Ballot Proposition #1

Amendment Proposed by the Charter Revision Commission to the Amsterdam City Charter

Shall the Amsterdam City Charter amendment #1 be approved?

This amendment will provide that the Mayor will no longer chair the Common Council meetings; in addition the aldermen will choose the presiding officer of the Common Council from among the aldermen. The Mayor will designate the Deputy Mayor, who may be any resident of the City of Amsterdam eligible to vote.

Ballot Proposition #2

Amendment Proposed by the Charter Revision Commission to the Amsterdam City Charter

Shall the Amsterdam City Charter amendment #2 be approved?

This amendment will create two (2) additional aldermen, who shall be elected at large for a two (2) year term. The total number of aldermen will thereby be increased to seven (7).

Ballot Proposition #3

Amendment Proposed by the Charter Revision Commission to the Amsterdam City Charter

Shall the Amsterdam City Charter amendment #3 be approved?

This amendment will define the separation of authority between the Mayor and Common Council with respect to the execution of deeds, leases, licenses, collective bargaining agreements, and contracts for: public work, services, goods, materials, professional services, and all other matters.

Ballot Proposition #4

Amendment Proposed by the Charter Revision Commission to the Amsterdam City Charter

Shall the Amsterdam City Charter amendment #4 be approved?

This amendment specifically states that the form of City government is a "strong mayor" form of government. This means that the mayor is in charge of day to day operations and is the chief executive officer. This amendment establishes and clarifies the separation of powers between the Mayor, Controller and Common Council. Firing authority is vested in the Mayor. Hiring authority is limited to those positions approved in the operating budget. The Mayor, Controller, and Common Council are granted authority to hire independent legal counsel.

Ballot Proposition #5

Amendment Proposed by the Charter Revision Commission to the Amsterdam City Charter

Shall the Amsterdam City Charter amendment #5 be approved?

This amendment provides that the operating budgets of the Mayor and Controller many not be reduced below a set floor percentage of all appropriations. The Mayor and Controller are granted control over their respective operating budgets. The purpose of this amendment is to provide these branches of government budgetary protection and the ability to operate independently.

REPORT OF THE CHARTER REVIEW COMMISSION

Pursuant to Municipal Home Rule Law §36(5)(a), the Charter Review Commission appointed by Mayor Ann Thane offers the following statement and proposes the following amendments to the Charter of the City of Amsterdam:

Proposal 1: This amendment will provide that the Mayor will no longer chair the Common Council meetings; in addition the aldermen will choose the presiding officer of the Common Council from among the aldermen. The Mayor will designate the Deputy Mayor, who may be any resident of the City of Amsterdam eligible to vote.

Comment: Under our current structure, the Mayor acts as the presiding officer of the Common Council while the Deputy Mayor comes from the Common Council. This mixing of the two branches of government is contrary to traditional separation of powers. This proposed measure aligns the city government with traditional separation of powers, removing the executive from the legislature and the legislature from the executive. The amendment does not address compensation for the Deputy Mayor or the presiding officer of the Common Council. Any compensation, if deemed appropriate, would be determined in the budget process.

Proposal 2: This amendment will create two (2) additional aldermen, who shall be elected at large for a two (2) year term. The total number of aldermen will thereby be increased to seven (7).

Comment: This proposal would provide the public more control over their representation in city government. The benefits to the city are numerous. Voters will have the opportunity to elect three direct representatives, rather than one. Those aldermen will speak for the whole city, rather than a single ward. If a citizen feels her alderman is not attentive to her, she will have two other representatives to contact. These aldermen will also be in the position to examine issues at a citywide, rather than ward-wide level.

Proposal 3: This amendment will define the separation of authority between the Mayor and Common Council with respect to the execution of deeds, leases, licenses, collective bargaining agreements, and contracts for: public work, services, goods, materials, professional services, and all other matters.

Comment: This proposal addresses what has been called the "ambiguity" in our charter. The intent of this proposal is to avoid a return to Supreme Court for the city. The amendment uses the spoken decision of the Hon. Joseph M. Sise as a guideline. That decision, in part, rules: "Importantly, Section C36F outline[s] both the powers and responsibilities of the mayor and the council for entering into a lease or contract under the approval and authorization of the council and that contract has to be authorized by the council…The charter and (sic) specifically designated the mayor as the entity to negotiate leases and contracts with the council given the power to accept or approve and authorize such leases and contracts, and the charter does not designate to the council as having the same and duties as the mayor in this regard."

