



**THE COUNCIL  
THE CITY OF NEW YORK  
FINANCE DIVISION  
250 BROADWAY, 15<sup>TH</sup> FLOOR  
NEW YORK, N.Y. 10007-2594**

(212) 788-6921

**TO:** Honorable Christine Quinn  
Speaker

Honorable David I. Weprin  
Chairman, Finance Committee

**FROM:** Preston Niblack, Director  
Finance Division

**DATE:** December 18, 2008

**SUBJECT:** A budget modification (MN-1) for Fiscal Year 2009 to reallocate appropriations in the FY 2009 Adopted Budget and transfers the Environmental Control Board from the Department of Environmental Protection to the Office of Administrative Trials and hearings within the Department of Citywide Administrative Services.

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**INITIATION:** By letter dated December 17, 2008, the Director of the Office of Management and Budget submitted to the Council, pursuant to section 107(b) of the New York City Charter requests for approval to transfer funds between various agencies in Fiscal Year 2009, and transfers the Environmental Control Board from the Department of Environmental Protection to the Office of Administrative Trials and hearings within the Department of Citywide Administrative Services to implement changes in the City's expense budget. These actions total \$18,266,281.

**BACKGROUND:** This modification (MN-1) reallocates appropriations that were reflected in the FY 2009 Adopted Budget to fund City Council initiatives, and effectuates changes among agencies consistent with Local law 35. Local Law 35 of 2008, transfers jurisdiction over the Environmental Control Board (ECB) from the Department of Environmental Protection (DEP) to the Office of Administrative Trials and Hearings (OATH). This modification effectuates such local law by transferring the unit of appropriation allocated to DEP to OATH within DCAS.

**FISCAL IMPACT:** This modification represents the reallocation of appropriations and the transfer of the ECB from the DEP to the OATH and within the Department of Citywide Administrative Services. The net effect of this modification is zero.

## THE COUNCIL

### REPORT OF THE COMMITTEE ON FINANCE

#### RESOLUTION APPROVING THE MODIFICATION (MN-1) OF UNITS OF APPROPRIATION AND THE TRANSFER OF CITY FUNDS BETWEEN AGENCIES PROPOSED BY THE MAYOR PURSUANT TO SECTION 107(b) OF THE CHARTER OF THE CITY OF NEW YORK

The Committee on Finance, to which was referred the above-captioned resolution, respectfully submits to The Council of the City of New York the following

#### REPORT

Introduction. At a meeting of the Committee on Finance of the City Council of the City of New York on December 18, 2008, the Committee on Finance received a communication, dated December 17, 2008 from the Office of Management and Budget of the Mayor of The City of New York, of a proposed request, (the "Modification"), to modify units of appropriation and transfer city funds between units of appropriation in the Fiscal 2009 Expense Budget (as defined below) pursuant to Section 107(b) of the Charter of the City of New York (the "Charter").

Analysis. The Council annually adopts the City's budget covering expenditures other than for capital projects (the "expense budget") pursuant to Section 254 of the Charter. On June 29, 2008, the Council adopted the expense budget for fiscal year 2009 (the "Fiscal 2009 Expense Budget"). This modification (MN-1) reallocates appropriations that were reflected in the FY 2009 Adopted Budget. Specifically, MN-1 reallocates appropriations that were reflected in the FY 2009 Adopted Budget to fund City Council initiatives, totaling \$6,526,714 and effectuates changes among agencies consistent with Local law 35, which total \$11,739,567. Local Law 35 of 2008 transfers jurisdiction over the Environmental Control Board (ECB) from the Department of Environmental Protection (DEP) to the Office of Administrative Trials and Hearings (OATH) within the Department of Citywide Administrative Services. The total amount of these actions is \$18,266,281. The net effect of this modification is zero.

If the Mayor wishes to transfer part or all of any unit of appropriation to another unit of appropriation from one agency to another or such that the transfer results in any unit of appropriation being increased or decreased by the greater of five percent or \$50,000, Section 107(b) of the Charter requires that the Mayor must first notify the Council of the proposed action. Within 30 days after the first stated meeting of the Council following receipt of such notice, the Council may disapprove such proposed action. If the Council fails to approve or disapprove such proposed action within such 30-day period, the proposed action becomes effective and the Mayor has the authority to make such transfer.

