

## RESOURCES

### 1. Description Of The Effort To Provoke And Evoke Interest In, And Commitment To, An Inventive Public-Private Partnership And The Creation Of A New York City Park Education Campus PPP/PEC

a. *Quid Pro Quo*: Its Role Leading Up To The Legitimization Of The PPP/PEC As Well As Historic Works Of The History Of The PPP's Two Launch Projects [2LPs]: Namely, The American Museum Of Natural History [AMNH] And The Metropolitan Museum Of Art [MMA]

<p>Undated. <a href="#">Quid Pro Quo [QPQ]</a></p>	<p>Defines and explains consequential difference between “concept” QPQ and “contract” QPQ.</p>
<p>Undated. Consideration. <a href="#">Legal Dictionary</a></p>	<p>Defines as: “something of value given by both parties to a contract that induces them to enter into the agreement to exchange mutual performances.” Usually takes the form of a “reciprocal exchange.”</p>
<p>Undated. Free Admission [FA] campaign defines the QPQ exchange at the core of the PPP/PEC.</p>	<p>See <a href="#">PUBLIC-PRIVATE PARTNERSHIP</a>.</p> <p><b>The “private”</b> – institutions would be advantaged as follows:</p> <ul style="list-style-type: none"> <li>• Rent-free use of designated public park land.</li> <li>• Occupancy in City-owned building[s], designed and constructed using direct taxpayer dollars or indirectly, using favorite rate bond issues, as an example.</li> <li>• <b>Not</b> originally included but later provided through New York State legislation. New Yorker tax dollars are budgeted to pay specified or unspecified operating costs.</li> </ul> <p><b>The “public”</b> – to be ensured by New York City's City Council and Mayoral administrations, New York City taxpayers, residents and schools would be advantaged as follows:</p> <ul style="list-style-type: none"> <li>• Open and free access to the grounds, collections, exhibition halls, libraries and museums of the PPP institutions as provided for by laws [and/or through leases and license agreements in the intention or spirit of the PPP]. [see <a href="#">LAWS</a>.]</li> <li>• Open and free access to instruction and recreation, as provided for in the incorporating purpose of the Law and/or Agreement in the spirit or intention of each PPP/PEC institution. [see especially SUMMARY, page 5, of the <a href="#">Green letter to the Founders of the American Museum of Natural History described in 1857-1871</a>. “Free Public Education...” below and <b>Incorporating vs. Original Purpose</b> chart for each institution in <a href="#">PARK INSTITUTIONS</a>]</li> </ul>

<p><b>1857-1871.</b> <a href="#">“Free Public Education in Nature and Art combined in Original Central Park and Museum Plans, 1857-1871 of Andrew H. Green, Frederick Law Olmsted and Calvert Vaux,”</a></p>	<p>Published by the Municipal Art Society, 1931. Describes the paramount role education would play to garner support for the PPP/PEC.</p>
<p><b>1860.</b> <a href="#">Third Annual Report of the Board of Commissioners of the Central Park, January, 1860</a></p>	<p>The Commissioners describe the role of the “public” and “private” in the inventive public-private partnership.</p>
<p><b>1869.</b> New York City Department of Cultural Affairs website Timeline beginning with 1869.</p>	<p><a href="#">History of Cultural Institutions Group</a> [CIGs] as well as its <a href="#">About: A Unique Partnership</a>.</p>
<p>1869-1930. <a href="#">Sixty-Second Annual Report to the Trustees of the American Museum of Natural History for the Year 1930, and entitled, “The American Museum And The University”</a></p>	<p>Reported in 1931. See “THE AMERICAN MUSEUM AND THE UNIVERSITY ... INTRODUCTION” [pp. 1-2] including “Report of the President” and “ORIGINAL EDUCATIONAL PLANS AND PURPOSES OF CENTRAL PARK, 1857-1869” [pp. 2-9 (SUMMARY)]. Description of the vision of the Park Education Campus [PEC] and the PPP/PEC institutions services as aids to education system of New York City.</p>
<p><b>1869-1931.</b> <a href="#">Sixty-Third Annual Report of the Trustees of the American Museum of Natural History for the Year 1931</a> and entitled, “American Museum: Exploration and Research.”</p>	<p>Reported in 1932. <b>AMNH Exploration and Research.</b> Refers to the Educational Plan and Campus notion spelled out in Sixty-Second Annual Report [1869-1930, directly above] [p. 13]. Lists the Free Public and Endowed Institutions of New York with which AMNH cooperates as well as the Institutions and Museums. Demonstrates the strength of the PEC as well as AMNH and the other PEC institutions being an “aid” to New York City’s school system. [p. 202 et seq.]</p>
<p><b>1870-1911.</b> <a href="#">Growth of the Building of the American Museum of Natural History: Plans for Future Building and Arrangement of Collections</a></p>	<p>Published by American Museum of Natural History. 1911. Submitted by the President and Buildings and Plans Committee to the Trustees of the Museum and to the Members of the Board of Estimate. Offers pictures and financial information on the progress and financial investment by New Yorkers.</p>
<p><b>1871.</b> <a href="#">An Appeal to the Public, 1871</a></p>	<p>Metropolitan Museum <i>Bulletin</i>, Vol. 15, No 5 (May 1920), pp. 97-101. Founding Trustees describe why the public should fund the Museum and the PPP/PEC venture.</p>
<p><b>Undated.</b> <a href="#">Park Planning for Greater New York (1870-1898)</a></p>	<p>New York City Department of Parks describes the history of the park system through 1898.</p>
<p><b>1913.</b> A History of the Metropolitan Museum of Art.</p>	<p>Published by The Metropolitan Museum of Art. Winifred Howe. Longtime staff member and ethnographer/historian. Duke University makes <a href="#">digital version available</a>.</p>

<p><a href="#">1917. "New York now offers more Free Public Education in Natural Sciences than any other city"   GUIDE TO THE NATURE TREASURES OF NEW YORK CITY \ American Museum of Natural History : New York Aquarium : New York Zoological Park and Botanical Garden : Brooklyn Museum, Botanic Garden and Children's Museum"</a></p>	<p>The President of the American Museum of Natural History lays out a model for the PPP/PEC institutions to use to justify City funding for seven of the 17 PPP/PEC institutions. FA proposes that going forward this presentation serve as the tool for holding the PPP/PEC institutions accountable for compliance with laws and contracts and deserving of City funding. See <a href="#">FA's Annotation</a>.</p>
<p><a href="#">1966. Patrons and Patriotism: The Engagement of the Fine Arts in the United States 1790-1860. Chicago and London.</a></p>	<p>Lillian B. Miller. The University of Chicago Press. Discusses the rise of art organizations and government patronage of the arts, among other dynamics.</p>
<p><a href="#">1968. "Philanthropy and Science in New York City: The American Museum of Natural History, 1868-1968".</a></p>	<p>John M. Kennedy, Ph.D. dissertation. Yale University, Rich story re: Natural History. One of the 2LPs. 1997: Vautrin below does similarly for The Metropolitan Museum. The second of the 2LPs.</p>
<p><a href="#">1970. Merchants and Masterpieces: The Story of the Metropolitan Museum of Art</a></p>	<p>Calvin Tomkins. New York. 1989. E.P. Dutton. Highlights collectors and why Metropolitan Museum is where they choose to exhibit their collection. Also a <a href="#">documentary</a> by writer, producer and director Suzanne Bauman Films.</p>
<p><a href="#">1992. The Park and the People.</a></p>	<p>Rosenzweig and Blackmar, Cornell University Press. Considered a "must read" when interested in history of Central Park.</p>
<p><a href="#">1997. "Government and Culture: New York City and Its Cultural Institutions 1870-1965",</a></p>	<p>Murielle Vautrin. Ph.D. Dissertation. Brandeis University. Rich story re: Metropolitan Museum of Art. One of the 2LPs. 1968: Kennedy above does similarly for the American Museum of Natural History. One of the 2LPs.</p>
<p><a href="#">2010. Rogues Gallery: The Secret Story of the Lust, Lies, Greed, and Betrayals that Made the Metropolitan Museum of Art.</a></p>	<p>Michael Gross, Crown Publishing Group. Mr. Gross tackles the "rich" in a number of books. He is a commercial writer and brings life to his subject.</p>
<p><b><u>2. Moving The 2LPs From "Concept" QPQ To "Contract" QPQ: Public And Private Partners Work Together To Construct A Model For Realizing The PPP/PEC Vision.</u></b></p> <p>The Model</p> <ol style="list-style-type: none"> <li>1. During the "concept" QPQ stage, Founders of the 2LPs and City publicize their interest and commitment to construct a "central park" and to incorporate museums, observatories and zoos, and the like.</li> <li>2. In the "contract" QPQ stage:       <ol style="list-style-type: none"> <li>i. State Laws incorporate the 2LPs.</li> <li>ii. State Laws authorizes Park Commissioners to enter into Agreement with Founders of 2LPs.</li> <li>iii. 2LPs Founder Execute Agreements with Park Commissioner in Compliance with State laws. Free of Charge Access, as the "exchange" or "consideration" between the museums and New Yorkers, is written into the contracts.</li> </ol> </li> </ol>	

<p>a. New York State Laws Articulating The Parks Governors' Powers Along With The Incorporating Purpose And Free Admission Provisions Enacted And Authorizing New York City's Parks Department And The Founders Of The 2LPs To Enter Into Agreements Complying With The Law. <u>Where Agreement[s] Do Not Comply With New York State Law And/Or The Intent And Spirit Of Local Laws And Contracts, They Should Be Voided.</u></p>	
<p><a href="#">1869. Chapter 119 of the Laws of the State of New York of 1869</a></p>	<p>Act to Incorporate the American Museum of Natural History, AMNH incorporated with the purpose “of encouraging and developing the study of Natural Science; of advancing the general knowledge of kindred subjects, and to that end of furnishing popular instruction.”</p>
<p><a href="#">1870. Chapter 197 of the New York State Laws of 1870</a></p>	<p>Incorporated The Metropolitan Museum of Art.</p>
<p><a href="#">1871. Chapter 290 of the Laws of the State of New York of 1871</a></p>	<p>Set out park boundaries as well as assigning authority for the appointment of Parks Commissioner, with Andrew H. Green serving in the dual role of Treasurer and President of schools, thus ensuring the commitment to the PEC.</p>
<p><a href="#">1892. Chapter 270 of the Laws of the State of New York of 1892</a></p>	<p>Amended AMNH admission provisions set out in Lease to the following: shall be kept open and accessible to the public hereafter free of charge, throughout the year excepting Mondays, but including Sunday afternoon and two evenings of each week; in order to enable the trustees of said museum to open said buildings on Sunday afternoon and close them for cleaning on Mondays</p>
<p><a href="#">1892. Chapter 419 of the Laws of the State of New York of 1892</a></p>	<p>Amended The Metropolitan Museum of Art's [MMA's] admission mandates as provided for in its Lease as follow: “upon condition that the collections in the said [MMA] shall be kept open and accessible to the public hereafter free of all charges throughout the year, including Sunday afternoons and two evenings in each week, ...”</p>
<p><a href="#">1893. Chapter 31 of the Laws of the State of New York of 1893</a></p>	<p>Amends AMNH Chapter 270 of 1892 regarding admission provisions as follows: “upon the condition that the collection in the exhibition halls of said [AMNH] shall be kept open and accessible to the public hereafter free of charge throughout the year for five days in each week, one of which shall be Sunday afternoon, and also two evenings of each week, ...”</p>

