

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF
WEDNESDAY, FEBRUARY 29, 2012

THE COUNCIL

*Minutes of the Proceedings for the
STATED MEETING*

of

Wednesday, February 29, 2012, 2:34 p.m.

The President Pro Tempore (Council Member Rivera)
Acting Presiding Officer

Council Members

Christine C. Quinn, Speaker

Maria del Carmen Arroyo	David G. Greenfield	James S. Oddo
Charles Barron	Daniel J. Halloran III	Annabel Palma
Gale A. Brewer	Vincent M. Ignizio	Domenic M. Recchia, Jr.
Fernando Cabrera	Robert Jackson	Diana Reyna
Margaret S. Chin	Letitia James	Joel Rivera
Leroy G. Comrie, Jr.	Peter A. Koo	Ydanis A. Rodriguez
Elizabeth S. Crowley	G. Oliver Koppell	Deborah L. Rose
Erik Martin Dilan	Karen Koslowitz	James Sanders, Jr.
Daniel Dromm	Bradford S. Lander	Larry B. Seabrook
Mathieu Eugene	Jessica S. Lappin	Eric A. Ulrich
Julissa Ferreras	Stephen T. Levin	James Vacca
Helen D. Foster	Melissa Mark-Viverito	Peter F. Vallone, Jr.
Daniel R. Garodnick	Darlene Mealy	Albert Vann
James F. Gennaro	Rosie Mendez	James G. Van Bramer
Vincent J. Gentile	Michael C. Nelson	Mark S. Weprin
		Jumaane D. Williams
		Ruben Wills

Excused: Council Members Dickens, Fidler, and Gonzalez.

The Majority Leader (Council Member Rivera) assumed the Chair as the President Pro Tempore and Acting Presiding Officer.

After being informed by the City Clerk and Clerk of the Council (Mr. McSweeney), the presence of a quorum was announced by the President Pro Tempore (Council Member Rivera).

There were 48 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, N.Y., N.Y. 10007.

INVOCATION

The Invocation was delivered by Reverend Arthur Davenport, First Church of God, 1425 Beach Channel Drive, Far Rockaway, NY 11691

Our God and Our Father,
Creator of Heaven and Earth,
the God of wisdom and power,

the God of love and compassion,
the God of knowledge and justice,
we seek your wisdom and your understanding,
your guidance in this day's deliberation.
We pray that we would be moved
By that which will be beneficial
to all who are governed by this body.
We thank you for the privilege
of being servants in ways
in which we can serve your people.
We ask these blessings this day
in Jesus Christ's name.

Amen.

Council Member Sanders moved to spread the Invocation in full upon the Record.

At this point, the Speaker (Council Member Quinn) asked for a Moment of Silence in memory of the following individuals:

Dr. Stephen Levin, 70, medical researcher, died of lung cancer on February 7, 2012. Dr. Levin was a pioneer in securing medical treatment for scores of first responders, firefighters, and police officers, who were exposed to harmful toxins after the 9/11 attacks. He testified at hearings of the City Council of the dangers posed by these very toxins.

Jerry Koenig, 78, election law expert, died on February 17, 2012 from complications of a heart attack suffered the week before. He was considered one of the most knowledgeable experts on the New York State Election Law and the electoral process. Mr. Koenig worked for many years on the New York State Assembly Committee on Elections where he wrote and revised the State election law. After retirement, he became a political consultant and at the time of his death was the New York State Petition Coordinator for President Obama's re-election campaign. He is survived by his partner of forty years Mary Geissman, his sister Sandy, and brother Howard. At this point, the floor was yielded to Council Member Brewer who spoke in honorable memory of Mr. Jerry Koenig.

Michael Rothenberg, 47, Executive Director of the New York Lawyers for the Public Interest since 2001, died on February 23, 2012. In 2010, Chief Judge Jonathan Lippman appointed Mr. Rothenberg as one of six Legal Services heads to serve on his task force to expand civil legal services in New York. Mr. Rothenberg is survived by his wife Zerline, their three children, his mother, and two brothers. At this point, the floor was yielded to Council Member Lander who spoke in honorable memory of Mr. Michael Rothenberg.

ADOPTION OF MINUTES

Council Member Ignizio moved that the Minutes of the Stated Meetings of January 18 and February 1, 2012 be adopted as printed.

MESSAGES & PAPERS FROM THE MAYOR

M-746

Communication from the Mayor - Mayors veto and disapproval message of Introductory Number 490-A, in relation to canceling tickets upon showing a valid muni-meter receipt.

February 17, 2012

Hon. Michael McSweeney
City Clerk and Clerk of the Council
141 Worth Street
New York, NY 10013

Dear Mr. McSweeney:

Pursuant to Section 37 of the New York City Charter, I hereby disapprove Introductory Number 490-A, which would create a new Administrative Code Section 19-215, requiring the cancellation of a parking violation summons issued by electronic means for failure to pay a metered fare when the issuing agent is, not later than five minutes after the issuance of the summons, presented with a valid munimeter receipt time stamped no later than five minutes after the time of the issuance of the notice. The new Administrative Code section would create companion requirements regarding language to be placed on the canceled summons, reprogramming of the electronic system used to issue such summonses, and the reporting of data associated with cancellation of such summonses. This proposal is deeply flawed in several ways.

The New York City Police Department has implemented integrity measures that prevent the alteration or improper voiding of summonses, but Introductory Number 490-A would weaken those important protocols, creating an unacceptable risk to the integrity of the City's workforce.

Motorists already have remedies for incorrectly-issued parking summonses. Because it takes time after parking one's vehicle to walk to and from a munimeter, Traffic Enforcement Agents are trained to check whether a motorist is in the process of purchasing a receipt. They do so by looking up and down the street, and also by asking any likely individual if the vehicle is theirs before issuing a summons for one of these violations. In the event an Agent's search misses a paying motorist and a summons is issued during this time, the motorist could avail him-or-herself of the full, fair, and fast adjudication proceedings at the Department of Finance.

Although Traffic Enforcement Agents cannot cancel a parking ticket once it has been issued, motorists can contest their parking summonses before the Department of Finance's administrative tribunals — and, by submitting evidence by mail or online, have their summonses dismissed fairly and expeditiously without having to leave their homes. On the other hand, providing enforcement personnel the ability to "adjudicate" and cancel a summons at the scene of a violation would introduce unnecessary temptation to skirt the system. I have every faith in the integrity and dedication of our enforcement personnel, but will not endorse a law that could lead to fraud.

Further, this legislation would encourage drivers to illegally park without purchasing a munimeter receipt. As long as a driver buys a receipt within five minutes of receiving the parking ticket, the ticket would be cancelled — even if the driver parked hours before without purchasing time on the munimeter. Many drivers would likely take that risk rather than purchase the receipt when they first park. Government should not set up a game that needlessly wastes Traffic Enforcement Agents' time and reduces their productivity.

The most important reason to oppose enactment of the bill is the increased potential for conflict and danger to enforcement personnel. Traffic Enforcement Agents help us to keep the streets safe and traffic moving, and their duties, by definition, brings these hard-working public servants into conflict with motorists. In 2011 alone, there were 189 documented instances in which motorists aggressively confronted our Traffic Enforcement Agents, ranging from drivers slapping them and spitting on them, to wresting their Parking Ticket Devices away from them, to serious assault causing significant injuries. In addition, there were countless other instances of verbal abuse against Agents, who are trained to withstand heated and angry encounters with cool professionalism. Traffic Enforcement Agents are trained not to respond in kind, but rather to inform an aggrieved motorist that they are not able to "rip up" the ticket, and that the motorist's option is to contest the summons at the Department of Finance. This approach shortens the encounter and in most instances prevents a hostile situation from becoming physically dangerous; most often, the motorist will react angrily but will discontinue the verbal attack, and the parties will move along about their business. Instead, Introductory Number 490-A encourages disputes about whether a driver is entitled to have his or her summons canceled on the spot.

Accordingly, I hereby disapprove Introductory Number 409-A.

Sincerely,

Michael R. Bloomberg
Mayor

Referred to the Committee on Transportation.

M-747

Communication from the Mayor - Mayors veto and disapproval message of Introductory Number 546-A, in relation to limiting the use of adhesive stickers on motor vehicles in the enforcement of alternate side of the street parking rules.

February 17, 2012

Hon. Michael McSweeney
City Clerk and Clerk of the Council
141 Worth Street
New York, NY 10013

Dear Mr. McSweeney:

Pursuant to Section 37 of the New York City Charter, I hereby disapprove Introductory Number 546-A which would prohibit the affixing of adhesive stickers on unlawfully parked vehicles that violate alternate side of the street parking rules for street cleaning purposes.

Street cleanliness is an important quality-of-life concern for all New York City residents. Mechanical brooms are the most cost-effective method of street cleaning, and alternate side of the street parking rules ensure that car owners move their cars from one side of the street to allow Department of Sanitation workers to operate the mechanical brooms that clean over 6,000 curb miles of the City's streets. Owners of vehicles who choose not to move their cars in violation of alternate side parking rules force mechanical broom operators to skip the cleaning of the inaccessible curb area, which makes streets and communities less clean.

The Department of Sanitation affixes stickers to unlawfully parked vehicles as a deterrent tool. These stickers inform the owner of a vehicle — and those who walk past it — that the vehicle has blocked the Department's cleaning of the streets.

Street cleanliness is at an all time high, with an average citywide street cleanliness rating of 94.5% for Fiscal Year 2011, and 94.8% to date in this current fiscal year. In the year prior to the Department's authorization to affix such stickers, the average citywide street cleanliness rating was only 73%. As street conditions continue to improve, the City should not abandon this invaluable tool, which has helped us make our City's streets cleaner.

For the foregoing reasons, I hereby disapprove Introductory Number 546-A.

Sincerely,

Michael R. Bloomberg
Mayor

Referred to the Committee on Transportation.

Preconsidered M-748

Communication from the Mayor - Submitting the name of Thomas Shpetner to the Council for its advice and consent regarding his appointment to the Environmental Control Board, Pursuant to Section 31 and 1049-a of the City Charter.

(For text, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007)

Referred to the Committee on Rules, Privileges and Elections.

M-749

Communication from the Mayor - Submitting the name of Phillips Aarons to the Council for its advice and consent regarding his appointment as a lay member of the Art Commission.

(For text, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007)

Referred to the Committee on Rules, Privileges and Elections.

M-750

Communication from the Mayor - Submitting the name of Maria Elena Gonzalez to the Council for its advice and consent regarding her appointment as the sculptor member of the Art Commission.

(For text, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007)

Referred to the Committee on Rules, Privileges and Elections.

M-751

Communication from the Mayor – Submitting Preliminary Mayor’s Management Report (PMMR) for Fiscal Year 2012.

(For text, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007)

Received, Ordered, Printed and Filed

M-752

Communication from the Mayor - Submitting Financial Plan Detail and Summary Book, Volumes I and II for Fiscal Years 2012-2016, pursuant to Sections 101 and 213 of the New York City Charter.

(For text, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007)

Referred to the Committee on Finance.

M-753

Communication from the Mayor - Submitting Preliminary Expense Budget for Fiscal Year 2013, pursuant to Sections 225 and 236 of the New York City Charter.

(For text, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007)

Referred to the Committee on Finance.

M-754

Communication from the Mayor - Submitting Geographic Reports for Expense Budget for Fiscal Year 2013, pursuant to Sections 100 and 231 of the New York City Charter.

(For text, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007)

Referred to the Committee on Finance.

M-755

Communication from the Mayor - Submitting Departmental Estimates Report, Volumes I, II, III, IV and V, for Fiscal Year 2013, pursuant to Sections 100, 212 and 231 of the New York City Charter.

(For text, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007)

Referred to the Committee on Finance.

M-756

Communication from the Mayor - Submitting Contract Budget Report for Fiscal Year 2013, pursuant to Section 104 of the New York City Charter.

Referred to the Committee on Finance.

M-757

Communication from the Mayor - Submitting the Preliminary Capital Budget, Fiscal Year 2013, pursuant to Section 213 and 236 of the New York City Charter.

Referred to the Committee on Finance.

M-758

Communication from the Mayor - Submitting the Capital Commitment Plan, Fiscal Year 2013, Volumes 1, 2, & 3, and the Capital Commitment Plan, Fiscal Year 2011, Financial Summary, pursuant to Section 219 of the New York City Charter.

Referred to the Committee on Finance.

M 759

Communication from the Mayor - Submitting Preliminary certificate setting forth the maximum amount of debt and reserves which the City, and the NYC Municipal Water Finance Authority, may soundly incur for capital projects for Fiscal Year 2013 and the ensuing three fiscal years, and the maximum amount of appropriations and expenditures for capital projects which may soundly be made during each fiscal year, pursuant to Section 250 (16) of the NY City Charter.

Received, Ordered, Printed and Filed

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-760

Communication from the Department of Housing Preservation and Development - Submitting Letter from the United States Bureau of the Census containing results of the 2011 New York City Housing and Vacancy Survey, Pursuant to subdivision 3 of Section 1 of Local Emergency Housing Rent Control Act.

Referred to the Committee on Housing and Buildings.

LAND USE CALL UPS

M-761

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) or 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed/enclosed sidewalk café located at 65 Carmine Street, CB 2, Application no. 20125381 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-762

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) or 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an

unenclosed/enclosed sidewalk café located at 9-19 9th Ave., CB 3, Application no. 20125382 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-763

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) or 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed/enclosed sidewalk café located at 7 East 53rd Street, CB 5, Application no. 20125234 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-764

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) or 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed/enclosed sidewalk café located at 140 Seventh Avenue South, CB 2, Application no. 20125076 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-765

By Council Member Chin:

Pursuant to Rule 11.20(b) of the Council and Section 20-226 (g) or Section 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed/enclosed sidewalk café located at 62 Spring Street, Community Board 2, Application 20125204 TCM shall be subject to review by the Council.

Coupled on Call-Up Vote

M-766

By Council Member Chin:

Pursuant to Rule 11.20(b) of the Council and Section 20-226 (g) or Section 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed/enclosed sidewalk café located at 127 Mulberry Street, Community Board 2, Application 20125298 TCM shall be subject to review by the Council.

Coupled on Call-Up Vote

M-767

By Council Member Reyna:

Pursuant to Rule 11.20(b) of the Council and Section 20-226 (g) or Section 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed/enclosed sidewalk café located at 324 Graham Avenue, Community Board 1, Application 20125036 TCK shall be subject to review by the Council.

Coupled on Call-Up Vote

LAND USE CALL UP VOTE

The President Pro Tempore (Council Member Rivera) put the question whether the Council would agree with and adopt such motion which was decided in the **affirmative** by the following vote:

Affirmative – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dilan, Dromm, Eugene, Ferreras, Foster, Garodnick, Gennaro, Gentile, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **48**.

At this point, the President Pro Tempore (Council Member Rivera) > declared the aforementioned item ***adopted*** and referred this item to the Committee on Land Use and to the appropriate Land use subcommittee.

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Finance

Report for Int. No. 644

Report of the Committee on Finance in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to the establishment of the Westchester Square business improvement district.

The Committee on Finance, to which the annexed proposed local law was referred on July 28, 2011 (Minutes, page 3824), respectfully

REPORTS:

ANALYSIS:

Pursuant to the authority granted by chapter 4 of title 25 of the Administrative Code of the City of New York (the "Law"), the Mayor and the Council are authorized to establish Business Improvement Districts (BIDs) in New York City. BIDs, which are specifically established areas, use the City's property tax collection mechanism to approve a special tax assessment with which to fund additional services that would enhance the area and improve local business. The additional services are normally in the areas of security, sanitation, physical/capital improvements (lighting, landscaping, sidewalks, etc.), seasonal activities (Christmas lighting) and related business services (marketing and advertising). The Steering Committee of a BID demarcates the areas in which services will be enhanced and also establishes the mechanism for the assessment needed to generate the required budget.

The proposed Westchester Square Business Improvement District (hereinafter the "District") is located in the northeast section of the Bronx known as Westchester Square. The District is bordered by Pelham bay, Throgs Neck, Morris Park, Zerega, and Castle Hill.

The District has 145 merchant storefronts that are housed in 73 properties. The District is located in Community boards 10 and 11, and the 45th Police Precinct.

Services to be provided in the District include: sanitation and maintenance services, holiday decorations, marketing and promotion, administrative expenses, special events, and miscellaneous/reserve. The District will be managed by the Westchester Square District Management Association, Inc. The budget for the first year of operation is \$320,000.

The proposed expenditures for the proposed BID include:

Services	Total Funds
Sanitation/Maintenance	\$120,000
Marketing	\$72,000
Special Events	\$12,000
Holiday lights and promotion	\$12,000
Administration	\$95,500
Miscellaneous	\$8,500
TOTAL FIRST YEAR BUDGET	\$320,000

The maximum cost for capital improvements for the entire existence of the proposed District shall be \$3.2 million. The assessment formula is based on frontage, with corner lots paying an additional \$300 and properties that have above ground commercial space will pay an additional \$300. Residential property owners pay \$1, not for profits and government buildings located within the proposed District are exempt, mid-block vacant lots pay \$300 and corner vacant lots pay a \$600 flat fee. According to the Department of Small Business Services (“SBS”), the average assessment for commercial lots is \$3,855.31, and the median assessment for commercial lots is \$2,904.43.

October 17, 2011: Public Hearing on Int. 644

On October 5, 2011, pursuant to Section 25-406 of the BID Law, the Council voted on Proposed Res. No. 959-A, which established October 17, 2011 as the date for a public hearing on this proposed District. Pursuant to Section 25-406 of the BID law, the Council, via Proposed Res. No. 959-A, directed SBS and the Westchester Square BID Steering Committee, respectively to, not less than ten nor more than thirty days before the date of the public hearing, mail a copy of this Resolution or a summary thereof to each owner of real property within the District at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills concerning real property within the District, and to the tenants of each building within the District.

On October 17, 2011, pursuant to Section 25-406 of the Administrative Code, the Finance Committee held a Public Hearing to consider both the plan itself and the enacting legislation, Int. 644, a Local Law to amend the Administrative Code of the city of New York, in relation to the establishment of the Westchester Square Business Improvement District. Pursuant to section 25-406 of the BID Law, the hearing was closed without a vote. Further, pursuant to BID Law, the Committee waited at least 30 days before it can again consider and possibly vote to approve the legislation establishing the District. The 30-day period immediately after the Public Hearing served as an objection period. Any property owner may, during this time period, formally object to the Plan by filing such objection in the Office of the City Clerk, on forms provided by the City Clerk. Pursuant to Section 25-407(4)(b)(1) of the Administrative Code, in the event that either at least 51 percent of the total number of property owners or owners with at least 51 percent of the assessed valuation of all the benefited real property within the district object to the plan, then the City Council is prohibited, by law, from approving such plan.

Further, pursuant to Section 25-407 of the Administrative Code, when the Committee considered this legislation after the conclusion of the objection period, it was required to answer the following four questions:

1. Were all notices of hearing for all hearings required to be held published and mailed as so required?;
2. Does all the real property within the district's boundaries benefit from the establishment of the district, except as otherwise provided by the law?;
3. Is all real property benefited by the district included within the district?; and
4. Is the establishment of the district in the best interests of the public?

If the Committee found in the affirmative on these four questions and the number of objections required to prevent the creation of such district are not filed, then the legislation can be adopted.

Pursuant to Section 25-407(b) (1) of the Administrative Code, at the conclusion of the objection period, if the city council determined the BID is not in the best interest of the public then or if the requisite number of owners shall have filed their objections, then the city council shall adopt a resolution disapproving the establishment or extension of the district, stating the reasons for its determination and enter the same in the minutes of its proceedings. No plan for the establishment of the district to include any part of the property proposed to be included in the disapproved district may be prepared until the expiration of at least one year from the date of disapproval.

Pursuant to Section 25-407(b) (2) of the Administrative Code, at the conclusion of the objection period, if the City Council found that notice was incorrectly or insufficiently given. Notice of the further hearing shall be published and mailed in the manner provided and conducted in the same manner as provided for the original hearing on the establishment or extension of a proposed district. The further hearing shall be conducted in the same manner as the original hearing.

November 29, 2011: Insufficient Notice Determination

The objection period for this District ended on November 15, 2011. On November 29, 2011, the Committee heard testimony from SBS regarding, among other things, whether notice was properly and sufficiently mailed to: 1) each owner of real property within the District at the address shown on the latest city assessment roll; 2) such other persons as are registered with the city to receive tax bills concerning real property within the District; and 3) the tenants of each building within the District. SBS testified that while notice was hand delivered to tenants, it was not mailed, as required by Proposed Res. No. 959-A, in accordance with Section 25-406 of the Administrative Code.

Accordingly, pursuant to Section 25-407(b) (2) of the Administrative Code, the Committee had to make a determination on whether notice was sufficient. On November 29, 2011, the Committee found that notice was not sufficient.

December 19, 2011: Resolution to establish new date and time for a public hearing

Pursuant to Section 25-407(b) (2) of the Administrative Code, which requires, in relevant part, that a further hearing shall be called by Resolution if the City Council finds that notice of the initial hearing on the proposed District was incorrectly or insufficiently given to property owners within a proposed district, on December 19, 2011, the Council voted on Resolution No. 1175, which set January 3, 2012 at 10 a.m. in the 16th Floor Committee Room at 250 Broadway, New York, New York, as the public hearing date, time and place for the review of the local law, Int. 644, which would establish the Westchester Square Business Improvement District.

January 3, 2012: Public hearing on Int. 644

On January 3, 2012 the Finance Committee met to consider Int. 644, legislation that would establish the Westchester Square BID. Pursuant to Section 25-407 (b) (2), this hearing, and the steps taken subsequent to this hearing, was conducted in the same manner as the October 17th hearing on Int. 644. Accordingly, provisions relating to the notice requirements, the objection period, and the determination made by the Finance Committee are relevant and applicable.

UPDATE: FEBRUARY 29, 2012 HEARING

After the January 3, 2012 Public Hearing, the Finance Committee adjourned the hearing without a vote, and the objection period began the day after such Public Hearing. The objection period for the creation of this BID ended on February 3, 2012 at 5p.m. According to the City Clerk, out of the 77 property owners located in the proposed BID, not one owner filed a valid objection. One objection was filed, however, but such objection was invalid because the individual could not provide proof of ownership.

Since the number of objections required to prevent the creation of the BID have not been filed with the City Clerk, if the Committee finds in the affirmative on the four questions noted on pages 4 and 5 of this report, then the legislation can be adopted, and the BID will be established.

(The following is the text of the Fiscal Impact Statement for Int. No. 644:)

THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
PRESTON NIBLACK, DIRECTOR
FISCAL IMPACT STATEMENT

Int.: 644

COMMITTEE: Finance

TITLE: To amend the administrative code of the city of New York, in relation to the establishment of the Westchester Square Business Improvement District.

SPONSORS: Council Members Recchia Jr., Vacca, Williams, Rodriguez, and Koo (by request of the Mayor)

SUMMARY OF LEGISLATION: Intro 644 establishes a business improvement district in the borough of Brooklyn to be known as the Westchester Square Westchester Business Improvement District (the "District").

EFFECTIVE DATE: This local law would take effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York, which requires review of the BID legislation by the State Comptroller.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2012

FISCAL IMPACT STATEMENT:

	Effective FY 2012	Succeeding Effective FY: FY 2013	Full Fiscal Impact FY 2012
Revenues (+)	\$0	\$ 0	\$ 0
Expenditures (-)	\$0	\$ 0	\$ 0
Net	\$0	\$ 0	\$ 0

IMPACT ON REVENUES AND EXPENDITURES: This local law would result in no fiscal impact upon the City's revenues or expenditures. Under the Code, proceeds authorized to be assessed by the District are collected by the City on behalf of the District. None of these proceeds are proceeds of the City and they may not be used for any purpose other than those set forth in the BID's District Plan. The Westchester Square Business Improvement District will be funded through an additional self-assessment by property owners within the district. The anticipated revenues from this self-assessment in Fiscal 2012 will be \$320,000. This amount will cover the BID's expenses as proposed by its first year budget.

Services	Total Funds
Sanitation/Maintenance	\$120,000
Marketing	\$72,000
Special Events	\$12,000
Holiday lights and promotion	\$12,000
Administration	\$95,500
Miscellaneous	\$8,500
TOTAL FIRST YEAR BUDGET	\$320,000

Subsequent budgets will be determined on a yearly basis.

Source of Funds To Cover Estimated Costs: Not applicable

SOURCE OF INFORMATION: Department of Small Business Services

ESTIMATE PREPARED BY: Tanisha Edwards, Counsel, Finance Division

DATE SUBMITTED TO COUNCIL: July 28, 2011
 HISTORY: The Committee on Finance held a public hearing on Intro 644 on October 17, 2011, and the legislation was laid over to allow for the statutory 30-day objection period. On November 29, 2011, the Committee found that notice of the public hearing was not sufficient, and the bill was laid over again without a vote. A public hearing was again held on January 3, 2012, and the legislation was laid over to allow for the statutory 30-day objection period. Intro 644 will be considered again by the Committee on February 29, 2012, on which date the legislation is scheduled to be voted out of Committee, and the Full Council upon a successful Committee vote.

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 644:)

Int. No. 644

By Council Members Recchia, Vacca, Williams, Rodriguez and Koo (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to the establishment of the Westchester Square business improvement district.

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-484 to read as follows:

§ 25-484 *Westchester Square business improvement district.*

a. *The city council having determined, pursuant to section 25-407 of chapter four of this title: that notice of hearing for all hearings required to be held was published and mailed as required by law and was otherwise sufficient; that, except as otherwise provided in section 25-403 of chapter four of this title, all the real property within the boundaries of the district will benefit from the establishment of the district; that all the real property benefited is included within the limits of the district; and that the establishment of the district is in the public interest; and the council having determined further that the requisite number of owners have not objected as provided in section 25-406 of chapter four of this title, there is hereby established in the borough of the Bronx, the Westchester Square business improvement district. Such district is established in accordance with the district plan required to be filed with the city clerk pursuant to subdivision b of this section.*

b. *Immediately upon adoption of this local law by the council, the council shall file with the city clerk the district plan upon which the Westchester Square business improvement district is based.*

c. *The district plan shall not be amended except in accordance with chapter four of this title.*

§ 2. This local law shall take effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., HELEN D. FOSTER, ROBERT JACKSON, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, February 29, 2012.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report of the Committee on Governmental Operations

Report for Int. No. 698-A

Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the New York city

charter, in relation to modernizing the notice requirements for public hearings on proposed rules.

The Committee on Finance, to which the annexed amended proposed local law was referred on November 3, 2011 (Minutes, page 4822), respectfully

REPORTS:

I. Introduction

Today, the Committee on Governmental Operations (the "Committee"), chaired by Council Member Gale Brewer, will meet to vote on Proposed Int. 698-A, a local law to amend the New York City Charter, in relation to modernizing the notice requirements for public hearings on proposed rules. The Committee held a previous hearing on this bill on December 14, 2011.

II. Background

A. CAPA

The process by which City agencies promulgate regulations – the rulemaking process – is proscribed in Chapter 45 the City Charter as the City Administrative Procedure Act ("CAPA").¹ According to the 1988 Charter Revision Commission, prior to the enactment of CAPA, "agencies exercised their rule-making power in an insular and arbitrary manner, failed to publish their rules, and enforced these unpublished rules."² Approved by the voters in November 1988, CAPA was established to rectify this problem and create a detailed process for agency rulemaking.³ Another prime objective of CAPA was to increase public participation in drafting new rules.

The standard rulemaking procedure occurs in three steps:

1. Notice of the Public Hearing.

At least thirty days prior to a public hearing or the designated deadline for submission of written comments, an agency must publish notice of a proposed rule or rule change in *The City Record*.⁴ Such notice must provide: the proposed rule or rule change (with deletions in brackets and new material in underlined or italicized text), a brief description of the proposed rule or rule change, and the statutory authority for promulgating the proposed rule.⁵ The notice must also state the time and place of the public hearing for the proposed rule or rule change.⁶

In addition to publication in *The City Record*, CAPA also requires that notice be transmitted to the Council, the corporation counsel, each Council member, the chairs of all community boards, the news media, and civic organizations.⁷ In 2008, CAPA was amended to mandate that such notice be made electronically and to clarify that it is to occur no later than the time an agency sends its notice of public hearing for a proposed rule or rule change to *The City Record* for publication.⁸

2. Public Comments.

An agency must provide an opportunity for public comment on proposed rules. Pursuant to CAPA, agencies are required to (1) conduct outreach to the discrete regulated community or communities, if one exists; (2) allow for submission of written data, views, or arguments; and (3) hold a public hearing.⁹ After considering the public commentary, and if appropriate, making revisions based on the public comments, an agency may adopt a final rule.¹⁰

3. Notice of Adoption.

After the public hearing and consideration of public comments, an agency must publish the final rule in *The City Record*.¹¹ The final rule may include changes reflecting comments submitted by the public or other City agencies. The final rule takes effect thirty days after its final publication in *The City Record*.¹²

B. Recent Efforts to Encourage Public Participation in Rulemaking

In 2009, legislation enacted by the Council established the Panel on Regulatory Review ("Regulatory Review Panel").¹³ A main objective of the Regulatory Review Panel is to modernize the rulemaking process, with the specific goals of enhancing public participation and identifying and fixing systemic problems

for the Lower Ma_____

¹ See N.Y.C. Charter § 1041, *et seq.*

² See 3 CityLaw 1 at p. 3 (1997).

³ *Id.*

⁴ N.Y.C. Charter § 1043(b)(1).

⁵ *Id.*

⁶ *Id.*

⁷ N.Y.C. Charter § 1043(b)(2). The "news media" includes all radio and television stations broadcasting in the city of New York, all newspapers published in the city of New York having a city-wide or borough-wide circulation, and any newspaper of any labor union or trade association representing an industry affected by such rule, and any community newspaper or any other publication that requests notification on an annual basis. N.Y.C. Charter § 1043(b)(3)(a). "Civic organizations" include any city-wide or borough-wide organization or any labor union, trade association or other group that requests notification on an annual basis. N.Y.C. Charter § 1043(b)(3)(b).

⁸ See Local Law No. 6 (2008).

⁹ N.Y.C. Charter § 1043(e).

¹⁰ *Id.*

¹¹ N.Y.C. Charter § 1043(f).

¹² *Id.*

¹³ See Local Law No. 45 of 2009.

with existing rules and regulatory implementation. During the first phase of the Regulatory Review Panel’s work, it received input from over 200 small business owners, industry representatives and other stakeholders through outreach sessions with business owners in all five boroughs, meetings with various industry and civic groups, and written comments from the general public. In April 2010, the Regulatory Review Panel released a report containing fourteen recommendations for improving the City’s regulatory system and environment.¹⁴

One of the Panel’s recommendations was to “modernize the rulemaking process by launching an accessible, online platform for all rulemaking actions.”¹⁵ In May 2010, the City launched this new website -- NYC Rules.¹⁶ NYC Rules serves as a centralized information portal that makes it easier for interested members of the public to participate in the rulemaking process by allowing for the online submission of public comments and providing a convenient way for interested parties to track regulatory developments.¹⁷ In short, NYC Rules provides a useful “one-stop” point of access for information about rulemaking actions.

Many members of the public, however, may still seek to find information about proposed rules and upcoming hearings via an agency’s individual website. Indeed, for a member of the public who is unaware of NYC Rules, an agency’s website is likely to be the first – perhaps only – place one looks for information online. Although some agencies currently place information about upcoming hearings on their websites, many do not. For those agencies that do provide information on their websites about upcoming rulemaking actions, the information is oftentimes difficult to find. Additionally, few, if any, agencies provide a link to NYC Rules in order to redirect members of the public to more complete information.

Moreover, new technology enables agencies to more actively publicize upcoming rulemaking hearings and to engage interested members of the public in the rulemaking process. In this day and age, only the most ardent observers of the day-to-day workings of City government monitor and check *The City Record*. How are agencies using other means, including electronic media, to engage the public in the rulemaking process? To what extent do agencies use social media, such as Twitter, to inform interested members of the public about upcoming rulemaking hearings and solicit input? What other means can agencies use beyond publication in *The City Record*?

III. The Legislation

The proposed legislation would seek to modernize the notice requirements for rulemaking hearings by amending CAPA in two ways. First, every City agency would be required, in addition to publishing information about proposed rules and hearings in *The City Record*, to also provide such information in a prominent location on the agency’s website at least seven days prior to the date of the rulemaking hearing. Second, every City agency would be required, to the greatest extent practicable, to publicize upcoming rulemaking hearings via electronic means that are likely to reach interested members of the public. Such electronic means include social networks and other new technology sites.

IV. The Previous Hearing

At the previous hearing held on December 14, 2011, the Committee received testimony from the Administration, the New York Technology Council, and the Participatory Politics Foundation. Each witness testified in support of the bill. The Administration offered one amendment: to require agencies to post a link to NYC Rules. In response to the Administration’s testimony, the bill has been amended to include this requirement.

(The following is the text of the Fiscal Impact Statement for Int. No. 698-A:)



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
PRESTON NIBLACK, DIRECTOR
FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO.698-A

COMMITTEE:
Governmental Operations

TITLE: A Local Law to amend the New York city charter, in relation to modernizing the notice requirements for public hearings on proposed rules.

SPONSORS: By Council Members Chin, Garodnick, Jackson, James, Lander, Mendez, Palma, Rose, Seabrook, Vann and Mark-Viverito

for the Lower Ma_____

¹⁴ See Temporary Panel on Regulatory Review, Regulatory Review Panel Report (April 2010), available at: http://www.nyc.gov/html/nycrules/downloads/pdf/regulatory_review_panel_report.pdf.

