

Powers of the Board of Estimate, Other City Officers and Borough Officials

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provided in this charter for the removal of the mayor.

c. Any vacancy in the office of a president other than the president of the borough of Richmond caused by removal from the borough, or otherwise, shall be filled by an election to such vacancy by majority vote of all the members of the council then in office representing said borough, and in case of any such vacancy it shall be the duty of the mayor forthwith to call such members in session for such an election and to preside over it, but he shall not vote except in the case of his vote. A vacancy in the office of president of the borough of Richmond shall be filled by any election to said vacancy by the councilman and the commissioner of borough works for said borough; they shall convene for that purpose upon the call of the mayor, who shall preside at such election, but shall not vote except in the case of a tie vote.

(§ 382)
Borough president; powers and duties.

§ 82. a. The president of a borough shall, by virtue of his office, be a member of the local board of every district of local improvements in his borough, and the chairman thereof, entitled to preside at its meetings and to vote as any other member.

b. He may appoint and at pleasure remove a commissioner of borough works for his borough, who may discharge such of the powers of the president of the borough as the president may delegate to him, and shall, in the absence or illness of such president, discharge all the duties of such president.

c. He shall have power to appoint a secretary and such assistants, clerks and subordinates as he may deem necessary, within the appropriation thereto. The said secretary, assistants, clerks and subordinates shall hold office at the pleasure of the president subject to the provisions of the civil service laws.

d. He shall, within the borough for which he shall have been elected, have cognizance and control except as otherwise specifically provided in this charter:

(1) Of regulating, grading, curbing, flagging and guttering of streets and laying of crosswalks.
(2) Of constructing and repairing public roads.

(3) Of paving, repaving, resurfacing and repairing of all streets, and of the relaying of all pavements removed for any cause.

(4) Of the laying or relaying of surface railroad tracks in any public street or road, of the form of rail used, or character of foundation, and the methods of construction, and of the restoration of the pavement or surface after such work.

(5) Of the filling of sunken lots, fencing of vacant lots, digging down lots and of licensing vaults under sidewalks.

(6) Of the removal of incumbrances.

(7) Of the issuance of permits to builders and others to use or open the streets.

(8) Of the construction and maintenance of all bridges and tunnels which are within his borough and form a portion of the highways thereof, except such bridges and tunnels as cross navigable streams.

(9) Of all subjects relating to the public sewers and drains of his borough, and shall initiate the drawing of all plans for the drainage of his borough. He shall have charge of the construction of all sewers in accordance with said plans. He shall have in charge the management, care and maintenance of the sewer and drainage system of the borough and the licensing of all cisterns and cesspools.

(10) Of the location, establishment, care, erection and maintenance of the public baths, public urinals and public comfort stations, and of the placing of all signs indicating the names of the streets and other public places.

e. The president of a borough may authorize by instrument in writing filed with the city clerk any officer or employee appointed by him to exercise any of the powers and perform any of the duties of the president, including the power to act for or represent the president upon the board of estimate with the board of estimate. (§ 383)

Removal of pavement.

§ 83. No removal of the pavement or disturbance of the surface of any street for any purpose whatever shall be made until a permit is first issued by the president of the borough where the work is to be done; and whenever any portion of the pavement in any street or avenue has been removed for any purpose, such pavement shall not be laid in a manner satisfactory to the president of the borough, he may after giving notice, in such manner as shall be provided by law, have such pavement, or the portion thereof which shall have been so unsatisfactorily laid, put in proper order and repair for the account of the person or corporation by whom such pavement was removed, or such removal was for the purpose of making connection between an house or lot and any sewer or water pipes in the street, or for constructing vaults, or otherwise improving any house or lot, the said work shall be done on account of the owner of the premises for whose benefit such removal was made, and the cost thereof shall be a lien or charge on such premises; and the cost thereof shall be collected from the persons liable therefor in such manner as shall be provided by law. But nothing herein contained shall be deemed to prohibit the borough president from demanding, before issuing the permit, and as a condition thereof, the deposit of such sum of money or other security as, in his judgment, may be necessary to pay the cost of property, retaining the pavement so removed, together with the expenses of the collection thereof, as the expenses incidental to the issuing of the permit and the making of refunds thereon. (§ 391)

CHAPTER 5.

The Controller.

Election; term; salary.

§ 91. The controller shall be elected by the electors of the city at the same time and for the same term as in this charter prescribed for the mayor. His salary shall be twenty thousand dollars a year.

(§ 97, 149)

Removal from office.

§ 92. The controller may be removed in the same manner as provided in this charter for the removal of the mayor. (§ 97)

Powers and duties.

§ 93. The controller from time to

time in his discretion may, and whenever required by law or requested by the board of estimate shall, advise the board of estimate on the financial condition of the city or any phase thereof and make such recommendations, comments and criticisms in regard to the fiscal policies and financial transactions of the city as he may deem advisable in public interest.

He shall have power to investigate all matters relating to or affecting the finances of the city and for such purpose he shall have power to require the attendance and examine and take the testimony of such persons as he may deem necessary.

He shall have power to pay the interest and principal of city obligations as certified by the treasurer.

3. The amounts required by law to be appropriated for the tax deficiency account as certified by the treasurer.

4. The amounts required by law to be appropriated for the assessable improvement fund as certified by the treasurer.

5. The amounts as certified by the treasurer, equal to the average of all expenditures during each of the five preceding fiscal years for each of the following purposes:

(a) The payment of claims, judgments, charges and expenses lawfully payable by the city for which no other appropriation is included in the budget.

(b) The payment of the expenses of the removal of snow and ice, exclusive of salaries and wages of regular employees of the city except for overtime work and for work on Sundays and holidays, and exclusive of the purchase of equipment.

6. The sum of two million dollars for contingencies not otherwise included in the budget to provide for the payment of expenditures authorized during the ensuing fiscal year by resolution of the board of estimate adopted upon twelve affirmative votes.

7. Such other amounts as may be required by law.

Such amounts shall be determined in the manner hereinafter provided to be necessary to pay the expenses of conducting the business of the city for the ensuing fiscal year, and for other lawful public purposes.