<p><a href="#">1893. Chapter 476 of the Laws of the State of New York of 1893</a></p>	<p>Amends Chapter 419 regarding admission to the MMA, stating the following: upon condition that the collections in the said Metropolitan Museum of Art shall be kept open and accessible to the public hereafter free of all charge throughout the year for five days in each week, one of which shall be Sunday afternoon, and also for two evenings in each week, within such hours and subject to such rules and regulations as may be determined by the Trustees of said Museum; and provided furthermore, that on the two days in each week during which said Museum may remain closed to the general public, it shall be open and accessible to art students, copyists and schools, within such hours and subject to such rules and regulations as may be determined by the Trustees of said Museum.</p>
<p><a href="#">1909. Chapter 162 of the Laws of the State of New York of 1909</a></p>	<p>AMNH. Amends incorporating provisions of Chapter 119 of 1869 [above] as follows: “ ... for the purpose of establishing and maintaining in said city a Museum and Library of Natural History; of encouraging and developing the study of Natural Science; of advancing the general knowledge of kindred subjects, and to that end of furnishing popular instruction.”* [Footnote in original: 1. Formerly “popular instruction and recreation.”</p>
<p><b>Undated.</b> Section 5-509, 2.d. <a href="#">New York City Administrative Code</a> Chapter 4 – EXPENSE BUDGET:</p>	<p>Prohibits the MMA from receiving in excess of \$95,000 annually from New York City taxpayers for maintenance of buildings, instruments and equipment costs. AMNH has no annual limits.</p>
<p>b. Evidence That The Park Board Of Governors Supported The Incorporation And Construction Of The 2LPS Of The Innovative But Speculative PPP/PEC Venture</p>	
<p><a href="#">1860. Third Annual Report of the Board of Commissioners of the Central Park, January, 1860</a></p>	<p>The Commissioners describe the role of the “public” and “private” in the inventive public-private partnership.</p>
<p><a href="#">1870-1911. Growth of the Building of the American Museum of Natural History: Plans for Future Building and Arrangement of Collections</a></p>	<p>Published by American Museum of Natural History. 1911. Submitted by the President and Buildings and Plans Committee to the Trustees of the Museum and to the Members of the Board of Estimate. Offers pictures and financial information on the progress and financial investment by New Yorkers.</p>

<p><a href="#">1877. Board of the Department of Public Parks of 1877</a></p>	<p>Executed Lease Agreement between New York City's Department of Parks and American Museum of Natural History [AMNH] dated 12/22/1877, with the following admissions provision: "Fourthly.-That the exhibition halls of said building shall on Wednesday, Thursday, Friday and Saturday of each week, and on all legal or public holidays, except Sundays, be kept open and accessible to the public, free of charge, from nine o'clock A. M. until half an hour before sunset, .... But all professors and teachers of the public schools of the City of New York or other institutions of learning in said City in which instruction is given free of charge, shall be admitted to all the advantages afforded by the said party of the second part, through its museum .. library apparatus and collections, or otherwise, for study, research and investigation, free of any charge therefor, and to the same extent and on the same terms and conditions as any other persons are admitted to such advantages as aforesaid." [p. 13]</p>
<p><a href="#">1877. Board of the Department of Public Parks of 1877</a></p>	<p>Proposed and unexecuted Agreement between New York City's Department of Parks and for a Botanical Garden to be adjacent to the AMNH. <b>Project aborted.</b> Nonetheless, the admission provision intended the following "exchange" for New Yorkers: " ... said Garden shall be kept open and accessible to the public free of charge, and that the public shall have full and uninterrupted passage during the daytime across and over all the footwalks of said garden ..." [p. 43]</p>
<p>c. The 2LPS And The City Of New York: The PPP Experiment – Fix Or Dismantle? :</p>	
<p><a href="#">1892. Proceedings of the Board of Estimate and Apportionment 1892</a></p>	<p>AMNH states why it should receive City funding as the passing of . <a href="#">Chapter 270 of the Laws of the State of New York of 1892</a> requires AMNH to provide additional free access times. States at p. 294: " ... the opening of the new building, and of the old as well, as provided for in the act referred to, will be a source of profit, pleasure and instruction to our citizens. We have every reason to feel that the public appreciates the efforts made by the Trustees to enlarge the collections, and by the city authorities in providing for the maintenance of the institution."</p>

<p>1892. Department of Public Parks. Monday, July 25, 1892</p>	<p>Commissioners record Amendment to AMNH 1877 Lease regarding free admission as follows: “ ... upon the condition that the collections in the exhibition halls of said American Museum of Natural History shall be kept open and accessible to the public hereafter free of charge, throughout the year, except Mondays, but including Sunday afternoons and two evenings of each week, in order to enable the Trustees of said Museum to open said buildings on Sunday afternoon and close them for cleansing on Mondays ...” And “Resolved, That ... the President [of AMNH] is hereby authorized and directed to prepare and execute an Agreement with the American Museum of Natural History modifying the aforesaid contract in accordance with this resolution.”</p>
<p>1892. <a href="#">Annual Report of the President of the American Museum of Natural History.</a></p>	<p>AMNH stewards publicly state their acceptance of the dual PPP exchange as follows: “The Legislature passed a measure authorizing the Board of Estimate and Apportionment to grant ... provided that the Museum should be open free to the public every day in the week except Monday and including Sunday afternoon. In conformity with this law, the Park Board was empowered with the consent of the Trustees to modify the contract regarding the days of opening ....” [pp. 7-8]</p>
<p>1893. <a href="#">MINUTES AND DOCUMENTS OF THE BOARD OF COMMISSIONERS OF THE DEPARTMENT OF PUBLIC PARKS FOR THE YEAR ENDING APRIL 30, 1893.</a> [see AMNH Trustees “consent[ing]” to amending the AMNH 1878 Agreement with the City of New York to incorporate the free admission provisions provided for in 1892 and 1893 New York State laws in <b>1926</b> Fifty-Eighth Annual Report of the Trustees [of the AMNH] for the Year 1926 [see below].</p>	<p>The 1893 admission provisions amend the 1892 provisions. The Parks Board of Commissioner authorized AMNH trustees to Amend their Agreement regarding admission provisions as follows: “ ... upon the condition that the collections in the exhibition halls of said American Museum of Natural History shall be kept open and accessible to the public hereafter free of charge, throughout the year, except Mondays, but including Sunday afternoons and two evenings of each week, in order to enable the Trustees of said Museum to open said buildings on Sunday afternoon and close them for cleansing on Mondays; the said Department of Public Parks is hereby authorized ... the <b>President [of Parks] is hereby authorized and directed to prepare and execute an Agreement with the American Museum of Natural History modifying the aforesaid contract in accordance with this resolution.</b>” [pp. 162-163]</p> <p>Research did not uncover a new or Amended Agreement. However, a digitized production of the AMNH's historic documents, including its 1878 Agreement with the City, shows that AMNH trustees “consent[ed]” to the amended 1892 and following 1893 admission provisions. [see <b>1926</b> below].</p>

<p>1910. The MMA digitized portal containing its “<a href="#">Charter, Constitution, By-Laws, Lease, Laws</a>” in the context of a</p>	<p>A digitized portal of the important documents chronicling the history of the MMA including the 1878 Lease Agreement and 1892 and 1893 laws, which amended admission provisions. [see <a href="#">Chapter 419 of the Laws of the State of New York of 1892</a> and <a href="#">Chapter 476 of the Laws of the State of New York of 1893</a>.]</p> <p>However, unlike the AMNH, whose 1892 and 1893 admission amending laws required the AMNH’s President to “consent” to or prepare a new Agreement to acknowledge their compliance, the MMA’s 1892 and 1893 laws did not ask similarly. For the MMA, the amended free admission terms were in effect a <i>quid pro quo</i> for the MMA receiving additional operating dollars.</p>
<p>1926. <a href="#">Fifty-Eighth Annual Report of the American Museum of Natural History</a></p>	<p>Along with publishing the original 1878 Agreement with the City, this Annual Report provides very full information regarding the operations of the AMNH, including Reports for the President and the varying departments, as the Report relates to AMNH and the universities. More compelling is the Trustees of the AMNH acknowledging their “consent” to the new admission provisions provided for in <a href="#">Chapter 270 of the Laws of the State of New York of 1892</a> and subsequent <a href="#">Chapter 31 of the Laws of the State of New York of 1893</a>. <b><u>The AMNH Trustees’ “consent” is important because</u></b> it incorporates the new admission provisions into the Agreement with the City.</p> <p>Noteworthy is p. 265 of the Fifth-Eighth Annual Report of the AMNH where a “NOTE” at the end of a digitized version of the AMNH’s and City of New York’s 1878 Lease Agreement, reports that the AMNH Trustees’ “consented” to accepting the admission amendments provided for in Chapter 31 of 1893 which amended Chapter 270 of 1892 when reporting:</p> <p>“NOTE.--July 25, 1892, <b>by consent of the Trustees</b>, section fourth was modified to enable the Trustees to open the Museum free to the public "throughout the year, excepting Mondays, but including Sunday afternoons and two evenings of each week."</p> <p>June 29, 1893, <b>by consent of the Trustees</b>, section fourth was modified to enable the Trustees to open the Museum free of charge to the public "'throughout the year for five days in each week, one of which shall be Sunday afternoon, and also two evenings of each week.'"</p> <p>Additionally, in response to FA’s Freedom of Information Law [FOIL] request, New York City’s Department of Cultural Affairs [DCA] [<b>not</b> the Department of Parks (DPR), which is the City agency that is party to the Agreement], produced copies of</p>



	<ol style="list-style-type: none"> <li>1. Lease Agreement modifications in <a href="#">1892</a> and <a href="#">1893</a> as well as</li> <li>2. an <a href="#">April 22, 1968, jointly executed letter</a> modifying the Section FOURTHLY of the Lease Agreement to include City approval to exclude Christmas Day and Thanksgiving Day as “public holidays” to close,</li> </ol> <p>NOTE: See 1970-1971 “Report of the President and the Director” of The Metropolitan Museum of Art [MMA] below to consider impact of 1892 and 1893 legislation for each of AMNH and MMA.</p>
<p><a href="#">1970-1971. “Report of the President and the Director”</a> of The Metropolitan Museum of Art</p>	<p><i>Annual Report of the Trustees of the Metropolitan Museum of Art.</i> No. 101 (July 1, 1970-June 30,1971), pp. 3-7. [see <a href="#">1826. Fifty-Eighth Annual Report of the American Museum of Natural History</a> [AMNH] above to consider impact of 1892 and 1893 legislation for each of AMNH and MMA.]</p> <ol style="list-style-type: none"> <li>1. The MMA Board’s President and Director, explained why the need for a to pay-what-you-wish admission policy.</li> <li>2. In 2012-2015 or thereabouts, during litigation, the MMA advised the Court that its pay-what-you-wish policy was approved by the City in or about 1971. <b>In a Randy Kennedy article [see 2013 below]</b>, a spokesman for the MMA reported that the MMA never received City approval.</li> </ol>
<p><a href="#">8/3/1970, 10/7/1970 and 3/30/1971</a>. A “<b>redacted</b>” series of correspondence between August Heckscher, Commissioner, New York City’s Department of Parks, Recreation and Cultural Affairs and MMA Director Thomas P. Hoving, detailing the initiation and experimentation of a “suggested” admission fee to the MMA.</p>	<p>Produced by DCA in response to FA’s FOIL request.</p> <ol style="list-style-type: none"> <li>a. <b>Heckscher supported</b> the adoption of the <b>admission fee</b> program <b>subject to</b> New York City’s Office of Corporation Counsel [OCC] Amending the 1878 Lease. [see <a href="#">March 30, 1971</a>, Heckscher to Hoving letter]</li> <li>b. <b>No evidence</b> was produced showing that OCC undertook to Amend the City’s and MMA’s 1878 Lease.</li> <li>c. <b>No mention of New York City Administrative Code</b> Chapter 4 – EXPENSE BUDGET: Section 5-509, 2.d.<b>which prohibits MMA from receiving in excess of \$95,000 for maintenance costs from New York City taxpayers annually.</b></li> <li>d. Section 5.509.2.d does <b>not</b> limit annual New York City taxpayer funding to AMNH.</li> <li>e. The MMA has a digitized portal [see detailed in <a href="#">LIST OF REFERENCES – MMA</a>] of its “Charter, Constitution, By-Laws, Lease, Laws.” It, too, does <b>not</b> provide evidence of an Amended 1878 Lease.</li> <li>f. The MMA reported in Randy Kennedy’s <i>New York Times</i> “<a href="#">New York City Amends Fee Policy for a Visit to the Met</a>” [full cite in <a href="#">LIST OF REFERENCES – MMA</a>] that <b>despite the MMA’s claim</b> that there was a 1970</li> </ol>