Description of Above-captioned Resolution. In the above-captioned resolution, the Council would approve the Modification pursuant to Section 107(b) of the Charter. Such resolution would take effect as of the date of adoption.

PRECONSIDERED

RESOLUTION NO.

1742

By Council Member Weprin

**RESOLUTION APPROVING THE MODIFICATION (MN-1)  
OF UNITS OF APPROPRIATION AND THE TRANSFER  
OF CITY FUNDS BETWEEN AGENCIES PROPOSED BY  
THE MAYOR PURSUANT TO SECTION 107(b) OF THE  
CHARTER OF THE CITY OF NEW YORK**

**Whereas**, at a meeting of the Committee on Finance of the City Council of the City of New York (the "City Council") on December 18, 2008, the Committee on Finance received a communication, dated December 17, 2008, from the Office of Management and Budget of the Mayor of The City of New York (the "Mayor"), of a proposed request, attached hereto as Exhibit A (the "Modification"), to modify units of appropriation as adopted by the Council on June 29, 2008, pursuant to Section 107(b) of the Charter of the City of New York (the "Charter"), which total \$6,526,714, and effectuates changes among agencies consistent with Local law 35, which total \$11,739,567; and

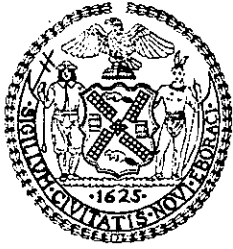
**Whereas**, pursuant to Section 107(b) of the Charter, the City Council has thirty (30) days after the first stated meeting of the City Council following such receipt within which to act upon the Modification;

**NOW, THEREFORE**, The Council of The City of New York hereby resolves as follows:

1. **Approval of Modification.** The City Council hereby approves, pursuant to Section 107(b) of the Charter, the actions proposed by the Mayor as set forth in the Modification.
2. **Effective Date.** This resolution shall take effect as of the date hereof.

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by The Council of The City of New York on \_\_\_\_\_ on file in this office.

**Clerk of The Council of The City of New York**



The City of New York  
**Office of Management and Budget**  
75 Park Place • New York, New York 10007-2146  
Telephone: (212) 788-5900 • Fax: (212) 788-6300

**Mark Page**  
*Director*

December 17, 2008

TO THE CITY COUNCIL

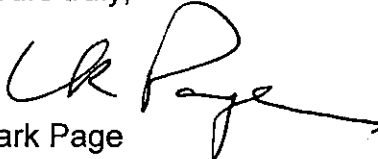
Dear Council Members:

In accordance with Section 107(b) of the New York City Charter, I request your approval to transfer City funds between various agencies in fiscal year 2009 to implement changes in the City's expense budget.

As requested by the City Council, this modification – MN 1 – reallocates appropriations that were reflected in the FY 2009 Adopted Budget to fund City Council local initiatives. In addition, consistent with Local Law 35 of 2008, this modification transfers the Environmental Control Board from the Department of Environmental Protection to the Office of Administrative Trials and Hearings within the Department of Citywide Administrative Services.

Your approval of modification MN 1 is respectfully requested.

Yours truly,

  
Mark Page

Fiscal Year 2009 Budget Modification

-MN01-

FROM

010	President, Borough of Manhattan	
	001 Personal Service	130,000-
040	Department of Education	
	454 Central Administration - OTPS	73,000-
042	City University	
	001 Community College-OTPS	3,625,000-
056	Police Department	
	100 Operations - OTPS	3,000-
057	Fire Department	
	005 Executive Admin - OTPS	3,000-
068	Admin. for Children Services	
	006 Child Welfare - OTPS	100,000-
098	Miscellaneous	
	002 General Reserve	1,353,214-
	002 OTPS	250,000
125	Department for the Aging	
	003 Community Programs - OTPS	1,036,500-
433	Queens Community Board # 3	
	002 Other Than Personal Service	5,000-
801	Dept. Small Business Services	
	002 Dept of Business Serv. - OTPS	1,000-
806	Housing Preservation & Dev.	
	009 Office of Development-OTPS	165,000-
816	Dept Health & Mental Hygiene	
	113 Hlth Promo & Disease Prev-OTPS	198,500-
	114 OTPS - Environmental Hlth Svcs	80,000-
826	Dept of Environmental Prot.	
	001 Executive and Support	677,710-
	002 Environmental Management	7,954,208-
	005 Environmental Management-OTPS	2,653,065-
	006 Executive and Support - OTPS	454,584-
827	Department of Sanitation	
	109 Cleaning & Collection - OTPS	3,500-