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The decision continues, "The Court finds the lack of that provision controlling. Indeed the mayor is also deprived of what the council's powers are: the right to authorize contracts and approve leases...the mayor to negotiate leases and contracts with the council authorizing and approving. Thus the chief executive is to act and the council is to serve as the check and balance on that power reserving the final approval and final authorizations to themselves."

This proposed amendment codifies that decision, outlining exactly what the powers of the Mayor are: that is, to negotiate and sign contracts, subject to the approval of the Common Council. Under the Court's decision, the Council cannot compel the Mayor to sign a contract. That is also now codified. This amendment does not shift any balance of power, but merely makes explicit the powers and duties of these two branches of government. With these clarifications, we hope that the branches remain out of the courtroom.

Proposal 4: This amendment specifically states that the form of City government is a "strong mayor" form of government. This means that the Mayor is in charge of day to day operations and is the chief executive officer. This amendment establishes and clarifies the separation of powers between the Mayor, Controller and Common Council. Firing authority is vested in the Mayor. Hiring authority is limited to those positions approved in the operating budget. The Mayor, Controller, and Common Council are granted authority to hire independent legal counsel.

Comment: The current charter provides for a "strong mayor" form of government as opposed to a "weak mayor" form. Traditionally, our form of city government operates with the Mayor as the chief executive of the city, charging that person with overseeing the day-to-day operations of the city as a whole. To that, hiring authority is the Mayor's or various department heads' subject to the operating budget as approved by the Council. The change within this proposal is that the Mayor's authority to fire is expanded to include all appointees serving coterminously with the Mayor. Currently, the Mayor has firing power, except in very limited circumstances (when a position runs coterminously with the Mayor, such as the director of public works) where firing must be approved by the Council. This creates a situation where the Council assumes executive authority and can second-guess the person tasked with such decisions. The current situation is also inconsistent with the Mayor's general firing authority. It creates inefficiency, violates the separation of powers, and is open to abuse. The other change is the explicit allowance of the branches of government to hire outside, independent legal counsel. While this power is certainly implied in the current charter, this proposal would codify that implication so that it may not be subject to debate as a retaliatory measure during a dispute between branches of government.

Proposal 5: This amendment provides that the operating budgets of the Mayor and Controller many not be reduced by the legislative branch below a set floor percentage of all appropriations. The Mayor and Controller are granted control over their respective operating budgets. The purpose of this amendment is to provide these branches of government budgetary protection and the ability to operate independently.

Comment: This proposal applies only to the operating budgets of these two branches of the government, and only to those departments explicitly outlined in the charter amendment. It does not give the Mayor or Controller "carte blanche" over a certain percentage of the budget. It merely provides for these two departments—both headed by officials elected at-large, and both essential to the continued operation of city government—the ability to run their departments as they see fit. This proposal is particularly important to the Controller's office, which currently has no authority to establish its operating budget. The intent of the proposal is twofold—to allow the above and to limit the potential for internal conflict during the annual budget process. This will allow the budget process to focus on the larger areas of operation instead of being used as a stage for internal political conflict.

The portions of the charter that remain unchanged do so due to time constraints or the commission's determination that they need not be changed at this time. The proposed amendments focus on the areas of the charter that the commission determined would have the greatest potential for improvement in the structure of government. The commission hopes that continuing review of the charter will occur either by this commission re-commissioned or by future charter review commissions.

It is the intention of the commission to hold multiple public hearings to explain our process and proposals, as well as answer any questions the public may have.

The ballot questions attached hereto and the text of the proposed charter amendments were all approved by the Charter Review Commission and said approvals are documented in the minutes of the Commission.

DATED: SEPTEMBER 3, 2014
AMSTERDAM, NY

Peter M. Califano, Esq.
Chairman

Charter Amendment #1 rev 9/1/14 – Presiding Officer and Deputy Mayor

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-18. Certificate of appointment.

