REONEONTA CITY CHARTER



(Adopted by referendum at November 8, 2011 General Election)

(Effective January 1, 2012)

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**ARTICLE 1. CITY OF ONEONTA AND ITS GOVERNMENT**

§ C-1. TITLE AND PURPOSE

This Charter, together with all amendments, if any, shall provide for and constitute the form of government of the City of Oneonta, New York and be known as the “City of Oneonta Charter.” This Charter provides for the separation and balance of legislative and executive functions and responsibilities in order to promote clarity, efficiency, and responsibility within City government. In addition, the Charter is intended to implement the City’s full home rule authority in accord with New York State law.

§ C-2. DEFINITIONS

The following terms used in this Charter shall be defined as follows:

(a) The term “Charter” shall mean this City of Oneonta Charter and amendments, if any.

(b) The term “City” shall mean the City of Oneonta, New York.

(c) The term “Civil Service Law” shall mean the Civil Service Law of the State of New York.

(d) The term “Code” shall mean the Code of the City of Oneonta as adopted by local law of the Common Council on February 16, 1999, and as amended.

(e) The term “County” shall mean the County of Otsego.

(f) The term “electronic means" shall mean any method of transmission of information between computers or other machines designed for the purpose of sending and receiving such transmissions and which allows the recipient to reproduce the information transmitted in a tangible medium of expression, and does not permit additions, deletions, or other changes to be made without leaving an adequate record of such changes.

(g) The term “General City Law” shall mean the General City Law of the State of New York.

(h) The term “local law” shall mean a legislative act of the Common Council adopted pursuant to the Municipal Home Rule Law, but shall not mean or include a resolution, ordinance, or other action taken by the Common Council. The term “ordinance” shall mean a legislative act of the Common Council adopted pursuant to State law or this Charter that adopts a regulatory measure. The term “resolution” shall mean a legislative act of the Common Council that takes a particular action, including appropriating funds, or expresses the wishes of the Common Council.

(i) The term “Municipal Home Rule Law” shall mean the Municipal Home Rule Law of the State of New York.

(j) The term “Public Officers Law” shall mean the Public Officers Law of the State of New York.

(k) The term “Real Property Tax Law” shall mean the Real Property Tax Law of the State of New York.

(l) The term “redistricting” shall mean the redrawing of the physical boundaries of the City’s wards to reflect population changes identified in the decennial census or at other times.

(m) The term “resident” shall mean a person who maintains a fixed, permanent, and principal home within the geographic boundaries of the City of Oneonta and to which he or she, wherever temporarily located, always intends to return.

(n) The term “State” shall mean the State of New York.

(o) The term “Uniform City Court Act” shall mean the Uniform City Court Act of the State of New York.

§ C-3. CITY STATUS, POWERS, AND DUTIES

The City shall be and remain a municipal corporation and exercise all of the rights, privileges, functions, and powers conferred upon it by this Charter and State law. In addition, the City shall be subject to all duties and obligations imposed by local laws not inconsistent with this Charter and by State law, and enjoy all necessary incidental powers to duly exercise the duties and obligations so imposed.

§ C-4. EFFECT ON STATE LAWS

This Charter provides a contemporary form and structure of City government pursuant to the provisions of the Municipal Home Rule Law. Within the limitations imposed by State law, wherever and whenever any special State law conflicts or is otherwise inconsistent with this Charter, such laws shall be repealed and superseded by this Charter in their application to the City to the extent of such conflict or inconsistency.

§ C-5. EFFECT ON LOCAL LAWS, ORDINANCES, AND RESOLUTIONS

All local laws, ordinances, and resolutions of the Common Council previously adopted and in effect as of the adoption of this Charter, including the Code of the City of Oneonta **as** adopted by local law of the Common Council on February 16, 1999, shall continue in full force and effect, except to the extent that such local laws, ordinances, and resolutions have been repealed, amended, modified, or superseded in their application to the City by the adoption of this Charter.

§ C-6. CITY BOUNDARIES

The City’s geographic boundaries shall continue to be and remain intact as established prior to the adoption of this Charter; existing boundaries are hereby ratified and confirmed and may subsequently be altered or expanded pursuant to applicable law.

§ C-7. WARD BOUNDARIES.

The City shall be divided into eight (8) wards. The ward boundaries established by Local Law No. 3-1973 as amended by Local Law No. 2-1973 and approved by the voters of the City at a special election held on **May 15, 1973**, shall remain in force and effect until changed by local law.

§ C-8. CIVIL AND FISCAL YEAR

The civil and fiscal year of the City shall be the calendar year.

**ARTICLE 2. ELECTIVE OFFICERS**

§ C-9. TERMS

The Mayor shall be elected by the voters of the City at large and one (1) Council Member shall be elected by the voters of each Ward. The term of office of the Mayor and Council Members shall be four (4) years. The offices of Mayor and Council Member shall be filled at the general election preceding the expiration of the term of each such office. The first election for Mayor under this Charter shall be held on the first Tuesday in November in the year 2013. The first election for Council Members under this Charter shall be held on the first Tuesday in November in the year 2015. The regular election of the Mayor and each Council Member shall be held every four (4) years; existing terms shall continue uninterrupted by this Charter. The term of office of each officer elected at a general City election shall commence on the first day of January following such election unless otherwise stated in this Charter.

§ C-10. SALARIES

The salaries of elected officials shall be fixed by the Common Council; however, the compensation of an elected officer shall not be increased or decreased during his or her term of office, except as otherwise authorized by State law.

§ C-11. RESIDENCY

An elective officer shall be a resident of the City for a continuous period of at least one (1) year prior to taking office and be a registered voter.

§ C-12. OATHS

The Mayor may administer oaths or take certified affidavits from individuals in matters relating to the affairs or interests of the City.

§ C-13. CITY COURT

The full-time Judge of the City Court of Oneonta shall be elected pursuant to the Uniform City Court Act. The jurisdiction, practice, and procedure of the City Court shall be as set forth in the Uniform City Court Act.

**ARTICLE 3. CITY OFFICERS AND EMPLOYEES**

§ C-14. CITY OFFICERS DESIGNATED GENERALLY

1. Officers of the City.

The officers of the City shall be elected or appointed. Elected officers include the Mayor, Common Council Members and City Judge. Appointed officers include the City Manager, the City Prosecutor, Half-Time City Judge, City Health Officer, Direcor of Finance, City Clerk, Assessor, City Engineer, City Attorney, and all Deputy Clerks and Deputy Directors of Finance.

B. Officers on Boards and Commissions.

The appointed officers of the City shall also include the members of the following boards and commissions: Civil Service Commission, Planning Commission, Board of Public Service, Board of Assessment and Review, and Zoning and Housing Board of Appeals.

§ C-15. MAYOR

1. General Powers and Duties

The Mayor is the City of Oneonta’s Chief Elected Officer, and is the only officer elected by the entire City electorate. The Mayor serves as the head of City government for all official and ceremonial purposes and presides at all meetings of the Common Council, serving as its chair.

As the Common Council’s chair, the Mayor is an integral part of setting legislative priorities, sets the agenda for Common Council meetings, leads the Common Council in strategic planning, and guides and advises the City Manager in fulfilling Common Council priorities and instructions.

The Mayor is also charged with a number of other leadership roles and function and powers conferred by this charter or the general laws of the State, not inconsistent with this charter.

The Mayor shall:

1. Serve as the head of City government for all official and ceremonial purposes, preside over the Common Council, and have and exercise all the powers conferred by this Charter or by the general laws of the State, not inconsistent with this Charter.
2. Serve as the Chief Elected Official who shall formulate the Common Council agenda and propose policy consistent with the general welfare of the city and its residents.
3. Sign, on behalf of the City, all contracts made by it, and cause the seal of the City to be affixed thereto.
4. Sign all deeds, local laws, resolutions, and ordinances to be executed as an act of the City, and sign appointments made to City offices by the Common Council.
5. Have the power, at any time, to examine the books, papers, and accounts of any board, commission, department, office, or agency of the City; administer oaths to witnesses; and issue subpoenas to compel the appearance of witnesses and the production of books, papers, and other evidence.
6. Have the power to establish all committees of the Common Council and appoint their members and chairs.
7. 7. Shall communicate a general statement of the affairs of the City in relation to its finances, government, and improvement, to the Common Council as soon after the start of the fiscal year and as often thereafter as s/he considers expedient with such recommendations as the Mayor deems proper.8. Shall serve as primary liaison in matters concerning state, and federal governmental entities. 9.

