

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~City~~

City of PLATTSBURGH

~~City~~

~~City~~

Local Law No. 7 of the year 19 93.

A local law AMENDING THE CITY CHARTER OF THE CITY OF PLATTSBURGH CONCERNING
(Insert Title) BUDGET AND FINANCE

Be it enacted by the COMMON COUNCIL of the
(Name of Legislative Body)

~~City~~

City of PLATTSBURGH as follows:

~~City~~

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1.01 Fiscal Year

The fiscal year of the city shall begin on the first day of January and end on the last day of December.

1.02 City Services

The city shall provide the following services to its citizens: public safety, water supply and distribution, sewage collection and treatment, sanitation, power, streets and sidewalks, parks and recreational services, community planning and development, maintenance of public records, a public library, and such other facilities and services as the Common Council may determine are advisable. Such facilities and services may be provided by city departments or by contract with other municipalities or private enterprise.

1.03 Five Year Plan

The Common Council shall prepare a five year plan to guide the growth and development of the City. The plan shall include revenue and expenditure trends and projections, goals and plans for improving the efficiency of city government, desirable public projects and programs, and such other matters as may assist the mayor and the council in managing the city. The plan shall be adopted by resolution and shall be revised annually to include year five and reflect such changes as may be appropriate. The plan shall be adopted and modified by June 1 of each year.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

1.04 Mayoral Budget and Budget Report Submission Date

On or before October 1 of each year the mayor shall submit a budget and budget report for the next fiscal year to the Common Council.

1.05 Budget Content

The budget shall include the following: a summary of its contents; a comprehensive itemization of estimated income and expenditures, including debt service costs; any projected increase in the real property tax levy, water, sewer and electric utility rates, waste collection charges, and other fees and charges.

The budget shall contain separate sections. One section shall discuss how each department's or program's expenditures, including capital expenditures, comport with the goals and objectives of the City's five year development plan.

One section shall contain operating budgets for each department that derives more than 50% of its operating revenue from fees or charges. Such budgets shall include all departmental income and expenses, including the estimated cost of expenses not paid directly by the department such as property insurance, equipment depreciation, employee benefit expenses and support services provided by other departments. The operating budget shall include the number and amount of delinquent customer accounts more than 60, and 120 days past due. The amount of general fund revenue budgeted for use by such department shall be clearly identified.

1.06 Budget Report Content

The budget report shall include the following: the current year's budgeted and actual income and expenditures by department and an explanation of any deficit or surplus that is more than 5% of the budgeted amount; the facts or assumptions underlying any increase in revenues or expenditures for the following year which exceeds the current year's budget by more than 5%; a description of the need, cost and method of funding any new program; a summary of the city's outstanding indebtedness including: the city's debt limit, total outstanding indebtedness, authorized but unissued notes and bonds, the interest rate on existing debt and whether such debt can be re-financed; any material change in financial policies.

1.07 Notice and Hearing on Budget and Report; Common Council Action

.1 A summary of the proposed budget, a notice of when and

where the budget and budget report are available for public inspection, and the time and place of a public hearing on the proposed budget shall be published on or before October 8. A public hearing shall be held on the proposed budget not sooner than October 15 nor later than October 22.

.2 The Common Council shall adopt a budget and necessary implementing ordinances not later than 14 days after the start of the fiscal year. Following a public hearing on the proposed budget, the Common Council may amend the budget. Any amendment shall be supported by the information required to be included in the budget and budget report submitted by the mayor. Budgeted expenditures including debt service, but excluding the capital cost of capital expenditures planned to be financed, shall not exceed budgeted revenues.

.3 If the Common Council fails to adopt a budget within 14 days of the start of the fiscal year, the budget submitted to the Council by the mayor and all necessary implementing ordinances shall take effect.

1.08 Appropriation of Funds; Authorization of tax levies and fees

Not later than 14 days after the start of the fiscal year the Common Council shall adopt ordinances: appropriating funds by department, board or unit of government and for each separately budgeted program or activity; authorizing real property tax levies to raise the budgeted amount of real property tax revenue. New taxes, fees or charges shall be established by ordinance or local law. Fees and charges may be adjusted by resolution where authorized by ordinance or local law.

1.09 Amendments to Budget

The Budget may be amended after it is adopted, as follows:

.1 Upon certification by the mayor that there are surplus revenues, the council may appropriate such surplus by ordinance.