Every appointment to a City office shall be made by a certificate of appointment signed by the appointing officer or, if made by the Common Council, signed by the ~~Mayor as~~ pPresiding oOfficer of the Council, and if made by a board or commission, signed by the presiding officer thereof. A copy of each certificate of appointment shall be filed in the Office of the Controller and in the Office of the City Clerk.

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 ~~the Mayor, who shall be its presiding officer, and~~ five Aldermen elected by wards as presently constituted.

§ C-24. Designation of ~~Deputy Mayor and Acting Mayor~~ Presiding Officer.

At the first Common Council meeting in each calendar year, the Common Council shall designate one of its members ~~as Deputy Mayor~~ to serve as Ppresiding Oofficer of the Council ~~in the event of the absence or incapacity of the Mayor and to serve as acting Mayor as hereinafter provided by this Charter~~. In the event that ~~both~~ the Presiding Officer ~~Mayor and the Deputy are~~ is absent or unable to perform the duties of the Presiding Officer ~~Office of Mayor~~, the remaining members of the Common Council shall designate one of their number as ~~Deputy Mayor and~~ acting Presiding Officer ~~Mayor~~.

Article IV. The Mayor and Acting Mayor

§ C-35. Mayor and Acting Mayor

A. The Mayor shall be the chief executive of the City and shall, except as otherwise provided in this Charter or by law, see that all laws pertaining to the government and affairs of the City are faithfully enforced and executed.

B. In the event of the temporary absence or incapacity of the Mayor, the Deputy Mayor ~~as provided in Article III of this Charter~~ shall act as Mayor and shall exercise all of the powers and duties of the Office of Mayor except powers to appoint and remove officers and employees and to veto acts of the Common Council.

C. Within thirty days after first taking office, the Mayor shall designate a Deputy Mayor by filing a certificate of appointment with the City Clerk. The Deputy Mayor shall be a resident of the City of Amsterdam and eligible to vote. The Mayor may re-designate the Deputy Mayor at will.

D. In the event of the absence of the Mayor and the Deputy Mayor for a period of greater than seven days, then the Presiding Officer of the Common Council shall exercise the powers specified in C-35(B).

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 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 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 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.

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 owning 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 on 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..

Charter Amendment #4 rev 9/1/14 – Strong Mayor Form of Government

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-2. Purpose.

The purpose of this Charter is to provide the legal framework for organizing and operating the government in the City of Amsterdam. The intent of this Charter is to create a strong mayor form of government.

§ C-12. Appointive officers.

A. The appointive officers of the City shall be a City Clerk, a Deputy City Clerk, a Corporation Counsel, a City Engineer, an Assistant City Engineer, a Fire Chief, a Police Chief, a Commissioner of Health, a Recreation Commissioner, a Director of the Department of Water and Sanitary Sewers and such other officers as may be required to be appointive by this Charter or other applicable law. The City Clerk shall be appointed by the Common Council and the Clerk shall appoint the Deputy Clerk. Except as otherwise provided in this Charter or law, all appointive officers of the City shall be full-time.

[Amended by L.L. No. 3-1982]

B. The term of office of the ~~City Engineer~~, Corporation Counsel, Director of Community and Economic Development, Director of Public Works, ~~Fire Chief, Police Chief~~ and the Commissioner of Health shall be coterminous with that of the appointing officer.

[Amended 5-6-1980 by L.L. No. 3-1980, ref. date ; by L.L. No. 4-1989, ref. date 11-7-1989]

C. Any officer permanently appointed to an office classified in the competitive class of Civil Service shall hold such office for an indefinite term, subject to the provisions of Civil Service Law, Rules and Regulations.

D. No person appointed to a salaried office shall be entitled to hold an additional second salaried office during his term unless otherwise provided by the Charter or ordinance.

[Added 12-20-1982 by L.L. No. 3-1983, ref. date 11-8-1983; amended by L.L. No. 8-1989, ref. date 11-7-1989]

§ C-13. Removal from office.

An officer appointed for a specified term may be removed from that office by the appointing authority. If an appointment was made subject to approval of the Common Council, no such approval is required for removal or disciplinary action. ~~Common Council for cause upon recommendation of the Mayor after such office has been given a copy of charges constituting grounds for removal and a hearing, upon not less than 10 days' notice, has been conducted, at which the officer so charged has had opportunity to appear in person or by counsel to subpoena and present witnesses and evidence in his own behalf, and to cross-examine witnesses against him. A decision of the Common Council to remove an officer shall be subject to review pursuant to the Civil Practice Law and Rules.~~

§ C-15. Compensation of officers and employees.

