



Legislation Details (With Text)

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**Title:** RESOLUTION APPROVING, PURSUANT TO SECTION 2590-p OF THE STATE EDUCATION LAW AND PARAGRAPH(1)(a) OF THE MEMORANDUM OF UNDERSTANDING DATED JUNE 24, 2004 BETWEEN THE MAYOR, THE SPEAKER AND THE CHANCELLOR, THE AMENDMENT TO THE FIVE YEAR EDUCATIONAL FACILITIES CAPITAL PLAN FOR 2005 - 2009 SUBMITTED BY THE CHANCELLOR AND RECEIVED BY THE COUNCIL ON JUNE 13, 2006.

**Sponsors:**

**Indexes:**

**Attachments:** , , ,

Date	Ver.	Action By	Action	Result
6/29/2006	*	Committee on Finance	Hearing Held by Committee	
6/29/2006	*	Committee on Finance	Approved by Committee	Pass
6/29/2006	*	City Council	Approved, by Council	Pass

Res. No. 408

RESOLUTION APPROVING, PURSUANT TO SECTION 2590-p OF THE STATE EDUCATION LAW AND PARAGRAPH(1)(a) OF THE MEMORANDUM OF UNDERSTANDING DATED JUNE 24, 2004 BETWEEN THE MAYOR, THE SPEAKER AND THE CHANCELLOR, THE AMENDMENT TO THE FIVE YEAR EDUCATIONAL FACILITIES CAPITAL PLAN FOR 2005 - 2009 SUBMITTED BY THE CHANCELLOR AND RECEIVED BY THE COUNCIL ON JUNE 13, 2006.

By Council Member Weprin

**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 24, 2004, 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 approved the current Five-Year Educational Facilities Capital Plan for the period July 1, 2004 until June 31, 2009 pursuant to Section 2590-p of the Education Law (the five-year educational facilities capital plan approved by the Council on June 24, 2004 shall be hereinafter referred to as the “Five-

Year Educational Facilities Capital Plan for 2005-2009”); and

**Whereas**, As a condition to Council approval of such Five-Year Educational Facilities Capital Plan for 2005-2009, the Council, the Chancellor and the Mayor also entered into a Memorandum of Understanding, effective June 24, 2004, which memorializes, *inter alia* the parties’ intent to balance the need for specificity with regard to the projects to be undertaken in the Plan’s out-years with the need for flexibility in the planning process required by changing circumstances by providing for amendments to the Five Year Educational Facilities Capital Plan (hereinafter “Memorandum of Understanding”) and

**Whereas**, Paragraph 1(a) of such Memorandum of Understanding requires an annual amendment to be submitted to the Council no later than March first of each year, which shall include for the ensuing fiscal year of the Five-Year Educational Facilities Capital Plan for 2005-2009, “each project, including but not limited to each project to be funded through each School Improvement and Restructuring Allocation, to be undertaken in such year, including siting and/or location of each project (by building, region or school district, as appropriate), cost estimates, start dates and completion dates, and any other information required by §2590-p for each project”; and

**Whereas**, In December 2005, the Department of Education released a 2006 Draft Amendment which was based on the \$13.1 billion funding level (relying on \$6.5 billion in State funds) set forth in the Five-Year Educational Facilities Capital Plan for 2005-2009; and

**Whereas**, The 2006 Draft Amendment was subsequently revised in February to reflect that the State had not yet provided any funds for Fiscal Year 2006 (the “February Amendment”); and

**Whereas**, In April 2006, the State, however, enacted legislation to provide the full \$6.5 billion in State funding that the Department of Education’s Five-Year Capital Plan for 2005-2009 requires; and

**Whereas**, In May 2006, the February Amendment was redrafted to reflect a fully-funded Five-Year Educational Facilities Capital Plan for 2005-2009 (the “Amendment to the Five-Year Educational Facilities Capital Plan for 2005-2009”) and delivered to Council Finance; and

**Whereas,** The Amendment to the Five-Year Educational Facilities Capital Plan for 2005-2009 was submitted by the Chancellor and received by the Council on June 13, 2006; and

**Whereas,** In a communication to the Council, dated June 28, 2006, the Department of Education requested that the Council adopt the Amendment to the Five-Year Educational Facilities Capital Plan for 2005-2009; now, therefore, be it

**Resolved,** That the Council of The City of New York hereby approves, pursuant to section 2590-p of the State Education Law and paragraph (1)(a) of the Memorandum of Understanding dated June 24, 2004 between the Mayor, the Speaker and the Chancellor, the Amendment to the Five-Year Educational Facilities Capital Plan for 2005-2009 submitted by the Chancellor and received by the Council on June 13, 2006.