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Int. No. 327

By Council Members Foster, Addabbo, Jr., Avella, Brewer, Clarke, Gennaro, Gentile, Liu, Martinez, McMahon, Monserrate, Nelson, Sanders, Weprin, Vallone, Gonzalez, Comrie, Katz, Palma, Moskowitz, Reyna, Yassky, Perkins, Recchia, Gerson, James, Jackson, Reed, Baez, Koppell, Quinn, Rivera, Barron, Seabrook and Lopez

A Local Law to amend the Administrative Code of the City of New York in relation to concessions contracts on properties under the jurisdiction of the Department of Parks and Recreation.

Be it enacted by the Council as follows:

Section 1. Declaration of Legislative Findings and Intent. The commissioner, in accordance with the fundamental purpose of conserving and maintaining the utility and beauty of all parks, squares, public places, all playgrounds and other recreation properties, and providing for their enjoyment in a manner that will leave them unimpaired for the enjoyment of future generations, shall require that any concession contract for use of any property under the jurisdiction of the commissioner shall be placed in a special fund for the sole use by the

commissioner. This bill will allow the commissioner to take all necessary steps to safeguard open space in parks so that all current park uses may be enjoyed by the public. It is imperative that although the concessions are valuable opportunities to augment the department's budget, that the commissioner take all necessary steps to safeguard parks from over-commercialization. The commissioner shall also ensure appropriate public input on local concession initiatives where applicable. By allowing the department to keep the funds that are collected through concessions, their fiscal expense budget, adjusted for future value of \$165,000,000 (5-year average of city funds spanning FY'99-FY'03) will be augmented and allow the department to properly maintain the open spaces throughout the city of New York.

§2. Title 18 of the administrative code of the city of New York is amended by adding a new section 18-134, to read as follows:

§18-134 Concessions on department property. a. There shall be established a special fund, to be known as the New York city parks concession fund, which shall be kept separate from the general fund and consist of monies received through concessions, where such concession is located on department property.

b. The monies deposited in the fund shall be available for expenditure by the commissioner without further appropriation solely to support the operation and maintenance of parks, squares, public places, playgrounds and other properties under the jurisdiction of the commissioner.

c. All monies deposited in the New York city parks concession fund shall remain in such fund until actually expended and shall augment the department's annual expense and capital budgets.

d. Concession fees paid to the city of New York and deposited into the fund shall be a supplement to and shall not in any way be a basis for reducing the department's annual expense and capital budgets.

e. Concession fees paid to the city of New York and deposited into the New York city parks concession fund shall be annually allocated as follows:

(1) One-third of the revenue generated by a concession in a particular park and deposited into the New York city parks concession fund shall be used for the benefit of department properties in the community district

in which it was generated in accordance with subdivision b of this section;

(2) Notwithstanding the provisions of paragraph one of this subdivision, where a concession is located within department property that is not wholly contained in a single community district, one-third of the revenue from such concession shall be apportioned among all of the community districts that abut such department property and used in accordance with subdivision b of this section;

(3) The remaining two-thirds of the revenue generated by a particular park and deposited into the New York city parks concession fund shall be available to the commissioner to be used by the commissioner in accordance with subdivision b of this section.

f. The commissioner shall generate and issue a quarterly report to the speaker of the council of the city of New York, the New York city mayor's office of management and budget and the comptroller of the city of New York of the monies received from each concession, the amount owed from each concession, the purposes and locations such monies were spent from the New York city parks concession fund and the revenues deposited and the balance of the New York city parks concession fund.

§3. This local law shall take effect immediately upon its enactment into law.

