

facilities capital plan approved by the Council on June 24, 2004 shall be hereinafter referred to as the “Five-Year Educational Facilities Capital Plan for 2005-2009”); and

Whereas, As a condition to Council approval of such Five-Year Educational Facilities Capital Plan for 2005-2009, the Council, the Chancellor and the Mayor also entered into a Memorandum of Understanding, effective June 24, 2004, which memorializes, *inter alia* the parties’ intent to balance the need for specificity with regard to the projects to be undertaken in the Plan’s out-years with the need for flexibility in the planning process required by changing circumstances by providing for amendments to the Five Year Educational Facilities Capital Plan (hereinafter “Memorandum of Understanding”) and

Whereas, Paragraph 1(a) of such Memorandum of Understanding requires an annual amendment to be submitted to the Council no later than March first of each year, which shall include for the ensuing fiscal year of the Five-Year Educational Facilities Capital Plan for 2005-2009, “each project, including but not limited to each project to be funded through each School Improvement and Restructuring Allocation, to be undertaken in such year, including siting and/or location of each project (by building, region or school district as appropriate), cost estimates, start dates and completion dates, and any other information required by §2590-p for each project; and

Whereas, On November 1, 2004 the Department of Education released its first draft of a proposed amendment to the Five-Year Educational Facilities Capital Plan for 2005-2009, which was subsequently revised in February and March; and

Whereas, On June 29, 2005 the Department of Education officially transmitted its proposed amendment to the Five-Year Educational Facilities Capital Plan for 2005-2009 to the Council; now, therefore, be it

Resolved, That the Council of The City of New York hereby approves, pursuant to section 2590-p of the State Education Law and paragraph (1)(a) of the Memorandum of Understanding dated June 24, 2004 between the Mayor, the Speaker and the Chancellor, the amendment to the Five-Year Educational Facilities Capital Plan

for 2005-2009 submitted by the Chancellor in a communication dated June 29, 2005.