S T A T E O F N E W Y O R K

5716

2009-2010 Regular Sessions

I N A S S E M B L Y

February 19, 2009

Introduced by M. of A. BRENNAN, DINOWITZ, ROSENTHAL, CLARK, ESPAILLAT -- Multi-Sponsored by -- M. of A. CHRISTENSEN, JACOBS, LANCMAN, LAVINE, MARKEY, MILLMAN, PHEFFER, REILLY -- read once and referred to the Committee on Cities

AN ACT to amend the New York city charter, in relation to the audit powers and duties of the New York city comptroller

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision c of section 93 of the New York city charter, as added by a vote of the people of the city of New York at the general election held in November of 1989, is amended to read as follows:

c. 1. The comptroller shall have power to audit all agencies, as defined in subdivision two of section eleven hundred fifty, and all agencies, the majority of whose members are appointed by city officials. The comptroller shall be entitled to obtain access to agency records required by law to be kept confidential, other than records which are protected by the privileges for attorney-client communications, attorney work products, or material prepared for litigation, upon a representation by the comptroller that necessary and appropriate steps will be taken to protect the confidentiality of such records. The comptroller shall establish a regular auditing cycle to ensure that one or more of the programs or activities of each city agency, or one or more aspects of each agency's operations, is audited at least once every four years. The audits conducted by the comptroller shall comply with generally accepted government auditing standards. In accordance with such standards, and before any draft or final audit or audit report, or portion thereof, may be made public, the comptroller shall send a copy of the draft audit or audit report to the head of the audited agency and provide the agency, in writing, with a reasonable deadline for its review and response. The comptroller shall include copies of any such agency response in any draft or final audit or audit report, or portion

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD07591-01-9

thereof, which is made public. The comptroller shall send copies of all final audits and audit reports to the council, the mayor, and the audit committee. IF THE FINAL REPORT MAKES RECOMMENDATIONS FOR CORRECTIVE ACTION, THE HEAD OF THE ENTITY AUDITED SHALL REPORT WITHIN NINETY DAYS AFTER RECEIPT THEREOF TO THE COUNCIL, THE MAYOR AND THE AUDIT COMMITTEE WHAT STEPS WERE TAKEN TO IMPLEMENT SUCH RECOMMENDATIONS, AND, WHERE RECOMMENDATIONS WERE NOT IMPLEMENTED, THE REASON THEREFOR, INCLUDING WHETHER ALTERNATE ACTIONS HAVE BEEN TAKEN THAT ESSENTIALLY MEET THE AUDITOR'S INTENT OR CIRCUMSTANCES HAVE CHANGED AND THE RECOMMENDATIONS ARE NO LONGER VALID. SUCH REPORTS BY THE AGENCY AUDITED SHALL CONTINUE TO BE MADE AS PROVIDED IN THIS SECTION EVERY NINETY DAYS UNTIL ALL RECOMMENDATIONS TO WHICH THE AUDITED AGENCY CONCURS ARE FULLY IMPLEMENTED OR UNTIL CIRCUMSTANCES HAVE CHANGED AND THE RECOMMENDATIONS ARE NO LONGER APPLICABLE.

2. THE COMPTROLLER MAY CONDUCT FOLLOW-UP REVIEWS TO EXAMINE THE IMPLEMENTATION STATUS OF RECOMMENDATIONS OF PREVIOUSLY CONDUCTED AUDITS OF ANY AGENCY. WHEN CONDUCTING A FOLLOW-UP REVIEW, THE COMPTROLLER SHALL DETERMINE WHETHER SUCH RECOMMENDATIONS WERE FULLY IMPLEMENTED, PARTIALLY IMPLEMENTED, NOT IMPLEMENTED AT ALL OR WERE NO LONGER APPLICABLE. THE COMPTROLLER SHALL THEREAFTER SUBMIT THE FOLLOW-UP REVIEW TO THE AGENCY AUDITED. IF THE FOLLOW-UP REVIEW INCLUDES UNIMPLEMENTED RECOMMENDATIONS FOR CORRECTIVE ACTION AND THE AGENCY CONCURS WITH SUCH RECOMMENDATIONS, THE HEAD OF THE AUDITED AGENCY SHALL, WITHIN NINETY DAYS AFTER RECEIVING THE FOLLOW-UP REVIEW, REPORT TO THE COMPTROLLER, THE COUNCIL, THE MAYOR AND THE AUDIT COMMITTEE WHAT STEPS WERE TAKEN TO IMPLEMENT THE RECOMMENDATIONS AND WHERE THE RECOMMENDATIONS WERE NOT IMPLEMENTED, THE REASON THEREFOR, INCLUDING WHETHER ALTERNATE ACTIONS HAVE BEEN TAKEN THAT ESSENTIALLY MEET THE AUDITORS' INTENT OR CIRCUMSTANCES HAVE CHANGED AND THE RECOMMENDATIONS ARE NO LONGER VALID. SUCH REPORTS BY THE AGENCY AUDITED SHALL CONTINUE TO BE MADE AS PROVIDED IN THIS SECTION EVERY NINETY DAYS UNTIL ALL RECOMMENDATIONS ARE FULLY IMPLEMENTED OR UNTIL CIRCUMSTANCES HAVE CHANGED AND THE RECOMMENDATIONS ARE NO LONGER APPLICABLE.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.