

Charter Amendment #5 rev 9/1/14 – Budget Protection

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 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.
- 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 its fiscal integrity. **[Amended by L.L. No. 3-2013, ref. date 11-5-2013]**
- H. On or before January 15 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.

J. reserved for Amendment #4 if adopted.

K. To amend the operating budget unilaterally to transfer appropriated amounts between the various budget expenditure lines contained in the sections of the operating budget related to the mayor, corporation counsel, employee relations/personnel, shared services/city hall and the community and economic development department.

L. The total appropriated budget for the categories listed above may not be reduced below 4.5% of the total operating budget for all appropriations absent the consent of the mayor.

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. Reserved for amendment #4 if adopted

Q. To amend the operating budget unilaterally to transfer appropriated amounts between the various budget expenditure lines contained in the department of Finance.

R. The total appropriated budget for the Department of Finance may not be reduced below 3.5% of the total operating budget for all appropriations absent the consent of the controller.

Article XVIII. Fiscal Year

Part B

Operating Budget Procedure

§ 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. This proposed budget shall include a budget for the Finance Department with appropriations as proposed by the Controller and in compliance with charter section C-40.

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, nor may appropriations related to the Mayor and Controller be reduced below the limits specified in C-36 and C-40 respectively. 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 15th 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 30th day of June. The Common Council may thereupon proceed to reconsider the items disapproved by the Mayor. If upon such reconsideration 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 15th 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 30th, 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.

§ C-122. Transfers within or among units or agencies.

The Common Council, on recommendation of the Mayor, may authorize the Controller to transfer part or all of any unencumbered appropriation balance to another appropriation budget line, the transfer may be between or within any department or agency provided that no funds may be transferred in violation of any restrictions on use contained in this charter or any other applicable law. But no transfer shall be made from appropriations required for debt service, and no appropriation may be reduced below any amount required by law to be so appropriated. The Mayor and Controller may transfer part or all of any unencumbered appropriation balance to another appropriation budget line, the transfer shall be limited to transfers between any of the budget categories specified in charter sections C-36 and C-40. **[Amended by L.L. No. 3-2013, ref. date 11-5-2013]**