

Local Law Filing

(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.

County City Town Village
(Select one.)

of Plattsburgh

Local Law No. 6 of the year 2016

A local law A local law amending the Table of Contents, Section C1-8, Section C2-7, Section C3-8(H),
(Insert Title)
Section C3-9, Article IV, Article V, Article VI, Article VII of the City Charter of the City of
Plattsburgh.

Be it enacted by the Common Council of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Plattsburgh as follows:

This Local Law is enacted pursuant to the provisions of Section 10 and 23 of the Municipal Home Rule Law of the State of New York.

Be it enacted by the Common Council of the City of Plattsburgh as follows:

1. The Table of Contents of the City Charter of the City of Plattsburgh at Article IV is amended and re-stated to read as follows:

"ARTICLE IV. MAYOR AND CITY MANAGER.

C4-1 Mayor Term; Mayor Qualifications

C4-2 Mayor Compensation

C4-3 Mayor Powers and Duties

C4-4 Mayor Pro Tem

C4-5 City Manager Appointment; Qualifications; Compensation

C4-6 City Manager Removal

C4-7 Acting City Manager

C4-8 City Manager Vacancy

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

C4-9 City Manager Powers and Duties”

1. The Table of Contents of the City Charter of the City of Plattsburgh City Code at Article VII is amended to read as follows:
“C7-5 Hiring a City Manager”
2. The City Charter of the City of Plattsburgh at Section C1-8 is amended so that the definition of “Officer” includes:
“d. The city manager.”
3. The City Charter of the City of Plattsburgh at Section C2-7 is amended and re-stated to read as follows:
“The city manager and each city board having appointive powers may remove any city officer appointed by them for dishonesty, incapacity, neglect of duty, or other irregularities, or for the reason that there are no longer any duties to be performed, giving such officers reasonable notice thereof and a reasonable opportunity to be heard, and such officer may be suspended pending an investigation of the possible grounds for removal. A hearing shall be had before the city manager or a hearing officer appointed by the city manager upon written charges, a copy of which shall be furnished to the accused.”
4. The City Charter of the City of Plattsburgh at Section C3-8(H) is amended and re-stated to read as follows:
H. To authorize the city manager or a designated city officer, to enter into contracts and execute deeds.
5. The City Charter of the City of Plattsburgh at Section C3-9 is amended and re-stated in its entirety to read as follows:
“A. Appointments and Removals. Neither the common council nor any of its members shall in any manner control or demand the appointment or removal of any city administrative officer or employee whom the city manager or any subordinate of the city manager is empowered to appoint, but the council may express its views and fully and freely discuss with the city manager anything pertaining to appointment and removal of such officers and employees.
B. Interference with Administration. Except for the purpose of inquiries, and investigations under §C3-9, the council or its members shall not deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.”

6. The City Charter of the City of Plattsburgh at Article IV is amended and re-stated so that the section headings in Article IV replicate and correspond with the Table of Contents of the City Charter of the City of Plattsburgh as set forth and described in Paragraph 1, above.
7. The City Charter of the City of Plattsburgh at Section C4-2 is amended and re-stated to read as follows:

“The compensation of the mayor shall be two and one half times the compensation of city councilor. Changes in such compensation may not be effective during the term of office during which the change is approved.”
8. The City Charter of the City of Plattsburgh at Section C4-3 is amended and re-stated in its entirety to read as follows:
 - A. The mayor shall be a voting member of the common council and shall attend and preside at meetings of the council, represent the city in intergovernmental relationships, appoint with the advice and consent of the council the members of citizen advisory boards and commissions, present an annual state of the city message, appoint the members and officers of council committees, assign council agenda items to committees, and perform other duties specified by the council. The mayor shall be recognized as head of the city government for all public purposes but shall have no administrative duties, except as expressly delegated herein.
 - B. Mayoral approval or veto.
 - (1) Every ordinance or resolution of the common council except for, the adoption of council rules, appointment of council officers and the adoption of the annual city budget and implementing ordinances and resolutions, shall be subject to approval or veto by the mayor before it becomes effective.
 - (2) If the mayor is in attendance at a meeting where the council passes an ordinance or resolution, he or she shall approve it, veto it or state his or her intention to defer a decision on approval or disapproval of the measure. If the mayor does not state his or her approval, veto or deferral of a decision, the measure shall be conclusively presumed to have been approved.
 - (3) If the mayor defers a decision on approval or disapproval, or is not in attendance at the meeting where the measure passed, within three business days of such meeting the city clerk shall deliver a copy to the mayor. Within five business days of receipt of the measure the mayor shall file his written approval or veto with the city clerk or the measure shall be deemed adopted. The measure may be delivered to the mayor by electronic mail addressed to the mayor’s City of Plattsburgh email address. The mayor may file his approval or veto by electronic mail addressed to the city clerk’s city of Plattsburgh’s email address.

