

# Charter Amendment #2 rev 9/1/14 – Aldermen at Large

Only the sections of the Charter being amended are shown. Matters that are underlined are additions to the existing text. Matters that are struck through are existing text that is to be removed. All unmodified text is in the existing Charter.

## Article I. The City of Amsterdam and Its Government

### § C-8. Definitions and word use.

**[Amended by L.L. No. 3-1982, ref. date 11-2-1982]**

- A. Whenever used in this Charter, unless otherwise expressly stated or unless the context or subject matter otherwise requires, the following terms shall have the meanings indicated:

**BOARD**

Except as otherwise provided herein, means a body of persons appointed or elected in the manner herein provided for the purpose of administering designated City functions or advising on matters of continuing City interest, or in assisting in the making of City governmental policy.

**CHARTER**

The Charter of the City of Amsterdam.

**CITY**

The City of Amsterdam.

**CITY ATTORNEY**

Deemed to be interchangeable with "Corporation Counsel."

**COUNCIL OR COMMON COUNCIL**

The elected legislative body of the City of Amsterdam. Consisting of five aldermen, one elected from each ward, plus two aldermen elected at large.

**EMPLOYEE**

Any person, except an officer, employed by the City or an agency thereof, but shall not include an independent contractor.

**LAW**

The state constitution, a state statute, this Charter or a local law, ordinance or resolution enacted or adopted by and for the City of Amsterdam.

**LOCAL LAW**

A legislative act of the Common Council adopted pursuant to the New York State Municipal Home Rule Law; but it shall not mean or include an ordinance, resolution or other similar act of the Council or any other board or body of this City.

**MUNICIPAL CODE**

The City's local laws, ordinances and resolutions as enacted or adopted pursuant to this Charter or other applicable law.

**OFFICER**

Includes the following:

- (1) Members of the Council, the Mayor, the Controller.
- (2) Any person appointed as administrative head of any agency of the City or as a member of a board or commission.
- (3) The First Deputy or a Bureau Director appointed by the administrative head of any agency of the City.
- (4) Any other person in the City government who has authority to exercise some portion of the City's sovereign power, either in making, executing or administering the laws.

**ORDINANCE**

A legislative act which is permanent in nature unless specifically self-limiting, general in its application, adopted pursuant to this Charter or other applicable law and relating to property or any other subject of City concern not required to be enacted by local law.

**PERSON**

Shall be held to include and be coextensive with the words "persons," "company" and "corporation."

**QUORUM**

A majority of the total number.

**RESOLUTION**

A legislative act, other than a local law or ordinance, adopted pursuant to this Charter or other applicable law, which is limited in its application or of a temporary nature, or both.

- B. The masculine gender singularly may be construed to mean the feminine or plural as appropriate.

## Article II. Officers, Elections and Qualifications for Office

### § C-9. Elective City officers.

A. (effective until 1/1/2016) The elective officers of the City shall be a Mayor, Controller, five Aldermen, except as provided in Article III herein, Judges of the City Court and three members of the Citizens Review Board. The Mayor, the Controller, the Judge of the City Court and members of the Citizens Review Board shall be elected at large by the electors of each of the five wards, except as provided in Article III herein the City.

A. (effective 1/1/2016) The elective officers of the City shall be a Mayor, Controller, five Aldermen, one elected from each ward, and two aldermen elected at large, except as provided in Article III herein, Judges of the City Court and three members of the Citizens Review Board. The Mayor, the

Controller, two aldermen, the Judge of the City Court and members of the Citizens Review Board shall be elected at large by the electors of each of the five wards, except as provided in Article III herein the City.

**[Amended by L.L. No. 3-1982, ref. date 11-2-1982; by L.L. No. 4-1982, ref. date 11-2-1982 *Editor's Note: Amended during codification (see Ch. 1, General Provisions, Art. II).* ]**

- B. The terms of office of all elective officers shall commence on January 1 of the year following their election.
- C. The Mayor, Controller and Council members shall be required to participate in education and training related to their respective offices. The Mayor and Controller shall complete at least 16 hours of education and training annually. The Council members shall complete at least eight hours of education and training annually. The Common Council shall establish rules and procedures regarding mandatory training. Should an official fail to complete the required education and training, then the Controller shall reduce that official's salary by 1/2.

**[Added by L.L. No. 7-2004, ref. date 11-2-2004]**

#### § C-11. Terms and tenure of office.

- A. Mayor. The term of Office of the Mayor shall be four years.
- B. Controller. The term of Office of the Controller shall be four years.
- C. Aldermen. The terms of Office of the Aldermen elected from a ward, shall be two years. The terms of office of the aldermen elected at large shall be two years. *Editor's Note: Former Subsection D, regarding terms of office for City Court Judges, which immediately followed this subsection, was deleted during codification (see Ch. 1, General Provisions, Art. II); former Subsection E was deleted by L.L. No. 3-1982, ref. date .*
- D. Members of the Citizens Review Board. The terms of Office of the Members of the Citizens Review Board shall be three years.