	<p>Agreement with the City that the “city gave it the power to charge [a fee], <b>that power was never written into its Lease</b>” [see b. above]</p> <p><b>g.</b> State laws supersede local laws and/or contracts, in any case.</p>
<p>d. New York City And Current Custodians of the 2LPs Disavow State Law In Their Amended Leases. The Amendments Should Be Voided And In The Aftermath, A Transparent Forensic Review Should Be Undertaken To Ensure That The Resulting Amendment Or New Agreement Complies With Codified Law</p>	
<p>2011. October 25.</p>	<p>License Agreement produced in response to FA's Freedom of Information Law [FOIL] request between the Commissioner of the Department of Cultural Affairs and the Brooklyn Children's Museum</p>
<p>2013. Amended Lease Agreement between the American Museum of Natural History and New York City's Department of Parks and Recreation.</p>	<p>September 9. Though not publicly associated, this Amendment, produced in response to FA's Freedom of Information Law [FOIL] request, arises from a <a href="#">Settlement</a> reached in a MMA court case. Read <b>Opposition</b> to the <a href="#">Settlement</a> in <a href="#">Why We Are Opposing The Proposed Metropolitan Museum Settlement</a>, by Michael Hiller, principal, Hiller PC. City laws and contracts are superseded by New York State law. See <a href="#">AMNH</a>, <a href="#">MMA</a> and <a href="#">MCNY</a> in PEC INSTITUTIONS.</p>
<p>2013, Amended Lease Agreement between the Department of Parks and Recreation and The Metropolitan Museum of Art.</p>	<p>October 21. Though not publicly associated, this Amendment, produced in response to FA's Freedom of Information Law [FOIL] request, arises from a Settlement reached in a MMA court case. See AMNH, MMA and MCNY in PEC INSTITUTIONS. <b>Below consider</b> a Randy Kennedy, <i>New York Times</i> article and a necessary reaction given that City contracts are superseded by New York State laws. <b>Also consider</b>, counsel's <b>Opposition</b> to the <a href="#">Settlement</a> in <a href="#">Why We Are Opposing The Proposed Metropolitan Museum Settlement</a>, by Michael Hiller, principal, Hiller PC.</p>
<p>2013. <a href="#">“The Metropolitan Museum of Art's statement on new 2013 lease”</a></p>	<p><b>MMA Website.</b> 10/24/2013. MMA's official statement on the amendment to its 1878 lease with the City of New York, authorizing the museum to consider a range of admission modifications in future years, subject as in the past to review and approval by the City. Article reveals that The Metropolitan Museum had been untruthful in reporting to the New York City courts that a 1970 agreement with the City authorized The Met to operate using a pay-what-you-wish-but-you-must-pay-something admissions policy yet the 1878 Lease was not amended.</p> <p>NOTE: More in <b>2013. Randy Kennedy</b> below.</p>

2013. Randy Kennedy. *New York Times*. "[New York City Amends Fee Policy for a Visit to the Met](#)". Read in context of Grace Glueck 1970 *New York Times* article entitled, "[Metropolitan Museum to Institute Admission Charge](#)," when the MMA initiated its pay-what-you-wish policy/ Consider.

2013, appreciate the need for lawsuits and a [Settlement Agreement](#) which was **Opposed by counsel representing FA founder Pat Nicholson in [Why We Are Opposing The Proposed Metropolitan Museum Settlement](#)**, by Michael Hiller, principal, Hiller PC, **even as the MMA and other PPP/PEC institutions inflate their attendance figures** as reported in 1987, "[Behind Inflated Attendance Figures](#)." *New York Times*.

1970-1971 [Report of the \[MMA\] President and the Director](#), *Annual Report of the Trustees of the Metropolitan Museum of Art*. No. 101 (July 1, 1970-June 30,1971), pp. 3-7, where MMA justifies its pay-what-you-wish policy.

1971, *New York Times* article entitled, [American Museum Asking Admission, But Visitor Sets It](#), to know how the **MMA's pay-what-you-wish policy then became the "norm"** and New Yorkers' "free" rights were ignored by other PPP/PEC institutions.

Anthology of sporadic but seminal reporting regarding the MMA and its admissions policy history.

1. Randy Kennedy's 2013 article is peppered by Grace Glueck's 1970 article explaining the initiation of the MMA's pay-what-you-wish policy.
2. The 1971 "*American Museum Asking Admissions ...*" article demonstrates how the other PPP/PEC institutions began to adopt the MMA's pay-what-you-wish policy immediately following its implementation **even as the AMNH and MMA, among other PPP/PEC institutions grossly over-stated attendance figures** as spelled out in a 1987 *New York Times* article.
3. To FA's knowledge, during 1970's *et seq.*, New York City Corporation Counsel did **not** undertake a codification of the pay-what-you-wish policy in relation to existing NYS laws.
4. In fact, **no document[s] were produced** by DPR or DCA in response to FA's Freedom of Information Law [FOIL] **to evidence that a codification process was undertaken**.
5. During the 2012-2015 or thereabouts litigation, a [Settlement](#) was reached and counsel for FA Founder Pat Nicholson wrote in **Opposition** to the Settlement in [Why We Are Opposing The Proposed Metropolitan Museum Settlement](#), by Michael Hiller, principal, Hiller PC especially considering that the Settlement sets up parameters for the MMA and AMNH being authorized to charge a mandatory admission fee, in violation of New York State law. .
6. Further, New York City's Corporation Counsel filed a 2014 [Amicus Brief](#) in New York's Appellate Court arguing that because [Chapter 476 of the Laws of the State of New York of 1893](#) was merely an **"appropriations" enactment and not a "right of private action"** and thus MMA was freed from complying with Chapter 476 free access provisions. .
7. Chapter 476 was an annual appropriation. As such, and because no succeeding appropriation acts were produced by DCA or DPR in response to FA's FOIL requests, and because neither New York City's Corporation Counsel nor other appropriate agency codified the PPP/PEC laws, in 1894 the MMA's free admission terms should naturally have reverted to its 1878 Lease with the City of New York. As such, the MMA was required to be closed on Sundays and to provide free access during all operations to professors and teachers in city schools and **institutions where instruction is given free**.
8. **Additionally, the amount of New York taxpayer funds to be granted to the MMA for maintenance of its buildings, instruments and equipment as set forth in [New York City Administrative Code](#) Chapter 4 - EXPENSE BUDGET: Section 5-509, 2.d. could not be in**

	<p><b>excess of \$95,000 for maintenance costs from New York City taxpayers annually. Yet MILLIONS ANNUALLY are budgeted to the MMA.</b> [see the “MMA’s Admission Policy Breaches ....” and “New Yorkers’ Direct and Indirect Subsidies ...” sections in <a href="#">MMA’s PEC INSTITUTIONS</a> page]</p> <p>NOTE: See 2013. <a href="#">“The Metropolitan Museum of Art’s statement on new 2013 lease”</a> and 1926 American Museum of Natural History entry above.</p>
<p>2013. Regarding the Kennedy article above</p>	<p><b>Regarding MMA.</b> Consider a <a href="#">Settlement</a> reached in a consolidated court case against The Metropolitan Museum of Art regarding its admission policy [see Justice Kornreich’s 6/6/17 Decision and Order.]</p> <p>Then, consider <a href="#">Why We Are Opposing The Proposed Metropolitan Museum Settlement</a>, by Michael Hiller, principal, Hiller PC. A negation of the <a href="#">Settlement</a> reported by counsel for FA Founder Pat Nicholson, party to the non-class action portion of this consolidated action.</p> <p>NOTE: See Amicus Brief below.</p>
<p>2014. Amicus Brief.</p>	<p><b>In the shadow of all the MMA’s narcissistic history with City leaders’ support,,</b> consider that New York City Corporation Counsel filed an Amicus Brief in 2014 as part of this litigation and in support of The Metropolitan Museum of Art [see <a href="#">“Brief Amicus Curiae</a> for the City of New York.” 2014. Supreme Court of New York. Appellate Division: First Department. <i>Saska et al vs. The Metropolitan Museum of Art</i> consolidated with <i>Grunewald/Nicholson vs. The Metropolitan Museum of Art</i>. Corporation Counsel of the City of New York.]</p> <ul style="list-style-type: none"> <li>• An <a href="#">Amicus Brief</a> is filed when one is not a party to the litigation but wants to support one of the parties, known as a “friend of the court” filing. <b>Corporation Counsel wrote in favor of The Metropolitan Museum of Art.</b> <ol style="list-style-type: none"> <li>a. FA’s Founder was a party to the non-class portion of this consolidated action. Corporation Counsel in effect demonstrates that if a New Yorker attempts to bring legal action against a PPP/PEC institution, the City will advocate on behalf of the institution and not the residents and taxpayers of New York City.</li> </ol> </li> </ul>
<p>2016. Settlement Agreement.</p>	<p>Part of nearly 3,000 pages of documents produced by DCA in response to FA’s Freedom of Information [FOIL] request. Reached to end a consolidated class- and non-class action lawsuit. FA Founder Pat Nicholson participated in the non-class action litigation. Consider Nicholson’s counsel’s opposition to the Settlement in,</p>

	<a href="#">Why We Are Opposing The Proposed Metropolitan Museum Settlement</a> , by Michael Hiller, principal, Hiller PC and published on the firm's website.
<b>Undated.</b> <a href="#">Why We Are Opposing The Proposed Metropolitan Museum Settlement</a>	<b>In response to a Settlement reached by the MMA in NY's Appellate Court</b> to end a consolidated class- and non-class action lawsuit in which <b>FA Founder</b> Pat Nicholson participated in the non-class action component. Consider <b>Nicholson's counsel's opposition</b> to the Settlement by Michael Hiller, principal, Hiller PC and published on the firm's website.
<b>3. Laws Legitimizing The Other Institutions As Part Of The PPP/PEC Vision</b>	
<b>1859.</b> <a href="#">Chapter 50 of the Laws of the State of New York of 1859</a>	Incorporates the Brooklyn Academy of Music [ <b>BAM</b> ]
<b>1862.</b> <a href="#">Chapter 343 of the Laws of New York of 1862</a>	Incorporated the Brooklyn Institute [BI], the predecessor entity to the Brooklyn Institute of Arts and Sciences [ <b>BIOAS</b> ]
<b>1863.</b> Unidentified Chapter but reported in <a href="#">Sixth Annual Report of the Board of Commissioners of the Central Park, 1863.</a>	<b>NYBG.</b> Describes authority given to the Commissioner to establish the New York Zoological and Botanical Garden adjacent to the American Museum of Natural History [AMNH]. [pp. 18, 23]. <b>Plan aborted.</b>
<b>1877.</b> <a href="#">Chapter 199 of the Laws of the State of New York of 1877</a>	Provides for the initial incorporation of a "botanical garden in the City of New York", <u>adjacent to the AMNH</u> on the Manhattan Square campus. [p. 277] <b>Plan aborted.</b>
<b>1890.</b> <a href="#">Chapter 172 of the Laws of the State of New York of 1890</a>	Successor to BI above. Incorporated the Brooklyn Institute of Arts and Sciences [BIOAS] which eventually included the Brooklyn Museum [ <b>BM</b> ], BAM, Brooklyn Children's Museum [ <b>BCM</b> ] and Brooklyn Botanic Garden [ <b>BBG</b> ].
<b>1891.</b> <a href="#">Chapter 285 of the Laws of the State of New York of 1891</a>	Incorporated New York Botanical Garden [plan aborted] setting forth its incorporating purpose and admission as follows: "[t]he said grounds shall be open and free to the public daily, including Sundays, ...".
<b>1895.</b> <a href="#">Chapter 435 of the Laws of the State of New York of 1895</a>	Incorporated the New York Zoological Society [ <b>NYZS</b> ] for the purpose of "establishing a zoological garden", "encouraging and advancing the study of zoology" for "furnishing instruction and recreation" and providing "[a]dmission to the said garden shall be free to the public for at least four days, one of which shall be Sunday, in each week, ..." to New Yorkers.