The compensation of the Mayor, the Controller and the Aldermen shall be fixed by local law, except as otherwise provided in this Charter, and any increase or decrease shall become effective only at the start of the term of office next succeeding that in which it was enacted. The salaries and compensation of employees of the City and of the appointive officers shall be fixed by employment contract, collective bargaining agreement, appointing resolution or by the operating budget in the absence of the foregoing ~~the Common Council~~.

Article III. Common Council

§ C-28. Procedures.

A. The Common Council shall meet regularly at least twice each month at such time and place within the City as it may prescribe by rule. Special meetings may be held on the call of the Mayor or of two or more other Council members, upon such notice as the Common Council may prescribe by rule, unless all members consent, in writing, and waive notice. Any official action of the Common Council shall be taken only at an open meeting.

B. The Common Council shall adopt its own rules of procedure and order of business, and the minutes of its proceedings, the taking and keeping of which shall be a responsibility of the City Clerk, shall be a public record.

C. Voting shall be by voice vote except that any member may request a vote by roll call and the ayes and nays shall be recorded in the minutes. A majority of the authorized number of Aldermen shall constitute a quorum of the Common Council, but a smaller number may adjourn from time to time and may compel the attendance of absent members, in the manner and subject to the penalties prescribed by the rules of the Common Council. No action of the Common Council, except as otherwise provided herein, shall be valid or binding unless adopted by the affirmative vote of a majority of the authorized number of Aldermen. ~~No Alderman shall be excused from voting on any~~

~~matter except by unanimous consent of all other Aldermen present.~~

§ 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, subject to applicable law. All bids in response to requests for bid 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.
[Added by L.L. No. 6-2004, ref. date 11-2-2004]

J. Acting by resolution, to retain legal counsel from time to time to represent either the Common Council as a body or individual members of the Common Council

when there is a conflict with representation by the Corporation Counsel. The costs of this representation shall be a charge on the general fund.

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. To retain legal counsel from time to time to represent the Mayor when there is a conflict with representation by the Corporation Counsel. The costs of this representation shall be a charge on the general fund.

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 owning 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 on 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 in the operating budget ~~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 retain legal counsel from time to time to represent the Controller when there is a conflict with representation by the Corporation Counsel. The costs of this representation shall be a charge on the general fund.

Article V. Department of Finance

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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]**

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(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 owning 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 on 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 in the operating budget ~~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 retain legal counsel from time to time to represent the Controller when there is a conflict with representation by the Corporation Counsel. The costs of this representation shall be a charge on the general fund.

Article VI. Law Department

§ C-43. Law Department staff.

Editor's Note: Amended during codification (see Ch. 1, General Provisions, Art. II). Subject to Civil Service Law, Rules and Regulations, the Corporation Counsel shall appoint such secretarial and clerical staff as may be required and authorized for the Department of Law in the operating budget ~~by the Common Council~~.

Article IX. Public Works Department

§ C-56. Powers, duties and responsibilities of Director of Public Works.

The powers, duties and responsibilities of the Director of Public Works shall include:

A. Performance of all duties now or hereafter assigned to the City Engineer.

B. Responsibility for the supervision and direction of all of the activities of the Department and for all engineering work of the City.

C. Responsibility for the construction, maintenance, cleaning and repair of streets, sidewalks, sewers, public parking lots, retaining walls, public buildings, facilities and structures, except as may otherwise be provided by law, and for the collection and disposal of solid wastes and other refuse from residential structures and such other places as the Common Council may determine. In administering the streets and sewerage facilities of the City, the Director of Public Works shall assure that private developers have satisfactorily discharged their responsibilities for construction of streets and sewer lines through subdivisions.

D. Responsibility for the supervision of consulting engineers when retained by the Common Council for specific purposes.

E. Supervision and administration on behalf of the City of all contracts for public construction or public services.

F. House numbering, streetlighting and, at the direction of the Chief of Police, installation, maintenance and removal of the traffic control devices, signs and markings.

