

**CITY OF AMSTERDAM, NEW YORK  
COMMON COUNCIL MEETING  
FEBRUARY 5, 2013**

**LOCAL LAW # A-2013 - A LOCAL LAW REVISING CITY CHARTER TO CHANGE THE POSITION OF CONTROLLER FROM ELECTED TO APPOINTED AND REVISE THE BUDGET PROCESS**

**BY: MAYOR THANE**

**BE IT ENACTED** by the Common Council of the City of Amsterdam as follows:

**SECTION 1. PURPOSE AND LEGISLATIVE INTENT.**

The intent of these amendments is to change the position of Controller from an elected position with a four year term to an appointed position with a six year term and to revise the budget process by eliminating the Budget Board.

**SECTION 2A. – SUBSTANTIVE PROVISIONS.**

City Charter is amended as follows: (strike through indicates existing text to be removed, underline text indicates new text to be added, Article XVIII Fiscal Year Part B is replaced in its entirety)

**§ C-9. Elective City officers.**

A. 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. [Amended by L.L. No. 31982, ref. date 11-2-1982; by L.L. No. 4-1982, ref. date 11-2-1982EN]

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 shall be two years.

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-12. Appointive officers.**

A. The appointive officers of the City shall be a Controller, 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 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]

E. The term of office of the appointed Controller shall be defined as follows: the first term shall commence upon the effective date of the local law amending the charter and abolishing the elective office of Controller. The first term will end six years after January 1, 2012. Thereafter, the terms of office of the Controller shall be for six years. Any appointment made to fill a partial term shall be for the remaining balance of the partial term.

#### **§ 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 the Common Council.

#### **§ C-17. Vacancies.**

Except as otherwise provided by law or this Charter, whenever any elected or appointed officer shall cease to be a resident of the City, the official's ~~his~~ office shall thereupon become vacant, and whenever any Alderman shall cease to be a resident of the ward from which the Alderman ~~he~~ was elected, the Alderman's ~~his~~ office shall thereupon become vacant.

A. Except as otherwise provided by this Charter or by state law, a vacancy occurring in the office of Mayor, ~~Controller~~, or Alderman ~~or Supervisor~~ for which there is an unexpired term shall be filled by vote of the electorate at the next general election ~~occurring not less than 60 days following the date the vacancy occurs.~~ [Amended by L.L. No. 10-1989, ref. date 11-7-1989EN]

(1) Within 30 days following the occurrence of a vacancy in the Office of Mayor, ~~Controller~~ Alderman for which there is an unexpired term the Common Council, by a majority of its remaining members and notwithstanding other quorum requirements set forth herein, shall appoint a qualified person to fill the vacancy until the person elected at the next general election ~~occurring not less than 60 days following the date the vacancy occurs shall assume the office.~~

(2) Any person appointed to fill an unexpired term in the Office of Mayor, ~~Controller~~ or Alderman shall be of the same political affiliation as the person creating the vacancy on the date the vacancy occurs.

B. Except as otherwise provided in this section, in the event that the Office of Mayor, ~~Controller~~ or Alderman shall become vacant on the first day of a new term of office because the person elected to that position is unwilling or unable to serve, the Common Council by a majority of its remaining members shall appoint a person of the same political affiliation to serve until the next general election, at which time an election for the remainder of the term shall be held. In case no qualified person is elected at the preceding general election, the person appointed need not be of a particular political affiliation.

C. In the event that the ~~Office of Controller~~ or Alderman shall be vacant on the first day of a new term of office by virtue of a tie vote in the preceding general election, the Mayor in office on that day shall promptly contact the Governor and request that the Governor proclaim a special election for the position, in compliance with state law.

D. In the event that the office of Mayor shall be vacant on the first day of a new term of office by virtue of a tie vote in the preceding general election, the Common Council shall, at its first meeting of the new year, direct one of its number to promptly contact the Governor and request that the Governor proclaim a special election for the position, in compliance with state law.

E. In the event that the Governor, after having been contacted as set forth herein, refuses to proclaim a special election to fill the vacant position; then, in that event, other provisions of this article shall set forth the procedure for filling the vacancy.