¹⁵ See *id.*

¹⁶ www.nyc.gov/nycrules.

¹⁷ See Executive Order No. 133 (2010).

SUMMARY OF LEGISLATION: This bill requires each agency to provide information regarding the public hearing to be held with regard to a proposed rule in a prominent location on such agency's website at least seven days prior to the date set for such hearing. Each agency shall further provide a link to the NYC Rules online portal. Also, this bill provides that each agency shall, to the greatest extent practicable, publicize upcoming public hearings via electronic means that are likely to reach interested members of the public. Inadvertent failure to comply with the notice requirements shall not result in the invalidation of any rule.

EFFECTIVE DATE: This local law would take effect ninety days after enactment.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: N/A

FISCAL IMPACT STATEMENT:

	Effective FY12	FY Succeeding Effective FY13	Full Fiscal Impact FY12
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: There would be no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: There would be no impact on expenditures as the goals of this legislation can be achieved using existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION:New York City Council Finance Division
 Mayor’s Office of City Legislative Affairs

ESTIMATE PREPARED BY: John Russell, Senior Legislative Financial Analyst
 Latonia Mckinney, Deputy Director

HISTORY: This legislation was introduced to the full Council on November 3, 2011 as Int. 698 and referred to the Committee on Governmental Operations. On December 14, 2011, a Committee hearing was held regarding this legislation and the bill was laid over. An amended version of the legislation, Proposed Intro. 698-A, will be considered by the Committee on February 28, 2012.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 698-A:)

Int. No. 698-A

By Council Members Chin, Garodnick, Jackson, James, Lander, Mendez, Palma, Rose, Seabrook, Vann, Mark-Viverito, Dromm, Mealy, Lappin, Gennaro, Williams, Van Bramer, Vacca, Rodriguez, Koo and Halloran.

A Local Law to amend the New York city charter, in relation to modernizing the notice requirements for public hearings on proposed rules.

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 1043 of chapter 45 of the New York city charter is amended by adding a new paragraph 4, to read as follows:

4. In addition to the requirements set forth in paragraph one of this subdivision, each agency shall provide information regarding the public hearing to be held with regard to a proposed rule in a prominent location on such agency's website at least seven days prior to the date set for such hearing. Each agency shall further provide, in a prominent location on such agency's website, a link to the NYC Rules online portal or any successor city website or page that is substantially similar in form or function. Each agency shall, to the greatest extent practicable, and in addition to the electronic transmissions required by paragraph two of this subdivision, publicize upcoming public hearings via electronic means that are likely to reach interested members of the public. This paragraph shall not be construed to create a private right of action to enforce its provisions. Inadvertent failure to comply with this paragraph shall not result in the invalidation of any rule.

§ 2. This local law shall take effect ninety days after its enactment.

GALE A. BREWER, Chairperson; ERIK MARTIN DILAN, DOMENIC M. RECCHIA, Jr., PETER F. VALLONE, Jr. Committee on Governmental Operations, February 28, 2012.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Reports of the Committee on Land Use

Report for L.U. No. 499

Report of the Committee on Land Use in favor of approving Application no. 20125161 HAK, an Urban Development Action Area Project located at 106 Hopkinson Avenue, 237 Sumpter Street, 220 McDougal Street, 2019 Fulton Street, 728 Madison Street, 766 Herkimer Street and 516 Crescent Street, Council Districts no. 41 and no. 42, Borough of Brooklyn. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 577 of the Private Housing Finance Law for a partial tax exemption.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 17, 2011 (Minutes, page 4615), respectfully

REPORTS:

SUBJECT

Proposal subject to Council review and action pursuant to the Urban Development Action Area Act, Article 16 of the New York General Municipal Law, at the request of the Department of Housing Preservation and Development ("HPD"),

<u>ADDRESS</u>	<u>BLOCK/LOT</u>	<u>NON- ULURP NO.</u>	<u>NO.</u>	<u>L.U. PROJECT</u>	<u>PROGRAM</u>
106 Hopkinson Avenue	1520/41	20125161 HAK	499		Neighborhood
237 Sumpter Street	1520/69				Stabilization
220 McDougal Street	1533/35				
2019 Fulton Street	1537/1				
728 Madison Street	1647/19				
766 Herkimer Street	1708/37				
516 Crescent Street	4234/23				
Brooklyn					

INTENT

HPD requests that the Council:

- Find that the present status of the Disposition/Exemption Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
- Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
- Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
- Approve the project as Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
- Approve an exemption of the project from real property taxes pursuant to Section 577 of the Private Housing Finance Law.

PUBLIC HEARING

Date: December 14, 2011

Witnesses In Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

Date: February 8, 2012

The Subcommittee recommends that the Committee approve the proposal, grant the requests made by the Department of Housing Preservation and Development, and make the findings required by Article 16 of the General Municipal Law.

In Favor:	Against:	Abstain:
Levin	None	None
Barron		
Gonzalez		
Dickens		
Koo		

COMMITTEE ACTION

Date: February 9, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Seabrook		
Vann		
Gonzalez		
Palma		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
Vacca		
Lander		
Levin		
Weprin		
Williams		
Ignizio		
Koo		

In connection herewith, Council Members Comrie and Levin offered the following resolution:

Res. No. 1237

Resolution approving an Urban Development Action Area Project located at 106 Hopkinson Avenue (Block 1520/Lot 41), 237 Sumpter Street (Block 1520/Lot 69), 220 McDougal Street (Block 1533/Lot 35), 2019 Fulton Street (Block 1537/Lot 1), 728 Madison Street (Block 1647/Lot 19), 766 Herkimer Street (Block 1708/Lot 37), 516 Crescent Street (Block 4234/Lot 23), Borough of Brooklyn, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (L.U. No. 499; 20125161 HAK).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on October 4, 2011 its request dated September 26, 2011 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 106 Hopkinson Avenue (Block 1520/Lot 41), 237 Sumpter Street (Block 1520/Lot 69), 220 McDougal Street (Block 1533/Lot 35), 2019 Fulton Street (Block 1537/Lot 1), 728 Madison Street (Block 1647/Lot 19), 766 Herkimer Street (Block 1708/Lot 37), and 516 Crescent Street (Block 4234/Lot 23), Community Districts 3, 5 and 16, Borough of Brooklyn (the "Exemption Area"):

- Find that the present status of the Project Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action

Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;

2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;

3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;

4. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and

5. Approve the exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption").

WHEREAS, the Project is related to Application No. 20075521 HAK (L.U. No. 484, Res. No. 974 of 2007) and Application No. 20085275 HAK (L.U. No. 670, Res. No. 1475 of 2008);

WHEREAS, the Project is to be developed on land that is now an eligible area as defined in Section 692 of the General Municipal Law, consists solely of the rehabilitation or conservation of existing private or multiple dwellings or the construction of one to four unit dwellings, and does not require any change in land use permitted under the New York City Zoning Resolution;

WHEREAS, upon due notice, the Council held a public hearing on the Project on February 8, 2012;

WHEREAS, the Council has considered the land use and financial implications and other policy issues relating to the Project;

RESOLVED:

The Council finds that the present status of the Project Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an urban development action area project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council waives the area designation requirement pursuant to Section 693 of the General Municipal Law.

The Council waives the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law.

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law.

The Council approves the Project pursuant to Section 577 of the Private Housing Finance Law, an exemption from real property taxation as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - a) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD and the HDFC enter into the Regulatory Agreement.
 - b) "Exemption Area" shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1520, Lots 41 and 69, Block 1533, Lot 35, Block 1537, Lot 1, Block 1647, Lot 19, Block 1708, Lot 37, and Block 4234, Lot 23 on the Tax Map of the City of New York.
 - c) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - d) "HDFC" shall mean MHANY 1999 Housing Development Fund Corporation.
 - e) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.

f) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.

g) "Owner" shall mean the HDFC or any future owner of the Exemption Area.

h) "Prior Exemption" shall mean the exemptions from real property taxation for the Exemption Area approved by the Council on July 25, 2007 (Resolution No. 974) and June 12, 2008 (Resolution No. 1475).

i) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.

2. Upon the Effective Date, the Prior Exemption shall terminate solely with respect to the Exemption Area. Such termination with respect to the Exemption Area shall not affect any other real property receiving tax exemption pursuant to the Council resolutions comprising the Prior Exemption.

3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.

4. Notwithstanding any provision hereof to the contrary, the New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.

5. In consideration of the New Exemption, the owner of the Exemption Area, for so long as the New Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

ATTACHMENT:

PROJECT SUMMARY

- 1. PROGRAM: NEIGHBORHOOD STABILIZATION PROGRAM 2
- 2. PROJECT: Hopkinson/Sumpter
- 3. LOCATION:
 - a. BOROUGH: Brooklyn
 - b. COMMUNITY DISTRICT: 3, 5 and 16
 - c. COUNCIL DISTRICT: 41 and 42
 - d. DISPOSITION AREA:

BLOCKS	LOTS	ADDRESSES
1520	41	106 Hopkinson Ave.
1520	69	237 Sumpter Street
1533	35	220 McDougal Street
1537	1	2019 Fulton Street
 - e. PROJECT AREA

1520	41	106 Hopkinson Ave.
1520	69	237 Sumpter Street
1533	35	220 McDougal Street
1537	1	2019 Fulton Street
1647	19	728 Madison Street
1708	37	766 Herkimer Street
4234	23	516 Crescent Street
- 4. BASIS OF DISPOSITION PRICE: Nominal. The sponsor will pay one dollar per tax lot. The sponsor will also deliver an enforcement note and mortgage for the remainder of the appraised value.
- 5. TYPE OF PROJECT: New Construction
- 6. APPROXIMATE NUMBER OF BUILDINGS: 7
- 7. APPROXIMATE NUMBER OF UNITS: 24
- 8. HOUSING TYPE: Rental
- 9. ESTIMATE OF INITIAL RENTS: Rents will be affordable to individuals and families whose incomes do not exceed 100% of the AMI.
- 10. INCOME TARGETS: Up to 100% of AMI.
- 11. PROPOSED FACILITIES: None
- 12. PROPOSED CODES/ORDINANCES: None
- 13. ENVIRONMENTAL STATUS: Type II
- 14. PROPOSED TIME SCHEDULE: Approximately 18 months from closing to completion of construction.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO; Committee on Land Use, February 29, 2012.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 557

Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Applicationno. 20125008 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Le Anfore LLC d.b.a Broken English, to establish, maintain and operate an unenclosed sidewalk café located at 68 Bergen Street, Borough of Brooklyn, Council District no.33. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on January 18, 2012 (Minutes, page 201), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 2

20125088 TCK

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Le Anfore LLC, d/b/a Broken English, for a revocable consent to establish, maintain and operate an unenclosed sidewalk

café located at 68 Bergen Street.

WHEREAS, by submission dated February 6, 2012, and submitted to the City Council on February 7, 2012, the Applicant withdrew the application.

SUBCOMMITTEE RECOMMENDATION

DATE: February 8, 2012

The Subcommittee recommends that the Land Use Committee approve the motion to file pursuant to withdrawal by the Applicant.

In Favor:	Against:	Abstain:
Weprin	None	None
Rivera		
Reyna		
Comrie		
Seabrook		
Vann		
Garodnick		
Lappin		
Ignizio		

COMMITTEE ACTION

Date: February 9, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Seabrook		
Vann		
Gonzalez		
Palma		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
Vacca		
Lander		
Levin		
Weprin		
Williams		
Ignizio		
Koo		

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 1238

Resolution approving a motion to file pursuant to withdrawal of the petition for a revocable consent for an unenclosed sidewalk café located at 68 Bergen Street, Borough of Brooklyn (20125008 TCK; L.U. No. 557).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on January 12, 2012 its approval dated January 11, 2012 of the petition of Le Anfore LLC, d/b/a Broken English, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 68 Bergen Street, Community District 2, Borough of Brooklyn (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

WHEREAS, by submission dated February 6, 2012, and submitted to the City Council on February 7, 2012, the Applicant withdrew the application.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report of the Committee on Parks and Recreation

Report for Int. No. 761-A

Report of the Committee on Parks and Recreation in favor of approving and adopting, as amended, a Local Law in relation to the naming of 32 thoroughfares and public places, Dra. Evelina Antonetty Way, Borough of the Bronx, Lenny Kobren Circle, Borough of Brooklyn, Ozzie Brown Triangle, Borough of the Bronx, Dr. Michael Lancelot Marcano Way, Borough of the Bronx, Detective Kevin Czartoryski Place, Borough of Queens, Cheyenne Baez Way, Borough of Manhattan, Rev. John B. Elliott Way, Borough of Brooklyn, Jim Buckley Way, Borough of Brooklyn, Meg Charlop Way, Borough of the Bronx, The Chords-Hit Record "Sh-Boom" 1954, Borough of the Bronx, Frank Griffin Way, Borough of Brooklyn, Joe 'The Great' Rollino Corner, Borough of Brooklyn, Raoul Wallenberg Way, Borough of Brooklyn, Lt. Peter J. Farrenkopf Place, Borough of Queens, Reginald Nero's Way, Borough of Brooklyn, First United Methodist Church Way, Borough of Queens, Police Officer Eric Hernandez Memorial Corner, Borough of the Bronx, Thomas X. Winberry Way, Borough of Queens, Julian Brennan Way, Borough of Brooklyn, John Davenport Way, Borough of Brooklyn, Alain Schaberger Way, Borough of Brooklyn, Sgt. Nicholas Aleman Way, Borough of Brooklyn, Miriam Friedlander Way, Borough of Manhattan, Officer Glenn Pettit Corner, Borough of Manhattan, Jonathan M. Acierno Way, Borough of Staten Island, Manolo Tavarez Justo Way, Borough of Manhattan, Joseph Mandarino Way, Borough of Staten Island, Det. Raymond "Pally" Taylor Way, Borough of Staten Island, Peggy Braverman Way, Borough of the Bronx, Bishop Moses Taylor Way, Borough of Queens, Charles C. Pinn Triangle, Borough of Brooklyn, Shirley N. Moore Street, Borough of Queens and the repeal of sections 27 and 52 of local law number 47 for the year 2011 and section 22 of local law number 3 for the year 2011.

The Committee on Parks and Recreation, to which the annexed proposed amended local law was referred on February 1, 2012 (Minutes, page 345), respectfully

REPORTS:

Comment:

On February 28, 2012, the Committee on Parks and Recreation will hold a hearing to vote on Proposed Int. No. 761-A which co-names thirty-two (32) thoroughfares and public places. The Committee first considered Int. No. 761 on February 10, 2012. The Council acts upon the authority granted in subdivision (b) of section 25-102.1 of the New York City Administrative Code which states:

- b. Unless the local law specifically provides otherwise, any local law changing the name of a street, park, playground or portion thereof, or any facility or structure, located and laid out on the city map, that bears a name indicated on the city map shall not be construed to require a change in such name as it is indicated on the city map; provided, however, that in the case of a local law changing the name of a street or portion thereof, the name added by such local law shall be posted on a sign placed adjacent to or near a sign bearing the name of such street or portion thereof indicated on the city map.

The following street name changes are not to be construed as a change in the City Map, but as additional names to be posted near or adjacent to the street or location indicated on the City Map.

Section 1. Dra. Evelina Antonetty Way

Introduced by Council Member Arroyo

Dra. Evelina Antonetty was a community activist who founded the United Bronx Parents Inc. in 1966. The agency helped parents and local businesses advocate for improved education for children in south Bronx public schools, specifically in bilingual education, minority hiring, parent training, and decentralization and community control of local schools. It later on included emergency food programs, Bilingual Adult Education and Day Care services, HIV/AIDS services and addiction related services as well. She was also presented with awards such as the Fannie Lou Hamer Award from Women for Racial and Economic Equality, the Abraham Lincoln Award for Human Services and an Honorary Degree in Humane Letters from Manhattan College.

Section 2. Lenny Kobren Circle

Introduced by Council Member Barron

Leonard Kobren spent his whole life in East Flatbush and was a community advocate for over 40 years. He served as the treasurer of the East Church Avenue Merchants Association, Chairperson of the Commerce Committee and served as First Vice-Chairperson of Community Board 17 for a term. In the late 1970's, he met with Mayor Koch and influenced the Mayor to reconstruct the Church Avenue streets and sidewalks and was instrumental in getting the East Flatbush library rebuilt and expanded. He also advocated for citizen patrol vehicles in the community and successfully worked with elected officials to build the East 94th Street Post Office. They offered to name it in his honor but he declined. He also advocated for the NYPD to patrol all ten police beats within CB17 and secured a "Safe Streets" program for seniors. In thanking the NYPD, he championed for the first appreciation awards for the 67th Precinct for their work and dedication. He also advocated for a state sponsored community bank for East Flatbush which was finally built in Borough Park. Working with the Brookdale Hospital, he was able to secure a basketball court as well as create a non-profit organization to continue to beautify the community. Brookdale Hospital agreed to fund and provide any land needed to expand the park for all the children in the community. In addition, he formed the East Avenue Business Association and Brooklyn 17 Local Development Corporation.

Section 3. Ozzie Brown Triangle

Introduced by Council Member Cabrera

April 21, 1944 – July 7, 2011

Ozzie Brown was a dedicated member of Bronx Community Board 7 (CB7) and was also active in the Civil Rights Movement and promoted diabetes awareness. He served in the Vietnam War as a United States Marine and was discharged in 1969. He began a career in the film and music industry and was credited as a musician, film producer, director, publicist and personal manager for Peter Tosh and Taj Mahal. He served as the producer of, "When We Were Kings," a documentary about the 1974 heavyweight championship boxing match in Zaire between George Foreman and Muhammad Ali. He was appointed by former Bronx Borough President Adolfo Carrion to the Harlem River Redevelopment Task Force and later to CB7. Also, as Chair of the Land Use and Re-Zoning Committee, he played a crucial role in the re-zoning of Webster Avenue and the redevelopment of the Kingsbridge Armory.

Section 4. Dr. Michael Lancelot Marcano Way

Introduced by Council Member Cabrera

September 9, 1947 – September 3, 2011

Bishop Michael Lancelot Marcano served in the United States Army from 1970 to 1975 and, after being discharged, he worked for the United States Postal Service as a clerk from 1976 to 1982. In 1989, he graduated with valedictorian honors from the Manhattan Bible Institute and was ordained as Pastor of the Creston Avenue Baptist Church of Christ, Inc. (CABC) for 22 years until his passing. He established the Food Pantry and Hot Meal programs supported by the Food Bank of NY, the CABC clothing bank and participation in operation Angel Tree, the CABC bookstore, Creston Avenue Early Learning Academy. He administered services as chaplain at Fishkill Correctional Facility, was a member of the Northwest Bronx Clergy Coalition, as well as Community Board 5 and a number of non-profit and faith based organizations. After receiving his Bachelor of Theology degree from the New World Bible Institute, he was consecrated and ordained to the sacred office of Bishop of the CABC and Kingdom Ministries International. Under the Kingdom Ministries International, he partnered with several colleagues traveling all over the United States as well as internationally. He formed alliances with churches in Ghana and the Philippines. He also received his apostleship from the International College of Apostles of Christ International, Inc. He received several honors and credentials from the City of New York and was awarded the Community Service Award by the CABC.

Section 5. Detective Kevin Czartoryski Place

Introduced by Council Member Crowley

August 14, 1964 – December 5, 2010

Kevin Czartoryski began his career with the NYPD in 1988. After his outstanding work in the Narcotics Division, he was promoted to Detective. He later became a Detective Second Grade and received several honors and proclamations from the New York City Council for his work as a member of the Hate Crimes Task Force. He also served in the Office of the Deputy Commissioner of Public Information as a member of the Police Commissioner's Liaison Unit. He retired from the NYPD with over 250 career arrests, six Excellent Police Duty Medals and a Meritorious Policy Duty Medal. As a result of 9/11, he developed severe pulmonary fibrosis in both lungs requiring a unilateral lung transplant and subsequently sustained complications from the lung transplant. The NYPD medical board determined his condition was caused by his time at Ground Zero searching for remains and staffing a makeshift morgue. He died on December 5, 2010.

Section 6. Cheyenne Baez Way

Introduced by Council Member Dickens

May 17, 1993 – October 3, 2010

Cheyenne Baez grew up in East Harlem and attended PS 30. When her family relocated to Philadelphia, she received a scholarship to Cardinal Dougherty High School and was invited to participate in the 2009 National Leadership Summit in Washington, D.C. When she returned to East Harlem, she became a G.A.N.G Girl (God's Anointed Now Generation) where she mentored the youth about gangs and peer pressure. She worked at Hope Community, Inc. sponsored by the Dunlevy

Milbank Center Children's Aid Society where she received a certificate as a Peer Facilitator and Peer Educator. She participated in the African American Parade as a dancer with the Harlem Angels and The Pretty Kitties. She volunteered in the Children's Chapel and mentored children to stop violence in parks at Each One Teach in East Harlem. She was also a member of the Victory Outreach International Church. On October 3, 2010, Cheyenne was a victim of gun violence when she was fatally shot in the courtyard of Alice Kornegay Houses. As a result of this tragedy, Lisa Baez, Cheyenne's mother, participated in "Harlem's Day of Healing," a march from where Cheyenne was killed on East 128th Street to the plaza of the state building office on 125th Street. The march was organized by groups such as Street Corner Resources, Harlem Mothers S.A.V.E and Perfect Peace Ministries, each dedicated to ending gun violence.

Section 7. Rev. John B. Elliott Way

Introduced by Council Member Dilan
November 14, 1927 – August 9, 2004

John B. Elliott served in the United States Navy and later became a community activist who founded the Mt. Paran Baptist Church in Bushwick in 1988. He served as chairperson of the board of directors for Bushwick Family Services now known as the Family Services Network of New York where he championed programs that focused on harm reduction, food and nutrition and HIV/AIDS awareness. He served as a mentor for juveniles and taught for many years at the Little Zion Bible Institute and the United Christian Bible College, also where he received a Doctorate of Sacred Theology. He established a soup kitchen and pantry at Mt. Paran Baptist Church to help the homeless and is remembered as a generous and thoughtful man.

Section 8. Jim Buckley Way

Introduced by Council Member Fidler
January 19, 1942 – July 16, 2010

James J. Buckley was born in Brooklyn and came from a family with a history in the restaurant business. In 1964, along with friends Paul Kavanaugh and Tom Coady bought his parents bar on Church Avenue. Later on, he and his wife Kathleen opened Buckley's Tavern on Nostrand Avenue and in 1980, he opened Kennedy's. In 1981, Jim co-founded The Buckley's to Kennedy's Run to raise money for The Muscular Dystrophy Association and the Leukemia Society. He also founded the HeartShare Human Services of New York where 90 cents of every dollar goes to help over 14,000 children and adults HeartShare services. He was also involved with such charities as the Ancient Order of Hibernians Great Irish Fair, the NYFD Widows and Children's Fund, St. Bernard's Church, the Young Adult Institute, the Leukemia Society and the Irish American Builders Society. There is a Christmas Party at Buckley's every December for children, he delivered Thanksgiving dinners to people in need as well as Christmas gifts, depending on what the residence needed, he held an annual BBQ for severely and profoundly developmentally disabled adults in Canarsie. He was also involved in Catholic Charities of Brooklyn and Queens and offered financial support to children in Parochial schools in the Diocese of Brooklyn.

Section 9. Meg Charlop Way

Introduced by Council Member Foster
May 13, 1952 – March 17, 2010

Meg Charlop moved to the Bronx in 1976 and worked as a community and housing organizer in the Morrisania section of the Borough. For 26 years, she worked for the Montefiore Medical Center and became a city-wide and national leader in the fight against childhood lead poisoning and in addition, founded the Montefiore Hospital Lead Safe House, the first in the city of New York. She was also the Director of Community Health for Montefiore Hospital School Based Health Program where she worked to develop and promote health education programs for public school children in the Bronx and advocated for policy initiatives to help make the Bronx a healthier place to live. She was honored as a Paul Harris Fellow by the Bronx Rotary Club Gift for Life Program, as well as Bronx Mother of the Year by Mayor David Dinkins. She was also the founding member of the Hunts Point "Greening for Breathing" initiative, founding member of the Excellence in School Wellness Awards and the recipient of the Robert Wood Johnson Community Health Leadership Award.

Section 10. The Chords-Hit Record "Sh-Boom" 1954

Introduced by Council Member Foster

The Chords, formed in 1951 in the Bronx, consisted of Carl and Claude Feaster, Jimmy Keyes, Floyd "Buddy" McRae and Ricky Edwards. They were discovered singing in a subway station which landed them a recording contract with Atlantic Records' Cat Records label. Recorded and released in 1954, the song "Sh-Boom" was a United States top ten hit and would be The Chords only hit song. It reached number 2 on the Billboard R&B charts and peaked at number 9 on the pop charts and is considered the first doo-wop or rock n' roll record to reach the top ten on the pop charts. The song has been featured in many films and has been covered by other artists as well.

Section 11. Frank Griffin Way

Introduced by Council Member Gentile

Frank Griffin began publishing The Home Reporter, a local Bay Ridge newspaper featuring news of high school sports, engagements and weddings, social and garden club news, births, communions, anniversaries and deaths, in 1956. The Home Reporter competed with The Brooklyn Spectator for over 20 years and surpassed it in readership. Mr. Griffin purchased The Brooklyn Spectator in 1976.

In 1962, The Home Reporter expanded to include Sunset Park and include The Sunset News in its content and later covered communities such as Bensonhurst, Dyker Heights, Borough Park and areas in Park Slope. In addition, Frank Griffin served with the Army of Occupation in Japan in 1946, he served on the local school board for several years and was a member of Mayor John Lindsay's Urban Action Task Force. He also received many honors from numerous local organizations, including the annual Civic Award from the Bay Ridge Community Council and the Pioneers of Third Avenue Award. He served as Grand Marshal of the Ragamuffin Parade founded in Bay Ridge in the late 1960's.

Section 12. Joe 'The Great' Rollino Corner

Introduced by Council Member Gentile
March 19, 1905 – January 11, 2010

Joe Rollino was known for his great physical strength, as well as, being an active volunteer promoting physical health to neighborhood children. He once lifted 475 pounds using his teeth, used one finger to lift 634 pounds and was one of the last of the old Coney Island strongmen. He once boxed under the name Kid Dundee, was a Coney Island performer and fought in World War II. Mr. Rollino died at 104 years old when he was struck by a minivan while walking in his neighborhood.

Section 13. Raoul Wallenberg Way

Introduced by Council Members Greenfield and Lander
August 4, 1912 – 1947

Raoul Wallenberg was a Swedish diplomat who risked his life to save Hungarian Jews during the Holocaust. A descendant of a long line of Swedish bankers and diplomats, Wallenberg was an architect. In 1936, he spent six months in Haifa where he studied management at the Holland Bank and first met with Jewish refugees from Germany. He returned to Stockholm and worked for a central European trading company whose president was a Hungarian Jew. Wallenberg's chief operation was the distribution of Swedish certificates of protection, commonly known as "Wallenberg passports," which the Swedish government granted to any Jew who had some tie with Sweden. Applying pressure on the Hungarian government, Wallenberg recruited thousands of Jews for his work. He initiated the establishment of an "international ghetto," this vehicle allowed 33,000 Hungarian Jews to find sanctuary and thus liberation in neutral countries. In November, 1944, the remaining members of the Jewish community in Budapest were forced on a death march to the Austrian border with Hungary. Wallenberg and other Swedish staffers followed the column in trucks, distributing medicine, food and clothing. He was able to save 500 of the marchers and returned them to Budapest. In Budapest, he organized an official Swedish labor detachment and a "Jewish Guard," consisting of Aryan-looking Jews dressed in S.S. uniforms. He built and funded Jewish hospitals and soup kitchens. He was not only interested in the personal safety of Hungarian Jews, but in the liberation of Hungary and plans to restore the Hungarian economy. When the Soviet army freed Budapest, Wallenberg presented himself to the army and then disappeared.

Section 14. Lt. Peter J. Farrenkopf Place

Introduced by Council Member Halloran
Died October 18, 2009

Peter J. Farrenkopf was a 30 year veteran of the FDNY. He died of glioblastoma which doctors have attributed to his working at the WTC site during the recovery operation after September 11, 2001.

Section 15. Reginald Nero's Way

Introduced by Council Member James
January 1, 1920 – March 10, 2010

Reginald Nero was a guiding force in the lives of many young men and women in Brooklyn for over 62 years. He was one of the founders of Medgar Evers College and served on the Medgar Evers College Community Council with Dr. Betty Shabazz. He was also a member of the Youth Services Committee on Community Board 9. From 1972 -1979, he worked at the Ebbets Field Ball Park where he started the Crown Heights Youth Institute providing organized recreation for the youth in the community including boxing, basketball, paddleball and tennis. He received numerous citations and awards from former Parks Commissioner, Gordon J. Davis and Brooklyn Borough President Marty Markowitz for his contribution to the youth in the community. He was also honored by the Department of Parks and Recreation with the renaming of a basketball court at Wingate Park.

Section 16. First United Methodist Church Way

Introduced by Council Member Koo

Since 1811, the Flushing United Methodist Church has grown steadily to become the largest Methodist church in the nation. For over the last 200 years, the church has been instrumental in serving the spiritual and physical needs of the Flushing community.

Section 17. Police Officer Eric Hernandez Memorial Corner

Introduced by Council Member Koppell
February 26, 1981 – February 8, 2006

Police Officer Eric Hernandez died on January 28, 2006 after being assaulted and subsequently shot by a fellow police officer at a fast-food restaurant in the Bronx in a case of mistaken identity. Officer Hernandez was off-duty and was assaulted by 6 men while in line at a White Castle. He was able to subdue one suspect. However,

when police arrived on the scene he was shot by another police officer while Hernandez was pointing his gun at the suspect.

Section 18. Thomas X. Winberry Way

Introduced by Council Member Koslowitz

Thomas X. Winberry was the Commander of the American Legion Continental Post 1424 in Forest Hills. He joined the United States Navy in 1950 and served in the Korean War at the age of 19. Upon his return, he joined the American Legion and was his local chapter's commander for seven years and eventually became the Queens County Commander. He was an NYPD Mounted Officer and later worked at the 103rd Precinct in Jamaica. As an officer, Mr. Winberry was awarded the NYPD Medal of Honor for helping to rescue a swimmer who was drowning in the East River. During his 20-year career with the NYPD, he was cited over 15 times for acts of courage. Under his leadership and guidance, the American Legion Continental Post 1424 became a large part of the Forest Hills community. He saw to it that the American Legion Hall was always made available, without cost, to other community groups to hold community events, including Kidz Care annual Home Alone Thanksgiving dinners, civic meetings, children's gatherings, or for any use to help the neighborhood. He supervised the annual Memorial Day Parade, began the communities "9-11 Memorial" ceremony and co-sponsored the annual Halloween children's parade. Mr. Winberry was instrumental in the transfer of Remsen Park from Legion ownership to the NYC Parks Department; it was one of his major local achievements. He testified in support of the transfer and convinced the Legion Post that this historic site should become a NYC property. Mr. Winberry was a staunch supporter and contributor to Veteran rights and travelled throughout New York State and the country advocating. He was a dedicated spokesman for the preservation of the St. Albans Veterans complex, working to ensure that this complex remained open to provide services to those who need it.

Section 19. Julian Brennan Way

Introduced by Council Member Lander

Died January 24, 2009

Lance Corporal Julian T. Brennan grew up in south Park Slope and was an avid cyclist. He was assigned to the 3rd Battalion, 8th Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force, Camp Lejeune, North Carolina. He was killed by a roadside bomb blast during a combat mission in Afghanistan's Farah Province. He was 23 years old.

Section 20. John Davenport Way

Introduced by Council Member Lander

John Davenport was a long-time civic activist. He demonstrated his commitment to his community by serving as Chairman of the Brooklyn Community Board 7's Public Safety Committee and as President of the 72nd Precinct Community Council. As Chairman of the Public Safety Committee, he helped provide a forum for emergency service delivery agencies, such as the NYPD, FDNY and EMS to communicate with the public, discuss local issues and disseminate information about policies and regulations designed to protect and ensure the safety of his community. As President of the 72nd Precinct Community Council, he led a non-partisan group that met with local NYPD leaders to exchange information and address local safety and quality issues. He was also a leader in his church, a Scout Leader and a leader of the Central Brooklyn Independent Democrats. He arranged for toys, clothing and meals for the local battered woman's shelter every holiday season and advocated for recreational venues for the youth of Windsor Terrace. He was a supporter and facilitator to the Brooklyn Irish-American Parade Committee and helped organize several events intended to commemorate the cultural contributions of Irish immigrants to the social fabric of Brooklyn. His work in this area led the Brooklyn Irish American Parade Committee to dedicate their 2011 St. Patrick's Day Parade in his memory. In 2002, he received the John F. Carrol Award for his dedication to civic activism and for his leadership in the community. He was also recognized that same year for his community activism by Brooklyn Borough President Marty Markowitz.

Section 21. Alain Schaberger Way

Introduced by Council Member Levin

1969 – March 13, 2011

NYPD Officer Alain Schaberger served in the United States Navy from 1991 until 1995. He was a 10-year veteran in the NYPD when he was killed in the line of duty on March 13, 2011 when he was pushed over a railing while responding to a domestic violence dispute and fell nine feet breaking his neck.

