

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF
MONDAY, NOVEMBER 16, 2009

THE COUNCIL

*Minutes of the
STATED MEETING*

of
Monday, November 16, 2009, 2:40 p.m.

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

Council Members

Christine C. Quinn, Speaker

Maria del Carmen Arroyo	Vincent J. Gentile	James S. Oddo
Tony Avella	Alan J. Gerson	Annabel Palma
Charles Barron	Eric N. Gioia	Domenic M. Recchia, Jr.
Gale A. Brewer	Sara M. Gonzalez	Diana Reyna
Leroy G. Comrie, Jr.	Vincent M. Ignizio	Joel Rivera
Elizabeth S. Crowley	Robert Jackson	James Sanders, Jr.
Bill de Blasio	Letitia James	Larry B. Seabrook
Inez E. Dickens	Melinda R. Katz	Helen Sears
Erik Martin Dilan	G. Oliver Koppell	Kendall B. Stewart
Mathieu Eugene	Jessica S. Lappin	Eric A. Ulrich
Simcha Felder	John C. Liu	James Vacca
Julissa Ferreras	Melissa Mark-Viverito	Peter F. Vallone, Jr.
Lewis A. Fidler	Darlene Mealy	Albert Vann
Helen D. Foster	Rosie Mendez	David I. Weprin
Daniel R. Garodnick	Kenneth C. Mitchell	Thomas White, Jr.
James F. Gennaro	Michael Nelson	David Yassky

Excused: Council Member Baez.

There is presently one vacancy in the Council (10th Council District, Manhattan).

The Majority Leader (Council Member Rivera) assumed the Chair as the President Pro Tempore and Acting Presiding Officer.

After being informed by the City Clerk and Clerk of the Council (Mr. McSweeney), the presence of a quorum was announced by the President Pro Tempore (Council Member Rivera).

There were 49 Council Members present at this Stated Meeting.

INVOCATION

The Invocation was delivered by: Rev. Walter Tonelotto, Pastor, St. James Church, 23 Oliver Street, New York, NY 10002.

Oh mighty God, Lord of all nations and peoples,

I ask you today to bless our country
And our City of New York.
Send your wisdom upon our Mayor, our leaders,
and especially upon the City Council Members,
so that with their legislation
they may continue to provide our great City of New York
with leadership, laws and regulations
that respect the common good of all people.
Make our City an example
of solidarity for the less fortunate,
hospitality for our migrants
coming to our shores from all over the world,
as our grandfathers have taught us
and our American History have shown us.
Protect our City and our country,
so that we may live in peace, health
and good will for all.
Amen.

Council Member Gerson moved to spread the invocation in full upon the Record.

At this point, the Speaker (Council Member Quinn) asked for a Moment of Silence in memory of the following individual: Army Sergeant Louis Gonzalez.

On October 27, 2009, Army Sergeant Louis Gonzalez, 27, of Corona (Council Member Ferreras's district), died along with six soldiers in Southern Afghanistan when enemy forces attacked their patrol vehicle with an improvised explosive device. They were all assigned to the First Battalion, Second Infantry Division, based out of Fort Louis, Washington. During his eight years of military service, Sgt. Gonzalez earned 23 medals and citations including the Bronze Star. He had served two tours in Iraq before deploying to Afghanistan in July 2009. He is survived by his wife, Jessica (also in the U.S. Army), his infant five month old son, his mother, his brother, sisters and many relatives and friends.

The Speaker (Council Member Quinn) also offered the Council's thoughts and prayers to the families of the soldiers who were killed and wounded during the Fort Hood, Texas shooting of November 5, 2009.

The Speaker (Council Member Quinn) also asked that Council Member Baez be kept in the Council's thoughts and prayers as she faces major surgery in the upcoming weeks.

ADOPTION OF MINUTES

Council Member Crowley moved that the Minutes of the Stated Meeting of September 30, 2009 be adopted as printed.

LAND USE CALL UPS

M-1655

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) 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 119 7th Avenue, Community Board 4, Application 20095499 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

LAND USE CALL UP VOTE

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

Affirmative –Arroyo, Avella, Barron, Brewer, Comrie, Crowley, de Blasio, Dickens, Dilan, Eugene, Felder, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, Mark-Viverito, Mealy, Mendez, Mitchell, Nelson, Palma, Recchia, Reyna, Sanders, Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone Jr., Vann, Weprin, White, Yassky, Oddo, Rivera and the Speaker (Council Member Quinn) – 49.

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

REPORTS OF THE STANDING COMMITTEES

Reports of the Committee on Finance

Report for Int. No. 1057

Report of the Committee on Finance in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to the extension of the Times Square business improvement district.

The Committee on Finance, to which the annexed proposed local law was referred on July 29, 2009 (Minutes, page 4379), respectfully

REPORTS:

BACKGROUND:

Under Local Law 82 of 1990, the City Council assumed responsibility for adopting the legislation which would establish individual Business Improvement Districts.

Business Improvement Districts (BIDs) are specifically defined areas of designated properties. They use the City's real property tax collection mechanism to collect a special tax assessment that the BID District Management Association uses to pay for additional services beyond those which the City provides. The additional services would be designed to enhance the designated area and to improve local business. Normally, a BID's additional services would be in the areas of security, sanitation, physical/capital improvements (lighting, landscaping, sidewalks etc.), seasonal activities (Christmas lighting) and related business services (marketing and advertising).

Pursuant to authority formerly granted to the Board of Estimate (now the City Council) by chapter 4 of title 25 of the Administrative Code of the City of New York (the " BID Law"), the Board of Estimate, by a resolution dated July 19, 1990 (Cal. No. 322), authorized the establishment of the Times Square BID in accordance with the BID's District Plan.

After a public hearing, pursuant to section 25-407(c) of the BID Law, the extension of the boundaries of an already existing BID may be adopted by local law provided that the requisite number of owners shall not have objected to such extension as provided in section 25-406(b) of the BID Law, and provided that the City Council determines in the affirmative all of the questions set forth in section 25-407(a) of the BID Law. These questions include (1) whether the notice of hearing for all hearings required to be held was published and mailed as required by law and is otherwise sufficient, (2) whether all the real property within the boundaries of the proposed extended district will benefit from the extension, (3) whether all the real property benefited is included within the limits of the proposed extended district, and (4) whether the extension of the district is in the public interest.

Under the process established by the BID Law, the City Council has already adopted Resolution No. 2096, which set September 30, 2009, as the public hearing date for Int. No. 1057, a local law that would extend the boundaries of the Bryant Park BID in accordance with the amended district plan (the "Amended Plan").

Prior to the Council's action, Manhattan Community Board 4 (the community board for the community district in which the proposed extended District is located) held a public meeting on April 1, 2009, and voted to approve the proposed

extension. The City Planning Commission (the "CPC") reviewed the Amended Plan and held a public hearing on such Amended Plan on April 22, 2009 (Calendar No. 27). The CPC approved the proposed extension and adopted a resolution on May 20, 2009 (Calendar No. 14), which certified the CPC's unqualified approval of the Amended Plan.

A Preconsidered Resolution, approved by the Finance Committee and adopted by the Council on September 17, 2009, set the date for the public hearing and directed that all notice provisions contained in the BID Law be complied with. The Department of Small Business Services was directed to publish the Resolution or its summary in the City Record not less than ten nor more than thirty days before the public hearing and the Times Square District Management Association was directed to mail the Resolution or its summary to each owner of real property within the proposed extended district, to such other persons as are registered with the City to receive tax bills for property within the proposed extended district and to occupants of each building within the proposed extended district, also not less than ten nor more than thirty days before the public hearing.

INT. 1057

Int. No. 1057 would extend the boundaries of the Times Square BID. Times Square, not a square but two triangles formed by the intersection of Broadway and Seventh Avenue, is one of the City's major tourist attractions and its most exciting mixed-use district. Within its boundaries are 39 Broadway theatres, 35 hotels offering more than 15,000 rooms, movies showing on almost 40 screens, almost 300 restaurants and more than 200,000 employees. Over the past 15 years, Times Square has hosted an extraordinary boom in development. Through zoning incentives of the 1990's, Times Square has begun to realize its potential as a first-class destination for businesses, residents and visitors alike. Among the new office buildings in the area, there is the New York Times Headquarters at 620 8th Avenue, and the new Bank of America Tower at One Bryant Park.

The extended Times Square BID includes a new property, the Bank of America Tower at One Bryant Park and properties west of Sixth Avenue to Eight Avenue and from 40th Street to 53rd Street. In addition, the district includes properties on West 46th Street between 8th and 9th Avenues (Restaurant Row).

The extended Times Square BID will include the Bank of America Tower, a building that is also partly situated in the Bryant Park BID. The extended Times Square BID will integrate the Bank of America Tower into its security, sanitation, promotion, and streetscape improvement services. Both the Times Square and Bryant Park BIDs will incorporate the added property into their marketing and promotional plans. The extended district will be managed by the Times Square District Management Association, Inc. The budget for the first year of operation following the approval of the extension is \$10,400,000.

BID PROCEDURE

The public hearing to consider both the Amended Plan itself and the enacting legislation, according to the provisions of the BID Law, is to be closed without a vote. The Committee then must wait at least 30 days before it can again consider and possibly vote to approve this legislation. The 30-day period immediately after the public hearing serves as an objection period. Any property owner may, during this time period, formally object to the Amended Plan by filing such objection in the Office of the City Clerk, on forms provided by the Clerk. In the event that either at least 51 percent of the total number of property owners or owners with at least 51 percent of the assessed valuation of all the benefited real property within the proposed extended district object to the Amended Plan, then the Council is prohibited, by the BID Law, from approving such Amended Plan.

When the Committee considers this legislation after the conclusion of the objection period, it must answer the following four questions:

1. Were all notices of hearing for all hearings required to be held published and mailed as so required?;
2. Does all the real property within the boundaries of the proposed extended district benefit from the establishment of such proposed extended district, except as otherwise provided by the BID Law?;
3. Is all the real property benefited by the proposed extended district included within such proposed extended district?; and
4. Is the extension of the district in the best interests of the public?

If the Committee finds in the affirmative on these four questions and the number of objections required to prevent the creation of such proposed extended district are not filed, then the legislation can be adopted. Int. No. 1057 would require that, after adoption by the City Council, such Amended Plan be filed with the City Clerk.

This local law would take effect immediately, provided, however, that the extension of the Times Square BID would take effect upon compliance with all of the requirements contained in section 25-408 of the BID Law.

NOVEMBER 16, 2009 UPDATE

The hearing on Int. No. 1057 was held on September 30, 2009, at which time testimony was heard in support of the extension of the Times Square BID. The legislation was laid over by the Committee, pending the completion of the 30-day objection period which ended at 5:00 p.m. on October 29, 2009. According to the Office of the City Clerk, at the close of the objection period, no objections were filed with the City Clerk.

The total assessed valuation of real property within the extended District is \$5,624,519,807 and the total number of properties is 1,563, which are held by 1,491 property owners.

The requisite number of objections filed to prevent the extension of the Times Square BID has not been reached.

(The following is from the text of the Fiscal Impact Statement for Int. No. 1057:)

FISCAL IMPACT STATEMENT:

	Effective FY 10	FY Succeeding Effective FY 11	Full Fiscal Impact FY 10
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES AND EXPENDITURES: This local law would result in no fiscal impact upon the City's revenues or expenditures. Under the Code, proceeds authorized to be assessed by the District are collected by the City on behalf of the District. None of these proceeds are proceeds of the City and they may not be used for any purpose other than those set forth in the District plan. The Times Square Square Improvement District will be funded through an additional self-assessment by property owners within the district. The anticipated revenues from this self-assessment in Fiscal 2009 will be \$10,400,000. This amount will cover the BID's expenses as proposed by its first year budget. The District proposes to expend the \$10,400,000 in revenues in its first years budget for sanitation, security, community development, marketing/promotion, tourism, physical improvements, and administration. Subsequent budgets will be determined on a yearly basis.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable

SOURCE OF INFORMATION: Department of Small Business Services

ESTIMATE PREPARED BY: Tanisha Edwards, Finance Division
Ralph Hernandez, Finance Division

DATE SUBMITTED TO COUNCIL: July 29, 2009

HISTORY: This bill was introduced on July 29, 2009 and referred to the Committee on Finance. On September 30, 2009, this bill was considered by the Committee and laid over. Int., 1057 will be reconsidered by the Committee on November 16, 2009.

Accordingly, Your Committee recommends its adoption.

(The following is the text of Int. No. 1057:)

Int. No. 1057

By Council Members Weprin and Comrie (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to the extension of the Times Square 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 25-422.3 to read as follows:

§25-422.3 *Times Square business improvement district; extension of 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 extension of the district; that all the real property benefited is included within the limits of the district; and that the extension 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, the Times Square business improvement district in the borough of Manhattan is hereby extended. Such district*

is extended in accordance with the amended 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 amended district plan upon which the Times Square business improvement district, and the extension thereof, is based.*

c. *The amended district plan shall not be further 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 and shall be retroactive to and deemed to have been in full force and effect as of July 1, 2009.

ATTACHMENT to the Committee Report:

Res. No. 2174

Resolution concerning the extension of the Times Square Business Improvement District in the Borough of Manhattan and setting the date, time and place for the public hearing to hear all persons interested in the extension of such district

By Council Member Weprin.

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 Board of Estimate of the City of New York, by a resolution dated July 19, 1990 (Cal . No. 322), provided for the preparation of a district plan (the "Original Plan") for the Times Square Business Improvement District (the "District") in the Borough of Manhattan; and

WHEREAS, pursuant to Local Law No. 82 for the year 1990, the City Council assumed responsibility for adopting legislation extending 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 an amended District Plan (the "Amended Plan") for the Times Square Business Improvement District to the City Planning Commission (the "CPC") on March 3, 2009; and

WHEREAS, pursuant to section 25-405 (C) of the Law, the CPC submitted the Amended Plan to the City Council on March 9, 2009; and

WHEREAS, pursuant to section 25-405 (c) of the Law, the CPC submitted the Amended Plan to the Council Member representing the council district in which the proposed extended district is located on March 9, 2009; and

WHEREAS, pursuant to section 25-405 (c) of the Law, the CPC submitted the Amended Plan to the community boards (Manhattan Community Board Number 4 and 5, hereinafter the "Community Boards") for the community districts in which the proposed extended district is located on March 9, 2009; and

WHEREAS, pursuant to section 25-405 (c) of the Law, the Community Board 4 notified the public of the Amended Plan in accordance with the requirements established by the CPC;- and

WHEREAS, pursuant to section 25-405 (c) of the Law, Community Board 4 conducted a public hearing on April 1, 2009; and

WHEREAS, on April 1, 2009, the Community Board voted to approve the extension of the District; and

WHEREAS, pursuant to section 25-405 (c) of the Law, the CPC reviewed the Amended Plan, held a public hearing and prepared a report certifying its unqualified approval of the Amended Plan; and

WHEREAS, pursuant to section 25-405 (c) of the Law, the CPC submitted its report to the Mayor, to the affected Borough President, to the City Council and to the Council Member representing the council district in which the proposed extended 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 and Amended Plans, was transmitted for filing with the City Clerk on May 20, 2009; and

WHEREAS, pursuant to section 25-406 (a) of the Law, a copy of the Amended 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 Amended Plan is on file for public inspection in the Office of the City Clerk, Municipal Building, Room 265, 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 extended District, objecting to the Amended 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 extension, 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 extension, file objections to the Amended Plan with the City Clerk within the thirty-day objection period, the District will not be extended; 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 30, 2009 is the date and 11:00 a.m. is the time and the City Council Committee Meeting Room, 2nd Floor, City Hall is the place for a public hearing (the "Public Hearing") to hear all persons interested in the extension of the District:

(ii) the Times Square District Management Association 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 extended 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 extended district, and to the tenants of each building within the proposed extended 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 Times Square District Management Association, Inc. 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.

AMENDED
DISTRICT PLAN
for
THE TIMES SQUARE BUSINESS IMPROVEMENT DISTRICT
in
The City of New York
Borough of Manhattan
Prepared pursuant to section 25-405(a)
of Chapter 4 of title 25 of the Administrative
Code of the City of New York.

Language added is underlined; [Language deleted is bracketed or boxed in]

Received by Central Intake on March 3, 2009

2.08



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Preface

This revised District Plan for the Times Square Business Improvement District (hereinafter, the "District Plan" or "Plan") replaces the last Amended District Plan, dated March, 1996. The District Plan reflects the activities of the Times Square District Management Association, Inc., (hereinafter, "DMA") in recent years. The purpose of the revised District Plan is to facilitate the extension of the Times Square Business Improvement District (hereinafter, "TSBID") to include a new property: the Bank of America Tower at One Bryant Park. The building will be situated within both the TSBID and the Bryant Park Business Improvement District. For purposes of assessment, the square footage will be based on the gross building area of 2,208,127 s/f. A new class of assessment will be created by the DMA to reflect the fact that One Bryant Park will be jointly assessed, at different rates, by two distinct BIDs: the Bryant Park Business Improvement District and the TSBID.

The building One Bryant Park will occupy certain lots currently assessed by the TSBID, and also on lots currently not assessed by any BID, but which are directly across Sixth Avenue and 42nd Street from Bryant Park. The various lots that occupy the site have been merged into one lot (Lot 33) in block number 995. It is the wish of the building developer that the building become a part of both the TSBID and of the Bryant Park BID.

I. MAP OF THE DISTRICT

Geographically, the Times Square Business Improvement District (the "District") is located in a western portion of the Central Business District in Mid-Manhattan. The area is bounded by Avenue of the Americas and Eighth Avenue on the east and west; West 53rd Street and West 41st Street on the north and south. The District includes the area on the south side of

41st Street and a small section going down to 40th Street, both sides of Eighth Avenue, the north side of 53rd Street, 100' west of Avenue of the Americas, and both sides of 42nd Street between Avenue of the Americas and Eighth Avenue except as indicated on the map annexed hereto as Exhibit 1. The District also includes a portion of the building at the corner of Avenue of the Americas and 42nd Street, to be named One Bryant Park.

[The Board of Estimate, by a resolution dated July 19, 1990, Calendar No. 322, a copy of which is annexed hereto as Exhibit 2, has provided for the preparation of this Plan pursuant to authority granted by Local Law 96 of 1989 (the "Law") for the District.]

The Mayor of the City of New York, by authorizing letter dated February 25, 2008, copy of which is annexed hereto as Exhibit II, has provided for the preparation of this amended District Plan pursuant to authority granted by Local Law 96 of 1989 (the "Law") for the District.

II. PRESENT USES OF DISTRICT PROPERTY AND DISTRICT PROFILE

A. Area Profile

Times Square is known as the "Crossroads of the World," a reputation it has retained through decades of change. It is the very center of one of the busiest districts in one of the world's most vibrant cities. It is the tourist and commuter gateway to the city and the center of theatre activity.

Times Square, not a square but two triangles formed by the intersection of Broadway and Seventh Avenue, is one of the City's major tourist attractions and its most exciting mixed-use district. Within its boundaries are 36 Broadway theatres, 22 hotels offering approximately 12,000

rooms, 10 cinemas with 23 screens, over 200 restaurants, and more than 30 million square feet of office space.

Times Square, not a square but two triangles formed by the intersection of Broadway and Seventh Avenue, is one of the City's major tourist attractions and its most exciting mixed-use district. Within its boundaries are 39 Broadway theatres, 35 hotels offering more than 15,000 rooms, movies showing on almost 40 screens, almost 300 restaurants, and more than 200,000 employees.

The Midtown Zoning incentive legislation encouraged development in the west midtown area of Manhattan, and the result is seen today in Times Square's new office towers and hotels located along Broadway, Seventh Avenue and on side streets west of Sixth Avenue.

Over the past 15 years, Times Square has hosted an extraordinary boom in development. Through zoning incentives of the 1990's, the recent strong economy and targeted public safety and sanitation efforts, Times Square has begun to realize its potential as a first-class destination for residents, businesses and visitors alike.

Companion piece to that legislation was the Times Square special Lighting District, which mandated exterior lighting and, at the bases of new buildings, replacement of the traditional large and flashing signs that have characterized to generations the "Great White Way."

The District incorporates portions of Community Boards 4 and 5; Police Precincts Midtown North and Midtown South; and Sanitation District 5. The area is zoned C5-3, C6-6.5, C6-5.5, C6-4, C6-7, and incorporates the Special Midtown District Theatre Sub District and Theatre Sub District Core (see Exhibit 4, Land Use Maps). The following buildings in the district have been designated historic landmarks:

New Amsterdam Theater, 214 West 42nd St.; McGraw-Hill Building, 330 West 42nd St.; New York Times Building-Originally the Times Annex, 217-247 West 43rd St.; Paramount Building, 1501 Broadway; Little Theater-now the Helen Hayes Theater, 238 West 44th St.; Erlanger Theater-now the St. James Theater, 246-256 West 44th St.; Sam S. Shubert Theater, 221-233 West 44th St.; Broadhurst Theater, 235-243 West 44th St.; Majestic Theater, 245-257 West 44th St.; Actors Studio-originally the Seventh Associated Presbyterian Church, 432 West 44th St.; Film Center Building (interior), 630 Ninth Ave.; Martin Beck Theater-now the Al Hirschfeld Theater, 302-314 West 45th St.; Theater Masque-now the Golden Theater, 252-256 West 45th St.; Royale Theater, 242-250 West 45th St.; Plymouth Theater, 234-240 West 45th St.; Booth Theater, 222-232 West 45th St.; Music Box Theater, 239-247 West 45th St.; Imperial Theater (interior), 249 West 45th St.; Forty-sixth Street Theater-now the Richard Rodgers Theater, 226-236 West 46th St.; Globe Theater-now the Lunt-Fontanne Theater, 203-217 West 46th St.; Mansfield Theater-now the Brooks Atkinson Theater, 256-262 West 47th St.; Biltmore Theater—now Manhattan Theater Club, 261-265 West 47th St.; Barrymore Theater, 243-251 West 47th St.; Longacre Theater, 220-228 West 48th St.; Forest Theater (interior)-later the Coronet Theater, now the Eugene O'Neill Theater, 230-238 West 49th St.; Kickerbocker Hotel, 1462-1470 Broadway; Bush Tower, 130-132 West 42nd St. and 1334-137 West 41st St.; Henry Miller's Theater, 124-130 West 43rd St.; Town Hall, 113-123 West 43rd Street; Lambs Club-now the Manhattan Church of Nazarene, 128 West 44th St.; Belasco's Stuyvesant Theater-now the Belasco Theater, 111-121 West 44th St.; Hotel Gerard-now the Gerard Apartments, 123 West 44th St.; Hudson Theater, 139-141 44th St.; Lyceum Theater, 149-157 West 45th St.; Public School 67-later the High School of Performing Arts, now the Jacqueline Kennedy Onassis High School for International Careers, 120 West 46th St.; Church of Saint Mary-the-Virgin (Episcopal) Complex, 133-145 West 46th St.; I. Miller Building, 1522-1554 Broadway; Embassy Theater (interior)-now the Times Square Visitor Center, 1556-1560 Broadway; Palace Theater (interior), 1564-1566 Broadway; Cort Theater, 138-146 West 48th St.; Ambassador Theater (interior), 215-223 W. 49th St Winter Garden Theater (interior), 1634-1646 Broadway; Hollywood Theater-later the Mark Hellinger Theater, now Times Square Church, 217-239 West 51st St.; Alvin Theater-now the Neil Simon Theater, 244-254 West 52nd St.; Guild Theater-later the ANTA Theater, now the Virginia Theater, 243-259 West 52nd St.

The former Lambs Club at 128 West 44th Street is a designated Landmark, as are the following theatres, landmark either as an Interior Landmark (I), Exterior Landmark (E), or both:

Brooks Atkins, 256 W. 47th (I/E); Ethel Barrymore, 243 W.47th (I/E); Martin Beck, 302 W. 45th (I/E); Bellasco, 111 W.44th (I/E); Biltmore, 261 W. 47th (I); Booth, 222 W 45th (I/E); Broadhurst, 235 W. 44th (I/E); Cort, 148 W.48th (I/E); Richard Rodgers, 226 W. 46th (I/E); John Golden, 252 W. 45th (I/E); Helen Hayes, 238 W. 44th (I/E); Mark Hellinger, 237 W. 51ST (I/E); Hudson, 139 W. 44th (I/E); Imperial, 249 W. 45th (I); Longacre, 226 W. 48th (I/E); Lunt Fontaine, 205 W.46th (E); Lyceum, 149 W. 45th (I/E); Majestic, 245 W. 44th (I/E); Henry Miller's Theatre, 124 W. 43rd (I/E); Music Box, 239 W. 45 (I/E); Eugene O'Neill, 230 W. 49th (I); Palace, 1564 Broadway (I); Plymouth, 236 W. 45th (I/E); Royale, 242 W. 45TH (I/E); St. James, 246 W.44th (I/E); Sam S. Shubert, 225 W. 44th (I/E); Neil Simon, 254 W. 52nd (I/E); Virginia, 245 W. 52nd (E); Winter Garden, 1634 Broadway (I); Ambassador, 215 W. 49 (I);

B. Commercial Profile

1. Office Profile

The Midtown Manhattan office market represents the largest business center in the United States. While the traditional core of the midtown area is east of Sixth Avenue, the midtown zoning regulations pushed office development further west. Today the workforce within the district has grown to 200,000 employees—roughly 5% of all of New York City jobs. This includes 20% of all New York City's jobs in publishing, as well as 10% of the City's legal, communication and motion picture jobs.

Among the new office buildings in the area, there is the new New York Times Headquarters at 620 8th Avenue, the new Bank of America Tower at One Bryant Park and the soon-to-be-built 11 Times Square at the corner of 42nd Street and 8th Avenue.

Midtown West, including Sixth Avenue, contains 10.8% of all office all office space in Manhattan. The vacancy rate in 1990 was 16.6%, as compared to 3.36% in 1985; however, the 1990 figure contains new developments that were not yet filled. The average rent was 39.99 per square foot, compared to 31.93 per foot in 1985.

Among the new office buildings in the area is Worldwide Plaza at 825 Eighth Avenue at 50th Street, designed by Skidmore Owings & Merrill and situated on the site of the old Madison Square Garden. Prominent tenants there include the world's third largest agency, Ogilvy & Mather Worldwide, and one of New York's prestigious law firms, Cravath Swaine & Moore. They have leased a combined one million square feet in the 49 story 1.5 million square foot building.

Solomon Equities has erected two office buildings in the heart of Times Square, one of 1.3 million square feet and the second of over a half million square feet. The 42 story Solomon

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building at 1585 Broadway, designed by Gwathmey Siegel with Emery Roth & Sons, has as a prime tenant the law firm of Proskauer Rose Goetz & Mendelsohn. The Solomon tower at 750 Seventh Avenue, 34 stories, was designed by Kevin Roche, black glass topped by a silver spire.

Completed in 1989 were the Rubin Management Corporation's 35 story granite tower reminiscent of Rockefeller Center buildings located at 1675 Broadway (52nd Street) and the Durst Organization's 24 story red brick office building at 114 West 47th Street.

One Broadway Place, recently completed by Eichner Properties at 45th to 46th streets, echoes the spirit of Times Square with a spire, setbacks for Times Square signs and lights and six high-ceilinged floors of retail restaurants known as Metropolis Times Square. The entire building is 44 stories containing 850,000 rentable square feet.

The 42nd Street Development Project, which was approved in 1984 by the City and State, took a major step forward in April 1990 by vesting title in nine of the thirteen acres of the Project Area, including four office sites and nine historic theatres. It is expected that the first two offices sites will be cleared in spring of 1991, and that demolition and then construction will commence shortly thereafter.

This project will bring new office construction since 1982 to a total of seventeen buildings.

Scheduled to begin construction after 1991 is Rockefeller Plaza West between 49th and 50th Street at Seventh Avenue. Designed by Kohn Pedersen Fox Associates, this 57 story building will be tied to Rockefeller center in its design and use of materials but will as well acknowledge its presence in Times Square.

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2. Hotel Profile

Times Square has always been a logical location for hotels to serve tourists, those associated with the theatre, and attendees at Javits Center conventions. [During 1989 and 1990 new hotels were completed to serve this clientele and the needs of the new office centers.] There are 35 hotels in the district boundaries with 15,396 rooms, which is 25% of all the hotel rooms in New York City. Occupancy rates for 2006 averaged 90%.

Where the former famed Astor Hotel stood there is now a 53 story office tower, but just to the north of that site is the Portman/Marriot Marquis Hotel, built in the early 1980's and incorporating a legitimate theatre and top of the tower rotating restaurant.

Several moderate priced hotels preceded the Marriott, the Ramada Inn at West 48th Street, the Howard Johnson at West 52nd Street and the Milford Plaza, a renovation of an earlier hotel, at West 44th and 45th Streets. The Paramount, at 235 West 46th Street, was recently thoroughly renovated and embellished by Ian Schrager and is scheduled to include a new version of the famed Diamond horseshoe night club. Two Sheraton hotels are within the District, the Sheraton Centre and the Sheraton City Square, both at Seventh Avenue and 53rd Street.

New to Times Square are the Holiday Inn/Crown Plaza and the Embassy Suites hotels, both located on Broadway and both incorporating the high levels of lighting and animated signs required by the District.

At the top of the line is the new Hotel Macklowe on West 44th Street which has restored and incorporated an adjacent theatre, the Hudson.

There are other older and usually smaller hotels scattered throughout the District, many of which qualify as Single Room Occupancy residences. The Times Square Hotel, negotiated for sale in bankruptcy court, will be maintained in future partially as an SRO hotel. The Woodstock

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and the Markwell are under the auspices of the non-profit corporations and provide housing for the elderly.

3. Entertainment Profile

Times Square is unique mix of creativity, commerce, energy and edge. The district is bustling and bursting with cutting-edge companies, exciting performances and attractions, chic innovative restaurants and distinctive new retail destinations packed into 33 blocks.

Times Square boasts almost 300 restaurants, serving everything from pre-theater steaks at Angus McIndoe to caviar and champagne at FireBird. Creative and outrageous nightlife has been a part of Times Square's character for over a century. Broadway's 39 theaters have always lead the way. The theatres have averaged over 12 million persons in attendance in recent years, of which 60% were from beyond the Greater Metropolitan Area, and 11% were from foreign countries. This vibrant neighborhood offers a combined total of over 62,000 seats at live performance venues such as Iridium, Caroline's, Swing 46 on Restaurant Row, and the Nokia Theatre Times Square. 42nd Street, once the most dangerous block in the city, is now a major entertainment center and home to nine historic theaters.

The Times Square area features the highest concentration of theatrical, culture and educational programs in New York City, making it the pre-eminent tourist and entertainment attraction locally, nationwide and worldwide.

The thirty-six Broadway theatres alone outdraw all other cultures and sporting events in the City. The theatres have averaged over eight million persons in attendance in recent years, of which 40% were from beyond the Greater Metropolitan Area, and 10% were from foreign countries. Approximately 25% of all sales were through TKTS, which sells day-performance

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tickets at half price and is a joint project of the Theatre Development Fund and the league of American Theatres and Producers.

There are also three non-profit theatres operating in the District: the Lambs Theatre Company, the Circle in The Square, and the American Place Theatre.

The District's other cultural offerings include the Whitney Midtown Museum at Equitable Center, and Town Hall, a concert and lecture auditorium.

In addition, the cinemas in the area add to the entertainment allure with ticket sales greater than all other areas of the city combined.

The 42nd Street Development Project is expected to add to the entertainment revitalization of the area with the restoration of nine historic theatres located on 42nd Street for entertainment and entertainment related uses.

The intersection of Broadway and Seventh Avenue itself remains a primary source of attraction in the area with illuminated signage, the "zipper" news signs which circle the One Times Square building, and the New Year's Eve ball that descends One Times Square to live audience of 250,000 revelers and over 200 million television viewers around the world.

4. Retail Profile

Retail uses in the Times Square area are defined by their location in one of the four sub-areas:

1. Times Square Bowtie and blocks to the north;
2. 42nd Street and blocks to the south;
3. Eighth Avenue; and
4. Side Streets, with one special side street, Restaurant Row

Times Square and blocks to the north are the retail heart of the area and can be expected to set the tone for the future of surrounding areas. Change is occurring as new office and hotels construction is completed. Older retail space is occupied by movie theatres, fast food outlets,

camera and electronic stores, tourist oriented stores and a few low priced restaurants. Sex oriented uses have largely disappeared. Initial street rents in new space coming on the market now average \$130-\$140 per square foot.

An example of the new trend in the retail is the Metropolis Times Square located between 45th and 46th Streets on the east side of the square. It is the Hahn Company's specialty retail, food and entertainment center with cinemas, high quality food courts, large restaurants, innovative entertainment uses and retail in a striking electronic environment. It is geared toward tourist, theatre-goers and office workers. The rent here is considerably more per foot than street space.

42nd Street and blocks to the south are dominated by retail uses relating to Garment Center offices and showrooms (Broadway and Seventh Avenue) and closer to Eighth Avenue by low end retail and fast food shops and delicatessens. The state Urban Development Corporation's recent condemnation of both sides of 42nd Street between Seventh and Eighth Avenue will remove a large portion of these uses from the area and replace them with theatre, entertainment, upgraded food services and retail space.

Eighth Avenue is currently a mixture of moderately priced coffee shops, delicatessens, liquor stores, older convenience stores, hardware stores and remaining sex-related movie theatres. The District's northern end along Eighth Avenue, starting at West 48th Street, is characterized by stronger uses: Ramada Inn, Worldwide Plaza, and Howard Johnson Hotel. There are also two vacant sites scheduled for construction of additional office and hotel use.

Side street retail in the District is mixed and relates to proximity to theatre uses and tourist. South and east of the Port Authority Bus Terminal are low-end food and soft goods uses; closer to Sixth Avenue, office service retail uses, computer sales, card shops, restaurant bar

predominate. Delicatessens, coffee shops and restaurants predominate on the side street in the theatre district.

The Times Square Bowtie and the blocks to the north have proven to be the retail heart of the district and have set the tone for the future of the surrounding areas. The M&M's Store on Broadway at 48th Street is the most recent manifestation of this trend. Another product of this retail boom is the opening of Ann Taylor Loft on 7th Avenue near 42nd Street, and the new Marc Ecko store on 42nd Street. 42nd Street continues to blossom with museums like Madame Tussauds and Ripley's Believe it or Not. Additionally, the new construction at the end of 42nd around the Port Authority promises to bring in many new retailers, which will continue to drive the development of the 8th Avenue corridor.

Change is occurring along 8th Avenue today as new office space and hotels are being constructed. Older retail space is slowly giving way to newer restaurants and retail options. While a peppering of adult stores still exist, the sex-oriented uses along the corridor have drastically decreased. What were electronic stores, movie theatres, fast food outlets, and tourist oriented stores are now closing to allow for new construction that is going to attract first class retail. New residential towers and the renovation of the Milford Plaza site will profoundly change the character of the east half of 8th Avenue.

The side-street retail in the District is mixed and now caters not only to theatergoers and tourists, but also to office workers and the growing population of residents. South and east of the Port Authority Bus Terminal are low-end food and soft goods uses. Delicatessens, coffee shops and restaurants predominate on the side streets in the theatre district.

An exceptional side street is West 46th Street known as "Restaurant Row."

Here, housed at street level in brownstone-type buildings, fine restaurants reflecting international cuisine stretch from the west side of Eighth Avenue to Ninth Avenue. The block is set off by special sidewalk paving, lighting, and trees.

C. Residential Profile

There are comparatively few residential units in the area. Many SRO'S and older hotels which housed persons in the theatre and related industries disappeared years ago. There are a few scattered SRO'S and older hotels on the West 43rd Street with 200 single room occupancy units.

On West 43rd Street just west of Sixth Avenue is Woodstock House operated by the non-profit corporation Project Find for the area's frail elderly. The Markwell Hotel on West 49th Street is operated by Encore, a non-profit sponsoring agency of the nearby St. Malachy's Church. It also houses frail elderly.

New to the area is the West 48th Street luxury condominium, the Ritz Plaza completed in 1990. It contains six floors of commercial space at the base. The former Taft Hotel at Seventh Avenue and 50th Street is now an office and residential condominium.

On the West side of Eighth Avenue at 45th Street is the Camelot Apartment building with 225 units, and continuing up Eighth Avenue are five apartment buildings, two of the largest located at 53rd Street and Eighth Avenue. There is a residential building on 47th Street between Sixth and Seventh Avenues, and large mixed use building on West 44th and West 50th Streets.

The total of approximately 2000 residents in the District includes those living in brownstones along Restaurant Row.

Roughly 17,000 people now live in Times Square, up from only 2,000 in 1996. Since 1995, over 5,000 residential units have been added to the district with 1,000 currently under development. Eighth Avenue has seen much of this development with the addition of the Marc

at 390 3rd Avenue and residential developments at 888 and 871 3rd Avenue. Several new developments along that corridor are under construction, including the Witkoff site at 44th and the Platinum at 46th Street. Major residential buildings include the Executive Plaza at 150 W. 51st Street (440 units), The Gershwin at 250 W. 50th Street (550 units), and The Biltmore at 271 W. 47th Street (464 units), along with brownstone apartments above the restaurants on 46th and other side streets.

D. Non-Profit and Public Uses

There are five churches within the district: The Church of the Nazarene on 44th Street, the Church of St. Mary the Virgin on West 46th Street, the Church of Scientology of New York on West 46th Street, St. Malachy's Roman Catholic Church on West 49th Street, and St. Luke's German Lutheran Church on West 46th Street. Several of these churches provide food and social service programs for the area's poor and homeless population.

The area contains one public park, Duffy Square, which is located on a traffic island between Broadway and Seventh Avenue, 46th to 47th Streets. At the north end of the park is the non-profit TKTS booth which provides day-of-performance half-price theatre tickets.

There is a New York City Fire Department station at 728 Eighth Avenue.

There are many non-profit and public human services programs which operate in the District. Two facilities are located within the District: the Common Ground Supportive Housing Facility at 255 West 43rd Street and the Lamb's Center at 130 West 44th Street. In addition, the Encore program of St. Malachy's on West 49th Street and the feeding program at St. Luke's Church on the West 46th Street offer social services assistance.

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E. Transportation Profile

The Times Square District has one of the highest levels of pedestrian and vehicular traffic in the City, and competition for sidewalk and roadway space takes place over more hours in any seven day period than any other area in the city.

The daily pedestrian count, those traveling to and through the District to and from the Port Authority Bus Terminal is equal to a city of a quarter million persons. Added to this number are those who come to the District from other directions to go to the theatre, restaurants or travel through to the Garment District. The count is rising as office buildings in the District fill with tenants.

On an average weekday, there are more than half a million people who pass through Times Square via public transportation. A number of different transportation systems serve 90% of all people who enter the area:

The Port Authority Bus Terminal, adjoining the District, is the terminus for commuters from New Jersey but also serves long distance travelers going to Boston, Atlanta, Los Angeles and all points north, south and west. Airport buses to Newark, LaGuardia and Kennedy airports arrive and leave from here. Private vans serving New Jersey commuters line 42nd and 41st Streets. Approximately two million buses are served by the Terminal annually; approximately 60 million passengers arrive and depart.

There are 8 [MABSTOA] Transit Authority (city) bus lines serving the area: M10, 27, 104, 50, 6, 7, 16, 42. There are 13 Transit Authority Subway lines serving the area: A, C, E, Q, 1, 2, 3, 9, B, D, N, 7 and S.

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III. SERVICES PROVIDED

A. Description of Services

The services to be provided pursuant to this plan (the "Services") may include services required for the enjoyment and protection of the public, and for the promotion and enhancement of the District.

1. Security

The security program may include but will not be limited to a supplementary security presence throughout the District. The overwhelming response to thousand of questionnaires circulated throughout the District was the perceived need and desire for additional security. The nature of the District dictates that this force operate seven days a week, twenty-four hours a day. It will be comprised of approximately 40 uniformed foot patrol officers and supervisory personnel, and will include two vehicles and a radio communications network.

The goal of the program is to give people visiting and working in Times Square a feeling of security through the presence of BID uniforms in addition to those of the NYCPD; to present a uniform presence in areas most susceptible to street crimes; and to raise the quality of life on sidewalks by making it more difficult for three-card monte players and other scam artists to operate in the area.

The BID security force will be tied into NYCPD's communications network through Operated Interlock, a service initiated by the association for a Better New York and NYCPD.