<p><a href="#">1897. Chapter 509 of the Laws of the State of New York of 1897</a></p>	<p>Incorporated to provide for the establishment of a botanic garden “in the city of Brooklyn” with future name being Brooklyn Botanic Garden [BBG].</p>
<p><a href="#">1902. Chapter 146 of the Laws of the State of New York of 1902</a></p>	<p>Amended Chapter 435 above. [1895]. Broadened Chapter 435’s incorporating purpose by authorizing NYZS to “<u>expend funds for zoological research and publication ... [and to] form and cooperate with other associations with similar purposes ....</u>”</p>
<p><a href="#">1905. Chapter 526 of the Laws of the State of New York of 1905</a></p>	<p>Incorporated the Staten Island Association of Arts and Sciences [SIAOAS] and the provision for the care and housing of its museum and library with its incorporating purpose. Set out admission provisions as follows: “[t]he museum, collection and library ... shall be open and free to the public at all reasonable times ...”</p>
<p><a href="#">1906. Chapter 618 of the Laws of the State of New York of 1906</a></p>	<p>Re: <b>BIOAS/BBG</b>. Amended Chapter 509 of 1897 [1897 above] and <b>set out conflicting free access provisions</b> than that of BIOAS. According to 509, New Yorkers were to access the BIOAS BBG “daily, including Sundays” in contrast to BIOAS providing for free access to “public and private schools” of New York City. <b><u>Yet none of the City of New York, New York State legislators or BBG/BIOAS stewards of the BBG undertook to codify the conflict.</u></b></p>
<p><a href="#">1907. Proceedings of the Staten Island Association of Arts and Sciences [Staten Island Museum (SIM)]</a></p>	<p>V. 1. June 1905–May 1907. Digitized collection of historical documents including: Act of Incorporation, Constitution and By-Laws, Rules and Regulations of the Board of Trustees, List of Members, Trustees, Officers, and Standing Committees.</p>
<p><a href="#">1910. Chapter 208 of the Laws of the State of New York of 1910</a></p>	<p>Regarding <b>SIAOAS</b>. Provides for the acquisition and leasing of lands and buildings for the museum, and to provide funds by the city of New York therefore, to the Staten Island Association of Arts and Sciences</p>
<p><a href="#">1911. Chapter 178 of the Laws of the State of New York of 1911.</a></p>	<p>Re: <b>BBG/BIOAS</b>. Amended Chapter 509 of 1897 as to free access. The City of New York, New York State legislators and BBG/BIOAS stewards could have undertaken to codify the conflicting free access provisions, but they did not.</p>
<p><a href="#">1911. Chapter 850 of the Laws of the State of New York of 1911</a></p>	<p><b>SIAOAS</b>. Amended 526 of 1905. Pertained to both admission and incorporating purpose SIOAS and provides “open and free [access] to the public at all reasonable times ...”</p>
<p><a href="#">1918. Chapter 57 of the Laws of the State of New York of 1918</a></p>	<p>SIAOAS. Amends Chapter 526 of 1905. <b>Terminates SIAOAS</b> and incorporates <b>Staten Island Institute of Arts and Sciences [SIIOAS]</b> with obligation to comply with the provisions of purpose and free admission provided for in <a href="#">Chapter 526 of the Laws of New York State of 1905</a></p>

<p><a href="#">1927. Chapter 509 of the Laws of the State of New York of 1927.</a></p>	<p>Museum of the City of New York [MCNY]. Authorized the City of New York to acquire a site for a building to be used as a “public museum”. At Sec. 2, authorized [MCNY], Incorporated to erect a building through private donations. Chapter 509 did <b>not</b> provide provisions of free admission or an incorporation purpose for MCNY.</p>
<p><a href="#">1933. Chapter 611 of the Laws of the State of New York of 1933</a></p>	<p><b>NYBG.</b> Amended NYBG’s incorporating purpose to include “within <i>and without</i> New York State” [emphasis in original.] [p. 1291 #1327]</p>
<p><a href="#">1934. Chapter 87 of the Laws of the State of New York of 1934</a></p>	<p><b>BIOAS/BAM.</b> Amended Chapter 172 of 1890 regarding BIOAS to include “musical and other performances,” which resulted in the adoption of BAM as a department of BIOAS.</p>
<p><a href="#">1935. Chapter 712 of the Laws of the State of New York of 1935</a></p>	<p>Staten Island Zoological Society [SIZ]. Act authorized the appropriation of land and money for the establishment of the Staten Island Zoological Society, Inc. Regarding free admission, Section 1, para. 2, provides that “[the Zoo] be open and free to the public at all times”.</p>
<p><a href="#">1963. Chapter 734 of the Laws of the State of New York of 1963</a></p>	<p>New York Hall of Science [NYHSCI]. Law not uncovered.</p>
<p><a href="#">1965. Chapter 439 of the Law of the State of New York of 1965</a></p>	<p>Regarding Wave Hill [WH]. Re-stated Section 532-14.1 of the New York City Admin. Code, as added by Chapter 611 of the Laws of the State of New York of 1936, and as renumbered by Chapter 100 of the Laws of the State of New York of 1963</p>
<p><a href="#">1969. Chapter 924 of the Laws of the State of New York of 1969</a></p>	<p><b>NYZS.</b> Amended Chapter 435 of 1895 [1895]. <u>Excluded</u> [1] instruction and recreation of New Yorkers and [2] the undertaking to do zoological research and publication [see <b>Incorporating v. Current Purpose</b> chart in <a href="#">BZ/NYZS-WCS PEC INSTITUTIONS</a> page.]</p>
<p><a href="#">1984. Chapter 476 of the Laws of the State of New York of 1984</a></p>	<p><b>SIIOAS.</b> amended <b>New York City’s Administrative Code</b> by adding section 532.25-0 which codified an undated <a href="#">Section 18-128.1</a> of the Code. Pertained to both admission and incorporating purpose provisions for SIIOAS as well as Snug Harbor Cultural Center d/b/a SIM.</p>
<p><a href="#">1991. Chapter 383 of the Laws of the State of New York of 1991</a></p>	<p><b>NYBG.</b> Section 1 amended Section 8 of <a href="#">Chapter 435 of the Laws of the State of New York 1895</a> and <a href="#">Chapter 924 of the Laws of the State of New York of 1969</a>, also amended Chapter Section 8 of Chapter 435. Amending Chapter 383 provides New Yorkers free access three days a week</p>
<p><a href="#">1991. Chapter 499 of the Laws of 1991</a></p>	<p><b>NYBG.</b> Amended the Chapter 285 and Chapter 611 to broaden NYBG’s purpose to include being a “library” and “education institution” [see <a href="#">Incorporating Educational Corporation.</a>]</p>

<p>1994. <a href="#">Chapter 465 of the Laws of 1994</a></p>	<p><b>NYBG.</b> Amended Chapter 285 and authorized NYBG to charge a “suggested” admission fee to non-primary and secondary New Yorkers with the caveat that NYBG inform New Yorkers that they could pay an amount that is “lesser or greater” than the suggested amount.</p>
<p><b>Undated.</b> Section 5-509, 2.d..<a href="#">New York City Administrative Code</a> Chapter 4 – EXPENSE BUDGET:</p>	<p>Prohibits the MMA from receiving in excess of \$95,000 annually from New York City taxpayers for maintenance costs. AMNH has no annual limits.</p>
<p><b>Undated.</b> Section 532-17.0 of the New York City Administrative Code</p>	<p><b>NYHSCI.</b> Not uncovered in research. Cannot compare with <a href="#">Section 18-120 of the NYC Administrative Code</a></p>
<p><b>Undated.</b> <a href="#">Section 18-120 of the New York City Administrative Code</a></p>	<p><b>NYHSCI.</b> Authorized Parks Commissioner, with approval of mayor, to enter into Agreement with the non-profit to operate and maintain a scientific enterprise, including construction etc.</p>
<p><b>Undated.</b> <a href="#">Section 18.127 of the New York City Administrative Code</a></p>	<p>Authorized Park Commissioner to enter Agreements for planning, maintenance and operation of Central Park, Prospect Park and Queens [Flushing Meadow] Zoos.</p>
<p><b>Undated.</b> <a href="#">Section 18-128.1 of the New York City Administrative Code</a></p>	<p>Snug Harbor, part of <b>SIM</b>.</p>
<p><b>Undated.</b> Section 532-25.0 of the New York City Administrative Code</p>	<p><b>SIIOAS.</b> <a href="#">Chapter 476 of the Laws of the State of New York of 1984</a> codified Sections 18-128.1 and added 532.25.0 of the New York City Administrative Code. <u>[see Undated, left column]</u></p>
<p>Undated. <a href="#">Section 18-117.1 of the New York City Admin. Code</a></p>	<p>Wave Hill <b>[WH]</b>. Provides that the Commissioner of the Parks Department may enter into an agreement with WH. Regarding admission fees: “(1) <u>[WH] may charge such fees as may be approved by the commissioner for entrance and admission</u> to the premises or any part thereof and for life, annual or other periodic memberships in the activities of the arboretum in exchange for the payment of dues or fees; (2) such corporation may retain such fees and apply them to the operation and maintenance of the Perkins Garden ...</p>
<p><b>4. Evidence Of The Other PPP/PEC Institutions’ Efforts To Be Accepted Into, And Evidence Of Their Being Accepted Into, The PEC</b></p>	
<p><b>1897.</b> GRANT OF SOUTH BRONX PARK to the New York Zoological Society. Resolution.</p>	<p><b>Resolution.</b> 3/23/1897. Without source. Sets out parameters of the understanding between the NYZS and New York City through the Commissioners of Sinking Fund. Document provided by DPR in response to FA’s Freedom of Information Law [FOIL] requests.</p>



<p><a href="#">1897. First Annual Report of The New York Zoological Society.</a></p>	<p>"Objects of the Society: A Public Zoological Park for the Preservation of Our Native Animals – the Promotion of Zoology." 3.15.1897, Describes the purpose and plans of the Society; especially, its "objects of the [NYZ] society". [p. 13] Reports from the Executive Committee and Treasurer as well as projects underway in the US and in Europe.</p>
<p><a href="#">1899 Brooklyn Children's Museum History-Mission</a></p>	<p>Excerpted from History of BCM on its website. BC&lt; it was founded in 1899, in effect tying itself to superseding legislation regarding admission fees as provided for in <a href="#">Chapter 172 of the Laws of the State of New York of 1890</a>, among other things.</p>
<p><a href="#">1900-1901 The Children's Museum of The Brooklyn Institute of Arts and Sciences, Brooklyn, 1900-1901</a></p>	<p>Digitized version. Published by Brooklyn Children's Museum. 1900-1901. BCM-BIOAS lays out its "instructional" purpose in contrast to its current "inspirational" purpose at pp. 7 (#13) to 8 (#14), stating that it would be a "Pedagogical Museum and Library ... especially valuable to teachers in public and private schools. ... [and] will be of especial value and interest to young people ... between the ages of six and twenty years ...."</p>
<p><a href="#">1905. The Annual Report of the Brooklyn Museum</a></p>	<p>Demonstrates it is incorporated by Brooklyn Institute of Arts and Sciences [BIOAS] legislation when citing <a href="#">Chapter 172 of the Laws of the State of New York of 1890</a> and the provision that Brooklyn Museum [BM] will comply with the following free access provision:_" ...a Special Act of the Laws of the State of New York of 1890 [for the BIOAS] to be <b>open and free to the public and private schools of said city at all reasonable times.</b></p>
<p><a href="#">1912. Brooklyn Botanic Garden Record</a></p>	<p>Volume 1, Issue 3, July 1912. Includes a legislative history including: <a href="#">Chapter 509 of the Laws of the State of New York of 1897</a>, <a href="#">Chapter 618 of the Laws of the State of New York of 1906</a> and <a href="#">Chapter 178 of the Laws of the State of New York of 1911</a> as well as Agreement between the City of New York and The Brooklyn Institute of Arts and Sciences concerning the Brooklyn Botanic Garden was reported in <a href="#">pages 7-16</a> and at pp. 12.</p> <p>In addition to the laws providing the terms of open and free access, the Agreement dissuaded any ambiguity regarding BBG's obligation to the schools and "residents of the City of New York" in exchange for City funds, when it provided as follows:</p> <ol style="list-style-type: none"> <li>a. <b>"Use of Buildings.</b> FOURTH: -- That upon the completion of any plant house or plant houses, or rooms for instruction in botany ... acting through its Board of Park Commissioners, the Brooklyn Institute of Arts and Sciences shall enter into possession of said plant house or houses, and rooms for instruction, and shall use the same in connection with, or as a part of said</li> </ol>

botanic garden and arboretum for the care and culture of tender or other plants, indigenous or exotic, and **for the giving of instruction in botany to the residents of the City of New York**, in accordance with the provisions of Section 2 of Chapter 618 of the Laws of 1906." [Chapter 618 of the Laws of 1906 refers to *Bot. Gard. Record*: 7-16. Ja. 1912 at footnote on p. 10, which is this Agreement between the City of New York and BIOAS/BBG.]

Further, the Agreement unequivocally outlined BBG's obligation to provide materials **in the public schools** of New York City – **not only in the buildings within the BBG land area** and to the extent that **any fees were received**, that **these proceeds are recycled** into the BBG's "library, apparatus and equipment" **for use by teachers in the public schools** [not only in buildings within the BBG land area] **or at the BBG's discretion to "other educational institutions within said City"**:

- b. **"Public Exhibits: Material for Public Schools.**  
EIGHTH: -- That the party of the second part [the BIOAS/BBG] is hereby expressly authorized to exhibit photographs, charts, apparatus or publications relating to botany, in this city or elsewhere, **in the public schools** or otherwise, for educational or scientific purposes, provided, however, that **all the net proceeds**, if any, of such exhibitions shall be **devoted solely to the benefit or increase of the library, the apparatus and equipment of the botanic garden and arboretum**, and said party of the second part shall, so far as any surplus resources will permit, furnish plants or botanic material **for use in the teaching of botany in the public schools of The City of New York**, and in case the supply of plants or materials for instruction is not exhausted by the demand of the public schools of the City, such plant and botanic materials may, **at the discretion** of the party of the second part **be furnished to other educational institutions within said City."**

Additionally, the City doubled-down on the BBG's obligation to be City-education and City-resident centric when the Agreement stated as follows:

- c. **"Free Admission to Grounds and Buildings.**  
NINTH. – It is mutually agreed that said botanic garden and arboretum **shall be open and accessible to the public without any charge or gratuity on a portion at least, of every day of the year**, under such rules and regulations as the party of the second part [BIOAS/BBG] may from time to time prescribe; **but it is expressly understood and agreed** that the party of the

	<p>second part shall have the <b>privilege of closing the plant houses or rooms for instruction to the public until 2 o'clock in the afternoon on two days in the week for the purpose of scientific research and for the cleaning or re-arranging of collections or apparatus in said plant houses and rooms of instruction. Admission to said houses and rooms of instruction during such closed hours shall be regulated by the party of the second part, <u>but all professors and teachers in the public and private schools or other institutions of learning in New York City, and pupils accompanied by said teachers, shall be admitted on such closed days</u>, subject to the rules and regulations of the party of the second part; <u>but in no case shall there be any charge for the use of the plant houses or rooms for instruction or for the use of the library, collections, plants or apparatus contained therein.</u>"</b></p>
<p>1912. <a href="#"><i>Brooklyn Botanic Garden Record</i></a></p>	<p>Volume 1, Issue 3. July.</p> <ol style="list-style-type: none"> <li>1. pp. 76: <a href="#">Chapter 509 of the Laws of the State of New York of 1897</a> incorporates a botanic garden and arboretum in Brooklyn. Chapter 509 <b>provides the gardens/arboretum's purpose and lays out the garden geography.</b> <ol style="list-style-type: none"> <li>a. <a href="#">Chapter 509 of the Laws of the State of New York of 1897</a> was amended by <a href="#">Chapter 618 of the Laws of the State of New York of 1906</a>.</li> </ol> </li> <li>2. pp. 77: Chapter 618 of the Laws of the State of New York of 1906, amends Chapter 509 of the Laws of the State of New York of 1897, which incorporates the Brooklyn Botanic Garden.       <ol style="list-style-type: none"> <li>a. Chapter 618 of the Laws of the State of New York of 1906, provides for the public to have <b>free access daily, including Sundays</b>, subject only to the needs of proper care, culture, and preservation of the garden.</li> </ol> </li> <li>3. pp. 80: <a href="#">Chapter 178 of the Laws of the State of New York of 1911</a>, amends <a href="#">Chapter 509 of the Laws of the State of New York of 1897</a>, which incorporates the Brooklyn Botanic Garden.       <ol style="list-style-type: none"> <li>a. Chapter 178 provides for free admission similarly to Chapter 618 -- i.e., "... open and <b>free to the public daily, including Sundays</b>, subject to such restrictions only as to hours as the proper care, culture and preservation of the said garden may require..."</li> </ol> </li> </ol>

<p><b>1923. <a href="#">Twenty-Seventh Annual Report of the New York Zoological Society</a></b></p>	<p>Published by NYZS. 06/01/1923. Makes clear NYZS's obligation to provide free access, reporting it in two ways: [1] as a provision to its purpose [free access to collections and the like] and [2] in exchange for NYZS's use of land in South Bronx Park. [see description of latter at pp. 163-165 and know that no mention was uncovered to the provision that a "portion ... each of Boston Road ... open to the public at all times ..." in incorporating <a href="#">Chapter 435 of the Laws of the State of New York of 1895</a></p>
<p><b>1950. <a href="#">"What We Do and How We Do It"</a>.</b></p>	<p>Margaret de Wolf Tullock, Director. Published: <i>Brooklyn Children's Museum</i>. Brooklyn, New York. 1950. Demonstrates at p. 8: that BCM is a department of the BIOAS. Reports: <b>"Admission is free at all times to the Children's Museum, which is geared for boys and girls between four and fifteen years of age, and is open every day but Christmas." BCM's admission policy is more generous than, and conflicts with, NYS law. Generally, New York State law supersedes local laws and contracts.</b></p>
<p><b>2013. <a href="#">"New Deal" Projects."</a></b></p>	<p><b>Regarding Staten Island Zoo.</b> Evan Kalish. <i>The Living New Deal</i>. 09/17/2013.</p> <ol style="list-style-type: none"> <li>a. The abstract reports that "[w]hen construction began in 1933-34, the [Staten Island] zoo's plans were state of the art. Parks used New Deal-era Civilian Conservation Corps labor to help build the \$150,000 facility. The exhibits and the zoo's care for its animals were modern for their time and helped the institution avoid some of the trouble other city zoos faced when their facilities became out of date..."</li> <li>b. NOTE 1: There are resources at the bottom of the article.</li> <li>c. NOTE 2: No mention of Agreements with the City or provisions for free access.</li> </ol>
<p><b>2018. <a href="#">Staten Island Zoo Aquarium Officially Reopens Following Extensive Renovation by DDC</a></b></p>	<p>Ian Michaels and Ryan Max. <i>NYC Department of Design and Construction</i>. 11/19/2018. Offers financial information as of November 2018.</p>
<p><b>2019. <a href="#">VisitingAMuseum.com</a></b></p>	<p><b>Regarding Staten Island Zoo.</b> Justin Watrel. 02/14/2019.</p> <ol style="list-style-type: none"> <li>1. In its "History of the Staten Island Zoological Society" section that a March 25, 1935, Egbert-Robillard Bill was passed by the New York State Senate to have the city provide maintenance for the zoo.</li> <li>2. Two months later, on May 7, 1935, the article further reports that the "Governor of New York signed an agreement to allocate public funds for the zoo to cover operational and maintenance costs while the exhibits, animal care and educational program were to be maintained by the Staten Island Zoological Society.'</li> <li>3. NOTE: Paragraph b. above epitomizes the form of America's novel public-private partnership. [PPP]</li> </ol>

	<p><b>4. The article reports</b> that by 1967, the zoo was again falling apart due to years of negligence and budget cuts. New York City's fiscal crisis had affected the Parks System and conditions had gone downhill.</p> <p>5. In 1980, <b>The Wildlife Conservatory (the former NY Zoological Society) signed a fifty-year agreement</b> [ends 2030] in April of that year and started a renovation of the zoo from 1982 to its opening in 1988.</p> <p>6. When the <b>[Central Park] Zoo</b> opened in August of 1988, the concept of the zoo had changed.</p> <p>7. The Wildlife Conservation Society had taken over the <b>Queens Zoo, the Prospect Park Zoo</b> in Brooklyn and already had possession of <b>the Bronx Zoo</b> and the direction of the society was toward conservation and care of animals while the Prospect Zoo was to be used as a Children's Zoo and the Queens Zoo would concentrate on North American animals.</p> <p>7. The Children's Zoo next to the Central Park Zoo went through its own renovation in the late 1990's and is now called the Tisch Children's Zoo after businessman, Laurence Tisch who had donated most of the money for the renovation.</p> <p>8. NOTE: There is no mention of WCS operating and maintaining New York Aquarium.</p> <p>9. When the [Central Park] Zoo opened in August of 1988, the concept of the zoo had changed. The Wildlife Conservation Society had taken over the Queens Zoo, the Prospect Park Zoo in Brooklyn and already had possession of the Bronx Zoo and the direction of the society was toward conservation and care of animals while the Prospect Zoo was to be used as a Children's Zoo and the Queens Zoo would concentrate on North American animals. <u>Question:</u> Where is consideration of free access first provided for in <b>Chapter 435 of the Laws of the State of New York of 1895</b> ["for <b>at least four days, one of which shall be Sunday, in each week</b>"] as amended by <b>Chapter 383 of the Laws of the State of New York of 1991</b> which provides for free access "<b>at least three days in each week</b>".</p>
<p>2019. "<a href="#">Staten Island Zoo gets funding boost.</a>"</p>	<p><i>Silive.com.</i> Original post 05/25/2017 updated 03/04/2019. Offers financial information as of March 2019.</p>
<p>a. Examples Demonstrating The Continuing Need For Annual Accounting Of The PPP/PEC Institutions And Actions Taken To Revoke New Yorkers "Free" Rights</p>	
<p>i) The New York Botanical Garden [NYBG] Acts to Contravene Existing New York State Law by Circumventing Former New York Governor Andrew Cuomo's Veto Squashing NYBG's Effort To Repeal New York State Oversight Regarding Its Admissions Provisions.</p>	