G. Planting, care and removal of trees and shrubs located on City property.

H. Provide ~~Provision, as the Common Council may provide,~~ for the maintenance and repair of all City vehicles and equipment, other than office equipment, including the maintenance of suitable and accurate use and repair records for all such vehicles and equipment.

I. Have custody of all City maps and surveys, except as otherwise provided in this Charter or other law.

J. Recommend to the Mayor and the Common Council the adoption of such standard technical codes as he believes to be needed for the safety and well-being of the City's residents.

K. Certification of all public work performed pursuant to contract under supervision and control of the Department before it is accepted, to the effect that such work is performed in a good and substantial manner, with the materials required and of the quality and in the manner directed by the terms of the contract. The Director of Public Works shall file such certificate of completion with the City Clerk and Controller before final payment is made under the contract.

L. Subject to civil service law, rules and regulations, the Director of Public Works shall appoint assistants and other employees of the Department to fill such positions within the Department as are authorized by the operating budget~~Common Council~~. The Director of Public Works may also suspend and remove all assistants and other employees of the Department subject to civil service law, rules and regulations.

M. In addition to the duties assigned to the Director of Public Works by this Charter or required by ordinance or resolution of the Common Council, the Director shall perform any similar or related duties incident to the functions of the Department as may be assigned by the Mayor.

N. The Director of Public Works shall attend meetings of the Common Council.

§ C-57. Division of Building and Zoning Enforcement.

[Amended 12-18-1990 by L.L. No. 2-1990; 7-17-2007 by L.L. No. 3-2007; 7-7-2009 by L.L. No. 3-2009]

There shall be a Division of Building and Zoning Enforcement, the head of which shall be the Code Enforcement Supervisor, whose duties and responsibilities shall include, but not be limited, to the enforcement in the City of Amsterdam of the State Uniform Fire Prevention and Building Code and such other standard codes as the Common Council may adopt on behalf of the City. The Code Enforcement Supervisor shall be the Chief Code Enforcement Officer within the Division of Building and Zoning Enforcement. The Mayor shall appoint such Code Enforcement Supervisor, Building Inspectors, Housing Inspectors, Plumbing Inspectors, Electrical Inspectors and Code Enforcement Officers as shall from time to time be authorized by the operating budget~~Common Council~~, which inspectors and officers shall serve at the Mayor's discretion. The Code Enforcement Supervisor shall have the responsibility for registration of and investigation into any and all bona-fide code violation complaints pertaining to new construction, existing buildings commercial or residential and the Zoning Ordinance. *Editor's Note: Former Section 9.10, Powers and duties of the Assistant City Engineer, amended by L.L. No. 7-1989, ref. date 11-7-1989, which immediately followed this section, was deleted 12-18-1990 by L.L. No. 2-1990.*

Article XII. Police Department

§ C-75. Chief of Police; powers and duties.

The Chief of Police shall be the executive head of the Police Department and the powers and duties of the office shall include:

A. Enforcement of the laws of the state and the laws and ordinances of the City.

B. Assignment of all members of the Department to their respective posts, shifts, details and duties.

C. Subject to Civil Service Law, Rules and Regulations, the Chief of Police shall appoint all officers and employees of the Police Department to fill such

positions within the Department as have been authorized by the operating budget ~~Common Council~~; the Chief also may suspend and remove all officers and employees, subject to Civil Service Law Rules and Regulations.

D. Establishment and implementation of programs to regulate and facilitate the safe flow of vehicular and pedestrian traffic and to recommend to the Mayor and Common Council such action as may be needed pursuant to that objective.

E. Promulgation of reasonable rules and regulations concerning the operation of the Police Department and the conduct, duties and assignments of its officers and employees.

F. Responsibility for the training, efficiency, discipline and good conduct of the Department and for the care and custody of City property entrusted to the Department for its use.

G. Responsibility for the security of persons in custody of the Police Department.

H. Deposit of all fines and other charges collected by the Police Department with the Department of Finance no less often than once each week.

I. Establishment and implementation of crime prevention programs.

J. Attendance at meetings of the Common Council.

Article XIII. Fire Department

§ C-78. Fire Chief: powers and duties.

