

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 1990**

No. 71

Introduced by Council Member Gerges (by request of the mayor).

A LOCAL LAW

To amend the New York city charter, in relation to the powers and duties of the department of telecommunications and the department of environmental protection with respect to energy policies and programs.

Be it enacted by the Council as follows:

Section 1. Chapter 48 of the New York city charter, as added by the vote of the electors of such city at a general election held on November 7, 1989, is amended to read as follows:

CHAPTER 48

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

§ 1070. Department; commissioner; powers. a. There shall be a department of telecommunications and energy, the head of which shall be the commissioner of telecommunications and energy. *The commissioner or his or her designee shall serve as the director of the public utility service established by section 22-301 of the administrative code.*

b. Except as otherwise provided by law, the department shall have the following powers and duties:

(1) to plan, [and] *formulate*, coordinate and *advance* telecommunications [policy] and *energy policies* for the city;

(2) to administer all franchises and revocable consents relating to telecommunications pursuant to the provisions of chapter fourteen, including, without limitation, proposing authorizing resolutions for telecommunications franchises, developing and issuing requests for proposals or other solicitations of proposals for telecommunications franchises, selecting telecommunications franchisees, reviewing and approving petitions for revocable consents relating to telecommunications, negotiating the terms of contracts or other agreements relating to telecommunications franchises and revocable consents, and enforcing the terms and conditions of such agreements;

(3) to develop municipal uses of cable television and coordinate interagency uses of cable television and other telecommunications;

(4) to ensure that priority is given on at least one municipal channel to the cablecasting of the public proceedings of the council and its committees, the city planning commission and other state and city agencies; [and]

(5) *to analyze the energy and fuel needs of the city with respect to all kinds of energy, to prepare intermediate and long range plans, goals and programs designed to meet such needs, and to establish priorities among them;*

(6) *to develop, implement and manage energy-related programs for economic development and other purposes, including, without limitation, the administration of the public utility service established by section 22-301 of the administrative code, and to exercise all of the functions, powers and duties of such public utility service; and*

(7) to perform such other responsibilities with respect to telecommunications *and energy* matters, including responsibilities delegated elsewhere by the charter, as the mayor shall direct.

c. The department shall exercise its powers and duties in a manner consistent with applicable federal and state law.

§ 1071. Telecommunications, *and Energy*. a. "Telecommunications" shall mean the transmission of writings, signals, pictures, numbers and sounds or intelligence of all kinds by aid of wire, cable, optical fiber, radio, satellite, electromagnetic wave, microwave or other like connection between points of origin and reception of such transmission, including all instrumentalities, facilities, apparatus and services incidental to such transmission, but shall not include emergency communications.

b. "Energy" shall include work or heat that is, or may be, produced from any fuel or source, including but not limited to electrical, fossil, geothermal, wind, hydro, solid waste, tidal, solar and nuclear.

§2. Subdivision g of section 1403 of the New York city charter, as added by local law number 24 for the year 1977, is amended to read as follows:

g. *Energy conservation and alternative fuels*. The commissioner shall [have the power and duty of] *participate in* formulating an energy policy for the city, *including assessing the environmental costs and factors associated with all kinds of energy use and programs developed to meet energy needs*. [In formulating such policy, the commissioner shall analyze the energy and fuel needs of the city with respect to all kinds of energy, prepare intermediate and long range plans, goals and programs designed to meet such needs, establish priorities, among them, to] *The commissioner shall study, establish, organize, promote, coordinate and carry out policies, activities, projects and programs designed to encourage fuel and energy conservation, alternate sources of fuel and energy and encourage, stimulate and and foster others to participate in [these] such projects, programs and [goals] activities.*

§3. Any agency or officer to which are assigned by this local law any functions, powers and duties shall exercise such functions, powers and duties in continuation of their exercise by the agency or officer by which the same were heretofore exercised and shall have power to continue any business, proceeding or other matter commenced by the agency or officer by which such functions, powers and duties were heretofore exercised. Any provision in any law, rule, regulation, contract, grant or other document relating to the subject matter of such functions, powers or duties, and applicable to the agency or officer formerly exercising the same shall, so far as not inconsistent with the provisions of this local law, apply to the agency or officer to which such functions, powers and duties are assigned by this local law.

§4. Any rule or regulation in force on the effective date of this local law, and promulgated by an agency or officer whose power to promulgate such type of rule or regulation is assigned by this local law to some other agency or officer, shall continue in force as the rule or regulation of the agency or officer to whom such power's assigned, except as such other agency or officer may hereafter duly amend, supersede or repeal such rule or regulation.

§5. If any of the functions, powers or duties of any agency or part thereof is by this local law assigned to another agency, all records, property and equipment relating to such transferred function, power or duty shall be transferred and delivered to the agency to which such function, power or duty is so assigned.

§6. No existing right or remedy of any character shall be lost or impaired or affected by reason of the adoption of this local law.

§7. No action or proceeding, civil or criminal, pending at the time when this local law shall take effect, brought by or against the city or any agency or officer, shall be affected or abated by the adoption of this local law or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any agency or officer

party thereto may by this local law be assigned or transferred to another agency or officer, but in that event the same may be prosecuted or defended by the head of the agency or the officer to which such functions, powers and duties have been assigned or transferred by this local law.

§8. Whenever by any provision of this local law functions, powers or duties are assigned to any agency or officer which have been heretofore exercised by any other agency or officer, all officers and employees in the classified city civil service who at the time that this local law shall take effect are engaged in the performance of such functions, powers or duties may be transferred to the agency to which such functions, powers or duties are assigned by this local law, without examination and without affecting existing compensation or pension retirement rights, privileges or obligations of such officers or employees.

§9. Nothing contained in this local law shall affect or impair the rights or privileges of officers or employees of the city or of any agency existing at the time when this local law shall take effect, or any provision of law in force at the time when this local law shall take effect and not inconsistent with the provisions of this local law in relation to the personnel, appointment, ranks, grades, tenure of office, promotion, removal, pension and retirement rights, civil rights or any other rights or privileges of officers or employees of the city generally or of any agency.

§10. This local law shall be retroactive to and shall be deemed to have been in full force and effect on and after July 1, 1990.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, S.S.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on November 8, 1990, and approved by the Mayor on November 27, 1990.

CARLOS CUEVAS, City Clerk, Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed local law (Local Law 71 of 1990, Council Int. No. 527) contains the correct text and:

Received the following vote at the meeting of the New York City Council on November 8, 1990: 34 for 0 against

Was approved by the Mayor on November 27, 1990.

Was returned to the City Clerk on November 27, 1990.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel