

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 1996**

No. 59

Introduced by Council Members Pinkett, Pagan and Eristoff (by the request of the Mayor); also Council Member Ognibene.

A LOCAL LAW

To amend the administrative code of the city of New York in relation to the renaming of the department of personnel as the department of citywide administrative services, and the transfer of functions from the department of general services to the department of citywide administrative services, the department of design and construction, and technical corrections relating to functions formerly performed by the department of general services now performed by the department of buildings, and to repeal chapter 59 of the charter concerning the department of general services, section 3-111 of the administrative code, relating to a city-wide safety program in the office of the mayor, section 3-406 of such code, relation to leases for public purposes, and sections 24-401 and 24-402 of such code, relation to qualifications of engineers appointed by the commissioner of general services.

Be it enacted by the Council as follows:

Section 1. Chapter 35 of the charter of the city of New York, paragraph 11 of subdivision a of section 813 as amended by local law number 60 for the year 1987, subdivisions e, f and g of section 814, subdivision b of section 816, and section 820 as added by vote of the electorate at a general election held on November 8, 1988, subdivision b of section 810, subdivisions a and b of section 813, and subdivision c of section 814 as amended by such vote at such election, and subdivision a of section 816 as relettered by such vote at such election, subdivisions b and f of section 812, paragraphs 12, 13, 14 and 15 of subdivision a and paragraph 8 of subdivision b of section 813, subdivisions d and e of section 813, paragraphs 19 and 20 of subdivision a, and subdivisions h, i, j and k of section 814 as added by vote of the electorate at an election held on November 7, 1989, subdivision a of section 810, subdivisions a and c of section 812, subdivision c of section 813, and paragraphs 10, 15, 17 and 18 of subdivision a of section 814 as amended by such vote at such election, and subdivisions c, d and e of section 812 as relettered and amended by such vote at such election, is amended to read as follows:

[Personnel Management] *Department of Citywide Administrative Services*

§810. [Declaration of intent. a. The personnel policies and practices of the city government in furtherance of this charter, the civil service law and rules and other applicable law shall: (1) preserve and promote merit and fitness in city employment, (2) ensure that appointments and promotions in city service are made, and that wages are set, without regard to political affiliation, and without unlawful discrimination based on sex, race, color, religion, religious observance, national origin, disability, age, marital status, citizenship status or sexual orientation; and promote and support the efficient and effective delivery of services to the public.

b. Consistent with subdivision a of this section, the heads of city agencies shall have such powers, duties and responsibilities for personnel management as they shall require to administer their agencies effectively and to supervise, evaluate, motivate, discipline, provide incentives for and improve the skills of employees of the city.] *Department, commissioner. There shall be a department of citywide administrative services, the head of which shall be the commissioner of citywide administrative services. The commissioner may appoint deputies within available appropriations.*

§811. *Powers and duties of the commissioner; general.* [Department; personnel director. There shall be a department of personnel, the head of which shall be the personnel director.] *The [personnel director] commissioner shall be responsible for citywide personnel matters, as set forth in this chapter, and shall have all the powers and duties of a municipal civil service commission provided in the civil service law or in any other statute or local law other than such powers and duties as are by this chapter assigned to the mayor, the city civil service commission or the heads of the city agencies; the commissioner shall in addition have the power to perform all the functions and operations of the city of New York relating to the maintenance and care of public buildings and facilities; the procurement of goods and other personal property; the disposition of surplus property; the provision to city agencies of services other than personal services; the acquisition, disposition and management by the city of real property other than housing; and the provision of automotive, communication, energy, and data processing services.*

§812. *Personnel management, declaration of intent.* a. *The personnel policies and practices of the city government, in furtherance of this charter, the civil service law and rules and other applicable law, shall: (1) preserve and promote merit and fitness in city employment, (2) ensure that appointments and promotions in city service are made, and that wages are set, without regard to political affiliation, and without unlawful discrimination based on sex, race, color, religion, religious observance, national origin, disability, age, marital status, citizenship status or sexual orientation; and promote and support the efficient and effective delivery of services to the public.*

b. *Consistent with subdivision a of this section, the heads of city agencies shall have such powers, duties and responsibilities for personnel management as they shall require to administer their agencies effectively and to supervise, evaluate, motivate, discipline, provide incentives for and improve the skills of employees of the city.*

[§812.] §813. *City civil service commission.* a. *There shall be a city civil service commission, consisting of five members, not more than three of whom shall be members of the same political party. Members shall be appointed by the mayor, from a list of nominations provided by the screening committee established pursuant to subdivision b of this section, for overlapping terms of six years. Of the members first appointed, two shall serve for two years and two for four years and one for six years. The members shall be removable in the manner provided for members of a municipal civil service commission in the civil service law. A vacancy in such commission shall be filled in the same manner as regular appointments for the balance of the unexpired term. The mayor shall designate a member as chair and vice chair, respectively, for one-year*

terms. Within appropriations for such purposes, the members of the commission shall be reimbursed on a per diem basis for attendance at regularly scheduled meetings and hearings of the commission.

b. There shall be a screening committee which shall submit to the mayor a list of nominees, which shall include persons with knowledge or experience of the civil service system, or personnel management, or compensation practices, from which the mayor shall make appointments to the city civil service commission. Such screening committee shall consist of six members, of whom four shall be appointed by the mayor and two shall be appointed by the municipal labor committee. The screening committee shall submit the list of nominees upon the occurrence of any vacancy on the commission or at least three months prior to the expiration of the term of any incumbent member.

c. The commission shall appoint a counsel, who shall not be employed or retained by any other city agency, and may appoint a secretary and such other subordinates as may be necessary within the appropriation therefor.

d. The civil service commission shall have the power to hear and determine appeals by any person aggrieved by any action or determination of the [personnel director] *commissioner* made pursuant to *paragraphs three, four, five, six, seven and eight of subdivision a or paragraph five of subdivision b of section eight hundred [thirteen] fourteen* of this chapter and may affirm, modify, or reverse such action or determination. Any such appeal shall be taken by application in writing to the commission within thirty days after the action or determination appealed from. The commission shall also have the powers and responsibilities of a municipal civil service commission under section seventy-six of the state civil service law. In accordance with the requirements of chapter forty-five, the commission shall promulgate rules of procedure, including rules establishing time schedules, for the hearings and determinations authorized by this section.

e. The commission, on its own initiative, or upon request of the mayor, council, or [personnel director] *commissioner*, shall have the power and duty to conduct reviews, studies, or analyses of the administration of personnel in the city, including the classification of titles by the [personnel director] *commissioner*.

f. The commission shall prepare and transmit directly to the mayor departmental estimates as required by section two hundred thirty-one. The mayor shall include such proposed appropriations for the commission as a separate agency in the preliminary and executive budgets as are sufficient for the commission to fulfill the obligations assigned to it by this charter or other law.

[§813.] §814. **Personnel [director] *management; powers and duties of the commissioner.*** a. The [personnel director] *commissioner* shall have the following powers and duties in addition to the powers and duties of a municipal civil service commission provided in the civil service law, and those vested in the [personnel director] *commissioner* as head of the department, except where any specific power or duty is assigned to the mayor, heads of city agencies or the civil service commission pursuant to this chapter:

- (1) To recruit personnel;
- (2) To make studies in regard to the grading and classifying of positions in the civil service, establish criteria and guidelines for allocating positions to an existing class of positions, and grade and establish classes of positions;
- (3) To schedule and conduct examinations for positions in the civil service;
- (4) To establish, promulgate and certify eligible lists in the manner provided in the civil service law, and the rules of the [personnel director] *commissioner*;

(5) To determine the appropriateness of eligible lists for the filing of vacancies in the manner provided in the civil service law and the rules of the [personnel director] *commissioner*;

(6) To investigate applicants for positions in the civil service; to review their qualifications, and to revoke or rescind any certification or appointment by reason of the disqualification of the applicant or appointee under the provisions of the civil service law, and the rules of the [personnel director] *commissioner* or any other law;

(7) To review any appointment of persons as provisional employees within sixty days after appointment to assure compliance with this chapter, the civil service law, and any rule or regulation issued pursuant to this charter or civil service law;

(8) To certify payrolls in accordance with the provisions of the civil service law and the rules of the [personnel director] *commissioner*;

(9) To keep records regarding candidates for appointment to the civil service and officers and employees in the civil service;

(10) To develop and recommend to the mayor standard rules governing working conditions, vacations and leaves of absence; and career, salary and wage plans providing for the creation, abolition and modification of positions and grades and fixing salaries of persons paid from the city treasury, subject to the provisions of this charter, the civil service law, other applicable statutes and collective bargaining agreements;

(11) To administer the city-wide *safety* incentive, training and development, and other such personnel programs of the city;

(12) To establish and enforce uniform procedures and standards to be utilized by city agencies in establishing measures, programs and plans to ensure a fair and effective affirmative employment plan for equal employment opportunity plan for equal employment opportunity for minority group members and women who are employed by, or who seek employment with, city agencies. Such procedures shall include a time schedule for the development of such plans which provides for the preparation by each agency of a draft plan, the review of such draft plan by the department of [personnel] *citywide administrative services*, the equal employment practices commission, and such other agency as the mayor requires, and the consideration by the agency of any comments received on such draft plans prior to the adoption of a final plan as required by paragraph nineteen of subdivision a of section eight hundred [fourteen] *fifteen*;

(13) To establish a uniform format to be utilized by all city agencies in the preparation of the quarterly reports required by subdivision i of section eight hundred [fourteen] *fifteen*. Such format shall provide for the presentation of statistical information regarding total employment, new hiring and promotions in a manner which facilitates understanding of an agency's efforts to provide fair and effective equal opportunity employment for minority group members, women and members of other groups who are employed by, or who seek employment with, city agencies;

(14) To develop, in conjunction with other city agencies, a clearinghouse for information on employment and educational programs and services for minority group members and women; and

(15) To provide assistance to minority group members and women employed by, or interested in being employed by, city agencies to ensure that such minority group members and women benefit, to the maximum extent possible, from city employment and educational assistance programs.

b. The [personnel director] *commissioner* shall have the following powers and duties with respect to the personnel management functions assigned to city agencies pursuant to subdivisions a, b, c, and d of section eight hundred [fourteen] *fifteen*.

(1) To aid in the development of effective and efficient personnel programs and professional personnel staffs in the agencies of the city; and to convene the personnel officers of the agencies from time to time as a personnel council to consider personnel matters of inter-agency or of city-wide concern;

(2) To approve agency plans and programs pursuant to paragraphs seven, nine and thirteen of subdivision a of section eight hundred [fourteen] *fifteen*;

(3) To establish and enforce standards, guidelines and criteria for the personnel management functions assigned to the agencies and to audit performance by the agencies of such personnel functions;

(4) To reverse or rescind any agency personnel action or decision pursuant to an assignment or delegation of authority in this chapter, upon a finding of abuse after notification to the agency and an opportunity to be heard;

(5) To hear and determine appeals by any person aggrieved by any action or determination of the head of an agency made pursuant to paragraphs three, five, seven and eleven of subdivision a of section eight hundred [fourteen] *fifteen*, subject to review by the civil service commission as provided in subdivision c of section eight hundred [twelve] *thirteen*;

(6) To delegate to the head of an agency personnel management functions assigned to the [personnel director] *commissioner* where such delegation is not otherwise prohibited by the civil service law, and pursuant to terms and conditions prescribed by the [director] *commissioner*;

(7) To administer personnel programs of a city-wide nature or common to two or more departments where administration by separate agencies would be impracticable and uneconomical;

(8) To annually publish and submit to the mayor, council and the commission on equal employment practices a report on the activities of the department of [personnel] *citywide administrative services* and city agencies to provide fair and effective affirmative employment practices to ensure equal employment opportunity for minority group members and women who are employed by, or who seek employment with, city agencies. Such report shall include, but not be limited to, an analysis of the city government workforce and applicants for such employment by agency, title and classification; a description of each agency's employment practices, policies and programs; an analysis of the effectiveness of the city's efforts to provide fair and effective affirmative employment practices to ensure equal employment opportunity for minority group members and women who are employed by, or who seek employment with, city agencies; and such legislative, programmatic and budgetary recommendations for the development, implementation or improvement of such activities as the [personnel director] *commissioner* deems appropriate.

c. The [personnel director] *commissioner* shall promulgate rules and regulations relating to the personnel policies, programs and activities of city government in furtherance of and consistent with the state civil service law and this chapter. The [personnel director] *commissioner* shall transmit to the state civil service commission each proposed rule which must be submitted to such commission, including any which establishes or reclassifies titles in the non-competitive or exempt class, within sixty days after the public hearing has been held on such rule.

d. The [personnel director] *commissioner* shall, at the time requested by the city civil service commission or the equal employment practices commission, provide each commission with all the information which such commission deems necessary to fulfill the duties assigned to it by the charter. The provisions of this subdivision shall not apply to any information which is required by law to be kept confidential or which is protected

by the privileges for attorney-client communications, attorney work products, or material prepared for litigation.

e. The [personnel director] *commissioner* shall submit a quarterly report to the mayor, the council, the civil service commission and the equal employment practices commission. Such report shall specify, by agency and by title, including temporary titles:

(1) the number of provisional employees at the end of the second month of the quarter;

(2) the length of time such provisional employees have served in their positions; and
 (3) the actions taken by the city to reduce the number of such provisional employees and the length of their service in such positions. Such reports shall be submitted by the last day of March, June, September, and December of each year.