Preparation of executive budget.

§ 119. Each member of the board of estimate and such member of the council as the council shall designate, shall have the right to attend in person or by a representative any and all hearings called by the director of the budget or his representative at which the heads of agencies or their representatives or subordinates appear to explain their departmental estimates, to ask such questions and to require the production of such papers and records at such hearings as may seem to him appropriate and proper. The public may be present at such hearings but shall not have the right to be heard.

Executive budget; form.

§ 120. The executive budget shall be in such form as to show clearly for purposes of comparison:

1. The appropriations for the preceding fiscal year by code items with supporting line schedules, with modifications thereof indicated and unnumbered balances shown.

2. The appropriations for the current fiscal year by code items with supporting line schedules, with modifications thereof to the fifteenth day of March indicated.

3. The appropriations requested by each agency for the ensuing fiscal year, by code items with supporting line schedules.

4. The appropriations recommended for the ensuing fiscal year by code items with supporting line schedules.

5. The amount by which each recommended item in the supporting line schedules exceeds or is less than the corresponding item for the current fiscal year.

6. The several amounts which are payable from sources other than the tax levy.

7. Such other information as may be required by the board of estimate or by law.

Appropriations for supplies, materials and equipment.

§ 121. Appropriations for the purchase of supplies, materials and equipment required by and to be purchased for the account of the various agencies and institutions comprising the department of purchase is authorized by the provisions of this charter to make purchases shall be made to the department of purchase, but shall be segregated under the name of the agency or institution for which they are intended and shall be considered and accounted for as appropriate for such agency or institution. (§ 237)

General fund.

§ 131. All revenues of the city, of every department, board, office and commission thereof, and of every borough, county and other division of government within the city, from whatsoever source, not required by law to be paid in any other fund or account, shall be paid into a fund to be termed the "general fund."

Tax deficiency account.

§ 132. There shall be an account known as the "tax deficiency account." For such account there shall be appropriated annually in the budget.

A sum equal to any deficiency in such account which shall be determined by crediting to such account:

(1) all appropriations or parts thereof transferred to such account pursuant to section one hundred thirty during the calendar year preceding the adoption of the budget;

(2) the amount by which the total of the taxes levied for the current fiscal year exceeds, by reason of the fixing of the tax rate in cents and hundredths of a cent upon each dollar of assessed valuation, the total amount required to be raised by taxes;

(3) the amount of taxes which were delinquent on the first day of January in the calendar year preceding the adoption of the budget collected during such calendar year;

(4) the amount of all taxes canceled during such calendar year;

(5) discounts allowed for the prepayment of taxes during such calendar year;

(6) the amount of all taxes delinquent on the first day of January preceding the adoption of the budget but not delinquent on the first day of January in the preceding year.

If in any year the amounts so creditably held exceed the amounts so paid, such excess shall be credited to such account the ensuing year in determining any deficiency.

3. An itemized statement of the condition of the tax deficiency account, and a schedule of the appropriations for such account required by law.

4. An itemized statement of the condition of the assessment and improvement fund, and a schedule of appropriations to such fund required by law.

5. A schedule of appropriations required for debt service exclusive of contributions to the sinking funds.

6. Such other information as may be required by the board of estimate or by law.

Statement of controller.

§ 116. Not later than the fifteenth day of February in each year the controller shall submit to the board of estimate and to the council a certified statement, which shall be published forthwith in the City Record. Immediately upon such admission a special meeting of the council shall be called by the president of the council to consider such budget. Should the council take no final action on such budget on or before the twenty-fifth day of May, the budget as adopted by the board of estimate shall be deemed to have been adopted by the board.

The budget; adoption by controller.

§ 125. Not later than the first day of May in each year the budget, as adopted by the board of estimate, shall be certified by the mayor and submitted to the council, and shall be published in the City Record. Immediately upon such admission a special meeting of the council shall be called by the president of the council to consider such budget. Should the council take no final action on such budget on or before the twenty-fifth day of May, the budget as adopted by the board of estimate shall be deemed to have been adopted by the controller.

Offices.

§ 152. The tax department shall maintain its principal office in the borough of Manhattan and a branch office in each of the other boroughs. (§ 886)

Tax Commission.

§ 153. a. There shall be a tax com-

suing fiscal year which shall be published forthwith in the City Record.

Items to be included in the budget.

§ 118. There shall be included in the budget the following amounts:

1. The amounts required by law to be appropriated to the several sinking funds as certified by the controller.

2. Other amounts required to pay the interest and principal of city obligations as certified by the treasurer.

3. The amounts required by law to be appropriated for the tax deficiency account as certified by the treasurer.

4. The amounts required by law to be appropriated for the assessable improvement fund as certified by the treasurer.

5. The amounts as certified by the treasurer, equal to the average of all expenditures during each of the five preceding fiscal years for each of the following purposes:

(a) The payment of claims, judgments, charges and expenses lawfully payable by the city for which no other appropriation is included in the budget.

(b) The payment of the expenses of the removal of snow and ice, exclusive of salaries and wages of regular employees of the city except for overtime work and for work on Sundays and holidays, and exclusive of the purchase of equipment.

6. The sum of two million dollars for contingencies not otherwise included in the budget to provide for the payment of expenditures authorized during the ensuing fiscal year by resolution of the board of estimate adopted upon twelve affirmative votes.

7. Such other amounts as may be required by law.

Such amounts shall be determined in the manner hereinafter provided to be necessary to pay the expenses of conducting the business of the city for the ensuing fiscal year, and for other lawful public purposes.

Preparation of executive budget.

§ 119. Each member of the board of estimate and such member of the council as the council shall designate, shall have the right to attend in person or by a representative any and all hearings called by the director of the budget or his representative at which the heads of agencies or their representatives or subordinates appear to explain their departmental estimates, to ask such questions and to require the production of such papers and records at such hearings as may seem to him appropriate and proper. The public may be present at such hearings but shall not have the right to be heard.

The budget; certification; filing.