**[Amended by L.L. No. 4-1982, ref. date 11-2-1982]**

#### § C-14. Qualifications of City officers.

- A. Except as otherwise provided by law, no person shall be elected or appointed to a City office unless he shall be and continue be a resident elector of the City and, in the case of the Office of Alderman elected from a specific ward, unless he is at that time a resident elector of the ward from which he shall be elected.
- B. Every elected or appointed City officer shall possess the qualifications prescribed by the Public Officers Law, except as otherwise provided in this chapter.
- C. If a nonresident of the City is appointed to a City office, that appointment shall require a majority vote of the Common Council for approval.

**[Added by L.L. No. 5-1989, ref. date 11-7-1989]**

## Article III. Common Council

### § C-23. Common Council.

*Editor's Note: Amended during codification (see Ch. 1, General Provisions, Art. II).* All legislative powers of the City shall be vested in a Common Council except as otherwise provided by this Charter or by law. The Common Council shall consist of two aldermen elected at large, of the Mayor, who shall be its presiding officer, and five Aldermen elected by wards as presently constituted.

### § C-25. Common Council reconstituted.

Beginning on January 1, 1982, the Common Council shall consist of the Mayor, who shall be its presiding officer, and five Aldermen, each of whom shall have been elected at the General Election held in November 1981, from one of five wards containing as nearly as practicable an equal number of residents according to the 1980 Federal Decennial Census.

Beginning on January 1, 2016, the Common Council shall consist of seven Aldermen, five of whom shall have been elected at the General Election held in November 2015, from one of five wards containing as nearly as practicable an equal number of residents according to the last Federal Decennial Census and two of whom shall be elected from the city at large.

### § C-67. Special revenue funds.

**[Amended 4-18-1995 by L.L. No. 1-1995]**

- A. There shall be established and maintained by the Controller a special revenue fund for the water system, into which revenues raised through its operations shall be deposited. Said revenues shall be used solely for the operations, maintenance and facilities of the water system and for transfers to the general fund as provided by New York State General Municipal Law § 94. A record of all expenses associated with the operations of the water system shall be forwarded to the Controller's office as they are incurred. Transactions conducted between said fund and the general fund or between said fund and another special revenue fund shall be billed and vouchered through the Controller's office.
- B. There shall be established and maintained by the Controller a special revenue fund for the sanitary sewer system, into which revenues raised through its operations shall be deposited. Said revenues shall be used solely for the operations, maintenance and facilities of the sanitary sewer system. A record of all expenses associated with the operations of the sanitary sewer system shall be forwarded to the Controller's office as they are incurred. Transactions conducted between said fund and the general fund or between said fund and

another special revenue fund shall be billed and vouchered through the Controller's office.

- C. The water and sanitary sewer systems shall each be independently self-sustaining through revenues. As regards operations, capital improvements, debt redemption and all other related costs and expenses, the general fund shall not subsidize the water and/or sanitary sewer funds nor shall either of said funds subsidize the other. Interfund borrowing shall only occur if the Mayor, upon recommendation of the Controller, shall declare a fiscal emergency or need to exist in one or the other of the funds mentioned above and the Common Council concurs by a majority plus one vote of the authorized number of Alderman ~~four-fifths vote~~. All interfund loans shall be repaid within the period of one year from the date they were made.

### § C-89. Annual Tax Levy.

**[Amended by L.L. No. 3-1989, ref. date 11-7-1989; L.L. No. 3-2004, ref. date 11-2-2004]**

The Common Council, at the meeting at which the annual budget is adopted, shall levy taxes on all taxable property within the City as shown in the annual assessment roll, in the amount required to be raised by tax in the annual budget and as otherwise required by this Charter or by law. Such tax shall be payable in four equal installments or as otherwise provided in this article. All taxes thus levied shall become liens on the properties against which they are levied on the first day of August following the levy of such taxes.

- A. The amount to be raised by tax on real estate in any fiscal year, in addition to providing for the interest on and the principal of all indebtedness, shall not exceed 1% of the average full valuation of taxable real estate in such year; nor shall the real property tax rate or any user fee in any fiscal year exceed by 3% the rate or fee of the previous fiscal year, exclusive of any amounts appropriated for debt service.
- B. If in any fiscal year it is deemed necessary and in the interest of the municipality to increase the percentage rate by an amount greater than the limitations established above, then such increase may be approved by a majority plus one vote of the authorized number of Alderman ~~four-fifths majority vote of the Common Council~~.