- (4) If a measure is vetoed at a council meeting, it may not be reconsidered at that meeting, but may be reconsidered at council meeting held within 30 days. If upon reconsideration the measure receives four affirmative votes, it shall be adopted.
 - (5) The mayor shall have the power to veto a local law. The procedure for approving or vetoing a local law shall be as set forth in the Municipal Home Rule Law.
- C. Five Year Plan. The mayor shall appoint and chair a committee of the council responsible for preparing a five year plan required under charter section C3-8G.
 - D. Community Growth and Development. The mayor shall act as liaison for the council in its dealings with the city manager on community development programs and projects.”
9. The City Charter of the City of Plattsburgh is amended so that Section C4-5 entitled “City Manager Appointment; Qualifications; Compensation” is added and shall read as follows:
“The common council by a majority vote of its total membership shall appoint a city manager for an indefinite term and fix the manager's compensation. The city manager shall be appointed solely on the basis of education and experience in the accepted competencies and practices of local government management. The manager need not be a resident of the city or state at the time of appointment, but may reside outside the city while in office only with the approval of the council. No mayor or councilor shall be appointed city manager during his or her term in office or within one year after such term expires, however, the mayor or a councilor may be appointed acting city manager.”
10. The City Charter of the City of Plattsburgh is amended so that Section C4-6 entitled “City Manager Removal” is added and shall read as follows:
“If the city manager declines to resign at the request of the common council, the common council may suspend the manager by a resolution approved by the majority of the total membership of the common council. Such resolution shall set forth the reasons for suspension and proposed removal. A copy of such resolution shall be served immediately upon the city manager. The city manager shall have fifteen days in which to reply thereto in writing, and upon request, shall be afforded a public hearing, which shall occur not earlier than ten days nor later than fifteen days after such hearing is requested. After the public hearing, if one is requested, and after full consideration, the common council by a majority vote of its total membership may adopt a final resolution of removal. The city manager shall continue to receive full salary until the effective date of a final resolution of removal.”

11. The City Charter of the City of Plattsburgh is amended so that Section C4-7 entitled “Acting City Manager” is added and shall read as follows:
“By letter filed with the city clerk, the city manager shall designate a city officer or employee to exercise the powers and perform the duties of city manager during the manager's temporary absence or disability; the common council may revoke such designation at any time and appoint another officer of the city to serve until the city manager returns.”
12. The City Charter of the City of Plattsburgh is amended so that Section C4-8 entitled “City Manager Vacancy” is added and shall read as follows:
“The council shall act promptly to fill a vacancy in the office of city manager.”
13. The City Charter of the City of Plattsburgh is amended so that Section C4-9 entitled “City Manager Powers and Duties” is added and shall read as follows:
“The city manager shall be the chief executive officer of the city, responsible to the council for the management of all city affairs placed in the manager's charge by or under this charter. The city manager shall:
 - A. Appoint and suspend or remove all city employees and appointive administrative officers provided for by or under this charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. The city manager may authorize any administrative officer subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;
 - B. Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this charter or by law;
 - C. Attend all common council meetings. The city manager shall have the right to take part in discussion but shall have no vote.
 - D. See that all laws, provisions of this charter and acts of the common council , subject to enforcement by the city manager or by officers subject to the manager's direction and supervision, are faithfully executed;
 - E. Prepare and submit the annual budget and capital program to the common council, and implement the final budget approved by council to achieve the goals of the city;
 - F. Submit to the common council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;
 - G. Make such other reports as the common council may require concerning operations;
 - H. Keep the common council fully advised as to the financial condition and future needs of the city;
 - I. Make recommendations to the common council concerning the affairs of the city and facilitate the work of the common council in developing policy;

- J. Provide staff support services for the mayor and council members;
 - K. Assist the council to develop long term goals for the city and strategies to implement these goals;
 - L. Encourage and provide staff support for regional and intergovernmental cooperation;
 - M. Promote partnerships among council, staff, and citizens developing public policy and building a sense of community; and
 - N. Perform such other duties as are specified in this charter or may be required by the common council.”
14. The City Charter of the City of Plattsburgh at Section C5-1(B) is amended and re-stated to read as follows:
“Direction by city manager. All departments, offices, and agencies under the direction and supervision of the city manager shall be administered by an officer appointed by and subject to the direction and supervision of the city manager. With the consent of council, the city manager may serve as the head of one or more such departments, offices, or agencies or may appoint one person as the head of two or more of them.”
15. The City Charter of the City of Plattsburgh at Section C5-1(E)(5) is amended and re-stated to read as follows:
“At the direction of the city manager, serve as a management representative in collective bargaining negotiations.”
16. The City Charter of the City of Plattsburgh at Section C5-4-1(A) is amended and re-stated to read as follows:
“Appointment.
There shall be a city clerk who shall be appointed by the city manager subject to confirmation by the common council. The city clerk shall be directly responsible to the city manager.”
17. The City Charter of the City of Plattsburgh at Sections C5-4-2(A) and (B) are amended and re-stated to read as follows:
A. “Establishment; qualifications, appointment, term. There shall be a Department of Law headed by a corporation counsel who shall be appointed by the city manager subject to confirmation by the common council. He or she shall have been admitted to practice before the courts of the State of New York for not less than five years prior to appointment. Unless otherwise prescribed by state law, the corporation counsel’s term shall commence on the first day of February following commencement of the mayor’s term in office and shall end on January 31st following the expiration of the mayor’s term in office. The corporation counsel may be

