



**THE COUNCIL  
THE CITY OF NEW YORK  
FINANCE DIVISION  
250 BROADWAY, 15<sup>TH</sup> FLOOR  
NEW YORK, N.Y. 10007-2594**

(212) 788-6921

TO: Honorable Christine C. Quinn  
Speaker

Honorable Domenic M. Recchia, Jr.  
Chairman, Finance Committee

FROM: Preston Niblack  
Director, Finance Division

DATE: June 29, 2010

SUBJECT: A budget modification (MN-4) for Fiscal Year 2010 to reallocate appropriations in the FY 2010 Adopted Budget.

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INITIATION: By letter dated June 29, 2010, the Director of the Office of Management and Budget submitted to the Council, pursuant to section 107(b) of the New York City Charter, a request for approval to transfer funds, totaling \$1,831,138,391, between various agencies in Fiscal Year 2010 to implement changes in the City's expense budget.

BACKGROUND: MN-4 implements expense budget changes which were reflected in the City's November, January, and Executive Financial Plan modifications, as well as changes recognized by the Fiscal Year 2011 Adoption Process, and reallocates appropriations that were reflected in the FY 2010 Adopted Budget to fund City Council initiatives.

FISCAL IMPACT: MN-4 represents the reallocation of appropriations. The net effect of this modification is zero.

**PRECONSIDERED**

**RESOLUTION NO.**

**By Council Member Recchia, Jr.**

**RESOLUTION APPROVING THE MODIFICATION  
(MN-4) 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 June 29, 2010, the Committee on Finance received a communication, dated June 29, 2010 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 and transfer city funds in the amount of \$1,831,138,391 between various agencies in the Fiscal Year 2010 expense budget as adopted by the Council on June 19, 2009, pursuant to Section 107(b) of the Charter of the City of New York (the "Charter"); 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 June 29, 2010 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-4) 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 (the "City Council") on June 29, 2010, the Committee on Finance received a communication, dated June 29, 2010 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 and transfer city funds in the amount of \$1,831,138,391 between various agencies in the Fiscal Year 2010 expense budget as adopted by the Council on June 19, 2009, 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 19, 2009, the Council adopted the expense budget for Fiscal Year 2010 (the "Fiscal 2010 Expense Budget"). This Modification reallocates appropriations that were reflected in the Fiscal 2010 Expense Budget; implements expense budget changes which were reflected in the City's November, January, and Executive Financial Plan modifications, as well as changes recognized by the Fiscal Year 2011 Adoption Process. MN-4 also reallocates appropriations that were reflected in the FY 2010 Adopted Budget to fund City Council initiatives.

The net effect of this Modification is zero.

Procedure. 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 when a transfer from one unit of appropriation to the another, and such 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.