

THE COUNCIL

Minutes of the Proceedings for the
STATED MEETING
of
Friday, February 5, 2016, 12:23 p.m.

The Public Advocate (Ms. James)
Acting President Pro Tempore and Presiding Officer

Council Members

Melissa Mark-Viverito, Speaker

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

Absent: Council Member Lander.

Medical Leave: Council Members Rose and Wills.

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

There is presently a vacant seat in the Council pending the swearing-in of the certified winner of the scheduled February 23, 2016 Special Election to be held in the 17th District (The Bronx).

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

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

INVOCATION

The Invocation was delivered by Pastor Gilford Monrose, Mt. Zion Church of God 7th Day, 203 East 37th Street, Brooklyn, N.Y. 11203.

Let us pray.

Our Father who art in heaven in whom we live and move and have our being.

Lord as we take this moment to remember
the safety of our fellow citizens of this City.

The Police Officers harmed in the line of duty in the Bronx;
the victims of the crane crash; the families and close friends;
we thank you for protection.

And now as we look to you oh God,
to have mercy on this nation,

the great state of New York, and this populated New York City,
our law makers who carry the burden to maintain our wonderful freedom.

Grant us domestic tranquility in the face of reckless evil.

Arise oh God and save us from ourselves.

We pray for each member of the City Council,
the Speaker, the Public Advocate, Republicans and Democrats,
staff members both present and absent.

Give our lawmakers divine wisdom to pass laws
that are merely sound and financially responsible.

We pray for the help and safety.

Help us to remember the (inaudible)
not only the rich and the middle class.

Be with us as we face difficult times ahead.

May today's session be productive and pleasing in your sight
and now let the words of our mouth from the medication of our hearts
be acceptable in your sight.

Oh Lord our strength and our redeemer,

Amen.

Council Members Williams, Eugene and Cumbo moved to spread the Invocation upon the record.

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Mark-Viverito) wished two recently wounded NYPD police officers a quick and full recovery. The two police officers, Officer Patrick Espeut, 29, and Officer Diara E. Cruz, 24, were shot in the line of duty in the Bronx on February 4, 2016. She noted that these officers exemplify the best of our City and that all New Yorkers honor and respect their courage and commitment. The Speaker (Council Member Mark-Viverito) also announced that the late NYPD Detective Randall Holder would have a street named in his honor. The street name bill in question, Preconsidered Int No. 1054, was before the Council for a vote at this Stated Meeting. Detective Holder had served in the police department in East Harlem for five years when he was shot and killed in the line of duty on October 20, 2015.

Also, during the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Mark-Viverito) acknowledged the death of journalist Michael Feeney, 32, who passed away on January 31, 2016. Mr. Feeney was a former New York Daily News reporter who covered the *El Barrio* neighborhood in East Harlem and was elected in 2011 as the President of the New York chapter of the National Association of Black Journalists. He was set to start a job at CNN at the time of his death. The Speaker (Council Member Mark-Viverito) wished to recognize his work and offered her prayers to Mr. Feeney's family and friends.

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MESSAGES & PAPERS FROM THE MAYOR

M-368

Communication from the Mayor - Submitting Preliminary Expense Budget for Fiscal Year 2017, pursuant to Sections 225 and 236 of the New York City Charter.

(For text, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007; please also see the Mayor's Office of Management and Budget page on the New York City website at <http://www1.nyc.gov>)

Referred to the Committee on Finance.

M-369

Communication from the Mayor – Submitting February 2016 Financial Plan Detail and Summary Book, Volumes I and II for Fiscal Years 2016-2020, pursuant to Sections 101 and 213 of the New York City Charter.

(For text, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007; please also see the Mayor's Office of Management and Budget page on the New York City website at <http://www1.nyc.gov>)

Referred to the Committee on Finance.

M-370

Communication from the Mayor - Submitting Geographic Reports for Expense Budget for Fiscal Year 2017, pursuant to Sections 100 and 231 of the New York City Charter.

(For text, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007; please also see the Mayor's Office of Management and Budget page on the New York City website at <http://www1.nyc.gov>)

Referred to the Committee on Finance.

M-371

Communication from the Mayor - Submitting Departmental Estimates Report, Volumes I, II, III, IV and V, for Fiscal Year 2017, pursuant to Sections 100, 212 and 231 of the New York City Charter.

(For text, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007; please also see the Mayor's Office of Management and Budget page on the New York City website at <http://www1.nyc.gov>)

Referred to the Committee on Finance.

M-372

Communication from the Mayor - Submitting Preliminary Contract Budget Report for Fiscal Year 2017, pursuant to Section 104 of the New York City Charter.

(For text, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007; please also see the Mayor's Office of Management and Budget page on the New York City website at <http://www1.nyc.gov>)

Referred to the Committee on Finance.

M-373

Communication from the Mayor - Submitting the Preliminary Capital Budget, Fiscal Year 2017, pursuant to Section 213 and 236 of the New York City Charter.

(For text, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007; please also see the Mayor's Office of Management and Budget page on the New York City website at <http://www1.nyc.gov>)

Referred to the Committee on Finance.

M-374

Communication from the Mayor - Submitting the Capital Commitment Plan, Fiscal Year 2016, Volumes 1, 2, 3, & 4 and the Capital Commitment Plan, Financial Summary, pursuant to Section 219 of the New York City Charter.

(For text, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007; please also see the Mayor's Office of Management and Budget page on the New York City website at <http://www1.nyc.gov>)

Referred to the Committee on Finance.

M-375

Communication from the Mayor - Submitting Preliminary certificate setting forth the maximum amount of debt and reserves which the City, and the NYC Municipal Water Finance Authority, may soundly incur for capital projects for Fiscal Year 2017 and the ensuing three fiscal years, and the maximum amount of appropriations and expenditures for capital projects which may soundly be made during each fiscal year, pursuant to Section 250 (16) of the NY City Charter.

January 21, 2016

Honorable Members of the Council

Honorable Scott M. Stringer, Comptroller
 Honorable Ruben Diaz, Jr., Bronx Borough President
 Honorable Eric L. Adams, Brooklyn Borough President
 Honorable Gale A. Brewer, Manhattan Borough President
 Honorable Melinda R. Katz, Queens Borough President
 Honorable James S. Oddo, Staten Island Borough President

Honorable Members of the City Planning Commission

Ladies and Gentlemen:

I hereby certify on a preliminary basis that, as of this date, in my opinion, the City of New York (the "City"), the New York City Municipal Water Finance Authority and the New York City Transitional Finance Authority may soundly issue debt and expend reserves to finance total capital expenditures of the City for fiscal year 2017 and the ensuing three fiscal years, in maximum annual amounts as set forth below:

2017	\$7,903	Million
2018	8,764	Million
2019	9,265	Million
2020	9,297	Million

Certain capital expenditures are herein assumed to be financed from the proceeds of sale of bonds by the City and the New York City Transitional Finance Authority. Amounts of expenditures to be so financed have been included in the total amounts listed above and are estimated to be as follows in fiscal years 2017 — 2020:

2017	\$6,112	Million
2018	6,787	Million
2019	7,290	Million
2020	7,366	Million

Certain water and sewer capital expenditures are herein assumed to be financed from the proceeds of the sale of bonds by the New York City Municipal Water Finance Authority. Amounts of expenditures to be so financed have been included in the total amounts listed in the first paragraph hereof and are estimated to be as follows in fiscal years 2017 — 2020:

2017	\$1,790	Million
2018	1,977	Million
2019	1,975	Million
2020	1,930	Million

I further certify on a preliminary basis that, as of this date, in my opinion, the City may newly appropriate in the Capital Budget for fiscal year 2017, and may include in the capital program for the ensuing three fiscal years, amounts to be funded by City debt, New York City Transitional Finance Authority debt or, with respect to water and sewer projects, debt of the New York City Municipal Water Finance Authority, not to exceed the following:

2017	\$9,675	Million
2018	10,249	Million
2019	10,766	Million
2020	12,311	Million

Sincerely,

Bill de Blasio
Mayor

Received, Ordered, Printed and Filed.

M-376

Communication from the Mayor – Submitting Preliminary Mayor’s Management Report (PMMR) for Fiscal Year 2016.

(For text, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007; please also see the Mayor’s Office of Management and Budget page on the New York City website at <http://www1.nyc.gov>)

Received, Ordered, Printed and Filed.

LAND USE CALL-UPS

M-377

By Council Member Mendez:

Pursuant to Rule 11.20(b) of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 210 East 3rd Street, Borough of Manhattan, Community Board 3, Application No. 20165174 TCM shall be subject to review by the Council.

Coupled on Call-up Vote.

LAND USE CALL-UP VOTE

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

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

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

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Finance

Report for Res No. 956-A

Report of the Committee on Finance in favor of approving, as amended, a Resolution concerning authorizing an increase in the annual expenditure for the Fulton Mall Special Assessment District, and the setting of the date, time and place for the hearing of the local law increasing the annual expenditure for such district.

The Committee on Finance, to which the annexed amended resolution was referred on January 19, 2016 (Minutes, page 191), respectfully

REPORTS:

Proposed Resolution 956-A sets a date, time, and place for a public hearing to consider a local law that would increase the annual expenditure of the Fulton Mall Special Assessment District (“SAD”)¹ as of July 1, 2015. The resolution sets February 24, 2016 at 10:00am in the City Council Committee Room, 2nd floor, City Hall, Manhattan as the date, time, and place for the hearing.

This increase, which has been requested by the SAD and approved by the District Management Association, would result in a higher assessment on all properties currently subject to the SAD’s assessment as a result of the increase in the assessment rate.

Pursuant to §§ 25-410(b) and 25-416 of the Administrative Code, a SAD or a business improvement districts (“BID”) may obtain an increase in its budget (i.e. the total amount allowed to be expended annually by the SAD or BID for improvements, services, maintenance, and operation) by means of the adoption of a local law amending its district plan. Such a local law may be adopted by the City Council after a determination that it is in the public interest to authorize such an increase in the maximum annual amount and that the tax and debt limits prescribed in § 25-412 of the Administrative Code will not be exceeded. Notice of a public hearing to consider such a local law must be published in at least one newspaper having general circulation in the district specifying the time when, and the place where, the hearing will be held and stating the increase proposed in the maximum amount to be expended annually.

Accordingly, the resolution also directs the District Management Association of the Fulton Mall SAD to publish in a newspaper of general circulation in the district, not less than ten days prior to the public hearing, a notice stating the time and place of the public hearing and setting forth the increase in the amount to be expended annually in the Fulton Mall SAD.

The Fulton Mall SAD has requested an increase in its budget, as indicated below:

BID Name	Last Increase Yr	Current Authorized Assessment Cap	Proposed Authorized Assessment Cap	\$ Increase Request	CM District (s)	Increase Justification
	Increase Amount			% Increase		
Fulton Mall	FY '14	\$1,537,500	\$2,100,000	\$562,500	33	Fulton Mall plans to launch a real estate development program to attract retail to the district, initially focusing on restaurants. Funds will also be allocated toward an increase in staff capacity for its sanitation services, initiation of a contract for maintenance of district capital improvements (i.e. street furniture), new marketing initiatives to cultivate nighttime activity and bring late night business, and developing a contingency fund.
	\$36,000			36.6%	Stephen Levin	

¹ Prior to the creation of the business improvement district system as it is known today, in the 1970’s New York State created fourteen SADs which collected assessments from property owners to pay for pedestrian malls and street improvements. Four of these SADs were located in New York City, with the first being the Fulton Mall in Brooklyn which was established in 1976.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res No. 956-A:)

Res. No. 956-A

Resolution concerning authorizing an increase in the annual expenditure for the Fulton Mall Special Assessment District, and the setting of the date, time and place for the hearing of the local law increasing the annual expenditure for such district.

By Council Member Ferreras-Copeland.

Whereas, Pursuant to Chapter 911 of the Laws of 1976, as amended by Chapter 17 of the Laws of 1981, the State of New York established the Fulton Mall Special Assessment District (“the District”), in the City of New York; and

Whereas, Pursuant to Local Law No. 82 for the year 1990, the Council of the City of New York (the “City Council”) assumed responsibility for adopting legislation relating to Business Improvement Districts; and

Whereas, Special assessment districts are subject to Chapter 4 of Title 25 of the Administrative Code of the City of New York (the “BID Law”) as set forth in Section 25-416 of the BID Law; and

Whereas, Pursuant to Section 25-410(b) of the BID Law, an increase in the amount to be expended annually may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize the increase and that the tax and debt limits prescribed in Section 25-412 of the BID Law will not be exceeded; and

Whereas, The District wishes to increase the maximum allowable amount to be expended annually beginning on July 1, 2015 to \$2,100,000; and

Whereas, Pursuant to Section 25-410(b) of the BID Law, the City Council is required to give notice of the public hearing by publication of a notice in at least one newspaper having general circulation in the District specifying the time when and the place where the hearing will be held and stating the proposed amount to be expended annually; now, therefore, be it

Resolved, That the Council of the City of New York, pursuant to Section 25-410(b) of the BID Law, hereby directs that February 24, 2016 is the date and the City Council Committee Room, 2nd floor, City Hall, Manhattan is the place and 10:00am is the time for a public hearing (the “Public Hearing”) to hear all persons interested in the legislation, which would increase the amount to be expended annually in the District; and be it further

Resolved, That on behalf of the City Council and pursuant to Section 25-410(b) of the BID Law, the District Management Association of the Fulton Mall Special Assessment District is hereby authorized to publish in a newspaper of general circulation in the District, not less than ten (10) days prior to the Public Hearing, a notice stating the time and place of the Public Hearing and setting forth the increase proposed in the maximum amount to be expended annually in the District.

JULISSA FERRERAS-COPELAND, *Chairperson*; JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, February 8, 2016.

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

Report of the Committee on Governmental Operations

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

Report for Int No. 1055

Report of the Committee on Governmental Operations in favor of approving and adopting a Local Law to amend the New York city charter, in relation to compensation of the mayor, public advocate, members of the city council, borough presidents, comptroller and district attorneys.

The Committee on Governmental Operations, to which the annexed preconsidered proposed local law was referred on February 5, 2016, respectfully

REPORTS:

INTRODUCTION

On February 5, 2016, the Committee on Governmental Operations, chaired by Council Member Benjamin Kallos, will vote on four preconsidered bills. The four bills would amend various sections of the New York City Charter (“Charter”) and the Administrative Code of the City of New York (“Administrative Code”) to implement salary increases for elected officials, modify the timing and deliberation time for future quadrennial commissions, make the position of Council Member full-time and require financial disclosure forms of elected officials to be posted online. The Committee first heard these bills on February 3, 2016 at a joint hearing along with two preconsidered resolutions, which are assigned to the Committee on Rules, Privileges and Elections. The two resolutions would amend the rules of the Council in relation to allowances, also known as lulus, and in relation to outside earned income of members. The Committee on Rules, Privileges and Elections is voting on those resolutions on February 5, 2016. Those testifying at the joint hearing included members of the 2015 Quadrennial Advisory Commission (the “Commission”), the Conflicts of Interest Board, good-government groups, and members of the public.

BACKGROUND

Section 3-601 of the Administrative Code requires the Mayor to appoint an advisory commission every four years to study the compensation levels of the Mayor, Public Advocate, Council Members, Borough Presidents, Comptroller and the District Attorneys of the five counties within the City of New York and recommend changes to those compensation levels, if warranted.¹ The Administrative Code requires that the commission be comprised of three private citizens who are generally recognized for their knowledge and experience in management and compensation levels, one member of which the Mayor shall designate as the chairperson of the commission.²

The last commission appointed pursuant to section 3-601 of the Administrative Code to review salary increases was convened in 2006.³ The 2006 commission was not a “quadrennial” commission within the meaning of the Administrative Code, because it was appointed off-cycle. The prior commission had been appointed in 1999, but despite the Charter’s requirement, because of a severe budget crisis in the years following the September 11th attacks, Mayor Michael Bloomberg deferred the appointment of a commission

¹ Administrative Code § 3-601.

² *Id.*

³ See NYC Quadrennial Advisory Commission Final Report (“Report”), dated December 14, 2015, at page 3.

four years later, in 2003.⁴ Following the 2006 commission, due to economic uncertainty in New York City, and in the nation as a whole, during the Great Recession, Mayor Bloomberg deferred the appointment of another commission at the statutorily prescribed time in 2011.⁵ Therefore, the 2015 Commission was the first commission appointed in nine years to review the salaries of elected officials.⁶ Mayor de Blasio appointed the following individuals to the Commission: Frederick A.O. Schwarz, Chief Counsel at the Brennan Center for Justice; Jill Bright, Chief Administrative Officer for Condé Nast and Paul Quintero, Chief Executive Officer of Accion East.⁷ Frederick A.O. Schwarz served as the chairperson.

After providing notice of a hearing and publishing requests for public comments during a five-week period, the Commission held two public hearings on November 23, 2015 and November 24, 2015, during which three good-government groups, four individuals and one elected official testified.⁸ The Commission also received letters and other submissions from several elected officials.⁹ Additionally, the Commission met fifteen times to discuss and review the issues and held additional meetings with City agencies to gather data.¹⁰ The Commission emphasized a focus on transparency by creating a website, posting a memorandum outlining its plans and process and posting reports of prior commissions and transcripts of the public hearings.¹¹

At the conclusion of the Commission's review, it issued a report (the "Report") to the Mayor containing its recommendations for increases in the compensation levels of the aforementioned elected officials, among other recommendations.¹² The Mayor then submitted the Report, with his support for the Commission's recommendations, to the City Council.¹³

THE COMMISSION'S RECOMMENDATIONS

The Administrative Code sets forth factors that an advisory commission must take into account when making its recommendations. Section 3-601 of the Administrative Code states, in part, that:

In making its recommendations the commission should take into consideration the duties and responsibilities of each position, the current salary of the position and the length of time since the last change, any change in the cost of living, compression of salary levels for other officers and employees of the city, and salary trends for positions with analogous duties and responsibilities both within government and in the private sector.¹⁴

The Commission, in making its recommendations, gathered data on and considered the following factors:

1. The structural differences between New York City's government and the governments of other populous cities;¹⁵
2. The managerial complexity of governing New York City in light of its large municipal budget and the influx of tourists and daily commuters who use New York City's infrastructure;¹⁶

⁴ See Report and Recommendations of the Advisory Commission for the Review of Compensation Levels of Elected Officials ("2006 Report"), dated October 23, 2006, at page 3.

⁵ See Report at 53. The Report stated that such commission should have been appointed in 2010. See *id.* But, pursuant to the Administrative Code, the next statutorily prescribed year would have been 2011.

⁶ *Id.*

⁷ *Id.* at 70-71.

⁸ *Id.* at 1; see also Hearings and Meetings, NYC Quadrennial Advisory Commission, available at <http://www1.nyc.gov/site/quadrennial/hearings-and-meetings/hearings-and-meetings.page> (last visited Dec. 22, 2015).

⁹ See Report at 55, 60; see also Public Testimony, NYC Quadrennial Advisory Commission, available at <http://www1.nyc.gov/site/quadrennial/contact/submit-testimony.page> (last visited Dec. 22, 2015).

¹⁰ Report at 66.

¹¹ *Id.* at 1.

¹² See generally *id.*

¹³ See letter from Mayor Bill de Blasio to Speaker Melissa Mark-Viverito, dated January 13, 2016, available at <http://www1.nyc.gov/office-of-the-mayor/news/051-16/mayor-bill-de-blasio-accepts-quadrennial-commission-s-recommendations> (last visited Feb. 2, 2016).

¹⁴ Administrative Code § 3-601.

¹⁵ Report at 34.

¹⁶ *Id.* at 37.

3. Compensation benchmarks, including
 - a. The salaries of elected officials in the twenty-five largest cities in the United States;¹⁷
 - b. The salaries of Federal government officials, New York State government officials, heads of local and state public authorities, DC-37 employees and leaders of non-profit cultural institutions;¹⁸
 - c. The salaries of positions in the private and non-profit sectors with analogous duties and responsibilities;¹⁹
4. Changes in City economic conditions, as exemplified by changes in median household income, the Consumer Price Index, cost of housing and geographic differences in cost of living as compared with other populous cities;²⁰
5. Indirect compensation of elected officials such as pensions, car service and the mayoral residence (Gracie Mansion);²¹
6. Salary ratios and the issue of income inequality, including the percentage of New Yorkers living at or below the poverty line;²²
7. Changes in duties and responsibilities of specific offices;²³ and
8. The issue of compression, which occurs when staff members of elected officials receive higher salaries than the elected official(s) for whom they work.²⁴

After analyzing the foregoing factors, the Commission ultimately determined that salary increases are appropriate because the salaries of New York City's elected offices have not been increased since 2006, and because "[e]lected officials should get pay raises from time to time."²⁵ Based upon its consideration of these factors, the Commission recommended that the salary levels of elected officials in the City of New York be increased as set forth in the chart below²⁶:

Elected Official	Current Base Salary	Proposed Increase	New Base Salary
Mayor	\$225,000	\$33,750	\$258,750
Public Advocate	\$165,000	\$19,800	\$184,800
City Council	\$112,500	\$25,815	\$138,315
City Council (Speaker)	\$112,500	\$41,875	\$154,375
Borough President	\$160,000	\$19,200	\$179,200
Comptroller	\$185,000	\$24,050	\$209,050
District Attorney	\$190,000	\$22,800	\$212,800

The Commission recommended applying a base salary increase of 12 percent for each of these positions, plus an additional increase based on specific changes in duties and responsibilities for particular offices.²⁷ The Commission recommended that the following positions receive additional increases beyond the base salary increase of 12 percent, for the following reasons²⁸:

- Office of Mayor
 - An additional 3 percent increase to account for increased responsibilities;

¹⁷ *Id.*

¹⁸ *Id.* at 40-42

¹⁹ *Id.* at 41-42

²⁰ *Id.* at 42-45; 52-53.

²¹ *Id.* at 45-47.

²² *Id.* at 49.

²³ *Id.* at 54.

²⁴ *Id.* at 54-55 (noting that the compression is a "reason why city officials should get raises, and get them now" but stating that "no extra weight" was given to compression in proposing specific raises).

²⁵ *Id.* at 3.

²⁶ *Id.* at 55-61.

²⁷ *Id.* at 53.

²⁸ *Id.* at 55-61.

- Office of Council Member
 - An additional 3 percent increase to account for increased transparency, responsiveness and expanded responsibilities, and
 - \$8,940 to account for funds currently allocated for allowances for non-Speaker council members;
- Position of Council Speaker
 - The additional 3 percent increase recommended for all Council Members to account for increased transparency, responsiveness and expanded responsibilities, and
 - \$25,000 to account for funds currently allocated as an allowance for the Speaker in recognition of the citywide nature of the position and the numerous unique responsibilities of the Speaker;
- Office of Comptroller
 - An additional 1 percent increase to account for increased responsibilities.

The Commission did not recommend any additional increase over the base salary increase for the offices of Public Advocate, Borough President or District Attorney.²⁹ As the Report recognized, increases tied to allowances for Council Members and the Speaker of the Council are not true “increases,” but rather are a mere reallocation of compensation already allocated to these positions.³⁰

Notably, the Commission made two additional recommendations as a condition to its recommendation to increase the salary of Council Members: (1) to eliminate the practice of providing allowances or extra payments known as *lulus* to Council Members for chairing a committee or holding another leadership position; and (2) to classify the Office of Council Member as a full-time job.³¹ The Commission stated that these recommendations are inextricably linked because it is “anomalous to pay extra for doing part of [a full-time] job”³² and because the position “already is, and should be formally recognized as, a full-time job”.³³ The Commission considered whether the effective date of its recommendations should be delayed until 2018, following the next election.³⁴ But, because all of the elected offices have had no change in pay since 2006 and because current City laws imply that “any Council member voting to increase salaries [will] be held accountable at the next election,” the Commission recommended that any local law implementing pay increases be effective as of January 1, 2016.³⁵

The Commission’s final recommendations were that the Council or a future commission should consider the following issues:

- Exploring whether City law should be amended such that future pay raises for elected officials would only go into effect after the next election;³⁶
- Altering the timing of the quadrennial commission so that such commission would be appointed in the third year after an election, rather than the second;³⁷
- Increasing the time provided for a quadrennial commission to conduct its analysis and issue a report from 2.5 months to 3.5 months, to allow for thorough and thoughtful analysis;³⁸
- Requiring openness and transparency from future quadrennial commissions;³⁹

²⁹ *Id.* at 59-61.

³⁰ *Id.* at 58.

³¹ *Id.* at 25 (stating that the recommendation for “increases in Council pay are conditioned upon, and inseparable from, the change to full-time classification and the elimination of *lulus*”).

³² *Id.* at 23.

³³ *Id.*

³⁴ *Id.* at 62.

³⁵ *Id.* at 63-64.

³⁶ *Id.* at 65.

³⁷ *Id.*

³⁸ *Id.* at 66.

- Requiring elected officials to provide information and make submissions to the quadrennial commission regarding their duties and responsibilities;⁴⁰
- Requiring that elected officials' financial disclosure forms be available electronically, rather than current practice, which requires written request and a fee to obtain such forms from the Conflicts of Interest Board.⁴¹

THE PROPOSED LEGISLATION

The Council has reviewed the Commission's analysis and recommendations, and has proposed legislation that largely reflects the Commission's views. The four preconsidered bills along with the two preconsidered resolutions assigned to the Committee on Rules, Privileges and Elections, which were heard at the February 3, 2016 joint hearing (together, the "Proposed Legislation") would follow the Commission's recommendations with regard to salary increases for the Mayor, Public Advocate, Borough Presidents, Comptroller and District Attorneys.⁴² The Proposed Legislation additionally would institute the Commission's recommendations that the position of Council Member be full-time, explicitly prohibiting Council Members from earning outside income, as would be defined in the Council's rules, and its recommendation that allowances for Council Members be eliminated. Moreover, the Proposed Legislation would institute several additional reforms that the Commission suggested the Council consider in the future, including (1) altering the timing of the quadrennial commission so that the commission is appointed in the third year after an election rather than the second; (2) providing future quadrennial commissions with additional time for deliberation; and (3) requiring that elected officials' financial disclosure forms be available electronically.

Increase in Council Member Salary In Light of Full-Time Status and Prohibition on Outside Earned Income

Although the Proposed Legislation would follow the vast majority of the Commission's recommendations, including instituting recommended additional reforms, the Proposed Legislation would deviate from the Commission's recommendations with regard to salary increases for the Offices of Council Member and Speaker of the Council.

As set forth in the Report, unlike for the other elected offices, the Commission conditioned its recommendation to increase the salary for the Office of Council Member upon two additional proposals: (1) eliminating lulus and (2) classifying the position as full-time.⁴³ The Commission's analysis and recommendations with regard to the Office of Council Member accounted for the elimination of lulus by distributing the funds allocated in the budget for lulus equally for all non-Speaker Council Members.⁴⁴ But, it did not recommend any increase based on the changed nature of the position that would result from making the position full-time and the prohibition on outside earned income.

³⁹ *Id.*

⁴⁰ *Id.* at 67.

⁴¹ *Id.*

⁴² The Proposed Legislation follows the Commission's salary recommendations, but it is worth noting that the Commission's use of median household income in calculating the recommended base salary increases presents some concerns. Median household income does not account for changes in cost of living—a major factor that the law requires the Commission to consider. *See* Median Household Income, U.S. Census Bureau, available at http://quickfacts.census.gov/qfd/meta/long_INC110213.htm (last visited Feb. 2, 2016). Additionally, median household income is not necessarily a useful comparator for salary increases because, as the Report recognizes, median household income includes more than just wages or salaries; it includes "retirement income . . . cash payments from welfare, income from trusts or estates, bonuses, interest, dividends, and other regularly received income." Report at 52. Finally, median household income also fluctuates over time with changes in household size, unemployment and the number of wage earners in each household. *See* Mark J. Perry, "Have changing household composition and retirement caused the decline in median household income?" AEI Ideas, available at <https://www.aei.org/publication/changing-household-composition-retirement-caused-decline-median-household-income> (last visited Feb. 2, 2016). The Council recognizes the Commission's desire to capture the economic realities faced by New Yorkers by using this indicator, but notes that median household income may not accurately reflect these realities.

⁴³ *Id.* at 55 ("Our proposed raises for the office of City Council member are conditioned upon, and inseparable from, our proposal to eliminate lulus and to formally classify the job of City Council members as full-time.")

⁴⁴ *See id.* at 58.

In explaining this choice, the Commission suggested that accounting for the switch to full-time status for Council Members had already been addressed by the 2006 commission.⁴⁵ But, the 2006 commission's recommended salary increases for Council Members was, by the terms of its report, made in recognition of the increased responsibilities and commitment of Council Members, many of whom chose to treat the position as full-time despite no obligation to do so.⁴⁶ It was not intended to account for the loss of the ability of Council Members to earn outside income, which was not a recommendation of the 2006 commission.⁴⁷

The Commission further stated that only a handful of Council Members currently hold outside positions and that current Council Members treat the position as full-time.⁴⁸ But, as the Commission recognizes elsewhere in the Report, its purpose is not to evaluate the individuals who hold elected office, but rather to value the office itself.⁴⁹ Thus, in assessing the position of Council Member as a full-time position, it is imperative to factor in the value of the ability to engage in outside employment, not what current Council Members may be earning or whether most Council Members currently work full-time. Instead, it is the value of the lost opportunity resulting from making the position full-time – and whether such lost opportunity could dissuade qualified individuals from running for office in the future – that warrants consideration of an increase in salary to account for that loss.

As Mayor de Blasio recognized in his letter to Speaker Mark-Viverito, “the loss of potential income from transitioning to a full-time status is not insignificant.”⁵⁰ Nevertheless, the sponsors of the bill chose a modest increase to account for this lost potential. The Council considered various factors to quantify and account for making the position full time. First, Council Members come from diverse backgrounds; what they have in common are their skills as Council Members. The New York State Department of Labor treats legislators as managers, and managerial salaries are used to value lost earning opportunities.⁵¹ Assuming that, in outside jobs, Council Members could earn at the very least an hourly rate equal to 50 percent of the median rate for management occupations (OCC 11-0000) in the NYC Metropolitan Statistical Area as determined by the New York State Department of Labor, such rate would be \$34.57 an hour.⁵² This rate, which was chosen to be conservative, is similar to the median for food service managers, who are among the lowest paid of managers.⁵³ Taking this hourly rate, and assuming that Council Members could reasonably work 300 hours a year in an outside position (around 6 hours per week),⁵⁴ the potential lost earnings from holding a second job would equal \$10,372; the Council determined to adjust this amount downward, to \$10,185, in the Proposed Legislation.

Thus, the Proposed Legislation expands upon the Commission's recommendation of \$138,315 and \$154,375 for members of the City Council and the Speaker of the Council, respectively, by adding an additional \$10,185⁵⁵ to account for the significant lost potential that will result from switching to full-time status.

⁴⁵ *Id.* at 56-57 (“In the 2006 Commission's explanation of its proposed extra-large raise for City Council members, the Commission also . . . added that “by-and-large Council members serve full-time, and the recommended salary increase reflects this fact.”).

⁴⁶ 2006 Report at 19.

⁴⁷ *Id.* at 24 (recommending the issues of whether the position of Council Member should be full-time and whether to limit or ban outside income for further deliberation and consideration by a future commission).

⁴⁸ See Report at 21-23 (“Today, only a few Council members have an outside job such as practicing law. The overwhelming majority already work full time”).

⁴⁹ See, e.g., *id.* at 4 (“The Commission's job is not to evaluate individual officeholders but to value each elected office.”).

⁵⁰ Letter from Mayor Bill de Blasio to Speaker Melissa Mark-Viverito, dated January 13, 2016, available at <http://www1.nyc.gov/office-of-the-mayor/news/05-16/mayor-bill-de-blasio-accepts-quadrennial-commission-s-recommendations> (last visited Feb. 2, 2016).

⁵¹ See Occupational Wages, Department of Labor, available at <https://labor.ny.gov/stats/lswage2.asp#11-0000> (last visited Feb. 1, 2016) and Occupational Employment Statistics, May 2014 Occupation Profiles, Bureau of Labor Statistics, available at http://www.bls.gov/oes/current/oes_stru.htm#11-0000 (last visited Feb. 2, 2016).

⁵² See Occupational Wages, Department of Labor, available at <https://labor.ny.gov/stats/lswage2.asp#11-0000> (last visited Feb. 1, 2016). Medial annual wages were converted into hourly wages assuming a 40 hour week.

⁵³ See *id.*

⁵⁴ The typical multiple-job holder with a full-time job works about 14.5 hours per week on their part-time job. Husain, Muhammad Mucabbir “Essays on Multiple Job Holding Across Local Labor Markets”: Dissertation Georgia State University, 2015. http://scholarworks.gsu.edu/cgi/viewcontent.cgi?article=1109&context=econ_diss Table 1.1 p. 26

⁵⁵ The salary of Speaker has been rounded downward from \$164,560 to \$164,500 in the Proposed Legislation.

Additional Reforms

In addition to implementing the recommendations of the Commission regarding salary increases, elimination of lulus and making the position of Council Member full-time, the Proposed Legislation would implement additional reforms. First, in line with establishing full-time status for Council members, the Proposed Legislation would prohibit Council Members from receiving most outside earned income. Placing strict prohibitions on outside earned income would not only increase the effectiveness of the Council, but it would eliminate opportunities for conflicts of interest.

Furthermore, the Proposed Legislation would address recommendations that the Commission suggested for the future:

(1) Altering the year in which quadrennial commissions are appointed. Amending the timing of quadrennial commissions such that future commissions are appointed later in the Council session will afford future commissions greater flexibility to consider - and make it more likely that they will recommend - that increases in compensation go into effect in the session after which they are voted on and approved. This would address any ethical issues associated with increased compensation levels going into effect during the term in which such changes in compensation are approved.

(2) Providing future quadrennial commissions with additional time for deliberation. The quadrennial commissions have complex, time-consuming responsibilities. As noted by the current Commission, a modest increase in the time it may take to do its work is warranted.

(3) Requiring that elected officials' financial disclosure forms be available electronically. It is clear that this reform measure would provide valuable transparency and instill greater public confidence in the City's elected officials. Along with the proposed prohibition on outside earned income, these measures will improve ethical standards, avoid conflicts and make the Council a more ethically sound body.

LEGISLATION

Analysis of Preconsidered Int. No. 1055 - A Local Law to amend the New York city charter, in relation to compensation of the mayor, public advocate, members of the city council, borough presidents, comptroller and district attorneys

This bill would increase the salaries of certain elected officials. The bill would increase annual salaries as follows: the annual salary of the Mayor would be \$258,750, the annual salary of the Public Advocate would be \$184,800, the annual salary of the Members of the City Council would be \$148,500, the annual salary of the Speaker of the City Council would be \$164,500, the annual salary of the Borough Presidents would be \$179,200, the annual salary of the Comptroller would be \$209,050 and the annual salary of the District Attorneys would be \$212,800.

The bill would take effect 45 days after it becomes law; however, the salaries for Council Members would go into effect only after the City Council has repealed all allowances for Council Members by resolution. The bill would be retroactive to January 1, 2016.

Analysis of Preconsidered Int. No. 1077 - A Local Law to amend the administrative code of the city of New York, in relation to increasing access to disclosure forms of elected officials

Currently, financial disclosure forms of elected officials are available from the Conflicts of Interest Board (COIB) upon written request. This bill would require COIB to make financial disclosure reports of elected officials available for public inspection on its website without written request. The bill would clarify that, consistent with current practice, if a privacy request has been submitted to COIB, while such privacy request is being evaluated, such report would not be available to the public. The bill would also, with regard to reports that are made available for public inspection on COIB's website pursuant to this bill, eliminate the requirement of notification when a request to inspect a report is made.

This bill would take effect immediately; provided, however, that the requirements of the bill would not apply to financial disclosure reports filed in 2016 for the calendar year 2015.