[§814.] §815. **Agency heads; powers and duties concerning personnel management.** a. Subject to the civil service law and applicable provisions of this charter, heads of city agencies shall have the following powers and duties essential for the management of their agencies in addition to powers and duties vested in them pursuant to this charter or other applicable law:

(1) To recruit personnel;

(2) To participate with the [personnel] department of *citywide administrative services* in job analyses for the classification of positions;

(3) To allocate individual positions to existing civil service titles;

(4) To allocate individual managerial or executive positions to managerial assignment levels;

(5) To assist the [personnel] department of *citywide administrative services* in the determination of minimum qualifications for classes of positions and to review and evaluate qualifications of candidates for positions in the civil service;

(6) To assist the [personnel director] *commissioner* in the planning and preparation of open competitive examinations;

(7) To schedule and conduct tests other than written tests for promotion to competitive class positions;

(8) To determine whether to hold an open competitive or promotion examination to fill positions in the civil service subject to disapproval of the [personnel director] *commissioner* within thirty days;

(9) To plan and administer employee incentive and recognition programs;

(10) To fill vacant positions within quarterly spending allotments and personnel controls pursuant to section one hundred six;

(11) To administer and certify eligible lists for classes of positions unique to the agency;

(12) To make appointments to competitive positions from eligible lists pursuant to subsection one of section sixty-one of the state civil service law, which authority shall not be abridged or modified by local law or in any other manner;

(13) To establish and administer performance evaluation programs to be used during the probationary period and for promotions, assignments, incentives and training;

(14) To conduct training and development programs to improve the skills, performance and career opportunities of employees;

(15) To ensure and promote equal opportunity for all persons in appointment, payment of wages, development and advancement;

(16) To administer employee safety programs;

(17) To maintain personnel records;

(18) To perform such other personnel management functions as are delegated by the [personnel director] *commissioner* pursuant to this chapter or that are not otherwise assigned by this chapter;

(19) To establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women who are employed by, or who seek employment with, the agency and, in accordance with the uniform procedures and standards established by the department of [personnel] *citywide administrative services* for this purpose, to adopt and implement an annual plan to accomplish this objective. Copies of such plans shall be filed with the mayor, council, department of [personnel] *citywide administrative services*, equal employment practices commission, and city civil service commission and shall be made available for reasonable public inspection; and

(20) To provide assistance to minority group members and women interested in being employed by city agencies to ensure that such minority group members and women benefit, to the maximum extent possible, from city employment and educational assistance programs.

b. Within one year from the effective date of this chapter, the head of each agency shall prepare and submit to the mayor and the [personnel director] *commissioner* a plan and schedule for the discharge of the powers and duties assigned in this section. No such plan shall take effect until approved by the mayor.

c. The mayor may modify, suspend, or withdraw for cause any power or duty assigned or delegated to the head of an agency pursuant to paragraphs three, four, seven, eight, and eleven of subdivision a of this section.

d. Notification prior to each action or decision of an agency pursuant to this chapter which changes the status of an individual employee, a position, or a class of positions shall be provided to the [personnel director] *commissioner*. The head of each agency shall certify on each payroll that all personnel actions and transactions of the agency conform with the provisions of the civil service law and this chapter, the rules of the [personnel director] *commissioner* and other applicable law.

e. Before any new position in the city service shall be created, the agency head shall furnish the commissioner of finance with a certificate stating the title of the class of positions to which the position is to be allocated. If the position is to be allocated to a new class of positions, the agency head shall request of the [personnel director] *commissioner*, and the [personnel director] *commissioner* shall furnish to the agency head and the commissioner of finance, a certificate stating the appropriate civil service title for the proposed position, the range of salary of comparable civil service positions and a statement of the class specifications and line of promotion into which such new position will be placed and any such new position shall be created only with the title approved by the [personnel director] *commissioner*.

f. The heads of all agencies shall, except as otherwise provided by law, have power to appoint and remove, subject to the provisions of the civil service law, all chiefs of bureaus and all other officers, employees and subordinates in their respective administrations, departments or offices, without reference to the tenure of office of any appointee and to assign them their duties. Nothing herein shall be construed to preclude the mayor from entering into a collective bargaining agreement which provides for a procedure governing the discipline of employees, including their removal, pursuant to section 12-312 of the administrative code of the city of New York for employees of agencies the heads of which are appointed by the mayor.

g. The heads of city agencies or their designated representatives shall fulfill the requirements for agency participation in matters affecting the management of the agency

in advance of collective bargaining negotiations affecting employees of any agency contained in section eleven hundred seventy-seven.

h. The head of each city agency shall ensure that such agency does not discriminate against employees or applicants for employment [pursuant to] *as prohibited by federal, state and local law.*

i. The head of each city agency shall quarterly publish and submit to the mayor, council, department of [personnel] *citywide administrative services*, and the equal employment practices commission a report on the agency's efforts during the previous quarter to implement the plan adopted pursuant to paragraph nineteen of subdivision a of section eight hundred [fourteen] *fifteen.*

j. The head of each city agency shall include in all employment retention, recruitment, training and promotional program literature, advertisements, solicitations and job applications, such language as may be necessary to effectuate the purpose of this chapter.

k. The head of each city agency shall require each employment agency, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding and which is involved in the performance of recruitment and retention with the agency to furnish a written statement that such employment agency, labor union or representative shall not discriminate against employees or applicants for employment pursuant to federal, state or local law and that such union or representative will cooperate in the implementation of the agency's obligations pursuant to this chapter.

[§815.] §816. **Management service.** a. The [personnel director] *commissioner*, in consultation with the heads of agencies, shall develop and submit to the mayor a city-wide plan and schedule for the development of qualified and competent technical, professional, management, administrative, and supervisory personnel in the civil service to meet the managerial needs of city government. The mayor shall approve, disapprove or modify the plan within one year after the effective date of this chapter.

b. The city-wide plan shall establish a management service for city agencies and shall provide for:

(1) Membership in the service of employees with significant policy, administrative, supervisory, managerial or professional duties that require the exercise of independent judgment in the scheduling and assignment of work, program management or planning, evaluation of performance or allocation of resources; and including the ranking officials assigned to the local service districts of agencies within community districts and boroughs;

(2) Opportunities for entry into the service by qualified civil servants and qualified persons not employed by the city consistent with requirements of the civil service law;

(3) A city-wide qualifying test for entry into the service;

(4) Assessments of capacity and potential to perform managerial duties as part of competitive tests for entry into the service and assignments within the service;

(5) A single managerial class of positions for each occupational series within the service with assignment levels within each such class;

(6) A plan for achieving equitable pay scales for members of the service consonant with their duties and responsibilities;

(7) Merit increases, incentive awards, and recognition programs for members of the service;

(8) Performance evaluations for members of the service to be used for assignments, incentive awards, probationary period review, and disciplinary action;

(9) A probationary period not to exceed one year for members of the service;

(10) Management intern programs, and,

(11) Training and career development programs.

c. The [personnel director] *commissioner* shall conduct city-wide programs and functions related to the management service; assist agencies in the implementation of the management service plan; and review and evaluate agency performance under the plan.

[§816.] §817. **Appointments and promotions.** a. All appointments, promotions and changes in status of persons in the public service of the city shall be made in the manner prescribed by the constitution of the state and in accordance with the provisions of the civil service law and other provisions of law not inconsistent therewith nor with this charter.

b. Whenever qualifications for the appointment of persons to public office are prescribed by law, the appointing officer shall, upon making such appointment, file with the civil service commission a certificate that such appointment complies with such law.

[§817.] §818. **Power of investigation.** The [personnel director] *commissioner* shall have the power to make investigations concerning all matters touching the enforcement and effect of the provisions of the civil service law insofar as it applies to the city and the rules and regulations prescribed thereunder, or concerning the actions of any examiner or subordinate of the department, or of any officer or employee of the city or of any county within the city, in respect to the execution of the civil service law; and in the course of such investigations the [personnel director] *commissioner* shall have the power to administer oaths, to compel the attendance of witnesses, and to examine such persons as deemed necessary.

[§818.] §819. **No compensation to unauthorized employee.** No officer of the city whose duty is to sign or countersign warrants shall draw, sign or issue, or authorize the drawing, signing or issuing of any warrant on the commissioner of finance or other disbursing officer of the city for payment of salary to any person in its service whose appointment or retention has not been in accordance with the civil service law and the valid rules in force thereunder.

[§819.] §820. **Examination for licenses.** The [personnel director] *commissioner* shall, unless otherwise provided by law, have power, upon request of any person charged with the duty of issuing licenses or permits, to conduct, under rules and regulations to be established by the [personnel director] *commissioner*, examinations and tests to determine the qualifications of persons applying for such licenses or permits. The [personnel director] *commissioner* shall certify to the person having power to issue the license or permit the result of any such examination or test.

[§820.] §821. **Officers or employees designated to serve in exempt civil service positions.** a. Notwithstanding any provision in this charter to the contrary, the mayor or head of an agency may designate any officer or employee occupying a position in the competitive class of the civil service to serve in a position in the exempt class, and in such case, the officer or employee so designated shall thereupon enter upon and exercise all the powers and duties and receive the salary of such exempt position, and shall retain all the rights, privileges and status of such officer or employee's position in the competitive class.

b. The appointment of any person chosen to fill the position thus left vacant shall be temporary and shall terminate upon the return of such officer or employee to such position as provided in subdivision e of this section.

c. Such designation shall be in writing and shall be filed and remain of record in the office of such agency, in the office of the [personnel director] *commissioner* and in the office of the mayor and shall remain in force until revoked by the mayor or head of such agency, as the case may be.

d. Service in such position in the exempt class shall be credited as service in the competitive class and the status of such officer or employee in respect to pensions or otherwise shall not be adversely affected by such designation.

e. Upon the termination of the officer or employee's services in such exempt position, except by dismissal for cause in the manner provided in section seventy-five of the civil service law, such officer or employee shall immediately and without further application return to the position in the competitive class with the status, rights, privileges and salary enjoyed immediately prior to the designation to the position in the exempt class.

§822. Public buildings and facilities. *With respect to public buildings and facilities, the commissioner shall have the following powers and duties:*

(a) *to manage, alter, repair, operate, maintain and clean buildings, facilities and offices leased or occupied for public use by more than one city agency whose management, alteration, repair, operation, maintenance or cleaning is paid for in whole or in part from the city treasury, and as directed by the mayor, to perform services in space occupied for public use by a single city agency;*

(b) *except for the provisions of chapter nine of this charter, to employ, when in the commissioner's opinion such services are necessary or desirable, qualified consultants in private practice to aid the commissioner in carrying out his or her duties and responsibilities with respect to public buildings or facilities; such consulting or advisory services shall be performed under the supervision of the commissioner;*

(c) *to exercise and perform such other powers and duties as may be prescribed by law or delegated to him or her in relation to laboratory testing of commodities and construction materials.*

Notwithstanding the provisions of this section, the exercise of the powers and duties set forth herein shall be subject to the jurisdiction of any city agency performing urban renewal and public and publicly-aided housing functions to the extent, and in such areas, as directed by the mayor.

§823. Procurement of goods, other personal property and services. *With respect to the procurement and disposal of goods and other personal property and the procurement of services other than personal services, the commissioner shall have the following powers and duties:*

(a) *to purchase, inspect, store and distribute all goods, supplies, materials, equipment and other personal property required by any city agency, except as otherwise provided by law, or by any office of any county wholly included in the city for which supplies, materials or equipment are required, payment for which is made from the city treasury;*

(b) *to establish and maintain one or more city storehouses, operating therein a modern system of stores control, to supply the estimated current needs of the agencies for which the commissioner is authorized to purchase. All purchases other than such purchases for stock for estimated needs and all deliveries from such stock shall be upon justified requisitions. The commissioner shall also oversee the establishment of efficient and economical systems of stores control in other city agencies and review the operations of such storehouses to assure their efficient and economical management;*

(c) *to receive all surplus and obsolete personal property not required by any agency for which the commissioner has the power to make purchases and all such agencies shall surrender such property to the commissioner who shall dispose thereof pursuant to rules promulgated by him or her governing its redistribution, exchange, transfer, sale or other disposition;*

(d) *to procure, supply and manage contractual services other than personal or professional services for the use of city agencies;*

(e) to promulgate rules governing the purchase, payment, storage, and delivery of goods, supplies, materials and equipment by agencies of the city and the disposal of surplus and obsolete materials, and to supervise their enforcement;

(f) to classify all goods, supplies, materials and equipment; to adopt as standards the minimum number of qualities, sizes and types of commodities consistent with efficient operation and life cycle costs; and to promulgate and enforce written specifications for all such standard commodities.

§824. **Real property.** With respect to real property, the commissioner shall have the following powers and duties:

(a) to purchase, lease condemn or otherwise acquire real property for the city, subject to the approval of the mayor, and to sell, lease, exchange or otherwise dispose of real property of the city, subject to the requirements of section three hundred eighty-four and subject to review and approval either pursuant to section one hundred ninety-five, if applicable, or pursuant to sections one hundred ninety-seven-c and one hundred ninety-seven-d. No such purchase, lease, condemnation or other acquisition shall be authorized until a public hearing has been held with respect to such acquisition after the publishing of notice in the City Record at least ten days but not more than thirty days in advance of such hearing; provided, however, that in the case of an acquisition by purchase or condemnation, no such hearing shall be required if a public hearing is held with respect to such purchase or condemnation pursuant to any other requirement of law. In the case of a lease in which the city is to be the tenant, the notice for the hearing required in this subdivision shall include a statement of the location and proposed use of the premises, and the term and annual rent of the proposed lease. Before submitting an application pursuant to section one hundred ninety-seven-c for an acquisition or a disposition pursuant to this section, the commissioner shall take into consideration the criteria for location of city facilities established pursuant to section two hundred three. If two years, not including time spent in litigation, have elapsed between (1) the final approval of a disposition or acquisition pursuant to section one hundred ninety-seven-c and section one hundred ninety-seven-d and (2) execution of an agreement in connection with such disposition or acquisition, a public hearing shall be held on the proposed acquisition or disposition after the publishing of notice in the City Record at least forty-five days in advance of such hearing;

(b) to assign and reallocate to city agencies space and real property owned or leased by the city, to establish comprehensive and continuing programs and standards for utilization of space owned or leased by the city and to conduct surveys of space utilization;

(c) to manage all real property of the city not used for public purposes, including real property acquired for a public purpose and not being currently utilized for such purpose, except wharf property or other real property under the jurisdiction of the department of business services, the department of housing preservation and development, the New York city transit authority, and the New York city housing authority by virtue of an authorization granted by the mayor pursuant to the provisions of subdivision three of section one hundred twenty-five of the public housing law, or except as otherwise provided by law, real property under the jurisdiction of the triborough bridge and tunnel authority; provided, that the commissioner shall be responsible for the management, leasing or permitting of any parcels of wharf property and water front property as provided in any designation made by the commissioner of business services pursuant to paragraph b of subdivision two of section thirteen hundred one of this charter.

(d) to exercise and perform such other powers and duties as may be prescribed by law or delegated to the commissioner in relation to the acquisition, disposition, management, site selection, assignment, demolition or other treatment of real property of the city;

(e) to employ, where desirable, managing agents to manage city properties and collect rents therefrom and pay bills;

(f) to keep, maintain and annually update a master list of leases wherein the city or its agencies is a tenant. Such master list shall contain at least the following information: name and address of lessor, location wherein lease property is situated, base rent, square footage, escalation provisions, and any other information which the department deems necessary and appropriate.

§825. Communications and energy. With respect to communications and energy, the commissioner shall have the following powers and duties:

(a) **WNYC Communications Group:** to maintain, operate and administer in conformance with all federal, state and local laws and to use the facilities of such group to assist any agency which shall require and use such service and also for the instruction, enlightenment, entertainment, recreation and welfare of the inhabitants of the city by the broadcast of any matters which are deemed appropriate and necessary for the public interest and advantage and to connect such facilities with any broadcasting station to unite in the broadcasting of such matters and activities;

(b) **Gas and electricity:** to have charge and control of furnishing the city or any part thereof, by contract or otherwise, with gas, electricity, steam, hot water or other energy source, except such functions as are exercised by the public utility service of the city.

§826. Data processing services. The commissioner shall provide data processing support, programming, and computer systems analysis services for city agencies when necessary or desirable, in accordance with executive orders promulgated by the mayor.

§827. Automotive services. The commissioner shall acquire by purchase, lease or otherwise, vehicles and other automotive equipment for the use of city agencies; manage, maintain, store and operate a fleet of motor vehicles; assign fleets to agencies in accordance with the direction of the mayor and ensure the effective operation of all shops, yards, garages, fuel depots and other facilities required for the maintenance of fleets operated by agencies; and ensure the maintenance of records for all city-owned vehicles.

§828. Right of entry. The commissioner, officers and employees of the department may, in accordance with law, enter upon public or private property for the purpose of making surveys, borings or other investigations necessary for the exercise of the powers or the performance of the duties of the commissioner and the department. Refusal to permit such entry shall be a misdemeanor punishable by not more than thirty days' imprisonment or by a fine of not more than fifty dollars, or both.

§829. Performing administrative functions for the office of administrative trials and hearings and the board of standards and appeals. The mayor may designate the department to perform specified administrative functions for the office of administrative trials and hearings and the board of standards and appeal when the mayor determines that such a designation will reduce costs or result in more effective performance of such functions. Such functions may include personnel services, labor relations, facilities management, purchasing, management information systems, budget administration, and internal auditing.