Section 22. Sgt. Nicholas Aleman Way

Introduced by Council Member Levin

1986 – 2010

Nicholas Aleman joined the United States Marine Corps in August 2004 and was promoted to the rank of Sergeant on April 1, 2009. He also served a previous tour of duty in Iraq from November 2007 to June 2008. He was the recipient of several awards such as the Marine Corps Good Conduct Medal, the National Defense Service Medal, the Global War on Terrorism Service Medal and the Humanitarian Service Medal. He was killed in the line of duty near the border of Pakistan.

Section 23. Miriam Friedlander Way

Introduced by Council Member Mendez

1914 – 2009

Miriam Friedlander represented the East Village and Lower East Side in the New York City Council from 1974 – 1991 and was an advocate for gay and lesbian, women, tenants and homelessness issues. She was a leader in the creation of shelters for women and children who were abused by their husbands and partners. She championed housing for the poor and insisted that tenements tumbling into city tax foreclosure in her district be used as a resource for affordable housing. In addition, she was a strong supporter of ACT UP, an organization committed to take action to end AIDS.

Section 24. Officer Glen Pettit Corner

Introduced by Council Member Mendez

June 9, 1971 – September 11, 2001

Officer Glenn Pettit was appointed to the NYPD on December 8, 1997. He began his career on patrol in the 10th Precinct and was assigned to the Police Academy Video Production Unit in July 2000. He was killed as a result of the terrorist attacks on September 11, 2001 while attempting to rescue the victims trapped in the World Trade Center. He was posthumously awarded the New York City Police Department's Medal of Honor for his heroic actions.

Section 25. Jonathan M. Acierno Way

Introduced by Council Member Oddo

November 5, 1980 – January 18, 2010

Jonathan M. Acierno graduated from Wagner College in 2002 with a B.A. in Sociology and a Minor in Religion. He was president of the Wagner College Rotary Club and tutored amputee refugees from Sierra Leone and succeeded with securing Wagner College Scholarships for them. He was a member of numerous organizations such as the Knights of Columbus, March of Dimes, Relay for Life, St. Jude, Myasthenia Gravis Foundation, the Cystic Fibrosis Foundation and the America Cancer Society. He was especially devoted to the Epilepsy Foundation of New York City whereby he championed Epilepsy on Staten Island raising Epilepsy awareness by creating Epilepsy Awareness Month for the entire United States. He was instrumental with starting the local Staten Island Epilepsy chapter called Chrissy and Friends. He received numerous awards for his contributions and service most notably for Outstanding Volunteer Contributor for the March of Dimes, the Achievement Award for the Chrissy and Friends Epilepsy Society, the Certificate of Special Congressional Recognition for Outstanding Service to the Community, Who's Who in America and the Certificate for Outstanding Participant Student Ambassador. In addition, he volunteered for Habitat for Humanity and helped build homes in North and South Carolina. He was the first student in Wagner College history to receive a full Ph.D. scholarship to New York University. He was an Academic Counselor in student support services at Mercy College and Internship Coordinator at Kingsborough Community College. He volunteered and raised money for the March of Dimes Foundation, a non-profit organization that works to improve the health of mothers and babies, for over 17 years. He also volunteered and raised money for The Myasthenia Gravis Foundation and was involved with the American Heart Association. He also established the Disability Office for students on Wagner College which is still used today.

Section 26. Manolo Tavarez Justo Way

Introduced by Council Member Rodriguez

January 2, 1931 – December 21, 1963

Manolo Tavarez Justo is regarded as the most notable leader of the pro-democracy movement against the thirty-three year-long dictatorship of General Rafael Leonidas Trujillo in the Dominican Republic. He completed his secondary education in the city of Santo Domingo where he gradually met anti-Trujillo activists who tried to oppose and resist the brutal Dominican regime. He married Minerva Mirabal of the Mirabal sisters, who were three famous anti-regime activists who were assassinated by unknown persons. Manolo Tavarez Justo was killed by military forces. He was instrumental in activism against the Trujillo dictatorship and is regarded as a symbol of democracy in Latin America.

Section 27. Joseph Mandarino Way

Introduced by Council Member Rose

Died in 2003

Joseph Mandarino was the founder and owner of North American Data Forms, one of the largest printing distributors in the northeast. He regularly participated in the Staten Island Institute of Arts and Science fundraiser. He reached out to needy people across the globe through his work as a Rotary Club assistant district governor. He was instrumental in spurring donations in order to bring those who were maimed by land mines for treatment on Staten Island. He was a member of the North Shore Rotary Club and later the Staten Island Rotary Club and helped spread the Rotary's philanthropy to Sierra Leone, where many children and adults had had their limbs hacked off by rebels. He became the president of Gift of Limbs which brought nine Sierra Leoneans to Staten Island to receive treatment, prosthetics, counseling and rehabilitation. He was responsible for getting former Senator Hillary Rodham Clinton and former President Bill Clinton to attend a special fundraising picnic for the maimed children from Sierra Leone. He also worked with the Gift of Life to bring Sierra Leoneans who needed heart surgery to Staten Island for treatment. He was also on the Board of Directors of the Have a Heart Foundation, founded in 1992 to help people who require monitored cardiac rehabilitation care following a heart attack, by-pass surgery, angioplasty or any other cardiac disorder, and was also on

the board of Freedom From Fear and of Special Tees, which trains and employs the disabled.

Section 28. Det. Raymond “Pally” Taylor Way

Introduced by Council Member Rose

Raymond Taylor graduated from Port Richmond High School and served 2 years aboard the USS Barton as a member of the United States Navy serving in the Korean War. After his service in the Navy, he joined the NYPD in 1957 and was quickly promoted to detective. He was assigned to the Crimes Against Persons Squad on Staten Island where he arrested John Gotti for murder. As a detective third grade, he was instrumental in starting the NYPD’s Joint Organized Crime Task Force in the late 1960’s.

Section 29. Peggy Braverman Way

Introduced by Council Member Vacca

March 17, 1921 – March 13, 2011

Peggy Braverman was the Deputy County Clerk for the Bronx from 1985 to 1999 and a lifelong community activist in the Pelham Parkway Community for more than four decades. She served as president of the parent-teacher association of every school her children attended, including PS 89, JS 135, and Christopher Columbus High School. In addition, she served as officer of the Educational Jewish Center of Pelham Parkway, officer of Pelham Parkway chapter of ORT, officer of Bronx House and Pelham Parkway Community Council. She was also an active member of the National Council of Jewish Women.

Section 30. Bishop Moses Taylor Way

Introduced by Council Member Van Bramer

May 10, 1924 – October 1, 2004

Bishop Moses Taylor was a fixture of his community for more than 60 years. He was the founder of The Long Island City Gospel Tabernacle and presiding Bishop over Long Island City Gospel Church World Outreach Ministries Inc. He graduated from Jamaica High School in New York City. He enlisted in the United States Navy in June of 1943 and received an Honorable Discharge in November of 1945. He attended New York University where he majored in dietary studies. Bishop Taylor's ministry began in a small house on 12th Street in Long Island City, where he preached to a group of twelve followers; in the next few years, this ministry moved to a larger, permanent home across the street and became known as the Long Island City Gospel Tabernacle. He fed the hungry and provided clothing and spiritual guidance. Building on the success of the Gospel Tabernacle, Bishop Taylor went on to found the Astoria Outreach Ministries and the Center of Hope International (COHI) in Long Island City, which is now led by his son, Pastor Mitchell G. Taylor. COHI is considered one of the fastest growing churches in Long Island City. The COHI launched the Victory After-School Program and provided employment services, financial counseling and tenant advocacy aid to the community. In addition, the COHI also runs the Bread of Life food pantry three days per week giving away cereals, meat and fresh produce to families in need.

Section 31. Charles C. Pinn Triangle

Introduced by Council Member Vann

Died in 1995

Charles C. Pinn was a youth organizer and a devoted legislative assistant for Assemblyman Al Vann and New York City Council Member Annette Robinson. In 1980, he founded the Young Peoples Macon-Macdonough-Stuyvesant-Lewis Block Association and was elected treasurer of the student government at Samuel J. Tilden High School. In recognition of his high school record of service, he received the Daily News Principal’s Pride of the Yankees Award and the Cooperation in Government Certificate by the High School Division of the Board of Education. In 1985, he served as a volunteer for the Vanguard Independent Democratic Association (VIDA) and organized Junior VIDA which held block association and PTA forums, youth speak-outs, tenant associations and town hall meetings. He was elected secretary of the Brooklyn Branch of the NAACP and was a member of the Board of Directors of the Fort Greene Senior Citizens Council, Inc. and a consultant to the Malcolm X, Marcy and Risley Dent Senior Centers.

Section 32. Shirley N. Moore Street

Introduced by Council Members Wills and Comrie

July 14, 1925 – September 8, 1997

Shirley N. Moore was a community activist who served as a member of the Board of Directors at Jamaica Chamber of Commerce and educational institutions such as PTA Board Member of John Adams High Scholl and Advisory Board Member at York College. She served on Community Board 12 for more than 15 years. Under Mrs. Moore’s leadership, Community Board 12 was instrumental in fight for the inclusion of minority contractors in public contracts. Through Ms. Moore’s outspoken advocacy, local companies like R.W. Hall were able to flourish and gain access to government contracts in southeast Queens providing hundreds of jobs, as well as hiring local residents. She was a founding member of the Southeast Queens Community Corporation which funded various educational, recreational, housing, career training and Summer Youth Employment programs throughout southeast Queens for several years. During the 1990’s the corporation was a life-line program for many young people in southeast Queens deterring youths from choices leading to criminal activities, as well as providing

meaningful second chance opportunities. She was a founding member of the Southern Queens Park Association (SQPA), the first public private partnership instituted on what is now presently known as Roy Wilkins Park. For over thirty-five years, the SQPA was seen as a beacon providing the much needed resources to maintain the property, and attract local residents. Under Ms. Moore’s tenure, Roy Wilkins Park has seen much growth, in particular, the establishment of a community garden for residents to grow fresh produce, as well as, a learning opportunity for several residents interested in composting, planting and growing their own. She volunteered for several community service organizations including, the Proctor Hopson Post #1896 to help returning veterans from the Vietnam and Gulf War to adjust to civilian lives, as an Advisory Board Member to York College she promoted access to higher education, and as a Jamaica NAACP Board Member, she fought against injustice in education and social policies.

Section 33. The REPEAL of Sections 27 and 52 of Local Law number 47 for the year 2011. This section repeals Sections 27 and 52 of Local Law number 47 for the year 2011.

Section 34. The REPEAL of Section 22 of Local Law number 3 for the year 2011. This section repeals Section 22 of Local Law number 3 for the year 2011.

(The following is the Fiscal Impact Statement for Int. No. 761-A:)



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
PRESTON NIBLACK, DIRECTOR
FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 761-A

COMMITTEE: Parks and Recreation

TITLE: A Local Law in relation to the naming of thirty-two thoroughfares and public places:

SPONSOR: By Council Members Arroyo, Barron, Cabrera, Comrie, Crowley, Dickens, Dilan, Fidler, Foster, Gentile, Greenfield, Halloran, James, Koo, Koppell, Koslowitz, Lander, Levin, Mendez, Oddo, Rodriguez, Rose, Vacca, Van Bramer, Vann, Wills, Gonzalez and Williams

In relation to the naming of 32 thoroughfares and public places, Dra. Evelina Antonetty Way, Borough of the Bronx, Lenny Kobren Circle, Borough of Brooklyn, Ozzie Brown Triangle, Borough of the Bronx, Dr. Michael Lancelot Marciano Way, Borough of the Bronx, Detective Kevin Czartoryski Place, Borough of Queens, Cheyenne Baez Way, Borough of Manhattan, Rev. John B. Elliott Way, Borough of Brooklyn, Jim Buckley Way, Borough of Brooklyn, Meg Charlop Way, Borough of the Bronx, The Chords-Hit Record “Sh-Boom” 1954, Borough of the Bronx, Frank Griffin Way, Borough of Brooklyn, Joe “The Great” Rollino Comer, Borough of Brooklyn, Raoul Wallenberg Way, Borough of Brooklyn, Lt. Peter J. Farrenkopf Place, Borough of Queens, Reginald Nero’s Way, Borough of Brooklyn, First United Methodist Church Way, Borough of Queens, Police Officer Eric Hernandez Memorial Comer, Borough of the Bronx, Thomas X. Winberry Way, Borough of Queens, Julian Brennan Way, Borough of Brooklyn, John Davenport Way, Borough of Brooklyn, Alain Schaberger Way, Borough of Brooklyn, Sgt. Nicholas Aleman Way, Borough of Brooklyn, Miriam Friedlander Way, Borough of Manhattan, Officer Glen Pettit Comer, Borough of Manhattan, Jonathan M. Acierno Way, Borough of Staten Island, Manolo Tavarez Justo Way, Borough of Manhattan, Joseph Mandarino Way, Borough of Staten Island, Det. Raymond “Pally” Taylor Way, Borough of Staten Island, Peggy Braverman Way, Borough of the Bronx, Bishop Moses Taylor Way, Borough of Queens, Charles C. Pinn Triangle, Borough of Brooklyn, Shirley N. Moore Street, Borough of Queens and the repeal of sections 27 and 52 of local law number 47 for the year 2011 and section 22 of local law number 3 for the year 2011.

SUMMARY OF LEGISLATION: The proposed law would add, through the posting of additional signs, the following names:

New Name	Present Name	Limits
Dra. Evelina Antonetty Way	None	At the southwest corner of East 156th Street and Prospect Avenue
Lenny Kobren Circle	East 94th Street	Between Linden Boulevard and Church Avenue
Ozzie Brown Triangle	None	At the intersection of Sedgwick Avenue and Fordham Road
Dr. Michael Lancelot Marciano Way	None	At the intersection of 188th Street and Fordham Road
Detective Kevin Czartoryski Place	59th Road	Between 60th Street and 60th Lane
Cheyenne Baez Way	West side of Lexington Avenue	Between 127th Street and 128th Street

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Rev. John B. Elliott Way	Schaefer Street	Between Broadway and Bushwick Avenue
Jim Buckley Way	Avenue S	Between Nostrand Avenue and East 29th Street
Meg Charlop Way	Fulton Avenue	Between East 166th Street and East 167th Street
The Chords-Hit Record "Sh-Boom" 1954	Jennings Street	Between Prospect Avenue and Union Avenue
Frank Griffin Way	None	At the intersection of 88th Street and Third Avenue
Joe "The Great" Rollino Corner	None	At the intersection of Bay Ridge Parkway and 14th Avenue
Raoul Wallenberg Way	13th Avenue	Between 36th Street and 60th Street
Lt. Peter J. Farrenkopf Place	207th Street	Between 23rd Avenue and 26th Avenue
Reginald Nero's Way	McKeever Place	Between Montgomery Street and Empire Boulevard
First United Methodist Church Way	None	At the northwest corner of 149th Street and Roosevelt Avenue
Police Officer Eric Hernandez Memorial Corner	None	At the southwest corner of East Mosholt Parkway North and Webster Avenue
Thomas X. Winberry Way	None	At the intersection of Metropolitan Avenue and Ascan Avenue
Julian Brennan Way	Prospect Park West	Between 14th Street and the circle on the southwest corner of Prospect Park
John Davenport Way	17th Street	Between 10th Avenue and Prospect Park
Alain Schabarger Way	Gold Street	Between Tillary Street and Tech Place
Sgt. Nicholas Aleman Way	Manhattan Avenue	Between Java Street and Green Street
Miriam Friedlander Way	East 6th Street	Between 1st Avenue and 2nd Avenue
Officer Glen Pettit Corner	None	At the northwest corner of East 21st Street and 2nd Avenue
Jonathan M. Aciermo Way	None	At the intersection of Overlook Terrace and Windemere Road
Manolo Tavarez Justo Way	West 181st Street	Between Amsterdam Avenue and Broadway
Joseph Mandarino Way	None	On the southeast corner of Ausable Avenue and Conyngham Avenue
Det. Raymond "Pally" Taylor Way	None	At the northwest corner of Forest Avenue and Pelton Avenue
Peggy Braverman Way	None	At the intersection of Matthews Avenue and Astor Avenue
Bishop Moses Taylor Way	None	Between 40th Avenue and 12th Street
Charles C. Pinn Triangle	None	The Lewis Avenue Triangle at Fulton Street and the Green Street space located at Fulton Street and Lewis Avenue
Shirley N. Moore Street	150th Street	Between Rockaway Boulevard and North Conduit Avenue

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EFFECTIVE DATE: This local law shall take effect immediately upon its enactment into law.

FISCAL YEAR IN, WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2011

FISCAL IMPACT STATEMENT:

	Effective FY11	FY Succeeding Effective FY12	Full Fiscal Impact FY11
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	(\$9,200)	\$0	(\$9,200)
Net	(\$9,200)	\$0	(\$9,200)

IMPACT ON REVENUES: There would be no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: This legislation would require approximately 32 signs at \$37.50 each and an additional \$8,000 for the installation of these signs. The total cost of enacting this legislation would be approximately \$9,200.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Nathan Toth, Deputy Director
Chima Obichere, Unit Head

HISTORY: This legislation was introduced by Council and referred to the Committee on Parks and Recreation on February 1, 2012. A hearing was held and the legislation was laid over by the Committee on February 10, 2012. Intro. 761 has been amended, and the amended version, Proposed Intro. 761-A, will be considered by the Committee on February 28, 2012.

Fiscal Impact Schedule

New Name	Number of Signs	Cost	Installation (street signs only)	Total Cost
Dra. Evelina Antonetty Way	1	37.5	250	287.5
Lenny Kobren Circle	1	37.5	250	287.5
Ozzie Brown Triangle	1	37.5	250	287.5
Dr. Michael Lancelot Marciano Way	1	37.5	250	287.5
Detective Kevin Czartoryski Place	1	37.5	250	287.5
Cheyenne Baez Way	1	37.5	250	287.5

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Rev. John B. Elliott Way	1	37.5	250	287.5
Jim Buckley Way	1	37.5	250	287.5
Meg Charlop Way	1	37.5	250	287.5
The Chords-Hit Record "Sh-Boom" 1954	1	37.5	250	287.5
Frank Griffin Way	1	37.5	250	287.5
Joe "The Great" Rollino Corner	1	37.5	250	287.5
Raoul Wallenberg Way	1	37.5	250	287.5
Lt. Peter J. Farrenkopf Place	1	37.5	250	287.5
Reginald Nero's Way	1	37.5	250	287.5
First United Methodist Church Way	1	37.5	250	287.5
Police Officer Eric Hernandez Memorial Corner	1	37.5	250	287.5
Thomas X. Winberry Way	1	37.5	250	287.5
Julian Brennan Way	1	37.5	250	287.5
John Davenport Way	1	37.5	250	287.5
Alain Schabarger Way	1	37.5	250	287.5
Sgt. Nicholas Aleman Way	1	37.5	250	287.5
Miriam Friedlander Way	1	37.5	250	287.5
Officer Glen Pettit Corner	1	37.5	250	287.5
Jonathan M. Aciermo Way	1	37.5	250	287.5
Manolo Tavarez Justo Way	1	37.5	250	287.5
Joseph Mandarino Way	1	37.5	250	287.5
Det. Raymond "Pally" Taylor Way	1	37.5	250	287.5
Peggy Braverman Way	1	37.5	250	287.5
Bishop Moses Taylor Way	1	37.5	250	287.5
Charles C. Pinn Triangle	1	37.5	250	287.5
Shirley N. Moore Street	1	37.5	250	287.5
TOTAL	32	\$1,200	\$8,000	\$9,200

Proposed Intro. 761-A

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Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 761-A:)

Int. No. 761-A

By Council Members Arroyo, Barron, Cabrera, Comrie, Crowley, Dickens, Dilan, Fidler, Foster, Gentile, Greenfield, Halloran, James, Koo, Koppell, Koslowitz, Lander, Levin, Mendez, Oddo, Rodriguez, Rose, Vacca, Van Bramer, Vann, Wills, Gonzalez, Williams, Jackson and Gennaro.

A Local Law in relation to the naming of 32 thoroughfares and public places, Dra. Evelina Antonetty Way, Borough of the Bronx, Lenny Kobren Circle, Borough of Brooklyn, Ozzie Brown Triangle, Borough of the Bronx, Dr. Michael Lancelot Marciano Way, Borough of the Bronx, Detective Kevin Czartoryski Place, Borough of Queens, Cheyenne Baez Way, Borough of Manhattan, Rev. John B. Elliott Way, Borough of Brooklyn, Jim Buckley Way, Borough of Brooklyn, Meg Charlop Way, Borough of the Bronx, The Chords-Hit Record "Sh-Boom" 1954, Borough of the Bronx, Frank Griffin Way, Borough of Brooklyn, Joe "The Great" Rollino Corner, Borough of Brooklyn, Raoul Wallenberg Way, Borough of Brooklyn, Lt. Peter J. Farrenkopf Place, Borough of Queens, Reginald Nero's Way, Borough of Brooklyn, First United Methodist Church Way, Borough of Queens, Police Officer Eric Hernandez Memorial Corner, Borough of the Bronx, Thomas X. Winberry Way, Borough of Queens, Julian Brennan Way, Borough of Brooklyn, John Davenport Way, Borough of Brooklyn, Alain Schabarger Way, Borough of Brooklyn, Sgt. Nicholas Aleman Way, Borough of Brooklyn, Miriam Friedlander Way, Borough of Manhattan, Officer Glen Pettit Corner, Borough of Manhattan, Jonathan M. Aciermo Way, Borough of Staten Island, Manolo Tavarez Justo Way, Borough of Manhattan, Joseph Mandarino Way, Borough of Staten Island, Det. Raymond "Pally" Taylor Way, Borough of Staten Island, Peggy Braverman Way, Borough of the Bronx, Bishop Moses Taylor Way, Borough of Queens, Charles C. Pinn Triangle, Borough of Brooklyn, Shirley N. Moore Street, Borough of Queens and the repeal of sections 27 and 52 of local law number 47 for the year 2011 and section 22 of local law number 3 for the year 2011.

Be it enacted by the Council as follows:

Section 1. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Dra. Evelina Antonetty Way	None	At the southwest corner of East 156 th Street and

	Prospect Avenue
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§2. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Lenny Kobren Circle	East 94 th Street	Between Linden Boulevard and Church Avenue

§3. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Ozzie Brown Triangle	None	At the intersection of Sedgwick Avenue and Fordham Road

§4. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Dr. Michael Lancelot Marcano Way	None	At the intersection of 188 th Street and Fordham Road

§5. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Detective Kevin Czartoryski Place	59 th Road	Between 60 th Street and 60 th Lane

§6. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Cheyenne Baez Way	West side of Lexington Avenue	Between 127 th Street and 128 th Street

§7. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Rev. John B. Elliott Way	Schaefer Street	Between Broadway and Bushwick Avenue

§8. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Jim Buckley Way	Avenue S	Between Nostrand Avenue and East 29 th Street

§9. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Meg Charlop Way	Fulton Avenue	Between East 166 th Street and East 167 th Street

§10. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
The Chords-Hit Record "Sh-Boom" 1954	Jennings Street	Between Prospect Avenue and Union Avenue

§11. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits

Frank Griffin Way	None	At the intersection of 88 th Street and Third Avenue
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§12. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Joe 'The Great' Rollino Corner	None	At the intersection of Bay Ridge Parkway and 14 th Avenue

§13. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Raoul Wallenberg Way	13 th Avenue	Between 36 th Street and 60 th Street

§14. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Lt. Peter J. Farrenkopf Place	207 th Street	Between 23 rd Avenue and 26 th Avenue

§15. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Reginald Nero's Way	McKeever Place	Between Montgomery Street and Empire Boulevard

§16. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
First United Methodist Church Way	None	At the northwest corner of 149 th Street and Roosevelt Avenue

§17. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Police Officer Eric Hernandez Memorial Corner	None	At the southwest corner of East Mosholu Parkway North and Webster Avenue

§18. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Thomas X. Winberry Way	None	At the intersection of Metropolitan Avenue and Ascan Avenue

§19. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Julian Brennan Way	Prospect Park West	Between 14 th Street and the circle on the southwest corner of Prospect Park

§20. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
John Davenport Way	17 th Street	Between 10 th Avenue and Prospect Park

§21. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Alain Schaberger Way	Gold Street	Between Tillary Street and Tech Place

§22. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Sgt. Nicholas Aleman Way	Manhattan Avenue	Between Java Street and Green Street

§23. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Miriam Friedlander Way	East 6 th Street	Between 1 st Avenue and 2 nd Avenue

§24. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Officer Glen Pettit Corner	None	At the northwest corner of East 21 st Street and 2 nd Avenue

§25. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Jonathan M. Acierno Way	None	At the intersection of Overlook Terrace and Windemere Road

§26. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Manolo Tavarez Justo Way	West 181 st Street	Between Amsterdam Avenue and Broadway

§27. The following intersection, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Joseph Mandarino Way	None	On the southeast corner of Ausable Avenue and Conyngham Avenue

§28. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Det. Raymond "Pally" Taylor Way	None	At the northwest corner of Forest Avenue and Pelton Avenue

§29. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Peggy Braverman Way	None	At the intersection of Matthews Avenue and Astor Avenue

§30. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Bishop Moses Taylor Way	None	Between 40 th Avenue and 12 th Street

§31. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Charles C. Pinn Triangle	None	The Lewis Avenue Triangle at Fulton Street and the Green Street space located at Fulton Street and Lewis Avenue

§32. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Shirley N. Moore Street	150 th Street	Between Rockaway Boulevard and North Conduit Avenue

§33. Sections 27 and 52 of local law number 47 for the year

2011 are hereby REPEALED.

§34. Section 22 of local law number 3 for the year 2011 is hereby REPEALED.

§35. This local law shall take effect immediately.

MELISSAMARK-VIVERITO, Chairperson; JAMES VACCA, ELIZABETH S.CROWLEY, JULISSA FERRERAS, DANIEL DROMM, JAMES G. VAN BRAMER. Committee on Parks and Recreation, February 28, 2012.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Reports of the Committee on Rules, Privileges and Elections

Report for M-741

Report of the Committee on Rules, Privileges and Elections approving the appointment of ERIKA THOMAS-YUILLE as a member of the New York City Conflicts of Interest Board.

The Committee on Rules, Privileges and Elections, to which the annexed resolution was referred on February 1, 2012 (Minutes, page 216), respectfully

REPORTS:

Topic I: New York City Conflicts of Interest Board — (Mayoral Candidate for appointment upon advice and consent of the Council)

• Erika Thomas-Yuille [M-741]

The New York City Conflicts of Interest Board ("COIB"), which is mandated to meet at least once per month, primarily serves to provide clear guidance to public employees regarding prohibited conduct through training, education, and the issuance of advisory opinions. COIB is required to publish an index of its opinions and an annual report. COIB's mandate covers Council as well as mayoral agency employees. COIB also collects and reviews financial disclosure reports. [New York City Charter ("Charter") §§ 2602 and 2603.] COIB promulgates rules as necessary to implement and interpret the provisions of Chapter 68 of the Charter ("*Conflicts of Interest Code*" or the "*Code*"), consistent with the goal of providing clear guidance regarding prohibited conduct. [Charter § 2603(a).] COIB is authorized to hear and decide violations of the Code. Additionally, COIB is empowered to impose fines of up to \$10,000 and recommend suspensions or removals from City employment in appropriate cases.

COIB members are chosen for their independence, integrity, civic commitment and high ethical standards. Members are prohibited from holding public office, seeking election to any public office, being a public employee in any jurisdiction, holding political party office, or appearing as a lobbyist before the city. [Charter § 2602(b).]

COIB consists of five members who are appointed by the Mayor with the advice and consent of the City Council. The term of office for COIB members is six years. The Council must act on mayoral nominations to COIB within forty-five days of submission. [Charter § 2602(c).] If the Council fails to act within forty-five days of

receipt of such nomination from the Mayor, the nomination is deemed to be confirmed. [Charter § 2602(c).] If the Mayor does not submit a nomination for appointment of a successor to the Council at least sixty days prior to the expiration of the term of the member whose term is expiring, the term of the member in office is extended for an additional year and the term of the eventual successor to such member is shortened by an equal amount of time. COIB members are prohibited from serving more than two consecutive six-year terms. [Charter § 2602(c).] Two members of COIB constitute a quorum and all acts of COIB must be by the affirmative vote of at least two members. [Charter § 2602 (h).]

Members of COIB serve until their successors have been confirmed. Any vacancy occurring other than by expiration of term is filled by nomination by the Mayor, made to the Council within sixty days of the creation of the vacancy, for the unexpired portion of the term of the member succeeded. If the Council fails to act within forty-five days of receipt of such nomination from the Mayor, the nomination is deemed to be confirmed. [Charter § 2602(e).]

COIB members may be removed by the Mayor for substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office or violation of the COIB section of the *Charter*, after written notice and an opportunity for a reply. [Charter § 2602(f).]

Pursuant to the Charter, COIB is authorized to appoint a Counsel to serve at its pleasure and to employ or retain other such officers, employees and consultants as are necessary to exercise its powers and fulfill its obligations. The authority of the Counsel may be defined in writing, provided that neither the

Counsel, nor any other officer, employee or consultant of COIB, shall be authorized to issue advisory opinions, promulgate rules, issue subpoenas, issue final determinations concerning violations of Chapter 68 of the *Charter*, or recommend or impose penalties. Also, COIB may, and has, delegated its authority to issue advisory opinions under *Charter* § 2604(e) to its Chair. [Charter § 2602(g), and as per COIB's Executive Director.²]

By statute, members are entitled to receive per diem compensation for each calendar day when performing the work of COIB. According to COIB's Deputy Executive Director, the rate for members is \$250 per diem, and the rate for the Chair is \$275 per diem.

If appointed, Mrs. Thomas-Yuille, a Manhattan resident, will be eligible to serve the remainder of a six-year term that expires on March 31, 2016. Copies of Mrs. Thomas-Yuille's resume and report/resolution are annexed to this briefing paper.

Topic II: New York City Environmental Control Board — (Mayoral Candidate for appointment upon advice and consent of the Council)

• Thomas D. Shpetner [Preconsidered-M]

Within the New York City Office of Administrative Trials and Hearings ("OATH") there is an Environmental Control Board ("ECB") that adjudicates notices of violation issued by various city agencies including the Departments of Environmental Protection, Police, Sanitation, Health and Mental Hygiene, Fire and Buildings. ECB has the power to render decisions and orders and to impose civil penalties under law provided for such violations. ECB may apply to a court of competent jurisdiction for enforcement of any decision, order or subpoena that it issues. ECB's responsibilities and structure are outlined in *New York City Charter* section 1049-a.

Among the provisions of law enforced by ECB are those relating to the cleanliness of city streets; the disposal of wastes; the provision of a pure, wholesome and adequate supply of water; the prevention of air, water and noise pollution; the regulation of street peddling; and the city response to emergencies caused by releases or threatened releases of hazardous substances. ECB has the authority to make, amend or rescind such rules and regulations to carry out its duties. Also, ECB has concurrent jurisdiction with the Board of Health to enforce those provisions of the health code and the rules and regulations relating thereto that the Board of Health shall designate. [Charter § 1049-a.]

ECB consists of the Commissioners of the Departments of Environmental Protection, Sanitation, Health and Mental Hygiene, Buildings, Police, Fire and the Chief Administrative Law Judge of OATH, as well as six persons appointed by the Mayor with the advice and consent of the Council. The Chief Administrative Judge of OATH serves as Chair of ECB. Within its appropriation, ECB may appoint an Executive Director and such hearing officers, including non-salaried hearing officers and other employees as it finds necessary, to properly perform its duties. [Charter § 1049-a.]

Members other than agency Commissioners may not be employed by the City. Five of the six non-Commission members must possess broad general background and experience, one in each of the following areas: air pollution control, water pollution control, noise pollution control, real estate, or the business community. The sixth non-Commission member represents the general public. Members other than the agency Commissioners are compensated and receive a \$175.10 per diem when performing the work of ECB. Member terms are for four years. [Charter § 1049-a.]

If appointed, Mr. Shpetner, a resident of Brooklyn, will serve the remainder of a four-year term that will expire on November 24, 2013. A copy of Mr. Shpetner's resume and report/resolution is annexed to this Briefing paper.

Topic III: New York City Civilian Complaint Review Board — (Candidate for re-designation by the Council)

• Mitchell G. Taylor [Preconsidered-M]

New York City Charter ("Charter") § 440 created the New York City Civilian Complaint Review Board ("CCRB" or "the Board") as an entity independent of the New York City Police Department ("NYPD"). Its purpose is to investigate complaints concerning misconduct by officers of NYPD towards members of the public. The Board's membership must reflect the City's diverse population, and all members must be residents of the City.

The CCRB consists of a board of thirteen members of the public as well as a civilian staff to assist the CCRB exercising its powers and fulfilling its duties. The members are appointed by the Mayor as follows: five members, one from each borough are designated by the City Council; five members, including the chair, are selected by the Mayor; and three members having law enforcement experience are designated by the Police Commissioner. Only those appointees to CCRB designated by the Police Commissioner may have law enforcement experience. Experience as an attorney in a prosecutorial agency is not deemed law enforcement experience for purposes of this definition. The CCRB hires the Executive Director, who in turn hires and supervises the agency's all-civilian staff. There are two Deputy Executive Directors: one is responsible for administration and the other for investigations. [Charter § 440(b)(1)(2).]