Analysis of Preconsidered Int. No. 1069 - A Local Law to amend the New York city charter, in relation to making the members of the city council full-time officials

The bill would make the position of Council Member full-time. This bill would also require the Council to elaborate on the meaning of the full-time provision by requiring the promulgation of rules defining outside income and prohibiting Council Members from earning outside income.

The provisions of this bill and any rules promulgated pursuant to this bill would not apply to any Council Member who has engaged in another occupation, profession or employment during the current Council session, who intends to continue to engage in such occupation, profession or employment for the remainder of such session, and who submits a letter to the Speaker of the Council by March 1, 2016 describing the occupation, profession or employment such member has engaged in and stating such member's intention to continue to engage in such occupation, profession or employment.

This bill would take effect immediately. The section of the bill exempting Council Members who currently engage in, and who continue to engage in, another occupation, profession or employment would expire January 1, 2018.

Analysis of Preconsidered Int. No. 1078- A Local Law to amend the administrative code of the city of New York, in relation to modifying the timing and deliberation time for the quadrennial advisory commission for the review of compensation of elected officials

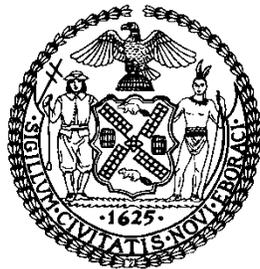
Pursuant to the Charter, beginning in 1987, and every four years thereafter, the Mayor is required to appoint a commission to review the compensation of elected officials. Such commission currently has two months to issue a report and recommendations. This bill would amend the timing of the appointment of such commission by amending the year in which the commission is appointed from the second year of a four-year cycle to the third year. The bill would also extend the amount of time a commission has to conduct a review and issue a report to 120 days following its appointment.

This bill would take effect immediately.

CONCLUSION

The Committee will vote on four preconsidered bills which concern salary increases for elected officials, reforms relating to financial disclosure forms of elected officials, and certain additional reforms relating specifically to members of the City Council regarding allowances, outside income and making the position full-time.

(The following is the text of the Fiscal Impact Statement for Int No. 1055:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PRECONSIDERED INT. NO. 1055
COMMITTEE: Governmental Operations**

TITLE: A Local Law to amend the New York city charter, in relation to compensation of the mayor, public advocate, members of the city council, borough presidents, comptroller and district attorneys

SPONSORS: The Speaker (Council Member Mark-Viverito)

SUMMARY OF LEGISLATION: This bill would amend the annual salary of the Mayor to \$258,750, the annual salary of the Public Advocate to \$184,800, the annual salary of the Members of the City Council to \$148,500, the annual salary of the Speaker of the City Council to \$164,500, the annual salary of the Borough Presidents to \$179,200, the annual salary of the Comptroller to \$209,050 and the annual salary of the District Attorneys to \$212,800.

EFFECTIVE DATE: This local law would take effect 45 days after it becomes law, and would be retroactive to January 1, 2016, except that the provision of the law related to the salaries for Council Members would take effect 45 days after it becomes law or when the Council has repealed allowances for Council Members by resolution, whichever is later, and at that time would be retroactive to January 1, 2016.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal Year 2017

FISCAL IMPACT STATEMENT:

	Effective FY16	FY Succeeding Effective FY17	Full Fiscal Impact FY17
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$1,011,399	\$2,016,127	\$2,016,127
Net	\$(1,011,399)	\$(2,016,127)	\$(2,016,127)

IMPACT ON REVENUES: It is estimated that this bill will have no impact on revenues.

IMPACT ON EXPENDITURES: It is estimated that this bill would impact expenditures in the amount of \$2,016,127 per year beginning in Fiscal 2017. Because the salary changes would be in effect for only half of Fiscal 2016, the impact on expenditures in that year is lower.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division
New York City Office of Management and Budget

ESTIMATE PREPARED BY: James Subudhi, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Raymond Majewski, Deputy Director/Chief Economist
Tanisha Edwards, Chief Counsel
Rebecca Chasan, Assistant Counsel

HISTORY: This Preconsidered Intro. was heard jointly by the Committee on Governmental Operations and the Committee on Rules, Privileges and Elections on February 3, 2016. It will be considered by the Committee on Governmental Operations on February 5, 2016. Upon successful vote by the Committee, this legislation will be introduced to, and voted on by, the full Council on February 5, 2016.

DATE PREPARED: February 4, 2016

(For text of Preconsidered Int Nos. 1069, 1077, and 1078 and their Fiscal Impact Statements, please see, respectively, the Reports of the Committee on Governmental Operations for Int Nos. 1069, 1077, and 1078 printed in these Minutes)

Accordingly, this Committee recommends the adoption of Preconsidered Int Nos. 1055, 1069, 1077, and 1078.

(For text of the Preconsidered Int No. 1055, please see the Introduction and Reading of Bills section printed in these Minutes)

BEN KALLOS, *Chairperson*; DAVID G. GREENFIELD, MARK LEVINE, RITCHIE J. TORRES; Committee on Governmental Operations, February 5, 2016. *Other Council Members Attending: Garodnick.*

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

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

Report for Int No. 1069

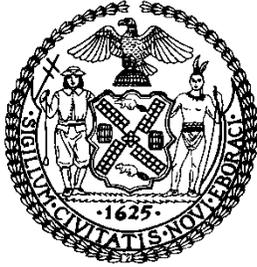
Report of the Committee on Governmental Operations in favor of approving and adopting a Local Law to amend the New York city charter, in relation to making the members of the city council full-time officials.

The Committee on Governmental Operations, to which the annexed preconsidered proposed local law was referred on February 5, 2016, respectfully

REPORTS:

(For text of the report, please see the Report of the Committee on Governmental Operations for Int No. 1055 printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int No. 1069:



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PRECONSIDERED INT. NO. 1069
COMMITTEE: Governmental Operations

TITLE: A Local Law to amend the New York city charter, in relation to making the members of the city council full-time officials.

SPONSORS: By Council Members Kallos, Garodnick, Reynoso, Richards, Cohen, and Chin

SUMMARY OF LEGISLATION: This bill would require the City Council to include in its rules a provision prohibiting Council Members from earning outside income, thus making Council Members full-time officials.

The bill would exempt Council Members serving in the current 2014-2017 session of the Council who have engaged in another occupation, profession or employment prior to January 1, 2016, who intends to continue to do so, if they submit a letter to the Speaker by March 1, 2016 describing such engagement and intention.

EFFECTIVE DATE: This local law would take effect immediately. The section of the bill exempting certain current Council Members expires and would be deemed repealed on January 1, 2018.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2017

FISCAL IMPACT STATEMENT:

	Effective FY16	FY Succeeding Effective FY17	Full Fiscal Impact FY17
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is estimated that this bill would not impact revenues.

IMPACT ON EXPENDITURES: It is estimated that this bill would have no impact on expenditures because it does not change the City-funded compensation of Council Members or otherwise effect the City's budget.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: James Subudhi, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Raymond Majewski, Deputy Director/Chief Economist
 Tanisha Edwards, Chief Counsel
 Rebecca Chasan, Assistant Counsel

HISTORY: This Preconsidered Intro. was heard jointly by the Committee on Governmental Operations and the Committee on Rules, Privileges and Elections on February 3, 2016. It will be considered by the Committee on Governmental Operations on February 5, 2016. Upon successful vote by the Committee, this legislation will be introduced to, and voted on by, the full Council on February 5, 2016.

DATE PREPARED: February 4, 2016

Accordingly, this Committee recommends its adoption.

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

BEN KALLOS, *Chairperson*; DAVID G. GREENFIELD, MARK LEVINE, RITCHIE J. TORRES, JOSEPH C, BORELLI; Committee on Governmental Operations, February 5, 2016. *Other Council Members Attending: Garodnick.*

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

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

Report for Int No. 1077

Report of the Committee on Governmental Operations in favor of approving and adopting a Local Law in relation to increasing access to disclosure forms of elected officials

The Committee on Governmental Operations,, to which the annexed preconsidered proposed local law was referred on February 5, 2016, respectfully

REPORTS:

(For text of the report, please see the Report of the Committee on Governmental Operations for Int No. 1055 printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int No. 1077:



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PRECONSIDERED INT. NO. 1077
COMMITTEE: Governmental Operations

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to increasing access to disclosure forms of elected officials. **SPONSORS:** By Council Members Vacca and Kallos

SUMMARY OF LEGISLATION: This bill would require the Conflicts of Interest Board (“COIB”) to make available on its website the financial disclosure forms of the Mayor, the Public Advocate, Council Members, the Borough Presidents, the Comptroller, and the District Attorneys.

EFFECTIVE DATE: This local law would take effect immediately; provided, however, that it would not apply to reports of annual disclosure filed in 2016 for calendar year 2015.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2017

FISCAL IMPACT STATEMENT:

	Effective FY16	FY Succeeding Effective FY17	Full Fiscal Impact FY17
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is anticipated that this bill would have no impact on revenues.

IMPACT ON EXPENDITURES: It is anticipated that this bill would have no impact on expenditures because it can be implemented using existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: James Subudhi, Principal Legislative Financial Analyst

ESTIMATE REVIEWED BY: Raymond Majewski, Deputy Director/Chief Economist
Tanisha Edwards, Chief Counsel
Rebecca Chasan, Assistant Counsel

HISTORY: This Preconsidered Intro. was heard jointly by the Committee on Governmental Operations and the Committee on Rules, Privileges and Elections on February 3, 2016. It will be considered by the Committee on Governmental Operations on February 5, 2016. Upon successful vote by the Committee, this legislation will be introduced to, and voted on by, the full Council on February 5, 2016.

DATE PREPARED: February 4, 2016

Accordingly, this Committee recommends its adoption.

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

BEN KALLOS, *Chairperson*; DAVID G. GREENFIELD, MARK LEVINE, RITCHIE J. TORRES, JOSEPH C, BORELLI; Committee on Governmental Operations, February 5, 2016. *Other Council Members Attending: Garodnick.*

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

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

Report for Int No. 1078

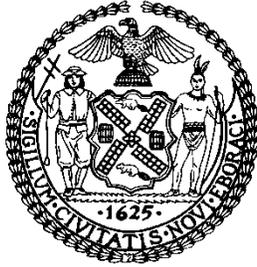
Report of the Committee on Governmental Operations in favor of approving and adopting a Local Law to amend the administrative code of the city of New York, in relation to modifying the timing and deliberation time for the quadrennial advisory commission for the review of compensation levels of elected officials.

The Committee on Governmental Operations,, to which the annexed preconsidered proposed local law was referred on February 5, 2016, respectfully

REPORTS:

(For text of the report, please see the Report of the Committee on Governmental Operations for Int No. 1055 printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int No. 1078:



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PRECONSIDERED INT. NO. 1078
COMMITTEE: Governmental Operations

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to modifying the timing and deliberation time for the quadrennial advisory commission for the review of compensation levels of elected officials.

SPONSORS: By Council Member Van Bramer

SUMMARY OF LEGISLATION: This bill would amend the year in which the Quadrennial Advisory Commission (“Commission”), the body charged with reviewing the salaries of elected officials. The bill requires the Commission to submit a report to the mayor not later than one hundred twenty days following its appointment containing its recommendations for changes in compensation levels for any elected position set forth in subdivision b or its recommendation that no changes are warranted.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

	Effective FY16	FY Succeeding Effective FY17	Full Fiscal Impact FY20
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is estimated that this bill would have no impact on revenues.

IMPACT ON EXPENDITURES: It is estimated that this bill would have no impact on expenditures because it changes the year in which an already required function is carried out. In addition, extending the time in which the Commission must submit the report that it is already required by law to provide would not impact expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
 New York City Office of Management and Budget

ESTIMATE PREPARED BY: James Subudhi, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Raymond Majewski, Deputy Director/Chief Economist
Tanisha Edwards, Chief Counsel
Rebecca Chasan, Assistant Counsel

HISTORY: This Preconsidered Intro. was heard jointly by the Committee on Governmental Operations and the Committee on Rules, Privileges and Elections on February 3, 2016. It will be considered by the Committee on Governmental Operations on February 5, 2016. Upon successful vote by the Committee, this legislation will be introduced to, and voted on by, the full Council on February 5, 2016.

DATE PREPARED: February 4, 2016

Accordingly, this Committee recommends its adoption.

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

BEN KALLOS, *Chairperson*; DAVID G. GREENFIELD, MARK LEVINE, RITCHIE J. TORRES, JOSEPH C, BORELLI; Committee on Governmental Operations, February 5, 2016. *Other Council Members Attending: Garodnick.*

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

Report of the Committee on Land Use

Report for LU No. 320

Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application No. 20165210 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Becaf, LLC, d/b/a Poco NYC for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 33 Avenue B, Borough of Manhattan, Community Board 3, Council District 2. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226 of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item was referred on January 6, 2016 (Minutes, page 33) and which same item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT**MANHATTAN - CB 3****20165210 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Becaf, LLC, d/b/a Poco NYC, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 33 Avenue B.

By a letter dated January 25, 2016, and submitted to the City Council on January 26, 2016, the applicant withdrew the application submitted to the Department of Consumer Affairs for recommendation for approval for the revocable consent.

SUBCOMMITTEE RECOMMENDATION**DATE:** January 26, 2016

The Subcommittee recommends that the Land Use Committee approve the motion to file pursuant to withdrawal of the application by the Applicant.

In Favor: Richards, Gentile, Garodnick, Williams, Reynoso,**Against:** None **Abstain:** None**COMMITTEE ACTION****DATE:** January 28, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor: Greenfield, Gentile, Palma, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Koo, Levin, Williams, Richards, Cohen, Kallos, Torre, Treyger

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

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

Res No. 986

Resolution approving a motion to file pursuant to withdrawal of the petition for a revocable consent for an unenclosed sidewalk café located at 33 Avenue B, Borough of Manhattan (20165210 TCM; L.U. No. 320).

By Council Members Greenfield and Richards.

WHEREAS, the Department of Consumer Affairs filed with the Council on December 22, 2015 its approval dated December 14, 2015 of the petition of Becaf, LLC, d/b/a Poco NYC, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 33 Avenue B, Community District 3,

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

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

WHEREAS, by letter dated January 25, 2016, and submitted to the City Council on January 26, 2016, the Applicant withdrew the Application submitted to the Department of Consumer Affairs for recommendation for approval for the revocable consent.

RESOLVED:

The Council approves the motion to file pursuant to withdrawal in accord with Rules 6.40a, 7.90 and 11.80 of the Rules of the Council.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, STEPHEN T. LEVIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, January 28, 2016.

Coupled to be Filed pursuant to a Letter of Withdrawal.

Report for LU No. 327

Report of the Committee on Land Use in favor of approving Application No. C 150384 ZSM submitted by 321 New Canal, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations to allow residential and retail uses in an existing building on property located at 321 Canal Street (Block 230, Lot 5) Borough of Manhattan, Community Board 2, Council District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on January 19, 2016 (Minutes, page 202) and which same item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN - CB 2

C 150384 ZSM

City Planning Commission decision approving an application submitted by 321 New Canal, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of:

1. Section 42-14(D)(2)(b) - to allow retail uses (Use Group 6 uses) on portions of the ground floor and the cellar;
2. Section 42-10 to allow residential uses (Use Group 2 uses) on portions of the ground floor, and on the 2nd - 4th floor;

of an existing four-story building on property located at 321 Canal Street (Block 230, Lot 5), in an M1-5B Zoning District, within the SoHo Cast-Iron Historic District.

INTENT

To modify the use regulations of Section 42-10 to allow residential use on portions of the ground floor and the entire second through fourth floors; and Section 42-14(D)(2)(b) to allow retail uses below the level of the second story of an existing four-story building located at 321 Canal Street (Block 230, Lot 5), which is located in an M1-5B Zoning District within the SoHo Cast-Iron Historic.

PUBLIC HEARING

DATE: January 26, 2016

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: January 26, 2016

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

In Favor: Richards, Gentile, Garodnick, Reynoso.

Against: None **Abstain:** Williams

COMMITTEE ACTION

DATE: January 28, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor: Greenfield Gentile Palma Dickens Garodnick Mealy Mendez Rodriguez Koo Levin Richards Cohen Kallos Torres Treyger

Against: None **Abstain:** Williams

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

Res No. 987

Resolution approving the decision of the City Planning Commission on ULURP No. C 150384 ZSM (L.U. No. 327), for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution of the City of New York to modify the use regulations of Section 42-14(D)(2)(b) - to allow retail uses (Use Group 6) on portions of the ground floor and the cellar and Section 42-10 to allow residential

uses (Use Group 2) on portions of the ground floor, and on the 2nd - 4th floor of an existing four-story building on property located at 321 Canal Street (Block 230, Lot 5), in an M1-5B Zoning District, within the SoHo Cast-Iron Historic District, in Community District 2, Borough of Manhattan.

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on January 8, 2016 its decision dated January 6, 2016 (the "Decision"), on the application submitted by 321 New Canal LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution of the City of New York to modify the use regulations of:

1. Section 42-14(D)(2)(b) - to allow retail uses (Use Group 6) on portions of the ground floor and the cellar; and
2. Section 42-10 to allow residential uses (Use Group 2) on portions of the ground floor, and on the second through fourth floors;

of an existing four-story building on property located at 321 Canal Street (Block 230, Lot 5), in an M1-5B Zoning District, within the SoHo Cast-Iron Historic District, (ULURP No. C 150384 ZSM), Community District 2, Borough of Manhattan (the "Application");

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-711 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on January 26, 2016;

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

WHEREAS, the Council has considered the relevant environmental issues and the negative declaration (CEQR No. 16DCP026M) issued on September 8, 2015, which included E designation (E-364) for air quality and noise to avoid the potential for significant adverse impacts (the "Negative Declaration");

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment once the procedures set forth in the Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 150384 ZSM, incorporated by reference herein, the Council approves the Decision subject to the following conditions:

1. The property that is the subject of this application (C 150384 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by Page Ayres Cowley Architects, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
G-100.0	Site Plan	07/24/2015
Z-100.0	Zoning Analysis	07/24/2015
A-100.0	Proposed Cellar Floor Plan	07/24/2015
A-101.0	Proposed First Floor Plan	07/24/2015
A-102.0	Proposed Second Floor Plan	07/24/2015
A-103.0	Proposed Third Floor Plan	07/24/2015
A-104.0	Proposed Fourth Floor Plan	07/24/2015
A-300.0	Proposed Section North-South	08/28/2015
A-301.0	Proposed Section East-West	07/24/2015

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and the restrictive declaration described below and any subsequent modifications to either document shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
6. Development pursuant to this resolution shall be allowed only after the restrictive declaration dated December 22, 2015, executed by 321 New Canal LLC, the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, New York County.
7. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution and the attached restrictive declaration whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure or breach of any of the conditions as stated above, may constitute grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted or of the attached restrictive declaration.

8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, January 28, 2016.

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

Report for LU No. 328

Report of the Committee on Land Use in favor of approving Application No. C 150385 ZSM submitted by 323 Equities, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations to allow residential and retail uses in an existing building on property located at 323 Canal Street (Block 230, Lot 6) Borough of Manhattan, Community Board 2, Council District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on January 19, 2016 (Minutes, page 203) and which same item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN - CB 2

C 150385 ZSM

City Planning Commission decision approving an application submitted by 323 Equities, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of:

1. Section 42-14(D)(2)(b) to allow retail uses (Use Group 6) on portions of the ground floor and the cellar; and
2. to modify the use requirements of Section 42-10 to allow residential uses (Use Group 2) on portions of the ground floor, and on the 2nd - 4th floors;

of an existing four-story building on property located at 323 Canal Street (Block 230, Lot 6), in an M1-5B Zoning District, within the SoHo Cast-Iron Historic District.

INTENT

To modify the use regulations of Section 42-10 to allow residential use on portions of the ground floor and the entire second through fourth floors; and Section 42-14(D)(2)(b) to allow retail uses below the level of the second story of an existing four-story building located at 323 Canal Street (Block 230, Lot 6), which is located in an M1-5B Zoning District within the SoHo Cast-Iron Historic.

PUBLIC HEARING**DATE:** January 26, 2016**Witnesses in Favor:** Three**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** January 26, 2016

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

In Favor: Richards, Gentile, Garodnick, Reynoso**Against:** None**Abstain:** Williams**COMMITTEE ACTION****DATE:** January 28, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor: Greenfield, Gentile, Palma, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Koo, Levin, Richards, Cohen, Kallos, Torres, and Treyger.

Against: None**Abstain:** Williams

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

Res No. 988

Resolution approving the decision of the City Planning Commission on ULURP No. C 150385 ZSM (L.U. No. 328), for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution of the City of New York to modify the use regulations of Section 42-14(D)(2)(b) to allow retail uses (Use Group 6) on portions of the ground floor and the cellar; and Section 42-10 to allow residential uses (Use Group 2) on portions of the ground floor, and on the 2nd - 4th floors of an existing 4-story building on property located at 323 Canal Street (Block 230, Lot 6), in an M1-5B Zoning District, within the SoHo Cast-Iron Historic District, in Community District 2, Borough of Manhattan.

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on January 8, 2016 its decision dated January 6, 2016 (the "Decision"), on the application submitted by 323 Equities LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution of the City of New York to modify the use regulations of:

1. Section 42-14(D)(2)(b) to allow retail uses (Use Group 6) on portions of the ground floor and the

cellar; and

2. Section 42-10 to allow residential uses (Use Group 2) on portions of the ground floor, and on the second through fourth floors;

of an existing four-story building on property located at 323 Canal Street (Block 230, Lot 6), in an M1-5B Zoning District, within the SoHo Cast-Iron Historic District, (ULURP No. C 150385 ZSM), Community District 2, Borough of Manhattan (the "Application");

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-711 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on January 26, 2016;

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

WHEREAS, the Council has considered the relevant environmental issues and the negative declaration (CEQR No. 16DCP027M) issued on September 8, 2015, which included (E) designation (E-365) for air quality and noise to avoid the potential for significant adverse impacts (the "Negative Declaration");

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment once the procedures set forth in the Negative Declaration

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 150385 ZSM, incorporated by reference herein, the Council approves the Decision subject to the following conditions:

1. The property that is the subject of this application (C 150385 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by Page Ayres Cowley Architects, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
G-100.0	Site Plan	07/24/2015
Z-100.0	Zoning Analysis	08/28/2015
A-100.0	Proposed Cellar Floor Plan	07/24/2015
A-101.0	Proposed First Floor Plan	07/24/2015
A-102.0	Proposed Second Floor Plan	07/24/2015
A-103.0	Proposed Third Floor Plan	07/24/2015

A-104.0	Proposed Fourth Floor Plan	07/24/2015
A-300.0	Proposed Section North-South	08/28/2015
A-301.0	Proposed Section East-West	07/24/2015

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and the restrictive declaration described below and any subsequent modifications to either document shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
6. Development pursuant to this resolution shall be allowed only after the restrictive declaration dated December 22, 2015, executed by 323 Equities LLC, the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, New York County.
7. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution and the attached restrictive declaration whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure or breach of any of the conditions as stated above, may constitute grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted or of the attached restrictive declaration.
8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, January 28, 2016.

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

Report for LU No. 329

Report of the Committee on Land Use in favor of approving Application No. N 150416 ZRM submitted by 150 Wooster LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Section 74-712, concerning the special permit for developments in an historic district within M1-5A and M1-5B districts, Borough of Manhattan, Community Board 2, Council District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on January 19, 2016 (Minutes, page 203) and which same item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN - CB 2

N 150416 ZRM

City Planning Commission decision approving an application submitted by 150 Wooster LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Section 74-712, concerning a special permit for developments in historic districts within M1-5A and M1-5B districts.

INTENT

This zoning text amendment, in conjunction with the related special permit actions, would facilitate the development of a new eight-story mixed residential and commercial building at 150 Wooster Street.

PUBLIC HEARING

DATE: January 26, 2016

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: January 26, 2016

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

In Favor: Richards, Gentile, Garodnick, Williams, Reynoso.

Against: None **Abstain:** None.

COMMITTEE ACTION

DATE: January 28, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor: Greenfield, Gentile, Palma, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Koo, Levin, Williams, Richards, Cohen, Kallos, Torres, Treyger

Against: None **Abstain:** None.

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

Res No. 989

Resolution approving the decision of the City Planning Commission on Application No. N 150416 ZRM, for an amendment of the Zoning Resolution of the City of New York, to modify Section 74-712 concerning a special permit for developments in historic districts within M1-5A and M1-5B districts in Community District 2, Borough of Manhattan (L.U. No. 329).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on January 8, 2016 its decision dated January 6, 2016 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by 150 Wooster LLC, for an amendment of the text of the Zoning Resolution of the City of New York, to modify Section 74-712 concerning a special permit for developments in historic districts within M1-5A and M1-5B districts, which in conjunction with the other related actions, would facilitate development of a new, eight-story mixed residential and commercial building at 150 Wooster Street (Application No. N 150416 ZRM), Community District 2, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to applications C 150417 ZSM (L.U. No. 330), a special permit pursuant to Section 74-712(a) to modify use regulations to allow Use Group 6 uses below the floor level of the second story and Use Group 2 uses within the development; and C 150418 ZSM (L.U. No. 331), a special permit pursuant to Section 74-712(b) to modify the height and setback requirements of Section 43-43 and the permitted obstructions requirements of Section 43-23;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on January 26, 2016;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration (CEQR No. 15DCP163M) issued on October 5, 2015, (the "Negative Declaration");

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 150340 ZRR, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text remains in the Zoning Resolution

Article VII**Chapter 4****Special Permits by the City Planning Commission**

* * *

74-712**Developments in Historic Districts**

Within Historic Districts designated by the Landmarks Preservation Commission, the City Planning Commission may grant a special permit, in accordance with the following provisions:

- (a) In M1-5A and M1-5B Districts, on a #zoning lot# that, as of December 15, 2003, is vacant, is #land with minor improvements#, ~~has not more than 20 percent of the lot area occupied by existing #buildings#, or has #street# frontages on two or more #wide streets# and~~ or has not more than 40 percent of the #lot area# occupied by existing #buildings#, the Commission may modify #use# regulations to permit #residential development# and, below the floor level of the second #story# of any #development#, #uses# permitted under Section 32-15 (Use Group 6), provided:

* * *

- (b) In all districts, the Commission may modify #bulk# regulations, except #floor area ratio# regulations, for any #development# on a #zoning lot# that is vacant or is #land with minor improvements#, and in M1-5A and M1-5B Districts, the Commission may make such modifications for #zoning lots# where not more than ~~20~~ 40 percent of the #lot area# is occupied by existing #buildings# as of December 15, 2003, provided the Commission finds that such #bulk# modifications: ~~comply with the findings set forth below.~~

~~In addition, in M1-5A and M1-5B Districts, the Commission may also modify #bulk# regulations, except #floor area ratio regulations#, for~~

~~development on a #zoning lot# that has street frontages on two or more #wide streets# and that, as of December 15, 2003, has more than 20 percent but not more than 40 percent of the #lot area# occupied by existing #buildings#, provided the #development# contains no #residences# and the Commission finds that such #bulk# modifications:~~

* * *

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, STEPHEN T. LEVIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, January 28, 2016

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

Report for LU No. 330

Report of the Committee on Land Use in favor of approving Application No. C 150417 ZSM submitted by 150 Wooster LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-712(a) of the Zoning Resolution to modify the use regulations to allow residential and retail uses in a proposed 8-story building on property located at 150 Wooster Street (Block 514, Lots 7 and 9) Borough of Manhattan, Community Board 2, Council District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on January 19, 2016 (Minutes, page 203) and which same item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN - CB 2

C 150417 ZSM

City Planning Commission decision approving an application submitted by 150 Wooster LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-712(a) of the Zoning Resolution to modify the use regulations of Sections 42-00 and 42-12(D)(2)(a) to allow Use Group 2 uses on portions of the cellar, ground floor, and the 2nd – 8th floors and penthouse, and Use Group 6 uses (retail uses) on portions of the cellar and ground floor of a proposed 8-story and penthouse mixed-use building on a zoning lot that, as of December 15, 2003, has not more than 40% of its lot area occupied by existing buildings, located at 150 Wooster Street (Block 514, Lots 7 and 9), in an M1-5A District, within the SoHo Cast-Iron Historic District.

INTENT

This special permit action, in conjunction with the other related actions, would facilitate the development of a new eight-story mixed residential and commercial building at 150 Wooster Street.

PUBLIC HEARING**DATE:** January 26, 2016**Witnesses in Favor:** Four**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** January 26, 2016

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

In Favor: Richards, Gentile, Garodnick, Williams, Reynoso.**COMMITTEE ACTION****DATE:** January 28, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor: Greenfield, Gentile, Palma, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Koo, Levin, Williams, Richards, Cohen, Kallos, Torres, Treyger

Against: None **Abstain:** None.

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

Res No. 990

Resolution approving the decision of the City Planning Commission on ULURP No. C 150417 ZSM (L.U. No. 330), for the grant of a special permit pursuant to Section 74-712(a) of the Zoning Resolution of the City of New York to modify the use regulations of Sections 42-00 and 42-12(D)(2)(a) to allow Use Group 2 uses on portions of the cellar, ground floor, and the 2nd – 8th floors and penthouse, and Use Group 6 uses (retail uses) on portions of the cellar and ground floor of a proposed 8-story and penthouse mixed-use building on a zoning lot that, as of December 15, 2003, has not more than 40% of its lot area occupied by existing buildings, located at 150 Wooster Street (Block 514, Lots 7 and 9), in an M1-5A District, within the SoHo Cast-Iron Historic District, in Community District 2, Borough of Manhattan.

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on January 8, 2016 its decision dated January 6, 2016 (the "Decision"), on the application submitted by 150 Wooster LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-712(a) of the Zoning Resolution of the City of New York to modify the use regulations of Sections 42-00 and 42-

12(D)(2)(a) to allow Use Group 2 uses on portions of the cellar, ground floor, and the 2nd – 8th floors and penthouse, and Use Group 6 uses (retail uses) on portions of the cellar and ground floor of a proposed 8-story and penthouse mixed-use building on a zoning lot that, as of December 15, 2003, has not more than 40% of its lot area occupied by existing buildings, located at 150 Wooster Street (Block 514, Lots 7 and 9), in an M1-5A District, within the SoHo Cast-Iron Historic District (ULURP No. C 150417 ZSM), Community District 2, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to applications N 150416 ZRM (L.U. No. 329), a zoning text amendment to modify lot coverage requirements in Section 74-712 for developments in M1-5A and M1-5B districts within historic districts; and C 150418 ZSM (L.U. No. 331), a special permit pursuant to Section 74-712(b) to modify the height and setback requirements of Section 43-43 and the permitted obstructions requirements of Section 43-23;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-712(a)(b) of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on January 26, 2016;

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

WHEREAS, the Council has considered the relevant environmental issues and the revised negative declaration (CEQR No. 15DCP163M) issued on October 5, 2015 (the "Negative Declaration");

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 150417 ZSM, incorporated by reference herein, the Council approves the Decision subject to the following conditions:

1. The property that is the subject of this application (C 150417 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by HTO Architect, PLLC, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-002.00	Zoning Analysis	09/09/15
Z-003.00	Zoning Lot Site Plan	09/09/15
Z-004.00	Cellar-Floor Plan	09/09/15
Z-005.00	Ground-Floor Plan	09/09/15
Z-006.00	Second-Floor Plan	09/09/15
Z-007.00	Third-Floor Plan	09/09/15
Z-008.00	4 th – 6 th Typical Floor Plan	09/09/15
Z-009.00	Seventh-Floor Plan	09/09/15
Z-010.00	Eighth-Floor Plan	09/09/15

Z-011.00	Roof-Floor Plan	09/09/15
Z-012.00	Site Plan–Waiver Diagram	09/09/15
Z-013.00	Waiver Diagrams	09/09/15
Z-014.00	Lightwell Sections	09/09/15

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operating and maintenance.
4. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and the restrictive declaration described below and any subsequent modifications to either document shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreement terms or conditions of this resolution the provisions of which shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure or breach of any of the conditions referred to above, may constitute grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted.
7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee or agent's action or failure to act in accordance with the provisions of this special permit.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, STEPHEN T. LEVIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, January 28, 2016

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

Report for LU No. 331

Report of the Committee on Land Use in favor of approving Application No. C 150418 ZSM submitted by 150 Wooster LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-712(b) of the Zoning Resolution to modify height, setback, and permitted obstructions regulations for a proposed 8-story building on property located at 150 Wooster Street (Block 514, Lots 7 and 9) Borough of Manhattan, Community Board 2, Council District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on January 19, 2016 (Minutes, page 203) and which same item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****MANHATTAN - CB 2****C 150418 ZSM**

City Planning Commission decision approving an application submitted by 150 Wooster LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-712(b) of the Zoning Resolution to modify the height and setback requirements of Section 43-43 and the permitted obstruction requirements of Section 43-23, to facilitate the development of an 8-story and penthouse mixed-use building on a zoning lot where not more than 40% of the lot area is occupied by existing buildings as of December 15, 2003, located at 150 Wooster Street (Block 514, Lots 7 and 9), in an M1-5A District, within the SoHo Cast-Iron Historic District.

INTENT

This special permit action, in conjunction with the other related actions, would facilitate the development of a new eight-story mixed residential and commercial building at 150 Wooster Street.

PUBLIC HEARING**DATE:** January 26, 2016**Witnesses in Favor:** Four**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** January 26, 2016

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

In Favor: Richards, Gentile, Garodnick, Williams, Reynoso.**COMMITTEE ACTION****DATE:** January 28, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor: Greenfield, Gentile, Palma, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Koo, Levin, Williams, Richards, Cohen, Kallos, Torres, Treyger

Against: None **Abstain:** None.

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

Res No. 991

Resolution approving the decision of the City Planning Commission on ULURP No. C 150418 ZSM (L.U. No. 331), for the grant of a special permit pursuant to Section 74-712(b) of the Zoning Resolution of the City of New York to modify the height and setback requirements of Section 43-43 and the permitted obstruction requirements of Section 43-23, to facilitate the development of an 8-story and penthouse mixed-use building on a zoning lot where not more than 40% of the lot area is occupied by existing buildings as of December 15, 2003, located at 150 Wooster Street (Block 514, Lots 7 and 9), in an M1-5A District, within the SoHo Cast-Iron Historic District, in Community District 2, Borough of Manhattan.

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on January 8, 2016 its decision dated January 6, 2016 (the "Decision"), on the application submitted by 150 Wooster LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-712(b) of the Zoning Resolution of the City of New York to modify the height and setback requirements of Section 43-43 and the permitted obstruction requirements of Section 43-23, which in conjunction with the other related actions, would facilitate the development of an 8-story and penthouse mixed-use building on a zoning lot where not more than 40% of the lot area is occupied by existing buildings as of December 15, 2003, located at 150 Wooster Street (Block 514, Lots 7 and 9), in an M1-5A District, within the SoHo Cast-Iron Historic District, (ULURP No. C 150417 ZSM), Community District 2, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to applications N 150416 ZRM (L.U. No. 329), a zoning text amendment to modify lot coverage requirements in Section 74-712 for developments in M1-5A and M1-5B districts within historic districts; and C 150417 ZSM (L.U. No. 330), a special permit pursuant to Section 74-712(a) to modify use regulations to allow Use Group 6 uses below the floor level of the second story and Use Group 2 uses within the development;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-712(b) of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on January 26, 2016;

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

WHEREAS, the Council has considered the relevant environmental issues and the revised negative declaration (CEQR No. 15DCP163M) issued on October 5, 2015 (the “Negative Declaration”);

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 150418 ZSM, incorporated by reference herein, the Council approves the Decision subject to the following conditions:

1. The property that is the subject of this application (C 150418 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by HTO Architect, PLLC, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-002.00	Zoning Analysis	09/09/15
Z-003.00	Zoning Lot Site Plan	09/09/15
Z-004.00	Cellar-Floor Plan	09/09/15
Z-005.00	Ground-Floor Plan	09/09/15
Z-006.00	Second-Floor Plan	09/09/15
Z-007.00	Third-Floor Plan	09/09/15
Z-008.00	4 th – 6 th Typical Floor Plan	09/09/15
Z-009.00	Seventh-Floor Plan	09/09/15
Z-010.00	Eighth-Floor Plan	09/09/15
Z-011.00	Roof-Floor Plan	09/09/15
Z-012.00	Site Plan–Waiver Diagram	09/09/15
Z-013.00	Waiver Diagrams	09/09/15
Z-014.00	Lightwell Sections	09/09/15

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operating and maintenance.
4. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners’ association, or cooperative ownership, a copy of this resolution and the restrictive declaration described below and any subsequent modifications to either document shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners’ or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to

observe any of the covenants, restrictions, agreements, terms or conditions of this resolution the provisions of which shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure or breach of any of the conditions referred to above, may constitute grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted.