<p>1908. <a href="#">“Botanical Garden Is Widely Known: Famous for its Notable Display of Tropical Vegetation and Palms – An Educational Adjunct – Frequent Free Lectures to the School Children on Explorations in Foreign Countries.”</a></p>	<p>Britton, Dr. N.L., Director of New York Botanical Garden. <i>The New York Times</i>. 5/17/1908. <b>Seeking additional City funding, NYBG Director reports,</b></p> <p>“It is most desirable that the general endowment of the <b>Garden for educational purposes</b> should be increased ... and for lectures and other educational work ... [especially <b>as it is in] easy reach of the densely populated portions of the city is a great boon ... for the Bronx ...</b>”</p>
<p>1930. <a href="#">“Botanical Garden To Expand Its Work.”</a></p>	<p><i>The New York Times</i>. 1/14/1930. Seemingly in response to demand for more City funding, <b>a campaign for private contributions, and affirmation that NYBG was a “playground” for Bronx residents,</b> the re-purposing to providing “entertainment, recreation” beyond NYBG’s “education corporation” status is made clear.</p>
<p>1987. <a href="#">“Behind Inflated Attendance Figures.”</a></p>	<p>Dena Kleiman. <i>The New York Times</i>. 2/21/1987. Article reveals that <b>four of the 17 PPP/PEC institutions,</b> namely, the Bronx Zoo, the <b>New York Botanical Garden,</b> the American Museum of Natural History and The Metropolitan Museum of Art, with the last overestimating attendance by 42%, counted visitors “[t]wice.” In the case of The Metropolitan Museum and Natural History, their figures would plummet from 7,000,000 and 5,000,000 to 3,500,000 and 2,500,000, respectively and their cost per visitor would double. Similarly, the Bronx Zoo and the <b>New York Botanical Garden would fall from 1,820,766 to 910, 383 and from 1,300,000 to 650,000,</b> respectively.</p>
<p>2020. <a href="#">NY State Senate Bill S4449</a></p>	<p><b>NYBG.</b> Effort to repeal New York State’s authority over NYBG’s admission policy,</p>
<p>2020. <a href="#">VETO MESSAGE - No. 148 to Bill S4449</a></p>	<p><b>NYBG.</b> Former NY Governor Andrew Cuomo VETOES NYBG’s effort articulated in <a href="#">NY State Senate Bill S4449</a> to remove State authority over NYBG’s admission policy. <b>Cuomo’s reasoning demonstrates why it is appalling that NYBG is trying to contravene Cuomo’s VETO by seeking and finding sponsored ship the Senate and Assembly for new legislation.</b> [see 2021–2022 Unsigned Senate Bill S8038 and Assembly Bill A8562]</p> <p><b>Here is the wrist-slapping former Governor Cuomo gave to NYBG’s VETOED effort:</b></p> <p>“Given the unique conditions on which the [NYBG] was established, <b>particularly the premise that the park should be free and open to the public</b> and a more than 100 year track record of limiting the [NYBG’s] authority to charge a fee, it is <b>prudent to veto this bill until the Legislature can provide</b> a finding that the authority to charge a fee in perpetuity is necessary to make the [NYBG] fiscally sound. The <b>current bill lacks any meaningful analysis</b> and therefore <b>provides</b></p>

	<p><b>insufficient grounds to overturn</b> the long-standing preference to keep this public park free and open to the public. <b>Also, concerning is the lack of analysis to whether the [NYBG] has made the grounds free for primary and secondary schools, as is required by the law. Until it can be demonstrated that the NYBG has met its current obligation, it would be unsound to remove the free policy from state oversight.</b>" [emphasis added]</p>
<p><b>2021-2022.</b> Unsigned <a href="#">Senate Bill S8038</a> and <a href="#">Assembly Bill A8562</a> ... in contravention to Cuomo Veto No. 148 to NYS Senate Bill S4449</p>	<p><b>NYBG.</b> An example of how a PPP/PEC institution attempts to contravene a VETO chiding it for not doing a proper "analysis" supporting repeal of State oversight.</p> <p>In July 2022, Governor Hochul signed <a href="#">Senate Bill S8038</a> and <a href="#">Assembly Bill A8562</a>. Read the JUSTIFICATION section in the Bill to learn the reasoning for Hochul's approval while recognizing that <b>the Bill is devoid of the facts</b> of the history of "free access" and instruction as being "consideration" NYBG and the other PPP/PEC institutions is to provide to New Yorkers in exchange for New Yorkers providing NYBG and the other PPP/PEC institutions <b>\$1 BILLION</b> in annual "consideration" in the form of free rent, and capital and operating costs. In 2017 and 2018, New Yorkers' consideration to NYBG amounted to <b>\$73.3 MILLION</b> and <b>\$87.3 MILLION</b>, respectively. In addition, <b>because of free rent, NYBG amassed an investment and endowment portfolio \$640.4 MILLION</b> in 2017 to nd <b>\$678.8 MILLION</b> in 2018. S8303 takes effect in 2025. It should be repealed and free admission provisions for <b>all</b> New Yorkers should revert back to <a href="#">Chapter 285 of the Laws of 1891</a>.</p>
<p><b>1997-2014.</b> <a href="#">NYS listed law portal</a></p>	<p><b>NYBG.</b> NYBG's incorporating legislation put control of admission in the hands of New York State. Since 1997 [or earlier if action was not uncovered during research], <b>NYBG has been campaigning to repeal the State's authority.</b> Below chronicles NYBG's effort, leading up to Cuomo's 2020 Veto and to NYBG's filing of new bills, in a seeming effort to contravene Cuomo's effort – despite Cuomo's Veto being based on NYBG not having done proper "analysis" to repeal State control. <b>If you key in the Chapters below into the portal linked in the left column, you can follow the history.</b></p> <ul style="list-style-type: none"> <li>• Chapter 46 of the Laws of 1997</li> <li>• Chapter 32 of the Laws of 2000</li> <li>• Chapter 46 of the Laws of 2003</li> <li>• Chapter 28 of the Laws of 2007</li> <li>• Chapter 67 of the Laws of 2011</li> <li>• Chapter 120 of the Laws of 2014.</li> </ul>

<p>ii) The City Of New York Budgets, And The Custodians Of The Metropolitan Museum Of Art Accepts, Annual Taxpayer Funding In Amounts <b>Prohibited</b> By New York City's Administrative Code</p>	
<p>Undated. Section 5-509, 2.d.. <a href="#">New York City Administrative Code</a> Chapter 4 - EXPENSE BUDGET:</p>	<p>Prohibits the MMA from receiving in excess of \$95,000 annually from New York City taxpayers for maintenance costs. AMNH has no annual limits. Specifically,</p> <p>“Section 5-509 Items to be included in annual budget. There may annually be included in the budget:</p> <p style="padding-left: 40px;">“The amount necessary for the maintenance of the buildings, instruments and equipment of:</p> <ol style="list-style-type: none"> <li>a. The meteorological and astronomical observatory.</li> <li>b. The American museum of natural history.</li> <li>c. <b><i>The metropolitan museum of art, <u>not exceeding ninety-five thousand dollars.</u></i></b></li> <li>d. The Brooklyn Institute of arts and sciences. [emphasis added]</li> </ol>
<p><b>5. Evidence Of The PPP/PEC Institutions And The City Of New York Entering Agreements That Contravene Law Or Whittle Down New Yorkers’ “Free” Rights As Provided For In Initial Local Laws Or Contracts. These Agreements Should Be Voided.</b></p>	
<p>1928. January 26.</p>	<p>Museum of the City of New York [MCNY] Lease, produced in response to FA's Freedom of Information Law [FOIL] request, is first articulation of free admission terms as well as purpose of incorporation.</p>
<p>1931. July 7.</p>	<p>Amendment to MCNY January 26, 1928 Lease, produced in response to FA's Freedom of Information Law [FOIL] requests, does <b>not</b> amend admission or incorporation terms.</p>
<p>1936. June 10..</p>	<p>Agreement between the Commissioner of Parks and Staten Island Zoological Society, Inc. produced in response to FA's Freedom of Information Law [FOIL] request.</p>
<p>1953. October 28.</p>	<p>Supplemental Agreement to a October 20, 1950 Agreement produced in response to FA's Freedom of Information Law [FOIL] request between the Commissioner of Parks and the New York Zoological Society [NYZS]. NOTE: NYZS no operates under the “assumed name” of the Wildlife Conservation Society [WCS] which operates four New York City Zoos; namely, Bronx, Prospect Park, Queens and Central Park as well as the New York Aquarium.</p>



1965. November 4.	Agreement between Commissioner of Parks and Wave Hill Incorporated and produced in response to FA's Freedom of Information [FOIL] requests.
1965. December 12.	License Agreement between Commissioner of Parks and Hall of Science of the City of New York, Inc., produced in response to FA's Freedom of Information Law [FOIL] request.
1969. July 23.	Agreement, between the City of New York and the Hall of Science of the City of New York, Inc.. produced in response to FA's Freedom of Information Law [FOIL] request, which amended a December 8, 1965, Agreement. Free access provisions were the same in each Agreement
1980. April 22.	Agreement between NYZS, With Respect To The Central Park Zoo, and the City of New York, through DPR, produced in response to FA's Freedom of Information Law [FOIL] request. Regarding admission fees see SECTION 24.(c). Amended 1981 without change to admission provisions.
1981. October 12.	Agreement between NYZS, With Respect To The Prospect Park Zoo, and the City of New York, through DPR, produced in response to FA's Freedom of Information Law [FOIL] request. Regarding admission fees see SECTION 24.(c).
1981. October 12.	Agreement between NYZS, With Respect To The Queens [Flushing Meadows Park] Zoo, and the City of New York, through DPR, produced in response to FA's Freedom of Information Law [FOIL] request. Regarding admission fees see SECTION 24.(c).
2009. July 7.	License Agreement produced by DCA in response to FA's FOIL request between the Commissioner of the Department of Cultural Affairs and the Brooklyn Botanic Garden.
2013. September 9.	Amended Lease Agreement to a January 26, 1928, produced by DCA in response to FA's FOIL request and dated July 1, 1931 between the Department of Cultural Affairs and the Museum of the City of New York.
2013. December 3.	License Agreement produced by DCA in response to FA's FOIL request between the Commissioner of the Department of Cultural Affairs and the Brooklyn Academy of Music, for premises at 321 Ashland Place, Brooklyn, New York.

2016. September 3.	Sublicense Agreement produced by DCA in response to FA's FOIL request between Snug Harbor Cultural Center and Botanical Garden and Staten Island Institute of Arts and Sciences [SIIOAS] dba The Staten Island Museum [SIM] and Commissioner of the Department of Cultural Affairs.
2016. November 1.	License Agreement produced by DCA in response to FA's FOIL request between the Commissioner of the Department of Cultural Affairs and the Brooklyn Academy of Music Inc., for premises located at 651 653 Fulton Street, Brooklyn, NY 11217.
2018. March 9.	Sublicense Agreement produced by DCA in response to FA's FOIL request between the City of New York through the DCA Commissioner, the Snug Harbor Cultural Center and Botanical Garden and the SIIOAS <b>doing-business-as SIM.</b>
<b>6. Evidence Of The City Of New York Failing In Its Oversight.</b>	
2005. "Procedures Manual for Members of New Yor City's Cultural Institutions Group." City of New York. Department of Cultural Affairs	<p>New York City's Department of Cultural Affairs [DCA] oversees New York's Cultural Institutions Group [CIGs] and the "Manual" <b>sets out the prerequisites institutions must meet to qualify for public funding.</b></p> <p><b>The "Manual" demonstrates the DCA's failure to properly safeguard New Yorkers' rights to free access to a park education campus [PEC] intended to provide instruction and recreation to New Yorkers as follows:</b></p> <ol style="list-style-type: none"> <li>2. In describing the City's [public's] obligation through the PPP to the PEC institutions, Section 1. Introduction C. History, of the "Manual" states":       <ol style="list-style-type: none"> <li>i) <b>"... each institution is bound by public-private compact based on the premise that these institutions are privately-run nonprofit organizations, operating in public facilities as part of DCA's Charter mandate to 'plan, acquire, design, construct, improve and manage facilities for the conduct of cultural activities by the City.</b> In the pattern that has evolved since 1869, the City upholds its compact with the Institutions through provision of public facilities for the Institutions' operations, public funds for the maintenance and support of those facilities and their operation, and access to a host of other benefits, including subsidized employee health and savings plans, and public funds for capital improvements. These and other benefits provided to the Institutions are <b>detailed in section II.</b>" [emphasis added]</li> </ol> </li> <li>3. <b>In describing the Institutions' [private] obligation through the PPP to the City of New York, Section 1.</b></li> </ol>