All appointees to CCRB serve three-year terms. Vacancies on the CCRB resulting from removal, death, resignation, or otherwise, are filled in the same manner as the original appointment; the successor completes the former member's unexpired term. [Charter § 440(b)(4).] Board members are prohibited from holding any other public office or public employment. [Charter § 440(b)(2).] All CCRB members are eligible for compensation for their work on a per diem basis. The current per diem rate is \$315.

The CCRB is authorized to "receive, investigate, hear, make findings and recommend action" upon civilian complaints of misconduct by members of the NYPD towards the public. Complaints within the CCRB's jurisdiction are those that allege excessive force, abuse of authority, discourtesy, or use of offensive language, including but not limited to slurs relating to race, ethnicity, religion, gender, sexual orientation or disability. [Charter § 440(c)(1).]

The CCRB has promulgated procedural rules pursuant to the City's Administrative Procedural Act ("CAPA"). These rules regulate the way in which investigations are conducted, recommendations are made, and members of the public are informed of the status of their complaints. The rules also outline the establishment of panels consisting of at least three Board members (no panel may consist exclusively of Mayoral appointees, Council appointees or Police Commissioner appointees); these panels may supervise the investigation of complaints and to hear, make findings and recommend action with respect to such complaints. The CCRB, by majority vote of all its members, may compel the attendance of witnesses and require the production of such records and other materials as are necessary for the investigation of complaints. [Charter § 440(c)(2).]

The CCRB's findings and recommendations with respect to a complaint, and the basis therefore, must be submitted to the Police Commissioner. In all such cases where a finding or recommendation has been submitted, the Police Commissioner is required to report to the CCRB on any action taken with respect to that complaint. The law prohibits the CCRB from making any finding or recommendation solely on the basis of an unworn complaint or statement. In addition, the law prohibits the CCRB from using prior complaints against a member of the NYPD that have been unsubstantiated, unfounded or withdrawn as the basis for any finding or recommendation regarding a current complaint. [Charter § 440(c)(1).]

It should also be noted that the CCRB has established a voluntary mediation program in which a complainant may choose to resolve his or her complaint through informal conciliation. Both the alleged victim and the subject officer must voluntarily agree to mediation. Mediation is offered as an alternative to investigation to resolve certain types of complaints, none of which can involve physical injury or damage to property. If the mediation is not successful, the alleged victim has the right to request that the case be fully investigated. [Charter § 440(c)(4).]

Also, the CCRB is required to issue to the Mayor and to the City Council a semi-annual report describing its activities and summarizing its actions, and is also mandated to develop and administer an on-going program to educate the public about CCRB. [Charter § 440(c)(6).]

If re-designated by the Council and subsequently re-appointed by the Mayor, Bishop Taylor, a resident of Queens, will serve the remainder of a three-year term that will expire on July 4, 2014. A copy of Bishop Taylor's resume and report/resolution is annexed to this Briefing paper.

¹ At present, COIB's members include: Steven B. Rosenfeld (Chair), Angela Mariana Freyre, Andrew Irving, Kevin B. Frawley, and Monica Blum.

² Mark Davies currently serves as the COIB's Deputy Executive Director.

Pursuant to § 2602 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of ERIKA THOMAS-YUILLE as a member of the New York City Conflicts of Interest Board to serve for the remainder of a six-year term that expires on March 31, 2016.

The matter was referred to the Committee on February 1, 2012.

(After interviewing the candidates and reviewing the relevant material, the Committee decided to approve the appointment of the nominees; for nominees Thomas P. Shuptner [Preconsidered M-741] and Mitchell G. Taylor [Preconsidered M-768], please see the Report of the Committee on Rules, Privileges and Elections for M-748 & Res 1241 and M-768 & Res 1242, respectively; for nominee Erika Thomas-Voille, please see immediately below:)

In connection herewith, Council Member Rivera offered the following resolution:

Res. No. 1240

Resolution approving the appointment by the mayor of Erika Thomas-Yuille as a member of the New York City Conflicts of Interest Board.

By Council Member Rivera

RESOLVED, that pursuant to § 2602 of the *New York City Charter*, the Committee on Rules, Privileges and Elections hereby approves the appointment by the Mayor of ERIKA THOMAS-YUILLE as a member of the New York City Conflicts of Interest Board for the remainder of a six-year term, which will expire on March 31, 2016.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., ERIK MARTIN-DILAN, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, JAMES VACCA, ELIZABETH S. CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN; Committee on Rules, Privileges and Elections, February 29, 2012.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Rules, Privileges and Elections and had been favorably reported for adoption.

Report for Preconsidered M 748

Report of the Committee on Rules, Privileges and Elections approving the appointment by the Mayor of THOMAS D. SHPETNER as a member of the New York City Environmental Control Board.

The Committee on Rules, Privileges and Elections, to which the annexed resolution was referred on February 29, 2012, respectfully

REPORTS:

(For text of Briefing Paper, please see the Report of the Committee on Rules, Privileges, and Elections for M-741 printed in these Minutes)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to §§ 31 and 1049-a of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of THOMAS D. SHPETNER as a member of the New York City Environmental Control Board to serve for the remainder of a four-year term expiring on November 24, 2013.

The matter was referred to the Committee on February 29, 2012.

In connection herewith, Council Member Rivera offered the following resolution:

Res. No. 1241

Resolution approving the appointment by the Mayor of Thomas D. Shpetner as a member of the New York City Environmental Control Board.

By Council Member Rivera

RESOLVED, that pursuant to §§ 31 and 1049-a of the *New York City Charter*, the Council does hereby approve the appointment by the Mayor of THOMAS D. SHPETNER as a member of the New York City Civil Environmental Control Board for the remainder of a four-year term expiring on November 24, 2013.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., ERIK MARTIN-DILAN, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, JAMES VACCA, ELIZABETH S. CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN; Committee on Rules, Privileges and Elections, February 29, 2012.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Rules, Privileges and Elections and had been favorably reported for adoption.

Report for Preconsidered M 768

Report of the Committee on Rules, Privileges and Elections approving the re-designation of BISHOP MITCHELL G. TAYLOR as a member of the New York City Civilian Complaint. No. Review Board.

The Committee on Rules, Privileges and Elections, to which the annexed resolution was referred on February 29, 2012, respectfully

REPORTS:

(For text of Briefing Paper, please see the Report of the Committee on Rules, Privileges, and Elections for M-741 printed in these Minutes)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to § 440(b)(1) of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the re-designation by the Council of BISHOP MITCHELL G. TAYLOR as a member of the New York City Civilian Complaint No. Review Board to serve for the remainder of a three-year term that expires on July 4, 2014.

This matter was referred to the Committee on February 29, 2012.

In connection herewith, Council Member Rivera offered the following resolution:

Res. No. 1242

Resolution approving the re-designation by the Council of Bishop Mitchell G. Taylor as a member of the New York City Civilian Complaint. No. Review Board.

By Council Member Rivera

RESOLVED, that pursuant to § 440(b)(1) of the *New York City Charter*, the Council does hereby approve the re-designation of BISHOP MITCHELL G. TAYLOR as a member of the New York City Civilian Complaint Review Board to serve for the remainder of a three-year term that expires on July 4, 2014.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., ERIK MARTIN-DILAN, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, JAMES VACCA, ELIZABETH S. CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN; Committee on Rules, Privileges and Elections, February 29, 2012.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report of the Committee on Technology

Report for Int. No. 29-A

Report of the Committee on Technology in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to publishing open data.

The Committee on Technology, to which the annexed amended proposed local law was referred on February 11, 2010 (Minutes, page 296), respectfully

REPORTS:

1. INTRODUCTION

On Tuesday, February 28, the Committee on Technology, chaired by Council Member Fernando Cabrera will hold a hearing on Int. No. 29. Int. No. 29 creates an open data policy for the City of New York.

2. OPEN GOVERNMENT DATA

“Open government data” is the concept that data generated by public sector entities that is legally accessible should be available to the public electronically via the Internet in “open raw formats.”¹⁸ “Open,” refers to the use of non-proprietary software or systems used to encode the data. For example, XML (extensible markup language) is a non-proprietary language used to aid information systems in sharing structured data, especially via the Internet.¹⁹ XML is available to anyone, and information that is stored in an XML format may be accessed by anyone. “Raw,” refers to data that has not been processed. For example, the demographic data collected by the United States Census Bureau would be raw, but the reports generated by the United States Census Bureau analyzing such data would be, by comparison “cooked.”

Adopting open government data standards would promote inclusion of more individuals into the governmental process by making access to information easy and affordable; it would promote transparency and accountability by providing data in its raw form, enabling members of the public to perform their own data analysis and draw their own conclusions; and it permits deeper and more varied analysis of government data by enabling two or more data sets to be integrated together (commonly known as a “mashup”), often by aggregating data and displaying the information visually on a map. For example, housingmaps.com is a mashup that integrates GoogleMaps with housing listings obtained from Craigslist to visually represent the available housing in a city within a user selected price range.

The ingenuity of the public to create data mashups is limited only by the availability of useful data. In November 2008, the District of Columbia Chief Technology Officer (CTO) announced the Applications for Democracy program whereby private citizens compete for \$50,000 in total prize money by creating mashups that utilize any of the 200 data feeds available through the office of the CTO website.²⁰ Within thirty days, the Office of the CTO received 47 completed applications valued at \$2,300,000.²¹ Applications included a carpool matchmaker and a real time alert notification that would send alerts (crime reports, building permits, etc.) based on a user’s location if they have a GPS-enabled device.

On June 29, 2009, the NYC Economic Development Corporation and the Department of Information Technology and Telecommunication announced the NYC BigApps Competition, modeled on the Applications for Democracy program in Washington, DC.²² To use in the competition, the City created NYC Data Mine, an online repository of over 80 public data sets from 32 agencies. The competition received 85 eligible applications by December 15, 2009, and on February 4, 2010, \$20,000 in prizes were awarded to thirteen different categories. The NYC Big Apps Competition is currently in its third round, offering \$50,000 in total prizes, and has so far received 96 submissions.

On December 8, 2007, a group of 30 open government advocates developed eight principles that define open government data.²³ While these principles are not binding, they are instructive. They are as follows:

1. Complete – All public data is made available. Public data is data that is not subject to valid privacy, security or privilege limitations.
2. Primary – Data is as collected at the source, with the highest possible level of granularity, not in aggregate or modified forms.
3. Timely – Data is made available as quickly as necessary to preserve the value of the data.
4. Accessible – Data is available to the widest range of users for the widest range of purposes.
5. Machine processable – Data is reasonably structured to allow automated processing.

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¹⁸ Improving Access to Government through Better Use of the Web, W3C, 10 March 2009.

¹⁹ Extensible Markup Language (XML) 1.0 (Fourth Edition), W3C, 16 August 2006, edited 29 September 2006.

²⁰ 47 Applications in 30 Days for \$50K, Government Technology, November 13, 2008.

²¹ <http://www.appsfordemocracy.org/>

²² Mayor Bloomberg Announces Five Technology Initiatives to Accessibility, Transparency, and Accountability across City Government. Press Release June 29, 2009.

²³ http://resource.org/8_principles.html

6. Non-discriminatory – Data is available to anyone, with no requirement of registration.
7. Non-proprietary – Data is available in a format over which no entity has exclusive control.
8. License-free – Data is not subject to any copyright, patent, trademark or trade secret regulation. Reasonable privacy, security and privilege restrictions may be allowed.

The City of New York currently makes an enormous amount of public data available on NYC.gov, including the Building Information System (BIS) operated by the Department of Buildings; the Automated City Register Information System (ACRIS) operated by the Department of Finance; NYC Stat, operated by the Mayor’s Office of Operations, which consolidates information from the Citywide Performance Report (CPR), neighborhood statistics, and the American Recovery and Reinvestment Act of 2009 (ARRA); and NYC Data Mine, which is the repository for the data sets made available for the NYC BigApps contest.²⁴ Unfortunately, much of this data is available only in proprietary and/or visual formats, and not all of it is raw data. Some of the more extensive databases, such as the Building Information System (BIS), specifically forbid automated machine processing. Combined, these factors limit the usefulness of the data currently provided by the City.

3. PROPOSED INT. NO. 29-A

Section 1 of Proposed Int. No. 29-A sets forth the legislative findings and intent of the City Council.

Section 2 of the bill amends Title 23 of the Administrative Code of the City of New York by adding a new Chapter 5, titled “Accessibility to Public Data Sets.”

Section 23-501 defines the terms “agency,” “data,” “department,” “determination,” “measurement,” “open standard,” “public data set,” “technical standard,” “transaction,” and “voluntary consensus standards bodies.”

Section 23-502 requires that, within one year of the effective date of the Chapter created by this bill and thereafter, the public data sets that agencies make available on the Internet shall be accessible through a single web portal in accordance with open data standards promulgated by the Department of Information Technology and Telecommunication (DoITT). Such data shall be updated as often as is necessary to preserve the integrity and usefulness of the data, and the website shall make use of the appropriate technology to notify the public of all updates.

These public data sets shall be made available without any registration requirement, license requirement or restrictions on their use, and shall be presented and structured in a format that is accessible to external search engines and permits automated processing.

Section 23-503 allows DoITT to take reasonable measures to maintain bandwidth availability of the web portal and requires them to solicit feedback from the public on open data policies and public data set availability.

Section 23-504 sets out the open data legal policy of the City. The City does not warranty the completeness, accuracy, content or fitness for any particular purpose or use of any public data set, nor is the City liable for deficiencies in the completeness, accuracy, content or fitness for any particular purpose or use of any public data set. The Chapter created by this bill shall not be construed to create a private right of action, nor shall failure to comply result in liability for an agency.

Section 23-505 requires DoITT to prepare and publish a technical standards manual for the publishing of public data sets in raw or unprocessed form utilizing open standards. The manual shall identify the reasons why each standard was selected and for which types of data it is applicable. DoITT is also required to consult with voluntary consensus standards bodies, such as the World Wide Web Consortium, and to participate with such bodies when such participation is feasible and in the public interest.

Section 23-506 requires DoITT to submit a compliance plan to the Mayor and the Council within eighteen months of the effective date of the Chapter created by this bill and to post such plan on the web portal. Each agency shall cooperate with DoITT in the preparation of this plan. The plan shall include a summary description of all public data sets under the control of each agency, prioritize those data sets and create a timeline for their inclusion on the web portal before the end of 2018. If a data set cannot be made available within that time, the agency that owns the data shall state the reasons why, and the date which they believe it will be made available.

No later than July 15, 2014 and every year thereafter until all data covered by this bill is available online in an open format, DoITT shall submit an update to the compliance plan to the Mayor and the Council and shall post such update to the web portal.

Section 3 of this bill states that the bill becomes effective immediately upon enactment.

4. AMENDMENTS TO PROPOSED INT. NO. 29-A

- A section on legislative findings and intent was added.
- Definition for the term “agency” was changed to remove references to authorities and corporations. Definitions for other terms were changed to improve clarity.
- Definition for the term “open standards” was added.
- Definitions for “consensus,” “data set,” “voluntary consensus standard,” and “web application programming interface,” were removed.

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²⁴ <http://www.nyc.gov/>

- A provision was added requiring that all public data that an agency makes available on the Internet after one year must conform to open data standards.
- A provision was added that allows DoITT to require third party providers of City data to identify the source of their data and how they have modified it.
- A provision was added requiring an online feedback mechanism to allow the public to discuss open data policy and to suggest data sets for inclusion on the data web portal. Agencies shall consider such feedback when they prioritize the release of their data sets.
- A provision was added permitting DoITT to take reasonable precautions to protect the integrity of the data web portal.
- An open data legal policy was added.
- The Internet data set policy and technical standards were consolidated into a single report which shall include a plan to adopt or utilize a web application programming interface.
- The categorization of agency data into “immediate,” “priority,” and “legacy” for the purpose of applicability of the standards of this bill. Agencies must now cooperate with DoITT to catalogue their public data and create a timeline for its inclusion on the data web portal in a compliance plan that will be submitted to the Mayor, the Council and made available online.
- A provision was added requiring an annual update to the compliance plan.
- Dates referenced in the bill were removed or changed.

(The following is the Fiscal Impact Statement for Int. No. 29-A:)



THE COUNCIL OF THE CITY OF NEW YORK
 FINANCE DIVISION
 PRESTON NIBLACK, DIRECTOR
 FISCAL IMPACT STATEMENT
 PROPOSED INTRO. NO.29-A
 COMMITTEE: Technology

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to creating open data standards.

SPONSORS: By Council Members Brewer, Fidler, Gentile, Gonzalez, James, Lander, Palma, Nelson, Lappin, Dromm, Garodnick and Reyna

SUMMARY OF LEGISLATION: Proposed Int 29-A creates an open data policy for the City of New York. Open data means that the data generated by the government should be available to the public to the greatest extent possible over the Internet without license or registration and in a format that permits everyone to access and analyze it.

Within six months of enactment, the Department of Information Technology and Telecommunication (DoITT) is required to promulgate open data standards. Twelve months after enactment and thereafter, all public data that City agencies make available on the Internet shall be consolidated onto one centralized website in open data formats.

Within eighteen months of enactment, DoITT must submit a compliance plan that catalogs all of the City’s public data sets and set a timeline for when those sets will be made available on the centralized website in open data formats on or before December 31, 2018. If a particular data set cannot be made available on the centralized website within that time frame, the plan has to identify the data set, the reason why it cannot be made available, and, to the extent practicable, when it will be made available.

This bill requires annual reports detailing the progress of its implementation.

EFFECTIVE DATE: This local law shall take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:

FISCAL IMPACT STATEMENT:

	Effective FY12	FY Succeeding Effective FY13	Full Fiscal Impact FY13
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	*\$1,200,000	*\$1,200,000
Net	\$0	\$1,200,000	\$1,200,000

IMPACT ON REVENUES: There would be no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: *According to The Department of Information, Technology and Telecommunications (DoITT) the fiscal impact for Phase I (unlocking all currently publicly available data sets, and centralizing them on a single website) to be approximately \$1.2 million which would fund 2 full-time positions, 4 part-time positions and the cost of related software. The fiscal impact of Phase II, whereby additional data sets are made available before 2019, is difficult to quantify at this time due to the bill’s wide-ranging impact across City agencies, and timeline for implementation and compliance. Data relative to the fiscal impact of Phase II will be provided to the Council once known.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: Department of Information, Technology and Telecommunications (DoITT)

ESTIMATE PREPARED BY: John Russell, Senior Legislative Financial Analyst

Latonia Mckinney, Deputy Director

HISTORY: This legislation was introduced to the full Council on February 11, 2010 as Int. 29 and referred to the Committee on Technology. On June 21, 2010, a Committee hearing was held regarding this legislation and the bill was laid over. An amended version of the legislation, Proposed Intro. 29-A, will be considered by the Committee on February 28, 2012.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 29-A:)

Int. No. 29-A

By Council Members Brewer, Fidler, Gentile, Gonzalez, James, Lander, Palma, Nelson, Lappin, Dromm, Garodnick, Reyna, Mealy, Vann, Jackson, Levin, Cabrera, Gennaro, Williams, Van Bramer, Rodriguez, Halloran, and the Public Advocate (Mr. deBlasio).

A Local Law to amend the administrative code of the city of New York, in relation to publishing open data.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. The council hereby finds and declares that it is in the best interest of New York city that its agencies and departments make their data available online using open standards. Making city data available online using open standards will make the operation of city government more transparent, effective and accountable to the public. It will streamline intra-governmental and inter-governmental communication and interoperability, permit the public to assist in identifying efficient solutions for government, promote innovative strategies for social progress, and create economic opportunities.

§ 2. Title 23 of the administrative code of the city of New York is amended by adding a new chapter 5 to read as follows:

- CHAPTER 5
- ACCESSIBILITY TO PUBLIC DATA SETS
- § 23-501 Definitions.
- § 23-502 Public data sets availability.
- § 23-503 Web portal administration.
- § 23-504 Open data legal policy.
- § 23-505 Internet data set policy and technical standards.
- § 23-506 Agency compliance plan.

§ 23-501 Definitions. As used in this chapter: a. “Agency” means an office, administration, department, division, bureau, board, commission, advisory committee or other governmental entity performing a governmental function of the city of New York.

b. "Data" means final versions of statistical or factual information (1) in alphanumeric form reflected in a list, table, graph, chart or other non-narrative form, that can be digitally transmitted or processed; and (2) regularly created or maintained by or on behalf of and owned by an agency that records a measurement, transaction, or determination related to the mission of an agency. Such term shall not include information provided to an agency by other governmental entities, nor shall it include image files, such as designs, drawings, maps, photos, or scanned copies of original documents, provided that it shall include statistical or factual information about such image files and shall include geographic information system data. Nothing in this chapter shall be deemed to prohibit an agency from voluntarily disclosing information not otherwise defined as "data" in this subdivision, nor shall it be deemed to prohibit an agency from making such voluntarily disclosed information accessible through the single web portal established pursuant to section 23-502.

c. "Department" means the department of information technology and telecommunications or any successor agency.

d. "Determination" means any final decision made by an agency with respect to a person, including, but not limited to: (1) eligibility for services or benefits; (2) issuing a permit; (3) registration, certification and licensing; and (4) liability for civil and criminal penalties.

e. "Measurement" means to quantify by means of comparison to a reference standard any characteristic of an observable event, occurrence or object.

f. "Open standard" means a technical standard developed and maintained by a voluntary consensus standards body that is available to the public without royalty or fee.

g. "Public data set" means a comprehensive collection of interrelated data that is available for inspection by the public in accordance with any provision of law and is maintained on a computer system by, or on behalf of, an agency. Such term shall not include:

(1) any portion of such data set to which an agency may deny access pursuant to the public officers law or any other provision of a federal or state law, rule or regulation or local law;

(2) any data set that contains a significant amount of data to which an agency may deny access pursuant to the public officers law or any other provision of a federal or state law, rule or regulation or local law and where removing such data would impose undue financial or administrative burden;

(3) data that reflects the internal deliberative process of an agency or agencies, including but not limited to negotiating positions, future procurements, or pending or reasonably anticipated legal or administrative proceedings;

(4) data stored on an agency-owned personal computing device, or data stored on a portion of a network that has been exclusively assigned to a single agency employee or a single agency owned or controlled computing device;

(5) materials subject to copyright, patent, trademark, confidentiality agreements or trade secret protection;

(6) proprietary applications, computer code, software, operating systems or similar materials; or

(7) employment records, internal employee-related directories or lists, and facilities data, information technology, internal service-desk and other data related to internal agency administration.

h. "Technical standard" means (1) the common and repeated use of rules, conditions, guidelines or characteristics for products or related processes and production methods, and related management systems practices; and (2) (i) the definition of terms; (ii) classification of components; (iii) delineation of procedures; (iv) specifications of dimensions, materials, performance, designs or operations; (v) measurement of quality and quantity in describing materials, processes, products, systems, services or practices; (vi) test methods and sampling procedures; or (vii) descriptions of fit and measurements of size or strength.

i. "Transaction" means any interaction between an agency and any person related to the mission of an agency.

j. "Voluntary consensus standards body" means a domestic or international organization that develops and maintains a technical standard that utilizes a transparent deliberative process, permits the participation of any party, and achieves general consensus, although not necessarily unanimity, of the participating parties, including a process for attempting to resolve any differences in viewpoint.

§ 23-502 Public data set availability. a. Within one year of the effective date of this chapter and thereafter, the public data sets that agencies make available on the Internet shall be accessible through a single web portal that is linked to nyc.gov or any successor website maintained by, or on behalf of, the city of New York. If an agency cannot make all such public data sets available on the single web portal pursuant to this subdivision, the agency shall report to the department and to the council which public data set or sets that it is unable to make available, the reasons why it cannot do so and the date by which the agency expects that such public data set or sets will be available on the single web portal.

b. Such public data sets shall be made available in accordance with technical standards published by the department pursuant to section 23-505 of this chapter and shall be in a format that permits automated processing and shall make use of appropriate technology to notify the public of all updates.

c. Such public data sets shall be updated as often as is necessary to preserve the integrity and usefulness of the data sets to the extent that the agency regularly maintains or updates the public data set.

d. Such public data sets shall be made available without any registration requirement, license requirement or restrictions on their use provided that the department may require a third party providing to the public any public data set, or

application utilizing such data set, to explicitly identify the source and version of the public data set, and a description of any modifications made to such public data set. Registration requirements, license requirements or restrictions as used in this section shall not include measures required to ensure access to public data sets, to protect the single web site housing public data sets from unlawful abuse or attempts to damage or impair use of the web site, or to analyze the types of data being used to improve service delivery.

e. Such public data sets shall be accessible to external search capabilities.

§ 23-503 Web portal administration. a. The department may take reasonable measures to maintain bandwidth availability of the web portal.

b. The department shall conspicuously publish the open data legal policy, as provided in section 23-504, on the web portal.

c. The department shall implement an on-line forum to solicit feedback from the public and to encourage public discussion on open data policies and public data set availability on the web portal.

d. Requests received via the on-line forum for inclusion of particular public data sets shall be considered by agencies in making determinations as to priority for public data set inclusion on the single web portal pursuant to paragraph 5 of subdivision b of section 23-506 of this chapter.

§ 23-504 Open data legal policy. a. Public data sets made available on the web portal are provided for informational purposes. The city does not warranty the completeness, accuracy, content or fitness for any particular purpose or use of any public data set made available on the web portal, nor are any such warranties to be implied or inferred with respect to the public data sets furnished therein.

b. The city is not liable for any deficiencies in the completeness, accuracy, content or fitness for any particular purpose or use of any public data set, or application utilizing such data set, provided by any third party.

c. This chapter shall not be construed to create a private right of action to enforce its provisions. Failure to comply with this chapter shall not result in liability to an agency.

§ 23-505 Internet data set policy and technical standards. a. Within one hundred eighty days of the effective date of this chapter, the department shall prepare and publish a technical standards manual for the publishing of public data sets in raw or unprocessed form through a single web portal by city agencies for the purpose of making public data available to the greatest number of users and for the greatest number of applications and shall, whenever practicable, use open standards for web publishing and e-government. Such manual shall identify the reasons why each technical standard was selected and for which types of data it is applicable and may recommend or require that data be published in more than one technical standard. The manual shall include a plan to adopt or utilize a web application programming interface that permits application programs to request and receive public data sets directly from the web portal. Such manual shall be updated by the department as necessary.

b. The department shall consult with voluntary consensus standards bodies and shall, when such participation is feasible, in the public interest and is compatible with agency and departmental missions, authorities and priorities, participate with such bodies in the development of technical and open standards.

§ 23-506 Agency compliance plan. a. Within eighteen months of the effective date of this chapter, the department shall submit a compliance plan to the mayor and the council and shall make such plan available to the public on the web portal. Each agency shall cooperate with the department in its preparation of such plan. The plan shall include a summary description of public data sets under the control of each agency on or after the effective date of this chapter, and shall prioritize such public data sets for inclusion on the single web portal on or before December 31, 2018 in accordance with the standards promulgated by the department pursuant to section 23-505 and shall create a timeline for their inclusion on the single web portal. If a public data set or sets cannot be made available on the single web portal on or before December 31, 2018, the plan shall state the reasons why such set or sets cannot be made available, and, to the extent practicable, the date by which the agency that owns the data believes that it will be available on the single web portal.

b. For purposes of prioritizing public data sets, agencies shall consider whether information embodied in the public data set: (1) can be used to increase agency accountability and responsiveness; (2) improves public knowledge of the agency and its operations; (3) furthers the mission of the agency; (4) creates economic opportunity; or (5) responds to a need or demand identified by public consultation.

c. No later than July fifteen, 2014 and every July fifteen thereafter, the department shall submit and post on the web portal an update of the compliance plan to the mayor and the council until all public data sets have been made available through a single web portal in compliance with this chapter. Such update shall include the specific measures undertaken to make public data sets available on the single web portal since the immediately preceding update, specific measures that will be undertaken prior to the next update, an update to the list of public data sets, if necessary, any changes to the prioritization of public data sets and an update to the timeline for the inclusion of data sets on the single web portal, if necessary. If a public data set cannot be made available on the single web portal on or before December 31, 2018, the update shall state the reasons why it cannot and, to the extent practicable, the date by which the agency believes that such public data set will be available on the single web portal.

§ 3. This local law shall take effect immediately.

FERNANDOCABRERA, Chairperson; GALE A. BREWER, LETITIA JAMES, MARK S.WEPRIN. Committee on Technology, February 28, 2012.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report of the Committee on Transportation

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Transportation and had been favorably reported for adoption.

Report for Int. No. 790

Report of the Committee on Transportation in favor of approving and adopting a Local Law to amend the administrative code of the city of New York, in relation to parking violations issued for the failure to display a muni-meter receipt.

The Committee on Transportation, to which the annexed proposed local law was referred on February 29, 2012, respectfully

REPORTS:

INTRODUCTION

On February 28, 2012, the Committee on Transportation, chaired by Council Member James Vacca, will hold a hearing on Preconsidered Int. No. 790, a Local Law to amend the Administrative Code of the City of New York, in relation to parking violations issued for the failure to display a muni-meter receipt. This legislation makes technical amendments as described below to Int. No. 301-A, which was passed by the City Council on February 1, 2012. This is the second hearing on this preconsidered bill. The first hearing was held February 15, 2012.

BACKGROUND

The Department of Transportation (“DOT”) is responsible for the condition of approximately 5,800 miles of streets, highways and approximately 790 bridges and other structures, including six tunnels. DOT is also responsible for installing street parking meters and currently there are approximately 63,000 parking meters in New York City.¹ In order to improve the operability of parking meters and to reduce vandalism against parking meters, DOT has initiated the process of installing multi-space parking meters, also known as muni-meters. Muni-meters are known to have fewer breakdowns and are less susceptible to vandalism and damage.² Since FY 2007 the percentage of parking spaces that have muni-meters has risen from 25.5 percent in FY 2007 to 42.3 percent in FY 2011.³

Preconsidered Int. No. 790 is intended to protect motorists who are issued parking tickets for inadvertently not displaying a muni-meter receipt. The bill would establish that showing a valid muni-meter receipt or other proof of payment of the metered fare is an affirmative defense to the charge of failing to display a muni-meter receipt.

ANALYSIS

Section 1 of Preconsidered Int. No. 790 would amend subdivision b of section 19-214 relating to parking violations issued for the failure to display a muni-meter receipt, as contained in Int. No. 301-A.

Subdivision a of section 19-214 would remain unchanged.

Subdivision b of the amended section 19-214 would make technical changes that do not alter the scope of the existing legislation. Subdivision b would provide that where a notice of violation is issued to an owner or operator for failing to display a muni-meter receipt, it is an affirmative defense that the owner or operator purchased parking time for the time the notice of violation was issued or up to five minutes thereafter, from a muni-meter dispensing timed receipts that are valid for use at the location the violation was issued. The bill would also provide that evidence of such purchase is a receipt valid for the time that the notice of violation was given or up to five minutes thereafter, or other evidence that such parking time was purchased, as determined by the hearing officer.

Section 2 of Preconsidered Int. No. 790 would provide that this local law take effect immediately, and be deemed to have been in effect at the time that the Local Law enacting Int. 301-A is made effective.

¹ “Preliminary Mayor’s Management Report” p. 63 (September, 2011)

² “Preliminary Mayor’s Management Report” p. 55 (February, 2010)

³ “Preliminary Mayor’s Management Report” p. 64 (September, 2011)

(The following is the Fiscal Impact Statement for Int. No. 790:)



THE COUNCIL OF THE CITY OF
NEW YORK
FINANCE DIVISION
PRESTON NIBLACK, DIRECTOR
FISCAL IMPACT STATEMENT

PRE-CONSIDERED INTRO.

COMMITTEE:
TRANSPORTATION

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to parking violations issued for the failure to display a muni-meter receipt. **SPONSORS:** Council Member Garodnick

SUMMARY OF LEGISLATION: This legislation would require that it shall be an affirmative defense of failing to display a muni-meter receipt that such owner or operator purchased parking time for the time such notice of violation was issued or up to five minutes thereafter from a muni-meter dispensing timed receipts valid for use at the location such notice of violation was issued. In addition, evidence of the affirmative defense shall be the presentation, in person or by mail, of a valid muni-meter receipt for the time such notice of violation was issued or for up to five minutes thereafter or other suitable evidence as determined by the hearing officer that such parking time was purchased.

EFFECTIVE DATE: This legislation would take effect immediately after its enactment into law and be deemed to have been in force and effect on and after the effective date of a local law for the year 2012 amending the administrative code of the city of New York relating to parking violations issued for the failure to display a muni-meter receipt, as proposed in introduction number 301-A.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2013.

FISCAL IMPACT STATEMENT:

	Effective FY12	FY Succeeding Effective FY13	Full Fiscal Impact FY13
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is estimated that there would be minimal to no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Nathan Toth, Deputy Director
Chima Obichere, Unit Head

HISTORY: This Pre-considered Intro. was heard by the Transportation Committee on February 15, 2012 and will be considered by the Committee again on February 28, 2012.

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 790:)

Int. No. 790
By Council Members Garodnick, Chin, Comrie, Gentile, Koppell, Lander, Recchia, Rose, Williams, James and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to parking violations issued for the failure to display a muni-meter receipt.