7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee or agent's action or failure to act in accordance with the provisions of this special permit.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, STEPHEN T. LEVIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, January 28, 2016

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

Report of the Committee on Parks and Recreation

Report for Int No. 856-A

Report of the Committee on Parks and Recreation in favor of approving and adopting, as amended, in relation to parks department recreation center fees for seniors, youths, veterans and persons with disabilities.

The Committee on Parks and Recreation, to which the annexed resolution was referred on July 23, 2016 (Minutes, page 2963), respectfully

REPORTS:

INTRODUCTION

On February 4, 2016, the Committee on Parks and Recreation, chaired by Council Member Mark Levine, will hold a hearing to consider Proposed Int. No. 856-A, A Local Law to amend the administrative code of the city of New York, in relation to parks department recreation center fees for seniors, youths, veterans and persons with disabilities. The Committee first considered an earlier version of this bill at a hearing held on October 2, 2015.

BACKGROUND

Since 1910, the Department of Parks and Recreation (DPR) has provided a network of recreational services throughout New York City.¹ DPR currently has jurisdiction over approximately 50 recreation facilities and community centers and offers services such as indoor pools, weight rooms, basketball courts, dance studios, boxing rings, art studios, game rooms, and libraries.² All of the recreation centers offer a wide range of programs, such as aerobics, tai chi, fencing, dancing, theater and sculpture. Each center is equipped with a professional staff that provides organized and free-play activities that are safe, fun, and educational.³

DPR offers children ages 6-13 the Parks Afterschool Program that operates Monday through Friday, between 3:00 PM and 6:00 PM at participating recreation centers.⁴ Under the guidance of trained professionals, children are offered opportunities to develop their athletic, artistic and academic skills and increase their ability to communicate with others.⁵ Children are provided with homework assistance, healthy snacks, supervised computer use and arts and cultural programming. The program is offered September through June.⁶ Programs are also offered to teens as well that include sports, arts, cultural enrichment and educational programs.⁷

Recreation Centers also offer Computer Resource Centers (CRCs) which provide free digital learning resources for members of all ages.⁸ PC and Mac computers, scanners, digital and video cameras, Microsoft Office and multimedia software are some of the tools available for members.⁹ Classes are also offered as well.¹⁰

Mayor's Management Report Data

While most of the DPR programs are free or available at a modest cost, and all are open to the general public, Recreation Centers require a fee for standard membership. In December 2010, then Mayor Michael Bloomberg proposed a plan to double the admission fee at approximately 32 Recreation Centers and also increase fees at tennis courts and ball fields in order to close a \$2.4 billion budget gap.¹¹ The plan consisted of adults paying \$150, up from \$75, and seniors paying \$25, up from \$10, while children aged 17 and under would continue to have free admission.¹²

Many park advocates and communities were concerned that they would not be able to afford a membership to Recreation Centers as a result of increasing membership fees. The plan was delayed as budget negotiations were in progress,¹³ however, the plan went into effect in July 2011. Standard membership includes scheduled access to gym, pool and other facilities for one year. Instructor-led courses, such as aerobics, martial arts, music or yoga may require additional session fees.

However, in 2012, Recreation Centers declined in memberships as a result of registration fee increases. In September 2012, it was reported that DPR lost approximately \$200,000 that year and more than 50,000 memberships were lost as a result of the fee hikes.¹⁴ DPR estimated that memberships would decline by five percent after the registration fees were raised, however memberships declined by 44.5 percent.¹⁵ According to the Fiscal Year 2012 Mayor's Management Report, total attendance at Recreation Centers diminished slightly

¹ See, Department of Parks and Recreation Website, <http://www.nycgovparks.org/facilities/recreationcenters>

² *Id.*

³ *Id.*

⁴ See, Department of Parks and Recreation Website, Afterschool Programs, <http://www.nycgovparks.org/programs/recreation/afterschool>

⁵ *Id.*

⁶ *Id.*

⁷ See, Department of Parks and Recreation Website, Teen Programs, <http://www.nycgovparks.org/programs/recreation/teens>

⁸ See, Department of Parks and Recreation Website, Computer Resource Centers, <http://www.nycgovparks.org/crc>

⁹ *Id.*

¹⁰ *Id.*

¹¹ Javier C. Hernandez, "To Trim Deficit, Mayor Seeks Increased Fees for Recreation," [The New York Times](#), December 7, 2010.

¹² *Id.*

¹³ Javier C. Hernandez, "City Will Not Raise Recreation Center Fees," [The New York Times](#), January 6, 2011.

¹⁴ David Seifman, "Boost in Parks Fees Spurs Wreck-reation," [New York Post](#), September 26, 2012.

¹⁵ *Id.*

from 3.163 million in Fiscal 2011 to 3.098 million in Fiscal 2012, a reduction of 65,000 visits.¹⁶ Recreation Center membership fell by 45.5 percent among adults and seniors and membership among youth/children was similar to Fiscal 2011.¹⁷ As a result, DPR created a new \$25 annual membership category for young adults in the 18 – 24 year old age group.

Currently, fees are as follows¹⁸:

	Seniors (62+)	Adults (25-61)	Young Adults (18-24)	Youth (under 18)
Recreation Centers	\$25	\$150	\$25	Free

In 2013, recreation center membership was 18 percent higher than the previous year as a result of a 28 percent increase in youth memberships, as well as an increase of eight percent in adult memberships.¹⁹ Although it was reported that overall member attendance was slightly lower than the previous year, youth attendance rose by more than one-third to approximately 737,000.²⁰

In 2014, recreation center membership increased 21 percent from 2013 while attendance increased 13 percent with nearly 3.4 million visitors.²¹ According to the Fiscal Year 2014 Mayor's Management Report, the re-opening of two renovated centers in June 2013, Gertrude Ederle in Manhattan and Owen Dolen in the Bronx contributed to the increased activity in addition to the July 2013 introduction of the new \$25 annual membership category for young adults in the 18 – 24 year old age group.²² Additionally, in November 2013, the Williamsbridge Oval Recreation Center re-opened in the Bronx.

This year, recreation center attendance remained at 3.4 million visitors and overall memberships totaled 159,431 patrons.²³

The following chart indicates facility attendance for FY 2011 through FY 2015²⁴:

FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
3,271,198	3,098,257	3,016,412	3,398,432	3,422,683

The following chart indicates total memberships at facilities for FY 2011 through FY 2015²⁵:

FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
158,215	111,747	131,824	159,789	159,431

Proposed Int. No. 856-A

Proposed Int. No. 856-A amends title 18 of the administrative code to add a new section 18-146 which would require a discounted annual membership fee at DPR recreation centers for seniors, youths, persons with disabilities and veterans of the armed forces.

Section one of Proposed Int. No. 856-A would require there be reduced membership fees for persons 62 years of age or older, persons between 18 and 24 years of age, veterans and persons with disabilities at DPR controlled recreation centers. Further, the bill would require that such reduced fees be no greater than 25 percent of whatever the highest membership fee is at a specific recreation center.

Section two of this bill would contain the enactment clause in which the proposed legislation would take effect 120 days after it is enacted into law.

¹⁶ Mayor's Management Report Fiscal 2012 p. 55.

¹⁷ *Id.*

¹⁸ *See*, Department of Parks and Recreation Website, <http://www.nycgovparks.org/programs/recreation-centers/membership>

¹⁹ Mayor's Management Report Fiscal 2013 p. 64.

²⁰ *Id.*

²¹ Mayor's Management Report Fiscal 2014 p. 99.

²² *Id.*

²³ Mayor's Management Report Fiscal 2015 p. 131.

²⁴ *Id.*

²⁵ *Id.*

(The following is the text of the Fiscal Impact Statement for Int. No. 856-A:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO.: 856-A
COMMITTEE: Parks and Recreation**

TITLE: To amend the administrative code of the city of New York, in relation to parks department recreation center fees for seniors, youths, veterans and persons with disabilities. **Sponsor:** By Council Members Levine, Ulrich, Chin, Eugene, Gibson, Mendez, Menchaca, Cohen, Rodriguez and Rosenthal

SUMMARY OF LEGISLATION: This legislation would provide that for people over the age of 62, youth between the ages of 18 and 24, veterans, and people with disabilities, the annual membership fees at New York City Parks Department recreation centers shall be limited to no more than 25 percent of the highest annual membership fee charged at any one recreation center in which such senior, youth, veteran, or disabled individual is a member.

EFFECTIVE DATE: This local law would take effect 120 days after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2017

FISCAL IMPACT STATEMENT:

	Effective FY16	FY Succeeding Effective FY17	Full Fiscal Impact FY17
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is estimated that there would be no impact on revenues resulting from the enactment of this legislation. The Department of Parks and Recreation already offers discounts for seniors and young adults, thus codifying a discount for young adults and seniors would have no impact on revenues. Also, based on the Department’s past experiences and observations of their membership base, any decrease in revenue from providing a discounted fee for veterans and persons with disabilities would be offset by an increase in memberships.

IMPACT ON EXPENDITURES: Because the Department would use existing resources to implement this local law, it is anticipated that there would be minimal to no impact on expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: NYC Council Finance Division
Mayor's Office of Legislative Affairs

ESTIMATE PREPARED BY: Steve Riester, Legislative Financial Analyst, New York City Council Finance Division

ESTIMATE REVIEWED BY: Chima Obichere, Unit Head, New York City Council Finance Division
Nathan Toth, Deputy Director, New York City Council Finance Division
Rebecca Chasan, Assistant Counsel, New York City Council Finance Division
Tanisha Edwards, Chief Counsel, New York City Council Finance Division

LEGISLATIVE HISTORY: This legislation was introduced as Intro. No. 856 by the Council on July 23, 2015 and referred to the Committee on Parks and Recreation. A hearing was held by the Committee on October 2, 2015 and the legislation was laid over. Intro. 856 was subsequently amended, and the amended version, Proposed Intro. No. 856-A, will be considered by the Committee on Parks and Recreation on February 3, 2016. Upon a successful vote by the Committee, Proposed Intro. 856-A will be submitted to the full Council for a vote on February 5, 2016.

DATE PREPARED: January 29, 2016

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int No. 856-A:)

Int. No. 856-A

By Council Members Levine, Ulrich, Chin, Eugene, Gibson, Mendez, Menchaca, Cohen, Rodriguez, Rosenthal, Cumbo, Kallos and Vallone.

A Local Law to amend the administrative code of the city of New York, in relation to parks department recreation center fees for seniors, youths, veterans and persons with disabilities

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-146 to read as follows:

§ 18-146 Discounted recreation center fees. Annual membership fees for each recreation center under the jurisdiction of the department shall be reduced for persons 62 years of age or older, persons between 18 and 24 years of age, veterans and persons with disabilities. Such reduced fees shall be no greater than 25 percent of the highest annual membership fee charged at such recreation center.

§ 2. This local law takes effect 120 days after it becomes law.

MARK LEVINE, *Chairperson*; DARLENE MEALY, JAMES G. VAN BRAMER, ANDREW COHEN, ALAN N. MAISEL, MARK TREYGER; Committee on Parks and Recreation, February 4, 2016. *Other Council Members Attending: Gibson.*

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

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

Report for Int No. 1054

Report of the Committee on Parks and Recreation in favor of approving and adopting, as amended, a Local Law in relation to the naming of 42 thoroughfares and public places, Tanaya R. Copeland Avenue, Borough of Brooklyn, Loretta Ruddock Smith Way, Borough of the Bronx, Demetris Kastanas Way, Borough of Queens, Rev. Clarence Norman Sr. Way, Borough of Brooklyn, Dr. Derrick E. Griffith Way, Borough of Brooklyn, Carey Gabay Way, Borough of Brooklyn, Diversity Plaza, Borough of Queens, Edward F. Guida Sr. Way, Borough of Queens, Patrice T.C. Capo Memorial Way, Borough of Brooklyn, Ragamuffin Way, Borough of Brooklyn, Hip Hop Boulevard, Borough of the Bronx, Rev. William E. Thompson Way, Borough of the Bronx, Robert “PH” Diaz Way, Borough of Brooklyn, Sgt. Bobby Mendez Way, Borough of Brooklyn, Rev. Dr. Jasper Simmons Place, Borough of Manhattan, Norman Rockwell Place, Borough of Manhattan, Captain James McDonnell Way, Borough of the Bronx, Ms. Aida Perez-Loiza Aldea Lane, Borough of Manhattan, SGT. Donald B. Geisler Way, Borough of Staten Island, Joseph DeNicola Lane, Borough of Staten Island, FDNY Capt. John R. Graziano Way, Borough of Staten Island, Anthony Manifold Way, WWII Hero, MIA, Borough of Staten Island, Connor and Breandon Moore Way, Borough of Staten Island, Police Officer Kenneth Anthony Nugent Way, Borough of Queens, John Watusi Branch Way, Borough of Queens, Kips Bay Blvd., Borough of the Bronx, Detective Randolph Holder Way, Borough of Queens, Freddy Beras-Goico Way, Borough of Manhattan, Sidney Offerman Way, Borough of Manhattan, School Security Agent Sandra P. Cranford Way, Borough of Staten Island, Roberta (Bobbie) Jacobowitz Way, Borough of Staten Island, Robert S. Farrell and Donald H. Farrell Way, Borough of Staten Island, Rev. Abner Bernard Duncan Way, Borough of the Bronx, Police Officer Kevin Joseph Gillespie Way, Borough of the Bronx, John C. Flynn Way, Borough of the Bronx, Charles Lucania Memorial Way, Borough of Queens, Vincent Cangelosi Memorial Way, Borough of Queens, Alfred J. Vigilante Way, Borough of Brooklyn, Qadri’s Way, Borough of Queens, Anthony Mason Way, Borough of Queens, 1783 Evacuation Day Plaza, Borough of Manhattan, Εθνικός Κήρυξ - National Herald Way, Borough of Queens and the repeal of sections 2 and 22 of local law number 76 for the year 2015 and the repeal of section 34 of local law number 15 for the year 2015.

The Committee on Parks and Recreation, to which the annexed proposed local law was referred on February 5, 2016, respectfully

REPORTS:

Comment:

On February 4, 2016, the Committee on Parks and Recreation will hold a hearing on Preconsidered Int. No. 1054 which co-names forty-two(42) thoroughfares and public places. The Council acts upon the authority granted in subdivision (b) of section 25-102.1 of the New York City Administrative Code which states:

- b. Unless the local law specifically provides otherwise, any local law changing the name of a street, park, playground or portion thereof, or any facility or structure, located and laid out on the city map, that bears a name indicated on the city map shall not be construed to require a change in such name as it is indicated on the city map; provided,

however, that in the case of a local law changing the name of a street or portion thereof, the name added by such local law shall be posted on a sign placed adjacent to or near a sign bearing the name of such street or portion thereof indicated on the city map.

The following street name changes are not to be construed as a change in the City Map, but as additional names to be posted near or adjacent to the street or location indicated on the City Map.

Section 1. Tanaya R. Copeland Avenue

Introduced by Council Member Barron

Tanaya R. Copeland was a teen who was fatally stabbed while she was on her way to visit friends. She was in her second year at College at Long Island University Brooklyn campus where she was studying to be a nurse. The Royal Knights, a music and arts program, will be hosting a fundraiser/showcase towards a scholarship for the students of the Royal Knights marching band. The Royal Knights has the support from many organizations that may include; Benedict College in South Carolina which has led to scholarship program that will be named in Tanaya Copeland's honor.

Section 2. Loretta Ruddock Smith Way

Introduced by Council Member Cabrera

Loretta V. Ruddock was born in Westmoreland, Jamaica, where she completed her formative years and attended primary school. She continued her education throughout her youth after moving to England and studied further after migrating to the United States of America. She was well known community advocate in Morris Heights in the Bronx and also throughout the City of New York. She volunteered and worked tirelessly, day in and day out for decades for the betterment of the community and those within. She worked on many issues and concerns from housing needs, education and services for youths, policing and public safety and gathered strong support from local elected officials. She received many awards, honors, tributes and accolades for her civic service. She was elected to the City of New York Bronx School Board District Nine and served as a member of the Board of Directors of the Mt. Hope Housing Company, Inc. as Board Secretary. She supported Bronx Community Board Five and the 46th Precinct Community Council. She was a member of Charity Baptist Church of CHRIST in the Bronx for 42 years. She served as Treasurer of the Board of Trustees of Charity and also held other leadership roles at the church including chair of the building fund and Community Liaison. For decades, she purchased flowers to donate for the beautification of the church on each Sunday and also used those flowers to distribute them to people she knew in hospitals and ill at home in need of a spiritual uplift.

Section 3. Demetris Kastanas Way

Introduced by Council Member Constantinides

Died January 14, 2013

Demetris Kastanas was "Mr. Greek TV". He was born in Fthiotida, in the village of Molos, Kastanas and studied law while working in the Ioniki-Laiki Bank. At age 25, he decided to leave Greece. He owned National Greek Television (NGTV), the first private Greek-owned TV channel in the United States for 37 years. His career in television began in 1975, when he inaugurated a Greek weekly show on an American station, creating new horizons for the Greek-American community. In 1987, the Greek Channel began airing on the Time-Warner Cable system in Queens and Brooklyn. He also founded Eseiis, a bi-weekly magazine to address the issues of the Hellenic-American community. His work provided Hellenic-Americans with a connection to their homeland through Hellenic news, folklore and music and also helped new Hellenic immigrants assimilate into life in the United States.

Section 4. Rev. Clarence Norman Sr. Way

Introduced by Council Member Cumbo

Rev. Clarence Norman Sr. led the First Baptist Church of Crown Heights for over 60 years. The First Baptist Church now has approximately 2,000 members. He worked as a teacher in two Bedford-Stuyvesant public schools, served as a chaplain of the state's Division of Parole and was the founder of the Local Development Corp. of Crown Heights in 1987, which has helped develop over 800 units of housing for seniors and low-income families. The Local Development Corp. has constructed 21 buildings in Crown Heights, including David Chavis Apartment, the Albany Residence and St. John's Apartment. He was awarded the Parish Ministry Fellowship by the Fund for Theological Education at Princeton, was the recipient of the First Annual Ecumenical Award from the National Conference of Christians and Jews and in 2002, Ebony Magazine honored him as a great Black father at an awards luncheon for distinguished fathers and sons who have followed in their path.

Section 5. Dr. Derrick E. Griffith Way

Introduced by Council Member Cumbo

July 14, 1971 – May 12, 2015

Dr. Derrick E. Griffith served as the Acting Dean of Student Affairs and Enrollment Management at Medgar Evers College and prior to this position, he served as the Assistant Provost for Student Success in the Office of Academic Affairs. He oversaw and managed the Smart Scholars Early College, a collaboration between Medgar Evers College and Medgar Evers College Preparatory High School which allows high school students to enroll in Medgar Evers College courses, giving them a head start in their college careers. He joined Medgar Evers College after serving as the Executive Director of Groundwork, Inc., a Brooklyn-based community organization working to increase college access among residents of public housing developments. Prior to that position he served as the founding Director and Principal of CUNY Prep Transitional High School administered by CUNY's Office of Academic Affairs where he oversaw the administration of CUNY Prep, a model school that continues to offer out-of-school youth between the ages of 16 and 18 an opportunity for full-time study in order to qualify for admission to college. In 2006, he began a collaboration with Hostos Community College to launch a College Now program for students awaiting their GED results. He was named to the inaugural committee for CUNY's New Community College where he worked closely with the chair of the student services committee to create a template for student and academic affairs that would be user friendly and promote student success. While on the committee, he worked with the chair of the majors committee to explore health science majors for the New Community College. At the University of North Carolina, he was active in student government and was the first African American Student Body President to serve two terms in that role. After his death, the Derrick E. Griffith Memorial Scholarship Fund was established at Medgar Evers College to serve as a lasting tribute to his accomplishments.

Section 6. Carey Gabay Way

Introduced by Council Member Cumbo

Carey Gabay grew up in the Boston Secor Houses, a Bronx public-housing project. He graduated from Harvard, where he studied government, and in his senior year was elected president of the undergraduate council, the main body of student government. He attended Harvard Law School and worked at several firms in New York, specializing in corporate finance law. In 2011, he became an assistant counsel for Governor Andrew M. Cuomo. He was appointed first deputy counsel for the Empire State Development Corporation, the state's main economic development agency. On the evening before the West Indian American Day Parade, he was killed by a stray bullet in a shootout in Crown Heights as an innocent bystander. Governor Cuomo created the Carey Gabay Fellowship that is awarded every two years to an attorney who will work on anti-violence initiatives. Also, the Carey Gabay Scholarship Program was also created by Governor Cuomo that will provide five full-ride scholarships to the State University of New York annually.

Section 7. Diversity Plaza

Introduced by Council Member Dromm

This co-name will honor Jackson Heights as one of the most diverse neighborhoods in the world and celebrates the neighborhood's unity. Friends of Diversity Plaza is a community partnership committed to making Jackson Heights Diversity Plaza a vibrant, cultural community space. Such cultural events held at Diversity Plaza include the Queens World Film Festival, Summer Movie Thursdays, Make Music New York in Diversity Plaza, Solidarity for Nepal, "Peace for All" Day Rally, Holiday Tree Lighting & Festival (Lights in the Heights), Uni Pop-up reading room with the Queens Library, Eid celebration – Muhammedi Center, the Flushing Town Hall LGBT Performance, Bengladeshi Mela, Indian Diwali, Mother Language Celebration, Family Day and the Queens LGBT Pride Multicultural Festival.

Section 8. Edward Guida

Introduced by Council Member Ferreras-Copeland

Eddie Guida was a City Marshal for 29 years who dedicated countless hours of his life to the betterment and to the advancement of those less fortunate. In 1909, his grandfather, Edward Guida Sr., opened the doors to the Edward F. Guida Funeral Home for the very first time. Four generations, and over a hundred years later, the Guida Funeral Home remains where it stood since the day it first graced the community's streets. Eddie Guida's name has consistently appeared at dinner tables, fundraisers, and galas throughout the state. He was involved with the Corona Lions, The Latino Lawyers Association, The Italian Heritage Foundation, The American Diabetes Association, The Golden Age and the local Precinct Council. He assisted with the creation of the Queens chapter at St. Jude's Children's Hospital in 1991 that earned him the title of "Man of the Year."

Section 9. Patrice T.C. Capo Memorial Way

Introduced by Council Member Gentile

March 20, 1957 – October 9, 2009

Patrice T.C. Capo was a cycling advocate who owned her own bicycle store. Every year she invited the local Boy Scout Chapter to learn about cycling and its benefits. She was a volunteer at Ground Zero after the 9/11 attacks feeding firemen and working on the bucket brigade. With the help of bicycle suppliers, she donated 500 bicycles that were raffled off in the community with the proceeds being donated to the families of fallen firefighters. In April 2009, she was one of 150 participants who raised \$13,764 for lung cancer research for the Thomas G. Labrecque Foundation in a walk/run in Central Park. She also donated time, money and bicycles to the Ragamuffin Parade, local churches, schools and fundraisers.

Section 10. Ragamuffin Way

Introduced by Council Member Gentile

The Ragamuffin Parade began in 1966 and has been an annual tradition in Bay Ridge since 1966. Local children wear Halloween costumes weeks before Halloween and march down Third Avenue on the day before the Third Avenue Festival, typically, the last weekend in September or the first weekend in October. The first parade was put together by Our Lady of Angels's Father McKenna and local resident Cliff Scanlon. Also, in the Ragamuffin Thanksgiving Day parade, Bay Ridge hosts one of the biggest parades in the United States where children beg door to door, dressed as ragamuffins.

Section 11. Hip Hop Boulevard

Introduced by Council Member Gibson

This co-naming will commemorate Hip Hop music formed during the 1970's during block parties which were popular in New York City, particularly in the Bronx. During the 1980's and on, Hip Hop became a part of the music scene in dozens of countries and has been widely popular ever since.

Section 12. Rev. William E. Thompson Way

Introduced by Council Member Gibson

Rev. William E. Thompson founded the first African American Church in Morrisania in 1956. The Church helped members of the community with health care needs, housing and other social issues. He worked

as a social worker for the City at the Spofford Detention Center. After retiring, he became a teacher at PS 53. His church had many ministries including the Martin Luther King Jr. Ministry to teenagers which educated the youth on how important it is to give back to the community. Through his leadership, other ministries were founded such as Missions, Social Outreach/New Life, Mary Bethune Circle, Harriet Tubman Circle, Phyllis Wheatley Circle and Single Parents. He started a black history pictorial museum then the Parish House, he founded the Project Survival Program which was designed to help mothers in need of day care at an affordable price and he also founded the Some Mothers Child Program which assisted young adults with substance problems.

Section 13. Robert “PH” Diaz Way

Introduced by Council Member Lander

September 17, 1975 - June 9, 2015

Robert Diaz was an influential artist in the indie-rap scene. He is best known for his 2005 album *Orange Moon Over Brooklyn*. He was a mentor to young artists and a role model for neighborhood youth. He was recognized both locally and internationally as the “Underground King” and demonstrated his commitment to the neighborhood by organizing the Platform Charity event, a party organized at venues around the city that involved charitable collections of food, clothing and shoes. After his death, the event was re-named the PH Platform Charity, in homage to Rob’s rap name, “Pumpkinhead.” He also hosted parties and shows in which a portion of the proceeds would go back to his community. After Superstorm Sandy, he hosted an event where all donations collected were given to families affected by the storm.

Section 14. Sgt. Bobby Mendez Way

Introduced by Council Member Levin

Died April 27, 2006

Army 1st Sgt. Bobby Mendez was assigned to the 2nd Special Troops Battalion, 2nd Brigade, 4th Infantry Division, Fort Hood, Texas was killed in the line of duty when an improvised explosive device detonated near his Humvee during combat operations in Baghdad.

Section 15. Rev. Dr. Jasper Simmons Place

Introduced by Council Member Levine

Died on February 24, 2015

Rev. Dr. Jasper Simmons was the longest serving Pastor in the tri-state area. He was ordained in May 1953 and began his ministry by founding File Chapel Baptist Church on East 124th Street. As it grew, the church moved to West 155th Street. He opened a Head Start Program and instituted Thanksgiving Day dinner, which has served the community for over 24 years, a weekly soup kitchen, started in 1995 and serves over 100 people every Thursday and gave many in the area employment. He was a member of the Baptist Ministers’ Conference of Greater New York and Vicinity for 55 years, president of the C.H.A.N.C.E organization for 7 years and Community and Senior Chaplain for the NYS Department of Corrections Prison Ministry. He ordained three Reverends, licensed six Ministers, three Evangelists, ordained 22 Deacons and shepherded 17 Ministers. On June 20, 2008, on his 55th Anniversary, Reverend Simmons received an Honorary Doctorate from the New York Divinity School by Paul de Vries, Ph.D President. He served for two years as Vice President of the Baptist Convention of New York City, was named Churchman of the Year in 1979, was a consultant to the Evangelistic Department of the Southern Baptist Convention, served as chairman of the Evangelistic Department of the Southern Baptist Church Convention, served as chairman of the Evangelistic Department of the Metropolitan New York Baptist Association, served as chairman of the Membership Committee for the Baptist Minister’s Conference and vice chairman of the Board of Directors of the Bethune Senior Citizens Center.

Section 16. Norman Rockwell Place

Introduced by Council Member Levine

February 3, 1894 – November 8, 1978.

Norman Rockwell was an American illustrator and painter who was born at 206 West 103rd Street. He painted his first commission of four Christmas cards before his sixteenth birthday and was hired as art director of Boys' Life, the official publication of the Boy Scouts of America, and began a successful freelance career illustrating a variety of young people's publications. He moved to New Rochelle, New York, and set up a studio with the cartoonist Clyde Forsythe and produced work for such magazines as Life, Literary Digest, and Country Gentleman. In 1916, he painted his first cover for The Saturday Evening Post, the magazine considered by Rockwell to be the "greatest show window in America." Over the next 47 years, another 321 Rockwell covers would appear on the cover of the Post. Rockwell's reflected small-town American life. In 1943, inspired by President Franklin Roosevelt's address to Congress, Rockwell painted the Four Freedoms paintings. They were reproduced in four consecutive issues of The Saturday Evening Post with essays by contemporary writers. His interpretations of Freedom of Speech, Freedom to Worship, Freedom from Want, and Freedom from Fear proved to be enormously popular. The works toured the United States in an exhibition that was jointly sponsored by the Post and the U.S. Treasury Department and, through the sale of war bonds, raised more than \$130 million for the war effort. During his 10-year association with Look magazine, he painted pictures illustrating some of his deepest concerns and interests, including civil rights, America's war on poverty, and the exploration of space. In 1973, Rockwell established a trust to preserve his artistic legacy by placing his works in the custodianship of the Old Corner House Stockbridge Historical Society, later to become Norman Rockwell Museum at Stockbridge. The trust now forms the core of the Museum's permanent collections. In 1977, Rockwell received the nation's highest civilian honor, the Presidential Medal.

Section 17. Captain James McDonnell Way

Introduced by The Speaker Council Member Mark-Viverito

July 27, 1939 – October 20, 1985

Captain James F. McDonnell was appointed to the FDNY on October 23, 1965. He died on October 20, 1985 from the injuries he received on October 11th. He was assigned to the 3rd Division and was detailed to Ladder 42 for the day tour. A fire raged at 634 Prospect Avenue on the fourth floor. While operating on the fourth floor, Captain McDonnell sensed the ceiling was about to collapse and pushed two of his men into the hallway but the burning ceiling came down on him, trapping him. Before he could be pulled out sixty-five percent of his body was burned and he succumbed to his injuries in the hospital. He was awarded the James Gordon Bennett Medal and the Doctor Harry M. Archer Medals for sacrificing his life while saving the lives of two of his men.

Section 18. Ms. Aida Perez-Loiza Aldea Lane

Introduced by The Speaker Council Member Mark-Viverito

January 23, 1935 – October 14, 2012

Aida Perez-Loiza Aldea was born in Puerto Rico and later moved to New York City and worked in factories. She worked for the City in the Child Support Division where she retired after 25 years of service. After she retired, she worked part-time at the Covello Senior Center until she passed away. She also was president of Los Hermanos Fraternos de Loiza and an organizer of the annual Fiesta Loisa Aldea for 35 years. She founded and was an active member of many cultural organizations in East Harlem throughout her life including La Fiesta Folkroica Puertorriqueño, the Caribbean Cultural Center African Diaspora Institute and El Museo del Barrio.

Section 19. SGT. Donald B. Geisler Way

Introduced by Council Member Matteo

October 13, 1930 - January 31, 1951

Donald B. Geisler was a Corporal and awarded Sergeant posthumously in the United States Army during the Korean War who was captured in November 1950, after his unit was overrun at the Pusan Reservoir in North Korea. He died in captivity at the Pyok Dang prisoner of war camp. Sgt. Geisler was assigned to 1st Cavalry Division, 8th Cavalry Regiment, 3rd Battalion M Company. For his service, he received the Combat Infantryman Badge, the Korean Service Medal, the National Defense Service Medal, the Prisoner of War

Medal, the Republic of Korea Presidential Unit Citation, the United Nations Service Medal and the Purple Heart.

Section 20. Joseph DeNicola Lane

Introduced by Council Member Matteo

March 18, 2007 – November 4, 2014

Joseph DeNicola exhibited severe allergies to several food items and was also diagnosed with severe asthma. He required a Health Para during school days and often used a Nebulizer during attacks. His allergies did not only cause reactions after he consumed certain foods, they were also triggered just by his inhalation of these ingredients. On Halloween night in 2014, he developed a severe allergic reaction to something and went into anaphylactic shock which led to cardiac arrest. He passed away four days later. Joseph's father decided to donate Joseph's organs which benefited four other people and also donated Joseph's tissue to improve the lives of as many as fifty people. One week before his death, Governor Cuomo signed into law a measure expanding access to EpiPens which schools will now keep on hand and will authorize teachers trained in their use to administer them to students even if the student doesn't have a prescription. His death led to widespread community awareness, advocacy and understanding for children with severe allergies.

Section 21. FDNY Capt. John R. Graziano Way

Introduced by Council Member Matteo

August 27, 1951 – March 13, 2015

John R. Graziano served on the FDNY for 26 years. He was promoted to Lieutenant in 1994 and to Captain in 2003. He died of pancreatic cancer as a result of a 9/11 related illness.

Section 22. Anthony Manifold Way, WWII Hero, MIA

Introduced by Council Member Matteo

November 2, 1916 – August 18, 1942

Anthony Manifold was a Gunner's Mate, 3rd Class PO3 in the United States Naval Reserve. He was killed in the line of duty when the vessel he was serving on, the SS Louisiana was torpedoed off the coast of French Guiana by a Nazi Submarine. He received the American Campaign Medal, the World War II Victory Medal and the Purple Heart Medal, however his body was never found.

Section 23. Connor and Breandon Moore Way

Introduced by Council Member Matteo

Breandon (2 years-old) and Connor (4 years-old) Moore were swept away from their mother when their SUV was swamped by a tidal surge that overwhelmed the vehicle at the height of Superstorm Sandy. After their Staten Island home lost power, Glenda Moore attempted to drive her children to her sister's house in Brooklyn. Although Ms. Moore and her children escaped the vehicle, the children were swept away by the wind and water. The overwhelming loss to a single family and the youth of the Moore brothers led to a public dialogue on evacuation efforts and turned them into a rallying point for Superstorm Sandy aid for New York. Senator Kirsten Gillibrand, among many other advocates, used their compelling story to make the case for the aid package that Congress ultimately passed for New York City and other affected areas.

Section 24. Police Officer Kenneth Anthony Nugent Way

Introduced by Council Member Miller

Died August 21, 1971

Patrolman Kenneth Nugent had served with the NYPD for 13 years and was assigned to the 103rd Precinct. On his way to work, he walked into a luncheonette on Hollis Avenue and interrupted three men robbing the manager. He drew his weapon and ordered the men to drop their weapons, however the subjects suddenly turned and opened fire. Patrolman Nugent was able to shoot and kill one suspect before being shot. Two other suspects escaped, but were later arrested and charged with murder. Patrolman Nugent was killed in the line of duty.

Section 25. John Watusi Branch Way

Introduced by Council Member Miller

Died December 28, 2013

John Watusi Branch was the co-founder of the Afrikan Poetry Theatre in Jamaica, Queens. He co-founded the Afrikan Poetry Theatre Ensemble, the progenitor to the theater, in 1976 as a collection of poets, singers and musicians focused on jazz, funk, African rhythms and poetry. The Afrikan Poetry Theatre was incorporated as a nonprofit in 1977 and expanded to offer cultural and educational tours to West Africa and developed a summer youth employment program. He was a well-known figure in the pan-African movement to establish independence for African nations and unify black people across the world. He was a published poet and author of several titles, including “A Story of Kwanza: Black/Afrikan Holy Days” and “Journey to the Motherland.”

Section 26. Kips Bay Blvd.

Introduced by Council Member Palma

This co-naming will commemorate the 100th Anniversary of the Kips Bay Boys and Girls Club. The Kips Bay Boys and Girls Club was established on February 8, 1915 and serves the youth as a safe haven and provides programs during after school hours.

