Legislation Details (With Text)

File #:	Res 1515-2008	**Version:** *	**Name:**	Amendment to the 5-Year Educational Facilities Capital Plan for 2005-2009.
Type:	Resolution		**Status:**	Adopted
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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, AMONG THE MAYOR, THE SPEAKER AND THE CHANCELLOR, THE AMENDMENT TO THE FIVE YEAR EDUCATIONAL FACILITIES CAPITAL PLAN FOR 2005 - 2009 SUBMITTED BY THE CHANCELLOR IN A COMMUNICATION DATED JUNE 23, 2008.

Sponsors:

Indexes:

Attachments: 1. Committee Report, 2. Hearing Transcript, 3. Hearing Transcript - Recessed Stated Meeting 6-23-08, 4. Hearing Transcript - Stated Meeting 6-29-08, 5. M 1080-2008

Date	Ver.	Action By	Action	Result
6/29/2008	*	Committee on Finance	Hearing on P-C Item by Comm	
6/29/2008	*	Committee on Finance	P-C Item Approved by Comm	Pass
6/29/2008	*	City Council	Approved, by Council	Pass
6/29/2008	*	City Council	Introduced by Council	

Preconsidered Res. No. 1515

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, AMONG THE MAYOR, THE SPEAKER AND THE CHANCELLOR, THE AMENDMENT TO THE FIVE YEAR EDUCATIONAL FACILITIES CAPITAL PLAN FOR 2005 - 2009 SUBMITTED BY THE CHANCELLOR IN A COMMUNICATION DATED JUNE 23, 2008.

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 for 2005-2009 (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 the first week of February 2008, the Department of Education released its fourth annual amendment to the Five-Year Educational Facilities Capital Plan for 2005-2009 (hereinafter the "Amendment"); and

Whereas, The Amendment, which is based on the original $13.1 billion funding level, reflects recent changes to new capacity projects; identifies school districts where the Department is seeing potential growth; and includes an additional $690 million made available from other funding sources including the Council and the Borough Presidents; and

Whereas, The Amendment was submitted by the Chancellor and received by the Council on February 1, 2008; and

Whereas, In a communication to the Council, dated June 23, 2008, the Department of Education requested that the Council adopt the Amendment; 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, among the Mayor, the Speaker and the Chancellor, the amendment to the Five-Year Educational Facilities Capital Plan for 2005-2009 submitted by the Chancellor in a communication dated June 23, 2008.

AB
June 27, 2008
LS# 5852