§2. Section 105 of the charter of the city of New York, as amended by local law number 77 for the year 1995, is amended to read as follows:

§105. Appropriations for goods, services or construction. Appropriations for the procurement of goods or services or the provision of services, utilities, or facilities by the department of [general] *citywide administrative* services for other agencies and institutions in accordance with the authority of the department of [general] *citywide administrative* services under the provisions of this charter shall be made to the department of [general]

citywide administrative services but shall be segregated under the name of the agency or institution for which they are intended and shall be considered and accounted for as appropriated for such agency or institution. Nothing herein contained shall prevent the designation of part of such appropriations as a general stores account or under other appropriate designation to enable the department of [general] *citywide administrative* services to maintain a stock in anticipation of requirements or to provide services, utilities or facilities for joint use by more than one agency or institution.

§3. Paragraph 4 of subdivision (f) of section 106 of the charter of the city of New York, as added by vote of the electorate at a general election held on November 7, 1989, is amended to read as follows:

4. The services covered by this subdivision shall include the following services and any additional services identified for this purpose by the mayor: local parks services, street cleaning and refuse collection, housing code enforcement, highway and street maintenance and repair sewer maintenance and repair, and the maintenance of public buildings by the department of [general] *citywide administrative* services.

§4. Subdivision (h) of section 197-c of the charter of the city of New York, as added by vote of the electorate at a general election held on November 7, 1989, is amended to read as follows:

h. Not later than sixty days after expiration of time allowed for the filing of a recommendation or waiver with the city planning commission by a borough president, the commission shall approve, approve with modifications, or disapprove the application. Any such approval or approval with modifications of the commission shall require the affirmative vote of at least seven of the members, except that the affirmative vote of nine members shall be required to approve or approve with modifications an application pursuant to paragraph five, ten or eleven of subdivision a of this section relating to a new city facility if the affected borough president recommends against approval of such application pursuant to subdivision g of this section and has proposed an alternative location in the same borough for such new city facility pursuant to subdivision f or g of section two hundred four. The commission shall conduct a public hearing on all applications that are subject to review and approval by the commission pursuant to this section. Prior to taking any action pursuant to this subdivision on a matter involving the siting of a capital project, the sale, lease, exchange or other disposition or acquisition of real property, a request for a proposal or other solicitation for a franchise or a revocable consent, the city planning commission may obtain a report from the office of management and budget or the department of [general] *citywide administrative* services, as appropriate. Any action of the city planning commission which modifies or disapproves a written recommendation of the community board, borough president or borough board shall be accompanied by a written explanation of its reason for such action.

§5. Paragraph (2) of subdivision d of section 204 of the charter of the city of New York, as added by vote of the electorate at a general election held on November 7, 1989, is amended to read as follows:

(2) all final commitments relating to the disposition or future use of city-owned real property, including assignments by the department of [general] *citywide administrative* services pursuant to clause b of subdivision three of section sixteen hundred two, and

§6. Paragraph (2) of subdivision e of section 204 of the charter of the city of New York, as amended by local law number 77 for the year 1995, is amended to read as follows:

(2) The mayor, assisted by the department of city planning, the department of design and construction and the department of [general] *citywide administrative* services, shall review such departmental statements of need and use them to prepare the statement of

needs. In preparing the statement of needs, the mayor shall apply the criteria established pursuant to section two hundred three.

§7. Section 265 of the charter of the city of New York, as renumbered by vote of the electorate at a general election held on November 7, 1989, is amended to read as follows:

§265. Allocation of authorization to department of [general] *citywide administrative* services. So much of the amount of any obligation authorized as is applicable to the purchase of supplies, materials and equipment or the provision of services, utilities or facilities which the department of [general] *citywide administrative* services is authorized to purchase or provide shall be allotted to the department of [general] *citywide administrative* services, but shall be considered and accounted for as a part of the cost of the project for which the obligations were authorized.

§8. Subdivision b of section 325 of the charter of the city of New York is amended to read as follows:

b. The procurement policy board, in consultation with the commissioner of [general] *citywide administrative* services, shall promulgate rules providing for the publication and content of notices of contract actions required by this chapter. Such rules shall include provisions regarding, i. the timing and frequency of notices, ii. the required duration of solicitation periods, iii. the form and content of notices, including the organization and presentation of such notices within standard categories of goods, services and construction which are sufficiently detailed to provide meaningful distinctions among categories.

§9. Subdivisions b, c and d of section 329 of the charter of the city of New York, as renumbered and amended by vote of the electorate at a general election held on November 7, 1989, are amended to read as follows:

b. All other goods shall be purchased or procured by the department of [general] *citywide administrative* services, except as otherwise provided pursuant to this chapter or other law.

c. Pursuant to rules of the procurement policy board and subject to other sections of this chapter, each agency may purchase directly goods in an amount not to exceed one thousand dollars for each transaction or, with the prior approval of the commissioner of [general] *citywide administrative* services, in an amount not to exceed five thousand dollars for each transaction. The limitation of this subdivision shall not apply to purchases by an agency under a vendor contract entered into by the commissioner of [general] *citywide administrative* services.

d. The dollar limits for direct agency purchases without the prior approval of the commissioner of [general] *citywide administrative* services pursuant to subdivision c of this section may be raised to five thousand dollars for each transaction for any or all agencies by the commissioner of [general] *citywide administrative* services with the approval of the mayor. Any proposed increases in the limits for such purchases above five thousand dollars shall be subject to the further approval of the comptroller. Any increase in dollar limits pursuant to this subdivision shall be published in the City Record and may be rescinded by the commissioner of [general] *citywide administrative* services, the mayor, or the comptroller.

§10. Section 330 of the charter of the city of New York, as renumbered and amended by vote of the electorate at a general election held on November 7, 1989, is amended to read as follows:

§330. Inspection. Inspection and acceptance or rejection of all deliveries of goods shall be made by the agency that makes the direct purchase other than under a vendor contract. The commissioner of [general] *citywide administrative* services may authorize an agency to which delivery is made to perform such functions on purchases made by the department of [general] *citywide administrative* services subject to standards and policies

of the commissioner. The comptroller may continue to perform such inspectional duties as are necessary for auditing purposes, including ascertainment of whether items purchased and paid for by the department of [general] *citywide administrative services* or other agencies have been received and put to use by agencies.

§11. Section 331 of the charter of the city of New York, as renumbered and amended by vote of the electorate at a general election held on November 7, 1989, is amended to read as follows:

§331. Specifications. All purchases shall be based upon specifications which are definite and certain, which permit of competition and which shall not be at variance with standard specifications for the various classes of goods approved by the commissioner of [general] *citywide administrative services*. Before adopting standard specifications the commissioner shall obtain and consider the recommendations of agencies using the items to be standardized.

§12. Paragraph 3 of subdivision b of section 384 of the charter of the city of New York, as amended by vote of the electorate at a general election held on November 7, 1989, is amended to read as follows:

3. Real property of the city may be sold only after appraisal made within six months prior to the authorization of the sale and after a review of such appraisal by the department of [general] *citywide administrative services* within thirty days prior to authorization of sale, provided that advertisement for the public auction for such sale shall be commenced within sixty days of such authorization.

§13. Subdivisions a, b, c and g of section 557 of the charter of the city of New York are amended to read as follows:

(a) There shall be in the department an independent office of chief medical examiner, the head of which shall be the chief medical examiner, who shall be appointed by the mayor from the classified civil service and be a doctor of medicine and a skilled pathologist and microscopist. The mayor may remove the chief medical examiner upon filing in the office of the [personnel director] *commissioner of citywide administrative services* and serving upon the chief medical examiner his or her reasons therefor and allowing such officer an opportunity of making a public explanation.

(b) The commissioner with respect to the office of chief medical examiner shall exercise the powers and duties set forth in paragraphs one, two, three, and four of subdivision a of section five hundred fifty-five of this chapter, but [he] shall not interfere with the performance by the chief medical examiner or his or her office of the powers and duties prescribed by the provisions of this section or any other law.

(c) The chief medical examiner may appoint and remove such deputy chief medical examiners, associate medical examiners, assistant medical examiners, junior medical examiners, medical investigators, lay medical investigators, scientific experts and other officers and employees as may be provided for in the budget. The deputy chief medical examiners, associate medical examiners, assistant medical examiners and junior medical examiners shall possess the same basic qualifications as the chief medical examiner. The medical investigators shall be physicians duly licensed to practice medicine in the state of New York and shall possess such additional qualifications as may be required by the department of [personnel] *citywide administrative services*.

(g) The chief medical examiner shall keep full and complete records in such form as may be provided by law. [He] *The chief medical examiner* shall promptly deliver to the appropriate district attorney copies of all records relating to every death as to which there is, in the judgment of the medical examiner in charge, any indication of criminality. Such records shall not be open to public inspection.

§14. Subdivision a of section 645 of the charter of the city of New York is amended to read as follows:

(a) There shall be a main office of the department and in each borough at least one branch office and a borough superintendent. Persons appointed as inspectors to perform functions of the department shall have such qualifications as shall be prescribed by the [personnel director] *commissioner of citywide administrative services* after consultation with the commissioner; provided however that such qualifications shall include: (1) a minimum of five years acceptable experience working at a construction trade; or (2) a license as a professional engineer or architect issued pursuant to the education law; or (3) a minimum of three years of acceptable experience working at a construction trade and a minimum of two years of formal training or education in an acceptable construction program, with an emphasis on construction, in a college, technical school or trade school; or (4) a minimum of two years of acceptable experience working at a construction trade or a minimum of two years of formal training or education in an acceptable construction program, with an emphasis on construction, at a college, trade school or technical school and a minimum of three years participation in an apprentice inspection program approved by the commissioner and [personnel director] *the commissioner of citywide administrative services*.

§15. Paragraph (4) of subdivision a of section 753 of the charter of the city of New York, as amended by vote of the electorate at a general election held on November 7, 1989, is amended to read as follows:

(4) the removal of encumbrances from the streets and the storage or disposal of such encumbrances[, except that the mayor may provide by regulation that the removal and storage of household effects or other chattels shall be a responsibility of the department of general services or its successor agency];

§16. Section 801 of the charter of the city of New York, as amended by vote of the electorate at a general election held on November 7, 1989, is amended to read as follows:

§801. Department; commissioner. There shall be a department of investigation the head of which shall be the commissioner of investigation. The commissioner shall be a member of the bar of the state of New York in good standing and shall have had at least five years of law enforcement experience. The mayor may remove the commissioner upon filing in the office of [personnel director] *the commissioner of citywide administrative services* and serving upon the commissioner of investigation the reasons therefor and allowing such officer an opportunity of making a public explanation.

§17. Subdivision a of section 830 of the charter of the city of New York, as added by vote of the electorate at a general election held on November 7, 1989, is amended to read as follows:

a. There shall be an equal employment practices commission which shall review, evaluate and monitor the employment procedures, practices and programs of any city agency and the department of [personnel] *citywide administrative services* to maintain an effective affirmative employment program of equal employment opportunity for minority group members and women who are employed by or who seek employment with city agencies.

§18. Paragraph a of section 831 of the charter of the city of New York, as added by vote of the electorate at a general election held on November 7, 1989, is amended to read as follows:

a. The commission: (i) shall monitor the employment policies, programs and practices of each city, county, borough or other office, administration, board, department, division, commission, bureau, corporation, authority, or other agency of government, where the majority of the board members of such agency are appointed by the mayor or

serve by virtue of being city officers or the expenses of which are paid in whole or in part from the city treasury, including the board of education, city and community colleges, the financial services corporation, the health and hospital corporation, the public development corporation, and the city housing authority; and (ii) monitor the coordination and implementation of any city affirmative employment program of equal employment opportunity for minority group members and women who are employed by or who seek employment with city agencies, including the activities of the department of [personnel] *citywide administrative services*, and the civil service commission, pursuant to chapter thirty-five, and any other agency designated by the mayor to assist in the implementation or coordination of such efforts, and all city agencies required by section eight hundred [fourteen] *fifteen* to establish agency programs

§19. Paragraphs 1, 2, 3, 6 and 7 of subdivision d of section 831, as added by vote of the electorate at a general election held on November 7, 1989, of the charter of the city of New York are amended to read as follows:

1. to review the uniform standards, procedures, and programs of the department of [personnel] *citywide administrative services* pursuant to [paragraph] *paragraphs* twelve and fourteen of subdivision a of section eight hundred [thirteen] *fourteen*, and to review the plans adopted by city agencies in accordance with the provisions of paragraph nineteen of subdivision a of section eight hundred [fourteen] *fifteen*, and to provide any such agency or the department of [personnel] *citywide administrative services* with such comments and suggestions as the commission deems necessary and appropriate;

2. to recommend to the department of [personnel] *citywide administrative services*, all city agencies, or any one or more particular agencies, procedures, approaches, measures, standards and programs to be utilized by such agencies in their efforts to ensure a fair and effective affirmative employment program of equal employment opportunity for minority group members and women who are employed by or seek employment with city agencies;

3. to recommend to any city agency actions which such agency should consider including in its next annual plan as required by paragraph nineteen of subdivision a of section eight hundred [fourteen] *fifteen*;

6. to make such policy, legislative and budgetary recommendations to the mayor, council, the department of [personnel] *citywide administrative services* or any city agency as the commission deems necessary to ensure equal employment opportunity for minority group members and women;

7. to publish by the fifteenth of February of each year a report to the mayor and the council on the activities of the commission and the effectiveness of each city agency's affirmative employment efforts and the efforts by the department of [personnel] *citywide administrative services* to ensure equal employment opportunity for minority group members and women who are employed by or seek to be employed by city agencies;

§20. Subdivision c of section 832 of the charter of the city of New York, as added by vote of the electorate at a general election held on November 7, 1989, is amended to read as follows:

c. If the commission makes a preliminary determination pursuant to subdivision d of section eight hundred thirty-one, that any plan, program, procedure, approach, measures or standard adopted or utilized by any city agency or the department of [personnel] *citywide administrative services* does not provide equal employment opportunity; and/or if the commission makes a preliminary determination pursuant to this chapter and chapter thirty-five, that an agency has not provided equal employment opportunity, the commission shall notify the agency in writing of this determination and provide an opportunity for the agency to respond. If the commission, after consideration of any such response and after consulting with the agency, concludes that the corrective actions, if

any, taken or planned by the agency are not sufficient to correct the non-compliance identified in the preliminary determination, it should make a final determination in writing, including such recommended corrective action as the commission may deem appropriate. The agency shall within thirty days thereafter respond to the commission on any corrective action it intends to make and shall make monthly reports to such commission on the progress of such corrective action. If the commission, after a period not to exceed six months, determines that the agency has not taken appropriate and effective corrective action, the commission shall notify the agency in writing of this determination and the commission may thereafter publish a report and recommend to the mayor whatever appropriate corrective action the commission deems necessary to ensure compliance with equal employment opportunity pursuant to the requirements of this chapter and chapter thirty-five. Within thirty days of such determination the agency shall submit a written response to the commission and the mayor. The mayor after reviewing the commission's findings and the agency's response, if any, shall order and publish such action as he or she deems appropriate.