Section 27. Detective Randolph Holder Way

Introduced by Council Member Richards and the Speaker Council Member Mark-Viverito

Died October 20, 2015

Randolph Holder had served with the New York City Police Department for five years and was assigned to Police Service Area 5. He and his partner were on patrol in East Harlem when they responded to a call of shots fired. The officers canvassed the area for the suspect and located him approximately 18 blocks away near a footbridge over Franklin D. Roosevelt Drive at 120th Street and a gun battle ensued. Officer Holder was struck in the exchange of gunfire and was killed in the line of duty. The suspect, who had been wounded in the exchange of gunfire, was located several blocks away by responding officers and taken into custody.

Section 28. Freddy Beras-Goico Way

Introduced by Council Member Rodriguez

November 21, 1940 – November 18, 2010

Freddy Beras-Goico was born in Santa Cruz del Seibo, El Seibo, Dominican Republic. He had a career in media for over 30 years. He was a T.V. presenter, writer for his show “El Gorde De La Semana” (The Fat Man of the Week), “Punto Final” and “Con Freddy y Punto.” He was also in radio and acting, winning the Casandra Award for his role in Victor/Victoria. As a child in the 1950’s due to the terrorism brought to the Dominican Republic during the dictatorship of Trujillo, his family fled to Colombia where he would end up spending many years before returning to his home land in the 1970’s. Also known as a philanthropist for his aid to the poor, he was more than a media personality to most who grew up watching him. He was also known for speaking his mind against the injustices of the government, going against the governments wish to have people give up their weapons because of the rampant violence of the Dominican republic.

Section 29. Sidney Offerman Way

Introduced by Council Member Rodriguez

Died in 1975

Sidney Offerman joined the Board of Directors of the YMHA of Washington Heights in 1945. He was instrumental in the building the Y’s new building when the YMHA of Inwood merged with the YMHA of Washington Heights to become the YM & YWHA of Washington Heights and Inwood in 1956. He served as president of the newly created Y until his death in 1975. He was the owner of Amsterdam Color Works in the Bronx. He also was an active board member of many charities including the Anti-Defamation League, United Jewish Appeal, Federation of Jewish Philanthropies, Glen Oaks Country Club and the Knights of Pythias. The Y will celebrate its 100th year in 1917.

Section 30. School Security Agent Sandra P. Cranford Way

Introduced by Council Member Rose

March 17, 1935 – March 16, 2002

Sandra P. Cranford was actively involved in the PTA at PS 14 and later served as a School Security Agent for 29 years. She was also involved with the National Council of Negro Women where she served as a historian and on several dinner committees. In 2000, the National Council honored her with the Unsung Heroes Award and she was also awarded the Community Service Award by the Lambda Kappa Mu Sorority, Inc. She volunteered in Junior High Schools for 6 years, the Stapleton Athletic League for over 15 years, the Girls Scouts and Boy Scouts for over 9 years and regularly volunteered at church all of her life.

Section 31. Roberta (Bobbie) Jacobowitz Way

Introduced by Council Member Rose

Died December 2014

Roberta Jacobowitz was a former executive director of the Downtown Staten Island Council and a driving force behind St. George's Greenmarket. From 1955 to 1976, she owned and operated Casual Corner, which then became Casual Closet, a woman's clothing store first located in Castleton Corners and Port Richmond before moving to New Dorp. She worked as a real estate agent for Salmon Realty in Castleton Corners, and later in sales for Quatrelle, a Manhattan-based furniture store. In the 1980's, she became the executive director of St. George/Tompkinsville Improvement Corp, later renamed the Downtown Staten Island Council, a not-for-profit commercial and community development organization which addressed quality-of-life issues that affect businesses and residents of the North Shore. In an effort to attract business to the area, she turned her attention to improving the physical appearance of St. George and Tompkinsville. She informed merchants about a facade grant program offered by the city to help store owners spruce up their storefronts. Ms. Jacobowitz also organized volunteers to remove graffiti, clean streets, place signs identifying the area as "Downtown Staten Island," and worked with the Parks Department to beautify Tompkinsville Park. She created a directory to promote local businesses and provide information for neighborhood residents. She co-sponsored the SI HUB program, which brought high-speed Internet technology to office buildings in the area. In addition, she was one of the driving forces behind establishing the St. George Greenmarket, which features fresh produce and vegetables. She was honored by the Downtown Staten Island Council by naming an annual award for community excellence after her and she was given a proclamation at Borough Hall naming October 11, 2007 in her honor.

Section 32. Robert S. Farrell and Donald H. Farrell Way

Introduced by Council Member Rose

Robert Farrell was the owner of the H.S. Farrell Lumber Co. and an activist in Staten Island businesses and civic circles. His uncle, Alvin Conklin, started the family lumber business in Port Richmond in 1888. Robert Farrell came to own the firm, which had two sites, in Great Kills as well as Port Richmond, before it closed in 2009. He received a bachelor's degree in business and master's degree in business administration from Wagner College and was a graduate of Port Richmond High School. He was a member of Our Saviour Lutheran Church in West Brighton and was a member of the New York Community Bankcorp's board of directors and of New York Community Bank. He also served on the boards of the Richmond County Savings Foundation and the Richmond County Savings Bank division of Community Bank. He served on the advisory board of the Salvation Army, the board of trustees of Wagner College and was a member of the Richmond Aquehonga Lodge of the Masons. He was honored by the Salvation Army YEAR A, by the Island's Rotary clubs, by which he received the Paul Harris Award in 2002, by the Staten Island Republican Party in 2003, and by the Friends of Abandoned Cemeteries of Staten Island in 2007.

Donald H. Farrell also owned H.S. Farrell Lumber Co. and was president of the Staten Island chapter of the Professional Engineers Society, a member of the Masonic Richmond-Aquehonga Lodge #66, served on the board of directors of the Salvation Army of Staten Island and was a board member of the Visiting Nurses Association. He was also a long-time member of the Woodrow United Methodist Church.

Section 33. Rev. Abner Bernard Duncan Way

Introduced by Council Member Torres

June 13, 1921 – May 16, 2011

Rev. Abner Bernard Duncan began preaching the gospel at an early age. He opened the First Glorious Church in 1953 with a congregation of 3 people. Over the years the congregation grew to 250 people. The church also held street services for the community. He taught Sunday School and Bible Study throughout the country and in other areas, such as Spain and European countries. The First Glorious Church also serves as a work site for the Summer Youth Employment Program and holds summer school programs. He is remembered for his work to end gun violence, counseling the families of gun violence victims, and holding vigils at the sites of shootings. He was always helpful during emergencies, including the infamous Happy Land Fire. The fire, which occurred in 1990 in an unlicensed nightclub on Southern Boulevard in the Bronx, took 87 lives. He was on the scene of the fire, lending a hand to first responders. He worked to connect survivors of the fire to services, in order to assist them in their time of crisis. He also advocated for street safety. After several pedestrians were hit by vehicles on Loring Place in the Bronx, he organized residents to hold rallies calling on the Department of Transportation to install stop signs. The campaign was successful and the intersection is now safer.

Section 34. Police Officer Kevin Joseph Gillespie Way

Introduced by Council Member Torres

Died March 14, 1996

Officer Gillespie had served with the agency for 4 years and was assigned to the Special Operations Division Street Crime Unit. Officer Kevin Gillespie was shot and killed by a man he had just pulled over. Officer Gillespie and his partner had stopped a BMW which had been car-jacked earlier in the evening. As the two were approaching the vehicle, the men inside opened fire. One bullet struck Officer Gillespie in the shoulder, above his vest. The bullet went straight down his torso striking many organs.

Section 35. John C. Flynn Way

Introduced by Council Member Torres

July 28, 1929 – September 24, 2012

John C. Flynn who was ordained in 1955 and was dispatched as a new priest to Pocantico Hills, in Westchester County, where he visited patients at a nearby hospital. He later went to the Bronx and worked at the Church of Saint Raymond in Parkchester during the 1960's and 1970's. He moved to Venezuela where he spent several years ministering to poor families and learning Spanish before returning to the Bronx. He offered a helping hand to the neediest people in the Bronx and started a campaign called, Save a Generation which included offering education and job training to high school dropouts, walking the streets trading crucifixes for guns to make neighborhoods safer and he attended hundreds of meetings to lobby for a better life for families, by building more low-cost housing or saving community gardens. In the late 1970s, when the South Bronx was filled with crime, he joined local activists to help tenants who were living without heat or hot water for weeks at a time. He was instrumental in protecting community gardens in the late 1990's when the city was trying to close them and sell the garden lots to developers and he also talked a man out of jumping off a roof and saved his life.

Section 36. Charles Lucania Memorial Way

Introduced by Council Member Vallone

Charles Lucania was killed in the terrorist attacks on September 11, 2001. He was on the 98th floor of the South Tower working for P.E. Stone.

Section 37. Vincent Cangelosi Memorial Way

Introduced by Council Member Vallone

November 9, 1970 – September 11, 2001

Vincent Cangelosi was a resident of Whitestone, Queens and worked for Cantor Fitzgerald in the World Trade Center where he was killed on 9/11. To honor him, residents and family members helped build a 9/11

Memorial Park by the Queens North Presbyterian Church and the St. Mel's Church in Flushing. The Queens North 9/11 Memorial Park Foundation was set up to raise funds for the upkeep of the park. In addition to honoring heroes that passed away on September 11th, the park, which has a large plaque honoring Vincent Cangelosi, will also include a sustainable conservation learning center for children and community members that will teach them about sustainability, food, water and conservation.

Section 38. Alfred J. Vigilante Way

Introduced by Council Member Williams

Died February 5, 1999

Alfred J. Vigilante was a multi-decorated World War II veteran who was awarded with the Purple Heart, the Bronze Star, the Combat Infantryman Badge and the Good Conduct Medal. He was Commander of the Veterans of Foreign Wars Memorial Post and organized charity fundraisers, food drives and developed programs such as a local drum and bugle corps for underprivileged children. He was an advisor to the Kings County Cadets youth program, he helped raise funds for Kings County Hospital and assisted in obtaining much needed medical equipment for the Brooklyn Veteran's Affairs Hospital. He also developed a local program to support Brooklyn veterans returning from Vietnam and to support the Brooklyn families of the POWs and MIAs from that war. He co-founded the East 49th Street Block Association in 1972 and promoted the first "beautiful garden" contest and helped organize the first arts and crafts and reading mobile workshops for the neighborhood children.

Section 39. Qadri's Way

Introduced by Council Member Wills and Ulrich

December 17, 1994 – September 27, 2012

Qadri Skipper was diagnosed with two very rare conditions called Pulmonary Hypertension (PH) and Hereditary Hemorrhagic Telangiectasia (HHT). Throughout his life, he promoted awareness for Pulmonary Hypertension and served as an inspiration to many. An Annual Memorial Scholarship was named in his honor at the America's School of the Hero's and Information Technology H.S. where he went to school. Seven students were awarded the Qadri Skipper Annual Memorial Scholarship because they displayed the qualities that Qadri showed everyone while attending classes.

Section 40. Anthony Mason Way

Introduced by Council Member Wills and Richards

December 14, 1966 - February 28, 2015

Anthony Mason was an American professional basketball player who in his 13-year career played with the New Jersey Nets, Denver Nuggets, New York Knicks, Charlotte Hornets, Milwaukee Bucks and Miami Heat. He earned the NBA Sixth Man of the Year Award in 1995 and the All-NBA 3rd team and NBA All-Defensive Team 2nd team in 1997. The gymnasium at Springfield High School where he was a student was dedicated to him and renamed the "Mase Court" on May 14, 2015. He continues to be an influence on his community with the Family On Three Foundation, a youth organization that serves as a tribute to his dedication to family, hard work and believing in your dreams. The non-profit organization educates youth on financial management and conducts healthy life-skill workshops.

Section 41. 1783 Evacuation Day Plaza

Introduced by Council Member Chin

This co-naming will honor the place where General George Washington and the Continental Army witnessed the lowering of the last British flag and the raising of the Stars and Stripes to mark the successful conclusion to the American Revolution. Of cultural significance to a great many New Yorkers, November 25, 1783, Evacuation Day, marked the official end of the American Revolution. It is called Evacuation Day because it was the day that the last British troops left the newly minted United States of America. For almost 100 years following the evacuation, the City of New York celebrated Evacuation Day with flag raising ceremonies at the Battery, parades from Bowling Green to City Hall and events at Fraunces Tavern. At its height, Evacuation Day was the second largest secular American cultural holiday, behind only July

4th. Cultural organizations supporting this co-naming include the Lower Manhattan Historical Society, Sons of the Revolution, Sons of the American Revolution, Daughters of the American Revolution and the Fraunces Tavern Museum.

Section 42. Εθνικός Κήρυξ - National Herald Way

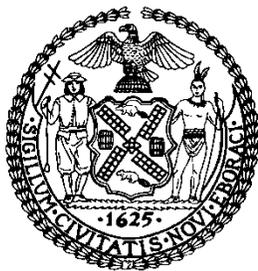
Introduced by Council Member Van Bramer

The National Herald – Ethnikos Kyrix was founded on April 2, 1915, as a progressive newspaper for the rapidly growing Greek immigrant population in New York. It is one of the oldest continually published dailies in the United States. The National Herald’s current publisher purchased the newspaper in 1979, long after the community’s center of gravity shifted from Manhattan to Astoria-Long Island City. Today, The National Herald directly provides jobs for more than 40 people. In addition to being the main connection of Greeks and Cypriots to the lands of their birth, the National Herald provides Greek and Cypriot-Americans with valuable information. The newspaper’s publisher has also established the National Herald – Ethnikos Kirix Foundation as a 501(c)3 organization. The foundation operates a charitable fund to assist needy families in the community. The Foundation will also support educational and other cultural endeavors. In 1997, recognizing the need for an English language edition, the newspaper launched its weekly edition, The National Herald. The National Herald’s headquarters on 37th Avenue is also an important community venue for special events. The National Herald has helped spearhead such civic projects as the Athens Square cultural space, used by Astorians of all backgrounds. In the Greek-American community the Herald is a leading voice for the support of education, including promoting programs in public and private schools like the St. Demetrios of Astoria.

Section 43. The REPEAL of Sections 2 and 22 of Local Law number 76 for the year 2015. This section repeals Sections 2 and 22 of Local Law number 76 for the year 2015.

Section 44. The REPEAL of Section 34 of Local Law number 15 for the year 2015. This section repeals Section 34 of Local Law number 15 for the year 2015.

(The following is the text of the Fiscal Impact Statement for Preconsidered Int. No. 1054:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT**

**PRECONSIDERED INTRO. NO: 1054
COMMITTEE: Parks and Recreation**

TITLE: A Local Law in relation to the naming of forty-two thoroughfares and public places.

SPONSOR(S): The Speaker (Council Member Mark-Viverito) and Council Members Barron, Cabrera, Chin, Constantinides, Cumbo, Dromm, Ferreras-Copeland, Gentile, Gibson, Lander, Levin, Levine, Matteo, Miller, Palma, Richards, Rodriguez, Rose, Torres, Ulrich, Vallone, Van Bramer, Williams and Wills

In relation to the naming of 42 thoroughfares and public places, Tanaya R. Copeland Avenue, Borough of Brooklyn, Loretta Ruddock Smith Way, Borough of the Bronx, Demetris Kastanas Way, Borough of Queens, Rev. Clarence Norman Sr. Way, Borough of Brooklyn, Dr. Derrick E. Griffith Way, Borough of Brooklyn, Carey Gabay Way, Borough of Brooklyn, Diversity Plaza, Borough of Queens, Edward F. Guida Sr. Way, Borough of Queens, Patrice T.C. Capo Memorial Way, Borough of Brooklyn, Ragamuffin Way, Borough of Brooklyn, Hip Hop Boulevard, Borough of the Bronx, Rev. William E. Thompson Way, Borough of the Bronx, Robert “PH” Diaz Way, Borough of Brooklyn, Sgt. Bobby Mendez Way, Borough of Brooklyn, Rev. Dr. Jasper Simmons Place, Borough of Manhattan, Norman Rockwell Place, Borough of Manhattan, Captain James McDonnell Way, Borough of the Bronx, Ms. Aida Perez-Loiza Aldea Lane, Borough of Manhattan, SGT. Donald B. Geisler Way, Borough of Staten Island, Joseph DeNicola Lane, Borough of Staten Island, FDNY Capt. John R. Graziano Way, Borough of Staten Island, Anthony Manifold Way, WWII Hero, MIA, Borough of Staten Island, Connor and Breandon Moore Way, Borough of Staten Island, Police Officer Kenneth Anthony Nugent Way, Borough of Queens, John Watusi Branch Way, Borough of Queens, Kips Bay Blvd., Borough of the Bronx, Detective Randolph Holder Way, Borough of Queens, Freddy Beras-Goico Way, Borough of Manhattan, Sidney Offerman Way, Borough of Manhattan, School Security Agent Sandra P. Cranford Way, Borough of Staten Island, Roberta (Bobbie) Jacobowitz Way, Borough of Staten Island, Robert S. Farrell and Donald H. Farrell Way, Borough of Staten Island, Rev. Abner Bernard Duncan Way, Borough of the Bronx, Police Officer Kevin Joseph Gillespie Way, Borough of the Bronx, John C. Flynn Way, Borough of the Bronx, Charles Lucania Memorial Way, Borough of Queens, Vincent Cangelosi Memorial Way, Borough of Queens, Alfred J. Vigilante Way, Borough of Brooklyn, Qadri’s Way, Borough of Queens, Anthony Mason Way, Borough of Queens, 1783 Evacuation Day Plaza, Borough of Manhattan, Εθνικός Κήρυξ - National Herald Way, Borough of Queens and the repeal of sections 2 and 22 of local law number 76 for the year 2015 and the repeal of section 34 of local law number 15 for the year 2015.

SUMMARY OF LEGISLATION: The proposed law would add, through the posting of additional signs, the following new street names:

New Name	Present Name	Limits
Tanaya R. Copeland Avenue	None	At the north side of Stanley Avenue and Sheridan Avenue
Loretta Ruddock Smith Way	None	At the intersection of West 174 th Street and Davidson Avenue
Demetris Kastanas Way	None	At the intersection of Steinway Street and 31 st Avenue
Rev. Clarence Norman Sr. Way	Rogers Avenue	Between Eastern Parkway and Union Street
Dr. Derrick E. Griffith Way	Montgomery Street	Between Bedford Avenue and Franklin Avenue
Carey Gabay Way	Clinton Avenue	Between Willoughby Avenue and Myrtle Avenue
Diversity Plaza	37 th Road	Between 73 rd Street and 74 th Street
Edward F. Guida Sr. Way	None	At the northeast corner of 104 th Street and 48 th Avenue
Patrice T.C. Capo Memorial Way	None	At the intersection of 90 th Street and Third Avenue
Ragamuffin Way	None	At the intersection of 74 th Street and 3 rd Avenue
Hip Hop Boulevard	At 1520 Sedgwick Avenue	Between West 167 th Street and West Tremont Avenue
Rev. William E. Thompson Way	Teller Avenue	Between East 169 th Street and East

		170 th Street
Robert "PH" Diaz Way	Degraw Street	Between 4 th Avenue and 5 th Avenue
Sgt. Bobby Mendez Way	None	At the northwest corner of S. 10 th Street and Bedford Avenue
Rev. Dr. Jasper Simmons Place	None	At the intersection of 155 th Street and Amsterdam Avenue
Norman Rockwell Place	None	At the intersection of 103 rd Street and Broadway
Captain James McDonnell Way	None	At the intersection of East 152 nd Street and Prospect Avenue
Ms. Aida Perez-Loiza Aldea Lane	None	At the southeast corner of East 105 th Street and Lexington Avenue
SGT. Donald B. Geisler Way	None	At the intersection of Lisbon Place and Lincoln Avenue
Joseph DeNicola Lane	None	At the intersection of Nedra Lane and Arden Avenue
FDNY Capt. John R. Graziano Way	None	At the intersection of Getz Avenue and Katan Avenue
Anthony Manifold Way, WWII Hero, MIA	None	At the intersection of Bradford Avenue and Foster Road
Connor and Breandon Moore Way	None	At the intersection of McLaughlin Street and Quincy Avenue
Police Officer Kenneth Anthony Nugent Way	None	At the intersection of 91 st Avenue and 188 th Street
John Watusi Branch Way	None	At the northwest corner of 176 th Street and Jamaica Avenue
Kips Bay Blvd.	1930 Randall Avenue	Between White Plains Road and Pugsley Avenue
Detective Randolph Holder Way	At the intersection of Collier Avenue and Briar Place	Between Beach 25 th Street and Beach 22 nd Street
Freddy Beras-Goico Way	175 th Street	Between Broadway and Wadsworth Avenue
Sidney Offerman Way	None	At the intersection of Nagle Street and Ellwood Street
School Security Agent Sandra P. Cranford Way	None	At the southwest corner of Tompkins Avenue and Hill Street underneath the Hill Street sign
Roberta (Bobbie) Jacobowitz Way	None	At the intersection of St. Mark's Place and Hyatt Street
Robert S. Farrell and Donald H. Farrell Way	None	At the southwest corner of Port Richmond Avenue and Richmond Terrace
Rev. Abner Bernard Duncan Way	None	At the intersection of East 180 th Street and Arthur Avenue
Police Officer Kevin Joseph Gillespie Way	None	At the intersection of Grand Concourse and East 183 rd Street
John C. Flynn Way	None	At the intersection of East 182 nd Street and Grote Street
Charles Lucania Memorial Way	None	At the northwest corner of 149 th Street

		and Willets Point Boulevard
Vincent Cangelosi Memorial Way	None	At the intersection of 154 th Street and 26 th Avenue
Alfred J. Vigilante Way	None	At the northwest corner of East 49 th Street and Foster Avenue
Qadri's Way	110 th Street	Between 107 th Avenue and 109 th Avenue
Anthony Mason Way	147 th Street	Between Rockaway Boulevard and Sutphin Boulevard
1783 Evacuation Day Plaza	Bowling Green Plaza	None
Εθνικός Κήρυξ - National Herald Way	30th Street	Between 37th Avenue and 38th Avenue

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2016

FISCAL IMPACT STATEMENT:

	Effective FY16	FY Succeeding Effective FY17	Full Fiscal Impact FY16
Revenues	\$0	\$0	\$0
Expenditures	\$12,075	\$0	\$12,075
Net	\$12,075	\$0	\$12,075

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

IMPACT ON EXPENDITURES: This legislation would require the installation of forty-two new street signs. Each sign costs \$37.50 and the labor to install each sign costs \$250, for a total cost of \$287.50 each. As such, the total cost of enacting this legislation would be approximately \$12,075.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Steve Riester, Legislative Financial Analyst, New York City Council Finance Division

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director, New York City Council Finance Division
 Chima Obichere, Unit Head, New York City Council Finance Division
 Rebecca Chasan, Assistant Counsel, New York City Council Finance Division
 Tanisha Edwards, Chief Counsel, New York City Council Finance Division

LEGISLATIVE HISTORY: This legislation will be considered by the Committee on Parks and Recreation as a Preconsidered Intro. on February 1, 2016. Upon a successful vote by the Committee, the bill would be introduced and submitted to the full Council for a vote on February 5, 2016.

Fiscal Impact Schedule

New Name	Number of Signs	Cost	Installation (street signs only)	Total Cost
Tanaya R. Copeland Avenue	1	37.5	250	287.50
Loretta Ruddock Smith Way	1	37.5	250	287.50
Demetris Kastanas Way	1	37.5	250	287.50
Rev. Clarence Norman Sr. Way	1	37.5	250	287.50
Dr. Derrick E. Griffith Way	1	37.5	250	287.50
Carey Gabay Way	1	37.5	250	287.50
Diversity Plaza	1	37.5	250	287.50
Edward F. Guida Sr. Way	1	37.5	250	287.50
Patrice T.C. Capo Memorial Way	1	37.5	250	287.50
Ragamuffin Way	1	37.5	250	287.50
Hip Hop Boulevard	1	37.5	250	287.50
Rev. William E. Thompson Way	1	37.5	250	287.50
Robert "PH" Diaz Way	1	37.5	250	287.50
Sgt. Bobby Mendez Way	1	37.5	250	287.50
Rev. Dr. Jasper Simmons Place	1	37.5	250	287.50
Norman Rockwell Place	1	37.5	250	287.50
Captain James McDonnell Way	1	37.5	250	287.50
Ms. Aida Perez-Loiza Aldea Lane	1	37.5	250	287.50
SGT. Donald B. Geisler Way	1	37.5	250	287.50
Joseph DeNicola Lane	1	37.5	250	287.50
FDNY Capt. John R. Graziano Way	1	37.5	250	287.50
Anthony Manifold Way, WWII Hero, MIA	1	37.5	250	287.50
Connor and Breandon Moore Way	1	37.5	250	287.50
Police Officer Kenneth Anthony Nugent Way	1	37.5	250	287.50
John Watusi Branch Way	1	37.5	250	287.50
Kips Bay Blvd.	1	37.5	250	287.50
Detective Randolph Holder Way	1	37.5	250	287.50
Freddy Beras-Goico Way	1	37.5	250	287.50
Sidney Offerman Way	1	37.5	250	287.50
School Security Agent Sandra P. Cranford Way	1	37.5	250	287.50
Roberta (Bobbie) Jacobowitz Way	1	37.5	250	287.50
Robert S. Farrell and Donald H. Farrell Way	1	37.5	250	287.50
Rev. Abner Bernard Duncan Way	1	37.5	250	287.50
Police Officer Kevin Joseph Gillespie Way	1	37.5	250	287.50
John C. Flynn Way	1	37.5	250	287.50
Charles Lucania Memorial Way	1	37.5	250	287.50

Vincent Cangelosi Memorial Way	1	37.5	250	287.50
Alfred J. Vigilante Way	1	37.5	250	287.50
Qadri's Way	1	37.5	250	287.50
Anthony Mason Way	1	37.5	250	287.50
1783 Evacuation Day Plaza	1	37.5	250	287.50
Εθνικός Κήρυξ - National Herald Way	1	37.5	250	287.50
	42	\$1,575	\$10,500	\$12,075

Accordingly, this Committee recommends its adoption.

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

MARK LEVINE, *Chairperson*; DARLENE MEALY, JAMES G. VAN BRAMER, ANDREW COHEN, ALAN N. MAISEL, MARK TREYGER; Committee on Parks and Recreation, February 4, 2016. *Other Council Members Attending: Gibson.*

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

Report of the Committee on Rules, Privileges and Elections

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

Report for Res No. 971

Report of the Committee on Rules, Privileges and Elections in favor of approving a Resolution to amend chapter II of the rules of the council in relation to outside earned income of members

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered resolution was referred February 5, 2016 (Minutes), respectfully

REPORTS:

INTRODUCTION

On February 5, 2016, the Committee on Rules, Privileges and Elections, chaired by Council Member Brad Lander, will vote on two preconsidered resolutions. The two resolutions would amend the rules of the Council

in relation to allowances, also known as *lulus*, and in relation to outside earned income of members. The Committee first heard these bills on February 3, 2016 at a joint hearing along with four preconsidered bills, which are assigned to the Committee on Governmental Operations. The four bills would amend various sections of the New York City Charter (“Charter”) and the Administrative Code of the City of New York (“Administrative Code”) to implement salary increases for elected officials, modify the timing and deliberation time for future quadrennial commissions, make the position of Council Member full-time and require financial disclosure forms of elected officials to be posted online. The Committee on Governmental Operations is voting on those bills on February 5, 2016. Those testifying at the joint hearing included members of the 2015 Quadrennial Advisory Commission (the “Commission”), the Conflicts of Interest Board, good-government groups, and members of the public.

BACKGROUND

Section 3-601 of the Administrative Code requires the Mayor to appoint an advisory commission every four years to study the compensation levels of the Mayor, Public Advocate, Council Members, Borough Presidents, Comptroller and the District Attorneys of the five counties within the City of New York and recommend changes to those compensation levels, if warranted.¹ The Administrative Code requires that the commission be comprised of three private citizens who are generally recognized for their knowledge and experience in management and compensation levels, one member of which the Mayor shall designate as the chairperson of the commission.²

The last commission appointed pursuant to section 3-601 of the Administrative Code to review salary increases was convened in 2006.³ The 2006 commission was not a “quadrennial” commission within the meaning of the Administrative Code, because it was appointed off-cycle. The prior commission had been appointed in 1999, but despite the Charter’s requirement, because of a severe budget crisis in the years following the September 11th attacks, Mayor Michael Bloomberg deferred the appointment of a commission four years later, in 2003.⁴ Following the 2006 commission, due to economic uncertainty in New York City, and in the nation as a whole, during the Great Recession, Mayor Bloomberg deferred the appointment of another commission at the statutorily prescribed time in 2011.⁵ Therefore, the 2015 Commission was the first commission appointed in nine years to review the salaries of elected officials.⁶ Mayor de Blasio appointed the following individuals to the Commission: Frederick A.O. Schwarz, Chief Counsel at the Brennan Center for Justice; Jill Bright, Chief Administrative Officer for Condé Nast and Paul Quintero, Chief Executive Officer of Accion East.⁷ Frederick A.O. Schwarz served as the chairperson.

After providing notice of a hearing and publishing requests for public comments during a five-week period, the Commission held two public hearings on November 23, 2015 and November 24, 2015, during which three good-government groups, four individuals and one elected official testified.⁸ The Commission also received letters and other submissions from several elected officials.⁹ Additionally, the Commission met fifteen times to discuss and review the issues and held additional meetings with City agencies to gather data.¹⁰ The Commission emphasized a focus on transparency by creating a website, posting a memorandum outlining its plans and process and posting reports of prior commissions and transcripts of the public hearings.¹¹

¹ Administrative Code § 3-601.

² *Id.*

³ See NYC Quadrennial Advisory Commission Final Report (“Report”), dated December 14, 2015, at page 3.

⁴ See Report and Recommendations of the Advisory Commission for the Review of Compensation Levels of Elected Officials (“2006 Report”), dated October 23, 2006, at page 3.

⁵ See Report at 53. The Report stated that such commission should have been appointed in 2010. *See id.* But, pursuant to the Administrative Code, the next statutorily prescribed year would have been 2011.

⁶ *Id.*

⁷ *Id.* at 70-71.

⁸ *Id.* at 1; see also Hearings and Meetings, NYC Quadrennial Advisory Commission, available at <http://www1.nyc.gov/site/quadrennial/hearings-and-meetings/hearings-and-meetings.page> (last visited Dec. 22, 2015).

⁹ See Report at 55, 60; see also Public Testimony, NYC Quadrennial Advisory Commission, available at <http://www1.nyc.gov/site/quadrennial/contact/submit-testimony.page> (last visited Dec. 22, 2015)

¹⁰ Report at 66.

¹¹ *Id.* at 1.

At the conclusion of the Commission's review, it issued a report (the "Report") to the Mayor containing its recommendations for increases in the compensation levels of the aforementioned elected officials, among other recommendations.¹² The Mayor then submitted the Report, with his support for the Commission's recommendations, to the City Council.¹³

THE COMMISSION'S RECOMMENDATIONS

The Administrative Code sets forth factors that an advisory commission must take into account when making its recommendations. Section 3-601 of the Administrative Code states, in part, that:

In making its recommendations the commission should take into consideration the duties and responsibilities of each position, the current salary of the position and the length of time since the last change, any change in the cost of living, compression of salary levels for other officers and employees of the city, and salary trends for positions with analogous duties and responsibilities both within government and in the private sector.¹⁴

The Commission, in making its recommendations, gathered data on and considered the following factors:

1. The structural differences between New York City's government and the governments of other populous cities;¹⁵
2. The managerial complexity of governing New York City in light of its large municipal budget and the influx of tourists and daily commuters who use New York City's infrastructure;¹⁶
3. Compensation benchmarks, including
 - a. The salaries of elected officials in the twenty-five largest cities in the United States;¹⁷
 - b. The salaries of Federal government officials, New York State government officials, heads of local and state public authorities, DC-37 employees and leaders of non-profit cultural institutions;¹⁸
 - c. The salaries of positions in the private and non-profit sectors with analogous duties and responsibilities;¹⁹
4. Changes in City economic conditions, as exemplified by changes in median household income, the Consumer Price Index, cost of housing and geographic differences in cost of living as compared with other populous cities;²⁰
5. Indirect compensation of elected officials such as pensions, car service and the mayoral residence (Gracie Mansion);²¹
6. Salary ratios and the issue of income inequality, including the percentage of New Yorkers living at or below the poverty line;²²
7. Changes in duties and responsibilities of specific offices;²³ and
8. The issue of compression, which occurs when staff members of elected officials receive higher salaries than the elected official(s) for whom they work.²⁴

¹² *See generally id.*

¹³ *See* letter from Mayor Bill de Blasio to Speaker Melissa Mark-Viverito, dated January 13, 2016, *available at* <http://www1.nyc.gov/office-of-the-mayor/news/051-16/mayor-bill-de-blasio-accepts-quadrennial-commission-s-recommendations> (last visited Feb. 2, 2016).

¹⁴ Administrative Code § 3-601.

¹⁵ Report at 34.

¹⁶ *Id.* at 37.

¹⁷ *Id.*

¹⁸ *Id.* at 40-42

¹⁹ *Id.* at 41-42

²⁰ *Id.* at 42-45; 52-53.

²¹ *Id.* at 45-47.

²² *Id.* at 49.

²³ *Id.* at 54.

²⁴ *Id.* at 54-55 (noting that the compression is a "reason why city officials should get raises, and get them now" but stating that "no extra weight" was given to compression in proposing specific raises).

After analyzing the foregoing factors, the Commission ultimately determined that salary increases are appropriate because the salaries of New York City's elected offices have not been increased since 2006, and because "[e]lected officials should get pay raises from time to time."²⁵ Based upon its consideration of these factors, the Commission recommended that the salary levels of elected officials in the City of New York be increased as set forth in the chart below²⁶:

Elected Official	Current Base Salary	Proposed Increase	New Base Salary
Mayor	\$225,000	\$33,750	\$258,750
Public Advocate	\$165,000	\$19,800	\$184,800
City Council	\$112,500	\$25,815	\$138,315
City Council (Speaker)	\$112,500	\$41,875	\$154,375
Borough President	\$160,000	\$19,200	\$179,200
Comptroller	\$185,000	\$24,050	\$209,050
District Attorney	\$190,000	\$22,800	\$212,800

The Commission recommended applying a base salary increase of 12 percent for each of these positions, plus an additional increase based on specific changes in duties and responsibilities for particular offices.²⁷ The Commission recommended that the following positions receive additional increases beyond the base salary increase of 12 percent, for the following reasons²⁸:

- Office of Mayor
 - An additional 3 percent increase to account for increased responsibilities;
- Office of Council Member
 - An additional 3 percent increase to account for increased transparency, responsiveness and expanded responsibilities, and
 - \$8,940 to account for funds currently allocated for allowances for non-Speaker council members;
- Position of Council Speaker
 - The additional 3 percent increase recommended for all Council Members to account for increased transparency, responsiveness and expanded responsibilities, and
 - \$25,000 to account for funds currently allocated as an allowance for the Speaker in recognition of the citywide nature of the position and the numerous unique responsibilities of the Speaker;
- Office of Comptroller
 - An additional 1 percent increase to account for increased responsibilities.

The Commission did not recommend any additional increase over the base salary increase for the offices of Public Advocate, Borough President or District Attorney.²⁹ As the Report recognized, increases tied to allowances for Council Members and the Speaker of the Council are not true "increases," but rather are a mere reallocation of compensation already allocated to these positions.³⁰

Notably, the Commission made two additional recommendations as a condition to its recommendation to increase the salary of Council Members: (1) to eliminate the practice of providing allowances or extra payments known as *lulus* to Council Members for chairing a committee or holding another leadership position;

²⁵ *Id.* at 3.

²⁶ *Id.* at 55-61.

²⁷ *Id.* at 53.

²⁸ *Id.* at 55-61.

²⁹ *Id.* at 59-61.