- B. compensated on a salaried or hourly rate basis, or a combination thereof. The corporation counsel may engage in the private practice of law so long as it does not conflict with his or her duties and such practice is not conducted on city premises.
 - C. Powers and Duties. The corporation counsel shall serve as chief legal adviser to the city manager, the common council and all city departments, offices and boards, and shall represent the city in all legal proceedings, and shall perform any other duties prescribed by state law, this charter and local law or ordinance. The corporation counsel may bring such actions and proceedings as are authorized by the city manager or common council. No claim, case or proceeding that requires the payment of money by the city may be settled without authorization by the common council. The corporation counsel may, with the written consent of the city manager employ counsel to assist him in the conduct of important cases or proceedings in which the city is interested or a party and may also, with the consent of the city manager and common council appoint an assistant corporation counsel to act in his or her place and stead, in case of his or her absence or disability.
18. The City Charter of the City of Plattsburgh at Section C5-4-4 is amended and re-stated in its entirety to read as follows:
- “There shall be a Department of Finance headed by a city chamberlain who shall be appointed by the city manager subject to confirmation by the common council. He or she shall be qualified on the basis of his or her training and experience in financial management. He or she shall be directly responsible to the city manager.
- A. Powers and duties.
- The Chamberlain shall:
- (1) Be the chief fiscal officer of the city responsible for all financial administration of the city; specifically, he or she shall:
 - a) Collect, receive, have custody of, deposit and disburse all fees, revenues and other funds of the city or for which the city is responsible.
 - b) Review and pay all payrolls, approved claims, expenses and other authorized disbursements of the city.
 - c) Perform the duties of an “enforcing officer” under the Real Property Tax Law.
 - d) Conduct the sale of all bonds pursuant to the provisions of the Local Finance Law and keep a record of all indebtedness, bonded or otherwise, of the city.
 - e) Provide adequate insurance and surety bond coverage to protect the city from all reasonable risks of loss or damage.
 - f) Submit to the city manager and the common council at the end of each quarter of the fiscal year, and such other times as requested, a complete statement of city finances as specified in the Administrative Code.
 - (2) Advise and assist the city manager and Council in the preparation of the mayor’s budget and the Council’s budget. Prepare for the corporation counsel’s review: laws, ordinances and resolutions adopting the city budget and the levying taxes.

- (3) Act as the chief auditing and accounting officer of the city; specifically, he or she shall:
- a) Maintain records of appropriations, encumbrances and expenditures and prescribe approved methods of accounting for all units of city government, unless otherwise required by the State Comptroller.
 - b) Certify the availability of funds for all requisitions, contracts, purchase orders and other documents by which the city incurs financial obligations or for the expenditure of funds for which the city is responsible.
 - c) Audit for approval of payment all lawful claims or charges against the city or against funds for which the city is responsible, in whole or in part, in the manner provided in the Administrative Code.
 - d) Audit the financial records and accounts of all units of city government charged with duties relating to funds of the city or for which the city is responsible.
 - e) Provide for budget controls and allocation of appropriated funds in efficient, economical and justifiable manners.
 - f) Review, evaluate and recommend changes to the city's purchasing policy and procedures.
- (4) Deputy Chamberlain. There shall be a deputy chamberlain appointed by the city manager and confirmed by the common council. The deputy chamberlain shall, unless otherwise prescribed by law, possess the powers and perform the duties of the chamberlain during the absence or inability to act of the chamberlain, or during a vacancy in the office.

19. The City Charter of the City of Plattsburgh at Section C6-1 is amended and re-stated in its entirety to read as follows:

"On or before October 8 of each year, the city manager shall submit to the common council, and file with the city clerk a budget for the ensuing fiscal year and an accompanying message. The budget and message shall be available to the public and the clerk shall publish notice of a public hearing to be held not sooner than October 15, or later than October 22. As used in this article, the term "publish" means to print in the contemporary means of information sharing, which includes but is not limited to, one or more newspapers of general circulation in the city, and, if available, a city web site."