F. If a vacancy shall occur in any appointive office of the City for which a term is prescribed, otherwise than by expiration of the term of office, the officer or body authorized to make the original appointment of such officer shall appoint a person to fill said vacancy for the remainder of the unexpired term.

#### **§ 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, ~~as members of the Budget Review Board.~~ [Amended by L.L. No. 5-2004, ref. date 11-2-2004]
- 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]

**§ 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 the Mayor ~~he~~ deems it necessary for the good of the City 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 the Mayor ~~he~~ deems necessary and expedient and to introduce proposed legislation on the Mayor's ~~his~~ own motion.
- ~~D. To serve as Chairman and voting member of the Budget Review Board, as provided in Article XVIII herein. [Amended by L.L. No. 5-2004, ref. date 11-2-2004]~~
- D. Provide for the preparation of long-range capital programs with detailed plans to meet the needs of the city for facilities and equipment.
- ~~E. To provide direction and guidance in preparing and proposing to the Common Council a preliminary budget, including a capital budget, as provided in Article XVIII herein.~~
- 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.
- 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 ~~he~~ deems necessary to assure and protect its fiscal integrity.
- 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.

**§ C-38. Department established.**

There is hereby established a Department of Finance, the head of which shall be the Controller, who shall be appointed by the Mayor subject to majority approval by the Common Council. The Controller shall be under the direction of the Mayor.

**§ C-39. Controller.**

~~From the effective date of this Charter until the expiration of the term of office of the incumbent, the City Administrator shall serve as the Controller. Thereafter, the Controller shall be elected by the electors of the City for a term of four years. The Controller~~ He shall be chief fiscal officer of the City and have charge of the administration of its financial affairs, except as otherwise provided by this Charter or by law. The Controller shall possess the following minimum qualifications:

1. Graduation from an accredited four year college or university with a Bachelor of Business Administration Degree with a major in accounting or a Bachelor of Science Degree with a major in accounting.
2. Four years of accounting work experience.

**§ 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. Serve as a member of the Budget Review Board and, a~~ At the direction of the Mayor, obtain from the operating agencies of City government and review and prepare estimates of anticipated expenditures appropriations and revenues for submission to the Budget Review Board Common Council along with a review/justification of each estimate and a statement of debt service requirements for use in preparing the annual operating and capital budgets for submission to the Budget Review Board Common Council as provided in Article XVIII of this Charter. [Amended by L.L. No. 5-2004, ref. date 11-2-2004]

B. Establish, supervise and maintain a system of central purchasing ~~and inventory~~ so as to provide for the control for ~~of~~ supplies and equipment commonly used by the departments and agencies of the City government. To carry out this responsibility, ~~the Controller~~ he shall designate a member of his staff to serve as purchasing agent for the City. The purchasing agent shall:

~~(1) Determine the needs of the various departments and agencies for standard, commonly used supplies, materials and equipment and contract for and purchase all such supplies, materials and equipment required by any department, office, board, commission or agency of the City in such quantities and at such times as may be most advantageous to the City. The Controller~~ He shall maintain a central store for commonly used supplies and equipment and shall provide such supplies and equipment to the using agencies upon requisition pursuant to such rules and regulations as may be established by the Common Council.

(1) Advise and assist the heads of the various departments and agencies in procuring at the most advantageous pricing and quantities any specialized supplies and equipment, making use whenever such use is advantageous to the City of the purchase contracts of the sState of New York, subject to such rules and regulations as the Common Council may establish.

C. On ~~the Controller's~~ his 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.

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.

(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 therefore 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 ~~He~~ at all times shall keep all departments, boards, commissions or other agencies currently informed of their classified unencumbered appropriation balances.

G. Receive and have custody of all moneys paid to the City and disburse City moneys upon warrant or as otherwise provided by this Charter or by law. H. Demand and receive all moneys and fees owing to the City whenever any person is indebted to the City in any manner and where the means of collection of such debt is not otherwise provided by law. When any claim shall not be collectible by other methods, he shall report the same to the Corporation Counsel for collection.

I. Keep all general accounts of the City and of the respective departments, offices, boards, commissions and agencies thereof and keep separate accounts for the items of appropriation contained in the City budget showing the amount of the appropriation, the amount paid there from, the unpaid obligations against such amount and the unencumbered balance. The Controller ~~He~~ 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.

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 therefore, 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 ~~Serve as a member of the Capital Program Committee.~~

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 ~~He~~ shall designate a member of his staff to act as Deputy Controller in the event of the Controller's ~~his~~ absence or incapacity.

O. Attend all meetings of the Common Council.

#### **§ C-102. Definitions.**

As used in this section, the following terms shall have the meanings indicated:

**CAPITAL PROGRAM** -- Consists of all capital projects, including both proposed projects and projects granted final approval by the Common Council.

**CAPITAL PROJECT** -- ~~Any expenditure that exceeds 5% of the annual operating budget of its associated fund and is not an expenditure which is expected to be incurred annually for an indefinite period.~~ Any expenditure that is not provided for in the operating budget and is intended to be funded by borrowing, grants or other non-recurring revenue sources. Capital projects typically provide for the procurement of major pieces of equipment or infrastructure improvements.

#### **§ C-106. Capital Program project report.** [Amended by L.L. No. 5-2004, ref. date 11-2-2004]

~~The Budget Review Board shall~~ The Mayor and Controller shall, concurrently with the submission of the operating budget to the Common Council and when requested by resolution of the Common

Council, prepare a capital program project report. The report shall, for each approved capital project, indicate the status of the project, the funding amount actually received, the amounts actually expended, the projected future funding required and the projected future expenditures and projected appropriations required. The report shall also include a five year plan of proposed capital projects.

**§ C-107. Integration with operating budget.** [Amended by L.L. No. 5-2004, ref. date 11-2-2004]

~~The Budget Review Board~~ The Mayor, in the proposed operating budget, shall include line items appropriating funds for all finalized capital projects and proposed capital projects, that are sought to be approved, in accordance with the estimated appropriation associated with each capital project.

**§ C-108. Continuing program.**

The capital program is the compilation of all approved and proposed capital projects ~~and, as such, is not a budget.~~ The final approved capital projects shall constitute the capital project budget and shall be maintained and tracked on a continuing basis by the Controller.

**§ C-109. (Reserved)**

**REPLACE (PART B – Operating Budget Procedure) in its entirety with the following:**  
**Part B**

**§ C-110. Submission of estimates for revenue and appropriation requests.** On or before the fifteenth day of February in each year or such earlier date as the Mayor may prescribe, the head of each unit of city government or authorized agency shall furnish to the Controller an estimate of revenues and appropriations of their respective unit or authorized agency for the ensuing fiscal year and a description of any proposed capital projects. Each estimate shall show the sources of revenues and the character and object of appropriations, which may be sub-classified by functions and activities. The estimate of each unit shall be subdivided according to the internal organization of such unit. Estimates shall be submitted in such form and shall contain such additional information as the Controller shall prescribe, ~~provided that the estimate of expenditures shall constitute or be accompanied by a request for an appropriation.~~ Such estimates of expenditures shall be based on and shall be accompanied by a tentative work program prepared by each unit or authorized agency.

**§ C-111. Notification of data to be submitted.**

On or before January 15 of each year, the Mayor shall notify, in writing, the head of each unit and of each authorized agency receiving City funds, including those declining funds pursuant to contract or otherwise during the current fiscal year, of the date fixed for submission of estimates of revenues and requests for appropriations for the ensuing fiscal year and the form of and information to be contained in such estimates and requests.

**§ C-112. Review of requests.**

Upon receipt of the estimates for revenues and requests for appropriations, the Controller shall proceed, at the direction of the Mayor, to make such review and investigation thereon as they may deem necessary. The Controller may require the head of each unit or any officer or employee thereof and any authorized agency requesting City funds to furnish data and information and answer inquiries pertinent to such review or investigation. The Controller shall also review the recommendations of the various boards and commissions.

**§ C-113. Proposed Operating Budget; information required.**

Upon the completion of the review and investigation of the estimates of revenue and requests for appropriations from the various units and authorized agencies, the Controller, at the direction of the Mayor, shall prepare the proposed City Operating Budget for the ensuing fiscal year and the Capital Project Report. The proposed City operating budget shall be in such form as the Controller may deem advisable and shall show in parallel columns, the following comparative information: the actual expenditures and revenues for the last completed fiscal year; the City operating budget as adopted and this budget as modified for the current fiscal year; estimates of appropriations and revenues for the ensuing fiscal year submitted by the heads of the various departments, other administrative units and authorized agencies; and the Mayor's recommendations and estimates as to expenditures and revenues for the ensuing fiscal year. The capital project report shall be as specified in § C106 of this Charter.