³⁰ *Id.* at 58.

and (2) to classify the Office of Council Member as a full-time job.³¹ The Commission stated that these recommendations are inextricably linked because it is “anomalous to pay extra for doing part of [a full-time] job”³² and because the position “already is, and should be formally recognized as, a full-time job”.³³ The Commission considered whether the effective date of its recommendations should be delayed until 2018, following the next election.³⁴ But, because all of the elected offices have had no change in pay since 2006 and because current City laws imply that “any Council member voting to increase salaries [will] be held accountable at the next election,” the Commission recommended that any local law implementing pay increases be effective as of January 1, 2016.³⁵

The Commission’s final recommendations were that the Council or a future commission should consider the following issues:

- Exploring whether City law should be amended such that future pay raises for elected officials would only go into effect after the next election;³⁶
- Altering the timing of the quadrennial commission so that such commission would be appointed in the third year after an election, rather than the second;³⁷
- Increasing the time provided for a quadrennial commission to conduct its analysis and issue a report from 2.5 months to 3.5 months, to allow for thorough and thoughtful analysis;³⁸
- Requiring openness and transparency from future quadrennial commissions;³⁹
- Requiring elected officials to provide information and make submissions to the quadrennial commission regarding their duties and responsibilities;⁴⁰
- Requiring that elected officials’ financial disclosure forms be available electronically, rather than current practice, which requires written request and a fee to obtain such forms from the Conflicts of Interest Board.⁴¹

THE PROPOSED LEGISLATION

The Council has reviewed the Commission’s analysis and recommendations, and has proposed legislation that largely reflects the Commission’s views. The two preconsidered resolutions along with the four preconsidered bills assigned to the Committee on Governmental Operations, which were heard at the February 3, 2016 joint hearing (together, the “Proposed Legislation”) would follow the Commission’s recommendations with regard to salary increases for the Mayor, Public Advocate, Borough Presidents, Comptroller and District Attorneys.⁴² The Proposed Legislation additionally would institute the Commission’s

³¹ *Id.* at 25 (stating that the recommendation for “increases in Council pay are conditioned upon, and inseparable from, the change to full-time classification and the elimination of lusus”).

³² *Id.* at 23.

³³ *Id.*

³⁴ *Id.* at 62.

³⁵ *Id.* at 63-64.

³⁶ *Id.* at 65.

³⁷ *Id.*

³⁸ *Id.* at 66.

³⁹ *Id.*

⁴⁰ *Id.* at 67.

⁴¹ *Id.*

⁴² The Proposed Legislation follows the Commission’s salary recommendations, but it is worth noting that the Commission’s use of median household income in calculating the recommended base salary increases presents some concerns. Median household income does not account for changes in cost of living—a major factor that the law requires the Commission to consider. See Median Household Income, U.S. Census Bureau, available at http://quickfacts.census.gov/qfd/meta/long_INC110213.htm (last visited Feb. 2, 2016). Additionally, median household income is not necessarily a useful comparator for salary increases because, as the Report recognizes, median household income includes more than just wages or salaries; it includes “retirement income . . . cash payments from welfare, income from trusts or estates, bonuses, interest, dividends, and other regularly received income.” Report at 52. Finally, median household income also fluctuates over time with changes in household size, unemployment and the number of wage earners in each household. See Mark J. Perry, “Have changing household composition and retirement caused the decline in median household income” AEI Ideas, available at <https://www.aei.org/publication/changing-household-composition-retirement-caused-decline-median-household->

recommendations that the position of Council Member be full-time, explicitly prohibiting Council Members from earning outside income, as would be defined in the Council's rules, and its recommendation that allowances for Council Members be eliminated. Moreover, the Proposed Legislation would institute several additional reforms that the Commission suggested the Council consider in the future, including (1) altering the timing of the quadrennial commission so that the commission is appointed in the third year after an election rather than the second; (2) providing future quadrennial commissions with additional time for deliberation; and (3) requiring that elected officials' financial disclosure forms be available electronically.

Increase in Council Member Salary In Light of Full-Time Status and Prohibition on Outside Earned Income

Although the Proposed Legislation would follow the vast majority of the Commission's recommendations, including instituting recommended additional reforms, the Proposed Legislation would deviate from the Commission's recommendations with regard to salary increases for the Offices of Council Member and Speaker of the Council.

As set forth in the Report, unlike for the other elected offices, the Commission conditioned its recommendation to increase the salary for the Office of Council Member upon two additional proposals: (1) eliminating lulus and (2) classifying the position as full-time.⁴³ The Commission's analysis and recommendations with regard to the Office of Council Member accounted for the elimination of lulus by distributing the funds allocated in the budget for lulus equally for all non-Speaker Council Members.⁴⁴ But, it did not recommend any increase based on the changed nature of the position that would result from making the position full-time and the prohibition on outside earned income.

In explaining this choice, the Commission suggested that accounting for the switch to full-time status for Council Members had already been addressed by the 2006 commission.⁴⁵ But, the 2006 commission's recommended salary increases for Council Members was, by the terms of its report, made in recognition of the increased responsibilities and commitment of Council Members, many of whom chose to treat the position as full-time despite no obligation to do so.⁴⁶ It was not intended to account for the loss of the ability of Council Members to earn outside income, which was not a recommendation of the 2006 commission.⁴⁷

The Commission further stated that only a handful of Council Members currently hold outside positions and that current Council Members treat the position as full-time.⁴⁸ But, as the Commission recognizes elsewhere in the Report, its purpose is not to evaluate the individuals who hold elected office, but rather to value the office itself.⁴⁹ Thus, in assessing the position of Council Member as a full-time position, it is imperative to factor in the value of the ability to engage in outside employment, not what current Council Members may be earning or whether most Council Members currently work full-time. Instead, it is the value of the lost opportunity resulting from making the position full-time – and whether such lost opportunity could dissuade qualified individuals from running for office in the future – that warrants consideration of an increase in salary to account for that loss.

As Mayor de Blasio recognized in his letter to Speaker Mark-Viverito, “the loss of potential income from transitioning to a full-time status is not insignificant.”⁵⁰ Nevertheless, the sponsors of the bill chose a modest

[income](#) (last visited Feb. 2, 2016). The Council recognizes the Commission's desire to capture the economic realities faced by New Yorkers by using this indicator, but notes that median household income may not accurately reflect these realities.

⁴³ *Id.* at 55 (“Our proposed raises for the office of City Council member are conditioned upon, and inseparable from, our proposal to eliminate lulus and to formally classify the job of City Council members as full-time.”).

⁴⁴ *See id.* at 58.

⁴⁵ *Id.* at 56-57 (“In the 2006 Commission's explanation of its proposed extra-large raise for City Council members, the Commission also . . . added that “by-and-large Council members serve full-time, and the recommended salary increase reflects this fact.”).

⁴⁶ 2006 Report at 19.

⁴⁷ *Id.* at 24 (recommending the issues of whether the position of Council Member should be full-time and whether to limit or ban outside income for further deliberation and consideration by a future commission).

⁴⁸ *See* Report at 21-23 (“Today, only a few Council members have an outside job such as practicing law. The overwhelming majority already work full time”).

⁴⁹ *See, e.g., id.* at 4 (“The Commission's job is not to evaluate individual officeholders but to value each elected office.”).

⁵⁰ Letter from Mayor Bill de Blasio to Speaker Melissa Mark-Viverito, dated January 13, 2016, available at <http://www1.nyc.gov/office-of-the-mayor/news/051-16/mayor-bill-de-blasio-accepts-quadrennial-commission-s-recommendations> (last visited Feb. 2, 2016).

increase to account for this lost potential. The Council considered various factors to quantify and account for making the position full time. First, Council Members come from diverse backgrounds; what they have in common are their skills as Council Members. The New York State Department of Labor treats legislators as managers, and managerial salaries are used to value lost earning opportunities.⁵¹ Assuming that, in outside jobs, Council Members could earn at the very least an hourly rate equal to 50 percent of the median rate for management occupations (OCC 11-0000) in the NYC Metropolitan Statistical Area as determined by the New York State Department of Labor, such rate would be \$34.57 an hour.⁵² This rate, which was chosen to be conservative, is similar to the median for food service managers, who are among the lowest paid of managers.⁵³ Taking this hourly rate, and assuming that Council Members could reasonably work 300 hours a year in an outside position (around 6 hours per week),⁵⁴ the potential lost earnings from holding a second job would equal \$10,372; the Council determined to adjust this amount downward, to \$10,185, in the Proposed Legislation.

Thus, the Proposed Legislation expands upon the Commission's recommendation of \$138,315 and \$154,375 for members of the City Council and the Speaker of the Council, respectively, by adding an additional \$10,185⁵⁵ to account for the significant lost potential that will result from switching to full-time status.

Additional Reforms

In addition to implementing the recommendations of the Commission regarding salary increases, elimination of lulus and making the position of Council Member full-time, the Proposed Legislation would implement additional reforms. First, in line with establishing full-time status for Council members, the Proposed Legislation would prohibit Council Members from receiving most outside earned income. Placing strict prohibitions on outside earned income would not only increase the effectiveness of the Council, but it would eliminate opportunities for conflicts of interest.

Furthermore, the Proposed Legislation would address recommendations that the Commission suggested for the future:

(1) Altering the year in which quadrennial commissions are appointed. Amending the timing of quadrennial commissions such that future commissions are appointed later in the Council session will afford future commissions greater flexibility to consider - and make it more likely that they will recommend - that increases in compensation go into effect in the session after which they are voted on and approved. This would address any ethical issues associated with increased compensation levels going into effect during the term in which such changes in compensation are approved.

(2) Providing future quadrennial commissions with additional time for deliberation. The quadrennial commissions have complex, time-consuming responsibilities. As noted by the current Commission, a modest increase in the time it may take to do its work is warranted.

(3) Requiring that elected officials' financial disclosure forms be available electronically. It is clear that this reform measure would provide valuable transparency and instill greater public confidence in the City's elected officials. Along with the proposed prohibition on outside earned income, these measures will improve ethical standards, avoid conflicts and make the Council a more ethically sound body.

⁵¹ See Occupational Wages, Department of Labor, available at <https://labor.ny.gov/stats/lswage2.asp#11-0000> (last visited Feb. 1, 2016) and Occupational Employment Statistics, May 2014 Occupation Profiles, Bureau of Labor Statistics, available at http://www.bls.gov/oes/current/oes_stru.htm#11-0000 (last visited Feb. 2, 2016).

⁵² See Occupational Wages, Department of Labor, available at <https://labor.ny.gov/stats/lswage2.asp#11-0000> (last visited Feb. 1, 2016). Medial annual wages were converted into hourly wages assuming a 40 hour week.

⁵³ See *id.*

⁵⁴ The typical multiple-job holder with a full-time job works about 14.5 hours per week on their part-time job. Husain, Muhammad Mucabbir "Essays on Multiple Job Holding Across Local Labor Markets": Dissertation Georgia State University, 2015. http://scholarworks.gsu.edu/cgi/viewcontent.cgi?article=1109&context=econ_diss Table 1.1 p. 26

⁵⁵ The salary of Speaker has been rounded downward from \$164,560 to \$164,500 in the Proposed Legislation.

LEGISLATION

Analysis of Preconsidered Res. No. 971 - A Resolution to amend rules 2.40 and 7.160 of the rules of the council in relation to allowances, and modifying allowances for officers of the council

This resolution would repeal any portion of a resolution or communication approved by the Council prior to February 1, 2016 that set allowances (also known as lulus) for members. It would also repeal Rule 7.160 of the rules of the Council, which allows for chairpersons of committees and other officers of the Council to receive allowances by resolution. Finally, it would amend the rules of the Council to remove the requirement that the annual report prepared by the Speaker include the amount of allowance received by each member who is the chairperson of a committee.

Analysis of Preconsidered Res. No. 980 - A Resolution to amend chapter II of the rules of the council in relation to outside earned income of members

This resolution would amend the rules of the City Council to prohibit members from receiving outside earned income, as defined in the rules. This resolution would define “outside earned income” as any income other than the Council salary and benefits that a member receives, but “outside earned income” would not include (1) investment income; (2) compensation for personal services rendered before the adoption of the rule or before an individual became a member; (3) income from a pension or retirement account or from social security; (4) copyright royalties received under typical contractual terms; (5) compensation for speaking engagements or artistic performances, but only with advance approval by the Conflicts of Interest Board; (6) income received for teaching a course at an established academic institution; (7) with advance approval from the Office of General Counsel, other minimal earned income from activities that involve a limited time commitment and which do not interfere with the performance of such member’s duties as a member of the Council.

This resolution would amend the rules of the Council by clarifying that any income received by a member would be subject to the conflicts of interest requirements of chapter 68 of the Charter.

This resolution would amend the rules of the City Council such that until January 1, 2018, the provisions of the rule on outside income would not apply to a member who submits a letter to the Speaker of the Council by March 1, 2016 stating that such member has received and intends to continue to receive outside earned income.

CONCLUSION

The Committee will hear two preconsidered resolutions which concern reforms relating specifically to members of the City Council regarding allowances and outside income.

Accordingly, this Committee recommends the adoption of Res Nos. 979 and 980.

(For text of Preconsidered Res Nos. 979 and 980, please see the Introduction and Reading of Bills section printed in these Minutes)

MARK LEVINE *Acting Chairperson*; INEZ E. DICKENS, DANIEL R. GARODNICK, MARGARET S. CHIN, JUMAANE D. WILLIAMS, RAFAEL L. ESPINAL, Jr., STEVEN MATTEO, MELISSA MARK-VIVERITO; Committee on Rules, Privileges and Elections, February 5, 2016.

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

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

Report for Res No.980

Report of the Committee on Rules, Privileges and Elections in favor of approving a Resolution to amend rules 2.40 and 7.160 of the rules of the council in relation to allowances, and modifying allowances for officers of the council.

The Committee on Rules, Privileges and Elections to which the annexed resolution was referred on February 6, 2016, respectfully

REPORTS:

(For text of the report, please see the Report of the Committee on Rules, Privileges and Elections for Res No. 971 printed in these Minutes)

Accordingly, this Committee recommends the adoption of Res No. 980.

(For text of Preconsidered Res No. 980, please see the Introduction and Reading of Bills section printed in these Minutes)

MARK LEVINE *Acting Chairperson*; INEZ E. DICKENS, DANIEL R. GARODNICK, MARGARET S. CHIN, JUMAANE D. WILLIAMS, RAFAEL L. ESPINAL, Jr., STEVEN MATTEO, MELISSA MARK-VIVERITO; Committee on Rules, Privileges and Elections, February 5, 2016.

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

Report for M-363

Report of the Committee on Rules, Privileges and Elections in favor of approving a Communication from the Mayor in regard to submitting the name of Shin-pei Tsay to the Council for its advice and consent regarding her appointment as a member of the New York City Art Commission, known as the Public Design Commission, pursuant to Sections 31 and 851 of the New York City Charter.

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on January 19, 2016 (Minutes, page 43) and which same communication was coupled with the resolution shown below, respectfully

REPORTS:

New York City Art Commission – (Mayor’s nominee for appointment upon advice and consent of the Council)

- Shin pei-Tsay [M-0363]

The New York City Art Commission, also known as the Public Design Commission¹ (“Commission”) reviews permanent works of art, architecture and landscape architecture proposed on or over City-owned property. Projects include construction, renovation or restoration of buildings, such as museums and libraries; creation or rehabilitation of parks and playgrounds; installation of lighting and other streetscape elements; and design, installation and conservation of artwork.²

The Commission itself does not contract for any artwork, nor does it select contractors, negotiate fees, or otherwise involve itself in the selection or approval of contracts. The Commission brings its expertise to the process by reviewing submitted plans or work in accordance with standards enumerated in the *Charter*. Commission members have no say in what projects are initiated, or how City funds are allocated. The *Charter* states that the Commission has general advisory oversight over all works of art belonging to the City, and advises agencies having jurisdiction over them as to methods and procedures for their proper maintenance. [*Charter* § 857 (a).]

The Commission is composed of the Mayor or his representative, the President of the Metropolitan Museum of Art, the President of the New York Public Library, the President of the Brooklyn Museum, one painter, one sculptor, one architect, one landscape architect, all of whom shall be residents of the City, and three other residents of the City who cannot be painters, sculptors, architects, landscape architects, or active members of any other profession in the fine arts. *Charter* § 851 (a). The Mayor and the museum and library presidents serve in an ex-officio capacity. Section 31 of the *Charter* states that the Council performs an advice and consent review of mayoral appointees for membership on the Commission. The Council does not review ex-officio members. [*Charter* § 851 (a).]

The appointive members whose service is not ex-officio are chosen from a list submitted by the Fine Arts Federation of not less than three times the number to be appointed. If the Federation fails to present a list of nominees within three months from the time when a vacancy occurs, the Mayor may appoint an individual without such input. In case the Mayor fails to appoint within one year from the time when a vacancy occurs, the Commission is authorized to fill such vacancy for any balance of the un-expired term without the Council’s advice and consent review. [*Charter* § 851 (b).]

All members serve on the Commission without compensation. Members serve for three-year terms, or until a successor has been appointed and qualified. [*Charter* § 851 (b).]

Upon appointment by the Mayor with the advice and consent of the Council, Ms. Tsay, a resident of Brooklyn, will fill a vacancy and serve as one of the “lay members” for the remainder of a three-year term that expires on December 31, 2018. Copies of her résumé and report/resolution are annexed to this Briefing paper.

(After interviewing the candidate and reviewing the submitted material, this Committee decided to approve the appointment of the nominee Shin-pei Tsay [M-363]; please below for the Committee’s approval)

Pursuant to §§ 31 and 851 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Shin-pei Tsay as a member of the New York City Art Commission to serve for the remainder of a three-year term that expires on December 31, 2018.

¹ On July 21, 2008, Mayor Michael R. Bloomberg issued Executive Order No. 119, which changed the name of the Art Commission of the City of New York to the Public Design Commission of the City of New York, except in court documents, contracts and any other situation where the name “Art Commission” is legally required.

² <http://www.nyc.gov/html/artcom/html/about/about.shtml>

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

Res. No. 992

RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF SHIN-PEI-TSAY, AS A MEMBER OF THE NEW YORK CITY ART COMMISSION.

By Council Member Lander.

RESOLVED, that pursuant to §§ 31 and 851 of the *New York City Charter*, the Council does hereby approve the appointment by the Mayor of Shin-Pei Tsay as a member of the New York City Art Commission for the remainder of a three-year term that expires on December 31, 2018.

BRADFORD S. LANDER, *Chairperson*; INEZ E. DICKENS, DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ, MARGARET S. CHIN, JUMAANE D. WILLIAMS, RAFAEL L. ESPINAL, Jr., MARK LEVINE, STEVEN MATTEO, MELISSA MARK-VIVERITO; Committee on Rules, Privileges and Elections, February 3, 2016. *Other Council Members Attending: Greenfield, Kallos, Cohen, Van Bramer, Borelli, Barron, and Levin.*

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

GENERAL ORDER CALENDAR

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

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

Approved New Applicants

<i>Name</i>	<i>Address</i>	<i>District #</i>
Gregory Finch	61-11 Cloverdale Blvd Queens, N.Y. 11364	23
Jeselle M. Soto	31-36 89th Street Queens, N.Y. 11369	25
Mona Singletary	49 Crown Street #14G Brooklyn, N.Y. 11225	35
Ana Hernandez	120 Sheridan Avenue #2F Brooklyn, N.Y. 11208	37
Anicia Alcinder	164 East 40th Street Brooklyn, N.Y. 11203	41
Brenda Parris	216 Rockaway Avenue #20E Brooklyn, N.Y. 11233	41
Ruth Sabino	1225 Eastern Parkway #3C Brooklyn, N.Y. 11213	41
Sylvia Williams	629 Kingsboro 6th Walk Brooklyn, N.Y. 11233	41
Irving Jacobs	129 Bayridge Parkway #A2 Brooklyn, N.Y. 11209	43
Tomi Marshall	1511 East 55th Street Brooklyn, N.Y. 11234	46
Pamela Casso	2535 Bath Avenue Brooklyn, N.Y. 11214	47
Tanya Litochevsky	2665 Homecrest Avenue #2W Brooklyn, N.Y. 11235	48

Approved Reapplicants

<i>Name</i>	<i>Address</i>	<i>District #</i>
Lucy Eng-D'Andrilli	40 First Avenue #11C New York, N.Y. 10009	2
Mark K. Steinhauer	345 8th Avenue #14J New York, N.Y. 10001	3
Bruce Brandwen	20 West 76th Street #5A New York, N.Y. 10023	6
Robert Brizel	333 West 86th Street #1206 New York, N.Y. 10024	6
Verne Grey	10 East 116th Street #2A New York, N.Y. 10029	9
Sigris Medina	2850 8th Avenue #8C New York N.Y. 10039	9
Joan Macafity	4240 Hutchinson River Parkway #20D Bronx, N.Y. 10475	12
Steven J. Wallace	906 Dean Avenue Bronx, N.Y. 10465	13
Loretta Thomas	1477 Townsend Avenue #5R Bronx, N.Y. 10452	14
Camella Price	875 Morrison Avenue #13H Bronx, N.Y. 10473	17
Lillian Robles	2015 Marmion Avenue Bronx, N.Y. 10460	17
Linda Brown	2050 Seward Avenue #3N Bronx, N.Y. 10473	18
Mai Xuan Huynh	142-05 Roosevelt Avenue #210 Flushing, N.Y. 11345	20
Darlyne Joseph	33-32 96th Street Queens, N.Y. 11368	21
Antoinette Waite	143-50 Hoover Avenue #412 Jamaica, N.Y. 11435	24
Noreen Hollingsworth	119-09 180th Street Jamaica, N.Y. 11434	27

Plinio Mateo	78-40 64th Street Glendale, N.Y. 11385	30
Myrna Ortiz	62-09 62nd Avenue Queens, N.Y. 11379	30
Maria S. Pagano	63-57 75th Street Middle Village, N.Y. 11379	30
Phyllis K. Plato	63-57 75th Street Middle Village, N.Y. 11379	36
Jose J. Rivera	109 St. Nicholas Avenue #1R Brooklyn, N.Y. 11237	37
Anna S. Nevarez	75 Bush Street #1B Brooklyn, N.Y. 11231	38
Trevor S. Williams	1326 Blake Avenue #2 Brooklyn, N.Y. 11208	42
Mary Carbonaro	2073 East 38th Street Brooklyn, N.Y. 11234	46
Michael S. Fox	3920 Quentin Road Brooklyn, N.Y. 11234	46
Cindy Marie Benenati	598 Yetman Avenue Staten Island, N.Y. 10307	51
Vincent DeGeorge	74 Sandalwood Drive Staten Island, N.Y. 10308	51
Sheryl F. Diamond	26 Florence Street Staten Island, N.Y. 10308	51
Helen J. McHugh	111 Montreal Avenue Staten Island, N.Y. 10306	51

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

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

- | | | |
|------|---|--|
| (1) | M 363 & Res 992 - | Shin-pei Tsay - As a member of the New York City Art Commission. |
| (2) | Int 856-A - | Recreation center fees for seniors, youths, veterans and persons with disabilities. |
| (3) | Int 1054 - | Naming of 42 thoroughfares and public places. |
| (4) | Int 1055 - | Compensation of the mayor, public advocate, members of the city council, borough presidents, comptroller and district attorneys. |
| (5) | Int 1069 - | Making the members of the city council full-time officials. |
| (6) | Int 1077 - | Increasing access to disclosure forms of elected officials. |
| (7) | Int 1078 - | Modifying the timing and deliberation time for the quadrennial advisory commission for the review of compensation levels of elected officials. |
| (8) | Res 956-A - | Fulton Mall Special Assessment District. |
| (9) | Res 971 - | Outside earned income of members |
| (10) | Res 980 - | Allowances, and modifying allowances for officers of the council. |
| (11) | L.U. 320 & Res 986 - | App. 20165210 TCM , Becaf, LLC, d/b/a Poco NYC, sidewalk café, Manhattan, Community Board 3, Council District 2 (Coupled to be Filed). |
| (12) | L.U. 327 & Res 987 - | App. C 150384 ZSM , Zoning Resolution, Manhattan, Community Board 2, Council District 1. |
| (13) | L.U. 328 & Res 988 - | App. C 150385 ZSM , Zoning Resolution, Manhattan, Community Board 2, Council District 1. |
| (14) | L.U. 329 & Res 989 - | App. N 150416 ZRM , Zoning Resolution, Manhattan, Community Board 2, Council District 1. |
| (15) | L.U. 330 & Res 990 - | App. C 150417 ZSM , Zoning Resolution, Manhattan, Community Board 2, Council District 1. |
| (16) | L.U. 331 & Res 991 - | App. C 150418 ZSM , Zoning Resolution, Manhattan, Community Board 2, Council District 1. |
| (17) | Resolution approving various persons Commissioners of Deeds. | |

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

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

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

The following was the vote recorded for **Preconsidered Int No. 1055:**

Affirmative – Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Cumbo, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Levin, Levine, Mealy, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rodriguez, Rosenthal, Torres, Treyger, Vacca, Williams, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **40**.

Negative – Borelli, Crowley, Deutsch, Maisel, Matteo, Ulrich, Vallone – **7**.

The following was the vote recorded for **Preconsidered Int No. 1069:**

Affirmative – Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rodriguez, Rosenthal, Torres, Treyger, Ulrich, Vacca, Williams, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **45**.

Abstentions – Deutsch and Vallone. - **2**.

The following was the vote recorded for **Preconsidered Res No. 971:**

Affirmative – Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rodriguez, Rosenthal, Torres, Treyger, Ulrich, Vacca, Williams, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **45**.

Negative – Deutsch and Vallone - **2**.

The following Introductions were sent to the Mayor for his consideration and approval: Int No.856-A, Preconsidered Int Nos. 1054, 1055, 1069, 1077, and 1078.

INTRODUCTION AND READING OF BILLS

Preconsidered Int. No. 1054

By The Speaker (Council Member Mark-Viverito) and Council Members Barron, Cabrera, Chin, Constantinides, Cumbo, Dromm, Ferreras-Copeland, Gentile, Gibson, Lander, Levin, Levine, Matteo, Miller, Palma, Richards, Rodriguez, Rose, Torres, Ulrich, Vallone, Van Bramer, Williams and Wills.

A Local Law in relation to the naming of 42 thoroughfares and public places, Tanaya R. Copeland Avenue, Borough of Brooklyn, Loretta Ruddock Smith Way, Borough of the Bronx, Demetris Kastanas Way, Borough of Queens, Rev. Clarence Norman Sr. Way, Borough of Brooklyn, Dr. Derrick E. Griffith Way, Borough of Brooklyn, Carey Gabay Way, Borough of Brooklyn, Diversity Plaza, Borough of Queens, Edward F. Guida Sr. Way, Borough of Queens, Patrice T.C. Capo Memorial Way, Borough of Brooklyn, Ragamuffin Way, Borough of Brooklyn, Hip Hop Boulevard, Borough of the Bronx, Rev. William E. Thompson Way, Borough of the Bronx, Robert “PH” Diaz Way, Borough of Brooklyn, Sgt. Bobby Mendez Way, Borough of Brooklyn, Rev. Dr. Jasper Simmons Place, Borough of Manhattan, Norman Rockwell Place, Borough of Manhattan, Captain James McDonnell Way, Borough of the Bronx, Ms. Aida Perez-Loiza Aldea Lane, Borough of Manhattan, SGT. Donald B. Geisler Way, Borough of Staten Island, Joseph DeNicola Lane, Borough of Staten Island, FDNY Capt. John R. Graziano Way, Borough of Staten Island, Anthony Manifold Way, WWII Hero, MIA, Borough of Staten Island, Connor and Breandon Moore Way, Borough of Staten Island, Police Officer Kenneth Anthony Nugent Way, Borough of Queens, John Watusi Branch Way, Borough of Queens, Kips Bay Blvd., Borough of the Bronx, Detective Randolph Holder Way, Borough of Queens, Freddy Beras-Goico Way, Borough of Manhattan, Sidney Offerman Way, Borough of Manhattan, School Security Agent Sandra P. Cranford Way, Borough of Staten Island, Roberta (Bobbie) Jacobowitz Way, Borough of Staten Island, Robert S. Farrell and Donald H. Farrell Way, Borough of Staten Island, Rev. Abner Bernard Duncan Way, Borough of the Bronx, Police Officer Kevin Joseph Gillespie Way, Borough of the Bronx, John C. Flynn Way, Borough of the Bronx, Charles Lucania Memorial Way, Borough of Queens, Vincent Cangelosi Memorial Way, Borough of Queens, Alfred J. Vigilante Way, Borough of Brooklyn, Qadri’s Way, Borough of Queens, Anthony Mason Way, Borough of Queens, 1783 Evacuation Day Plaza, Borough of Manhattan, Εθνικός Κήρυξ - National Herald Way, Borough of Queens and the repeal of sections 2 and 22 of local law number 76 for the year 2015 and the repeal of section 34 of local law number 15 for the year 2015.

Be it enacted by the Council as follows:

Section 1. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Tanaya R. Copeland Avenue	None	At the north side of Stanley Avenue and Sheridan Avenue

§2. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Loretta Ruddock Smith Way	None	At the intersection of West 174 th Street and Davidson

		Avenue
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§3. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Demetris Kastanas Way	None	At the intersection of Steinway Street and 31 st Avenue

§4. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Rev. Clarence Norman Sr. Way	Rogers Avenue	Between Eastern Parkway and Union Street

§5. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Dr. Derrick E. Griffith Way	Montgomery Street	Between Bedford Avenue and Franklin Avenue

§6. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Carey Gabay Way	Clinton Avenue	Between Willoughby Avenue and Myrtle Avenue

§7. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Diversity Plaza	37 th Road	Between 73 rd Street and 74 th Street

§8. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Edward F. Guida Sr. Way	None	At the northeast corner of 104 th Street and 48 th Avenue

§9. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Patrice T.C. Capo Memorial Way	None	At the intersection of 90 th Street and Third Avenue

§10. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Ragamuffin Way	None	At the intersection of 74 th Street and 3 rd Avenue

§11. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Hip Hop Boulevard	At 1520 Sedgwick Avenue	Between West 167 th Street and West Tremont Avenue

§12. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Rev. William E. Thompson Way	Teller Avenue	Between East 169 th Street and East 170 th Street

§13. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Robert "PH" Diaz Way	Degraw Street	Between 4 th Avenue and 5 th Avenue

§14. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Sgt. Bobby Mendez Way	None	At the northwest corner of S. 10 th Street and Bedford Avenue

§15. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Rev. Dr. Jasper Simmons Place	None	At the intersection of 155 th Street and Amsterdam Avenue

§16. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Norman Rockwell Place	None	At the intersection of 103 rd Street and Broadway

§17. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Captain James McDonnell Way	None	At the intersection of East 152 nd Street and Prospect Avenue

§18. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Ms. Aida Perez-Loiza Aldea Lane	None	At the southeast corner of East 105 th Street and Lexington Avenue

§19. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
SGT. Donald B. Geisler Way	None	At the intersection of Lisbon Place and Lincoln Avenue

§20. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Joseph DeNicola Lane	None	At the intersection of Nedra Lane and Arden Avenue

§21. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
FDNY Capt. John R. Graziano Way	None	At the intersection of Getz Avenue and Katan Avenue

§22. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Anthony Manifold Way, WWII Hero, MIA	None	At the intersection of Bradford Avenue and Foster Road

§23. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Connor and Breandon Moore Way	None	At the intersection of McLaughlin Street and Quincy Avenue

§24. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Police Officer Kenneth Anthony Nugent Way	None	At the intersection of 91 st Avenue and 188 th Street

§25. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
John Watusi Branch Way	None	At the northwest corner of 176 th Street and Jamaica Avenue

§26. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Kips Bay Blvd.	1930 Randall Avenue	Between White Plains Road and Pugsley Avenue

§27. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Detective Randolph Holder Way	At the intersection of Collier Avenue and Briar Place	Between Beach 25 th Street and Beach 22 nd Street

§28. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Freddy Beras-Goico Way	175 th Street	Between Broadway and Wadsworth Avenue

§29. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Sidney Offerman Way	None	At the intersection of Nagle Street and Ellwood Street

§30. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
School Security Agent Sandra P. Cranford Way	None	At the southwest corner of Tompkins Avenue and Hill Street underneath the Hill Street sign

§31. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Roberta (Bobbie)	None	At the intersection of St.

Jacobowitz Way		Mark's Place and Hyatt Street
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§32. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Robert S. Farrell and Donald H. Farrell Way	None	At the southwest corner of Port Richmond Avenue and Richmond Terrace

§33. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Rev. Abner Bernard Duncan Way	None	At the intersection of East 180 th Street and Arthur Avenue

§34. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Police Officer Kevin Joseph Gillespie Way	None	At the intersection of Grand Concourse and East 183 rd Street

§35. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
John C. Flynn Way	None	At the intersection of East 182 nd Street and Grote Street

§36. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Charles Lucania Memorial Way	None	At the northwest corner of 149 th Street and Willets Point Boulevard

§37. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Vincent Cangelosi Memorial Way	None	At the intersection of 154 th Street and 26 th Avenue

§38. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Alfred J. Vigilante Way	None	At the northwest corner of East 49 th Street and Foster Avenue

§39. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Qadri's Way	110 th Street	Between 107 th Avenue and 109 th Avenue

§40. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Anthony Mason Way	147 th Street	Between Rockaway Boulevard and Sutphin Boulevard

§41. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
1783 Evacuation Day Plaza	Bowling Green Plaza	

§42. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Εθνικός Κήρυξ - National Herald Way	30 th Street	Between 37 th Avenue and 38 th Avenue

§43. Sections 2 and 22 of local law number 76 for the year 2015 are hereby REPEALED.

§44. Section 34 of local law number 15 for the year 2015 is hereby REPEALED.

§45. This local law shall take effect immediately.

Adopted by the Council (preconsidered and approved by the Committee on Committee on Parks and Recreation)

Preconsidered Int. No. 1055

By The Speaker (Council Member Mark-Viverito) and Council Members Lander and Dickens.

A Local Law to amend the New York city charter, in relation to compensation of the mayor, public advocate, members of the city council, borough presidents, comptroller and district attorneys.

Be it enacted by the Council as follows:

Section 1. Section 4 of the New York city charter, as amended by local law number 51 for the year 2006, is amended to read as follows:

§ 4. Election; term; salary. The mayor shall be elected at the general election in the year nineteen hundred sixty-five and every fourth year thereafter. The mayor shall hold office for a term of four years commencing on the first day of January after each such election. A mayor who resigns or is removed from office prior to the completion of a full term shall be deemed to have held that office for a full term for purposes of section 1138 of the charter. The salary of the mayor shall be two hundred [twenty-five] *fifty-eight thousand seven hundred fifty* dollars a year.

§ 2. Subdivision a of section 26 of the New York city charter, as amended by local law number 51 for the year 2006, is amended to read as follows:

a. The salary of the public advocate shall be one hundred [sixty-five] *eighty-four thousand eight hundred* dollars a year.

§ 3. Subdivision b of section 26 of the New York city charter, as amended by local law 51 for the year 2006, is amended to read as follows:

b. The salary of each council member shall be one hundred [twelve] *forty-eight thousand five hundred* dollars a year, *except that the salary of the speaker shall be one hundred sixty-four thousand five hundred dollars a year.* In addition any council member, while serving as a committee chairperson or other officer of the council, may also be paid, in addition to such salary, an allowance fixed by resolution, after a hearing, for the particular and additional services pertaining to the additional duties of such position.

§ 4. Subdivision c of section 81 of the New York city charter, as amended by local law number 51 for the year 2006, is amended to read as follows:

c. The salary of the borough president shall be one hundred [sixty] *seventy-nine thousand two hundred* dollars a year.

§ 5. Section 91 of the New York city charter, as amended by local law number 51 for the year 2006, is amended to read as follows:

§ 91. Election; term; salary. The comptroller shall be elected by the electors of the city at the same time and for the same terms as in this charter prescribed for the mayor. A comptroller who resigns or is removed from office prior to completion of a full term shall be deemed to have served a full term for purposes of section 1138 of the charter. The salary of the comptroller shall be [one hundred eighty-five] *two hundred_nine thousand fifty* dollars a year.