§21. Subdivisions a, e and f of section 1066 of the charter of the city of New York, as added by vote of the electorate at a general election held on November 7, 1989, are amended to read as follows:

a. There shall be published daily, except Saturdays, Sundays and legal holidays, under contract or by the department of [general] *citywide administrative services*, a paper to be known as the City Record.

e. The commissioner of [general] *citywide administrative services* shall cause a continuous series of the City Record to be bound as completed quarterly and to be deposited with his or her certificate thereon in the office of the city register, in the county clerk's office of each county and in the office of the city clerk; and copies of the contents of any part of the same, certified by such register, county clerk or city clerk, shall be received in judicial proceedings as prima facie evidence of the truth of the contents thereof.

f. The commissioner of [general] *citywide administrative services* shall provide copies of each issue of the City Record to the municipal reference and research center where they shall be available without charge to any member of the public requesting a copy on the publication date or within a reasonable period of time thereafter, to be determined by the commissioner of records and information services. The commissioner shall also provide free subscriptions to the City Record to each borough president, council member, community board, and branch of the public library and to the news media as defined in paragraph three of subdivision b of section one thousand forty-three of the charter. The commissioner of [general] *citywide administrative services*, each borough president, council member and community board shall, upon receipt, make copies of each issue of the City Record available in their respective offices for reasonable public inspection without charge.

§22. Section 1126 of the charter of the city of New York, as added by vote of the electorate at a general election held on November 8, 1988, is amended to read as follows:

§1126. Political activities forbidden. No [member or] officer or employee of the department of [personnel] *citywide administrative services subject to this provision pursuant to a designation of the commissioner of citywide administrative services, and no member, officer, or employee of the civil service commission shall hold office or serve as a member of any committee in any political organization or association, nor shall such member, officer or employee serve as a delegate to any political convention. Any member, officer or employee violating this provision shall forfeit such office or employment. The commissioner of citywide administrative services shall designate all*

employees in the department of citywide administrative services who perform functions relating to citywide personnel issues to be subject to this provision.

§23. Subdivision c of section 1136 of the charter of the city of New York, as renumbered by vote of the electorate at a general election held on November 7, 1989, is amended to read as follows:

c. The department of [personnel] *citywide administrative services* shall make available such copies of chapters sixteen and forty-nine as are necessary to fulfill the requirements of this section.

§24. Paragraph b of subdivision 2 of section 1301 of the charter of the city of New York is amended to read as follows:

b. to have exclusive charge and control of the wharf property and water front owned by the city and of the building, rebuilding, repairing, altering, maintaining, strengthening, protecting, cleaning, dredging, and deepening of such wharf property and water front property; provided, that the commissioner may, subject to the approval of the mayor, designate parcels of wharf property and water front property to be managed pursuant to this paragraph and leased or permitted pursuant to paragraphs g and h of this subdivision by the commissioner of [general] *citywide administrative services*. Any such designation shall be made in writing and may be withdrawn by the commissioner subject to the approval of the mayor;

§25. Paragraph j of subdivision 6 of section 1802 of the charter of the city of New York, as renumbered and amended by vote of the electorate at a general election held on November 7, 1989, is amended to read as follows:

(j) sell, lease, exchange or otherwise dispose of residential real property of the city, provided that no such sale, lease, exchange or other disposition shall be authorized without the approval of the mayor and until a public hearing has been held with respect to such action after the publishing of notice in the City Record at least thirty days in advance of such hearing, and provided further that any disposition by public auction shall be conducted by the department of [general] *citywide administrative services*, except as otherwise provided by law;

§26. Subdivision l of section 1803 of the charter of the city of New York is amended to read as follows:

l. Housing maintenance inspectors shall have such qualifications as shall be prescribed by the department of [personnel] *citywide administrative services* after consultation with the commissioner.

§27. Subparagraph (b) of paragraph 5 of subdivision a of section 2604 of the charter of the city of New York, as added by vote of the electorate at a general election held on November 8, 1988, is amended to read as follows:

(b) a public servant who is a deputy mayor, the director of the office of management and budget, [personnel director,] commissioner of [general] *citywide administrative services*, corporation counsel, commissioner of finance, commissioner of investigation or chair of the city planning commission, or who serves in the executive branch of city government and is charged with substantial policy discretion involving city-wide policy as determined by the board, shall be the executive branch of the city government,

§28. Paragraph 7 of subdivision c of section 2604 of the charter of the city of New York, as added by vote of the electorate at a general election held on November 8, 1988, is amended to read as follows:

7. a public servant, other than elected officials, employees in the office of property management of the department of housing preservation and development, employees in the [division of real property of the] department of [general] *citywide administrative services who are designated by the commissioner of such department pursuant to this*

paragraph, and the commissioners, deputy commissioners, assistant commissioners and others of equivalent ranks in such departments, or the successors to such departments, from bidding on and purchasing any city-owned real property at public auction or sealed bid sale, or from purchasing any city-owned residential building containing six or less dwelling units through negotiated sale, provided that such public servant, in the course of city employment, did not participate in decisions or matters affecting the disposition of the city property to be purchased and has no such matters under active consideration; *The commissioner of citywide administrative services shall designate all employees of the department of citywide administrative services whose functions relate to citywide real property matters to be subject to this paragraph*; or

§29. Paragraph 3 of subdivision d of section 2604 of the charter of the city of New York, as added by vote of the electorate at a general election held on November 8, 1988, is amended to read as follows:

3. No elected official, nor the holder of the position of deputy mayor, director of the office of management and budget, [personnel director,] commissioner of [general] *citywide administrative services*, corporation counsel, commissioner of finance, commissioner of investigation or chair of the city planning commission shall, within a period of one year after termination of such person's employment with the city, appear before any agency in the branch of city government served by such person. For the purposes of this paragraph, the legislative branch of the city consists of the council and the offices of the council, and the executive branch of the city consists of all other agencies of the city, including the office of the [president of the council] *public advocate*.

§30. Section 3-111 of the administrative code of the city of New York, as added by local law number 60 for the year 1987, is REPEALED.

§31. Subdivision a of section 3-204.1 of the administrative code of the city of New York is amended to read as follows:

a. The commissioner of [general] *citywide administrative services* in the case of the disposal of surplus old desks and chairs no longer needed for use of the city council in the councilmanic chambers shall transfer such chairs and desks to the control and custody of the city clerk, clerk of the council.

§32. Subdivision (a) section 3-204.2 of the administrative code of the city of New York is amended to read as follows:

(a) The city clerk, clerk of the council shall have the power at the request of any member of the council who shall hereafter resign or whose term of office shall hereafter terminate, or a surviving spouse of such member, to sell and transfer to such member or to such surviving spouse the chair last occupied by such member in the councilmanic chamber for the sum of thirty-five dollars, depositing any monies received from such sale with the commissioner of finance; provided however, that a written request therefor accompanied by the payment herein provided be submitted to the city clerk, clerk of the council within sixty days after any such resignation or termination of term of office. The commissioner of [general] *citywide administrative services* shall upon notice from the city clerk, clerk of the council make prompt replacement of such chair so transferred or sold.

§33. Subdivisions a and b of section 4-105 of the administrative code of the city of New York, as amended by local law number 8 for the year 1991, are amended to read as follows:

a. Whenever the city shall have any right, title or interest in and to the land lying within a private street, however acquired, or within a street, closed or discontinued in whole or in part, the owner of land fronting thereon at the time of acquisition of such private street or at the time of such closing or discontinuance, or the owner's heirs or assigns, may acquire, such right, title and interest in and to any parcel or parcels of such

land lying in front of the lands owned by such person or persons, upon payment to the commissioner of finance for the right, title or interest to be acquired within such private street or within such closed or discontinued street of such consideration as shall be determined by the commissioner of [general] *citywide administrative* services; provided, however, that, except as otherwise provided by law, such consideration shall be in an amount not less than the appraised value of such right, title or interest as determined by appraisal made within six months prior to the authorization of such conveyance.

b. Such owner or owners or owner's heirs or assigns or the department of [general] *citywide administrative* services on behalf of such owner or owners or owner's heirs or assigns shall apply, in writing, to the department of city planning for such conveyance either simultaneously with an application for the closing or discontinuance of a street or not later than two years after the acquisition of such private street or not later than two years after the closing or discontinuance of such closed or discontinued street. The department of city planning shall process such application pursuant to sections one hundred ninety-seven-c and one hundred ninety-seven-d of the charter. The department of city planning shall notify or cause to be notified all other owners eligible to purchase such right, title or interest pursuant to the provisions of this section of the filing of such application prior to certifying that such application is complete. Such notice shall be served by registered or certified mail addressed to the last known address of such owner or owners, as the same appears in the records of the office of the commissioner of finance or if there is no name in such records, such notice may be served by ordinary mail addressed to "Owner" at the street address of the improvement parcel or property in question. Failure by the department to give such notice or cause such notice to be given shall not invalidate any proceedings with respect to such application. If the conveyance is approved by the mayor and in the manner prescribed by any applicable provisions of sections one hundred ninety-seven-c and one hundred ninety-seven-d of the charter, the mayor shall cause to be prepared and delivered to such owner or owners or owner's heirs or assigns a conveyance of the right, title and interest of the city in and to such parcel or parcels of land in such form as shall be approved by the corporation counsel. Such conveyance shall be delivered to such owner or owners or owner's heirs or assigns upon payment of the sum required by subdivision a hereof to be paid.

§34. Section 4-107 of the administrative code of the city of New York is amended to read as follows:

§4-107 City real property; transfer of, to department of [general] *citywide administrative* services. Whenever any real property of the city is unproductive, or the term for which it may have been leased or let shall have expired or be about to expire, the agency having jurisdiction over such real property shall forthwith transfer the same to the department of [general] *citywide administrative* services.

§35. Section 4-112 of the administrative code of the city of New York is amended to read as follows:

§4-112 Deeds; execution of, by city. Whenever [the board of estimate shall sell or authorize] the sale of any real property of the city[, the commissioner of general services shall give a certificate, under his or her hand, that the same has been sold pursuant to law. Upon the production of such certificate and the evidence that the proceeds of such sale have been paid into the treasury to the credit of the real property fund,] *shall have been authorized pursuant to this charter or other applicable law, the mayor or the commissioner of [general] citywide administrative services and the city clerk, or for a sale of real property of the city that is under the jurisdiction of the department of housing preservation and development, the mayor or the commissioner of the department of housing preservation and development and the city clerk, shall execute proper conveyances*

of such real property [under their hands] *signed by them and bearing the seal of the city. A conveyance of such real property shall not be delivered to the grantee until the proceeds of such sale have been received by the city.*

§36. Subdivision c of section 4-117 of the administrative code of the city of New York is amended to read as follows:

c. The head of such agency [may] *shall* promulgate such regulations as he or she deems necessary and proper in relation to the care, maintenance and operation of any such cemetery under his or her jurisdiction. The head of such agency [may] *shall* prescribe in such regulations reasonable interment fees and charges for the care of graves and other services customarily rendered in cemeteries. Notwithstanding any other provision of law, the head of such agency [may] *shall* prescribe in such regulations, a schedule of prices as recommended by the commissioner of [general] *citywide administrative services* [and approved by the board of estimate,] for the sale of lots in any such cemetery, and the commissioner of [general] *citywide administrative services* shall be authorized to sell such lots for such prices without further approval of any other official. Instruments evidencing the ownership of any purchaser of such lot shall be executed by the commissioner of [general] *citywide administrative services* and approved as to form by the corporation counsel. All fees, charges, and other moneys received by the head of such agency in connection with the care, maintenance and operation of any such cemetery and all sums paid to the commissioner of [general] *citywide administrative services* for lots shall be paid to the comptroller and deposited in and credited to the general fund.

§37. Subdivision b of section 4-119 of the administrative code of the city of New York is amended to read as follows:

b. The head of the agency designated by executive order of the mayor shall be charged with the care, maintenance and operation of said burial ground, and [may] *shall* promulgate such regulations as he or she deems necessary and proper in relation thereto. The head of the agency designated by the mayor [may] *shall* prescribe in such regulations interment fees and charges for the care of graves and other services customarily rendered in cemeteries. Notwithstanding any other provision of law, the agency so designated [may] *shall* prescribe in such regulations, a schedule of prices as recommended by the commissioner of [general] *citywide administrative services* [and approved by the board of estimate,] for the sale of lots in the cemetery, and the commissioner of [general] *citywide administrative services* shall be authorized to sell such lots for such prices without further approval of any other official. Instruments evidencing the ownership of any purchaser of such lot shall be executed by the commissioner of [general] *citywide administrative services* and approved as to form by the corporation counsel. All fees, charges and other moneys received by such agency in connection with the care, maintenance and operation of the cemetery and all sums paid to the commissioner of [general] *citywide administrative services* for lots shall be paid to the comptroller and deposited in and credited to the general fund.

§38. Section 4-201 of the administrative code of the city of New York is amended to read as follows:

§4-201 Commissioner of [general] *citywide administrative services*, functions. a. The commissioner of [general] *citywide administrative services* under the direction of the mayor may, in his or her discretion, require any person offering to sell to the city real property located within the city, or any agent of such person, or any officer or agent of a corporation offering to sell such real property to the city, to be sworn before the commissioner or a person deputized by the commissioner, and to answer orally as to the persons interested in the real property, the price paid by the owner therefor, the interest of any other person, as broker, agent or other intermediary, in effecting the proposed sale to

the city, and as to any other facts and circumstances affecting the propriety of the purchase of such property by the city, and the fair market value thereof. Any other person having knowledge of any relevant and material fact or circumstance affecting the propriety of the proposed purchase by the city or the fair market value of the real property to be acquired, may likewise be examined under oath. Willful false swearing before the commissioner or a person deputized by the commissioner is perjury and punishable as such, and in a prosecution for perjury, it shall be no defense that such false swearing did not aid in effecting a sale of such property to the city, or in fixing the price paid therefor.

b. The commissioner, under the direction of the board of estimate, shall: 1. After due inquiry to be made by the commissioner, present to the board, a statement, in writing, of the facts relating to any real property proposed to be leased and the purpose for which such property is required by the city, with a report embodying the commissioner's opinion, and the reasons therefor, as to the fair and reasonable rent of such premises. The commissioner shall enter into, on behalf of the city, any lease, authorized by the board, of property leased to the city.

2. Recommend that legal proceedings be taken when necessary to enforce payment of rents or moneys due the city from city real property or to obtain possession of premises to which the city is entitled.

3. Report to the board whether or not it will be in the public interest to lease or otherwise dispose of the property transferred to the commissioner pursuant to section 4-107 of the code, provided that no such report shall be required with respect to the leasing or renting or the granting of licenses, permits or other authorizations for the use of real property entered into by the commissioner pursuant to the provisions of section 4-203 of the code. The commissioner, under the sanction of the board, shall appoint experienced and qualified appraisers upon behalf of the city to settle the rent or renewal of any lease, or the value of the building, to be paid for on the expiration of any lease, in which the city is or shall be interested, whenever by the provisions of such lease the appointment of appraisers is required. All leases authorized by the board shall be executed by (a) either the mayor or the commissioner of [general] *citywide administrative* services and (b) the city clerk, under their hands and the seal of the city.

4. When any person offers to purchase or lease real property belonging to the city, have discretion to require such person to deposit with the department of finance a sum of money, prescribed by the commissioner, as security that such person will pay the amount bid by that person upon the sale or lease of such property at public auction or by sealed bids, and that such person will execute and deliver all papers necessary to carry such sale or lease into effect, if that person's bid for the purchase or lease of such property shall be accepted. Such deposit shall, in the event of the default of the person depositing the same, pay the amount bid by such person, or of that person's failure to execute and deliver the necessary papers as hereinbefore provided, become the property of the city as liquidated damages. Upon the sale or lease of real property belonging to the city as herein provided, if such real property shall be sold or leased to a purchaser or lessee procured by a broker and the purchase price or rental accepted by the city upon the consummation of the sale or lease shall equal or exceed the offer made by such broker in behalf of the purchaser or lessee, the city is hereby authorized to pay the usual commissions to such broker. No commissions shall be paid for the procuring of any sale or lease unless the written authority of the broker to make the offer, signed by the person for whom the broker is acting, shall be filed in the department of [general] *citywide administrative* services before the day the sale or lease of the property is advertised to take place, or at such time prior thereto as may be fixed by the commissioner of [general] *citywide administrative* services.