#### **§ C-114. Additional data concerning debt.**

In addition to the information specified above the proposed City operating budget ~~the proposed operating budget~~ shall include a statement ~~showing~~ delineating the bonded indebtedness of the City government and its agencies, the debt redemption and interest requirements, the indebtedness authorized and unissued, the condition of the capital reserve funds, unused borrowing capacity of the City within constitutional limits, calculations of any applicable tax or revenue limitation or cap and any other matter which the Mayor and Controller may deem advisable or the Common Council may require.

#### **§ C-115. Detailing of Budget.**

Appropriations in the proposed City operating budget shall be classified by units and their subunits according to the internal organization of such units or by special funds. Such recommendations shall show the character and object of appropriations and shall contain:

- A. An estimate of the several amounts which the Mayor deems necessary in the ensuing fiscal year for conducting the business of the City and each unit thereof, separately stated, and for other City purposes and charges.
- B. An estimate of the contingent funds recommended to be provided for unanticipated for emergency City purposes or charges.
- C. A statement of the several amounts recommended for appropriation to the reserve funds, if any.
- D. A statement of the amount required to pay the interest on and amortization of or redemption of indebtedness becoming due in the ensuing fiscal year.
- E. The amount of any judgments recovered against the City and payable during the fiscal year and for which no bonds have been or will be issued.

#### **§ C-116. Estimated revenues.**

The estimates of revenue in the proposed City operating budget shall be classified by accounts and units of City government, shall show the sources of revenue and shall contain:

- A. A statement of all revenues which it is estimated will be received by the City during the ensuing fiscal year, except from City taxes to be levied.
- B. A statement of all ~~unexpended~~ revenue balances (~~unencumbered~~) received, if any, at the end of the last completed fiscal year, ~~which are available to meet the expenditure requirements of the fiscal year for which the proposed budget is being prepared.~~
- C. An estimate of the anticipated receipts from delinquent taxes and tax sales.

#### **§ C-117. Budget message; submission to Common Council**

The Mayor's budget message shall include an outline of fiscal policy for the city government, describing the important features of the proposed City operating budget with reference to both proposed appropriations and ~~anticipated~~ estimated revenues and a general summary showing the current capital program requirements for the budget year, with supporting schedules, which shall exhibit the aggregate figures of the proposed City operating budget in such manner as to show a balanced relation between the proposed appropriations and the ~~anticipated~~ estimated revenues for the fiscal year covered by it and which shall compare these figures with the corresponding figures of the last completed fiscal year and the year in progress.

#### **§ C-118. Adoption of budget.**

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 ~~e~~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 ~~h~~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 ~~strike items~~ of appropriations or ~~anticipated estimated~~ revenues in from the proposed City operating budget ~~or reduce items therein~~, excepting 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. The Council may add items to or increase items in such budget, provided that such additions or increases are 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 deemed to have been 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 approved City operating budget, and, the City operating budget, including the changes as part thereof, shall thereby be deemed 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 ~~B~~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-119. Levy of taxes; reserve for uncollected taxes.**

The net City tax requirement, determined by subtracting the total estimated revenues from the total proposed appropriations as set forth in the adopted City operating budget, shall be levied in advance of the start of the fiscal year on the taxable real property of the City. The taxes so levied shall include an amount to be known as "reserve for uncollected taxes" which shall be a City charge. The budget shall fix the amount of such reserve at such a sum as is sufficient to produce in cash from the collection of taxes and other revenues during the year moneys required to meet the estimated appropriations of such year. Should the amount called for in the budget produce a tax levy that exceeds any limitation set by this charter or other limitation on taxing power then the amount so levied shall not exceed that limitation, any short fall in appropriations created thereby shall be address by the procedure contained in C-121.

