



Legislation Text

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Preconsidered Res. No. 1855

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 30, 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 imposed additional reporting requirements on the New York City Department of Education ("DOE"); 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 Resolution-A funds and \$100 million in funding previously budgeted in the 2005 Plan, bringing the total funding level for the Plan to \$11.7 billion; and

WHEREAS, On June 29, 2011, the Council adopted the second annual amendment to the Plan, which reduced funding for the Plan by \$600 million to \$11.1 billion; and

WHEREAS, On June 28, 2012, the Council adopted the third annual amendment to the Plan, which increased funding for the Plan by \$118 million to \$11.2 billion, such increase resulting from additional Resolution -A funds from the City Council and Borough Presidents; and

WHEREAS, In the Spring of 2013, the Chancellor submitted to the Council the fourth annual amendment (hereinafter referred to as the “Amendment”) to the Plan, which increased funding for the Plan by \$616 million to \$11.8 billion, as a result of funds advanced from out-years of the City’s capital budget, emergency funds to repair damage caused by Superstorm Sandy, and additional funds from the City Council, Borough Presidents and the Mayor; and

WHEREAS, This Amendment provides \$4.5 billion for the Capacity Program, which includes all elements of the Plan that result in new or replacement capacity for the educational system; and

WHEREAS, This Amendment also provides \$6.8 billion for the Capital Investment Program; and

WHEREAS, This Amendment also includes funding in the amount of approximately \$619 million, which has been provided by the City Council, Borough President, and Mayor/Council sources; 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 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.