§ 126. Not later than the twenty-second day of May in each year the budget as adopted by the council shall be certified by the president of the council and submitted to the mayor. If the council shall have rejected or omitted any item in the budget, as adopted by the council, the mayor may, on or before the first day of June, return such budget to the council, setting forth in writing his objections to such reductions or omissions or any of them, and such item or items shall thereupon be restored to the amount as included in the budget as adopted by the council.

b. The assessors shall, under the direction of the president, be charged with the duty of assessing for taxation all the taxable real property in the several districts that may be assigned to them by the president, and of preparing the assessment-roll.

Right of entry.

§ 156. a. The president shall appoint as many assessors as shall be needed within the appropriation thereto.

b. The assessors shall, under the direction of the president, be charged with the duty of assessing for taxation all the taxable real property in the several districts that may be assigned to them by the president, and of preparing the assessment-roll.

Assessors; appointment of commissioners.

§ 157. a. The president shall appoint as many assessors as shall be needed within the appropriation thereto.

b. The assessors shall, under the direction of the president, be charged with the duty of assessing for taxation all the taxable real property in the several districts that may be assigned to them by the president, and of preparing the assessment-roll.

Assessors; powers and duties.

§ 158. The assessors shall commence to assess the real estate on the first day of August in each year, and shall be responsible for the assessment of all real property in the city for the ensuing year.

Assessors; powers and duties.

§ 159. The assessors shall commence to assess the real estate on the first day of August in each year, and shall be responsible for the assessment of all real property in the city for the ensuing year.

Assessors; powers and duties.

§ 160. The books of the annual record of the assessed valuation of real estate shall be opened to the public not later than the first day in February in each year, not a Sunday or a legal holiday, and remain open during usual business hours for public inspection and examination until the fifteenth day of March thereafter. The tax commission, previous to and during the time such books are open to public inspection, shall advertise such fact in the City Record and in such other newspaper or news papers in the several boroughs as may be authorized by the board of estimate.

Completion of assessment-rolls.

§ 161. The treasurer shall prepare and submit to the council between the fifteenth and twentieth days of June in each year a statement setting forth the amount of the budget as fixed for the ensuing fiscal year and also an estimate of the probable amount of receipts into the city treasury during the ensuing fiscal year from all the sources of revenue of the general fund. (§ 920)

Fixing of tax rate.

§ 162. The council shall meet not later than the twenty-fifth day of June to fix the annual tax rate. The council shall deduct the total amount of receipts as estimated by the treasurer from the amount of the budget as fixed for said year, and shall cause to be raised by tax such sum as shall be as nearly as possible, but not less than, the balance so arrived at, by fixing a tax rate in cents and hundredths of a cent upon each dollar of assessed valuation.

Completion of assessment-rolls.

§ 163. At such annual meeting the council shall cause to be set down in the assessment-rolls, opposite to the several sums set down as the valuation of real property, the respective sums, in dollars and cents, to be paid as a tax thereon, rejecting the fractions of a cent. It shall also cause to be set down the aggregate valuations of the real property in the several boroughs, and shall transmit to the comptroller of the state by mail a certificate of such aggregate valuation in each borough. (§ 922)

Capital Budget Is Provided For and Fiscal Practices of the City Are Altered

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return to the owner unless such period be granted, the board of standards and appeals shall have power to grant a permit for the construction of a building or structure in such street which shall increase as little as practicable the cost of opening such street or highway or tend to cause a change in the city map, and such board may impose reasonable requirements as a condition of granting such permit, which requirements shall inure to the benefit of the city.

NOTE.—Section 35 of the General City Law, which is similar to the foregoing section 202, is invalid under the *Hudson River* decision of the State Division of the Supreme Court, Fourth

CHAPTER 9.

The Capital Budget.

Definitions.

§ 211. As used in this chapter: 1. The term "capital project" shall mean—

(a) Any physical public betterment or improvement or any preliminary studies and surveys relative thereto.

(b) The acquisition of property of a permanent nature.

(c) The purchase of equipment of any public improvement or betterment when first erected or acquired.

It shall not include any public improvement or improvement, the acquisition of an easement or the purchase of any equipment or any part of the total cost and expense of which shall be paid out of the proceeds of assessments, nor the repaving of any street, avenue or public place.

2. The term "pending" shall mean authorized but not yet completed.

Report of city treasurer.

§ 212. Not later than the fifteenth day of August in each year the treasurer shall submit to the city planning commission a report, which shall be published forthwith in the City Record, containing a statement showing the amount and nature of all obligations authorized on account of each pending capital project, and the obligations incurred for each project, standing on the first day of July, and such further information as may be required by the city planning commission or by law.

Departmental estimates for capital projects.

§ 213. On such date as the mayor may direct, but not later than the first day of September, the head of each agency shall submit to the city planning commission a detailed estimate of each capital project pending or which he believes may be undertaken within the six succeeding calendar years. Such estimates shall be known as departmental estimates for capital projects, and shall be in such form and contain such information as may be required by the city planning commission or by law. Such departmental estimates shall be public records and shall at all reasonable times be open to public inspection.

Report of controller.

§ 214. Not later than the first day of September the controller shall submit to the board of estimate, to the council, to the city planning commission and to the director of the budget a report which shall be published forthwith in the City Record setting forth and commenting in detail upon the city's financial condition and advising as to the maximum amount and nature of debt which, in his opinion, the city may soundly incur for capital projects during each of the six succeeding calendar years.

Proposed capital budget; preparation.

§ 215. Each member of the board of estimate and such member of the council as the council shall designate shall have the right to attend in person or by a representative any and all hearings conducted by the city planning commission at which the heads of agencies or their representatives or their designates appear to explain their departmental estimates, to ask such questions and to require the production of such papers and records at such hearings as may seem to him appropriate and proper. The budget director shall attend in person or by a representative all such hearings, and shall render to the city planning commission such assistance and advice as it may require in the preparation of the proposed capital budget. The public may be present at such hearings but shall not have the right to be heard.

Proposed capital budget and program; submission.