Introduction C. History of the “Manual” states:

i) **“In return for these privileges, the Institutions uphold their compact with the City by providing high quality cultural services accessible to the City’s population. These cultural services may include artistic, scientific or cultural exhibitions, performances, conservation, historic preservation, educational programs, and other public programs that further the Institution’s mission. In addition to providing these services, the Institutions must commit to various requirements related to the operation of their City-owned facilities, which are detailed in section III, and a range of obligations pursuant to the Institutions’ public-private partnership with the City, which are detailed in section IV.”**

4. **Section II details the “Benefits Received by the Cultural Institutions.”** It speaks to the “operational” aspect of the “public” obligation of the PPP relationship. It is as expected. However, **the disappointments arise in the “Manual’s” Sections III and Sections IV.**

a. **In Section III. Requirements for Operations of Facilities” and what “Institutions must abide by”, the “Manual” makes note in section D. Admission Fees and Ticket Prices, the following:**

i) **“...to demonstrate commitment to its public service mandate, the Institution should maintain fee and ticket prices that are accessible to a broad spectrum of New York City’s population. [Further,] Institutions should provide free or reduced-price programming to the public on a periodic basis.” [emphasis added]**

b. **Paragraph C.10.e. above is the quintessential example of DCA’s failed oversight, the City’s indifference and resultant default under the provisions of the PPP and a seeming irreparable breach of public trust.**

c. Integral to the PPP structure is a myriad of New York State laws codifying its provisions. **Though Paragraph C.10.e makes it seem** that ticket prices and admission fees need only City approval and not compliance with State law, **DCA’s “Manual” makes clear that** as the City’s oversight agency for the PEC institutions, **DCA is well aware of its obligation to comply** with New York State laws. **See 1. Introduction A. History section as follows:**

**“The history of the public-private partnership between the City and the Institutions dates back to 1869, when State legislation authorized the City to**

	<p>construct a facility for the new American Museum of Natural History. <b>That same legislation provided for</b> use of that City-owned facility by the private nonprofit organization that was formed in order to acquire the collection and oversee the presentation of exhibits and programs. [The] public-private partnership has evolved ... at different periods in the City's history. <b>State legislation authorized the City's relationship with</b> many of the oldest Institutions, including ..." [emphasis added]</p> <p>5. <b>Given DCA's clear acknowledgment of the role of New York State laws to the structure of the PPP,</b> it further disappoints when considering another glaring statement of disavowal by DCA of its need to know of, and comply with, state laws, when it states in the Preface section of the "Manual" as follows:</p> <p style="padding-left: 40px;">"Institutions are required to adhere to the provisions set forth in this document. Please note that <b>these policies and procedures are intended to supplement and not to supersede</b> any operating agreements, licenses, leases, or other legal agreements in effect <b>between the City and any of the Institutions.</b> If certain provisions conflict with or contradict a particular legal agreement, by-laws or other governing document, the Institution should obtain clarification from DCA's Institutions Unit. <b>[NOTE: No mention of New York State laws.]</b></p> <p>6. <b>A review of the "Manual's" section IV disappoints because it does not require as a prerequisite for City funding, that the Institution comply with the incorporating purpose found in state and local laws, to provide instruction and recreation to New Yorkers.</b></p>
<p>2017-2019. <a href="#">CREATENYC: A Cultural Plan for All New Yorkers</a></p>	<p>A campaign where DCA stated it had two objectives; namely, (1) increasing equitable funding and support for culture, especially in historically underserved communities and (2) providing free, high-quality arts education for all New York City public school students. Yet, in two years of discussion and planning resulting in the publication of a "Plan of Action," <b>no mention was ever made</b> of New Yorkers' free access right to the PPP/PEC institutions comprising New York City's Park Education Campus.</p>

<p>a. The City Should Hold The Wildlife Conservation Society [WCS] To The Same Laws Controlling The New York Zoological Society [NYZS], Because WCS Merely Is An “Assumed Name” Or “Doing Business As” Alter Ego Of NYZS. NYZS-WCS Operates And Manages New York City’s Bronx, Queens, Central Park And Prospect Park Zoos And Its New York Aquarium.</p>	
<p>Undated. <a href="#">HISTORY OF NYZS-WCS</a></p>	<p>FA’s PEC INSTITUTIONS webpage describing the relationship of the New York Zoological Society and the Wildlife Conservation Society.</p>
<p>Undated. <a href="#">Definition</a> of “doing business as” and WCS “<a href="#">Name History</a>” [scroll down] filed with New York State’s Division of Corporations</p>	<p>Evidence WCS’s use of NYZS’s 1895 incorporation date in its “name history,” intimating WCS is <b>not</b> a separate entity from NYZS and should be required to comply with New York State laws relating to NYZS.</p>
<p>Undated. “<a href="#">Zoos &amp; Aquarium</a>”</p>	<p>WCS web page stating WCS was “[f]ounded in 1895 as the New York Zoological Society.</p>
<p>Undated. “<a href="#">120 Years: A Conservation Legacy</a>”</p>	<p>WCS publication. Reports the following facts connecting WCS to NYZS:</p> <ol style="list-style-type: none"> <li>1. p. 2: 1895 -- New Yor Zoological Society [NYZS] is founded.</li> <li>2. p. 2 -- 1899 The Bronx Zoo [formally, The New York Zoological Park] officially opens</li> <li>3. p. 3 -- 1902 NYZS takes over management of New York Aquarium</li> <li>4. p. 8 -- 1957 New Yor Aquarium opens in Coney Island, moving from Manhattan</li> <li>5. p. 11 -- 1988 Under contract to NYC Department of Parks and Recreation, NYZS assumes management of [and redesigns] New York City zoos. Central Park Zoo becomes one of NYZS’s wildlife parks in 1988, followed by Queens Zoo in 1992 and Prospect Park Zoo in 1993. [In documents produced by Department of Parks (DPR), pursuant to an FA Freedom of Information Law (FOIL) request, the dates for these contracts were: 1980 for Central Park Zoo; 1981 for Prospect Park and Queens Zoos; 1954 for an Amended contract with New York Aquarium and 1897, by NYZS Resolution, for the Bronx Zoo (formally, The New York Zoological Park)].</li> <li>6. No reference to its obligation to adhere to <a href="#">Chapter 435 of the Laws of the State of New York of 1895</a> which incorporated the NYZS [the Bronx Zoo] and afforded NYZS [now WCS] the annual free rent and operating subsidies advantages accruing to NYZS’s membership [not WCS’s membership] in the PPP/PEC venture.</li> </ol>

Undated. " <a href="#">History of Zoos in Parks</a> "	DPR's webpage. See especially its introduction citing a William Safire <i>The New York Times</i> op-ed entitled " <a href="#">A Zoo by Any Other Name...</a> " 02/05/1993.
1988. " <a href="#">Zoo's Animals Prepare To Meet Their Public</a> "	Susan Heller Anderson. <i>The New York Times</i> . 06/17/1988. Reports terms of an agreement and admission as follows:  <p style="text-align: center;"><b>"The Department of Parks is to pay the [New York Zoological] society \$3.6 million annually to run the zoo. The society hopes to return half of that in revenues from the cafeteria and gift shop. Admission fees will go directly to the city."</b></p> <p>No evidence was uncovered to demonstrate that admission fees were remitted to the City [see FINANCIAL ANALYSIS].</p>
1993. " <a href="#">What's 3 Letters and Zoologically Incorrect,</a> "	<i>The New York Times</i> . 02/04/1993. p. 28 (top right page counter) stating "... 'zoo' had become an urban pejorative ... [society] ... <b>officially changing its name to NYZS/The Wildlife Conservation Society</b> " [emphasis added].
1998. WCS 1998 Amendment to NYZS's 1895 Certificate of Incorporation	Filed with NYS's Department of State <a href="#">Division of Corporations</a> [copy requested].
1999. " <a href="#">The Lion in Winter; Bill Conway, New York's Top Zookeeper, Goes Out With a \$43 Million Roar.</a> "	Douglas Martin. <i>The New York Times</i> . 02/08/1999. States: "... <b>the Wildlife Conservation Society, the [Bronx] zoo's parent group, founded in 1895 as the New York Zoological Society ....</b> " [emphasis added].
2008. " <a href="#">Marty Makes Waves Over NY Aquarium.</a> "	Rich Calder. <i>New York Post</i> . 02/08/2008. Article reports that in Brooklyn Borough President Marty Markowitz acknowledged that <b>the 1902 contract was still in place.</b>
2010. <a href="#">November</a> and <a href="#">December</a> letter.	DPR produces a copy in response to FA's Freedom of Information Law [FOIL] requests, From <b>Parks Commissioner Adrian Benepe</b> [letter was not on DPR letterhead] replying to a constituent's letter complaining to Mayor Bloomberg about the <b>high price of Central Park Zoo tickets</b> . Commissioner Benepe wrote that "the <b>City sets the pricing</b> at all of the City zoos [and New York Aquarium]," working "very closely with the Wildlife Conservation Society [noting that] the <b>city supports WCS's tradition to allow free access to the Bronx Zoo every Wednesday</b> and to the New York Aquarium every Friday after 3pm ..." <b>Benepe's acknowledgement and approval of limited free access hours are a clear disavowal of</b> New York State law providing free access to New Yorkers "three days" in a week.

<p>2017-2018: WCS <a href="#">Consolidated financials</a></p>	<p>Auditors state at footnote 13 that is organized pursuant to a “city grant” made in 1897,” confirming its link to NYZS.</p>
<p>2020. “Exploring New York City – Visiting a Museum: The Unique, Unusual, Obscure and Historical.”</p>	<p>Justin Watrel. <a href="#">VisitingAMuseum.com. Website.</a> 06/12/2020.</p> <ol style="list-style-type: none"> <li>1. <b>The article reports</b> that by 1967, the zoo was again falling apart due to years of negligence and budget cuts. New York City’s fiscal crisis had affected the parks system and conditions had gone downhill.</li> <li>2. In 1980, <b>the Wildlife Conservatory (the former NY Zoological Society) signed a 50 agreement [ends 2030]</b> in April of that year and started a renovation of the zoo from 1982 to its opening in 1988.</li> <li>3. When the <b>[Central Park] Zoo</b> opened in August of 1988, the concept of the zoo had changed.</li> <li>4. The Wildlife Conservation Society had taken over the <b>Queens Zoo, the Prospect Park Zoo</b> in Brooklyn and already had possession of <b>the Bronx Zoo</b>, and the direction of the society was toward conservation and care of animals while the Prospect Zoo was to be used as a children’s zoo and the Queens Zoo would concentrate on North American animals.</li> <li>5. The Children’s Zoo next to the Central Park Zoo went through its own renovation in the late 1990s and is now called the Tisch Children’s Zoo after businessman, Laurence Tisch who had donated most of the money for the renovation.</li> <li>6. NOTE: There is no mention of WCS operating and maintaining New York Aquarium.</li> </ol>
<p>2020. <a href="#">“Exploring New York City – Visiting a Museum: The Unique, Unusual, Obscure and Historical”</a>.</p>	<p>Justin Watrel. <a href="#">VisitingAMuseum.com. Website.</a> 07/13/2020. <b>The article reports</b> that by the 1970’s, the zoo faced disrepair and was neglected for the animals. It was considered one of the worst zoos in the country according to the press and finally <b>in 1980, the Koch Administration signed a 50-year agreement [comes due in 2030] with the NYZS</b>, now called the WCS, which was also administrating the Central Park and Queens Zoo.</p> <p><b>Question:</b> Where is consideration of free access first provided for in <a href="#">Chapter 435 of the Laws of the State of New York of 1895</a> [“for at least four days, one of which shall be Sunday, in each week”] as amended by <a href="#">Chapter 383 of the Laws of the State of New York of 1991</a> which provides for free access “<b>at least three days in each week?</b>”</p>