20. The City Charter of the City of Plattsburgh at Section C6-2 is amended and re-stated in its entirety to read as follows:

"The city manager's message shall explain the budget both in fiscal terms and in terms of the work programs, linking those programs to organizational goals and community priorities. It shall outline the proposed financial policies of the city for the ensuing fiscal year and the impact of those policies on future years. It shall describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the city's debt position, including factors affecting the ability to raise resources through debt issues, and include such other material as the city manager deems

desirable. The term “major change” includes but is not limited to: a deficit or surplus that is more than five percent (5%) of the current year’s budgeted amount for a department or program; a new program or activity which will include a description of the need, cost, and funding source.”

21. The City Charter of the City of Plattsburgh at Section C6-4(C) is amended and re-stated to read as follows:

“C. Failure to Adopt. If the common council fails to adopt a budget within 14 days of the start of the fiscal year, the budget submitted by the city manager and all implementing ordinances shall take effect.”

22. The City Charter of the City of Plattsburgh at Section C6-6 is amended and re-stated in its entirety to read as follows:

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

- A. Supplemental Appropriations. If during the fiscal year the city manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the common council by ordinance may make supplemental appropriations for the year up to the amount of such excess.
- B. Emergency Appropriations. To meet a public emergency, or to pay a judgment against the city, or a catastrophic loss in an amount in excess of the city’s insurance coverage, the common council may make emergency appropriations. To the extent that there are no available unappropriated revenues or a sufficient fund balance to meet such appropriations, the council may borrow funds to pay such costs on such terms as are permitted by the Local Finance Law.
- C. Reduction of Appropriations. If it appears to the city manager that there is likely to be insufficient revenue or unappropriated funds to pay an appropriation, he or she 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 or resolution, reduce one or more unencumbered appropriations to eliminate such deficit.
- D. Transfer of Appropriations. The common council may, by resolution, transfer an unencumbered appropriation from one budget category to another. The city manager may transfer an appropriation for an activity or program within a department to another activity or program within such department and shall inform the council of such action on or before the next regular council meeting.
- E. Public Borrowings. Nothing in this Article shall be construed to limit the city’s borrowing powers under the Local Finance Law.”

23. The City Charter of the City of Plattsburgh at Section C6-7(A) is amended and re-stated to read as follows:
“A. The city manager shall prepare and submit to the common council a five year capital program no later than October 8th of each year.”
24. The City Charter of the City of Plattsburgh at Section C6-10 is amended and re-stated in its entirety to read as follows:
“No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the city manager or the city chamberlain first certifies that there is an unencumbered appropriation to pay such expense. Any authorization of payment, or incurring of obligation, in violation of the provisions of this article shall be void, and any payment so made illegal. 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 does 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.”
25. The City Charter of the City of Plattsburgh at Section C7-1 is amended and re-stated in its entirety to read as follows:
“These Charter amendments shall be submitted to the electors of the City of Plattsburgh for approval at the general election occurring November 8, 2016. Except as otherwise provided, these Charter Amendments shall, upon approval by referendum in the manner provided by law, become effective as of January 1, 2020. This Charter, inclusive of these amendments, shall supersede the City of Plattsburgh Charter in effect on the date of the 2016 general election.”
26. The City Charter of the City of Plattsburgh is amended so that Section C7-5 entitled “Hiring a City Manager” is added and shall read as follows:
“On or before March 1, 2018 the mayor shall appoint a search committee for the position of city manager which shall consist of the mayor and not less than two councilors. The committee shall submit recommendations to the common council for approval regarding qualifications and terms of employment for a city manager. The mayor’s 2018 budget proposal for the 2019 fiscal year shall include an appropriation for the position. The search committee shall invite the councilors elected at the 2018 general election to participate in employment interviews. The members of the common council who take office January 1, 2019 shall hire a city manager by July 1, 2019. The common council may appoint an acting city manager if the position of city manager cannot be filled promptly.

27. This Local Law shall take effect upon approval by the Mayor and filing with the New York Secretary of State and shall be submitted to the electors of the City of Plattsburgh for approval at the general election occurring November 8, 2016. This Local Law amending the Charter shall, upon approval by referendum in the manner provided by law, become effective as of March 1, 2018 and January 1, 2020, as described above and shall supersede the then current City Charter of the City of Plattsburgh.

(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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.

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. 6 of 20 16 of the ~~(County)(City)(Town)(Village)~~ of Plattsburgh was duly passed by the Common Council on August 11 20 16, and was (approved)(~~not approved~~) (repassed after disapproval) by the Mayor (Elective Chief Executive Officer*) and was deemed duly adopted on August 11 20 16, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.

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 _____ 20____, in accordance with the applicable provisions of law.

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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* 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 chairperson 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.)

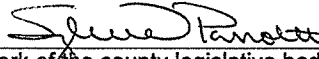
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, 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 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, 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 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, 2 above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 8/12/16

(Seal)