The Public Safety program includes but is not limited to a supplementary security presence to deter crime and address quality of life issues throughout the District. The overwhelming response to thousands of surveys collected has been the perceived need and desire for additional security. Security operates 16 hours per day, seven days a week. The overlapping

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tours of duty are: Tour 1 from 8AM - 4PM, Tour 2 from Noon - 8PM, and Tour 3 from 4PM - Midnight. The Public Safety division is comprised of approximately 60 uniformed public safety and information officers and supervisory personnel. All officers and supervisors are connected to a public safety dispatcher via a radio communications network.

The goal of the Public Safety program is to keep people visiting and working in Times Square safe and secure through the presence of the BID's uniformed officers alongside those of the NYPD. The Public Safety division enhances the quality of life for Times Square workers, residents and visitors through security and assistance.

2. Sanitation

The BID sanitation program may include but will not be limited to manual sweeping of the curbs and gutters and, where necessary, sidewalks, and emptying of existing and new public and private litter receptacles. The uniformed sanitation crew will operate seven days a week, approximately eighteen hours a day. The BID will remove bagged refuse to a location agreed upon with the Sanitation Department for public pick-up.

The BID sanitation program will work with private carters to overcome long standing problems of bags awaiting pick-up being ripped open, left for hours, degrading the area for tourist and theatre-goers.

The sanitation program will include poster removal, catch basin clearing and special problem sidewalk cleaning.

It is estimated that the work force will be comprised of about 30 workers and supervisors in the first year of operation.

The Times Square BID sanitation program includes but is not limited to the sweeping of sidewalks from the building line to 18 inches into the roadway and the emptying of existing

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public litter receptacles. Sanitation staff utilize a mechanical sweeping machine and remove Alliance bagged refuse from locations agreed upon with the New York City Department of Sanitation for public pick up or removal by the Alliance's pick up truck.

The sanitation program includes painting, graffiti removal, poster removal, catch basin clearing and special problem sidewalk cleaning. The Times Square Alliance uniformed sanitation workers operate seven days a week for approximately 16 hours a day. The work force is comprised of about 40 workers including supervisory personnel, and one truck.

3. Social Services for the Homeless

The social services program may include but will not be limited to operating a program similar to Midtown Life Link which employs several highly trained, professional social workers who go out to the homeless on the street, get to know them, encourage counseling, and place them in appropriate programs and facilities. The Life Link is under the auspices of the Westside Cluster, a non-profit social agency with a good rate of success in placing people in hospitals, rehabilitation centers, and even "back home."

The BID may operate a life link-type program in the Times Square District during the first year of operation. To the extent possible, resources within and adjacent to the District will be used by the professional staff to meet the needs of the persons served.

The Alliance partners with Common Ground to address homelessness in Times Square. Common Ground is a nonprofit that operates throughout New York City, combining permanent affordable housing with a variety of on-site social services. Common Ground operates a supportive housing facility on 43rd and 8th Avenue called the Times Square. On-site social services include assistance with health, mental health and substance abuse issues for all residents

of the Times Square Supportive Facility. The Times Square is the largest permanent supportive housing project in the nation and houses 652 low-income and formerly homeless individuals.

4. Business Education and Advocacy

An Education and Advocacy Program, to begin in the first year, may provide direction for the delivery of all services and serve as an educational and advocacy tool for business and agencies. A video tape may be prepared cataloguing quality of life problems on District streets and sidewalks as they relate to various remedies and responses available through existing regulations.

The BID provides business education and advocacy through email, collateral materials, and a district security council. As neighborhood issues arise, the BID updates businesses via email and provides materials for their use, mainly focused on quality of life problems on District streets and sidewalks along with the various remedies and responses available through existing regulations. The security council of businesses has helped organizations to update existing security options and to work proactively on potential security issues and needs for themselves and for the district as a whole.

5. Promotion

Promotion of the District may include but will not be limited to promotional campaigns and advertisements designed to attract visitors and employees to the District. It may include printed materials, such as bulletins and maps, press release and the like; sponsorship of special events and tours. Under the direction of a staff promotion director, the program will work with and complement office, hotel, theatre and TKTS promotions. It will work in concert with the New York City Convention and Visitors Bureau, and will prepare for special events such as the 1992 Democratic Convention.

Promotion of the District includes but is not limited to promotional campaigns, advertisements and events targeted at visitors, employees and residents designed to form positive opinions of the District and create a desire to visit and patronize the businesses of the District. Promotion encompasses outdoor, print, radio, TV and online advertisements; printed materials such as flyers, postcards, posters and maps; press releases; loyalty programs; tours; and creation of special events. Major events are New Year's Eve in Times Square, Taste of Times Square, Solstice in Times Square and Broadway On Broadway. Under the direction of a Vice President of Marketing, the program works with and complements office, hotel, theatre and TKTS promotions within the District.

6. Policy, Planning and Design

The BID Policy, Planning and Design program focuses on managing public space through urban planning and infrastructure improvements with the goal of transforming Times Square into a premier public space. The BID took an active role in public space management in 2006, breaking ground for an expanded Duffy Square that includes illuminated steps encasing a brand new TKTS booth. The BID is partnering with the Department of Transportation to test a reconfigured traffic pattern for Times Square that would add 50% more pedestrian space on sidewalks and center islands. We initiated a comprehensive design process that will incorporate innovative ideas in lighting, paving, street furniture, and event infrastructure into a new vision for the Bowtie. Looking to the west, we also published a plan to revitalize the Eighth Avenue corridor, as it emerges as a desirable destination for retail and commercial development.

7. Administration

Administration of the District will be salaried staff which include but will not be limited to: staff director, secretary and any other special staff and/or consultants that the Board of

Directors may deem necessary from time to time such as promotional specialist, accountants and legal advisors, with fringe benefits and expenses. Administration costs may also include office rental and equipment, office supplies including telephones, and insurance.

Administration of the District is carried out by salaried staff that includes but is not limited to: president, program vice presidents, office management staff, and any other special staff and/or consultants that the Board of Directors may deem necessary, such as promotional specialists, accountants and legal advisors. Administration costs comprise salaries and fringe, consultant costs, office rental and equipment, communications infrastructure, office supplies, and insurance.

8. Additional Services

Subject to any approvals and controls that may be required by any City agency having jurisdiction thereof, and in addition to the approval of the Board of Directors of the District Management Association, in subsequent years the District may provide such additional services as are permitted by law.

B. Implementation:

It is anticipated that the District Management Association (hereinafter defined) will commence most services during the first Contract Year (hereinafter defined).

B. General Provisions:

1. All Services shall be in addition to (and not in substitution for) required and customary municipal services provided by the City on a city-wide basis.
2. All Services need not to be performed in every Contract Year.
3. The staff and/or subcontractors of the District Management Association may render such administrative services as are needed to support performances of Services.
4. In the event that in any given Contract Year the sources of funding (as same are

described in Section V of this Plan) do not in the aggregate produce revenues equal to the Total Annual Budget (hereinafter defined) For such Contract Year, the District Management Association may, Subject to the Contract (hereinafter defined), forego providing one or more or all Services in order to have revenues sufficient to pay the debt service required in the budget (hereinafter defined) for such Contract Year.

IV. IMPROVEMENTS

A. Improvements

The improvements (the "Improvements") to be provided pursuant to this plan may include, but are not limited to, the following, provided that required review and approval by an appropriate City agency shall be submitted to that City agency and to the effected Community Board(s) prior to undertaking any improvement.

1. Exterior lighting on the side streets to enhance security.
2. Street and sidewalk amenities to improve pedestrian and vehicle circulation, including but not limited to:
 - a. trash receptacles
 - b. light poles
 - c. information boards and kiosks
 - d. street telephones
 - e. subway/street identification

B. Duffy Square

On May 2, 2006, with Mayor Bloomberg, U.S. Representatives Nadler and Maloney, and New York City Commissioners of Parks, Transportation and Small Business Services in attendance, ground was broken on the spectacular reconstruction of Duffy Square. The \$13

million reconstruction will feature a new TKTS booth, cascading red glass steps and a newly-designed granite plaza. As engineers in Glasgow finalized the design and engineering of the glass steps, contractors on site drilled 400-foot deep geothermal wells, installed the fiberglass TKTS booth and began paving the granite plaza. Duffy Square's completion is scheduled for early 2008.

C. Implementation Schedule

The Improvements will be implemented on an as-needed basis.

D. General Provisions

1. All Improvements shall be in addition to and not in substitution for required and customary municipal improvements provided by the City on a citywide basis.
2. The staff and/or subcontractors of the District Management Association may render such administrative services as are needed to support construction of the Improvements.

V. SOURCES OF FUNDING

A. Sources of Funding: Generally

The proposed sources of funding for all (i) Services, (ii) Improvements, (iii) Debt service arising from indebtedness as permitted pursuant to paragraph D hereinbelow, and (iv) Administrative costs necessary to support the program contemplated under this Plan, shall be the sources of funding described in paragraphs B through F (inclusive). Subject to requirements of law, the Times Square District Management Association may apply all monies derived from the sources of funding permitted herein toward funding any expenditure permitted under this plan.

E. Source of Funding: Assessments

The District Management Association may enter into the Contract (hereinafter defined) for the purposes of having the City levy and collect, and then disburse to the District Management Association, assessments with respect to the Benefited Properties. Such assessments, as described herein below, shall be defined as "Assessments."

1. General

The Department of Finance collects the assessment for the District Management Association. To help defray the costs of services in the District, each property is assessed at a rate designed to yield an amount sufficient to meet the District Management Association's annual budget. The rate will be arrived at by dividing the total District Budget by the total assessed value of the District. Then, the rate will be multiplied by the total assessed value of each property within the District, as indicated on the most recent New York City block and lot maps, to determine each property's assessment.

2. Specific Formula

All properties, as classified in the most recent New York City tax rolls and as described below as Classes A, B, M, E and F, will be assessed based on current calculations as follows:

Class A: Commercial

All properties devoted in whole to commercial uses shall constitute Class A property and shall be assessed at the commercial rate as determined below. Class A will include unimproved properties which, although vacant, are active parking lots. Class A property will be assessed in the following manner:

$$\frac{\text{Assessed Value of Class A Property}}{\text{Total Assessed Value of all Class A Property + the Commercial Portion of Class M Property in the District}} \times \text{The District Management Association's Adjusted Budget}^*$$

* The Adjusted Budget represents the District Management Association's approved budget less total Class B assessments and less total Class M residential assessments.

Total Assessed Value of all Class A Property + the Commercial Portion of Class M Property in the District

Class B: Residential

All properties devoted in whole to residential uses shall constitute Class B property and shall be assessed at the rate of one dollar (\$1.00) per annum.

Class M: Mixed Use

All properties devoted in part to commercial use in part to residential use shall constitute Class M property. The proportion of the property devoted to residential use shall be assessed at a rate of one dollar (\$1.00). The proportion of the property, as determined by the Department of Finance, devoted to commercial use shall be assessed at the same rate as all other commercial property. Class M property, therefore, shall be assessed in the following manner:

$$\frac{\text{Assessed Value of Commercial Portion of Class M Property}}{\text{Total Assessed Value of all Class A Property + the Commercial Portion of Class M Property in the District}} \times \text{The District Management Association's Adjusted Budget}^* + \$1.00$$

Total Assessed Value of all Class A Property + the Commercial Portion of Class M Property in the District

Class E Public Purpose/Not-for-Profit

Public Purpose and Not-for-Profit properties shall not be assessed.

* The Adjusted Budget represents the District Management Association's approved budget less total Class B assessments and less total Class M residential assessments.

The amounts, exclusive of debt services, assessed and levied in a given year against the Benefited Properties as Assessments may not exceed 20% of the total general city taxes levied in that year against the Benefited Properties.

Class F Properties Located in Multiple BIDs

Class F shall include properties that are used for commercial purposes. Class F properties consist of a single tax lot created by combining multiple lots such that a portion or portions of the property lie within the boundaries of two Business Improvement Districts. The only property that qualifies as Class F is Block 995, Lot 33, known as One Bryant Park. The Times Square BID portion of One Bryant Park shall be assessed at a base rate of \$150,000 per year. The base assessment will increase at the same rate as each and every assessment budget increase for the district. Class F property, therefore, shall be assessed in the following manner:

The District Management Association's Current Fiscal Year approved budget x \$150,000

The District Management Association's Fiscal Year 2008 approved budget

The amounts, exclusive of debt service, assessed and levied in a given year against the Benefited Properties as Assessments may not exceed 20% of the total general city taxes levied in that year against the Benefited Properties.

C. Source of Funding: Donations

The District Management Association may accept grants and donations from private institutions, the City, other public entities or individuals, and other not-for-profit organizations.

D. Source of Funding: Borrowing

1. Subject to subparagraphs 2 and 3 immediately herein below, the District Management Association may borrow money from private institutions, the City, other public entities or individuals and other not-for-profit organizations for the purpose of:

- (a) funding operations, or
- (b) financing the cost of Improvements.

2. The use of monies received by the District Management Association from the City or from any other public entity, whether in the form of a grant or as proceeds from a loan, shall be subject to (i) all statutory requirements applicable to the expenditure and use of such monies, and (ii) any contractual requirements imposed by the City (whether pursuant to the Contract or otherwise) or by any other public entity, as the case may be.

3. Any loans which the District Management Association may enter into as borrower shall be subject to section VI of this Plan.

E. Source of Funding: Charges for User Rights

Subject to the approval and control of the appropriate City agency, the District Management Association may in accordance with Section IX of this Plan, impose charges as consideration for the sub-granting or sub-licensing of User Rights (hereinafter defined) as such changes and User Rights are described in Section IX of this Plan.

F. Source of Funding: Other

The District Management Association may derive revenues from any other sources of funding not herefore mentioned and which are permitted by law.

G. Assignment of Funding

The District Management Association may assign revenues from the sources of funding describe in paragraphs B, C, D, E and F of this section V for the purpose of securing loans which the District Management Association enters into pursuant to Paragraph D of this Section V, provided such assignments are subject to the requirements of Section VI of this Plan.

VI. EXPENDITURES AND ANNUAL BUDGETS

A. Total Annual Expenditures and Maximum Cost of Improvements

The total amount proposed to be expended by the District Management Association for Improvements, maintenance and operations for **the Fiscal Year 1996 is \$5,935,000**, as more fully set fourth in Subsection B of this Section VI.

The total amount proposed to be expended by the District Management Association for Improvements, maintenance and operations for the Fiscal Year 2008 is \$13,420,000, including \$10,400,000 in assessment funding, as more fully set forth in Subsection B of this Section VI.

The total, as proposed to be expended by the District Management Association for any subsequent Contract Year, shall not be greater than the aggregate amount of all monies which the District Management Association may collect for the Contract Year in question from all funding sources permitted under Section V of this Plan. The maximum cost of the Improvements is \$25,000,000.

B. Annual Budget

1. Fiscal Year 1996

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It has been estimated that the annualized budget of proposed expenditures to be made during Fiscal Year 1996 shall be as follows:

a. Services		
i. Security	2,033,890	
ii. Sanitation	1,302,620	
Emergency Fund	85,000	
iii. Community Services	321,250	
iv. Promotion	494,200	
v. Tourism	125,000	
b. Physical Improvements	250,000	
c. Administration		
i. Staff, Office, Overhead	666,340	
ii. Planning	210,000	
d. Contingency Fund	150,000	
Late assessment payments	296,700	
Total Fiscal Year 1996	\$5,935,000	

1. Fiscal Year 2008

The annual estimated budget of proposed expenditures to be made during Fiscal Year 2009 shall be as follows:

<u>Revenues</u>	<u>Assessment</u>	-	<u>\$ 10,400,000</u>
-			-
<u>Expenditures</u>	<u>a. Services</u>		-
-	<u>i. Security</u>	-	<u>\$ 3,862,000</u>
-	<u>ii. Sanitation</u>	-	<u>\$ 2,560,000</u>
-	<u>iii. Community Development</u>	-	<u>\$ 100,000</u>
-	<u>iv. Promotion</u>	-	<u>\$ 1,400,000</u>
-	<u>v. Tourism</u>	-	<u>\$ 1,114,000</u>
-	<u>b. Physical Improvements</u>	-	<u>\$ 670,000</u>
-	<u>c. Administration</u>	-	<u>\$ 694,000</u>
-			-
Total Fiscal Year 2009 Budget			<u>\$ 10,400,000</u>

2. Subsequent Budgets

The District Management Association shall establish for each Contract Year after the current Contract Year a proposed budget of expenditures. Such proposed budget shall (with respect to the Contract Years to which they respectively apply): (i) reasonably itemize the purposes for which monies are proposed to be expended by the District Management Association; (ii) specify the amount, if any, proposed to be expended by the District Management Association for debt service; and (iii) set forth the total amount proposed to be expended (the "Total Annual Budget Amount"). A proposed budget, whether for the First Contract Year or for a subsequent Contract Year shall be referred to as a "Budget."

C. General Provision

1. The District Management Association shall make no expenditure other than in accordance with and pursuant to: (i) a Budget for which a Total Annual Budget Amount has been approved by the City and the Directors of the District Management Association; (ii) any provisions in the Contract providing for the satisfaction of outstanding obligations of the District Management Association; or (iii) any provisions in the Contract providing for the expenditure of amounts provided in the Budget for, but expended in a previous Contract Year.
2. The Total Annual Budget Amount shall not exceed the maximum total and annual amount which the District Management Association may extend for the Contract year in question pursuant to paragraph A of this Section VI.
3. The Total Annual Budget Amount shall not be less than the amount needed to satisfy the District Management Association's debt service obligation for the Contract Year in question.
4. Subject to the District Management Association's need to satisfy its debt service obligations for the Contract Year in question, the District Management Association may revise the itemizations within any Budget.

5. In the event that in any given Contract Year the sources of funding do not in the aggregate produce revenues equal to the Total Annual Budget Amount for such Contract Year, the District Management Association may, subject to the Contract, forego some or all of the non-debt service expenditures as are provided for in the Budget in question in order to have revenues sufficient to pay the debt service provided for in such Budget.

VII. BENEFITED PROPERTIES

The providing of Services and Improvements shall benefit all properties within the District (the "Benefited Properties"). The Benefited Properties are described by the District Map (Exhibit 1) and tax block and lots indicated in Exhibit 3 herein.

VIII. DISTRICT MANAGEMENT ASSOCIATION

The District Management Association established for the Times Square Business Improvement District (the "District Management Association") will be incorporated under Section 402 of New York State Not-For-Profit Corporation Law. The District Management Association will be organized for the purpose of executing the responsibilities of a district management association as set forth in the Law. Furthermore, the District Management Association will carry out the activities prescribed in the Plan and will promote and support the District.

The District Management Association will be organized exclusively for charitable and education purpose as specified in Section 501 (c) (3) of the Internal Revenue Code of 1954, as amended.

The District Management Association will have four classes of voting membership and one class of non-voting membership. The voting classes are composed of (i) owners of record of real property located within the District; (ii) commercial tenants leasing space within the District; (iii) residential tenants leasing space (including proprietary leases) within the District; and (iv) public representatives. The non-voting class shall include community board representatives and may include others with an interest in the welfare of the District, including not-for-profit institutions within the District.

Each voting class will elect members to the Board of Directors in the manner prescribe by-laws of the Corporation. The Board of Directors include the representatives of owners of record of real property located within the District (which shall constitute a majority of the Board), the representatives of both commercial and residential tenants (including proprietary leases) leasing space in the buildings within the District, and one member appointed by each of the following public officials: The Mayor of the City; the Comptroller of the City; The Borough President of Manhattan; and the City Council member who represents the District or if more than one City Council member represents a portion of the District then by the speaker of the City Council.

The District Management Association established for the Times Square Business Improvement District (the "District Management Association") is incorporated under Section 402 of New York State Not-For-Profit Corporation Law. The District Management Association is organized for the purpose of executing the responsibilities of a district management association as set forth in the Law. Furthermore, the District Management Association carries out the activities prescribed in the Plan and will promote and support the District.

The District Management Association is organized exclusively for charitable and education purposes as specified in Section 501 (c) (3) of the Internal Revenue Code of 1954, as amended.

The District Management Association has four classes of voting membership and one class of non-voting membership. The voting classes are composed of (i) owners of record of real property located within the District; (ii) commercial tenants leasing space within the District; (iii) residential tenants leasing space (including proprietary leases) within the District; and (iv) public representatives. The non-voting class shall include community board representatives and may include others with an interest in the welfare of the District, including not-for-profit institutions within the District.

Each voting class will elect members to the Board of Directors in the manner prescribed in the by-laws of the Corporation. The Board of Directors include the representatives of owners of record of real property located within the District (which shall constitute a majority of the Board), the representatives of both commercial and residential tenants (including proprietary leases) leasing space in the buildings within the District, and one member appointed by each of the following public officials: the Mayor of the City; the Comptroller of the City; the Borough President of Manhattan; and the City Council member who represents the District or if more than one City Council member represents a portion of the District, then by the speaker of the City Council.

IX. USER RIGHTS

A. User Rights Generally

The District Management Association may undertake or permit commercial activities or other private uses of the street or other parts of the District in which the City has any real property interest (the "User Right(s)"), provided however that the User Right(s) to be so undertaken or permitted by the District Management Association shall have been: (i) set forth in this Plan or authorized for licensing or granting by the City to the District Management Association in Local Law adopted by the City Council, and (ii) licensed or granted to the District Management Association by the City pursuant to the Contract and (iii) authorized by the appropriate City agency having jurisdiction thereof. Once so granted or licensed, the User Right(s) in question shall be undertaken or permitted by the District Management Association in such a manner as to conform to the requirements, if any, set forth in this Plan, or the aforesaid Local Law and in the Contract with respect to User Right(s), and conform to the requirements authorized by the appropriate City agency having jurisdiction thereof. Such requirements may include but shall not be limited to: (i) requirements as to what consideration the District Management Association shall pay to the City for the grant and/or license in question; (ii) requirements as to whether and how the District Management Association may permit other persons to undertake the User Right(s) in question pursuant to a sub-grant or sub-license; (iii) requirements as to what charges the District Management Association may impose upon other persons as consideration for such sub-grant or sub-license; and (iv) requirements as to the general regulations of the User Right(s) by whomsoever undertaken.

B. User Rights

Subject to the approval and control of the appropriate City agency and/or subject to the requirements set forth in any Contract, the District Management Association may undertake or permit the following User Rights, subject to the requirements set forth in the Contract:

1. Taxi Stand Kiosks
2. Information Kiosks
3. Trash Receptacles Affixed to Sidewalks
4. Canopies and Awnings

X. REGULATIONS

The rules and regulations proposed for governing the operation of the District and the provision of Services and Improvements by the District Management Association (the "Regulations") are set forth herein below.

1. The District Management Association shall obligate itself to provide the Services and Improvements in a Contract or Contracts into which both the District Management Association and the City shall enter (collectively, the "Contract") for specified term (each year of the Contract term to be defined as a "Contract Year"). The City shall, pursuant to the terms, conditions and requirements of the Contract, levy and collect, and then disburse to the District Management Association the Assessments. Such disbursements shall be made in accordance with general procedures for payment of other City expenditures.

2. The District Management Association shall comply with all terms, conditions and requirements (i) elsewhere set forth in this Plan, and (ii) to be set forth in the Contract and in any other Contracts into which both the District Management Association and the City may enter and (iii) shall comply with all terms, conditions and requirements set forth by the appropriate City agency which is required to give its approval.

3. The District Management Association shall let any sub-contracts that it intends to enter into in connection with providing the Services.

XI. GLOSSARY OF TERMS	
<u>Term</u>	<u>Definition Location</u>
Assessments	V (B)
Benefited Properties	VII
Budget	VI (B) (2)
City	I
Contract	X
Contract Year	X (1)
District	I
District Management Association	VIII
District Map	I
Improvements	IV (A)
Law	I
Plan	I
Regulations	XI
Services	III (A)
Total Annual Budget	VI (B) (2)
User Rights	IX

XI. GLOSSARY OF TERMS

Term	Definition	Location
Assessments	V (B)	
Benefited Properties	VII	
Budget	VI (B) (2)	
Contract	X (1)	
Contract Year	X (1)	
District	I	
District Management Association	VIII	
District Map	I	
Improvements	IV (A)	
Law	I	
Plan	Preface	
Regulations	X	
Services	III (A)	
Total Annual Budget	VI (B) (2)	
User Rights	IX (A)	

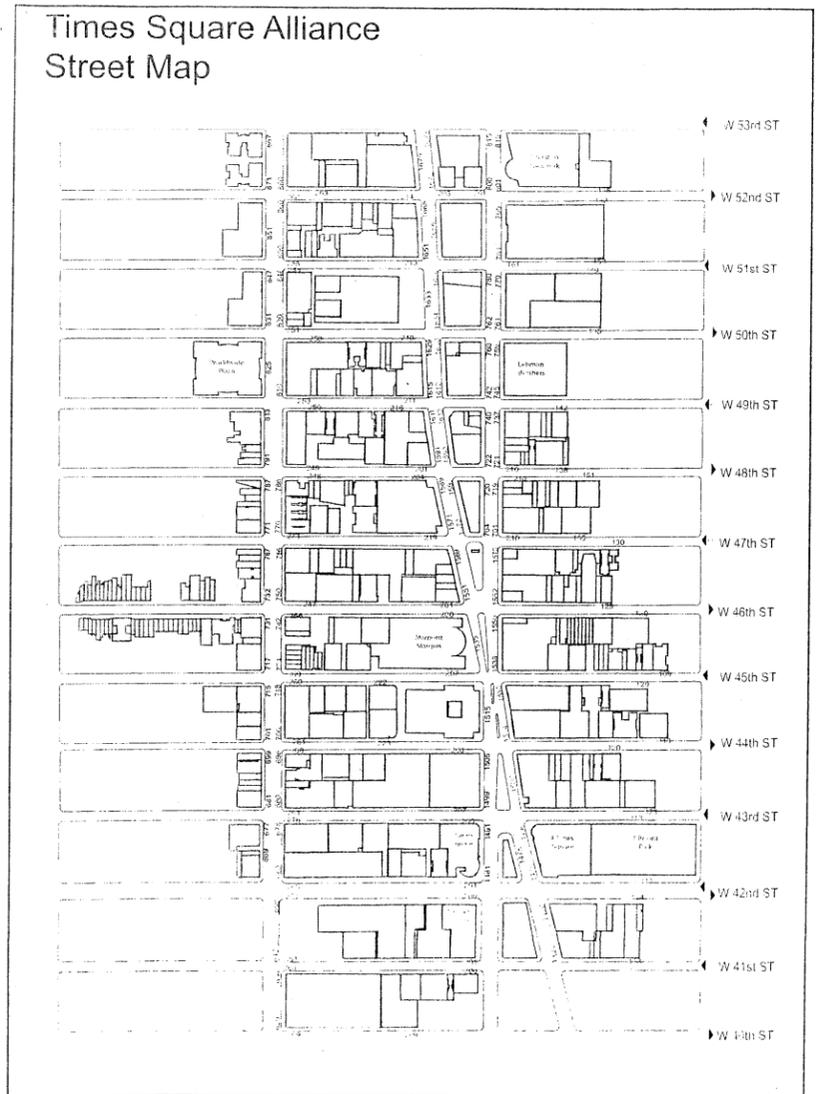
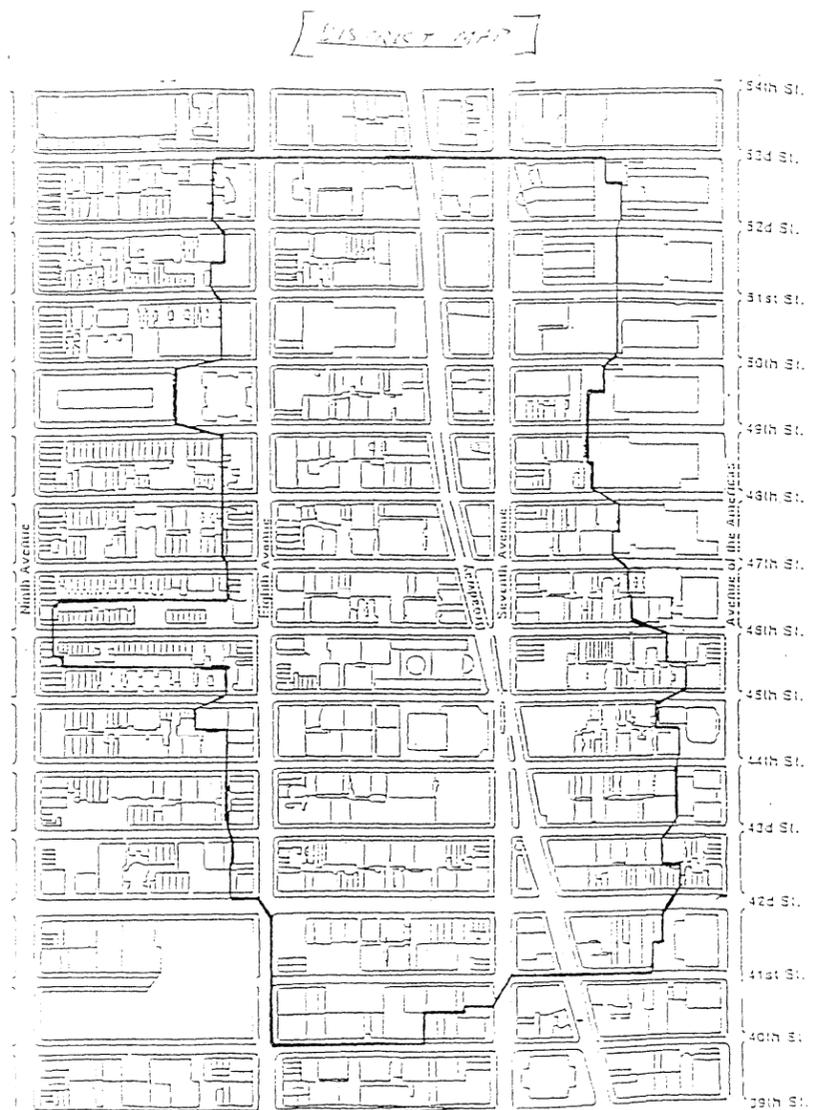


EXHIBIT 1- DISTRICT MAP (BOUNDARY AND BENEFITED PROPERTIES)



[EXHIBIT 2 – BOARD OF ESTIMATE RESOLUTION]

EXHIBIT 2 – MAYOR’S AUTHORIZATION TO AMEND PLAN

4-11-91

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

February 25, 2008

Mr. Robert W. Walsh
Commissioner
Department of Small Business Services
110 William Street, 7th Floor
New York, NY 10038

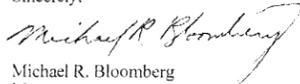
Dear Commissioner Walsh:

Pursuant to Section 25-405(a) of the Administrative Code of the City of New York, I hereby authorize the preparation of an amended district plan for the extension of the Times Square Business Improvement District, located in the Borough of Manhattan.

- Current Boundaries: An area generally bounded by Avenue of the Americas on the east, Eight Avenue on the west; West 53rd Street on the north, and West 41st Street on the south. The District also includes an area known as "Restaurant Row" on West 46th Street between Eight and Ninth Avenues.
- Proposed Extended Area: Current boundaries and adding One Bryant Park at 1101 Avenue of the Americas to the BID district.
- Sponsor Organization: Times Square District Management Association, Inc.

The Department of Small Business Services shall prepare the amended District Plan pursuant to authority granted by Section 25-405(a) of this law. The authorization shall take effect immediately.

Sincerely,


Michael R. Bloomberg
Mayor

- cc: The Honorable Christine Quinn, Speaker of the City Council
- The Honorable David I. Weprin, Chair of the City Council Finance Committee
- The Honorable Scott M. Stringer, Manhattan Borough President
- Members of the City Council
- Robert Lieber, Deputy Mayor for Economic Development
- Andrew Schwartz, First Deputy Commissioner, Department of Small Business Services
- David Margalit, Deputy Commissioner, Department of Small Business Services
- Jeremy Waldrup, Assistant Commissioner, Department of Small Business Services

BOARD OF ESTIMATE
CITY OF NEW YORK

Cal. No. 322

WHEREAS, Pursuant to Section 25-405(a) of Chapter 4 of Title 25 of the Administrative Code of the City of New York, the Business Improvement District Law (the "Law"), the Board of Estimate is authorized to provide for the preparation of a "District Plan", as that term is defined in Section 25-402(e) of the Law, upon the request of the Mayor or an individual agency designated by him; and

WHEREAS, Pursuant to the Law, the Office of Business Development ("OBD") has been designated by the Mayor to request the Board of Estimate to provide for the preparation of District Plans; and

WHEREAS OBD, Pursuant to such Mayoral designation, hereby requests that the Board of Estimate provide for the preparation of a District Plan for the "Proposed Times Square Business Improvement District", located in the Times Square area of the Borough of Manhattan, bounded approximately by: the south side of 40th Street north along the west side of Sixth Avenue to 35th Street; then west along the north side of 35th Street from the west side of Sixth Avenue to the west side of Eighth Avenue; then south along the west side of Eighth Avenue to the north side of 42nd Street; then west along the north side of 42nd Street to the east side of Ninth Avenue; then east along the south side of 42nd Street to the west side of Eighth Avenue; then south along the west side of Eighth Avenue to the south side of 40th Street; then east along the south side of 40th Street to the west side of Sixth Avenue and the point of beginning.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Estimate hereby provides for the preparation of a District Plan pursuant to the authority granted to it by Section 25-405(a) of the Law, for the "Proposed Times Square Business Improvement District";

AND BE IT FURTHER RESOLVED, That the Board of Estimate hereby designates OBD to supervise the preparation of the District Plan for the "Proposed Times Square Business Improvement District" identified above.

A true copy of resolution adopted by the Board of Estimate on July 19, 1990.

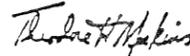

Secretary

EXHIBIT 3 – TAX BLOCKS AND LOTS OF BENEFITED PROPERTIES

4-11-91

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Exhibit 3
Times Square District Management Association, Inc.
Tax Blocks and Lots List of Benefited Properties

Block	Lot	Address	Condo Lots / Notes
00994	0001	1451 BROADWAY	
00994	0009	1480 BROADWAY	
00994	0016	141 WEST 41 STREET	
00994	0042	124 WEST 42 STREET	
00994	0045	130 WEST 42 STREET	
00994	0047	136 WEST 42 STREET	
00994	0049	WEST 42 STREET	Other misc. building type: street number N/A
00994	0054	1462 BROADWAY	
00995	0001	1475 BROADWAY	
00995	0005	1472 BROADWAY	
00995	0033	1111 6 AVENUE	
00996	0001	1500 BROADWAY	
00996	0009	147 WEST 43 STREET	
00996	0012	141 WEST 43 STREET	
00996	0014	127 WEST 43 STREET	
00996	0020	125 WEST 43 STREET	
00996	0021	113 WEST 43 STREET	
00996	0043	120 WEST 44 STREET	
00996	0046	130 WEST 44 STREET	
00996	0049	136 WEST 44 STREET	
00996	0050	140 WEST 44 STREET	
00996	0051	142 WEST 44 STREET	
00996	0054	152 WEST 44 STREET	
00996	0056	156 WEST 44 STREET	
00996	0156	158 WEST 44 STREET	
00997	0001	1514 BROADWAY	
00997	0010	153 WEST 44 STREET	
00997	0017	133 WEST 44 STREET	
00997	0019	123 WEST 44 STREET	
00997	0023	111 WEST 44 STREET	
00997	0041	120 WEST 45 STREET	
00997	0047	132 WEST 45 STREET	
00998	0008	149 WEST 45 STREET	
00998	0012	145 WEST 45 STREET	
00998	0015	137 WEST 45 STREET	
00998	0016	135 WEST 45 STREET	
00998	0017	131 WEST 45 STREET	
00998	0018	125 WEST 45 STREET	
00998	0021	121 WEST 45 STREET	
00998	0023	119 WEST 45 STREET	
00998	0024	115 WEST 45 STREET	
00998	0026	109 WEST 45 STREET	
00998	0041	114 WEST 46 STREET	
00998	0047	126 WEST 46 STREET	

As of 7/1/2008

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Times Square District Management Association, Inc.
Tax Blocks and Lots List of Benefited Properties

Block	Lot	Address	Condo Lots / Notes
00998	0050	134 WEST 46 STREET	
00998	0051	136 WEST 46 STREET	
00998	0052	140 WEST 46 STREET	
00998	0053	144 WEST 46 STREET	
00998	0054	146 WEST 46 STREET	
00998	0055	150 WEST 46 STREET	
00998	0061	1550 BROADWAY	
00998	0116	133 WEST 45 STREET	
00998	0120	123 WEST 45 STREET	
00998	0151	138 WEST 46 STREET	
00998	0152	142 WEST 46 STREET	
00998	1001	1540 BROADWAY	
00998	1002	1540 BROADWAY	
00998	1003	1538 BROADWAY	
00998	1004	1538 BROADWAY	
00998	1005	1538 BROADWAY	
00999	0001	1552 BROADWAY	
00999	0003	1560 BROADWAY	
00999	0008	155 WEST 46 STREET	
00999	0009	151 WEST 46 STREET	
00999	0011	149 WEST 46 STREET	
00999	0012	143 WEST 46 STREET	
00999	0017	129 WEST 46 STREET	
00999	0048	132 WEST 47 STREET	
00999	0053	146 WEST 47 STREET	
00999	0054	150 WEST 47 STREET	
00999	0062	1588 BROADWAY	
00999	0111	147 WEST 46 STREET	
00999	9062	1568 BROADWAY	
01000	0001	165 WEST 47 STREET	
01000	0007	157 WEST 47 STREET	
01000	0011	145 WEST 47 STREET	
01000	0049	138 WEST 48 STREET	
01000	0053	148 WEST 48 STREET	
01000	0056	156 WEST 48 STREET	
01000	0057	160 WEST 48 STREET	
01000	0058	162 WEST 48 STREET	
01000	0059	166 WEST 48 STREET	
01000	0061	719 7 AVENUE	
01000	0062	717 7 AVENUE	
01000	0064	711 7 AVENUE	
01001	0001	721 7 AVENUE	
01001	0003	725 7 AVENUE	
01001	0004	727 7 AVENUE	
01001	0006	155 WEST 48 STREET	
01001	0011	151 WEST 48 STREET	

As of 7/1/2008

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Times Square District Management Association, Inc.
Tax Blocks and Lots List of Benefited Properties

Block	Lot	Address	Condo Lots / Notes
01001	0012	WEST 48 STREET	Other misc. building type: street number N/A
01001	0055	142 WEST 49 STREET	
01001	0058	150 WEST 49 STREET	
01001	0059	152 WEST 49 STREET	
01001	0101	167 WEST 48 STREET	
01001	0102	165 WEST 48 STREET	
01001	0157	148 WEST 49 STREET	
01001	1001	729 7 AVENUE	
01001	1002	729 7 AVENUE	
01002	0001	745 7 AVENUE	
01003	0005	135 WEST 50 STREET	
01003	1001	150 WEST 51 STREET	
01003	1002	150 WEST 51 STREET	
01003	1448	761 7 AVENUE	
01003	7501	150 WEST 51 STREET	Condo lots 1003-1447
01004	0020	787 7 AVENUE	
01005	0001	801 7 AVENUE	
01005	0013	137 WEST 52 STREET	
01012	0015	219 WEST 40 STREET	
01012	0036	570 7 AVENUE	
01012	0037	206 WEST 41 STREET	
01012	0038	208 WEST 41 STREET	
01012	0042	220 WEST 41 STREET	
01012	1001	620 8 AVENUE	Condo lots 1001-1058
01013	0001	640 8 AVENUE	
01013	0002	11 TIMES SQUARE	
01013	0006	11 TIMES SQUARE	
01013	0012	256 WEST 42 STREET	
01013	0029	582 7 AVENUE	
01013	0039	214 WEST 42 STREET	
01013	0040	216 WEST 42 STREET	
01013	0041	218 WEST 42 STREET	
01013	0042	221 WEST 41 STREET	
01013	0059	260 WEST 42 STREET	
01013	0061	11 TIMES SQUARE	
01014	0001	660 8 AVENUE	
01014	0017	229 WEST 42 STREET	
01014	0020	215 WEST 42 STREET	
01014	0025	207 WEST 42 STREET	
01014	0033	3 TIMES SQUARE	
01014	0039	214 WEST 43 STREET	
01014	0055	250 WEST 43 STREET	
01014	0058	270 WEST 42 STREET	
01015	0001	680 8 AVENUE	
01015	0004	688 8 AVENUE	
01015	0010	249 WEST 43 STREET	

As of 7/1/2008

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Times Square District Management Association, Inc.
Tax Blocks and Lots List of Benefited Properties