**[Amended 6-5-2012 by L.L. No. 2-2012]**

- C. The Assessor shall file with the City Clerk the average full valuation of taxable real estate in each year, the same to be filed at least one month prior to the date required for the submission of the proposed City budget.

### § C-104. Amendments to capital projects granted final approval.

- A. Amendments which seek to alter the start or completion date of a project for the purpose of changing the fiscal year of the accrual of an expenditure require a

majority plus one vote of the authorized number of Alderman ~~four-fifths~~ vote by the Common Council for approval.

- B. Amendments which seek to alter the basic purpose of a finalized capital project require a majority plus one vote of the authorized number of Alderman ~~four-fifths~~ vote by the Common Council for approval.

**§ C-118. Adoption of budget. [Amended by L.L. No. 3-2013, ref. date 11-5-2013]**

A. Submission of proposed budget. On or before the first day of April of each year, the Mayor shall submit to the Common Council and file with the City Clerk: a proposed City operating budget for the ensuing fiscal year, any proposed resolution changing a user fee, water rate, sewer rate or any other rate, charge or fee that will impact a budgeted estimated revenue item, and the accompanying budget message for the ensuing fiscal year. Upon filing, these submissions shall become a public record in the office of the City Clerk.

B. Public hearing. Not later than the first day of May, the City Clerk shall cause to be published in the official newspaper a notice of the place and time, not less than five days after such publication, nor later than May 15, at which the Common Council or a committee designated by it will conduct a public hearing on the proposed City operating budget, as submitted by the Mayor, and the report submitted by the Common Council or a committee designated by the Council. At such hearing, any person may be heard for or against the proposed City operating budget submitted by the Mayor or any item thereof submitted by the Common Council or a committee designated by the Council.

C. Adoption of City operating budget. After the conclusion of the public hearing, the Common Council may modify or add appropriations or estimated revenues in the proposed City operating budget, except appropriations required by law or for debt service may not be reduced below required amounts. Each such modification or addition shall be stated separately and distinctly. If the Common Council has not on or before the first day of June adopted with or without modification the City operating budget and filed same with the City Clerk, then the City operating budget submitted by the Mayor shall be deemed adopted without modification.

D. Submission to Mayor.

(1) If the proposed City operating budget as submitted by the Mayor is adopted by the resolution of the Common Council with no changes, such budget shall thereby be adopted without further action by the Mayor.

(2) If the City operating budget as adopted by the Common Council contains any additions, increases, deletions or decreases, it shall be presented by the City Clerk to the Mayor not later than the first day of June for examination and consideration. If the Mayor approves all changes, a statement to that effect, signed by the Mayor, shall be filed with the City Clerk along with the Common Council's adopted City operating budget, and, the City operating budget, including the changes as part thereof, shall thereby be adopted.

(3) If the Mayor objects to any one or more of such changes, a statement of objections to the changed items, setting forth reasons therefore, shall be filed with the City Clerk not later than noon of the 15<sup>th</sup> day of June, along with the returned City operating budget, for presentation to the Common Council at a meeting to be held not later than the 30<sup>th</sup> day of June. The Common Council may thereupon proceed to reconsider the items disapproved by the Mayor. If upon such reconsideration a majority plus one vote of the authorized number of Alderman ~~four-fifths of the authorized number of Alderman~~ vote to override the Mayor's objections then the City operating budget with any items so overridden, together with any changes not objected to by the Mayor, shall be deemed adopted.

(4) If a City operating budget with changes made by the Common Council is not returned by the Mayor to the City Clerk with stated objections on or before noon of the 15<sup>th</sup> day of June, it shall be deemed adopted as approved by the Common Council.

E. Common Council's failure to act. If a City operating budget has not been adopted, as herein provided, on or before June 30<sup>th</sup>, then the proposed city operating budget with Common Council amendments not objected to by the Mayor shall be the City operating budget for the ensuing fiscal year.

F. Certification of City operating budget. Three copies of the City operating budget as adopted shall be certified by the City Clerk. One such copy shall be filed in the Office of the Mayor and one each in the offices of the Controller and the City Clerk. The City operating budget as so certified shall be printed or otherwise reproduced and copies shall be made available to the public, the Aldermen shall each be distributed one copy.

G. **Limitations on taxing power.** If any tax or user fee set in the adopted operating budget exceeds any limitation established by this charter or New York State law, without the appropriate action required to override the limitation in question, then the tax or fee to be levied shall be levied at the maximum amount that does not exceed the limitation.