§ 216. Not later than the twenty-fifth day of October the city planning commission shall submit to the board of estimate, to the council, to the director of the budget and to the treasurer a proposed capital budget for all authorizations recommended to be adopted for the ensuing calendar year and capital program for the five calendar years next succeeding such ensuing calendar year, both of which shall be printed forthwith.

Proposed capital budget and program; contents.

§ 217. The proposed capital budget and program shall be arranged in such manner as to set forth clearly:

1. As to each pending capital project a brief description, the original estimated cost, the date of authorization, the amount and nature of obligations authorized, the amount and maturities of such obligations issued, the amount of all liabilities outstanding and the unencumbered balances of authorizations on the first day of July, the amount of liabilities estimated to be incurred during the balance of the calendar year and the estimated annual appropriation required for such project.

2. As to each new capital project recommended: a brief description, the calendar year in which it is recommended to be undertaken and the total estimated cost.

3. As to each project: the estimated date of completion, the amount of liabilities estimated to be incurred in each of the six succeeding calendar years, the estimated useful existence, the amount, the terms and conditions of obligations recommended to be authorized in each of the six succeeding calendar years and the estimated annual maintenance and service charges.

4. Any recommendation that a pending project be modified or abandoned or further authorization postponed.

5. A brief description of each new project recommended: a brief description, the calendar year in which it is recommended by the city planning commission to be undertaken within

the six succeeding calendar years, with the reason why such project is not recommended. (cf. § 226d)

6. Such other and further information as the city planning commission may deem pertinent or as may be required by law.

When a recommended project is divisible the information required shall be set forth for each part thereof.

Report of treasurer.

§ 218. Not later than the first day of November the treasurer shall submit to the board of estimate and to the council a report, which shall be published in the City Record, containing such comments and recommendations with respect to the proposed capital budget and program as he may deem advisable.

Report of director of the budget.

§ 219. Not later than the eighth day of November the director of the budget shall submit to the board of estimate and to the council a report, which shall be published forthwith in the City Record, setting forth clearly the probable effect of the adoption of the capital budget and of the program upon the expense budget for each of the six succeeding fiscal years, and such comments and recommendations as he may deem advisable.

Report of capital budget; hearings.

§ 220. Between the eighth and the twentieth days of November the board of estimate shall hold public hearings on the capital budget, and the officers of agencies shall have the right, and it shall be their duty when requested by the board of estimate, to appear and be heard.

Capital budget; adoption by board of estimate.

§ 221. Between the twentieth day of November and the fourth day of December the board of estimate shall adopt a capital budget for the ensuing calendar year. Should the board of estimate fail within such period of time to adopt such capital budget, it shall be deemed to have been adopted in the form submitted by the city planning commission.

The capital budget shall authorize the capital projects which may be undertaken during the ensuing calendar year and shall fix the maximum amount of new obligations of the city which may be authorized during such year to be incurred on account of each such project and each pending project and the nature, terms and maximum amount of the obligations which the treasurer may be authorized to issue for the liquidation of such liabilities.

The board of estimate may include in the capital budget any capital project which was included by the city planning commission in the capital program. It may, not less than fifteen days prior to the adoption of the capital budget, furnish to the city planning commission information similar to that included in said program with its recommendations. Such information shall be submitted within ten days and shall be published forthwith in the City Record. If the city planning commission recommends such project, the board of estimate may include it in the capital budget. If the city planning commission does not recommend the project the board of estimate may include it only by twelve affirmative votes.

Capital budget; adoption by council.

§ 222. Not later than the sixth day of December the capital budget as adopted by the board of estimate shall be certified by the mayor and submitted to the council and shall be published forthwith in the City Record. Immediately upon such submission a special meeting of the council shall be called by the president of the council to consider such capital budget, which consideration shall continue from day to day until not later than the twenty-seventh day of December, until final action is taken thereon. Should the council take no final action on such capital budget on or before the twenty-seventh day of December, it shall be deemed to be finally adopted as submitted by the board of estimate.

The council may strike out in its entirety any authorization in the capital budget as submitted but may not add to or increase or vary the terms or conditions of any authorization in such capital budget as submitted.

Capital budget; certification.

§ 223. Not later than the twenty-ninth day of December the capital budget as adopted by the council shall be certified by the president of the council and transmitted to the controller.

Not later than the thirty-first day of December the capital budget as finally adopted in such year shall be certified by the mayor, the controller and the city clerk as the capital budget for the ensuing calendar year, and the capital projects therein specified shall be become authorized, and the maximum amount of obligations of the city which may be authorized during such year to be incurred on account of each such project and each pending project, and the nature, terms and maximum amount of obligations which the treasurer may be authorized to issue for the liquidation of such liabilities, shall be and become fixed; provided, however, that if the lowest responsible bid for any such project shall exceed the amount authorized therefor, the amount authorized may be increased by not more than fifty per centum of the amount authorized.

The capital budget shall not later than five days after such certification be filed in the office of the controller and shall be published forthwith in the City Record.

Restrictions on capital project authorizations at other times.

§ 224. No obligations of the city shall be authorized in any calendar year or on account of any capital project not included in the capital budget as finally adopted for such year; provided, however, that upon receipt of a recommendation in writing from the city planning commission, approved by the affirmative vote of two-thirds of the members thereof, the board of estimate may amend the capital budget in accordance with such recommendation. Upon the adoption of any amendment by the board of estimate and prior to its adoption by the controller, it shall be certified by the mayor and submitted to the council, and if the council shall adopt the same it shall be certified by the president of the council and transmitted to the controller. It shall thereupon be certified by the mayor, the controller and the city clerk, and the capital budget shall be and become amended accordingly. Not later than five days after such certification such amendment

shall be filed in the office of the controller and shall be published in the City Record. (cf. § 226d)

CHAPTER 10.

The Obligations of the City.

Obligations of the city.