5. Report to the board whether or not it is in the public interest to grant permission to the lessee or assignee of a lease made by the city for a term of one year or longer, to assign the same or to underlet the demised premises notwithstanding any provision in the lease to the contrary. A prerequisite to any favorable report shall be the prior payment of all arrears of rent on the premises.

6. Preserve in a book to be kept in the commissioner's office for that purpose, to be called the "record of quit-rents", maps of all grants of land heretofore made by the city, on which quit-rents are payable, showing the original grants and subdivisions thereof as definitely as these can be ascertained. The commissioner shall receive the sums proportionately due from each owner in payment of the portion of the moneys payable under the original grant, as such sums, from time to time, shall become payable and shall likewise receive any commuted quit-rents paid as hereinafter provided. The commissioner of [general] *citywide administrative services*, on receiving written notice from the grantee of the city, or his or her assignee, of the sale of any portion of land subject to quit-rent, shall enter in the record of quit-rents the name of the purchaser, the date of the sale, and the portion of the land sold. The commissioner thereafter shall receive the sum proportionately due from such purchaser in payment of his or her portion of the moneys payable under the original grant, as the same, from time to time, shall become payable, and the commissioner shall receive from the owner of the lot or parcel mentioned in the notice, or the owner's legal representative, the sum proportionately due from the owner in payment of his or her proportion of the moneys payable under the original grant. When land heretofore granted by the city, subject to a quit-rent, portions of which have been assigned by the grantee, shall be re-entered by the city for nonpayment of the quit-rent, the commissioner may grant releases in severalty to such of the assignees of portions of the land granted as shall, within six months from the re-entry, pay to the commissioner their respective apportionments of commutation money and the expenses of re-entry and conveyance, with such portions of the rent as may be justly due from the respective assignees for the land held by them, as the same shall be apportioned by the commissioner. Whenever any person shall desire to commute any quit-rent due the city, the commissioner shall calculate such commutation at the rate of six per cent and, upon the production of evidence that such quit-rent and all arrears of rent have been paid into the treasury of the city to the credit of the real property fund, the mayor and city clerk shall execute a release of such quit-rent. All sums received by the commissioner pursuant to the provisions of this subdivision shall be paid daily to the commissioner of finance.

7. Upon the payment in full of the principal and interest due on any bond and mortgage held by the city, the mayor and city clerk shall execute, under their hands and the seal of the city, upon evidence being exhibited to them showing that the principal and interest on such bond and mortgage have been paid into the treasury of the city to the credit of the appropriate fund an assignment or proper satisfaction of said bond and mortgage. The release by such officials of any part of the premises described in such mortgage from the lien created by such mortgage is prohibited.

8. Keep on file in the department of [general] *citywide administrative services* all title deeds, leases, bonds, mortgages, or other assurances of title, except as otherwise provided by law.

9. Record all grants, leases and counter-parts of leases, and all deeds executed by the city in proper books. The commissioner shall also keep a record of all property owned and acquired by the city. Such record shall show the date the property was acquired, the tax map description thereof, the borough in which the property is located, and shall be properly cross indexed with reference to the original deeds of acquisition. The

commissioner shall also keep a record of all property on which rent is in arrears and the amounts of the arrearages.

10. Submit to the corporation counsel for approval as to correctness of form all contracts, leases or other legal documents of similar character, except forms prepared or approved by the corporation counsel.

§39. Section 4-202 of the administrative code of the city of New York is amended to read as follows:

§4-202 Collection of rents. The commissioner of [general] *citywide administrative services* shall collect all rents, charges and any other sums payable or due to the city from any tenant, occupant or other person, under any lease, rental agreement, permit, license or otherwise, for occupancy, use and occupation or other use of real property of the city or any portion of such property, which the commissioner is under the duty to manage and superintend. It shall be the duty of the commissioner to collect rental or other charges for temporary occupancy, use and occupation or other use of property acquired by the city for public purposes between the time of the acquisition thereof and the time when the same can be actually utilized for the purpose for which it was acquired, and for occupancy, use and occupation or other use of all property which, having been originally acquired for public purposes, has ceased to be used for such purposes. All such rents, charges and other sums collected by the commissioner as provided in this section shall be paid by the commissioner daily to the commissioner of finance and a public record thereof shall be kept in the commissioner's office.

§40. The heading of section 4-203 of the administrative code of the city of New York is amended to read as follows:

§4-203 Leasing or renting of real property by commissioner of [general] *citywide administrative services*.

§41. Subdivision a of section 4-204 of the administrative code of the city of New York is amended to read as follows:

a. The commissioner of [general] *citywide administrative services*[,] or the *commissioner of housing preservation and development*, when [authorized to do so by the board of estimate and during the continuance of such authorization,] *requested to do so by the mayor*, may cause to be demolished any buildings or structures located on any real property which the commissioner is authorized to manage and superintend.

§42. Section 4-205 of the administrative code of the city of New York is amended to read as follows:

§4-205 Supervision of management activities of developers. The commissioner of [general] *citywide administrative services* or, when designated by the mayor, the *commissioner of design and construction*, shall supervise the management activities of any party to a contract with the city which requires such party to develop any real property in accordance with the terms of such contract, in any case where such contract provides that the commissioner shall exercise such supervision.

§43. Section 4-206 of the administrative code of the city of New York, as added by local law number 68 for the year 1990, is amended to read as follows:

§4-206. Displaying a POW/MIA Flag over Public Property. Until such time as all persons listed as missing in action from any branch of the United States Armed Forces, and all persons from any branch of our armed forces who are prisoners of war, are accounted for by the United States government, the commissioner of [the department of general] *citywide administrative services* shall assure that the Prisoner of War/Missing in Action (POW/MIA) flag is flown: (1) over all borough halls every day the American flag is flown; and (2) over all public property supervised by the commissioner on the dates

when the American flag is flown in observance of Memorial Day, Veterans Day, and POW/MIA day.

§44. Subdivision a of section 5-305 of the administrative code of the city of New York is amended to read as follows:

a. When a capital project proceeding has been authorized, the agency submitting the departmental estimate shall cause to be prepared [four] *five* similar surveys, diagrams, maps or plans of the real property being acquired, stating thereon the amount or valuation at which each parcel of real property to be acquired has been assessed for purposes of taxation on the city tax rolls for each of the three years preceding the date of such selection; one of such surveys, diagrams, maps or plans to be filed in the office of such agency, the second to be filed in the office of the corporation counsel, the third to be filed in the office in which instruments affecting real property are required to be recorded in the county in which such real property is situated, [and] the fourth to be filed in the office of the department of [general] *citywide administrative services, and the fifth to be filed in the department of design and construction.*

§45. Subdivision a of section 5-323 of the administrative code of the city of New York is amended to read as follows:

a. The final decree, together with all affidavits and proofs upon which the same is based, shall be filed in the office of the clerk of the county in which the order granting the application to condemn was filed, and a certified copy of such decree shall be filed in the office in which instruments affecting real property are required to be recorded, in every county in which any part of the real property affected is situated and shall be filed in the department of [general] *citywide administrative services* of the city of New York.

§46. Section 6-117 of the administrative code of the city of New York is amended to read as follows:

§6-117 Purchases; statement of. The department of [general] *citywide administrative services* shall furnish each agency for which it has purchased supplies, materials and equipment with a monthly statement of such purchases, with details of the quantities and prices paid, showing the quantities delivered for the account of such agency.

§47. Section 6-118 of the administrative code of the city of New York is amended to read as follows:

§6-118 Printing and stationery. The department of [general] *citywide administrative services* shall purchase all printing and stationery for all agencies.

§48. Section 6-120 of the administrative code of the city of New York is amended to read as follows:

§6-120 Standards and specifications. The commissioner of [general] *citywide administrative services* shall have power to use the laboratory and engineering facilities of any agency, together with the technical staff thereof, in connection with work of preparing and adopting standards and written specifications. The commissioner shall consult freely with the heads and other officials of the various agencies to determine their precise requirements, and shall endeavor to prescribe those standards which meet the needs of the majority of such agencies. After adoption, each standard specification shall, until revised or rescinded, apply alike in terms and effect to every future purchase and contract for the commodity described in such specification. The commissioner of [general] *citywide administrative services*, however, may exempt any such agency from the use of the commodity described in such standard specification.

§49. Subdivisions c, d and e of section 6-121 of the administrative code of the city of New York are amended to read as follows:

c. Low-emission motor vehicles which meet the standards prescribed by subdivision e of this section, and which have been determined by the department of [general] *citywide*

administrative services to be suitable for use as a substitute for a class or model of motor vehicles presently in use by the city of New York, shall be purchased by the city for use by the city government in lieu of other vehicles, provided that the commissioner of [general] *citywide administrative* services shall first determine that such low-emission motor vehicles have procurement and maintenance costs not substantially greater than those of the class or model of motor vehicles for which they are to be substituted.

d. The commissioner of environmental protection of the city of New York shall, upon request of the commissioner of [general] *citywide administrative* services, and after such tests as he or she may deem appropriate, certify as a low-emission motor vehicle any particular class or model of motor vehicles that:

1. meets either (i) the hydrocarbon and carbon monoxide exhaust emission standards as defined and as specified for nineteen hundred seventy-five model year vehicles and the oxides of nitrogen exhaust emission standard as defined and as specified for the then current model year or (ii) the oxides of nitrogen exhaust emission standard as defined and as specified for nineteen hundred seventy-six model year vehicles and the hydrocarbon and carbon monoxide exhaust emission standards as defined and as specified for the then current model year; and

2. meets the crankcase emission standard as defined and as specified and the fuel evaporative emission standard as defined and as specified; and

3. will not emit an air contaminant not emitted by the class or model of motor vehicle presently in use in the city of New York unless the commissioner of environmental protection determines that such air contaminant will not cause significant detriment to the health, safety, welfare or comfort of any person, or injury to plant and animal life, or damage to property or business.

4. After conducting such tests the commissioner of environmental protection shall advise the commissioner of [general] *citywide administrative* services whether such class or model of motor vehicles has been so certified. Any such certification shall be valid until the end of the then current model year unless sooner revoked by the commissioner of environmental protection.

e. The commissioner of environmental protection of the city of New York shall, upon request of the commissioner of [general] *citywide administrative* services, and after such tests as he or she may deem appropriate, advise the commissioner of [general] *citywide administrative* services, as to any class or model of low-emission motor vehicle, with respect to: (1) the safety of the vehicle; (2) its performance characteristics; (3) its reliability potential; and (4) its fuel availability.

§50. Section 6-122 of the administrative code of the city of New York, as added by local law number 20 for the year 1987, is amended to read as follows:

§6-122. Purchase of recycled paper products. a. When purchasing paper products made with and without significant recycled content, recovered from materials otherwise destined for disposal, the department of [general] *citywide administrative* services shall, wherever the price is reasonably competitive and the quality adequate for the purpose intended, purchase the recycled product. For the purpose of this section the term "recycled paper" shall mean any paper products which have been manufactured from materials otherwise destined for the waste stream including, but not limited to, old newspapers, magazines, paperboard, boxes, tabulating cards, mixed waste, used fibrous materials such as rags and overstock or obsolete inventories from distributors, wholesalers, printers and other companies as defined in rules and regulations promulgated by the commissioner provided that the term "recycled paper" does not include those materials and [by products] *byproducts* generated from, and commonly reused within an original manufacturing

process. "Reasonably competitive" shall mean a comparable recycled product with a cost premium of no greater than ten percent.

b. The department of [general] *citywide administrative* services shall review its own paper product procurement specifications and consider those of the State of New York in order to establish realistic recycled content standards and to eliminate, wherever feasible, discrimination against the procurement of products manufactured with recovered materials. The department of general services shall submit a report on recycled paper procurement activities to the mayor and the city council eighteen months after the effective date of this section.

§51. Section 11-311 of the administrative code of the city of New York is amended to read as follows:

§11-311 Sewer surcharges to be transmitted to commissioner of finance. The commissioner of [general services] *environmental protection* shall cause to be transmitted to the commissioner of finance an account of all sewer surcharges, fines and penalties as the same become due or accrue.

§52. Subdivision b of section 11-313 of the administrative code of the city of New York is amended to read as follows:

b. The sewer rents charged against metered premises in accordance with the provisions of paragraphs two and three of subdivision b of section 24-514 of the code and the rules and regulations duly promulgated pursuant to such section, including the minimum rents for the use of the sewer system, charged pursuant to such section and rules and regulations, and the sewer rents charged against any premises in accordance with the provisions of paragraphs four and five of subdivision b of section 24-514 of the code and rules and regulations duly promulgated pursuant to such section, including the minimum rents for the use of the sewer system, charged pursuant to such section and rules and regulations shall become due and shall become a charge or lien on the premises when the amount thereof shall have been fixed by the commissioner of environmental protection, and an entry thereof shall have been made against such premises with the date of such entry, in the book in which sewer rents are to be entered. The sewer surcharges charged against any premises pursuant to section 24-523 of the code shall become due and shall become a charge or lien on the premises when the amount thereof shall have been fixed by the commissioner of [general services] *environmental protection* and an entry thereof shall have been made against such premises in the book in which sewer surcharges are to be entered. A notice thereof, stating the amount due and the nature of the rent, surcharge or charge shall be mailed, within five days after such entry, to the last known address of the person whose name appears upon the records in the office of the city collector as being the owner, occupant or agent or, where no name appears, to the premises addressed to either the owner or the occupant. If such rent, surcharge or charge shall have been entered on or before December thirty-first, nineteen hundred seventy-six but not paid on or before the last day of the month following the month of entry, it shall be the duty of the city collector to charge, collect and receive interest thereon to be calculated at the rate of seven percent per annum from the date of entry to December thirty-first, nineteen hundred seventy-six, and at the rate of fifteen percent per annum from January first, nineteen hundred seventy-seven to the date of payment; if entered on or after January first, nineteen hundred seventy-seven but not paid on or before the thirtieth day following the date of entry, it shall be the duty of the city collector to charge, collect and receive interest thereon to be calculated at the rate of fifteen percent per annum from the date of entry to the date of payment. The rents or charges for the use of the sewer system charged during any specified period of time pursuant to the provisions of section 24-514 of the code and the rules and regulations promulgated thereunder shall be computed, in

accordance with the provisions of such section and the rules and regulations duly promulgated thereunder, on the basis of water rents or charges computed for the same period.

§53. Section 11-314 of the administrative code of the city of New York is amended to read as follows:

§11-314 Notice of rules and regulations; penalty for nonpayment; water supply cut off. The rates and charges for supply of water, the annual service charges and minimum charges, the sewer rents, the sewer surcharges, the rules and regulations concerning the use of water, all other rules and regulations affecting users of water or concerning charges for supply of water, restrictions of the use of water, installation of meters, and all rules and regulations affecting property connected with the sewer system, penalties and fines for violations of rules and regulations shall be printed on each bill and permit so far as in the judgment of the commissioner of environmental protection [or, in the case of sewer surcharges, in the judgment of the commissioner of general services,] they are applicable. This section and such printing and the printing of this section on such bills and permits shall be sufficient notice to owners, tenants or occupants of premises to authorize the imposition and recovery of any charges, surcharges and fines imposed under such rules and regulations and of any penalties imposed in pursuance of this chapter in addition to cutting off the supply of water. Where water charges payable in advance or sewer rents or charges payable as provided in subdivision c of section 11-313 of this chapter, are not paid within the period covered by such charges or rents, and a notice of such nonpayment is mailed by the commissioner of finance to the premises addressed to "owner or occupant," the commissioner of environmental protection may shut off the supply of water to such premises. Where water charges not payable in advance or sewer rents, sewer surcharges or charges payable as provided in subdivisions b and d of section 11-313 of this chapter have been made by the department and remain unpaid for more than thirty days or where the commissioner of [general services] *environmental protection* has certified [to the commissioner of environmental protection] that there is a flagrant and continued violation of a provision or provisions of section 24-523 of the code or of any rule or regulation promulgated pursuant thereto or of any order of the commissioner of [general services] *environmental protection* issued pursuant thereto, after notice thereof mailed to the premises addressed to "owner or occupant," the commissioner of environmental protection may shut off the supply of water to the premises.

§54. Paragraph 2 of subdivision a of section 11-424 of the administrative code of the city of New York, as amended by local law number 16 for the year 1991, is amended to read as follows:

(2) Notwithstanding any inconsistent provision of paragraph one of this subdivision to the contrary, the city's interest in property acquired by in rem tax foreclosure may be released pursuant to this section upon application of any party who had an interest in said property as either owner, mortgagee, lienor or encumbrancer at the time of the city's acquisition thereof where such application is made more than two years after the date on which the deed by which the city acquired title to said property was recorded provided such application is authorized by the council as hereinafter provided. An application for such release and the documents required by subdivision c in support thereof shall be filed with the department of [general] *citywide administrative services* in the manner provided in subdivision b of this section. The department of [general] *citywide administrative services* shall give the council written notice of the receipt of each such filing. After review and approval of the application by the corporation counsel as to form and eligibility of the applicant, the department of [general] *citywide administrative services* shall send a copy of such application to the in rem foreclosure release board and to the council. Upon receipt

of such application, the in rem foreclosure release board shall take no further action on such application unless the council adopts a resolution within one hundred twenty days following the first stated meeting of the council after receipt of such application authorizing the board to consider such application. If the council fails to adopt a resolution within such one-hundred-twenty-day period, the council shall be deemed to have denied its authorization for the board to consider such application. A resolution of the council pursuant to this paragraph shall describe the property for which release is sought by borough, tax map, block and lot number and shall specify that release of the city's interest in such property is subject to the approval of the in rem foreclosure release board and to all the conditions and restrictions set forth in this section.

§55. Paragraph 1 of subdivision b of section 11-424 of the administrative code of the city of New York, as amended by local law number 39 for the year 1987, is amended to read as follows:

1. Any such application shall be made in writing to the commissioner of [general] *citywide administrative* services and shall be verified. It shall contain the name and address of the applicant and shall state the date on which and the in rem action by which the city acquired title to the property sought to be released. It shall also contain a statement specifying the nature of the applicant's interest in the property and a full description of the instrument from which the applicant's interest derives including the date of execution, the date and place of the recording or entry of said instrument and the parties thereto. In the event the applicant's interest arises by reason of the death of a prior owner, mortgagee, lienor or encumbrancer, then the application shall also state the applicant's relationship to said decedent and shall include whatever additional information may be necessary to prove the applicant's right to make such application.

§56. Paragraphs 5 and 6 of subdivision d of section 11-424 of the administrative code of the city of New York are amended to read as follows:

5. A reasonable monthly fee to be determined by the city, through the department of [general] *citywide administrative* services, for management services and operations of the lands, real estate or real property by the city prior to the release of said lands, real estate or property.

6. The city, through the department of [general] *citywide administrative* services, shall also require as additional consideration for such release, the payment of all arrears on mortgages held by the city and all liens accruing to it by operation of law including but not limited to relocation and emergency repair liens.

§57. Subdivision g of section 11-424 of the administrative code of the city of New York, as amended by local law number 16 for the year 1991, is amended to read as follows:

g. If an application for a release of the city's interest in property acquired by in rem tax foreclosure, and the documents required by subdivision c of this section in support thereof, have been filed within the time allowed in paragraph one of subdivision a of this section, but more than four months after the date of the city's acquisition or if application for such release has been authorized by a resolution of the council pursuant to paragraph two of subdivision a of this section and such application and the documents required by subdivision c of this section in support thereof have been filed, the in rem foreclosure release board may, in its discretion, authorize the release of the city's interest in said property pursuant to this section, providing the application has been approved by the corporation counsel as to form, timeliness and eligibility of the applicant and providing the city has not sold or otherwise disposed of said property and providing further that said property has not been condemned or assigned to any agency of the city and is not the subject of contemplated use for any capital or urban renewal project of the city. The

corporation counsel shall effect such discretionary release only where the applicant, after the board's authorization of the release, has paid all the amounts required to be paid by subdivision d of this section within thirty days of the date on which a letter requesting applicant to make such payment is mailed or delivered to the applicant. The in rem foreclosure release board may also, in its discretion, authorize a release of the city's interest in such property, pursuant to the above provisions, whenever an application for such release, approved as to form, timeliness and eligibility by the corporation counsel, has been filed at any time during the period allowed in subdivision a of this section in which the applicant has requested an installment agreement of the commissioner of [general] *citywide administrative* services for the payment of the amounts required to be paid by subdivision d of this section provided said commissioner has approved such request. The commissioner of [general] *citywide administrative* services shall not approve any such request unless the applicant shall have given notice by certified mail to each tenant located on the parcel, of the request and shall have given such commissioner an affidavit stating that such notice has been provided, within thirty days after the request. Any false statement in such affidavit shall not in any way affect the validity of the agreement, be grounds for its cancellation or in any way affect the release of the city's interest in the parcel. Such agreement shall require, in addition to full payment of the amounts due under paragraphs two, three, four, five and six of subdivision d of this section, a first installment of fifty percent of the amount due under paragraph one of said subdivision d with the balance of said amount to be paid in four equal quarterly installments together with all current taxes, assessments or other legal charges that accrue during such period; provided, however, that whenever a request for an installment agreement is made of the commissioner of [general] *citywide administrative* services by a company organized pursuant to article XI of the private housing finance law with the consent and approval of the department of housing preservation and development or for a parcel which is an owner-occupied residential building of not more than five residential units, the commissioner of [general] *citywide administrative* services may, as to that portion of the amounts due under paragraph one of subdivision d of this section which became due prior to the acquisition by the article XI company of its interest in the property and as to the amount due under paragraph one of subdivision d of this section in the case of such an owner-occupied building, approve a reduction of such first installment to an amount not less than ten percent of the amount due under paragraph one of subdivision d of this section and an increase in the number of the following equal quarterly installments to a number which shall be equal to three times the number of unpaid quarters of real estate taxes or the equivalent thereof but which shall in no event exceed forty-eight. For purposes of calculating the number of such following equal quarterly installments, unpaid real estate taxes or the equivalent which are, on and after July first, nineteen hundred eighty-two, due and payable on an other than quarterly basis shall be deemed to be payable on a quarterly basis. Where the in rem foreclosure release board denies an application requesting an installment agreement the board shall authorize a release of the city's interest, provided that the applicant thereafter pays all the amounts required to be paid by subdivision d of this section within thirty days of the date on which a letter requesting such payment is mailed or delivered to the applicant only when said application and the documents required by subdivision c of this section in support thereof were filed within thirty days of the date of the city's acquisition of the property sought to be released. Where the in rem foreclosure release board denies an application requesting an installment agreement which was filed more than thirty days after the date of the city's acquisition, the board may, in its discretion, authorize a release of the city's interest, provided that the applicant thereafter pays all the amounts required to be paid by

subdivision d of this section within thirty days of the date on which a letter requesting such payment is mailed or delivered to the applicant. Where the in rem foreclosure release board approves an application requesting an installment agreement, the order releasing the city's interest shall provide that in the event of any default as to the payment of either quarterly installments or current taxes, assessments or other legal charges during the term of such agreement, as set forth in the board's resolution, all payments made under said agreement shall be forfeited and the city shall be entitled to reacquire the property so released. The corporation counsel shall effect such reacquisition by causing to be entered as to such property a supplemental judgment of foreclosure in the in rem action by which said property was originally acquired immediately on notification by the commissioner of finance of such default.

§58. Subdivision b of section 12-106 of the administrative code of the city of New York is amended to read as follows:

b. If upon the further explanation, the head of such agency shall determine that such person has been illegally or unjustly dismissed, the head of such agency may, in his or her discretion, and with the approval in writing of the [city personnel director] *commissioner of citywide administrative services*, cause such person to be reinstated.

§59. Subdivision a of section 12-121 of the administrative code of the city of New York, as added by local law number 40 for the year 1986, is amended to read as follows:

a. The [personnel director] *commissioner of citywide administrative services* on his or her own initiative or upon application of the head of an agency may certify that there is difficulty in the recruitment of personnel for a position and that to restrict recruitment for such position to city residents and persons who would be willing to establish city residence would not be in the public interest. Persons appointed to positions so certified by the [personnel director] *commissioner* shall not be required to establish or maintain city residence as a condition of employment while in service in that position. Each agency head may make application to the [personnel director] *commissioner*, in such form as the [director] *commissioner* shall prescribe, for the certification of positions within the agency head's jurisdiction. The [personnel director] *commissioner* may certify such positions subject to such limitations and conditions as the [director] *commissioner* may deem appropriate. Notwithstanding the foregoing provisions, positions in the city council may be so certified by the [vice-chairman] *speaker* of the city council. Copies of all certifications of the [personnel director] *commissioner* and the [vice-chairman] *speaker* shall be filed with the city clerk and shall be subject to annual review by the [director] *commissioner* and [vice-chairman] *speaker*.

§60. Section 12-122 of the administrative code of the city of New York is amended to read as follows:

§12-122 Temporary transfer of employees. Whenever the mayor shall determine that there is such an accumulation of work in any agency, the performance of which work will impose upon the regular employees thereof unreasonable and unwarranted burden, the mayor, upon application by the head of such agency, and with the consent of the [city personnel director] *commissioner of citywide administrative services*, may assign to it for temporary employment, employees from any other agency, with the consent of the head thereof. Such transfer shall be for a limited period to be stated in the order of the mayor and may be extended if the mayor shall so determine. Such transfer shall not in any way affect the civil service standing, continuity of service, right to pension, grade or compensation of an employee so transferred.

§61. Subdivision d of section 12-126 of the administrative code of the city of New York is amended to read as follows:

d. Such health insurance coverage as is provided under this section shall be administered by [the department of personnel of the city] *office of labor relations*.

§62. The heading of chapter 2 of title 12 of the administrative code of the city of New York is amended to read as follows:

Department of [Personnel] *Citywide Administrative Services*

§63. Subdivision a of section 12-201 of the administrative code of the city of New York is amended to read as follows:

a. The [city personnel director] *commissioner of citywide administrative services* shall have power and it shall be his or her duty to appoint an examining board which shall serve without compensation, consisting of a chairperson, two consulting or topographical engineers in the employ of the city, and two city surveyors engaged in private practice. Such board shall formulate and conduct examinations of applicants who apply to the [director] *commissioner* for appointment as city surveyors of the city of New York. Every person applying for examination shall pay an examining fee to be fixed by the [personnel director] *commissioner*. The fee so collected shall be paid into the general fund. The [director] *commissioner*, as soon as practicable thereafter, shall certify to the mayor all those applicants who have qualified by successfully passing such examination. To be eligible for appointment, the applicant must be licensed by the state of New York as a land surveyor and must have a minimum of six years surveying experience within the limits of the city.

§64. Section 12-202 of the administrative code of the city of New York is amended to read as follows:

§12-202 [Personnel director] *Commissioner of citywide administrative services* to conduct examinations for licenses for master plumbers. The [personnel director] *commissioner of citywide administrative services*, in addition to his or her other powers and duties, shall formulate and conduct examinations to determine the merit and fitness of applicants who apply, pursuant to section 26-143 of the code, to the commissioner of health for licenses to engage in the trade, business or calling of a duly registered and licensed master plumber. [Such commission] *The department of citywide administrative services* shall keep in its office an official roster of candidates who have succeeded in passing such examinations and shall certify to the commissioner of health the names of such candidates who are successful.

§65. Section 12-203 of the administrative code of the city of New York is amended to read as follows:

§12-203 Assistance of committee of plumbing industry. The [personnel director] *commissioner of citywide administrative services* shall call upon the plumbing industry for assistance in the preparation, conduct and rating of the practical and written examination of all persons seeking a plumber's license, pursuant to section 26-143 of the code. Such assistance shall consist of the obtaining of the services of two registered and licensed master plumbers of not less than ten years' experience as such, and one journeyman plumber of not less than ten years' experience as such, for each examination. The [personnel director] *commissioner* may also call upon duly accredited sanitary engineers or physicians to assist in the preparation and conduct of such examination. The names of such master and journeyman plumbers selected to assist the [personnel director] *commissioner* shall be publicly drawn for each examination from a panel of not less than thirty names furnished to the [director] *commissioner* by a special committee to consist of one experienced master plumber representing each of the established and recognized master plumbers' associations, or branches thereof, in the five boroughs of the city, and one experienced journeyman plumber representing the established and recognized organization having jurisdiction over journeyman plumbers in the city. Such committee members

shall be named once each year by the incumbent presidents or boards of directors or governors of their respective associations or organizations. No such master or journeyman plumber shall serve as such assistant oftener than once in five years. The compensation of each such person selected by the [director] *commissioner* to assist in the preparation, conduct and rating of the written and practical examinations shall be fixed by the [director] *commissioner*.

§66. Section 12-205 of the administrative code of the city of New York is amended to read as follows:

§12-205 Inspectors; certificate. The [personnel director] *commissioner of citywide administrative services* shall have sole power to examine applicants for positions as inspectors of plumbing and no person shall be appointed an inspector for plumbing who shall not have obtained a certificate from such [director] *commissioner*.

§67. Section 12-206 of the administrative code of the city of New York is REPEALED.

§68. Subdivision 65 of section 13-101 of the administrative code of the city of New York is amended to read as follows:

65. "Sanitation worker". A person holding the position of sanitation worker in the sanitation service of the classification of the [director of personnel] *commissioner of citywide administrative services*.

§69. Paragraphs 1 and 2 of subdivision a of section 13-123 of the administrative code of the city of New York are amended to read as follows:

a. (1) There shall be a medical board of three physicians. One of such physicians shall be appointed by the board and shall hold office at the pleasure of such board, one shall be appointed by the commissioner of health [to such commissioner's principal functions in relation to health (other than mental health and mental retardation)] and shall hold office at the pleasure of such [administrator or successor] *commissioner*, and the third shall be appointed by the [city personnel director] *commissioner* of [the department of personnel] *citywide administrative services* and shall hold office at the pleasure of such [director] *commissioner*.