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18,266,281-  
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TO

010	President, Borough of Manhattan	
	002 Other Than Personal Service	130,000
040	Department of Education	
	402 GE Instr. & School Leadership	110,000
042	City University	
	002 Community College-PS	4,000,000
068	Admin. for Children Services	
	004 Headstart/Daycare - OTPS	100,000
069	Department of Social Services	
	105 Adult Services - OTPS	150,000
126	Department of Cultural Affairs	
	003 Cultural Programs	65,000
	006 Amer Museum Natural History	30,000
260	Youth & Community Development	
	005 Community Development - OTPS	505,700
	312 Other Than Personal Service	1,416,014
436	Queens Community Board # 6	
	002 Other Than Personal Services	5,000
816	Dept Health & Mental Hygiene	
	120 Mental Health	11,500
846	Dept of Parks and Recreation	
	006 Maintenance & Operations-OTPS	3,500
856	Dept of Citywide Admin Srvces	
	003 PS OATH	8,631,918
	004 OTPS OATH	3,107,649
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		18,266,281
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APPENDIX A

FROM

010	President, Borough of Manhattan		
001	Personal Service		
	Manhattan Borough President	130,000-	
	Unit of Appropriation Total		130,000-
040	Department of Education		
454	Central Administration - OTPS		
	Advocates for Children of New York, Inc.	200,000-	
	Coop, Health, Active, Motivated, Pos. Students (CHAMPS)	152,000	
	Educational Broadcasting Corporation (channel 13)	25,000-	
	Unit of Appropriation Total		73,000-
042	City University		
001	Community College-OTPS		
	City College of NY Center for the Study of Harlem	15,000-	
	Community College Safety Net Program	4,000,000-	
	Joseph S. Murphy Institute	390,000	
	Center for Worker Ed		
	Unit of Appropriation Total		3,625,000-
056	Police Department		
100	Operations - OTPS		
	62nd Precinct Community	1,000-	

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FROM

056	Police Department		
	100 Operations - OTPS		
	Council		
	68th Precinct Community	2,000-	
	Council		
	Unit of Appropriation Total		3,000-
057	Fire Department		
	005 Executive Admin - OTPS		
	Friends of Firefighters	3,000-	
	Unit of Appropriation Total		3,000-
068	Admin. for Children Services		
	006 Child Welfare - OTPS		
	Low Income Investment Fund	100,000-	
	(LIIF)		
	Unit of Appropriation Total		100,000-
098	Miscellaneous		
	002 OTPS		
	Atlantic Terminal Tenants	5,000	
	Association, Inc.		
	Center for Anti-Violence	20,000-	
	Education (CAE), Inc., The		
	East River Development	200,000	
	Alliance, Inc.		



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FROM

098	Miscellaneous		
	002	OTPS	
		Farragut Tenants Association	5,000
		General Reserve	1,353,214-
		HOPE Program, Inc., The	40,000
		HOPE Program, Inc., The	10,000
		Ingersoll Tenants Association	5,000
		Walt Whitman Tenants Association	5,000
		Unit of Appropriation Total	1,103,214-
125	Department for the Aging		
	003	Community Programs - OTPS	
		Congress of Italian-American Organizations, Inc.	15,000
		Hunts Point Multi-Service Center, Inc.,	20,000
		New York United Jewish Association	6,500
		Presbyterian Senior Services	22,000
		Seniors Meet the Arts (SM/ARTs)	1,100,000-
		Unit of Appropriation Total	1,036,500-
433	Queens Community Board # 3		
	002	Other Than Personal Service	
		Queens Community Board #3	5,000-

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FROM

433	Queens Community Board # 3		
	002 Other Than Personal Service		
	Unit of Appropriation Total		5,000-
801	Dept. Small Business Services		
	002 Dept of Business Serv. - OTPS		
	Abyssinian Development Center	40,000-	
	Central Astoria Local	10,000	
	Development Coalition, Inc.		
	Gowanus Canal Community	10,000-	
	Development Corporation		
	Lincoln Place Block	4,500-	
	Association		
	New York Industrial Retention	50,000	
	Network		
	Steinway Street District Mgmt	10,000-	
	Association, Inc.		
	Washington Heights-Inwood	3,500	
	Coalition		
	Unit of Appropriation Total		1,000-
806	Housing Preservation & Dev.		
	009 Office of Development-OTPS		
	Brooklyn Housing and Family	25,000-	
	Services, Inc.		
	East River Development	200,000-	
	Alliance, Inc.		

