



**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
Finance Division

DATE: December 18, 2008

SUBJECT: A budget modification (MN-1) for Fiscal Year 2009 to reallocate appropriations in the FY 2009 Adopted Budget and transfers the Environmental Control Board from the Department of Environmental Protection to the Office of Administrative Trials and hearings within the Department of Citywide Administrative Services.

INITIATION: By letter dated December 17, 2008, the Director of the Office of Management and Budget submitted to the Council, pursuant to section 107(b) of the New York City Charter requests for approval to transfer funds between various agencies in Fiscal Year 2009, and transfers the Environmental Control Board from the Department of Environmental Protection to the Office of Administrative Trials and hearings within the Department of Citywide Administrative Services to implement changes in the City's expense budget. These actions total \$18,266,281.

BACKGROUND: This modification (MN-1) reallocates appropriations that were reflected in the FY 2009 Adopted Budget to fund City Council initiatives, and effectuates changes among agencies consistent with Local law 35. Local Law 35 of 2008, transfers jurisdiction over the Environmental Control Board (ECB) from the Department of Environmental Protection (DEP) to the Office of Administrative Trials and Hearings (OATH). This modification effectuates such local law by transferring the unit of appropriation allocated to DEP to OATH within DCAS.

FISCAL IMPACT: This modification represents the reallocation of appropriations and the transfer of the ECB from the DEP to the OATH and within the Department of Citywide Administrative Services. The net effect of this modification is zero.

PRECONSIDERED

RESOLUTION NO.

By Council Member Weprin

**RESOLUTION APPROVING THE MODIFICATION (MN-1)
OF UNITS OF APPROPRIATION AND THE TRANSFER
OF CITY FUNDS BETWEEN AGENCIES PROPOSED BY
THE MAYOR PURSUANT TO SECTION 107(b) OF THE
CHARTER OF THE CITY OF NEW YORK**

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 units of appropriation as adopted by the Council on June 29, 2008, pursuant to Section 107(b) of the Charter of the City of New York (the "Charter"), which total \$6,526,714, and effectuates changes among agencies consistent with Local law 35, which total \$11,739,567; and

Whereas, pursuant to Section 107(b) of the Charter, the City Council has thirty (30) days after the first stated meeting of the City Council following such receipt within which to act upon the Modification;

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 107(b) 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 _____ 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 (MN-1) OF UNITS OF APPROPRIATION AND THE TRANSFER OF CITY FUNDS BETWEEN AGENCIES PROPOSED BY THE MAYOR PURSUANT TO SECTION 107(b) 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 units of appropriation and transfer city funds between units of appropriation in the Fiscal 2009 Expense Budget (as defined below) pursuant to Section 107(b) 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") pursuant to Section 254 of the Charter. On June 29, 2008, the Council adopted the expense budget for fiscal year 2009 (the "Fiscal 2009 Expense Budget"). This modification (MN-1) reallocates appropriations that were reflected in the FY 2009 Adopted Budget. Specifically, MN-1 reallocates appropriations that were reflected in the FY 2009 Adopted Budget to fund City Council initiatives, totaling \$6,526,714 and effectuates changes among agencies consistent with Local law 35, which total \$11,739,567. Local Law 35 of 2008 transfers jurisdiction over the Environmental Control Board (ECB) from the Department of Environmental Protection (DEP) to the Office of Administrative Trials and Hearings (OATH) within the Department of Citywide Administrative Services. The total amount of these actions is \$18,266,281. The net effect of this modification is zero.

If the Mayor wishes to transfer part or all of any unit of appropriation to another unit of appropriation from one agency to another or such that the transfer results in any unit of appropriation being increased or decreased by the greater of five percent or \$50,000, Section 107(b) of the Charter requires that the Mayor must first notify the Council of the proposed action. Within 30 days after the first stated meeting of the Council following receipt of such notice, the Council may disapprove such proposed action. If the Council fails to approve or disapprove such proposed action within such 30-day period, the proposed action becomes effective and the Mayor has the authority to make such transfer.

Description of Above-captioned Resolution. In the above-captioned resolution, the Council would approve the Modification pursuant to Section 107(b) of the Charter. Such resolution would take effect as of the date of adoption.

