

CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
AUGUST 20, 2013

REVISED

RESOLUTION #13/14-47

RESOLUTION REASSIGNING EQUIPMENT AND AMENDING BUDGET – GOLF

BY: ALDERWOMAN DEROSI

WHEREAS, the Department of Public Works has surplus equipment (a 500 gallon double wall hopper gas tank and electric transfer pump) that is needed at the Amsterdam Municipal Golf Course,

WHEREAS, a budget amendment is needed to account for the reinstallation ~~avoided~~-expense in the golf fund for the reassignment of said equipment to the golf course,

RESOLVED, that the said equipment is hereby reassigned to be used at the Amsterdam Municipal Golf Course, and

FURTHER RESOLVED, the Controller is authorized to amend the 2013-2014 budget as follows:

DECREASE EXPENSE:

CR-7180-4099	Grounds Maint.	\$2,500.00
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INCREASE EXPENSE:

A-5110-4000	Contractual	\$2,500.00
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CR-7180-4148	Admin Charges	\$2,500.00
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INCREASE REVENUE

A-5031	Int Fund Transfer – Golf	\$2,500.00
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MOTION TO TABLE by Alderwoman Beekman passed with aye. (8/20/13)

MOTION TO REMOVE FROM TABLE by Alderman Dybas passed with Aye. Alderwoman DeRossi and Mayor Thane were absent. The Controller position is vacant. (9/3/13)

MOTION TO TABLE by Alderman Isabel passed with Aye. Alderwoman DeRossi and Mayor Thane were absent. The Controller position is vacant. (9/3/13)

COMMON COUNCIL  
City of Amsterdam, NY

	Aye	Nay
Alderman Isabel		
Aldewoman Beekman		
Aldewoman DeRossi		
Alderman Dybas		
Alderman Leggiero		
Controller		
Mayor Thane		

ANN M. THANE, MAYOR

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

CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
SEPTEMBER 3, 2013

RESOLUTION #13/14-50

RESOLUTION ADOPTING MINUTES OF THE LAST COMMON COUNCIL MEETING

BY: ALDERWOMAN DEROSI

RESOLVED, that the minutes of the Common Council meeting of August 20, 2013 are hereby approved.

RESOLUTION ADOPTED. Alderwoman DeRossi was absent.

COMMON COUNCIL  
City of Amsterdam, NY

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

  
ANN M. THANE, MAYOR

Dated: Sept. 9, 2013

This is to certify that I, Susan Alibozek, City Clerk of the City of Amsterdam, County of Montgomery, State of New York, that the above is the original Resolution, passed by the City of Amsterdam Common Council on September 3, 2013, a majority of all members elected to the Council voting in favor

I have set my hand and the official seal of the City of Amsterdam this 4<sup>th</sup> day September 2013.

  
CITY CLERK

CITY SEAL

Received & Filed in the Office of the City Clerk: 9/9/13 Received by: [Signature]

CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
SEPTEMBER 3, 2013

RESOLUTION #13/14-51

RESOLUTION APPROVING AUDIT

BY: ALDERMAN LEGGIERO

RESOLVED, the bills examined by the Common Council and reported herewith as correct and they are, allowed and ordered paid and the City Clerk is authorized and empowered to issue warrants in payment of same.

RESOLUTION ADOPTED. Alderwoman DeRossi was absent. Alderman Dybas voted nay.

COMMON COUNCIL  
City of Amsterdam, NY

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

  
ANN M. THANE, MAYOR

Dated: Sept. 9, 2013

This is to certify that I, Susan Alibozek, City Clerk of the City of Amsterdam, County of Montgomery, State of New York, that the above is the original Resolution, passed by the City of Amsterdam Common Council on September 3, 2013, a majority of all members elected to the Council voting in favor

I have set my hand and the official seal of the City of Amsterdam this 4<sup>th</sup> day September 2013.