Be it enacted by the Council as follows:

Section 1. Section 19-214 of the administrative code of the city of New York, as added by a local law for the year 2012 amending the administrative code of the city of New York relating to parking violations issued for the failure to display a muni-meter receipt, as proposed in introduction number 301-A, is amended to read as follows:

§19-214 Failure to display a muni-meter receipt. a. For purposes of this section, the term “muni-meter receipt” shall mean the receipt showing the amount of parking time purchased that is dispensed by an electronic parking meter.

b. Notwithstanding any rule or regulation to the contrary, but subject to the provisions of the vehicle and traffic law, where a notice of violation was issued to an owner or operator of a vehicle for the failure to display a muni-meter receipt, *it shall be an affirmative defense to such violation that such owner or operator purchased parking time for the time such notice of violation was issued or up to five minutes thereafter from a muni-meter dispensing timed receipts valid for use at the location such notice of violation was issued. Evidence of the affirmative defense shall be the presentation, in person or by mail, of a valid muni-meter receipt [with an official start time stamp and such start time is no later than] for the time such notice of violation was issued or for up to five minutes [after the time of the issuance of such notice,] thereafter or other suitable evidence as determined by the hearing officer that such [a receipt] parking time was purchased[, shall be an affirmative defense to such a violation].*

§2. This local law shall take effect immediately and be deemed to have been in force and effect on and after the effective date of a local law for the year 2012 amending the administrative code of the city of New York relating to parking violations issued for the failure to display a muni-meter receipt, as proposed in introduction number 301-A.

JAMES VACCA, Chairperson; GALE A. BREWER, G. OLIVER KOPPELL, DANIEL R. GARODNICK, JESSICA S. LAPPIN, DARLENE MEALY, YDANIS RODRIGUEZ, DEBORAH L. ROSE, JAMES G. VAN BRAMER, DAVID G.GREENFIELD, ERIC A. ULRICH, PETER A. KOO; Committee on Transportation, February 28, 2012.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

GENERAL ORDER CALENDAR

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

Resolved, that the following named persons be and hereby are appointed Commissioners of Deeds for a term of two years:

Approved New Applicant’s Report

Melissa Connelly	2249 Morris Avenue #D1 Bronx, N.Y. 10453	14
Margaret Royal	23-37 38 th Street Queens, N.Y. 11105	22
Christina Jernigan	99-32 62 nd Avenue #3 Rego Park, N.Y. 11374	24
Noreen Hollingsworth	119-09 180 th Street Jamaica, N.Y. 11434	27
Pei Wu	62-89 Austin Street #1 Queens, N.Y. 11374	29
Emily Otero	91-18 91 st Avenue Woodhaven, N.Y. 11421	32
Gricel Burgos	57A Lynch Street Brooklyn, N.Y. 11206	33
Jasmine Martinez	73-06 Forest Avenue #1 Queens, N.Y. 11385	34
David Smith	77 Garfield Place #3C	44

Anthony Macca	Brooklyn, N.Y. 11215 1063 East 2 nd Street	47
Alina Aleeva	Brooklyn, N.Y. 11230 3405 Neptune Avenue #545	49
Luis LaLuz	Brooklyn, N.Y. 11224 30 Doreen Drive Staten Island, N.Y. 10303	

Approved New Applicants and Reapplicants

Pamela A. Cassandra	11 Stuyvesant Oval #9C New York, N.Y. 10009	4
Richard Micheaux	289 Convent Avenue #54 New York, N.Y. 10031	7
Mildred D. Pelatti Luciano	3456 Broadway #5B New York, N.Y. 10031	7
Carmen P. Montano	507 West 186 th Street #C6 New York, N.Y. 10033	10
Arleen Hernandez	3512 Oxford Avenue #4C Bronx, N.Y. 10463	11
Janise Manaigo	281 East 205 th Street #5E Bronx, N.Y. 10467	11
Joan Macafity	4240 Hutchinson River Parkway #20L Bronx, N.Y. 10475	12
Madeline Candelaria	2309 Holland Avenue #2J Bronx, N.Y. 10467	13
Laura Castellanos-Arroyo	1640 Williamsbridge Road #4 Bronx, N.Y. 10461	13
Aisha Porter	2010 Bruckner Blvd #8A Bronx, N.Y. 10473	18
Diana J. Castillo	14-17 118 th Street Collage Point, N.Y. 11356	19
Alexander Lai	32-33 Bell Blvd Queens, N.Y. 11361	19
Darlyne Joseph	33-32 96 th Street Queens, N.Y. 11368	21
Ann Gobioff	64-20 185 th Street Flushing, N.Y. 11365	24
Arlene E. Bailey	216-37 117 th Road Queens, N.Y. 11411	27
Ollie M. Bowens	119-05 234 th Street Queens, N.Y. 11411	27
Sue Ellen Doria	65-09 77 th Place Queens, N.Y. 11379	30
Maria S. Pagano	63-57 75 th Street Middle Village, N.Y. 11379	30
William F. Monte	69-40 Burchell Avenue Queens, N.Y. 11692	31
Shari Lopez	130-09 Beach Channel Drive Bell Harbor, N.Y. 11694	32
Wilfredo Florentino	384 Keap Street #4 Brooklyn, N.Y. 11211	34
Kimberly Brutus	1185 Carroll Street #4C Brooklyn, N.Y. 11225	35
Teresa Mills	212 Crown Street #2C Brooklyn, N.Y. 11225	35
Daniel Casados	82 Quincy Street #4 Brooklyn, N.Y. 11238	36
Phyllis K. Plato	375 Lexington Avenue #1F Brooklyn, N.Y. 11216	36
Anna S. Nevarez	75 Bush Street #1B Brooklyn, N.Y. 11231	38
Garnet Lewis	870 Madison Street Brooklyn, N.Y. 11221	41
Leo A. Morris	712 Hancock Street Brooklyn, N.Y. 11233	41
Courtney Rumble	429 East 92 nd Street Brooklyn, N.Y. 11212	41
Velma Pitts	830 Ashford Street #4B	42

Zinaida Karasik	Brooklyn, N.Y. 11207 3323 Kings Highway #3B	46
Ransoford Madourie	Brooklyn, N.Y. 11234 984 East 79 th Street	46
Kamilah Cherry	Brooklyn, N.Y. 11236 2980 West 28 th Street #1941	47
Yuliya Perapechka	Brooklyn, N.Y. 11224 109 Bay 29 th Street #1	47
Fern Riback	Brooklyn, N.Y. 11214 3743 Nautilus Avenue	47
Marzina Shireen	Staten Island, N.Y. 10303 352 Simonson Avenue	49
Jody A. Wenrich	Staten Island, N.Y. 10314 28 Ada Drive	49
Anthony Iglesias	Staten Island, N.Y. 10314 85 J Freedom Avenue	50
Kathleen Bennett	Staten Island, N.Y. 10312 108 Boulder Street	51
Linda M. Quinn	Staten Island, N.Y. 10308 18 Persley Street	51

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

ROLL CALL ON GENERAL ORDERS FOR THE DAY
(Items Coupled on General Order Calendar)

- (1) **M 741 & Res 1240 --** Erika Thomas-Yuille – New York City Conflicts of Interest Board
- (2) **M 748 & Res 1241 --** Thomas Shpetner, Environmental Control Board
- (3) **M 768 & Res 1242 --** Bishop Mitchell G. Taylor – Council Candidate for re-designation, Civilian Complaint Review Board
- (4) **Int 29-A --** Publishing open data.
- (5) **Int 644 --** Westchester Square BID.
- (6) **Int 698-A --** Modernizing the notice requirements for public hearings on proposed rules.
- (7) **Int 761-A --** Street Renaming
- (8) **Int 790 --** Parking violations issued for the failure to display a muni-meter receipt.
- (9) **L.U. 499 & Res 1237 --** App. **20125161 HAK**, 237 Sumpter Street, 220 McDougal Street, 2019 Fulton Street, 728 Madison Street, 766 Herkimer Street and 516 Crescent Street, Council Districts no. 41 and no. 42.
- (10) **L.U. 557 & Res 1238 --** App. **20125008 TCK**, 68 Bergen Street, Borough of Brooklyn, Council District no.33 (**Filed pursuant to a letter of withdrawal**).
- (11) **L.U. 558 & Res 1239 --** App. **20125051 TCK**, 268 Kingston Avenue, Borough of Brooklyn, Council District no.35.
- (12) **Resolution approving various persons Commissioners of Deeds.**

The President Pro Tempore (Council Member Rivera) put the question whether the Council would agree with and adopt such reports which were decided in the **affirmative** by the following vote:

Affirmative – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dilan, Dromm, Eugene, Ferreras, Foster, Garodnick, Gennaro, Gentile, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **48**.

The General Order vote recorded for this Stated Meeting was **48-0-0** as shown above with the exception of the vote for the following legislative item:

The following was the vote recorded for **Int No. 761-A**:

Affirmative – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dilan, Dromm, Eugene, Ferreras, Foster, Garodnick, Gennaro, Gentile, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **47**.

Abstention – Lappin – **1**.

The following Introductions were sent to the Mayor for his consideration and approval: *Int Nos. 29-A, 644, 698-A, 761-A, and 790.*

For **Introduction and Reading of Bills**, see the material following the **Resolutions** section below:

RESOLUTIONS

Presented for voice-vote

The following are the respective Committee Reports for each of the Resolutions referred to the Council for a voice-vote pursuant to Rule 8.50 of the Council:

Report for voice-vote Res. No. 94-A

Report of the Committee on Mental Health, Mental Retardation, Alcoholism, Drug Abuse & Disability Services in favor of approving a Resolution calling upon the New York State Legislature to pass A.7347/S.2774, legislation that would legalize the medicinal use of marijuana.

The Committee on Mental Health, Mental Retardation, Alcoholism, Drug Abuse & Disability Services, to which the annexed resolution was referred on March 25, 2010 (Minutes, page 958), respectfully

REPORTS:

On February 13, 2012, the Committee on Mental Health, Mental Retardation, Alcoholism, Drug Abuse, and Disability Services, chaired by Council Member G. Oliver Koppell, will hold a hearing on Proposed Res. No. 94-A, calling upon the New York State Legislature to pass A.7347/S.2774, legislation that would legalize the medicinal use of marijuana.

PROPOSED RES. NO. 94-A

Proposed Res. No. 94-A would note that marijuana refers to all parts of the plant *Cannabis sativa L.*. The Proposed Resolution would state that the primary active ingredient in marijuana is THC (delta-9-tetrahydrocannabinol), which reacts to nerve cells in the brain and leads to a euphoric high that users generally experience when smoking marijuana. The Proposed Resolution would also state that proponents of medical marijuana point to a large body of reports and journal articles that support the therapeutic value of marijuana.

The Proposed Resolution would explain that these written works address the ability of marijuana to treat a variety of disease-related problems, including relieving nausea, increasing appetite, reducing muscle spasms and spasticity, relieving chronic pain, reducing intraocular pressure, and relieving anxiety. The Proposed Resolution would note that nationally, 16 states, Alaska, Arizona, California, Colorado, Delaware, Hawaii, Maine, Michigan, Montana, Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, Washington, and the District of Columbia, have enacted laws or passed ballot measures that have authorized the use of medical marijuana. The Proposed Resolution would state that on October 19, 2009, the United States Department of Justice issued formal guidelines for federal prosecutors in states that have enacted medical marijuana laws. The Proposed Resolution would also indicate that the guidelines contain in pertinent part that, “[p]riorities should not focus federal resources in your States on individuals whose actions are in clear and unambiguous compliance with existing state laws providing for the medical use of marijuana.”

Proposed Res. No. 94-A would state that marijuana remains a Schedule I substance under the Controlled Substances Act and the United States Drug Enforcement Agency asserts that this classification means that marijuana has a high potential for abuse, currently has no accepted medical use in treatment, and there is a lack of accepted safety for use of the drug under medical supervision. The Proposed Resolution would also state that advocates of medical marijuana laws view the Department of Justice's policy as an important acknowledgement that patients and medical professionals should not fear prosecution as a result of adhering to state law. The Proposed Resolution would further note that however, some advocates are concerned that recent action taken by the Department of Justice against medical marijuana dispensaries in California will threaten individuals engaging in the medicinal use of marijuana throughout the country.

Proposed Res. No. 94-A would indicate that in New York State, Assembly Member Richard Gottfried and Senator Thomas Duane introduced A.7347/S.2774, legislation that would legalize the medicinal use of marijuana. The Proposed Resolution would further indicate that this legislation would accomplish this task by legalizing the possession, manufacture, use, delivery, transfer, transport or administration of marijuana by a certified patient or designated caregiver for certified use. The Proposed Resolution would note that the proposed bills also create procedures for allowing practitioners to certify that their patients' serious medical conditions should be treated by the medical use of marijuana. The Proposed Resolution would indicate that pursuant to the legislation the New York State Department of Health would be required to monitor the use of medical marijuana, promulgate rules and regulations for registry identification cards and provide reports to the Governor and the Legislature on the medical use of marijuana.

The Proposed Resolution would also note that multiple public health and advocacy organizations support this legislation, including the Medical Society of the State of New York, the New York State Nurses Association, the Hospice and Palliative Care Association of New York, the New York Statewide Senior Action Council and the Gay Men's Health Crisis. Finally, Proposed Res. No. 94-A would call upon the New York State Legislature to pass A.7347/S.2774, legislation that would legalize the medicinal use of marijuana.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 94-A:)

Res. No. 94-A

Resolution calling upon the New York State Legislature to pass A.7347/S.2774, legislation that would legalize the medicinal use of marijuana.

By Council Members Dromm, James, Vann, Brewer, Comrie, Jackson, Koppell, Koslowitz, Mark-Viverito, Nelson, Williams, Mealy, Mendez, Rodriguez, Lander, Rivera, Crowley, Sanders, , Reyna, Koo, Levin, Wills, Barron and Gennaro.

Whereas, Marijuana refers to all parts of the plant *Cannabis sativa L.*; and

Whereas, The primary active ingredient in marijuana is THC (delta-9-tetrahydrocannabinol), which reacts to nerve cells in the brain and leads to a euphoric high that users generally experience when smoking marijuana; and

Whereas, Proponents of medical marijuana point to a large body of reports and journal articles that support the therapeutic value of marijuana; and

Whereas, These written works address the ability of marijuana to treat a variety of disease-related problems, including relieving nausea, increasing appetite, reducing muscle spasms and spasticity, relieving chronic pain, reducing intraocular pressure, and relieving anxiety; and

Whereas, Nationally, 16 states, Alaska, Arizona, California, Colorado, Delaware, Hawaii, Maine, Michigan, Montana, Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, Washington, and the District of Columbia, have enacted laws or passed ballot measures which have authorized the use of medical marijuana; and

Whereas, On October 19, 2009, the United States Department of Justice issued formal guidelines for federal prosecutors in states that have enacted medical marijuana laws; and

Whereas, The guidelines contain in pertinent part that, "[p]riorities should not focus federal resources in your States on individuals whose actions are in clear and unambiguous compliance with existing state laws providing for the medical use of marijuana;" and

Whereas, Marijuana remains a Schedule I substance under the Controlled Substances Act and the United States Drug Enforcement Agency asserts that this classification means that marijuana has a high potential for abuse, currently has no accepted medical use in treatment, and there is a lack of accepted safety for use of the drug under medical supervision; and

Whereas, Yet, advocates of medical marijuana laws view the Department of Justice's policy as an important acknowledgement that patients and medical professionals should not fear prosecution as a result of adhering to state law; and

Whereas, However, some advocates are concerned that recent action taken by the Department of Justice against medical marijuana dispensaries in California will

threaten individuals engaging in the medicinal use of marijuana throughout the country; and

Whereas, In New York State, Assembly Member Richard Gottfried and Senator Thomas Duane introduced A.7347/S.2774, legislation that would legalize the medicinal use of marijuana; and

Whereas, This legislation would accomplish this task by legalizing the possession, manufacture, use, delivery, transfer, transport or administration of marijuana by a certified patient or designated caregiver for certified use; and

Whereas, The bills also create procedures for allowing practitioners to certify that their patients' serious medical conditions should be treated by the medical use of marijuana; and

Whereas, Pursuant to the legislation, the New York State Department of Health is required to monitor the use of medical marijuana, promulgate rules and regulations for registry identification cards and provide reports to the Governor and the Legislature on the medical use of marijuana; and

Whereas, Multiple public health and advocacy organizations support this legislation including the Medical Society of the State of New York, the New York State Nurses Association, the Hospice and Palliative Care Association of New York, the New York Statewide Senior Action Council and the Gay Men's Health Crisis; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass A.7347/S.2774, legislation that would legalize the medicinal use of marijuana.

G. OLIVER KOPPELL, Chairperson; GALE A. BREWER, RUBEN WILLS; Committee on Mental Health, Mental Retardation, Alcoholism, Drug Abuse & Disability Services, February 13, 2012.

Pursuant to Rule 8.50 of the Council, The President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing those in favor, the President Pro Tempore (Council Member Rivera) declared the Resolution to be adopted.

The following 3 Council Members formally voted against this item: Council Members Gentile, Ignizio, and Vallone, Jr.

The following Council Member formally abstained from voting on this item: Council Member Cabrera.

Adopted by the Council by voice-vote.

Report for voice-vote Res. No. 1096-A

Report of the Committee on Immigration in favor of approving a Resolution calling upon the Department of Homeland Security to create a Haitian Family Reunification Parole Program, which would benefit Haitians recovering from the January 12, 2010 earthquake by allowing Haitians with approved family-sponsored immigrant visa petitions to come to the United States.

The Committee on Immigration, to which the annexed resolution was referred on November 3, 2011 (Minutes, page 4835), respectfully

REPORTS:

I. INTRODUCTION

On Tuesday, February 28, 2012, the Committee on Immigration, chaired by Council Member Daniel Dromm, will vote on Proposed Resolution Number 1096-A ("Prop. Res. No. 1096-A"), a Resolution calling upon the Department of Homeland Security to create a Haitian Family Reunification Parole Program, which would benefit Haitians recovering from the January 12, 2010 earthquake by allowing Haitians with approved family-sponsored immigrant visa petitions to come to the United States, and Proposed Resolution Number 1193-A ("Prop. Res. No. 1193-A"), a Resolution supporting the Corporation Counsel's decision to join an amicus brief on behalf of New York City in support of Plaintiff-Appellee in the litigation captioned *The United States of America v. The State of Arizona*, Case No. CV 10-1413-PHX (SRB), which is currently pending before the United States Supreme Court.

II. PROP. RES. NO. 1096-A

Prop. Res. No. 1096-A, calls upon DHS to implement a Haitian Family Reunification Parole Program which would permit Haitian beneficiaries of approved family-based immigrant petitions to wait in the United States, rather than in Haiti, for their visa priority dates to become current. The purpose of the program would be to expedite family reunification through safe, legal, and orderly channels of migration to the United States.¹

On January 12, 2010, a 7.0 magnitude earthquake struck Haiti, causing extensive damage to the country's capital, Port-au-Prince, and surrounding areas. The earthquake resulted in the deaths of approximately 230,000 people; the injuries of more than 300,000 people; and left more than one million people homeless with

limited access to potable water and food. On January 21, 2010, President Barack Obama issued an executive order granting Temporary Protected Status (“TPS”) to Haiti and eligible Haitians. The TPS designation allowed eligible Haitians to work legally and remain in the United States without fear of deportation. Haiti is still recovering from the aftereffects of the January 2010 earthquake. Although the United States has assisted Haiti and Haitians in a variety of ways, the country is still in desperate need of continued financial and humanitarian assistance.

Many Haitians who are legal permanent residents or U.S. citizens have submitted visa petitions for family members still living in Haiti. At the time of the 2010 earthquake there were 54,716 Haitians with approved petitions to immigrate to the United States, who were waiting for visas to become available.² In response to the fiscal and humanitarian needs of Haiti and its people, advocates have urged the Department of Homeland Security (“DHS”) to give humanitarian parole to Haitians with approved petitions for visas.³ This would allow Haitians with approved petitions for visas to be permitted to be in the United States temporarily while they wait for their visas to become available.

The Council has shown continuous support for Haiti and Haitian nationals by adopting Resolution Number 1595, on April 22, 2009, which called upon the U.S. government to establish TPS, and Resolution Number 648, on March 23, 2011, which called upon DHS to extend TPS to Haiti and eligible Haitians. Many nonprofit organizations support the Council’s efforts in advocating on behalf of the City’s Haitian population.

During a January 25, 2012 hearing, the Committee on Immigration heard testimony in support of Res. No. 1096 from members of and advocates for the City’s Haitian community. Witnesses testified that Haitians with approved visas have a three- to eleven-year waiting period before being admitted to the United States.⁴ Those Haitians with approved visas, but still in Haiti are exposed to harsh living conditions and lack access to medical care.⁵ Witnesses also testified that there are an estimated 500,000 Haitians living in tents and thousands more living in the streets. Although the United States pledged approximately \$2.5 billion to aid in Haiti’s rehabilitation after the 2010 earthquake, only ten percent actually went to direct services for Haitians.⁶ Advocates’ argued that a Haitian Reunification Parole Program would cost the United States very little, yet give Haitians the ability to come to the United States, work, and make direct financial contributions towards the rebuilding of Haiti.⁷ Additionally, such a program would support family reunification and be considered a great humanitarian gesture by the United States.⁸

III. PROP. RES. NO. 1193-A

Prop. Res. No. 1193-A would support the Corporation Counsel’s decision to join an amicus brief on behalf of New York City in support of Plaintiff-Appellee in the litigation captioned *The United States of America v. The State of Arizona*, Case No. CV 10-1413-PHX (SRB), which is currently pending before the United States Supreme Court.

On April 23, 2010, Arizona Governor Jan Brewer signed Senate Bill (“S.B.”) 1070 into law in an effort to combat illegal immigration. S.B. 1070 requires immigrants to carry alien registration documents with them at all times and requires state and local law enforcement agents in Arizona to question the immigration status of anyone suspected of being an undocumented immigrant.⁹ This provision does not provide any standard for officials to use in determining an individual’s immigration status.¹⁰ Additionally S.B. 1070 establishes crimes related to an individual’s status as an illegal immigrant, and seeks to criminalize certain activities, such as seeking work. Many fear that S.B. 1070 will lead to racial profiling and that it has encouraged other states to combat illegal immigration in a similar manner to Arizona.

Individuals, community-based organizations, public officials, and governing bodies have repeatedly spoken out against Arizona’s extreme efforts to prohibit illegal immigrants from living and working in Arizona. Initially, protests took place throughout the nation, including New York City, condemning Arizona’s actions. Local governments officially prohibited the use of public funds for travel to Arizona and are refusing to do future business with Arizona-based companies. Civil rights and immigrant advocates have filed a lawsuit challenging the legality of S.B. 1070. And, most significantly, on July 6, 2010, the United States filed a lawsuit against the State of Arizona that challenged the constitutionality of S.B. 1070 and requested an injunction to prevent the law from taking effect as scheduled on July 29, 2010. On July 28, 2010, the United States District Court for the District of Arizona granted a preliminary injunction, preventing certain significant parts of S.B. 1070 from going into effect. In April 2011, the United States Court of Appeals for the Ninth Circuit upheld the district court’s injunction. In response, the State of Arizona filed a petition for a writ of certiorari asking the United States Supreme Court to review the decision. On December 12, 2011, the United States Supreme Court agreed to hear the case. The City of New York has recently decided to join other municipalities in an amicus brief in support of the United States that will be filed with the Supreme Court in March 2012.

The Council has previously expressed its support for the passage of comprehensive immigration reform, and its opposition to S.B. 1070 and similar pieces of draconian anti-immigration legislation. For example, on April 29, 2010, the Council adopted Resolution Number 162-A calling on the United States Congress to pass and President Obama to sign a just and humane comprehensive immigration reform bill in 2010 while condemning S.B. 1070. Later that year, the Council adopted Resolution Number 224-A on July 29, 2010, once again opposing S.B. 1070 and supporting the Plaintiffs in *The United States of America v. The State of Arizona*, and endorsing the Council’s decision to file an amicus brief in support of the federal action at its discretion.

In supporting the Corporation Counsel’s decision to join an amicus brief on behalf of New York City the Council would continue to voice its opposition to S.B. 1070. The brief argues that the involvement of local law enforcement agencies in

enforcing federal immigration law harms public safety by undermining trust between local law enforcement agencies and immigrant communities, and by making it more difficult for local agencies both in and outside of Arizona to investigate and prosecute crimes.¹¹ The implementation of this law would have a lasting effect on the trust between immigrant communities and local government and law enforcement agencies.¹²

¹ U.S. Citizenship and Immigration Enforcement, *Fact Sheet: Cuban Family Reunification Parole Program*, (Nov. 21, 2007), at http://www.uscis.gov/files/pressrelease/CFRP_FS_21Nov07.pdf (last visited Jan. 24, 2012).

² Ruth Ellen Wasem, *U.S. Immigration Policy on Haitian Migrants*, Congressional Research Service, 12 (Mar. 31, 2010) at <http://fpc.state.gov/documents/organization/141602.pdf> (last visited Jan. 24, 2012).

³ *Id.*

⁴ Hearing on Res. No. 761, Res. No. 1096 and 1193 Before the New York City Council Committee on Immigration, 14, 45 (Jan. 25, 2012) (testimony of Bishop Guy Sansaricq, National Center of Haitian Catholic Apostolate; testimony of Laura McLaughlin).

⁵ *Id.* at 17, 21 (testimony of Schency Augustin; testimony of Jocelyn McCalla, Haitian-Americans United for Progress).

⁶ *Id.* at 24-25 (testimony of Jocelyn McCalla).

⁷ *Id.* at 42, 44 (testimony of James Desbrosses, Private Attorney; testimony of Laura McLoughlin, Diaspora Community Services).

⁸ *Id.* at 15 (testimony of Guy Sansaricq).

⁹ Memorandum from the Office of County Counsel, County of Santa Clara, to Attorneys for Cities, Counties, and Law Enforcement Agencies, 2 (Jan. 10, 2012) (on file with Committee Staff).

¹⁰ *Id.* at 5.

¹¹ *Id.* at 1.

¹² *Id.* at 6.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 1096-A:)

Res. No. 1096-A

Resolution calling upon the Department of Homeland Security to create a Haitian Family Reunification Parole Program, which would benefit Haitians recovering from the January 12, 2010 earthquake by allowing Haitians with approved family-sponsored immigrant visa petitions to come to the United States.

By Council Members Eugene, Dromm, Brewer, Dickens, Fidler, James, Koppell, Koslowitz, Lander, Mendez, Palma, Recchia, Rose, Seabrook, Vann, Williams, Rodriguez, Mark-Viverito, Barron, Mealy, Jackson, Gennaro and Reyna.

Whereas, New York City is home to the largest Haitian population in the nation; and

Whereas, On January 12, 2010, Haiti was struck by a 7.0 magnitude earthquake that killed approximately 250,000 people, left more than one million people homeless and injured, and left the nation with limited access to potable water and food; and

Whereas, Haitians living in New York City were devastated by the news of the January 12, 2010 earthquake and extremely concerned for the well-being of their family members still living in Haiti; and

Whereas, On January 21, 2010, President Barack Obama issued an executive order to grant Temporary Protected Status (TPS) to eligible nationals of Haiti, and on May 17, 2011, Janet Napolitano, Secretary of the Department of Homeland Security (DHS), announced the extension of TPS for eligible Haitians for an additional 18 months; and

Whereas, At the end of 2010, the U.S. Citizenship and Immigration Services (USCIS) approved 105,193 Haitians’ petitions for TPS; and

Whereas, In response to the mere fraction of those Haitians who are in need and who are being helped by TPS, immigrant and human rights advocates have called upon DHS to utilize the Immigration and Nationality Act’s humanitarian parole authority in order to allow Haitians with approved visas to immigrate to the United States without having to wait up to 11 years; and

Whereas, According to the Bureau of Consular Affairs, the following categories of immigrant visa applicants from Haiti are on the waiting list as of November 2010: 15,584 unmarried sons and daughters of United States citizens; 16,216 spouses and children of permanent residents; 26,238 unmarried sons and daughters (21 years of age or older) of permanent residents; an unspecified number of married sons and daughters of United States citizens; and 37,244 brothers and sisters of adult United States citizens; and

Whereas, USCIS-approved family-based visa petition beneficiaries already have a family support system in place, making it less likely that they would require or avail themselves of public benefits; and

Whereas, The creation of a Haitian Family Reunification Parole Program would permit Haitian beneficiaries of approved family-based immigrant petitions to wait in the United States, rather than in Haiti, for their visa priority dates to become current; and

Whereas, The purpose of the Haitian Family Reunification Parole Program would be to hasten family reunification and to discourage Haitian nationals from resorting to illegal and dangerous means of migration into the United States; and

Whereas, Broad support exists for the creation of a Haitian Family Reunification Parole Program, including a May 5, 2011 resolution passed by the Council of the City of Philadelphia; a June 14, 2010 resolution passed unanimously by the U.S. Conference of Mayors; a letter to DHS Secretary Janet Napolitano from the U.S. House Committee on Foreign Affairs Chairman and seven other House members; and a letter to President Barack Obama from six U.S. Senators, including New York Senator Kirsten Gillibrand; and

Whereas, DHS has the authority to promptly create and implement a Haitian Family Reunification Parole Program; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Department of Homeland Security to create a Haitian Family Reunification Parole Program, which would benefit Haitians recovering from the January 12, 2010 earthquake by allowing Haitians with approved family-sponsored immigrant visa petitions to come to the United States.

DANIEL DROMM, Chairperson; CHARLES BARRON, MATHIEU EUGENE, YDANIS RODRIGUEZ, JUMAANE D. WILLIAMS; Committee on Immigration, February 28, 2012.

Pursuant to Rule 8.50 of the Council, The President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing those in favor, the President Pro Tempore (Council Member Rivera) declared the Resolution to be adopted.

The following 3 Council Members formally abstained from voting on this item: Council Members Gentile, Halloran, and Vallone, Jr.

Adopted by the Council by voice-vote.

Report for voice-vote Res. No. 1193-A

Report of the Committee on Immigration in favor of approving a Resolution supporting the Corporation Counsel's decision to join an amicus brief on behalf of New York City in support of Plaintiff-Appellee in the litigation captioned *The United States of America v. The State of Arizona*, Case No. CV 10-1413-PHX (SRB), which is currently pending before the United States Supreme Court.

The Committee on Immigration, to which the annexed resolution was referred on January 4, 2012 (Minutes, page 12), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Immigration, printed in the voice-vote Resolutions section of these Minutes)

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 1193-A:)

Res. No. 1193-A

Resolution supporting the Corporation Counsel's decision to join an amicus brief on behalf of New York City in support of Plaintiff-Appellee in the litigation captioned *The United States of America v. The State of Arizona*, Case No. CV 10-1413-PHX (SRB), which is currently pending before the United States Supreme Court.

By Council Members Rodriguez, the Speaker (Council Member Quinn), Dromm, Brewer, Chin, Comrie, Jackson, James, Koppell, Lander, Levin, Mark-Viverito, Mendez, Palma, Recchia, Williams, Vann, Eugene, Barron, Gonzalez, Mealy, Gennaro, Van Bramer and Reyna.

Whereas, In April 2010, Governor Jan Brewer of Arizona signed Senate Bill ("S.B.") 1070, legislation that requires immigrants to carry alien registration documents with them at all times and requires Arizona law enforcement agents to question the immigration status of anyone suspected to be an undocumented immigrant, into law; and

Whereas, Many observers suspect that this legislation will lead to racial profiling by law enforcement agents and fear that this draconian law will be an example that other states will follow as they seek to combat illegal immigration; and

Whereas, The Council of the City of New York ("Council") passed Resolution No. 162-A on April 29, 2010, which condemned S.B. 1070, and called on both Congress and President Obama to complete a just and humane comprehensive immigration reform bill in 2010; and

Whereas, On July 6, 2010, the United States filed a complaint in the United States District Court for the District of Arizona, in a case captioned *The United States of America v. Arizona*, Case No. CV 10-1413-PHX (SRB), challenging the constitutionality of S.B. 1070 and also requesting a preliminary injunction to enjoin Arizona from enforcing S.B. 1070; and

Whereas, On July 28, 2010, Judge Susan R. Bolton of the United States District Court for the District of Arizona granted the motion for a preliminary injunction in part and enjoined those sections of S.B. 1070 that: (i) require an officer to make a reasonable attempt to determine the immigration status of a person stopped, detained, or arrested if there is reasonable suspicion to believe that person is in the United States illegally; (ii) criminalize the failure to apply for or carry alien registration papers; (iii) criminalize the solicitation, application for, or performance of work by an unauthorized alien; and (iv) authorize a warrantless arrest of a person where there is probable cause to believe the person committed an offense that would make the person removable from the United States; and

Whereas, The next day, the Council adopted Resolution No. 224-A, which applauded Judge Bolton's decision and, in anticipation of Arizona's appeal of Judge Bolton's decision, endorsed the Council's decision to file an amicus brief in the case; and

Whereas, The Council subsequently joined an amicus brief submitted by Santa Clara County, California, along with thirteen other municipalities including Baltimore, Berkeley, Minneapolis, New Haven, Seattle, and San Francisco, to the Ninth Circuit Court of Appeals on September 30, 2010; and

Whereas, The municipalities' brief made the following arguments: (1) the Arizona law impermissibly usurps scarce local resources that should be devoted to public safety by requiring local law enforcement to investigate individuals' immigration status; (2) the Arizona law would effectively require local officials to engage in racial profiling in violation of the U.S. Constitution; (3) the implementation of the Arizona law would irreparably damage trust between immigrant communities and local law enforcement agencies nationwide; and (4) the Arizona law conflicts with federal immigration policies that enhance public safety, such as the "U" visa law, which creates a legal pathway to citizenship for immigrant crime victims who assist local law enforcement; and

Whereas, The Ninth Circuit affirmed Judge Bolton's ruling on April 11, 2011, holding that the federal Immigration and Naturalization Act "forecloses any argument that state or local officers can enforce federal immigration law as directed by a mandatory state law"; and

Whereas, Arizona petitioned the United States Supreme Court for a writ of certiorari to review the Ninth Circuit's decision, and on December 12, 2011, the Supreme Court granted Arizona's petition; and

Whereas, The City of New York, through its Corporation Counsel, has decided to join the municipalities' amicus brief that will be filed with the Supreme Court in March 2012; and

Whereas, It is imperative that local governments remain vigilant and outspoken in their opposition to S.B. 1070, especially at this final and critical stage of the litigation; now, therefore, be it

Resolved, That the Council of the City of New York supports the Corporation Counsel's decision to join an amicus brief on behalf of New York City in support of the Plaintiff-Appellee in the litigation captioned *The United States of America v. The State of Arizona*, Case No. CV 10-1413-PHX (SRB), which is currently pending before the United States Supreme Court.

