



Legislation Text

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Preconsidered Res. No. 328

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 IN A COMMUNICATION DATED FEBRUARY 2, 2010.

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; 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

**WHEREAS**, In addition, the 2010 MOU requires:

- 1) The School Construction Authority ("SCA") shall post to its website a report detailing the schedules and budgets for all capital projects, disaggregated by school district, currently in process. Such report shall be updated on-line on a quarterly basis;

- 2) Within thirty (30) days of completion of the Alternate Site Analysis, or similar document that provides an analysis of at least one alternative site that was not selected in SCA's site selection process for the construction of a new school facility, the SCA shall post such analysis, and related Notice of Filing and Site Plan on its website; and
- 3) Within thirty (30) days of completion of the Annual Facilities Survey, or similar survey that contains an inventory of all of the rooms in a school facility and their usage, the DOE shall post information contained in this survey on its website information; and
- 4) The New York City Department of Education ("DOE"), and the SCA to provide a status update of the Capital Plan to the City Council. Such update shall include, but not be limited to, the progress of the Capacity projects and Capital Improvement Projects; and

**WHEREAS**, In the first week of February 2010, the Department of Education released its first annual amendment to the Plan (hereinafter referred to as the "Amendment"); and

**WHEREAS**, The Amendment, which is based on the original \$11.3 billion funding level as the Plan, includes an additional \$300 million made available from other funding sources including the City Council and the Borough Presidents; \$5.4 billion for the Capacity Program, which has been expanded to included in all elements of the Plan that result in new or replacement capacity; and \$6.3 billion for Capital Investment; now, therefore be it

**WHEREAS**, The Amendment was submitted by the Chancellor and received by the Council on February 2, 2010; 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 in a communication dated February 2, 2010.