Block	Lot	Address	Condo Lots / Notes
01015	0012	217 WEST 43 STREET	
01015	0029	1493 BROADWAY	
01015	0049	234 WEST 44 STREET	
01015	0051	240 WEST 44 STREET	
01015	0054	246 WEST 44 STREET	
01015	0059	260 WEST 44 STREET	
01015	0061	694 8 AVENUE	
01016	0001	700 8 AVENUE	
01016	0005	245 WEST 44 STREET	
01016	0011	235 WEST 44 STREET	
01016	0015	221 WEST 44 STREET	
01016	0036	1515 BROADWAY	
01016	0051	234 WEST 45 STREET	
01016	0055	242 WEST 45 STREET	
01016	0058	252 WEST 45 STREET	
01017	0001	724 8 AVENUE	
01017	0002	728 8 AVENUE	
01017	0003	730 8 AVENUE	
01017	0004	732 8 AVENUE	
01017	0005	263 WEST 45 STREET	
01017	0006	259 WEST 45 STREET	
01017	0007	251 WEST 45 STREET	
01017	0010	249 WEST 45 STREET	
01017	0011	239 WEST 45 STREET	
01017	0029	1531 BROADWAY	
01017	0048	226 WEST 46 STREET	
01017	0057	252 WEST 46 STREET	
01017	0058	WEST 46 STREET	Other misc. building type: street number N/A
01017	0061	740 8 AVENUE	
01017	0063	738 8 AVENUE	
01017	0101	726 8 AVENUE	
01017	0104	267 WEST 45 STREET	
01017	0105	265 WEST 45 STREET	
01017	0106	261 WEST 45 STREET	
01018	0001	750 8 AVENUE	
01018	0006	235 WEST 46 STREET	
01018	0013	227 WEST 46 STREET	
01018	0016	223 WEST 46 STREET	
01018	0018	219 WEST 46 STREET	
01018	0020	203 WEST 46 STREET	
01018	0026	1551 BROADWAY	
01018	0027	1555 BROADWAY	
01018	0028	1557 BROADWAY	
01018	0044	224 WEST 47 STREET	
01018	0054	250 WEST 47 STREET	

As of 7/1/2008

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Times Square District Management Association, Inc.
Tax Blocks and Lots List of Benefited Properties

Block	Lot	Address	Condo Lots / Notes
01018	0055	252 WEST 47 STREET	
01018	0056	254 WEST 47 STREET	
01018	0057	256 WEST 47 STREET	
01018	0061	760 8 AVENUE	
01018	0065	200 WEST 47 STREET	
01018	0123	1567 BROADWAY	
01018	0139	1565 BROADWAY	
01018	1001	1567 BROADWAY	
01018	1002	1567 BROADWAY	
01018	1003	1567 BROADWAY	
01018	1004	1567 BROADWAY	
01019	0001	770 8 AVENUE	
01019	0005	261 WEST 47 STREET	
01019	0008	257 WEST 47 STREET	
01019	0010	253 WEST 47 STREET	
01019	0012	243 WEST 47 STREET	
01019	0050	220 WEST 48 STREET	
01019	0054	230 WEST 48 STREET	
01019	0055	234 WEST 48 STREET	
01019	0059	244 WEST 48 STREET	
01019	0060	246 WEST 48 STREET	
01019	0061	782 8 AVENUE	
01019	0154	232 WEST 48 STREET	
01019	1001	2 TIMES SQUARE	
01019	1002	2 TIMES SQUARE	
01019	1101	1585 BROADWAY	Condo lots 1101-1141
01020	0005	227 WEST 48 STREET	
01020	0014	219 WEST 48 STREET	
01020	0035	734 7 AVENUE	
01020	0036	740 7 AVENUE	
01020	0038	1604 BROADWAY	
01020	0046	1601 BROADWAY	
01020	0049	220 WEST 49 STREET	
01020	0051	224 WEST 49 STREET	
01020	0053	230 WEST 49 STREET	
01020	0057	240 WEST 49 STREET	
01020	0059	244 WEST 49 STREET	
01020	0136	202 WEST 49 STREET	
01020	1001	790 8 AVENUE	
01020	1002	790 8 AVENUE	
01020	1101	1600 BROADWAY	
01020	1102	1600 BROADWAY	
01020	7502	1600 BROADWAY	Condo lots 1103-1239
01021	0001	810 8 AVENUE	
01021	0005	247 WEST 49 STREET	
01021	0007	241 WEST 49 STREET	

As of 7/1/2008

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Times Square District Management Association, Inc.
Tax Blocks and Lots List of Benefited Properties

Block	Lot	Address	Condo Lots / Notes
01034	0029	681 8 AVENUE	
01034	0031	687 8 AVENUE	
01034	0032	689 8 AVENUE	
01034	0033	691 8 AVENUE	
01034	0034	693 8 AVENUE	
01034	0036	699 8 AVENUE	
01035	0029	701 8 AVENUE	
01035	0038	709 8 AVENUE	
01035	0037	302 WEST 45 STREET	
01036	0029	717 8 AVENUE	
01036	0033	725 8 AVENUE	
01036	0036	727 8 AVENUE	
01036	0037	308 WEST 46 STREET	
01036	0041	320 WEST 46 STREET	
01036	0043	324 WEST 46 STREET	
01036	0044	326 WEST 46 STREET	
01036	0046	328 WEST 46 STREET	
01036	0046	332 WEST 46 STREET	
01036	0047	334 WEST 46 STREET	
01036	0048	336 WEST 46 STREET	
01036	0049	340 WEST 46 STREET	
01036	0050	342 WEST 46 STREET	
01036	0051	344 WEST 46 STREET	
01036	0052	346 WEST 46 STREET	
01036	0053	350 WEST 46 STREET	
01036	0054	352 WEST 46 STREET	
01036	0057	358 WEST 46 STREET	
01036	0058	362 WEST 46 STREET	
01036	0059	364 WEST 46 STREET	
01036	0060	368 WEST 46 STREET	
01036	0142	322 WEST 46 STREET	
01036	0157	360 WEST 46 STREET	
01036	0159	366 WEST 46 STREET	
01036	0161	370 WEST 46 STREET	
01036	0162	372 WEST 46 STREET	
01037	0005	367 WEST 46 STREET	
01037	0006	369 WEST 46 STREET	
01037	0007	359 WEST 46 STREET	
01037	0009	357 WEST 46 STREET	
01037	0009	355 WEST 46 STREET	
01037	0010	349 WEST 46 STREET	
01037	0012	347 WEST 46 STREET	
01037	0013	345 WEST 46 STREET	
01037	0014	341 WEST 46 STREET	
01037	0015	327 WEST 46 STREET	
01037	0020	319 WEST 46 STREET	

As of 7/1/2008

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Times Square District Management Association, Inc.
Tax Blocks and Lots List of Benefited Properties

Block	Lot	Address	Condo Lots / Notes
01021	0009	239 WEST 49 STREET	
01021	0010	233 WEST 49 STREET	
01021	0012	225 WEST 49 STREET	
01021	0015	215 WEST 49 STREET	
01021	0019	1613 BROADWAY	
01021	0026	750 7 AVENUE	
01021	0036	758 7 AVENUE	
01021	0037	1628 BROADWAY	
01021	0043	1625 BROADWAY	
01021	0045	1627 BROADWAY	
01021	0048	214 WEST 50 STREET	
01021	0049	216 WEST 50 STREET	
01021	0050	218 WEST 50 STREET	
01021	0052	224 WEST 50 STREET	
01022	0001	830 8 AVENUE	
01022	0002	832 8 AVENUE	
01022	0026	1634 BROADWAY	
01022	0035	1648 BROADWAY	
01022	0043	1631 BROADWAY	
01022	0061	834 8 AVENUE	
01022	0101	249 WEST 50 STREET	
01023	0001	255 WEST 51 STREET	
01023	0002	852 8 AVENUE	
01023	0005	251 WEST 51 STREET	
01023	0006	245 WEST 51 STREET	
01023	0018	1651 BROADWAY	
01023	0029	1652 BROADWAY	
01023	0048	228 WEST 52 STREET	
01023	0051	236 WEST 52 STREET	
01023	0053	240 WEST 52 STREET	
01023	0054	244 WEST 52 STREET	
01023	0059	256 WEST 52 STREET	
01023	0061	260 WEST 52 STREET	
01023	0064	858 8 AVENUE	
01023	0104	253 WEST 51 STREET	
01024	0001	870 8 AVENUE	
01024	0007	243 WEST 52 STREET	
01024	0015	1675 BROADWAY	
01024	0029	800 7 AVENUE	
01024	0038	1680 BROADWAY	
01024	0046	1681 BROADWAY	
01024	0052	242 WEST 53 STREET	
01024	0131	1672 BROADWAY	
01033	0029	661 8 AVENUE	
01033	0032	669 8 AVENUE	
01033	0036	671 8 AVENUE	

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Times Square District Management Association, Inc.
Tax Blocks and Lots List of Benefited Properties

Block	Lot	Address	Condo Lots / Notes
01037	0023	317 WEST 46 STREET	
01037	0024	315 WEST 46 STREET	
01037	0025	313 WEST 46 STREET	
01037	0026	307 WEST 46 STREET	
01037	0028	303 WEST 46 STREET	
01037	0030	733 8 AVENUE	
01037	0033	743 8 AVENUE	
01037	0034	763 8 AVENUE	
01037	0035	765 8 AVENUE	
01037	0036	767 8 AVENUE	
01037	0101	373 WEST 46 STREET	
01037	0102	371 WEST 46 STREET	
01037	0103	369 WEST 46 STREET	
01037	0105	365 WEST 46 STREET	
01037	0106	361 WEST 46 STREET	
01037	0109	353 WEST 46 STREET	
01037	0113	343 WEST 46 STREET	
01038	0029	771 8 AVENUE	
01038	0031	777 8 AVENUE	
01038	0033	781 8 AVENUE	
01038	0034	783 8 AVENUE	
01038	0035	785 8 AVENUE	
01038	0036	787 8 AVENUE	
01039	0029	791 8 AVENUE	
01039	0030	795 8 AVENUE	
01039	0031	797 8 AVENUE	
01039	0032	799 8 AVENUE	
01040	0029	815 8 AVENUE	
01041	0029	831 8 AVENUE	
01042	1001	851 8 AVENUE	
01042	1002	851 8 AVENUE	
01043	1001	305 WEST 52 STREET	
01043	1101	300 WEST 53 STREET	
01043	7501	871 8 AVENUE	Lots 1002-1066
01043	7502	300 WEST 53 STREET	Lots 1102-1159

As of 7/1/2008

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EXHIBIT 3 — TAX BLOCKS AND LOTS OF BENEFITED PROPERTIES

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997-10	153 W. 44th Street	A
997-15	139-41 W. 44th Street	A
997-17	133-37 W. 44th Street	A
997-19	123-31 W. 44th Street	M
997-23	111-21 W. 44th Street	A
997-41	116-18 W. 45th Street	A
997-47	132-34 W. 45th Street	A
998-1	175 W. 45th Street	A
998-8	149-37 W. 45th Street	A
998-12	141-47 W. 45th Street	A
998-15	137-39 W. 45th Street	A
998-16	135 W. 45th Street	M
998-17	131 W. 45th Street	A
998-18	125-29 W. 45th Street	A
998-21	121 W. 45th Street	A
998-23	119 W. 45th Street	A
998-24	115-17 W. 45th Street	M
998-26	109-13 W. 45th Street	A
998-41	114-20 W. 46th Street	E
998-47	126-32 W. 46th Street	A
998-50	134 W. 46th Street	M
998-51	136 W. 46th Street	A
998-52	140 W. 46th Street	M
998-53	144 W. 46th Street	M
998-54	146 W. 46th Street	M
998-55	148-50 W. 46th Street	A
998-61	1550 Broadway	A
998-116	133 W. 45th Street	M
998-120	123 W. 45th Street	A
998-151	138 W. 46th Street	M
998-152	142 W. 46th Street	M
999-1	1552-54 Broadway	A
999-3	1556-60 Broadway	A
999-8	155 W. 46th Street	A
999-9	151-53 W. 46th Street	M
999-11	149 W. 46th Street	E
999-12	143-45 W. 46th Street	E
999-17	129-31 W. 46th Street	A
999-48	132-34 W. 47th Street	A
999-53	146 W. 47th Street	A
999-54	150-52 W. 47th Street	M
999-61	1562-70 Broadway	A
999-111	147 W. 46th Street	A
1000-1	165-79 W. 47th Street	A
1000-7	157-63 W. 47th Street	A
1000-11	145-53 W. 47th Street	A
1000-49	138-46 W. 48th Street	A
1000-53	148-54 W. 48th Street	A
1000-56	156-58 W. 48th Street	A
1000-57	160 W. 48th Street	A
1000-58	162-64 W. 48th Street	A

BENEFITED PROPERTIES

Block-Lot	Address	Class
994-1	1451-55 Broadway	A
994-7	1457-63 Broadway	A
994-9	1452-60 Broadway	A
994-16	141 W. 41st Street	A
994-42	124 W. 42nd Street	A
994-45	130-34 W. 42nd Street	A
994-47	136 W. 42nd Street	A
994-49	140 W. 42nd Street	A
994-54	1442-70 Broadway	A
994-58	1445-67 Broadway	A
995-1	1473 Broadway	A
995-3	1472-60 Broadway	A
995-12	145 W. 42nd Street	A
995-13	143 W. 42nd Street	A
995-14	141 W. 42nd Street	A
995-15	135-39 W. 42nd Street	A
995-17	133 W. 42nd Street	A
995-18	131 W. 42nd Street	A
995-19	129 W. 42nd Street	A
995-20	125-27 W. 42nd Street	A
995-21	123 W. 42nd Street	A
995-22	121 W. 42nd Street	A
995-23	117 W. 42nd Street	A
995-24	117 W. 42nd Street	A
995-25	115 W. 42nd Street	A
995-26	113 W. 42nd Street	A
995-45	124-30 W. 43rd Street	A
995-48	132-34 W. 43rd Street	A
995-52	138-42 W. 43rd Street	A
995-57	1482-90 Broadway	A
996-1	1500 Broadway	A
996-9	147-51 W. 43rd Street	A
996-12	141-45 W. 43rd Street	A
996-14	127-59 W. 43rd Street	M
996-20	125 W. 43rd Street	M
996-21	113-23 W. 43rd Street	A
996-43	120-24 W. 44th Street	A
996-46	128-34 W. 44th Street	E
996-49	136-38 W. 44th Street	A
996-50	140 W. 44th Street	A
996-51	142-44 W. 44th Street	M
996-54	152-54 W. 44th Street	M
996-56	136 W. 44th Street	M
996-156	158 W. 44th Street	M
997-1	1514-30 Broadway	A
996-33	ONE BRYANT PARK	F

1014-136	204 W. 43rd Street	A
1014-138	212 W. 43rd Street	A
1014-162	674 Eighth Avenue	M
1015-1	680-86 Eighth Avenue	E
1015-4	688 Eighth Avenue	A
1015-10	249-53 W. 43rd Street	A
1015-12	217-47 W. 43rd Street	A
1015-29	1493-05 Broadway	A
1015-49	234-36 W. 44th Street	A
1015-51	240 W. 44th Street	A
1015-54	246-56 W. 44th Street	A
1015-59	260 W. 44th Street	E
1015-61	694-96 Eighth Avenue	M
1016-1	700-18 Eighth Avenue	A
1016-5	245-59 W. 44th Street	A
1016-11	235-43 W. 44th Street	A
1016-15	221-33 W. 44th Street	A
1016-36	1507-21 Broadway	A
1016-51	234-40 W. 45th Street	A
1016-55	242-50 W. 45th Street	A
1016-58	252 W. 45th Street	A
1017-1	724 Eighth Avenue	M
1017-2	728 Eighth Avenue	A
1017-3	730 Eighth Avenue	M
1017-4	732 Eighth Avenue	A
1017-5	263 W. 45th Street	M
1017-6	259 W. 45th Street	M
1017-7	251-57 W. 45th Street	A
1017-10	249 W. 45th Street	A
1017-11	239-47 W. 45th Street	A
1017-29	1531-49 Broadway	A
1017-48	226-36 W. 46th Street	A
1017-57	252 W. 46th Street	A
1017-58	256-62 W. 46th Street	A
1017-61	740-42 Eighth Avenue	A
1017-63	738 Eighth Avenue	A
1017-101	726 Eighth Avenue	M
1017-104	267 W. 45th Street	M
1017-105	265 W. 45th Street	M
1017-106	261 W. 45th Street	M
1018-1	750-52 Eighth Avenue	A
1018-3	754-58 Eighth Avenue	A
1018-6	235-45 W. 46th Street	A
1018-13	227-31 W. 46th Street	E
1018-15	223-25 W. 46th Street	A
1018-18	219-21 W. 46th Street	A
1018-20	205-15 W. 46th Street	A
1018-26	1531-33 Broadway	A
1018-27	1533 Broadway	A
1018-28	1557-63 Broadway	A
1018-39	1567-69 Broadway	A

1013-6	245-49 W. 41st Street	A
1013-12	241 W. 41st Street	A
1013-29	582-90 Seventh Avenue	A
1013-34	592-94 Seventh Avenue	A
1013-35	200 W. 42nd Street	A
1013-36	206 W. 42nd Street	A
1013-37	210-12 W. 42nd Street	A
1013-39	214 W. 42nd Street	A
1013-40	216 W. 42nd Street	A
1013-41	218-24 W. 42nd Street	A
1013-42	221 W. 41st Street	A
1013-45	225 W. 42nd Street	A
1013-46	228-32 W. 42nd Street	A
1013-49	234 W. 42nd Street	A
1013-50	236-42 W. 42nd Street	A
1013-53	244-48 W. 42nd Street	A
1013-55	250-52 W. 42nd Street	A
1013-57	254-58 W. 42nd Street	A
1013-59	260 W. 42nd Street	A
1013-61	644-58 Eighth Avenue	A
1013-135	202 W. 42nd Street	A
1013-136	204 W. 42nd Street	A
1013-137	208 W. 42nd Street	A
1014-1	660-66 Eighth Avenue	A
1014-4	668 Eighth Avenue	A
1014-5	259 W. 42nd Street	A
1014-6	251-57 W. 42nd Street	A
1014-10	249 W. 42nd Street	A
1014-11	247 W. 42nd Street	A
1014-12	243 W. 42nd Street	A
1014-13	241 W. 42nd Street	A
1014-15	233-39 W. 42nd Street	A
1014-17	229-31 W. 42nd Street	A
1014-18	225-27 W. 42nd Street	A
1014-20	215-23 W. 42nd Street	A
1014-25	207-11 W. 42nd Street	A
1014-28	1481 Broadway	A
1014-33	1485 Broadway	A
1014-35	1489 Broadway	A
1014-36	1491 Broadway	A
1014-37	206-08 W. 43rd Street	A
1014-38	210 W. 43rd Street	M
1014-39	214-16 W. 43rd Street	A
1014-58	264 W. 43rd Street	A
1014-59	266 W. 43rd Street	A
1014-60	258-74 W. 43rd Street	A
1014-61	678 Eighth Avenue	A
1014-62	676 Eighth Avenue	A
1014-63	672 Eighth Avenue	A
1014-64	670 Eighth Avenue	A
1014-111	245 W. 42nd Street	A

1035-37	302-14 W. 45th Street	A
1036-29	717-23 Eighth Avenue	M
1036-33	725 Eighth Avenue	A
1036-36	727-31 Eighth Avenue	M
1036-37	308-16 W. 46th Street	E
1036-41	318-20 W. 46th Street	A
1036-43	324 W. 46th Street	M
1036-44	326 W. 46th Street	M
1036-45	328-30 W. 46th Street	M
1036-46	332 W. 46th Street	B
1036-47	334 W. 46th Street	M
1036-48	336-38 W. 46th Street	M
1036-49	340 W. 46th Street	M
1036-50	342 W. 46th Street	M
1036-51	344 W. 46th Street	M
1036-52	344 W. 46th Street	M
1036-53	350 W. 46th Street	M
1036-54	352-56 W. 46th Street	B
1036-57	358 W. 46th Street	B
1036-58	362 W. 46th Street	B
1036-59	364 W. 46th Street	M
1036-60	368 W. 46th Street	M
1036-142	322 W. 46th Street	M
1036-157	360 W. 46th Street	M
1036-159	366 W. 46th Street	M
1036-161	370 W. 46th Street	M
1036-162	372 W. 46th Street	B
1037-5	367 W. 46th Street	B
1037-6	363 W. 46th Street	M
1037-7	359 W. 46th Street	B
1037-8	357 W. 46th Street	B
1037-9	355 W. 46th Street	M
1037-10	349-51 W. 46th Street	M
1037-12	347 W. 46th Street	M
1037-13	345 W. 46th Street	M
1037-14	341 W. 46th Street	B
1037-15	327-29 W. 46th Street	A
1037-20	319-25 W. 46th Street	M
1037-23	317 W. 46th Street	B
1037-24	315 W. 46th Street	M
1037-25	313 W. 46th Street	M
1037-26	307-11 W. 46th Street	A
1037-28	303-05 W. 46th Street	A
1037-30	733-39 Eighth Avenue	N
1037-33	741-43 Eighth Avenue	A
1037-34	763 Eighth Avenue	M
1037-35	765 Eighth Avenue	A
1037-36	767 Eighth Avenue	M
1037-101	373 W. 46th Street	M
1037-102	371 W. 46th Street	M
1037-103	369 W. 46th Street	B

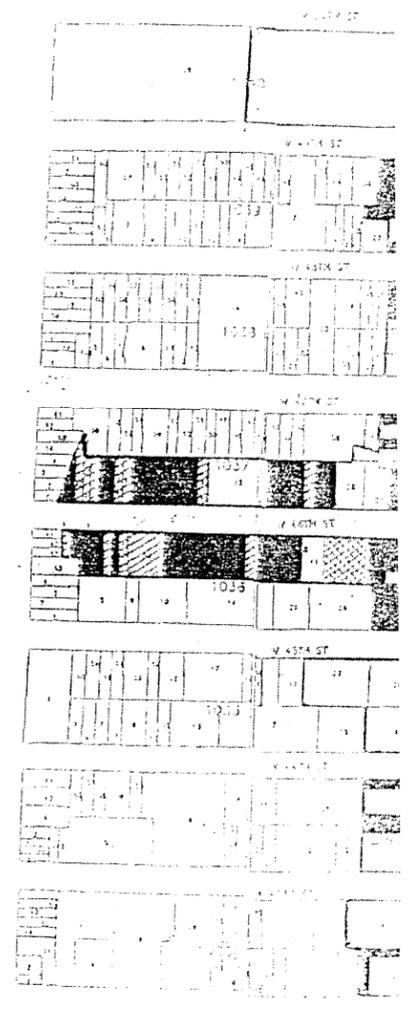
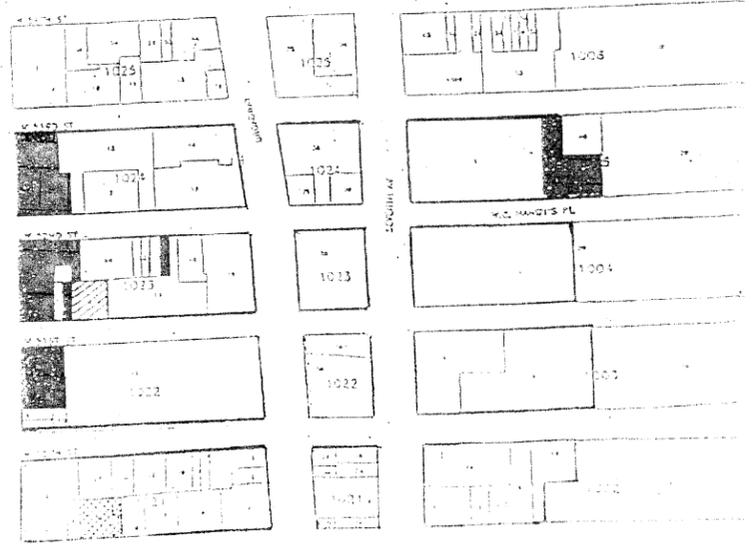
1021-36	758-60 Seventh Avenue	A
1021-37	1628-30 Broadway	A
1021-43	1625 Broadway	A
1021-45	1627-29 Broadway	A
1021-48	214 W. 50th Street	A
1021-49	216 W. 50th Street	A
1021-50	218-22 W. 50th Street	A
1021-52	224-32 W. 50th Street	A
1021-55	234-36 W. 50th Street	A
1021-57	238-42 W. 50th Street	A
1022-1	830 Eighth Avenue	A
1022-2	832 Eighth Avenue	A
1022-26	1634-42 Broadway	A
1022-35	1648-50 Broadway	A
1022-43	1631-49 Broadway	A
1022-61	834-46 Eighth Avenue	M
1022-101	249-51 W. 50th Street	A
1023-1	255 W. 51st Street	M
1023-2	852-56 Eighth Avenue	M
1023-5	251 W. 51st Street	M
1023-6	241-49 W. 51st Street	B
1023-11	217-39 W. 51st Street	A
1023-18	1651-65 Broadway	A
1023-29	1654-70 Broadway	A
1023-48	228-32 W. 52nd Street	A
1023-51	236-38 W. 52nd Street	M
1023-53	240-42 W. 52nd Street	A
1023-54	244-54 W. 52nd Street	A
1023-59	256 W. 52nd Street	M
1023-61	260 W. 52nd Street	M
1023-64	858 Eighth Avenue	M
1023-104	253 W. 51st Street	A
1024-1	870-88 Eighth Avenue	M
1024-7	243-59 Eighth Avenue	A
1024-15	1681-87 Broadway	A
1024-29	800-06 Seventh Avenue	A
1024-38	808-20 Seventh Avenue	A
1024-46	1671-79 Broadway	A
1024-52	242-46 W. 53rd Street	A
1024-131	1672-78 Broadway	A
1033-29	661-67 Eighth Avenue	A
1033-32	669 Eighth Avenue	M
1033-36	671-77 Eighth Avenue	A
1034-29	681-85 Eighth Avenue	A
1034-31	687 Eighth Avenue	A
1034-32	689 Eighth Avenue	M
1034-33	691 Eighth Avenue	M
1034-34	693-97 Eighth Avenue	A
1034-36	699 Eighth Avenue	M
1035-29	701-07 Eighth Avenue	A
1035-36	709-13 Eighth Avenue	A

1037-105	365 W. 46th Street	B
1037-106	367 W. 46th Street	M
1037-109	363 W. 46th Street	M
1037-113	343 W. 46th Street	M
1038-29	771-73 Eighth Avenue	A
1038-51	777-79 Eighth Avenue	A
1038-53	781 Eighth Avenue	A
1038-54	783 Eighth Avenue	M
1038-55	785 Eighth Avenue	M
1038-56	787 Eighth Avenue	M
1039-29	791 Eighth Avenue	M
1039-30	795 Eighth Avenue	A
1039-31	797 Eighth Avenue	A
1039-32	799-813 Eighth Avenue	M
1040-29	815-29 Eighth Avenue	A
1041-29	831-41 Eighth Avenue	A
1041-36	843-47 Eighth Avenue	M
1042-28	851-69 Eighth Avenue	A
1043-1001	303 W. 52nd Street	A
1043-1002		
to		
1043-1066	871-77 Eighth Avenue	B
1043-1101	879-87 Eighth Avenue	A
1043-1102		
to		
1043-1166	879-87 Eighth Avenue	B
1043-7501	871-77 Eighth Avenue	B
1043-7502	879-87 Eighth Avenue	B

EXHIBIT 4 – LAND USE MAPS

4-11-91

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CITY PLANNING COMMISSION

May 20, 2009/Calendar No. 14

N 090346 BDM

IN THE MATTER of an application submitted by the Department of Small Business Services on behalf of the Amended Times Square Business Improvement District pursuant to Section 25-405 of the Administrative Code of the City of New York, as amended, concerning the expansion of the Times Square Business Improvement District, Borough of Manhattan, Community Districts 4 and 5.

On February 25, 2008, the Mayor authorized the preparation of a district plan for the Amended Times Square Business Improvement District (BID). On March 3, 2009, on behalf of the Times Square District Management Association (DMA), the Department of Small Business Services (DSBS) submitted the amended district plan for the BID, located in Community Districts 4 and 5 in the Borough of Manhattan.

BACKGROUND

The Times Square BID is located in the Borough of Manhattan. The existing BID boundaries are generally West 53rd Street on the north; Avenue of the Americas on the east; West 41st Street on the south and Eighth Avenue on the west. The BID also includes an area known as Restaurant Row located on West 46th Street, between Eighth and Ninth Avenues. The proposed BID extension is located at One Bryant Park, on Avenue of the Americas, between West 42nd and West 43rd streets.

The proposed amended BID will integrate One Bryant Park into its security, sanitation, promotion, and streetscape improvement services. Both the Times Square and Bryant Park BID will incorporate the added property into their marketing and promotional plans.

The amended budget for the BID is projected to be \$10,400,000. The budget will allocate

\$2,560,000 to sanitation, \$3,862,000 to security, \$100,000 to community development, \$1,400,000 to promotion, \$1,114,000 to tourism, \$670,000 to physical improvements and \$694,000 to administration.

The BID assessment method is based on assessed value. A new class of assessment was created to reflect that the added property will be jointly assessed, at different rates, by two distinct bids: Times Square and Bryant Park. Commercial properties that exist on more than one tax lot, that has been combined and that now exists within the boundary of more than one BID shall be assessed at \$150,000.

A notice of the extension of the BID and the Amended District Plan was included in the BID's e-mail blast, distributed to owners and tenants in the district, and to city officials. In addition, a postcard was sent to property owners.

The assessment of all properties currently in the BID will not be altered as a result of the addition of the single property. A resolution to amend the District Plan and extend the BID to include One Bryant Park was presented to the Board of Directors of the Times Square District Management Association, Inc., at its meeting on May 7, 2007, and was unanimously approved. In addition, the Bank of America and the Durst Organization provided letters in support of the BID extension to include One Bryant Park.

ENVIRONMENTAL REVIEW

The district plan was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York State Code of Rules and Regulations, Section 617.00 *et seq.*, and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 08SBS006M. The lead agency is the Department of Small Business Services.

After a study of the potential environmental impact of the proposed action, a negative declaration was issued on March 6, 2008.

LAND USE REVIEW

On March 3, 2009 the Department of Small Business Services submitted the district plan for the Amended Times Square Business Improvement District (BID) to the Department of City Planning. The plan was then transmitted for review to the Office of the Mayor, Office of the Manhattan Borough President, City Council Speaker, City Council Member of Council District 3 and Manhattan Community Boards 4 and 5.

Community Board Public Hearing

On April 1, 2009, Community Board 4 adopted a resolution recommending approval of this application (N 090346 BDM) unanimously, by a vote of 42 in favor, with 0 opposed and 0 abstentions.

City Planning Commission Public Hearing

On April 1, 2009, Calendar No. 1 the Commission scheduled April 22, 2009 for a public hearing on the district plan. On April 22, 2009 (Calendar No. 27), the hearing was duly held. There were two speakers in favor of the proposal and none in opposition.

A BID consultant made a brief statement about the addition of One Bryant Park to the BID. The president of the Times Square Alliance explained how One Bryant Park became a participant in both the Bryant Park and Times Square BIDs.

There were no other speakers and the hearing was closed.

Consideration

The Commission believes that the proposal to amend the Times Square Business Improvement District in Manhattan is appropriate.

The Commission has carefully reviewed the documents that the BID sponsor submitted regarding notification of stakeholders about the proposed BID and believes that these outreach efforts for the BID were satisfactory.

BIDs are important to the City because they promote healthy economic development for the City and help retain and attract businesses to the District.

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N 090346 BDM

Resolution

The Commission supports the proposed plan and has adopted the following resolution:

RESOLVED, that the City Planning Commission certifies its unqualified approval of the amended district plan for the Times Square Business Improvement District.

The above resolution duly adopted by the City Planning Commission on May 20, 2009 (Calendar No. 14) is filed with the City Council and the City Clerk pursuant to Section 25-405 of the Administrative Code of the City of New York.

AMANDA M. BURDEN, AICP, Chair
 ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,
 ANGELA R. CAVALUZZI, R.A., MARIA M. DEL TORO,
 NATHAN LEVENTHAL, SHIRLEY A. MCRAE,
 JOHN MEROLO, KAREN A. PHILLIPS, COMMISSIONERS

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N 090346 BDM

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CITY OF NEW YORK
 MANHATTAN COMMUNITY BOARD FOUR
 330 West 42nd Street, 28th floor New York, NY 10036
 tel: 212-738-4338 fax: 212-847-9512
 www.ManhattanCBA.org

JEAN-DANIEL NOLAND
 Chair

ROBERT J. BINFATTO, JR., ESQ.
 District Manager

April 6, 2009

Arranda M. Burden, AICP
 Chair
 City Planning Commission
 22 Reade Street
 New York, NY 10007

Re: Amended Times Square BID – ULURP No. N090346 BDM

Dear Chair Burden:

Manhattan Community Board 4, having held a duly noticed public hearing on ULURP application number N090346 BDM, adopted the following resolution by roll call vote at its meeting on April 1, 2009 by a vote of 42 in favor, 0 opposed, 0 abstentions, and 0 present but not eligible.

NOW, THEREFORE, BE IT RESOLVED that CB4 recommends approval of application N090346 BDM by Times Square Alliance for a boundary modification to include the Bank of America building.

Sincerely,

Jean-Daniel Noland
 Chair
 Manhattan Community Board 4

cc: Jessica Dewberry, DCP
 George Glatter, SBS
 Tim Tompkins, Judith Rivkin, Times Square Alliance
 Manhattan Community Board 5



November 9, 2009

Hon. Michael McSweeney
 City Clerk
 141 Worth Street
 New York, NY 10013

Re: Extended Times Square
 Business Improvement District

Dear Mr. McSweeney:

Pursuant to Section 25-406 of Title 25 of the Administrative Code of the City of New York ("the law"), on September 30, 2009 the Finance Committee of the City Council held a public hearing on the extension of the Times Square Business Improvement District (BID). In furtherance of the notice and hearing provisions of this same Section, property owners wishing to object to the extension of the District have thirty days from the conclusion of the hearing to file their objections with the City Clerk. The Law states that if: (1) owners of at least fifty-one percent of the assessed valuation of all benefitted real property situated within the District proposed for extension, as shown upon the latest completed assessment roll of the City or (2) at least fifty-one percent of owners of benefitted real property within the area included in the District proposed for extension, so file their objections, the District will not be extended.

A review has been conducted of the objections filed by affected property owners in the extended Times Square BID. At the conclusion of the objection period at 5:00 pm on Thursday, October 29, 2009 and taking into consideration any objections postmarked by that date, no objections were filed.

Hon. Michael McSweeney
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The total assessed valuation of real property within the extended District is \$5,624,519,807 and the total number of properties is 1,563, which are held by 1,491 property owners.

The review concludes that neither the assessed valuation nor owner/property percentage provided for in the Law has been reached.

Sincerely,

Jeremy Waldrup
Assistant Commissioner
Business & District Development

Attachment

cc: Tanisha Tumbull
Patrick Synmoie
Robert Walsh
Andrew Schwartz
David Margalit

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, BILL DEBLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, VINCENT J. GENTILE, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, November 16, 2009.

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

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

Report for Res. No. 2262

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 Fiscal 2010 Expense Budget.

The Committee on Finance, to which the annexed resolution was referred on November 16, 2009, 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 19, 2009, the Council adopted the expense budget for fiscal year 2010 with various programs and initiatives (the "Fiscal 2010 Expense Budget"). On June 29, 2008, the Council adopted the expense budget for fiscal year 2009 with various programs and initiatives (the "Fiscal 2009 Expense Budget").

Analysis. This Resolution, dated November 16, 2009, changes the Designation Method for the HIV/AIDS Communities of Color Initiative within the budget of the Department of Mental Health and Hygiene. The Designation Method for such Initiative listed in the Fiscal 2010 Expense Budget reads: "The City Council will designate this funding based on a request for applications (RFA) administered by New York City Public Health Works." This Resolution now changes the Designation Method to read: "The City Council will designate the organizations and the amount each will receive under this initiative. These designations will be made post-Adoption."

Also, this Resolution changes the Designation Method for the Food Pantries Initiative within the budget of the Department of Youth and Community Development. The Designation for such Initiative listed in the Fiscal 2010 Expense Budget reads: "The City Council will designate the organizations and the amount each will receive under this initiative post-Adoption." This Resolution now changes the Designation Method to read: "The City Council will designate the organizations and the amount each will receive under this initiative post-Adoption. The Council has designated City Harvest as the Program Administrator for certain organizations under this Initiative, and has designated the sub-contractor organizations associated with City Harvest, and the amount each sub-contractor organization will receive under this Initiative." It is to be noted that in the associated attached charts, specifically, Chart 5, organizations that are associated with City Harvest are indicated with a double-asterisk. Additionally, funding in excess of the amount that was allocated at budget-adoption for this Initiative will be completed pending a budget modification.

Moreover, this Resolution approves new designations and changes in the designation of certain organizations receiving local and youth discretionary funding in accordance with the Fiscal 2010 Expense Budget. In addition, this Resolution approves the new designations and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2010 Expense Budget.

Lastly, this Resolution approves the new designation and changes in the designation of an organization receiving funding pursuant to an initiative in the Fiscal 2009 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 and youth discretionary funding, as well as new designations and/or changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2009 and Fiscal 2010 Expense Budgets.

This resolution sets forth new designations and specific changes in the designation of certain organizations receiving local initiative funding, as described in Chart 1, attached hereto as Exhibit A; sets forth new designations and changes in the designation of youth discretionary funding, as described in Chart 2, attached thereto as Exhibit B; sets forth the new designations and changes in the designation of certain organizations that will receive funding pursuant to certain initiatives in the Fiscal 2010 Expense Budget, as described in Charts 3-10, attached hereto as reflected in Exhibits C-J; and sets forth a new designation and a change in the designation of an organization that will receive funding pursuant to a certain initiative in the Fiscal 2009 Expense Budget, as set forth in Chart 11, as reflected in Exhibit K.

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 2010 Expense Budget, dated June 19, 2009, or the Adjustments Summary/Schedule C/ Fiscal 2009 Expense Budget, dated June 29, 2008; name of the organization; organization's Employer Identification Number (EIN), if applicable; agency name; increase or decrease in funding; name of fiscal conduit, if applicable; and the EIN of the fiscal conduit, if applicable.

Specifically, Chart 1 sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding. Specifically, Chart 1 indicates EIN corrections to the Staten Island Children's Museum, and the OHEL Children's Home and Family Services. Chart 1 also reflects the removal of funds from the QidaMaWi HaYeLe SeLaSe Supreme Regal Lodge, Inc. These funds will be used to fund Crown Heights Youth Collective, Inc.

Chart 2 sets forth the new designation and changes in the designation of certain organizations receiving youth discretionary funding.

Chart 3 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Cultural After School Adventure Initiative.

Chart 4 sets forth the new designation and changes in the designation of a certain organization receiving funding pursuant to the Immigrant Opportunity Initiative. Specifically, Chart 4 indicates an EIN correction to the Polish and Slavic Center, Inc.

Chart 5 sets forth the new designation of certain organizations receiving funding in various amounts, totaling \$470,000, in the aggregate, pursuant to the Food Pantries Initiative.

Chart 6 sets forth the new designation of The Food Bank for New York City to receive funding in the amount of \$800,000 pursuant to the Food Pantries-HRA Initiative.

Chart 7 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Information and Referral Contracts Initiative. Specifically, Chart 7 indicates an EIN correction to the Polish and Slavic Center, Inc.

Chart 8 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Infant Mortality Reduction Initiative.

Chart 9 sets forth the new designation of certain organizations receiving funding in various amounts, totaling \$1,664,000 in the aggregate, pursuant to the HIV/AIDS Communities of Color Initiative.

Chart 10 sets forth the new designation and changes in the designation of a certain organization to receive receiving funding pursuant to the Executive Leadership Institute (CSA). Specifically, Chart 10 indicates a technical correction. Funding in the amount of \$300,000 was provided to the Executive Leadership Institute, EIN 30-0075905. The proper program designation is the Council of School Supervisors and Administrators, EIN 11-2024569. Charts 10 reflects the proper designation.

Chart 11 sets forth the new designation and changes in the designation of a certain organization to receive funding pursuant to the Executive Leadership Institute (CSA) in the Fiscal 2009 Expense Budget. Specifically, Chart 11 indicates a name correction. Funding in the amount of \$300,000 was provided to the Executive Leadership Institute, EIN 30-0075905. The proper name designation of this organization is the Council of School Supervisors and Administrators. Charts 11 reflects the name correction and the proper designation.

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

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 2009 and Fiscal 2010 Expense Budgets. Such resolution would take effect as of the date of adoption.