§ 6. Section 1125 of the New York city charter, as amended by local law number 51 for the year 2006, is amended to read as follows:

§ 1125. Salaries of the district attorneys. Each of the district attorneys of the counties of New York, Bronx, Kings, Queens and Richmond shall receive an annual salary equal to the compensation received by a justice of the supreme court in the county in which such district attorney has been elected and is serving, or [one hundred ninety] *two hundred twelve thousand eight hundred* dollars a year, whichever is greater.

§ 7. Sections one, two, and four through six of this local law take effect 45 days after they become law, and shall be retroactive to, and deemed to have been in full force and effect on and after, January 1, 2016. Section three of this local law takes effect 45 days after it becomes law or when the council has repealed all allowances for council members by resolution, whichever is later, and at such time shall be retroactive to, and deemed to have been in full force and effect on and after, January 1, 2016.

Adopted by the Council (preconsidered and approved by the Committee on Governmental Operations).

Preconsidered Int. No. 1056

By The Speaker (Council Member Mark-Viverito).

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to penalties for violating certain park rules.

Be it enacted by the Council as follows:

Section 1. Subparagraphs (i) and (ii) of paragraph 9 of subdivision a of section 533 of the New York city charter are amended to read as follows:

(i) [Any violation of] *Any person convicted of violating* such rules or regulations, [except any violation of] *notwithstanding* subparagraph (ii) of this paragraph, shall be *punished* by [a misdemeanor triable by a judge of the criminal court of the city of New York and punishable by not more than ninety days imprisonment or by a fine of not more than one thousand dollars or by both. Any violation of such rules or regulations shall also subject the violator to] a civil penalty of not more than [ten thousand] two hundred dollars for each violation which [may] *shall* be recovered in a proceeding before the [environmental control board] *office of administrative trials and hearings*. [Such proceeding shall be commenced by the service of a notice of violation returnable to the environmental control board.] *Such person may be subject to a fine of not more than two hundred dollars.*

(ii) [Any violation of a rule or regulation concerning the unlawful cutting, removal or destruction of any tree shall be a misdemeanor triable by a judge of the criminal court of the city of New York and punishable by not more than one year imprisonment or by a fine of not more than fifteen thousand dollars or by both. Any violation of a rule or regulation concerning the unlawful cutting, removal or destruction of any tree shall also subject the violator to a civil penalty of not more than ten thousand dollars for each violation which may be recovered in a proceeding before the environmental control board. Such proceeding shall be commenced by the service of a notice of violation returnable to the environmental control board. The environmental control board shall have the power to impose the civil penalties prescribed herein] *Any action prohibited by a rule established by the department in accordance with this paragraph that is also a violation of the administrative code of the city of New York shall be punishable by the penalty provided by the administrative code, including but not limited to those actions defined in sections 18-146 and 18-147 of the administrative code;*

§ 2. Title 18 of the administrative code of the city of New York is amended by adding new sections 18-146 and 18-147 to read as follows:

§18-146. Prohibitions in Parks. 1. The prohibitions in this section apply in any public park in the city of New York, recreational facilities and other property under the jurisdiction of the Hudson river park trust, the battery park city authority and the Brooklyn bridge park corporation provided that such trust, authority or corporation have entered into agreements with the commissioner to provide for the maintenance, protection and/or government of such property by the department, except to the extent that such rules and regulations are inconsistent with specific rules and regulations of the Hudson river park trust, the battery park city authority or the Brooklyn bridge park corporation.

a. Failure to comply with lawful order. No person shall fail, neglect or refuse to comply with the lawful direction or command of any member of the police force or peace officer.

b. Destruction or abuse of property. No person shall injure, deface, alter, write upon, destroy, remove or tamper with in any way, any real or personal property or equipment owned by or under the jurisdiction or control of the department.

c. Destruction or abuse of trees. No person shall deface, write upon, injure, sever, mutilate, kill or remove from the ground any trees under the jurisdiction of the department without permission of the commissioner.

d. Pollute waters. No person shall throw, drop, allow to fall, or discharge into or leave in the waters within any park, including pools and bathing areas, or any tributary, brook, stream, sewer or drain flowing into said waters, any substance, liquid or solid, which may or will result in the pollution of said waters.

e. Unlawful dumping. No person shall engage in unlawful dumping within any park including squares, public places, playgrounds or other recreational properties. For purposes of this subdivision "unlawful dumping" shall mean suffering or permitting any dirt, sand, gravel, clay, loam, stone, rocks, rubble, building rubbish, sawdust, shavings or trade or household waste, refuse, ashes, manure, garbage, rubbish or debris of any sort or any other organic or inorganic material or thing or other offensive matter being transported in a dump truck or other vehicle to be dumped, deposited or otherwise disposed of.

f. Aviation. No person shall voluntarily bring, land or cause to alight within or upon any park, any airplane, balloon, parachute, hang glider, or other aerial device, except that certain areas may be designated appropriate landing places for medical evacuation helicopters. For the purposes of this subdivision

“voluntarily” shall mean anything other than a forced landing caused by mechanical or structural failure of the aircraft or other aerial device.

g. *Explosives, firearms and weapons.* No person, except a member of the police force or peace officer, shall bring into or have in his or her possession in any park, any firearms, slingshots, firecrackers, missile propelling instruments or explosives, including any substance, compound or mixture having properties of such a character that alone or in combination with other substances, compounds or mixtures, propel missiles, explode or decompose to produce flames, combustion, noise, or noxious or dangerous odors. Nothing in this subdivision shall be construed to prohibit the proper use of cigarette lighters, matches or of charcoal lighter fluid in proper containers in picnic grills where permissible pursuant to the rules promulgated by the commissioner.

h. *Animal nests and eggs.* No person shall within any park, including any zoo area, molest, chase, wound, trap, hunt, shoot, throw missiles at, kill or remove any animal, any nest, or the eggs of any amphibian, reptile or bird; or knowingly buy, receive, have in his or her possession, sell or give away any such animal or egg taken from or killed within any park including any zoo area.

i. *Failure to control animals.* No person owning, possessing or controlling any animal shall cause or allow such animal to be unleashed or unrestrained in any park unless permitted by the Commissioner in accordance with the rules of the department.

j. *Trespass.* No person shall knowingly enter or remain unlawfully in a building or upon real property which is fenced or otherwise enclosed in a manner designed to exclude intruders, or shall enter or leave any park except by designated entrance ways or exits.

k. *Fee evasion.* No person shall gain or attempt to gain admittance to the facilities in any park for the use of which charge is made without paying such charge.

l. *Fortune telling.* No person shall engage in fortune telling as defined by penal law section 165.35 or any successor statute, or the attempt to commit such crime under section 110 of the penal law. Notwithstanding any other provision of this section, the penalty for violating this subdivision shall be the penalty for such act as defined in the penal law.

m. *Road obstruction.* No person shall interfere with, encumber, obstruct, or render dangerous any part of a park or park road.

n. *Assault.* No person shall commit any act that would constitute assault in the third degree under section 120.00 of the penal law or any successor statute, or the attempt to commit such crime under section 110 of the penal law. Notwithstanding any other provision of this section, the penalty for violating this subdivision shall be the penalty for such act as defined in the penal law.

o. *Harassment.* No person shall intentionally and repeatedly harasses another person by following such person in or about a public place or places or by engaging in a course of conduct or by repeatedly committing acts which places such person in reasonable fear of physical injury.

p. *Reckless endangerment.* No person shall commit any act that would constitute reckless endangerment in the second degree under section 120.20 of the penal law or any successor statute, or the attempt to commit such crime under section 110 of the penal law. Notwithstanding any other provision of this section, the penalty for violating this subdivision shall be the penalty for such act as defined in the penal law.

q. *Unlawful exposure.* No person shall appear in public on property under the jurisdiction of the Department in such a manner that one's genitalia are unclothed or exposed.

r. *Unlawful solicitation.* i. No person shall engage in any commercial activity or commercial speech in any park, except pursuant to a permit issued by the commissioner.

ii. No person shall solicit money or other property from persons not known to such person in any park, unless such person possesses a permit for noncommercial solicitation issued by the commissioner.

s. *Events without permits.* No person shall erect any structure, stand, booth, platform, or exhibit in connection with any assembly, meeting, exhibition or other event without a permit issued by the commissioner.

t. *Sound reproduction device.* No person shall play or operate any sound reproduction device, as defined by the rules of the department, in any park without a permit issued by the commissioner and any other city agency or agencies with pertinent jurisdiction. This paragraph shall not apply to the regular and customary use of portable radios, record players, compact disc players, or television receivers, or tape recorders played or operated in full accordance with the rules of the department so as not unreasonably to disturb other persons

in their permitted uses of the park, except that in areas designated by the commissioner as "quiet zones," such regular and customary use of sound reproduction devices shall be prohibited. Signs shall be posted in all quiet zones advising the public of such prohibition. Use of radios and other sound reproduction devices listened to solely by headphones or earphones, and inaudible to others, is permitted in all areas of the parks.

u. Music or advertising noise without a permit. No person shall play or operate any musical instrument or drum or cause any noise for advertising or commercial purposes except under the express terms of a permit issued by the Commissioner.

v. Unauthorized commercial cinematic production. Any person or entity engaged in filming or photography in a park, where such activity is subject to the permit requirements of the mayor's office of film, theatre and broadcasting may engage in such activity only upon obtaining such a permit from that office.

w. Unlawful fires. i. No person shall kindle, build, maintain, or use a fire in any place, portable receptacle, or grill except in places provided by the department and so designated by sign or by special permit. In no event shall open or ground camp fires be allowed in any park. Any fire authorized by this paragraph shall be contained in a portable receptacle grill or other similar device, and continuously under the care and direction of a competent person over eighteen years of age, from the time it is kindled until it is extinguished. No fire shall be within ten feet of any building, tree, or underbrush or beneath the branches of any tree.

ii. No person shall leave, throw away or toss any lighted match, cigar, or cigarette, hot coals, or other flammable material within, on, near, or against any tree, building, structure, boat, vehicle or enclosure, or in any open area.

x. Motor vehicles in parks. i. Motor vehicles may not be brought into or operated in any area of a park except on park roads or designated parking areas. Park roads may be closed to motor vehicles at such times and in such places designated by the commissioner.

ii. A person shall not park any motor vehicle in any park except in areas designated by the commissioner for parking, and only during the hours of operation of such park.

iii. No person shall use any area of a park, including designated parking areas, for the purpose of performing non-emergency automotive work, including, but not limited to, vehicle maintenance, repairs, or cleaning.

y. Unauthorized excavations. No person shall perform, cause, suffer or allow to be performed any excavations within or adjacent to any park property without a permit.

z. Exclusive Children's Playgrounds. No person shall enter any playground designated an exclusive children's playground unless such person is accompanied by a child under the age of twelve. Such playgrounds shall be designated as such by department signage.

2. Penalties. Any person who violates the provisions of this section shall be guilty of a misdemeanor punishable by not more than 90 days imprisonment or by a fine of not more than one thousand dollars or by both, and shall be subject to a civil penalty of not more than one thousand dollars which shall be recoverable in a proceeding before the office of administrative trials and hearings, unless otherwise stated.

§18-147. Vending in Parks. a. Definitions. For purposes of this section, the following terms shall have the following meanings:

Display stand. "Display stand" shall mean a movable, portable or collapsible structure, framework, device, container or other contrivance used by a vendor in any property under the jurisdiction of the Department for the purpose of displaying, keeping or storing any goods, wares, merchandise, foodstuffs or expressive matter.

Expressive matter. "Expressive matter" means materials or objects with expressive content, such as newspapers, books, or writings, or visual art such as paintings, prints, photography, sculpture or entertainment.

Street furniture. "Street furniture" or "park furniture" shall mean any City-installed, maintained or approved structure, including but not limited to, benches, newspaper boxes, tree guards, fire hydrants, trash receptacles, telephone kiosks, newsstands, bus shelters, barricades, bollards, traffic signs, traffic lights, walls, water fountains, or fences located in any property under the jurisdiction of the Department.

Vend. "Vend" means to sell, offer for sale, hire, lease or let anything whatsoever, including, but not limited to goods, services, or entertainment, or provide or offer to provide services or items, or entertainment in exchange for a donation.

Vendor. “Vendor” or “vendors” mean persons who vend as defined herein.

b. No person shall vend in or on any property under the jurisdiction of the Department except under and within the terms of a permit, or except as otherwise provided by law.

c. Persons may vend expressive matter on property under jurisdiction of the Department without a permit, but must comply with all applicable rules and regulations. However, in the specific locations enumerated in paragraph (d) expressive matter vendors may only vend expressive matter at the specifically designated spots identified by the Commissioner in the accompanying maps and as marked by a Department decal, medallion, or other form of marking, on the specific location of the approved vending spot, unless they are only vending expressive matter without using a cart, display stand or other device and without occupying a specific location for longer than necessary to conduct a transaction and are otherwise in compliance with Department rules. These spots shall be allocated upon a first come, first serve basis except as otherwise provided by law and any expressive matter vendor may only vend expressive matter centered directly behind the Department decal, medallion, or other form of marking. Only one expressive matter vendor is authorized to vend directly behind the Department decal, medallion, or other form of marking as indicated by the Department decal, medallion, or other form of marking and if multiple expressive matter vendors attempt to vend expressive matter at any one Department decal, medallion, or other form of marking and if it cannot be otherwise determined which expressive matter vendor arrived first, then all such expressive matter vendors at such spot will be in violation of this section and may be directed to leave the area of that Department decal, medallion, or other form of marking immediately. Any such expressive matter vendor failing to leave the area of the Department decal, medallion, or other form of marking immediately upon direction as required under the preceding sentence will be in violation of this section. Expressive matter vendors can only occupy the designated spots for the purpose of vending expressive matter and only during posted times, which will be consistent with the hours of operation for the park where such designated spots are located in or adjacent to. The designated spots may deviate from the restrictions enumerated in subdivision l(i), l(iv), l(v), or l(vi), if such spots are determined to be appropriate by the Commissioner given the specific features of the park.

d. Expressive matter vendors may not vend in the following general areas unless they vend at the specifically designated spots for such vending on the accompanying maps and in compliance with all other applicable Department rules:

i. Central Park at the following locations: (A) the perimeter of the park between East 85th Street and East 60th Street, including all sidewalks and plazas (B) the perimeter of the park between West 86th Street and West 60th Street, including all sidewalks and plazas (C) all of Central Park South, including all sidewalks and plazas (D) Wien Walk and Wallach Walk, (E) pedestrian pathways parallel to East Drive between Grand Army Plaza and the Center Drive, (F) Grand Army Plaza, (G) Pulitzer Plaza, and (H) Columbus Circle.

ii. Battery Park, including all perimeter sidewalks.

iii. Union Square Park, including all perimeter sidewalks.

iv. Elevated portions of High Line Park.

e. No vendor in or on any property under the jurisdiction of the Department shall allow any item or items used or offered in conjunction with vending to touch, lean against or be affixed permanently or temporarily to any street or park furniture installed on public property or any rock formation, tree, shrub or other planting.

f. No vendor shall block any person from using any street or park furniture installed on public property by way of the vending activity.

g. No vendor shall vend anything in such a manner that would damage or otherwise injure Department property, including, but not limited to lawns, plants, animals or buildings.

h. No vendor shall vend anything that is placed immediately on a sidewalk or park path, or on a blanket or board placed immediately upon such surface or on the top of a trash receptacle or cardboard box.

i. No vendor shall vend anything over any ventilation grill, cellar door, manhole, transformer vault or subway access grating.

j. No vendor shall vend anything directly from any parked or double parked motor vehicle except for food vendors with appropriate Department and New York City Department of Health and Mental Hygiene permits.

k. No vendor shall vend anything in an unsuitable location because the location is a specialized area including, but not limited to, a zoo, swimming pool, playground, athletic field or court, or skating rink;

l. No vendor shall vend anything whatsoever using a display stand that:

i. provides less than a twelve foot wide clear pedestrian path measured from the display on the sidewalk or park path to the opposite edge of the sidewalk or park path, except that when there is street or park furniture on the pedestrian path the measurement must be taken from the display to two feet from the street or park furniture in order to determine whether there is less than a twelve foot wide clear pedestrian path;

ii. is placed on any other part of a sidewalk under the Department's jurisdiction other than that which abuts the curb, unless otherwise authorized;

iii. is within any bus stop, carriage horse stand, pedicab stand, or taxi stand, or is within ten feet of any subway entrance or exit;

iv. is within five feet from any street or park furniture, public telephone, disabled access ramp, tree, or from individuals or entities authorized by permit or license by the Commissioner to operate at a specific location;

v. is within ten feet from any crosswalk on any path or on any sidewalk under the jurisdiction of the Department;

vi. is placed within fifty feet from any monument or other public art installation, including, but not limited to ornamental fountains;

vii. occupies more than eight linear feet of public space parallel to the curb or park path;

viii. occupies more than three linear feet in depth;

ix. is more than five feet high or less than twenty-four inches above the sidewalk or park path where the display surface is parallel to the sidewalk or park path, and may not be less than twelve inches above the sidewalk or park path where the display surface is vertical;

x. where a rack or other display structure is placed on the top or above a table or other base, the size of the base is not less than the size of any rack or display structure placed thereon. Nothing shall be placed on the base so as to exceed the size limitations contained in this section;

xi. uses any areas other than that area immediately beneath the surface of the display stand for the storage of items for sale, unless permitted by Department license or permit for the use of a fixed location to store items for sale; or

xii. fails to use an opaque covering to shield any items stored beneath the surface of the display stand.

m. Where exigent circumstances exist and a Department employee or police officer gives notice to a vendor to move temporarily from any location such vendor shall not vend from such location. For the purposes of this section, exigent circumstances shall include, but not be limited to, unusually heavy pedestrian or vehicular traffic, the existence of any obstruction in the park, an accident, fire, or other emergency situation, a parade, special event, demonstration, construction project, maintenance operations, or other such event at or near such location, including periods of set up and take down for such exigent circumstances.

n. Penalties. Any person who violates the provisions of this section shall be guilty of a misdemeanor punishable by not more than 90 days imprisonment or by a fine of not more than one thousand dollars or by both, and shall be subject to a civil penalty of not more than one thousand dollars which shall be recoverable in a proceeding before the office of administrative trials and hearings, unless otherwise stated.

§ 3. This local law shall take effect immediately, and shall apply to proceedings for enforcement of section 533 of the charter commenced on and after such date.

Referred to the Committee on Public Safety (preconsidered but laid over by the Committee on Public Safety)

Preconsidered Int. No. 1057

By The Speaker (Council Member Mark-Viverito).

A Local Law to amend the administrative code of the city of New York, in relation to the enforcement of criminal and civil offenses.

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended by adding a new section 14-155 to read as follows:

§14-155 Enforcement criteria.

a. Declaration of legislative findings and intent. The Council has analyzed the application of criminal and civil enforcement in numerous low-level offenses. Based upon this analysis, the Council has identified concerns with the use of criminal enforcement for many of these offenses and has concluded that criminal enforcement of these offenses should be used only in limited circumstances and that, in the absence of such circumstances, civil enforcement should be utilized. Therefore, the Council finds that it would be productive for the Police Department to communicate to its officers and to the public guidance regarding the important determination whether to utilize civil or criminal enforcement in particular instances.

b. Definitions. For the purposes of this section, the following terms have the following meanings:

Civil enforcement. The term “civil enforcement” means the issuance of a civil notice of violation.

Criminal enforcement. The term “criminal enforcement” means the charging of a misdemeanor or violation.

Specified unlawful act. The term “specified unlawful act” means an act that violates the any of the following provisions: subdivision b of section 10-125 of the code, subdivisions 1 and 6 of section 16-118 of the code, subdivision a of section 24-218 of the code, and rules and regulations of the department of parks and recreation described in paragraph 9 of subdivision a of section 533 of the charter, section 18-146 of the code, or section 18-147 of the code.

c. The department shall provide guidance to its uniformed officers with respect to determining whether to utilize civil enforcement or criminal enforcement, or both, for any individual who commits a specified unlawful act. Such guidance shall be made publicly available. Nothing contained in this subdivision or in the administration or application hereof shall be construed as creating:

1. a right to be subject to civil or criminal enforcement or prosecution in connection with any alleged specified unlawful act; or

2. a private right of action on the part of any persons or entity against the city of New York, the department, or any official or employee thereof.

§ 2. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Public Safety (preconsidered but laid over by the Committee on Public Safety).

Preconsidered Int. No. 1058

By The Speaker (Council Member Mark-Viverito) and Council Member Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to the penalties for excessive noise.

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter of title 24 of the of the Administrative Code of the City of New York is amended by adding a new section 24-218.2 to read as follows:

24-218.2. Aggravated unreasonable noise. A person is guilty of aggravated unreasonable noise when he or she violates section 24-218 within 24 hours of having violated section 24-218 and, pursuant to such violation, either (i) was charged with a violation pursuant to section 24-269(g); (ii) received a notice of violation pursuant to section 24-259; or (iii) was instructed by a police or peace officer to cease such unreasonable noise.

§ 2. Section 24-269 of the Administrative Code of the City of New York is amended by adding a new subdivision g to read as follows:

(g) Notwithstanding any other provision of this section, the violation of section 24-218 constitutes an offense punishable by a fine of up to 250 dollars, and the violation of section 24-218.2 constitutes a misdemeanor punishable by a fine of up to 1000 dollars, or imprisonment of up to 20 days, or both.

§ 3. This local law takes effect six months after it becomes law, and shall apply to proceedings for enforcement of section 24-218 of the administrative code commenced on and after such date.

Referred to the Committee on Public Safety (preconsidered but laid over by the Committee on Public Safety).

Preconsidered Int. No. 1059

By The Speaker (Council Member Mark-Viverito) and Council Members Gibson, Kallos, Lancman and Ulrich.

A Local Law to amend the New York city charter, in relation to permitting ECB to use community service as an alternative to fines.

Be it enacted by the Council as follows:

Section 1. Section 1049 of chapter 45-A of the New York city charter is amended by adding a new subsection 4 to read as follows:

4. Notwithstanding any other provision of law in the conduct of an adjudication, an administrative law judge shall, as an offer of settlement in accordance with paragraph (a) of subsection 3 of this section, for any person who meets the standards for poverty as determined by the center for employment opportunity, or any successor formula, offer such person the option of settling their case by completing community service. This subsection shall apply in a proceeding before the office of administrative trials and hearings for a violation of the following provisions of the administrative code: 10-125, 16-118, 18-142, 18-143, and 24-257. For the purposes of this subsection, one day of community service shall be offered to satisfy liability for a civil penalty of up to 250 dollars. The office of administrative trials and hearings shall take all necessary measures to ensure that the option of settlement by completing community service is communicated to and made available to any eligible person, and that compliance with such settlements is properly monitored. Should such person fail to comply with the terms of any such settlement, the administrative law judge may proceed with entering a judgment for civil penalties against such person, as authorized by law.

§2. This local law takes effect 6 months after it becomes law.

Referred to the Committee on Public Safety (preconsidered but laid over by the Committee on Public Safety).

Preconsidered Res. No. 971

Resolution to amend chapter II of the rules of the council in relation to outside earned income of members.

By The Speaker (Council Member Mark-Viverito) and Council Member Lander.

Section 1. Chapter II of the rules of the council of the city of New York is amended by adding a new rule 2.85 to read as follows:

2.85. Outside Earned Income – Members may not receive outside earned income. Outside earned income means income other than the Council salary and benefits of a member, except that such term does not include (1) investment income, including but not limited to interest, dividends, rents, annuities and capital gains; (2)

compensation for personal services actually rendered before the adoption of this rule or before such individual became a member; (3) income received from a pension or retirement account, or from social security; (4) copyright royalties received under usual and customary contractual terms; (5) compensation for speaking engagements or artistic performance, with advance approval by the conflicts of interest board; (6) income received for teaching a course of instruction at an established academic institution for which students receive credit, so long as such compensation does not exceed that normally received by others at the institution for a comparable type and amount of instruction; and (7) with advance approval by the Office of General Counsel, minimal earned income from activity involving only a limited time commitment, and which does not interfere with the performance of official duties. Any income received by a member shall be subject to the requirements of chapter 68 of the charter. Until January 1, 2018, the provisions of this rule do not apply to any member who submits a letter to the Speaker no later than March 1, 2016 stating that such member has received outside income during the Council's 2014-2017 session and intends to continue to receive outside earned income.

Adopted by the Council (preconsidered and approved by the Committee on Rules, Privileges and Elections).

Int. No. 1060

By Council Member Cabrera.

A Local Law to amend the administrative code of the city of New York, in relation to the identification of dog owners by sanitation agents.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-133.1 to read as follows:

§ 16-133.1 Identification of dog owner. Any peace officer of the department of sanitation enforcing section 1310 of the public health law shall have available a device capable of reading the identification information contained in a microchip implanted in a dog.

§ 2. This local law takes effect 120 days after it becomes law, provided that the commissioner of sanitation may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, establishing guidelines and promulgating rules.

Referred to the Committee on Sanitation and Solid Waste Management.

Res. No. 972

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A.2504, which would eliminate the statute of limitations in criminal and civil actions involving sex crimes against minors.

By Council Member Cabrera, Gentile and Chin.

Whereas, According to the Centers for Disease Control and Prevention, nearly one in four girls and nearly one in six boys in the United States are sexually abused before the age of eighteen; and

Whereas, According to the Rape, Abuse and Incest National Network, the effects of child sexual abuse can be devastating, with survivors experiencing a range of short- and long-term effects that can include: (i) suicidal thoughts, (ii) depression, (iii) post-traumatic stress disorder, (iv) disassociation, (v) self-harm, and (vi) feelings of guilt and shame; and

Whereas, Survivors are often reluctant to share their painful experiences with others; and

Whereas, According to the Child Abuse Prevention Center, over 30% of child sexual abuse victims never disclose to others they have been abused, and those who do often do so years, if not decades, later; and

Whereas, For years, advocates have campaigned for legislative reforms to extend or eliminate the statute of limitations in cases of rape and other sex crimes, so that survivors can seek justice regardless of how much time has passed since the crime; and

Whereas, According to the Council of State Governments, 31 states removed or never had statutes of limitations for certain sex crimes; and

Whereas, In 2006, New York State eliminated the criminal statute of limitations for rape in the first degree, which had been five years, and increased the statute of limitations for civil actions for rape from one to five years; and

Whereas, According to the National Organization for Women, there were 690 rape complaints in New York State in 2005 that could not be prosecuted due to the existing statute of limitations; and

Whereas, The increased use of DNA testing as evidence in prosecution over the last two decades has underscored the need to eliminate the statute of limitations for sex crimes; and

Whereas, By 2013, New York State had removed the statute of limitations for several sex crimes, including: (i) rape, (ii) criminal sexual act, (iii) aggravated sexual abuse, and (iv) course of sexual conduct against a child; and

Whereas, To empower victims of child sexual abuse to bring their abusers to justice regardless of how much time has passed since they were abused, in January of 2015 New York State Assembly Member Al Graf introduced A.2504, an act to remove the statute of limitations in criminal and civil actions involving all sex crimes against minors; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, A.2504, which would eliminate the statute of limitations in criminal and civil actions involving sex crimes against minors.

Referred to the Committee on Public Safety.

Res. No. 973

Resolution calling upon the New York City Administration of Children’s Services to fund and Criminal Court Judges to use the Positive Alternative Towards Home program.

By Council Members Cabrera and Rodriguez.

Whereas, In April 2011, the New York City Administration of Children’s Services (“ACS”) began a pilot program called Positive Alternative Towards Home (“PATH”); and

Whereas, The PATH program involves using electronic monitoring so that youth who would normally be in secure detention as alleged Juvenile Offenders (“JO’s”) can return to the community as they await adjudication; and

Whereas, Many young offenders can be effectively rehabilitated through community-based supervision and intervention; and

Whereas, The PATH program includes support and supervision from community-based organizations; and

Whereas, Residential care is costly and community based alternative programs that divert juvenile offenders from residential care are cost effective and improve outcomes for children; and

Whereas, The goal of PATH is to keep youth in the community pending adjudication while minimizing risk to the community; and

Whereas, PATH is a performance-based program where youth can significantly influence their outcome based on their behavior; and

Whereas, An electronic monitoring device is used to measure the youth’s compliance with curfew and other court-ordered conditions and restrictions, as well as to monitor school and program attendance; and

Whereas, The PATH program was piloted by Judge Eduardo Padro in the Manhattan Supreme Court in 2011 and has since been applied to about 35 young people with an approximate 50% success rate; and

Whereas, According to testimony by ACS representatives at a hearing of the Council's Juvenile Justice Committee on September 25, 2015, any Supreme Court Judge can use this program but Judge Padro is the only Supreme Court Judge in New York City who uses the program today; and

Whereas, There is concern that the PATH program will end when Judge Padro retires this year; and

Whereas, The PATH program is in line with ACS' efforts to step down youth from secure detention to non-secure detention as well as from detention to community-based alternatives; and

Whereas, It must be a priority for New York City to maintain public safety while providing effective alternatives to incarceration that allow court involved youth to remain safely with their families in their communities; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Administration for Children's Services to fund and Criminal Court Judges to use the PPositive Alternative Towards Home program.

Referred to the Committee on General Welfare.

Res. No. 974

Resolution calling upon the New York City Department of Education to provide one college advisor for every 50 high school seniors in New York City public schools.

By Council Members Cabrera and Rodriguez.

Whereas, College degrees are increasingly a prerequisite for economic self-sufficiency; and

Whereas, "Repeated studies have found that improving counseling would have a significant impact on college access for low-income, rural and urban students as well as students of color" according to the National Association for College Admission Counseling (NACAC); and

Whereas, Unfortunately, counselors, especially those serving at-risk students, are often stretched too thin, greatly limiting their abilities to help students realize their full educational potential; and

Whereas, Nationally, the student-to-school counselor ratio was 482 to 1 in 2012-2013, according to the U.S. Department of Education's National Center for Education Statistics; and

Whereas, This ratio is nearly twice the 250 to 1 ratio recommended by the American School Counselor Association; and

Whereas, Further, according to NACAC, counselors in public schools reported spending only 23.4 percent of their time on postsecondary admission counseling, compared to 52.1 percent for private school counselors; and

Whereas, Not surprisingly, a 2010 Public Agenda report declared guidance counselors "overstretched" between heavy caseloads and time-consuming administrative responsibilities; and

Whereas, In New York, regulations of the State Education Commissioner require each school district to have a guidance program for all students; and

Whereas, In grades 7-12, the guidance program must include advisory assistance "to help students develop and implement postsecondary education and career plans ... provided by teachers or counselors, or by certified teaching assistants under the supervision of counselors or teachers"; and

Whereas, New York State does not mandate any specific student-to-counselor ratio, however; and

Whereas, In February 2015, the New York City Department of Education (DOE) reported that the overall guidance counselor-to-student ratio was 1 to 376 for all public schools and 1 to 240 for schools with high school grades; and

Whereas, However, the DOE does not report the number or ratio of college advisors to students; and

Whereas, Many of the guidance counselors in City public schools spend the majority of their time on mandatory counseling services for students with disabilities and other tasks unrelated to college advising; and

Whereas, All New York City students need and deserve adequate assistance to ensure equal access to college and careers; now, therefore, be it

Resolved, That the New York City Council calls upon the New York City Department of Education to provide one college advisor for every 50 high school seniors in New York City public schools.

Referred to the Committee on Education.

Res. No. 975

Resolution calling upon the Metropolitan Transportation Authority to make all subway stations fully accessible to people with disabilities by 2023.

By Council Member Cabrera, Gentile and Chin.

Whereas, The subway system is the backbone of New York City’s transportation network, serving as an essential mode of transportation that millions of New Yorkers rely on every day; and

Whereas, For most people, the subway system is an extensive network serving neighborhoods throughout Manhattan, Brooklyn, Queens, and the Bronx, but the ability of people with disabilities, particularly those with mobility impairments, to access the system is extremely limited; and

Whereas, The Metropolitan Transportation Authority (“MTA”) is on schedule to meet a commitment made to the federal government after the adoption of the Americans with Disabilities Act to make 100 “key stations” accessible by 2020, with enhancements included in the 2015-2019 Capital Program expected to cost approximately \$51 million per station; and

Whereas, Despite these investments to both “key” and “non-key” stations over the past two decades, to date, only 110 out of a total of 469 subway stations are fully accessible, cutting off people with disabilities from long stretches of subway lines throughout the city; and

Whereas, As all New Yorkers fundamentally deserve equal access to a public good as important as the subway system, regardless of their physical abilities, the current pace of accessibility improvements is inadequate; and

Whereas, Therefore, by June 2016, the MTA should develop a plan for full accessibility of all 469 stations by 2023; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Metropolitan Transportation Authority to make all subway stations fully accessible to people with disabilities by 2023.

Referred to the Committee on Transportation.

Int. No. 1061

By Council Member Chin.

A Local Law to amend the administrative code of the city of New York, in relation to the sale of plants and flowers during the Asian Lunar New Year.

Be it enacted by the Council as follows:

Section 1. Section 20-458 of subchapter 27 of chapter 2 of title 20 of the administrative code of the city of New York is amended as follows:

§ 20-458. Exemptions.

a. The commissioner may promulgate regulations exempting any non-profit association including, but not limited to, a government agency, charitable, educational, religious or other such organization from compliance with any of the provisions of this subchapter.

b. *On the day of Asian Lunar New Year, as defined in section 19-163 of the administrative code, and during the seven days prior to such day, any person may sell plants and flowers for the purpose of celebrating Asian Lunar New Year without first securing a license pursuant to the provisions of this subchapter. Notwithstanding the above, any individual selling plants and flowers pursuant to this subdivision must comply with all other applicable provisions of this subchapter.*

§ 2. This law shall take effect immediately.

Referred to the Committee on Consumer Affairs.

Int. No. 1062

By Council Members Chin, Menchaca, Johnson, Koo, Vacca and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the administration for children's services to provide language classes to certain children in foster care.

Be it enacted by the Council as follows:

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended to add a new section 21-909 to read as follows:

§ 21-909 *Language classes. a. For the purposes of this section, the following terms shall have the following meanings:*

Limited English proficient individual. The term "limited English proficient individual" means an individual who identifies as being, or is evidently, unable to communicate meaningfully with ACS or ACS contractor personnel in English.

Primary language. The term "primary language" means the language in which a limited English proficient individual chooses to communicate with others.

b. ACS shall provide language classes to any child who is in the custody of ACS for at least 6 months and who was removed from the custody of parents or guardians that are limited English proficient individuals. Such classes shall be provided in the primary language of such child's parents or guardians. ACS shall consult the child's parents or guardians if such individuals in the same household speak different primary languages.

§ 2. This local law takes effect 120 days after it becomes law.

Referred to the Committee on General Welfare.

Int. No. 1063

By Council Members Cornegy, Johnson, Cumbo, Garodnick, Grodenchik, Chin, Levin and Ulrich (by request of the Brooklyn Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to requiring lactation rooms in certain public spaces.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.1 to read as follows:

§ 17-199.1 Lactation rooms. a. Definitions. For the purposes of this section, “lactation room” means a sanitary place that is not a restroom that can be used to breastfeed or express milk, which provides an electrical outlet, a comfortable chair, and nearby access to running water.

b. The department shall ensure that every job center, SNAP center, or medical assistance program center of the department of social services/human resources administration; borough office of the administration for children’s services; health center, health clinic, or other health facility operated or maintained by the department; or any other agency which provides on-site services to members of the public make at least one lactation room available to the public in or in near proximity to such on-site services. The department shall create a poster containing information on breast-feeding, a mother’s right to nurse, and the availability of the public lactation room. Such poster shall be made available on the department’s website, shall be displayed in lactation rooms, and shall be displayed in the waiting room of any public space that is required to provide a lactation room pursuant to this section. The department shall also create a list of all public spaces with lactation rooms created pursuant to this section. Such list shall be made available on the department’s website.

c. The department shall promulgate rules as necessary for implementing the provisions of this section, including but not limited to guidelines concerning the location of lactation rooms available to the public in accordance with subdivision b and any other information on the use of such a lactation room that the department deems necessary.

§ 2. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Women’s Issues.

Int. No. 1064

By Council Members Crowley, Rodriguez and Gentile.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to evaluate the effectiveness of programs it utilizes.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-141 to read as follows:

§ 9-141 Correction programming report. The department shall evaluate the effectiveness of any provider of inmate programming. For purposes of this section, “programming” includes but is not limited to any structured services offered directly to inmates for the purposes of education, training, counseling, addressing drug dependencies, or any similar purpose. Beginning on March 1, 2016 and annually thereafter, the department shall submit a summary of each evaluation to the Mayor and the Council. This summary shall include, but not be limited to, the following: for each such program: (i) the amount of funding received; (ii) the number of inmates served; (iii) a brief description of the services provided; and (iv) successful completion and compliance rates, if applicable.

§ 2. This local law takes effect immediately.

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 1065

By Council Member Crowley.

A Local Law to amend the New York city charter, in relation to the investigating, reviewing, studying, and auditing of and making of recommendations relating to the operations, policies, programs and practices of the division of economic and financial opportunity by the commissioner of the department of investigation.

Be it enacted by the Council as follows:

Section 1. Section 803 of chapter 34 of the New York city charter is amended by adding a new subdivision d, relettering current subdivisions d through f as new subdivisions e through g, and amending relettered subdivisions e and f to read as follows:

d. 1. The commissioner shall, on an ongoing basis, investigate, review, study, audit and make recommendations relating to the operations, policies, programs, and practices of the division of economic and financial opportunities of the department of small business services, as defined in section 1304 of the charter, with the goal of ensuring that the division effectively fulfills its duties as defined in subdivision a of section 1304 of the charter.

2. Not later than ninety days after the effective date of the local law that added this subdivision, the commissioner shall report to the council regarding the identity and qualifications of the individual responsible for overseeing the implementation of the duties described in paragraph 1 of this subdivision, the number of personnel assigned to assist that individual, and the details of the management structure covering them. Upon removal or replacement of the individual responsible for overseeing the implementation of the duties described in paragraph 1 of this subdivision, notification of that removal or replacement, and the identity and qualifications of the new individual responsible for overseeing the implementation of the duties described in paragraph 1 of this subdivision, shall be provided to the council.

3. The mayor, in consultation with the department and the department of small business services, shall have the discretion to determine how sensitive information provided to the department in connection with any investigation, review, study, or audit undertaken pursuant to this section shall be treated. The mayor shall provide the council with any guidelines, procedures, protocols or similar measures related to the treatment of sensitive information that he or she puts in place. Sensitive information shall mean information concerning (a) ongoing civil or criminal investigations or proceedings; (b) the identity of confidential sources, including protected witnesses; (c) intelligence matters; or (d) other matters the disclosure of which would constitute a serious threat to the safety of the people of the department or the department of small business services.

4. The commissioner of small business services, and the person with managerial responsibility of the division of economic and financial opportunity of the department of small business services, as defined in section 1304 of the charter, shall report to the commissioner any problems and deficiencies relating to the division of economic and financial opportunity's operations, policies, programs and practices that he or she has reason to believe would adversely affect the effectiveness of such division, and that would be relevant to the duties of the commissioner as described in paragraph 1 of this subdivision.

5. No officer or employee of an agency of the city shall take any adverse personnel action with respect to another officer or employee in retaliation for his or her making a complaint to, disclosing information to, or responding to queries from the commissioner pursuant to activities undertaken under paragraph 1 of this subdivision unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity. Any officer or employee who believes he or she has been retaliated against for making such complaint to, disclosing such information to, or responding to such queries from the commissioner may report such action to the commissioner as provided for in subdivision c of section 12-113 of the administrative code.

6. The department's website shall provide a link for individuals to report any problems and deficiencies relating to the department of correction's operations, policies, programs and practices. Individuals making such reports shall not be required to provide personally identifying information.

e[d]. 1. For any investigation made pursuant to subdivision a or b of this section, the commissioner shall prepare a written report or statement of findings and shall forward a copy of such report or statement to the requesting party, if any. In the event that any matter investigated, reviewed, studied, or audited pursuant to this section involves or may involve allegations of criminal conduct, the commissioner, upon completion of the investigation, review, study, or audit, shall also forward a copy of his or her written report or statement of findings to the appropriate prosecuting attorney, or, in the event the matter investigated, reviewed, studied, or audited involves or may involve a conflict of interest or unethical conduct, to the conflicts of interest board.

2. For any investigation, review, study, or audit made pursuant to paragraph one of subdivision c *or paragraph one of subdivision d* of this section, the commissioner shall prepare a written report or statement of findings and shall forward a copy of such report or statement to the mayor, the council, *the commissioner of the department of small business services*, and the police commissioner upon completion. Within ninety days of receiving such report or statement, the police *commissioner or commissioner of the department of small business services, as applicable,* shall provide a written response to the commissioner, the mayor, and the council. Each such written report or statement, along with a summary of its findings, as well as the reports described in paragraph 3 of this subdivision, shall be posted on the department's website in a format that is searchable and downloadable and that facilitates printing no later than ten days after it is delivered to the mayor, the council, *the commissioner of the department of small business services*, and the police department. All such reports, statements, and summaries so posted on the department's website shall be made easily accessible from a direct link on the homepage of the website of the department.

3. In addition to the reports and statements of findings to be delivered to the mayor, the council, the commissioner of the department of small business services, and the police commissioner pursuant to paragraph 2 of this subdivision, there shall be an annual summary report on the activities undertaken pursuant to paragraph 1 of subdivision c *and paragraph one of subdivision d* of this section containing the following information: (a) a description of all significant findings from the investigations, reviews, studies, and audits conducted in the preceding year; (b) a description of the recommendations for corrective action made in the preceding year; (c) an identification of each recommendation described in previous annual reports on which corrective action has not been implemented or completed; and (d) the number of open investigations, reviews, studies, or audits that have been open, as of the close of the preceding calendar year, for a time period of 1) six months up to and including one year, 2) more than one year up to and including two years, 3) more than two years up to and including three years, and 4) more than three years. The annual summary report required by this paragraph *relating to the police department* shall be completed and delivered to the mayor, the council, and the police commissioner on April 1, 2015 and every April 1 thereafter. *The annual summary required by this paragraph relating to the department of small business services shall be completed and delivered to the mayor, the council, and the commissioner of the department of small business services on June 1, 2017 and every June 1 thereafter.*

f[e]. The jurisdiction of the commissioner shall extend to any agency, officer, or employee of the city, or any person or entity doing business with the city, or any person or entity who is paid or receives money from or through the city or any agency of the city.

g[f]. The commissioner shall forward to the council and to the mayor a copy of all reports and standards prepared by the corruption prevention and management review bureau, upon issuance by the commissioner.

§ 2. Section 804 of chapter 34 of the New York City charter is amended to read as follows:

§ 804. Complaint bureau. There shall be a complaint bureau in the department which shall receive complaints from the public, including, but not limited to, complaints about any problems and deficiencies relating to the new york city police department's *or the division of economic and financial opportunity's* operations, policies, programs and practices.

§ 3. This local law takes effect on June 1, 2016.

Referred to the Committee on Oversight and Investigations.

Res. No. 976

Resolution calling on the U.S. Congress to pass and the President to sign H.R. 1123, also known as the “Protecting Immigrants from Legal Exploitation Act of 2015,” which establishes criminal penalties for immigration services-related fraud.

By Council Members Dromm, Palma, Rodriguez, Gentile and Chin.

Whereas, Undocumented immigrants often seek legal services for a myriad of reasons, including assistance with their immigration status; and

Whereas, Legal assistance in immigration law should only be provided by a licensed attorney admitted to practice law or a Board of Immigration Appeals (“BIA”) accredited representative; and

Whereas, Fraudulent service providers routinely take advantage of immigrants seeking such assistance by portraying themselves to be authorized providers of immigration legal services and often charging steep fees, even though they do not possess the appropriate credentials; and

Whereas, In 2012, New Immigrant Community Empowerment and the Urban Justice Center conducted a survey of immigrant service providers (“ISPs”) in New York City and found that 23% of ISPs surveyed advertised that they provide legal advice; and

Whereas, Furthermore, they found that of the ISPs surveyed, not a single ISP had a clear sign posted disclosing that they were not an attorney or BIA accredited representative; and

Whereas, The survey results showed that 51.7% of individuals seeking immigration-related legal services felt that they did not receive the help they needed from the ISP they visited; and

Whereas, In 2014, the New York State Legislature passed and the Governor signed A.8974-B/ S.6732-A, which added civil and criminal penalties for perpetrators of immigrant service provider fraud; and

Whereas, The New York City Council passed Local Law 31 in 2004, which prohibits service providers from representing themselves in a way that could lead a prospective customer to believe that they possess a law license or BIA accreditation; and

Whereas, In April of 2015, New York City Council Member Daniel Dromm introduced Int. 746, to amend the administrative code of the City of New York, in relation to preventing the unauthorized practice of immigration law, and will continue to address this issue; and

Whereas, In addition to legislation at the city and state levels, there is need for stronger federal legislation to protect immigrants from unauthorized service providers and punish those service providers perpetrating fraudulent schemes; and

Whereas, On February 26, 2015, United States (“U.S.”) Representative Bill Foster introduced H.R. 1123 or the “Protecting Immigrants from Legal Exploitation Act of 2015,” which creates penalties for the unauthorized practice of immigration law and immigration practitioner fraud; and

Whereas, H.R. 1123 is co-sponsored by U.S. Representatives Charles Rangel of the 13th district and U.S. Representative Grace Meng of the 6th district, both of whom represent New York; and

Whereas, H.R. 1123 would amend the federal code to subject a person who conducts a scheme in connection with any federal immigration law, such as unlawfully providing legal services through fraudulent pretenses to a person in exchange for money or something of value, to fines, imprisonment, or both; and

Whereas, H.R. 1123 would amend the federal code to subject a person who falsely represents that such person is an attorney or a BIA accredited representative and provides legal services in any federal immigration law matter, regardless of whether they charged for services, to fines, imprisonment, or both; and

Whereas, H.R. 1123 would allow an individual to withdraw an immigration application if that individual can provide evidence that the application was prepared or submitted by a service provider engaged in the unauthorized practice of immigration law, as long as the individual had no prior knowledge of such fraud; and

Whereas, H.R. 1123 would amend the Immigration and Nationality Act to waive the restriction on immigrants re-entering the U.S. after departing based on the erroneous advice of an individual engaged in the unauthorized practice of law or immigration practitioner fraud; and

Whereas, H.R. 1123 would direct the Secretary of Homeland Security and the Attorney General to conduct public education campaigns for immigrant communities about who is authorized to provide legal services and representation on immigration matters; and

Whereas, H.R. 1123 would also direct the Secretary of Homeland Security and the Attorney General to establish programs to award grants to nonprofit organizations that provide direct legal services for immigrants facing removal proceedings or filing affirmative applications and petitions; and

Whereas, Immigration services fraud is a national problem that hinders individuals who may be eligible to legally work or reside in the United States from obtaining the legitimate legal services they need; now, therefore, be it

Resolved, That the Council of the City of New York calls on the U.S. Congress to pass and the President to sign H.R. 1123, also known as the “Protecting Immigrants from Legal Exploitation Act of 2015,” which establishes criminal penalties for the unauthorized practice of immigration law and immigration practitioner fraud.

Referred to the Committee on Immigration.

Int. No. 1066

By Council Members Espinal, Johnson, Levin, Palma and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of homeless service to conduct quarterly point-in-time counts of the unsheltered homeless population.

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-317 to read as follows:

§ 21-317 Point-in-time count a. Definitions. For the purposes of this section, the following terms have the following meanings:

Point-in-time counts. The term “point-in-time counts” means nighttime counts of unsheltered homeless persons conducted by the department that meet the standards of this section.

Transportation terminal. The term “transportation terminal” means any facility where passengers are assembled or dispersed including but not limited to grand central station, Pennsylvania station, the Staten Island ferry, and airports, such term shall not include a subway train or platform.

Unsheltered homeless person. The term “unsheltered homeless person” means an individual with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

Vestibule. The term “vestibule” means an enclosed entryway, lobby or hallway at the entrance to a building.

b. The department shall conduct quarterly point-in-time counts on the streets, parks, subway trains and platforms, transportation terminals and vestibules visible from the street. Such counts shall occur at least once per calendar quarter on dates designated by the department. Each quarterly point-in-time count shall occur during the same 10 day period annually. During such counts, the department, to the extent possible, shall attempt to collect information from unsheltered homeless persons including but not limited to age, gender, race, and veteran status. No later than two months from the date of each point-in-time count the department shall submit to the council and post on its website the number of unsheltered homeless persons counted and the information collected during such count.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Res. No. 977

Resolution in support of the United States Fish and Wildlife Service's proposed revisions to the Endangered Species Act related to the African elephant.

By Council Members Espinal, Palma and Rodriguez.

Whereas, Ivory is a hard, white material consisting of dentin, a component of tooth and bone, typically forming tusks in animals such as elephants, walruses and other animals; and

Whereas, Humans have used ivory to create works of art and utility from prehistoric times to the present; and

Whereas, Elephants, which possess the largest tusks of any other animal, have long been hunted for their ivory resulting in a major decline of the elephant population; and

Whereas, The African Elephant is particularly endangered, as unlike the Asian elephant, both male and female African elephants have tusks; and

Whereas, Conservationists estimate that roughly 30,000 African elephants are poached annually to meet global demand; and

Whereas, The problem of poaching African elephants for ivory in the Congo region has been exacerbated by organized militias and terrorist groups funding their operations, at least in part, through the illegal ivory trade; and

Whereas, The Tanzanian government recently announced that it had lost 60% of its elephants in the past five years; and

Whereas, The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is an international agreement whose goal is to ensure that international trade in species of plants and animals does not threaten their survival; and

Whereas, The text of the CITES agreement was agreed upon by the governments of 80 sovereign nations, including the United States, in March of 1973—the agreement took effect in 1975; and

Whereas, CITES membership has since grown to 181 participating nations, and its protections cover over 35,000 species worldwide; and

Whereas, In the United States, CITES was implemented through the Endangered Species Act (ESA), which was signed into law on December 28, 1973; and

Whereas, Currently, U.S. law prohibits all trade in raw African elephant ivory, with the exception of the importation of specimens for law enforcement or scientific purposes, and unlimited non-commercial importation of sports trophies; and

Whereas, Current law limits domestic commercial and non-commercial transactions of worked African elephant ivory items to items that predate listings of the African elephant under the ESA—generally the latter quarter of the 20th century; and

Whereas, In July of 2013, President Obama, in an effort to prevent species extinction, the financing of terror and to encourage global political and economic stability, issued an executive order calling upon executive departments and agencies to take all appropriate actions within their authority, including the promulgation of rules and regulations and the provision of technical and financial assistance, to combat wildlife trafficking; and

Whereas, The United States Fish and Wildlife Service, implementing the President's executive order, has proposed rules restricting the import and export of African elephant ivory; and

Whereas, The proposed rules would expand current restrictions on non-commercial imports by limiting sports trophies to two per hunter, per year; and

Whereas, The proposed rules would limit commercial export of ivory to worked items that are 100 years or older; and

Whereas, The proposed rules would extend commercial export rules to non-commercial exports, exempting worked ivory legally acquired prior to CITES under specific circumstances, i.e., as part of a musical instrument, and worked ivory that predates the federal Endangered Species Act; and

Whereas, The proposed rules would limit foreign commerce to worked ivory 100 years or older and certain manufactured items that contain less than 200 grams of legal ivory, and impose the same restrictions on interstate commerce; and

Whereas, The proposed rules are a comprehensive effort to end the illegal elephant ivory trade, at home and abroad, and prevent the extinction of the world's largest land animal; now, therefore, be it

Resolved, That the Council of the City of New York supports the United States Fish and Wildlife Service's proposed revisions to the Endangered Species Act related to the African elephant.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Res. No. 978

Resolution recognizing the first week of this and every February as Heart Disease Awareness Week in New York City.

By Council Members Eugene, Palma, Gentile, Chin and Ulrich.

Whereas, According to the Centers for Disease Control, 610,000 people die of heart disease every year in the United States, making it the cause of one out of every four deaths; and

Whereas, Statistics from the Heart Foundation indicate that heart disease is the number one cause of death in the United States, the state of New York, and the city of New York and that it claims more lives than all forms of cancer combined; and

Whereas, The New York State Department of Health has found that 43,112 people in New York State and 16,573 people in New York City died of heart disease in 2013; and

Whereas, Research from the American Heart Association shows that since 1984, more women than men have died of heart disease; and

Whereas, The National Institutes of Health advises that individuals eat plenty of fruits and vegetables, monitor their blood pressure, and refrain from smoking to lower their risks of developing heart disease; and

Whereas, The United States Congress, by joint resolution approved December 30, 1963, has requested the President to issue annually a proclamation designating February as American Heart Month, with President Obama issuing the most recent proclamation for February 2015; and **Whereas,** Heart Disease Awareness Week would also present an opportunity to educate young people and adults alike about steps one can take to prevent heart disease and live in a healthy way; and

Whereas, The prevalence of heart disease poses grave risks to people both in New York City and nationwide; now, therefore, be it

Resolved, That the Council of the City of New York recognizes the first week of this and every February as Heart Disease Awareness Week.

Referred to the Committee on Health.

Preconsidered Int. No. 1067

By Council Member Gibson and The Speaker (Council Member Mark-Viverito).

A Local Law to amend the administrative code of the city of New York, in relation to the penalties for possessing an open container of alcohol.

Be it enacted by the Council as follows:

Section 1. Subdivision e of section 10-125 of the administrative code of the city of New York, as amended by local law number 76 of 1995, is amended to read as follows:

e. [Any person who shall be found to have violated any of the provisions] *The violation of subdivision b of this section, or any provision of any local law, rule, or regulation pertaining to the possession or consumption of alcoholic beverages in public, shall [be punished by] constitute a violation punishable by a fine of not more than twenty-five dollars (\$25) [or imprisonment of up to five (5) days, or both,] or pursuant to the provisions of the family court act of the state of New York where applicable.*

§ 2. Section 10-125 of the administrative code of the city of New York is amended by adding a new subdivision f to read as follows:

f. The violation of subdivision b of this section, or any provision of any local law, rule, or regulation pertaining to the possession or consumption of alcoholic beverages in public, constitutes a civil offense punishable by a civil penalty of up to 25 dollars, which may be recoverable in a proceeding before the office of administrative trials and hearings.

§ 3. This local law takes effect six months after it becomes law, and shall apply to proceedings for enforcement of section 10-125 of the administrative code commenced on and after such date.

Referred to the Committee on Public Safety (preconsidered but laid over by the Committee on Public Safety).

Res. No. 979

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A.8157-A/S.5875-A, legislation that provides safeguards against wrongful convictions by requiring law enforcement to implement evidence-based eyewitness identification procedures and recording of custodial interrogations.

By Council Members Gibson, Palma, Rodriguez and Chin.

Whereas, According to the Innocence Project, DNA evidence has helped prove the innocence of 337 wrongfully convicted people in the United States since 1989, including 29 in New York State and 11 in New York City; and

Whereas, Data also shows that these individuals spent an average of 14 years in prison for crimes they did not commit; and

Whereas, Eyewitness misidentification and false confessions are two of the leading contributing factors to wrongful convictions proven with DNA evidence, as reported by the National Registry of Exonerations; and

Whereas, According to the Innocence Project, of the 11 cases in New York City since 1989 in which the accused were eventually exonerated by DNA evidence, eyewitness misidentification was found in two cases to be an important contributor to the initial conviction; and

Whereas, In nine of these 11 cases, false confessions played a role, including the “Central Park Five” case, in which a group of five teenagers were wrongfully convicted of raping a jogger in Central Park; and

Whereas, Evidence-based identification procedures and recording of custodial interrogations safeguard against wrongful convictions stemming from witness misidentification and false confessions; and

Whereas, These procedures enhance the ability of law enforcement to identify the real perpetrators, thus improving public trust and confidence in the criminal justice system; and

Whereas, In June 2015, the New York State Bar Association, the District Attorneys Association of the State of New York, and the Innocence Project reached a long-sought agreement on a process to require the recording of custodial interrogations in certain serious crimes and to allow the admissibility of photographic arrays when enhanced identification procedures are used; and

Whereas, New York State Assembly Member Joseph Lentol and New York State Senator Michael Nozzolio have introduced A.8157-A and S.5875-A, respectively, which embody that agreement and build upon statewide procedures already voluntarily adopted by law enforcement in some jurisdictions in the state; now, therefore, be it

Resolved, That the Council of The City of New York calls upon the New York State Legislature to pass, and the Governor to sign, A.8157-A/S.5875-A, legislation that provides safeguards against wrongful convictions by requiring law enforcement to implement evidence-based eyewitness identification procedures and recording of custodial interrogations.

Referred to the Committee on Public Safety.

Int. No. 1068

By Council Members Johnson, Palma, Rodriguez and Gentile.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the use of smokeless tobacco at ticketed sports arenas and recreation areas.

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-503.1 to read as follows:

§ 17-503.1 *Prohibition of smokeless tobacco at ticketed sports arenas and recreation areas. The use of tobacco products that are designed for use by means other than smoking is prohibited at sports arena and recreational areas that contain seating or standing room that is assigned by issuance of tickets.*

§ 2. Subdivision a of section 17-506 of the administrative code of the city of New York is amended to read as follows:

a. Except as may otherwise be provided by rules promulgated by the commissioner, "Smoking" or "No Smoking" signs, or the international symbols indicating the same, "Electronic Cigarette Use Permitted" or "Electronic Cigarette Use Prohibited" signs, "*No Tobacco Use Permitted*" or "*Use of Tobacco Products Prohibited*" signs, *as applicable*, and any other signs necessary to comply with the provisions of this chapter shall be prominently and conspicuously posted where smoking, [and] using electronic cigarettes, *and using tobacco products that are designed for use by means other than smoking*, are either prohibited, permitted or otherwise regulated by this chapter, by the owner, operator, manager or other person having control of such area. The size, style and location of such signs shall be determined in accordance with rules promulgated by the commissioner, but in promulgating such rules, the commissioner shall take into consideration the concerns of the various types of establishments regulated herein with respect to the style and design of such signs.

§ 3. Subdivision c of section 17-507 of the administrative code of the city of New York is amended to read as follows:

c. With respect to a public place or place of employment, the operator or employer shall inform, or shall designate an agent who shall be responsible for informing, individuals smoking, [or] using electronic cigarettes, *or using tobacco products that are designed for use by means other than smoking* in restricted areas that they are in violation of this local law; provided, however, that the obligations under this subdivision with respect to an operator of a multiple dwelling containing ten or more dwelling units shall be limited to (i) those multiple dwellings where an agent is on duty and (ii) designating such agent to be responsible for informing individuals smoking, or using electronic cigarettes, in restricted common indoor areas where such agent is on duty, during the times such agent is on duty, that such individuals are in violation of this local law.

§ 4. Subdivisions f and g of section 17-507 of the administrative code are relettered subdivisions g and h, respectively.

§ 5. Section 17-507 of the administrative code of the city of New York is amended by adding a new subdivision f to read as follows:

f. Where an owner or building manager of a sports arena and recreational areas where the use of tobacco products that are designed for use by means other than smoking is prohibited pursuant to section 17-503.1 is not the operator of such arena or area, but has an agent on duty in such arena or area, the owner or building manager shall designate an agent to inform individuals using tobacco products that are designed for use by

means other than smoking (i) where such agent is on duty and (ii) during the times when such agent is on duty, that such individuals are in violation of this local law.

§ 6. Subdivision a of section 17-508 of the administrative code of the city of New York are amended to read as follows:

a. It shall be unlawful for any person who owns, manages, operates or otherwise controls the use of premises in which smoking, [and] using electronic cigarettes, *and using tobacco products that are designed for use by means other than smoking* are prohibited or restricted pursuant to this chapter, or the designated agent thereof, to (i) provide a room designated for smoking, or using electronic cigarettes, including, but not limited to, a separate smoking room, room for using electronic cigarettes or an enclosed room, which fails to comply with the provisions of this chapter; provided, however, that the obligations of an owner or building manager of a building (where such owner or building manager of a building in which a public place is located is not the operator or employer of such public place) with respect to such a room shall be limited to work authorized by any permits necessary to perform construction obtained by the owner or his or her agent; (ii) fail to post the signs required by section 17-506; (iii) fail to remove ashtrays as required by subdivision d of section 17-506; or (iv) fail to make a good faith effort to comply with subdivisions c, d, [and] e *and f* of section 17-507. In actions brought for violations of this subdivision, the following shall be affirmative defenses: (i) that during the relevant time period actual control of the premises was not exercised by the respondent or a person under the control of the respondent, but rather by a lessee, sublessee or any other person; provided, however, that after receiving the notice of violation, the respondent submits to the department within five business days, by certified mail, a sworn affidavit and other such proof as may be necessary, indicating that he or she has not exercised actual control during the relevant time period; (ii) that a person smoking, [or] using an electronic cigarette, *or using tobacco products that are designed for use by means other than smoking* in any area where [smoking, and using electronic cigarettes, are] *such activity is* prohibited pursuant to section 17-503 *or 17-503.1* was informed by a person who owns, manages, operates or otherwise controls the use of such premises, or the designated agent thereof, that such person smoking, [or] using an electronic cigarette, *or using tobacco products that are designed for use by means other than smoking* is in violation of this local law and that such person who owns, manages, operates or otherwise controls the use of such premises has complied with all applicable provisions of this chapter during the relevant time period; provided, however, that after receiving notice of violation, the respondent submits to the department within five business days, by certified mail, a sworn affidavit and other such proof as may be necessary, indicating that respondent informed the person smoking, [or] using an electronic cigarette, *or using tobacco products that are designed for use by means other than smoking* in any area where [smoking, and using electronic cigarettes, are] *such activity is* prohibited pursuant to section 17-503 *or 17-503.1* that such person was in violation of this local law and that respondent has complied with all applicable provisions of this chapter during the relevant time period; or (iii) that a person smoking, or using an electronic cigarette, in any restricted common indoor area where smoking, and using electronic cigarettes, are prohibited pursuant to section 17-503 was not informed by the owner or building manager of the premises (where such owner or building manager of a building in which a public place or a place of employment is located is not the operator or employer of such public place or place of employment) or by the operator of a multiple dwelling containing ten or more dwelling units that such person smoking, or using an electronic cigarette, is in violation of this local law because such owner, building manager or operator did not have a designated agent on duty when such person was smoking, or using an electronic cigarette, and that such owner or building manager has, where applicable, complied with the mailing of a notice required pursuant to subdivision e of section 17-507; provided, however, that after receiving notice of violation, the respondent submits to the department within five business days, by certified mail, a sworn affidavit and other such proof as may be necessary, indicating that a person smoking, or using an electronic cigarette, in any restricted common indoor area where smoking, and using electronic cigarettes, are prohibited pursuant to section 17-503 was not informed by the respondent that such person smoking, or using an electronic cigarette, is in violation of this local law because the respondent did not have a designated agent on duty when such person was smoking, or using an electronic cigarette, and that the respondent has, where applicable, mailed the notice required pursuant to subdivision e of section 17-507.

§ 7. Subdivision d of section 17-508 of the administrative code of the city of New York are amended to read as follows:

d. It shall be unlawful for any person to smoke, [or] use an electronic cigarette, *or use tobacco products that are designed for use by means other than smoking* in any area where [smoking, and using electronic cigarettes, are] *such activity is* prohibited under section 17-503, *section 17-503.1* [and] *or* section 17-504.

§ 8. Section 17-513.2 of the administrative code of the city of New York is amended to read as follows:

§ 17-513.2 Construction. The provisions of this chapter shall not be interpreted or construed to permit smoking, [or] using electronic cigarettes, *or using tobacco products that are designed for use by means other than smoking* where it is prohibited or otherwise restricted by other applicable laws, rules or regulations.

§ 9. This local law takes effect 120 days after it becomes law, except that the department of health and mental hygiene shall take such actions as necessary for the timely implementation of this local law, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Health.

Preconsidered Int. No. 1069

By Council Members Kallos, Garodnick, Reynoso, Richards, Cohen, Chin and Lander.

A Local Law to amend the New York city charter, in relation to making the members of the city council full-time officials.

Be it enacted by the Council as follows:

Section 1. Section 46 of the New York city charter, as added by a vote of the electors on November 7, 1989, is amended to read as follows:

§ 46. Rules of the council. The council shall determine the rules of its own proceedings at the first stated meeting of the council in each year and shall file a copy with the city clerk. Such rules shall include, but not be limited to, rules that the chairs of all standing committees be elected by the council as a whole; that the first-named sponsor of a proposed local law or resolution be able to require a committee vote on such proposed local law or resolution; that a majority of the members of the council be able to discharge a proposed local law or resolution from committee; that committees shall provide reasonable advance notice of committee meetings to the public; that all committee votes be recorded and made available to the *public; that for council members, earning outside income, as defined in such rules, is prohibited.*

§ 2. Section 1100 of the New York city charter, as amended by a vote of the electors on November 8, 1988, is amended to read as follows:

§ 1100. Head of department; whole time. Every head of an administration or department or elected officer [except council members] who receives a salary from the city shall give his *or her* whole time to the duties of the office and shall not engage in any other occupation, profession or employment.

§ 3. The provisions of this local law, and any rule promulgated pursuant thereto, do not apply to any council member who has engaged in any other occupation, profession or employment during the council's 2014-2017 session prior to January 1, 2016 and who intends to continue to engage in such occupation, profession or employment for the remainder of such session, if such council member submits a letter to the speaker no later than March 1, 2016 describing such engagement and intention.

§ 4. This local law takes effect immediately. Section three of this local law shall expire and be deemed repealed January 1, 2018.

Adopted by the Council (preconsidered and approved by the Committee on Governmental Operations).

Preconsidered Res. No. 980

Resolution to amend rules 2.40 and 7.160 of the rules of the council in relation to allowances, and modifying allowances for officers of the council.

By Council Members Kallos, Lander and Vallone.

Section 1. Rule 2.40 of the rules of the council of the city of New York is amended to read as follows:

2.40. Personnel and Fiscal Reports - The Speaker shall provide to each member an annual report, which may be included as part of the annual accounting of the Council's actual expenditures required by this rule, detailing the names of all individuals receiving compensation for work performed for the Council, its members or any of its committees, the amount of such compensation for Central staff only, and a title and job description (including identification of the function or division of the Council to which the individual is assigned). [Each report shall also set forth the amount of allowance in lieu of expenses received by each Committee chairperson.] The Speaker shall publish an annual accounting of the Council's actual expenditures by September 30 of each year, which covers the previous fiscal year, and which is sufficiently detailed to indicate the positions and purposes which have been funded as well as the activities and categories of materials and supplies purchased. Such accountings shall be accompanied by a summary description specifying, at a minimum, the amounts devoted to the following functions and divisions of the Council: the divisions responsible for the budget and fiscal analysis, the Council's role in the land use process, legislative drafting, and legal services; the Council press office; each committee; the Sergeant at Arms and other security functions; each member's office; the Speaker's staff, including all amounts paid to all consultants as well as the functions of such consultants; and any changes in each of these amounts, other than changes in compensation of members of Central staff, from the Council budget adopted for the fiscal year covered by such accounting.

§ 2. Rule 7.160 of the rules of the council of the city of New York is REPEALED.

§ 3. Any portion of a resolution or communication approved by the Council prior to February 1, 2016 setting allowances for any member is REPEALED.

Adopted by the Council (preconsidered and approved by the Committee on Rules, Privileges and Elections.

Res. No. 981

Resolution calling upon the New York City Department of Education to mandate that every public school in New York City has a dedicated library space.

By Council Members King, Rodriguez, Gentile and Ulrich.

Whereas, The impact of school libraries on student achievement has long been studied by many researchers; and

Whereas, These studies, collectively known as the "School Library Impact Studies," concluded that school libraries have a positive effect on student outcomes, as they teach 21st Century skills, promote achievement, and play major role in closing the achievement gap; and

Whereas, This research shows that schools that utilize school libraries to support student growth in the areas of literacy, information literacy, technological skills, and access to resources and equipment, have seen increased motivation, higher assessment scores and higher graduation rates; and

Whereas, In 2011, the New York Comprehensive Center (NYCC) was asked to prepare a brief that highlight specific examples of programs in states that have had success utilizing school libraries to improve student achievement; and

Whereas, The NYCC brief stated that “through political and fiscal state support, effective school library programs can serve as consistent drivers for student achievement in times of constant change and churning educational reform”; and

Whereas, According to the Regulations of the New York State Commissioner of Education, “a school library shall be established and maintained in each school;” and

Whereas, Additionally, “the library in each elementary and secondary school shall meet the needs of the pupils, and shall provide an adequate complement to the instructional program in the various areas of the curriculum” according to the same regulations; and

Whereas, A New York State Board of Regents report entitled *Creating the Future: a 2020 Vision Plan for Library Service in New York State*, recommends expanding the existing Commissioner’s Regulations to require an elementary school librarian in every school to strengthen instructional leadership in meeting the P-12 Common Core Learning Standards, and enforce library staffing regulations in all public schools; and

Whereas, The New York City Department of Education’s (DOE) School Library System is operated by the DOE’s Office of Library Services; and

Whereas, According to the Office of Library Services’ website, library skills are built continuously from kindergarten to 12th grade through library instruction, and are aligned to the Common Core Learning Standards; and

Whereas, Unfortunately, years of fiscal constraints, increased overcrowding and co-locations have often resulted in this important resource for students to be targeted for reduction or elimination; and

Whereas, While there is common agreement to the importance of libraries, many advocates and parents state that too many public schools in New York City are lacking dedicated library space; and

Whereas, In order to ensure the goals of preparing all students to successfully participate in the 21st century economy, it is imperative that the DOE prioritizes the need for libraries in each school; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education to mandate that every public school in New York City has a dedicated library space.

Referred to the Committee on Education.

Preconsidered Int. No. 1070

By Council Member Lancman and The Speaker (Council Member Mark-Viverito).

A Local Law to amend the administrative code of the city of New York, in relation to the penalties for littering, and to repeal subdivision 5 of section 16-118 of the administrative code of the city of New York, relating to the distribution of advertising matter.

Be it enacted by the Council as follows:

Section 1. Subdivisions 5 of section 16-118 of the administrative code of the city of New York is REPEALED.

§ 2. Subdivisions 1, 8, 9, 10, and 11 of section 16-118 of the administrative code of the city of New York, subdivisions 8 and 9 as amended by local law number 56 for the year 2013 and subdivision 11 as amended by local law number 1 for the year 2003, are amended to read as follows:

1. (a) No person shall litter, sweep, throw or cast, or direct, suffer or permit any servant, agent, employee, or other person under his or her control, to litter, sweep, throw or cast any ashes, garbage, paper, dust or other rubbish and refuse of any kind whatsoever, in or upon any street or public place, vacant lot, air shaft, areaway, backyard court, *park*, or alley

(b) *No person shall spit upon a sidewalk of a street or public place, or on a floor, wall or stairway of any public or private building or premises used in common by the public, or in or on any public transportation facility.*

8. The violation of *subdivisions two, three, four, six, and seven* [any provision] of this section shall constitute [an offense] *a violation* punishable by a fine of not less than fifty dollars nor more than two hundred fifty dollars[, or by imprisonment not to exceed ten days, or both].

9. Any person violating the provisions of this section, *or any provision of any related local law, rule, or regulation*, shall be liable for a civil penalty of not less than fifty dollars nor more than two hundred fifty dollars, except that for a second violation of subdivision one, three, or six of this section within any twelve-month period, such person shall be liable for a civil penalty of not [less than two hundred fifty dollars nor] more than three hundred fifty dollars and for a third or subsequent violation of subdivision one, three, four, or six of this section within any twelve-month period such person shall be liable for a civil penalty of not [less than three hundred fifty dollars nor] more than four hundred fifty dollars.

10. In the instance where the notice of violation, appearance ticket or summons is issued for breach of the provisions of this section and sets forth thereon civil penalties only, such process shall be returnable to the [environmental control board] *office of administrative trials and hearings*, which shall have the power to impose the civil penalties hereinabove provided in subdivision nine of this section.