DANIEL DROMM, Chairperson; CHARLES BARRON, MATHIEU EUGENE, YDANIS RODRIGUEZ, JUMAANE D. WILLIAMS; Committee on Immigration, February 28, 2012.

Pursuant to Rule 8.50 of the Council, The President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing those in favor, the President Pro Tempore (Council Member Rivera) declared the Resolution to be adopted.

The following 4 Council Members formally voted against this item: Council Members Halloran, Ignizio, Oddo, and Vallone, Jr.

The following Council Member formally abstained from voting on this item: Council Members Gentile and Ulrich.

Adopted by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Res. No. 1217

Resolution calling on the United States House of Representatives and the United States Senate to pass and for the President to sign into law S. 1773/ H.R. 3286, the Local Farms, Food and Jobs Act of 2011.

By Council Members Brewer, Chin, James, Koppell, Lander, Rose, Sanders, and Palma.

Whereas, On November 1, 2011, United States Senator Sherrod Brown and United States Representative Chellie Pingree along with 35 original co-sponsors introduced the Local Farms, Food, and Jobs Act (S. 1773, H.R. 3286), a comprehensive bill intended for inclusion in the 2012 Farm Bill; and

Whereas, The legislation seeks to help farmers and ranchers address production, aggregation, processing, marketing, and distribution needs to access growing local and regional food markets; and

Whereas, This measure would also provide funding to help farmers build the infrastructure to process and sell their food locally; and

Whereas, The bill also seeks to assist consumers by improving access to healthy food; and

Whereas, The legislation would require the United States Department of Agriculture (USDA) to continue conducting traditional seed research, not just research on genetically modified seeds; and

Whereas, The bill calls for the creation of a new crop insurance program tailored to the needs of organic farmers and farmers with diversified crops who often meet with challenges when attempting to access traditional crop insurance; and

Whereas, If enacted, this legislation would also break down barriers for schools and institutions to procure local food more easily by providing schools with a local school credit to purchase local foods; and

Whereas, According to a recent report by the Union of Concerned Scientists, the over consumption of unhealthful processed foods contributes to Americans' increased rates of weight gain and obesity, has considerable health consequences and many additional associated societal costs; and

Whereas, This legislation would encourage direct marketing channels, such as farmers' markets, which are essential to stimulating rural economies as a greater percentage of the sales revenue is retained locally; and

Whereas, The legislation would also authorize a pilot program to test smart phone technology to accept food stamp benefits at farmers' markets which would make it easier for food stamp recipients to spend their money at farmers' markets; and

Whereas, If enacted, the measure would provide secure farm funding for critically important programs that support family farms, expand new farming opportunities, create rural jobs, and invest in the local food and agriculture economy; and

Whereas, According to the USDA the average farm size in New York state diminished from 204 acres in 1007 to 197 acres in 2007; and

Whereas, Over the same period, total cropland in New York state also declined from 4,961,538 to 4,314,954 acres; and

Whereas, Making it easier for farmers to sell food locally and easier for consumers to buy nutritious food advances the mission of securing a healthy environment for future generations of New York City residents; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States House of Representatives and the United States Senate to pass and for the President to sign into law S. 1773/ H.R. 3286, the Local Farms, Food and Jobs Act of 2011.

Referred to the Committee on State and Federal Legislation.

Res. No. 1218

Resolution calling upon the New York State Assembly to pass A.8846, the New York State Senate to pass companion bill S.6077, and the Governor to sign such legislation into law, which would require the New York State Department of Corrections and Community Supervision to place incarcerated adults in correctional facilities located in proximity to the primary place of residence of such individuals' minor children.

By Council Members Crowley, Brewer, Chin, Comrie, Dromm, Gentile, James, Koslowitz, Rose, Sanders, Williams, Wills and Mark-Viverito.

Whereas, The New York State Department of Corrections and Community Supervision ("DOCCS") is responsible for confinement and habilitation of approximately 56,000 prisoners each year; and

Whereas, Prisoners are currently housed in one of DOCCS' 60 correctional facilities located throughout New York State; and

Whereas, Approximately 48 percent of New York State's prisoners are from New York City while nearly 25 percent of the State's prison population is housed in facilities located in the City; and

Whereas, New York State is home to over 100,000 children with at least one parent currently in prison or jail; and

Whereas, According to the Council of State Governments Justice Center, fostering strong parent-child relationships may assist in children's adjustment to their parent's incarceration by lessening the harmful after effects for those children; and

Whereas, The majority of individuals from New York City who are remanded to DOCCS are housed in facilities far from their communities and families; and

Whereas, The recent closings of two state prisons located in New York City, the Fulton Correctional Facility in the Bronx and the Arthur Kill Correctional Facility on Staten Island, further reduce the number of beds available for New York City residents, who would be best served by incarceration close to their communities; and

Whereas, Furthermore, DOCCS eliminated its longstanding free bus service to correctional facilities throughout the state in July 2011, which offered transportation to family members and friends of incarcerated individuals; and

Whereas, A.8846, currently pending in the New York State Assembly, and companion bill S.6077, currently pending in the New York State Senate, seek to amend the New York State Correction Law by requiring DOCCS to place individuals in their custody in correctional facilities located in proximity to the primary place of residence of such individuals' minor children provided such a placement would be reasonable, and would make it easier for such individuals to have contact with their children, and thus the legislation is in the child or children's best interest; and

Whereas, A.8846/S.6077 would require that DOCCS, in consultation with the New York State Office of Probation and Correctional Alternatives as well as the Office of Children and Family Services, develop policies and procedures to determine whether proximity placement is in the best interest of the child or children; and

Whereas, A.8846/S.6077 aim to facilitate consistent, ongoing contact between prisoner and child in order to (i) reduce the strain of separation, (ii) lower recidivism, and (iii) foster family interaction leading to family reunification after a prison term; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Assembly to pass A.8846, the New York State Senate to pass companion bill S.6077, and the Governor to sign such legislation into law, which would require the New York State Department of Corrections and Community Supervision to place incarcerated adults in correctional facilities located in proximity to the primary place of residence of such individuals' minor children.

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 786

By Council Members Dromm, James, Koo, Koslowitz, Sanders, Palma and Halloran.

A Local Law to require a plan for the phase-out of the use of typewriters in city government.

Be it enacted by the Council as follows:

Section 1. No later than March 1 of the calendar year following the enactment of this law, the mayor's office of operations shall produce and transmit to the council a plan describing in detail how the office plans to coordinate the phase-out the use of typewriters for any purpose within all departments and agencies of the city no later than September 1 of the calendar year two years after the enactment of this law.

§2. No later than September 1 of the calendar year two years after the enactment of this law, the mayor's office of operations shall produce and transmit to the council a report on the office's progress in implementing the phase-out of the use of typewriters detailed in the typewriter phase-out plan.

§3. This local law shall take effect immediately.

Referred to the Committee on Technology.

Res. No. 1219

Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation establishing the New York DREAM fund commission, which will advance the educational opportunities of children of immigrants through scholarship programs for higher education.

By Council Members Dromm, Rodriguez, Arroyo, Brewer, Chin, Comrie, Eugene, Ferreras, James, Koppell, Lander, Levin, Rose, Williams, Mark-Viverito and Palma.

Whereas, New York State is home to 1.4 million children of immigrant parents; and

Whereas, Children of immigrant parents, like all children, are entitled to free public education through the 12th grade and are eligible to enroll in college; and

Whereas, With college tuition on the rise every year, there is a risk that children of immigrants may not be able to afford college in the future; and

Whereas, To alleviate some of the financial burden on children of immigrant parents, in November 2011, New York State Assemblyman Francisco Moya and New York State Senator Adriano Espaillat introduced legislation to create the New York DREAM fund commission(A.8689/S.6071), which would commit New York State to advancing the educational opportunities of children of immigrants; and

Whereas, This legislation calls for the creation of a DREAM fund commission and a DREAM fund; and

Whereas, The DREAM fund commission would raise money for the DREAM fund, which would be used to assist children of immigrants by providing scholarships to eligible individuals who pursue higher education; and

Whereas, The commission would be required to establish the criteria for such scholarships, to create and publicize a training program for education professionals, and to develop a public awareness campaign for the DREAM fund awards; and

Whereas, In order to receive the benefits of the New York DREAM fund, an individual would be required to have (i) resided with his or her parent(s) or guardian(s) while attending a public or private high school in New York; (ii) graduated from a public or private high school or received the equivalent of a high school diploma in New York; (iii) attended a public or private high school in New York for at least three years as of the date he or she graduated from high school or received the equivalent of a high school diploma; and (iv) at least one parent or guardian who immigrated to the United States; and

Whereas, Creating the New York DREAM fund commission would assist children of immigrants who would otherwise struggle to afford a higher education and therefore improve their quality of life and, by extension, the quality of campus life at the institutions they attend; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign legislation establishing the New York DREAM fund commission, which will advance the educational opportunities of children of immigrants through scholarship programs for higher education.

Referred to the Committee on Immigration.

Res. No. 1220

Resolution calling on the United States Congress to reject the Birthright Citizenship Act of 2011, which would end the recognition of automatic birthright citizenship for certain classes of people who are born in this country to non-citizen parents.

By Council Members Dromm, Arroyo, Brewer, Chin, Comrie, Eugene, James, Koppell, Koslowitz, Lander, Levin, Rose, Sanders, Williams, Mark-Viverito and Palma.

Whereas, New York City has long served as an official entry point for immigrants to the United States and as a home for succeeding generations of natural born citizens; and

Whereas, Millions of United States citizens can trace the entry of their ancestors into the United States through Ellis Island and other ports of entry, and those who immigrated have established lives and families and built communities here; and

Whereas, In 2011, Representative Stephen King and Senator David Vitter introduced the Birthright Citizen Act of 2011 (H.R. 140/S.723) to end the recognition of automatic birthright citizenship for certain classes of people who are born in this country to non-citizen parents; and

Whereas, The 14th Amendment to the United States Constitution, ratified in 1868, grants all persons born in the United States automatic citizenship without regard to the immigration status of either parent; and

Whereas, If enacted, the Birthright Citizenship Act would amend the Immigration and Nationality Act to consider a person born in the United States “subject to the jurisdiction” of the United States for citizenship at birth purposes only if the person is born in the United States of parents, one of whom is: (i) a U.S. citizen or national; (ii) a lawful permanent resident; or (iii) an undocumented immigrant performing active service in the U.S. Armed Forces; and

Whereas, There are approximately three million immigrants residing in New York City, many of whom might not qualify for U.S. citizenship if the Birthright Citizenship Act were in effect; and

Whereas, According to the Pew Hispanic Center December 2010 report, there are approximately four million U.S. born children of undocumented immigrant parents residing in the United States; and

Whereas, Recognizing individuals born on United States soil as U.S. citizens is a cornerstone of American heritage and identity; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to reject the Birthright Citizenship Act of 2011, which would end the recognition of automatic birthright citizenship for certain classes of people who are born in this country to non-citizen parents.

Referred to the Committee on Immigration.

Res. No. 1221

Resolution calling upon New York City’s Board of Elections to promptly and fully comply with both the spirit and letter of the New York State Election Law by promoting the enfranchisement of New York City voters through the provision of Russian translations of voting materials.

By Council Members Fidler, Recchia, Greenfield, Nelson, Arroyo, Comrie, Gonzalez, Jackson, Koo, Koslowitz, Lander, Lappin, Garodnick, Brewer, Chin,

Dromm, Ferreras, Gentile, James, Koppell, Levin, Rose, Sanders, Williams, Mark-Viverito and Palma.

Whereas, In 2009, then New York State Governor David Paterson signed S.552/A.1559 into law, adding section 3-506 to the New York State Election Law, directing the New York City Board of Elections to provide voting materials in the Russian language; and

Whereas, The law also requires that any information provided on the Board of Elections’ website in a language other than English also be provided in Russian; and

Whereas, The law directs the New York City Board of Elections to draft and disseminate citywide, a booklet containing a voter registration form in English with instructions in Russian, additional instructions in Russian on criteria and applications for absentee ballots, and a section with general voter information, such as frequently asked questions, in Russian; and

Whereas, The American Association for Russian Language, Culture and Education estimates, based on census and marketing data, that there are 600,000 Russian-American residents in New York City and the Modern Language Association lists Russian as the third most commonly spoken non-English language in New York State, after Spanish and Chinese; and

Whereas, Despite the fact that this law took effect on January 1, 2010, the main website of New York City’s Board of Elections is lacking in both the quantity and accessibility of Russian language materials; and

Whereas, The only Russian language link on the main website of the Board leads to a 2009 document in Russian on registration and voting, despite the fact that the same document was updated in 2012 in the four other languages in which it is offered; and

Whereas, The “poll site locator” section of the website has been translated into Spanish, Chinese and Korean, but not into Russian, despite the fact that section 3-506 of the State Election law requires the Board to “provide the same information in Russian that it provides in languages other than English on its website;” and

Whereas, The Board’s main webpage has multiple links in multiple languages to a webpage explaining the new voting system but does not have a Russian language link to such webpage; and

Whereas, There is Russian language information on the new voting system, but it can only be accessed by first unintuitively selecting another, non-Russian language link to the webpage and then selecting the Russian language option; and

Whereas, These oversights and omissions, even if corrected in the short term, raise questions as to the Board of Elections’ commitment to complying with this law and the promotion of language accessibility; and

Whereas, The federal Voting Rights Act clearly displays an understanding that enfranchisement can sometimes depend on the accessibility of language appropriate voting materials, with 42 U.S.C. section 1973AA-1A declaring that “The Congress finds that, through the use of various practices and procedures, citizens of language minorities have been effectively excluded from participation in the electoral process,” and that “in order to enforce the guarantees of the fourteenth and fifteenth amendments to the United States Constitution, it is necessary to eliminate such discrimination;” and

Whereas, It is entirely against both the spirit and letter of New York State law as well as the spirit of the federal Voting Rights Act to impede the access of a sizeable group of New York citizens to the voting process by failing to accommodate the language they speak, especially when that group was specifically targeted for assistance by the State; now, therefore, be it

Resolved, That the Council of the City of New York calls upon New York City’s Board of Elections to promptly and fully comply with both the spirit and letter of the New York State Election Law by promoting the enfranchisement of New York City voters through the provision of Russian translations of voting materials.

Referred to the Committee on Governmental Operations

Res. No. 1222

Resolution calling for civil discourse in presidential campaigns and debates, and condemning a candidate's statements claiming that children in poor neighborhoods lack work habits and have no one around them that work and referring to child labor laws as stupid.

By Council Members Foster, Wills, Arroyo, Chin, Comrie, Ferreras, James, Koslowitz, Lander, Rose, Seabrook, Vann, Williams and Palma.

Whereas, America has social and economic needs that would be best addressed by leaders who analyze data and trends, then formulate public policy solutions to address the needs of its citizens; and

Whereas, Comments that play upon stereotypes of any kind have no place in public discourse; and

Whereas, On December 1, 2012 while on a campaign stop in Des Moines, Iowa, presidential candidate Newt Gingrich stated that, “really poor children, in really poor

neighborhoods have no habits of working and have nobody around them who works so they have no habit of showing up on Monday,” and

Whereas, In November 2011, while speaking at an event at Harvard University, Newt Gingrich referred to child labor laws as “stupid” and stated that he would “replace janitors with schoolchildren;” and

Whereas, According to Andrea Lever, president of the Corporation for Enterprise Development, a nonprofit that helps low-income families build wealth, most poor children live in families with a working adult; and

Whereas, An analysis of United States Census data conducted by Andrew A. Beveridge, a sociologist at Queens College, widely regarded as the definitive analysis on poverty, also concluded that most poor children live in a household where at least one parent is employed; and

Whereas, According to a recent New York Times article, even among children who live in extreme poverty, which is defined as 50 percent of the poverty level, one third have at least one working parent; and

Whereas, On January 16, 2012, one of the presidential candidates made additional comments in relation to hunger, college and career readiness, issues relevant to the people of New York City, that were ill-conceived; and

Whereas, Those seeking public office should do their due diligence to ensure that information spread while seeking public office encourages healthy public discourse; now, therefore, be it

Resolved, That the Council of the City of New York calls for civil discourse in presidential campaigns and debates, and condemns a candidate's statements claiming that children in poor neighborhoods lack work habits and have no one around them that work and referring to child labor laws as stupid.

Referred to the Committee on Governmental Operations

Res. No. 1223

Resolution in support of A.6369, which would amend the Penal Law by increasing the penalties for certain offenses committed against an elderly person who is 60 or older, and calling on the Senate to introduce and pass a companion bill, and on the Governor to sign such legislation.

Council Members Foster, Arroyo, Cabrera, Comrie, Gentile, James, Koo, Koslowitz, Levin, Sanders, Seabrook, Vann, Williams, Palma and Halloran.

Whereas, Some individuals blatantly disregard the adage “respect your elders”; and

Whereas, Every year, there are news reports of elderly individuals who are the victims of assaults, robberies, or some other crime; and

Whereas, The elderly are a vulnerable population and several incidents have highlighted their plight; and

Whereas, In January 2012, a man allegedly attacked an 81 year-old man in Parkchester in the Bronx; and

Whereas, The suspect followed the man into his building and then proceeded to punch and kick him and eventually stole his wallet; and

Whereas, In another incident, which took place in May 2011, a man allegedly sexually assaulted and robbed an 85 year-old woman on the Upper East Side in Manhattan; and

Whereas, In order to strengthen the laws against those who commit an offense against the elderly, New York State must increase the penalties that can be imposed against those who harm our elderly population; and

Whereas, Assemblymember Guillermo Linares introduced A.6369, which would amend the Penal Law in order to increase the penalties for offenses committed against elderly individuals; and

Whereas, A.6369 defines “elderly person” as an individual who is sixty years or older; and

Whereas, A.6369 also defines “offense committed” as any of certain specified offenses, which range from misdemeanors to class B felonies; and

Whereas, A.6369 would increase the penalties when a person is convicted of an offense committed against an elderly person by deeming the offense to be one category higher than the offense the person committed, or attempted or conspired to commit; and

Whereas, A.6369 also establishes sentencing guidelines when the offense committed against an elderly person is a class B felony; and

Whereas, New York State needs to protect the elderly from those who seek to harm them; now, therefore, be it

Resolved, That the Council of the City of New York supports A.6369, which would amend the Penal Law by increasing the penalties for certain offenses committed against an elderly person who is 60 or older, and calls on the Senate to introduce and pass a companion bill, and on the Governor to sign such legislation.

Referred to the Committee on Public Safety.

Int. No. 787

By Council Members Garodnick, Comrie, Dromm, Eugene, Ferreras, James, Mealy, Rose, Seabrook, Williams, Mark-Viverito, Palma and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to requiring secondhand automobile dealers to keep electronic records of purchases and sales.

Be it enacted by the Council as follows:

Section 1. Subdivisions c and d of section 20-273 of subchapter eleven of chapter two of title twenty of the New York city administrative code are amended to read as follows:

c. In the case of a sale or other disposal of a motor vehicle, motor cycle or motor thereof, the licensee shall, in addition to any other entry required, enter in a permanent record the manner in which said motor vehicle, motor cycle or motor was removed from the premises, giving the name and address of the person who removes it and the motor vehicle registration number of any vehicle used to tow, remove or transport such motor vehicle, motor cycle or motor. *In addition to the book required by subdivision a of this section, such record shall be maintained in electronic form.*

d. Such book *and electronic records*, at all reasonable times, shall be open to the inspection of any police officer, to the commissioner or departmental inspector, or any judge of the criminal court, or any person duly authorized in writing for such purposes by the commissioner or by any judge of the criminal court, who shall exhibit such written authority to the dealer.

§ 2. This local law shall take effect one hundred twenty days after it shall have been enacted into law; provided that the commissioner and the commissioner of the department of transportation may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, promulgating rules.

Referred to the Committee on Consumer Affairs.

Int. No. 788

By Council Members Garodnick, Comrie, James, Seabrook and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to requiring secondhand automobile dealers to furnish bonds to the city.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 20-266 of subchapter eleven of chapter two of title twenty of the New York city administrative code is amended to read as follows:

a. Each dealer securing a general license *or a second-hand automobile dealer's license* shall furnish a bond to the city, with sufficient surety, to be approved by the commissioner in the penal sum of one thousand dollars conditioned for the due observance of the law relating to such dealers.

§ 2. This local law shall take effect one hundred twenty days after it shall have been enacted into law; provided that the commissioner and the commissioner of the department of transportation may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, promulgating rules.

Referred to the Committee on Consumer Affairs.

Int. No. 789

By Council Members Garodnick, Comrie, Koo, Koppell and Koslowitz.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting vending on the sidewalk abutting no standing zones adjacent to hospitals.

Be it enacted by the Council as follows:

Section 1. Subdivision e of section 17-315 of subchapter two of chapter three of title seventeen of the administrative code of the city of New York is amended to read as follows:

e. No food vendor shall vend within any bus stop, *within the portion of the sidewalk abutting a no standing zone adjacent to a hospital*, within ten feet of any driveway, any subway entrance or exit, or any crosswalk at any intersection.

§ 2. Subdivision e of section 20-465 of subchapter twenty-seven of chapter two of title twenty of the administrative code of the city of New York is amended to read as follows:

e. No general vendor shall vend within any bus stop or taxi stand, *within the portion of the sidewalk abutting a no standing zone adjacent to a hospital*, or within ten feet of any driveway, any subway entrance or exit, or any corner. For the purposes of this subdivision, ten feet from any corner shall be measured from a point where the property line on the nearest intersecting block face, when extended, meets the curb.

§3. This local law shall take effect ninety days after its enactment.

Referred to the Committee on Consumer Affairs.

Int. No. 790

By Council Members Garodnick, Chin, Comrie, Gentile, Koppell, Lander, Recchia, Rose, Williams, James and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to parking violations issued for the failure to display a muni-meter receipt.

Be it enacted by the Council as follows:

Section 1. Section 19-214 of the administrative code of the city of New York, as added by a local law for the year 2012 amending the administrative code of the city of New York relating to parking violations issued for the failure to display a muni-meter receipt, as proposed in introduction number 301-A, is amended to read as follows:

§19-214 Failure to display a muni-meter receipt. a. For purposes of this section, the term “muni-meter receipt” shall mean the receipt showing the amount of parking time purchased that is dispensed by an electronic parking meter.

b. Notwithstanding any rule or regulation to the contrary, but subject to the provisions of the vehicle and traffic law, where a notice of violation was issued to an owner or operator of a vehicle for the failure to display a muni-meter receipt, *it shall be an affirmative defense to such violation that such owner or operator purchased parking time for the time such notice of violation was issued or up to five minutes thereafter from a muni-meter dispensing timed receipts valid for use at the location such notice of violation was issued. Evidence of the affirmative defense shall be the presentation, in person or by mail, of a valid muni-meter receipt [with an official start time stamp and such start time is no later than] for the time such notice of violation was issued or for up to five minutes [after the time of the issuance of such notice,] thereafter or other suitable evidence as determined by the hearing officer that such [a receipt] parking time was purchased[, shall be an affirmative defense to such a violation].*

§2. This local law shall take effect immediately and be deemed to have been in force and effect on and after the effective date of a local law for the year 2012 amending the administrative code of the city of New York relating to parking violations issued for the failure to display a muni-meter receipt, as proposed in introduction number 301-A.

Adopted by the Council (preconsidered and approved by the Committee on Transportation.)

Int. No. 791

By Council Member Gonzalez, The Speaker (Council Member Quinn) and Council Members Arroyo, Brewer, Chin, Dromm, Gentile, James, Koppell, Koslowitz, Lander, Lappin, Levin, Recchia, Rose, Seabrook, Vann, Williams, Mark-Viverito and Palma.

A Local Law to amend the administrative code of the City of New York, in relation to extending the rent stabilization laws.

Be it enacted by the Council as follows:

Section 1. Section 26-502 of the administrative code of the city of New York, as amended by local law number twenty-three for the year 2009, is amended to read as follows:

§26-502 Additional findings and declaration of emergency. The council hereby finds that a serious public emergency continues to exist in the housing of a considerable number of persons within the City of New York and will continue to exist on and after April first, [two thousand nine] *two thousand twelve* and hereby reaffirms and reprimulgates the findings and declaration set forth in section 26-501 of this title.

§2. Section 26-520 of the administrative code of the city of New York, as amended by local law number twenty-three for the year 2009, is amended to read as follows:

§26-520 Expiration date. This chapter shall expire on April first, [two thousand twelve] *two thousand fifteen* unless rent control shall sooner terminate as provided in subdivision three of section one of the local emergency housing rent control law.

§3. This local law shall take effect immediately upon its enactment into law.

Referred to the Committee on Housing and Buildings.

Int. No. 792

By Council Members Greenfield, Cabrera, Wills, Arroyo, Brewer, Chin, Comrie, Eugene, Ferreras, Foster, Gentile, Jackson, James, Koo, Koslowitz, Levin, Mark-Viverito, Nelson, Palma, Reyna, Rose, Seabrook, Vann, Williams, Halloran, Ulrich and Vacca.

A Local Law to amend the administrative code of the city of New York, in relation to the collection of waste and recyclables from not-for-profit corporations by the department of sanitation.

Be it enacted by the Council as follows:

Section 1. Section 16-114 of chapter 1 title 16 of the administrative code of the city of New York is amended to read as follows:

§16-114 Rates for collection and disposal. The commissioner may charge for the collection and disposal of ashes, street sweepings, garbage, refuse, rubbish, dead animals, night soil and offal, and all wastes *and recyclables*, including trade waste from business, industrial, manufacturing, or other establishments conducted for profit, at rates established by the council by local law, upon recommendation of the commissioner, and on such terms and conditions as the commissioner shall prescribe and subject to rules of the department governing such collection and disposal. *The commissioner shall not charge for collection or disposal of such materials from any building owned by a not-for-profit corporation as defined in subparagraph five or seven of subdivision (a) of section one hundred two of the New York state not-for-profit corporation law.*

§2. This local law shall take effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Res. No. 1224

Resolution calling upon the New York City Water Board to set water and sewer rates to cover only the capital and operating expenses related to operating, maintaining, protecting, and improving the City's drinking water and wastewater systems, and not to set these fees to pay money into the general fund of the city or for other functions undertaken by the Department of Environmental Protection not related to water and wastewater management.

By Council Members Halloran, Comrie, Gentile, Koo, Rose, Wills, Oddo and Ulrich.

Whereas, The New York City Municipal Water Finance Authority Act gives the New York City Water Board the authority to “establish, fix, revise, charge and collect and enforce the payment of all fees, rates, rents and other service charges” for water supply and wastewater services in order to pay for debt service, upkeep, and other requirements to keep the water supply and wastewater systems self-sustaining and operational; and

Whereas, Money raised from such fees, rates, rents and other service charges is kept and used by the Water Board to perform its responsibilities, and the excess money raised is paid to the City's General Fund; and

Whereas, In 1984 the Water Board and the City joined in a lease agreement that transferred control of all of the City's water- and sewer-related real and personal property to the Water Board for the term of the lease; and

Whereas, The lease agreement allows for payments to the City by the Water Board for such services as maintaining and repairing the leased property, capital costs incurred by the City for construction of capital improvements to the leased property, legal services provided by the City, services of any City officer and employee provided on a full-time or part-time basis to the Water Board, and reconciliation payments, and other services provided by the City; and

Whereas, The lease agreement also allows the City to collect rent payments from the Water Board, in an amount requested by the City each fiscal year not to exceed the greater of: (1) principal and interest for the fiscal year in City general obligation bonds issued for water and sewer purposes, or (2) 15 percent of principal and interest on Water Authority debt for the fiscal year; and

Whereas, From 2007 to 2011 the rental payment increased by an average of \$16.6 million per year, and it is expected to continue to increase into the future; and

Whereas, The Water Board sets water and sewer rates each year that will cover the Department of Environmental Protection's capital and operating costs related to the treatment and transport and distribution of drinking water and wastewater, the maintenance of water and sewer infrastructure, and the rental charge; and

Whereas, Revenue raised by the payment of water and sewer rates are also used to pay for governmental expenses accrued by other City agencies and offices that perform work indirectly related to the water and sewer system; and

Whereas, Most properties in the City are charged a uniform water rate based on metered water use, and a wastewater rate of 159% of water charges, while about 6% of the City's properties are charged rates based on the length of the properties frontage on the street, the number of families living at the property, fixtures, and similar variables; and

Whereas, Higher rental fees and other Water Board expenditures that do not directly impact the drinking water and wastewater systems raise property owners' water and sewer bills; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Water Board to set water and sewer rates to cover only the capital and operating expenses related to operating, maintaining, protecting, and improving the City's drinking water and wastewater systems, and not to set these fees to pay money into the general fund of the city or for other functions undertaken by the Department of Environmental Protection not related to water and wastewater management.

Referred to the Committee on Environmental Protection.

Int. No. 793

By Council Members Koppell, James, Lander, Rose, Seabrook, Vann, Williams and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the Department of Consumer Affairs to establish a uniform rating system for retail food stores.

Be it enacted by the Council as follows:

Section 1. Subchapter two of chapter five of title twenty of the administrative code of the city of New York is amended by adding a new section 20-711.1 to read as follows:

§ 20-711.1. **Rating system for retail food stores.** *a. For the purpose of this section, "retail food store" shall mean a store selling primarily food and food products for consumption or use off the premises. The term does not include stores that sell only pre-packaged, non-potentially hazardous foods, food service establishments, or food and beverage vending machines.*

b. Within one hundred and eighty days of the effective date of the local law that added this section, the department shall create a uniform rating system for retail food stores, and shall rate all retail food stores in New York city. Ratings shall be based on the retail food stores' violations of the provisions contained in this subchapter including, but not limited to, violations related to the following: (i) item pricing; (ii) pricing accuracy; (iii) scanner accuracy; and (iv) shelf pricing.

c. Required posting of rating. Retail food stores shall conspicuously post such rating in a location, size and style to be determined by the commissioner.

§ 2. This local law shall take effect immediately upon enactment.

Referred to the Committee on Consumer Affairs.

Int. No. 794

By Council Members Koppell, Dromm, James, Williams and Palma.

A Local Law to amend the administrative code of the city of New York, in relation to the sale and use of gas-powered leaf blowers.

Be it enacted by the Council as follows:

Section 1. Section 24-242 of the administrative code of the city of New York is amended to read as follows:

§24-242 Lawn Care Devices. (a) No person shall operate, [or] use, or cause to be operated or used, any lawn care device:

(1) On weekdays before eight a.m. and after seven p.m. or sunset, whichever occurs later; or

(2) On weekends and New York state and federal holidays before nine a.m. and after six p.m., *except that no gas-powered leaf blower shall be used before noon on these days; or*

(3) At any time in such a way as to create an unreasonable noise. For the purposes of this section unreasonable noise shall include but shall not be limited to an aggregate sound level of 75 db(A) or more *for all non-gas-powered leaf blower lawn care devices, and an aggregate sound level exceeding 70 db(A) for gas-powered leaf*

blowers, attributable to the source or sources, as measured at any point within a receiving property. The provisions of paragraph (1) of this subdivision shall not apply to an employee of the department of parks and recreation or an agent or contractor of the department of parks and recreation who operates or uses or causes to be operated or used any lawn care device between the hours of seven a.m. and eight a.m. in any location more than three hundred feet from any building that is lawfully occupied for residential use. The distance of three hundred feet shall be measured in a straight line from the point on the exterior wall of such building nearest to any point in the location at which such lawn care device is operated or used or caused to be operated or used.

(b) No person shall operate, [or] use, or cause to be operated or used, any *gas-powered leaf blower [not equipped with a functioning muffler] between or on the dates of May fifteenth and September fifteenth of any calendar year.*

(c) *No person shall operate, use, or cause to be operated or used, a gas-powered leaf blower rated to produce a maximum sound level in excess of 70 dB(A) as determined in accordance with the most current version of American National Standards Institute (ANSI) B175.2-2000.*

§2. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 13 to read as follows:

SUBCHAPTER 13

Gas-Powered Leaf Blowers

§ 20-699.7 **Prohibited Gas-Powered Leaf Blower Sales.** *It shall be unlawful for any person to distribute, sell, or offer for sale any gas-powered leaf blower rated to produce a maximum sound level in excess of 70 db(A) as determined in accordance with the most current version of American National Standards Institute (ANSI) B175.2-2000.*

§ 20-699.8 **Penalty.** *Any person who violates any provision of this subchapter shall be subject to a civil penalty of not more than two hundred dollars, except if the person has previously been found to have violated any provision of this subchapter in the previous twenty-four months, in which case the person shall be subject to a civil penalty of not less than two hundred nor more than one thousand dollars.*

§3. This local law shall take effect one year after its enactment.