Accordingly, Your Committee recommends its adoption.

(The following is the text of Res. No. 2262:)

Res. No. 2262

Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2009 and Fiscal 2010 Expense Budgets.

By Council Members Weprin and James.

Whereas, On June 19 2009 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2010 with various programs and initiatives (the "Fiscal 2010 Expense Budget"); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Designation Method for the HIV/AIDS Communities of Color Initiative within the budget of the Department of Mental Health and Hygiene; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted 2010 Budget by approving the new Designation Method for the Food Pantries Initiative within the budget of the Department of Youth and Community Development and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2010 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving funding pursuant to certain initiatives; and

Whereas, On June 29, 2008, the City Council adopted the expense budget for fiscal year 2009 with various programs and initiatives (the "Fiscal 2009 Expense Budget"); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2009 Expense Budget by approving the new designation and changes in the designation of a certain organization receiving funding pursuant to a certain initiative; and be it

Resolved, That the City Council approves the new Designation Method for the HIV/AIDS Communities of Color Initiative within the budget of the Department of Mental Health and Hygiene to read: "The City Council will designate the organizations and the amount each will receive under this initiative. These designations will be made post-Adoption."; and be it further

Resolved, That the City Council approves the new Designation Method for the Food Pantries Initiative within the budget of the Department of Youth and Community Development to read: "The City Council will designate the organizations and the amount each will receive under this initiative post-Adoption. The Council has designated City Harvest as the Program Administrator for certain organizations under this Initiative, and has designated the sub-contractor organizations associated with City Harvest, and the amount each sub-contractor organization will receive under this Initiative."; 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 as set forth in Chart 1, attached hereto as Exhibit A; 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 as set forth in Chart 2, attached hereto as Exhibit B; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Cultural After School Adventure Initiative, as set forth in Chart 3, attached hereto as Exhibit C; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of the Polish and Slavic Center, Inc. to receive funding pursuant to the Immigrant Opportunity Initiative, as set forth in Chart 4 attached hereto as Exhibit D; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Food Pantries Initiative, as set forth in Chart 5, attached hereto as Exhibit E; and be it further

Resolved, That the City Council approves the new designation of The Food Bank for New York City to receive funding pursuant to the Food Pantries-HRA Initiative, as set forth in Chart 6, attached hereto as Exhibit F; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization to receive funding pursuant to the Information and Referral Contracts Initiative, as set forth in Chart 7, attached hereto as Exhibit G; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Infant Mortality Reduction, as set forth in Chart 8, attached hereto as Exhibit H; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the HIV/AIDS Communities of Color Initiative, as set forth in Chart 9, attached hereto as Exhibit I; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Executive Leadership Institute (CSA) Initiative, as set forth in Chart 10, attached hereto as Exhibit J; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of an organization receiving funding pursuant to the Executive Leadership Institute (CSA) Initiative of the Fiscal 2009 Expense Budget, as set forth in Chart 11, attached hereto as Exhibit K.

ATTACHMENT:

EXHIBIT A

EXHIBIT B

CHART 1: Local Initiatives

Member	Organization	EIN Number	Agency	Amount	Agcy #	UJA	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Recchia	Slater Island Children's Museum	11-2697831	DCA	154,000.00	126	003		
CC-Felber, DeBlasio, Foller, Weprin, Mealy	Slater Island Children's Museum	23-7379930	DCA	\$4,000.00	126	003		
CC-Felber, Foller, Weprin, Mealy	OHEL Children's Home and Family Services	11-6978704	DOHMH	15,000,000.00	816	114		
CC-Felber, Foller, Weprin, Mealy	OHEL Children's Home and Family Services	11-6078704	DOHMH	\$200,000.00	816	114		
CC-Felber, Foller, Weprin, Mealy	Guardians of the Sick - Our Place	11-6003433	DYCD	1,000,000.00	260	005		
CC-Felber, Foller, Weprin, Mealy	Guardians of the Sick - Our Place	11-6003433	DYCD	\$65,000.00	260	312		
CC-Felber, Foller, Weprin, Mealy	Ovea/Mawi Hayale Sol Sbe Supreme Royal League, Inc.	74-3197131	DYCD	150,000.00	260	005		
CC-Felber, Foller, Weprin, Mealy	Crown Heights Youth Collective, Inc.	11-2506422	DYCD	\$5,000.00	260	312		
				\$0.00				

* Indicates pending completion of pre-qualification review

CHART 2: Youth Discretionary

Member	Organization	EIN Number	Agency	Amount	Agcy #	UJA	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Eugene	Brooklyn Arts Council, Inc.	23-7072815	DYCD	150,000.00	260	312		
Eugene	Caribbean American Sports and Cultural Youth Movement (CAYM)	11-2776372	DYCD	154,000.00	260	312		
Eugene	Family Renaissance, Inc.	13-2595983	DYCD	150,000.00	260	312		
Eugene	Manison Square Boys & Girls Club, Inc.	13-2595983	DYCD	\$1,000.00	260	312		
Eugene	Flattush Development Corporation	51-0186251	DYCD	\$1,000.00	260	312		
Eugene	Flattush United Youth Center, Inc.	11-3584428	DYCD	154,000.00	260	312		
Eugene	Hervey Cultural Arts Assembly, Inc.	11-3027538	DYCD	\$1,000.00	260	312		
Eugene	New York City ACT-SO, Inc.	20-2538102	DYCD	151,000.00	260	312		
Eugene	Racing Club Harlem, Inc.	26-0688887	DYCD	159,714.00	250	312		
Eugene	Young Cultural Artists, Inc.	20-8393554	DYCD	\$5,000.00	250	312		
Eugene	Caribbean Cultural Theater	83-0608237	DYCD	\$4,714.00	250	312		
Eugene	Council of Jewish Organizations of Flatbush, Inc.	11-2864728	DYCD	\$5,000.00	260	312		
Eugene	Dimas Park Youth Group	26-2442377	DYCD	\$5,000.00	260	312		
Eugene	Guyana Cultural Association of New York, Inc.	11-3624294	DYCD	\$5,000.00	260	312		
Eugene	LOG Community Services Inc.	20-8095241	DYCD	\$5,000.00	260	312		
Eugene	New World Creations Resource Center (TEMPO)	11-3293042	DYCD	\$4,000.00	260	312		
Eugene	New York Teens Empowering More People Onward (NYTEMP)	11-3456701	DYCD	\$4,000.00	260	312		
Eugene	Prospect Lefferts Garden Neighborhood Association	23-7064386	DYCD	\$5,000.00	260	312		
Recchia	Action For Progress, Inc.	13-3033970	DYCD	150,000.00	260	312		
Recchia	Action For Progress, Inc.	13-3033970	DYCD	\$5,000.00	260	312		
Buez	Love Gospel Assembly - Promise Land Community, Inc.	56-2646989	DYCD	150,000.00	260	312		
Buez	Love Gospel Assembly - Promise Land Community, Inc.	3-3826251	DYCD	\$10,000.00	260	312		
Giordano	Orange to Youth Inc.	43-1660753	DYCD	\$5,000.00	260	312		
Giordano	Orange to Youth Inc.	43-1660753	DYCD	\$5,000.00	260	312		
				\$0.00				

* Indicates pending completion of pre-qualification review

CHART 4: Immigrant Opportunities Initiative (IOI)

Borough	Organization	EIN Number	Agency	Amount	Agy #	UJA
Brooklyn	Polish and Slavic Center, Inc.	11-2285970	DYCD	(\$25,000.00)	260	005
Brooklyn	Polish and Slavic Center, Inc.	11-2285970	DYCD	\$25,000.00	260	005

\$0.00

* Indicates pending completion of pre-qualification review.

EXHIBIT E

CHART 5: Food Pantries (continued)

Borough	Organization	EIN Number	Agency	Amount	Agy #	UJA
Manhattan	Brookway Community, Inc.**	13-3652817	DYCD	\$6,000.00	260	005
Manhattan	Broadway Temple					
Manhattan	Children's Aid Society, The**	13-5562191	DYCD	\$8,889.00	260	005
Manhattan	Convent Avenue Baptist Church	13-1765584	DYCD	\$5,000.00	260	005
Manhattan	Evangelical Lutheran Church of the Advent	13-1635254	DYCD	\$5,778.00	260	005
Manhattan	Manners' Temple Baptist Church	11-2694850	DYCD	\$5,000.00	260	005
Manhattan	Our Lady of Lourdes**					
Manhattan	Our Lady of Sorrows					
Manhattan	Stratford Arms Meal Program	90-0140023	DYCD	\$6,000.00	260	005
Manhattan	Yorkville Common Pantry, Inc.**	13-3127872	DYCD	\$3,888.00	260	005
Queens	Batleion Pentecostal Assembly, Inc.	11-3546121	DYCD	\$12,778.00	260	005
Queens	Brooks Memorial United Methodist Church**	11-1832868	DYCD	\$5,000.00	260	005
Queens	Bethlehem SDA French Church**					
Queens	Community Bible Evangelical Free Church**	11-6027212	DYCD	\$5,000.00	260	005
Queens	First Baptist Church**					
Queens	First Church of God Golden Vessels					
Queens	Hulle Avenue Congregational Church**	11-2973310	DYCD	\$5,000.00	260	005
Queens	Jackson Heights-Elmhurst Kenilth, Inc.	86-1100659	DYCD	\$5,000.00	260	005
Queens	Macedonia Child Development Center**	11-2694340	DYCD	\$5,000.00	260	005
Queens	Mount Calvary Church of God in Christ					
Queens	Mount Horeb Baptist Church**	23-7006635	DYCD	\$5,000.00	260	005
Queens	National Sorority of Phi Delta Kappa Beta**	11-2074467	DYCD	\$5,000.00	260	005
Queens	New Day Christian Fellowship Church of Apostolic Faith	11-2501517	DYCD	\$5,000.00	260	005
Queens	Northeastern Conference of Seventh Day Adventists Community Affairs, Inc.	11-2383972	DYCD	\$5,000.00	260	005
Queens	Philippine Forum, Inc.	13-1865286	DYCD	\$5,000.00	260	005
Queens	Price Memorial Baptist Church	11-3469311	DYCD	\$5,000.00	260	005
Queens	Queens Jewish Community Council, Inc.**	23-1762555	DYCD	\$5,000.00	260	005
Queens	Ridgewood Older Adult Center and Services, Inc.	05-0607283	DYCD	\$5,000.00	260	005
Queens	Samanitans Outreach Ministries, Inc.	23-7172152	DYCD	\$5,000.00	260	005
Queens	Solid Rock Baptist Church	11-2969373	DYCD	\$10,000.00	260	005
Queens	St. Albans Baptist Church**					
Queens	St. Paul the Apostle Church					
Staten Island	Council of Jewish Organizations of Staten Island, Inc.**	11-3519422	DYCD	\$5,000.00	260	005
Staten Island	Our Lady of Good Counsel Parish**	13-3525474	DYCD	\$5,000.00	260	005
Staten Island	Tomzhei Shabbos of Staten Island, Inc.	13-5608403	DYCD	\$5,000.00	260	005
		22-3901876	DYCD	\$5,000.00	260	005

\$470,000.00

* Indicates pending completion of pre-qualification review
** Indicates that City Harvest will act as the fiscal conduit

CHART 5: Food Pantries

Borough	Organization	EIN Number	Agency	Amount	Agy #	UJA
Bronx	1600 Sudwick Avenue Tenant Association					
Bronx	Aging in America Community Services, Inc.	13-4059045	DYCD	\$5,000.00	260	005
Bronx	Ark of Safety Fellowship Church/Feed the Community Program, The	13-4089427	DYCD	\$5,000.00	260	005
Bronx	Heavenly Vision Christian Center					
Bronx	Jewish Community Council of Palham Parkway, Inc.	13-3095920	DYCD	\$5,000.00	260	005
Bronx	Low Gospel Assembly - Promise Land Community, Inc.	13-3065521	DYCD	\$5,000.00	260	005
Bronx	Monument Project, Inc. - Trinity Baptist Church	13-3556768	DYCD	\$5,000.00	260	005
Bronx	Muslim Women's Institute for Research and Development (MWIRD)	80-0010027	DYCD	\$5,000.00	260	005
Bronx	New Era Veterans, Inc.	13-3695481	DYCD	\$5,000.00	260	005
Bronx	Part of the Solution**					
Bronx	St. Edmunds Episcopal Church	13-3425071	DYCD	\$5,000.00	260	005
Bronx	St. Luke's Senior Community Program	13-4136007	DYCD	\$5,000.00	260	005
Bronx	St. Margaret's Episcopal Church					
Bronx	Word of Life International, Inc.**	13-2747442	DYCD	\$5,000.00	260	005
Brooklyn	ACTS Community Development Corporation**					
Brooklyn	Blessed Sacrament Church					
Brooklyn	Center for Family Life	01-0679652	DYCD	\$5,000.00	260	005
Brooklyn	Coney Island Gospel Assembly					
Brooklyn	Erud Times Pentecostal Church	51-0142286	DYCD	\$10,000.00	260	005
Brooklyn	Fiabush Reformed Church					
Brooklyn	Grace International, Inc.					
Brooklyn	Greenpoint Reformed Church	20-0934854	DYCD	\$5,000.00	260	005
Brooklyn	Hanson Place Seventh Day Adventist Church**	11-2100335	DYCD	\$19,000.00	260	005
Brooklyn	Holy Cross Church Food Pantry	11-3260387	DYCD	\$5,000.00	260	005
Brooklyn	Keren Zichron Yisroel Maier, Inc.					
Brooklyn	Love Peace and Joy Helping Hand					
Brooklyn	Mary Queen of Heaven	36-4575309	DYCD	\$10,000.00	260	005
Brooklyn	Maabag**					
Brooklyn	Miller Avenue Black Association	11-1952301	DYCD	\$9,000.00	260	005
Brooklyn	New Life Tabernacle	20-1923521	DYCD	\$5,000.00	260	005
Brooklyn	Newman Memorial United Methodist Church Community Development Corporation**					
Brooklyn	Our Lady of Angels Human Services Center	14-1856742	DYCD	\$5,000.00	260	005
Brooklyn	Rugby Family Services	11-3223904	DYCD	\$7,000.00	260	005
Brooklyn	Shepherd Day Faith Based Initiative, Inc.	41-2130832	DYCD	\$5,000.00	260	005
Brooklyn	St. Mathias Church					
Brooklyn	St. Stephen Outreach, Inc.**	11-1868926	DYCD	\$9,000.00	260	005
Brooklyn	Stuyvesant Heights Christian Church**					
Brooklyn	Trinity Human Services Corporation**					
Brooklyn	Trinity Human Services Corporation**	13-1714359	DYCD	\$6,000.00	260	005
Manhattan	Bohemian Brethren Presbyterian Church a.k.a. Jan Hus Presbyterian Church	13-1635255	DYCD	\$10,000.00	260	005
				\$8,889.00	260	005

* Indicates pending completion of pre-qualification review
** Indicates that City Harvest will act as the fiscal conduit

EXHIBIT F

CHART 6: Food Pantries-HRA

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Food Bank for New York City, The	13-3179546	DSS	\$800,000.00	069	105
			\$800,000.00		

* Indicates pending completion of pre-qualification review.

EXHIBIT G

CHART 7: Information and Referral Contracts

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Polish and Slavic Center, Inc.	11-2885970	DFTA	\$144,117.98	125	003
Polish and Slavic Center, Inc.	11-2885970	DFTA	\$144,117.98	125	003
			\$0.00		

* Indicates pending completion of pre-qualification review.

EXHIBIT H

CHART 8: Infant Mortality Reduction

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Abundant Life Community Service, Inc.	11-3454392	DOHMH	\$36,369.14	816	113
Church Avenue Merchants Block Association (CAMBA)	11-2460339	DOHMH	\$4,896.57	816	113
Fort Greene Strategic Neighborhood Action Partnership	11-3343941	DOHMH	\$4,896.56	816	113
Diaspora Community Services, Inc.	11-3122295	DOHMH	\$4,896.56	816	113
Greater Southern Brooklyn Health Coalition	11-3484928	DOHMH	\$4,896.56	816	113
Staten Island University Hospital	11-2868878	DOHMH	\$9,793.13	816	113
Richmond Medical Center <i>albia</i> Richmond University Medical Center	74-3177454	DOHMH	\$9,793.13	816	113
			\$0.00		

* Indicates pending completion of pre-qualification review.

EXHIBIT I

CHART 9: HIV/AIDS Communities of Color

Organization	EIN Number	Agency	Amount	Agy #	U/A *
African Services Committee	13-3749744	DOHMH	\$36,369.14	816	112
Alter Hours Project, Inc.	33-1007278	DOHMH	\$36,369.14	816	112
AIDS Center of Queens County, Inc.	11-2837894	DOHMH	\$42,068.00	816	112
AIDS Service Center of Lower Manhattan, Inc.	13-3562071	DOHMH	\$36,369.14	816	112
Ali Forney Center	30-0104507	DOHMH	\$48,540.00	816	112
Amenity Women's Project, Inc.	11-3505513	DOHMH	\$36,369.14	816	112
Arthur Ashe Institute for Urban Health	11-3185372	DOHMH	\$16,150.98	816	112
Asian & Pacific Islander Coalition on HIV/AIDS, Inc.	13-3706365	DOHMH	\$36,369.14	816	112
Bailey House, Inc.	13-3165181	DOHMH	\$36,369.14	816	112
Bedford Stuyvesant Family Health Center, Inc.	11-2412205	DOHMH	\$36,369.14	816	112
Black Veterans for Social Justice	11-2608683	DOHMH	\$36,369.14	816	112
Bronx Addition Services Integrated Concepts Systems, Inc. (BASICS)	13-3244628	DOHMH	\$16,175.57	816	112
Bronx AIDS Services, Inc.	13-3599121	DOHMH	\$36,369.14	816	112
Bronx Community Pride Center, Inc.	09-1552651	DOHMH	\$12,933.10	816	112
Brooklyn AIDS Task Force, Inc.	11-3031208	DOHMH	\$48,540.00	816	112
Caribbean Women's Health Association, Inc.	13-3323168	DOHMH	\$36,369.14	816	112
Citwide Harm Reduction Program, Inc.	13-4009817	DOHMH	\$36,369.14	816	112
Clergy United for Community Empowerment, Inc.	11-3030795	DOHMH	\$16,180.10	816	112
Community Health Action of Staten Island (formerly ST AIDS Taskforce)	13-3556132	DOHMH	\$35,825.11	816	112
Community Healthcare Network, Inc.	13-3083068	DOHMH	\$33,864.35	816	112
Community Research Initiative on AIDS, Inc. (<i>albia</i> AIDS Community Research Initiative of America)	13-3632234	DOHMH	\$36,369.14	816	112
Community Resource Exchange, Inc. (CRE)	13-3048638	DOHMH	\$36,369.14	816	112
Covenant House New York/Under 21, Inc.	13-3076376	DOHMH	\$161,800.00	816	112
Discipleship Outreach Ministries, Inc. (<i>albia</i> Turning Point)	11-2838138	DOHMH	\$48,540.00	816	112
Exponents, Inc.	13-3572677	DOHMH	\$36,369.14	816	112
FACES NY, Inc.	13-3449087	DOHMH	\$16,180.10	816	112
Gay Men of African Descent (GMAD)	13-3597820	DOHMH	\$36,369.14	816	112
Gay Men's Health Crisis, Inc.	13-3130146	DOHMH	\$36,369.14	816	112
Haitian Centers Council, Inc.	11-2646501	DOHMH	\$48,540.00	816	112
Health People, Inc.	51-0418243	DOHMH	\$25,888.10	816	112
HELP/PSI, Inc.	13-3464470	DOHMH	\$36,369.14	816	112
Housing Works Health Services III, Inc.	13-3826364	DOHMH	\$36,369.14	816	112
Iris House - A Center For Women Living with HIV/AIDS, Inc.	13-3699201	DOHMH	\$16,180.10	816	112
La Nueva Esperanza, Inc.	20-4393724	DOHMH	\$11,131.94	816	112
Latino Commission on AIDS, Inc.	13-3629466	DOHMH	\$33,860.96	816	112
Life Force: Women Fighting AIDS, Inc.	11-3060772	DOHMH	\$25,888.10	816	112
Love Heals, Inc.	13-3693776	DOHMH	\$16,180.10	816	112

* Indicates pending completion of pre-qualification review.

CHART 9: HIV/AIDS Communities of Color (continued)

Organization	EIN Number	Agency	Amount	FY #	U/A *
Make the Road New York	11-3243389	DOHMH	\$36,369.14	816	112
Momentum Project, Inc. The	13-3565768	DOHMH	\$36,369.14	816	112
New York Harm Reduction Educators Inc.	13-3678499	DOHMH	\$36,369.11	816	112
Osborne Association, Inc. The	13-5563028	DOHMH	\$36,369.14	816	112
Public Health Solutions	13-5669201	DOHMH	\$124,800.00	816	112
St. Ann's Corner of Harm Reduction	13-3724008	DOHMH	\$16,072.02	816	112
United Community Centers, Inc.	11-1950787	DOHMH	\$16,160.10	816	112
Vocational Instruction Project Community Services Inc.	13-3224700	DOHMH	\$36,369.14	816	112
Voices Latina Corp.	20-2312651	DOHMH	\$16,160.10	816	112
			\$1,664,000.00		

* Indicates pending completion of pre-qualification review.

EXHIBIT J

CHART 10: Executive Leadership Institute (CSA)

Organization	EIN Number	Agency	Amount	FY #	U/A *
Executive Leadership Institute (CSA)	30-0075905	DOE	\$300,000.00	040	454
Council of School Supervisors and Administrators	11-2024589	DOE	\$300,000.00	040	454
			\$0.00		

* Indicates pending completion of pre-qualification review.

EXHIBIT K

CHART 11: Executive Leadership Institute (CSA) - Fiscal Year 2009

Organization	EIN Number	Agency	Amount	Agcy #	U/A
Executive Leadership Institute (CSA)	30-0078905	DOE	(\$300,000.00)	040	454
Council of School Supervisors and Administrators	11-2024569	DOE	\$300,000.00	040	454
			\$0.00		

* Indicates pending completion of pre-qualification review.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, BILL DEBLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, VINCENT J. GENTILE, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, November 16, 2009.

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

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

Report for Res. No. 2263

Report of the committee on Finance in favor of approving a Resolution amending and restating the Resolution to provide the amounts necessary for the support of the government of the City of New York and the counties therein and for the payment of indebtedness thereof, for the Fiscal Year beginning on July 1, 2009 and ending on June 30, 2010, by the levy of taxes on the Real Property in the City of New York, in accordance with the provisions of the Constitution of the State of New York, the Real Property Tax Law and the Charter of the City of New York.

The Committee on Finance, to which the annexed resolution was referred on November 16, 2009, respectfully

REPORTS:

Introduction. On May 1, 2009, the Mayor submitted the executive budget for Fiscal 2010 to the Council pursuant to Section 249 of the Charter. On the date hereof, the Council adopted the budget for Fiscal 2010 pursuant to Section 254 of the Charter (the "Fiscal 2010 Budget"). Pursuant to Section 1516 of the Charter, the

Council must fix the annual real property tax rates immediately upon such approval of the Fiscal 2010 Budget. In the resolution, captioned above, fixing the real property tax rates for Fiscal 2010 (the "Tax Fixing Resolution"), the Council fixes the annual real property tax rates, as described in greater detail below, and authorizes the levy of real property taxes for Fiscal 2010.

After the final adoption of the Fiscal 2010 Budget, the Governor signed into law Chapter 207 Laws of New York, 2009 ("Chapter 207"). Chapter 207 adds a new paragraph (u) to subdivision 1 of section 1803-a, Real Property Tax Law, which provides that, in any special assessing unit which is a city (a "special assessing city"), for current base proportions to be determined in such special assessing city's fiscal year 2010, the current base proportion of any class shall not exceed the adjusted base proportion of the immediately preceding year by more than 0.0 percent.

In order to effect the provisions of Chapter 207, it is necessary to amend and restate the provisions of this resolution. In the amended and restated resolution, captioned above, fixing the real property tax rates for Fiscal 2010 (the "Tax Fixing Resolution"), the Council amends and restates the annual real property tax rates, as described in greater detail below, and authorizes the levy of real property taxes for Fiscal 2010.

Determining the Amount of the Real Property Tax Levy. In the Tax Fixing Resolution, the Council determines the amount of the real property tax levy for Fiscal 2010, pursuant to the provisions of Section 1516 of the Charter, in the following manner. (1) First, the Council acknowledges the amount of the Fiscal 2010 Budget to be \$59,479,863,786, as set forth in the communication from the Mayor pursuant to Section 1515(a) of the Charter (the "Fiscal 2010 Budget Amount"). (2) The Council then acknowledges the estimate of the probable amount of all non-property tax revenues to be \$43,408,128,786, as set forth in the communication from the Mayor pursuant to Section 1515(a) of the Charter (the "Fiscal 2010 Revenue Estimate"). (Attached hereto as Exhibit A is a description of the Fiscal 2010 Revenue Estimate, detailing all sources of revenues exclusive of real property taxes.) (3) Pursuant to Section 1516 of the Charter, the Council finally determines the net amount required to be raised by tax on real property to be \$16,071,735,000, by subtracting the amount of the Fiscal 2010 Revenue Estimate from the Fiscal 2010 Budget Amount.

In order to achieve a real property tax yield of \$16,071,735,000, however, due to provision for uncollectible taxes and refunds and collection of levies from prior years equal in the aggregate to \$1,516,389,488, the Council determines that a real property tax levy of \$17,588,124,488 is required. Such amount, levied at rates on the classes of real property as further described below, will produce a balanced budget within generally accepted accounting principles for municipalities.

The Council also provides for the application of the real property tax levy (net of provision for uncollectible taxes and refunds and collection of levies from prior years) to (1) debt service not subject to the constitutional operating limit, (2) debt service subject to the constitutional operating limit and (3) the Fiscal 2010 Budget in excess of the amount of the Fiscal 2010 Revenue Estimate.

Authorizing and Fixing the Real Property Tax Rates. After having determined the amount of the real property tax levy, the Council authorizes and fixes the real property tax rates. On May 29, 2009, the Commissioner of the Department of Finance (the "Commissioner") delivered the certified assessment rolls for all real property assessable for taxation in the City in each borough thereof for Fiscal 2010 to the Council, pursuant to Section 1514 of the Charter (the "Fiscal 2010 Assessment Rolls"). On November 16, 2009, the Council amended and restated a resolution in which the Council computed and certified the current base proportion, the current percentage and the base percentage of each class of real property in the City for Fiscal 2010 pursuant to Section 1803-a (1), Real Property Tax Law (the "Current Base Proportion Resolution"). On November 16, 2009, pursuant to Section 1803-a, Real Property Tax Law, the Council amended and restated a resolution in which the Council adjusted the current base proportions of each class of real property in the City for Fiscal 2010, to reflect the additions to, and full or partial removal from, the Fiscal 2010 Assessment Rolls (the "Adjusted Base Proportion Resolution").

The following sections describe the determinations the Council must make before it fixes the real property tax rates and the process by which the Council fixes the real property tax rates.

Assessed Valuation Calculations. In the Tax Fixing Resolution, the Council sets out the assessed valuation calculations of taxable real property in the City by class within each borough of the City. Next, the Council sets out the assessed valuation (1) by class of real property for the purpose of taxation (exclusive of the assessed valuation of veterans' real property exempt under state law from tax for general purposes but subject to tax for school purposes) in each borough of the City and (2) by class of veterans' real property subject to tax for school purposes in each borough of the City.

Compliance with Constitutional Operating Limit Provisions. In the Tax Fixing Resolution, the Council also provides evidence of compliance with constitutional operating limit provisions. The Council determines that the amount to be raised by tax on real property for the Fiscal 2010 Budget does not exceed the limit imposed by

Section 10, Article VIII of the Constitution of the State of New York, as amended, and Article 12-A, Real Property Tax Law (the "Operating Limit Provisions"). The Operating Limit Provisions require that the City not levy taxes on real property in any fiscal year in excess of an amount equal to a combined total of two and one-half percent (2 1/2%) of the average full valuation of taxable real property, determined by taking the assessed valuations of taxable real property on the last completed assessment roll and the four (4) preceding assessment rolls of the City and applying thereto the special equalization ratio which such assessed valuations of each such roll bear to the full valuations as fixed and determined by the State Office of Real Property Services ("ORPS"), minus (i) the amount to be raised by tax on real property in such year for the payment of the interest on and the redemption of certificates or other evidence of indebtedness described in the Constitution and (ii) the aggregate amount of business improvement district charges exclusive of debt service.

Adjusted Base Proportions. The Tax Fixing Resolution sets forth the adjusted base proportions for Fiscal 2010, pursuant to the amended and restated Adjusted Base Proportion Resolution, to be used in determining the amended and restated Fiscal 2010 tax rates for the four classes of properties.

Tax Rates on Adjusted Base Proportions. Finally, in the Tax Fixing Resolution, the Council authorizes and fixes, pursuant to Section 1516 of the Charter, the rates of tax for Fiscal 2010 by class (1) upon each dollar of assessed valuation of real property subject to taxation for all purposes of, and within, the City, as fixed in cents and thousandths of a cent per dollar of assessed valuation, as follows:

All One-, Two- and Three-Family Residential Real Property	0.17088
All Other Residential Real Property	0.13241
Utility Real Property	0.12743
All Other Real Property	0.10426

and (2) upon each dollar of assessed valuation of veterans' real property exempt under state law from tax for general purposes but subject to tax for school purposes of, and within, the City, as fixed in cents and thousandths of a cent per dollar of assessed valuation, as follows:

All One-, Two- and Three-Family Residential Real Property	0.09469
All Other Residential Real Property	0.07367
Utility Real Property	0.00000
All Other Real Property	0.05808

Authorization of the Levy of Property Taxes for Fiscal 2010. The Council authorizes and directs the Commissioner, pursuant to Section 1517 of the Charter, to set down in the Fiscal 2010 Assessment Rolls, opposite to the several sums set down as the valuation of real property, the respective sums to be paid as a tax thereon and add and set down the aggregate valuations of real property in the boroughs of the City and send a certificate of such aggregate valuation in each such borough to the State Comptroller. The Tax Fixing Resolution then requires the City Clerk to procure the proper warrants, in the form attached thereto, such warrants to be signed by the Public Advocate and counter-signed by the City Clerk.

The amended and restated Tax Fixing Resolution would take effect as of the date of adoption.

Accordingly, the Committee on Finance recommends adoption of the amended and restated Tax Fixing motion.

EXHIBIT A
ESTIMATED FISCAL YEAR 2010 REVENUE
OTHER THAN REAL PROPERTY TAXES
 Summarizing by Source of Revenue

Source of Revenue	Estimate of Revenue
Taxes (excluding Real Estate Taxes):	
General Sales (1)	\$4,069,000,000
Personal Income (Excluding Transitional Finance Authority Debt)	5,877,002,000
General Corporation	2,024,000,000
Commercial Rent	543,000,000
Utility	391,000,000
Banking Corporation	478,000,000
Mortgage Recording	475,000,000
Unincorporated Business	1,455,000,000
Real Property Transfer	613,000,000
Cigarette	96,000,000
Hotel Occupancy	329,000,000
Other:	
Penalty and Interest	40,000,000
Off-Track Betting	0
Off-Track Betting Surtax	4,250,000
Payments in Lieu of Tax	174,990,000
Section 1127 (Waiver)	96,900,000
Beer and Liquor	73,000,000
Auto Use	28,000,000
Commercial Motor Vehicle	46,000,000
Taxicab License Transfer	7,000,000
Liquor License Surcharge	5,000,000
Horse Race Admissions	35,000
Other Refunds	(24,000,000)
State Tax Relief Program ("STAR") for Personal Income and Real Property Taxes	902,000,000
	<u>17,653,177,000</u>
Miscellaneous Revenue:	
Licenses, Franchises, etc.	478,811,256
Interest Income	29,640,000
Charges for Services	673,819,803
Water and Sewer Charges	1,368,509,005
Rental Income	220,054,000
Fines and Forfeitures	899,335,943
Miscellaneous	633,749,039
	<u>4,303,919,046</u>

EXHIBIT A
ESTIMATED FISCAL YEAR 2010 REVENUE
OTHER THAN REAL PROPERTY TAXES
 Summarizing by Source of Revenue

Source of Revenue	Estimate of Revenue
Grants:	
Federal	6,599,662,363
State	11,512,199,441
Provision for Disallowances	(15,000,000)
	<u>18,096,861,804</u>
Unrestricted State and Federal Aid:	
N.Y. State Revenue Sharing	327,389,668
Other Unrestricted Aid	12,407,069
	<u>339,796,737</u>
Transfer from Capital Funds	485,938,676
Tax Audit Revenue and Other Initiatives	596,000,000
Tax Program	879,000,000
Other Categorical Grants	1,053,435,523
Amount of Estimated Revenue other than Real Estate Taxes	<u>\$43,408,128,786</u>

FOOTNOTES

(1) Fiscal 2010 administrative expenses of the New York State Financial Control Board ("FCB") and the Office of the State Deputy Comptroller ("OSDC"), the "State Oversight Retention Requirements", have been treated only for accounting and financial reporting purposes of the City as if they were City expenditures. Consequently, the above estimates of General Fund receipts for Fiscal 2010 do not reflect anticipated reductions in amounts to be received by the City from the four percent sales tax levied in the City (the "City Sales Tax") pursuant to State Oversight Retention Requirements. Following passage of New York State legislation, the City Sales Tax was increased by 0.5 percent to 4.5 percent, effective August 1. In fact, the State Oversight Retention Requirements are to be retained by the State from the City Sales Tax and will therefore reduce the funds which are paid to the City from the City Sales Tax. This presentation of State Oversight Retention Requirements (instead of being shown as a reduction in City Sales Tax) has no bearing on the statutory relationship between the City, on the one hand, and the FCB and OSDC, on the other hand.

(The following is the text of Res. No. 2263:)

Res. No. 2263

By Council Member Weprin.

Whereas, on May 1, 2009, pursuant to the Section 249 of the Charter of the City of New York ("the Charter"), the Mayor of the City of New York (the "Mayor") submitted to the Council of the City of New York (the "Council"), the executive budget for the support of the government of the City of New York and the counties therein (collectively, the "City") for the fiscal year beginning on July 1, 2009 and ending on June 30, 2010 ("Fiscal 2010"); and

Whereas, on May 29, 2009, pursuant to Section 1514 of the Charter, the Commissioner of the Department of Finance (the "Commissioner") delivered, to the Council, the certified assessment rolls for all real property assessable for taxation in the City in each borough thereof for Fiscal 2010, a certified copy of which is in the Office of the Clerk of the City pursuant to Section 516, Real Property Tax Law (the "Fiscal 2010 Assessment Rolls"); and

Whereas, on June 19, 2009, the Council adopted a resolution in which the Council computed and certified the current base proportion, the current percentage and the base percentage of each class of real property in the City for Fiscal 2010 pursuant to Section 1803-a(1), Real Property Tax Law (the "Current Base Proportion Resolution"); and

Whereas, on June 19, 2009, pursuant to Section 1803-a, Real Property Tax Law, the Council adopted a resolution in which the Council adjusted the current base proportion of each class of real property in the City for Fiscal 2010, to reflect the additions to, and full or partial removal from, the fiscal 2010 Assessment Rolls (the "Adjusted Base Proportion Resolution"); and

Whereas, on June 19, 2009, pursuant to Section 254 of the Charter, the Council adopted the budget for the support of the government of the City and for the payment of indebtedness thereof for Fiscal 2010 (the "Fiscal 2010 Budget"); and

Whereas, on June 19, 2009, pursuant to Section 1515(a) of the Charter, the Mayor prepared and submitted to the Council, a statement setting forth the amount of the Fiscal 2010 Budget as approved by the Council (the "Fiscal 2010 Budget Statement") and an estimate of the probable amount of receipts into the City treasury during Fiscal 2010 from all the sources of revenue of the general fund and all receipts other than those of the general fund and taxes on real property, a copy of which is attached hereto as Exhibit A (the "Fiscal 2010 Revenue Estimate"); and

Whereas, on June 19, 2009, pursuant to Section 1516 of the Charter, the Council adopted a resolution to provide the amounts necessary for the support of the government of the City, among other things, by the levy of taxes on real property in the City (the "Tax Fixing Resolution"); and

Whereas, after the adoption of the Current Base Proportion Resolution, the Adjusted Base Proportion Resolution, the Fiscal 2010 Budget and the Tax Fixing Resolution, Section 1803-a, Real Property Tax Law, was amended to lower the allowable percent increase in the current base proportion as compared with the previous year's adjusted base proportion from 5.0 percent to 0.0 percent; and

Whereas, the amendment to Section 1803-a, Real Property Tax Law, requires the amending and restating of the Tax Fixing Resolution;

NOW, THEREFORE, be it resolved by The Council of The City of New York as follows:

Section 1. Fixing of Real Property Tax Rates for Fiscal 2010.

a. Determining the Amount of the Real Property Tax Levy.

(i) The total amount of the Fiscal 2010 Budget as set forth in the Fiscal 2010 Budget Statement is \$59,479,863,786.

(ii) The estimate of the probable amount of receipts into the City treasury during Fiscal 2010 from all the sources of revenue of the general fund and all receipts other than those of the general fund and taxes on real property as set forth in the Fiscal 2010 Revenue Estimate is \$43,408,128,786.

(iii) Pursuant to Section 1516 of the Charter, the Council hereby determines that the amount required to be raised by tax on real property shall be \$16,071,735,000, which is derived from deducting the

amount set forth in the Fiscal 2010 Revenue Estimate from the amount of the Fiscal 2010 Budget.

(iv) In order to achieve a real property tax yield of \$16,071,735,000 due to provision for uncollectible taxes and refunds and collection of levies from prior years, the Council hereby determines that a real property tax levy of \$17,588,124,488 will be required, calculated as follows:

Not Subject to the 2 ½ percent Tax Limitation:			
	For Debt Service:		
	Funded Debt	\$270,259,676	
Amount Required for Debt Service and Financing as:			
	Provision for Uncollectible Taxes	\$22,085,743	
	Provision for Refunds	\$7,331,705	
	Collection of Prior Years'		
	Levies	(\$3,918,090)	\$295,759,034
Subject to the 2 ½ percent Tax Limitation:			
	For Debt Service:		
	Temporary Debt		
	Interest on Temporary Debt	\$0	
	For General Operating Expenses:		
	Funds Required	\$15,801,475,324	
Amount Required for Debt Service and Operating Expenses as:			
	Provision for Uncollectible Taxes	\$1,291,303,745	
	Provision for Refunds	\$428,668,295	
	Collection of Prior Years'		
	Levies	(\$229,081,910)	17,292,365,454
	TOTAL REAL PROPERTY TAX LEVY		\$17,588,124,488

The Council hereby determines that such amount, levied at such rates on the classes of real property pursuant to paragraph (iv) of subsection b below will produce a balanced budget within generally accepted accounting principles for municipalities.

(v) The real property tax levy, net of provision for uncollectible taxes and refunds and the collection of levies from prior years, determined pursuant to clause (iv) above shall be applied as follows:

(A) For payment of debt service not subject to the 2 ½ percent tax limitation:	\$270,259,676
(B) For debt service on short-term debt subject to the 2 ½ percent tax limitation:	\$0
(C) To provide for conducting the public business of the City and to pay the appropriated expenditures for the counties therein as set forth in the Fiscal 2009 Budget in excess of the amount of revenues estimated in the Fiscal 2010 Revenue Estimate:	\$15,801,475,324

b. Authorizing and Fixing the Real Property Tax Rates.

(i) Assessed Valuation Calculations of Taxable Real Property in the City. The Fiscal 2010 Assessment Rolls set forth the following valuations by class within each borough of the City.