  
CITY CLERK

CITY SEAL

Received & Filed in the Office of the City Clerk: 9/9/13 Received by: SA

CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
SEPTEMBER 3, 2013

**RESOLUTION #13/14-52**

**RESOLUTION AMENDING BUDGET – ENGINEERING**

**BY: ALDERMAN LEGGIERO**

**WHEREAS**, a budget amendment is needed for insurance receipt of damage to a fire hydrant as a result of a motor vehicle accident,

**RESOLVED**, the Controller is authorized to amend the 2013-2014 budget as follows:

**INCREASE REVENUE**

F-2680	Ins. Recoveries	\$378.62
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**INCREASE EXPENSE**

F-8340-1001	Overtime	\$126.64
F-8340-2012	Equip/Supplies	\$ 50.00
F-8340-4000	Contractual	\$ .38
F-8340-4042	Eq/Parts/Valves	\$129.00
F-8340-4070	Vehicle Repair	\$ 72.60

**RESOLUTION DEFEATED.** Alderwoman Beekman and Aldermen Isabel and Leggiero voted aye.

COMMON COUNCIL  
City of Amsterdam, NY

	Aye	Nay
Alderman Isabel	✓	
Alderwoman Beekman	✓	
Alderwoman DeRossi	Absent	
Alderman Dybas		✓
Alderman Leggiero	✓	
Controller	Vacant	
Mayor Thane	Absent	

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

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

CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
SEPTEMBER 3, 2013

**RESOLUTION #13/14-53**

**RESOLUTION AMENDING BUDGET – ENGINEERING**

**BY: ALDERMAN LEGGIERO**

**WHEREAS**, a budget amendment is needed for insurance receipt of damage to a City sewer line as a result of damage by a contractor,

**RESOLVED**, the Controller is authorized to amend the 2013-2014 budget as follows:

**INCREASE REVENUE**

G-2680	Ins. Recoveries	\$2,610.86
A-2680.21	Ins. Recoveries	\$ 544.13
	DPW	

**INCREASE EXPENSE**

G-8130-1001	Overtime	\$1,373.60
G-8130-4000	Contractual	\$ 4.73
G-8130-4042	Eq/Parts/Valves	\$ 32.90
G-8130-4070	Vehicle Repair	\$1,040.36
G-8130-4074	Blacktop	\$ 126.77
G-8130-4075	Sand/Rub/Cemt	\$ 32.50
A-5110-1001	Overtime	\$ 333.00
A-5110-2012	Equip/Supplies	\$ 210.38
A-5110-4078	Radio Repairs	\$ .75

**RESOLUTION DEFEATED.** Alderwoman Beekman and Aldermen Isabel and Leggiero voted aye.

COMMON COUNCIL  
City of Amsterdam, NY

	Aye	Nay
Alderman Isabel	✓	
Alderwoman Beekman	✓	
Alderwoman DeRossi	Absent	
Alderman Dybas		✓
Alderman Leggiero	✓	
Controller	Vacant	
Mayor Thane	Absent	

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

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

CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
SEPTEMBER 3, 2013

RESOLUTION #13/14-54

RESOLUTION AUTHORIZING SERVICES OF ACCOUNTING FIRM –AUD

BY: ALDERMAN DYBAS

WHEREAS, on February 19, 2013 the City of Amsterdam was notified by letter to the City Controller from the State of New York OFFICE OF THE STATE COMPTROLLER signed by Anthony J Dolan, Manager Data Management Unit stating “Despite previous correspondence with your office, your annual financial report for the fiscal year ended June 30, 2013 remains delinquent, pursuant to General Municipal Law Part 30, your annual report should have been filed with the Office of the State Comptroller by November 1, 2012”, and