**§ C-120. Appropriations: supplemental and emergency.**

If during any fiscal year there are available for appropriation revenues received from sources not anticipated in the budget for that year or revenues received from anticipated sources but in excess of the budget estimates therefore, the Common Council may make supplemental appropriations for the year not in excess, however, of such additional revenues. To meet a public emergency affecting human life, health or the safety of persons and property, the Common Council may make emergency appropriations. To the extent that there are no available ~~unappropriated~~ revenues to meet such appropriations, the Common Council may, appropriate available fund balance, contingency funds, or authorize the issuance of obligations pursuant to applicable law.

**§ C-121. Appropriations; reduction.**

If at any time during the fiscal year, it appears that the revenues available will be insufficient to meet the amounts appropriated, the Controller shall so report to the Mayor, who shall report to the Common Council without delay the estimated amount of the deficit, proposed remedial action taken by ~~him~~ the Mayor and/or the Controller and their recommendations, if any, for further action. The Common Council shall take such action as it deems necessary to prevent any deficit. For that purpose it may, by resolution, reduce one or more appropriations; but no appropriation for debt service may be reduced, and no appropriation may be reduced by more than the unencumbered balance thereof or below any amount required by law to be so appropriated. The Common Council may also, if it so desires, authorize borrowing for such purposes pursuant to applicable law, in any amount not greater than such deficit.

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

~~Within limitations established by the Common Council, the Controller, at the direction of the Mayor, may at any time during the fiscal year transfer part or all of any unencumbered appropriation balance between classifications of expenditures within the same department of City government. 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, from one department or authorized agency to another.~~ But no transfer shall be made from appropriation for debt service, and no appropriation may be reduced below any amount required by law to be so appropriated.

**§ C-123. Contingent funds.**

The City operating budget may include contingent funds for unanticipated or unallocated expenditures. The Common Council may at any time appropriate all or any part of the moneys in a contingent fund for City purposes.

**§ C-124. Budget controls.**

No City officer, employee, executive unit or other spending agency shall, during a fiscal year, expend or contract to expend any money or incur any liability or enter into any contract which by its terms involved an expenditure of money in excess of amounts appropriated or having been authorized to be borrowed pursuant to the local finance law, by the Common Council. This shall not prevent the making, when permitted by law, of any contract or any lease providing for the payment of funds at a time beyond the end of the fiscal year in which the contract or lease is made. But any contract, lease or other obligations requiring the payment of funds from the appropriations of a later fiscal year or of more than one fiscal year shall be authorized by the Common Council.

**§ C-125. Lapse of appropriations.**

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned by a 4/5 vote of the Common Council membership.

**SECTION 2B. SUBSTANTIVE PROVISION**

The elective office of controller is abolished as of the effective date of this local law

**SECTION 3. SEVERABILITY**

Should any section or provision of this local law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the local law as a whole or any parts thereof other than the part so decided to be unconstitutional or invalid.

**SECTION 4. ENABLING LEGISLATION**

This Local Law is adopted pursuant to the authority granted by Section 10 of the Municipal Home Rule Law of the State of New York.

**SECTION 5. MANDATORY REFERENDUM AND SPECIAL ELECTION**

This Local Law is subject to a mandatory referendum based on Section 23(2)(e) of the Municipal Home Rule Law of the State of New York. Further, this Local Law hereby provides that it shall be submitted to the electors for approval at the next general election to be held not less than sixty days from the date of adoption of this law.

**SECTION 6. EFFECTIVE DATE**

This local law shall be effective January 1, 2014.

**MOTION TO TABLE** by Alderwoman DeRossi passed with Aye. (2/19/13)

**MOTION TO REMOVE FROM TABLE** by Alderwoman DeRossi passed with Aye. (3/5/13)

**MOTION TO TABLE** by Alderman Dybas passed with Aye. (3/5/13)

**MOTION TO REMOVE FROM TABLE** by Alderman DeRossi passed with Aye. Alderman Isabel was absent. (3/19/13)

**LOCAL LAW ADOPTED.** Alderman Leggiero voted nay. Alderman Isabel was absent. (3/19/13)

**COMMON COUNCIL  
City of Amsterdam, NY**

	Aye	Nay
Alderman Isabel	Absent	
Alderwoman Beekman	√	
Alderwoman DeRossi	√	
Alderman Dybas	√	
Alderman Leggiero		√

\_\_\_\_\_  
ANN M. THANE, MAYOR

Dated: \_\_\_\_\_, 2013