(A) The assessed valuation by class of real property for the purpose of taxation in each borough of the City, exclusive of the assessed valuation of veterans' real property exempt under state law from tax for general purposes but subject to tax for school purposes is set forth below:

Assessment by Class of Property Subject to Taxation for All Purposes					
Borough	All One, Two and Three Family Residential Real Property*	All Other Residential Real Property	Utility Real Property	All Other Real Property	Assessment of Property Subject to Taxation for All Purposes
Manhattan	\$655,777,141	\$34,245,519,253	\$3,888,023,228	\$49,755,372,848	\$88,544,692,470
The Bronx	1,286,807,193	2,993,336,402	1,274,721,524	3,204,005,895	8,758,871,014
Brooklyn	4,483,501,939	6,249,156,442	2,349,903,838	5,460,056,245	18,542,618,464
Queens	6,383,569,695	5,925,817,705	2,312,092,166	7,857,702,481	22,479,182,047
Staten Island	2,346,285,214	277,685,906	626,012,340	1,436,353,341	4,686,336,801
TOTAL	\$15,155,941,182	\$49,691,515,708	\$10,450,753,096	\$67,713,490,810	\$143,011,700,796

(B) The assessed valuation by class of veterans' real property exempt under state law from tax for general purposes but subject to tax for school purposes in each borough of the City is set forth below:

Assessment by Class of Veterans' Property Exempted under State Law from Tax for General Purposes but Subject to Tax for School Purposes					
Borough	All One, Two and Three Family Residential Real Property*	All Other Residential Real Property	Utility Real Property	All Other Real Property	Total Assessment of Veterans' Property Exempted under State Law from Tax for General Purposes but Subject to Tax for School Purposes
Manhattan	\$881,702	\$88,012,375	\$0	\$94,801	\$88,988,878
The Bronx	13,853,472	3,761,514	0	17,405	17,632,391
Brooklyn	41,593,600	10,331,264	0	139,768	52,064,632
Queens	79,846,610	37,008,993	0	119,339	116,974,942
Staten Island	45,750,339	1,029,703	0	30,935	46,810,977
TOTAL	\$181,925,723	\$140,143,849	\$0	\$402,248	\$322,471,820

*Includes condominiums of three stories or fewer which have always been condominiums.

(ii) Chapter 389 of the Laws of 1997 established a new real property tax exemption providing school tax relief (Section 425, Real Property Tax Law). Pursuant to subdivision 8 of Section 425, the assessment by tax class of property subject to taxation for all purposes and the assessment by tax class of veterans' real property exempt under state law from tax for general purposes but subject to tax for school purposes has been increased by the amounts shown below for purposes of: (a) determining the City's tax and debt limits pursuant to law; (b) determining the amount of taxes to be levied; (c) calculating tax rates by tax class; and (d) apportioning taxes among classes in a special assessing unit under Article 18, Real Property Tax Law.

(A) The assessed valuation by class of real property for the purpose of taxation in each borough of the City exempted under Section 425, Real Property Tax Law, exclusive of the assessed valuation of veterans' real property exempt under state law from tax for general purposes but subject to tax for school purposes is set forth below:

Assessment by Class of Property Exempted under Section 425, Real Property Tax Law, for All Purposes				
Borough	All One, Two and Three Family Residential Real Property*	All Other Residential Real Property**	All Other Real Property	Exempted under Section 425, Real Property Tax Law, for All Purposes
Manhattan	\$4,752,186	\$184,763,523	\$273,305	\$189,789,014
The Bronx	68,494,644	26,801,464	79,140	95,375,248
Brooklyn	217,405,371	72,153,280	345,794	289,904,445
Queens	315,683,170	135,181,364	451,265	451,315,799
Staten Island	131,845,124	4,852,737	92,234	136,790,095
TOTAL	\$738,180,495	\$423,752,368	\$1,241,738	\$1,163,174,601

(B) The assessed valuation by class of veterans' real property exempt under state law from tax for general purposes and exempt under Section 425, Real Property Tax Law, for school purposes in each borough of the city is set forth below:

Assessment by Class of Veterans' Property Exempted under Section 425, Real Property Tax Law, for School Purposes				
Borough	All One, Two and Three Family Residential Real Property*	All Other Residential Real Property**	All Other Real Property	Total Assessment of Veterans' Property Exempted under Section 425, Real Property Tax Law, for School Purposes
Manhattan	\$881,702	\$88,012,375	\$0	\$88,988,878
The Bronx	13,853,472	3,761,514	0	17,632,391
Brooklyn	41,593,600	10,331,264	0	52,064,632
Queens	79,846,610	37,008,993	0	116,974,942
Staten Island	45,750,339	1,029,703	0	46,810,977
TOTAL	\$181,925,723	\$140,143,849	\$0	\$322,471,820

Manhattan	\$0	\$7,370	\$0	\$7,370
The Bronx	25,785	20,234	0	46,019
Brooklyn	40,733	13,859	1,125	55,717
Queens	37,352	27,110	338	64,800
Staten Island	23,198	4,144	0	27,342
TOTAL	\$127,068	\$72,717	\$1,463	\$201,248

*Includes condominiums of three stories or fewer which have always been condominiums.

** Only residential real property held in the cooperative or condominium form of ownership qualifies for the real property tax exemption providing school tax relief.

(iii) Operating Limit Provisions. The Council hereby determines that the amount to be raised by tax on real property for the Fiscal 2010 Budget pursuant to clause (iii) of subsection (a) of Section 1 hereof does not exceed the limit imposed by Section 10, Article VIII of the Constitution of the State of New York, as amended, and Article 12-A, Real Property Tax Law (the "Operating Limit Provisions").*

(A) The Operating Limit Provisions require that the City not levy taxes on real property in any fiscal year in excess of an amount equal to a combined total of two and one-half percent (2 1/2 %) of the average full valuation of taxable real property, less (i) the amount to be raised by tax on real property in such year for the payment of the interest on and the redemption of certificates or other evidence of indebtedness described therein and (ii) the aggregate amount of district charges, exclusive of debt service, imposed in such year by business improvement districts pursuant to Article 19-A, General Municipal Law.

(B) The Operating Limit Provisions require that average full valuations of taxable real property be determined by taking the assessed valuations of taxable real property on the last completed assessment roll and the four (4) preceding assessment rolls of the City and applying thereto the special equalization ratios which such assessed valuations of each such roll bear to the full valuations as fixed and determined by the State Office of Real Property Services ("ORPS") pursuant to Section 1251, Real Property Tax Law, as shown below:

Fiscal Year	Assessed Valuations	Assessment Percentage	Full Valuations
2006.....	111,397,956,330	0.1808	\$616,139,138,993
2007.....	116,477,764,261	0.1600	727,986,026,631
2008.....	125,777,268,853	0.1705	737,696,591,513
2009.....	134,294,731,881	0.1707	786,729,536,503
2010.....	143,334,172,616	0.1635	876,661,606,214
		AVERAGE	\$749,042,579,971

2 1/2 percent thereof for Fiscal 2010.....	\$18,726,064,499
Less debt service subject to the 2 1/2 percent tax limitation:	
Temporary debt	
Interest on temporary debt	\$0
Less aggregate amount of district charges subject to the 2 1/2 percent tax Limitation**	(\$84,496,407)
Constitutional amount subject to the limitation which may be raised for Other than debt service in accordance with the provision of Section 10, Article VIII, of the State Constitution.....	\$18,641,568,092

*The amount to be raised by tax on real property for purposes of the Operating Limit determination is equal to the real property tax levy as reduced by the net reductions in amounts collected as authorized by New York State law.

** The tax fixing resolution adopted by the New York City Council on June 19, 2009 projected the amount of district charges to be \$84,630,904. Since the adoption of the June 19, 2009 resolution, estimates of Fiscal 2010 district charges have been decreased to \$84,496,407.

(iv) Adjusted Base Proportions. Pursuant to the Adjusted Base Proportion Resolution, the Council certified the following adjusted base proportions to be used in determining the Fiscal 2010 tax rates for the four classes of properties:

All One, - Two- and Three-Family Residential Real Property*.....	14.8231
--	---------

All Other Residential Real Property.....	37.4672
Utility Real Property.....	7.5717
All Other Real Property.....	40.1380
Total.....	100.0000

**Includes condominiums of three stories or fewer which have always been condominiums.*

(v) Tax Rates on Adjusted Base Proportions.

(A) Pursuant to Section 1516 of the Charter, the Council hereby authorizes and fixes the rates of tax for Fiscal 2010 (1) by class upon each dollar of assessed valuation of real property subject to taxation for all purposes of, and within, the City, as fixed in cents and thousandths of a cent per dollar of assessed valuation, as follows:

	All One, Two and Three Family Residential Real Property*	All Other Residential Real Property	Utility Real Property	All Other Real Property
Subject to the 2 ½ percent tax limitation as authorized by Article VIII, Section 10, of the State Constitution including a reserve for uncollectible taxes.....	0.16800	0.13018	0.12529	0.10250
Not subject to the 2 ½ percent tax limitation as authorized by Article VIII, Sections 10 and 11 of the State Constitution including a reserve for uncollectible taxes.....	0.00288	0.00223	0.00214	0.00176
Decimal rate on adjusted proportion for all purposes.....	0.17088	0.13241	0.12743	0.10426

**Includes condominiums of three stories or fewer which have always been condominiums.*

and (2) by class upon each dollar of assessed valuation of veterans' real property exempt under state law from tax for general purposes but subject to tax for school purposes of, and within, the City, as fixed in cents and thousandths of a cent per dollar of assessed valuation, as follows:

	All One, Two And Three Family Residential Real Property*	All Other Residential Real Property	Utility Real Property	All Other Real Property
Subject to the 2 ½ percent tax limitation as authorized by Article VIII, Section 10, of the State Constitution including a reserve for uncollectible taxes.....	0.09383	0.07300	0.00000	0.05755
Not subject to the 2 ½ percent tax limitation as authorized by Article VIII, Sections 10 and 11, of the State Constitution including a reserve for uncollectible taxes.....	0.00086	0.00067	0.00000	0.00053
Decimal rate on adjusted proportion for all veterans' property exempted under state law from tax for general purposes but subject to tax for school purposes.....	0.09469	0.07367	0.00000	0.05808

**Includes condominiums of three stories or fewer which have always been condominiums.*

Section 2. Authorization of the Amendment and Restatement of the Levy of Real Property Taxes for Fiscal 2010.

a. Pursuant to Section 1517 of the Charter, the Council hereby authorizes and directs the Commissioner to (i) set down in the Fiscal 2010 Assessment Rolls, opposite to the several sums set down as the valuation of real property, the amended

and restated respective sums, in dollars and cents, to be paid as a tax thereon, rejecting the fractions of a cent and add and set down the aggregate valuations of real property in the boroughs of the City and (ii) send a certificate of such aggregate valuation in each such borough to the Comptroller of the State.

b. Pursuant to Section 1518 of the Charter, immediately upon the completion of the Fiscal 2010 Assessment Rolls, the City Clerk shall procure the proper amended and restated warrants in the form attached hereto as Exhibit B to be signed by the Public Advocate of the City ("Public Advocate") and counter-signed by the City Clerk authorizing and requiring the Commissioner to collect the several sums therein mentioned according to law and immediately thereafter the Fiscal 2010 Assessment Rolls of each borough shall be delivered by the Public Advocate to the Commissioner with proper warrants, so signed and counter-signed, annexed thereto.

Section 3. Effective Date. The Tax Fixing Resolution, as hereby amended and restated, shall remain in full force and effect, and this resolution shall take effect as of the date hereof.

EXHIBIT A



DRAFT

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

June 19, 2009

To The HONORABLE COUNCIL of THE CITY OF NEW YORK

For the Expense Budget of the City of New York as adopted by the Council pursuant to Section 254 of the Charter for the Fiscal Year beginning July 1, 2009 and ending June 30, 2010 (Fiscal Year 2010) the amount of appropriation is:

Amounts Appropriated	\$59,479,863,786
The probable amounts and sources of revenues (other than Real Property Taxes) for Fiscal Year 2010, as estimated by me pursuant to Section 1515 of the Charter, are as set forth below:	
Taxes (excluding Real Property Taxes)	\$17,653,177,000
Miscellaneous Revenues	\$4,303,919,046
Grants:	
Federal	6,599,662,363
State	11,512,199,441
Provision for Disallowances	(15,000,000)
Unrestricted State and Federal Aid	339,796,737
Other Categorical Aid	1,053,435,523
Transfer from Capital Funds	485,938,676
Tax Audit Revenue	596,000,000
Tax Program	879,000,000
	\$25,754,951,786

Making the total amount of the Expense Budget for the Fiscal Year 2010 to be financed by Real Property Taxes (after provision for uncollectibles, refunds and collection of prior years' levies):

\$16,071,735,000

EXHIBIT A

In order to achieve the required Real Property Tax yield of \$16,071,735,000, a Real Property Tax levy of \$17,588,124,488 will be required:

The amount of taxes on real estate to be levied subject to the 2-1/2 percent tax limitation as authorized by Article VIII Section 10 of the State Constitution including a provision for uncollectible taxes	\$17,292,365,454
--	------------------

The amount of taxes on real estate to be levied not subject to the 2-1/2 percent tax limitation as authorized by Article VIII Sections 10 and 11(a) of the State Constitution including a provision for uncollectible taxes	\$295,759,034
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Total amount of Real Property Taxes to be levied for the Fiscal Year 2010 is	<u>\$17,588,124,488</u>
--	-------------------------

Very truly yours,

Michael R. Bloomberg
Mayor

EXHIBIT B

FORM OF WARRANT

WARRANT

To David M. Frankel, the Commissioner of Finance of the City of New York:

You are hereby authorized and required, in accordance with the provisions of the Real Property Tax Law and the Charter of the City of New York, to collect the real property tax on the properties named and described in the real property assessment roll in accordance with the assessments thereon and the tax rates fixed by the City Council for the fiscal year beginning on July 1, 2009.

Public Advocate of the
City of New York

Clerk of the City of
New York

(SEAL)

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, BILL DEBLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, VINCENT J. GENTILE, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, November 16, 2009.

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

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

Report for Res. No. 2264

Report of the Committee on Finance in favor of approving a Resolution amending and restating the Resolution computing and certifying base percentage, current percentage and current base proportion of each class of Real Property for Fiscal 2010 to the State Board of Real Property Services pursuant to Section 1803-a, Real Property Tax Law.

The Committee on Finance, to which the annexed resolution was referred on November 16, 2009, respectfully

REPORTS:

Introduction. Section 1803-a, a Real Property Tax Law, requires the City Council to certify to the State Board of Real Property Services (the "SBRPS") certain calculations used in the process of updating the class shares from the previous year. These calculations are made every year by the Council to reflect the following changes in each class of real property:

- a. Changes in the market value of taxable real property (as determined by SBRPS sample studies),
- b. Physical changes as a result of new construction or demolitions,
- c. Changes in taxable status, and
- d. Transfers of real property among the four classes of real property as a result of changes in use or for other reasons.

Under SBRPS regulations, the Council must update the class shares by making two separate certifications. The action to be taken in the above-referenced resolution constitutes the first step of establishing the class shares of the four classes of taxable real property in the City to which the tax levy for the Fiscal 2010 budget will be applied. The purpose of this step is to give effect to the latest class equalization rates required by Article 18, Real Property Tax Law. Using these rates, new estimates of market values for each class are calculated.

The second step, certifying the "adjusted base proportions", is the subject of a separate resolution that takes account of all the changes that are included in the final assessment roll, after Tax Commission review of taxpayer protests. Attached hereto, as Exhibit A, are definitions of terms that are used in the analysis below.

Analysis. The class equalization rates described above produce prospective current base proportions that show a substantial increase in Class I above the Fiscal 2010 adjusted base proportions, or "class shares" (as shown in column R of SBRPS Form RP-6700 attached to the above-captioned resolution), an increase of more than 3 percent in the class share of Class 2, and substantial decreases for Classes 3 and 4. Pursuant to Section 1803-a(1)(c) of the Real Property Tax Law if the increase in any class exceeds 5 percent, the Council is directed to shift the excess (and one the excess) to any other class or classes so long as the shift does not cause the current base proportion of any other class to increase by more than 5 percent. However, pursuant to an amendment to the Real Property Tax Law enacted during the 2009 session and codified in Section 1803-a(1)(u) of the Real Property Tax Law, the City is authorized to limit the increase for Fiscal 2010 so that the current base proportion of any class does not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year. In the above-captioned resolution, the increases from Classes I and 2 would be shifted to Classes 3 and 4.

As shown in the chart below, the shift of the increases from Classes 1 and 2 to Classes 3 and 4 will result in the Fiscal 2010 current base proportions of all four classes to show no increase from their adjusted base proportions in Fiscal 2009.

Class	Percent Change Before Shifting Excess to Classes 3 & 4	Percent Change After Shifting Excess to Classes 3 & 4
1	+23.59	0.00
2	+3.35	0.00
3	-26.18	0.00
4	-7.06	0.00

However, these "current base proportions" must still be adjusted for the physical changes and transfers among classes which are contained in the final assessment roll. These adjustments will be made in a separately amended and restated resolution constituting the Council's second step. The "adjusted base proportions" thus derived will be the class shares used for allocating the real property tax levy for Fiscal 2010

ATTACHMENT:

"Class equalization rate" represents the percentage that the total assessed value of each class is of the market value of the class, as shown in SBRPS sample studies.

"Base percentage" represents the percentage of total market value that each class constitutes in the 1989 base tax roll. The 1989 base tax roll is the one that was used in setting the tax levy for Fiscal 1990.

"Current percentage" is similar to the base percentage, but applies to the most recent year for which the SBRPS has established class equalization rates (in this case, the 2008 tax roll).

"Local base proportions" are the class tax shares used to fix the tax rates for Fiscal 1991,

"Current base proportions" are the local base proportions modified to take into account the market value changes revealed by the latest class equalization rates.

Accordingly, Your Committee recommends it's adoption.

(The following is the text of Res. No. 2264:)

Res. No. 2264

Resolution amending and restating the Resolution computing and certifying base percentage, current percentage and current base proportion of each class of Real Property for Fiscal 2010 to the State Board of Real Property Services pursuant to Section 1803-a, Real Property Tax Law.

By Council Member Weprin.

Whereas, on February 23, 2009, the State Board of Real Property Services (the "SBRPS") certified the final state equalization rate, class ratios and class equalization rates for the City's Fiscal 2010 assessment rolls, required by Article 18, Real Property Tax Law; and

Whereas, Section 1803-a (1), Real Property Tax Law, requires the Council to compute and certify, to the SBRPS, for each tax levy, the base percentage, the current percentage and the current base proportion of each class of real property in the City subsequent to the date on which the SBRPS files with the Clerk of the Council a certification setting forth the final state equalization rate, class ratios and class equalization rates for the City's Fiscal 2010 assessment rolls, pursuant to Section 1212, Real Property Tax Law; and

Whereas, on June 19, 2009, the Council adopted a resolution computing and certifying the base percentage, current percentage and current base proportion of each class of real property for Fiscal 2010 to the State Board of Real Property Services pursuant to Section 1803-a, Real Property Tax Law (the "June 19th Resolution"); and

Whereas, the June 19th Resolution reflects a 5.0 percent cap on any increase in the current base proportion for any class of real property, as compared with the previous year's adjusted base proportion; and

Whereas, after the adoption of the June 19th Resolution, Section 1803-a, Real Property Tax Law, was amended to lower the percent of increase in the current base

proportion as compared with the previous year's adjusted base proportion to 0.0 percent;

NOW, THEREFORE, be it resolved by The Council of The City of New York as follows:

Section 1. Computation and Certification of Base Percentages, Current Base Percentages and Current Base Proportions for Fiscal 2010. (a) The Council hereby computes and certifies the base percentage, the current percentage and the current base percentage for the City's Fiscal 2010 assessment rolls as shown on SBRPS Form RP-6700, attached hereto as Exhibit A and incorporated herein by reference (the "CBP Certificate").

(b) The Clerk of the Council is hereby authorized and directed to execute the CBP Certificate and to file it with the SBRPS after the date on which the SBRPS filed with the Clerk of the Council a certification setting forth the final state equalization rate, class ratios and class equalization rates for the City's Fiscal 2010 assessment rolls, pursuant to Section 1212, Real Property Tax Law.

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

ATTACHMENT: Exhibit A (the "CBP Certificate")

SECTION I				SECTION II				
Determination of Estimated Market Values				Determination of Base Percentages				
(A) 1989 Taxable Assessed Value	(B) 1989 Class Equalization Rate	(C) Estimated Market Value A/(B*100)	(D) Change in Taxable Assessed Value Between 1989 and 1990 Rolls for Parcels Transferred Out of Class	(E) Change in Taxable Assessed Value Between 1989 and 1990 Rolls for Parcels Transferred Into Class	(F) 1990 Change in Level of Assessment Factor for Special Assessing Unit Class	(G) Adjustment Factor for Class Change ((E/F)-(D)/A)+1	(H) Adjusted Market Value (C*G)	(I) Base Percentage (H/sum of H)*100
1 \$7,995,107,684	9.10	87,858,326,198	\$228,360,245	\$19,354,077	1.0149	1.0257224246	90,118,255,366	37.5640
2 19,169,173,444	45.84	41,817,568,595	329,398,302	237,975,755	1.0932	1.0033042596	41,955,744,698	17.4884
3 7,366,591,774	37.98	19,395,976,235	0	1,368,298,335	0.9738	0.8142562562	15,793,294,995	6.5831
4 35,523,036,877	39.69	89,501,201,504	1,581,850,826	419,700,459	1.1086	1.0283531598	92,038,843,371	38.3645
Total \$70,053,899,779		\$238,573,073,532					\$239,906,138,430	

EXHIBIT A

STATE BOARD OF REAL PROPERTY SERVICES
(Formerly State Board of Equalization and Assessment)
16 Sheridan Avenue, Albany, NY 12210-2714

Certificate of Base Percentages, Current Percentages and Current Base Proportions Pursuant to Article 18, RPTL, for the Levy of Taxes on the 2009 Assessment Roll

Special Assessing Unit: _____
Check One to Identify Portion: County _____, City, Town, Village _____, School District _____, Special District _____
Name of Portion: _____

RP-6700 (1-85) (Formerly EA-6700)

EXHIBIT A

RP-6702 (1-95) (Amended) (A)(7)(c)

SECTION III

Determination of Current Percentages

Class	(J) 2008 Taxable Assessed Value	(K) 2008 Class Equalization Rate	(L) Estimated Market Value J*(K)/100	(M) Current Percentages (L/Sum of L)*100
1	\$14,574,716,769	3.70	\$39,911,264,027	52.8140
2	46,905,417,292	29.00	\$161,742,818,248	21.6838
3	9,889,112,903	45.00	\$21,899,139,784	2.8570
4	62,909,170,464	37.25	\$168,883,679,098	22.6412
Total	\$133,978,417,428		\$245,846,901,157	

SECTION IV

Determination of Current Base Proportions

Class	(N) Local Base Proportion	(O) Updated Local Base Proportion N*(M)	(P) Prospective Current Base Proportion Column (O) Pro-rated to 100.00	(Q) Adjusted Base Proportion Used for Prior Tax Levy	(R) Percent Difference Between Prior Year Adjusted Base Proportion and Prospective Current Base Proportion ((P-Q)*1)*100	(S) Maximum Current Base Proportion (Q * 1.00)	(T) Current Base Proportions for 2009 Roll
1	10.9181	15.3506	18.4831	14.9557	23.58566	14.9557	14.9557
2	25.7608	31.9437	38.4622	37.2143	3.35228	37.2143	37.2143
3	10.3385	4.4868	5.4024	7.3186	-26.18260	7.3186	7.3186
4	52.9826	31.2710	37.6523	40.5114	-7.05752	40.5114	40.5114
Total	100.0000	83.0521	100.0000	100.0000			100.0000

I, the Clerk of the Legislative Body of the special assessing unit identified above, hereby certify that the legislative body determined on November 16, 2009 base percentages, current percentages and current base proportions as set forth herein for the assessment roll and portion identified above.

Signature _____
 Title _____
 Date _____

amended to lower the percent of increase in the current base proportion as compared with the previous year's adjusted base proportion from 5.0 percent to 0.0 percent, which altered the calculations contained in the CBP Resolution. Pursuant to this amendment to state law, the Council adopted a resolution on November 16, 2009, restating the CBP Resolution. On June 19, 2009, the Council also adopted a resolution computing and certifying the adjusted base proportion of each class of real property for Fiscal 2010 (the "ABP Resolution"). The above-captioned resolution amends and restates the ABP Resolution to reflect the changes in the November 16, 2009 CBP Resolution.

The current base proportion for each class of real property takes into account the market value changes in the class occurring between the assessment roll for the base period, 1989, and the latest roll for which the State Board of Real Property Services ("SBRPS") has established class equalization rates, 2008. The CBP Resolution modified the class shares for the Fiscal 2010 property tax levy accordingly. The remaining step, to be taken in the above-captioned resolution, adjusts these current base proportions to take account of the various physical changes (such as demolitions, new construction, changes in exempt status and transfers among classes) that are reflected in the new final assessment roll. The computations called for in the SBRPS procedure are designed to separate the effects of these physical changes from equalization changes made by local assessors.

Analysis. The calculations shown on the SBRPS Form RP-6702 attached to the above-captioned resolution modify the share for each class to reflect physical changes. For Fiscal 2010, all classes show modest physical increases, except for class three, which has a small decrease. These physical adjustments result in the following changes to the Fiscal 2010 current base proportions. The Fiscal 2010 adjusted base proportions for Classes 1 and 4 decrease by nearly one percent from their respective Fiscal 2010 current base proportions. The adjusted base proportion for Class 2 increases by slightly less than one percent and Class 3 by nearly three and one-half percent from their respective current base proportions.

Pursuant to Section 1803-a(1)(u) of the Real Property Tax Law which was enacted during the 2009 legislative session (limiting the increase in Fiscal 2010 current base proportions to the Fiscal 2009 adjusted base proportions), the Fiscal 2009 adjusted base proportions become the Fiscal 2010 current base proportions for all four classes. Therefore, the changes from the adjusted base proportions from Fiscal 2009 to Fiscal 2010, as reported in the table below, reflect the same changes to the Fiscal 2010 current base proportions discussed above. (Last year's increase in class shares was also capped at 0.0 percent.)

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, BILL DEBLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, VINCENT J. GENTILE, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, November 16, 2009.

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

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

Report for Res. No. 2265

Report of the Committee on Finance in favor of approving a Resolution amending and restating the Resolution computing and certifying adjusted base proportion of each class of Real Property for Fiscal 2010 to the State Board of Real Property Services pursuant to Section 1803-a, Real Property Tax Law.

The Committee on Finance, to which the annexed resolution was referred on November 16, 2009, respectfully

REPORTS:

Introduction. The above-captioned resolution completes the certification procedure required by Section 1803-a, Real Property Tax Law, to establish the class shares used in levying the real property taxes for the adopted Fiscal 2010 budget.

On June 19, 2009, the Council adopted a resolution computing and certifying the current base proportions for Fiscal 2010 (the "CBP Resolution"). After the adoption of the CBP Resolution, Section 1803-a, Real Property Tax Law, was

Class	Fiscal 2009	Fiscal 2010	Percent Change
1	14.9557	14.8231	-0.89
2	37.2143	37.4672	+0.68
3	7.3186	7.5717	+3.46
4	40.5114	40.1380	-0.92
Total	100.0000	100.0000	

The tax rates resulting from the use of class shares shown above for Fiscal 2010 are compared to the Fiscal 2009 tax rates in the following table. The Fiscal 2009 tax rates are the rates effective for the second half of Fiscal 2009, as adopted on December 18, 2008, and reflect the rescinding of the 7 percent reduction adopted on June 29, 2008.

Class	Fiscal 2009	Fiscal 2010	\$ Difference
1	16.787	17.088	+0.301
2	13.053	13.241	+0.188
3	12.577	12.743	+0.166

EXHIBIT A

SECTION II

RP-6702/LP-951/Furnish LA-7023

Computation of Portion Class Adjustment Factor

Class	(J) Taxable Assessed Value on the Levy Roll	(K) Taxable Assessed Value on Levy Roll at Reference Roll Level of Assessment (J/I)	(L) Assessed Value of Special Franchise on the Levy Roll at the Reference Roll Level of Assessment	(M) Total Taxable Assessed Value on Levy Roll at Reference Roll Level of Assessment (K+L)	(N) Taxable Assessed Value on the Reference Roll	(O) Class Adjustment Factor (M/N)
1	15,155,941,182	\$14,713,820,309	\$0	14,713,820,309	\$14,574,716,769	1.00954
2	49,691,515,708	48,100,961,223	0	48,100,961,223	46,905,417,292	1.02549
3	2,095,174,439	2,137,673,526	7,967,299,356	10,104,972,882	9,589,112,903	1.05380
4	67,713,490,810	63,486,377,347	0	63,486,377,347	62,909,170,464	1.00918

Computation of Adjusted Base Proportions

SECTION III

Class	(P) Current Base Proportions	(Q) Current Base Proportions Adjusted for Physical and Quantity Changes #1 (P*O)	(R) Adjusted Base Proportions (Q/SUM of Q)*100
1	14.9557	15.0984	14.8231
2	37.2103	38.1629	37.4672
3	7.3186	7.7123	7.5717
4	40.5114	40.8833	40.1380
Total	100.0000	101.8569	100.0000

I, the Clerk of the Legislative Body of the special assessing unit identified above, hereby certify that the legislative body determined on November 16, 2009 the adjusted base proportions and the data, procedures and computations used to determine the adjusted base proportions as set forth herein for the assessment roll and portion identified above.

Signature _____
Title _____
Date _____

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, BILL DEBLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, VINCENT J. GENTILE, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, November 16, 2009.

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

Special Supplement to the Reports of the Committee on Finance section:

Four Classes of Property

Class 1	Primarily 1, 2 & 3 family homes
Class 2	Other multi-family residential properties (e.g. coops, condos & apt buildings)
Class 3	Regulated utility property (mostly ConEd, Verizon & National Grid)
Class 4	Other commercial properties (office, retail, industrial, unregulated utilities, etc)

Each class is responsible for a specific share of the property tax levy, called the **class share**.

Fixing Real Property Tax Rates

Class Share System Final Fiscal 2010 Tax Rates

November 16, 2009

The Class Share Cap

The amount a class's share of the levy shifts from one year to the next **cannot exceed 5 percent.**

While State law sets the class share cap at 5 percent, the Council may request a change in the law to lower this cap*.

In the past 18 years, the Council has requested a lower cap in all but 2 years. Generally, the Council has chosen a cap between 2 and 2.75 percent. However, in the past three years, the cap has been set at zero percent

*Note that cap applies uniformly to all classes.

4

The Class Share

Shares are determined each year according to a formula in State law.

Base Proportions = Percentage of total levy represented by each class share in 1989.

Current Base Proportions = State Office of Real Property Services (ORPS) adjusts base proportions to reflect changes in market value.

Adjusted Base Proportions = Adjust Current Base Proportions to reflect physical and other non-market changes, as reflected on DOF Assessment Roll.

Class Share = Each class's Adjusted Base Proportion is multiplied by the total levy to determine its class share of the levy

Class Tax Rate = The class share of the levy divided by the class's total Billable Assessed Value.

3

FY10 Tax Bill vs FY09 Tax Bill

A Typical Citywide Taxpayer's FY09 Bill compared to FY10 Bill at 5% cap & FY10 Bill at 0% cap

CITYWIDE TYPICALS	FISCAL 2009		FISCAL 2010	
	Tax Bill (\$)	5% Cap Change	Tax Bill (\$)	0% Cap Change
Class 1 Single Fam. Home	3,233	3,695 14.3%	3,519	8.8%
Class 2 Large Coop per Unit	4,467	5,095 14.0%	4,930	10.3%
Class 2 Typical Renter per Unit	2,545	2,890 13.5%	2,796	9.9%
Class 4 Lg Class A Office Bldg	5,378,573	5,543,536 3.1%	5,764,702	7.2%
Class 4 Medium Retail Store	44,520	45,254 1.6%	47,059	5.7%

The Story Thus Far...

- Early June Department of Finance mailed out Fiscal 2010 property tax bills, which were calculated using Fiscal 2010 BAVs but with tax rates from second half of Fiscal 2009*.
- June 15, 2009 Council voted via SLR to adopt a 0% cap for Fiscal 2010. However, it still needed State action to be enacted.
- June 19, 2009 Council passed Fiscal 2010 budget along with various required tax fixing resolutions with cap remaining at 5%.
- July 11, 2009 State approved 0% cap.
- Nov 16, 2009 Council to amend tax fixing resolutions from June 19, 2009 to reflect new 0% cap.
- Nov/Dec 2009 DOF to mail out revised property tax statements with bill now reflecting Fiscal 2010 tax rates calculated with 0% cap, due on January 1, 2010.

*Note: the Property Tax Rates from the 2nd Half Fiscal 2009 included the rescinding of the 7% property tax cut.

6

What the Taxpayer Sees in January

Change typical citywide taxpayer will see when DOF uses FY10 rates instead of 2nd half FY09 rates

What will be seen in January

All Properties	Tax Rates 2nd Half FY09	FY10	Change
Typical Example	12.283	12.283	0.0%
Class 1 Single Family Home	16.787	17.088	1.8% \$62
Class 2 Large Coop Per Rental Unit	13.053	13.241	1.4% \$70 \$40
Class 3	12.577	12.743	1.3%
Class 4 Large Office Bldg Medium Store	10.612	10.426	-1.8% -\$102,842 -\$840

What would have been seen in January if we kept the 5% cap

FY10	Change
12.283	0.0%
17.943	6.9% \$238
13.684	4.8% \$235 \$133
11.971	-4.8%
10.026	-5.5% -\$324,009 -\$2,645

Change in Typical Tax Bill

Value Change from Fiscal 2009 & Difference from a 5% to 0% Cap
TYPICAL TAXPAYER BILL CITYWIDE & BY BORO

Class 1 Single Fam. Home	Citywide	Bronx	Brooklyn	Manhattan	Queens	Staten Is.
Cap	\$ 461	\$ 405	\$ 462	\$ 4152	\$ 455	\$ 381
5%	285	247	291	2,663	282	222
0%	5% to 0%	5% to 0%	5% to 0%	5% to 0%	5% to 0%	5% to 0%
	\$ (176)	\$ (158)	\$ (171)	\$ (1,489)	\$ (173)	\$ (159)

Class 2 Co-op Unit*	Citywide	Bronx	Brooklyn	Manhattan	Queens	Staten Is.
Cap	\$ 627	\$ 106	\$ 283	\$ 1,174	\$ 172	\$ 32
5%	462	43	207	898	90	(16)
0%	5% to 0%	5% to 0%	5% to 0%	5% to 0%	5% to 0%	5% to 0%
	\$ (165)	\$ (63)	\$ (76)	\$ (276)	\$ (82)	\$ (48)

Renter Per Rental Unit*	Citywide	Bronx	Brooklyn	Manhattan	Queens	Staten Is.
Cap	\$ 345	\$ 51	\$ 130	\$ 710	\$ 164	\$ 257
5%	251	5	77	562	91	192
0%	5% to 0%	5% to 0%	5% to 0%	5% to 0%	5% to 0%	5% to 0%
	\$ (94)	\$ (46)	\$ (63)	\$ (148)	\$ (73)	\$ (65)

Class 4 Citywide	Office A	Retail Store
Cap	164,963	734
5%	\$ 386,129	\$ 2,539
0%	5% to 0%	5% to 0%
	\$ 221,166	\$ 1,805

* For units in buildings with more than 10 units.

“Why Did My Tax Bill Go Up?” Breakdown of Change in Bill from Fiscal 2009

TYPICAL CITYWIDE TAXPAYER BILL

Class 1 Single Fam. Home	5%	0%
Cap	14.3%	8.8%
Total Change	3.8%	3.8%
FY09 Tax Increase*	6.9%	1.8%
Class Tax Rate Change	3.1%	3.1%
BAV Change**	5%	0%
Cap	14.0%	10.3%
Total Change	3.8%	3.8%
FY09 Tax Increase*	4.8%	1.4%
Class Tax Rate Change	5.0%	5.0%
BAV Change**	5%	0%
Cap	13.5%	9.9%
Total Change	3.8%	3.8%
FY09 Tax Increase*	4.8%	1.4%
Class Tax Rate Change	4.5%	4.5%
BAV Change**	5%	0%
Cap	3.1%	7.2%
Total Change	3.8%	3.8%
FY09 Tax Increase**	-5.5%	-1.8%
Class Tax Rate Change	5.0%	5.0%
BAV Change***		

* For units in buildings with more than 10 units.
** FY2010 tax rates reflect full-year effect of rescinding the 7% tax reduction, effective for the second half of FY09.
*** Note: due to rounding, different BAV changes may not add up precisely on this chart.

Issues with a 0% Cap

- Uses last year's class shares for this year's unadjusted class shares.
- Does not allow for yearly market rate adjustments which was State legislative intent.
- Has a negative impact on commercial properties:
 - Class 4's tax rate would decline less than at other caps.
 - Class 3 utilities tax rate would increase for the second year in a row instead of decreasing at other caps.
- Con Edison passes tax increases onto customers:
 - Claims \$239 M out of \$523 M of May 1st rate increase due to property tax increases.

following streets which were demapped on City Map 4700 as of February 28, 1977: 124th Street, 125th Street, 126th Street, 127th Street, 128th Street, 129th Street/20th Street, 130th Street/21st Street, 22nd Street), Community District 7, Borough of Queens (the "Site"), for use as a police academy (ULURP No. C 090403 PSQ) (the "Application");

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

WHEREAS upon due notice, the Council held a public hearing on the Decision and Application on October 26, 2009;

WHEREAS the Council has considered the relevant environmental review (CEQR No. 07NYP003Q) and the Final Environmental Impact Statement ("FEIS") for which a Notice of Completion was issued on September 3, 2009;

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

RESOLVED:

Having considered the FEIS, with respect to the Application, the Council finds that:

(1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;

(2) From among the reasonable alternatives thereto, the action to be approved are one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and

(3) The adverse environmental impacts revealed in the environmental impact statement will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigative measures that were identified as practicable;

(4) The Decision and the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Section 197-d of the City Charter and on the basis of the Application and Decision, the Council approves the Decision.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, November 16, 2009.

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

Report of the Committee on Rules, Privileges and Elections

At this point, the Speaker (Council Member Quinn) announced that the following items have been **preconsidered** by the Committee on Rules, Privileges and Elections and have been favorably reported for adoption.

Report for M-1656

Report of the Committee on Rules, Privileges and Elections in favor of approving the recommendation of Kimberley A. Hayes as a member of the New York City Youth Board.

The Committee on Rules, Privileges and Elections, to which the annexed communication (with coupled resolution) was referred on November 16, 2009, respectfully

REPORTS:

New York City Youth Board – (Council recommendation subject to

appointment by the Mayor)

• **Kimberley A. Hayes [Pre-considered M-1656]**

Within the Department of Youth and Community Development ("DYCD"), the New York City Youth Board ("the Board") serves as a forum for representatives of disciplines concerned with the welfare of youth. The Board must be representative of the community, and is required to include persons representing the areas of social service, health care, education, business, industry and labor. *New York City Charter* ("Charter") § 734.

The Board serves as an advisory body to the Commissioner of DYCD with respect to the development of programs and policies relating to youth in the City of New York pursuant to Chapter 30 of the *Charter*, Chapter 4, Title 21 of the *Administrative Code*, Article 19-G of the *New York State Executive Law*, and regulations promulgated by the Director of the Division of Youth pursuant to such Article codified at Title 9 of the *Official Compilation of Codes, Rules and Regulations of the State of New York* ("NYCRR") Part 164, Subpart 165-1. According to Article II of the Board's By-Laws, the powers, duties and responsibilities of the Board are to:

- (i) After consultation with the Commissioner of the Department of Youth and Community Development, recommend policies and/or plans, which promote youth development and prevent delinquency.
- (ii) Advocate for youth with the executive, administrative and legislative bodies and the community at large regarding the development of services and strategies which address locally identified youth problems and needs.
- (iii) Establish closer cooperation among employees, labor, school, churches, recreation and/or youth commission, service clubs, youth and family service providers and other public and private agencies to encourage youth programs on the basis of local community planning.
- (iv) Review and analyze grants given in the Department of Youth and Community Development from federal, state and City governments and from private individuals, corporations and associations, and assist the Commissioner in developing criteria for their allocation.
- (v) In cooperation with the Commissioner of the Department of Youth and Community Development, review, analyze and recommend the acceptance or rejection of, proposals for the creation or expansion of recreational services and youth service projects or other youth programs as defined by laws of the State of New York, and make appropriate recommendations to the Mayor.
- (vi) Receive, review and analyze statistical records and data, including those that reflect the incidence and trends of delinquency and youthful crimes and offenses in the City.
- (vii) Appoint such advisory groups and committees as may be necessary to carry out the powers and duties of the Board.
- (viii) Assist in the development of a comprehensive planning process, except as provided in section 165.2 (a)(4)(I)(a) and (b) of Part 164 of Title 9 of the NYCRR.

The Board consists of up to 28 members appointed by the Mayor, 14 of whom are appointed upon recommendation of the City Council.¹ The Mayor designates one of the members of the Board to serve as its Chair. The members of the Board are required to meet at least quarterly, and serve without compensation. The *Charter* does not define member terms of office.