B. Appointments

1. City Officers. The Mayor shall appoint, with confirmation by the Common Council, the City Attorney, and the City Health Officer. The mayor shall appoint the City Prosecutor , and one (1) half-time City Court Judge consistent with New York State law.
2. Members of Boards and Commissions. Except as otherwise provided for in this Charter, or by general law, local law, or ordinance, the Mayor shall appoint, subject to approval by the Common Council, City residents as members of all boards and commissions. Membership of each board or commission shall, whenever possible, be drawn from more than one (1) political party.
3. Appointment of Common Council Members to Boards and Commissions. The Mayor may appoint a Common Council Member to each board or commission, who shall be an ex-officio member, who shall have no vote, and who shall act as a liaison to the Common Council.

**Removal of Board and Commission Members**. The Mayor may remove a mayoral appointee to any board or commission, and shall notify the Common Council of such removal.**Citizen Advisory Boards and Other Ad Hoc Groups**. The Mayor may create and dissolve citizen advisory boards, commissions, and other ad hoc groups with Common Council approval. The Mayor may appoint residents of the Cittoboards and, commissions, with the approval of the Common Council. The Mayor may appoint residents of the City or non-residents to such ad hoc groups that may serve the interest of the city. **City of Oneonta Housing Authority**. The Mayor shall appoint the members of the City of Oneonta Housing Authority.

§ C-16. CITY MANAGER

A. Appointment, Term, Compensation.

The Common Council and the Mayor shall conduct the search and oversee the hiring and appointment of the City Manager. The City Manager shall serve at the pleasure of the Common Council and the Common Council shall fix the compensation annually. ***After an initial six month probationary period, the*** City Manager’s performance shall be evaluated by the common council and the Mayor and on an annual basis thereafter..

B. Residency.

The City Manager need not be a resident of the City of Oneonta or the State of New York at the time of appointment. After appointment the City Manager may reside outside the City on a temporary basis pursuant to the terms of a resolution of the Common Council.

C. Powers and Duties.

The City Manager:

1. Shall be the Chief Administrative Officer of the City, and shall be responsible to the Common Counciland the Mayor for the administration of all City affairs placed in the City Manager’s charge by or under this charter, or by other applicable law.
2. Shall have the primary responsibility for the daily administration of the City, including the supervision of all employees, coordination and delivery of services, and oversight of fiscal management.
3. Shall recommend for appointment all department heads, officers, and employees of the City with the approval of the Common Council,. except as provided otherwise in this Charter or by applicable law.
4. ***Shall assure the Mayor that the policies and directives adopted by the Common Council are properly executed***
5. Shall serve as the liaison between the heads of all departments and agencies of City government, and the Mayor and Common Council.
6. May suspend or remove any employee of the City as authorized by State law or pursuant to the terms of any applicable collective bargaining agreement.
7. May suspend or remove any officer that s/he appoints as authorized by State law or pursuant to the terms of any applicable collective bargaining agreement.
8. Shall attend all meetings of the Common Council and may participate in discussion of any matter before the Common Council, but may not vote.
9. S/he shall make such other reports as requested by the Common Council ***and/or the Mayor*** concerning the operations of the City departments, offices, and agencies
10. Shall participate in the collective bargaining process as a member of the management team in City negotiations with collective bargaining units.
11. Shall lead the annual planning and budgeting process, including the preparation of a full draft budget that is presented to the Common Council.
12. 12 .***cShall serve in concert with the Mayor as liason for the City. ...*Shall facilitate effective communication and the free exchange of ideas between the departments and other agencies of City government and the general public**.
13. May prescribe and enforce rules and regulations for the efficient management of City government consistent with this Charter and other applicable law.
14. Shall administer the annual performance evaluation review process for all heads of City departments.
15. Shall perform such other duties as required by this Charter or other applicable law, or as directed by the Common Council ***and the Mayor.***

D. Acting City Manager

The City Manager shall designate a department head to serve as Acting City Manager in event of the extended absence or disability of the City Manager. This appointment of the Acting City Manager shall occur within thirty (30) days of the appointment of the City Manager. The appointment of the Acting City Manager shall be subject to the Common Council approval. The Acting City Manager shall have and exercise all the powers and discharge all the duties and be subject to all the provisions of law applicable to the office of City Manager.