(2) The board, the commissioner of health and the [city personnel director] *commissioner of citywide administrative services* shall each have power to appoint one or more but not exceeding four alternate physicians, who shall hold office at the pleasure of such appointing board or official. Whenever the board of trustees of the retirement system shall so direct, the functions, powers and duties of the medical board, in addition to being performed and exercised by the three physicians appointed pursuant to paragraph one of this subdivision, shall be performed and exercised by one or more groups of three physicians as hereinafter prescribed. Each such group of three physicians shall function separately as the medical board and each such group may consist partly of a physician or physicians appointed pursuant to paragraph one of this subdivision and partly of one or more alternate physicians or may consist entirely of alternate physicians; provided, however, that one of the physicians or alternate physicians in each such group shall be appointed by the board, one by the commissioner of health and one by the [city personnel director] *commissioner of citywide administrative services*.

§70. Paragraphs 1 and 2 of subdivision a of section 13-223 of the administrative code of the city of New York, paragraph 1 as renumbered and paragraph 2 as added by local law number 84 for the year 1988, are amended to read as follows:

(1) There shall be a medical board of three physicians. One of such physicians shall be appointed by the board and shall hold office at the pleasure of such board, one shall be appointed by the commissioner of health and shall hold office at the pleasure of such commissioner, and the third shall be appointed by the [personnel director] *commissioner*

of [the department of personnel] *citywide administrative services* and shall hold office at the pleasure of such [director] *commissioner*.

(2) The board, the commissioner of health and the [personnel director] *commissioner of citywide administrative services* shall each have power to appoint one or more but not exceeding four alternate physicians, who shall hold office at the pleasure of such appointing board or official. Whenever the board of trustees of the retirement system shall so direct, the functions, powers and duties of the medical board, in addition to being performed and exercised by the three physicians appointed pursuant to paragraph one of this subdivision, shall be performed and exercised by one or more groups of three physicians as hereinafter prescribed. Each such group of three physicians shall function separately as the medical board and each such group may consist partly of a physician or physicians appointed pursuant to such paragraph one and partly of one or more alternate physicians or may consist entirely of alternate physicians; provided, however, that one of the physicians or alternate physicians in each such group shall be appointed by the board, one by the commissioner of health and one by the [personnel director] *commissioner of citywide administrative services*.

§71. Subdivision a of section 14-109 of the administrative code of the city of New York, as amended by local law number 19 for the year 1991, is amended to read as follows:

a. Only persons shall be appointed or reappointed to membership in the police force or continue to hold membership therein, who are citizens of the United States and who have never been convicted of a felony, and who can read and write understandably the English language. Skilled officers of experience may be appointed for temporary detective duty who are not residents of the city. Only persons shall be appointed police officers who shall be at the date of the filing of an application for civil service examination less than thirty-five years of age. Persons who shall have been members of the force, and shall have been dismissed therefrom, shall not be reappointed. Persons who are appointed as police trainees, after examination in accordance with the civil service law and the rules of the [city personnel director] *commissioner of citywide administrative services* and who have satisfactorily completed service as such trainees, may likewise be appointed as police officers without further written examination, provided that they shall have passed a medical examination at the end of their required trainee period. Persons appointed as police trainees shall not be considered members of the uniformed force of the department.

§72. Section 14-112 of the administrative code of the city of New York is amended to read as follows:

§14-112 Computation of compensation of members of the department after service in the fire department. Any member of the police force in the department who prior to his or her appointment or employment as such, has served or shall have served, as a member of the uniformed force of the fire department, after appointment therein pursuant to the rules of the [city personnel director] *commissioner of citywide administrative services* and the provisions of law applicable thereto, shall have the time served by him or her in such fire department counted as service in the department in determining his or her compensation, promotion, retirement and pension in such department as herein or otherwise provided, upon condition that he or she shall contribute to the police relief or pension fund a sum equal to the amount which he or she would have been required to contribute had the time served in the fire department been served in the department.

§73. Section 14-113 of the administrative code of the city of New York is amended to read as follows:

§14-113 Computation of compensation of members of the department restored to duty after service in the fire department. The time served by a member of the uniformed

force of the department, who was appointed pursuant to the rules of the [city personnel director] *commissioner of citywide administrative services* and the provisions of law applicable thereto and thereafter resigned after serving as such, to accept a position in the fire department and is thereafter restored to his or her former position as a member of the department, in accordance with the rules of such [commission] *commissioner* and the provisions of law applicable thereto, in both departments, shall be included and counted as service in the department, in determining his or her compensation, promotion, retirement and pension as herein or otherwise provided. Any such person shall be entitled to participate in the benefits of the police pension fund if he or she shall have contributed to such pension fund a sum equal to that which he or she would have been required to contribute had he or she remained a member of the uniformed force of the department from the date of his or her entry into the service of the department.

§74. Subdivision a of section 14-114 of the administrative code of the city of New York is amended to read as follows:

a. Promotions of officers and members of the force shall be made by the commissioner, as provided in section eight hundred [sixteen] *seventeen* of the charter, on the basis of seniority, meritorious service and superior capacity, as shown by competitive examination, but a detail to act as inspector, or to service in the detective bureau, as hereinafter provided, shall not be deemed a promotion. Individual acts of personal bravery or honorable service in the United States army, navy, marine corps or army nurse corps in times of war may be treated as an element of meritorious service in such examination, the relative rating therefor to be fixed by the [city personnel director] *commissioner of citywide administrative services*. The *police* commissioner shall transmit to [such director] *the commissioner of citywide administrative services* in advance of such examination the complete record of each candidate for promotion.

§75. Section 14-133 of the administrative code of the city of New York is amended to read as follows:

§14-133 Use of boats. In any precinct or precincts, comprising waters of the harbor, the commissioner may use and procure, through the department of [general services] *citywide administrative services*, such boats as shall be deemed necessary.

§76. Section 15-110 of the administrative code of the city of New York is amended to read as follows:

§15-110 Promotions. Promotions of officers and members of the force shall be made by the commissioner on the basis of seniority, meritorious service in the department and superior capacity as shown by competitive examination. Individual acts of personal bravery may be treated as an element of meritorious service in such examination, the relative rating therefor to be fixed by the [city personnel director] *commissioner of citywide administrative services*. The *fire* commissioner shall transmit to the [city personnel director] *commissioner of citywide administrative services* in advance of such examination the complete record of each candidate for promotion.

§77. Section 16-322 of the administrative code of the city of New York, as added by local law number 19 for the year 1989, is amended to read as follows:

§16-322 City purchase of products made from secondary materials. a. The department of [general services] *citywide administrative services*, upon consultation with the department, shall review the procurement specifications and practices it currently uses to determine whether such require that products be manufactured from virgin materials or exclude products manufactured from secondary materials and shall make such changes[, on or before January first, nineteen hundred ninety-one,] as may be necessary to ensure that:

1. where such specifications and practices exclude the use of products manufactured from secondary materials or require that products be manufactured from virgin materials

only, such exclusions or requirements be eliminated; provided, however, that specifications need not be revised if the department of [general] *citywide administrative services* determines that for a particular end use a product containing secondary materials would not meet necessary performance standards;

2. performance standards, specifications and a product's intended end use are related, and clearly identified when feasible;

3. specifications are not overly stringent for a particular end use or performance standard; and

4. specifications incorporate or require the use of secondary materials to the maximum extent practicable without jeopardizing the performance or intended end use of the product; provided, however, where the department of [general] *citywide administrative services* determines that for a particular end use a product containing secondary materials would not meet necessary performance standards, such specifications need not incorporate or require the use of secondary materials. When used in this subdivision "practicable" means capable of being used without violating the following criteria: performance, availability at a reasonable price, availability within a reasonable period of time and maintenance of a satisfactory level of competition.

b. In purchasing paper products made with and without significant recycled content, recovered from materials otherwise destined for disposal, the department of [general] *citywide administrative services* shall, wherever the price is reasonably competitive and the quality adequate for the purpose intended, purchase the recycled product. For the purpose of this section, "recycled paper" shall mean any paper products that have been manufactured from materials otherwise destined for the waste stream including, but not limited to, old newspapers, magazines, paperboard boxes, tabulating cards, mixed waste, used fibrous material such as rags and overstock or obsolete inventories from distributors, wholesalers, printers and other companies as defined in rules and regulations promulgated by the state commissioner of general services pursuant to section 104-a of the general municipal law, provided that such term does not include those materials and by-products generated from, and commonly reused within, an original manufacturing process, and "reasonably competitive" shall mean a comparable recycled product with a cost premium of no greater than ten percent.

c. After January 1, 1991, with contracts for the purchase of products, other than paper products, for use by city agencies and departments, which are subject to public letting under sealed bids pursuant to [section three hundred forty-three] *chapter thirteen* of the charter, when the lowest responsible bidder is not supplying products that are manufactured from a minimum amount of secondary material, and another bidder who will supply such products has submitted a bid within five percent of the lowest responsible bid for a contract to supply products that are adequate for the purposes intended, the department of [general] *citywide administrative services* shall refer such bids to the [board of estimate which] *mayor, who* [pursuant to such rules as it may adopt, and] in accordance with *paragraph two of* subdivision b of section three hundred [forty-three] *thirteen* of the charter, may determine that it is in the [public] *best interest of the city* that the contract shall be awarded to other than the lowest responsible bidder. For the purpose of this subdivision, [by January 1, 1991,] the department of [general] *citywide administrative services* shall promulgate regulations establishing standards for the "minimum amount of secondary material" from which a product shall be manufactured. If, however, a bid is submitted for a product that is manufactured from secondary material but the department of [general] *citywide administrative services* has not established a standard for the minimum amount of secondary material in such product [by January 1, 1991,] the bid shall be submitted to the [board of estimate] *mayor* in accordance with the requirements of

this subdivision regardless of the amount of secondary material from which such product is manufactured. Notwithstanding the above, the department of [general] *citywide administrative* services may amend an existing standard or promulgate a new standard for the minimum amount of secondary material from which a product shall be manufactured.

d. When purchasing paper products and other products pursuant to this section, the department of [general] *citywide administrative* services shall utilize the United States environmental protection agency minimum content standards for recycled materials content promulgated pursuant to 42 U.S.C. § 6901 et seq.

e. Should the state authorize the city's use of a price preference for the purchase of any products manufactured from secondary materials, the commissioner shall propose appropriate legislation to mandate the use of this price preference.

f. Whenever the department of [general] *citywide administrative* services purchases or causes the purchase of printing on recycled paper, the printed material shall include a printed statement or symbol indicating that the document is printed on recycled paper.

g. The department of [general] *citywide administrative* services shall prepare and submit to the mayor, the council, [the board of estimate,] each citizens' board created under section 16-317 of this chapter and the citywide board created under section 16-319 of this chapter, an annual report on its activities to increase the city's purchase of products manufactured from secondary materials.

h. The department of [general] *citywide administrative* services, in consultation with the department, shall promulgate regulations necessary to effectuate the purposes of this section.

§78. Subdivisions a, c and d of section 17-119 of the administrative code of the city of New York are amended to read as follows:

a. Whenever in its opinion the protection of the public health requires the drainage of any lands in the city, by means other than sewers, the department may make an order describing the location of such lands, and directing the proper drainage thereof, and construction of drains therefor, by the commissioner of [general services] *design and construction*.

c. The order shall be entered at length in the records of the department and a copy thereof shall be delivered to the commissioner of [general services] *design and construction*.

d. The map shall be filed in the department. A copy thereof shall be filed in the office of the register or county clerk of the county in which the lands are situated; another copy thereof shall be filed with the borough president of the borough in which the lands are situated; another copy with the copy of the order shall be filed with the commissioner of [general services] *design and construction*, who shall immediately thereafter have the power, and is hereby directed to make and adopt proper and suitable plans for the construction of such drains.

§79. Section 17-127 of the administrative code of the city of New York are amended to read as follows:

§17-127 Oxygen in courthouses. There shall be placed at least two resuscitation devices in every courthouse in the city which shall be maintained in a conventionally available and safe place. The commissioner of [general] *citywide administrative* services shall promulgate such rules and regulations as may be necessary for the training of department of [general] *citywide administrative* services personnel in the operation and use of same and at the end of their course they shall receive a certification from the department.

§80. Subdivisions b and c of section 17-170 of the administrative code of the city of New York are amended to read as follows:

b. Original records of births, deaths, and fetal deaths filed with the department or the office of the city inspector subsequent to the year eighteen hundred sixty-five and the indexes to such records shall be transferred by the department to the department of [general] *records and information* services at such times as the board of health [with the approval of the board of estimate] shall determine; said records shall be filed and maintained by the department of [general] *records and information* services as public records.

c. Upon the transfer of such records the commissioner of the department of [general] *records and information* services shall have the authority to issue upon request certified copies of or extracts from such records.

§81. Section 20-204 of the administrative code of the city of New York, as amended by local law number 11 for the year 1995, is amended to read as follows:

§20-204 Application for motion picture theatre licenses. Applications for motion picture theatre licenses shall be made to the commissioner, who shall pass upon the location of the theatre and upon the character of the applicant for the license without delay. Upon the application for the issue or reissue of a license for such theatre, the commissioner shall request the fire department, [the department of general services and] the department of environmental protection, the department of health, and the department of buildings, to inspect the same, and such departments within ten days after receiving such requests, shall file in the department detailed written reports, which shall include a statement of any violation of law relating to such structure, and any dangerous condition existing therein. Upon the failure of any such department to file such report, the commissioner may disregard such department and, in his or her discretion, may issue a license. Each applicant for a license for a motion picture theatre shall file plans and specifications for such theatre with the department of buildings, and a copy of such plans and specifications, duly approved by the appropriate borough superintendent of buildings, shall be filed in the department with the application for such license.

§82. Paragraph 3 of subdivision h of section 20-268 of the administrative code of the city of New York is amended to read as follows:

(3) The commissioner shall cause periodic inspection to be made of the area and must be satisfied that such premises comply with all laws and rules and regulations of the department of buildings, the fire department, the department of transportation, the department of health, [the department of general services] and the department of environmental protection insofar as the same are applicable thereto. For purposes of facilitating the inspection prescribed by this section, the commissioner is authorized to call upon the heads of the above named departments and such departments and their employees shall make such inspections as may be required.

§83. Subdivision (a) of section 20-721 of the administrative code of the city of New York is amended to read as follows:

(a) The commissioner[, with technical consultation from the department of general services,] shall adopt regulations setting forth procedures for determining the cooling capacity rating, wattage rating and estimated yearly cost of electricity necessary to operate room air conditioners.

§84. Subdivision e of section 22-202 of the administrative code of the city of New York, as added by local law number 50 for the year 1995, is amended to read as follows:

e. "Designee of the department" shall mean the department of [general] *citywide administrative* services and, with respect to loading services or the direction of traffic within the market area, the department of transportation.

§85. Subdivision b and paragraphs 4 and 5 of subdivision c of section 24-163.1 of the administrative code of the city of New York, as added by local law number 6 for the year 1991, are amended to read as follows:

b. The commissioner, the commissioner of transportation and the commissioner of [general] *citywide administrative* services shall coordinate efforts to promote the use of practical, safe and cost-efficient alternative fuel motor vehicles with federal, state and local officials and with representatives of the motor vehicle, transportation and energy industries and environmental organizations.