If recommended by the Council and subsequently appointed by the Mayor, Ms. Hayes, a resident of Manhattan, will fill a vacant position and be eligible to serve for an undefined term. Copies of Ms. Hayes' résumé and Committee reports/resolutions are annexed to this briefing paper.

The Committee on Rules, Privileges and Elections respectfully reports:

After interviewing the candidate and reviewing the relevant material, the Committee decided to approve the appointment of the nominee, Kimberley A. Hayes.

for the Lower Ma_____

¹ The Council's current recommended members are: Craig Eaton (Brooklyn); Rev. William Perry (Manhattan); Sibyl Silbertstein (Queens); Lynette C. Velasco (Queens); and Anna Garcia-Reyes (Manhattan).

Pursuant to § 734 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the recommendation by the Council of Kimberley A. Hayes as a member of the New York City Youth Board to serve for an undefined term.

This matter was referred to the Committee on November 16, 2009.

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

Res. No. 2267

Resolution approving the recommendation by the Council of Kimberley A. Hayes as a member of the New York City Youth Board.

By Council Member Reyna.

RESOLVED, that pursuant to § 734 of the *New York City Charter*, the Council does hereby approve the recommendation of Kimberley A. Hayes as a member of the New York City Youth Board to serve for an undefined term.

DIANA REYNA, Chairperson; JOEL RIVERA, LEROY G. COMRIE, ERIK MARTIN DILAN, LEWIS A. FIDLER, ROBERT JACKSON, MELINDA R. KATZ, LARRY B. SEABROOK, DAVID I. WEPRIN, VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, JAMES S. ODDO, CHRISTINE C. QUINN, Committee on Rules, Privileges and Elections, November 16, 2009.

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

Reports of the Committee on Transportation

Report for Int. No. 662-A

Report of the Committee on Transportation 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 clergy parking permits.

The Committee on Transportation, to which the annexed amended proposed local law was referred on December 11, 2007 (Minutes, page 5293), respectfully

REPORTS:

INTRODUCTION

On November 16, 2009, the Committee on Transportation, chaired by Council Member John Liu, will hold a hearing on Proposed Int. No. 662-A regarding clergy parking permits. This committee held a first hearing on Proposed Int. No. 662-A on May 21, 2009.

BACKGROUND

On July 31, 1996, the Council adopted a bill that would create clergy parking permits.² Then Mayor Rudolph W. Giuliani signed the bill into law on August 14, 1996.³ Clergy parking permits allow for up to four hours of parking in no parking zones adjacent to the clergy member's house of worship and up to three hours in no parking zones adjacent to hospitals.⁴ DOT has issued approximately 400 clergy parking permits.⁵

Some members of the clergy believe that DOT's clergy parking permit program is overly restrictive, denying some legitimate clergymembers a permit, and that the areas where clergy are allowed to park needs to be expanded.⁶ Among some of the clergy member concerns are (i) clergymembers cannot derive their principal income from an outside source, which arguably discriminates against smaller churches unable to pay for a full-time clergy member; (ii) clergy member vehicles must be registered in New York State, but some clergymembers live out-of-state; (iii) the vehicle associated with the clergy parking permit must be registered in the

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² Vivian S. Toy, "No Parking? No Problem, For the Clergy," *New York Times*, Aug. 1, 1996.

³ Information retrieved from <http://www.nyc.gov/html/dot/html/permits/clergy.shtml> on May 18, 2009.

⁴ *Id.*

⁵ Reuven Blau and Kathianne Boniello, "Kabbalah Parking Paradise," *New York Post*, July 20, 2008.

⁶ Meeting regarding Clergy Parking Permits between clergymembers, Council Members and council staff on March 24, 2009.

clergy member's name, which may cause problems for some clergy who take vows of poverty; and (iv) parking permits should allow clergymembers to park adjacent to funeral homes, where they are often officiate at a funeral.⁷ This bill would attempt to address these concerns and others.

ANALYSIS

Section one of Prop. Int. No. 662-A would amend paragraph one of subdivision a of section 19-162.1, which defines the term "member of the clergy," by replacing the term "clergyman" with "clergy member," removing provisions excluding clergy who derive their principal income from any other occupation or profession or who do not officiate or preside over services on behalf of a religious corporation or association of any denomination and requiring clergy to work on average twenty hours per week on behalf of a religious corporation or association to qualify for a permit.

Section two of Prop. Int. No. 662-A would amend paragraph two of subdivision a of section 19-162.1 by amending the definition of "passenger car" as used in such section to mean a motor vehicle lawfully registered in any state, designed and used for carrying not more than fifteen people, including the driver. Section three of Prop. Int. No. 662-A would amend subdivision a of section 19-162.1 by adding a new paragraph 5 defining funeral establishment as used in the section to mean a place devoted to or used for the care and preparation of a body of a deceased person for disposition and for mourning or funeral ceremonial purposes.

Section four of Prop. Int. No. 662-A would amend subdivision b of section 19-162.1 to allow a clergy member to park a passenger car which is owned, registered or leased by a clergy member or by a religious corporation or association employing such clergy member to park in certain areas where parking is prohibited by a sign. Subdivision b would be further amended to increase the time that a clergy member is allowed to park adjacent to his or her house of worship from four to five hours and adding a new subparagraph (iii), which would allow members of the clergy with an appropriate department permit to park for a period of up to four hours on the roadway adjacent to a funeral establishment when such member of the clergy is performing official duties at such funeral establishment. Section five of Prop. Int. No. 662-A would provide that this local law shall take effect sixty days after it is enacted into law.

(The following is from the text of the Fiscal Impact Statement for Int. No. 662-A:)

FISCAL IMPACT STATEMENT:

	Effective FY 10	FY Succeeding Effective FY 11	Full Fiscal Impact FY 11
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: There here would be minimal to no impact on expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Nathan Toth, Assistant Director
Chima Obichere, Supervising Legislative Financial Analyst

HISTORY: Introduced as Int. 662 by Council and referred to the Committee on Transportation on December 11, 2007. Hearing held and laid over by the Committee on May 21, 2009. An amended version (Proposed Intro. 662-A) is to be considered by the Committee on November 16, 2009.

DATE SUBMITTED TO COUNCIL: December 11, 2007.

Accordingly, Your Committee recommends its adoption, as amended.

for the Lower Ma_____

⁷ *Id.*

(The following is the text of Int. No. 662-A:)

Int. No. 662-A

By Council Members Jackson, Comrie, Dickens, Gennaro, Gentile, Gerson, Gonzalez, Stewart, Arroyo, Seabrook, Mealy, Yassky, James and Reyna.

A Local Law to amend the administrative code of the city of New York, in relation to clergy parking permits.

Be it enacted by the Council as follows:

Section 1. Paragraph 1 of subdivision a of section 19-162.1 of the administrative code of the city of New York is amended to read as follows:

1. The term "member of the clergy" as used in this section means a clergy[man]member or minister as defined in the religious corporations law including, but not limited to a pastor, rector, priest, rabbi or iman who officiates at or presides over services on behalf of a religious corporation or association of any denomination and works an average of at least twenty hours per week on behalf of such religious corporation or association. [Such term shall not include clergy who derive their principal income from any other occupation or profession or who do not officiate at or preside over services on behalf of a religious corporation or association of any denomination.]

§2. Paragraph 2 of subdivision a of section 19-162.1 of the administrative code of the city of New York is amended to read as follows:

2. The term "passenger car" as used in this section means a motor vehicle, lawfully registered in any state, designed and used for carrying not more than fifteen people, including the driver. Such term shall not include a vehicle licensed to operate pursuant to chapter five of this title or a commercial vehicle as defined in section 19-170 of this code.

§3. Subdivision a of section 19-162.1 of the administrative code of the city of New York is amended by adding a new paragraph 5 to read as follows:

5. The term "funeral establishment" as used in this section means a place devoted to or used for the care and preparation of a body of a deceased person for disposition and for mourning or funeral ceremonial purposes.

§4. Subdivision b of section 19-162.1 of the administrative code of the city of New York is amended to read as follows:

b. Notwithstanding any local law or rule to the contrary, it shall be permissible for a member of the clergy to park a passenger car which is owned, registered or leased by such member of the clergy or by a religious corporation or association employing such member of the clergy and displays an appropriate department permit, in an available space where parking is prohibited by a posted sign (i) for a period of up to [four] five hours upon the roadway adjacent to the house of worship at whose services such member of the clergy officiates or presides as noted on such permit [or], (ii) for a period of up to three hours on the roadway adjacent to a hospital when such member of the clergy is performing official duties at such hospital, or (iii) for a period of up to four hours on the roadway adjacent to a funeral establishment when such member of the clergy is performing official duties at such funeral establishment. It shall not be permissible for a member of the clergy to park where parking is prohibited by rule or where stopping or standing are prohibited by a posted sign or rule.

§ 5. This local law shall take effect sixty days after it is enacted into law.

JOHN C. LIU, Chairperson; DIANA REYNA, GALE A. BREWER, G. OLIVER KOPPELL, LARRY B. SEABROOK, DANIEL R. GARODNICK, JESSICA S. LAPPIN, DARLENE MEALY, VINCENT M. IGNIZIO, ERIC A. ULRICH, Committee on Transportation, November 16, 2009.

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

Report for Int. No. 907

Report of the Committee on Transportation in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to establishing a grace period for certain parking violations.

The Committee on Transportation, to which the annexed proposed local law was referred on January 7, 2009 (Minutes, page 84), respectfully

REPORTS:

INTRODUCTION

On November 16 2009, the Committee on Transportation, chaired by Council Member John Liu, will hold a hearing on Int. No. 907. Int. No. 907 would amend the Administrative Code of the City of New York to establish a grace period for certain parking violations. The Committee first heard this bill on February 25, 2009.

BACKGROUND

From July 2007 to July 2008, City traffic enforcement agents ("TEAs") issued over 9.9 million parking tickets.⁸ Parking tickets have surged 42 percent since 2002 and the City has collected 64 percent more in fines over the same period.⁹ Additionally, during the Bloomberg Administration, the number of TEAs have increased by 793, to the current level of 2,529 agents.¹⁰ The increase in both number of violations issued and staff has resulted in allegations of overzealous ticketing.¹¹

Another factor adding to the increased ticketing is the elimination of the policy that granted drivers an informal grace period.¹² The agents are currently instructed to use "common sense," when issuing tickets.¹³ The City also now has the ability to adjudicate parking tickets faster. In 2005, the Department of Finance introduced a settlement program to encourage quicker dispositions of violations by offering a lower fine in exchange for foregoing a hearing.¹⁴

In Fiscal Year 2008, parking fines totaled over \$624 million, lending credence to allegations that violations are being written to generate revenue for the City, instead of for maintaining traffic safety. Of the 9.9 million summonses, 276,000 were issued within five minutes of alternate-side parking regulations going into effect and 28,000 issued at the exact minute the regulation went into effect.¹⁵

Several jurisdictions throughout the United States have implemented (temporarily in some cases) or are considering implementing a parking meter grace period, including Ann Arbor, Michigan;¹⁶ Santa Rosa, California;¹⁷ Montclair¹⁸ and Princeton, New Jersey;¹⁹ and Tempe, Arizona.²⁰ In some of these instances, the grace period, which fluctuates between five and ten minutes, was created administratively, and in others, legislatively.²¹

Int. No. 907 would provide a five minute grace period for motorists who park their vehicles at munimeters and on certain streets where parking is regulated by signs.

ANALYSIS

Section one of Int. No. 907 would add a new section 19-213 of the Administrative Code entitled "Grace period." Subdivision a of new section 19-213 would define the term "munimeter receipt" to mean the receipt showing the amount of parking time purchased that is dispensed by an electronic parking meter and must be displayed in a conspicuous place on a vehicle's dashboard.

Subdivision b of new section 19-213 would mandate that no notice of violation shall be issued for allegedly parking in excess of the allotted time displayed on a munimeter receipt or longer than the time period allowed by a sign posted by the department until five minutes after the time that such a violation occurs.

Section two of Int. No. 907 would provide that this local law take effect ninety days after it is enacted into law.

(The following is from the text of the Fiscal Impact Statement for Int. No. 907:)

FISCAL IMPACT STATEMENT:

	Effective FY 10	FY Succeeding Effective FY 11	Full Fiscal Impact FY 11
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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⁸ Matthew Bloch & Amanda Cox, "A Year of Parking Tickets," *New York Times*, Nov. 26, 2008.

⁹ Jo Craven McGinty & Ralph Blumenthal, "Adding to the City's Coiffers, One Ticket at a Time," *New York Times*, Nov. 27, 2008.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ Jo Craven McGinty & Ralph Blumenthal, "Fighting Parking Tickets Gets Harder", *New York Times*, Jan. 24, 2009.

¹⁵ *Id.*

¹⁶ Ann Arbor City Council, *Ann Arbor City Council Minutes- Budget Working Session 2001*, http://www.a2gov.org/government/city_administration/City_Clerk/Council_Agenda_Information/Documents/Minutes/2001/05-14-01.pdf.

¹⁷ Santa Rosa City Council, *City of Santa Rosa City Council 2008*, http://ci.santa-rosa.ca.us/doclib/agendas_packets_minutes/Documents/20081216_CC_Item11.3.pdf.

¹⁸ Liz George, "Skipping Grace", *Baristanet*, Apr. 23, 2007.

¹⁹ Terry Pristin, "Getting Tougher (Or Gentler) on Parking Fines", *New York Times*, Mar. 23, 1997.

²⁰ Tempe City Council, *City Council's Finance, Economy & Veterans' Affairs Committee 2007*, <http://www.tempe.gov/PublicBodies/Archive/FinanceEconomicAndVeteransAffairs/20070220FinanceEconomyVeteransAffairsMinutes.pdf>.

²¹ *Id.*

IMPACT ON REVENUES: It is estimated that there would be minimal to no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: There would be no impact on expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Nathan Toth, Assistant Director
Chime Obichere, Supervising Legislative Financial Analyst

HISTORY: Int. 107 was introduced by the Council and referred to the Committee on Transportation on January 7, 2009. Hearing held and laid over by the Committee on February 25, 2009. Int. 907 will be reconsidered by the Committee on November 16, 2009.

DATE SUBMITTED TO COUNCIL: January 7, 2009.

Accordingly, Your Committee recommends its adoption.

(The following is the text of Int. No. 907:)

Int. No. 907

By Council Members Felder, Vacca, Barron, Comrie, Fidler, Gentile, Jackson, James, Nelson, Sears, Weprin, Stewart, Palma, Yassky, Gerson, Koppell, Gennaro, White, Liu, Eugene, Ulrich, Dickens, Vallone Jr., Recchia, Mark-Viverito, Mealy and Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a grace period for certain parking violations.

Be it enacted by the Council as follows:

Section 1. Chapter two of title 19 of the administrative code of the city of New York is amended by adding a new section 19-213 to read as follows:

§19-213. *Grace period.* a. For the purposes of this section, the term "minimeter receipt" shall mean the receipt showing the amount of parking time purchased that is dispensed by an electronic parking meter and must be displayed in a conspicuous place on a vehicle's dashboard.

b. No notice of violation shall be issued for allegedly parking in excess of the allotted time displayed on a minimeter receipt or longer than the time period allowed by a sign posted by the department until five minutes after the time that such a violation occurs.

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

JOHN C. LIU, Chairperson; DIANA REYNA, GALE A. BREWER, G. OLIVER KOPPELL, LARRY B. SEABROOK, DANIEL R. GARODNICK, JESSICA S. LAPPIN, DARLENE MEALY, VINCENT M. IGNIZIO, ERIC A. ULRICH, Committee on Transportation, November 16, 2009.

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

Report for Int. No. 1017-A

Report of the Committee on Transportation 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 notification of changes in parking restrictions.

The Committee on Transportation, to which the annexed amended proposed local law was referred on June 10, 2009 (Minutes, page 2330), respectfully

REPORTS:

INTRODUCTION

On November 16, 2009, the Committee on Transportation, chaired by Council Member John Liu, will hold a hearing on Prop. Int. No. 1017-A, a local law to amend the Administrative Code of the City of New York, in relation to notification of changes in parking restrictions. The Committee held its first hearing on this bill on June 11, 2009.

BACKGROUND

This bill intends to provide notice to members of the public when there are changes in parking restrictions by requiring the posting of notice of the changes in the area affected.

ANALYSIS

Section one of Prop. Int. No. 1017-A would add a new section 19-175.2 to the Administrative Code entitled "Notification of changes in parking restrictions." Subdivision a of new section 19-175.2 would provide that following any permanent change in parking restrictions posted by the Department of Transportation ("DOT"), it shall post notice in the affected areas indicating the date of such change and that an owner of a motor vehicle parked in the affected areas who receives a notice of parking violation that occurred within five days of posting of the notice of parking restriction change shall have an affirmative defense that he or she was parked in compliance with the applicable parking restriction that was in effect prior to the change. Subdivision a further provides that within one business day of making a permanent change in parking restrictions, such change shall be reflected on the website containing parking restrictions as required by section 19-175.2 of the code.

New subdivision b would provide that before DOT makes temporary parking restriction changes to conduct road repairs, it shall post notice of the effective date of such restrictions as soon as practicable. Such notice would be required to state that no notice of violations shall be issued for violations of such temporary parking restrictions and that if an owner's motor vehicle is missing from the affected streets, the motor vehicle may have been towed and the motor vehicle owner should contact the local police precinct for information about the location of such motor vehicle.

New subdivision c would provide that following the issuance by the Office of the Mayor of a permit that authorizes filming and/or related activity and that provides special parking privileges or the temporary suspension of parking restrictions, the party to whom the permit is issued shall post notice of such parking restriction changes immediately in the affected areas. Such notice would, at a minimum, state the temporary change in the parking restrictions, the date on which such change will take effect, that no notice of violations shall be issued for violations of the temporary parking restrictions and that if an owner's motor vehicle is missing from the affected streets, the motor vehicle may have been towed and the motor vehicle owner should contact the local police precinct for information about the location of such motor vehicle.

New subdivision d would provide that following the issuance by the Office of the Mayor of a permit that authorizes a sponsor to conduct a street fair or parade and that provides special parking privileges or the temporary suspension of parking restrictions, the sponsor shall post notice of such parking restriction changes on a form provided by the Office of the Mayor, in the affected areas, at least seven days prior to the date on which such change will take effect. Such notice would, at a minimum, state the temporary change in the parking restrictions and the date the change will take effect.

New subdivision e would provide that nothing in new section 19-175.2 shall be construed to require the department or any applicable city agency to provide notice of temporary parking restriction changes when required to preserve public safety. Section two of Prop. Int. 1017-A would provide that this local law shall take effect ninety days after it is enacted into law.

(The following is from the text of the Fiscal Impact Statement for Int. No. 1017-A:)

FISCAL IMPACT STATEMENT:

	Effective FY 10	FY Succeeding Effective FY 11	Full Fiscal Impact FY 11
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is estimated that there would be minimal to no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: There here would be no impact on expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Nathan Toth, Assistant Director

Chima Obichere, Supervising Legislative Financial Analyst

HISTORY: Int. 1017 was introduced by the Council and referred to the Committee on Transportation on June 10, 2009. Hearing held and laid over by the Committee on June 11, 2009. The amended version, Proposed Int. 1017-A will be considered by the Committee on November 16, 2009.

DATE SUBMITTED TO COUNCIL: June 10, 2009.

Accordingly, Your Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1017-A:)

Int. No. 1017-A

By Council Member Felder, Gentile, Fidler, James, Mealy, Nelson, Palma, Seabrook, Stewart, Weprin, Gerson, Vacca, White, Liu, de Blasio, Dickens, Vallone Jr., Eugene, Gennaro, Koppell and Recchia.

A Local Law to amend the administrative code of the city of New York, in relation to notification of changes in parking restrictions.

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-175.2 to read as follows:

§19-175.2 *Notification of changes in parking restrictions.* a. *Following any permanent change in parking restrictions posted by the department, the department shall post notice, in the affected areas, indicating the effective date of such change. An owner of a motor vehicle parked in the affected areas who receives a notice of a parking violation that occurred within five days of posting of the notice of the parking restriction change shall have an affirmative defense that the vehicle of the owner was parked in compliance with the applicable parking restriction that was in effect prior to such change. Within one business day of making a permanent change in parking restrictions, such change will be reflected on the website containing parking restrictions as required by section 19-175.1 of the code.*

b. *Before the department makes temporary parking restriction changes to conduct road repairs, it shall post notice of the effective date of such restrictions as soon as practicable. Such notice shall state that no notice of violations shall be issued for violations of such temporary parking restrictions and that if an owner's motor vehicle is missing from the affected streets, the motor vehicle may have been towed and the motor vehicle owner should contact the local police precinct for information about the location of such motor vehicle.*

c. *Following the issuance by the office of the mayor of a permit that authorizes filming and/or related activity and that provides special parking privileges or the temporary suspension of parking restrictions, the party to whom the permit is issued shall post notice of such parking restriction changes immediately in the affected areas. Such notice shall, at a minimum, state the temporary change in the parking restrictions, the date on which such change will take effect, that no notice of violations shall be issued for violations of the temporary parking restrictions and that if an owner's motor vehicle is missing from the affected streets, the motor vehicle may have been towed and the motor vehicle owner should contact the local police precinct for information about the location of such motor vehicle.*

d. *Following the issuance by the office of the mayor of a permit that authorizes a sponsor to conduct a street fair or parade and that provides special parking privileges or the temporary suspension of parking restrictions, the sponsor shall post notice of such parking restriction changes on a form provided by the office of the mayor, in the affected areas, at least seven days prior to the date on which such change will take effect. Such notice shall, at a minimum, state the temporary change in the parking restrictions and the date the change will take effect.*

e. *Nothing in this section shall be construed to require the department or any applicable city agency to provide notice of temporary parking restriction changes when required to preserve public safety.*

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

JOHN C. LIU, Chairperson; DIANA REYNA, GALE A. BREWER, G. OLIVER KOPPELL, LARRY B. SEABROOK, DANIEL R. GARODNICK, JESSICA S. LAPPIN, DARLENE MEALY, VINCENT M. IGNIZIO, ERIC A. ULRICH, Committee on Transportation, November 16, 2009.

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

Report for Int. No. 1076-A

Report of the Committee on Transportation 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 notification of certain changes involving parking meters.

The Committee on Transportation, to which the annexed amended proposed local law was referred on September 17, 2009 (Minutes, page 4845), respectfully

REPORTS:

INTRODUCTION

On November 16, 2009, the Committee on Transportation, chaired by Council Member John Liu, will hold a hearing on Prop. Int. No. 1076-A. This legislation would amend the Administrative Code of the City of New York, to require the Department of Transportation to notify the local community board and Council Member of the affected district of certain changes involving parking meter at least thirty days before such changes are to take effect. The Committee held its first hearing on this bill on October 8, 2009.

BACKGROUND

According to the 2009 Mayor's Management Report, there are more than 63,000 parking meters throughout the five boroughs.¹ On February 16, 2009, parking meter rates increased at 47,000 single-space meters and 730 muni-meters across the City.² The new rate increased from 25 cents for 30 minutes to 25 cents for 20 minutes, resulting in one hour of parking costing 75 cents from the previous fee of 50 cents.³ The increase will result in an additional \$27 million to the City budget.⁴ Most meter rates have not been changed since 1992, with the exception of a rate increase affecting some meters in 1995.⁵ Revenue generated from parking meters has risen steadily since Fiscal 2008 and is projected to continue to rise.⁶ In Fiscal 2008, revenue generated from parking meters was \$112.5 million and in Fiscal 2009, \$119.2 million is projected.⁷ By Fiscal 2010, the total parking meter revenue is expected to be \$139.4 million and by Fiscal 2011, it is projected to be \$143.6 million.⁸

In 2008, the DOT piloted a program that raised parking meter rates during peak hours in certain communities throughout the City.⁹ The program, Park Smart, has already been tested in Greenwich Village, Manhattan and Park Slope, Brooklyn.¹⁰ The DOT asserts that the program results in an increase of available spaces, less double parking and congestion and improved safety.¹¹ The DOT maintains that they work with community stakeholders including community boards, merchants and other members of the public before initiating a pilot program.¹²

While changes made to parking meter regulations should involve community participation, discussion and notification, some advocates fear that these changes are made with little or no public input.¹³ Some residents have complained about being subject to an increase in the parking meter rate, which they were unaware of and as a result were subject to ticketing.¹⁴ This legislation seeks to avoid a repeat of this situation by requiring the DOT to provide 60 days notice before it can change a parking meter regulation, including rate increases.

ANALYSIS

Section one of Prop. Int. No. 1076-A would add a new section 19-175.3 to the Administrative Code, entitled "Notification of changes involving parking meters." New Section 19-175.3 would provide that before the Department of Transportation changes parking meter rates or replaces a parking meter with a different type of parking meter (this bill is not intended to apply where a parking meter is merely upgraded with a newer version of the same type of meter), it shall provide at least thirty days written notice of such changes by regular first-class mail and electronic mail to the community board and council member in whose district the affected parking meters are or will be located and by posting such notice on the department's website.

Paragraph one of new section 19-175.3 would provide that with changes in parking rates, the notice must provide, at a minimum, the proposed new rate, the location(s) of the meters affected by the rate change and the earliest date such new rate will go into effect. Paragraph two of new section 19-175.3 would provide that with changes in meter type, the notice must provide, at a minimum, the location(s) where meters would be converted and the earliest date such conversions will go into operation. Section two of Prop. Int. No. 1076-A would provide that this local law take effect immediately upon its enactment.

¹ N.Y. City Mayor's Office of Operations, Mayor's Management Report September 2009, Department of Transportation, http://www.nyc.gov/html/ops/downloads/pdf/2009_mmr/0909_mmr.pdf (last visited Sept. 30, 2009).

² N.Y. City Dep't of Transportation, *Motorists: Parking in New York City*, <http://www.nyc.gov/html/dot/html/motorist/prkintro.shtml> (last visited Sept. 30, 2009).

³ *Id.*

⁴ *Hearing on the Fiscal 2010 Executive Budget for the Department of Transportation: Hearing Before the N.Y. City Council Comm. on Transportation*, Sess 8., available at http://www.council.nyc.gov/html/budget/PDFs/fy_10_exec_budget_transportation.pdf.

⁵ N.Y. City Dep't of Transportation, *supra* note 2.

⁶ N.Y. City Council, *supra* note 4.

⁷ *Id.*

⁸ *Id.*

⁹ N.Y. City Dep't of Transportation, *Motorists: Park Smart NYC Pilot Program*, <http://www.nyc.gov/html/dot/html/motorist/parksmart.shtml> (last visited Sept. 30, 2009).

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ Bronx Times, *Better Parking Bills*, September 24, 2009.

¹⁴ *Id.*

(The following is from the text of the Fiscal Impact Statement for Int. No. 1076-A:)

FISCAL IMPACT STATEMENT:

	Effective FY 10	FY Succeeding Effective FY 11	Full Fiscal Impact FY 11
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: It is estimated that there would be minimal to no impact on expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Nathan Toth, Assistant Director
Chima Obichere, Supervising Legislative Financial Analyst

HISTORY: Int. 1076 was introduced by the Council and referred to the Committee on Transportation on September 17, 2009. Hearing held and laid over by the Committee on October 8, 2009. The amended version, Proposed Int. 1076-A will be considered by the Committee on November 16, 2009.

DATE SUBMITTED TO COUNCIL: September 17, 2009.

(The following is the text of Int. No. 1076-A:)

Int. No. 1076-A

By Council Members Gentile, Vacca, Vallone, Comrie, Dilan, Felder, Fidler, Gonalez, James, Koppell, Palma, Sanders, Seabrook, Stewart, Weprin, Gerson, Nelson, Mendez, Jackson, White, Liu, Eugene, Gennaro and Recchia.

A Local Law to amend the administrative code of the city of New York, in relation to notification of certain changes involving parking meters.

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-175.3 to read as follows:

§19-175.3 Notification of changes involving parking meters. Before the department changes parking meter rates or replaces a parking meter with a different type of parking meter, it shall provide at least thirty days written notice of such changes by regular first-class mail and electronic mail to the community board and council member in whose district the affected parking meters are or will be located and by posting such written notice on the department's website. Such notice shall at a minimum provide the following information with regard to the changes:

1. *Parking rates. Notice shall state the proposed new rate, the location(s) of the meters affected by such rate change and the earliest date such new rate will go into effect.*

2. *Change in meter type. Notice shall state the location(s) where meters will be converted and the earliest date such converted meters will go into operation.*

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

JOHN C. LIU, Chairperson; DIANA REYNA, GALE A. BREWER, G. OLIVER KOPPELL, LARRY B. SEABROOK, DANIEL R. GARODNICK, JESSICA S. LAPPIN, DARLENE MEALY, VINCENT M. IGNIZIO, ERIC A. ULRICH, Committee on Transportation, November 16, 2009.

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

GENERAL ORDER CALENDAR

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

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

Approved New Applicant's Report

<u>Name</u>	<u>Address</u>	<u>District #</u>
Jazlyn A Batista	73 DeSales Place Brooklyn, NY 11207	37
Nikki Brady	10308 Avenue K Brooklyn, NY 11236	42
Linda M. Cusumand	1836 Richmond Terrace Staten Island, NY 10310	49
Giuliana. Garcia	13-08 123rd Street Queens, NY 11356	19
Sarah L. Garcia	2920 Tiemann Avenue Bronx, NY 10469	12
Antowin T. Kenner	112-50 205th Street Queens, IVY 11412	27
Nigina Lobasso	2265 Ocean Parkway #2F Brooklyn, NY 11223	47
Monique Mangum	147-44 225th Street Queens, NY 11413	31
Stacey S. Newman	1856 85th Street #3 Brooklyn, NY 11214	43
Carmen Parra	93-35 Lamont Avenue #4J Queens, NY 11373	21
Richard Resk	162-17 96th Street Queens, NY 11414	32
Alexander Sokolov	81 Corbin Place #1 Brooklyn, NY 11235	48

Approved New Applicants and Reapplicants

Frank Albergo	8 804 21st Avenue #3 Brooklyn, NY 11214	47
Rosolino Fanara	1944 19th Lane Brooklyn, NY 11214	47
Lenore Zalstein	2925 West 5th Street #12E Brooklyn, NY 11224	47
Kathleen A. Benjamin	40-24 A West Mosholu Pkwy South Bronx, NY 10468	11
Donald Feldman.	500 Kappock Street #4L Bronx, NY 10463	11
Lourdes M. Bowers	281 Fordham Place Bronx, NY 10464	13
Monica Cole-Gordon	4030 Murdock Avenue Bronx, NY 10466	12
Betsy Santiago	120 DeKruif Place #6H	12

Santa Colella	Bronx, NY 10475 424 Virginia Avenue	49
Cynthia Cupo	Staten Island, NY 10305 11 ¹ Crystal Avenue	49
Ronald S. Dalo	Staten Island, NY 10302 94-41 109th Avenue	32
Leticia Hyde	Ozone Park, NY 11417 151-25 78th Street #1	32
Antoinette M. Quinones	Queens, NY 11.414 95-30 76th Street	32
Lisa A. Wohl	Ozone Park, NY 11416 163-43 97th Street	32
Retoria Estaphan	Howard Beach, NY 11414 876 Greene Avenue	36
Gale A. Hendy	Brooklyn, NY 11221 1316 Sterling Place #2R	36
Antoinette Farella	Brooklyn, NY 11213 61-34 69th Place	30
Plinio Mateo	Middle Village, NY 11379 78-40 64th Street	30
Idalis Feliciano	Glendale, NY 11385 1269 Havemeyer Avenue	18
Evelyn Sanchez	Bronx, NY 10462 1332 Metropolitan Avenue	18
Dinah Fish	Bronx, NY 10462 2625 Emmons Avenue	46
Marissa A. Gangichiodo	Brooklyn, NY 11235 1652 East 56th Street	46
Gregory E. McCree	Brooklyn, NY 11234 1539 East 53rd Street	46
Sandra Rodriguez	Brooklyn, NY 11234 2449 Stuart Street	46
Linda L. Glaz	Brooklyn, NY 11229 11 Wellington Court	51
Joseph J. Luca	Staten Island, NY 10314 123 Pacific Avenue	51
Vincent Serapiglia	Staten Island, NY 10312 260 Rolling Hill Green	51
Judith Gail Greenstein	Staten Island, NY 10312 182-35 80th Drive	24
Joan Guidetti	Jamaica, NY 11432 90 Beekman Street #6K	1
Joseph Guidetti	New York, NY 1003 8 90 Beekman Street #6K	1
Brigitte Gutierrez	New York, NY 10038 2171 Clinton Avenue	15
Leonid Gutnik	Bronx, NY 10457 3392 Guider Avenue #3	48
Roger E. Hammer	Brooklyn, NY 11235 90-11 Northern Blvd.	25
Anne McLaughlin	Queens, NY 11372 25-55 76th Street	25
Marie Ichart	Queens, NY 11370 1430 42nd Street	44
Elul Lee	Brooklyn, NY 11219 222-05 Edmore Avenue	23
Margaret Maravolo	Queens, NY 11428 335 Woodbine Avenue	50
Izabella Segal	Staten Island, NY 10314 416 Adams Avenue	50
Wilfredo Negron	Staten Island, NY 10306 541 Wythe Avenue #8H	33
Edwin M. Pena	Brooklyn, NY 11211 60-68 West 162nd Street #5E	17
Josephine Sanchez	Bronx, NY 10452 1473 Bryant Avenue #3B	17
Cheryl Phillip	Bronx, NY 10460 510 East 46th Street	45
Bracha Rihowsky	Brooklyn, NY 11203 809 Empire Avenue	31
Esther Scott	Queens, NY 11691 1368 Webster Avenue 417A	16

Sherban M. Standish	Bronx, NY 10456 90-02 63rd Drive #2K	29
Anna. Steel	Queens, NY 11374 315 Ovington Avenue #5N	43
Joseph J. Williams	Brooklyn, NY 11209 8105 4th Avenue #6C	43
Ebony Stewart	Brooklyn, NY 11209 368 East 45th Street	41
Margarita Vega	Brooklyn, NY 11203 1893-95 Andrews Avenue	14
	Bronx, NY 10453	

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

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

- (1) **M 1656 & Res 2267 --** Kimberley A. Hayes - As a member of the New York City Youth Board.
- (2) **Int 662-A --** Clergy parking permits.
- (3) **Int 907 --** Establishing a grace period for certain parking violations.
- (4) **Int 1017-A --** Notification of changes in parking restrictions.
- (5) **Int 1057 --** Extension of the Times Square business improvement district.
- (6) **Int 1076-A --** Notification of certain changes involving parking meters.
- (7) **Res 2262 --** Approving the New Designation And Changes In The Designation Of Certain Organizations To Receive Funding In The Fiscal 2010 Expense Budget **(Transparency Resolution, November 16, 2009)**
- (8) **Res 2263** Levy of taxes on the real property in the city of New York **(Tax Fixing Resolution, November 16, 2009).**
- (9) **Res 2264 --** Computing and certifying base percentage, current percentage and current base proportion of each class of real property for Fiscal 2010.
- (10) **Res 2265 --** Certifying adjusted base proportion of each class of real property for Fiscal 2010.
- (11) **L.U. 1240 & Res 2266 --** ULURP, app. **C 090403 PSQ**, 28th Avenue, Ulmer Street, 31st Avenue and College Point Boulevard for use as a police academy in the Borough of Queens, Council District no. 19.
- (12) **Resolution approving various persons Commissioners of Deeds.**

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

Affirmative – Arroyo, Avella, Barron, Brewer, Comrie, Crowley, de Blasio, Dickens, Dilan, Eugene, Felder, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, Mark-Viverito, Mealy, Mendez, Mitchell, Nelson, Palma, Recchia, Reyna, Sanders, Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone, Jr., Vann, Weprin, White, Yassky, Oddo, Rivera, and the Speaker (Council Member Quinn) – 49.

The General Order vote recorded for this Stated Meeting was 49-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Int No. 907**:

Affirmative – Arroyo, Barron, Brewer, Comrie, Crowley, de Blasio, Dickens, Dilan, Eugene, Felder, Ferreras, Fidler, Foster, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, Mark-Viverito, Mealy, Mendez, Mitchell, Nelson, Palma, Recchia, Reyna, Sanders, Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone, Jr., Vann, Weprin, White, Yassky, Oddo, Rivera, and the Speaker (Council Member Quinn) – 47

Negative – Avella and Gardodnick -2.

The following was the vote recorded for **LU No. 1240 & Res No. 2260**:

Affirmative – Arroyo, Brewer, Comrie, Crowley, de Blasio, Dickens, Dilan, Eugene, Felder, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, Mark-Viverito, Mealy, Mendez, Mitchell, Nelson, Palma, Recchia, Reyna, Sanders, Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone, Jr., Vann, Weprin, White, Yassky, Oddo, Rivera, and the Speaker (Council Member Quinn) – 47

Negative – Avella and Barron – 2.

The following five Introductions were sent to the Mayor for his consideration and approval: Int Nos. 662-A, 907, 1017-A, 1057 and 1076-A.

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

RESOLUTIONS

Presented for voice-vote

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

Report for voice-vote Res. No. 1850-A

Report of the Committee on Environmental Protection in favor of approving a Resolution calling on the United States Congress to pass H.R. 2776 of 2009, removing the exemption for hydraulic fracturing from the Safe Drinking Water Act; on the United States Environmental Protection Agency to reassess its 2004 study of hydraulic fracturing with respect to its risks to unfiltered drinking water systems and to apply stringent regulations to protect drinking water supplies from any risk due to hydraulic fracturing; on the New York State Department of Health to study the public health and regulatory risks of hydraulic fracturing to the New York City water supply system and to propose any necessary actions to protect public health; on the New York State Department of Environmental Conservation, the New York State Legislature, and New York State Governor David Paterson to prohibit drilling for natural gas within the boundaries of the watershed; and on the New York State Department of Environmental Conservation to extend the public comment period on its draft Supplemental Generic Environmental Impact Statement relating to high-volume hydraulic fracturing to February 28, 2010.

The Committee on Environmental Protection, to which the annexed amended resolution was referred on March 11, 2009 (Minutes, page 767), respectfully

REPORTS:

I. Introduction

On Thursday, November 12, the Committee on Environmental Protection will hold a hearing on Proposed Res. No. 1850-A, relating to drilling for natural gas within the New York City watershed.

II. Background

Approximately ninety percent of New York City's water supply comes from a series of reservoirs and controlled lakes north and west of the City known as the Catskill/Delaware system, which also provides water for some residents of upstate New York, totaling about nine million people. The watershed area for these supplies covers 1,969 square miles over eight counties.¹ The Catskill/Delaware system provides very high quality water that has earned a Filtration Avoidance Determination (FAD) from the United States Environmental Protection Agency (EPA), making New York City one of five major cities in the nation with a water supply that is not filtered. The City has actively maintained the quality of its water by purchasing in fee simple, or obtaining conservation easements on, 144,000 acres of land in its watershed.² The City, in partnership with New York State, also maintains stringent rules governing land use and agricultural activities in the watershed. New York City's investment backed expectations, supported by more than a half billion New York City taxpayer dollars, are that our drinking water will be protected into perpetuity.

The entire Catskill/Delaware watershed sits atop the Marcellus Shale, a geological formation that is now the subject of intense interest from oil and gas companies who wish to drill there. The Marcellus Shale formation stretches from Ohio to New York and lies under much of Pennsylvania and West Virginia, a distance of more than six hundred miles, at depths ranging from a mile to more than nine thousand feet below the surface. Trapped in the deep reaches of the bedrock are anywhere from 168 trillion cubic feet of gas to as much as 516 trillion cubic feet of gas, enough to supply the natural gas needs of the entire United States for up to two years.³ Geologists have long been aware of the large reserves of natural gas in the Marcellus Shale, but recent developments in oil and gas technology, along with higher natural gas prices, have just recently made its extraction economically viable, leading to a flurry of interest in the area. Natural gas within the Marcellus Shale can be accessed using a combination of horizontal drilling and hydraulic fracturing. This latter process involves pumping large amounts of water, combined with biocides (anti-bacterial agents), surfactants (friction reducers), and proppants (sands used to keep fractures in the rock open), into wells in order to free trapped natural gas. While natural gas drilling may provide an economic benefit to New York State and a source of cleaner-burning, locally produced energy, serious concerns about the impacts of its production have been raised across the country. Natural gas is an important resource, but the benefits of drilling, particularly within New York City's watershed, must be weighed carefully against the dangers of water supply contamination. New York City must be very certain that nothing will damage or destroy its significant investment in the future of the City.