WHEREAS, on October 5, 2012 the City of Amsterdam was notified by letter to the City Controller from the State of New York OFFICE OF THE STATE COMPTROLLER signed by Jeffrey P Leonard CPA Chief Examiner stating “I want to let you know that we conduct performance audits’, we do not conduct ‘financial audits’ as you reference in your request. As such you should understand our audit will not result in us adjusting or correcting the City’s account balances (emphasis added)...Furthermore, if neither you nor the current staff of your office has the capabilities to resolve the accounting issues you mention, you may want to consider contracting with an accounting firm for the services to assist you in addressing the accounting issues and/or possibly hiring an employee with the qualifications to correct and maintain the City’s accounting records.” And

WHEREAS, there appears to be, based on recent conversations concerning the condition of the City’s accounting records with the OFFICE OF THE STATE COMPTROLLER personnel, the need to contract with an accounting firm for the services to assist in addressing the accounting issues and maintain the City’s accounting records,

RESOLVED, the City shall immediately secure the services of a qualified accounting firm to resolve the City’s accounting issues and adjust and correct the City’s accounting records so as to be in conformance with General Municipal Law so as to provide audited Annual Financial Update Reporting Documents for fiscal years 2011/2012, 2013/2013 and 2013/2014.

MOTION TO TABLE by Alderman Dybas passed with Aye. Alderwoman DeRossi was absent. (9/3/13)

COMMON COUNCIL  
City of Amsterdam, NY

	Aye	Nay
Alderman Isabel		
Alderwoman Beckman		
Alderwoman DeRossi		
Alderman Dybas		
Alderman Leggiero		

ANN M. THANE, MAYOR

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

CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
SEPTEMBER 3, 2013

RESOLUTION #13/14-55

RESOLUTION AUTHORIZING DEED FOR 24 NORTHERN BOULEVARD

BY: MAYOR THANE

WHEREAS, the City of Amsterdam included 24 Northern Boulevard in its last foreclosure and took title thereto, and

WHEREAS, Franklin Mortgage Asset Trust 2009 filed an action objecting to said foreclosure and in the context of that action all back taxes were paid and the foreclosure deed was vacated by court order, and

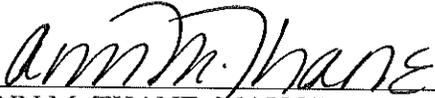
WHEREAS, it is necessary to execute a quit claim deed to Franklin Mortgage Asset Trust 2009 to clarify the title record,

RESOLVED, that the Mayor is authorized to execute a quit claim deed for 24 Northern Boulevard to Franklin Mortgage Asset Trust 2009.

RESOLUTION ADOPTED. Alderwoman DeRossi was absent. Alderman Leggiero abstained.

COMMON COUNCIL  
City of Amsterdam, NY

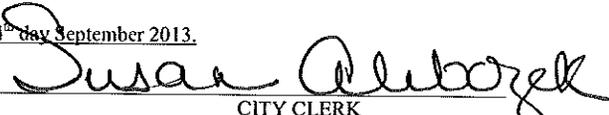
	Aye	Nay
Alderman Isabel	✓	
Alderwoman Beekman	✓	
Alderwoman DeRossi	Absent	
Alderman Dybas	✓	
Alderman Leggiero	Abstain	

  
ANN M. THANE, MAYOR

Dated: Sept. 9, 2013

This is to certify that I, Susan Alibozek, City Clerk of the City of Amsterdam, County of Montgomery, State of New York, that the above is the original Resolution, passed by the City of Amsterdam Common Council on September 3, 2013, a majority of all members elected to the Council voting in favor

I have set my hand and the official seal of the City of Amsterdam this 4<sup>th</sup> day September 2013.

  
CITY CLERK

CITY SEAL

Received & Filed in the Office of the City Clerk: 9/9/13 Received by: 

CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
SEPTEMBER 3, 2013

RESOLUTION #13/14-56

RESOLUTION AUTHORIZING MAYOR TO MODIFY TRANSIT ADVERTISING  
CONTRACT

BY: MAYOR THANE

WHEREAS, the LAMAR TRANSIT ADVERTISING has proposed to discontinue the advertising contract dated May 1, 2012, and

WHEREAS, the terms of of that discontinuation are set forth on the attached letter of understanding dated August 22, 2013,

RESOLVED, that the Mayor is authorized to execute the attached letter of understanding.

