



Legislation Text

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Int. No. 361-A

By Council Members Brewer, Cabrera, Chin, Dromm, Ferreras, Fidler, Gentile, James, Koppell, Lander, Mealy, Palma, Rose, Sanders Jr., Vacca, Van Bramer, Williams, Rodriguez, Mendez, Nelson, Gennaro, Weprin, Barron, Vallone, Wills, Gonzalez, Garodnick, Halloran, Ulrich and Koo

A Local Law to amend the administrative code of the city of New York, in relation to the posting of executive orders and memoranda of understanding on the city's website.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-113 to read as follows:

§3-113. Posting of executive orders and memoranda of understanding on the city's website.

a. (1) All mayoral executive orders issued on or after January 1, 1974 shall be posted on the city's website.

(2) All mayoral executive orders issued on or after July 1, 2011 shall be provided to the council and posted on the city's website within five business days from the date of execution.

b. (1) All memoranda of understanding or similar agreements entered into between city agencies that materially affect the rights of or procedures available to the public and could not be withheld from disclosure under article six of the public officers law shall be posted on the city's website within thirty days after taking effect and thereafter during the period that they are in effect, unless their disclosure would impair law enforcement or emergency response operations.

(2) All memoranda of understanding or similar agreements entered into between city agencies and non-city governmental agencies that materially affect the rights of or procedures available to the public and could

not be withheld from disclosure under article six of the public officers law shall be posted on the city's website within thirty days after taking effect and thereafter during the period that they are in effect, unless their disclosure would impair the ability of the city to enter into such memoranda or agreements with such non-city agencies or impair law enforcement or emergency response operations.

(3) The posting requirements set forth in this subdivision shall not apply if posting could reasonably result in material adverse consequences for city agency operations.

c. Where the length of a memorandum of understanding or similar agreement is excessive, an agency may comply with this subdivision by posting an excerpt and a brief summary of such memorandum or agreement on the city's website, provided that the full version of such memorandum of understanding or similar agreement shall be made available upon request at no charge.

d. The documents posted in accordance with this section shall be made available to the public on the city's website at no charge.

e. This section shall not be construed to create a private right of action to enforce its provisions. Failure to comply with this section shall not result in the invalidation of any mayoral executive order, memorandum of understanding or similar agreement, or action taken pursuant to such order or memorandum of understanding or similar agreement.

§ 2. This local law shall take effect immediately; provided, however, that: (a) all executive orders issued on or after January 1, 1974 through December 31, 2001 shall be made available on the city's website on or prior to January 1, 2012 and all executive orders issued on or after January 1, 2002 shall be made available on the city's website on or prior to July 1, 2011; and (b) memoranda of understanding or similar agreements entered into on or after July 1, 2010 and prior to December 15, 2011 that are within the scope of this local law shall be made available on the city's website not later than April 1, 2012.