§ 241. Bonds or other evidences of indebtedness hereafter issued by the city shall be of the following nature and kind only and shall be denominated respectively as follows:

1. Serial bonds.

2. Bond anticipation notes.

3. Revenue bills.

4. Special revenue bills.

5. Tax notes.

6. Assessment bonds.

The faith and credit of the city of New York shall be and thereby is pledged for the redemption and payment of all obligations and the interest thereon heretofore or hereafter issued by the city or heretofore for the benefit of the several municipal and public corporations united and consolidated into the city. No obligation of the city may be sold by the treasurer for less than its par value, and all sales shall be held in the manner provided by law. (§ 169)

Serial bonds; authorization and issue.

§ 242. a. The treasurer may from time to time when authorized by the board of estimate, issue and sell serial bonds which shall be executed on behalf of the city in such manner as the board of estimate by resolution may determine and shall be sealed with the common seal of the city and attested by the city clerk. Interest on such bonds shall be payable quarterly or semi-annually at such rate or rates, and at such place, and such bonds may be subject to such terms of redemption as the treasurer prior to the issuance of any of them may determine. Such bonds may be registered in the name of the treasurer prior to the issuance of any of them.

b. Serial bond anticipation notes shall be in such form, bear such rates of interest and interest payment dates as the treasurer may determine to pay the expenses of any capital project, which may not be financed by the sale of serial bonds.

c. Such sums shall be obtained by the issue of certificates of indebtedness which shall be termed "tax notes" and shall be in such form, bear such rates of interest and interest payment dates as the treasurer may determine to pay the expenses of any capital project, which may not be financed by the sale of serial bonds.

d. Bond anticipation notes and renewals thereof shall be redeemed out of the proceeds of the next succeeding sale of serial bonds in anticipation of the sale of which such bond anticipation notes were issued. The average duration of such bond anticipation notes shall be determined by the board of estimate and shall be sealed with the common seal of the city and attested by the city clerk. Interest on such bonds shall be payable quarterly or semi-annually at such rate or rates, and at such place, and such bonds may be subject to such terms of redemption as the treasurer prior to the issuance of any of them.

e. Such sums shall be obtained by the issue of certificates of indebtedness which shall be termed "bond anticipation notes" and shall be in such form, bear such rates of interest and interest payment dates as the treasurer may determine to pay the expenses of any capital project, which may not be financed by the sale of serial bonds.

f. Such sums shall be obtained by the issue of certificates of indebtedness which shall be termed "bond anticipation notes" and shall be in such form, bear such rates of interest and interest payment dates as the treasurer may determine to pay the expenses of any capital project, which may not be financed by the sale of serial bonds.

g. Such sums shall be obtained by the issue of certificates of indebtedness which shall be termed "bond anticipation notes" and shall be in such form, bear such rates of interest and interest payment dates as the treasurer may determine to pay the expenses of any capital project, which may not be financed by the sale of serial bonds.

h. Such sums shall be obtained by the issue of certificates of indebtedness which shall be termed "bond anticipation notes" and shall be in such form, bear such rates of interest and interest payment dates as the treasurer may determine to pay the expenses of any capital project, which may not be financed by the sale of serial bonds.

i. Such sums shall be obtained by the issue of certificates of indebtedness which shall be termed "bond anticipation notes" and shall be in such form, bear such rates of interest and interest payment dates as the treasurer may determine to pay the expenses of any capital project, which may not be financed by the sale of serial bonds.

j. Such sums shall be obtained by the issue of certificates of indebtedness which shall be termed "bond anticipation notes" and shall be in such form, bear such rates of interest and interest payment dates as the treasurer may determine to pay the expenses of any capital project, which may not be financed by the sale of serial bonds.

k. Such sums shall be obtained by the issue of certificates of indebtedness which shall be termed "bond anticipation notes" and shall be in such form, bear such rates of interest and interest payment dates as the treasurer may determine to pay the expenses of any capital project, which may not be financed by the sale of serial bonds.

l. Such sums shall be obtained by the issue of certificates of indebtedness which shall be termed "bond anticipation notes" and shall be in such form, bear such rates of interest and interest payment dates as the treasurer may determine to pay the expenses of any capital project, which may not be financed by the sale of serial bonds.

m. Such sums shall be obtained by the issue of certificates of indebtedness which shall be termed "bond anticipation notes" and shall be in such form, bear such rates of interest and interest payment dates as the treasurer may determine to pay the expenses of any capital project, which may not be financed by the sale of serial bonds.

n. Such sums shall be obtained by the issue of certificates of indebtedness which shall be termed "bond anticipation notes" and shall be in such form, bear such rates of interest and interest payment dates as the treasurer may determine to pay the expenses of any capital project, which may not be financed by the sale of serial bonds.

o. Such sums shall be obtained by the issue of certificates of indebtedness which shall be termed "bond anticipation notes" and shall be in such form, bear such rates of interest and interest payment dates as the treasurer may determine to pay the expenses of any capital project, which may not be financed by the sale of serial bonds.

p. Such sums shall be obtained by the issue of certificates of indebtedness which shall be termed "bond anticipation notes" and shall be in such form, bear such rates of interest and interest payment dates as the treasurer may determine to pay the expenses of any capital project, which may not be financed by the sale of serial bonds.

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v. Such sums shall be obtained by the issue of certificates of indebtedness which shall be termed "bond anticipation notes" and shall be in such form, bear such rates of interest and interest payment dates as the treasurer may determine to pay the expenses of any capital project, which may not be financed by the sale of serial bonds.

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y. Such sums shall be obtained by the issue of certificates of indebtedness which shall be termed "bond anticipation notes" and shall be in such form, bear such rates of interest and interest payment dates as the treasurer may determine to pay the expenses of any capital project, which may not be financed by the sale of serial bonds.

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cc. Such sums shall be obtained by the issue of certificates of indebtedness which shall be termed "bond anticipation notes" and shall be in such form, bear such rates of interest and interest payment dates as the treasurer may determine to pay the expenses of any capital project, which may not be financed by the sale of serial bonds.

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Department of Investigation, Headed by Lawyer, and Complaint Bureau Are Set Up

Continued From Preceding Page

same is wholesome and the supply is adequate and to establish such rules and regulations in respect thereof as are reasonable and necessary for the convenience of the public and the citizens; and the commissioner may exercise supervision, control and management in respect of the supply of water by such water companies. (§ 472)

NOTE: The board of water supply, being created by statute, is not included in this charter.

