

Charter Amendment #3 rev 9/1/14 – Definition and separation of authority related to contracts, deeds, etc.

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 III. Common Council

§ C-29. Powers and duties.

In addition to other powers and duties conferred or imposed upon the Common Council by this Charter or by law, the Council shall have but not be limited to the following powers:

- A. To establish, abolish or consolidate administrative offices, departments, boards, commissions and other such agencies, except those created by this Charter, and to prescribe the functions of all such agencies subject to applicable provisions of this Charter and other laws.
- B. To increase, decrease or delete any item in the annual proposed City operating budget and to add new items and to adopt such budget pursuant to applicable provisions of this Charter. **[Amended by L.L. No. 5-2004, ref. date 11-2-2004] [Amended by L.L. No. 3-2013, ref. date 11-5-2013]**
- C. To enact necessary appropriations ordinances.
- D. To levy all taxes and fix all service charges and fees except as otherwise provided in this Charter.
- E. To provide for the performance by a qualified certified public accountant or firm of an annual independent audit of City fiscal accounts, including those of the water department, and such other audits as it may deem necessary.
- F. To award all public contracts that are subject to competitive bidding requirements under federal or state laws or regulations. Bid specifications shall be drafted by the Mayor or designee and approved by resolution of the Common Council. An amendment to a drafted bid specification may only be made with the approval of the Mayor. ~~subject to applicable law. Approved bid specifications shall be advertised by the City Clerk.~~ All bids in response to a requests for bids ~~issued by the Common Council~~ shall be sent or delivered, prior to the bid deadline to the Office of the City Clerk, duly filed and recorded and thereafter, ~~to be~~ publicly opened and read at the time and place specified. **[Amended 1-21-1986 by L.L. No. 1-1986, ref. date]**

- G. To authorize the acquisition, retention and disposition of real and other property by the City.
- H. To conduct investigations of any department, board, bureau, officer or other agency of the City; and pursuant to such an investigation to have access to all records and papers kept in the custody of any department, board, bureau, officer or other agency; to compel the attendance of witnesses and the production of books, papers or other evidence at any meeting of the Council or of a special committee thereof, and for that purpose to issue subpoenas signed by the Mayor. This provision shall not apply to papers, records and books where the production of same is otherwise prohibited by state and federal law.
- I. Should the Mayor fail to appoint any position required by the City Charter within 90 days of a vacancy therein, then the Common Council may directly appoint such position.
- J. To enact general rules and regulations that reasonably regulate the contracting for the purchase of equipment, materials or services within appropriated amounts. No such rule or regulation shall require Common Council approval of a specific expenditure if such approval is not specifically required by this Charter. Any such requirement enacted previously is hereby superseded.
[Added by L.L. No. 6-2004, ref. date 11-2-2004]

Article IV. The Mayor and Acting Mayor

§ C-36. Powers and duties.

In addition to other powers, duties and responsibilities assigned to the Mayor by this Charter or by law, the Mayor shall have the following powers and duties:

- A. To appoint, as provided in this Charter, all officers of the City, except as otherwise provided by law.
- B. When he deems it necessary for the good of the service, to suspend or remove any officer or employee of the City, subject to civil service law, rules and regulations.
- C. To recommend to the Common Council such actions as he deems necessary and expedient and to introduce proposed legislation on his own motion.
- D. Provide for the preparation of long-range capital programs with detailed plans to meet the needs of the city for facilities and equipment. **[Amended by L.L. No. 3-2013, ref. date 11-5-2013]**
- E. To prepare, propose and provide to the Common Council a preliminary City operating budget and preliminary capital projects budget for all Departments/Functions with direction and guidance as deemed necessary, as provided in Article XVIII herein. **[Amended by L.L. No. 3-2013, ref. date 11-5-2013]**

- F. ~~On approval by the Common Council, to negotiate and grant leases, concessions, licenses and permits for use of City property and appurtenances and to execute deeds and enter into contracts on behalf of the City, as authorized by the Common Council.~~

To execute all deeds, leases, licenses, easements, contracts, collective bargaining agreements and any other document that memorializes an official action of the City except as otherwise authorized in this charter. The Mayor shall negotiate the terms and conditions of any such document.

(1) Licenses or permits to use City property for greater than one year in duration; and all deeds, leases of City property, and grants of easements, must be approved by resolution of the Common Council. The requirement for this approval shall not be construed to authorize the Common Council to compel the Mayor to execute such document.

(2) Execution of a collective bargaining agreement or an employment contract for a position not created specifically in this charter must be approved by resolution of the Common Council. The requirement for this approval shall not be construed to authorize the Common Council to compel the Mayor to execute such document.

(3) Contracts subject to competitive bidding requirements are awarded pursuant to charter Section C-29(F).

(4) All borrowing is subject to Common Council approval as provided by Charter section C-34, and once so approved, the Mayor must execute all documents required to complete said borrowing.

(5) Execution of any document not specifically listed in sub paragraphs one through four above do not require approval by the Common Council.

(6) Execution of any contract that obligates a payment by the City must be within appropriated amounts and in compliance with general purchasing rules and regulations. This requirement, however, shall not prevent the making of a contract for a term exceeding one year, nor require the City to pay during a fiscal year any amount larger than is due during that year under the terms of the contract.

- G. To keep the Council fully informed at all times of the financial condition and needs of the City and to recommend such measures as the Mayor deems

necessary to assure and protect the interest of the City and its residents ~~its~~ fiscal integrity. **[Amended by L.L. No. 3-2013, ref. date 11-5-2013]**

H. On or before ~~January 15~~ the last regular meeting of the Common Council in March of each year, to prepare and submit to the Common Council a State of the City message reviewing the general condition of the City and its programs and outlining such action as the Mayor believes will be to the benefit of the City in the forthcoming year.