Referred to the Committee on Environmental Protection.

Res. No. 1225

Resolution calling on the United States House of Representatives to restore the Mass Transit Account that would be eliminated by the American Energy and Infrastructure Jobs Act of 2012 (H.R. 7), and calling upon the United States House of Representatives to support Congressman Jerrold Nadler's bipartisan amendment to restore transit funding to H.R. 7, and calling on the United States Senate to not adopt H.R. 7 without such restoration.

By Council Members Jackson, Arroyo, Brewer, Chin, Comrie, Gentile, James, Koo, Koppell, Lander, Recchia, Rose, Williams, Wills and Palma.

Whereas, Public transit is the economic engine for New York City and the entire New York, New Jersey and Connecticut metropolitan region; and

Whereas, MTA's 2005-2009 capital program contributed \$44.1 billion to the regional economy and created almost 325,000 jobs for New Yorkers, and in New York City during the same period, MTA's capital program generated \$24.5 billion in economic activity, and created 194,695 jobs; and

Whereas, While New York State has lost thousands of manufacturing jobs over the previous ten years, the State has become the nation's leader in transit manufacturing; and

Whereas, Over the next twenty years, New York City's population is expected to increase by one million, and public transportation is crucial to ensuring that people will be able to access jobs, schools and recreational activities; and

Whereas, In the Federal Surface Transportation Assistance Act of 1982, President Ronald Reagan allocated roughly 20 percent of the revenues from the increase in the gas tax to fund the newly created Mass Transit Account, with the remaining 80 percent going to highway funding, thus creating a permanent funding stream for public transit; and

Whereas, The American Energy and Infrastructure Act of 2012 (H.R. 7), eliminates dedicated funding for public transit by replacing the "Mass Transit Account" with the "Alternative Transportation Account" that provides a one-time \$40 billion investment in public transit in fiscal years 2013 through 2016; and

Whereas, Beyond 2016, funding for public transit will face an uncertain future, and will most likely be subject to the highly partisan Congressional appropriation process; and

Whereas, According to the American Public Transportation Association, passage of H.R. 7 will complicate the ability of public transit agencies to raise much need capital by issuing bonds, and as a result will force them to rely on higher farebox revenues; and

Whereas, A bipartisan amendment by Congressman Jerrod Nadler (NY) would restore public transit funding to H.R. 7, by eliminating the "Alternative Transportation Account" and restoring dedicated transit funding available through the "Mass Transit Account;" and

Whereas, Public transit is the lifeline that keeps the New York metropolitan area, and many areas of the nation moving; and

Whereas, Congress should not diminish the funding of crucial public transit services; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States House of Representatives to restore the Mass Transit Account that would be eliminated by the American Energy and Infrastructure Jobs Act of 2012 (H.R. 7), and calling upon the United States House of Representatives to support Congressman Jerrold Nadler's bipartisan amendment to restore transit funding to H.R. 7, and calling on the United States Senate to not adopt H.R. 7 without such restoration.

Referred to the Committee on Transportation Int. No. 795

By Council Members Lappin, James, Nelson, Halloran and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to doubling the civil penalty for illegally operating a motorized scooter.

Be it enacted by the Council as follows:

Section 1. Section 19-176.2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by amending subdivision c to read as follows:

c. Any person who violates subdivision b of this section shall be liable for a civil penalty in the amount of [five hundred] *one thousand* dollars. Authorized employees of the police department and department of parks and recreation shall have the authority to enforce the provisions of this section. Such penalties shall be recovered in a civil action or in a proceeding commenced by the service of a notice of violation that shall be returnable before the environmental control board. In addition, such violation shall be a traffic infraction and shall be punishable in accordance with section eighteen hundred of the New York state vehicle and traffic law.

§2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Res. No. 1226

Resolution calling on Village Voice Media to shut down the adult section of its online classified site, Backpage.com, because it serves as a platform to traffic minors for sex.

By Council Members Lander, Mark-Viverito, Brewer, Chin, Crowley, James, Lappin, Levin, Recchia, Rose, Palma and Ulrich.

Whereas, According to the United States' Trafficking Victims Protection Act (TVPA) of 2000, human trafficking is defined as the "recruitment, harboring, transportation, provision, or obtaining of a person to perform labor or a commercial sex act through force, fraud, or coercion;" and

Whereas, In addition, according to the United States Department of Justice ("DOJ"), the TVPA further states that "any commercial sex act performed by a person under age 18 is considered human trafficking, regardless of whether force, fraud, or coercion is involved;" and

Whereas, A DOJ Office of Justice Programs (OJP) December 2011 Fact Sheet on Human Trafficking states that as many as 300,000 children are at risk for sexual exploitation each year in the United States; and

Whereas, One vehicle used to exploit and "market" such victims is online advertising for "adult services;" and

Whereas, After news reports linking Craigslist adult advertising to crimes that included sex trafficking and murder, and after much public pressure and a letter signed by 17 states' attorneys general, Craigslist banned sexually related advertising in September 2010; and

Whereas, According to a *New York Times* article entitled "Fighting Over Online Sex Ads," once Craigslist discontinued such advertising, a large amount of the approximately \$44 million in sex-related advertising went to Backpage.com; and

Whereas, Backpage.com and its parent company, Village Voice Media, have been contacted by numerous advocacy groups, law enforcement officials and religious organizations asking them to close the site; and

Whereas, A letter to Backpage.com from the National Association of Attorneys General (NAAG) dated August 31, 2011, states that charges were filed against persons who trafficked or attempted to traffic minors using Backpage.com in over 50 instances in 22 states over the course of three years; and

Whereas, In a *New York Times* article published on January 25, 2012, the lead sex trafficking prosecutor from the Brooklyn District Attorney's Office said a vast majority of the 32 cases her office prosecuted in the last year included girls "marketed" through Backpage.com; and

Whereas, Furthermore, in the same article she stated "Pimps are turning to the internet" and "Backpage is a great vehicle for pimps trying to sell girls;" and

Whereas, Currently Backpage.com refuses to discontinue its adult services section and claims the company monitors it "24/7;" and

Whereas, Sex trafficking is a heinous crime that must be addressed in the most serious manner possible; and

Whereas, To bolster actions by law enforcement, society should assist in eradicating such crimes by adjusting practices to make it more difficult for these criminals to function; and

Whereas, Backpage.com's adult section is facilitating sex trafficking and should alter its current practice; now, therefore, be it

Resolved, That the Council of the City of New York calls on Village Voice Media to shut down the adult section of its online classified site, Backpage.com, because it serves as a platform to traffic minors for sex.

Referred to the Committee on Women's Issues

Res. No. 1227

Resolution calling upon the New York City Department of Education to phase out and eliminate the use of polystyrene food trays within two years through the use of biodegradable food trays or biodegradable food containers instead.

By Council Members Levin, Brewer, Chin, Crowley, Dromm, James, Koppell, Koslowitz, Lander, Rose, Williams, Wills, Mark-Viverito and Palma.

Whereas, According to the New York City Department of Sanitation, each day, the school meal program uses 830,000 polystyrene trays; and

Whereas, This means that, over a one year period, New York City's school system uses more than 150 million polystyrene trays; and

Whereas, Polystyrene, also known as styrofoam, is a thermoplastic material made from petroleum-derived styrene, which is made into both foam and rigid products, such as food trays; and

Whereas, New York City's recycling program does not accept styrofoam for recycling; and

Whereas, There are few recycling plants in the United States that will take styrofoam; therefore, the materials must be shipped to distant factories, and the transport and processing is expensive, unsustainable, and not environmentally friendly; and

Whereas, According to the Department of Sanitation, styrofoam contributes approximately 16,500 tons of waste to the city's waste stream annually; and

Whereas, According to the City's Bureau of Waste Prevention, Reuse and Recycling within the Department of Sanitation, the city is the largest consumer of polystyrene due to the City Department of Education's (DOE) school food program, which serves its meals on polystyrene trays; and

Whereas, According to the Natural Resources Defense Council, there are concerns that toxins can leach from polystyrene when it comes into contact with hot foods; and

Whereas, Polystyrene is made with styrene, a chemical which can affect the central nervous system, according to the United States Environmental Protection Agency (EPA); and

Whereas, According to the EPA, chronic exposure to styrene in humans can cause headache, fatigue, weakness, depression and other problems; and

Whereas, The Department of Education has already taken steps to reduce the use of polystyrene trays, on "Trayless Tuesdays," when the polystyrene trays are replaced with paper boats, products which can be recycled when clean; and

Whereas, The introduction of "Trayless Tuesdays" by the DOE reduces polystyrene tray use by twenty percent, diverting 2.4 million trays from landfills each month; and

Whereas, "Trayless Tuesday" also helps raise awareness among parents and students of the issues involved with polystyrene use; and

Whereas, Another biodegradable alternative to polystyrene trays are sugar cane trays; and

Whereas, Sugar cane trays break down within 45 days in a landfill, are good for the environment and reduce waste; and

Whereas, Although polystyrene trays are less costly than sugar cane trays, the costs of disposal have not been factored into the overall price that the non-recyclable trays have on New York City and the environment; and

Whereas, Sugar cane trays are not the only compostable alternative to polystyrene trays, as low cost trays made from corn waste or recycled cardboard are also available; and

Whereas, Other alternatives to recyclable trays include reusable trays, which can be washed, and some schools in other jurisdictions have set up volunteer programs which allow parents and students to help wash the trays; and

Whereas, Polystyrene food trays are not the only option, as there are numerous low cost alternatives which are not only biodegradable, but also safer for students and the environment; and

Whereas, Phasing out the use of polystyrene trays from schools and choosing other alternatives would be beneficial for the City as a whole, from an environmental perspective and from a potential health perspective; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education to phase out and eliminate the use of polystyrene food trays within two years through the use of biodegradable food trays or biodegradable food containers instead.

Referred to the Committee on Education.

Res. No. 1228

Resolution calling on the Metropolitan Transit Authority to investigate how the New York City Police Department is enforcing section 1050.7(j) of the MTA Rules of Conduct, regarding disorderly conduct in the subway.

By Council Members Levin, Chin, James, Lander and Palma.

Whereas, Part 1050 of Title 21 of the New York Codes, Rules and Regulations sets forth the Metropolitan Transportation Authority (MTA) Rules of Conduct and Safety; and

Whereas, Section 1050.7(j) of Part 1050 makes it a violation of the Rules of Conduct to occupy more than one seat on a subway if it interferes with the operation of the transit system or the comfort of other passengers, and it is also a violation to block free movement in an MTA station, landing, or conveyance; and

Whereas, Passengers are also prohibited from placing their feet on a subway seat; and

Whereas, The New York City Police Department (NYPD) is responsible for enforcing violations of Part 1050; and

Whereas, The plain language of section 1050.7(j) suggests that the intention of this section is to ensure passenger comfort and facilitate movement, and not necessarily that it be used for other law enforcement needs; and

Whereas, In 2011, NYPD officers issued over 6,000 tickets for these violations and made approximately 1,600 arrests; and

Whereas, According to media reports, many section 1050.7(j) violations occur late at night when the subway is least crowded; and

Whereas, The enforcement of section 1050.7(j) has raised several concerns, namely that it is being used as a pretext to run checks on individuals who are suspected of having outstanding warrants, to generate overtime pay for police officers, or as a result of pressure to meet NYPD quotas; and

Whereas, According to the NYPD, enforcing this regulation makes the subway safer because often someone engaging in a minor offense turns out to be wanted for a more serious crime; and

Whereas, However, the NYPD's enforcement has led to extreme circumstances in some cases, raising questions about whether the NYPD is enforcing the Rules of Conduct in a manner that the MTA did not intend when it promulgated the Rules; and

Whereas, For example, according to media accounts, some passengers have been arrested under section 1050.7(j), and held in jail for a day or more before seeing a judge and in one case, such an arrest resulted in a deportation for the failure to produce valid identification; and

Whereas, In another instance a diabetic passenger who was arrested late at night on the F train for putting his leg on a seat to administer insulin spent 30 hours in jail without his insulin, had to be hospitalized for two days and as a result, the City paid him \$150,000; and

Whereas, Recently a Brooklyn judge, when dismissing the case of someone who allegedly took up more than one seat on a subway at 3 a.m. on Christmas Eve, cited an apparent disparity between the intention of section 1050.7(j) and its enforcement by the NYPD; and

Whereas, Commuters arguably would be better served if the NYPD concentrated on making arrests for more serious offenses in subways and buses rather than using the Rules of Conduct violations as a pretext; now, therefore, be it

Resolved, That the Council of the City of New York calls upon Metropolitan Transit Authority to investigate how the New York City Police Department is enforcing section 1050.7(j) of the MTA Rules of Conduct, regarding disorderly conduct in the subway.

Referred to the Committee on Transportation.

Res. No. 1229

Resolution declaring the third Monday in September as "Teen Suicide Awareness Day" in the City of New York.

By Council Members Levin, Oddo, Arroyo, Comrie, Crowley, Dromm, Eugene, Ferreras, James, Koo, Koppell, Lander, Recchia, Rose, Williams, Wills, Mark-Viverito, Palma and Halloran.

Whereas, According to the American Association of Suicidology, in 2008, someone died from suicide every fifteen minutes, and there were eleven youth suicides daily in the United States; and

Whereas, According to the New York State Department of Health, suicide is the fourth leading cause of death for fifteen to nineteen year olds; and

Whereas, According to the New York State Office of Mental Health, 90 percent of teens who die by suicide have a diagnosed mental disorder at the time of their death, with the most common being mood disorder, conduct disorder, and alcohol or drug abuse; and

Whereas, According to the New York State Office of Mental Health's Suicide Prevention Initiative (NYSOMHSPI), depression and other mental illnesses begin in the teen years, and early treatment can have a real impact on disease progression; and

Whereas, The NYSOMHSPI further informs that the statistics regarding teen suicide in New York State are compelling, referring to 2009 data (the most recent available) from a Centers for Disease Control survey of New York State's youth between the ages of 14 and 19, which reveals that 22.6 percent reported feeling sad or hopeless for at least two weeks in the previous 12 months, that 18.2 percent had been bullied on school property, that 13.3 percent had seriously considered attempting suicide and that 7.4 percent of youth had attempted suicide one or more times; and

Whereas, The three most common methods of suicide in New York City include hanging/suffocation, jumping from a high place, and intentional poisoning by drugs or medicinal substances; and

Whereas, Situations that increase the likelihood of a suicide attempt include the loss of a family member or friend, family issues, relationship problems, the feeling of not belonging, including being bullied, and school or work difficulties; and

Whereas, According to the New York State Office of Mental Health, many suicidal teens have parents or family members who have grappled with suicide and mental health problems; and

Whereas, Health experts assert that there are many warning signs that someone is contemplating suicide, including depression, talking or writing about dying, talking about feeling hopeless, withdrawal, taking part in risky behavior, seeking access to pills or weapons, and excessive rage; and

Whereas, According to The Samaritans of New York, a non-profit organization that provides support to individuals in crisis, the most effective way to prevent suicide is to recognize these warning signs and take them seriously, as approximately 75 percent of people who attempt suicide do something to let others know of their intentions before they act; and

Whereas, Given the high rates of suicide amongst teenagers, suicide prevention measures must ensure that the planning, policy, and intervention responses are current; and

Whereas, Preventive methods include enhancing the support systems for vulnerable youth, parent education programs, post-attempt treatment programs, and school re-entry guidelines for students who have attempted suicide; and

Whereas, A Teen Suicide Awareness Day in the City of New York would shine light on the dangers of teenage suicide, serve as a springboard for increasing outreach efforts, and provide greater access to prevention tools for educators, parents, and at risk youth; and

Whereas, The month of September is generally recognized as National Suicide Prevention Month; now, therefore, be it

Resolved, That the Council of the City of New York declares the third Monday in September as "Teen Suicide Awareness Day" in the City of New York.

Referred to the Committee on Mental Health, Mental Retardation, Alcoholism, Drug Abuse & Disability Services.

Res. No. 1230

Resolution determining that a public emergency requiring rent control in the City of New York continues to exist and will continue to exist on and after April 1, 2012.

By Council Member Mark-Viverito, The Speaker (Council Member Quinn) and Council Members Brewer, Chin, Dromm, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Rose, Williams and Palma.

Whereas, The City, acting by the Mayor, has caused a survey to be made of the supply of housing accommodations and the need for continuing the regulation and control of residential rents and evictions within the City, and such survey has been submitted to the Council in accordance with the law; now, therefore, be it

Resolved, That the Council hereby determines that the public emergency requiring the regulation and control of residential rents and evictions within the City continues to exist and will continue to exist on and after April 1, 2012, and that an acute shortage of dwellings continues to exist and will continue to exist on and after April 1, 2012, that such shortage constitutes a threat to the citizens of New York City and creates a special hardship to persons and families of limited and moderate means; that unless residential rents and evictions continue to be regulated and controlled, there will be excessive rent increases and evictions for failing to pay such increases, which will produce serious threats to the public health, safety and general welfare, that to prevent such perils to the public health, safety and general welfare, preventive action through local legislation of the City continues to be imperative; that such action, as a temporary measure to be effective until it is determined by the Council that such emergency no longer exists, is necessary in order to prevent threats to the public health, safety and general welfare; that the transition from regulation to a normal market of free bargaining between landlord and tenant, while still the object of State and City policy, must be administered with due regard for such emergency; and be it further

Resolved, That the Council of the City of New York, for the reasons hereinabove set forth, hereby determines, pursuant to subdivision 3 of section 1 of Chapter 21 of the Laws of 1962, as amended, that the continuation of the regulation and control of residential rents and evictions on and after April 1, 2012 is necessary to protect the public health, safety and general welfare and that such regulation and control should be continued as now or hereafter provided pursuant to the provisions of Chapter 3 of Title 26 of the Administrative Code of the City of New York, subject to such amendment as may be enacted into law.

Referred to the Committee on Housing and Buildings.

Res. No. 1231

Resolution calling on the United States Congress to pass, and the President to sign into law, the “Restore the American Dream for the 99% Act” to support job creation, increase revenue and savings and protect critical services.

By Council Members Mark-Viverito, Comrie, Dromm, James, Lander, Rose, Williams, Wills and Palma.

Whereas, On December 13, 2011, the Congressional Progressive Caucus (Co-Chairs Representative Keith Ellison (D-Minn.) and Representative Raul Grijalva (D-Arizona) introduced the “Restore the American Dream for the 99% Act”;

Whereas, The proposed legislation includes a provision titled “Emergency Jobs to Put America Back to Work”, which seeks to create more jobs and budgetary policy reforms that would meaningfully boost employment and improve the long term fiscal outlook; and

Whereas, The Congressional Budget Office projects that the unemployment rate will average 8.5 percent in the fourth quarter of 2012; and

Whereas, According to the Blue Chip Economic Indicators, the economy has only grown 1.5 percent in the past year and real Gross Domestic Product growth is forecast at 2.2 percent for 2012; and

Whereas, The proposed act would provide \$227 billion over fiscal years 2012 and 2013 to launch an emergency jobs program to repair public school buildings, establish a national corps of child care workers, hire and re-hire teachers, hire first responders and staff the national parks; and

Whereas, According to the Economic Policy Institute, this bill would increase non-farm payroll employment by almost 2.3 million jobs in 2012 and almost 3.1 million jobs in 2013; and

Whereas, This legislation seeks to find cost savings and implement fair taxation policies to reduce the deficit over a ten year period; and

Whereas, The Revenue Savings and Fair Taxation portion of the Act seeks to amend the Internal Revenue Code to revise income tax rates and to increase the rate an individual or married couple with taxable income exceeding \$1 million pays in taxes; and

Whereas, The Fairness in Taxation Act would enact new tax brackets for incomes starting at \$1 million and ending with a \$1 billion tax bracket; and

Whereas, If enacted, it is estimated that the Fairness in Taxation Act would raise more than \$748 billion over a ten year period and offset the cost of job creation over the same ten year period; and

Whereas, This Act also provides for other cost saving measures that would significantly reduce the ten year deficit projection such as repealing tax loopholes for the oil and gas industry, reinstating the superfund taxes for hazardous waste clean-up, enacting a Wall Street speculation tax, and reducing spending by the Department of Defense; and

Whereas, According to the Economic Policy Institute, the Act to Restore the American Dream for the 99% would invest in job creation policies in the near future while spreading deficit reduction across ten years which would result in the creation of more taxpayers and generate a self-sustaining economic recovery; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to pass, and the President to sign into law, the “Restore the American Dream for the 99% Act” to support job creation, increase revenue and savings and protect critical services. .

Referred to the Committee on State and Federal Legislation.

Res. No. 1232

Resolution calling upon the New York State Legislature to pass and the Governor to sign the Internet System for Tracking Over-Prescribing Act (A.8320/S.5720A), legislation that would create an online database to report and track the prescription and dispensing of certain controlled substances.

By Council Members Nelson, Arroyo, the Speaker (Council Member Quinn), Koppell, Wills, Gonzalez, Fidler, Rose, Palma, Koslowitz, Vann, Gentile, Dickens, Cabrera, Comrie, James, Levin and Halloran.

Whereas, New York State Attorney General Eric Schneiderman (D-NY) submitted a program bill to the State Legislature which would create the Internet System for Tracking Over-Prescribing Act (I-STOP); and

Whereas, Attorney General Schneiderman has called for the New York State Legislature to pass A.8320/S.5720A, legislation introduced by Assembly Member Michael Cusick (D-Staten Island) and Senator Andrew Lanza (R-Staten Island) that would create an online database to report and track the prescription and dispensing of certain controlled substances; and

Whereas, According to a report issued by the Attorney General that describes I-STOP, this legislation would provide health care practitioners and pharmacists with critical information to prevent over-prescribing, shut down illegal drug trafficking, and identify and treat patients who abuse prescription drugs; and

Whereas, The legislation would also allow practitioners, pharmacists, and other dispensers to access and report information concerning the prescribing and dispensing of specific types of medication at the time the prescription is issued or dispensed; and

Whereas, Currently, prescription drug monitoring programs operate in 43 states throughout the country; and

Whereas, This legislation would provide New York State with another tool to combat the prescription drug abuse epidemic; and

Whereas, Prescription drug abuse is a serious threat to the public health of all New Yorkers; and

Whereas, Individuals can abuse prescription drugs when they take medication in a manner inconsistent with the prescription or without a prescription for the medication; and

Whereas, Prescription drugs come in many categories, including opioid painkillers, anti-anxiety drugs and tranquilizers, sedatives and stimulants; and

Whereas, According to the New York City Department of Health and Mental Hygiene (DOHMH), approximately one out of seven New York City adults has misused prescription drugs; and

Whereas, From 2008 to 2009, 263,000 New Yorkers twelve and older reported non-medical use of prescription opioids, a 40 percent increase from 2002 to 2003; and

Whereas, DOHMH reports that oxycodone and hydrocodone were the most commonly prescribed prescription pain medication in New York City in 2008 to 2009, with approximately 900,000 oxycodone prescriptions and more than 825,000 hydrocodone prescriptions filled in 2009; and

Whereas, DOHMH warns that the misuse of prescription drugs can be as dangerous as illicit drugs; and

Whereas, Individuals can suffer serious effects from abusing prescription drugs including seizures, organ damage, heart problems, hallucinations and accidental overdose; and

Whereas, Accidental drug overdose is the third leading cause of death among New Yorkers between the ages of 25 to 34, and in 2008, 22 percent of these accidental overdoses involved prescription drugs; and

Whereas, While this problem affects all of New York City, prescription drug abuse is especially prevalent in the borough of Staten Island, where the rate of unintentional prescription pain medication death increased by 147 percent from 2005 to 2009; and

Whereas, Due to the growing concern and effect of prescription drug abuse in New York City, Mayor Michael Bloomberg announced a prescription drug abuse task force in December 2011; and

Whereas, This problem is not limited to New York City- in June 2011, David Laffer entered a pharmacy in Medford, Long Island, with the intention to rob the pharmacy of its prescription drugs; and

Whereas, David Laffer killed four people and was subsequently sentenced to life in prison without parole; and

Whereas, Given the significant public safety and health risk associated with prescription drugs, government must take affirmative action to keep New Yorkers safe; now, therefore, be it

Resolved , That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign the Internet System for Tracking Over-Prescribing Act (A.8320/S.5720A), legislation that would create an online database to report and track the prescription and dispensing of certain controlled substances.

Referred to the Committee on Mental Health, Mental Retardation, Alcoholism, Drug Abuse & Disability Services (preconsidered but laid over by the Committee on Mental Health, Mental Retardation, Alcoholism, Drug Abuse & Disability Services, the Committee on Health, and the Subcommittee on Drug Abuse).

Int. No. 796

By Council Members Recchia, Comrie and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to the sale of tax liens.

Be it enacted by the Council as follows:

Section 1. Subparagraph i of paragraph 2 of subdivision b of section 11-319 of the administrative code of the city of New York, as amended by local law number 98 for the year 1997, is amended to read as follows:

2. (i) The commissioner of finance may, in his or her discretion, sell a tax lien or tax liens through a negotiated sale. In addition to the advertisement and notice required to be provided pursuant to section 11-320 of this chapter, the commissioner of finance or his or her designee shall cause to be published a notice of intention to sell a tax lien or tax liens through a negotiated sale, which notice shall advise that a request for statements of interest is available at the office of the department of finance, and which may require the submission of any information or documents that the commissioner deems appropriate, provided, however, that if the negotiated sale is to a trust or other entity created by the city, *whether public or private*, or in which the city has an ownership or residual interest, then the requirement that the notice advise that a request for statements of interest is available at the office of the department of finance shall not apply. Such notice shall be published in one newspaper of general circulation in the city, not less than fifteen days prior to the date designated by the commissioner for the receipt of statements of interest, or if the negotiated sale is to such trust or other entity, then such notice shall be published not less than fifteen days prior to the date of sale. For purposes of this subparagraph, the words "date of sale" shall have the same meaning provided in subdivision e of section 11-320 of this chapter.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Finance.

Int. No. 797

By Council Members Rose, Eugene, James, Koo, Koppell, Koslowitz, Lander, Williams, Wills and Palma.

A Local Law to amend the administrative code of the city of New York, in relation to requiring a sign at the main entrance of any place or provider of public accommodation giving directions to the nearest accessible entrance for persons with disabilities when such an entrance exists.

Be it enacted by the Council as follows:

Section 1. Title 8 of the administrative code of the city of New York is amended by adding a new chapter 12 to read as follows:

Chapter 12

Accessible Entrance Signs

§ 8-1201 Definitions

§ 8-1202 Accessible entrance signs

§ 8-1203 Penalties

§8-1201 Definitions. For the purposes of this chapter, the following terms shall have the following meanings:

a. "Office" shall mean the mayor's office for people with disabilities or such other office of the mayor or agency designated by the mayor.

b. "Place or provider of public accommodation" shall have the same meaning as provided in subdivision 9 of section 8-102 of this code.

§8-1202 Accessible entrance signs. A sign shall be posted in one or more conspicuous locations at the main entrance of every place or provider of public accommodation giving directions to the nearest accessible entrance for persons with disabilities when such an entrance exists unless such main entrance is an accessible entrance for persons with disabilities. Such sign shall be readily visible to persons with disabilities and of such size, height, width, spacing, and color as shall be prescribed by the rules of the office.

§8-1203 Penalties. a. Any person that violates any of the provisions of this chapter shall be liable for a civil penalty of fifty dollars for the first violation.

b. Each day a violation is continued shall be deemed a continuous violation and shall be subject to an additional penalty of fifteen dollars per day.

§2. This local law shall take effect one hundred and twenty days after its enactment into law.

Referred to the Committee on Mental Health, Mental Retardation, Alcoholism, Drug Abuse & Disability Services (preconsidered but laid over by the Committee on Mental Health, Mental Retardation, Alcoholism, Drug Abuse & Disability Services).

Res. No. 1233

Resolution calling on the New York State Department of Labor to eliminate all banking fees on Direct Payment Cards used for unemployment insurance benefit payments.

By Council Members Sanders, Comrie, Gentile, James, Lander, Levin, Mealy, Rose, Williams, Wills, Mark-Viverito and Palma.

Whereas, Forty-one states currently contract with banks to issue unemployment insurance benefits on prepaid debit cards; and

Whereas, Such prepaid debit cards look and work like mainstream debit cards, allowing beneficiaries to purchase goods and services, pay bills, and, depending on the issuing bank, make free cash withdrawals from in-network banks and automated teller machines (ATMs); and

Whereas, Distributing unemployment benefits through prepaid debit cards save states money by eliminating costs associated with printing and mailing checks; and

Whereas, Using prepaid debit cards for unemployment benefits also helps reduce the likelihood of lost or stolen checks, and dissuades those in dire financial straits from patronizing unscrupulous check cashing businesses; and

Whereas, Despite the obvious advantages of dispensing government benefits via a prepaid debit card, the fee structures in some states can be particularly burdensome to beneficiaries and can include ATM fees for both in- and out-of-network machines, balance inquiry fees, denied transaction fees, overdraft fees, customer service fees, teller-assisted withdrawal fees and inactivity fees; and

Whereas, For those living in isolated or underbanked areas, the cost of travelling to an in-network bank or ATM are as onerous as the fees incurred from transacting with an out-of-network financial institution; and

Whereas, Because prepaid debit cards used for government benefits are exempt from federal law capping interchange fees on debit and credit card transactions, issuing banks benefit from additional revenue streams through the fees they are able to levy against merchants who accept the charges; and

Whereas, Imposing fees on benefits cards unfairly penalizes those who are already of limited means; and

Whereas, New York State has used Direct Payment Cards to dispense unemployment benefits since 2006; and

Whereas, These prepaid debit cards are issued by JP Morgan Chase, carry a MasterCard logo, and can be used for free at any Chase or Allpoint bank or ATM, or by visiting a teller at a MasterCard-affiliated bank; and

Whereas, The New York State Direct Benefit Card carries a 50 cent fee for a transaction denied due to insufficient funds, a 50 cent fee for a balance inquiry at an out-of-network ATM, and a \$1.50 fee for each withdrawal from an out-of-network ATM after two initial free withdrawals each month; and

Whereas, While the fees associated with New York State's unemployment benefits prepaid debit card are not as burdensome as those in other states, the fees still present a financial obstacle in a state where the average weekly unemployment benefit is approximately \$303; and

Whereas, New York State must ensure that those who rely on unemployment benefits while they attempt to reenter the job market receive the full benefits to which they are entitled; now, therefore, be it

Resolved , That the Council of the City of New York calls on the New York State Department of Labor to eliminate all banking fees on Direct Payment Cards used for unemployment insurance benefit payments.

Referred to the Committee on Civil Service and Labor

Res. No. 1234

Resolution calling on the New York State Legislature to introduce and enact, and the Governor to sign, legislation that would amend the New York State Penal Law to define advancing or profiting from prostitution of an individual less than the age of sixteen as sex trafficking.

By Council Members Vallone Jr., Ferreras, Halloran, Arroyo, Chin, Comrie, Crowley, Gentile, James, Koo, Koppell, Koslowitz, Lappin, Levin, Nelson, Rose, Sanders, Van Bramer, Williams, Wills, Mark-Viverito and Palma.

Whereas, According to the United Nations, human trafficking is the fastest-growing international criminal industry in the world; and

Whereas, According to the United States Department of Health and Human Services, victims of human trafficking are often subjected to force, fraud, or coercion for the purpose of sexual exploitation; and

Whereas, Victims of sex trafficking are often difficult to identify or track due to the nature of the industry in which they are involved; such victims engage in street prostitution and work for online escort services; and

Whereas, According to the Federal Bureau of Investigation, sex trafficking is the most common form of modern-day slavery, with the estimated number of domestic and international victims in the millions; and

Whereas, According to the National Clearinghouse on Families and Youth, New York City is known by sexual exploiters as a domestic sex trafficking gateway that is used as a hub; children are often held in the City before they are transported to another U.S. state where it can be more difficult to identify those being exploited; and

Whereas, Victims are often lured into prostitution by sex traffickers with promises of employment, financial rewards or housing while some are abducted or are driven to prostitution by poverty; and

Whereas, A report released by the Center for Court Innovation and John Jay College of Criminal Justice estimates that commercial sexual exploitation affects nearly 4,000 youth in New York City annually; and

Whereas, In an effort to combat sex trafficking, New York State enacted the Anti-Human Trafficking Law, which amended the State's Penal Law to include sex trafficking, effective November 1, 2007; and

Whereas, Under Section 230.34 of the Penal Law, a person commits the crime of sex trafficking when he or she intentionally advances or profits from prostitution by: (i) providing a narcotic with the intent to impair a patronized individual's judgment; (ii) making material false statements to induce or maintain the individual being patronized to engage in prostitution; (iii) withholding or destroying government identification documents; (iv) requiring that prostitution be performed for the repayment of debt; and (v) using force or engaging in any plan to compel or induce the patronized individual to engage in or continue to engage in prostitution activity; and

Whereas, Sex trafficking in New York State is a Class B Felony with a maximum sentence of 25 years imprisonment; and

Whereas, In an effort to further protect children targeted for recruitment into and exploited by the sex trafficking industry, the New York State Legislature should amend the Penal Law's sex trafficking section to define sex trafficking to include advancing or profiting from prostitution of an individual less than the age of sixteen; and

Whereas, Amending the Penal Law's sex trafficking section to include individuals who victimize those who are less than the age of sixteen would help ensure the safety of children and vigorously prosecute those who prey on vulnerable youth; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to introduce and enact, and the Governor to sign, legislation that would amend the New York State Penal Law to define advancing or profiting from prostitution of an individual less than the age of sixteen as sex trafficking.