CHAPTER 31.

Department of Sanitation.

§ 751. When used in this chapter "street" includes street, avenue, road, alley, lane, highway, boulevard, concourse, driveway, culvert, and crosswalk, and every class of public road, square and place, except a street within any park or under the control or management of the department of parks, or a wharf, pier, bulkhead or slip by law committed to the custody and control of the department of docks. (§ 605, Subd. 1)

Department; commissioner.

§ 752. There shall be a department of sanitation the head of which shall be the commissioner who shall be appointed by the mayor. (§ 605a)

Deputy.

§ 753. The commissioner may appoint two deputies.

Offices of the department.

§ 754. The main office of the department shall be located in the borough of Manhattan and it may maintain a branch office in each of the other boroughs. (§ 605a)

Powers and duties.

§ 755. The commissioner shall have charge and control of:

1. The sweeping, cleaning, springing, flushing, washing and sanding of the streets having permanent pavement.

2. The removal and disposition of ashes, street sweepings, garbage, refuse, rubbish and the bodies of animals.

3. The removal of ice and snow from the streets.

4. The operation, maintenance and use of incinerators or other plants or equipment for the destruction or disposition of ashes, street sweepings, garbage, refuse, rubbish and dead animals. (§ 605d)

Regulations of department.

§ 756. The commissioner may adopt a seal which shall be used for the authentication of the orders and proceedings of the department, in commissioning its officers and agents and otherwise as he may provide by regulation. All courts shall take judicial notice of the seal of the department. (§ 605h)

Regulations of department.

§ 757. The commissioner may adopt regulations and may prescribe civil penalties for a violation thereof.

1. Requiring the discharge of sewage, refuse, factory waste or trade waste into the public sewers of the city, or regulating, restricting or prohibiting the use of the public sewers for the discharge therein of any material or substance.

2. Specifying the kind of garbage, refuse, ashes or other material or substance that will be collected by the city, from whom it will be taken, the manner in which it shall be arranged or sorted, the time when it will be collected and the place at which it shall be deposited for collection.

Every regulation adopted pursuant to this section shall be filed with the city clerk, shall be published in the City Record and shall not take effect until so filed and published. (§ 1521; Laws of 1933, Chapter 829)

Regulations controlling the use of sidewalks and gutters.

§ 758. The commissioner may adopt regulations controlling the use of sidewalks and gutters by abutting owners and occupants for the disposition of sweepings, refuse, garbage or rubbish, and may provide that the violation thereof shall be punishable by civil penalty, fine or imprisonment. Such regulations shall be submitted to the council and when approved by it shall be published in like manner and shall be enforced as local laws. (§ 605g)

Enforcement of regulations.

§ 759. A regulation of the commissioner, adopted pursuant to section seven hundred fifty-seven, shall be enforced by his order. Such order shall be addressed to the owner or owners, lessors or occupants of the building, structure, enclosure, vessel, place or premises affected thereby, but it shall not be necessary to designate such owner, lessor or occupant by name in such order, but the premises shall be designated in the address so that the same may be readily identified. Service of any such order may be made by delivery of a copy thereof to the owner or any one of several owners, to a lessee or any one of several lessees, or to any person holding a lease or a license to occupy the premises, or if no person be found in charge of the premises, then by affixing a copy of such order prominently upon the premises. If such order be not complied with within the time specified therein, the commissioner shall prosecute the person or corporation liable therefor for the penalty prescribed by the regulation violated in furtherance of which such order shall have been issued and served. (§ 605r)

CHAPTER 32.

Department of Licenses.

Department; commissioner.

§ 771. a. There shall be a department of licenses the head of which shall be the commissioner of licenses who shall be appointed by the mayor. (§ 640)

Deputies.

§ 772. The commissioner may appoint two deputies. (§ 640)

Powers of commissioner.

§ 781. a. There shall be a department of municipal civil service commission, said to be constituted and provided in the civil service law, shall be appointed by the mayor and shall have the powers and duties specified in the civil service law. (§ 123)

Officer and employees; expenses.

§ 812. The commission may appoint a secretary, examiners and such other subordinates as may be

some other person is not authorized by law. (§ 641)

CHAPTER 33.

Department of Purchase.

Department; commissioner.

§ 781. a. There shall be a department of purchase the head of which shall be the commissioner of purchase who shall be appointed by the mayor.

b. There shall be a deputy commissioner of purchase who shall be appointed by the commissioner.

c. The commissioner shall also appoint a director of purchase who shall have had at least five years experience in purchasing various enterprises which operate upon justified requisitions based upon stores control with perpetual inventories of stocks on hand and a director of stores who shall have had at least five years' experience as a storekeeper with a similar corporation and such deputies, officers and employees as may be authorized by law.

d. The commissioner of purchase shall, within ten days after receiving notice of his appointment and before entering upon the discharge of his duties, provide a bond in such sum and with such securities as may be approved by the controller. (§ 1750)

Powers and duties.

§ 782. a. The commissioner shall, except as otherwise provided in this chapter, have sole power to purchase, store and distribute all supplies, materials or equipment required by any agency of the city, or by any office of any county wholly included in the city for which supplies, materials or equipment are required, payment for which is made from the city treasury.

b. The director of stores shall, under the direction of the commissioner, establish and maintain one or more city storerooms in each borough, and shall develop and operate therein a uniform, modern system of stores control based upon perpetual inventory, and shall maintain a sufficient stock of staple commodities on hand to supply the estimated current needs of the agencies and institutions for which he is authorized to purchase.

c. All purchases other than purchases for stock for estimated needs under subdivision b and all deliveries from such stock shall be upon justified requisitions.

Board of standardization.

§ 783. There shall be in the department of purchase a board of standardization to consist of the commissioner of purchase or his representative, who shall act as chairman of such board, an engineer from the board of estimate; an engineer from the office of the controller; a representative of the budget director; a representative of the controller; and an engineer and chemist from the department of purchase; all of whom shall serve upon such board without additional compensation. It shall be the duty of such board to classify all supplies, materials and equipment; to adopt a standardization of quality, number of qualities, sizes and types of commodities consistent with efficient operation; to prepare, and submit to the board of estimate for adoption, and after such adoption to promulgate and enforce written specifications for all such standard commodities and pending submission to and action by the board of estimate, to adopt tentative specifications.

(§ 1755)

Chapter does not apply to

§ 784. The provisions of this chapter shall not apply to purchases by or for the board of higher education, the boards of trustees thereunder or any of the institutions under their control, or to the board of education or the department of education. (§ 1527)

CHAPTER 34.

Department of Investigation.

Department; commissioner.

§ 801. There shall be a department of investigation the head of which shall be called the commissioner of investigation who shall be appointed by the mayor.

Deputy.

§ 832. The commissioner may appoint one deputy.

Powers and duties.

§ 802. The commissioner may appoint two deputies, either of whom may, subject to the direction of the commissioner, conduct or preside at any investigations authorized by this chapter.

Powers and duties.

§ 803. The commissioner (a) shall make any investigation directed by the mayor or the council;

(b) is authorized and empowered to make any study or investigation which in his opinion may be in the best interests of the city, including, but not limited to investigations of the affairs, functions, accounts, methods, personnel or efficiency of any agency.

Complaint bureau.

§ 804. There shall be a complaint bureau in the department of investigation which shall receive complaints from the public.

Conduct of investigations.

§ 805. a. For the purpose of ascertaining facts in connection with any study or investigation authorized by this chapter the commissioner and each deputy shall have full power to compel the attendance of witnesses, to administer oaths or affirmations, examine witnesses in public or private hearings, receive evidence and preside at or conduct any such study or investigation.

b. The commissioner or any agent or employee of the department duly designated to write up his findings for such purposes may administer oaths or affirmations, examine witnesses in public or private hearings, receive evidence and preside at or conduct any such study or investigation.

c. Powers and duties.

§ 806. The commissioner (a) shall make any investigation directed by the mayor or the council;

(b) is authorized and empowered to make any study or investigation which in his opinion may be in the best interests of the city, including, but not limited to investigations of the affairs, functions, accounts, methods, personnel or efficiency of any agency.

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b. The commissioner or any agent or employee of the department duly designated to write up his findings for such purposes may administer oaths or affirmations, examine witnesses in public or private hearings, receive evidence and preside at or conduct any such study or investigation.

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Complaint bureau.

Alternative Method for Electing Council

Continued From Preceding Page

of law until changed or incorporated in the administrative code.

7. For the transition from the calendar year to the fiscal year established by the new charter.

The first fiscal year under the new charter will commence July first, nineteen hundred thirty-nine. The present administration will prepare under the provisions of the existing charter a budget for the calendar year nineteen hundred thirty-eight and another budget for the six months from January first, nineteen hundred thirty-nine, to June thirtieth, nineteen hundred thirty-nine, both to be prepared at the same time. The administration elected in nineteen hundred thirty-seven will act under the budget for the calendar year nineteen hundred thirty-eight, but as to the six months' period from January first, nineteen hundred thirty-nine, to June thirtieth, nineteen hundred thirty-nine, the new administration will have the option either of continuing under the budget adopted by the outgoing administration or of substituting a budget of its own. If it decides to substitute a budget of its own, it will do so according to the procedure prescribed in the new charter, but the various steps will be taken at the dates specified in the existing charter.

Alternative Article Providing for Election of Councilmen by Proportional Representation.

The councilmen shall be elected by proportional representation, in accordance with the following principles:

Each borough shall constitute a single district for the election of councilmen and shall elect one councilman for every seventy-five thousand voters who cast valid votes for councilmen within it. A remainder of more than fifty thousand such voters shall entitle a borough to one additional councilman and each borough shall be entitled to at least one councilman. Each voter shall have a single preferential vote. He shall be allowed to indicate a first choice, second choice, third choice and further choices among all the candidates for councilmen in the borough. His vote shall be counted for his first choice if it can help to elect his first choice and, if not, for the first of his choices whom it can help to elect. Seventy-five thousand votes shall be the quota sufficient to elect a candidate and votes in excess of that quota shall be transferred to other choices of the voters who cast them. Votes cast for a candidate with too few votes to secure election shall likewise be transferred, upon the defeat of that candidate, to other choices of the voters who cast them. Nominations shall be made by petition of not less than two thousand voters for each candidate nominated and shall not be made by primaries. Nominating petitions may specify party, group or individual designations to accompany the names of the candidates on the ballot but shall not specify the name of any recognized political party without permission from the county committee of that party. Sufficient watchers to give adequate representation to the candidates shall be given full facilities for witnessing closely every stage of the election and of the count.

Rules and Regulations.

Rules and regulations for conducting the election of councilmen and the counting of the vote in accordance with the foregoing principles shall be adopted in the manner following:

The mayor shall, not later than the first day of January, nineteen

hundred thirty-seven, appoint a temporary commission of not more than nine members, which shall, not later than the first day of April, nineteen hundred thirty-seven, submit to the board of aldermen a draft of a resolution promulgating such rules and regulations. The board of aldermen shall adopt such resolution, promulgating such rules and regulations either without change or with amendments consistent with the foregoing principles, and thereupon such rules and regulations shall be in full force and effect, and shall not be subject to action by the mayor or any other authority. In the event of its failure to adopt such resolution before the first day of June, nineteen hundred thirty-seven, the proposed rules and regulations as submitted by the temporary commission shall be deemed to have been adopted and shall be in full force and effect in like manner as if the same had been adopted by the board of aldermen as hereinabove provided, and shall apply to and govern the election of councilmen in the year nineteen hundred thirty-seven and subsequent elections of councilmen. The council elected in the year nineteen hundred thirty-seven or any subsequent council, may from time to time by local law amend such rules and regulations, but shall not change or depart from the foregoing principles.

Authority for submission.

