



Legislation Text

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Res. No. 923

RESOLUTION APPROVING, PURSUANT TO SECTION 2590-p OF THE STATE EDUCATION LAW AND PARAGRAPH(1)(a) OF THE MEMORANDUM OF UNDERSTANDING, DATED JUNE 29, 2010, AMONG THE MAYOR, THE SPEAKER AND THE CHANCELLOR, THE AMENDMENT TO THE FIVE YEAR EDUCATIONAL FACILITIES CAPITAL PLAN FOR 2010 - 2014 SUBMITTED BY THE CHANCELLOR.

By Council Member Recchia

WHEREAS, State Education Law Section 2590-p provides for the development and approval, every five years, of a five-year educational facilities capital plan and amendments thereto; and

WHEREAS, On June 19, 2009, after extensive discussions and negotiations with the Department of Education over the content and specifics of the proposed and final proposed Five-Year Educational Facilities Capital Plan, the Council of the city of New York approved the current Five-Year Educational Facilities Capital Plan for the period July 1, 2009 until June 31, 2014 ("Plan") pursuant to Section 2590-p of the Education Law for a total budget of \$11.3 billion; and

WHEREAS, On the date of adoption of the Plan, the parties executed an Amended Memorandum of Understanding (hereinafter referred to as the "Amended MOU"), which extended the terms of an agreement executed on June 24, 2004 (hereinafter referred to as the "2004 MOU") that required, *inter alia*, the Chancellor of the New York City Department of Education ("Chancellor") to submit annual amendments to the FY 2005-2009 Five-Year Educational Facilities Capital Plan ("2005 Plan") to the Mayor and the City Council for their respective consideration and approval; and

WHEREAS, The Amended MOU extended the terms of the 2004 MOU to the Plan for an additional year; and

WHEREAS, The Amended MOU expired on June 19, 2010; and

WHEREAS, On June 29, 2010, the Mayor of the city of New York ("Mayor"), the Speaker of the Council of the city of New York ("Speaker"), and the Chancellor entered into a Memorandum of Understanding ("2010 MOU"), which extended the terms of the 2004 MOU and the Amended MOU to the Plan, and provided additional The New York City Department of Education ("DOE"), reporting requirements; and

WHEREAS, On June 29, 2010, the Council adopted the first annual amendment to the Plan, which increased funding for the Plan in the amount of \$400 million, which resulted from \$300 million in Reso A funds and \$100 million in roll-overs, bringing the total funding level for the Plan to \$11.7 billion; and

WHEREAS, In the Spring of 2011, the Chancellor submitted the second annual amendment (hereinafter referred to as the "Amendment") to the Plan to the Council; and

WHEREAS, This Amendment is based on the \$11.7 billion funding level adopted on June 29, 2010; and

WHEREAS, The Amendment reduces funding for the Plan to \$11.1 billion, \$600 million less than the current Adopted Plan's funding level \$11.7 billion; and

WHEREAS, The Amendment provides funding for 28,866 new seats, 2,314 of which are for design only, and which is a 1,511 seat reduction from the Plan's 30,377 seats, 2,300 of which are for design only; and

WHEREAS, Funding for capacity has dropped by roughly \$800 million from the Plan's \$5.4 billion funding level to the Amendment's proposed funding level of \$4.6 billion; and

WHEREAS, The Amendment increases funding for technology in schools for a total of \$927 million, a \$147 million increase from the Plan's \$780 million funding level, but reflects a \$30 million decrease from the Chancellor's initial proposed amendment to the Plan; and

WHEREAS, The \$30 million decrease in technology funding will be used specifically to fund PCB-lighting replacement projects, bringing the total Plan amount for the improvement of energy efficiency of school buildings, which includes replacement of PCB-containing lighting fixtures, to \$171 million, which reflects a \$30 million increase from the Chancellor's initial proposed amendment to the Plan; now, therefore be it

RESOLVED, That the Council of The city of New York hereby approves, pursuant to Section 2590-p of the Memorandum of Understanding, dated June 29, 2010, among the Mayor, the Speaker, and the Chancellor, the Amendment to the Five Year Educational Facilities Capital Plan for 2010-2014 submitted by the Chancellor.