RESOLUTION DEFEATED. Alderman Isabel and Alderwoman Beekman voted aye.

COMMON COUNCIL  
City of Amsterdam, NY

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

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

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



August 22, 2013

**Letter of Understanding  
City of Amsterdam, New York  
and Lamar Obie Corporation dba LamarTransit Advertising**

Lamar Transit Advertising provides Bus Advertising Services to City of Amsterdam under an Agreement dated May 1, 2012. A tentative agreement has been reached that would result in the City of Amsterdam assuming responsibility for management of active advertising contracts in the market. As of August 21, 2013 there are three contracts that would be affected by this change:

- 1892894 Branford Hall Career Center - \$300 per billing period
- 1883807 WF Ventures/St Croix Tan - \$300 per billing period
- 1801286 Zappome & Flore Law - \$500 per billing period

This Letter of Understanding is to clarify the steps to finalize this change.

- The May 1, 2012 contract is discontinued effective 10/31/13.
- On October 31, 2013 Lamar will formally transfer all active contracts to the City of Amsterdam. Included in the transfer will be inventory identification showing which Advertisers are posted on which transit vehicles.
- Lamar will bill and collect on active contracts through the month of October, 2013. Lamar will also make revenue share payments to the City at the current rate of 30% on gross advertising revenue for all active billing. Lamar will further be fully responsible for collections on all invoices issued by Lamar.
- Before October 15, 2013 Lamar shall provide legible copies of all active contracts along with master billing information showing scheduled service periods, scheduled billing amounts and customer contact data.
- Before October 15, 2013 Lamar will issue a letter to Advertisers notifying them of the upcoming change in billing and collections. A copy of this letter will be provided in advance to the City.
- On November 1, 2013 the City will become fully responsible for all billing, collections and service activity relating to contracts active as of the transfer date.

By signature hereto, both parties agree to this Letter of Understanding and the proposed resolution as written.

Lamar Representative

City of Amsterdam

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Name Printed: CLIFFORD WOHL

Name Printed: \_\_\_\_\_

Title: Vice President & General Manager

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
SEPTEMBER 3, 2013

RESOLUTION #13/14-57

RESOLUTION AMENDING BUDGET- COMMON COUNCIL

BY: ALDERMAN LEGGIERO

WHEREAS, the cost of codification exceeds budgeted amount of service by \$408.56,

RESOLVED, the Controller is authorized to amend the 2013-2014 budget as follows:

**DECREASE EXPENSE:**

A-1990-4036	Contingency	\$228.79 (bal. \$93,100)
F-1990-4036	Contingency	\$81.71 (bal. \$65,500)
G-8110-4036	Contingency	\$69.46 (bal. \$133,200)
CL-8160-4140	Cleanup Wk	\$28.60 (bal. \$12,900)

**INCREASE EXPENSE:**

A-1010-4104	Codification	\$408.56
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**RESOLUTION DEFEATED.** Alderwoman Beekman and Aldermen Isabel and Leggiero voted aye.

COMMON COUNCIL  
City of Amsterdam, NY

	Aye	Nay
Alderman Isabel	✓	
Alderwoman Beekman	✓	
Alderwoman DeRossi	Absent	
Alderman Dybas		✓
Alderman Leggiero	✓	
Controller	Vacant	
Mayor Thane	Absent	

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

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

CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
SEPTEMBER 3, 2013

RESOLUTION #13/14-58

RESOLUTION AMENDING BUDGET- SHARED SERVICES

BY: ALDERMAN LEGGIERO

WHEREAS, the cost of elevator repairs exceeds budgeted amount of service by \$212.24,

RESOLVED, the Controller is authorized to amend the 2013-2014 budget as follows:

**DECREASE EXPENSE:**

A-1620-4000 Contractual \$212.24 (bal. \$4381.17)

**INCREASE EXPENSE:**

A-1620-4027 Elevator Service \$212.24

**RESOLUTION DEFEATED.** Alderwoman Beekman and Aldermen Isabel and Leggiero voted aye.

COMMON COUNCIL  
City of Amsterdam, NY

	Aye	Nay
Alderman Isabel	✓	
Alderwoman Beekman	✓	
Alderwoman DeRossi	Absent	
Alderman Dybas		✓
Alderman Leggiero	✓	
Controller	Vacant	
Mayor Thane	Absent	

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

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

**CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
SEPTEMBER 3, 2013**

**RESOLUTION #13/14-59**

**RESOLUTION AMENDING BUDGET- DPW**

**BY: ALDERMAN LEGGIERO**

**WHEREAS** a budget amendment is needed to cover work done by DPW on behalf of the Water Department,

**RESOLVED**, the Controller is authorized to amend the 2012-2013 budget as follows:

**DECREASE EXPENSES**

F-8310-1000.04	Personnel Exp. Controller	\$12,087.19 (bal. \$882.39)
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**INCREASE EXPENSES**

F-8310-4144	Public Works Support	\$12,087.19
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**MOTION TO TABLE** by Alderman Isabel failed with Aye. Aldermen Isabel and Dybas and Alderwoman Beekman voted aye.

**MOTION TO RECONSIDER TABLE** by Alderman Dybas passed with Aye. Alderwoman DeRossi and Mayor Thane were absent. The Controller position is vacant.

**MOTION TO TABLE** by Alderman Isabel passed with Aye. Alderwoman DeRossi and Mayor Thane were absent. The Controller position is vacant. (9/3/13)

COMMON COUNCIL  
City of Amsterdam, NY

	Aye	Nay
Alderman Isabel		
Alderwoman Beekman		
Alderwoman DeRossi		
Alderman Dybas		
Alderman Leggiero		
Controller	Vacant	
Mayor Thane		

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

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

**CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
SEPTEMBER 3, 2013**

**RESOLUTION #13/14-60**

**RESOLUTION AMENDING BUDGET- DPW**

**BY: ALDERMAN LEGGIERO**

**WHEREAS** a budget amendment is needed to pay Northeast Petroleum Technology for the removal of contaminated soil associated with the underground tank removal at DPW in May, 2013,

**RESOLVED**, the Controller is authorized to amend the 2012-2013 budget as follows:

**FROM:**

A-1990-4036	Contingency	\$32,332.80
G-8110-4036	Water Contingency	\$11,547.43
F-1990-4036	Sewer Contingency	\$ 9,815.31
CL-8160-4140	Cleanup Weeks	\$4,041.60

**TO:**

H-5110-4186	Capital Project	\$57,737.14
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**MOTION TO TABLE** by Alderman Isabel passed with Aye. Alderwoman DeRossi and Mayor Thane were absent. The Controller position is vacant. (9/3/13)

COMMON COUNCIL  
City of Amsterdam, NY

	Aye	Nay
Alderman Isabel		
Alderwoman Beekman		
Alderwoman DeRossi		
Alderman Dybas		
Alderman Leggiero		
Controller	Vacant	
Mayor Thane		

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

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



CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
SEPTEMBER 3, 2013

Ordinance Number 2012-E (to be known as Ordinance Number 2013-4 if adopted)  
(for introduction)

AN ORDINANCE AMENDING CHAPTER 228 OF THE CODE OF THE CITY OF  
AMSTERDAM

BY: ALDERMAN LEGGIERO

WHEREAS, it has been requested by residents that a stop sign be added on the northbound side of Gray Street at the intersection with Center Street,

The City of Amsterdam, in Common Council convened, does hereby ordain and enact as follows:

Chapter 228, Article VII, Section 228-43 "Schedule XI Stop Intersections" of the Code of the City of Amsterdam is hereby amended as indicated below: (underlined items are added):

Add to Schedule

<u>Name of Street</u>	<u>Direction of Travel</u>	<u>Location</u>
<u>Gray Street</u>	<u>North</u>	<u>at intersection of Center Street</u>

This ordinance shall take effect pursuant to Section 33 of the Charter.

COMMON COUNCIL  
City of Amsterdam, NY

	<u>Aye</u>	<u>Nay</u>
<u>Alderman Isabel</u>		
<u>Alderwoman Beekman</u>		
<u>Alderwoman DeRossi</u>		
<u>Alderman Dybas</u>		
<u>Alderman Leggiero</u>		

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

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

CITY OF AMSTERDAM, NEW YORK  
COMMON COUNCIL MEETING  
AUGUST 6, 2013

**LOCAL LAW #D-2013 - A LOCAL LAW AMENDING THE CITY CHARTER TO 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 revise the budget process by eliminating the Budget Board and establishing a budget approval and amendment process where the Controller does not vote on the budget.

**SECTION 2. – SUBSTANTIVE PROVISIONS.**

City Charter is amended as follows: (strike through indicates existing text to be removed, underline text indicates new text to be added)

**§ 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-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 and otherwise assist the Mayor in the preparation of the proposed operation budget for submission to the ~~Budget Review Board along with a statement of debt service requirements for use in preparing the annual operating and capital budgets for submission to the Budget Review Board~~ 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 control for 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 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. 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.~~

(2) 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 therefrom, 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 or interest on indebtedness, shall be paid unless an itemized voucher therefore, certified by or on behalf of the claimant, in such form as the Controller shall prescribe, shall have been presented to the Department of Finance. Notwithstanding any other provisions of this Charter, no claim other than a claim for a sum certain due by contract for goods delivered or services rendered shall be paid unless and until such claim shall also have been presented to and approved by the Common Council; or such claim shall have been ordered paid by a court of law.

K. Manage the funds of the City in such manner as to gain maximum advantages to the City from interest bearing investments.

L. At the direction of the Mayor prepare the Capital Program Report and account for all funds received and disbursed as they pertain to capital project revenues, appropriations and expenditures ~~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)

### (PART B – Operating Budget Procedure)

~~§ C-110. Budget Review Board.~~

~~There shall be a Budget Review Board which shall be responsible for the preparation, adoption and amendment of the Budget as set forth herein. The Budget Review Board shall consist of the Mayor, the Controller and the Aldermen, each of whom shall have a single vote. The Mayor shall preside over all meetings of the Board. The Rules of the Common Council shall govern the proceedings whenever appropriate.~~

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

~~On or before January 1 of each year, the Mayor shall notify, in writing, the head of each unit and of each authorized agency receiving City funds, including those reclining funds pursuant to contract or otherwise during the current fiscal year, of the date fixed for submission of estimates of revenues and requests for expenditures for the ensuing fiscal year and the form of and information to be contained in such estimates and requests.~~

~~§ C-112. Submission of estimates and appropriation requests.~~

~~On or before the first 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 expenditures of his respective unit or authorized agency for the ensuing fiscal year, exclusive of capital projects. Each estimate shall show the sources of revenues and the character and object of expenditures, which may be subclassified 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. The Controller shall compile such information into a working tentative budget on or before March 1.~~

~~§ C-113. Review of requests.~~

~~Upon receipt of the estimates and requests for appropriations, on or before the 1st day of March, the Budget Review Board shall proceed to make such review and investigation thereon as they may deem necessary. The Board 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. It shall also review the recommendations of the various boards and commissions.~~

~~§ C-114. Proposed City budget; information required.~~

~~Upon the completion of the review and investigation of the estimates and requests from the various units and authorized agencies, the Controller shall prepare the proposed City budget for the ensuing fiscal year for both current operating and capital purposes. The proposed 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 budget as modified for the current fiscal year; estimates of expenditures and revenues for the ensuing fiscal year submitted by the heads of the various departments, other administrative units and authorized agencies; and the estimates as to expenditures and revenues for the ensuing fiscal year. The capital budget shall be as specified in § C106 of this Charter.~~