11. In the event that a violator fails to answer such notice of violation, appearance ticket or summons within the time provided therefor by the rules and regulations of the [environmental control board] *office of administrative trials and hearings*, he or she shall become liable for additional penalties. The additional penalties shall not exceed four hundred fifty dollars for each violation.

§ 3. This local law takes effect six months after it becomes law, and shall apply to proceedings for enforcement of section 16-118 of the administrative code commenced on and after such date.

Referred to the Committee on Public Safety (preconsidered but laid over by the Committee on Public Safety).

Int. No. 1071

By Council Members Maisel and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to create a task force to study private streets.

Be it enacted by the Council as follows:

Section 1. Title 19 of the administrative code of the city of New York is amended by adding a new section 19-175.5 to read as follows:

§ 19-175.5 *Private streets task force.* a. *There shall be established a task force of five members who shall serve without compensation, each for a term of one year, provided that if a member holds other city employment or office, no additional compensation shall be received. Such term shall begin upon appointment of the last member.*

b. *The task force shall examine current conditions of private streets that are not within the jurisdiction of the department. The task force shall issue a report to the mayor and the speaker of the council no later than one year following the appointment of the last member. Such report shall include, but not be limited to, the following:*

1. *locations of private streets in the city and their current state of repair;*
2. *steps that the city can take to ensure that private streets are maintained in a state of good repair, including the city's ability to acquire private streets; and*
3. *steps that the city can take to assist in resolution of disputes among homeowners related to parking in community driveways.*

c. *Such task force shall consist of five members. Three members shall be appointed by the mayor, provided that such members include a community representative; the commissioner of transportation, or his or her*

designee; and the commissioner of city planning, or his or her designee. The speaker of the council shall appoint two members, provided that at least one such member be a community representative.

§ 2. This local law takes effect immediately and will be deemed repealed one year thereafter.

Referred to the Committee on Transportation.

Int. No. 1072

By Council Members Menchaca, Reynoso, Lander, Levin and Dickens.

A Local Law to amend the administrative code of the city of New York, in relation to bicyclists following pedestrian control signals.

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding new section 19-195 to read as follows:

§ 19-195 Bicyclist rights and duties at an intersection. a. Definition. For purposes of this section:

Crosswalk. The term “crosswalk” means that part of a roadway, whether marked or unmarked, which is included within the extension of the sidewalk lines between opposite sides of the roadway at an intersection.

Intersection. The term “intersection” means the same as such term is defined in section 120 of the vehicle and traffic law or successor provision.

Pedestrian. The term “pedestrian” means the same as such term is defined in section 130 of the vehicle and traffic law or successor provision.

b. A person operating a bicycle while crossing a roadway at an intersection shall follow pedestrian control signals when such signals supersede traffic control signals pursuant to local law, rule or regulation, except that such person shall yield to pedestrians in the crosswalk.

c. The commissioner shall promulgate such rules and regulations necessary to effectuate this section.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

Referred to the Committee on Transportation.

Res. No. 982

Resolution calling on the United States Congress to pass and the President to sign H.R. 4380/S.2449 or “The Equal Protection in Travel Act of 2016”, which would amend the Immigration and Nationality Act to remove limitations on the ability of certain dual citizens from participating in the Visa Waiver Program.

By Council Members Miller and Reynoso.

Whereas, The Visa Waiver Program allows citizens of 38 participating countries to travel to the United States without a visa for stays of 90 days or less for tourism or business purposes when they meet specific requirements; and

Whereas, The program mandates travelers to: (i) hold a machine-readable passport containing biometric data; (ii) possess a valid onward ticket from an approved carrier; and (iii) undergo the same comprehensive background checks under the Electronic System for Travel Authorization (“ESTA”) that is required of visa applicants; and

Whereas, According to the European Union’s Ambassador to the United States, David O’Sullivan, the Visa Waiver Program makes travel to the United States both easier and safer; and

Whereas, In light of recent terrorists attacks in San Bernardino, California and Paris, the U.S House of Representatives passed and signed into law H.R.2029, restricting the use of the Visa Waiver Program; and

Whereas, Specifically, H.R. 2029 restricts the use of the Visa Waiver Program for persons who: (i) are present in Iraq, Syria, or any other country or area of concern; (ii) have been present, at any time, on or after March 1, 2011 in Iraq or Syria; and (iii) are dual citizens of a country that participates in the Visa Waiver Program and Iraq or Syria; and

Whereas, To require citizens of any country to be excluded from the program simply because they or their parents were born in or have visited a particular country constitutes blatant discrimination; and

Whereas, Such provisions of H.R. 2029 are designed pursuant to political motives rather than to promote safety; and

Whereas, These discriminatory provisions have raised many concerns, including that they would affect legitimate travel by businesspersons, journalists, humanitarians, or medical workers while doing little to detect those who may pose an international threat; and

Whereas, According to the Public Affairs Alliance of Iranian Americans, due to the reciprocal nature of the Visa Waiver Program, Europe and other countries may respond with similar restrictions for American travelers; and

Whereas, Full implementation of H.R. 2029 would subject persons, including those who reside in the City of New York, who have traveled to or are citizens of Iraq, Iran, Syria, and Sudan to discriminatory practices; and

Whereas, H.R. 4380/S.2449 or the “Equal Protection in Travel Act of 2016”, recently introduced in the United States House of Representatives, would repeal the discriminatory changes to the Visa Waiver Program; and

Whereas, H.R. 4380/S.2449 is a bipartisan bill sponsored by Republicans including Senator Jeff Flake, Representative Justin Amash, and Representative Thomas Massie, along with Democrats including Senator Richard Durbin, Senator Cory Booker, Representative John Conyers, Jr., and Representative Debbie Dingell; and

Whereas, H.R. 4380/S.2449 would amend the Immigration and Nationality Act to remove limitations on the ability of certain dual citizens from participating in the Visa Waiver Program; and

Whereas, In the words of Senator Cory Booker, “The overly broad changes made to the Visa Waiver Program in December’s funding bill jeopardized U.S relations with key allies, send the wrong message to those fleeing the violence in the Middle East, and do not make America safer. This legislation will ensure the security of the Visa Waiver Program without unfairly targeting innocent people”; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to pass and the President to sign H.R. 4380/S.2449 or “The Equal Protection in Travel Act of 2016”, which would amend the Immigration and Nationality Act to remove limitations on the ability of certain dual citizens from participating in the Visa Waiver Program.

Referred to the Committee on Immigration.

Res. No. 983

Resolution calling upon the New York State Legislature to pass and the Governor to sign A.8396, legislation regarding the development of school codes of conduct and the treatment of students subject to certain disciplinary actions.

By Council Members Reynoso, Espinal, Gibson, Menchaca, Richards, Torres, Rodriguez and Chin (by request of the Manhattan Borough President).

Whereas, In response to a surge in juvenile crime during the 1980s, school officials across the country adopted zero tolerance disciplinary policies and increased the number of police patrolling public schools, according to the New York Times; and

Whereas, One unintended consequence of such policies is that many students have been pushed out of school and into the criminal justice system, a phenomenon referred to as the “school-to-prison pipeline”; and

Whereas, According to the New York Civil Liberties Union (NYCLU), the school-to-prison pipeline disproportionately targets youth of color and youth with disabilities and operates both directly and indirectly; and

Whereas, NYCLU states that schools directly send students into the pipeline through zero tolerance policies that involve the police in relatively minor incidents which often lead to arrests, juvenile detention referrals, and even criminal charges and incarceration; and

Whereas, In addition, schools indirectly push students towards the criminal justice system by excluding them from school through suspension, expulsion, and other punitive measures; and

Whereas, To address the question of how best to keep more students in school and out of courts, the New York State Permanent Judicial Commission on Justice for Children (“Commission”) is leading a multi-tiered strategy (national, state, regional and local) to promote school-justice partnerships – an emerging strategy to reduce the number of children entering the justice system by improving educational engagement and outcomes through innovative practices; and

Whereas, The Commission, chaired by former Chief Judge Judith Kaye, convened the New York City School-Justice Partnership Task Force (“Task Force”) in 2011 in collaboration with Advocates for Children of New York; and

Whereas, In its 2013 report, the Task Force cited national research which shows that students who are suspended are more likely to be retained a grade, more likely to drop out, less likely to graduate and more likely to face involvement in the juvenile or criminal justice systems, thereby placing them at higher risk for poor life outcomes; and

Whereas, Additionally, suspensions and school-related court involvement also generate significant costs – for extra years of schooling, for justice system involvement, and for families and society; and

Whereas, Further, the Task Force report cited a growing body of research which suggests that suspensions are ineffective at improving safety and academic outcomes, as students in schools with lower suspension rates feel safer and have better academic outcomes than those in schools with high suspension rates; and

Whereas, The Task Force made a number of recommendations to keep students safely in school while avoiding suspensions, arrests and summonses through the use of positive interventions, such as restorative justice practices, to resolve student misbehavior; and

Whereas, In January 2014, just months after publication of the Task Force report, the U.S. Departments of Education and Justice jointly released a guidance package on school discipline calling on schools to create positive school climates and reduce use of exclusionary discipline practices, and encouraging development of alternative disciplinary approaches such as restorative justice; and

Whereas, In response to the work of the Commission and others regarding school discipline, New York State Assemblymember Catherine Nolan introduced legislation in October 2015 that reflects the emerging national research and best practices promoted by the Commission and would codify them into New York state law; and

Whereas, According to the Queens Gazette, in describing the bill Assemblymember Nolan stated that “[t]his common-sense legislation is designed to reduce suspensions and keep students in school” that “[t]he goal of the legislation is to reverse the disturbing school-to-prison pipeline, which starts with excessive use of suspensions, often for minor infractions... an issue that disproportionately affects students of color” and that “[t]he most recent data from the New York State Report Card shows that 94,877 students were suspended during the 2012-2013 school year, which is more than 500 suspensions per day... [e]ven children in kindergarten have been subject to suspensions for typical age-level behavior”; and

Whereas, The bill sponsored by Assemblymember Nolan, A.8396, would update provisions regarding the creation, publication and content of public school codes of conduct and would lay out guidelines for disciplining and suspending students; and

Whereas, More specifically, A.8396 would amend Education Law in regards to the purpose and content of school codes of conduct and require that codes of conduct be developed collaboratively with members of the school community; and

Whereas, In addition, A.8396 would amend sections of the law regarding procedures for suspending or disciplining a student; and

Whereas, Further, A.8396 would require the State Education Commissioner to provide technical assistance to school districts and to allow the State Education Department to authorize resources to school districts for that purpose; and

Whereas, Updating State Education Law to reflect the latest national research and best practices on school discipline would help keep students in New York State and New York City in school and out of the criminal justice system thereby improving their potential life outcomes; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign A.8396, legislation regarding the development of school codes of conduct and the treatment of students subject to certain disciplinary actions.

Referred to the Committee on Education.

Int. No. 1073

By Council Member Richards.

A Local Law to amend the administrative code of the city of New York, in relation to nighttime illumination during peak avian migration periods.

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 4 of the administrative code, is amended to add a new section 4-209 read as follows:

§ 4-209 Limitation of nighttime illumination in city-owned buildings during peak avian migration periods. For city-owned buildings, non-essential outdoor lighting, as such term shall be defined by rule of the department of citywide services, shall be turned off between the hours of 11:00 p.m. and 6:00 a.m. from April 15 through May 31, inclusive, and from August 15 through November 15, inclusive.

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 1074

By Council Members Richards, Kallos and Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to carbon accounting.

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-125 to read as follows:

§ 3-235 Carbon accounting. a. Definitions. As used in this chapter:

Carbon dioxide equivalent (CO₂e). The terms “carbon dioxide equivalent” and “CO₂e” mean the quantity of carbon dioxide gas expressed in metric tons that would have the same GWP when measured over a timescale of 100 years as a given quantity of a greenhouse gas.

Carbon emissions. The term “carbon emissions” means greenhouse gas emissions from any source, as expressed in CO₂e.

Carbon offsets. The term “carbon offset” means a project or process owned or operated by the city that captures and sequesters or chemically decomposes a greenhouse gas from the atmosphere, as expressed in CO₂e.

Carbon mitigation. The term “carbon mitigation” means a project or process owned or operated by an entity other than the city the expenses of which are paid in whole or in part from the city treasury that captures and sequesters or chemically decomposes a greenhouse gas prior to its release into the atmosphere, or results in a reduction of greenhouse gas emissions from any source by the replacement or retrofit of mechanical or electrical equipment or by conversion to an alternative source of energy. Carbon mitigation shall be measured as the reduction of the pre-mitigation release of greenhouse gas into the atmosphere, as expressed in CO₂e, for the entire useful life of any mechanical or electrical equipment used to achieve such mitigation, as appropriate, prorated by the percentage of funds used to finance such mitigation that were paid from the city treasury.

Global warming potential (GWP). The terms “global warming potential” and “GWP” mean the total infrared radiation energy that a greenhouse gas absorbs over a period of time compared to carbon dioxide. The GWP value for any particular greenhouse gas shall be equal to the value for such gas as listed in column “GWP 100-year” of table 8.A.1, Radiative efficiencies (REs), lifetimes/adjustment times, AGWP and GWP values for 20 and 100 years, and AGTP and GTP values for 20, 50 and 100 years, of *Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change* as published on September 30, 2013.

Greenhouse gas. The term “greenhouse gas” means a gas that absorbs infrared radiation in the atmosphere, and specifically any gas listed in table 8.A.1, Radiative efficiencies (REs), lifetimes/adjustment times, AGWP and GWP values for 20 and 100 years, and AGTP and GTP values for 20, 50 and 100 years, of *Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change* as published on September 30, 2013.

Net carbon impact. The term “net carbon impact” means an amount equal to the carbon emissions less the carbon offsets and carbon mitigation that would be generated by a unit of appropriation, by an agency, or by the entire city government, respectively.

b. *Preliminary budget accounting.* Not later than the day the mayor submits the preliminary budget to the council pursuant to section 236 of the charter, the mayor shall submit to the council an accounting of the carbon emissions, carbon offsets, carbon mitigation and net carbon impact that would be generated by each unit of appropriation in the preliminary budget, by each agency, and by the entire city government. The second and subsequent annual reports submitted pursuant to this subdivision shall also include, where appropriate, the changes from the adopted budget for previous year to the carbon emissions, carbon offsets, carbon mitigation and net carbon impact that would be generated by each unit of appropriation in the preliminary budget, by each agency, and by the entire city government with an explanation of the cause of such changes.

c. *Executive budget accounting.* Not later than the day the mayor submits the executive budget to the council pursuant to section 249 of the charter, the mayor shall submit to the council an accounting of the carbon emissions, carbon offsets, carbon mitigation and net carbon impact that would be generated by each unit of appropriation in the executive budget, by each agency, and by the entire city government. The second and subsequent annual reports submitted pursuant to this subdivision shall also include, where appropriate, the changes from the adopted budget for previous year to the carbon emissions, carbon offsets, carbon mitigation and net carbon impact that would be generated by each unit of appropriation in the executive budget, by each agency, and by the entire city government, with an explanation of the cause of such changes.

d. *Methodology.* The director of the office of long-term planning and sustainability shall establish the methodology by which carbon emissions, carbon offsets and carbon mitigation shall be calculated. A description of the methodology shall be included with each report submitted pursuant to subdivisions b or c of this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Res. No. 984

Resolution in support of the United States Environmental Protection Agency’s Clean Power Plan.

By Council Members Richards, Rodriguez, Chin and Ulrich.

Whereas, Climate change is occurring at a rapid rate; and

Whereas, The current trend of warming in Earth’s climate system over the last several decades is unprecedented and clear – the atmosphere and ocean have warmed, the sea level has risen, and snow and ice levels have decreased; and

Whereas, The concentration of greenhouse gases in Earth’s atmosphere has been and is increasing, and this is a main cause of rapid climate change; and

Whereas, Greenhouse gases are gases in the Earth’s atmosphere that have the physical property of absorbing solar radiation, trapping it in the atmosphere, keeping the Earth warmer than it would otherwise be; and

Whereas, The principal human activity affecting climate change is the emission of greenhouse gases, primarily carbon dioxide, by burning fossil fuels such as coal, petroleum and natural gas; and

Whereas, According to the United States Environmental Protection Agency (EPA), the rate and magnitude of future climate change will depend in large part on the rate at which levels of carbon dioxide and other greenhouse gas concentrations in Earth’s atmosphere continue to increase; and

Whereas, Climate change threatens to impact New York City’s public health, critical infrastructure, communities, vulnerable populations, natural systems, buildings and economy; and

Whereas, Impacts that are anticipated by experts, such as the Intergovernmental Panel on Climate Change, the National Academy of Sciences, the EPA, the New York State Energy Research and Development Authority, and the New York City Mayor’s Office of Long-Term Planning and Sustainability, include severe weather such as droughts and hurricanes, human health impacts, environmental justice impacts, economic impacts, damage to infrastructure, sea level rise, changes to coastlines and coastal wetlands, disruption of ecosystems and loss of biodiversity; and

Whereas, The New York City Panel on Climate Change projects that by 2050, in New York City, extreme weather events are likely to worsen; heat waves are likely to increase in frequency, intensity, and duration; heavy downpours are likely to increase in frequency, intensity and duration; and coastal flooding is likely to increase in frequency, extent, and height; and

Whereas, In August 2015, the EPA issued the Clean Power Plan (CPP) final rule which establishes regulations designed to reduce carbon dioxide emission rates from existing fossil fuel-fired power plants nationwide; and

Whereas, Fossil fuel-fired electricity generating power plants are the economic sector responsible for the largest amount of carbon dioxide emissions in the United States, and the CPP sets the first-ever limits on carbon emissions from power plants; and

Whereas, The CPP establishes uniform national emissions performance standards for fossil fuel-fired power plants; sets state-specific emissions targets for each state to achieve by 2030; requires states to develop and implement plans to achieve state-specific emissions targets by either imposing federally enforceable emissions standards at affected power plants or by using some combination of imposing federally enforceable standards and renewable energy and/or energy efficiency requirements on affected power plants; and creates a Clean Energy Incentive Program to reward states that make early investments in renewable energy and energy efficiency measures; and

Whereas, The EPA estimates that by 2030, the CPP will result in a 32% reduction in carbon dioxide levels from the nation’s electric power sector compared to 2005 levels; now, therefore, be it

Resolved, That the Council of the City of New York supports the United States Environmental Protection Agency's Clean Power Plan

Referred to the Committee on Environmental Protection.

Int. No. 1075

By Council Members Rodriguez and Vacca.

A Local Law to amend the administrative code of the city of New York, in relation to restricting the use of non-tobacco shisha in restaurants.

Be it enacted by the Council as follows:

Section 1. Section 17-502 of chapter 5 of title 17 of the administrative code of the city of New York is amended to add a new subsection ss to read as follows:

ss. "Non-tobacco shisha" means any product that does not contain tobacco and is smoked or intended to be smoked in a hookah or water pipe.

§ 2. Section chapter 5 of title 17 the administrative code of the city of New York is amended by adding a new section 17-515 to read as follows:

§ 17-515 Use of non-tobacco shisha in restaurants. a. The use of non-tobacco shisha shall be restricted in restaurants to an area designated for the use of non-tobacco shisha so long as such area: (i) constitutes no more than 5 percent of the seating capacity of such restaurant; (ii) is at least 3 feet away from the area of such restaurant not designated for the use of non-tobacco shisha; and (iii) is clearly designated with written signage as an area for the use of non-tobacco shisha. No restaurant shall permit any person under the age of 21 to enter such area unless such person is accompanied by a parent or guardian.

b. Restaurants shall post signs warning of the adverse health effects of using non-tobacco shisha products in devices lit with charcoal in all areas where the use of non-tobacco shisha is permitted. The size, style, and wording of such signs shall be determined in accordance with rules promulgated by the commissioner.

c. No later than 120 days after the effective date of the local law which added this section restaurants shall notify the department in writing that it permits the use of non-tobacco smoking shisha.

§ 3. This local law shall take effect 90 days after its enactment into law, provided that the commissioner shall promulgate any rules necessary for implementing and carrying out the provisions of this local law prior to such effective date.

Referred to the Committee on Health.

Int. No. 1076

By Council Members Rodriguez, Vacca and Gentile.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale of non-tobacco shisha, pipes and rolling papers to minors and young adults.

Be it enacted by the Council as follows:

Section 1. Section 17-702 of subchapter 1 of chapter 7 of title 17 of the administrative code of the city of New York is amended to add new subsections cc and dd to read as follows:

cc. "Non-tobacco shisha" means any product that does not contain tobacco and is smoked or intended to be smoked in a hookah or water pipe.

dd. "Smoking" means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, hookah, water pipe or any similar form of lighted object or device.

§ 2. Section 17-706 of subchapter 1 of chapter 7 of title 17 the administrative code of the city of New York is amended to read as follows:

§ 17-706 Sale of cigarettes, tobacco products, liquid nicotine, [or] electronic cigarettes, *non-tobacco shisha, pipes or rolling papers* to minors and young adults prohibited. a. Any person operating a place of business wherein cigarettes, tobacco products, liquid nicotine, [or] electronic cigarettes, *non-tobacco shisha, pipes or rolling papers* are sold or offered for sale is prohibited from selling such cigarettes, tobacco products, liquid nicotine, [or] electronic cigarettes, *non-tobacco shisha, pipes or rolling papers* to individuals under twenty-one years of age. Sale of cigarettes, tobacco products, liquid nicotine, [or] electronic cigarettes, *non-tobacco shisha, pipes or rolling papers* in such places shall be made only to an individual who demonstrates, through a driver's license or other photographic identification card issued by a government entity or educational institution, that the individual is at least twenty-one years of age. Such identification need not be required of any individual who reasonably appears to be at least thirty years of age, provided, however, that such appearance shall not constitute a defense in any proceeding alleging the sale of cigarettes, tobacco products, liquid nicotine [or] electronic cigarettes, *non-tobacco shisha, pipes or rolling papers* to an individual under twenty-one years of age.

[b. Any person operating a place of business wherein non-tobacco shisha, pipes, or rolling papers are sold or offered for sale is prohibited from selling such non-tobacco shisha, pipes, or rolling papers to individuals under eighteen years of age. Sale of non-tobacco shisha, pipes, or rolling papers in such places shall be made only to an individual who demonstrates, through a driver's license or other photographic identification card issued by a government entity or educational institution, that the individual is at least eighteen years of age. Such identification need not be required of any individual who reasonably appears to be at least twenty-five years of age, provided, however, that such appearance shall not constitute a defense in any proceeding alleging the sale of non-tobacco shisha, pipes, or rolling papers to an individual under eighteen years of age.]

[c.] b. Any person operating a place of business wherein cigarettes, tobacco products, liquid nicotine, electronic cigarettes, herbal cigarettes, non-tobacco shisha, pipes, or rolling papers are sold or offered for sale shall post in a conspicuous place a sign, in accordance with the rules of the department, advising persons about the minimum age requirements for the purchase of such items.

§ 3. This local law shall take effect 90 days after its enactment into law, provided that the commissioner shall promulgate any rules necessary for implementing and carrying out the provisions of this local law prior to such effective date.

Referred to the Committee on Health.

Res. No. 985

Resolution calling upon the New York City Landmarks Preservation Commission to designate the Riegelmann Boardwalk in Coney Island as a scenic landmark pursuant to Section 3020 of the New York City Charter.

By Council Members Treyger, Deutsch, Levine, Greenfield, Koo, Chin, Palma, Johnson, Koslowitz, Barron, Borelli, Cabrera, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Grodenchik, Kallos, King, Lancman, Lander, Levin, Maisel, Matteo, Mealy, Menchaca, Mendez, Miller, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Torres, Ulrich, Vacca, Vallone, Van Bramer, Williams, Wills and the Public Advocate (Ms. James).

Whereas, the Riegelmann Boardwalk, commonly known as the Coney Island Boardwalk, has been a New York City destination since it was first opened to the public on May 15th, 1923; and

Whereas, the wooden Boardwalk was the centerpiece of the plan of Edward Riegelmann, Brooklyn Borough President from 1918 to 1924, to beautify and improve public access to the beaches at Coney Island; and

Whereas, after a 1938 expansion of the boardwalk to Brighton Beach and subsequent improvements, the Boardwalk now stretches a distance of 2.7 miles, from West 37th Street to Corbin Place; and

Whereas, the wooden Boardwalk is an iconic and beloved structure for the community and New York City; and

Whereas, the wooden Boardwalk is an internationally recognized tourist attraction, drawing visitors from all over the world, helping to maintain the City's status as a worldwide tourist center; and

Whereas, the wooden Boardwalk serves as a central hub tying together the various attractions, businesses, and residents that make up the Coney Island neighborhood; and

Whereas, the wooden Boardwalk is a vital part of the City's historic, aesthetic and cultural heritage; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Landmarks Preservation Commission to designate the Riegelmann Boardwalk, Borough of Brooklyn, as a scenic landmark pursuant to Section 3020 of the New York City Charter.

Referred to the Committee on Land Use.

Preconsidered Int. No. 1077

By Council Members Vacca, Kallos, Garodnick, Lander and Vallone.

A Local Law to amend the administrative code of the city of New York, in relation to increasing access to disclosure forms of elected officials.

Be it enacted by the Council as follows:

Section 1. The opening paragraph of subdivision e of section 12-110 of the administrative code of the city of New York, as amended by local law 14 for the year 2006, is amended to read as follows:

e. Public inspection of reports and privacy considerations. Information filed in reports required by this section shall be maintained by the conflicts of interest board and shall be made available for public inspection, upon written request on such form as the board shall prescribe, *except that information filed in reports required by this section by each elected officer described in sections four, twenty-four, twenty-five, eighty-one, ninety-one and eleven hundred twenty-five of the New York city charter shall be made available for public inspection on the board's website without written request. The availability of forms for public inspection pursuant to this subdivision is subject to the following provisions:*

§ 2. Subparagraph (a) of paragraph 1 of subdivision e of section 12-110 of the administrative code of the city of New York, as added by local law 43 for the year 2003, is amended to read as follows:

(a) Any person required to file a report pursuant to this section may, at the time the report is filed or at any time thereafter, except when a request for inspection is pending, submit a request to the conflicts of interest board, in such form as the board shall require, to withhold any item disclosed therein from public inspection on the ground that the inspection of such item by the public would constitute an unwarranted invasion of his or her privacy or a risk to the safety or security of any person. Such request shall be in writing and shall be in such form as the conflicts of interest board shall prescribe and shall set forth the reason such person believes the item should not be disclosed. *During the time for evaluation of such a request, such report shall not be available for public inspection.*

§ 3. Paragraph 2 of subdivision e of section 12-110 of the administrative code of the city of New York, as amended by local law 58 for the year 2012, is amended to read as follows:

2. Requests to examine reports. Whenever pursuant to this section the conflicts of interest board produces a report for public inspection, the board shall notify the person who filed the report of the production and of the

identity of the person to whom such report was produced, except that no such notification shall be required if *the report is made available for public inspection on the board's website without written request or if the request to examine the report is made by the department of investigation or any governmental unit, or component thereof, which performs as one of its principal functions any activity pertaining to the enforcement of criminal laws, provided that such report is requested solely for a law enforcement function.* Nothing in this section shall preclude the conflicts of interest board from disclosing any and all information in an annual disclosure report to the department of investigation or any other governmental unit, or component thereof, which performs as one of its principal functions any activity pertaining to the enforcement of criminal laws, provided that such report is requested solely for a law enforcement function.

§ 4. This local law takes effect immediately; provided, however, that it shall not apply to reports of annual disclosure filed in 2016 for the calendar year 2015

Adopted by the Council (preconsidered and approved by the Committee on Governmental Operations).

Preconsidered Int. No. 1078

By Council Members Van Bramer, Garodnick, Lander and Dickens.

A Local Law to amend the administrative code of the city of New York, in relation to modifying the timing and deliberation time for the quadrennial advisory commission for the review of compensation levels of elected officials.

Be it enacted by the Council as follows:

Section 1. Declaration of Legislative Findings and Intent. The Council recognizes that the commission appointed to review the compensation levels of elected officials is tasked with reviewing a significant amount of information to determine whether to recommend increases in compensation levels. The 2015 Quadrennial Advisory Commission held fifteen meetings, two public hearings and reviewed numerous records and other data in preparation for issuing its report and recommendations. In recognition of the considerable amount of work involved in the process, future commissions should be afforded additional time for deliberation. Additionally, the Council recognizes the potential issues associated with increased compensation levels going into effect during the term in which such changes in compensation are approved. The 2015 Quadrennial Advisory Commission determined that its recommended salary increases should take effect as of January 1, 2016, but also suggested that the Council consider changing the timing of future commissions to later in the Council session. Amending the timing of when a commission is appointed will afford future commissions greater flexibility to consider — and make it more likely that they will recommend — that increases in compensation go into effect in the session after which they are voted on and approved.

§ 2. Subdivision a of section 3-601 of the administrative code of the city of New York, as added by local law 77 for the year 1986, is amended to read as follows:

a. Between the first and fifteenth day of January, [nineteen hundred eighty-seven] 2020, and during the same period every fourth year thereafter, the mayor shall appoint three persons for the review of compensation levels of elected officials. The members of the commission shall be private citizens generally recognized for their knowledge and experience in management and compensation matters. The mayor shall appoint one of the members to be chairperson of the commission.

§ 3. Subdivision c of section 3-601 of the administrative code of the city of New York, as added by local law 77 for the year 1986, is amended to read as follows:

c. The commission shall submit a report to the mayor [on or before the March fifteenth] not later than one hundred twenty days following its appointment containing its recommendations for changes in compensation levels for any elected position set forth in subdivision b or its recommendation that no changes are warranted.

§ 4. This local law takes effect immediately

Adopted by the Council (preconsidered and approved by the Committee on Governmental Operations).

L.U. 332

By Council Member Greenfield:

Application No. 20165174 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Café Cortadito LLC, d/b/a Café Cortadito for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 210 East 3rd Street, Borough of Manhattan, Community Board 3, Council District 2. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226 of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

<http://legistar.council.nyc.gov/Calendar.aspx>

A N N O U N C E M E N T S

Tuesday, February 9, 2016

Subcommittee on Zoning & Franchises

9:30 a.m.

Preconsidered L.U. ___ - Application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York to create a Mandatory Inclusionary Housing program that would require, through zoning actions, a share of new housing to be permanently affordable. The focus of this hearing will be the Mandatory Inclusionary Housing proposal but public testimony on the Zoning for Quality and Affordability proposal can also be given.

Council Chambers – City Hall

Donovan Richards, Chairperson

★ *Deferred*

Committee on Civil Service and Labor

1:00 p.m.

~~**Oversight** – Examining the Civil Service System~~

~~**Res 937** – By Council Members, Miller, Chin, Gentile, Koo, Lander, Mendez, Richards and Rose **Resolution** calling upon the New York City Department of Citywide Administrative Services to develop an online portal for civil service applicants.~~

~~Committee Room – 250 Broadway, 14th Floor~~

~~I. Daneek Miller, Chairperson~~

Committee on Veterans

1:00 p.m.

Tour: The Steven & Alexandra Cohen Military Family Clinic at NYU School of Medicine

Location: One Park Avenue, 8th Floor
New York, NY 10016

Details Attached.....Eric Ulrich, Chairperson

Wednesday, February 10, 2016

Subcommittee on Zoning & Franchises

9:30 a.m.

Preconsidered L.U. ___ - Application submitted by the New York City Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York to modify a variety of regulations primarily relating to building shape, parking, and senior housing. The focus of this hearing will be the Zoning for Quality and Affordability proposal but public testimony on the Mandatory Inclusionary Housing can also be given.

Council Chambers – City Hall.....Donovan Richards, Chairperson

★ Deferred

Committee on Transportation

10:00 a.m.

Agenda to be announced

Committee Room – 250 Broadway, 14th Floor.....Ydanis Rodriguez, Chairperson

Friday, February 12, 2016

Committee on Parks and Recreation

10:00 a.m.

Int 754 - By Council Members Rosenthal, Cabrera, Levine, Palma and Cohen - **A Local Law** to amend the administrative code of the city of New York, in relation to notification for pesticide application in city parks.

Int 833 - By Council Members Cohen, Koo, Rodriguez, Cornegy and Espinal - **A Local Law** to amend the administrative code of the city of New York, in relation to a pesticide use reporting manual published by the department of parks and recreation.

Committee Room – 250 Broadway, 16th Floor Mark Levine, Chairperson

Monday, February 22, 2016

Committee on Housing and Buildings

10:00 a.m.

Agenda to be announced

Committee Room – City Hall Jumaane D. Williams, Chairperson

Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services

10:00 a.m.

Oversight - Medicaid Redesign Part 2

Committee Room – 250 Broadway, 16th Floor Andrew Cohen, Chairperson

Committee on Environmental Protection

1:00 p.m.

Agenda to be announced

Committee Room – 250 Broadway, 16th Floor Costa Constantinides, Chairperson

Tuesday, February 23, 2016

★ Addition

Committee on Contracts

10:00 a.m.

Int 365 - By Council Members Kallos, Constantinides, Cornegy and Koo - **A Local Law** to amend the administrative code of the city of New York, in relation to collaborative software purchasing.

Int 366 - By Council Members Kallos and Koo - **A Local Law** to amend the administrative code of the city of New York, in relation to free and open source software.
Council Chambers – City Hall Helen Rosenthal, Chairperson

★ *Deferred*

[Committee on Education](#)10:00 a.m.
Agenda to be announced
Council Chambers – City Hall Daniel Dromm, Chairperson

[Committee on Fire and Criminal Justice Services](#).....1:00 p.m.
Agenda to be announced
Committee Room – City Hall Elizabeth Crowley, Chairperson

Wednesday, February 24, 2016

[Committee on Finance](#)..... 10:00 a.m.

Int 1047 - By Council Member Ferreras-Copeland (by request of the Mayor) - **A Local Law** to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in the Fulton Mall special assessment district.
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
Committee Room – City Hall Julissa Ferreras-Copeland, Chairperson

[Stated Council Meeting](#)*Ceremonial Tributes – 1:00 p.m.*
.....*Agenda – 1:30 p.m.*

M E M O R A N D U M

January 21, 2016

TO: ALL COUNCIL MEMBERS**RE:** TOUR BY THE COMMITTEE ON VETERANS

Please be advised that all Council Members are invited to attend a tour to:

**The Steven & Alexandra Cohen Military Family Clinic at NYU School of Medicine
One Park Avenue, 8th Floor
New York, N.Y. 10016**

The Tour will be on **Tuesday, February 9, 2016 beginning at 1:00 p.m.** A van will be leaving City Hall at **12:30 p.m. sharp.**

Council Members interested in ridding the van should call Eric Bernstein at **212-788-9089.**Eric Ulrich, Chairperson
Committee on VeteransMelissa Mark-Viverito
Speaker of the Council

During the Meeting, a number of special guests were seated by the front dais on the Council floor. These guests were family members and friends of the late Carey Gabay, Dean Derrick Griffith and Reverend Clarence Norman, Sr, who were having streets named in their honor. The street name bill in question, Preconsidered Int No. 1054, was before the Council for a vote at this Stated Meeting. Council Member Cumbo, in whose district these three street name changes were to take place, recognized these guests: the Norman family, the Griffith family, and the Gabay family. Also recognized in addition to the family members were Reverend Darryl Bloodsaw, Senior Pastor for First Baptist Church of Crown Heights; Demetrius Large, Chairman of Community Board 9; and Bill Howard, the President of the West Indian Day Carnival Association.

Whereupon on motion of the Speaker (Council Member Mark-Viverito), the Public Advocate (Ms. James) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, February 24, 2016.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Local Law Note: Int Nos. 49-A, 632-B, 771-A, 798-B, 952-A, 957-A, 1007-A, and 1030-A, adopted by the Council at the January 19, 2016 Charter Meeting, was signed into law by the Mayor on February 8, 2016 as, respectively, Local Laws Nos. 10 to 17 of 2016.