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FROM

806	Housing Preservation & Dev.		
009	Office of Development-OTPS		
	Good Old Lower East Side, Inc.	60,000	
	Unit of Appropriation Total		165,000-
816	Dept Health & Mental Hygiene		
113	Hlth Promo & Disease Prev-OTPS		
	Astoria/Queens Share-ing and	45,000-	
	Care-ing, Inc.		
	Astoria/Queens Share-ing and	5,000-	
	Care-ing, Inc.		
	Astoria/Queens Share-ing and	50,000-	
	Care-ing, Inc.		
	Astoria/Queens Share-ing and	5,000-	
	Care-ing, Inc.		
	Bonei Olam, Inc.	10,000	
	Brain Tumor Foundation, The	5,000	
	Coop, Health, Active, Motivated, P	152,000-	
	os. Students (CHAMPS)		
	Episcopal Health Services,	3,500	
	Inc. (d/b/a St. John's		
	Fordham University Biological	40,000	
	Science Research Lab		
	Unit of Appropriation Total		198,500-
114	OTPS - Environmental Hlth Svcs		
	Department of Health and	80,000-	

## APPENDIX A

## FROM

816	Dept Health & Mental Hygiene		
	114	OTPS - Environmental Hlth Svcs Mental Hygiene	
		Unit of Appropriation Total	80,000-
826	Dept of Environmental Prot.		
	001	Executive and Support	
		ECB Transfer to OATH	677,710-
		Unit of Appropriation Total	677,710-
	002	Environmental Management	
		ECB Transfer to OATH	7,954,208-
		Unit of Appropriation Total	7,954,208-
	005	Environmental Management-OTPS	
		ECB Transfer to OATH	2,653,065-
		Unit of Appropriation Total	2,653,065-
	006	Executive and Support - OTPS	
		ECB Transfer to OATH	454,584-
		Unit of Appropriation Total	454,584-
827	Department of Sanitation		
	109	Cleaning & Collection - OTPS	
		Murray Hill Committee, Inc.	3,500-

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FROM

827 Department of Sanitation

109 Cleaning & Collection - OTPS

Unit of Appropriation Total

3,500-

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18,266,281-

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TO

010	President, Borough of Manhattan		
	002 Other Than Personal Service		
	Manhattan Borough President	130,000	
	Unit of Appropriation Total		130,000
040	Department of Education		
	402 GE Instr. & School Leadership		
	Intermediate School 117X	10,000	
	Junior High School 113X	25,000	
	(Richard Green School)		
	Middle School 15X	10,000	
	Public School 28X	10,000	
	Public School 33X	10,000	
	Public School 79X	10,000	
	Public School 91X	10,000	
	Public School 259K	2,000	
	Public School 259K	2,000-	
	Public School 307X	15,000	
	Public School 310X	10,000	
	Unit of Appropriation Total		110,000
042	City University		
	002 Community College-PS		
	Community College	4,000,000	

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042	City University		
	002	Community College-PS Administration and Operations	
		Unit of Appropriation Total	4,000,000
068	Admin. for Children Services		
	004	Headstart/Daycare - OTPS Low Income Investment Fund (LIIF)	100,000
		Unit of Appropriation Total	100,000
069	Department of Social Services		
	105	Adult Services - OTPS Sanctuary for Families, Inc.	150,000
		Unit of Appropriation Total	150,000
126	Department of Cultural Affairs		
	003	Cultural Programs	
		City Lore, Inc.	5,000
		Friends of Historic New Utrecht	3,000
		Harlem Arts Alliance	3,500
		National Jazz Museum in Harlem, The	3,500
		New York Historical Society	15,000