Referred to the Committee on Women's Issues

Int. No. 798

By Council Members Vann, Comrie, James, Rose, Williams, Wills and Halloran.

A Local Law to amend the administrative code of the City of New York and the New York City Charter, in relation to the disciplinary decisions made by the Commissioner of the New York City Police Department.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 14-115 of the administrative code of the city of New York is amended to read as follows:

a. (1) The commissioner shall have power, in his or her discretion, on conviction by the commissioner, or by any court or officer of competent jurisdiction, of a member of the force of any criminal offense, or neglect of duty, violation of rules, or neglect or disobedience of orders, or absence without leave, or any conduct injurious to the public peace or welfare, or immoral conduct or conduct unbecoming an officer, or any breach of discipline, to punish the offending party by reprimand, forfeiting and

withholding pay for a specified time, suspension, without pay during such suspension, or by dismissal from the force; but no more than thirty days' salary shall be forfeited or deducted for any offense. All such forfeitures shall be paid forthwith into the police pension fund.

(2) (i) *Where the punishment imposed by the commissioner or his or her deputies is different than the punishment recommended in the findings and recommendation reports of the New York City Police Department Deputy Commissioner of Trials, an administrative law judge of the Office of Administrative Trials and Hearings, or the Civilian Complaint Review Board, the commissioner shall, within thirty days of the imposition of such penalty, submit to the entity that provided the recommendation report, a written explanation stating the specific reasons for the commissioner's decision to deviate from the recommended penalty or finding, provided, however, that such written explanation need not be provided within thirty days if so doing would interfere with any ongoing investigations. In cases where such written explanation is delayed due to an ongoing investigation, the written explanation shall be provided as soon as is practicable, and shall include an explanation of the reason for the delay.*

(ii) *The department shall make all such written statements available to the Commission to Combat Police Corruption and the Commission to Combat Police Corruption shall provide an analysis of such statements in its annual report.*

(iii) *The department shall post all such written statements on the department's website, without any officer identifying information, immediately upon their submission to the relevant entity as provided in subparagraph (i) of this paragraph.*

(iv) *Failure to comply with any of the provisions of this paragraph shall not result in the invalidation of any punishment imposed nor should any of the provisions of this paragraph be construed to create a private right of action to enforce its provisions.*

§2. Paragraph 6 of subdivision c and paragraph 3 of subdivision d of section 440 of chapter 18-A of the New York City Charter are amended to read as follows:

c. Powers and duties of the board.

(6) The board shall issue to the mayor and the city council a semi-annual report which shall describe its activities and summarize its actions. *Such report shall include a section evaluating the written statements issued by the police commissioner pursuant to section 14-115(a)(2) of the administrative code.*

d. Cooperation of police department.

(3) The police commissioner shall report to the board on any action taken in cases in which the board submitted a finding or recommendation to the police commissioner with respect to a complaint. *Such report shall include a written explanation stating the specific reasons for any deviation from the board's penalty recommendations or findings, pursuant to section 14-115(a)(2) of the administrative code.*

§3. This local law shall take effect immediately.

Referred to the Committee on Public Safety

Int. No. 799

By Council Members Williams, Mark-Viverito, Mendez, Lander, Jackson, Cabrera, Comrie, Dromm, James, Koslowitz, Levin and Rose.

A Local Law to amend the administrative code of the city of New York, in relation to requiring law enforcement officers to provide notice and obtain proof of consent to search individuals.

Be it enacted by the Council as follows:

Section 1. Declaration of Legislative Intent and Findings. The City Council finds that many New Yorkers are unaware of their constitutional right to privacy when interacting with law enforcement officers. In adopting this law, it is the intention of the City Council to protect New Yorkers' constitutional rights by instituting an affirmative obligation on law enforcement officers (similar to obligations that exist in other states) to inform New Yorkers of their privacy rights when being searched by the police, and to create greater transparency in law enforcement practices. In doing so, it is the City Council's intention to protect the personal privacy of all New Yorkers, to shield police officers from false claims of wrongdoing, and to contribute to the efficiency and effectiveness of our criminal justice system.

§ 2. Title 14 of the Administrative Code of the City of New York is hereby amended to add a new section 14-154 to read as follows:

§14-154. *Proof of consent prior to conducting searches.*

a. *Prior to conducting a search of a person, or of a person's vehicle, home, or belongings that is not pursuant to a warrant, incident to an arrest, or supported by probable cause, law enforcement officers (as defined in this code) shall:*

1. *Articulate, in a language and manner understood by the person, that the person is being asked to voluntarily consent to a search and that he or she has the right to refuse consent;*

2. *Create an audio or written and signed record of the person's consent, which shall include:*

a. *a statement that the person understands that he or she may refuse consent;*

b. *a statement that the person is freely and voluntarily providing consent;*

c. *a statement that the person understands that he or she may withdraw the consent at any time during the search;*

- d. the time and date of the search;
 - e. the name(s) and badge number(s) of all law enforcement officers involved in the search; and
 - f. the make and registration number of the vehicle to be searched, if applicable.
- b. After providing the advisement and creating the record of consent to search, a law enforcement officer may conduct the search.
- c. A copy of the consent record shall be provided to the person who consented to the search.
- d. If during legal proceedings a defendant moves to suppress evidence obtained in the course of the search, failure to comply with the requirements of this section may be considered a factor in determining the voluntariness of the consent.

§ 3. Subdivision a of section 14-150 of title 14 of the Administrative Code of the City of New York is hereby amended by adding a new paragraph 9 to read as follows:

a. The New York City Police Department shall submit to the city council on a quarterly basis the following materials, data and reports:

9. A report based on the records created under section 14-154 of this code. Such report shall include the total number of searches conducted under the section, broken down by each patrol precinct and by the race, ethnicity, sex, and age of the person searched. Such a report shall also include the total number of searches declined by individuals under this section.

§ 4. Severability. If any provision of this bill or any other provision of this local law, or any amendments thereto, shall be held invalid or ineffective in whole or in part or inapplicable to any person or situation, such holding shall not affect, impair or invalidate any portion of or the remainder of this local law, and all other provisions thereof shall nevertheless be separately and fully effective and the application of any such provision to other persons or situations shall not be affected.

§ 5. This local law shall take effect ninety days after its enactment into law.

Referred to the Committee on Public Safety

Int. No. 800

By Council Members Williams, Mark-Viverito, Mendez, Lander, Jackson, Cabrera, Comrie, Dromm, James, Levin, Rose and Sanders.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting bias-based profiling by law enforcement officers.

Be it enacted by the Council as follows:

Section 1. Declaration of Legislative Intent and Findings. The City Council finds that bias-based policing endangers New York City's long tradition of serving as a welcoming place for people of all backgrounds. The Council further finds that the people of the City of New York are in great debt to the hard work and dedication of police officers in their daily duties. The name and reputation of these officers should not be tarnished by the actions of those who would commit discriminatory practices.

The City Council expresses deep concern about the impact of NYPD practices on various communities in New York City. In particular, the Council expresses concern about the NYPD's growing reliance on stop-and-frisk tactics and the impact of this practice on communities of color. In 2002, the NYPD made approximately 97,000 stops. By 2010, the number of stops had increased to more than 601,000. Black and Latino New Yorkers face the brunt of this practice and consistently represent more than 80 percent of people stopped despite representing just over 50 percent of the city's population. Moreover, stop-and-frisk practices have not increased public safety, as year-after-year nearly 90 percent of individuals stopped are neither arrested nor issued a summons.

Bias-based profiling by the police alienates communities from law enforcement, violates New Yorkers' rights and freedoms, and is a danger to public safety. By passing this legislation, it is the intent of the City Council to prohibit bias-based policing and to create a safer city for all New Yorkers.

§2. Section 14-151 of the administrative code of the city of New York is amended to read as follows:

§14-151. [Racial or Ethnic] *Bias-Based Profiling Prohibited*. a. Definitions. As used in this section, the following terms have the following meanings:

1. ["Racial or ethnic"] "*Bias-based profiling*" means [an act of] *law enforcement action against an individual by a member of the force of the police department or other law enforcement officer that relies, to any degree, on actual or perceived race, color, ethnicity, religion [or], national origin, age, sex, gender identity or expression, sexual orientation, immigration or citizenship status, language, disability (including HIV status), housing status, occupation, or socioeconomic status* [as the determinative factor in initiating law enforcement action against an individual], rather than [an individual's behavior or other] *on trustworthy information or circumstances, relevant to the locality and timeframe, that links a person or persons [of a particular race, ethnicity, religion national origin] to suspected unlawful activity.*

2. "Law enforcement officer" means (i) a peace officer or police officer as defined in the Criminal Procedure Law who is employed by the city of New York; or (ii) a special patrolman appointed by the police commissioner pursuant to section 14-106 of the administrative code.

b. Prohibition. Every member of the police department or other law enforcement officer shall be prohibited from [racial or ethnic] *engaging in bias-based profiling or unlawful discriminatory practices.*

c. *Enforcement.*

1. *An individual subject to bias-based profiling, or an organization whose interests are germane to the purpose of this section, may enforce this section in a civil action for any or all of the following remedies: compensatory and punitive damages; injunctive and declaratory relief; and such other relief as a court deems appropriate.*

2. *In an action brought under this section, relief may be obtained against*

a. *any governmental body that employed any law enforcement officer who engaged in bias-based profiling;*

b. *any law enforcement officer who engaged in bias-based profiling; and*

c. *any person with supervisory authority over such law enforcement officer.*

3. *An unlawful discriminatory practice is established under this section when:*

a. *an individual or organization brings an action demonstrating that a law enforcement officer has, or law enforcement officers have, intentionally engaged in bias-based profiling of one or more individuals; and*

(i) *the governmental body, law enforcement officer, or supervisor against whom such action is brought fails to prove that:*

1. *such bias-based profiling is necessary to achieve a compelling governmental interest, and*

2. *the bias-based profiling was narrowly tailored to achieve that compelling governmental interest, and*

3. *the least restrictive means were used to achieve the compelling governmental interest, or*

b. *An individual or organization brings an action demonstrating that the activities of law enforcement officers have had a disparate impact on individuals based on actual or perceived race, color, ethnicity, religion, national origin, age, sex, gender identity or expression, sexual orientation, immigration or citizenship status, language, disability (including HIV status), housing status, occupation, or socioeconomic status, and*

(i) *the governmental body, law enforcement officer, or supervisor against whom such action is brought fails to prove a substantial justification for such activities, or*

(ii) *the governmental body, law enforcement officer or supervisor does prove a substantial justification for such activities, and*

(iii) *the individual or organization demonstrates a comparably effective alternative policy or practice which results in less of a disparate impact.*

4. *In any action or proceeding to enforce this section against any governmental body, the court may allow a prevailing plaintiff reasonable attorney's fees as part of the costs, and may include expert fees as part of the attorney's fees.*

§3. Severability. If any provision of this bill or any other provision of this local law, or any amendments thereto, shall be held invalid or ineffective in whole or in part or inapplicable to any person or situation, such holding shall not affect, impair or invalidate any portion of or the remainder of this local law, and all other provisions thereof shall nevertheless be separately and fully effective and the application of any such provision to other persons or situations shall not be affected.

§4. This local law shall take effect ninety days after it is enacted.

Referred to the Committee on Public Safety

Int. No. 801

By Council Members Williams, Mark-Viverito, Mendez, Lander, Jackson, Cabrera, Comrie, Dromm, James, Koppell, Levin and Wills.

A Local Law to amend the administrative code of the city of New York in relation to requiring law enforcement officers to identify themselves to the public.

Be it enacted by the Council as follows:

Section 1. Declaration of Legislative Intent and Findings. The City Council finds that the people of the City of New York are in great debt to the hard work and dedication of police officers in their daily duties. The Council further finds that mistrust of law enforcement officers based on real or perceived discrimination hinders law enforcement efforts and is a threat to public safety. New York City Police Department policy already requires that officers wear shields and nameplates at all times while in uniform, and that they provide their rank, name, shield number and command when asked. In adopting this law, it is the intent of the City Council to increase transparency in police practices and to build trust between police officers and members of the public by providing the public with notice of the reasons behind their encounters with the police, and a written record of their interactions with the police in situations that do not result in an arrest or summons.

§ 2. Title 14-101 of the Administrative Code of the City of New York is hereby amended to read as follows:

§ 14-101. Definitions. As used in this title the following words shall have the following meanings:

a. "Commissioner" shall mean the commissioner of the police department of the city.

b. "Department" shall mean the police department of the city.

c. “Law Enforcement Activity” shall mean any of the following activities when conducted by law enforcement officers:

1. noncustodial questioning of individuals;
2. pedestrian stops;
3. frisks;
4. searches of individuals’ persons, property, or possessions (including vehicles);
5. traffic stops;
6. roadblock or checkpoint stops;
7. home searches; and
8. contact with potential victims of and witnesses to crimes.

d. “Noncustodial questioning” shall mean both the routine, investigatory questioning of individuals and the questioning of suspects where such individuals or suspects have not been detained and are free to end the encounter at will.

§ 3. Title 14 of the Administrative Code of the City of New York is hereby amended to add a new section 14-154 to read as follows:

§14-154. Identification of Law Enforcement Officers.

a. Upon initiation of law enforcement activity, law enforcement officers, as defined in section 14-151(a)(2) of the Administrative Code of the City of New York, shall

1. Identify themselves to the subject(s) of the law enforcement activity by providing their full name, rank and command; and
2. Provide the specific reason for the law enforcement activity.
3. At the conclusion of law enforcement activity that does not result in an arrest or summons, the subject(s) of the law enforcement activity shall be provided with the law enforcement officer’s business card, which shall include, at a minimum
 - a. the name, rank, and command of the officer, and
 - b. a phone number for the Civilian Complaint Review Board that the subject of the law enforcement activity may use to submit comments or complaints about the encounter.

4. Subsections (1)-(3) shall not apply where a law enforcement officer is not in uniform and identification of the officer would compromise the immediate safety of the public or law enforcement officers or would seriously compromise a specific, ongoing law enforcement investigation.

§ 4. Severability. If any provision of this bill or any other provision of this local law, or any amendments thereto, shall be held invalid or ineffective in whole or in part or inapplicable to any person or situation, such holding shall not affect, impair or invalidate any portion of or the remainder of this local law, and all other provisions thereof shall nevertheless be separately and fully effective and the application of any such provision to other persons or situations shall not be affected.

§ 5. This local law shall take effect ninety days after its enactment into law.

Referred to the Committee on Public Safety

Res. No. 1235

Resolution calling on the New York State Assembly to pass A.4382, the New York State Senate to introduce and pass similar legislation, and the Governor to sign such legislation into law, granting the New York State Attorney General jurisdiction to investigate and prosecute police misconduct upon the request of the Governor or the District Attorney of the county wherein such misconduct was committed.

By Council Members Williams, Dromm, James, Lander, Levin, Rose, Sanders, Wills and Mark-Viverito.

Whereas, The New York State Attorney General (“Attorney General”) serves as (i) New York State’s chief law enforcement officer; (ii) the chief legal advisor to the Governor; and (iii) the guardian of New York State’s citizens’ legal rights; and

Whereas, The resources of the Attorney General include two executive offices, thirteen regional offices, over 650 Assistant Attorneys General, and over 1,700 employees, comprising of forensic accountants, legal assistants, scientists, investigators and support staff; and

Whereas, New York State consists of 62 counties, each of which elects a district attorney who is charged with prosecuting violations of the law that occur within his or her county’s borders; and

Whereas, District attorneys have longstanding relationships with local law enforcement agencies and have limited resources with which to prosecute a myriad of offenses; and

Whereas, The Attorney General’s resources should be utilized to assist New York counties whose district attorneys have the least resources to prosecute criminal offenses; and

Whereas, Additionally, there may be an inherent conflict present in a local prosecuting agency’s investigation and prosecution of a serious criminal offense alleged to have been committed by a municipal police officer, given the ongoing relationships between local district attorneys and their affiliated municipal police agencies; and

Whereas, The presence of such relationship could interfere with and compromise the objective, management, and conduct of criminal proceedings against an accused police officer; and

Whereas, The Attorney General’s office has a more distant relationship with municipal and county law enforcement agencies than do the district attorneys; and

Whereas, A.4382, currently pending in the New York State Assembly, seeks to amend the New York State Executive Law by increasing the authority of the Attorney General to investigate and prosecute any alleged criminal misconduct by police officers in connection with the performance of their regular duties under limited, specific circumstances; and

Whereas, A.4382 provides that this increased authority may be exercised only upon (i) a written finding by the Attorney General that a lack of prosecutorial resources of the local jurisdiction hinders the effective investigation and prosecution of the alleged offense or offenses or (ii) the exercise of this authority is necessary to ensure the public’s confidence in the justice system; and

Whereas, The New York State Senate should introduce and enact a companion bill to A.4382, which would expand the Attorney General’s authority to investigate and prosecute criminal misconduct; and

Whereas, Granting the Attorney General jurisdiction to investigate and prosecute police misconduct helps promote and safeguard the public’s faith in the justice system and ensures that adequate prosecutorial resources are made available; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Assembly to pass A.4382, the New York State Senate to introduce and pass similar legislation, and the Governor to sign such legislation into law, granting the New York State Attorney General jurisdiction to investigate and prosecute police misconduct upon the request of the Governor or the District Attorney of the county wherein such misconduct was committed.

Referred to the Committee on Public Safety.

Res. No. 1236

Resolution calling on the New York State Senate to pass and the Governor to sign S.3921, which would amend the New York State Executive Law in relation to the duties of state police when an offense is committed by a police officer resulting in serious physical injury to another person.

By Council Members Williams, Comrie, James, Koppell, Lander, Levin, Wills and Mark-Viverito.

Whereas, The New York City Police Department (“NYPD”) has approximately 34,500 uniformed police officers and is responsible for enhancing the quality of life in the City by working in partnership with the community, enforcing the law, and providing for a safe environment; and

Whereas New York City has five district attorneys, one for each county, who serve as each county’s chief prosecutor; and

Whereas, There is necessarily a relationship formed between the NYPD and the district attorneys’ offices as they work together to prosecute the arrests made by the police; and

Whereas, Under the current law, the investigation and prosecution of state crimes by municipal police officers is undertaken by the local district attorneys; and

Whereas, There may be an inherent conflict present in a local prosecuting agency’s investigation and prosecution of a serious criminal offense alleged to have been committed by a municipal police officer, given the ongoing relationships between local district attorneys and their affiliated municipal police agencies; and

Whereas, The presence of such relationship could interfere with and compromise the objective, management, and conduct of criminal proceedings against an accused police officer; and

Whereas, In order to better promote public confidence in the justice process, particularly in communities of color, a systemic change is needed in the way police misconduct and brutality complaints are criminally investigated and prosecuted; and

Whereas, S.3921, currently pending in the New York State Senate, seeks to amend the New York State Executive Law by authorizing New York State’s Division of State Police (“State Police”) to (i) assume responsibility of any crime scene involving an offense by a police officer resulting in serious physical injury to another person; (ii) secure and freeze the scene of such crime; and (iii) undertake a criminal investigation in cooperation with the New York State Attorney General; and

Whereas, S.3921 would charge the State Police with the responsibility to prevent, investigate, and detect violations of the State’s criminal laws by a police officer as well as require the State Police to cooperate with the New York State Attorney General in the investigation and criminal prosecution of any such offense by a police officer; and

Whereas, S.3921 would assist in improving relations between local police departments and community residents by offering a more neutral, independent investigation of alleged police misconduct and brutality; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Senate to pass and the Governor to sign S.3921, which would amend the New York State Executive Law in relation to the duties of state police when an offense is committed by a police officer resulting in serious physical injury to another person.

Referred to the Committee on Public Safety

L.U. No. 567

By Council Member Comrie:

Application no. 20125036 TCK, pursuant to §20-225 of the Administrative Code of the City of New York, concerning the petition of Jhu Jhu Corp., d/b/a Khim's Café, to establish, maintain and use as an enclosed sidewalk café located at 324 Graham Avenue, Borough of Brooklyn, Council District 34. This application is subject to review and action by the Land Use Committee only if called-up by a vote of the Council pursuant to Rule 11.20b of the Council and §20-225(g) of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises

L.U. No. 568

By Council Member Comrie:

Application no. 20125204 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of P.M.W. Inc., d.b.a. Spring Street Natural, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 62 Spring Street, Borough of Manhattan, Council District 1. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises

L.U. No. 569

By Council Member Comrie:

Application no. 20125234 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of PQ 53rd Street, Inc., d/b/a Le Pain Quotidien, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 7 East 53rd Street, Borough of Manhattan, Council District 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises

L.U. No. 570

By Council Member Comrie:

Application no. 20125256 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of MRG Restaurant Corp., d/b/a Positano, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 122 Mulberry Street, Borough of Manhattan, Council District 1. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises

L.U. No. 571

By Council Member Comrie:

Application no. 20125382 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Smithfield Associates LLC, d/b/a Pastis, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 9-19 Ninth Avenue, Borough of Manhattan, Council District 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises

L.U. No. 572

By Council Member Comrie:

Application no. 20125306 HKX (N 120150 HKX), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Public School 102 (Later Public School 17- The City Island School) located at 190 Fordham Street [Block 5643, Lot 7501,(previously Lots 1001-1018) (List No.450, LP-2487)], Borough of the Bronx, Community District 10, Council District 13.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses

L.U. No. 573

By Council Member Comrie:

Application no. 20125307 HKM (N 120151 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Hotel Walcott located at 4 West 31st Street (Block 832, Lot 49) (List No.450, LP-2423), Borough of Manhattan, Community District 5, Council District 3.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses

L.U. No. 574

By Council Member Comrie:

Application no. 20125308 HKM (N 120152 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Mutual Reserve Building located at 305 Broadway (Block 151, Lot 32) (List No.450, LP-2431), Borough of Manhattan, Community District 1, Council District 1.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses

L.U. No. 575

By Council Member Comrie:

Application no. 20125309 HKM (N 120153 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the R.H. Macy & Co. store, 14th Street Annex, located at 56 West 14th Street (Block 577, Lot 12) (List No.450, LP-2474), Borough of Manhattan, Community District 2, Council District 3.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses

L.U. No. 576

By Council Member Comrie:

Application no. 20125310 HKQ (N 120155 HKQ), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Daniel and Abbie B. Eldridge House, located at 87-61 111th Street (Block 9301, Lot 101) (List No.450, LP-2473), Borough of Queens, Community District 9, Council District 28.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses

L.U. No. 577

By Council Member Comrie:

Application no. 20125378 HAX, an Urban Development Action Area Project located at 1484 Inwood Avenue, Council District no. 16, Borough of The Bronx. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law and Section 694, at the request of the New York City Department of Housing Preservation and Development and pursuant to Section 577 of the Private Housing Finance Law for an exemption from real property taxes.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions

L.U. No. 578

By Council Member Comrie:

Application no. 20125298 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Il Commendatore Restaurant Inc., d.b.a Casa Bella, to continue to maintain and operate an unenclosed sidewalk café located at 127 Mulberry Street, Borough of Manhattan, Council District no.1. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises

L.U. No. 579

By Council Member Comrie:

Application no. 20125381 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Spunto, Inc., d.b.a Spunto, to continue to maintain and operate an unenclosed sidewalk café located at 65 Carmine Street, Borough of Manhattan, Council District no.3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises

L.U. No. 580

By Council Member Comrie:

Application no. 20125076 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Four Green Fields LLC, d.b.a Agave, to establish, maintain and operate an unenclosed sidewalk café located at 140 Seventh Avenue South, Borough of Manhattan, Council District no.3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises

At this point the Speaker (Council Member Quinn) made the following announcements:

ANNOUNCEMENTS:

Thursday, March 1, 2012

Committee on EDUCATION jointly with the Committee on FINANCE..... 10:00 A.M. Oversight - Medicaid Claims for Special Education- Related Services by the Department of Education Committee Room – 250 Broadway, 16th Floor Robert Jackson, ChairpersonDomenic M. Recchia, Chairperson

★ Addition

Committee on CONSUMER AFFAIRS.....10:00 A.M.

Proposed Int. 674-A - By Council Members Garodnick, Ferreras, Dromm, Chin, Comrie, Gennaro, James, Lander, Rose, Seabrook, Vann, Williams and Ulrich - A Local Law to amend the administrative code of the city of New York, in relation to creating and requiring the use of a model contract for the sale of used automobiles.

Proposed Int. 675-A - By Council Members Garodnick, Dromm, Ferreras, Barron, Chin, Comrie, Fidler, Foster, Gennaro, James, Koslowitz, Lander, Mendez, Seabrook, Van Bramer, Nelson and Ulrich - A Local Law to amend the administrative code of the city of New York, in relation to requiring the posting and distribution of information related to secondhand automobile buyers' rights.

Int. 787 - By Council Member Garodnick – A Local Law to amend the administrative code of the city of New York, in relation to requiring secondhand automobile dealers to keep electronic records of purchases and sales.

Int. 788 - By Council Member Garodnick – A Local Law to amend the administrative code of the city of New York, in relation to requiring secondhand automobile dealers to furnish bonds to the city. Committee Room – 250 Broadway, 14th Floor Daniel Garodnick, Chairperson

★ Note Time Change

Committee on TRANSPORTATION.....★1:30 P.M.

Proposed Int. 234-A - By Council Members Vacca, Chin, Dromm, Fidler, Foster, Koppell, Nelson and Rodriguez – A Local Law to amend the New York city charter, in relation to the taxi and limousine commission advisory board.

Int. 449 - By Council Members Koppell, Cabrera, Chin, James, Mealy, Mendez, Nelson, Palma, Vann, Williams, Greenfield, Foster, Mark-Viverito, Van Bramer, Barron, Brewer and Jackson A Local Law to amend the administrative code of the city of New York, in relation to the livery passenger bill of rights.

Proposed Int. 676-A - By Council Members Lappin, James, Koslowitz, Seabrook and Williams - A Local Law to amend the administrative code of the city of New York, in relation to the number of hours certain owners of individual taxicab medallions are required to personally drive their vehicles.

Proposed Int. 695-A - By Council Members Lappin, Dromm, James, Koslowitz, Lander, Palma, Rose, Sanders, Seabrook, Williams, Mendez and Koo – A Local Law to amend the administrative code of the city of New York, in relation to prohibiting a taxicab from soliciting or accepting passengers with their off duty light engaged.

Oversight - TLC Vehicle Inspections Committee Room – 250 Broadway, 14th FloorJames Vacca, Chairperson

Friday, March 2, 2012

★ Note Committee Additions

Committee on FINANCE jointly with the

★Committee on AGING and the

★Subcommittee on SENIOR CENTERS 10:00 A.M.

Int. 731 - By Council Members Recchia, Lappin, Greenfield, Arroyo, Brewer, Chin, Comrie, Dickens, Dromm, Fidler, Foster, Gentile, James, Koslowitz, Lander, Mark-Viverito, Mealy, Mendez, Palma, Reyna, Rose, Van Bramer, Vann, Williams, Halloran and Koo – A Local Law to amend the administrative code of the city of New York, in relation to the administration of the senior citizen rent increase exemption program.

Committee Room – 250 Broadway, 16th Floor

..... Domenic M. Recchia, Chairperson

..... Jessica Lappin, Chairperson

.....David Greenfield, Chairperson

★ Note Topic Additions

Committee on HOUSING AND BUILDINGS..10:00 A.M.

★Int. 791 - By Council Member Gonzalez and The Speaker (Council Member Quinn) - A Local Law to amend the administrative code of the City of New York, in relation to extending the rent stabilization laws.

★Res. 1230 - By Council Member Mark-Viverito and The Speaker (Council Member Quinn) - Resolution determining that a public emergency requiring rent control in the City of New York continues to exist and will continue to exist on and after April 1, 2012.

Committee Room – 250 Broadway, 14th Floor

.....Erik Martin-Dilan, Chairperson

★ Deferred

Committee on WATERFRONTS..... 1:00 p.m.

~~Oversight – Transforming NYC’s Waterfront – A One-Year Update on the Waterfront Action Agenda~~

~~Committee Room – 250 Broadway, 14th Floor~~

~~.....Michael Nelson, Chairperson~~

New York City Council Fiscal Year 2013 Preliminary Budget, Mayor's FY '12 Preliminary Management Report and Agency Oversight Hearings

Monday, March 5, 2012

10:00 a.m. Finance Committee – 250 Broadway, 16th Floor - Committee Room

- 10:00 a.m. Office of Management and Budget
- Capital Budget
- Expense Budget
- Revenue Budget
12:45 p.m. Contract Budget (Joint with Committee on Contracts)
1:15 p.m. Department of Finance
2:45 p.m. Department of Design and Construction
3:15 p.m. Comptroller
3:45 p.m. Independent Budget Office
4:00 p.m. Public

Tuesday, March 6, 2012

10:00 a.m. Transportation Committee – 250 Broadway, 14th Floor - Committee Room

- 10:00 a.m. Taxi and Limousine Commission
10:45 a.m. MTA/NYC Transit (Expense)
11:15 a.m. MTA/NYC Transit (Capital)
11:45 a.m. Department of Transportation (Capital)
12:45 p.m. Department of Transportation (Expense)
1:15 p.m. Public

Subcommittee on ZONING & FRANCHISES.....9:30 A.M. See Land Use Calendar Available Thursday, March 1, 2012 Committee Room – 250 Broadway, 16th Floor Mark Weprin, Chairperson

Tuesday, March 6, 2012 (Cont.)

Subcommittee on LANDMARKS, PUBLIC SITING & MARITIME USES.....11:00 A.M. See Land Use Calendar Available Thursday, March 1, 2012 Committee Room– 250 Broadway, 16th Floor Brad Lander, Chairperson

Subcommittee on PLANNING, DISPOSITIONS & CONCESSIONS..... 1:00 P.M. See Land Use Calendar Available Thursday, March 1, 2012 Committee Room – 250 Broadway, 16th Floor Stephen Levin, Chairperson

Wednesday, March 7, 2012

Committee on GOVERNMENTAL OPERATIONS jointly with the Committee on HEALTH, the Committee on SMALL BUSINESS and the Committee on OVERSIGHT & INVESTIGATIONS 1:00 P.M. Oversight - Grade Pending: Examining the Department of Health's Restaurant Inspection Program Committee Room – 250 Broadway, 16th Floor Gale Brewer, Chairperson Maria del Carmen Arroyo, Chairperson Diana Reyna, Chairperson Jumaane Williams, Chairperson

Thursday, March 8, 2012

Committee on Land Use..... 10:00 a.m. All items reported out of the subcommittees AND SUCH OTHER BUSINESS AS MAY BE NECESSARY Committee Room – 250 Broadway, 16th Floor Leroy Comrie, Chairperson

10:00 a.m. Fire & Criminal Justice Services Committee – 250 Broadway, 14th Floor – Committee Room

- 10:00 a.m. Fire/Emergency Medical Service
12:00 p.m. Department of Probation
12:30 p.m. Department of Correction
1:00 p.m. Criminal Justice Coordinator (Indigent Defense Services)
2:00 p.m. Legal Aid
3:00 p.m. Public

11:00 a.m. Land Use Committee – 250 Broadway, 16th Floor - Committee Room

- 11:00 a.m. Landmarks Preservation Commission
12:00 p.m. Department of City Planning
1:00 p.m. Department of Information, Technology & Telecommunications (joint with the Technology Committee)
2:00 p.m. Public

Friday, March 9, 2012

11:00 a.m. Higher Education Committee – 250 Broadway, 16th Floor - Committee Room

- 11:00 a.m. City University of New York
12:30 p.m. Public

Monday, March 12, 2012

10:00 a.m. Consumer Affairs Committee – 250 Broadway, 16th Floor - Committee Room

- 10:00 a.m. Department of Consumer Affairs
11:00 a.m. Business Integrity Commission
11:30 a.m. Public

10:00 a.m. Oversight & Investigations Committee – 250 Broadway, 14th Floor - Committee Room

- 10:00 a.m. Department of Investigation
11:15 a.m. Public

12:00 p.m. Public Housing Committee – 250 Broadway, 14th Floor - Committee Room

- 12:00 p.m. NYC Housing Authority
1:00 p.m. Public

1:00 p.m. Aging Committee – 250 Broadway, 16th Floor - Committee Room

- 1:00 p.m. Department for the Aging (joint with the Subcommittee on Senior Centers)
2:30 p.m. Public

Tuesday, March 13, 2012

10:00 a.m. Sanitation & Solid Waste Management Committee – 250 Broadway, 16th Floor - Committee Room

- 10:00 a.m. Department of Sanitation
12:00 p.m. Public

10:30 a.m. Cultural Affairs, Libraries & International Intergroup Relations Committee – 250 Broadway, 14th Floor - Committee Room

- 10:30 a.m. Department of Cultural Affairs
12:00 p.m. Libraries (joint with Select Committee on Libraries)
1:30 p.m. Public

1:30 p.m. Environmental Protection Committee – 250 Broadway, 16th Floor - Committee Room

- 1:30 p.m. Department of Environmental Protection (Capital)
2:45 p.m. Department of Environmental Protection (Expense)
4:00 p.m. Public

Wednesday, March 14, 2012

Stated Council Meeting..... Ceremonial Tributes – 1:00 p.m. Agenda – 1:30 p.m. Location..... ~ Council Chambers ~ City Hall

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, March 14, 2012.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