The Chief of the Fire Department shall be the executive head of the Fire Department, and his powers and duties shall include:

A. Organization and administration of the Fire Department and the deployment and supervision of its officers, members and employees, including the promulgation of reasonable rules and regulations concerning the operation of the Department and the conduct, duties, discipline and assignments of its personnel.

B. Subject to Civil Service Law, Rules and Regulations, the Chief of the Fire Department shall appoint all officers, members and employees of the Fire Department to fill such positions within the Department as have been authorized by the operating budget ~~Common Council~~; the Chief also may suspend and remove all officers, members and employees, subject to Civil Service Law, Rules and Regulations.

C. Exclusive jurisdiction over the fighting and extinguishing of any fire occurring within the City.

D. Responsibility for the operation, repair and maintenance of a fire alarm signal system.

E. Responsibility for the efficiency, discipline and good conduct of the Department and for the care and custody of all City property entrusted to the Department for its use.

F. Maintenance and administration of a fire prevention and safety program.

G. Investigation of the causes, circumstances and origins of fires and the submission to the Chief of Police and the District Attorney of a written report of every incident in which arson is suspected.

H. Filing of copies of all fire safety inspection reports in the Office of the City Engineer.

I. Implementation of a program of suitable, continuous training of all members of the Department.

J. Attendance at meetings of the Common Council.

K. (Reserved) *Editor's Note: Former Subsection K, regarding inspection of property and physical facilities, as added 12-18-1990 by L.L. No. 2-1990 and amended during codification (see Ch 1, General Provisions, Art. II), was repealed 7-17-2007 by L.L. No. 3-2007.*

L. (Reserved) *Editor's Note: Former Subsection L, regarding qualified technical assistance to conduct inspections, as added 12-18-1990 by L.L. No. 2-1990, was repealed 7-17-2007 by L.L. No. 3-2007.*

M. (Reserved) *Editor's Note: Former Subsection M, regarding assistance of City Engineer, as added 12-18-1990 by L.L. No. 2-1990, was repealed 7-17-2007 by L.L. No. 3-2007.*

N. Inspection of all multiple dwellings subject to state law, State Uniform Fire Prevention and Building Code and any standard or special codes now in force or hereafter adopted by the Common Council, for purposes of ensuring compliance with such laws, state codes and/or City codes.
[Added 12-18-1990 by L.L. No. 2-1990, ref. date *Editor's Note: Amended during codification (see Ch. 1, General Provisions, Art. II).* **]**

O. Responsibility for requiring the posting of occupancy limits in all public buildings in the City of Amsterdam.
[Added 12-18-1990 by L.L. No. 2-1990, ref. date]

P. Responsibility for firesafety inspections in the City of Amsterdam.
[Added 12-18-1990 by L.L. No. 2-1990, ref. date; amended 7-17-2007 by L.L. No. 3-2007]

Q. (Reserved) *Editor's Note: Former Subsection Q, regarding registration of and investigation into code violation complaints, as added 12-18-1990 by L.L. No. 2-1990, was repealed 7-17-2007 by L.L. No. 3-2007.*

R. Responsibility, within authority established by the Common Council, for the inspection of rental premises and the issuance of rental certificates.
[Added 12-18-1990 by L.L. No. 2-1990, ref. date]

S. The Fire Chief shall be the Chief Code Enforcement Officer within the Division of Fire Code Enforcement and the Chief shall appoint Code Complaint Technicians from within the Fire Department to serve at his direction.
[Amended 7-17-2007 by L.L. No. 3-2007]

Article XV. Assessment and Taxation Department

§ C-83. Assessment and Taxation Department.

[Amended 10-7-2008 by L.L. No. 2-2008]

There shall be an Assessment and Taxation Department, the head of which shall be the City Assessor, who shall be appointed by the Mayor with the approval of the Common Council. The appointee must possess the qualifications required by the New York State Real Property Tax Law, and the term of appointment shall be six years as authorized by Real Property Tax Law § 310(2). The Department of Assessment and Taxation shall consist of a Clerk and such other full- and part-time positions as may be authorized by the operating budget ~~Common Council~~. The Assessor shall designate a staff member to serve as Acting Assessor in the event of the absence or incapacity of the Assessor.

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 owning 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 on 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]**