<p>Undated. <a href="#">“Exploring New York City – Visiting a Museum: The Unique, Unusual, Obscure and Historical.”</a></p>	<p>Justin Watrel. <a href="#">VisitingAMuseum.com. Website.</a>  Undated. The article reports that when the [Central Park] Zoo opened in August of 1988, the concept of the zoo had changed. The Wildlife Conservation Society had taken over the Queens Zoo, the Prospect Park Zoo in Brooklyn and already had possession of the Bronx Zoo and the direction of the society was toward conservation and care of animals while the Prospect Zoo was to be used as a children’s zoo and the Queens Zoo would concentrate on North American animals.</p> <p><u>Question:</u> Where is consideration of free access first provided for in <a href="#">Chapter 435 of the Laws of the State of New York of 1895</a> [“for <b>at least four days, one of which shall be Sunday, in each week</b>”] as amended by <a href="#">Chapter 383 of the Laws of the State of New York of 1991</a> which provides for free access “<b>at least three days in each week.</b>”</p>
<p>b. The City Should Hold BM And BCM To Controlling New York State Law Pertaining To BIOAS. Agreements With BBG Should Be Reviewed Regarding Compliance With The Same Controlling Law And BAM Should Be Held To The DCA Pre-Requisite To Qualify For City Funding; i.e., Charge Fees That Allow A “Broad Spectrum” Of New Yorkers To Attend Events.</p>	
<p>Undated. <a href="#">HISTORY OF BIOAS</a></p>	<p>FA’s PEC INSTITUTIONS webpage describing the relationship of Brooklyn Institute of Arts and Sciences and Brooklyn’s Museum of Art, Children’s Museum, Botanic Garden and Academy of Music.</p>
<p>1900-1901. <a href="#">“The Children’s Museum of The Brooklyn Institute of Arts and Sciences, Brooklyn, 1900-1901”</a></p>	<p>Published by Brooklyn Children’s Museum. <b>BCM-BIOAS lays out its “instructional” purpose in contrast to its current “inspirational” purpose</b> at pp. 7 (#13) to 8 (#14), stating that it would be a “Pedagogical Museum and Library ... especially valuable to teachers in public and private schools. ... [and] will be of especial value and interest to young people ... between the ages of six and twenty years ....”</p>
<p>1950. <a href="#">“What We Do and How We Do It”</a></p>	<p>Margaret de Wolf Tullock, Director BCM. Published by BCM. Museum notes that the Brooklyn Children’s Museum, a department of the BIOAS, stresses the sciences rather than the arts, “which are handled so adequately at the Central Museum of the Institute.” Additionally, reports that <b>“[a]dmission is free at all times ...</b>, which is geared for boys and girls between four and fifteen years of age, and is open every day but Christmas” in contravention of New York State law.</p>



1974. Joint letter from BIOAS and BBG.	July 15, 1974. Confirms that the BBG <b>“is one of the departments of the [BIOAS].”</b> Neither objects to the incorporation of the “Brooklyn Botanic Garden Corporation” [BBGC] or for BBGC the use of “Brooklyn Botanic Garden” as its name. Does this confuse as to BBGC continuing to receive BIOAS-type City-funding support despite it disassociating from BIOAS? How were New Yorkers advised?
1999. <a href="#">Brooklyn Institute of Arts and Sciences [on behalf of BM]</a> v. City of New York	<b>Regarding Brooklyn Museum.</b> A 1999 lawsuit regarding a contested art exhibit and filed against Mayor Giuliani in the name of BIOAS on behalf of BM <b>affirms that the BM is not a separate corporate entity and continues as a Department of the BIOAS</b> and in effect subject to the founding purpose and free access provisions under <a href="#">Chapter 172 of the Laws of the State of New York of 1890</a>
2017-2018. BM <a href="#">IRS Form 990</a>	BM files its IRS Form 990 under the corporation name Brooklyn Institute of Arts and Sciences.
2017-2018. BCM <a href="#">Consolidated 2017-2018</a> financial statements	BCM reports a BIOAS restricted \$496,333 endowment in Note 10.
Undated. New York State <a href="#">Division of Corporations</a>	BCM and BM are “active,” “assumed names” [in effect “doing business as”] for BIOAS
Undated. <a href="#">Current and Past Leadership</a>	On BAM's website, gives history of BAM when it was part of the Brooklyn Institute, BIOAS and later.
Undated. New York State <a href="#">Division of Corporations</a>	BAM and BBG are <b>not</b> “active,” “assumed names” of BIOAS.
Undated. <a href="#">BCM's History-Mission</a>	BCM Website. BCM states it was founded in 1899 an in effect links to legislative provisions of BIOAS. .
2017-2018. <a href="#">Schedule O IRS Form 990</a>	<b>BBGC acknowledges</b> that it was “founded 108 years ago [1910]” and therefore subject to BIOAS legislated provisions.
2021. . <a href="#">“Brooklyn Museum to Receive \$50 Million Gift From City of New York: The funding will be the largest capital investment in the museum's nearly 200-year history.”</a>	11/22/2021. Sarah Bahr reported in <i>The New York Times</i> . Evidence that BM still benefits from BIOAS City funding.
<b>7. <a href="#">Chapters And Sections Of New York City's Charter Pertaining To FA's Plan Of Action In Conjunction With The City Council's Bill Int. 1538-2019</a></b>	
<a href="#">Chapter 1. Section 12.a-e</a>	Mayor's Management Report. Requires the Mayor to receive reports from, consider the management by, and through the City Council, to hold public hearings regarding, the operations of city agencies.

<a href="#">Chapter 67. Section 2506</a>	Requires that DCA provide a comprehensive cultural plan to the Mayor and Council Speaker on or before July 1, 2017. Subsection 3 calls for the establishment of a citizens' advisory committee. Termination guidelines of the citizens' advisory committee are provided for in other subsections. Also, a timeline for continued reporting by DCA to the Mayor and Speaker. <b>It may be that the citizens' advisory committee still is in force and FA proposes that FA's founder become a member.</b>
<a href="#">Chapter 67. Section 2507</a>	Requires the DCA to annually provide statistical information for <b>New York City public and non-public school students</b> no later than September 17 of each year. <b>FA advocates for broadening this review to include all New Yorkers.</b>
<a href="#">Chapter 21. Section 533</a>	At subsection b.4., requires DPR "to undertake, subject to the approval of the mayor, and to <b>enter into arrangements with other agencies of the city, state or federal government</b> and to recommend to the mayor such arrangements with private, voluntary or commercial agencies to be entered into, <b>subject to the provisions of law</b> , for the performance of any recreation functions conferred upon the department by this chapter or otherwise." <b>FA concludes DPR should be privy to, and be held accountable to comply with, the provisions of New York State law prior to entering any agreements with the PPP/PEC institutions.</b>
<a href="#">City Council Bill Int. 1538-2019</a>	<b>Requires DCA, though FA urges the Council to include DPR, to audit and report annually</b> the result of that audit on cultural institutions' admission policies and their impact on senior and people with disabilities. <b>FA proposes</b> that this bill, and <a href="#">Chapter 67. Section 2507</a> of the NYC Charter providing for assessment of public and non-public school students, <b>be expanded to include all New Yorkers.</b>
<b>8. Financial Information</b>	
AMNH	<ul style="list-style-type: none"> <li>• 2018-2019. <a href="#">Consolidated financials.</a></li> <li>• 2018-2019. <a href="#">Consolidated financials.</a> <ul style="list-style-type: none"> <li>○ AMNH Planetarium Authority</li> </ul> </li> </ul>
BAM	<ul style="list-style-type: none"> <li>• 2017-2018 Consolidated financials not found.</li> <li>• 2017-2018 <a href="#">IRS Form 990</a> [unaudited]</li> </ul>
BM [BIOAS]	<ul style="list-style-type: none"> <li>• 2017-2018 <a href="#">IRS Form 990</a> [unaudited]</li> </ul>
BBG/BBGC	<ul style="list-style-type: none"> <li>• 2017-2018 <a href="#">Consolidated financials</a></li> <li>• 2017-2018 <a href="#">IRS Form 990</a> [unaudited]</li> </ul>
BCM [BIOAS]	<ul style="list-style-type: none"> <li>• Consolidated financials not found.</li> <li>• 2017-2018 <a href="#">IRS Form 990</a> [unaudited]</li> </ul>

BM [BIOAS]	<ul style="list-style-type: none"> <li>• Consolidated financials not found.</li> <li>• 2017-2018 <a href="#">IRS Form 990</a> [unaudited]</li> </ul>
MCNY	<ul style="list-style-type: none"> <li>• 2017-2018 <a href="#">Consolidated financials</a></li> <li>• 2017-2018 <a href="#">IRS Form 990</a> [unaudited]</li> </ul>
MMA	<ul style="list-style-type: none"> <li>• 2017-2018 <a href="#">Consolidated financials</a></li> <li>• 2017-2018 <a href="#">IRS Form 990</a> [unaudited]</li> </ul>
NYBG	<ul style="list-style-type: none"> <li>• 2017-2018 <a href="#">Consolidated financials</a></li> <li>• 2017-2018 <a href="#">IRS Form 990</a> [unaudited]</li> </ul>
NYHSCI	<ul style="list-style-type: none"> <li>• 2017-2018 <a href="#">Consolidated financials</a></li> <li>• 2017-2018 <a href="#">IRS Form 990</a> [unaudited]</li> </ul>
BZ/NYZS-WCS QZ/NYZS-WCS PPZ/NYZS-WCS CPZ/NYZS-WCS NYA/NYZA-WCS	<ul style="list-style-type: none"> <li>• 2017-2018 <a href="#">WCS Consolidated financials</a></li> <li>• 2017-2018 <a href="#">WCS IRS Form 990</a> [unaudited]</li> <li>• 2017-1018 <a href="#">WCS 2019 Impact Report</a> [unaudited]</li> </ul>
SIM	<ul style="list-style-type: none"> <li>• 2017-2018 <a href="#">Consolidated financials</a></li> <li>• 2017-2018 <a href="#">IRS Form 990</a> [unaudited]</li> </ul>
SIZ	<ul style="list-style-type: none"> <li>• 2017-2018 <a href="#">Consolidated financials</a></li> <li>• 2017-2018 <a href="#">IRS Form 990</a> [unaudited]</li> </ul>
WH	<ul style="list-style-type: none"> <li>• 2017-2018 <a href="#">2018 Annual Report</a> [unaudited]</li> <li>• 2017-2018 <a href="#">IRS Form 990</a> [unaudited]</li> </ul>
<b>9. MISCELLANEOUS</b>	
<b>1811-1860. <a href="#">Central Park: Images through 1860.</a></b>	Diane L. Durante. Website. A visual history of Central Park.
<b>1987. <a href="#">"Behind Inflated Attendance Figures."</a></b>	Dena Kleiman. <i>The New York Times</i> . 2/21/1987. <b>Reveals that four of the 17 PPP/PEC institutions overstate attendance figures.</b> The four are: the Bronx Zoo, the New York Botanical Garden, the American Museum of Natural History and The Metropolitan Museum of Art, with the last overestimating attendance by 42%, counted visitors "[t]wice". In the case of The Metropolitan Museum and Natural History, their figures would plummet from 7,000,000 and 5,000,000 to 3,500,000 and 2,500,000, respectively and their cost per visitor would double. Similarly, the Bronx Zoo and the New York Botanical Garden would fall from 1,820,766 to 910, 383 and from 1,300,000 to 650,000, respectively.