4. Unless the mayor makes the determination provided for in paragraph three of this subdivision, or such determination has been made and the council has disapproved, the city shall purchase the following alternative fuel motor vehicles in amounts that represent at least the following percentages of the total number of motor vehicles purchased by the end of each of the following fiscal years, provided that such total number shall not include motor vehicles of more than 8,500 pounds gross vehicle weight rating, motor vehicles that are specially equipped for emergency response by the police department or the fire department or motor vehicles with less than four wheels: for the fiscal year commencing July 1, 1993, thirty percent; for the fiscal year commencing July 1, 1994, sixty percent; for the fiscal year commencing July 1, 1995 and for each fiscal year thereafter, eighty percent. Within sixty days after the end of each fiscal year, beginning with the fiscal year commencing July 1, 1993, the commissioner, the commissioner of transportation and the commissioner of [general] *citywide administrative* services shall forward to the mayor and the council a report updating the study required by paragraph two of this subdivision. Such report shall at a minimum contain the assessments, recommendations and evaluation required by subparagraphs (i) through (iv) and (vi) through (viii) of such paragraph.

§86. Paragraph 5 of subdivision c of section 24-163.1 of the administrative code of the city of New York, as added by local law number 6 for the year 1991, is amended to read as follows:

5. Gasoline-operated or diesel operated motor vehicles may be modified in order to meet the mandatory purchase requirements of this subdivision if the commissioner of [general] *citywide administrative* services finds that a sufficient quantity of acceptable new alternative fuel motor vehicles is not available, or that the cost of modification of gasoline-operated or diesel-operated motor vehicles is less than the difference between the cost of a newly purchased alternative fuel motor vehicle and the cost of a newly purchased gasoline-operated or diesel-operated motor vehicle.

§87. Sections 24-401 and 24-402 of the administrative code of the city of New York are REPEALED.

§88. Section 24-413 of the administrative code of the city of New York is amended to read as follows:

§24-413 Enforcement of agreement and of provisions of sections 24-407 through 24-414 of the code. Whenever it shall be made to appear to the satisfaction of any of the justices of the supreme court, that the commissioner of general services or his or her representatives, or any commissioner succeeding to the functions of such commissioner, or his or her representatives, or the Consolidated Telegraph and Electrical Subway Company or its successor by merger, the Consolidated Edison Company of New York, or any persons claiming under such commissioner, or under such company, shall have violated or shall have failed to observe and fully perform any of the provisions of sections 24-407 through 24-414 of the code, or of such agreement or of any agreement made under such sections or compel the granting of such facilities, or may grant such relief as may be

proper. Such commissioner, or the city, or any person, company or corporation aggrieved, shall be entitled to institute and maintain such proceedings.

§89. Section 26-134 of the administrative code of the city of New York is amended to read as follows:

§26-134 Examination of applicant. Every applicant for a license shall be examined as to his or her fitness and qualifications therefor in accordance with rules and regulations adopted and promulgated by the commissioner under and pursuant to the provisions of [subdivision b of section eleven hundred five] *chapter forty-five* of the charter. The commissioner may require the applicant to submit to an oral, written and practical examination or any or all of said examinations; and such examinations and investigations required to determine the fitness and qualifications of said applicant shall, upon the request of the commissioner, be conducted by the department of [personnel] *citywide administrative services*, which shall certify the results thereof, pursuant to the provisions of section eight hundred [seventeen] *eighteen* of the charter.

§90. Section 26-240 of the administrative code of the city of New York is amended to read as follows:

§26-240 Repair or removal under precept. a. Execution of precept. Upon receiving a precept under the provisions of section 26-239 of this article, the superintendent referred to therein shall immediately proceed to execute such precept, as therein directed, and may employ such labor and assistance and furnish such materials as may be necessary for that purpose. *A precept requiring that the structure be repaired and secured shall include, but not be limited to, shoring and sealing of the structure.* Whenever the demolition of any structure or part of a structure is to be carried out pursuant to any such precept, and the superintendent upon authorization by the commissioner, requests of either the commissioner of [general] *citywide administrative services* or the commissioner of the department of housing preservation and development that such structure or part thereof be demolished, such demolition work, as so requested, shall be performed by or under the direction of the commissioner of [general] *citywide administrative services* in accordance with the provisions of subdivisions b and c of section 4-204 of subchapter two of this chapter of the code, or by the commissioner of the department of housing preservation and development. The owner of such structure, or part thereof, or premises, or any party interested therein, if he or she applies to the superintendent immediately upon the issuing of such precept and pays all costs and expenses incurred by the city up to that time, shall be allowed to perform the requirements of the precept at his or her own proper cost and expense, if the performance shall be done immediately and in accordance with the requirements of such precept. The superintendent shall have authority to modify the requirements of any precept upon application to him or her in writing by the owner of such structure, or part thereof, or premises, or his or her representative, or to seal *or shore* the structure upon an application by the commissioner of housing preservation and development, when such superintendent shall be satisfied that such change will secure the safety of such structure or premises equally well. After a determination to seal *or shore* the structure is made by the superintendent upon application by the commissioner of housing preservation and development, written notice of such determination shall be sent by regular mail to the owner at his or her last known address. If no action to rehabilitate and restore the structure is undertaken within eighteen months following the granting of such application by the commissioner of housing preservation and development, which period may be extended for an additional six months by the superintendent upon approval of the supreme court, the structure [shall] *may* be demolished. The owner shall continue to have the right during such periods to request the superintendent in writing to modify the requirement of the precept.

b. Interference prohibited. 1. It shall be unlawful for any person to interfere, obstruct or hinder the superintendent or commissioner of [general] *citywide administrative services or the commissioner of housing preservation and development* or the representative of [either] *any of them*, or any person who, acting under the authority conferred on him or her by such superintendent or commissioner, is performing the work directed by a precept issued out of any court as in this article provided, or the work ordered by the superintendent in accordance with such precept under the provisions of this subchapter.

2. The police commissioner shall enforce such orders or requirements when requested by the superintendent, and shall likewise enforce same at the request of the commissioner of [general] *citywide administrative services or the commissioner of housing preservation and development* with respect to demolition work performed by or under the direction of such commissioner pursuant to the provisions of this section.

§91. Subdivision b of section 26-243 of the administrative code of the city of New York is amended to read as follows:

b. Temporary safeguards for dangerous structures. In case there shall be, in the opinion of the superintendent, actual and immediate danger that any structure or part thereof will fall, so as to endanger life or property, he or she shall request the commissioner of [general] *citywide administrative services or the commissioner of housing preservation and development* to cause the necessary work to be done to render such structure or part thereof temporarily safe until the proper proceedings provided for unsafe structures by this subchapter are instituted.

§92. Section 27-178 of the administrative code of the city of New York is amended to read as follows:

§27-178 Plans required. All such applications shall be accompanied by plans which shall contain at least the following data and information: (a) A sketch or drawing showing the size and location of the sign or sign installations in relation to the building or premises upon which the sign is or will be erected.

(b) Detail drawings showing the dimensions, materials, and construction of the sign, its supporting members, and the foundation or anchorage thereof. (c) A tabulation or diagram of all loads and stresses. (d) Plans for illuminated signs projecting beyond the street line shall be accompanied by a statement from the department of [general services] *buildings* indicating that such department has received an application from a licensed electrician for inspection of such signs.

§93. The opening paragraph of subdivision a of section 27-350 of the administrative code of the city of New York is amended to read as follows:

(a) Luminous ceilings. For the purpose of this section, a luminous ceiling shall be defined as a ceiling consisting of translucent, louvered, egg-crated, mesh, or similar light-diffusing material suspended from the ceiling or structural framework. A suspended ceiling containing less than twenty square feet of translucent, louvered, egg-crated, mesh, or similar material in any one hundred square feet of ceiling area shall not be considered a luminous ceiling, and shall be constructed and installed in accordance with department of [general services] *buildings* requirements for lighting fixtures. Luminous ceilings shall, in addition to the requirements of this section, conform to all of the requirements of section 27-348 of this article for interior finish.

§94. Paragraph (1) of subdivision (e) of section 27-381 of the administrative code of the city of New York is amended to read as follows:

(1) Buildings and existing buildings containing an F-4 place of assembly with an occupant load of three hundred or more persons shall install emergency lighting in each vertical exit serving the floor on which the place of assembly is located so as to provide a continuously lighted passage to the exterior of the building. Such lighting shall be

connected to an emergency power source or to storage battery equipment meeting the requirements of [the bureau of electrical control of the department of general services and] the commissioner.

§95. Subdivision (a) of section 27-382 of the administrative code of the city of New York is amended to read as follows:

(a) Where a total of more than four lights is required, exit lighting shall be connected to an emergency power source or to storage battery equipment meeting the requirements of [the bureau of electrical control of the department of general services and] the commissioner, provided, however, that in existing buildings, the exit lighting may be on circuits that are separate from the general lighting and power circuits, taken off ahead of the main switch.

§96. Subdivision (a) of section 27-384 of the administrative code of the city of New York is amended to read as follows:

(a) Where a total of more than four exit and/or directional signs is required, the signs shall be connected to an emergency power source or to storage battery equipment meeting the requirements of [the bureau of electrical control of the department of general services and] the commissioner, provided, however, that in existing buildings, the signs may be on circuits that are separate from the general lighting and power circuits, taken off ahead of the main switch.

§97. Subdivision 14 of section 27-3004 of the administrative code of the city of New York is amended to read as follows:

14. Certificate of inspection: The certificate of the commissioner that the installation, alteration or repair of electric wiring or appliances for light, heat or power specified in such certificate has been inspected and is approved by the department of [general services] *buildings*, either temporarily or finally.

§98. Subparagraph (c) of paragraph (2) of subdivision a of section 27-3005 of the administrative code of the city of New York, as added by local law number 73 for the year 1988, is amended to read as follows:

(c) when such wiring or appliances are located in a building owned by the city or any city agency, (i) by a licensed professional engineer, or (ii) by a person with a baccalaureate degree in electrical engineering, or (iii) by any person who holds the job title of electrical inspector or any job title equivalent thereto, as classified by the [city personnel director] *commissioner of citywide administrative services* pursuant to section eight hundred [thirteen] *fourteen* of the charter; provided, however, that such licensed professional engineer or person with a baccalaureate degree in electrical engineering or person holding the job title of electrical inspector shall not have performed the work to be inspected and shall be an officer or employee of the city agency which contracted for such work.

§99. Section 27-3021 of the administrative code of the city of New York is amended to read as follows:

§27-3021 Service of orders and notices. Any order or notice issued pursuant to the provisions of this chapter may be served personally upon the person, partnership or corporation to whom or to which it is addressed, or may be served by mailing the same in a sealed envelope with postage prepaid, directed, in the case of the holder of any license, to the address furnished by such the department of [general services] *buildings* as his or her business address, and, in the case of any other person, partnership or corporation, to the premises where the defects recited in such order are alleged to exist and by the posting in a conspicuous place on such premises of a copy of such notice or order. The service as above described, by mailing and posting, shall be the equivalent of personal service.

§100. Subdivision a of section 27-3238 of the administrative code of the city of New York is amended to read as follows:

a. Signs shall be constructed entirely of metal or other noncombustible material approved for the purpose; provided, however, that letters, decorations and facings may be made from rigid combustible plastic materials which shall burn no faster than two and five-tenths (2.5) inches per minute in six one-hundredths (0.060) inches thickness when tested in accordance with A.S.T.M. standard method test for flammability of plastics over five one-hundredths (0.050) inches in thickness (D635-44), and provided further that the installation of such letters, decorations and facings in electric signs shall be according to regulations of the commissioner of [general services] *buildings*. Such signs shall be constructed, attached and maintained so that they shall not be or become dangerous.

§101. Subdivision 8a of section 27-4002 of the administrative code of the city of New York is amended to read as follows:

8a. Certificate of license to install, alter, test, or repair underground gasoline tanks, underground oil tanks or any other underground equipment for the storage and/or dispensing of gasoline and/or other volatile flammable oils, and/or diesel fuel oil used for operation of motor vehicles, a written statement issued by the fire commissioner certifying that the person named therein has been duly qualified by the [city personnel director] *commissioner of citywide administrative services* to install, alter, test or repair such equipment and that such person has such authority during the term specified in the certificate.

§102. Subparagraph F of paragraph 7 of subdivision b of section 27-4081 of the administrative code of the city of New York is amended to read as follows:

F. The electrical installation for remote and submerged pumps shall conform with the electrical code. Such installation shall be approved by the commissioner of [general services] *buildings*. A certification of such approval shall be filed with the fire department.

§103. Subparagraph B of paragraph 4 of subdivision b of section 27-4082 of the administrative code of the city of New York is amended to read as follows:

B. All electrical wiring for power and lighting shall be installed on the side of the pier opposite from the fuel lines. The electrical installation shall conform with the electrical code. Such installation shall be approved by the commissioner of [general services] *buildings*. A certification of such approval shall be filed with the fire department.

§104. Subdivision d of section 27-4194 of the administrative code of the city of New York is amended to read as follows:

d. A certificate of qualification shall be issued by the commissioner: (1) After the department of [personnel] *citywide administrative services* has certified that the applicant is qualified to operate a refrigerating system specified therein, or (2) upon presentation to the commissioner by the applicant of a valid, existing authorization to operate a refrigerating system specified therein issued to such applicant by the city department having authority to issue such authorization prior to December eighteenth, nineteen hundred fifty-seven; provided, however, that nothing herein contained shall be construed to require the holder of such valid existing authorization to secure a new certificate of qualification from the commissioner until the validity of his or her present authorization is about to expire. Upon receipt of a certificate of qualification the applicant therefor shall pay a license fee as follows: For the initial fee for a term of three years fifteen dollars, and for the renewal thereof the sum of twelve dollars, provided application for such renewal be made within thirty days prior to expiration of the certificate. Any such certificate may be revoked or suspended for cause at any time by the commissioner.

§105. Paragraph 8 of subdivision b of section 27-4206 of the administrative code of the city of New York is amended to read as follows:

8. The projection machines and all other electrical apparatus shall comply with the electrical code and be approved by the department of [general services] *buildings*.

§106. Chapter 59 of the charter of the city of New York is REPEALED.

§107. Any agency or officer to which are assigned by or pursuant to 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 or pursuant to this local law.

§108. 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 or pursuant to 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 is assigned, except as such other agency or officer may hereafter duly amend, supersede or repeal such rule or regulation.

§109. If any of the functions, powers or duties of any agency or part thereof is by or pursuant to 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.

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

§111. 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 or pursuant to 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 or pursuant to this local law.

§112. Whenever by or pursuant to any provision of this local law, functions, powers or duties may be assigned to any agency or officer which have been heretofore exercised by any other agency or officer, officers and employees in the classified city civil service who are engaged in the performance of such functions, powers or duties may be transferred to the agency to which such functions, powers or duties may be assigned by or pursuant to this local law.

§113. Any license, permit or other authorization in force on the effective date of this local law, and issued by an agency, where the power of such agency to issue such license, permit or authorization is assigned by or pursuant to this local law to another agency or officer, shall continue in force as the license, permit or authorization of such other agency, or officer, except as such license, permit or authorization may expire or be altered, suspended or revoked by the appropriate agency or office pursuant to law. Such license, permit or authorization shall be renewable in accordance with the applicable law by the agency or officer with such power pursuant to law, including this local law.

§114. The provisions of this local law shall be severable and if any phrase, clause, sentence, paragraph, subdivision or section of this local law, or the applicability thereof to any person or circumstance, shall be held invalid, the remainder of this local law and the application thereof shall not be affected thereby.

§115. This local law shall take effect thirty days after its enactment into law.

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 June 25, 1996, and approved by the Mayor on July 9, 1996.

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 59 of 1996, Council Int. No. 787-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on June 25, 1996: 46 for, 2 against.

Was approved by the Mayor on July 9, 1996.

Was returned to the City Clerk on July 9, 1996.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel