez, Menchaca, Palma, Eugene, Cornegy, Mealy and the Public Advocate (Ms. James).

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the commissioner of correction, in coordination with the commissioner of health and mental hygiene, to post a quarterly report**



**on its website regarding punitive segregation, restricted housing and clinical alternative to punitive segregation housing statistics for city jails.**

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-134 to read as follows:

§ 9-134 Jail punitive segregation statistics. a. Definitions. For the purposes of this section, the following terms shall have the following meanings:

“Department” shall mean the New York city department of correction.

“Inmate recreation day” shall mean one day per each individual for every day in punitive segregation during each quarter.

“Inmate shower day” shall mean one day per each individual for every day in punitive segregation during each quarter.

“Mental health unit” (“MHU”) shall mean any separate housing area staffed by mental health clinicians where inmates with mental illness who have been found guilty of violating department rules are housed, including but not limited to restricted housing units and clinical alternative to punitive segregation units.

“Punitive segregation” shall mean city jail housing units where inmates who have been found guilty of violating department rules may be temporarily housed as a sanction for their offense(s) and restricted to their cells more than fifteen hours per day.

“Serious injury” shall mean a physical injury that includes: (i) a substantial risk of death or disfigurement; (ii) loss or impairment of a bodily organ; (iii) a fracture or break to a bone, excluding fingers and toes; (iv) an injury defined as serious by a physician; and (v) any additional serious injury as defined by the department.

“Staff” shall mean anyone, other than an inmate, working at a facility operated by the department.

“Use of force” shall mean the use of chemical agents or physical contact between a uniformed member of service and an inmate, but shall not include physical contact used in a non-confrontational manner to apply mechanical restraints or to guide an inmate.

“Use of force A” shall mean a use of force resulting in an injury that requires medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid, including, but not limited to: (i) multiple abrasions and/or contusions; (ii) chipped or cracked tooth; (iii) loss of tooth; (iv) laceration; (v) puncture; (vi) fracture; (vii) loss of consciousness, including a concussion; (viii) suture; (ix) internal injuries, including but not limited to ruptured spleen or perforated eardrum; or (x) admission to a hospital.

“Use of force B” shall mean a use of force resulting in an injury that does not require hospitalization or medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid.

“Use of force C” shall mean a use of force resulting in no injury to staff or inmates.

b. For the quarter beginning October first, two thousand fourteen, commencing on or before January twentieth, two thousand fifteen, and on or before the twentieth day of each quarter thereafter, the commissioner of correction, in coordination with the commissioner of health and mental hygiene, shall post a report on the department website containing information relating to the use of punitive segregation, restricted housing and clinical alternative to punitive segregation housing in city jails for the previous quarter. Such quarterly report shall include separate indicators, disaggregated by facility and housing category for the total number of inmates housed in punitive segregation, restricted housing and clinical alternative to punitive segregation housing. Such quarterly report shall also include the following information regarding the punitive segregation, restricted housing and clinical alternative to punitive segregation housing population: (i) the number of inmates in each security risk group as defined by the department’s classification system directive, (ii) the number of inmates subject to enhanced restraints, including but not limited to, shackles, waist chains and hand mittens, (iii) the number of inmates sent to punitive segregation, restricted housing and clinical alternative to punitive segregation housing during the period, (iv) the number of inmates sent to punitive segregation, restricted housing and clinical alternative to punitive segregation housing from mental observation housing areas, (v) the number of inmates, by highest infraction offense grade as classified by the department, (grade one, two, or three), (vi) the number of inmates serving punitive segregation in the following specified ranges: less than ten days, ten to thirty days, thirty-one to ninety days, ninety-one to one hundred eighty days, one hundred eighty-one to three hundred sixty-five days, and more than three hundred sixty-five days, (vii) the number of inmates receiving mental health services, (viii) the number of inmates twenty-one years of age and under, (ix) the number of inmates over twenty-one years of age in ten-year intervals, (x) the race and gender of inmates, (xi) the number of inmates who received infractions while in punitive segregation, restricted housing and clinical alternative to punitive segregation housing, (xii) the number of inmates who received infractions that lead to the imposition of additional punitive segregation time, (xiii) the number of inmates who committed suicide, (xiv) the number of inmates who attempted suicide, (xv) the number of inmates on suicide watch, (xvi) the number of inmates who caused injury to themselves (excluding suicide attempt), (xvii) the number of inmates seriously injured while in punitive segregation, restricted housing and clinical alternative to punitive segregation housing, (xviii) the number of inmates who were sent to non-psychiatric hospitals outside the city jails, (xix) the number of inmates who died (non-suicide), (xx) the number of inmates transferred to a psychiatric hospital from punitive segregation (not MHU), (xxi) the number of inmates transferred to a psychiatric hospital from MHU, disaggregated by program, (xxii) the number of inmates moved from general

punitive segregation to MHU, disaggregated by program, (xxiii) the number of inmates placed into MHU following a disciplinary hearing, disaggregated by program, (xxiv) the number of inmates moved from MHU to punitive segregation, disaggregated by program (not MHU), (xxv) the number of inmates prescribed anti-psychotic medications, mood stabilizers or anti-anxiety medications, disaggregated by the type of medication, (xxvi) the number of requests made by inmates for medical or mental health treatment and the number granted, (xxvii) the number of requests made by inmates to attend congregational religious services and the number granted, (xxviii) the number of requests made by inmates for assistance from the law library and the number granted, (xxix) the number of requests made by inmates to make telephone calls and the number granted, disaggregated by weekly personal calls and other permissible daily calls, (xxx) the number of inmate recreation days and the number of recreation hours attended, (xxxi) the number of individual recreation hours that were offered to inmates prior to six a.m., (xxxii) the number of inmate shower days and the number of showers taken, (xxxiii) the number of inmates who received visits, (xxxiv) the number of instances of allegations of use of force, (xxxv) the number of instances of use of force A, (xxxvi) the number of instances of use of force B, (xxxvii) the number of instances of use of force C, (xxxviii) the number of instances in which contraband was found, (xxxix) the number of instances of allegations of staff on inmate sexual assault, (xl) the number of instances of substantiated staff on inmate sexual assault, (xli) the number of instances of allegations of inmate on staff sexual assault, and (xlii) the number of instances of substantiated inmate on staff sexual assault.

§2. This local law shall take effect immediately upon enactment.

ELIZABETH S. CROWLEY, Chairperson; MATHIEU EUGENE, FERNANDO CABRERA, RORY I. LANCMAN, PAUL A. VALLONE. Committee on Fire and Criminal Justice Services, August 20, 2014. Other Council Members Attending: Rodriguez and Dromm.

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

#### Reports of the Committee on Governmental Operations

Report for Int. No. 6

#### Report of the Committee on Governmental Operations in favor of approving and adopting a Local Law to amend the administrative code of the city of New York, in relation to requiring public-facing disclosure of campaign spending.

The Committee on Governmental Operations, to which the annexed proposed local law was referred on February 4, 2014 (Minutes, page 234), respectfully

#### REPORTS:

##### INTRODUCTION

Today, the Committee on Governmental Operations, chaired by Council Member Benjamin Kallos, will conduct a vote on Int. No. 441 and Proposed Int. No. 148-A, both of which relate to campaign finance disclosure. The Committee previously heard these bills on April 25 of this year. The Committee will also hear and vote on Preconsidered Int. No., a bill creating an exception to the practice of sending an official voter guide to registered voters whenever a local ballot initiative or candidate is being voted on.

##### BACKGROUND

Since 1988, New York City has had a comprehensive campaign financing system for candidates running for local office.<sup>1</sup> The system is run by the Campaign Finance Board (“the CFB”), an independent, nonpartisan agency also created in 1988.<sup>2</sup> Commonly referred to as the “Campaign Finance Act” (the “CFA”), the legislation, as amended from time to time, provides candidates who choose to participate in the program with public funds to help finance their campaigns. Specifically, such candidates are given \$6 in public matching funds for every \$1 of a “small donation,” up to \$175 per contributor, up to a maximum of \$1,050 in public funds per contributor.<sup>3</sup> Candidates choosing to participate in the program must abide by expenditure limits, and all candidates for local office must abide by contribution limits.<sup>4</sup> The intent of the CFA is “to reduce improper influence of local officers by large campaign contributions and to enhance public confidence in local government.”<sup>5</sup> The CFA also has the benefit of, as the CFB puts it, “encourag[ing] participants to seek small contributions, and reach out to a greater number of their prospective constituents.”<sup>6</sup> Recent city elections have seen the vast majority of candidates, and subsequent elected officeholders, participating in the matching funds program.<sup>7</sup> Although in many respects the CFA is a leader among national campaign finance laws, it does not require that communications to voters paid for or authorized by a campaign or campaign committee disclose their source on the communication itself.

Although disclosure is not required on communications from campaigns, it is required on election-related communications from independent entities (“independent

expenditures”).<sup>8</sup> These requirements were approved as part of the 2010 Charter Revision because the 2010 Charter Revision Commission believed such disclosure would “provide critical information and context for members of the public and help them to evaluate advertising messages aimed at influencing their votes.”<sup>9</sup> Additionally, the Charter Revision Commission found that the more detailed disclosures made to the CFB, in accordance with the new requirement, would facilitate their “ability to enforce expenditure and contribution limits under current law by providing [them] with real-time data concerning expenditures of this nature.”<sup>10</sup>

The disclosure provisions approved in the 2010 Charter Revision, and the CFB’s subsequent rulemaking, included disclosure requirements for reporting to the CFB, and for disclosures on communications purchased by independent expenditures. Experience in the 2013 local elections, however, exposed some weaknesses in these provisions. The basic disclosures contained on advertisements gave too little information to the public about the sources of the messages, hindering voters’ ability to evaluate the arguments in election-related advertisements. The primary weakness in both reporting to the CFB and in disclosures on communications in 2010 was a lack of detail about the individuals and entities whose financial support substantially enabled the creation of these communications. This lack of detail was due, in part, to the often generic names of spending entities.<sup>11</sup> Disclosures on communications were very limited, encompassing only the often-generic name of the spending entity. Disclosure to the CFB included the donors to spending groups if the spending group spent at least \$5,000, but these donors sometimes had generic names as well or, if they were a business entity that was not widely known to the public, still included no additional information about their owners or operators in CFB disclosures.

The intent of the 2010 Charter Revision Commission in proposing basic disclosure of independent expenditures was “[t]o provide the citizens of the City with more complete and timely information so that they can properly assess the content of political communications intended to influence their behavior at polls.”<sup>12</sup> The generic names of organizations responsible for such communications has frustrated this intent, particularly in the area most New Yorkers see such disclosure: the communications themselves. The actual sources of spending have been obscured, making it difficult for voters to evaluate the arguments in election-related advertisements. Requiring more robust disclosure of the sources behind spending, both on communications and to the CFB, would make progress towards solving this problem in a targeted way.

Under current law, the New York City Voter Guide is required to be mailed to the household of every registered voter in New York City whenever there is a contested election for local office or a municipal ballot proposal or referendum.<sup>13</sup> For those elections without local candidates up for election, the only item that could be included in the Voter Guide are a ballot proposals and referenda, when applicable. For those years in which the legality of such a ballot proposal or referendum is contested, however, the CFB, which publishes the Voter Guide, necessarily faces uncertainty about their obligations until the legality of such proposal or referendum is settled. A situation could arise in which the CFB is forced to procure large quantities of paper for a Voter Guide that, in the end, becomes unnecessary to produce under these circumstances.

#### **ANALYSIS OF INT. NO. 6**

Int. No. 6 would require communications, such as campaign literature and advertisements, which are paid for by the campaign committee of a candidate for any City office, to include a disclosure as part of the communication that the campaign committee has paid for its creation and distribution. For example, a radio advertisement supporting John Doe for Mayor, and paid for by the John Doe for Mayor campaign committee, would need to include the spoken words “This advertisement was paid for by John Doe for Mayor,” or a functionally similar disclosure. Likewise, a printed advertisement attacking a candidate, paid for by an opponent, would be required to disclose the identity of the candidate who funded the advertisement. The bill would also require a similar disclosure on communications that are authorized, but not paid for, by a candidate or a candidate committee. This bill would take effect six months after its enactment.

#### **ANALYSIS OF, AND AMENDMENTS TO, PROPOSED INT. NO. 148-A**

Proposed Int. No. 148-A has two primary components: 1) requiring more detailed disclosure to the CFB on the sources of funding for independent expenditures; and 2) requiring communications financed by independent expenditures to include expanded disclosures, such as the top donors to the organization making the independent expenditure and a link to a website with more information about the spender.

#### *More Detailed Disclosure to the CFB*

Under current law, individuals and entities that make independent expenditures aggregating \$1,000 or more in local elections are required to disclose such expenditures to the CFB.<sup>14</sup> Individuals and entities that make such expenditures aggregating over \$5,000 must disclose the names of any entities that contributed to the entity that made the expenditure, and any individuals that contributed \$1,000 or more to the entity that made the expenditure.<sup>15</sup> Proposed Int. No. 148-A would expand this reporting requirement as it relates to those making contributions to entities that make independent expenditures. Under current law, only the identity of the donating entity is required to be reported. This law would also require that the “owners, partners, board members, and officers, or their equivalents” of the donating entity be reported by the independent expenditure-making entity as well. If no individual fits any of those categories, at least one individual who exercises control over the contributing entity must be reported. This provision is intended to increase

transparency with respect to entities that donate money to groups making independent expenditures.

Additional disclosure would be added for large donors to entities that in turn donate to independent-expenditure-making entities. This “donors to donors” provision applies only to entities that donate \$25,000 or more to an entity that donates \$50,000 to an independent-expenditure-making entity.

These provisions have been amended since the version of this bill heard in April. The language in then-section one of the bill that would have established an intent-based standard for disclosure, and that would have required disclosure for any donor, no matter how many steps removed from the ultimate spender, who intended for his, her, or its donation to be used to make independent expenditures, was eliminated. In the place of these provisions, the “donors to donors” provision was added to ensure that, even if an individual or entity is two steps removed from an expenditure, they are disclosed if they make large contributions to a significant donor to an independent-expenditure-making entity.

Finally, the applicable timeframes were clarified to generally be the twelve month period prior to an election, and the provision requiring the disclosure of at least one responsible individual of a donating entity was added.

#### *Expanded Disclosures on Independent Expenditures Themselves*

Current law requires disclosure of the responsible individual or entity on any “literature, advertisement or other communication” paid for by independent expenditure if the individual or entity makes at least \$1,000 or more in expenditures.<sup>16</sup> State law requires certain independent expenditures to disclose that they are not expressly authorized by a candidate, candidate’s committee, or its agents.<sup>17</sup> Proposed Int. No. 148-A would require additional disclosures for independent expenditures funded by entities that vary based on the type of communication.

For communications that are “written, typed, or printed...or on any internet text or graphical advertisement,” the disclosure must include the name of the spending entity’s owner, if any, and chief executive officer or equivalent, if any. It must further list the three largest donors at the time the communication is finalized who donated at least \$5,000 to the entity, if any. If multiple donors have donated the same amount, such that the third and fourth largest donors have donated equally, the entity may choose which such donors to include. This last provision applies to all on-communication donor disclosures on communications covered by the legislation. Finally, the communication must include text directing the reader to find more information at [nyc.gov/FollowTheMoney](http://nyc.gov/FollowTheMoney) or such other website designated by the CFB. These provisions do not apply to small items on which these disclosures cannot be reasonably included, such as pens and pencils, buttons, bumper stickers, and other similarly sized items.

For paid television and internet video advertisements, disclosure must include an audio disclosure of the entity or individual responsible for the communication, and print disclosure of the same, as well as a print disclosure of the three largest donors at the time the communication is finalized who donated at least \$5,000 to the entity, if any. Finally, the communication must include text directing the reader to find more information at [nyc.gov/FollowTheMoney](http://nyc.gov/FollowTheMoney) or such other website designated by the CFB.

For paid radio or internet audio advertisements, or automated telephone calls, the disclosure must include the three largest donors at the time the communication is finalized who donated at least \$5,000 to the entity, if any. For paid radio or internet audio advertisements of thirty seconds or shorter, however, the entity may choose to direct the listener to [nyc.gov/FollowTheMoney](http://nyc.gov/FollowTheMoney) or such other website designated by the CFB instead of listing their three largest donors to ensure that the disclosures do not burden the spender’s ability to highlight their message in a relatively short audio advertisement.

Finally, on live telephone calls longer than ten seconds paid for by independent expenditures, the caller must identify the name of the responsible entity and direct the receiver to [nyc.gov/FollowTheMoney](http://nyc.gov/FollowTheMoney) or such other website designated by the CFB.

The disclosures required by this law must be in the primary language of the communication, except that the website [nyc.gov/FollowTheMoney](http://nyc.gov/FollowTheMoney) or such other website designated by the CFB must be in English.

The legislation contains a severability clause to make clear the Council’s intent that the invalidation of any provision of this legislation should not affect the validity or enforceability of any other of its provisions. The bill would take effect one year after its enactment.

Since the April hearing, these provisions have been modified in a number of ways. The number of donors to be included in communications was reduced from five to three. The threshold amount that such donors must have donated to be included was increased from \$1,000 to \$5,000. The requirements that a spending entity’s address, chief financial officer, and chief operating officer, or equivalents be included on print communications were removed. The requirement that certain communications state that they are “not authorized by any candidate or candidate committee” and that the expenditure was “an independent expenditure, and is not subject to the contribution and expenditure limits that apply to candidates in the NYC Campaign Finance Board’s public matching funds program” was removed. The maximum length for a radio or internet radio advertisement that could take advantage of reduced disclosure requirements was increased from fifteen to thirty seconds. Finally, the website being linked to in communications was changed from [nycfb.info](http://nycfb.info) to [nyc.gov/FollowTheMoney](http://nyc.gov/FollowTheMoney).

#### **ANALYSIS OF PRECONSIDERED INT. NO. 441**

Preconsidered Int. No. would waive the requirement that the CFB publish a Voter Guide in print and send a copy to the household of every registered voter when

two circumstances are present for an election. First, if there are no elections for any local office<sup>18</sup> in the applicable election district. Second, if there is no administrative action, or determination by a court of final jurisdiction, that a ballot proposal or referendum will be included on the ballot at least sixty days prior to the date of the election. When both of these conditions are present, the CFB would be required under this bill to make information on any ballot proposal or referendum that is ultimately approved for inclusion on the ballot available on its website rather than sending out a printed Voter Guide to registered voters.

<sup>1</sup> This system is laid out in Chapter 7 of Title 3 of the Administrative Code of the City of New York.

<sup>2</sup> NYC Charter §1052.

<sup>3</sup> NYC Admin. Code §3-705(2)(a).

<sup>4</sup> See generally NYC Admin. Code §3-706 and §3-703, respectively.

<sup>5</sup> NYC Local Law 8 of 1988, §1.

<sup>6</sup> "Why Should I Join?" New York City Campaign Finance Board website, available at <http://www.nycffb.info/candidates/candidates/whyJoin.aspx>.

<sup>7</sup> Angela Migally and Susan Liss, "Small Donor Matching Funds: The NYC Election Experience," THE BRENNAN CENTER FOR JUSTICE (2010), page 11, available at <http://www.brennancenter.org/sites/default/files/legacy/Small%20Donor%20Matching%20Funds-The%20NYC%20Election%20Experience.pdf>.

<sup>8</sup> NYC Charter §1052(a)(15).

<sup>9</sup> "Final Report of the 2010 NYC Charter Revision Commission," page 13, available at [http://www.nyc.gov/html/charter/downloads/pdf/final\\_report\\_2010\\_charte\\_revision\\_9-1-10.pdf](http://www.nyc.gov/html/charter/downloads/pdf/final_report_2010_charte_revision_9-1-10.pdf).

<sup>10</sup> *Id.* at 13-14.

<sup>11</sup> Examples of groups that names that did not make it obvious who or what was funding them are many, and include Jobs for New York, United for the Future, New York City is Not for Sale, People for a Better New York, Fighting for Our Future, New York Progress, New Yorkers for Proven Leadership, The New York Progress and Protection PAC, People for a Better New York, New Yorkers United Committee,

<sup>12</sup> Final Report of the 2010 Charter Revision Commission, page 15.

<sup>13</sup> NYC Charter §1052(b).

<sup>14</sup> NYC Charter §1052(a)(15)(b).

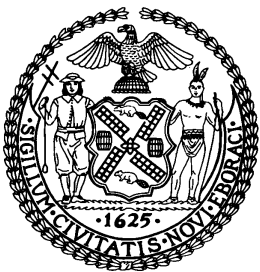
<sup>15</sup> *Id.*

<sup>16</sup> NYC Charter §1052(a)(15)(c).

<sup>17</sup> NY Election Law §14-107(2).

<sup>18</sup> Local offices are Mayor, Public Advocate, Borough President, Comptroller, and City Council Member.

(The following is the text of the Fiscal Impact Statement for Int. No. 6:)



THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION

LATONIA MCKINNEY, ACTING DIRECTOR

FISCAL IMPACT STATEMENT

INTRO. NO.: 6

COMMITTEE:  
Governmental Operations

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring public-facing disclosure of campaign spending.

**SPONSOR(S):** By Council Members Garodnick, Chin, Cumbo, Dromm, Ferreras, Gentile, Greenfield, King, Koo, Lancman, Levin, Levine, Palma, Rosenthal, Williams, Cohen, Vacca, Johnson, Torres, Dickens, Maisel, Constantinides, Miller, Crowley, Rose, Deutsch, Mendez, Wills, Kallos, Weprin, Van Bramer, Koslowitz, Menchaca, Vallone, Matteo and the Public Advocate (Ms. James)

**SUMMARY OF LEGISLATION:** This legislation would require communications, such as campaign literature and advertisements, which are paid for by the campaign committee of a candidate for election to any City office, to include a disclosure as part of the communication that the campaign committee has paid for the communication. Likewise, whenever a candidate or candidate committee authorizes any other entity to pay for communication in support of or in opposition to any candidate, the legislation would require that the communication disclose such authorization.

**EFFECTIVE DATE:** This local law would take effect six months after its enactment; provided that the Campaign Finance Board (CFB) may promulgate rules as may be necessary for the purpose of implementing and carrying out the provisions of this local law, prior to its effective date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2016

**FISCAL IMPACT STATEMENT:**

	Effective FY 15	FY Succeeding Effective FY 16	Full Fiscal Impact FY 15
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** This legislation would have no impact on City expenditures since existing CFB resources would be used to complete any additional requirements created by this local law.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council, Finance Division

**ESTIMATE PREPARED BY:** John Russell, Principal Financial Legislative Analyst

**ESTIMATE REVIEWED BY:** Rebecca Chasan, Assistant Finance Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on February 4, 2014 as Intro. No. 6 and referred to the Committee on Governmental Operations. On April 25, 2014 the Committee on Governmental Operations held a hearing on Intro. 6, and the legislation was laid over. The Committee will vote on Intro. No. 6 on August 20, 2014 and upon successful vote, Intro. No. 6 will be submitted to the full Council for a vote on August 21, 2014.

*Accordingly, this Committee recommends its adoption.*

(The following is the text of Int. No. 6:)

Int. No. 6

By Council Members Garodnick, Chin, Cumbo, Dromm, Ferreras, Gentile, Greenfield, King, Koo, Lancman, Levin, Levine, Palma, Rosenthal, Williams, Cohen, Vacca, Johnson, Torres, Dickens, Maisel, Constantinides, Miller, Crowley, Rose, Deutsch, Mendez, Wills, Kallos, Weprin, Van Bramer, Koslowitz, Menchaca, Vallone, Arroyo, Rodriguez, Barron, Matteo, Lander and the Public Advocate (Ms. James).

**A Local Law to amend the administrative code of the city of New York, in relation to requiring public-facing disclosure of campaign spending.**

*Be it enacted by the Council as follows:*

Section 1. Section 3-703 of the administrative code is amended by adding a new subdivision 16 to read as follows:

16. (a) *Whenever the authorized or principal committee of any participating, limited participating, or non-participating candidate pays for any literature, advertisement or other communication, such communication shall disclose that the communication has been paid for by such candidate or committee.*

(b) *Whenever a participating, limited participating, or non-participating candidate, or the authorized or principal committee of such a candidate, authorizes any individual or entity other than such participating, limited participating, or non-participating candidate, or the authorized or principal committee of such a candidate, to pay for any literature, advertisement or other communication in support of or in opposition to any candidate in any covered election, such communication shall disclose that the communication has been authorized by such candidate or committee.*

§2. This local law shall take effect six months after its enactment; provided, however, that the campaign finance board may promulgate rules as may be necessary for the purpose of implementing and carrying out the provisions of this local law, prior to its effective date.

BEN KALLOS, *Chairperson*; DAVID G. GREENFIELD, MARK LEVINE, RITCHIE J. TORRES, STEVEN MATTEO; Committee on Governmental Operations, August 20, 2014. *Other Council Members Attending: Lander and Chin.*

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

Report for Int. No. 148-A

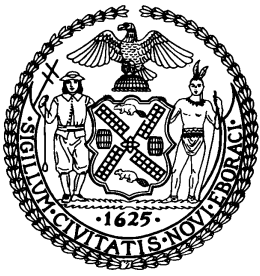
**Report of the Committee on Governmental Operations in favor of approving and adopting as amended, a Local Law to amend the New York city charter, in relation to increasing independent expenditure disclosure requirements.**

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on March 12, 2014 (Minutes, page 655), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Governmental Operations for Int No. 6 printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 148-A:*



THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION

LATONIA MCKINNEY, ACTING DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO.:148-A

COMMITTEE:  
Governmental Operations

**TITLE: A Local Law to amend the New York city charter, in relation to increasing independent expenditure disclosure requirements.**

**SPONSOR(S):** By Council Members Lander, Torres, Chin, Cumbo, Levine, Menchaca, Johnson, Miller, Reynoso, Van Bramer, Kallos, and Rosenthal.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 148-A has two primary components: 1) requiring more detailed disclosure to the Campaign Finance Board (CFB) on the sources of funding for independent expenditures by requiring that the “owners, partners, board members, and officers” of, and large contributors to, the donating entity be reported by the independent expenditure-making entity; and 2) requiring communications financed by independent expenditure-making entity to include expanded disclosures, such as the top donors to the organization making the independent expenditure and a link to a website with more information about the spender.

**EFFECTIVE DATE:** This local law would take effect one year after its enactment, provided, that the CFB will take such actions, including the promulgation of rules, as are necessary for timely implementation of this local law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** N/A

**FISCAL IMPACT STATEMENT:**

	Effective FY 16	FY Succeeding Effective FY 17	Full Fiscal Impact FY 16
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** This legislation would have no impact on City expenditures since existing CFB resources would be used to complete any additional requirements created by this local law.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Finance Division

**ESTIMATE PREPARED BY:** John Russell, Principal Financial Legislative Analyst

**ESTIMATE REVIEWED BY:** Rebecca Chasan, Assistant Finance Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on March 12, 2014 as Intro. No.148 and referred to the Committee on Governmental Operations. On April 25, 2014 the Committee on Governmental Operations held a hearing on Intro. 148, an amendment was offered, and the legislation was laid over. The Committee will vote on the amended legislation, Proposed Intro. No. 148-A on August 20, 2014 and upon successful vote, Proposed Intro. No. 148-A will be submitted to the full Council for a vote on August 21, 2014.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 148-A:)**

Int. No. 148-A

By Council Members Lander, Torres, Chin, Cumbo, Levine, Menchaca, Johnson, Miller, Reynoso, Van Bramer, Rosenthal, Kallos and Barron.

**A Local Law to amend the New York city charter, in relation to increasing independent expenditure disclosure requirements.**

*Be it enacted by the Council as follows:*

Section 1. Legislative findings. Under current law, disclosure on independent expenditure advertisements includes only the name of the individual or organization responsible for the advertisement. Many independent expenditure-making organizations in the 2013 election cycle, however, had generic names that told voters little about who or what the organizations represented, obscuring the actual sources of the spending and making it difficult for voters to evaluate the arguments in election-related advertisements. Requiring the inclusion of the names of donors to these organizations within such advertisements, and linking to a website with more detailed information, will alleviate this problem in a targeted way by enhancing voters’ understanding of the interests and individuals whose financial support substantially enabled the creation of such advertisements. The Council therefore finds that it has an interest in promoting transparency by ensuring that the electorate has sufficient information and that voters are informed about the sources of spending related to local elections, and that this legislation is substantially related to such interest.

§2. Subparagraph (b) of paragraph 15 of subdivision a of section 1052 of the New York city charter, as added by vote of the electors of the city of New York at a general election held on November 2, 2010, is amended to read as follows:

(b) Every individual and entity that makes independent expenditures aggregating one thousand dollars or more in support of or in opposition to any candidate in any covered election, or in support of or in opposition to any municipal ballot proposal or referendum, shall be required to disclose such expenditure to the board. In addition, every entity that, in the twelve months preceding a covered election, makes independent expenditures aggregating five thousand dollars or more in support of or in opposition to any candidate in any covered election shall disclose the following: (i) the identity of any entity that, on or after the first day of the calendar year preceding the covered election, contributed to the entity reporting the expenditure, and the owners, partners, board members, and officers, or their equivalents, of such contributing entity, or, if no individuals exist in any such roles, the name of at least one individual who exercises control over the activities of such contributing entity; (ii) the identity of any entity or individual who, in the twelve months preceding the covered election, contributed twenty-five thousand dollars or more to any entity that, in the twelve months preceding the covered election, contributed fifty thousand dollars or more to the entity reporting the expenditure; and (iii) the identity of any individual who, in the twelve months preceding the covered election, contributed one thousand dollars or more to the entity reporting the expenditure.

§3. Subparagraph (c) of paragraph 15 of subdivision a of section 1052 of the New York city charter, as added by vote of the electors of the city of New York at a general election held on November 2, 2010, is amended to read as follows:

(c) Any literature, advertisement or other communication in support of or in opposition to any candidate in any covered election that is paid for by an individual or entity making independent expenditures aggregating one thousand dollars or more shall, in addition to any applicable disclosure requirements in state law, disclose [the name of any individual or entity making the expenditure] information as follows:

(i) on any written, typed, or printed communication, or on any internet text or graphical advertisement, in a conspicuous size and style, the words “Paid for by” followed by the name of the individual or the name of the entity, the name of its owner, if any, and the name of its chief executive officer or equivalent, if any, and, following the words “Top Three Donors,” a list of the three largest aggregate donors to such entity in the twelve months preceding the election, except that no donor that contributed less than five thousand dollars to the disclosing entity in the twelve months preceding the election shall be included in such disclosure, and except that if such entity has only one or two donors that contributed at least five thousand dollars the words “Top Three Donors” shall be replaced by the words “Top Donor” or “Top Donors” as applicable, and except that expenditures funded by an individual or where no such donors exist need not include the words “Top Three Donors” or a list of donors, and except that this clause shall not apply to communications required to include a disclosure pursuant to subdivision sixteen of section 3-703 of the administrative code. If the third largest donor to the disclosing entity has donated the same amount in the twelve months preceding the election as

the fourth largest donor during such period, such entity may choose which three donors to include so long as no donor is included that has donated less in the twelve months preceding the election than any other donor that is not included. Such written disclosures shall further include, in a conspicuous size and style, the following words: "More information at [nyc.gov/FollowTheMoney](http://nyc.gov/FollowTheMoney)." The board may, at its discretion, designate a website other than [nyc.gov/FollowTheMoney](http://nyc.gov/FollowTheMoney) as the website that must be included in such disclosure. All disclosures required by this clause shall be enclosed in a box within the borders of the communication or advertisement that contains only those disclosures required by this subparagraph, the rules of the board, the election law, or any other applicable law or rule. For the purposes of this clause, the "owner" of an entity shall be an individual or entity with a greater than fifty percent ownership interest in such entity. The disclosures required by this clause shall not apply to bumper stickers, pins, buttons, pens, and similar small items upon which such disclosures cannot be reasonably printed;

(ii) on any paid television advertisement or paid internet video advertisement, clearly spoken in a pitch and tone substantially similar to the rest of the advertisement, at the beginning or end of the advertisement, the words "paid for by" followed by the name of the individual or the name of the entity, and, in a conspicuous size and style simultaneous with such spoken disclosure, the written words "Paid for by" followed by the name of the individual or the name of the entity, followed by the words "The top three donors to the organization responsible for this advertisement are," followed by a list of the three largest aggregate donors to such entity in the twelve months preceding the election, except that no donor that contributed less than five thousand dollars to the disclosing entity in the twelve months preceding the election shall be included in such disclosure, and except that if such entity has only one or two donors that contributed at least five thousand dollars the words "top three donors" shall be replaced by the words "top donor" or "top donors" as applicable, and except that expenditures funded by an individual or where no such donors exist need not include the words "The top three donors to the organization responsible for this advertisement are" or a list of donors, and except that this clause shall not apply to communications required to include a disclosure pursuant to subdivision sixteen of section 3-703 of the administrative code. If the third largest donor to the disclosing entity has donated the same amount in the twelve months preceding the election as the fourth largest donor during such period, such entity may choose which three donors to include so long as no donor is included that has donated less in the twelve months preceding the election than any other donor that is not included. Such written disclosures shall further include, in a conspicuous size and style, the following words: "More information at [nyc.gov/FollowTheMoney](http://nyc.gov/FollowTheMoney)." The board may, at its discretion, designate a website other than [nyc.gov/FollowTheMoney](http://nyc.gov/FollowTheMoney) as the website that must be included in such disclosure. All written disclosures required by this clause shall be enclosed in a box that contains only those disclosures required by this subparagraph, the rules of the board, the election law, or any other applicable law or rule;

(iii) in any paid radio advertisement, paid internet audio advertisement, or automated telephone call, clearly spoken in a pitch and tone substantially similar to the rest of the advertisement or call, at the end of the advertisement or call, the words "paid for by" followed by the name of the individual or the name of the entity, followed by the words "with funding provided by," followed by a list of the three largest aggregate donors to such entity in the twelve months preceding the election, except that no donor that contributed less than five thousand dollars to the disclosing entity in the twelve months preceding the election shall be included in such disclosure, and except that expenditures funded by an individual or where no such donors exist need not include the words "with funding provided by" or a list of donors, and except that this clause shall not apply to communications required to include a disclosure pursuant to subdivision sixteen of section 3-703 of the administrative code. If the third largest donor to the disclosing entity has donated the same amount in the twelve months preceding the election as the fourth largest donor during such period, such entity may choose which three donors to include so long as no donor is included that has donated less in the twelve months preceding the election than any other donor that is not included. In the case of a radio or internet audio advertisement covered by this clause that is thirty seconds in duration or shorter, the clearly spoken words "more information at [nyc.gov/FollowTheMoney](http://nyc.gov/FollowTheMoney)" may be included in a pitch and tone substantially similar to the rest of the advertisement, instead of the words "with funding provided by" followed by a list of the three largest aggregate donors in the twelve months preceding the election. The board may, at its discretion, designate a website other than [nyc.gov/FollowTheMoney](http://nyc.gov/FollowTheMoney) as the website that must be included in such disclosure; and

(iv) in any non-automated telephone call, clearly spoken during any such call lasting longer than ten seconds, the words "this call is paid for by," followed by the name of the individual or the name of the entity, followed by the words "more information is available at [nyc.gov/FollowTheMoney](http://nyc.gov/FollowTheMoney)." The board may, at its discretion, designate a website other than [nyc.gov/FollowTheMoney](http://nyc.gov/FollowTheMoney) as the website that must be included in such disclosure.

(v) For communications primarily in languages other than English for which disclosure is required under this subparagraph, such disclosure shall be in the primary language of the communication instead of English, except that the web address [nyc.gov/FollowTheMoney](http://nyc.gov/FollowTheMoney), or such other website as the board has designated, if required to be written or spoken in such disclosure, shall be in English.

§4. Severability. If any section, subsection, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the

remaining portions of this local law, which remaining portions shall continue in full force and effect.

§5. This local law shall take effect one year after its enactment, provided, however, that the campaign finance board shall take such actions, including the promulgation of rules, as are necessary for timely implementation of this local law.

BEN KALLOS, *Chairperson*; DAVID G. GREENFIELD, MARK LEVINE, RITCHIE J. TORRES, STEVEN MATTEO; Committee on Governmental Operations, August 20, 2014. *Other Council Members Attending: Lander and Chin.*

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

At this point the Speaker (Council Member Mark-Viverito) announced that the following items had been **preconsidered** by the Committee on Governmental Operations and had been favorably reported for adoption.

Report for Int. No. 441

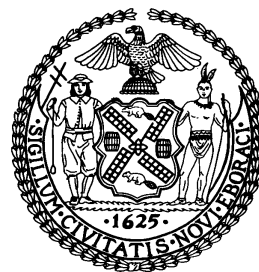
**Report of the Committee on Governmental Operations in favor of approving and adopting a Local Law to amend the New York city charter, in relation to the voters guide requirements of the campaign finance board.**

The Committee on Governmental Operations, to which the annexed preconsidered proposed local law was referred on August 21, 2014, respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Governmental Operations for Int No. 6 printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 441:*



THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION

LATONIA MCKINNEY, ACTING DIRECTOR

FISCAL IMPACT STATEMENT

PRECONSIDERED INTRO.

COMMITTEE:  
Governmental  
Operations

**TITLE:** A Local Law to amend the New York city charter, in relation to the voters guide requirements of the campaign finance board. **SPONSOR(S):** By Council Member Kallos (by request of the Mayor)

**SUMMARY OF LEGISLATION:** This legislation would waive the requirement that the Campaign Finance Board (CFB) publish a voter guide in print and send a copy to the household of every registered voter when: 1) there are no contested elections for The office of the Mayor, Public Advocate, Borough President, Comptroller or City Council, and in the applicable election district, and 2) there is no administrative action, or determination by a court of final competent jurisdiction, that a ballot proposal or referendum will be included on the ballot at least sixty days prior to the date of the election. When both of these conditions are present, the CFB would be required under this legislation to make information on any ballot proposal or referendum that is ultimately approved for inclusion on the ballot available on its website rather than sending out a printed voter guide to registered voters.

**EFFECTIVE DATE:** This local law would take effect immediately and be deemed to apply to the general election to be held on November 4, 2014.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2016

**FISCAL IMPACT STATEMENT:**

	Effective FY 15	FY Succeeding Effective FY 16	Full Fiscal Impact FY 15
Revenues (+)	To Be Determined	To Be Determined	To Be Determined
Expenditures (-)	To Be Determined	To Be Determined	To Be Determined
Net	To Be Determined	To Be Determined	To Be Determined

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

**IMPACT ON EXPENDITURES:** Although the enactment of this legislation would result in budget savings that could total upwards of \$2 million, in any given year, by eliminating the need to produce voter guides in certain circumstances, it would be difficult to quantify with any accuracy future savings because the conditions that require the CFB to produce a voter guide vary from year to year. For Fiscal 2015, the City's Financial Plan does not account for the production of a citywide voter guide. It is not uncommon for the Board to request immediate, mid-year funding when it is required to produce a voter guide due to unknowable circumstances (i.e. special elections).

Because the CFB submits its budget on a year-to-year basis, future savings resulting from this legislation will be accounted for in the CFB's budget submissions moving forward. The legislation provides more certainty in the budget planning process, allowing for more accurate projections.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council Finance Division,  
Campaign Finance Board

**ESTIMATE PREPARED BY:** John Russell, Principal Financial Legislative Analyst

**ESTIMATE REVIEWED BY:** Rebecca Chasan, Assistant Finance Counsel

**LEGISLATIVE HISTORY:** This legislation will be considered and voted on as a Preconsidered Intro by the Committee on Governmental Operations on August 20, 2014, and upon successful vote, the Preconsidered Intro will be submitted to the full Council for a vote on August 21, 2014.

*Accordingly, this Committee recommends its adoption.*

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

BEN KALLOS, *Chairperson*; DAVID G. GREENFIELD, MARK LEVINE, RITCHIE J. TORRES, STEVEN MATTEO; Committee on Governmental Operations, August 20, 2014. *Other Council Members Attending: Lander and Chin.*

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

#### Reports of the Committee on Land Use

Report for L.U. No. 70

**Report of the Committee on Land Use in favor of approving Application No. 20145542 HAK by the New York City Housing Department of Housing Preservation and Development for a modification to a previously approved project to grant a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located on Tax Block 1435, Lots 26, 42, 47; Tax Block 1444, Lots 1, 29 and 49; Tax Block 1468, Lot 9, Borough of Brooklyn, Community Board 16, Council Districts 37 and 41.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 14, 2014 (Minutes, page 1701) and which was subsequently coupled with the resolution shown below, respectfully

#### REPORTS:

#### SUBJECT

#### BROOKLYN CB - 16 HAK

20145542

Application by the New York City Department of Housing Preservation and Development for the termination of an existing real property tax exemption and the grant of a new real property tax exemption to a previously approved project pursuant to Section 577 of the Private Housing Finance Law for property located on Tax Block 1435, Lots 26, 42, 47; Tax Block 1444, Lots 1, 29 and 49; Tax Block 1468, Lot 9, Borough of Brooklyn.

#### INTENT

To terminate an existing tax exemption (under General Municipal Law Section 696) and approve a new tax exemption pursuant to Section 577 of the Private Housing Finance Law for an area that contains seven buildings, known as Dean Atlantic, which provides rental housing for low-income families.

#### PUBLIC HEARING

**DATE:** August 18, 2014

**Witnesses in Favor:** Three

**Witnesses Against:** None

#### SUBCOMMITTEE RECOMMENDATION

**DATE:** August 18, 2014

**The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.**

**In Favor:** Dickens, Mealy, Rodriguez, Cohen, Treyger

**Against:** None

**Abstain:** None

#### COMMITTEE ACTION

**DATE:** August 19, 2014

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Arroyo, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Koo, Levin, Weprin, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Ignizio

**Against:** None

**Abstain:** None

In connection herewith, Council Members Greenfield and Dickens offered the following resolution:

Res. No. 396

**Resolution approving the termination of an existing real property tax exemption pursuant to General Municipal Law Section 696 and the granting of a new real property tax exemption for a previously approved project pursuant to Section 577 of the Private Housing Finance Law for an Exemption Area located on Block 1435, Lots 26, 42 and 47, Block 1444, Lots 1, 29 and 49, and Block 1468, Lot 9), Borough of Brooklyn (L.U. No. 70; 20145542 HAK).**

By Council Members Greenfield and Dickens.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 28, 2014 its request dated April 14, 2014 that the Council (i) terminate an existing tax exemption under General Municipal Law Section 696 and (ii) approve a new tax exemption for a previously approved project located on Block 1435, Lots 26, 42 and 47; Block 1444, Lots 1, 29 and 49; and Block 1468, Lot 9), Community District 16, Borough of Brooklyn (the "Exemption Area");

Approve an exemption of the Exemption Area from real property taxation pursuant to Section 577 of Article XI of the Private Housing Finance Law (the "Tax Exemption");

**WHEREAS**, the request made by the New York City Department of Housing Preservation and Development is related to a previously approved City Council Resolution on February 15, 2006 (Resolution No. 124 of 2006, L.U. No. 42);

**WHEREAS**, upon due notice, the Council held a public hearing on the Tax Exemption on August 18, 2014; and

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

**RESOLVED:**

The Council approves the Tax Exemption for the Exemption Area from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
  - (a) "Effective Date" shall mean February 1, 2012.
  - (b) "Exemption Area" shall mean real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1435, Lots 26, 42 and 47, Block 1444, Lots 1, 29 and 49, and Block 1468, Lot 9 on the Tax Map of the City of New York.
  - (c) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty (30) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - (d) "HDFC" shall mean Dean Atlantic Housing Development Fund Corporation.
  - (e) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - (f) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
  - (g) "Owner" shall mean the HDFC or any future owner of the Exemption Area that is a housing development fund company.
  - (h) "Prior Exemption" shall mean the exemption from real property taxation for the Prior Exemption Area approved by the Council on February 15, 2006 (Cal. No. 124).
  - (i) "Prior Exemption Area" shall mean real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1435, Lots 42 and 47, and Block 1444, Lot 29 on the Tax Map of the City of New York.
  - (j) "Regulatory Agreement" shall mean the four regulatory agreements between HPD and the Owner dated February, 1, 2012 establishing certain controls upon the operation of the Exemption Area.
2. The Prior Exemption shall terminate with respect to the Prior Exemption Area upon the Effective Date.
3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
4. Notwithstanding any provision hereof to the contrary:
  - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.

- b. The New Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.
  - c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
  - d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked.
5. In consideration of the New Exemption, the owner of the Exemption Area, for so long as the New Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, August 19, 2014.

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

Report for L.U. No. 104

**Report of the Committee on Land Use in favor of approving Application no. 20145468 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 265 Lafayette Ristorante LLC, d/b/a/ Sant Ambroeus for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 263 Lafayette Street, Borough of Manhattan, Community District 2, Council District 1.**

The Committee on Land Use, to which the annexed Land Use item was referred on July 24, 2014 (Minutes, page 2974) and which was subsequently coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 2**

**20145468 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 265 Lafayette Ristorante, LLC, d/b/a Sant Ambroeus, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 263 Lafayette Street.

**INTENT**

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

**PUBLIC HEARING**

**DATE:** August 18, 2014

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** August 18, 2014

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

**In Favor:** Weprin, Garodnick, Williams, Richards, Reynoso, Torres  
**Against:** None                      **Abstain:** None

**COMMITTEE ACTION****DATE:** August 19, 2014

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Arroyo, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Koo, Levin, Weprin, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Ignizio

**Against:** None      **Abstain:** None

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

Res. No. 397

**Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 263 Lafayette Street, Borough of Manhattan (20145468 TCM; L.U. No. 104).**

By Council Members Greenfield and Weprin.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on July 8, 2014 its approval dated July 7, 2014 of the petition of 265 Lafayette Ristorante, LLC, d/b/a Sant Ambroeus, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 263 Lafayette Street, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Petition on August 18, 2014; and

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

**RESOLVED:**

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

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, August 19, 2014.

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

Report for L.U. No. 105

**Report of the Committee on Land Use in favor of approving Application no. 20145615 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 50 West 72nd Rest, LLC, d/b/a/ Ripso 72 for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 50 West 72nd Street, Borough of Manhattan, Community District 7, Council District 6. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(e) of the New York City Administrative Code.**

The Committee on Land Use, to which the annexed Land Use item was referred on July 24, 2014 (Minutes, page 2974) and which was subsequently coupled with the resolution shown below, respectfully

**REPORTS:****SUBJECT**

MANHATTAN CB - 7

20145615 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 50 W. 72<sup>nd</sup> Rest, LLC, d/b/a Riposo 72,

for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 50 West 72<sup>nd</sup> Street.

**INTENT**

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

**PUBLIC HEARING****DATE:** August 18, 2014**Witnesses in Favor:** One**Witnesses Against:** Fifteen**SUBCOMMITTEE RECOMMENDATION****DATE:** August 18, 2014

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

**In Favor:** Weprin, Garodnick, Richards, Reynoso, Torres

**Against:** None      **Abstain:** Williams

**COMMITTEE ACTION****DATE:** August 19, 2014

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Arroyo, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Koo, Levin, Weprin, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Ignizio

**Against:** None      **Abstain:** Williams

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

Res. No. 398

**Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 50 West 72<sup>nd</sup> Street, Borough of Manhattan (20145615 TCM; L.U. No. 105).**

By Council Members Greenfield and Weprin.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on July 8, 2014 its approval dated July 7, 2014 of the petition of 50 W. 72<sup>nd</sup> Rest, LLC, d/b/a Riposo 72, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 50 West 72<sup>nd</sup> Street, Community District 7, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Petition on August 18, 2014; and

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

**RESOLVED:**

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

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, August 19, 2014.



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

Report for L.U. No. 106

**Report of the Committee on Land Use in favor of approving Application no. 20145294 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 753 Washington Trattoria Inc. for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 753 Washington Street, Borough of Manhattan, Community District 2, Council District 3.**

The Committee on Land Use, to which the annexed Land Use item was referred on July 24, 2014 (Minutes, page 2974) and which was subsequently coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 2**

**20145294 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 753 Washington Trattoria, Inc., for a revocable consent to modify and continue to maintain and operate an unenclosed sidewalk café located at 753 Washington Street.

**INTENT**

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

**PUBLIC HEARING**

**DATE:** August 18, 2014

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** August 18, 2014

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

**In Favor:** Weprin, Garodnick, Williams, Richards, Reynoso, Torres

**Against:** *None*      **Abstain:** *None*

**COMMITTEE ACTION**

**DATE:** August 19, 2014

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Arroyo, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Koo, Levin, Weprin, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Ignizio

**Against:** *None*      **Abstain:** *None*

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

Res. No. 399

**Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 753 Washington Street, Borough of Manhattan (20145294 TCM; L.U. No. 106).**

By Council Members Greenfield and Weprin.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on July 18, 2014 its approval dated July 18, 2014 of the petition of 753 Washington Trattoria, Inc., for a revocable consent to modify and continue to maintain and operate an unenclosed sidewalk café located at 753 Washington Street, Community

District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Petition on August 18, 2014; and

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

**RESOLVED:**

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

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, August 19, 2014.

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

Report for L.U. No. 107

**Report of the Committee on Land Use in favor of approving Application No. C 140111 ZMQ submitted by 176 Woodward Owner, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 13b, changing an M1-1 to a R5B District; and an M1-1 to R6B/C1-3 District, in the Ridgewood section of the Borough of Queens, Community Board 5, Council District 34.**

The Committee on Land Use, to which the annexed Land Use item was referred on July 24, 2014 (Minutes, page 2975) and which was subsequently coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**QUEENS CB - 5**

**C 140111 ZMQ**

City Planning Commission decision approving an application submitted by 176 Woodward Owner, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 13b:

1. changing from an M1-1 District to an R5B District property bounded by Flushing Avenue, a line 225 feet northeasterly of Onderdonk Avenue, a line 220 feet northwesterly of Troutman Street, Woodward Avenue, a line 95 feet northwesterly of Troutman Street, a line 100 feet northeasterly of Onderdonk Avenue;
2. changing from an M1-1 District to an R6B District property bounded by a line 95 feet northwesterly of Troutman Street, Woodward Avenue, Troutman Street, a line 100 feet northeasterly of Woodward Avenue, Starr Street, and a line 100 feet northeasterly of Onderdonk Avenue; and
3. establishing within the proposed R6B District a C2-3 District bounded by Troutman Street, a line 100 feet northeasterly of Woodward Avenue, Starr Street, and a line 100 feet southwesterly of Woodward Avenue;

as shown on a diagram (for illustrative purposes only) dated February 18, 2014, modified by the City Planning Commission on July 21, 2014, and subject to the conditions of CEQR Declaration E-336.

**INTENT**

To rezone portions of three blocks from M1-1 to R5B, R6B and R6B/C2-3 to bring existing uses into conformance and to facilitate the construction of a four-story mixed-use building and a four-story residential building in the Ridgewood area of Queens in Community District 5.

**PUBLIC HEARING**

**DATE:** August 18, 2014

**Witnesses in Favor:** Three      **Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** August 18, 2014

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

**In Favor:** Weprin, Garodnick, Williams, Richards, Reynoso, Torres  
**Against:** None      **Abstain:** None

**COMMITTEE ACTION**

**DATE:** August 19, 2014

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Arroyo, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Koo, Levin, Weprin, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Ignizio  
**Against:** None      **Abstain:** None

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

Res. No. 400

**Resolution approving the decision of the City Planning Commission on ULURP No. C 140111 ZMQ, a Zoning Map amendment (L.U. No. 107).**

By Council Members Greenfield and Weprin.

**WHEREAS**, the City Planning Commission (“CPC”) filed with the Council on July 22, 2014 its decision dated July 21, 2014 (the “Decision”), on the application submitted by 176 Woodward Owner, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 13b, to rezone portions of three blocks from M1-1 to R5B, R6B and R6B/C2-3 in Ridgewood section of Queens in Community District 5, which is intended to bring existing residential uses into conformance and to facilitate the construction of a four-story, mixed-use building and a four-story residential building, (ULURP No. C 140111 ZMQ) Community District 5, Borough of Queens (the “Application”);

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on August 18, 2014;

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

**WHEREAS**, the Council has considered the relevant environmental issues including the negative declaration (CEQR No. 14DCP005Q) issued on February 18, 2014, subject to the conditions of the CEQR Declaration E-336 for air quality and hazardous materials (the “Negative Declaration”) and the Technical Memorandum issued on July 18, 2014 (the “Technical Memorandum”) concerning the CPC modifications to the Application;

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration and the Technical Memorandum.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 140111 ZMQ, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 13b:

1. changing from an M1-1 District to an R5B District property bounded by Flushing Avenue, a line 225 feet northeasterly of Onderdonk Avenue, a line 220 feet

northwesterly of Troutman Street, Woodward Avenue, a line 95 feet northwesterly of Troutman Street, a line 100 feet northeasterly of Onderdonk Avenue;

2. changing from an M1-1 District to an R6B District property bounded by a line 95 feet northwesterly of Troutman Street, Woodward Avenue, Troutman Street, a line 100 feet northeasterly of Woodward Avenue, Starr Street, and a line 100 feet northeasterly of Onderdonk Avenue; and

3. establishing within the proposed R6B District a C2-3 District bounded by Troutman Street, a line 100 feet northeasterly of Woodward Avenue, Starr Street, and a line 100 feet southwesterly of Woodward Avenue;

as shown on a diagram (for illustrative purposes only) dated February 18, 2014, modified by the City Planning Commission on July 21, 2014, and subject to the conditions of CEQR Declaration E-336, Community District 5, Borough of Queens.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, August 19, 2014.

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

**Reports of the Committee on Rules, Privileges and Elections**

Report for M-85

**Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment by the Mayor of Margery Perlmutter as a member of the New York City Board of Standards and Appeals.**

The Committee on Rules, Privileges and Elections, to which the annexed Mayor’s Message item was referred on July 24, 2014 (Minutes, page 2810) and which was subsequently coupled with the resolution shown below, respectfully

**REPORTS:**

**Topic I: New York City Board of Standards and Appeals – (Candidate nominated by the Mayor for appointment, upon the advice and consent of the Council)**

• **MARGERY PERLMUTTER [M-85]**

In a letter dated July 18, 2014, Mayor Bill de Blasio formally submitted the name of Margery Perlmutter to the Council of the City of New York, for its advice and consent, regarding her nomination for appointment to the New York City Board of Standards and Appeals (“BSA”).

Pursuant to the *New York City Charter* (“*Charter*”) § 659, BSA exists within the Office of Administrative Trials and Hearings (“OATH”). The BSA consists of five Commissioners, each appointed by the Mayor for a term of six years, with the advice and consent of the New York City Council (“the Council”). Pursuant to *Charter* § 31, appointments to BSA are made with the advice and consent of the Council. The *Charter* further provides that one of the BSA members shall be a planner with professional qualifications, who possesses at least ten years of experience as a planner; one of the members shall also be a registered architect, who possesses at least ten years of experience as an architect; another member shall be a licensed and professional engineer, who possesses at least ten years of experience as an engineer. The particular qualifications of the two remaining members are not delineated in the *Charter*. The Mayor designates one of the members that possess the requisite experience of an architect, planner, or engineer, to serve as BSA Chair. The Mayor will also designate a member to serve as the BSA Vice-Chair. In the absence of the Chair, or in the event that a vacancy exists in the office of the Chair, the Vice-Chair acts as Chair. Additionally, no more than two members may reside in the same borough.

The BSA is empowered to hear and decide appeals that are up for review from any order, requirement, decision, or determination of the Commissioner of Buildings or any Borough Superintendent of Buildings, acting under written delegation of power from the Commissioner of Buildings, filed in accordance with *Charter* § 645 (b), with the exception of those appeals that are otherwise provided by law. The BSA also has the duty to hear and decide appeals that are up for review from any order, requirement, decision, or determination of the Fire Commissioner, or any rule, regulation, amendment, or repeal thereof, made by the Fire Commissioner. Likewise the BSA has the duty to hear and decide appeals up for review from any order, requirement, or determination of the Commissioner of Transportation, or the

Commissioner of the Department of Business Services,<sup>1</sup> made in relation to the structure or use of water front property, under its jurisdiction, in connection with the application or enforcement of the provisions of the *Zoning Resolution of the City of New York* (“*Zoning Resolution*”), the labor law, and other such laws, rules, and regulations, as may govern the construction, alteration, maintenance, use, occupancy, safety, sanitary conditions, mechanical equipment, and inspection of structures in the City.

Furthermore, the BSA has the power to determine and vary applications to the *Zoning Resolution*, and issue special permits as authorized by the *Zoning Resolution*. BSA has the same powers as those exercised by the New York State Department of Labor, with respect to buildings situated in the City. The BSA may also consider appeals to vary or modify any rule, regulation, or provision of any law relating to the construction, use, structural change(s), equipment, alteration, or removal of buildings or structures, or vaults, in sidewalks appurtenant thereto, where there is a practical difficulty or unnecessary hardship in carrying out the strict letter of the law, thus to allow for the spirit of the law to be observed, the public safety to be secured, and substantial justice to be accomplished.

The Mayor appoints the members to serve on the BSA, with the advice and consent of the Council. These appointees serve for the remainder of the un-expired term, of the member whom the appointee succeeds. The appointee shall have the same qualifications as the member he/she will replace. Furthermore, each BSA member receives a salary. The Chair receives an annual salary of \$192,198. The Vice-Chair receives an annual salary of \$158,075, while the other members earn an annual salary of \$151,237. BSA members are prohibited from engaging in any other occupation, profession, or employment and they have the duty of attending the hearings and executive sessions of the BSA, and perform such other duties as may be required by the Chair.

On Tuesday, August 12, 2014, Margery Perlmutter appeared before the Committee on Rules, Privileges, and Elections, during which this candidate provided testimony and fielded questions from the Committee.

On August 21, 2014, the Committee on Rules, Privileges, and Elections will hold a hearing to administer a vote, at which time the Committee members will decide whether to give their advice and consent for this candidate. If the candidate receives the advice and consent of the Committee members, another vote will be held concerning this candidate, allowing the full Council to decide whether to give its advice and consent for the appointment of this candidate, during the Stated Meeting scheduled following this Rules hearing, on August 21, 2014.

If this candidate receives the advice and consent of the Council and is subsequently appointed to the BSA, Ms. Perlmutter, a resident of New York County, will succeed Christopher Collins and become eligible to complete the remainder of a six-year term, expiring on September 1, 2015, during which she will serve as BSA Chair.

**Topic II: New York City Landmarks Preservation Commission – (Candidates nominated by the Mayor for appointment, upon the advice and consent of the Council)**

- ADI SHAMIR BARON [M - 86]
- JOHN GUSTAFSSON [M - 87]

In a letter dated July 18, 2014, Mayor Bill de Blasio formally submitted the names of John Gustafsson and Adi Shamir to the Council of the City of New York, for its advice and consent, regarding their nomination for appointment to the Landmarks Preservation Commission.

Pursuant to the *New York City Charter* (“*Charter*”) §3020, the New York City Landmarks Preservation Commission (“LPC”) is responsible for establishing and regulating landmarks, portions of landmarks, landmark sites, interior landmarks, scenic landmarks, and historic districts. The LPC also regulates alterations to designated buildings.

The LPC consists of eleven (11) members. The membership of this commission must include at least three architects, one historian qualified in the field, one city planner or landscape architect, and one realtor; and shall include at least one resident from each of the five boroughs. The mayor appoints the members of the LPC with the advice and consent of the Council. When appointing a member to this commission who must be an architect, historian, city planner, or landscape architect, the mayor may consult with the Fine Arts Federation of New York or any other similar organization. These members are appointed for staggered three-year terms. Each member continues to serve as a commissioner until his or her successor is appointed and qualified. The mayor also designates one member to serve as the LPC Chair, and designates another member to serve as LPC Vice Chair. These particular LPC members shall serve until a successor is designated. The LPC members, with the exception of the Chair, serve without compensation, but are reimbursed for necessary expenses incurred in the course of performing their duties. The current Chair's salary is \$192,198.

The LPC must appoint a full-time executive director and may also employ technical experts and other employees necessary to perform day-to-day operations within the appropriations therefor.

As enumerated in the *Charter*, the LPC is required to provide opportunities for comment in advance of any hearing, regarding a proposed landmark designation, landmark site, interior landmark, scenic landmark, or historic district.<sup>2</sup> Notices of proposed designations must be sent to the New York City Planning Commission (“CPC”), all affected Community Boards, and the Office of the Borough President, for the borough where the property or district is located.

The LPC also has a duty to provide certain notices to the Council. The LPC is required to file a copy of any designation with the Council and the CPC, within ten days of making the designation. Furthermore, within 60 days after such filing, CPC must hold a public hearing on any such designation of a historic district and submit a report to the Council, with respect to the relation of any such designation to the *Zoning Resolution*, projected public improvements, and any plans for the development, growth, improvement or renewal of the area involved, whether it relates to the designation of a historic district or a landmark. The CPC must include in this report, its recommendation, if any, for the Council's action with respect to the historic district designation.

The Council may modify or disapprove of any LPC designation by a majority vote, within 120 days from date that a copy of such designation is filed with the Council, provided that either the CPC has submitted the required report on the designation or at least sixty days has elapsed since the filing of the designation with the Council. The Council's vote shall be filed with the mayor, by the Council. The mayor has five days following the filing of the Council's vote, to disapprove of the Council's action. If the mayor fails to disapprove of the Council's action during this time, the Council's action becomes final. If the mayor disapproves of the Council's action, the mayor must file his/her disapproval with the Council. Thereafter, the Council may choose to override the mayor's disapproval within ten days of the filing of the mayor's disapproval, with a two-thirds vote from the Council.

In addition to the designation of landmarks, pursuant to *Administrative Code* § 25-303(i), the LPC also has the ability to make recommendations to CPC at any time, regarding amendments to the provisions in the *Zoning Resolution*, which are applicable to improvements in the historic districts. Moreover, pursuant to *Administrative Code* § 25-307, the LPC also has the responsibility of determining whether a proposed alteration or demolition affecting a landmark, is consistent with the *Landmarks Preservation and Historic Districts* chapter of the *Administrative Code*. In instances where LPC determines that the proposed change complies with the *Code*, it may grant a *Certificate of Appropriateness*. Otherwise, the LPC may deny the applicant's request.

A Hardship Appeals Panel also exists that consists of five members appointed by the mayor, with the Council's advice and consent. This panel operates independently of the LPC, and reviews appeals of LPC determinations, denying applications for *Certificates of Appropriateness*, brought to this panel on the grounds or basis of hardship, concerning demolitions, alterations, or reconstructive improvements. However, this panel only has the power to review applications involving tax-exempt properties.

On Tuesday, August 12, 2014, John Gustafsson and Adi Shamir Baron appeared before the Committee on Rules, Privileges, and Elections, during which each candidate provided testimony and fielded questions from the Committee.

On August 21, 2014, the Committee on Rules, Privileges, and Elections will hold a hearing to administer a vote, at which time the Committee members will decide whether to give their advice and consent for these candidates. If the candidates receive the advice and consent of the Committee members, another vote will be held concerning these candidates, allowing the full Council to decide whether to give its advice and consent for the appointment of these candidates, during the Stated Meeting scheduled following this Rules hearing, on August 21, 2014.

If these candidates receive the advice and consent of the Council and are subsequently appointed to the LPC, Mr. Gustafsson, a resident of Staten Island, will succeed Pablo Vengoechea and become eligible to complete the remainder of a three-year term expiring on June 28, 2015. If Ms. Adi Shamir Baron, a New York County resident, is appointed to serve on LPC, she will succeed Joan Gerner and become eligible to complete the remainder of a three-year term, expiring on June 28, 2016.

**Topic III: New York City Taxi and Limousine Commission – (Candidate nominated by the Mayor for appointment, upon the advice and consent of the Council)**

- JACQUES JIHA [M-88]

In a letter dated July 18, 2014, Mayor Bill de Blasio formally submitted the name of Jacques Jiha to the Council of the City of New York, for its advice and consent, regarding his nomination for appointment to the New York City Taxi and Limousine Commission (“TLC”).

The TLC was created pursuant to Local Law 12 of 1971. Chapter 65 of section 2300 of the *Charter* states that there shall be a TLC, which shall have the purpose of further developing and improving the taxi and limousine service in New York City (“the City”). It shall also remain consistent with the promotion and protection of the public comfort and convenience, adopting and establishing an overall public transportation policy, which will govern taxi, coach, limousine, and wheelchair accessible van services, as it relates to the overall public transportation network of the City. The TLC is also responsible for establishing certain rates, standards, and criteria for the licensing of vehicles, drivers, chauffeurs, owners, and operators engaged in such services. Furthermore, the TLC provides authorization to individuals who wish to operate commuter van services within the City.

The TLC consists of nine members appointed by the Mayor, all with the advice and consent of the Council. Five of the said members must be a resident from each of the five boroughs of the City, and are recommended for appointment by a majority vote of the Council Members from the respective borough. The TLC members are appointed for seven year terms, and can serve until the appointment and qualification of a successor. Vacancies, other than those that occur due to an expiration of a term, shall be filled for the unexpired term. Furthermore, the mayor may remove any such member for cause, upon stated charges.

The mayor designates one TLC member to act as the Chairperson and Chief Executive Officer. The Chairperson shall have be in-charge of the organization of his/her office, and possesses the authority to employ, assign, and superintend the duties of such officers and employees, as may be necessary to carry out the provisions of Chapter 65 of the *Charter*. The *Charter* provides that the Chairperson shall devote his/her full time to this position and as such, the Chair will receive compensation that is set by the Mayor. The Chair currently receives an annual salary of \$192,198.00. The other TLC members are not entitled to compensation.

Pursuant to the *Charter*, all TLC proceedings and all documents and records in its possession, shall be public records. Furthermore, the TLC is required to make an annual report to the Council, on or before the second Monday of January, of every year, concerning information that consists of the following; complaints received by the commission from the public, including, but is not limited to, complaints of overcharging, as well as enforcement actions undertaken by the commission, whether the enforcement action was dismissed or settled, or if a penalty was imposed by the commission on the subject of the enforcement action. The information regarding enforcement actions shall also include, but is not limited to; enforcement action relating to illegal street hails, unlicensed vehicles, overcharging, and toll lane infractions.

On Tuesday, August 12, 2014, Jacques Jiha appeared before the Committee on Rules, Privileges, and Elections, during which this candidate provided testimony and fielded questions from the Committee.

On August 21, 2014, the Committee on Rules, Privileges, and Elections will hold a hearing to administer a vote, at which time the Committee members will decide whether to give their advice and consent for this candidates. If the candidate receives the advice and consent of the Committee members, another vote will be held concerning this candidate, allowing the full Council to decide whether to give its advice and consent for the appointment of this candidate, during the Stated Meeting scheduled following this Rules hearing, on August 21, 2014.

If this candidate receives the advice and consent of the Council and is subsequently appointed to the TLC, Mr. Jiha, a Queens resident, will succeed Iris Weinshall and become eligible to complete the remainder of a seven-year term, expiring on January 31, 2017.

Copies of the following are annexed to this briefing paper: all of the candidate résumés, pre-hearing questions with the candidate’s associated answers, as well as the related associated messages.

#### **PROJECT STAFF**

Jason A. Otaño, Esq., Counsel to the Committee on Rules, Privileges, and Elections

Charles W. Davis III, Director of Investigations  
Diandra Johnson, Senior Legislative Investigator  
Alycia Vassell, Legislative Clerk

<sup>1</sup> Charter § 666 (6) (c) still reads “the Commissioner of Ports and Trade.” The Department of Small Business Services (“DSBS”) is recognized as the successor agency to the Department of Ports and Trade. BSA handles DSBS’ requests for interpretive appeals.

<sup>2</sup> Landmarks are not always buildings. A landmark may be a bridge, a park, a water tower, a pier, a cemetery, a building lobby, a sidewalk clock, a fence, or even a tree. A property or object is eligible for landmark status when at least part of it is thirty years old or older.

*After interviewing the candidates and reviewing the submitted material, this Committee decided to approve the appointments.*

**(For the coupled resolutions for nominees Adi Shamir Barron [M-86], John Gustafsson [M-87], and Jacques Jiha [M-88], please see the Reports of the Committee on Rules, Privileges and Elections for M-86, 87, and 88, respectively,**

**printed in these Minutes; for the coupled resolution for nominee Margaret Perlmutter [M-85], please see below)**

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to §§ 31 and 659 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Margery Perlmutter as a member of the New York City Board of Standards and Appeals to serve the remainder of a six-year term that expires on September 1, 2015.

This matter was referred to the Committee on July 24, 2014.

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

Res. No. 401

**RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF MARJORY PERLMUTTER AS A MEMBER OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS.**

By Council Member Lander.

**RESOLVED**, that pursuant to §§ 31 and 659 of the *New York City Charter*, the Council does hereby approve the appointment by the Mayor of Margery Perlmutter as a member of the New York City Board of Standards and Appeals to serve the remainder of a six-year term that expires on September 1, 2015.

BRADFORD S. LANDER, *Chairperson*; INEZ E. DICKENS, DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ, MARGARET S. CHIN, JUMAANE D. WILLIAMS, RAFAEL L. ESPINAL, Jr., MARK LEVINE, VINCENT M. IGNIZIO, MELISSA MARK-VIVERITO; Committee on Rules, Privileges and Elections, March 6, 2014. *Other Council Members Attending: Greenfield and Kallos.*

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

Report for M-86

**Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment by the Mayor of Adi Shamir Baron as a member of the New York City Landmarks Preservation Commission.**

The Committee on Rules, Privileges and Elections, to which the annexed Mayor’s Message item was referred on July 24, 2014 (Minutes, page 2810) and which was subsequently coupled with the resolution shown below, respectfully

#### **REPORTS:**

**(For text of Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-85 printed in these Minutes)**

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to §§ 31 and 3020 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Adi Shamir Barron as a member of the New York City Landmarks Preservation Commission to serve the remainder of a three-year term that expires on June 28, 2016.

This matter was referred to the Committee on July 24, 2014.

Res. No. 402

**RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF ADI SHAMIR BARRON AS A MEMBER OF THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION.**

By Council Member Lander.

**RESOLVED**, that pursuant to §§ 31 and 3020 of the *New York City Charter*, the Council does hereby approve the appointment by the Mayor of Adi Shamir Barron as a member of the New York City Landmarks Preservation Commission to serve the remainder of a three-year term that expires on June 28, 2016.

BRADFORD S. LANDER, *Chairperson*; INEZ E. DICKENS, DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ, MARGARET S. CHIN, JUMAANE D. WILLIAMS, RAFAEL L. ESPINAL, Jr., MARK LEVINE, VINCENT M. IGNIZIO, MELISSA MARK-VIVERITO; Committee on Rules, Privileges and Elections, March 6, 2014. *Other Council Members Attending: Greenfield and Kallos.*

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

Report for M-87

**Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment by the Mayor of John Gustafsson as a member of the New York City Landmarks Preservation Commission.**

The Committee on Rules, Privileges and Elections, to which the annexed Mayor’s Message item was referred on July 24, 2014 (Minutes, page 2811) and which was subsequently coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-85 printed in these Minutes)**

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to §§ 31 and 3020 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of John Gustafsson as a member of the New York City Landmarks Preservation Commission to serve the remainder of a three-year term that expires on June 28, 2015.

This matter was referred to the Committee on July 24, 2014.

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

Res. No. 403

**RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR F JOHN GUSTAFSSON AS A MEMBER OF THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION.**

By Council Member Lander.

**RESOLVED**, that pursuant to §§ 31 and 3020 of the *New York City Charter*, the Council does hereby approve the appointment by the Mayor of John Gustafsson as a member of the New York City Landmarks Preservation Commission to serve the remainder of a three-year term that expires on June 28, 2015.

BRADFORD S. LANDER, *Chairperson*; INEZ E. DICKENS, DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ, MARGARET S. CHIN, JUMAANE D. WILLIAMS, RAFAEL L. ESPINAL, Jr., MARK LEVINE, VINCENT M. IGNIZIO, MELISSA MARK-VIVERITO; Committee on Rules, Privileges and Elections, March 6, 2014. *Other Council Members Attending: Greenfield and Kallos.*

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

Report for M-88

**Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment by the Mayor of Jacques Jiha as a member of the New York City Taxi and Limousine Commission.**

The Committee on Rules, Privileges and Elections, to which the annexed Mayor’s Message item was referred on July 24, 2014 (Minutes, page 2812) and which was subsequently coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-85 printed in these Minutes)**

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to §§ 31 and 2301 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Jacques Jiha as a member of the New York City Taxi and Limousine Commission to serve the remainder of a seven-year term that expires on January 31, 2017.

This matter was referred to the Committee on July 24, 2014.

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

Res. No. 404

**RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF JACQUES JIHA AS A MEMBER OF THE NEW YORK CITY TAXI AND LIMOUSINE COMMISSION.**

By Council Member Lander.

**RESOLVED**, that pursuant to §§ 31 and 2301 of the *New York City Charter*, the Council does hereby approve the appointment by the Mayor of Jacques Jiha as a member of the New York City Taxi and Limousine Commission to serve the remainder of a seven-year term that expires on January 31, 2017.

BRADFORD S. LANDER, *Chairperson*; INEZ E. DICKENS, DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ, MARGARET S. CHIN, RAFAEL L. ESPINAL, Jr., MARK LEVINE, VINCENT M. IGNIZIO, MELISSA MARK-VIVERITO; Committee on Rules, Privileges and Elections, August 21, 2014. *Other Council Members Attending: Greenfield and Kallos.*

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

**GENERAL ORDER CALENDAR**

**Resolution approving various persons Commissioners of Deeds**

**By the Presiding Officer –**

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

*Approved New Applicant’s Report*

<u>Name</u>	<u>Address</u>	<u>District #</u>
Stephen Abrams-Downey	675 West End Avenue, Apt. 2B New York, N.Y. 10025	6
Samuel Ramos	640 Riverside Drive #10G1 New York, NY, 10031	7
Victoria Young-Brooks	1810 Lexington Avenue #6C New York, N.Y. 10029	8
Althea Pettigrew	485 Lenox Avenue #13G New York, NY, 10037	9
Diane Longmire	2541 Adam Clayton Powell Blvd #15E New York, NY, 10039	9
Cheryl D. Love	1900 Lexington Avenue #8K New York, NY, 10035	9
Mahogany A. Moore	120-30 227th Street Queens, NY, 11411	27
Fredrick J. Trader	101-26 107th Street Queens, NY, 11416	28
Samantha R. Reynosa	90-14 Polo Place Queens, NY, 11374	29
Magdalena Zwierzynski	5979 59th Place Queens, NY, 11378	30
Raynal Jabouin	137-12 242nd Street Queens, NY, 11422	31
Jeanne M. Palmenteri	156-32 96th Street Queens, NY, 11422	32
Wilhelmina Scott	82 Dwight Street #14B Brooklyn, NY, 11231	38
Lesley A. Holder	401 East 45 <sup>th</sup> Street Brooklyn, NY, 11203	41
Latisha Conyers	185 Ardsley Loop #17B Brooklyn, NY, 11231	42
Anne V. Miscione	8024 13 <sup>th</sup> Avenue Brooklyn, NY, 11228	43
Petra Daniel	1386 East 94 <sup>th</sup> Street Brooklyn, NY. 11236	46
Lonnie Baron	10 E. Brandi’s Avenue Staten Island, NY. 10308	51
Inga Koren	14 Wall Street Staten Island, NY. 10312	51
Marie Tucci	109 Russell Street Staten Island, NY. 10308	51

Patricia DiDomenico 278 Bennett Avenue 51  
Staten Island, NY. 10312

*Approved New Applicants and Reapplicants*

<u>Name</u>	<u>Address</u>	<u>District #</u>
Denise Ramos	182 South Street #7E New York, N.Y. 10038	1
Lana Faith Pollack	577 Grand Street #F907 New York, N.Y. 10002	2
Alan Flacks	313 West 100th Street New York, N.Y. 10025	6
Leanne Fornelli	610 West 143rd Street #5G New York, N.Y. 10031	7
Alisa Poindexter	55 LaSalle Street #157 New York, N.Y. 10027	7
Lawrence A. Palladino	823 East 147th Street #26 Bronx, N.Y. 10455	8
Shanik Rodriguez	737 Southern Blvd #3C Bronx, N.Y. 10455	8
Ezra M. Hes	160 Bennett Avenue #2G New York, N.Y. 10040	10
Alba Lavandier	3191 Rochambeau Avenue #3A Bronx, N.Y. 10467	11
Joanne Cicero	1852 Tenbroeck Avenue Bronx, N.Y. 10461	13
Armondo Diaz	2864 Roosevelt Avenue Bronx, N.Y. 10465	13
Cherylyn Allen-Freeman	150 West Burnside Avenue #4A Bronx, N.Y. 10453	14
Tanizigia Brown	165 West 197th Street #1A Bronx, N.Y. 10468	14
Azucena Ycaza	1382 Crotona Avenue #2A Bronx, N.Y. 10456	16
Joseph P. Green	1357 Bronx River Avenue Bronx, N.Y. 10472	17
Herminia Estela	2350 Quimby Avenue #2 Bronx, N.Y. 10473	18
Vishnudat Goolcharran	1344 Rosedale Avenue Bronx, N.Y. 10472	18
Christine Chu	150-29 25th Avenue #2 Whitestone, N.Y. 11357	19
Brenda Andrle	24-15 33rd Street Queens, N.Y. 11102	22
Keri Lynn Fontana	51-34 30th Avenue #51 Woodside, N.Y. 11377	22
Hector Rodriguez	20-12 Crescent Street #1B Queens, N.Y. 11105	22
James Montefinise	81-03 263rd Street Queens, N.Y. 11004	23
Laura Stabinsky	193-01 Keno Avenue Queens, N.Y. 11423	23
Janet Mosheyev	75-36 169th Street Queens, N.Y. 11366	24
Vivian Kleiner	85-10 34th Avenue #215 Queens, N.Y. 11372	25
Jaime A. Rojas	212-25 112th Road Queens, N.Y. 11429	27
Susan Clemendore	155-45 115th Road Jamaica, N.Y. 11434	28
Shirley Richardson	172-20 133rd Avenue #6A Queens, N.Y. 11434	28
Kettlie Louis	145-78 222nd Street Queens, N.Y. 11413	31
Diego F. Mejia	64-22 Ocean Avenue South # Arveme, N.Y. 11432	32
Narcisa Valdez	60 Division Avenue #2D Brooklyn, N.Y. 11249	33
Miriam L. Camacho	124 Withers Street Brooklyn, N.Y. 11211	34
Annie Richardson	116 Gates Avenue #1 Brooklyn, N.Y. 11238	35
Victor G. Thomas II	341 Washington Avenue	35

Samuel L. Revel's	Brooklyn, N.Y. 11205 74 Utica Avenue	36
Ramon E. Guerrero	Brooklyn, N.Y. 11213 48 Hendrix Street	37
Mildred Schmalfluss	Brooklyn, N.Y. 11207 102 Autumn Avenue	37
Michael P. Boyle	Brooklyn, N.Y. 11220 5813 6th Avenue	38
Blanca E. Molina	Brooklyn, N.Y. 11217 640 Warren Street #4R	39
Nina S. Mickens	Brooklyn, N.Y. 11226 22 Lenox Road #6U	40
Ronnie Doswell	Brooklyn, N.Y. 11233 118 Sumpter Street #2	41
Maria Butts	Brooklyn, N.Y. 11239 175 Ardsley Loop #15C	42
David W. Grady Jr.	Brooklyn, N.Y. 11208 1257 Loring Avenue #5H	42
Israel Mayer Steinberg	Brooklyn, N.Y. 11204 1823 53rd Street	44
Philip J. Vicenti	Brooklyn, N.Y. 11204 2184 59th Avenue	44
Honora Jack	Brooklyn, N.Y. 11210 1406 New York Avenue#1G	45
Wanda Cean	Brooklyn, N.Y. 11236 635 East 82nd Street	46
Alla Grip	Brooklyn, N.Y. 11229 2179 East 26th Street	46
Shania T. Roach	Brooklyn, N.Y. 11234 1185 East 55th Street	46
Evelyn Hernandez	Brooklyn, N.Y. 11223 2249 Stillwell Avenue #4C	47
Susan Pang	Brooklyn, N.Y. 11214 8642 Bay Parkway	47
Lina Donskaya	Brooklyn, N.Y. 11235 2 West End Avenue #4J	48
Lucia Verdejo-Sanchez	Staten Island, N.Y. 10310 220 Elm Street	49
Dianne M. Addeo	Staten Island, N.Y. 10314 358 Crystal Avenue	50
Carina Amato	Staten Island, N.Y. 10307 45 Leonello Lane	51
Michele B. McNulty	Staten Island, N.Y. 10309 105 Keating Street	51
Juliana Tramontana	Staten Island, N.Y. 10312 61 Delmar Avenue	51
Joseph T. Yacca	Staten Island, N.Y. 10308 128 Tanglewood Drive	51

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

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

- |     |                              |  |
|-----|------------------------------|--|
| (1) | <b>M 85 &amp; Res 401 -</b>  | <b>Margery Perlmutter</b> , As a member of the New York City Board of Standards and Appeals.   |
| (2) | <b>M 86 &amp; Res 402 -</b>  | <b>Adi Shamir Baron</b> , As a member of the New York City Landmarks Preservation Commission.  |
| (3) | <b>M 87 &amp; Res 403 -</b>  | <b>John Gustafsson</b> , As a member of the New York City Landmarks Preservation Commission.   |
| (4) | <b>M 88 &amp; Res 404 -</b>  | <b>Jacques Jiha</b> , As a member of the New York City Taxi and Limousine Commission.  |
| (5) | <b>M 111 &amp; Res 394 -</b> | Transfer City funds between two agencies in fiscal year 2014 to implement required changes to the City's expense budget ( <b>MN-6</b> ). |
| (6) | <b>M 112 &amp; Res 395 -</b> | Transfer City funds between two agencies in fiscal year 2015 to implement required changes to the City's expense budget ( <b>MN-1</b> ). |
| (7) | <b>Int 6 -</b>               | Requiring public-facing disclosure of campaign spending.   |
| (8) | <b>Int 148-A -</b>           | Increasing independent expenditure disclosure requirements.  |

- (9) **Int 292-A** - Requiring the commissioner of correction, in coordination with the commissioner of health and mental hygiene, to post a quarterly report on its website regarding punitive segregation.
- (10) **Int 441** - Voters guide requirements of the campaign finance board.
- (11) **Int 449** - Employment of school bus drivers, attendants, dispatchers and mechanics by qualified employers (**with Message of Necessity from the Mayor requiring an affirmative vote of at least two-thirds of the Council for passage**).
- (12) **Res 381** - Establishment of the West Shore Business Improvement District in the Borough of Staten Island and setting the date, time and place for the public hearing.
- (13) **Res 382** - Approving the new designation and changes in the designation of certain organizations to receive (**Transparency Resolution**).
- (14) **Resolution approving various persons Commissioners of Deeds.**

The Public Advocate (Ms. James) put the question whether the Council would agree with and adopt such reports which were decided in the **affirmative** by the following vote:

**Affirmative** – Arroyo, Barron, Cabrera, Chin, Cohen, Constantinides, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras, Garodnick, Gentile, Gibson, Greenfield, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Matteo, Mealy, Menchaca, Mendez, Miller, Reynoso, Richards, Rodriguez, Rosenthal, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Wills, Ignizio, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **47**.

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

The following was the vote recorded for **Int No. 441**:

**Affirmative** – Arroyo, Barron, Cabrera, Chin, Cohen, Constantinides, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras, Garodnick, Gentile, Gibson, Greenfield, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Matteo, Mealy, Menchaca, Mendez, Miller, Reynoso, Richards, Rodriguez, Rosenthal, Torres, Treyger, Ulrich, Vallone, Williams, Wills, Ignizio, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **46**.

**Negative** – Vacca – **1**.

The following was the vote recorded for **Int No. 449**:

**Affirmative** – Arroyo, Barron, Cabrera, Chin, Cohen, Constantinides, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras, Gentile, Gibson, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Reynoso, Richards, Rodriguez, Rosenthal, Torres, Treyger, Vacca, Williams, Wills, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **41**.

**Negative** – Garodnick, Greenfield, Matteo, Ulrich, Vallone, and Ignizio – **6**.

The following was the vote recorded for **LU No. 105 & Res No. 398**:

**Affirmative** – Arroyo, Barron, Cabrera, Chin, Cohen, Constantinides, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras, Garodnick, Gentile, Gibson, Greenfield, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Matteo, Mealy, Menchaca, Mendez, Miller, Reynoso, Richards, Rodriguez, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Wills, Ignizio, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **46**.

**Negative** – Rosenthal – **1**.

*The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 6, 148-A, 292-A, 441, and 449 (passed under a Message of Necessity).*

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

#### RESOLUTIONS

*Presented for voice-vote*

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

At this point the Speaker (Council Member Mark-Viverito) announced that the following items had been **preconsidered** by the Committee on Fire and Criminal Justice Services and had been favorably reported for adoption.

Report for voice-vote Res. No. 379

**Report of the Committee on Fire and Criminal Justice Services in favor of approving a Resolution calling on the New York City Department of Correction to end the practice of placing individuals returning to City jails into punitive segregation, also known as solitary confinement, to complete time owed.**

The Committee on Fire and Criminal Justice Services, to which the annexed preconsidered resolution was referred on August 21, 2014, respectfully

#### REPORTS:

**(For text of report, please see the Report of the Committee on Fire and Criminal Justice Services for Int No. 292-A printed in the Reports of the Standing Committees section of these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

ELIZABETH S. CROWLEY, *Chairperson*; MATHIEU EUGENE, FERNANDO CABRERA, RORY I. LANCMAN. Committee on Fire and Criminal Justice Services, August 20, 2014.

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice vote. Hearing those in favor, the Public Advocate (Ms. James) declared the Resolution to be adopted.

The following 3 Council Members formally voted against this item: Council Members Vacca, Vallone, and Ulrich.

Adopted by the Council by voice-vote.

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

Report for voice-vote Res. No. 387

**Report of the Committee on Education in favor of approving a Resolution calling on the New York State Legislature to pass, and for the Governor to sign, legislation that would mandate employee safeguards for experienced bus drivers, attendants, dispatchers and mechanics as part of all current and future bus contracts.**

The Committee on Education, to which the annexed preconsidered resolution was referred on August 21, 2014, respectfully

#### REPORTS:

On Thursday August 21, 2014, the City Council's Committee on Education, chaired by Council Member Daniel Dromm, will consider Preconsidered Res. No 387, which calls on the New York State Legislature to pass, and for the Governor to sign, legislation that would mandate employee safeguards for experienced bus drivers, attendants, dispatchers, and mechanics as part

of all current and future bus contracts. The Committee held a hearing on the resolution on Tuesday August 19, 2014.

**Preconsidered Res. No 387**

Preconsidered Res. No. 387 would state that prior to 1979, the now former New York City Board of Education ("Board") included employee protections in the competitive bidding process with school transportation companies. The Preconsidered Resolution would further state that the employee protections were designed to protect employees of private bus companies who were displaced as a result of contracts being awarded to new transportation companies. Preconsidered Res. No. 387 would note that in 1979, the Board decided to remove the employee protections from its bidding process, resulting in a strike by members of the Amalgamated Transit Union.

The Preconsidered Resolution would indicate that when the strike was resolved, the Board agreed to include new provisions that protected employees' wages, benefits, and seniority, known as Employee Protection Provisions ("EPPs"), in its bidding process for contracts for school transportation services for students in kindergarten through grade twelve. The Preconsidered Resolution would point out that since 1979, the Board, now known as the Department of Education (DOE), included EPPs in its contracts with private providers of school transportation services for students in kindergarten through grade twelve. Preconsidered Res. No. 387 would note that in 2011, the New York Court of Appeals decided *L&M Bus Corporation v. New York City Board of Education* ("L&M Bus case").

Preconsidered Res. No. 387 would state that the L&M Bus case involved private bus transportation companies that brought an Article 78 proceeding challenging the inclusion of EPPs in a bid solicitation for pre-kindergarten busing as contrary to public bidding law. The Preconsidered Resolution would note that the DOE argued, among other things, that EPPs were necessary to maintain a skilled workforce and promote safety. The Preconsidered Resolution would state that the Court of Appeals struck down the EPP in question in L&M, reasoning that DOE had not justified inclusion of the EPPs in the solicitation in accordance with the public bidding law.

Preconsidered Res. No. 387 would note that since the Court decision the DOE has entered into new contracts for school bus transportation services for students in kindergarten through grade twelve without the EPPs. The Preconsidered Resolution would further argue that the thousands of school children and their parents deserve to have bus drivers, attendants, mechanics and dispatchers who are skilled, professional, and safe, and the bus drivers, attendants, mechanics and dispatchers deserve to have labor protections that they have worked hard to achieve. The Preconsidered Resolution would state that in order to achieve these goals, contracts for school transportation services for children in kindergarten through grade twelve should include safeguards that protect employees' wages, health and retirements benefits, and seniority.

Finally Preconsidered Resolution No. 387 would state that the Council of the City of New York calls upon the upon the New York State Legislature to pass, and for the Governor to sign, legislation that would mandate employee safeguards for experienced bus drivers, attendants, dispatchers, and mechanics as part of all current and future bus contracts.

*Accordingly, this Committee recommends its adoption.*

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

DANIEL DROMM, Chairperson; VINCENT J. GENTILE, DANIEL R. GARODNICK, MARGARET S. CHIN, STEPHEN T. LEVIN, JUMAANE D. WILLIAMS, ANDY L. KING, INEZ D. BARRON, CHAIM M. DEUTSCH, MARK LEVINE, ALAN N. MAISEL, ANTONIO REYNOSO, MARK TREYGER; Committee on Education, August 21, 2014. *Other Council Members Attending: Ignizio, Greenfield and Miller.*

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice vote. Hearing those in favor, the Public Advocate (Ms. James) declared the Resolution to be adopted.

The following Council Member formally abstained to vote on this item: Council Members Ulrich.

Adopted by the Council by voice-vote.

## INTRODUCTION AND READING OF BILLS

Int. No. 432

By Council Members Chin, Arroyo, Barron, Eugene, Koo, Mendez and Van Bramer.

**A Local Law to amend the administrative code of the city of New York, in relation to allowing ill or incapacitated street vendors to transfer their license to a family member.**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 1 of subdivision d of section 17-314.1 of subchapter 2 of chapter 3 of title 17 of the administrative code of the city of New York is amended to read as follows:

1. the commissioner may[, in his or her discretion,] transfer a permit to a

dependent husband, wife, domestic partner or child of [an incapacitated or deceased] a person to whom the permit was issued under this subchapter *who is deceased, becomes incapacitated or is unable to vend due to a medical condition or illness. A permittee who seeks to transfer his or her permit as such, must submit a request to the commissioner. If such permittee is deceased or incapacitated, the request may be submitted by an agent, domestic partner, child or spouse of such permittee. The commissioner shall approve such transfer where the permittee, or permittee's agent, domestic partner, child or spouse has proven, in a manner to be determined by the commissioner, that: such permittee is deceased, incapacitated or unable to vend due to a medical condition or illness; and (ii) the prospective transferee is a dependent domestic partner, child, or spouse of the permittee. Upon approval of such transfer, the department shall issue a permit to the transferee;*

§ 2. Subdivision d of section 20-464 of subchapter 27 of chapter 2 of title 20 of the administrative code of the city of New York is amended to read as follows:

d. Not sell, lend, lease or in any manner transfer his or her license or any interest therein unless prior approval of the commissioner has been obtained. *Notwithstanding the aforementioned, where a general vendor licensed pursuant to this subchapter is deceased, becomes incapacitated or is unable to vend due to a medical condition or illness, such general vendor may transfer his or her license to a dependent domestic partner, child, or spouse. A general vendor who seeks to transfer his or her general vending license as such, must submit a request to the commissioner. If a general vendor is deceased or incapacitated, such request may be submitted by an agent, domestic partner, child or spouse of such general vendor. The commissioner shall approve such transfer where the general vendor, or general vendor's agent, domestic partner, child or spouse has proven, in a manner to be determined by the commissioner, that: (i) such general vendor is deceased, incapacitated or unable to vend due to a medical condition or illness; and (ii) the prospective transferee is a dependent domestic partner, child, or spouse of the general vendor. Upon approval of such transfer, the department shall issue a general vending license to the transferee.*

§ 3. This local law shall take effect 120 days after it shall have been enacted into law; provided that the commissioner and the commissioner of the police department may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, promulgating rules.

Referred to the Committee on Consumer Affairs.

Res. No. 374

**Resolution calling upon the New York State Legislature to amend the State Education Law to require that the New York City Department of Education equip all schools with adequate heating and air conditioning means to ensure an indoor temperature of 68 to 75 degrees Fahrenheit in the winter and 73 to 79 degrees Fahrenheit during the summer while school or summer school is in operation in the building.**

By Council Members Chin, Barron, Eugene, Gibson, Johnson, Mendez, Richards and Koslowitz.

**Whereas**, A substantial body of research over many decades demonstrates that human comfort and productivity is affected by indoor air quality, and more specifically, by air temperature; and

**Whereas**, Further, research shows that there is a range of temperatures at which people are most productive and that this range can vary slightly based on the season; and

**Whereas**, According to the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), the optimal temperature range for office productivity is roughly between 72°F and 77°F; and

**Whereas**, Studies on school classrooms show similar links between comfort and student learning, although perhaps at temperatures somewhat lower than those that are optimal for office workers; and

**Whereas**, In one award-winning research project, students from Westview High School in Portland, Oregon were randomly assigned to rooms at 61°F, 72°F, and 81°F and then given a short test. Students in the 72°F room scored 14% better than students in the cold room and 18% better than students in the warm room; and

**Whereas**, Additional research has shown that classroom conditions are improved by air conditioning, with the result that teachers' attitudes and work patterns are significantly improved due to less fatigue; and

**Whereas**, Likewise, student performance, attitude and behavior improves in proper air conditioned climates, making it easier to concentrate and making them feel less drowsy and fatigued; and

**Whereas**, It is, therefore, not surprising that a 2002 UCLA School Facility Report concluded the building condition with the most influence on student learning was air conditioning; and

**Whereas**, According to ASHRAE, the optimal temperature range for student productivity in the summer is between 73°F and 79°F, most likely on account of the outside environment and personal preferences; and

**Whereas**, One of the most frequent funding requests made to Council Members by school administrators is for air conditioning equipment or improvements, as the lack of indoor temperature control is cited as a hindrance to student instruction; and

**Whereas**, Although New York City Council members distribute "Resolution A" funding each year to schools for capital improvement or enhancement projects, only centralized air conditioning, and not individual units, are eligible to be covered by these grants; and



**Whereas**, Individual air conditioning units are considered expense budget items and are thus financial responsibility of the schools themselves; and

**Whereas**, However, the cost of installing or replacing air conditioning is usually prohibitive for schools; and

**Whereas**, Many of the City's public schools, including those that provide summer school instruction, lack central air conditioning or adequate individual air conditioning units; and

**Whereas**, According to a survey of public elementary, middle and high schools in Manhattan's School District 1 and School District 2 conducted by the office of Council Member Margaret Chin, a majority of schools lack adequate temperature control; and

**Whereas**, Of the 26 schools that responded to the survey, 19% reported that their school did not have adequate heating and 50% of schools reported that they did not have adequate air conditioning; and

**Whereas**, Further, the majority of schools surveyed (69%) rely exclusively on individual air conditioning units; and

**Whereas**, The standards set by New York State regarding air quality pertain to ventilation, clean air supply, and proper heating but not explicitly to air conditioning; and

**Whereas**, New York City regulations also contain heating requirements, with minimum indoor temperatures to be maintained, but no air conditioning requirements or maximum indoor temperatures permitted; and

**Whereas**, Given the evidence that the thermal environment seriously impacts student and teacher productivity, requiring that school buildings have adequate climate control would be a step towards ensuring that New York City students are learning and performing at their highest capacity; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to amend the State Education Law to require that the New York City Department of Education equip all schools with adequate heating and air conditioning means to ensure an indoor temperature of 68 to 75 degrees Fahrenheit in the winter and 73 to 79 degrees Fahrenheit during the summer while school or summer school is in operation in the building.

Referred to the Committee on Education.

Int. No. 433

By Council Members Cohen, Arroyo, Barron, Constantinides, Dickens, Eugene, Koo and Mendez

**A Local Law to amend the administrative code of the city of New York, in relation to the installation of safety covers on electrical outlets in public areas of certain multiple dwellings.**

*Be it enacted by the Council as follows:*

Section 1. Article 11 of subchapter 2 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2046.3 to read as follows:

§ 27-2046.3 *Safety covers for certain electrical outlets required.* a. An owner of a multiple dwelling constructed after the effective date of the local law adding this section shall install and maintain protective caps, covers or other obstruction devices over electrical outlets that are accessible by children or pets in public areas of such multiple dwelling.

b. An owner who fails to install or maintain protective caps, covers or other obstruction devices as required by subdivision a of this section is liable for a class B hazardous violation.

c. The provisions of this section may be enforced by the department, the department of buildings, the fire department and the department of health and mental hygiene.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 434

By Council Members Constantinides, Torres, Vallone, Cohen, Arroyo, Chin, Espinal, Gibson, Johnson, King, Koo, Lancman, Vacca, Rodriguez and the Public Advocate (Ms. James) (by request of the Bronx Borough President)

**A Local Law to amend the administrative code of the city of New York, in relation to including a community notification requirement in the gun offender registry act.**

*Be it enacted by the Council as follows:*

Section 1. The administrative code of the city of New York is amended to add a new section 10-609 and a new section 10-610 to read as follows:

§ 10-609. *Community notification.*

1. The department shall create and maintain a sub-directory of the information contained in the registry created pursuant to this Chapter. The sub-directory shall include only the following information: the gun offender's name and residential

street address with house number redacted to only indicate the block that the gun offender resides and not the exact location; an up-to-date photograph of the gun offender; a physical description of the gun offender; and the offense for which the gun offender was convicted, the date of conviction, and the sentence imposed.

2. The information contained in the sub-directory created and maintained pursuant to subdivision one of this section shall be updated on a monthly basis to reflect any changes to the information contained in the registry created pursuant to this Chapter. Gun offenders who are no longer required to register pursuant to section 10-604 of this Chapter shall have their information immediately removed from the sub-directory created and maintained pursuant to subdivision one of this section.

3. The sub-directory created and maintained pursuant to subdivision one of this section shall be made available at all times via the department's website, or any other website maintained by the city as long as the department's website contains a clear and conspicuous link to such other website. The sub-directory shall be available in a searchable manner which identifies registered offenders within 5 miles of an address entered into the searchable database by an end-user.

4. The department must also allow any person to apply, via the website created pursuant to subdivision two of this section, to receive automated e-mail notifications whenever a new or updated registration occurs in a geographic area specified by such person. The department shall furnish such service at no charge and the web forms shall be developed and provided by the department or any other city agency at the request of the department.

5. The website created and maintained pursuant to this section must include a terms and conditions form which shall require any person seeking access to the information available on the website created pursuant to this section to affirmatively indicate that they understand such terms and conditions prior to their gaining access to the sub-directory. Such terms and conditions must clearly and conspicuously state the following:

a. The information available on this website is based on the New York City Council's decision to facilitate access to publicly-available criminal information about persons convicted of certain gun-related offenses as defined in Chapter Six of the Administrative Code of the City of New York. The New York City Police Department has not considered or assessed the specific risk of re-offense with regard to any individual prior to his or her inclusion on this website, and inclusion on this website does not mean that an individual is currently dangerous. Individuals included on this website are included solely by virtue of their conviction record and City law. The purpose of providing this data on the Internet is to make the information more easily available and accessible, not to warn about any specific individual or threat.

b. Any person who uses information on this website in violation of law is subject to a fine of not less than five hundred dollars and not more than one thousand dollars.

§ 10-610. *Misuse of Information.* Any person who uses information disclosed pursuant to this Chapter in violation of the law shall be subject to a fine of not less than five hundred dollars and not more than one thousand dollars. In addition, the attorney general, any district attorney, or any person aggrieved is authorized to bring a civil action in the appropriate court requesting relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or group of persons responsible for such action. The foregoing remedies shall be independent of any other remedies or procedures that may be available to an aggrieved party under other provisions of law.

§2. This local law shall take effect ninety days after it is enacted.

Referred to the Committee on Public Safety.

Res. No. 375

**Resolution calling upon New York State Department of Education to include lessons on climate change in K-12 schools' curriculum.**

By Council Members Constantinides, Richards, Barron, Chin, Eugene, Johnson, Levin and Mendez.

**Whereas**, According to the National Center for Science Education (NCSE), "it is important for the science of climate change to be taught, both in formal and informal educational environments, in order for future citizens to be able to make scientifically informed decisions about the consequences of climate change;" and

**Whereas**, According to the United States Environmental Protection Agency (EPA), climate change includes major changes in temperature, precipitation, or wind patterns, among other effects, that occur over several decades or longer; and

**Whereas**, The EPA states that the magnitude of future climate change will depend on many factors including the rate at which levels of greenhouse gas concentrations in our atmosphere continue to increase, how strongly features of the climate respond to the expected increase in greenhouse gas concentrations, and natural influences on and natural processes within the climate system; and

**Whereas**, While climate change is a scientifically based phenomenon, its effects can impact agriculture, infrastructure, economies, national security, and international relations; and

**Whereas**, In an August 1, 2014 memo to her colleagues, Senator Patty Murray, Chair of the Senate Budget Committee, states that climate change will have serious ramifications for the United States economy and the federal budget and failure to confront it will make it harder to meet our county's long-term fiscal challenges; and

**Whereas**, In 2013, a consortium of 26 state governments and several groups representing scientists and teachers developed new guidelines that call for sweeping changes in the way science is taught in the United States, including, for the first time, a recommendation that climate change be taught as early as middle school; and

**Whereas**, Currently, thirteen states have officially adopted these guidelines but New York State is not one of them; and

**Whereas**, The New York State Education Department (NYSED) is responsible for setting student learning standards for what all students should know and be able to do as a result of skilled instruction; and

**Whereas**, It is important that today's students are equipped with the knowledge and skills that will enable them to navigate in a changing world; and

**Whereas**, While climate change science should be included in science curriculum, it is also important to introduce a knowledge of its far reaching impacts to other areas impacted; and

**Whereas**, On June 10, 2014, students from high schools throughout New York City rallied on the steps of City Hall to call for comprehensive climate change education as a basic tenet of the curriculum; and

**Whereas**, Superstorm Sandy severely affected the New York City area forever changing its landscape and its people; and

**Whereas**, Many believe climate change will increase such storms and New York City's students need to be educated about these issues; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon New York State Department of Education to include lessons on climate change in K-12 schools' curriculum.

Referred to the Committee on Education.

Res. No. 376

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation abolishing the minimum charge for water service imposed by the New York City Water Board.**

By Council Members Crowley, Constantinides and Vacca.

**Whereas**, The New York City Water Board ("Water Board") was created by the New York State Public Authorities Law and charged in Section 1045-g(4) to "establish, fix, revise, charge and collect and enforce the payment of all fees, rates, rents and other service charges for the use of, or services furnished by the sewerage system, water system, or both, as the case may be..."; and

**Whereas**, Pursuant to that authority, as set forth in Part II Section 1.B. of the Water and Wastewater Rate Schedule for Fiscal Year 2015, the Water Board has imposed a minimum charge for metered water in the amount of forty-nine cents per day; and

**Whereas**, The minimum charge for metered water is imposed even when the customer's actual consumption is measured and where the charges based on the customer's actual measured consumption is less than the minimum charge; and

**Whereas**, In those cases, customers are being charged for water that they can demonstrate they did not consume; and

**Whereas**, Many New York City residents are faced with the rising cost of living expenses which are becoming increasingly difficult to afford and many of those residents are living on a fixed income; and

**Whereas**, One area in their household budgets over which residents have some modicum of control is the water bill which can be decreased by conserving the amount of water consumed; and

**Whereas**, The practice of imposing a minimum charge for water, even if water is not actually consumed, unfairly penalizes customers who deliberately and successfully conserve water; and

**Whereas**, Water conservation is a practice that should be promoted not penalized for both economic and environmental reasons; and

**Whereas**, The New York State Assembly has introduced legislation and the Senate has passed legislation, specifically Assembly bill A.9226 and Senate bill S. 6154, respectively, that would prohibit the Water Board from imposing a minimum charge for the consumption of metered water, or any other type of water; and

**Whereas**, This legislation is a sensible solution to the disincentive to conserve water and the unfair penalty on customers who actually do consume less water created by the imposition of the minimum charge; now therefore be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation abolishing the minimum charge for water service imposed by the New York City Water Board.

Referred to the Committee on Finance.

Res. No. 377

**Resolution recognizing the 50<sup>th</sup> anniversary of the Mississippi Summer Project.**

By Council Members Cumbo, Barron, Chin, Constantinides, Gibson, Levin, Mendez and Richards.

**Whereas**, In the summer of 1964, various civil rights organizations formed a voter registration drive that became known as the Mississippi Summer Project or Freedom Summer ("the Project"); and

**Whereas**, The mission of the Project was to dramatically increase voter registration of African Americans in Mississippi; and

**Whereas**, The Project brought hundreds of student volunteers throughout the United States to Mississippi to challenge the State's system of unbending segregation, which included preventing non-whites from voting, obtaining an adequate education and holding an elected office position; and

**Whereas**, Various civil rights organizations stationed in New York City recruited volunteers to send to Mississippi in an effort to join the Project and put an end to these injustices; and

**Whereas**, The National Association for the Advancement of Colored People and the Legal Defense Fund, and other organizations located in New York City and Washington D.C., helped transfer volunteer attorneys to assist with the Project; and

**Whereas**, Throughout the Project, which lasted ten weeks, over 1,000 people were arrested, 80 volunteers were beaten, many African American churches, homes and businesses were bombed or burned, four civil rights workers were killed and several more were critically wounded; and

**Whereas**, Three young civil rights workers, James Chaney, Andrew Goodman and Michael Schwerner, were volunteers who decided to examine the burning of an African American church near Philadelphia; and

**Whereas**, These young men were arrested by the police, locked up for several hours and then released in the middle of the night to the Klu Klux Klan, who then assaulted and murdered the three men; and

**Whereas**, The murders deeply affected the Project and gave more momentum to the cause; and

**Whereas**, The Project helped facilitate the registration of over 1,000 African American voters and established 40 Freedom Schools, alternative free schools for African American youth designated to cultivate political participation and discussion and to educate and encourage African Americans to be activists and to be agents of change in Mississippi after the Freedom Summer ended; and

**Whereas**, Because of the Project, some of the barriers to vote for African Americans in Mississippi were eliminated; and

**Whereas**, To mark the 50<sup>th</sup> Anniversary of the Project, nonprofit organizations in Mississippi hosted a conference in June of 2014 called "The Mississippi Freedom Summer 50<sup>th</sup> Anniversary Conference" where attendees acknowledged the individuals who worked and lost their lives in an effort to change the rigid segregation that existed in Mississippi; and

**Whereas**, To honor the individuals and organizations that worked diligently in an effort to achieve equality during the Project, the City of New York should recognize the summer of 2014 as the 50<sup>th</sup> anniversary of the Project; now, therefore, be it

**Resolved**, That the Council of the City of New York recognizes the 50<sup>th</sup> anniversary of the Mississippi Summer Project.

Referred to the Committee on Civil Rights.

Int. No. 435

By Council Members Dromm, Arroyo, Barron, Chin, Gentile, Koo, Mendez and the Public Advocate (Ms. James).

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report information regarding students receiving special education services.**

*Be it enacted by the Council as follows:*

Section 1. Section 21-950 of the administrative code of the city of New York, as added by local law 32 for the year 2014, is amended to read as follows:

§21-950 Definitions. Whenever used in this title, the following terms shall have the following meanings:

[a.] "Chancellor" shall mean the chancellor of the New York city department of education.

[b.] "Department" shall mean the New York city department of education.

"English language learner" shall mean a student who is eligible for a program of bilingual education, dual language education, English as a second language instruction, or any other similar educational program, as set forth in subdivision three of section 3204 of the New York state education law and any regulations promulgated thereto.

"Individualized education program" shall have the meaning of such term as defined pursuant to section 1401 of title twenty of the United States code and any regulations promulgated thereto.

"Special education services or programs" or "special education services" shall mean "special services or programs" as defined pursuant to section 4401 of the New York state education law and any regulations promulgated thereto.

[c.] "Student" shall mean any pupil under the age of twenty-one enrolled in a district school or charter school within the city district.

§2. Title 21-A of the administrative code of the city of New York, is amended by adding a new chapter 3 and to read as follows:

**Chapter 3. Reporting on Students Receiving Special Education Services**

§21-952 Annual reporting on special education services. a. For the purposes of this section, the following terms shall be defined as follows:

1. "Academic period" shall mean the academic school year beginning in September and ending in June and the remaining period of that calendar year,

including the summer school session, until the next academic school year begins in September.

2. "Initial evaluation" shall mean an "individual evaluation" as defined pursuant to subdivision four of section 4401-a of the New York state education law and any regulations promulgated thereto, that is conducted for a student who is not currently receiving any special education services or programs.

3. "Length of time" shall mean the number of school days that are counted from the official date of receipt of a referral by the person or entity designated by the department to receive such referrals.

4. "Placement" shall mean placement of a student in education programs with appropriate supports that offer special education services or programs in accordance with the student's individualized education program and pursuant to section 4401-a of the New York state education law and any regulations promulgated thereto.

5. "Reevaluation" shall mean an "individual evaluation" as defined pursuant to subdivision four of section 4401-a of the New York state education law and any regulations promulgated thereto: (i) that is conducted for a student currently receiving any special education services or programs, or (ii) where conditions warrant an evaluation or where the student's parent or guardian or teacher requests an evaluation; provided that such term shall not include a triennial evaluation.

6. "Referral" shall mean a referral for special education services or programs pursuant to section 4401-a of the New York state education law and any regulations promulgated thereto.

7. "Triennial evaluation" shall mean an "individual evaluation" as defined pursuant to subsection four of section 4401-a of the New York state education law and its implementing regulations which is (i) conducted for a student currently receiving any special education services or programs and (ii) mandated to be conducted at least once every three years during which any other reevaluation has not already occurred.

b. The department shall compile data concerning each student seeking or receiving any special education services or programs and beginning on March 30, 2015 and annually thereafter not later March 30th, shall submit to the speaker and post on the department's website a report which shall include, but shall not be limited to the following:

1. the number of referrals made during the academic period, including, the number of referrals for (i) initial evaluations; (ii) reevaluations and (iii) triennial evaluations;

2. the number of evaluations conducted during the academic period, as well as the number of (i) initial evaluations; (ii) reevaluations; and (iii) triennial evaluations;

3. the number of students who underwent initial evaluations that occurred less than thirty school days after their referral, as well as the number of such students who are English language learners;

4. the number of students who underwent reevaluations that occurred less than thirty school days after their referral, as well as the number of such students who are English language learners;

5. the number of students who underwent initial evaluations that occurred in thirty or more school days after their referral, as well as the number of such students who are English language learners;

6. the number of students who underwent reevaluations that occurred in thirty or more school days after their referral, as well as the number of such students who are English language learners;

7. the number of students who received individualized education programs;

8. the number of placements resulting from (i) initial evaluations; (ii) reevaluations; and (iii) triennial evaluations;

9. the number of placements resulting from initial evaluations, and the length of time it took for such placement to be completed;

10. the number of placements made resulting from reevaluations, and the length of time it took for such placement to be completed;

11. the number of students who underwent an initial evaluation and the results of such evaluation, including whether or not such evaluation resulted in a placement and the length of time it took to complete such evaluation;

12. the number of students who underwent a reevaluation and the results of such reevaluation, including whether or not such reevaluation resulted in a placement and the length of time it took to complete such evaluation;

13. the number of students who underwent a triennial evaluation and the results of such evaluation, including whether or not such evaluation resulted in a placement and the length of time it took to complete such evaluation;

14. the number and percentage of students in full compliance with their individualized education programs at the end of the academic period

15. the number and percentage of students who receive special education services inside the classroom:

i. 100% of the time,

ii. 50-99% of the time, and

iii. less than 50% of the time; and

16. Demographic information including, but not limited to, race, ethnicity, gender, english language learner status, and the percentage of student eligible for free and reduced price lunch.

§ 3. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or that would

interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement.

§ 4. Effect of invalidity; severability. If any section, subsection, sentence, clause, phrase, or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this local law, which remaining portions shall continue in full force and effect.

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

Referred to the Committee on Education.

Res. No. 378

**Resolution calling on the New York State Legislature to pass and the Governor to sign A.3668/S.1409, which would raise the age of adult criminal responsibility from sixteen to eighteen years of age.**

By Council Members Dromm, Crowley, Arroyo, Barron, Chin, Gibson, Johnson and Miller.

**Whereas**, In 1962, the New York State Family Court Act was enacted by the New York State Legislature, which chose 16 to be the age of criminal responsibility as a temporary gauge until public hearings and research could be conducted; and

**Whereas**, New York State's "temporary" age of criminal responsibility has now been in effect for over 50 years; and

**Whereas**, According to *The New York Times*, New York is one of only two states in the country, along with North Carolina, in which youth arrested at age 16 or older are tried in adult court and confined in adult jails and prisons regardless of the crime for which they are charged; and

**Whereas**, According to the Schuyler Center for Analysis and Advocacy, 74.4% of crimes committed by 16- and 17-year-olds are classified as misdemeanors, yet all of these youth are tried in the adult court system; and

**Whereas**, In the 2005 U.S. Supreme Court ruling *Roper v. Simmons*, the Court drew on new research on adolescent brain development to prohibit the imposition of the death penalty for youth under the age of 18; and

**Whereas**, In the 2010 U.S. Supreme Court ruling *Graham v. Florida*, the Court further held that juvenile offenders may not be sentenced to life imprisonment without parole for non-homicide offenses; and

**Whereas**, The Center for Disease Control and Prevention found that youth who are transferred from the juvenile court system to the adult criminal system are approximately 34% more likely to be re-arrested for crimes than youth detained in the juvenile court system; and

**Whereas**, A.3668, introduced by Assemblyman Joseph R. Lentol and currently pending in the New York State Assembly, and companion bill S.1409, introduced by State Senator Velmanette Montgomery and currently pending in the New York State Senate, seek to amend the Criminal Procedure Law, the Executive Law, the Family Court Act, and the Penal Law, by raising the age of criminal responsibility from 16 to 18 years of age; and

**Whereas**, A.3668/S.1409 would amend New York State's laws regarding the age of criminal responsibility, bringing it in line with 48 other U.S. states; and

**Whereas**, The New York City Council previously passed Resolution 1067 on November 29, 2011, which supported New York State Chief Judge Jonathan Lippman's call for the New York State Legislature to pass and the Governor to sign legislation raising the age of criminal responsibility for nonviolent offenses to 18 and permit the cases of 16- and 17- year-olds charged with such offenses to be adjudicated in the Family Court rather than the adult criminal justice system; and

**Whereas**, The New York State Legislature should pass A.3668/S.1409 in order to improve the lives and future of New York's court involved youth; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass and the Governor to sign A.3668/S.1409, which would raise the age of adult criminal responsibility from sixteen to eighteen years of age.

Referred to the Committee on Fire and Criminal Justice Services.

Preconsidered Res. No. 379

**Resolution calling on the New York City Department of Correction to end the practice of placing individuals returning to City jails into punitive segregation, also known as solitary confinement, to complete time owed.**

By Council Members Dromm, Cornegy, Palma, Barron, Chin, Constantinides, Mealy, Mendez and the Public Advocate (Ms. James).

**Whereas**, The New York City Department of Correction ("DOC") is charged with overseeing and providing for the care, custody and control of individuals 16 years of age and older who are accused of crimes or convicted and sentenced to one year or less of incarceration; and

**Whereas**, DOC reported 81,753 total admissions to City jails during Fiscal Year 2013, with an average daily population of 11,827; and

**Whereas**, DOC informs incarcerated individuals of department rules by publishing an inmate handbook that identifies prohibited conduct and a rulebook that lists the sanctions that may be imposed by a guilty finding; and

**Whereas**, The Department administers punitive segregation as a disciplinary tool for pretrial detainees and sentenced inmates for behavioral infractions during their incarceration; and

**Whereas**, Punitive segregation consists of single-cell housing units where inmates who have been found guilty of violating DOC rules may be temporarily housed as a sanction for their offense; and

**Whereas**, The DOC Commissioner recently presented testimony to the New York City Council stating that punitive segregation accounts for less than six percent of the City's total inmate population; and

**Whereas**, Inmates in punitive segregation are locked inside these specially designed single-cell units for 23 hours per day, with one hour of recreation and access to daily showers in the housing unit; and

**Whereas**, Individuals assigned to punitive segregation are often deprived of human contact and other sensory and intellectual stimulation, and such segregation can be deleterious to physical and mental health; and

**Whereas**, A growing body of academic research has found that solitary confinement can cause severe psychological damage and may in fact increase both violent behavior and suicide among incarcerated individuals; and

**Whereas**, According to inmate advocates, often times inmates with drug or mental health issues are placed back into punitive segregation without adequate treatment, which exacerbates their conditions; and

**Whereas**, For many years DOC's policy dictated that when an inmate assigned to punitive segregation is released from DOC before completing his or her punitive segregation time, he or she is required to serve the remaining days in punitive segregation if he or she returns to DOC facilities; and

**Whereas**, In January of 2012, DOC modified its policy and began expunging time owed for certain infractions from prior incarcerations; and

**Whereas**, Currently, minor infractions older than a year and any serious infraction such as the use of a weapon, arson, or assault on staff which is older than two years are expunged for individuals returning to jail; and

**Whereas**, Imposition of time owed is without regard to the person's conduct and experience in the intervening period; and

**Whereas**, An inmate released and then returned to DOC custody should be placed in punitive segregation only upon the commission of new acts of misconduct that warrant such severe punishment; and

**Whereas**, Notwithstanding the recent changes to DOC's policy, DOC should end its current punitive segregation policy of time owed and terminate all required time owed when an individual leaves DOC custody; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York City Department of Correction to end the practice of placing individuals returning to City jails into punitive segregation, also known as solitary confinement, to complete time owed.

Adopted by the Council by voice vote (preconsidered and approved by the Committee on Education).

Int. No. 436

By Council Members Espinal, Arroyo, Barron, Chin, Eugene, Koo, Koslowitz and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to allowing the commissioner of the department of consumer affairs to issue warnings in lieu of monetary penalties for certain item pricing violations.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision f of section 20-708.1 of subchapter 2 of chapter 5 of title 20 of the administrative code of the city of New York is amended to read as follows:

f. Enforcement, penalties. 1. Upon the request of an inspector, the retail store representative shall afford the inspector access to the test mode of the checkout system in use at that retail store or to a comparable function of such system and to the retail price information contained in a price look-up function. No more than one inspection shall be conducted in any twenty-four hour period.

2. In addition to the enforcement powers prescribed in sections 20-703 and 20-704 of this code, the commissioner may, upon due notice, hold hearings to determine whether violations of the provisions of this section have occurred. Such notice shall contain a concise statement of the facts constituting the alleged violation and shall set forth the date, time and place of the hearing. Upon a finding of a violation of the provisions of this section, the commissioner shall be authorized to impose a civil penalty as follows:

(a) upon a first inspection, up to twenty-five dollars for the first twenty violations and up to fifty dollars for the twenty-first and successive violations, total violations not to exceed two thousand dollars, *except that for a retail store that commits less than five violations of subdivision b of this section, the commissioner shall have the discretion to issue a warning in lieu of a monetary fine for such violations.*

(b) upon a second or subsequent inspection within a two week period, up to fifty dollars for the first twenty continued violations, and up to one hundred dollars for the

twenty-first and successive continued violations, total violations issued not to exceed eight thousand dollars.

3. Each failure to comply with subdivision b of this section with respect to any one stock keeping unit shall constitute a separate violation, provided, however, that no violation shall be found where less than five stock keeping items of a particular stock keeping unit lack clearly readable item prices. Following an initial inspection, each inspection that finds a continuing violation with respect to a particular stock keeping unit cited within the previous fourteen days shall constitute a separate continued violation.

§ 2. This local law shall take effect immediately upon its enactment into local law.

Referred to the Committee on Consumer Affairs.

Int. No. 437

By Council Members Espinal and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to allowing pedicab drivers to transport up to four passengers.**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 3 of subdivision a of section 20-254 of subchapter 9 of chapter 2 of title 20 of the administrative code of the city of New York is amended to read as follows:

3. seating for no more than [three] *four* passengers;

§ 2. This local law shall take effect 120 days after it shall have been enacted into law; provided that the commissioner and the commissioner of the police department may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, promulgating rules.

Referred to the Committee on Consumer Affairs.

Res. No. 380

**Resolution recognizing September as Ovarian Cancer Awareness Month in New York City.**

By Council Members Espinal, Arroyo, Chin, Constantinides, Deutsch, Eugene, Gentile, Gibson, Johnson, Koo, Levin, Mendez, Richards, Koslowitz and Williams.

**Whereas**, The American Cancer Society (ACS) estimates that almost 22,000 women will receive a new diagnosis of ovarian cancer and over 14,000 women will die from ovarian cancer in the United States in 2014; and

**Whereas**, Ovarian cancer ranks fifth in cancer deaths among women, accounting for more deaths than any other cancer of the female reproductive system; and

**Whereas**, According to ACS, a woman's risk of getting ovarian cancer during her lifetime is about 1 in 72 and her lifetime chance of dying from ovarian cancer is about 1 in 100; and

**Whereas**, Currently there are no reliable screening tests for ovarian cancer and researchers are continuing to look for new tests to help diagnose ovarian cancer early; and

**Whereas**, The National Ovarian Cancer Coalition has found that ovarian cancer often goes undetected until advanced stages and only 20% of ovarian cancers are found at an early stage; and

**Whereas**, When ovarian cancer is found early at a localized stage, about 94% of patients live longer than 5 years after diagnosis, according to ACS; and

**Whereas**, Awareness of symptoms is key to early detection and increased chances of survival; and

**Whereas**, In 2013, President Barack Obama proclaimed September National Ovarian Cancer Awareness Month; now, therefore, be it

**Resolved**, That the New York City Council recognizes September as Ovarian Cancer Awareness Month in New York City.

Referred to the Committee on Health.

Int. No. 438

By Council Members Ferreras, Matteo, Gentile and Ignizio (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to the establishment of the West Shore business improvement district.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-486 to read as follows:

§ 25-486 *West Shore business improvement district.* a. *The city council having determined, pursuant to section 25-407 of chapter four of this title: that notice of hearing for all hearings required to be held was published and mailed as required*

by law and was otherwise sufficient; that, except as otherwise provided in section 25-403 of chapter four of this title, all the real property within the boundaries of the district will benefit from the establishment of the district; that all the real property benefited is included within the limits of the district; and that the establishment of the district is in the public interest; and the council having determined further that the requisite number of owners have not objected as provided in section 25-406 of chapter four of this title, there is hereby established in the borough of Staten Island, the West Shore business improvement district. Such district is established in accordance with the district plan required to be filed with the city clerk pursuant to subdivision b of this section.

b. Immediately upon adoption of this local law by the council, the council shall file with the city clerk the district plan upon which the West Shore business improvement district is based.

c. The district plan shall not be amended except in accordance with chapter four of this title.

§ 2. This local law shall take effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York.

Referred to the Committee on Finance.

Preconsidered Res. No. 381

**Resolution concerning the establishment of the West Shore Business Improvement District in the Borough of Staten Island and setting the date, time and place for the public hearing to hear all persons interested in the establishment of such district.**

By Council Members Ferreras and Matteo (by request of the Mayor).

**WHEREAS**, pursuant to the authority granted by chapter 4 of title 25 of the Administrative Code of the City of New York (“the Law”), the Mayor, by authorization dated April 3, 2014, provided for the preparation of a district plan (“the Plan”) for the West Shore Business Improvement District (“the District”) in the Borough of Staten Island; and

**WHEREAS**, pursuant to Local Law No. 82 for the year 1990, the City Council assumed responsibility for adopting legislation establishing Business Improvement Districts; and

**WHEREAS**, pursuant to section 25-405(c) of the Law, the New York City Department of Small Business Services (“SBS”) submitted the Plan to the City Planning Commission (“the CPC”) on April 23, 2014; and

**WHEREAS**, pursuant to section 25-405(c) of the Law, the CPC submitted the Plan to the City Council on April 24, 2014; and

**WHEREAS**, pursuant to section 25-405(c) of the Law, the CPC submitted the Plan to the Council Member representing the council district in which the proposed District is located on April 24, 2014; and

**WHEREAS**, pursuant to section 25-405(c) of the Law, the CPC submitted the Plan to the community board for the community district in which the proposed District is located (Staten Island Community Board Number 2, hereinafter “the Community Board”) on April 24, 2014; and

**WHEREAS**, the CPC submitted the Plan to the Staten Island Borough President on April 24, 2014; and

**WHEREAS**, pursuant to section 25-405(c) of the Law, the Community Board notified the public of the Plan in accordance with the requirements established by the CPC; and

**WHEREAS**, the Community Board voted to approve the establishment of the District on May 20, 2014; and

**WHEREAS**, pursuant to section 25-405(c) of the Law, the CPC reviewed the Plan, held a public hearing and prepared a report certifying its unqualified approval of the Plan; and

**WHEREAS**, pursuant to section 25-405(c) of the Law, the CPC submitted its report to the Mayor, to the Staten Island Borough President, and to the City Council and to the Council Member representing the council district in which the proposed District is located; and

**WHEREAS**, pursuant to section 25-405(c) of the Law, a copy of the CPC’s report, together with the original Plan, was transmitted for filing with the City Clerk on July 15, 2014; and

**WHEREAS**, pursuant to section 25-406(a) of the Law, a copy of the Plan and the CPC’s report are annexed hereto and are made part of this Resolution; and

**WHEREAS**, pursuant to section 25-406(a) of the Law, the Plan is on file for public inspection in the Office of the City Clerk, 141 Worth Street, New York, New York; and

**WHEREAS**, pursuant to Section 25-406(b) of the Law, any owner of real property, deemed benefited and therefore within the District, objecting to the plan must file an objection at the Office of the City Clerk within thirty days of the conclusion of the hearing held by the City Council, notice of which is provided by this Resolution, on forms made available by the City Clerk; and

**WHEREAS**, pursuant to Section 25-406(b) of the Law, if owners of at least fifty-one percent of the assessed valuation of all the benefited real property situated within the boundaries of the District proposed for establishment, as shown upon the latest completed assessment roll of the City, or at least fifty-one percent of the owners of benefited real property within the area included in the District proposed for establishment, file objections to the Plan with the City Clerk within the thirty-day objection period, the District will not be established; now, therefore, be it

**RESOLVED**, that the Council of the City of New York, pursuant to Section 25-406 of the Law, hereby directs that:

(i) September 10, 2014 is the date and 10:00 a.m. is the time and the Committee Room in City Hall, is the place for a public hearing (“the Public Hearing”) to hear all persons interested in the establishment of the District;

(ii) the West Shore BID Steering Committee shall, not less than ten nor more than thirty days before the date of the Public Hearing, mail a copy of this Resolution or a summary thereof to each owner of real property within the proposed District at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills concerning real property within the proposed District, and to the tenants of each building within the proposed District;

(iii) SBS shall arrange for the publication of a copy of this Resolution or a summary thereof at least once in the City Record or a newspaper in general circulation in the City, the first publication to be not less than ten nor more than thirty days before the date of the Public Hearing; and

(iv) in the event that the West Shore BID Steering Committee mails, or SBS arranges for the publication of, a summary of this Resolution, such summary shall include the information required by section 25-406(c) of the Law.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered Res. No. 382

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

By Council Member Ferreras.

**Whereas**, On June 26, 2014 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2015 with various programs and initiatives (the “Fiscal 2015 Expense Budget”); and

**Whereas**, On June 27, 2013, the Council adopted the expense budget for fiscal year 2014 with various programs and initiatives (the “Fiscal 2014 Expense Budget”); and

**Whereas**, On June 28, 2012, the Council adopted the expense budget for fiscal year 2013 with various programs and initiatives (the “Fiscal 2013 Expense Budget”); and

**Whereas**, On June 30, 2010, the Council adopted the expense budget for fiscal year 2011 with various programs and initiatives (the “Fiscal 2011 Expense Budget”); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011, Fiscal 2013, Fiscal 2014, and 2015 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2014 and Fiscal 2015 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding and funding pursuant to certain initiatives; now therefore be it

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 1; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations receiving aging discretionary funding in

accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 2; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 3; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 4; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Boroughwide Needs Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 5; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 6; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the NYC Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 7; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 8; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations, specifically name changes, receiving funding pursuant to the Discretionary Child Care Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 9; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations, specifically an EIN change and a name change, receiving funding pursuant to the NORC Supportive Service Program Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 10; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding, specifically an EIN change, pursuant to the Small Schools Athletic League in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 11; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization, specifically an EIN change, receiving funding pursuant to the Social Adult Day Care Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 12; and be it further

**Resolved,** That the City Council approves the changes in the designation of a certain organization, specifically an EIN change and a name change, receiving funding pursuant to the YMCA – The Y After School Program Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 14; and be it further

**Resolved,** That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the Adolescent Portable Therapy Program Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 14; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 15; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization, specifically a name change, receiving funding pursuant to the Access to Crisis and Emergency Services (ACES) Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 16; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization, specifically a name change, receiving funding pursuant to the Chamber on the Go Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 17; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization, specifically a name change, receiving funding pursuant to the Dropout Prevention and Intervention Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 18; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization, specifically a name change, receiving funding pursuant to the Handyman Services Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 19; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization, specifically an EIN change, receiving funding pursuant to the Hepatitis B/C Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 20; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Small Business/Job Development/Financial Literacy Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 21; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization, specifically a name change, receiving funding pursuant to the

Initiative to Address Sexual Assault in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 22; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization, specifically a name change, receiving funding pursuant to the Legal Information for Families (LIFT) Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 23; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization, specifically a name change, receiving funding pursuant to the Legal Services for the Working Poor Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 24; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization, specifically a name change, receiving funding pursuant to the New York Immigration Coalition Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 25; and be it further;

**Resolved,** That the City Council approves the change in the designation of a certain organization, specifically a name change, receiving funding pursuant to the Services for Women Veterans Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 26; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization, specifically an EIN change, receiving funding pursuant to the Staten Island Drug Treatment Court Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 27; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Early Childhood Literacy Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 28; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Anti-Gun Violence Initiative – Community-Based Programs in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 29; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Anti-Gun Violence Initiative – Mental Health/Therapeutic Services in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 30; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Senior Centers, Programs, and Service Enhancements Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 31; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the LGBT Senior Services Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 32; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Jobs to Build On Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 33; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Industrial Business Solutions Providers (IBSP) Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 34; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Citywide Civil Legal Services Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 35; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization, specifically an EIN change, receiving funding pursuant to the Veterans Community Development Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 36; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization, specifically a name change, receiving funding pursuant to the AMIDA Care Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 37; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization, specifically fiscal conduit information, receiving local discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 38; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations, specifically EIN and name changes, receiving aging discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 39; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 40; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization, specifically fiscal conduit information, receiving youth discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 41; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Asthma Control Program Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 42; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization, specifically a name change, receiving local initiative funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 43; and be it further

**Resolved,** That the City Council approves the new description for the Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 44; and be it further

**Resolved,** That the City Council approves the new description for the Description/Scope of Services for a certain organization receiving local funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 45.

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Children Under Five Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 46.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for Exhibits, please see the attachment to the resolution following the Report of the Committee on Finance for Res No. 382 printed in these Minutes).

Int. No. 439

By Council Members Gentile, Reynoso, Barron and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to mandatory sanctions for submitting incorrect professionally certified applications for construction document approval.**

*Be it enacted by the Council as follows:*

Section 1. Section 28-104.2.1.3.2 of the administrative code of the city of New York is amended to read as follows:

§28-104.2.1.3.2 Mandatory sanctions. The commissioner shall, after the opportunity for a hearing before the office of administrative trials and hearings in accordance with department rules, exclude, suspend, or otherwise condition the participation of a registered design professional who (i) knowingly or negligently submits a professional certification of an application and/or construction and other related documents that contains false information or is not in compliance with all applicable provisions of law, or (ii) submits two professionally certified applications for construction document approval within any 12-month period containing errors that result in revocation of an associated permit, *result in a stop work order* or that otherwise demonstrate incompetence or a lack of knowledge of applicable laws. The term "otherwise condition" shall mean limitation on such professional's participation in the program, such as, but not limited to, audits and monitoring of the registered design professional's applications and other submissions. For purposes of this section, a professionally certified application shall include the professional certification of and other related documents and the satisfaction of objections issued at plan examination.

§2. Section 28-104.2.1.4 of the administrative code of the city of New York is amended to read as follows:

§28-104.2.1.4 Database. The department shall create and maintain a database of all registered design professionals who have been excluded, suspended or otherwise sanctioned by the department. Within 7 business days of the date a sanction is imposed, the department shall post on its website and shall make available upon request, the name of the registered design professional, a description of the sanction, the initial date of the sanction, the reinstatement date, if applicable, the address of the premises for which the application associated with the sanction was submitted, and whether the sanction was imposed after a hearing or a settlement. *No later than January 15, 2015, and annually thereafter, the department shall compile and submit to the council a report on all such information, disaggregated by community board.* The department shall provide requested information concerning the exclusion, suspension or other sanction of a specific registered design professional within 30 days of such request.

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

Referred to the Committee on Housing and Buildings.

Int. No. 440

By Council Members Johnson, Arroyo, Barron, Chin, Dromm, Espinal, Koo, Levin, Mendez, Miller, Richards and the Public Advocate (Ms. James).

**A Local Law to amend the administrative code of the city of New York, in relation to health services in city correctional facilities.**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 17 of the administrative code of the city of New York is amended by adding a new section 17-198 to read as follows:

§ 17-198 *Health services in correctional facilities. No later than April first, two thousand fifteen, and no later than every April first thereafter, the department shall prepare and submit to the mayor and the speaker of the city council a report regarding the health of inmates in city correctional facilities during the previous*

*calendar year. Such report shall include, but not be limited to, available information related to: (i) intake, (ii) follow up care, (iii) patient safety, (iv) preventable hospitalizations, (v) preventable errors in medical care, and (vi) information regarding any evaluations of the performance of any contractor providing medical or mental health services in city correctional facilities, including but not limited to, the performance indicators and criteria used in such evaluations, the metrics utilized to determine compliance with such indicators and criteria, and the results of such evaluations.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Health.

Preconsidered Int. No. 441

By Council Members Kallos, Koo and Lander (by request of the Mayor).

**A Local Law to amend the New York city charter, in relation to the voters guide requirements of the campaign finance board.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 1052 of the New York city charter, as amended by local law number 68 for the year 1993, is amended to read as follows:

b. The board shall take such actions as it deems necessary and appropriate to improve public awareness of the candidates, proposals or referenda in all elections in which there are contested elections for the offices of mayor, public advocate, borough presidents, comptroller, or city council or ballot proposals or referenda pursuant to this charter or the municipal home rule law, including but not necessarily limited to the publication of a non-partisan, impartial voters guide providing information on candidates, ballot proposals and referenda, and the distribution of one copy of such guide to each household in which there is at least one registered voter eligible to vote in the election involved. In any year in which the board publishes a voters guide, if the board determines that the amount of money in its budget is insufficient or likely to be insufficient for the publication and distribution of the voters guide, it shall report such determination to the director of the office of management and budget, who, after consultation with the board, shall, without an appropriation, transfer to the board a reasonable amount, as the director shall determine, to cover the cost of publishing and distributing the voters guide; *provided however, that for any election in any district in which (i) there are no contested elections for the office of mayor, public advocate, borough president, comptroller or city council, and (ii) there has been no administrative action, or determination of a court of final, competent jurisdiction, to include a ballot proposal or referendum at such election sixty days or more prior to the date of such election, the board shall not publish or distribute such guide, but shall instead make available to the public on its website information to the extent practicable regarding any proposal or referendum that is to be included on the ballot.*

§ 2. This local law shall take effect immediately and shall be deemed to apply to the general election to be held on November 4, 2014.

Adopted by the Council (preconsidered and approved by the Committee on Governmental Operations).

Int. No. 442

By Council Members Kallos, Levin, Johnson, Barron, Espinal, Mendez, Richards, Koslowitz and Crowley.

**A Local Law to amend the administrative code of the city of New York, in relation to setting nutritional standards for distributing incentive items aimed at children.**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 17 of the administrative code of the city of New York is amended by adding a new section 17-198 to read as follows:

§ 17-198 *Incentive items with restaurant food. a. Definitions. For the purposes of this section, the following terms shall have the following meanings:*

1. "Incentive item" shall mean any toy, game, trading card, admission ticket or other consumer product, whether physical or digital, with particular appeal to children, which is provided directly by the restaurant, or any coupon, voucher, ticket, token, code or password which is provided directly by the restaurant and is redeemable for or grants digital or other access to any toy, game, trading card, admission ticket, or other consumer product with particular appeal to children.

2. "Meal" shall mean any combination of food and drink items offered together for a single price.

3. "Restaurant" shall mean any coffee shop, cafeteria, luncheonette, sandwich stand, diner, short order café, fast food establishment, soda fountain, and any other eating or beverage establishment, which gives or offers for sale food or beverages to the public, guests, members, or patrons, whether food or beverages are customarily consumed on or off the premises.

b. A restaurant shall not offer, for free or for a nominal price as determined by rule, an incentive item in combination with the purchase of a meal unless the meal meets the following nutritional standards:

- i. Less than five hundred calories;
  - ii. Less than six hundred milligrams of sodium;
  - iii. Less than thirty-five percent of total calories from fat, except for fat contained in nuts, seeds, peanut butter, or other nut butter;
  - iv. Less than ten percent of total calories from saturated fats, except for saturated fat contained in nuts, seeds, peanut butter, or other nut butter;
  - v. Less than ten percent of total calories from added sugars and/or caloric sweeteners;
  - vi. Contains one half cup of fruit or vegetables or one serving of whole-grain products; and
  - vii. A beverage, if included, that meets the criteria specified in subsection d of this section.
- c. A restaurant shall not offer, for free or for a nominal price as determined by rule, an incentive item in combination with the purchase of a single food item unless the single food item meets the following nutritional standards:
- i. Less than two hundred calories;
  - ii. Less than two hundred milligrams of sodium;
  - iii. Less than thirty-five percent of total calories from fat, except for fat contained in nuts, seeds, peanut butter, or other nut butter;
  - iv. Less than ten percent of total calories from saturated fats, except for saturated fat contained in nuts, seeds, peanut butter, or other nut butter;
  - v. Less than ten percent of total calories from added sugars and/or caloric sweeteners; and
  - vi. Contains one half cup of fruit or vegetables or one serving of whole-grain products.
- d. A restaurant shall not offer, for free or for a nominal price as determined by rule, an incentive item in combination with the purchase of a beverage unless the beverage meets the following nutritional standards:
- i. Less than one hundred fifty calories;
  - ii. Less than thirty five percent of total calories from fat;
  - iii. Less than fifteen percent of total calories from saturated fat;
  - iv. Less than ten percent of total calories from added sugars and/or caloric sweeteners;
  - v. No added non-nutritive sweeteners; and
  - vi. No caffeine, with the exception of trace amounts of naturally occurring caffeine substances.
- e. Any person who violates any of the provisions of this section shall be liable for a civil penalty of not less than two hundred dollars nor more than five hundred dollars for a first violation thereof; not less than five hundred dollars nor more than one thousand dollars for a second violation thereof; and not less than one thousand dollars nor more than two thousand five hundred dollars for a third or subsequent violation thereof.

§ 2. This local law shall take effect one hundred and twenty days after its enactment into law, provided that the commissioner shall take all necessary action, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Health.

Int. No. 443

By Council Members Kallos, Rose, Constantinides and Dickens.

**A Local Law to amend the New York city building code, in relation to crane modernization.**

*Be it enacted by the Council as follows:*

Section 1. Section BC 202 of the New York city building code is amended by adding a new definition for “MANUFACTURE DATE (Crane),” in appropriate alphabetical order, to read as follows:

**MANUFACTURE DATE (Crane).** See Section 3302.1.

§2. Section 3302.1 of the New York city building code is amended by adding a new definition for “MANUFACTURE DATE (Crane),” in appropriate alphabetical order, to read as follows:

**MANUFACTURE DATE (Crane).** For a particular crane, the earlier of the following dates:

1.The date the crane was originally manufactured for its intended purpose.

2.The date that the oldest individual component of the crane was originally manufactured.

§3. Section BC 3319 of the New York city building code is amended by adding new sections 3319.11 and 3319.12 to read as follows:

**3319.11 Age limitations for cranes.** Only cranes having an age of less than 25 years from the manufacture date may be used in New York City. Notwithstanding the provisions of Section 3319.5, the certificate of operation for a crane with an age greater than 25 years from the manufacture date shall be deemed to have expired.

**Exceptions:**

1.A crane with an age of 25 years or greater from the manufacture date that is (i) in use on a project on October 1, 2014 or (ii) not in use on October 1, 2014, but for which an application for a certificate of on-site inspection has been approved as of October 1, 2014, may continue to be used until completion of the project for which it is being used or the project for which such certificate of onsite inspection was issued.

2.Where a crane with an age of less than 25 years from the manufacture date at the time the department approved the application for a certificate of on-site inspection is being used on a project and will reach an age of 25 years or greater from the manufacture date during such project, such crane may be used for the duration of that project or until it reaches 28 years of age, whichever occurs earlier.

3.The commissioner may approve the use of a crane with an age of 25 years or greater from the manufacture date for up to a maximum of five years, not to exceed 30 years from the manufacture date, when load cycle counter logs and other records as required by rule of the department are deemed sufficient by the commissioner to establish that such crane meets the manufacturer’s standards for use.

**3319.12 Load cycle counters.** Each crane shall be equipped with a load cycle counter. The owner of such crane shall maintain accurate records of the cycles that the crane performs.

**Exception:** Cranes in existence on October 1, 2014 shall comply with this section by July 1, 2015.

§4. This local law shall take effect on October 1, 2014, except that the commissioner of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 444

By Council Members Koo, Arroyo, Gentile and Ulrich.

**A Local Law to amend the New York city charter, in relation to the displaying of the POW/MIA flag on property under the care and control of the department of education.**

*Be it enacted by the Council as follows:*

Section 1. Legislative intent. The Prisoner of War/Missing in Action (POW/MIA) flag was designed to honor and express the United States’ gratitude to those members of the military who have been or remain prisoners of war and those who remain missing in action. The POW/MIA flag is a powerful symbol of our nation’s concern and commitment to determining, as fully as possible, the fates of American military personnel still imprisoned or missing overseas. It is the Council’s intent to require the POW/MIA flag be flown over every piece of property under the control of the Department of Education whenever the American flag is flown over such property.

§ 2. Title 20 of the New York city charter is amended by adding a new section 530-g to read as follows:

§ 530-g *Displaying a POW/MIA flag over department of education property.* a. Until such time as all members of the United States Armed Forces listed either as missing in action or prisoners of war are accounted for by the United States government, the chancellor of the department of education shall assure that the Prisoner of War/Missing in Action (POW/MIA) flag is flown over all public property under the care and control of the department of education whenever the American flag is flown over such property.

b. No later than ninety days after the effective date of this local law, the chancellor shall submit to the mayor and the speaker of the city council a report indicating that all requirements of subdivision a of this section have been met and listing all public property under the care and control of the department of education over which the POW/MIA flag is flown.

§ 3. This local law shall take effect one hundred and eighty days after its enactment into law.

Referred to the Committee on Veterans.

Res. No. 383

**Resolution calling upon the United States Congress to pass, and the President to sign, the Silent Skies Act.**

By Council Members Koo, Vallone, Weprin, Vacca, Constantinides, Koslowitz and Ulrich.

**Whereas,** Many communities near LaGuardia Airport and John F. Kennedy International Airport are severely impacted by constant airplane engine noise; and

**Whereas,** The deafening sound has been linked to increased risk of cardiovascular diseases, disrupts student learning, and drowns out the joys of daily life; and



**Whereas**, In 2006, the Federal Aviation Administration (FAA) issued regulations requiring all new commercial aircraft designs to meet Stage 4 noise standards, which represented a significantly lower decibel level than what was standard at the time; and

**Whereas**, While these new rules were a significant step toward improving the quality of life for those who live near airports, the FAA was silent on whether airlines would need to phase out older airplanes or retrofit them with quieter engines; and

**Whereas**, The Silent Skies Act (H.R. 3650) would improve the quality of life for those who live near airports by mandating that the FAA issue regulations by the end of 2015 requiring all commercial airplanes to meet Stage 4 noise standards; and

**Whereas**, In order to introduce quieter airplanes into the market, the Silent Skies Act would mandate that the new regulations require airlines to phase in quieter engines at a rate of 25% of their fleets every five years, so that all commercial airplanes meet the quieter standards by at least 2035; and

**Whereas**, The bill would also encourage research and development of quieter engine technologies by authorizing a new partnership program for the development of technologies to help meet Stage 4 standards; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress to pass, and the President to sign, the Silent Skies Act.

Referred to the Committee on Transportation.

Int. No. 445

By Council Members Lancman, Dickens and Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to funding a participant in the campaign finance matching program who does not qualify for the full match with at least as many public dollars as an opponent who does so qualify.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision 7 of section 3-705 of the administrative code of the city of New York is amended to read as follows:

7. Notwithstanding any provision of this section to the contrary, the amount of public funds payable a participating candidate on the ballot in any covered election shall not exceed one quarter of the maximum public funds payment otherwise applicable under subdivision two of this section, unless:

(a) [the participating candidate is opposed by a candidate and the board has determined that such other candidate and his or her authorized committees have spent or contracted or have obligated to spend, or received in loans or contributions, or both, an amount which, in the aggregate, exceeds one-fifth of the applicable expenditure limit for such office fixed by subdivision one of section 3-706 of this chapter for participating candidates; or

(b) [the participating candidate has submitted a certified signed statement attesting to the need and stating the reason for additional public funds in such election, in which case the board shall publish such statement at the time such additional public funds are paid, including on the board's internet website. Such statement must certify that (i) one or more of the following conditions apply and (ii) such condition or conditions reasonably demonstrate the need for such public funds, and the participating candidate must provide documentation demonstrating the existence of such condition or conditions:

(1) the participating candidate is opposed by (i) a non-participating candidate or (ii) a limited participating candidate, and provides a factual basis with supporting documentation of such candidate's ability to self finance;

(2) the participating candidate is opposed by a candidate who has received (i) the endorsement of a citywide or statewide elected official or a federal elected official representing all or a portion of the area covered by the election; (ii) two or more endorsements from other city elected officials who represent all or a part of the area covered by the election; or (iii) endorsements of one or more membership organizations with a membership of over 250 members;

(3) the participating candidate is opposed by a candidate who has had significant media exposure in the twelve months preceding the election. For purposes of this paragraph, significant media exposure shall mean appearance of the opponent or his or her name on television or radio in the area of the covered election or in print media in general circulation in the area of the covered election at least twelve times in the year preceding the covered election; provided, however, that the listing of names of candidates or potential candidates for a covered election without additional information concerning the opponent shall not constitute an appearance for purposes of this paragraph;

(4) the participating candidate is opposed by a candidate who has received twenty-five percent or more of the vote in an election for public office in an area encompassing all or part of the area that is the subject of the current election in the last eight years preceding the election;

(5) the participating candidate is opposed by a candidate whose name is substantially similar to the candidate's so as to result in confusion among voters, as determined by the board;

(6) the participating candidate in a city council or borough-wide race is opposed by a candidate who is a chairman or president of a community board or district manager of a community board; or

(7) the participating candidate is opposed by a candidate whose spouse, domestic partner, sibling, parent or child holds or has held elective office in an area encompassing all or part of the area of the covered election in the past ten years.

The board shall be authorized to verify the truthfulness of any certified statement submitted pursuant to this paragraph and of any supporting documentation and shall post such certified statements and supporting documentation on its website.

[(c)] (b) the participating candidate is opposed in a primary or special election for an office for which no incumbent is seeking re-election.

(c) (i) the participating candidate is opposed by a candidate who has submitted a certified signed statement of need pursuant to paragraph (a) of this subdivision, and (ii) the board has paid additional public funds based on such statement, and (iii) the participating candidate has not filed such a statement, or has filed such a statement that did not result in the payment of additional public funds, and (iv) if the participating candidate had filed such a statement that resulted in the payment of additional public funds, the participating candidate would have received more public funds than such opponent. In the presence of all of these factors, the participating candidate shall be entitled to no less than the amount of public funds payable to such opponent. This paragraph shall not limit the board's authority to suspend or reduce public funds payments.

If any of the conditions described in paragraphs (a)[,] or (b)[, or (c)] occur in such election, the board shall pay any and all additional public funds due to the participating candidate up to the maximum total payment applicable in such election under subdivisions two or six of this section or subdivision three of section 3-706 of this chapter.

§2. This local law shall take effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 446

By Council Members Levin, Johnson, Arroyo, Barron, Chin, Mendez and Richards.

**A Local Law to amend the administrative code of the city of New York, in relation to banning the discharge, disposal, sale or use within the city of New York of any wastewater or natural gas waste produced from the process of hydraulic fracturing.**

*Be it enacted by the Council as follows:*

Section 1. Legislative findings and intent. The Council finds that hydraulic fracturing produces millions of gallons of wastewater that is often laced with highly corrosive salts, carcinogens like benzene and radioactive elements like radium, all of which can occur naturally thousands of feet underground, and that other carcinogenic materials are often added to the wastewater including the chemicals used in the hydraulic fracturing process.

The Council further finds that there are 14 wastewater treatment plants, owned and operated by New York City Department of Environmental Protection, and a number of privately owned wastewater treatment plans, operating within the City of New York. Because these facilities release effluent back into the surface water of the City of New York, it is important that such effluent be free from any harmful contaminants.

The Council also finds that the wastewater and other waste products produced from the hydraulic fracturing method of natural gas extraction are dangerous and should be prevented from being used in New York City in any capacity including deicing and snow removal.

Therefore the Council finds that the wastewater and other natural gas waste products produced by the hydraulic fracturing method of natural gas extraction are dangerous and should be prevented from entering into the surface waters of the City of New York, and further finds that it is in the best interests of the City of New York to ban the discharge, disposal, sale, and use of hydraulic fracturing wastes within City of New York.

§2. Subchapter 1 of chapter 3 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-303.1 to read as follows:

§24-303.1 *Protection of water supply; treatment of hydraulic fracturing wastewater prohibited.* a. *Definitions.* As used in this section, "natural gas waste" means any waste that is generated as a result of natural gas extraction activities, which may consist of water, chemical additives, or naturally occurring radioactive materials ("NORMs") and heavy metals. Natural gas waste includes, but is not limited to, leachate from solid wastes associated with natural gas extraction activities, or any natural gas waste byproduct.

b. *Prohibitions.* 1. No person shall discharge or cause to be discharged any natural gas waste to any surface water bodies located within the city of New York or to any wastewater treatment plant located within the city of New York.

2. No person shall dispose or cause to be disposed any natural gas waste into any landfill within the city of New York. The department of environmental protection and the department of sanitation shall enforce this paragraph.

3. No person shall sell or offer for sale any natural gas waste or natural gas waste byproduct within the city of New York. The department of environmental protection and the department of consumer affairs shall enforce this paragraph.

4. No person shall apply or cause to be applied any natural gas waste or natural gas waste byproduct on any road or real property located within the city of New York. The department of environmental protection and the department of transportation shall enforce this paragraph.

*c. Contracting. All bids or contracts related to the purchase or acquisition of materials to construct or maintain a city road shall include a provision stating that no materials containing or manufactured from natural gas waste shall be utilized in providing such a service.*

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

Referred to the Committee on Environmental Protection.

Int. No. 447

By Council Members Levine, Chin, Constantinides, Johnson, Levin and Mendez.

**A Local Law to amend the administrative code of the city of New York, in relation to procurement of native trees and vegetation.**

*Be it enacted by the Council as follows:*

Section 1. Section 18-141 of the administrative code of the city of New York is amended by adding a new subdivision c-1 to read as follows:

*c-1. The department shall, where practicable, limit its procurement of trees and vegetation for landscaping to native species grown and harvested within the level III ecoregions, as identified by the United States environmental protection agency, that include any part of the city.*

§2. This local law shall take effect one hundred twenty days after its enactment, except that the commissioner of parks and recreation shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Parks and Recreation.

Res. No. 384

**Resolution calling upon the New York City Board of Elections to allow poll workers to work half-day shifts.**

By Council Members Levine, Kallos, Barron, Constantinides, Johnson and Levin.

**Whereas**, Poll workers are currently required to report to the polling place at 5AM and remain until the polls close at 9PM, the poll site votes are tallied, all equipment is put away, and the police officer assigned onsite retains possession of the tally; and

**Whereas**, This translates into at least a sixteen hour work day for poll workers on Election Day; and

**Whereas**, There are many seniors who have worked Election Day for many years and are therefore very experienced and knowledgeable about voting procedures, but stop doing poll work because they are no longer able to withstand the long hours; and

**Whereas**, In general, the length of the workday reduces the New York City Board of Elections' ability to recruit the necessary number of knowledgeable poll workers, thereby creating more problems and difficulties for voters; and

**Whereas**, Additionally, successful recruitment will increase if populations that work or go to school part time are included in the pool of potential Election Day poll workers; and

**Whereas**, Productivity and efficiency would increase with shorter shifts; and

**Whereas**, Election Day procedures are complex and poll worker performance would improve if poll workers were trained and responsible for either opening or closing the poll site rather than doing both; and

**Whereas**, Furthermore, the quality of poll worker performance will improve if poll workers are not fatigued, especially after the poll site closes when the complexity of the work increases; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Board of Elections to allow poll workers to work half-day shifts.

Referred to the Committee on Governmental Operations.

Res. No. 385

**Resolution calling upon the New York City Department of Education to provide school principals with the discretion to declare primary days as staff development days, specifically if they believe election operations will significantly disrupt a regular school day.**

By Council Members Levine, Arroyo, Constantinides, Johnson, Mendez, Koslowitz and Cohen.

**Whereas**, Primary and general elections are held in polling sites throughout New York City, with a vast majority held in school buildings; and

**Whereas**, Currently, schools close on election day but not during the primaries; and

**Whereas**, Primary voting therefore occurs with students in the school building; and

**Whereas**, Although a single police officer is present at polling sites as required

by election law, the officer's primary concern is to oversee voting rather than student safety; and

**Whereas**, Throughout the school year there are security measures in place for entering school buildings including requiring visitors to sign in and show identification; and

**Whereas**, Primary day, however, allows strangers to enter the school building without such measures despite the presence of students; and

**Whereas**, According to a March 2014 DNAinfo New York article, a recent primary election in New York City left some parents and community leaders outraged after observing voters wander the halls and using student bathrooms; and

**Whereas**, In light of recent occurrences involving horrific attacks on students in various schools in our nation, security measures are being re-evaluated and strengthened in many jurisdictions; and

**Whereas**, Allowing students to be at school while elections occur seems to undermine the very nature of such increased security measures; and

**Whereas**, While civic engagement is a cornerstone of our democracy, it shouldn't come at the expense of student safety; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Department of Education to provide school principals with the discretion to declare primary days as staff development days, specifically if they believe election operations will significantly disrupt a regular school day.

Referred to the Committee on Education.

Int. No. 448

By Council Members Maisel, Treyger, Constantinides, Gentile and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to civil and criminal penalties for building code violations resulting from certain work done in response to a natural or man-made disaster.**

*Be it enacted by the Council as follows:*

Section 1. Section 28-202.1 of the administrative code of the city of New York is amended by adding a new exception to read as follows:

**Exception:** *The owner, lessee, person in charge or occupant of a building where a violation occurs shall not be subject to civil penalties where such violation results from work done by city employees or by third parties under contract with the city, in response to a natural or man-made disaster.*

§2. Section 28-203.1 of the administrative code of the city of New York is amended by adding a new exception to read as follows:

**Exception:** *The owner, lessee, person in charge or occupant of a building where a violation occurs shall not be subject to criminal fines or imprisonment where such violation results from work done by city employees or third parties under contract with the city, in response to a natural or man-made disaster.*

§3. This local law shall take effect ninety days after its enactment into law, except that the commissioner of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Res. No. 386

**Resolution calling upon the Metropolitan Transportation Authority to conduct a pilot program involving the installation of structures on subway steps designed to facilitate movement of bicycles.**

By Council Member Menchaca.

**Whereas**, Bicycles are permitted on the subway, but most stations do not have elevators; and

**Whereas**, Carrying a bicycle up and down the stairs in the subway system can be difficult and unwieldy at best and impossible for some people; and

**Whereas**, Other cities, including San Francisco, Copenhagen, and Seoul, have installed narrow bicycle ramps along the sides of stairways in their public transportation systems to facilitate the movement of bicycles; and

**Whereas**, The San Francisco ramps cost approximately \$100,000 per stairway; and

**Whereas**, The ramps are situated mostly under handrails in space not otherwise used by individuals using the stairway; and

**Whereas**, Ramps also alleviate the obstruction, bottlenecks, and potential hazards that can be caused by customers lugging their bicycles up and down subway stairs; and

**Whereas**, Cycling is an environmentally-friendly and healthy transportation alternative; and

**Whereas**, New York City has undertaken numerous measures to encourage cycling, most notably expanding its bicycle lane network and introducing a bicycle-share system; and

**Whereas**, Narrow bicycle ramps on subway stairs would be an unobtrusive and relatively inexpensive method of continuing to make New York a bicycle-friendly city; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Metropolitan Transportation Authority to conduct a pilot program involving the installation of structures on subway steps designed to facilitate movement of bicycles.

Referred to the Committee on Transportation.

Preconsidered Int. No. 449

By Council Members Miller, Eugene, Crowley, Kallos, Barron, Chin, Constantinides, King, Lander and Mealy (by request of the Mayor).

**A Local Law to establish a program in relation to the employment of school bus drivers, attendants, dispatchers and mechanics by qualified employers.**

*Be it enacted by the Council as follows:*

Section 1. School bus driver, attendant, dispatcher and mechanic employment program.

a. Definitions. For purposes of this section, the following terms shall have the following meanings:

“Department” shall mean the department of small business services.

“Department of education” shall mean the department of education of the city of New York.

“School bus driver” shall mean any person employed as a school bus driver by a company that currently has or previously had (i) a contract with the department of education or (ii) a subcontract with any company that currently has or previously had a contract with the department of education to provide transportation services for children in grades kindergarten through twelve.

“Attendant” shall mean a person employed as a school bus attendant by a company that currently has or previously had (i) a contract with the department of education or (ii) a subcontract with any company that currently has or previously had a contract with the department of education to provide transportation services for children in grades kindergarten through twelve.

“Dispatcher” shall mean a person employed as a school bus dispatcher by any company that currently has or previously had (i) a contract with the department of education or (ii) a subcontract with any company that currently has or previously had a contract with the department of education to provide transportation services for children in grades kindergarten through twelve.

“Master seniority lists” shall mean the industry-wide lists established pursuant to contractual employee protection provisions with the department of education to provide transportation services for children in grades kindergarten through twelve.

“Master seniority lists qualified employee” shall mean a person who:

(1) is a resident of the city of New York;

(2) is certified by the department of education’s office of pupil transportation as a school bus driver or attendant, in the event such person is employed as a school bus driver or attendant;

(3) was a school bus driver, attendant, dispatcher or mechanic on, or eligible for placement on, the master seniority lists as of June 30, 2014;

(4) is a school bus driver, attendant, dispatcher or mechanic for a qualified employer in connection with such employer’s contract or subcontract pursuant to request for bids number B2321 with the department of education during the 2014-15 school year; and

(5) is paid by a qualified employer a 2014-15 regular rate that is less than the regular rate dating to the placement on master seniority lists.

“Mechanic” shall mean a person employed as a school bus mechanic by any company that currently has or previously had (i) a contract with the department of education or (ii) a subcontract with a company that has a contract with the department of education to provide transportation services for children in grades kindergarten through twelve.

“Provider of transportation services” shall mean an entity or a subsidiary of such entity that (i) had a contract with the department of education or (ii) a subcontract with any entity that had a contract with the department of education, to provide transportation services for children in grades kindergarten through twelve which expired on June 30, 2014.

“Qualified employer” shall mean any entity that has a contract with the department of education or a subcontract with an entity that has a contract with the department of education to provide transportation services for children in grades kindergarten through twelve for the 2014-15 school year pursuant to request for bids number B2321.

“Regular rate” shall mean “regular rate” as defined pursuant to 29 U.S.C. § 207, and further specified in 29 C.F.R. § 778.109, or any succeeding provisions.

“Regular rate dating to the placement on master seniority lists” shall mean the regular rate of pay earned by any master seniority lists qualified employee on the last date of employment prior to being placed on, or becoming eligible for, the master seniority lists.

“Recess adjustment payment” shall mean any additional compensation received for five days during winter and spring recess.

“2014 qualified employee” shall mean any person who:

(1) is a resident of the city of New York;

(2) is certified by the department of education’s office of pupil transportation as a school bus driver or attendant, in the event such person is employed as a school bus driver or attendant;

(3) was a school bus driver, attendant, dispatcher or mechanic employed by a provider of transportation services on June 30, 2014 in connection with such provider’s contracts with the department of education;

(4) is a school bus driver, attendant, dispatcher or mechanic for a qualified employer in connection with such employer’s contract or subcontract pursuant to request for bids number B2321 with the department of education during the 2014-15 school year; and

(5) is paid by a qualified employer a 2014-15 regular rate that is less than the 2013-14 regular rate.

“2013-14 regular rate” shall mean the regular rate paid by any provider of transportation services to any 2014 qualified employee.

“2014-15 regular rate” shall mean the regular rate paid by any qualified employer to any 2014 qualified employee or any master seniority lists qualified employee during the 2014-15 school year. Provided, that, for any 2014 qualified employee or master seniority lists qualified employee covered by a collective bargaining agreement or to whom a best and final offer has been imposed, the regular rate shall mean either the hourly rate pursuant to (i) the collective bargaining agreement in effect at the time payment is due or (ii) the best and final offer of the qualified employer for the 2014-15 school year, whichever is higher.

b. The department may establish a program that shall provide monetary grants to any qualified employer for each 2014 qualified employee hired by such qualified employer in an amount equal to the sum of:

(i) the product of: (A) the excess, if any, of the 2013-14 regular rate over the 2014-15 regular rate; and (B) the number of hours for which such 2014 qualified employee was paid, less any hours for which such employee was paid overtime, by such qualified employer in connection with such employer’s contracts with the department of education during the 2014-15 school year; and

(ii) the product of: (A) the excess, if any, of the 2013-14 regular rate over the 2014-15 regular rate; and (B) one-and-a-half; and (C) the number of overtime hours for which such 2014 qualified employee was paid by such qualified employer in connection with such employer’s contracts with the department of education during the 2014-15 school year; and

(iii) such qualified employer’s portion of all legally required city, state and federal payroll taxes associated with the amounts described in paragraphs (i) and (ii) of this subdivision; and

(iv) the costs incurred by such qualified employer to maintain the recess adjustment payment for such 2014 qualified employee in place during the 2013-14 school year, to the extent that, but for the award of this grant, the recess adjustment payment for the 2014-15 school year for such employee would have been lower than the recess adjustment payment in place during the 2013-14 school year, provided, that, for a 2014 qualified employee covered by a collective bargaining agreement or, as to whom a best and final offer has been imposed, the recess adjustment payment for the 2014-15 school year shall be either the recess adjustment payment pursuant to (A) the collective bargaining agreement in effect at the time payment is due or (B) the best and final offer of the qualified employer for the 2014-15 school year, whichever is higher; and

(v) the costs incurred by such qualified employer to maintain the payment for holiday and vacation days for such 2014 qualified employee in place during the 2013-14 school year, to the extent that, but for the award of this grant, the payment for holiday and vacation days for the 2014-15 school year for such employee would have been lower than the payment in place during the 2013-14 school year, provided, that, for a 2014 qualified employee covered by a collective bargaining agreement or, as to whom a best and final offer has been imposed, the payment for holiday and vacation days in place during the 2014-15 school year shall be either the payment for holiday and vacation days pursuant to (A) the collective bargaining agreement in effect at the time payment is due or (B) the best and final offer of the qualified employer for the 2014-15 school year, whichever is higher; and

(vi) the costs incurred by such qualified employer to maintain the contributions for the retirement and health benefits of such 2014 qualified employee in place during the 2013-14 school year, to the extent that, but for the award of this grant, the contributions for the 2014-15 school year for such employee would have been lower than those in place during the 2013-14 school year, provided, that, for a 2014 qualified employee covered by a collective bargaining agreement or, as to whom a best and final offer has been imposed, the contributions for the 2014-15 school year shall be either the contributions pursuant to (A) the collective bargaining agreement in effect at the time payment is due or (B) the best and final offer of the qualified employer for the 2014-15 school year, whichever is higher; and

(vii) the costs associated with any increase in workers’ compensation insurance for such employee associated with the amounts described in paragraphs (i) and (ii) of this subdivision.

c. Notwithstanding any provision to the contrary in this local law, the department shall not award a grant for any 2014 qualified employee unless:

(i) any such 2014 qualified employee receives retirement and health benefits from the same health and retirement funds from which such employee received such benefits during the 2013-14 school year, provided that such employee is represented by the same employee organization for the 2013-14 and 2014-15 school years;

(ii) thirty-nine weeks of employment during the school year are provided by such qualified employer to such employee; and

(iii) the customary work day of such employee is eight hours, if the work day of such employee was eight hours during the 2013-14 school year.

d. The department may establish a program that shall provide monetary grants to any qualified employer for each master seniority list's qualified employee hired by such qualified employer in an amount equal to the sum of:

(i) the product of: (A) the excess, if any, of the regular rate during the school year dating to the placement on master seniority lists over the 2014-15 regular rate; and (B) the number of hours for which such master seniority lists qualified employee was paid, less any hours for which such employee was paid overtime, by such qualified employer in connection with such employer's contracts with the department of education during the 2014-15 school year; and

(ii) the product of: (A) the excess, if any, of the regular rate during the school year dating to the placement on master seniority lists over the 2014-15 regular rate; and (B) one-and-a-half; and (C) the number of overtime hours for which such master seniority lists qualified employee was paid by such qualified employer in connection with such employer's contracts with the department of education during the 2014-15 school year; and

(iii) such qualified employer's portion of all legally required city, state and federal payroll taxes associated with the amounts described in paragraphs (i) and (ii) of this subdivision; and

(iv) the costs incurred by such qualified employer to maintain the recess adjustment payment for such master seniority lists qualified employee in place during the school year dating to the placement on master seniority lists, to the extent that, but for the award of this grant, the recess adjustment payment for the 2014-15 school year for such employee would have been lower than the payment in place during the school year dating to the placement on master seniority lists, provided, that, for a master seniority lists qualified employee covered by a collective bargaining agreement or, as to whom a best and final offer has been imposed, the recess adjustment payment for the 2014-15 school year shall be either the recess adjustment payment pursuant to (A) the collective bargaining agreement in effect at the time payment is due or (B) the best and final offer of the qualified employer for the 2014-15 school year, whichever is higher; and

(v) the costs incurred by such qualified employer to maintain the payment for holiday and vacation days for such master seniority lists qualified employee in place during the school year dating to the placement on master seniority lists, to the extent that, but for the award of this grant, the payment for holiday and vacation days for the 2014-15 school year for such employee would have been lower than the payment in place during the school year dating to the placement on master seniority lists, provided, that, for a master seniority lists qualified employee covered by a collective bargaining agreement or, as to whom a best and final offer has been imposed, the payment for holiday and vacation days in place for the 2014-15 school year shall be either the payment for holiday and vacation days pursuant to (A) the collective bargaining agreement in effect at the time payment is due or (B) the best and final offer of the qualified employer for the 2014-15 school year, whichever is higher; and

(vi) the costs incurred by such qualified employer to maintain the contributions for the retirement and health benefits of such master seniority lists qualified employee in place during the school year dating to the placement on master seniority lists, to the extent that, but for the award of this grant, the contributions for the 2014-15 school year for such employee would have been lower than those in place during the school year dating to the placement on master seniority lists, provided, that, for a master seniority lists qualified employee covered by a collective bargaining agreement or, as to whom a best and final offer has been imposed, the contributions for the 2014-15 school year shall be either the contributions pursuant to (A) the collective bargaining agreement in effect at the time payment is due or (B) the best and final offer of the qualified employer for the 2014-15 school year, whichever is higher; and

(vii) the costs associated with any increase in workers' compensation insurance for such master seniority lists qualified employee associated with the amounts described in paragraphs (i) and (ii) of this subdivision.

e. Notwithstanding any provision to the contrary in this local law, the department shall not award a grant for a master seniority lists qualified employee unless:

(i) any such master seniority lists qualified employee receives retirement and health benefits from the same health and retirement funds from which such employee received such benefits for the school year dating to placement on master seniority lists, provided that such employee is represented by the same employee organization as of the school year dating to placement on master seniority lists and the 2014-15 school year;

(ii) thirty-nine weeks of employment during the school year are provided by such qualified employer to such employee; and

(iii) the customary work day of such employee is eight hours, if the work day of such employee was eight hours as of the last date of employment prior to being placed on master seniority lists.

f. Each qualified employer shall provide written notice to the department upon the hiring any 2014 qualified employee or master seniority lists qualified employee for whom the qualified employer seeks a monetary grant.

g. The department shall provide the grant authorized by this section to qualified employers in monthly installments over a ten-month period for each 2014 qualified employee or master seniority lists qualified employee who is employed in connection with such qualified employer's contract pursuant to request for bids number B2321 with the department of education. Any such grant to the qualified employer shall be reduced if the employee is employed by such qualified employer for a period of less than ten months.

h. The department shall provide the grant described in subdivisions b and d in monthly installments after receiving satisfactory proof from the qualified employer that:

(i) the qualified employer has paid the 2014 qualified employee or the master seniority lists qualified employee the amounts described in paragraphs (i) and (ii) of subdivisions b and d respectively; and

(ii) the qualified employer has made payments of the amounts described in paragraphs (iii) through (vii) of subdivisions b and d respectively in a manner consistent with those paragraphs.

i. No qualified employer shall be eligible for an award of a grant pursuant to this section unless such qualified employer agrees that during the 2014-15 school year every school bus driver, attendant, dispatcher and mechanic shall be hired from the master seniority lists in the order of his or her seniority, provided that this requirement shall not apply to hiring by qualified employers for the 2014-15 school year that occurs prior to the effective date of this local law.

j. The award by the department of a grant to a qualified employer pursuant to this local law shall not make the city of New York, the department or the department of education the employer of any 2014 qualified employee or master seniority lists qualified employee.

k. The grant authorized by this local law shall not: (i) impair the terms of any collective bargaining agreement to which any qualified employer and employee may be subject, and shall not (ii) interfere with any rights a school bus driver, attendant, dispatcher or mechanic has pursuant to any collective bargaining agreement.

l. The qualified employer and 2014 qualified employee or master seniority lists qualified employee, as applicable, shall be solely responsible for withholding and payment of any taxes and other government required payments.

m. Notwithstanding any provision to the contrary in this local law, the total amount of the grants authorized by this local law shall be a maximum of forty-two million dollars (\$42,000,000). The department shall allocate such amount based on the order of receipt by the department of the notifications required by subdivision f.

n. The commissioner of the department shall promulgate any rules as may be necessary for the purposes of carrying out the provisions of this local law.

§ 2. This local law shall take effect immediately and shall expire and have no further force and effect on and after December 31, 2015.

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

Preconsidered Res. No. 387

**Resolution calling on the New York State Legislature to pass, and for the Governor to sign, legislation that would mandate employee safeguards for experienced bus drivers, attendants, dispatchers and mechanics as part of all current and future bus contracts.**

By Council Members Miller, Eugene, Crowley, Kallos, Arroyo, Barron, Chin, Constantinides and Mealy.

**Whereas**, Prior to 1979, the now former New York City Board of Education ("Board") included employee protections in the competitive bidding process with school transportation companies; and

**Whereas**, The employee protections were designed to protect employees of private bus companies who were displaced as a result of contracts being awarded to new transportation companies; and

**Whereas**, In 1979, the Board decided to remove the employee protections from its bidding process, resulting in a strike by members of the Amalgamated Transit Union; and

**Whereas**, When the strike was **Resolved**, the Board agreed to include new provisions that protected employees' wages, benefits, and seniority, known as Employee Protection Provisions ("EPPs"), in its bidding process for contracts for school transportation services for students in kindergarten through grade twelve; and

**Whereas**, Since 1979, the Board, now known as the Department of Education (DOE), included EPPs in its contracts with private providers of school transportation services for students in kindergarten through grade twelve; and

**Whereas**, In 2011, the New York Court of Appeals decided *L&M Bus Corporation v. New York City Board of Education* ("L&M Bus case"); and

**Whereas**, The L&M Bus case involved private bus transportation companies that brought an Article 78 proceeding challenging the inclusion of EPPs in a bid solicitation for pre-kindergarten busing as contrary to public bidding law; and

**Whereas**, The DOE argued, among other things, that EPPs were necessary to maintain a skilled workforce and promote safety; and

**Whereas**, The Court of Appeals struck down the EPP in question in L&M, reasoning that DOE had not justified inclusion of the EPPs in the solicitation in accordance with the public bidding law; and

**Whereas**, Since the Court decision the DOE has entered into new contracts for school bus transportation services for students in kindergarten through grade twelve without the EPPs; and

**Whereas**, The thousands of school children and their parents deserve to have bus drivers, attendants, mechanics and dispatchers who are skilled, professional, and safe, and the bus drivers, attendants, mechanics and dispatchers deserve to have labor protections that they have worked hard to achieve;

**Whereas**, In order to achieve these goals, contracts for school transportation services for children in kindergarten through grade twelve should include safeguards that protect employees' wages, health and retirements benefits, and seniority; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and for the Governor to sign, legislation that would mandate employee safeguards for experienced bus drivers, attendants, dispatchers, and mechanics as part of all current and future bus contracts.

Adopted by the Council by voice vote (preconsidered and approved by the Committee on Education).

Int. No. 450

By Council Members Reynoso, Chin, Johnson, King, Levin, Mendez, Constantinides, Koslowitz and the Public Advocate (Ms. James).

**A Local Law to amend the administrative code of the city of New York, in relation to notification of intent to alter or demolish certain rent regulated housing accommodations.**

*Be it enacted by the Council as follows:*

Section 1. Article 104 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-104.8.1.1 to read as follows:

**§28-104.8.1.1 Notification to appropriate community board and council member.** *Within ten business days after receiving an application containing a statement described by clause ii of item 2 of section 28-104.8.1, the department shall notify in writing the community board of the community district in which the site of the building to be altered or demolished is located and the council member in whose district such site is located.*

§2. This local law shall take effect on October 1, 2014, except that the commissioner of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Res. No. 388

**Resolution in support of the New York State Education Department's Elementary and Secondary Education Act Waiver Renewal request that newly arrived English Language Learners be exempted from participating in the English language arts assessments for two years.**

By Council Members Reynoso, Chin, Johnson, Menchaca, Mendez, Constantinides and Gentile.

**Whereas**, In September 2011, President Obama announced an Elementary and Secondary Education Act (ESEA) regulatory flexibility initiative, which is based upon the Secretary of Education's authority to issue waivers; and

**Whereas**, Subsequently, the United States Department of Education (USDE) invited each State educational agency to request flexibility regarding specific requirements of the No Child Left Behind Act of 2001 (NCLB) in exchange for rigorous and comprehensive State-developed plans designed to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction; and

**Whereas**, The New York State Education Department (NYSED) received approval from the USDE for its flexibility waiver request in May 2012, one of 43 states approved for ESEA flexibility; and

**Whereas**, NYSED is in the process of submitting an ESEA Waiver Renewal request for the 2014-15 and 2015-16 school years, including some amendments to the State's previously approved flexibility plan; and

**Whereas**, One of the proposed amendments relates to the NCLB requirement that schools annually administer State tests in English language arts (ELA) to all students in grades 3–8; and

**Whereas**, Under State and federal accountability rules, student performance on the ELA assessments partially determines whether the school makes "Adequate Yearly Progress" which can impact a school's state and federal accountability status and may affect its level of support and intervention; and

**Whereas**, NCLB does not exempt English language learners (ELLs) from this required annual assessment of reading and language arts proficiency; and

**Whereas**, USDE, however, has approved the New York State English as a Second Language Achievement Test (NYSESLAT) in lieu of the grades 3-8 ELA assessments for newly arrived students who have been attending school in the United States for less than one year; and

**Whereas**, In light of the new Common Core Learning Standards, NYSED seeks to extend this exemption to two years in order to afford ELLs the time needed to acquire a sufficient level of English such that they can demonstrate their knowledge and skills on the Common Core ELA assessments; and

**Whereas**, According to NYSED, this exemption will allow New York State to better measure the progress of ELLs by utilizing NYSESLAT as a way of measuring ELL progress in the first two years of their instruction in the United States; and

**Whereas**, In a January 9, 2014 memorandum to the Board of Regents, NYSED maintains that, by extending the exemption for one additional year, "districts would be given sufficient time to work intensively with ELLs to develop their English language without being held accountable for results on an ELA assessment that will not sufficiently capture those instructional gains in developing the English language needed to meaningfully participate in the Common Core;" and

**Whereas**, ELLs, by virtue of the definition that identifies these students as developing in their understanding and use of English, have a limited ability to demonstrate what they know and can do on the ELA assessments; and

**Whereas**, Unlike accommodations provided to ELLs on other content area assessments, such as math, translations of the ELA assessments are not provided to ELLs; and

**Whereas**, Any progress, therefore, in language development is not captured by the ELA assessments, which require a high level of English language development in order to demonstrate knowledge and skills on the assessments; and

**Whereas**, If given the opportunity, however, to demonstrate their knowledge and skills of language arts in their native language, these students will make significant progress in language development, which will prepare them to be successful on the ELA exams; and

**Whereas**, The NYSESLAT exam is an appropriate exam for newly arrived ELLs to demonstrate progress because it is rigorous, aligned to the Common Core and highly correlated with ELA performance; now, therefore, be it

**Resolved**, That the Council of the City of New York supports the New York State Education Department's Elementary and Secondary Education Act Waiver Renewal request that newly arrived English Language Learners be exempted from participating in the English language arts assessments for two years.

Referred to the Committee on Education.

Int. No. 451

By Council Members Richards, Arroyo, Constantinides, King and Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to the use of biodiesel fuel in marine craft owned or operated by the department of environmental protection.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 24 of the administrative code of the city of New York is amended to add a new section 24-163.12 to read as follows:

**24-163.12 Use of biodiesel fuel in diesel fuel-powered marine craft owned or operated by the department of environmental protection.** *a. On and after July first, two thousand fifteen and until January first, two thousand eighteen, each diesel fuel-powered marine craft owned or operated by the department of environmental protection shall be powered by an ultra low sulfur diesel fuel blend with at least five percent biodiesel by volume.*

*b. On and after January first, two thousand eighteen, each diesel fuel-powered marine craft owned or operated by the department of environmental protection shall be powered by an ultra low sulfur diesel fuel blend with at least twenty percent biodiesel by volume.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 452

By Council Members Rodriguez, Arroyo, Barron, Chin, Johnson and the Public Advocate (Ms. James).

**A Local Law to amend the administrative code of the city of New York, in relation to requiring updates to the "Vision Zero" report.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-190 to read as follows:

**§19-190 "Vision Zero" report, updates.** *On or before January 1, 2015 and semi-annually thereafter, the department, in consultation with other city agencies and commissions, including but not limited to the police department, the taxi and limousine commission, and the department of education, shall submit to the speaker of the council and shall post on the department's website, an update on the initiatives set forth in the "Vision Zero" report, for so long as the "Vision Zero" initiative continues.*

§2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Int. No. 453

By Council Members Rodriguez, Barron, Koo, Mendez, Richards and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to report a list of all the sidewalks under its jurisdiction.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter one of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-154.1 to read as follows:

*§19-154.1 Sidewalk reporting. a. On or before March 1, 2016, the department shall provide a list of sidewalk locations for which the department is responsible for removing snow or otherwise making repairs. Such list shall be updated on the department's website promptly as any such locations change, but no more than thirty days after any such change.*

§2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Int. No. 454

By Council Members Rodriguez, Barron, Eugene, Koo, Mendez and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to the condition of bridges, sidewalks and ferries.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter one of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-156 to read as follows:

*§19-156 Report on bridges, sidewalks and ferries. On or before March 31, 2014 and annually on or before March 31st thereafter, the commissioner shall submit to the speaker of the council and post on the department's website a report detailing the condition of bridges that are greater than one quarter mile in length that are under the jurisdiction of the department. In addition, such report shall include the conditions of all sidewalks under the exclusive jurisdiction of the department whose repair would be required by the department by law, as well as the condition of all ferries under the jurisdiction of the department. The department shall as part of the report detail the standards used to determine the condition of such bridges, sidewalks and ferries. For purposes of this section, "bridge" shall mean a span that includes a roadway for use by motor vehicles, that is located above another surface.*

§ 2. This local law shall take effect immediately upon enactment into law.

Referred to the Committee on Transportation.

Int. No. 455

By Council Members Rodriguez, Barron, Koo and Mendez.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the display of information on vehicles involved in hit and run crashes in taxis and HAIL vehicles.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-540 to read as follows:

*§19-540 Display of hit-and-run vehicle information. a. Upon request of the police department, all taxis and HAIL vehicles that have a mechanism to display information within such vehicles shall display alerts provided by such police department containing identifying information of vehicles involved in collisions where such vehicles left the scene of the collision without reporting in violation of section six hundred of the vehicle and traffic law.*

*b. A violation of this section shall subject the owner of such vehicle to a civil penalty of not less than nor more than fifty dollars provided that not more than one violation may be issued within a twenty-four hour period.*

*c. It shall be an affirmative defense to a violation of this section that the mechanism to display such information was not operational at the time that the request by the police department was made, and that the owner of such vehicle abided by the rules applicable to such mechanism's lack of operation as set forth by the commission and this code; provided however, that such mechanism shall display such information as provided for by this section when the operation of such mechanism resumes.*

§2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Res. No. 389

**Resolution calling on the Metropolitan Transportation Authority ("MTA") to extend the "Balance-Protection Program" to pay-per-ride MetroCards.**

By Council Members Rose, Barron, Chin and Gentile.

**Whereas**, In 1997, the MTA upgraded its fare payment system by introducing the MetroCard to replace tokens; and

**Whereas**, According to the most recent statistics released by the MTA, for the month of May 2014, MetroCards were used in 97 percent of fares paid; and

**Whereas**, MetroCards offer subway and bus riders benefits including free transfers and fare discounts; and

**Whereas**, A major benefit offered to MetroCard users is the "Balance-Protection Program", which protects MetroCard purchasers against theft or loss; and

**Whereas**, The "Balance-Protection Program" is available only on 7-day and 30-day unlimited MetroCards purchased with a debit or credit card; and

**Whereas**, Under this program MetroCard purchasers who used a debit or credit card can file a claim with the MTA for theft or loss of their MetroCard receive a pro-rata refund for the remaining balance; and

**Whereas**, This valuable program is not available on pay-per-ride MetroCards; and

**Whereas**, While the unlimited MetroCard arguably offers maximum convenience and potentially the most savings, only 50 percent of MetroCards purchased during May 2014 were unlimited; and

**Whereas**, Almost half of purchasers lack this important protection offered to unlimited MetroCard users; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Metropolitan Transportation Authority ("MTA") to extend the "Balance-Protection Program" to pay-per-ride MetroCards.

Referred to the Committee on Transportation.

Int. No. 456

By Council Members Rosenthal, Mendez and the Public Advocate (Ms. James).

**A Local Law to amend the New York city charter, in relation to requiring an annual analysis of OATH tribunal dismissals.**

*Be it enacted by the Council as follows:*

Section 1. Section 1048 of the New York city charter is amended by adding a new subdivision 6 to read as follows:

*6. The office of administrative trials and hearings shall issue a report by April 1 of each year analyzing the violations dismissed in the previous calendar year at the office of administrative trials and hearings, the environmental control board, and any tribunal, part of a tribunal, or category of adjudication transferred to such office by executive order issued pursuant to subdivision two of this section or otherwise under the authority of the office of administrative trials and hearings. Such report shall include a cataloguing and analysis of the characteristics of the violations dismissed, by violation-issuing agency, and the reasons for dismissal, where such reasons may be reasonably determined from a written opinion or by other means. Such report shall include an analysis of any trends observed in dismissals during the year of the report, as well as a comparison with any previous reports issued pursuant to this subdivision. Such report shall include recommendations for any actions that, based on the analysis in the report, issuing agencies can take to minimize the occurrence of issued violations being dismissed. Such report shall be sent to the speaker of the council, the public advocate, the mayor, and each agency that has issued violations included in the report.*

§2. This local law shall take effect six months after its enactment and shall expire and be deemed repealed ten years after its enactment.

Referred to the Committee on Governmental Operations.

Int. No. 457

By Council Members Rosenthal and Constantinides.

**A Local Law to amend the administrative code of the city of New York, in relation to listings of newly issued notices of violation.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-216 to read as follows:

*§ 19-216 Listings of newly issued notices of violation. a. The department shall operate a "fleet program" wherein voluntary enrolled commercial organizations receive computer-generated hearing logs of notices of violation, notices of impending judgment, and other parking violation board notices and may schedule hearings in the parking violations bureau.*

*b. Notwithstanding any other provision of law, any motor vehicle owner shall be eligible to participate in the fleet program or any successor program operated by the department.*

§ 2. This local law shall take effect ninety days after its enactment, provided that the commissioner shall take all necessary action, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Transportation.

Int. No. 458

By Council Members Treyger, Barron, Constantinides, Espinal, Gentile, King and the Public Advocate (Ms. James).

**A Local Law to require the department of consumer affairs to provide young adults with outreach and education regarding consumer protection issues.**

*Be it enacted by the Council as follows:*

Section 1. *Outreach and education for young adults regarding consumer protection issues. The department shall establish and engage in outreach and education efforts that are tailored for individuals ages sixteen to twenty-four. Such outreach and education shall commence on February 1, 2015 and shall include educational materials that shall be made available on the department's website, and submitted to the chancellor of the school district of the city of New York and the chancellor of the city university of New York no later than February 1, 2015. Such outreach and education shall cover consumer issues that are likely to affect individuals ages sixteen to twenty-four including, but not limited to, information related to: (i) credit card debt; (ii) student loans; and (ii) leasing or buying a motor vehicle. The department shall update the educational materials made available on the department's website, and submitted to the chancellor of the school district of the city of New York and the chancellor of the city university of New York pursuant to this local law on an annual basis.*

§ 2. This local law shall take effect immediately upon enactment.

Referred to the Committee on Consumer Affairs.

Int. No. 459

By Council Members Treyger, Constantinides, Deutsch, Gentile, Koo, Koslowitz and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to providing notice of street resurfacing projects to utility companies.**

*Be it enacted by the Council as follows:*

Section 1. Section 19-143 of the administrative code of the city of New York is amended to read as follows:

§ 19-143 Excavations and street resurfacings for public works. a. Notice to public service corporations.

1. Whenever any street shall be regulated or graded, in which the pipes, mains or conduits of public service corporations are laid, the contractor therefor shall give notice thereof in writing to such corporations, at least forty eight hours before breaking ground therefor. Such provision shall be included in every contract for regulating or grading any street in which the pipes, mains or conduits of public service corporations shall be laid at the time of making such contract.

2. Whenever any street shall be resurfaced, in which pipes, mains or conduits of public service corporations are laid, the department shall give notice in writing to such corporations, at least thirty days before the commencement of such resurfacing.

b. Public service corporations shall protect their property. Public service corporations whose pipes, mains or conduits are about to be disturbed by the resurfacing, regulating or grading of any street, shall, on the receipt of the notice provided for in the preceding subdivision, remove or otherwise protect and replace their pipes, mains and conduits, and all fixtures and appliances connected therewith or attached thereto, where necessary, under the direction of the commissioner.

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

Referred to the Committee on Transportation.

Res. No. 390

**Resolution in support of A9182/S7337, an act to amend the election law in relation to requiring the New York City Board of Elections to provide Russian interpreters at certain polling locations.**

By Council Members Treyger, Arroyo, Deutsch, Johnson, Mendez, Richards and Koslowitz.

**Whereas**, A9182 currently pending in the New York State Assembly, and companion bill S7337, currently pending in the New York State Senate, require that in any city having a population of one million or more, which contains any county that has a population comprised of 5 percent or more of people whose first language is Russian, the board of elections shall provide Russian interpreters at polling locations in those election districts; and

**Whereas**, According to the New York City Mayor's Office of Immigrant Affairs, the population of Russian speakers with limited English proficiency (LEP) in New York City exceeds other language groups who are provided interpreters, such as Korean and Bengali, with approximately 114,000 LEP Russians compared to 47,000 LEP Koreans and 39,000 LEP Bengalis; and

**Whereas**, In compliance with Federal law, New York City Board of Elections posts signs, provides translated voting materials and translation services for Chinese,

Korean, Spanish and Bengali speaking voters; however there are no such signs, materials or translation services for Russian speaking voters; and

**Whereas**, The absence of Russian translators at polls has been an enduring problem in New York City, potentially alienating and disenfranchising a large segment of New York City voters, and preventing greater voter participation in the democratic process; and

**Whereas**, According to local election coordinators and advocates, the Russian community has requested interpreters for years, without success; and

**Whereas**, In order to help ensure that the Russian speaking population in New York City feels fully integrated into the social fabric and the democratic process, the State legislature should pass A9182/S7337, which seek to amend the election law to require the board of elections to provide Russian interpreters at certain polling locations; now, therefore, be it

**Resolved**, That the Council of the City of New York supports A9182/S7337, an act to amend election law in relation to requiring the New York City Board of Elections to provide Russian interpreters at certain polling locations.

Referred to the Committee on Governmental Operations.

Int. No. 460

By Council Members Ulrich, Matteo, Barron, Chin, Constantinides, Deutsch, Eugene, Gentile, Johnson, Koo, Mendez, Treyger, Van Bramer, Levin, Koslowitz and the Public Advocate (Ms. James)

**A Local Law to amend the administrative code of the city of New York, in relation to suicide prevention services for veterans.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 3 of chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-132 to read as follows:

§ 3-132 *Veteran suicide prevention. Operators of the 311 system shall connect any caller seeking veteran suicide prevention services to the veterans crisis hotline or any subsequent hotline that the federal government utilizes to connect veterans with appropriately trained mental health personnel.*

§ 2. This local law shall take effect thirty days after it shall have been enacted into law.

Referred to the Committee on Veterans.

Res. No. 391

**Resolution calling upon the United States Congress to pass and the President to sign S.2413, The Restoring Veterans' Trust Act of 2014, a bill to improve the provision of medical services and benefits to veterans, and for other purposes.**

By Council Members Ulrich, Arroyo, Barron, Chin, Eugene, Mendez, Van Bramer and Koslowitz.

**Whereas**, The United States Department of Veterans Affairs (VA) estimates that approximately 200,000 veterans reside in New York City; and

**Whereas**, The Veterans Health Administration (VHA) is a component of the VA that implements medical assistance programs through VA Medical Centers, VA Outpatient Clinics, VA Community Based Outpatient Clinics, and VA Community Living Centers throughout the country; and

**Whereas**, According to the VA, nearly 125,000 veterans are enrolled in New York City's VHA system; and

**Whereas**, In April of 2014, Cable News Network (CNN) first reported that a Phoenix based VHA facility manipulated patient appointment waiting times to cover up an excessive backlog of veterans awaiting medical treatment; and

**Whereas**, Since the Phoenix VHA allegations first emerged, whistleblowers from other VA facilities around the country alleged similar instances and schemes to conceal lengthy backlogs of veterans seeking care; and

**Whereas**, Accordingly, the VA Office of Inspector General (IG) launched an investigation of the Phoenix VHA for serious allegations of fraud, malfeasance, and mismanagement; and

**Whereas**, The investigation found that nearly 1,700 patients were left without care and that Phoenix VHA schedulers were instructed to falsify appointment dates to make patient waiting times for treatment appear shorter; and

**Whereas**, The VA IG described the manipulation of appointments and waitlists at the Phoenix VHA as a systemic problem, and consequently ordered a nationwide audit of all VHA facilities; and

**Whereas**, The nationwide audit reviewed waiting times and scheduling practices, and discovered that more than 100,000 veterans experienced delays of more than 90 days for appointments, and that roughly 60,000 veterans are waiting to schedule appointments as new patients; and

**Whereas**, The findings also revealed that over 70 percent of VHA employees reported that they were instructed to misrepresent appointment data and used alternative schedules to hide excessive waiting times; and

**Whereas,** These findings prompted widespread outrage from Veterans Service Organizations (VSOs) and other stakeholders demanding swift accountability and legislative action addressing access to care, the disability benefits backlog, and a range of other issues important to veterans; and

**Whereas,** In June 2014, United States Senator Bernard Sanders from Vermont introduced S.2413, The Restoring Veterans' Trust Act of 2014; and

**Whereas,** The Restoring Veterans' Trust Act of 2014 would immediately improve access to health care and benefits by allowing veterans to seek hospital care, medical services, and other treatments through non-VA providers; and

**Whereas,** This legislation also contains important provisions that would bolster care and benefits to veterans who experienced sexual trauma while serving in the military, and for those who suffered significant spinal cord, reproductive, and urinary tract injuries; and

**Whereas,** Under this Act, the VA would be authorized to hire new doctors, nurses, and other health care personnel, and expand scholarship and loan repayment incentives to attract and retain talented health care professionals; and

**Whereas,** The bill would address accountability issues raised by VSOs to provide the VA Secretary with enhanced authority to immediately remove senior VA executives based on poor job performance; and

**Whereas,** Other provisions would restore full cost-of-living adjustments for all military retirement pensions, mandate that public universities provide in-state tuition rates to all veterans, and enhance the capacity of VA claim adjudication offices to reduce the benefits backlog; and

**Whereas,** The incident at the Phoenix and other VHA facilities raised serious concerns about the accessibility and integrity of the VHA health care system, mismanagement, and other issues critically important to veterans and their families; and

**Whereas,** The Restoring Veterans' Trust Act of 2014 will ensure that veterans have easier access to care and other essential benefits that are made available to veterans; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the United States Congress to pass and the President to sign S.2413, The Restoring Veterans' Trust Act of 2014, a bill to improve the provision of medical services and benefits to veterans, and for other purposes.

Referred to the Committee on Veterans.

Int. No. 461

By Council Members Vacca, Barron, Constantinides, Eugene, Johnson, Koo, Mendez and the Public Advocate (Ms. James) (by request of the Manhattan Borough President)

**A Local Law to amend the administrative code of the city of New York, in relation to information regarding summer meals.**

*Be it enacted by the Council as follows:*

Section 1. Title 21-A of the administrative code of the city of New York is amended to add a new chapter 3 to read as follows:

**Chapter 3**

**Information Regarding Summer Meals**

§ 21-952 *Information regarding summer meals.* a. For the purposes of this section "summer meal" means any meal distributed by the New York city department of education, or any city agency collaborating with the New York city department of education, to children following the end of the current school year and prior to the beginning of the next school year.

b. Not later than June first, two thousand and fifteen, and annually not later than June first thereafter, the department shall make available information regarding summer meals including, but not limited to, locations where such meals will be available, the times and dates during which such meals will be available, and any guidelines regarding eligibility for such meals. Such information shall be:

1. posted on the website of the department of education, the website of any city agency collaborating with the department and the website of the 311 customer service center; and

2. disseminated to relevant council members, borough presidents, community boards, community education councils, parent associations, and parent teacher associations.

c. The department shall provide for translation of all information required under this section into, at a minimum, the top six languages other than English spoken by the population of the city of New York, as those languages are determined by the department of city planning, based on United States census data, and such languages as are relevant to summer meals.

§ 3. This local law shall take effect immediately.

Referred to the Committee on Education.

Int. No. 462

By Council Members Vacca, Barron, Chin, Gentile, Gibson, King, Koo, Mendez, Koslowitz, Rose, Vallone, Ulrich and the Public Advocate (Ms. James)

**A Local Law to amend the administrative code of the city of New York, in relation to the establishment of an emergency repair program for elevators.**

*Be it enacted by the Council as follows:*

Section 1. Article 215 of chapter two of title twenty-eight of the administrative code of the city of New York is amended by adding a new section 28-215.9 to read as follows:

§28-215.9 *Emergency repair of elevators.* If the commissioner determines that an owner or other responsible party has not acted to correct any immediately hazardous elevator-related violation in a multiple dwelling within the stated time for compliance provided by the department, then the commissioner shall refer information about such elevator violation to the commissioner of housing preservation and development so that the department of housing preservation and development may perform or arrange for the performance of the work necessary to correct the violation in accordance with article five of subchapter five of the housing maintenance code.

*Exceptions:* 1. elevators located in owner-occupied dwellings that service only the owner-occupied dwelling unit and such dwelling unit is not occupied by boarders, roomers, or lodgers;

2. elevators located within convents and rectories that are not open to non-occupants on a regular basis.

§2. Subdivision a of section 27-2125 of the administrative code of the City of New York is amended to read as follows:

§ 27-2125. Power to cause or order corrections of violations. a. Whenever the department determines that because of any violation of this chapter or other applicable law, including an immediately hazardous elevator-related violation referred to the department by the department of buildings in accordance with section 28-215.9 of this code, any dwelling or part of its premises is dangerous to human life and safety or detrimental to health, it may

(1) correct such conditions, or

(2) order the owner of the dwelling or other responsible party to correct such conditions.

§3. This local law shall take effect one hundred twenty days after its enactment.

Referred to the Committee on Housing and Buildings.

Int. No. 463

By Council Members Vacca, Dickens, Barron, Johnson, Koo, Mealy, Mendez and Koslowitz.

**A Local Law to amend the New York city charter, in relation to providing e-mail and text message notifications to New York City voters.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 46 of the New York city charter is amended by adding a new section 1057-c to read as follows:

§1057-c *Notifications to voters.* a. The New York city board of elections shall send e-mail and text message notifications related to voting for local, state, and federal elections to registered New York city voters who provide the board with an e-mail address or mobile phone number for this purpose. The board shall provide opportunities for city residents to provide an e-mail address or mobile phone number to the board for this purpose and shall maintain a database of all such e-mail addresses and mobile phone numbers. Such e-mail and text message notifications shall be sent for the following purposes and at the following times:

(1) notification of the dates and hours of primary elections, general elections and special elections for which each such voter is eligible to vote, as well as the applicable poll site location, and any changes thereto, for each such voter, sent ten business days prior to such date, and on election day;

(2) notification of the dates, hours, locations, and eligibility requirements for casting an in-person absentee ballot sent on the first day of in-person absentee voting;

(3) notification of the deadline for submission of a mailed absentee voting application, sent ten business days prior to such deadline; and

(4) for e-mailed notifications only, distribution of an applicable sample ballot to each such voter, sent within two business days of such sample ballot being posted online.

b. E-mail and text message notifications sent pursuant to this section shall include links to the board's website to access relevant forms, materials and other additional information, as necessary, and shall be available in the languages in which the board publishes the election notices sent to such voter by mail.

c. The board shall provide opportunities for city residents to provide an e-mail address or mobile phone number through the following means:

(1) on voter registration forms;

(2) on the board's website;

(3) by collecting e-mail addresses at events promoting voter registration, voter participation, and any other events or meetings the board deems appropriate;

(4) in all mailings to registered voters by directing recipients of such mailings to the board's website; and



(5) by any other means that the board determines would facilitate the collection of e-mail addresses of registered or prospective New York city voters.

d. The board shall provide all e-mail and text message recipients under this section the option to unsubscribe from receiving such e-mail or text message notifications or to update an e-mail address or mobile phone number previously provided to the board. The board shall not remove any e-mail address or mobile phone number from its database unless an e-mail or text message recipient unsubscribes or provides an updated e-mail address or mobile phone number, or if e-mails or text messages sent to such e-mail address or mobile phone number are not successfully transmitted for a period of one year.

e. The board shall not share, sell or otherwise disclose e-mail addresses or mobile phone numbers collected pursuant to this section without acquiring advance written permission from individuals providing such information, or unless ordered by a court of law.

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

Referred to the Committee on Governmental Operations.

Res. No. 392

**Resolution calling on the New York State Legislature and the Governor to amend the New York State Penal and Criminal Procedure Laws to increase penalties for physical assaults on the elderly and disabled.**

By Council Members Van Bramer, Gibson, Chin, Vallone, Arroyo, Barron, Espinal, Gentile, Mendez, Richards, Koslowitz and Ulrich.

**Whereas**, The elderly and disabled are among the most vulnerable members of our society and deserve special protection; and

**Whereas**, On April 24, 2014, a husband and wife in their 80s were viciously assaulted during a robbery in their home in Bayside, Queens; and

**Whereas**, The alleged assailants entered the victims' home under the pretext they were going to work on the house; and

**Whereas**, The victims suffered head trauma and facial injuries as a result of the attack; and

**Whereas**, Elderly people and those who are frail or disabled or perceived to be frail or disabled are more likely to be targeted by criminals because they are thought to be less able or likely to defend themselves or to report an assault; and

**Whereas**, People who assault the elderly or disabled should face harsher criminal penalties; and

**Whereas**, Under current New York State Law, assaults on elderly and disabled people are treated as Class A misdemeanors, with a maximum penalty of one year in prison; and

**Whereas**, A.6150, introduced by Assembly Member James Tedisco and currently pending in the New York State Assembly, would make an assault, depending on the severity of the attack, on a person over seventy years of age or with a disability, either a Class E felony, punishable by up to four years in prison, or a Class D violent felony, punishable by up to seven years in prison; and

**Whereas**, Enactment of this law would evince society's desire to protect its most vulnerable citizens; and

**Whereas**, The New York State Assembly should pass A.6150, the New York State Senate should introduce and pass a companion bill, which the Governor should sign into law; and

**Whereas**, Enactment of this law would send a message that violence against the elderly and disabled is particularly egregious, unacceptable and will not be tolerated; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature and the Governor to amend the New York State Penal and Criminal Procedure Laws to increase penalties for physical assaults on the elderly and disabled.

Referred to the Committee on Public Safety.

Int. No. 464

By Council Members Wills, Barron and Mendez

**A Local Law to amend the New York city charter, in relation to the Department of Correction promoting absentee voting among jailed individuals.**

*Be it enacted by the Council as follows:*

Section 1. Section 1057-a of the New York city charter is amended by adding a new subdivision 8 to read as follows:

8. In addition to the other requirements of this section, the department of correction shall implement and administer a program of distribution and submission of absentee ballot applications, and subsequently received absentee ballots, for eligible inmates. Such department shall offer absentee ballot applications, and a means to complete them, to all inmates who are eligible to register to vote at any point during the period from sixty days prior to any primary, special, or general

election in the city of New York until two weeks prior to any such election. Such department shall subsequently provide any absentee ballot received from the board of elections in response to any such application to the applicable inmate, as well as a means to complete it. Such department shall provide assistance to any such inmate in filling out such application or ballot upon request. Such department shall, not later than five days after receipt, transmit such completed applications and ballots from any inmate who wishes to have them transmitted to the board of elections for the city of New York. The provisions of this subdivision shall not apply in any specific instance in which the department deems it unsafe to comply therewith.

§2. This local law shall take effect 90 days following its enactment.

Referred to the Committee on Governmental Operations.

Res. No. 393

**Resolution commending Governor Cuomo and the New York State Legislature for enacting legislation which increases the number of Family Court judges throughout the state and urging them to continue to regularly assess the need to appoint more judges in New York City.**

By Council Members Wills, Barron, Gentile and Mendez.

**Whereas**, Family Court judges play an important role in our judicial system; and

**Whereas**, Each day, Family Court judges are charged with making critical decisions that have a direct and immediate impact on the safety and stability of children and families alike; and

**Whereas**, Family Court judges preside over important cases involving minors, including juvenile delinquency charges, child abuse and neglect, termination of parental rights, adoption, and guardianships; and

**Whereas**, Additionally, victims of domestic or intimate partner violence may seek recourse at a family court to obtain an order of protection, in which the judge can order a respondent to stay away from a victim's home, work place, or other locations; and

**Whereas**, Despite their commitment to meting out justice, Family Court judges have been saddled with overwhelming caseloads; and

**Whereas**, Individuals face exorbitant delays in family courts because of the amount of cases on a judge's calendar;

**Whereas**, According to the *New York Law Journal*, no new Family Court judge positions have been created in New York City since 1990 and since 2005 in the rest of the state; and

**Whereas**, Recognizing the need to ease the strain on family courts, State Senator John Bonacic and Assemblywoman Helene E. Weinstein introduced S.07883 and A.10139, respectively, which amended the New York State Family Court Act by increasing the number of Family Court Judges by 25 throughout the state; and

**Whereas**, S.07883 and A.10139 increases the number of Family Court judges in New York City by 9 (bringing the total to 56, effective January 1, 2015) and adds 16 new judges in various upstate counties (11 in 2015 and 5 in 2016); and

**Whereas**, On June 19 and 20, the Assembly and the Senate passed A.10139 and S.07883, respectively, and on June 26, 2014, Governor Andrew M. Cuomo signed the bill into law; and

**Whereas**, This is a significant victory for the City and State and the many advocates who worked tirelessly to secure additional judgeships, including Chief Judge Jonathan Lippman, Chief Administrative Judge A. Gail Prudenti, The New York State Coalition for More Family Court Judges, and the New York State Bar Association; and

**Whereas**, New York State should be commended for seizing the momentum to pass this important legislative bill; and

**Whereas**, Although this law is an important step towards ensuring adequate judicial resources in our family courts, the New York State Legislature should continue to assess the need to appoint more Family Court judges in New York City; and

**Whereas**, Additional judgeships in New York City would help meet the needs of children and families that come before the court, now, therefore, be it

**Resolved**, That the Council of the City of New York commends Governor Cuomo and the New York State Legislature for enacting legislation, which increases the number of Family Court judges throughout the state and urging them to continue to regularly assess the need to appoint more judges in New York City.

Referred to the Committee on Fire and Criminal Justice Services.

L.U. No. 110

By Council Member Greenfield:

**Application no. 20145612 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 24 5<sup>th</sup> Avenue LLC, d/b/a/ Claudette for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 24 Fifth Avenue, Borough of Manhattan, Community District 2, Council District 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(e) of the New York City Administrative Code.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 111

By Council Member Greenfield:

Application no. 20145718 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of CG Alm LLC, d/b/a/ L&C Oyster Co for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 254 Fifth Avenue, Borough of Manhattan, Community District 5, Council District 4. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(e) of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 112

By Council Member Greenfield:

Application No. C 140386 HAM by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for approval of Urban Development Action Area and Project for property located at 726/728 11th Avenue and 553/55 West 51st Street (Block 1080, Part of Lot 103), Borough of Manhattan, and pursuant to Section 197-c of the New York City Charter for the approval of disposition of such properties, Community Board 4, Council District 3.

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

At this point the Speaker (Council Member Mark-Viverito) made the following announcements:

**ANNOUNCEMENTS:**

**Wednesday, September 3, 2014**

Subcommittee on ZONING & FRANCHISES.....9:30 A.M.  
See Land Use Calendar  
Committee Room – 250 Broadway, 16th Floor .....Mark Weprin, Chairperson

Committee on TRANSPORTATION.....10:00 A.M.  
Int 82 - By Council Members Lancman, Koo, Levine, Rose, Vacca, Rosenthal, Dromm and Richards - A Local Law to amend the administrative code of the city of New York, in relation to requiring signs regarding penalties for assaulting taxi and livery drivers.  
Int 216 - By Council Members Levine, Chin, Johnson, Lander, Mendez, Rodriguez, Cohen, Rosenthal, Koslowitz, Vacca, Menchaca and Constantinides (by request of the Manhattan Borough President) - A Local Law to amend the administrative code of the city of New York, in relation to increasing the number of accessible pedestrian signals.  
Int 371 - By Council Members Van Bramer, Rodriguez, Chin, Deutsch, King, Koo, Levine, Rose, Vallone, Mendez and Richards - A Local Law to amend the administrative code of the city of New York, in relation to civil penalties for leaving the scene of an accident without reporting.  
Committee Room – City Hall .....Ydanis Rodriguez, Chairperson

Subcommittee on LANDMARKS, PUBLIC SITING & MARITIME USES .....11:00 A.M.  
See Land Use Calendar  
Committee Room – 250 Broadway, 16th Floor ..... Peter Koo, Chairperson

Subcommittee on PLANNING, DISPOSITIONS & CONCESSIONS..... 1:00 P.M.  
See Land Use Calendar  
Committee Room – 250 Broadway, 16th Floor .....Inez Dickens, Chairperson

**Thursday, September 4, 2014**

Committee on LAND USE.....11:00 A.M.  
All items reported out of the subcommittees  
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – City Hall.....David G. Greenfield, Chairperson

Committee on ENVIRONMENTAL PROTECTION ..... 1:00 P.M.  
Oversight – The September People’s Climate March and the United Nations Climate Summit: Can Unity between People and Policymakers promote global agreement on Climate Change in 2015?

Res 356 - By Council Members Richards, Chin, Constantinides, Johnson, Koo, Levine, Mendez, Reynoso, Torres and Rodriguez - Resolution recognizing the dangers of climate change to human health and the environment and endorsing the People’s Climate March NYC scheduled to precede the United Nations Summit on Climate Change that will take place on September 23, 2014, in New York City, which is “aimed at catalyzing action by governments, business, finance, industry, and civil society in areas for new commitments and substantial, scalable and replicable contributions to the Summit that will help the world shift toward a low-carbon economy.”

Council Chambers – City Hall ..... Donovan Richards, Jr., Chairperson

**Wednesday, September 10, 2014**

Committee on FINANCE.....10:00 A.M.  
Int 438 - By Council Members Ferreras and Matteo (by request of the Mayor) - A Local Law to amend the administrative code of the city of New York, in relation to the establishment of the West Shore business improvement district.  
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY  
Committee Room – City Hall.....Julissa Ferreras, Chairperson

Stated Council Meeting.....Ceremonial Tributes – 1:00 p.m.  
..... Agenda – 1:30 p.m.

Whereupon on motion of the Speaker (Council Member Mark-Viverito), the Public Advocate (Ms. James) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, September 10, 2014.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

*Editor’s Local Law Note: Int Nos. 131-A, 149-A, 363-A, and 422, all adopted by the Council at the July 24, 2014 Stated Meeting, were signed into law by the Mayor on August 7, 2014 as, respectively, Local Law Nos. 36, 37, 38, and 39 of 2014.*