.2 In the event of a public emergency, a judgment against the city, or a catastrophic loss in an amount in excess of the city's insurance coverage, the council may borrow funds to pay such costs on such terms as are permitted by the Local Finance Law.

.3 If it appears to the mayor there is likely to be insufficient revenue or unappropriated funds to pay an appropriation, he shall promptly inform the Common Council of the amount of the estimated deficit and recommend a course of action. The Common Council may, by ordinance, reduce one or

more unencumbered appropriations to eliminate such deficit.

.4 The Common Council may, by resolution, transfer all or part of any unencumbered appropriation from a department, board or unit to another department, board or unit. The mayor may, by executive order, transfer all or part of any appropriation for an activity or program within a department to another activity or program within such department, provided he informs the council of such action in writing within 10 days.

1.10 Lapse of Appropriations

All unexpended and unencumbered appropriations shall lapse at the end of each fiscal year except appropriations for capital projects which shall lapse at the end of two years from the year in which such project was planned to be undertaken if moneys for such project have not been spent or encumbered.

1.12 Unauthorized Expenditures

No payment shall be made nor obligation incurred without the certification of the mayor or the city chamberlain that there exists an unencumbered appropriation to pay such expense. Any city officer or employee who knowingly pays, or causes the city to become obligated to pay, any expense without an appropriation sufficient to pay the cost thereof shall be liable to the city for the amount so paid and may be removed from office or discharged. This section shall not prohibit the city from entering into contracts, leases or other obligations which require the city to make payments over more than one fiscal year.

1.13 Capital Program; Content; Submission; Adoption.

.1 On or before October 1 of each year the mayor shall submit to the council a five-year capital program. For each year the capital program shall identify each planned capital expenditure, the estimated cost of acquiring and maintaining the capital asset, the proposed method of payment, the cost of operating any capital facility, the approximate month and year when the capital asset will be purchased or constructed. The capital program shall be revised and extended one year annually.

.2 A summary of the capital program, a notice of when and where the capital program is available for public review, and the time and place of a public hearing on the proposed capital program shall be published on or before October 8. A public hearing shall be held on the proposed capital program

not sooner than October 15 nor later than October 22.

.3 The Common Council shall adopt the capital program not later than December 1. Following a public hearing on the proposed capital program, the Common Council may amend the capital program. Any amendment shall be supported by the information required to be included in the capital program submitted by the mayor.

.4 If the Common Council fails to adopt a capital program by December 1, the capital program submitted to the Council by the mayor shall take effect.

1.14 Voting Requirements

Except as otherwise provided herein, all Common Council resolutions and ordinances adopted under this chapter require the affirmative vote of two thirds of the councilors then in office.

1.15 Audit of City Accounts

The city's financial accounts and records shall be audited annually by a certified public accountant or the State of New York. No person, nor accounting firm whose owners or professional employees have any direct or indirect interest in the financial affairs of the city or any of its officers shall be engaged as auditor. The auditor shall be retained not later than 30 days after commencement of the fiscal year by resolution adopted by majority vote of the Common Council. The auditor may be retained for not more than three consecutive years unless a contract for such services is publicly bid and such auditor is the lowest, qualified bidder.

1.16 Repeal of City Charter Sections

.1 The following sections of the City Charter are hereby repealed: C 3-3 concerning unauthorized expenditures and official misconduct; C4-4 concerning appointment of a Budget and Finance Committee; C4-5 concerning the preparation of annual estimates of expenses and revenues; C4-6 concerning the revision of estimates of expenses and revenues by the Common Council; C4-7 concerning appropriations from the contingent fund.

1.17 Inconsistent Ordinances, Resolutions, Orders and Regulations

All local laws, ordinances, resolutions, orders and regulations in force as of the effective date of this local law are superseded to the extent they are inconsistent with the provisions of this article.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. 7 of 1993 of the City of CITY OF PLATTSBURGH having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the ~~(XXXX)~~(general) election held on November 2 1993, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 5, above.

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body
Keith A. Herkalo, City Clerk

Date: 20 January 1994

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF CLINTON

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature John E. Clute,
Corporation Counsel

Title

~~County~~
City of PLATTSBURGH
~~Town~~
~~Village~~

Date: 20 January 1994