Due to concerns over the risks that hydraulic fracturing and horizontal drilling for natural gas presents, the Environmental Protection Committee held hearings on this subject in September and December of 2008 and in October of 2009, bringing together a large number of New York City residents, environmental groups, residents of the watershed area, academic researchers, industry representatives, and others. Many New York City residents and environmental groups expressed deep reservations about the horizontal drilling and hydraulic fracturing process during those hearings on a variety of grounds. Because of an exemption for hydraulic fracturing obtained through the 2005 Energy Policy Act, hydraulic fracturing is not currently regulated under the EPA's Underground Injection Control Program, and many environmental advocates feel that federal regulation is necessary to ensure adequate protection of drinking water. In addition, many witnesses expressed concerns about the adequacy of the New York State Department of Environmental Conservation (DEC)'s recently released draft Supplemental Generic Environmental Impact Statement ("dSGEIS") relating to horizontal drilling and hydraulic fracturing for natural gas. Consultants for the New York City Department of Environmental Protection (DEP) have begun to release their findings on potential risks to New York City's watershed, and DEP has expressed deep reservations about the compatibility of industrial drilling with watershed protection. Many of those wishing to submit comments to DEC on the dSGEIS do not feel that the ninety day comment period is sufficient for the public to review and comment on the voluminous dSGEIS, and felt that DEC should extend the public comment period on the dSGEIS to allow adequate time for comments.

III. New York City's Filtration Avoidance Determination

Pursuant to the Safe Drinking Water Act (SDWA) Amendments of 1986, EPA promulgated the Surface Water Treatment Rule (SWTR), specifying the criteria under which filtration is required as a treatment technique for public water systems supplied by a surface water source. In New York State, EPA delegated primary enforcement responsibility (primacy) of the Safe Drinking Water Act to the New York State Department of Health (NYSDOH) on September 9, 1977. In 2007 EPA ultimately determined that New York City's Delaware and Catskill public water systems continue to meet the following SWTR conditions for unfiltered surface water supply systems: source water quality conditions found at 40 CFR §141.71(a); the disinfection requirements of 40 CFR §141.72(a); and the site specific conditions

found at 40 CFR §141.71(b) (1), (3), (4), (5) and (6).⁴ That determination was based on careful consideration of a wide range of factors, including New York City's long term plans to maintain the forested character of the watershed through land acquisitions and watershed rules. If the Delaware and Catskill systems are impacted by significant water pollution, New York City might be required to filter its drinking water. A filtration plant for the water from the Catskill/Delaware water supply would cost at least \$10 billion, the cost of which would be borne by New York City and upstate ratepayers. The EPA's FAD determination was described as "tentative" in a letter to New York City Watershed stakeholders and based upon the conclusion that New York City continues to have an "adequate long-term watershed protection program for the Catskill/Delaware water supply that meets the requirements of the Surface Water Treatment Rule and related federal regulation".⁵ New York City must protect its watershed at all cost to preserve our Filtration Avoidance Determination.

IV. Proposed Res. No. 1850-A

Although New York City has no direct authority to prohibit drilling within its watershed, Proposed Res. No. 1850-A would allow the City Council to formally assert its opposition to drilling within the watershed. Millions of people drink the water supplied by New York City's watershed; the resolution would state unequivocally that the New York City Council sees no reason to expose the water supply to multiple risks and jeopardize the City's Filtration Avoidance Determination. The resolution calls on all responsible parties to take action to protect the New York City water supply and to ensure the safety of hydraulic fracturing more generally. First, the resolution calls upon the United States Congress to pass H.R. 2776 of 2009, which would give the EPA the authority to regulate hydraulic fracturing under the Safe Drinking Water Act. Second, it calls on the EPA to reassess the risks of hydraulic fracturing and to apply stringent regulations to the process. Third, it calls on the New York State Department of Health to take an active role in protecting the New York City water supply from risks posed by hydraulic fracturing. Fourth, it calls on the State Legislature to pass a law prohibiting drilling for natural gas within the New York City watershed, on Governor Paterson to promote and sign such legislation, and on DEC to make a determination that hydraulic fracturing is inconsistent with the protection of New York City's water supply and prohibit the issuance of permits within the watershed. Finally, the resolution calls on DEC to extend the public comment period on its dSGEIS to allow adequate time for all interested parties to analyze and comment on the document. Each of these requests is detailed below.

a. Safe Drinking Water Act Exemption

Horizontal drilling combined with hydraulic fracturing poses risks to any watershed within which it takes place, not only New York City's. The federal government has authority under several federal laws to address the impacts from natural gas drilling, but the oil and gas industry has been effective at obtaining an exemption for hydraulic fracturing from regulation as part of the Underground Injection Control Program of the Safe Drinking Water Act.⁶ This prevents the EPA from regulating hydraulic fracturing and protecting drinking water supplies from nearby drilling operations.

Proposed Res. No. 1850-A calls on the United States Congress to pass legislation removing the exemption for hydraulic fracturing from the Safe Drinking Water Act. United States Representatives DeGette, Hinchey, and Salazar have recently introduced Congressional legislation, H.R. 2766 of 2009, known as the "Fracturing Responsibility and Awareness of Chemicals Act of 2009," which would require the EPA to oversee the regulation of hydraulic fracturing and would require disclosure of all chemicals to be used in such operations.

b. EPA Study and Regulation

Although the EPA's *Evaluation of Impacts to Underground Sources of Drinking Water by Hydraulic Fracturing of Coal Bed Methane Reservoirs*⁷ stated that hydraulic fracturing poses little to no threat to drinking water supplies, an agency whistleblower later revealed that information indicating the opposite had been removed from the report. A 2002 draft of the EPA study on hydraulic fracturing, which was obtained through a Freedom of Information Act request by the Oil and Gas Accountability Project, showed that nine hazardous chemicals that are found in fluids are frequently injected underground at levels that exceed water quality standards.⁸ Continuing questions about the validity of the 2004 EPA report indicate that the EPA must revisit its evaluation of the threats hydraulic fracturing poses to drinking water supplies. Should Congress pass legislation giving the EPA the authority to regulate hydraulic fracturing under its Underground Injection Control Program, the EPA should apply stringent regulations as to where hydraulic fracturing should be allowed and to ensure that drinking water is protected wherever hydraulic fracturing takes place.

c. The Role of the New York State Department of Health

As the agency with primary responsibility for oversight of New York City's Filtration Avoidance Determination, the New York State Department of Health should take an active role in ensuring that no activity proposed within the watershed endangers the FAD or the health of water users. DOH should conduct its own study of the proposed drilling operations from the perspective of public health and the possibility that such operations would jeopardize the FAD. If DOH concludes that drilling operations present any public health risk or jeopardize the FAD, it should assert its role as the primary enforcer of the Safe Drinking Water Act in New York State by proposing all necessary actions to protect New York City's water supply, including a modification of the Watershed Rules to prohibit gas drilling.

d. Prohibition of Drilling in the New York City Watershed

Regardless of the safeguards that are placed on drilling operations within the watershed, risk to the water supply remains. The New York City Department of Environmental Protection retained consultants who have provided a preliminary "rapid impact assessment" of potential consequences of natural gas drilling in the New York City Watershed. They will release their final impact assessment by December 31, 2009. In contrast to the information provided by DEC's consultants, the rapid impact assessment provided to DEP indicates that, should the proposed natural gas drilling take place within the watershed at the expected levels, extensive adverse impacts to the water supply are likely. The rapid impact assessment lists the following likely impacts of horizontal drilling combined with hydraulic fracturing in the watershed:⁹

- The site preparation on the surface is likely to increase erosion and run-off into the reservoirs.
- The wellbore, which acts as a conduit between geological formations, can allow previously isolated contaminants to flow into shallow groundwater or surface water.
- The stimulation of the well introduces hazardous chemicals into the watershed.
- Water withdrawals for hydrofracking may have direct water supply operational impacts.
- The hydrofracking process creates enormous volumes of industrial wastewater that cannot be effectively treated by conventional processes.

Given the risk of drilling within the New York City watershed and the millions of people who rely on the clean water it provides, Proposed Res. No. 1850-A calls on all parties who may do so to prohibit drilling within the watershed.

e. Extension of the Public Comment Period for the dSGEIS

The lengthy dSGEIS on horizontal drilling and high-volume hydraulic fracturing for natural gas in the Marcellus Shale was released on September 30, 2009, and the public comment period was set for 60 days, until November 30. While DEC has since extended that comment period to December 31, 2009, this public comment period is still inadequate. DEP's consultants are still in the process of preparing a final report on the impacts of natural gas drilling on the New York City watershed, which is due on December 31, 2009. It is particularly important for those concerned about New York City's drinking water to be able to review that report before submitting comments, as well as simply to have adequate time to read, analyze, and comment on the dSGEIS. Proposed Res. No. 1850-A requests that DEC extend the public comment period to February 28, 2010.

V. Conclusion

New York City's drinking water is one of its most valuable resources. Proposed Res. No. 1850-A calls on all parties that share responsibility for protecting this resource to ensure that gas drilling operations do not endanger our high-quality, unfiltered drinking water.

¹ New York City Department of Environmental Protection, "New York City Watershed History," http://www.nyc.gov/html/dep/html/watershed_protection/html/history.html

² Breen, Cathleen, and James L. Simpson. "Clean Drinking Water Coalition's First Annual DEP Report Card," May 2008. URL: http://www.riverkeeper.org/document.php/759/Full_Report_DEP.pdf

³ New York State Department of Environmental Conservation, "Marcellus Shale," available at <http://www.dec.ny.gov/energy/>.

⁴ New York City Filtration Avoidance Determination, United States Environmental Protection Agency, May 1997.

⁵ Walter Mudgan, Director, Division of Environmental Planning and Protection, Environmental Protection Agency, Region 2, April 12, 2007.

⁶ 42 U.S.C. 300h(d).

⁷ http://www.epa.gov/safewater/uic/wells_coalbedmethanestudy.html

⁸ Oil and Gas Accountability Project, 2005. "Our Drinking Water at Risk." <http://www.earthworksaction.org/pubs/DrinkingWaterAtRisk.pdf>

⁹ DEP Rapid Impact Assessment, available at http://www.nyc.gov/html/dep/html/news/natural_gas_drilling.shtml

Accordingly, Your Committee recommends its adoption, as amended.

(The following is the text of Res. No. 1850-A:)

Int. No. 1850-A

Resolution calling on the United States Congress to pass H.R. 2776 of 2009, removing the exemption for hydraulic fracturing from the Safe Drinking Water Act; on the United States Environmental Protection Agency to reassess its 2004 study of hydraulic fracturing with respect to its risks to unfiltered drinking water systems and to apply stringent regulations to protect drinking water supplies from any risk due to hydraulic fracturing; on the New York State Department of Health to study the public health and regulatory risks of hydraulic fracturing to the New York City water supply system and to propose any necessary actions to protect public health; on the New York State Department of Environmental Conservation, the New York State Legislature, and New York State Governor David Paterson to prohibit drilling for natural gas within the boundaries of the watershed; and on the New York State Department of Environmental Conservation to extend the public comment period on its draft Supplemental Generic Environmental Impact Statement relating to high-volume hydraulic fracturing to February 28, 2010.

By Council Members Gennaro, Lappin, Garodnick, the Speaker (Council Member Quinn), Brewer, Comrie, Fidler, Gentile, Gonzalez, Katz, Koppell, Liu, Nelson, Palma, Sanders, Vallone Jr., Weprin, Gerson, Foster, White, de Blasio, Mark-Viverito, James, Recchia Jr., Crowley, Eugene, Arroyo, Jackson and Sears.

Whereas, The New York City drinking water supply is one of our most vital resources; and

Whereas, The high quality of the water supplied to New York City from the Catskill and Delaware watersheds, the largely rural and agricultural land uses in the watershed, and the actions being taken by the City of New York to preserve natural buffers and to improve the quality of that water, have earned a Filtration Avoidance Determination from the United States Environmental Protection Agency (EPA), making it one of just five unfiltered drinking water supplies to serve a major United States city; and

Whereas, The entire Catskill and Delaware watersheds, which together provide approximately 90% of the City's daily water supply, sit atop the Marcellus Shale geological formation, which contains large deposits of natural gas; and

Whereas, Increasing interest in the use of natural gas as a fuel and new developments in gas recovery technology have recently made drilling for natural gas in the Marcellus Shale formation economically viable; and

Whereas, Drilling within the Marcellus Shale employs a technique known as hydraulic fracturing, a recovery process that frees natural gas deposits using large quantities of water, combined with multiple chemical additives, many of which are known to be toxic; and

Whereas, Chemicals contained in hydraulic fracturing fluids have been associated with a variety of public health risks, including developmental delays and cancers; and

Whereas, Naturally-occurring radioactive elements and other pollutants may also be disturbed, concentrated and released by the hydraulic fracturing process, leading to contamination of underground aquifers and surface waters; and

Whereas, Hydraulic fracturing presents risks of water contamination during drilling operations and during the storage and disposal of millions of gallons of the water and chemical additive mixture required for each well that is created; and

Whereas, Hydraulic fracturing has resulted in contaminated water supplies in other states, including Pennsylvania, Texas, Wyoming, and New Mexico; and

Whereas, Should the City of New York lose its Filtration Avoidance Determination, through widespread land use changes, heightened risks of contamination or other causes, it would be required by EPA to build and operate an additional water filtration plant, the cost of which has been estimated by the New York City Department of Environmental Protection to be approximately \$10 billion, which under existing law and rules would be borne by New York City ratepayers and other users of the water system; and

Whereas, A filtration plant would not necessarily be capable of removing all dangerous contaminants from the drinking water supply; and

Whereas, The Energy Policy Act of 2005 exempted hydraulic fracturing from regulation under the Underground Injection Control program of the Safe Drinking Water Act; and

Whereas, State-by-state regulation of hydraulic fracturing activities results in inconsistent standards for drilling activities and unreliable information about the dangers of hydraulic fracturing; and

Whereas, United States Representatives DeGette, Hinchey, and Salazar have recently introduced Congressional legislation, H.R. 2766 of 2009, known as the "Fracturing Responsibility and Awareness of Chemicals Act of 2009," to repeal the exemption for hydraulic fracturing from the Safe Drinking Water Act; and

Whereas, Lisa Jackson, the current Administrator of the United States Environmental Protection Agency, has recognized the need for the EPA to re-examine the potential danger to drinking water supplies posed by hydraulic fracturing; and

Whereas, Federal study and regulation of hydraulic fracturing will support and enhance State efforts to protect drinking water supplies; and

Whereas, No amount of careful planning and operation can guarantee that there will be no chemical spills that could flow into reservoirs, underground migration of fracturing fluids toward the water supply, or other accidents resulting from drilling operations within the New York City watershed; and

Whereas, The New York City watershed area supplies drinking water to millions of New York City and New York State residents; and

Whereas, A prohibition on drilling within the watershed for the New York City drinking water supply would provide important long-term protection to the New York City water supply and all its users; and

Whereas, The Chief Executive Officer of Chesapeake Energy (Chesapeake), the energy company that holds the most mineral leases within the Marcellus Shale, has stated publicly that Chesapeake will not drill anywhere in the New York City watershed because of the intense public concern about potential adverse impacts; and

Whereas, While Chesapeake's decision not to drill within the New York City watershed is to be commended, it does not, however, preclude them from engaging in drilling in the watershed in the future, does not preclude Chesapeake from transferring their leases to other companies and does not preclude other companies from entering into leases with property owners who do not have leases with Chesapeake; and

Whereas, Other energy companies, such as XTO Energy Inc. and Penn Virginia Corporation, have recorded over 200 leases in Delaware County, some of which are within the watershed; and

Whereas, An informal corporate statement of an intention not to drill within the watershed does not preclude the need for a legally enforceable prohibition on drilling within the watershed; and

Whereas, A prohibition on drilling for natural gas within the watershed for the New York City drinking water supply may be enacted through State legislation or established through a determination by the DEC that natural gas drilling is inconsistent with New York City water supply protection; and

Whereas, Governor Paterson has the power to seek a prohibition on drilling for natural gas within the watershed for the New York City drinking water supply by introducing such legislation in the State Legislature and actively promoting it; and

Whereas, New York State has recently released a draft Supplemental Generic Environmental Impact Statement relating to high-volume hydraulic fracturing, but has allowed the public an inadequate period of just ninety days to review and submit comments on this lengthy and highly technical document, which requires a public comment period lasting until February 28, 2010; and

Whereas, It is of extreme importance for the New York State Department of Health to independently study the public health and regulatory risks of hydraulic fracturing to the New York City water supply system and to propose any necessary actions to protect public health; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to pass H.R. 2776 of 2009, removing the exemption for hydraulic fracturing from the Safe Drinking Water Act; on the United States Environmental Protection Agency to reassess its 2004 study of hydraulic fracturing with respect to its risks to unfiltered drinking water systems and to apply stringent regulations to protect drinking water supplies from any risk due to hydraulic fracturing; on the New York State Department of Health to study the public health and regulatory risks of hydraulic fracturing to the New York City water supply system and to propose any necessary actions to protect public health; on the New York State Department of Environmental Conservation, the New York State Legislature, and New York State Governor David Paterson to prohibit drilling for natural gas within the boundaries of the watershed; and on the New York State Department of Environmental Conservation to extend the public comment period on its draft Supplemental Generic Environmental Impact Statement relating to high-volume hydraulic fracturing to February 28, 2010.

JAMES F. GENNARO, Chairperson; BILL de BLASIO, DOMENIC M. RECCHIA JR., PETER F. VALLONE JR., MELISSA MARK-VIVERITO, MATHIEU EUGENE, ELIZABETH CROWLEY, ERIC A. ULRICH, Committee on Environmental Protection, November 12, 2009.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing no objections, the President Pro Tempore (Council Member Rivera) declared **Res. No. 1850-A** to be adopted.

Adopted unanimously by the Council by voice vote.

INTRODUCTION AND READING OF BILLS

Int. No. 1095

By Council Members Avella, Palma, Barron, Foster, Jackson, James and Vann.

A Local Law to amend the New York City charter, in relation to requiring the advice and consent of the council for mayoral appointees.*Be it enacted by the Council as follows:*

Section 1. Section 6 of Chapter 1 of the New York City charter is amended to read as follows:

§ 6. Heads of departments; appoint; remove.

a. The mayor shall appoint the heads of administrations, departments, and all commissioners not elected by the people, except as otherwise provided by law[,] provided, however, that all such appointments shall be subject to the advice and consent of the council after a public hearing. Within thirty days after the first stated meeting of the council after receipt of a mayoral nomination for such an appointment, the council shall hold a hearing and act upon such nomination. In the event the council does not act within such period, the nomination shall be deemed to be confirmed. Notwithstanding anything in this subdivision to the contrary, appointments of heads of those units within the executive office of the mayor shall not be subject to the advice and consent of the council.

§ 2. This local law shall take effect immediately following its approval by vote of the electorate.

Referred to the Committee on Governmental Operations.

Int. No. 1096

By Council Members Brewer, Barron, Foster, James, Koppell, Liu, Stewart and Nelson..

A Local Law to amend the administrative code of the city of New York, in relation to improving the health and safety of nail salon employees.*Be it enacted by the Council as follows:*

Section 1. Title 17 of the administrative code of the city of New York is amended by adding a new section 17-196 to read as follows:

§17-196 Health and safety of nail salon employees. a. Definitions. For the purposes of this section:

1. "Nail salon" shall mean any business in the practice of providing services for a fee or any consideration or exchange to cut, shape or to enhance the appearance of the nails of the hands or feet, including the application and removal of sculptured or artificial nails.

2. "Nail salon product" shall mean any chemical product used in a nail salon to enhance the appearance of the nails of the hands or feet, including the application and removal of sculptured or artificial nails.

3. "Material safety data sheet" shall mean a written form containing data regarding the properties of a particular substance, including such substance's toxicity <<http://www.ilpi.com/msds/ref/toxic.html>>, health effects, first aid, reactivity, storage, disposal, protective equipment <<http://www.ilpi.com/msds/ref/ppe.html>> and spill and leak safety procedures.

b. The department shall require every owner of nail salons within the city of New York to provide his or her employees with the proper safety equipment for working in contact with nail salon products and with airborne dust particles created by filing or shaping artificial nail enhancements. Such equipment shall include but not be limited to disposable nitrile gloves or the glove types recommended by the material safety data sheets for products that may cause skin irritation and charcoal dust masks for use when filing or shaping artificial nails or the type of dust mask that is recommended in the product material safety data sheets of products that may cause respiratory irritation. All nail salon employers shall be required to ensure that proper ventilation at each work station, through the use of an effective ventilation system, is provided and functioning at all times during business hours.

c. The department shall mandate that the owner of a nail salon post signs in such owner's nail salon that detail the proper health and safety procedures for working in contact with nail salon products and with airborne dust particles created by filing or shaping artificial nails and that include information about the effects of exposure to nail care cosmetics and to airborne dust particles. The signs shall be posted conspicuously in accordance with the rules of the department and shall be printed in English, Spanish and any other languages that the commissioner deems appropriate. The procedures and information printed on such signs shall include, but not be limited to: 1) recommending that employees wear disposable gloves when handling certain products that may irritate the skin; 2) recommending that employees wash hands before and after handling certain products that may irritate the skin; 3) recommending that employees wear dust masks when filing or shaping

artificial nails; 4) requiring nail salon employers to turn on the ventilation system at each work table during work hours; 5) requiring that nail salon products be stored in small-sized, labeled containers, and kept in tightly-closed containers when not in use; and 6) providing information regarding the harmful effects of exposure to pregnant women from the chemicals found in nail salon products such as acetone, acrylates and phthalates.

d. The department shall conduct a study of the working conditions of nail salons in the city of New York. The study shall include, but not be limited to information regarding best practices for nail salon employers and employees, the use of proper safety equipment by nail salon employees, the health effects of nail salon products, past incidents where nail salon employees were harmed as a result of exposure to nail salon products and recommendations for improving nail salon safety within the city of New York. Within one year of the effective date of this local law, the department shall submit the findings of such study to the council.

§2.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.

§3. This local law shall take effect one hundred and eighty dates after its enactment; provided, however, that the department shall promulgate rules in accordance with the provisions of this local law and such other rules as may be necessary for the purpose of implementing and carrying out the provisions of this local law prior to its effective date.

Referred to the Committee on Health.

Res. No. 2256

Resolution calling upon the New York State Legislature to pass, and the Governor to approve, legislation revising the priority occupancy clauses of the Mitchell-Lama housing program to give priority admission to veterans of the Iraq, Afghanistan and Gulf Wars and to their widows and widowers and to widowers of Vietnam War-era veterans.

By Council Members Brewer, Sanders, Mark-Viverito, The Speaker (Council Member Quinn), Comrie, Fidler, Foster, Gentile, Gonzalez, Jackson, James, Koppell, Liu, Recchia Jr., Vann, Weprin, Lappin and Nelson.

Whereas, According to statistics from the United States Department of Veterans Affairs (VA), based on the 2000 Census, New York City was home to approximately 348,722 veterans at that time; and

Whereas, Although statistical calculations by the VA estimate that in 2009 the number of veterans in NYC is approximately 225,270, many veterans groups disagree with that estimate believing the methodology is flawed, and cite numbers much closer to 300,000; and

Whereas, Returning veterans often confront an array of problems during their transition to civilian life including the lack of affordable housing options; and

Whereas, According to the 2008 New York City Housing and Vacancy Survey (HVS), the Citywide vacancy rate for rental apartments was only 2.88 percent; and

Whereas, This low vacancy rate is an indication of the City's affordable housing crisis; and

Whereas, Some veterans of the wars in Iraq and Afghanistan have faced extended tours of duty which may have created financial hardships for many of them and their families, since military pay is more often than not substantially less than the amount such individuals earned in civilian employment; and

Whereas, Veterans are disproportionately represented in the homeless population with the VA estimating that one-third of the nation's homeless population has served in the military; and

Whereas, An already difficult transition to civilian life can be exacerbated by New York City's scarcity of affordable rental apartments, which may add to the risk of veteran homelessness; and

Whereas, In enacting the Mitchell-Lama program the New York State Legislature attempted to remedy a serious shortage of decent housing by providing affordable housing for individuals and families whose incomes were too high for public housing, but not high enough to afford housing developed through private enterprise; and

Whereas, The financial welfare of New York State residents serving in the military and their families would be advanced by the enactment of laws designed to ease the transition from military to civilian life; and

Whereas, The Mitchell-Lama program could help ease a veteran's financial hardship by providing safe, decent and affordable housing; and

Whereas, Veterans who served from January 1, 1963 through May 7, 1975, the official end of the Vietnam War, and their widows, receive a preference in a Mitchell-Lama development if the veteran served for at least six months (unless that time was shortened because of injury or death) and received a discharge other than a dishonorable discharge, but widowers of Vietnam War-era veterans do not receive such a preference; and

Whereas, Currently veterans of the Iraq, Afghanistan and Gulf Wars receive no priority admission or preference to a Mitchell-Lama development under any existing statutes; and

Whereas, At this time of a general economic downturn, it is more crucial than ever that assistance be provided to grant veterans and widows and widowers of veterans priority access to affordable housing, such as the Mitchell-Lama program, so that returning veterans, as well as veterans who served in recent prior conflicts, may avoid financial hardship; and

Whereas, The men and women who sacrifice so much for this nation should be afforded every opportunity to receive access to affordable housing; 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 approve, legislation revising the priority occupancy clauses of the Mitchell-Lama housing program to give priority admission to veterans of the Iraq, Afghanistan and Gulf Wars and their widows and widowers and to widowers of Vietnam War-era veterans.

Referred to the Committee on Veterans.

Res. No. 2257

Resolution calling on the New York State Legislature to pass tougher laws against drivers who drive under the influence of alcohol and drugs, especially those with child passengers.

By Council Members Comrie, The Speaker (Council Member Quinn), Barron, Brewer, Felder, Fidler, Foster, Gentile, Gonzalez, Jackson, James, Koppell, Liu, Recchia Vann, Weprin and Nelson.

Whereas, In the early morning hours of October 11, 2009, a drunk driver flipped her car filled with eight children on the Henry Hudson Parkway; and

Whereas, Tragically, Leandra Rosado, an eleven-year-old girl from Chelsea, was killed during the crash and the other children involved sustained serious injuries; and

Whereas, In another tragic case in July of 2009, a drunk driver crashed her minivan into an oncoming car after she drove the wrong way on the Taconic Parkway, killing eight people including four children; and

Whereas, These recent tragedies underscore the need for the New York State Legislature to pass tougher laws against drunk drivers, especially those who drive drunk with child passengers; and

Whereas, In August of 2009, Governor David Paterson submitted the Child Passenger Protection Act, which has become known as "Leandra's Law," for consideration by the State Assembly and Senate; and

Whereas, The bill would make it a felony to drive under the influence of alcohol or drugs with passengers under the age of 16; and

Whereas, In addition to elevating such an offense from a misdemeanor to a felony, the proposed legislation would also require an offender convicted of driving under the influence with a child passenger to install a device in his or her car that would make the car inoperable unless the individual demonstrates via breathalyzer that he or she is not under the influence of alcohol; and

Whereas, The installation of such a device for a drunk driving offense involving a child passenger is currently not mandated by law and is left to the court's discretion; and

Whereas, State figures show alcohol-related accidents killed 18 people aged 17 or younger in 2008, which constitutes roughly five percent of the 381 people who died in alcohol-related crashes in New York that year; and

Whereas, Another 6,886 people were injured in alcohol-related accidents in the State, including 470 under the age of 18; and

Whereas, Because the lives of New York's children are at stake, the Assembly and the Senate should, in memory of Leandra Rosado, strengthen these laws immediately upon convening in November to discuss the State's budget deficit and should not wait until the new legislative session begins in 2010 to take up the issue; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass tougher laws against drivers who drive under the influence of alcohol and drugs, especially those with child passengers.

Referred to the Committee on Public Safety.

Res. No. 2258

Resolution denouncing the decision to tenure Joseph Massad at Columbia University.

By Council Members Gennaro, Fidler, Nelson and Weprin.

Whereas, The New York metropolitan area has the second largest Jewish population outside of Tel Aviv, accounting for approximately 12% or 1.97 million of New York City's population, according to a 2002 study by the North American Jewish Data Bank at the University of Connecticut; and

Whereas, Columbia University, located in New York City, is one of the top academic and research institutions in the world; and

Whereas, Joseph Massad is an associate professor at Columbia University's Department of Middle East and Asian Languages and Cultures (MEALAC), whose academic work has focused on Palestinian, Jordanian, and Israeli studies; and

Whereas, Professor Massad received his doctorate in political science from Columbia University in 1998, and was then appointed to the university's faculty in 1999; and

Whereas, In 2004 and 2005, he became the center of controversy over his views that are seen as hostile by many members of the Jewish-Israeli community and the center of debate over academic freedom; and

Whereas, In 2004, a pro-Israel activist organization, the David Project Center for Jewish Leadership, produced a film called *Columbia Unbecoming*, interviewing students who claimed that Professor Massad and other Columbia professors had intimidated or been unfair to them for expressing their support of Israel, which led to the university's appointment of an Ad Hoc Grievance Committee to investigate the complaints; and

Whereas, The Ad Hoc Grievance Committee, which concluded its investigation in April 2005, did not find proof of any violation of these students' academic freedom and dismissed most of the allegations; and

Whereas, The Ad Hoc Grievance Committee did, however, rebuke Professor Massad for inappropriate comments made in class; and

Whereas, In June 2009, Professor Massad was granted tenure at Columbia University, which spurred protests by faculty, students and Jewish advocacy groups; and

Whereas, In July 2009, fourteen Columbia professors protested Mr. Massad's tenure in a letter and questioned the university's tenure process; and

Whereas, The decision to grant Professor Massad tenure was also denounced by LionPAC, Columbia University's pro-Israel political affairs committee, which works to educate the campus community about the importance of the America-Israel relationship; and

Whereas, Due to Professor Massad's controversial history, his tenure at Columbia University is of great concern to many individuals and may create an uncomfortable learning and working environment for students and faculty; now, therefore, be it

Resolved, That the Council of the City of New York denounces the decision to tenure Joseph Massad at Columbia University.

Referred to the Committee on Cultural Affairs, Libraries & International Intergroup Relations.

Res. No. 2259

Resolution calling on the New York State Legislature to introduce and pass, and the Governor to sign, legislation: (i) requiring the Department of Homeless Services and sponsoring agencies seeking to operate cluster sites to be subjected to the notification requirements under the Padavan Law; and (ii) creating standards landlords must meet before cluster site projects are awarded and before entering into contracts.

By Council Members Koppell, Brewer, Comrie, Fidler, Foster, James and Vann.

Whereas, Cluster sites are temporary transitional housing units of shelter for families located within apartment buildings where lease holding tenants may also be renting out apartments; and

Whereas, Various communities throughout the Bronx and the Brooklyn have voiced concerns over the high number of facilities for the homeless in their neighborhoods; and

Whereas, Under section 41.34 of the Mental Hygiene Law, commonly referred to as the Padavan Law, site selection of community residential facilities requires advance notification to affected community boards before such residential facilities are licensed; and

Whereas, Community residential facilities are defined in the Padavan Law as "Community residential facility for the disabled," which means a supportive living facility with four to fourteen residents, or a supervised living facility subject to licensure by the office of mental health or the office of mental retardation and developmental disabilities, which provides a residence for up to fourteen mentally disabled persons, including residential treatment facilities for children and youth; and

Whereas, A "sponsoring agency" is defined in the Padavan Law as an agency or unit of government, a voluntary agency or any other person or organization which intends to establish or operate a community residential facility for the disabled; and

Whereas, The Padavan Law allows community boards forty (40) days to either affirm a site for a community residential facility, recommend alternative sites, or object to the establishment to the facility; and

Whereas, While cluster sites are not required to obtain licenses in order to operate, good reasons exist why such sites ought to be subjected to the Padavan Law; and

Whereas, For example, the fact that homeless individuals are residing at least temporarily in cluster site apartments among lease holding tenants makes it important for proper notice to be provided to the community before the city or DHS enters into a cluster site program with the landlord; and

Whereas, According to the September 2009 Monthly Report issued by DHS on shelter census numbers, there is a census of 17 in the smallest cluster site location and at most 362 in the largest location; and

Whereas, Considering the fact that the number of people in these residences is above and at times significantly beyond the Padavan Law threshold of fourteen, these cluster site facilities should be subjected to the same rules stipulated by the above mentioned law; and

Whereas, The Padavan Law is efficacious, insofar as communities and neighborhoods affected are given notification and can provide valuable input into decision-making concerning the sites of residential facilities; and

Whereas, In order to avoid an oversaturation of and a significant alteration to, as mentioned in the Padavan Law, “the nature and character of the areas within the municipality” it is imperative that DHS and sponsoring agencies be required to comply with its notification requirements; and

Whereas, In addition to complying with notification laws, landlords seeking contracts to operate transitional housing such as cluster sites with DHS ought not have any outstanding class C violations written by Code Enforcement inspectors of the Department of Housing Preservation and Development (HPD); and

Whereas, HPD violations are classified as Class A - non-hazardous, Class B - hazardous and Class C - immediately hazardous; and

Whereas, Class C violations are the most severe housing violations and must be corrected within 24 hours; and

Whereas, Class C violations include inoperable sprinklers and the lack of heat and hot water; and

Whereas, When landlords do not correct class C violations HPD will sometimes order emergency repairs and then bill the owner for these repairs; and

Whereas, Generally, when a Class C violation is written, if, in the discretion of the inspector, the condition is such that an immediately hazardous or harmful condition exists, such as an inoperable sprinkler, or a leaning parapet wall, then the inspector will go one step further and write up a form for Emergency Repair upon his or her return to the office; and

Whereas, Upon receipt of the form, Emergency Repair personnel will then send notification to the owner that repairs must be made within 24 hours or the City will do the repair work; and

Whereas, In addition to both notifying the communities regarding cluster site locations and ensuring that landlords have no outstanding class C violations, DHS must also ensure that the landlords have not harassed tenants; and

Whereas, In subchapter 1 of Chapter 2 of Title 27 of the City’s Administrative Code, also known as the Housing Maintenance Code, paragraph (48) of subdivision (a) of section 27-2004 defines “Harassment” by an owner as “any act or omission by or on behalf of an owner that causes or is intended to cause a lawful occupant to vacate an apartment unit or forgo any occupancy rights;” and

Whereas, While the City must provide for homeless families, it should first attempt to provide services to families in locations that are traditional shelters because traditional shelters must undergo the scrutiny of community “fair share” assessments through the New York City Charter; and

Whereas, Additionally, if cluster sites are the only other location in which the City is able to house homeless families because shelters are at capacity, the units should be located in buildings that have safe conditions, and communities should have the opportunity to participate in the process of site selection; and

Whereas, The state should provide the protections afforded to communities under the Padavan Law as it relates to cluster sites because cluster sites are temporary sleeping accommodations for individuals defined as homeless who may also receive social services onsite;

Whereas, Cluster sites should be subject to the Padavan Law, and before entering into a cluster site contract or an arrangement with landlords, DHS should ensure that landlords neither harass tenants in order to open apartments for the creation of cluster sites nor have outstanding class C violations; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to introduce and pass, and the Governor to sign, legislation: (i) requiring the Department of Homeless Services and sponsoring agencies seeking to operate cluster sites to be subjected to the notification requirements under the Padavan Law; and (ii) creating standards landlords must meet before cluster site projects are awarded and before entering into contracts.

Referred to the Committee on General Welfare.

Int. No. 1097

By Council Members Lappin, Vallone Jr., Barron, Brewer, Comrie, Fidler, Jackson, James, Koppell, Liu, Stewart, Vann and Nelson.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York City Police Department to report on complaints of harassment in the transit system.

Be it enacted by the Council as follows:

Section 1. Paragraph 4 of subdivision a of section 14-150 of the administrative code of the city of New York is amended to read as follows:

4. A crime status report. Such report shall include the total number of crime complaints (categorized by class of crime, indicating whether the crime is a misdemeanor or felony) for each patrol precinct, including a subset of housing bureau and transit bureau complaints within each precinct; arrests (categorized by class of crime, indicating whether the arrest is for a misdemeanor or felony) for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division; summons activity (categorized by type of summons, indicating whether the summons is a parking violation, moving violation, environmental control board notice of violation, or criminal court summons) for each patrol precinct, housing police service area and transit district; domestic violence radio runs for each patrol precinct; *complaints of sexual assault (as defined by article 130 of the penal law) and harassment (as defined by article 240 of the penal law) alleged to have occurred in the transit system (categorized by class of crime alleged) for each patrol precinct and transit district*; average response time for critical and serious crimes in progress for each patrol precinct; overtime statistics for each patrol borough and operational bureau performing an enforcement function within the police department, including, but not limited to, each patrol precinct, housing police service area, transit district and patrol borough street crime unit, as well as the narcotics division, fugitive enforcement division and the special operations division, including its subdivisions, but shall not include internal investigative commands and shall not include undercover officers assigned to any command.

§2. This local law shall become effective ninety days after its enactment into law.

Referred to the Committee on Public Safety.

Int. No. 1098

By Council Members Mark-Viverito, Brewer, Foster, Jackson, James, Liu, Palma and Arroyo..

A local law to amend the administrative code of the city of New York in relation to establishing a prevailing wage requirement for building service employees in buildings owned, or managed, in whole or in part by persons receiving financial assistance or rent derived in whole or in part from the city treasury.

Be it enacted by the Council as follows:

Section 1: Title of the administrative code of the city of New York is amended to add a new section 6-130, to read as follows:

§ 6-130 *Prevailing Wage for Building Service Employees in City Leased or Financially Assisted Facilities.*

a. *Definitions. For purposes of this section, the following terms shall have the following meanings:*

(1) “*Building service*” means work performed in connection with the care or maintenance of an existing building and includes but is not limited to work performed by a watchperson, guard, doorman, building cleaner, porter, handyperson, janitor, gardener, groundskeeper, stationary fireman, elevator operator and starter, window cleaner, or superintendent.

(2) “*Building service employee*” means any person performing building service work, including but not limited to a watchperson, guard, doorman, building cleaner, porter, handyperson, janitor, gardener, groundskeeper, stationary fireman, elevator operator and starter, window cleaner, or superintendent.

(3) “*City*” means the city of New York and all subordinate or component entities or persons.

(4) “*Comptroller*” means the Comptroller of the City of New York.

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

(6) “*Financial assistance recipient*” means any person who receives financial assistance in the amount of \$10,000 or more per year, whether discretionary, or as of right, from the City for economic, community development, job growth, or other purposes, including but not limited to cash payments or grants, bond financing, tax abatements or exemptions (including, but not limited to, abatements or exemptions from real property, mortgage recording, sales, and use taxes), tax increment financing by the city, filing fee waivers, or energy cost reductions. “*Financial assistance recipient*” shall not include any not-for-profit organization whose highest paid employee earns a salary of less than \$100,000 per year. Notwithstanding any provision of this section to the contrary, no person shall be deemed a financial assistance recipient if they do not receive financial assistance of a type that is on the list published by the Department of Finance of the city of New York, pursuant to

paragraph 5 of subdivision c of this section.

(7) "Lease" means any agreement whereby a contracting agency contracts for, or leases or rents, commercial office space or facilities of 10,000 square feet or more from a non-governmental entity, but does not include leases between not-for-profit organizations and a contracting agency.

(8) "Lessor" means any person entering into a lease with a contracting agency.

(9) "Not-for-profit organization" means a corporation having tax exempt status under section 501(c)(3) of the United States Internal Revenue Code and recognized under New York state not-for-profit law.

(10) "Prevailing wage" means the rate of wage and supplemental benefits paid in the locality to workers in the same trade or occupation and annually determined by the comptroller in accordance with the provisions of section 234 of the New York state labor law. As provided under section 231 of the New York state labor law, the obligation of an employer to pay prevailing supplements may be discharged by furnishing any equivalent combinations of fringe benefits or by making equivalent or differential payments in case under rules and regulations established by the comptroller.

b. Prevailing wage in buildings where the City leases space.

(1) Prior to entering into a lease, the contracting agency shall obtain from the prospective lessor and submit to the comptroller a certification, executed under penalty of perjury, stating that all building service employees performing services in the building or buildings to which the lease pertains will be paid the prevailing wage for the duration of the proposed lease, the name, and address of the employer or employers of those building service employees, and the position and title of the person or persons signing the certification. The certification shall be annexed to and form a part of any prospective lease.

(2) Every lease shall contain a provision requiring that all building service employees performing services in the building or buildings to which the lease pertains shall be paid the prevailing wage, and that the lessor's failure to ensure that all building service employees receive the prevailing wage shall constitute a material breach of the leases, entitling the contracting agency to terminate the lease and otherwise pursue legal remedies that may be available.