This article is submitted to the electors pursuant to the provisions of section five of chapter eight hundred sixty-seven of the laws of nineteen hundred thirty-four, entitled "An Act to repeal chapter six hundred eighty-nine of the laws of nineteen hundred thirty-four which created the New York city charter commission, and to substitute for such commission a new commission, hereby created, to investigate and collect the facts for the purpose of formulating a new charter for the city of New York, providing for the submission of such charter to the electorate of such city, and providing for the payment of the expenses of such commissions." If the same shall be adopted by the affirmative vote of a majority of the qualified electors voting thereon, as prescribed in said act, this article shall become a part of the proposed charter which is submitted to the electors of the city at the same election at which this article is submitted, in accordance with the provisions of sections four and five of said act, and shall be designated as subdivision b of section twenty-two of said charter, and shall supersede and take the place of subdivision b of section twenty-two of said charter.

APPENDIX.

New York City Charter Revision Commission Act (Laws 1934, Chapter 867.) As Amended by Chapter 292, Laws of 1935.

AN ACT

To repeal chapter six hundred eighty-nine of the laws of nineteen hundred thirty-four which created the New York city charter commission, and to substitute for such commission a new commission, hereby created, to investigate and collect the facts for the purpose of formulating a new charter for the city of New York, providing for the submission of such charter to the electorate of such city, and providing for the payment of the expenses of such commissions.

Became a law August 18, 1934, with the approval of the Governor. Passed, by a two-thirds vote, on emergency message and message of necessity.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Chapter six hundred eighty-nine of the laws of nineteen hundred thirty-four, entitled "An act creating the New York city charter commission to make a study and analysis of the existing governmental structure of the city of New York and of the counties therein contained for the purpose of formulating a proposed new charter designed to provide for the people of the city of New York a more efficient and economical form of government providing for the submission of such charter to the electorate of such city and providing for the expenses of such commission" is hereby repealed; provided however, that notwithstanding the repeal of such chapter by this act, all unpaid and legally binding expenses and obligations of the commission functioning under such chapter heretofore incurred shall, within the amount authorized by such chapter and heretofore made available to such commission, be nevertheless paid in the same manner as provided in such chapter. All remaining moneys of such commission shall revert to the general fund of the city.

Creation of Commission.

§ 2. There is hereby created a temporary commission, to be known as the New York city charter revision commission, for the purposes hereinafter provided. The commission shall consist of nine members who shall be appointed by the mayor of the city of New York, one of whom shall be named by him as chairman. Any vacancy in the membership of such commission shall be filled by such mayor. The commission may make such rules for the conduct of its proceedings as it may deem necessary or appropriate. No member of the commission shall forfeit any other office or be precluded from accepting any other office by reason of his appointment as a member of such commission.

§ 3. The commission shall make a study and analysis of the existing governmental structure of the city of New York and of the several counties therein contained for the purpose of securing such factual data as will enable it to draft, and the commission is hereby directed to draft a proposed new charter, adapted to the requirements of such city and designed to provide for the people of such city a more efficient and economical form of government. Such charter shall set forth the structure of the city government and the manner in which it is to operate. The study of any subject relevant to the property, affairs or government of the city of New York, or of the laws relating thereto, or of any matter or thing deemed by the commission to be pertinent thereto, shall be deemed within the scope of the commission's work hereunder.

§ 4. The commission shall file such proposed charter when completed in the office of the city clerk. The commission shall provide for such publication or other publicity in respect to such charter and its provisions as it may deem proper. The commission shall provide for the submission of such charter to the electors of the city at a general election or at a special city election held therein after December thirty-first, nineteen hundred thirty-four, but not less than sixty days after the filing thereof in the office of the city clerk.

Submission of question.

§ 5. At such election there shall be submitted to the qualified electors of the city the following question: "Shall the charter proposed

by the New York city charter revision commission be adopted?" If such question shall receive the affirmative vote of a majority of the qualified electors voting thereon at such election, then such proposed charter shall be the charter of the city of New York and shall become operative and effective at the time and in the manner prescribed therein. No provision in such charter for the election of any elective officers by any system of proportional representation shall become effective, however, unless the definite question with respect to the adoption of such system for the election of such officers shall have been separately submitted and approved at such election by the affirmative vote of a majority of the qualified electors voting thereon at the same election. If such question shall be approved at such election by the affirmative vote of a majority of the qualified electors voting thereon then such system of proportional representation shall be and become effective. No proposition or local laws shall be submitted by the local legislative body of the city of New York at such election.

§ 6. The provisions of the election law relating to general or special elections, so far as the same are applicable and not inconsistent herewith, shall apply to the general or special election herein referred to. The expense of such election shall be a charge against the city of New York and shall be audited and paid in the same manner as other expenses of the city are audited and paid.

Access to all records.

§ 7. The commission may hold public hearings at any place in the city of New York and shall have power to administer oaths, take testimony, issue subpoenas and compel the attendance of witnesses and the production of books and papers so far as may be necessary for the performance of its duties. The commission shall have access to the books, papers, records and documents of each and every office, officer, board, bureau, body, department, division, authority, district or other agency of the city of New York or of the counties therein contained. The commission shall receive such assistance from any city or county officer or employee, without extra compensation, as it may request to carry out its functions, notwithstanding any provisions of the Greater New York charter or other general, special or local law. The commission shall have power to appoint and at pleasure to remove a counsel and a stenographer and such assistants, employees and experts as it shall deem necessary, and to fix their compensation.

§ 8. The members of the commission shall receive no compensation but shall be entitled to be reimbursed for the actual and necessary expenses incurred by them in the performance of their duties hereunder.

§ 9. The terms of office of the members of the commission shall expire on the day of the election at which the proposed charter is submitted to the qualified voters of the city.

§ 10. The board of estimate and apportionment of the city of New York is hereby authorized, empowered and directed to appropriate and make available to the commission a sum of money sufficient to defray the expenses of the commission in the performance of its duties under this act. Such moneys shall be paid out of the city treasury of the city of New York on the certificate of the chairman of the commission after audit by and on the warrant of the comptroller of the city of New York.

§ 11. This act shall take effect immediately.