



**THE COUNCIL
THE CITY OF NEW YORK
FINANCE DIVISION
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TO: Honorable Christine Quinn
Speaker

Honorable David I. Weprin
Chairman, Finance Committee

FROM: Preston Niblack, Director
Jeff Rodus, First Deputy Director
Finance Division

DATE: December 18, 2008

SUBJECT: A capital budget modification for Fiscal Year 2009 to transfer funds between various agencies.

INITIATION: As requested by the City Council, the Director of the Office of Management and Budget by letter dated December 17, 2008, submitted to the Council pursuant to section 216 of the New York City Charter a request for approval to transfer funds totaling \$166,679,000 within and between various City agencies.

BACKGROUND: This modification reallocates City Council appropriations that were reflected in the Fiscal 2009 Capital Budget and Capital Program. Any increases to the Fiscal Year 2009 appropriations have been offset by the rescindment of an equal amount of FY2009 appropriations.

FISCAL IMPACT: This modification represents the transfer of funds within and between agencies. The net effect of this modification is zero.

Res. No.

RESOLUTION APPROVING THE MODIFICATION OF THE FISCAL 2009 CAPITAL BUDGET AND THE CAPITAL PROGRAM PROPOSED BY THE MAYOR PURSUANT TO SECTION 216 OF THE CHARTER OF THE CITY OF NEW YORK.

By Council Member Weprin

Whereas, at a meeting of the Committee on Finance of the City Council of the City of New York (the "City Council") on December 18, 2008, the Committee on Finance received a communication, dated December 17, 2008, from the Office of Management and Budget of the Mayor of The City of New York (the "Mayor"), of a proposed request, attached hereto as Exhibit A (the "Modification"), to modify the fiscal year 2009 capital budget and the Capital Program as adopted by the Council on June 29, 2008, pursuant to Section 216 of the Charter of the City of New York (the "Charter"); and

Whereas, pursuant to Section 216 of the Charter, upon receipt of a recommendation from the mayor or a Borough President, the City Council may amend the capital budget or capital program in the manner provided in such section;

NOW, THEREFORE, The Council of The City of New York hereby resolves as follows:

- 1. Approval of Modification.** The City Council hereby approves, pursuant to Section 216 of the Charter, the actions proposed by the Mayor as set forth in the Modification.
- 2. Effective Date.** This resolution shall take effect as of the date hereof.

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by The Council of The City of New York on December 18, 2008 on file in this office.

Clerk of The Council of The City of New York

THE COUNCIL

REPORT OF THE COMMITTEE ON FINANCE

RESOLUTION APPROVING THE MODIFICATION OF THE FISCAL 2009 CAPITAL BUDGET AND CAPITAL PROGRAM PROPOSED BY THE MAYOR PURSUANT TO SECTION 216 OF THE CHARTER OF THE CITY OF NEW YORK

The Committee on Finance, to which was referred the above-captioned resolution, respectfully submits to The Council of the City of New York the following

REPORT

Introduction. At a meeting of the Committee on Finance of the City Council of the City of New York on December 18, 2008, the Committee on Finance received a communication, dated December 17, 2008 from the Office of Management and Budget of the Mayor of The City of New York, of a proposed request, (the "Modification"), to modify the Fiscal 2009 Capital Budget and Capital Program (as defined below) pursuant to Section 216 of the Charter of the City of New York (the "Charter").

Analysis. The Council annually adopts the City's budget covering expenditures other than for capital projects (the "expense budget") and appropriations for capital projects (the "capital budget") and capital program covering appropriations for capital projects for the ensuing three years ("capital program") pursuant to Section 254 of the Charter. On June 29, 2008, the Council adopted the expense budget and capital budget for fiscal year 2009 (the "Fiscal 2009 Adopted Budget"), as well as the capital program. At the request of the City Council and pursuant to section 216 of the Charter, the Office of Management and Budget submitted a request to the Council for amendment of the Fiscal 2009 Capital Budget and capital program. This modification represents the transfer of funds totaling \$166,679,000 within and between various agencies to reallocate City Council appropriations in the Fiscal 2009 Capital Budget. Specifically, this budget amendment reflect re-allocations of items within the Cultural Affairs and Libraries, Department of Parks, Department of Sanitation, Economic Development, New York Police Department, Department of Health and Mental Hygiene, Housing, Preservation and Development, City University of New York, Human Resources Administration, Department of Public Buildings, Department for the Aging, Administration for Children's Services, Health and Hospitals Corporation, Department of Environmental Protection (Sewers), Department of Transportation (Highways), Department of Citywide Administrative Services, and the Department of Education budgets, and includes other transfers to corrected Budget Lines and Project Types, and other technical adjustments to Capital Projects included in the Fiscal 2009 Capital Budget and Capital Program. Any increases to the Fiscal Year 2009 appropriations have

been offset by the rescindment of an equal amount of FY 2009 appropriations. As such, the net effect of this modification is zero.

Pursuant to section 216 of the Charter, upon receipt of a recommendation in writing from the Mayor or a Borough President, the City Council may amend the capital budget or capital program in the manner provided by such section.

Description of Above-captioned Resolution. In the above-captioned resolution, the Council would approve the Modification pursuant to Section 216 of the Charter. Such resolution would take effect as of the date of adoption.