~~§ C-115. Additional data concerning debt.~~

~~In addition to the operating and capital budgets, the proposed City budget shall include a statement showing 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 and any other matter which the Budget Review Board may require.~~

~~§ C-116. Detailing of Budget.~~

~~Expenditures in the proposed City 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 expenditure and shall contain:~~

~~A. An estimate of the several amounts which the Board 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, classified to show separately:~~

~~(1) The ordinary recurring expense of the operation and maintenance of City government.~~

~~(2) Any extraordinary or nonrecurring expenses to be financed from current revenue.~~

~~B. An estimate of the general contingent fund 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-117. Estimated revenues.~~

~~The estimates of revenue in the proposed City budget shall be classified by accounts and units of City government, shall show the sources of income 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 balances, 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, which shall not exceed the amount received in the previous fiscal year.~~

~~§ C-118. Adoption of budget.~~

~~A. The Budget Review Board shall adopt a proposed budget on or before May 1, which shall become the final budget unless thereafter amended as provided herein.~~

~~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 Budget Review Board will conduct a public hearing on the proposed City budget. At such hearing, any person may be heard for or against the proposed City budget or any item thereof.~~

~~C. Adoption of City budget. After the conclusion of the public hearing, the Budget Review Board may strike items of appropriation or anticipated revenues from the proposed City budget or reduce items therein, excepting appropriations required by law or for debt service. The Budget Review Board may add items to or increase items in such budget, provided that such additions or increases are stated separately and distinctly and that revenues and expenditures are equal. A final budget must be adopted on or before~~

~~June 1.~~

~~D. Certification of budget. Three copies of the City 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 budget as so certified shall be printed or otherwise reproduced and copies shall be made available to the public.~~

~~§ 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 expenditures as set forth in the adopted budget, shall be levied in advance of the start of the fiscal year by the Budget Review Board 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 Review Board shall fix the amount of such reserve at such a sum as it may deem sufficient to produce in cash from the collection of taxes and other revenues during the year moneys required to meet~~

~~the estimated expenditures of such year; provided, however, that such reserve shall be not less than the face amount of unpaid taxes for the preceding completed fiscal year.~~

~~§ 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 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, remedial action taken by him and 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 transfer part or all of any unencumbered appropriation balance 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 budget may include a contingent fund for unanticipated or unallocable expenditures. The Common Council may at any time appropriate all or any part of the moneys in the general contingent fund for general 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.~~

**§ 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. 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 shall include a statement 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 revenue balances received, if any, at the end of the last completed fiscal year.
- 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 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 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 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 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-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 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 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.**

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.

**§ C-123. Contingent Appropriations.**

The City operating budget may include contingent appropriations in each fund as a planned reserve for unanticipated or contingent expenditures. Expenditures shall not be made directly from such an appropriation. As necessary, the operating budget may be modified in accordance with the procedure established in C-122 by reducing the contingent appropriation and increasing an appropriation item as required by events.

**§ 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 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 December 1, 2013.

**LOCAL LAW ADOPTED UNANIMOUSLY.**

COMMON COUNCIL  
City of Amsterdam, NY

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

  
ANN M. THANE, MAYOR

Dated: Sept. 9., 2013

This is to certify that I, Susan Alibozek, City Clerk of the City of Amsterdam, County of Montgomery, State of New York, that the above is the original Local Law passed by the City of Amsterdam Common Council on August 20, 2013, a majority of all members elected to the Council voting in favor

I have set my hand and the official seal of the City of Amsterdam this 21 day August 2013.

  
CITY CLERK

CITY SEAL

Received & Filed in the Office of the City Clerk: 9/9/13 Received by: 