(3) Each lessor shall be required to submit copies of records, certified under penalty of perjury to be true and accurate, for the building service employees performing services in the building or buildings to each contracting agency with every request for payment under the lease. Such records shall include the days and hours worked, and the wages paid and benefits provided to each employee. The lessor may satisfy this requirement by obtaining copies of records from the employer or employers of such employees. Every lease shall contain a provision requiring the submission, and certification of such payroll records in accordance with this section. The contracting agency must maintain this information in the agency lease file and make it available for public inspection.

(4) No later than the day on which the term of the lease begins to run, the lessor shall post a notice in a prominent location at each building to which the lease pertains, alerting the building service employees that payment of the prevailing wage is required under this section, and further setting forth the applicable prevailing wage for each job classification, along with notice that such rates are adjusted annually. Such notice shall remain posted for the duration of the lease.

c. Prevailing Wage where City provides financial assistance.

(1) Unless prohibited by State or federal law, as a condition to receiving any form of financial assistance from the City, a financial assistance recipient shall provide a statement to the City agency or entity providing the assistance certifying that all building service employees providing services in any building or facility in which it operates within the City shall be paid the prevailing wage, except that if the financial assistance is targeted to particular buildings or facilities, then this requirement shall only apply to the buildings or facilities to which the financial assistance pertains. The statement shall be certified by the chief executive or chief financial officer of the financial assistance recipient, or the designee of any such person, and shall be made a part of the award, grant, or assistance agreement. A violation of any provision of the certified statement shall constitute a material violation of the conditions of the award, grant, or assistance agreement.

(2) Each financial assistance recipient shall provide to the comptroller an annual certification, executed under penalty of perjury, stating that all building service employees in any building or facility in which it operates within the City, or if the assistance is targeted to particular buildings or facilities, all building service employees in any buildings or facilities to which such assistance pertains, are paid the prevailing wage. Such certification shall also include the name and address of the employer or employers of the building service employees, along with copies of records indicating the days and hours worked, and the wages paid and benefits provided to each employee. The comptroller shall maintain this information and make it available for public inspection.

(3) Each financial assistance recipient shall post a notice in a prominent location at each building for which it is required to provide the certification in paragraph 2 of subdivision c of this section, alerting the building service employees that payment of the prevailing wage is required under this section, and further setting forth the applicable prevailing wage for each job classification, along with notice that such rates are adjusted annually.

(4) After the approval or issuance of any financial assistance, the comptroller may conduct an investigation pursuant to subdivision d of this section to determine whether a financial assistance recipient is in compliance with all of its obligations under this section. Upon determining that the financial assistance recipient is not in compliance, and where no cure is effected and approved by the comptroller pursuant to paragraph 2 of subdivision d of this section, the comptroller shall provide evidence of the noncompliance to the City agency or entity that approved or issued the financial assistance, and request in writing that the City agency or entity

take the appropriate actions to rescind or otherwise void the financial assistance. Upon receipt of the comptroller's request, the city agency or entity shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to: declaring the financial assistance recipient in default of the financial assistance agreement; imposing sanctions; recovering the funds advanced; or requiring repayment of any taxes or interest abated or deferred.

(5) Within one hundred eighty days of the effective date of the law that added this section, the department of finance, in consultation with the city agencies, shall publish a list of the available types of financial assistance, the recipient of which would be subject to the requirements of this section. Such list shall be updated and published as often as is necessary to keep it current.

d. Enforcement.

(1) It shall be a violation of this local law for any lessor, financial assistance recipient, or other person to retaliate or discriminate against any employee who makes a claim that he or she is owed wages due as provided under this section or otherwise seeks information regarding, or enforcement of, this local law.

(2) Whenever the comptroller has reason to believe that a worker has been paid less than the prevailing wage or has been discriminated or retaliated against in violation of this local law, or upon a verified complaint in writing from a building service employee, a former employee, or an employee's representative, the comptroller shall conduct an investigation to determine the facts relating thereto. In conducting such investigation, the comptroller shall have the same investigatory, hearing, and other powers as are conferred on the comptroller by sections 234 and 235 of the state labor law. At the start of such investigation, the comptroller may, in a manner consistent with the withholding procedures established by section 235(2) of the state labor law, instruct the relevant contracting agency to withhold any payment due to the lessor or financial assistance recipient in order to safeguard the rights of the building service employees. Based upon such investigation, hearing, and findings, the comptroller shall issue an order, determination, or other disposition, including, but not limited to, a stipulation of settlement. Such disposition may:

(a) direct payment of wages and/or the monetary equivalent of benefits wrongly denied, including interest from the date of the underpayment to the worker, based on the interest rate then in effect as prescribed by the superintendent of banks pursuant to section 14-a of the state banking law, but in any event at a rate no less than six percent per year;

(b) direct payment of a further sum as a civil penalty in an amount not exceeding twenty-five percent of the total amount found to be due in violation of this section;

(c) direct the filing or disclosure of any records that were not filed or made available to the public as required by this section;

(d) direct the reinstatement of, or other appropriate relief for, any person found to have been subject to retaliation or discrimination in violation of this section; and

(e) direct payment of the sums withheld at the commencement of the investigation and the interest that has accrued thereon to the lessor or financial assistance recipient.

In assessing an appropriate remedy, due consideration shall be given to the gravity of the violation, the history of previous violations, the good faith of the lessor or financial assistance recipient, and the failure to comply with record-keeping, notice, reporting, or other non-wage requirements. Any civil penalty shall be deposited in the city general revenue fund.

(3) Before issuing an order, determination, or any other disposition, the comptroller shall give notice thereof, together with a copy of the complaint, or a statement of the facts disclosed upon investigation, which notice shall be served personally or by mail on any person affected thereby. It shall not be a defense to any complaint that the lessor or financial assistance recipient was not the employer of the building service employees who were alleged to be underpaid. The comptroller may negotiate an agreed upon stipulation of settlement or refer the matter to the office of administrative trials and hearings for a hearing and disposition. Such person or covered employer shall be notified of a hearing date by the office of administrative trials and hearings and shall have the opportunity to be heard in respect to such matters.

(4) In an investigation conducted under the provisions of this section, the inquiry of the comptroller shall not extend to work performed more than three years prior to the filing of the complaint, or the commencement of such investigation, whichever is earlier.

(5) When, pursuant to the provisions of this section, a final disposition has been entered against a person in two instances within any consecutive six year period determining that such person has willfully failed to pay or to ensure the payment of the prevailing wages in accordance with the provisions of this section or to comply with the anti-retaliation, recordkeeping, notice, or reporting requirements of this section, such person, and any principal or officer of such person who knowingly participated in such failure, shall be ineligible to let property to or receive financial assistance from the city for a period of five years from the date of the second disposition.

(6) When a final disposition has been made in favor of an employee and the person found violating this section has failed to comply with the payment or other terms of the remedial order of the comptroller, and provided that no proceeding for judicial review shall then be pending and the time for initiation of such proceeding has expired, the comptroller shall file a copy of such order containing the amount found to be due with the city clerk of the county of residence or place of business of the person found to have violated this section, or of any principal or officer thereof who knowingly participated in the violation of this section. The filing of such order shall have the full force and effect of a judgment duly docketed in the office of such clerk. The order may be enforced by and in the name of the comptroller in the same manner and with like effect as that prescribed by the state civil practice law and

rules for the enforcement of a money judgment.

(7) When a final disposition has been made and such disposition is in favor of an employee, such employee may, in addition to any other remedy provided by this section, institute an action in any court of appropriate jurisdiction against the person found to have violated this section. For any violation of this section, including failure to pay applicable wages, provide required benefits, or comply with other requirements of this section, including protections against retaliation and discrimination, the court may award any appropriate remedy at law or equity, including, but not limited to, back pay, payment for wrongly denied benefits, interest, other equitable or make-whole relief, reinstatement, injunctive relief, and/or compensatory damages. The court shall award reasonable attorneys' fees and costs to any complaining party who prevails in such enforcement action. Such action must be commenced within three years of the date of the final disposition of any administrative complaint or action concerning the alleged violation, or if such a disposition is reviewed in a proceeding pursuant to article 78 of the state civil practice law and rules, within three years of the termination of such review proceedings. No procedure or remedy set forth in this section is intended to be exclusive or a prerequisite for asserting a claim for relief to enforce any rights hereunder in a court of law. This section shall not be construed to limit an employee's right to bring a common law cause of action for wrongful termination.

(8) Notwithstanding any inconsistent provision of this section or any other general, specific, or local law, ordinance, city charter or administrative code, an employee affected by this law shall not be barred from the right to recover the difference between the amount paid to the employee and the amount which should have been paid to the employee under the provisions of this section because of the prior receipt by the employee without protest of wages or benefits paid, or on account of the employee's failure to state orally or in writing upon any payroll or receipt which the employee is required to sign that the wages and benefits received by the employee are received under protest, or on account of the employee's failure to indicate a protest against the amount, or that the amount so paid does not constitute payment in full of wages or benefits due the employee for the period covered by such payment.

e. Application to existing contracts and leases. Nothing contained herein shall operate to impair any existing contract or lease, except that extension, renewal, amendment or modification of such contract occurring on or after the enactment of this local law shall make the entire contract or lease subject to the conditions specified in this section.

f. Application to previously approved financial assistance. The provisions of this section shall not apply to any financial assistance that was provided prior to the effective date of this local law, nor shall it apply to any financial assistance agreement that was entered into prior to the effective date of this local law, except that extension, renewal, amendment or modification of such financial assistance agreement occurring on or after the enactment of this local law shall make the financial assistance recipient subject to the conditions specified in this section.

g. Severability. In the event that any requirement of provision of this section, or its application to any person or circumstance, should be held invalid or unenforceable by a court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other requirements or provisions of this section, or the application of the requirement or provision held unenforceable to any other person or circumstance.

§ 2. This local law shall take effect in one hundred eighty days.

Referred to the Committee on Finance.

Res. No. 2260

Resolution urging President Obama to put an end to the 287(g) program, an immigration enforcement program, which is causing an increase in racial profiling and civil rights abuses in localities throughout the United States.

By Council Members Mark-Viverito, Barron, Jackson and James.

Whereas, United States Immigration and Customs Enforcement (ICE) is the largest investigative agency in the Department of Homeland Security (DHS); and

Whereas, ICE, responsible for enforcing federal immigration laws as part of its homeland security mission, works closely with federal, state and local law enforcement agencies; and

Whereas, On September 30, 1996, the Illegal Immigration Reform and Immigrant Responsibility Act was enacted and added section 287(g) to the Immigration and Nationality Act (INA); and

Whereas, Section 287(g) of the INA grants the federal government the authority to enter into written agreements with state and local law enforcement agencies in order to train selected state and local officers to perform certain functions of an immigration officer, relating to the investigation, apprehension or detention of persons in the country illegally; and

Whereas, The federal government's use of authority under section 287(g) of the INA has resulted in the establishment of the 287(g) program, currently managed by ICE's Office of State and Local Coordination; and

Whereas, ICE operates the 287(g) program, a component of the ICE ACCESS (Agreements of Cooperation in Communities to Enhance Safety and Security)

Program, to provide local law enforcement agencies with the opportunity to work with ICE; and

Whereas, Under the 287(g) program, state and local law enforcement agencies partner with ICE under a Memorandum of Agreement (MOA) in order to obtain authority to conduct enforcement of immigration laws within their jurisdictions under the supervision of ICE agents; and

Whereas, The MOA defines the scope and limitations of authority, including the supervisory structure for the officers working under the cross-designation and the agreed upon complaint process governing officer conduct during the life of the MOA; and

Whereas, As of September 30, 2009, there were 66 active MOAs and more than 950 officers that had been trained and certified under the 287(g) program, according to ICE; and

Whereas, The 287(g) program, often referred to as a failed Bush experiment, allows the federal government to relinquish some of its power to enforce immigration law to local law enforcement and corrections agencies with limited oversight and has resulted in widespread use of pretextual traffic stops, racially motivated questioning and unconstitutional searches and seizures, primarily in communities of color; and

Whereas, On July 17, 2009, civil rights and community groups from throughout the country publicly denounced DHS's plans to expand the 287(g) program to eleven new jurisdictions; and

Whereas, On August 25, 2009, approximately 500 immigrant, civil rights and community organizations signed onto a letter sent to President Obama asking him to examine the damaging impact of the 287(g) program on immigrants and to put an immediate end to the 287(g) program; and

Whereas, The Police Foundation, the International Association of Chiefs of Police, and the Major Cities Chiefs Association have expressed concerns that deputizing local law enforcement officers to enforce federal immigration law undermines their core public safety mission, diverts scarce resources, increases their exposure to liability and litigation, and exacerbates fear in communities; and

Whereas, In March 2009, the United States Government Accountability Office (GAO) provided testimony to the House of Representatives' Committee on Homeland Security regarding ICE's management of the 287(g) program, in which it criticized ICE's program mismanagement and insufficient oversight of the program; and

Whereas, According to the GAO testimony, the 287(g) program lacks the following internal controls: (i) program objectives have not been documented in any program-related materials; (ii) guidance on how and when to use program authority is inconsistent; (iii) guidance on how ICE officials are to supervise local law enforcement officers from participating agencies has not been developed; (iv) data that participating agencies are to track and report to ICE has not been defined; and (v) performance measures to track and evaluate progress toward meeting program objectives have not been developed; and

Whereas, The GAO concluded that the lack of internal controls makes it difficult for ICE to ensure that the program is operating as intended; and

Whereas, Although New York City and New York State have not entered into a formal agreement with ICE to operate the 287(g) program, local jails, such as New York City's Rikers Island, have entered into unofficial agreements with ICE in order to assist in the removal of immigrants from the United States; and

Whereas, As a result of these agreements, immigrants fear going to local law enforcement agencies regarding crimes out of concern that it will lead to the their families being torn apart; and

Whereas, New York City, home to approximately 2.9 million immigrants, has always been at the forefront of immigration reform efforts and has instituted several policies and procedures to protect immigrants and aid them in adapting to life in the United States; and

Whereas, It is the policy of New York City to promote freedom from unlawful discrimination; and

Whereas, The negative impact that the 287(g) program has had on immigrant life in the United States goes against New York City's policies and procedures; now, therefore, be it

Resolved, That the Council of the City of New York urges President Obama to put an end to the 287(g) program, an immigration enforcement program, which is causing an increase in racial profiling and civil rights abuses in localities throughout the United States.

Referred to the Committee on Immigration.

Res. No. 2261

Resolution calling upon the United States Census Bureau to enforce a decennial census enumeration policy in which incarcerated juveniles and adults are counted in keeping with the "one person, one vote" principle inherent in the Fourteenth Amendment of the Constitution, to insure that resources for the general welfare of all citizens are equitably and appropriately distributed.

By Council Members Seabrook, Barron, Comrie, Fidler, Foster, Jackson, James, Koppell, Mealy, Vann, Palma, Arroyo, Liu and Rodriguez.

Whereas, On January 10, 1867, the State of New York ratified the Fourteenth Amendment to the United States Constitution, which repealed the three-fifths compromise, a relic of the pre-abolition period that counted only sixty percent of the enslaved population for the purposes of apportionment in the House of Representatives; and

Whereas, The Fourteenth Amendment also broadened the definition of citizenship to include former slaves and their descendants, and guaranteed all citizens the rights to due process and equal protection by the government; and

Whereas, In the 1960s, the Supreme Court determined that the Equal Protection Clause of the Fourteenth Amendment supported the rule of “one person, one vote,” which sought to avoid lopsided representation in government by requiring that in each state the legislative districts contain similarly-sized populations; and

Whereas, The United States Census currently counts incarcerated individuals as residents of the census tract in which they are imprisoned; and

Whereas, Over two million people are currently serving time in correctional facilities throughout the United States; and

Whereas, Most correctional facilities in the United States are not located in or close to the prisoners’ pre-incarceration census tracts; and

Whereas, Despite being home to just one-fifth of the country’s population, non-metropolitan areas account for three-fifths of new prison construction; and

Whereas, Only two states permit incarcerated individuals to vote in elections, and both states require that the person vote via absentee ballot from their pre-incarceration address; and

Whereas, Including non-voting prison populations in a correctional facility’s census tract artificially strengthens the voting power of that tract’s non-prisoner population at the expense of the residents of the prisoners’ pre-incarceration census tract; and

Whereas, Inaccurate census data further disadvantages certain communities by reducing their share of government resources that are distributed on the basis of population size; and

Whereas, Excluding prisoners from their pre-incarceration census tract disproportionately harms Black and Latino communities, who experience higher rates of incarceration than other racial groups; and

Whereas, Including prisoners in a correctional facility’s census tract also compromises the accuracy of the data since nearly 800,000 people in local jails are either awaiting trials or serving short sentences; and

Whereas, The New York State Constitution explicitly states that no person shall be deemed to have gained or lost a residence, by reason of his or her presence or absence while confined in any public prison; and

Whereas, The inclusion of incarcerated individuals in a correctional facility’s census tract results in disproportionality, malapportionment and urban underrepresentation in the United States House of Representatives and the New York State Legislature; and

Whereas, This practice is a nullification of the principles of “one person, one vote,” of the equal protection clause and of the inherent voter protections found in the Fourteenth Amendment, Fifteenth Amendment, Nineteenth Amendment, Twenty-Fourth Amendment and all subsequent voter rights resolutions adopted by the United States Congress; and

Whereas, Congressman Edolphus Towns, in his capacity as the Chair of the Committee on Oversight and Government Reform, and Congressman William Clay, in his capacity as the Chair of the Sub-Committee on the Census, have the ability to initiate procedures within the Congress that would lead to a house resolution enforcing a fair decennial Census enumeration policy; and

Whereas, For the sake of our city’s most disenfranchised communities, it is imperative that incarcerated juveniles and adults be counted in the census tract of their pre-incarceration residence; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Census Bureau to enforce a decennial census enumeration policy in which incarcerated juveniles and adults are counted in keeping with the “one person, one vote” principle inherent in the Fourteenth Amendment of the Constitution, to insure that resources for the general welfare of all citizens are equitably and appropriately distributed.

Referred to the Committee on Civil Rights.

Int. No. 1100

By Council Members Vallone Jr., Foster, Jackson, James and Nelson.

A Local Law to amend the administrative code of the city of New York, in relation to increasing the fine for parking in front of a driveway.

Be it enacted by the Council as follows:

Section 1. Subchapter two of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-169.3 to read as follow:

§19-169.3 No standing and parking in public and private driveways. a. No person shall stand or park a vehicle in front of a public or private driveway, except that it shall be permissible for the owner, lessor or lessee of the lot accessed by a private driveway to park a passenger vehicle registered to him or her at that address in front of such driveway, provided that such lot does not contain more than two dwelling units and further provided that such parking does not violate any other provision of the vehicle and traffic law or local law or rule concerning the parking, stopping or standing of motor vehicles. The prohibition herein shall not apply to driveways that have been rendered unusable due to the presence of a building or other fixed obstruction.

b. Notwithstanding any law to the contrary, any person who violates subdivision a of this section shall be subject to a fine of one hundred dollars.

§ 2. This local law shall take affect ninety days after its enactment into law.

Referred to the Committee on Transportation.

Int. No. 1101

By Council Members Weprin, Barron, Brewer, Comrie, Fidler, Foster, Jackson, James, Koppell, Mealy, Stewart, Lappin and Nelson.

A Local Law to amend the administrative code of the city of New York, in relation to requiring signs indicating the locations of abandoned infant protection act drop-off points.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-177.1 to read as follows:

§ 19-177.1 Signs indicating infant drop-off locations. a. For the purposes of this section, the following terms shall be defined as follows:

1. “Child” shall have the same meaning as set forth in the abandoned infant protection act.

2. “Abandoned Infant Protection Act” shall mean the New York state abandoned infant protection act, as codified by sections 260.03 and 260.15(2) of the penal law.

b. The department shall establish, control, install and maintain signs indicating any location designated as a suitable location to leave a child pursuant to the abandoned infant protection act which locations, at a minimum, shall include all hospitals, police stations and fire stations.

c. At all hospitals, police stations and fire stations, the department shall establish, control, install and maintain signs in an area that is at or in close proximity to the front entrance of each facility and in the case of hospitals at an area that is at or in close proximity to the entrance to the emergency room or emergency department, if any.

§2. This local law shall take effect one hundred and twenty days after its enactment.

Referred to the Committee on General Welfare.

Res. No. 2262

Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2009 and Fiscal 2010 Expense Budgets.

By Council Members Weprin and James.

Whereas, On June 19 2009 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2010 with various programs and initiatives (the “Fiscal 2010 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Designation Method for the HIV/AIDS Communities of Color Initiative within the budget of the Department of Mental Health and Hygiene; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted 2010 Budget by approving the new Designation Method for the Food Pantries Initiative within the budget of the Department of Youth and Community Development and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2010 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving funding pursuant to certain initiatives; and

Whereas, On June 29, 2008, the City Council adopted the expense budget for fiscal year 2009 with various programs and initiatives (the “Fiscal 2009 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2009 Expense Budget by approving the new designation and changes in the designation of a certain organization receiving funding pursuant to a certain initiative; and be it

Resolved, That the City Council approves the new Designation Method for the HIV/AIDS Communities of Color Initiative within the budget of the Department of Mental Health and Hygiene to read: “The City Council will designate the organizations and the amount each will receive under this initiative. These designations will be made post-Adoption.”; and be it further

Resolved, That the City Council approves the new Designation Method for the Food Pantries Initiative within the budget of the Department of Youth and Community Development to read: “The City Council will designate the organizations and the amount each will receive under this initiative post-Adoption. The Council has designated City Harvest as the Program Administrator for certain organizations under this Initiative, and has designated the sub-contractor organizations associated with City Harvest, and the amount each sub-contractor organization will receive under this Initiative.”; 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 as set forth in Chart 1, attached hereto as Exhibit A; 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 as set forth in Chart 2, attached hereto as Exhibit B; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Cultural After School Adventure Initiative, as set forth in Chart 3, attached hereto as Exhibit C; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of the Polish and Slavic Center, Inc. to receive funding pursuant to the Immigrant Opportunity Initiative, as set forth in Chart 4 attached hereto as Exhibit D; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Food Pantries Initiative, as set forth in Chart 5, attached hereto as Exhibit E; and be it further

Resolved, That the City Council approves the new designation of The Food Bank for New York City to receive funding pursuant to the Food Pantries-HRA Initiative, as set forth in Chart 6, attached hereto as Exhibit F; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization to receive funding pursuant to the Information and Referral Contracts Initiative, as set forth in Chart 7, attached hereto as Exhibit G; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Infant Mortality Reduction, as set forth in Chart 8, attached hereto as Exhibit H; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the HIV/AIDS Communities of Color Initiative, as set forth in Chart 9, attached hereto as Exhibit I; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Executive Leadership Institute (CSA) Initiative, as set forth in Chart 10, attached hereto as Exhibit J; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of an organization receiving funding pursuant to the Executive Leadership Institute (CSA) Initiative of the Fiscal 2009 Expense Budget, as set forth in Chart 11, attached hereto as Exhibit K.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of attachment, please see the Report of the Committee on Finance for Res No. 2262 printed in these Minutes).

Editor's Note: For text of Res Nos. 2263 through 2267, please see the Reports of the Standing Committees section printed earlier in these Minutes.

Res. No. 2268

Resolution calling upon the United States Congress to immediately allocate to New York City the necessary funding needed to complete the “anti-nuke screening system.”

By Council Members Nelson and Vallone Jr.

Whereas, On October 7, 2009, the United States Congress allocated New York City 20 million dollars - only half of the financial support the City requested from the federal government - to use next year in the City’s completion of the Securing Our Cities program; and

Whereas, Securing Our Cities (the “Program”) is a federal program designed to protect the nation’s largest cities from a nuclear attack by placing a multi-layered ring of sensors at certain entry points into such cities, including highways, toll plazas, bridges, tunnels, and waterways; and

Whereas, The federal government designated New York City as the first site to be outfitted with the Program’s anti-nuke screening system; and

Whereas, In order to complete the program, however, the City needs additional funding to purchase sensors, visual surveillance equipment, and a wireless notification system that would allow regional law enforcement agencies to be immediately notified upon detection of radioactive material, and to conduct training exercises; and

Whereas, According to New York City Police Commissioner Raymond Kelly, using almost entirely City funds, the City has developed its own counter terrorism program, spending \$300,000,000 last year alone; and

Whereas, Eight years after the horrific terrorist attacks of September 11, 2001, the City still remains a prime target for terrorists; and

Whereas, The recent arrest of Najibullah Zazi, a suspected member of Al Qaeda who is being charged by the federal government for plotting to detonate homemade bombs throughout the City, underscores the importance of safeguarding the City from a nuclear attack; and

Whereas, Because the damage caused by a nuclear attack on the City has the potential to be even worse than the catastrophic results of September 11th and the federal government has the responsibility to make sure New York City is as well protected as possible; now, therefore, be it

Resolved, That the Council of the City of New York calls upon Congress to immediately allocate to New York City the necessary funding needed to complete the “anti-nuke screening system.”

Referred to the Committee on Public Safety.

L.U. No. 1271

By Council Member Katz:

Application no. 20105209 HAQ, an amendment to an Urban Development Action Area Project located at 89-06 138th Street and 107-05 Sutphin Boulevard, Council Districts no. 24 and 28, Borough of Queens. This matter is subject to Council review and action at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 577 of the Private Housing Finance Law for an exemption from real property taxes.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 1272

By Council Member Katz:

Application no. 20095499 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 119 7th Avenue Cafeteria, LLC. d/b/a Cafeteria to continue to maintain and operate an unenclosed sidewalk café located at 119 Seventh Avenue, Borough of Manhattan, Council District no. 3.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 1273

By Council Member Katz:

Application no. N 090293 ZRM by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York concerning the Special Lower Manhattan District (Article IX, Chapter 1), Appendix A, Map 5, relating to curb cut prohibitions, Community Board 1, Borough of Manhattan.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 1274

By Council Member Katz:

Application no. 20105074 HKQ (N 100104 HKQ), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.417, LP-2319) by the Landmarks Preservation Commission of the Ridgewood North as a historic district, Council District no. 30.

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

L.U. No. 1275

By Council Member Katz:

Application no. 20105075 HKR (N 100105 HKR), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.417, LP-2377) by the Landmarks Preservation Commission of 411Westervelt Avenue (Block 25, Lot 5), Horton’s Row as a historic landmark, Council District no. 49.

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

L.U. No. 1276

By Council Member Katz:

Application no. 20105076 HKR (N 100106 HKR), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.417, LP-2378) by the Landmarks Preservation Commission of 413Westervelt Avenue (Block 25, Lot 4) , Horton’s Row as a historic landmark, Council District no. 49.

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

L.U. No. 1277

By Council Member Katz:

Application no. 20105078 HKR (N 100107 HKR), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.417, LP-2381) by the Landmarks Preservation Commission of 415Westervelt Avenue (Block 25, Lot 3) , Horton’s Row as a historic landmark, Council District no. 49.

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

L.U. No. 1278

By Council Member Katz:

Application no. 20105077 HKR (N 100109 HKR), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.417, LP-2382) by the Landmarks Preservation Commission of 417Westervelt Avenue (Block 25, Lot 1), Horton’s Row as a historic landmark, Council District no. 49.

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

At this point the Speaker (Council Member Quinn) made the following announcements:

ANNOUNCEMENTS:

Tuesday, November 17, 2009

★ Addition

Subcommittee on ZONING & FRANCHISES9:30 A.M.
See Land Use Calendar Available in Room 5 City Hall
Council Chambers – City Hall Tony Avella, Chairperson

Committee on CIVIL SERVICE AND LABOR..... 1:00 P.M.
Int 1059 - By Council Member Brewer, the Public Advocate (Ms. Gotbaum) and Council Members Avella, Lappin, Palma, Weprin, Mendez, Nelson, James, Gerson, Jackson, Mark-Viverito, Sears, Gioia, Gentile, Yassky, Liu, Vann, Ferreras, Gennaro, Katz, Mitchell, Seabrook, White Jr., Mealy, Barron, Garodnick, Gonzalez, Koppell, Reyna, Crowley, Eugene, Recchia Jr., de Blasio, Foster, Sanders Jr., Rivera, Arroyo and Ulrich - A Local Law to amend the administrative code of the city of New York, in relation to the provision of paid sick time earned by employees.
Council Chambers – City HallMichael Nelson, Acting-Chairperson

★ Deferred

Committee on IMMIGRATION..... 1:00 P.M.
Agenda to be announced
Hearing Room – 250 Broadway, 14th Floor..... Kendall Stewart, Chairperson

Wednesday, November 18, 2009

★ Deferred

Committee on PUBLIC SAFETY.....10:00 A.M.
Agenda to be announced
Council Chambers – City..... Peter Vallone, Chairperson

★ Note Topic Addition

Committee on CONSUMER AFFAIRS10:00 A.M.
★ Int 913 - By Council Members Gennaro, Brewer, Comrie, Gerson, James, Stewart and White Jr. - A Local Law to amend the administrative code of the city of New York, in relation to licensing doorbuster sales.
Hearing Room – 250 Broadway, 14th Floor..... Leroy Comrie, Chairperson

★ Deferred

Subcommittee on PUBLIC HOUSING..... 10:00 A.M.
Agenda to be announced
Hearing Room – 250 Broadway, 16th Floor..... Rosie Mendez, Chairperson

★ Deferred

Committee on TECHNOLOGY IN GOVERNMENT10:00 A.M.
Agenda to be announced
Committee Room – City Hall Gale Brewer, Chairperson

★ Note Location Change

Committee on VETERANS 1:00 P.M.
Oversight - Employment Opportunities for Veterans in NYC
★ Hearing Room – 250 Broadway, 14th Floor James Sanders, Chairperson

Committee on HIGHER EDUCATION 1:00 P.M.
Oversight - How the Governor’s Deficit Reduction Plan Impacts CUNY
Council Chambers – City Charles Barron, Chairperson

★ Deferred

Committee on HOUSING AND BUILDINGS..... 1:00 P.M.
Agenda to be announced
Hearing Room – 250 Broadway, 14th Floor..... Erik Martin Dilan, Chairperson

Committee on GOVERNMENTAL OPERATIONS 2:00 P.M.
Int 1025 - By Council Members Vallone Jr., Brewer, Fidler, Foster, Jackson, James, Liu, Mealy, Sanders Jr., Stewart, Weprin, White Jr. and Nelson - A Local Law to amend the administrative code of the City of New York, in relation to requiring the

Corporation Counsel to submit quarterly reports to the City Council detailing the number and disposition of civil actions filed against the New York City Police Department.

Hearing Room – 250 Broadway, 16th FloorHelen Sears, Chairperson

Thursday, November 19, 2009

★ Addition

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS**.....**10:00 A.M.**

See Land Use Calendar in Room 5 City Hall

Council Chambers – City Hall.....Daniel Garodnick, Chairperson

★ Deferred

Committee on **GENERAL WELFARE**.....**10:00 A.M.**

Agenda to be announced

Council Chambers – City Hall.....Bill de Blasio, Chairperson

★ Note Committee Additions and Topic

Committee on **TRANSPORTATION** jointly with the

Committee on **PUBLIC SAFETY** and

Committee on **WOMEN’S ISSUES****10:00 A.M.**

Oversight - Sexual Harassment and Assault on New York City Subways

Hearing Room – 250 Broadway, 14th Floor..... John Liu, Chairperson

..... Peter Vallone, Chairperson

..... Darlene Mealy, Chairperson

★ Deferred

Committee on **COMMUNITY DEVELOPMENT**.....**10:00 A.M.**

Agenda to be announced

Hearing Room – 250 Broadway, 16th Floor..... Albert Vann, Chairperson

★ Note Location Change

Committee on **LOWER MANHATTAN REDEVELOPMENT****10:00 A.M.**

Oversight - Lower Manhattan Emergency Preparedness

★ Hearing Room – 250 Broadway, 16th FloorAlan Gerson, Chairperson

★ Note Committee Addition

Committee on **HEALTH** jointly with the

★ Committee on **AGING**..... **1:00 P.M.**

Oversight - End of Life Care: What Everyone Should Know

Hearing Room – 250 Broadway, 14th Floor Joel Rivera, Chairperson

..... Maria del Carmen Arroyo, Chairperson

Committee on **ENVIRONMENTAL PROTECTION**..... **1:00 P.M.**

Int 935 - By Council Members Gennaro, Comrie, Fidler, James, Koppell, Nelson, Weprin and Gerson - A Local Law to amend the administrative code of the city of New York, in relation to backflow prevention device reporting and certification.

Council Chambers – City..... James F. Gennaro, Chairperson

★ Note Location Change

Committee on **CIVIL RIGHTS** jointly with the

Committee on **IMMIGRATION** **1:00 P.M.**

Oversight - Executive Order 127 of 2009 – Ensuring that New York City’s Hard to Count Populations Are Identified and Encouraged to Participate in the 2010 Census

Proposed Res 190-A – By Council Members Jackson, Barron, Comrie, Dickens, Foster, James, Koppell, Mark-Viverito, Palma, Sanders Jr. and Vann - Resolution calling on the New York State Legislature to amend the Election Law so that prisoners are counted as residents of the county in which they reside prior to incarceration, rather than as residents of the county in which they are detained.

Res 2261 - By Council Member Seabrook - Resolution calling upon the United States Census Bureau to enforce a decennial census enumeration policy in which incarcerated juveniles and adults are counted in keeping with the “one person, one vote” principle inherent in the Fourteenth Amendment of the Constitution, to insure that resources for the general welfare of all citizens are equitably and appropriately distributed.

★ Hearing Room – 250 Broadway, 16th Floor Larry Seabrook, Chairperson

..... Kendall Stewart, Chairperson

★ Addition

Committee on **YOUTH SERVICES** **2:00 P.M.**

Tour: Sylvia’s Place / MCCNY Homeless Youth Services

Location:446 West 36th Street

New York, NY 10018

Tour: Green Chimneys

Location:456 W. 145 Street

New York, NY 10031

Details Attached.....Lewis A. Fidler, Chairperson

Friday, November 20, 2009

★ Addition

Committee on **TECHNOLOGY IN GOVERNMENT****10:00 A.M.**

Oversight - Establishing Strong Network Neutrality Principles in Order to Protect the Internet

Proposed Res 712-A - By Council Members Brewer, Fidler, Gerson, James, Liu, Sanders Jr. and de Blasio - Resolution calling upon the United States Congress to pass H.R. 3458 and the Federal Communications Commission to formalize strong network neutrality principles in order to ensure that the Internet will continue to foster innovation, increase competition, and spur economic growth as well as making the Internet faster and more affordable for all.

Council Chambers – City Hall Gale Brewer, Chairperson

Monday, November 23, 2009

Subcommittee on **ZONING & FRANCHISES****9:30 A.M.**

See Land Use Calendar Available, Wednesday, November 18, 2009 in Room 5 City Hall

Hearing Room – 250 Broadway, 16th Floor..... Tony Avella, Chairperson

★ Note Deferred Committees and Topic

Committee on **FIRE AND CRIMINAL JUSTICE SERVICES** jointly with the

★ Committee on **PUBLIC SAFETY** and the

★ Committee on **TECHNOLOGY IN GOVERNMENT****10:00 A.M.**

Agenda to be announced

★ Oversight – Examining the FDNY/NYPD Unified Call Taker System

Council Chambers – City Hall James Vacca, Chairperson

..... Peter Vallone, Chairperson

..... Gale Brewer, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING &**

MARITIME USES.....**11:00 A.M.**

See Land Use Calendar Available, Wednesday, November 18, 2009 in Room 5 City Hall

Hearing Room – 250 Broadway, 16th Floor.....Jessica Lappin, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS &**

CONCESSIONS..... **1:00 P.M.**

See Land Use Calendar Available, Wednesday, November 18, 2009 in Room 5 City Hall

Location to be announced.....Daniel Garodnick, Chairperson

★ Deferred

Committee on **WOMEN’S ISSUES** **10:00 A.M.**

Agenda to be announced

Hearing Room – 250 Broadway, 14th Floor..... Darlene Mealy, Chairperson

★ Please Note Committee and Topic Addition

Committee on **PARKS AND RECREATION** jointly with the

★ Committee on **MENTAL HEALTH, MENTAL RETARDATION,**

ALCOHOLISM, DRUG ABUSE AND

DISABILITY SERVICES..... **1:00 P.M.**

Oversight - Are Parks Serving All People? - An Update on Accessibility for Persons with Disabilities

Hearing Room – 250 Broadway, 14th Floor.....Helen Foster, Chairperson

..... G. Oliver Koppell, Chairperson

Committee on **SANITATION AND SOLID WASTE MANAGEMENT** **1:00 P.M.**

Oversight - Street Cleaning, Operation Scorecard, and the Inspections of the Street Condition Observation Unit (SCOUT) Relating to Sanitation

Council Chambers – City HallSimcha Felder, Chairperson

★ Addition

Committee on **EDUCATION** jointly with the
Committee on **CULTURAL AFFAIRS, LIBRARIES AND
INTERNATIONAL INTERGROUP RELATIONS.....1:00 P.M.**
Oversight - Reexamining Arts Education in New York City Public Schools
Hearing Room – 250 Broadway, 16th Floor.....Robert Jackson, Chairperson
.....Domenic Recchia, Chairperson

Tuesday, November 24, 2009

★ Addition

Committee on **HOUSING AND BUILDINGS.....10:00 A.M.**
Int 1008 - By Council Members Vacca, Brewer, Fidler, James, Nelson, Stewart and
Oddo - A Local Law to amend the administrative code of the city of New York, in
relation to the issuance of building permits.
Hearing Room – 250 Broadway, 14th Floor..... Erik Martin-Dilan, Chairperson

★ Deferred

Committee on **EDUCATION.....10:00 A.M.**
Agenda to be announced
Council Chambers—City Hall Robert Jackson, Chairperson

★ Please Note Committee and Topic Addition

Committee on **CONTRACTS** jointly with the
Committee on **SMALL BUSINESS10:00 A.M.**
Oversight - The Department of Small Business Services' Compliance with Local
Law 129 and Administration of the MWBE program
Hearing Room – 250 Broadway, 16th Floor Letitia James, Chairperson
.....David Yassky, Chairperson

★ Note Location Change

Committee on **LAND USE.....10:00 A.M.**
All items reported out of the subcommittees
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
★ Council Chambers – City Hall Melinda R. Katz, Chairperson

Committee on **GENERAL WELFARE.....1:00 P.M.**
Oversight - New York City's Strategies for Achieving the President's Goal of
Ending Childhood Hunger by 2015
Council Chambers – City Hall Bill de Blasio, Chairperson

Committee on **WATERFRONTS.....1:00 P.M.**
Oversight - Improving Public Recreational Boating Access in the New York City
Waterfront
Committee Room – City Hall Michael Nelson, Chairperson

Committee on **ECONOMIC DEVELOPMENT.....1:00 P.M.**
Oversight - of the New York State Empire Zone Program: Should it be Preserved,
Reformed or Eliminated?
Hearing Room – 250 Broadway 16th FloorThomas White, Chairperson

★ Addition

Committee on **ENVIRONMENTAL PROTECTION.....1:00 P.M.**
Agenda to be announced
Hearing Room – 250 Broadway, 14th Floor..... James F. Gennaro, Chairperson

Wednesday, November 25, 2009

★ Addition

Committee on **COMMUNITY DEVELOPMENT10:00 A.M.**
Agenda to be announced
Council Chambers – City Hall Albert Vann, Chairperson

★ Deferred

Committee on **MENTAL HEALTH, MENTAL RETARDATION,
ALCOHOLISM, DRUG ABUSE AND
DISABILITY SERVICES.....10:00 A.M.**
Agenda to be announced
Council Chambers—City Hall G. Oliver Koppell, Chairperson

Thursday, November 26, 2009

THANKSGIVING DAY OBSERVED

Monday, November 30, 2009

Stated Council Meeting..... Ceremonial Tributes – 1:00 p.m.
..... Agenda – 1:30 p.m.

MEMORANDUM

November 16, 2009

TO: ALL COUNCIL MEMBERS

RE: Tour by the Committee on Youth Services

Please be advised that all Council Members are invited to attend a tour to:

**Sylvia's Place
MCCNY Homeless Youth Services
446 West 36th Street
New York, NY 10018**

**Green Chimneys
456 W. 145 Street
New York, NY 10031**

The tour will be on **Thursday, November 19, 2009 beginning at 2:30 p.m.** A van will be leaving City Hall at **2:00 p.m. sharp.**

Council Members interested in riding in the van should call Aysha Schomburg at **212-788-7001.**

Lewis A. Fidler, Chairperson
Committee on Youth Services
Council

Christine C. Quinn
Speaker of the
Council

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) adjourned these proceedings to meet again for the Stated Meeting on Monday, November 30, 2009.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

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