[Amended 2-1-1994 by L.L. No. 1-1994]

I. To perform such other duties and exercise such other powers as may be imposed upon or granted to the Mayor by law.

Article V. Department of Finance

§ C-40. Powers and duties of Controller.

The Controller shall serve as the City Treasurer and perform all the duties now or hereafter assigned by law to a City Treasurer. Except as otherwise provided by law, it shall be the duty of the Controller to promote, secure and preserve the financial interests of the City and he shall:

A. At the direction of the Mayor, obtain from the operating agencies of City

government estimates of anticipated appropriations and revenues and otherwise assist the Mayor in the preparation of the proposed operation budget as provided in Article XVIII of this Charter. **[Amended by L.L. No. 5-2004, ref. date 11-2-2004] [Amended by L.L. No. 3-2013, ref. date 11-5-2013]**

B. Establish, supervise and maintain a system of central purchasing so as to provide for the control of supplies and equipment commonly used by the departments and agencies of the City government. To carry out this responsibility, the Controller shall designate a member of his staff to serve as purchasing agent for the City. The purchasing agent shall: **[Amended by L.L. No. 3-2013, ref. date 11-5-2013]**

(1) deleted **[Amended by L.L. No. 3-2013, ref. date 11-5-2013]**

(2) Advise and assist the heads of the various departments and agencies in procuring at the most advantageous pricing and quantities any supplies and equipment, making use whenever such use is advantageous to the City of the purchase contracts of the State of New York, subject to such rules and regulations as the Common Council may establish. **[Amended by L.L. No. 3-2013, ref. date 11-5-2013]**

- C. On the Controller's own initiative or on request of the Mayor or agency heads, conduct studies of the management and operation of the City departments and agencies and recommend action to improve operational efficiency and effectiveness of service delivery. **[Amended by L.L. No. 3-2013, ref. date 11-5-2013]**
- D. Advise and assist all officers, employees and departments of the City regarding proper fiscal management of their respective activities and, in conjunction with this function, to:
- (1) Maintain, examine and audit the books and accounts of such officers, employees and departments, including the Water Department, and prescribe the form of accounts and financial reports to be used by them, consistent with the uniform system of accounts prescribed by the State Department of Audit and Control. **[Amended by L.L. No. 3-2013, ref. date 11-5-2013]**
 - (2) Confirm the deposit of all City moneys into the City treasury by all officers and employees receiving the same and assure that all required financial reports are made by all officers and employees responsible for such reports.
- E. Affix a written certification to all contracts and agreements for the expenditure of public funds entered into by any official of the City government that an amount has been appropriated for the particular purpose and is available therefor or has been authorized to be borrowed pursuant to the Local Finance Law, and no such contract or agreement shall be valid until so certified by the Controller. This requirement, however, shall not prevent the making of a contract for a term exceeding one year, nor require the City to pay during a fiscal year any amount larger than is due during that year under the terms of the contract.
- F. Transmit to the Mayor and the Common Council monthly statements of cash on hand and of classified unencumbered appropriation balances for the City as a whole and such other financial statements as may from time to time be required. The Controller at all times shall keep all departments, boards, commissions or other agencies currently informed of their classified unencumbered appropriation balances. **[Amended by L.L. No. 3-2013, ref. date 11-5-2013]**
- G. Receive and have custody of all moneys paid to the City and disburse City moneys upon warrant or as otherwise provided by this Charter or by law.
- H. Demand and receive all moneys and fees owing to the City whenever any person is indebted to the City in any manner and where the means of collection of such debt is not otherwise provided by law. When any claim shall not be

collectible by other methods, he shall report the same to the Corporation Counsel for collection.

- I. Keep all general accounts of the City and of the respective departments, offices, boards, commissions and agencies thereof and keep separate accounts for the items of appropriation contained in the City budget showing the amount of the appropriation, the amount paid therefrom, the unpaid obligations against such amount and the unencumbered balance. The Controller shall keep and administer all notes, bonds and other evidence of City indebtedness and keep and administer all securities and other forms of negotiable instruments owned by or belonging to the City. **[Amended by L.L. No. 3-2013, ref. date 11-5-2013]**
- J. Issue all checks for payment of money by the City and of the respective departments, offices, boards, commissions and agencies thereof. No claim against the City, except for a fixed salary or for the principal of or interest on indebtedness, shall be paid unless an itemized voucher therefor, certified by or on behalf of the claimant, in such form as the Controller shall prescribe, shall have been presented to the Department of Finance. Notwithstanding any other provisions of this Charter, no claim other than a claim for a sum certain due by contract for goods delivered or services rendered shall be paid unless and until such claim shall also have been presented to and approved by the Common Council; or such claim shall have been ordered paid by a court of law.
- K. Manage the funds of the City in such manner as to gain maximum advantages to the City from interest bearing investments.
- L. At the direction of the Mayor prepare the Capital Program Report and account for all funds received and disbursed as they pertain to capital project revenues, appropriations and expenditures. **[Amended by L.L. No. 3-2013, ref. date 11-5-2013]**
- M. Have charge of all central services such as mail distribution, printing and reproduction and similar services.
- N. Subject to Civil Service Law, Rules and Regulations, appoint, suspend or remove other officers and employees of the Department of Finance and to fill such positions as may be authorized for the Department by the Common Council, subject to Civil Service Law, Rules and Regulations. The Controller shall designate a member of his staff to act as Deputy Controller in the event of the Controller's absence or incapacity. **[Amended by L.L. No. 3-2013, ref. date 11-5-2013]**
- O. Attend all meetings of the Common Council. **[Amended by L.L. No. 3-2013, ref. date 11-5-2013]**
- P. To enter into contracts to purchase goods and services within appropriated amounts related to the Finance Department..