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126	Department of Cultural Affairs		
	003 Cultural Programs		
	Theatre Rehabilitation for Youth, Inc.	7,000	
	Theatre Rehabilitation for Youth, Inc.	3,000	
	West Indian American Day Carnival Association, Inc	25,000	
	Unit of Appropriation Total		65,000
	006 Amer Museum Natural History		
	American Museum of Natural History	30,000	
	Unit of Appropriation Total		30,000
260	Youth & Community Development		
	005 Community Development - OTPS		
	Abyssinian Development Center	40,000	
	Adult Literacy	500,000	
	Astoria/Queens Share-ing and Care-ing, Inc.	45,000	
	Astoria/Queens Share-ing and Care-ing, Inc.	5,000	
	Astoria/Queens Share-ing and Care-ing, Inc.	50,000	
	Astoria/Queens Share-ing and Care-ing, Inc.	5,000	



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260	Youth & Community Development		
005	Community Development - OTPS		
	Atlantic Terminal Tenants Association, Inc.	5,000-	
	Bergen Basin CD Develop. Corp d/b Millennium Develop	3,000-	
	City Lore, Inc.	5,000-	
	Council of Jewish Organizations of Flatbush, Inc.	20,000	
	Council of Jewish Organizations of Flatbush, Inc.	8,000	
	Educational Broadcasting Corporation (channel 13)	25,000	
	Farragut Tenants Association	5,000-	
	Friends of Historic New Utrecht	3,000-	
	HOPE Program, Inc., The	40,000-	
	Lincoln Place Block Association	4,500	
	Samaritans Outreach Ministries, Inc.	17,700	
	Sanctuary for Families, Inc.	150,000-	
	Washington Heights-Inwood Coalition	3,500-	
	Unit of Appropriation Total		505,700
312	Other Than Personal Service		
	Advocates for Children of New	200,000	

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260	Youth & Community Development	
312	Other Than Personal Service	
	York, Inc.	
	Alliance for Community Services	135,000-
	Bonei Olam, Inc.	10,000-
	Center for Anti-Violence Education (CAE), Inc., The	20,000
	Central United Talmudic Academy	15,000-
	Cultural After School Adventure	1,100,000
	Gowanus Canal Community Development Corporation	10,000
	Harlem Mother's S.A.V.E	8,000
	HOPE Program, Inc., The	10,000-
	Ingersoll Tenants Association	5,000-
	Jewish Children's Learning Lab	6,214
	Junior High School 259K	2,000
	Lammies Daycare, Inc.	12,500
	Laurelton Lions Club	8,500
	Margert Community Corporation	30,800
	Mount Carmel Baptist Church	3,500
	New York City Outward Bound Center, Inc.	200,000

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260	Youth & Community Development		
312	Other Than Personal Service		
	New York United Jewish Association	6,500-	
	Public School 259K	2,000-	
	Samaritans of New York, Inc.	3,500-	
	Samaritans of New York, Inc.	5,000-	
	Theatre Rehabilitation for Youth, Inc.	7,000-	
	Theatre Rehabilitation for Youth, Inc.	3,000-	
	United Black Men of Queens Foundation, Inc.	3,500	
	Walt Whitman Tenants Association	5,000-	
	46th Precinct Community Council	15,000	
	62nd Precinct Community Council	1,000	
	68th Precinct Community Council	2,000	
	Unit of Appropriation Total		1,416,014
436	Queens Community Board # 6		
002	Other Than Personal Services		
	Queens Community Board #6	5,000	
	Unit of Appropriation Total		5,000
816	Dept Health & Mental Hygiene		
120	Mental Health		
	Friends of Firefighters	3,000	

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TO

816	Dept Health & Mental Hygiene		
120	Mental Health		
	Samaritans of New York, Inc.	3,500	
	Samaritans of New York, Inc.	5,000	
	Unit of Appropriation Total		11,500
846	Dept of Parks and Recreation		
006	Maintenance & Operations-OTPS		
	Murray Hill Neighborhood	3,500	
	Association, Inc.		
	Unit of Appropriation Total		3,500
856	Dept of Citywide Admin Svcs		
003	PS OATH		
	ECB Functional Transfer	338,270	
	(Administration)		
	ECB Functional Transfer (MIS)	339,440	
	ECB Functional Transfer	7,954,208	
	(Proper)		
	Unit of Appropriation Total		8,631,918
004	OTPS OATH		
	ECB Functional Transfer	454,584	
	(Administration)		
	ECB Functional Transfer	2,653,065	
	(Proper)		
	Unit of Appropriation Total		3,107,649
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			18,266,281
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