In the event that no Acting City Manager is selected pursuant to the process outlined in the paragraph above, the Common Council shall appoint an appropriate individual to serve in such capacity.

E. Suspension and Removal

The Common Council may suspend the City Manager by enactment of a resolution approved by the majority of the Common Council which shall set forth the reasons for suspension and proposed removal. A notice of such resolution shall be provided immediately to the City ManagerThe City Manager shall continue to receive full salary until the effective date of a final resolution of removal.

§ C-17. BOARDS AND COMMISSIONS

A. Advisory Role.

All boards and commissions shall be advisory except as otherwise provided in this Charter, the City Code or State law.

B. Current Boards and Commissions.

As of the effective date of this Charter, the following boards and commissions will exist in the City:.  ***Parks and Recreation Commission, Airport Commission, Board of Public Service, Environmental Board, Board of Examining Electricians, City of Oneonta Planning Commission, Zoning and Housing Board of Appeals, Examining Board of Plumbers, Commission on Community Relations and Human Rights, American with Disabilities Committee and Board of Assessment and Review.***C. Terms of Office.

The term of office of members of boards and commissions shall be three (3) years except as otherwise provided by this Charter or other applicable law. No member of a board or commission shall serve more than three (3) consecutive terms of office

§ C-18. ELIGIBILITY TO HOLD CITY OFFICES

All persons elected or appointed as aCity officermust be a resident of the City. A Common Council member must be a registered voter of the ward for which he or she is elected. The Common Council may appoint a non-resident of the City to an appointive City office pursuant to a resolution of exemption or a resolution that sets a time frame for the appointee to establish residency in the City. Whenever any officer of the City, other than one serving under a resolution of exemption, shall cease to be a resident of the City or of the ward for which such person was elected or appointed, that office shall thereupon become vacant. No person shall serve in more than one(1) City officers position at any one time.

§ C-19. SUCCESSION TO OFFICE DURING DISASTER

A. Mayor.

If, as a result of a disaster, as defined by Section 20 of the Executive Law of the State of New York, the office of Mayor becomes vacant, or the Mayor by reason of disability or absence from the City shall be prevented from attending to the duties of the office of Mayor, and the Acting Mayor as the designated Common Council Member, is unable to discharge the powers and duties of the office of Mayor or shall be absent from the City, the Common Council, or if vacancies have reduced its membership to less than a majority, then a majority of the remaining members of the Common Council, shall appoint a person to fill such vacancy until such time as the Mayor or Acting Mayor as designated Council Member is able to assume the duties of the office of Mayor.

B. Other elective office.

If a vacancy shall occur in any other elective office of the City, in the event of such disaster, the Common Council, or if vacancies have reduced its membership to less than a majority, then a majority of the remaining members of the Common Council, shall appoint a person to fill such vacancy until the incumbent is able to assume the duties of the office.

C. City Manager

If, as a result of a disaster, as defined by Section 20 of the Executive Law of the State of New York, the office of City Manager becomes vacant, or the City Manager by reason of disability or absence from the City shall be prevented from attending to the duties of the office of City Manager, and the Acting City Manager is unable to discharge the powers and duties of the office of City Manager or shall be absent from the City, the Common Council, or if vacancies have reduced its membership to less than a majority, then a majority of the remaining members of the Common Council, shall appoint a Department Head to fill such vacancy until such time as the City Manager or Acting City Manager is able to assume the duties of the office of City Manager.

D. Other City Offices.

If any City officer except the Mayor or Council Member shall, from sickness, absence, suspension from office by the Common Council, or from any other cause, be unable to discharge the duties of office, the City Manager shall appoint a suitable person to discharge such duties during such disability, unless otherwise prohibited by law. The person so appointed shall have and exercise all the powers and discharge all the duties and be subject to all the provisions of law applicable to such officer, and shall receive such salary as shall be fixed by the Common Council.

§ C-20. TERMS OF OFFICE OF APPOINTIVE CITY OFFICERS

The term of office of each appointive officer shall be one (1) year except as otherwise provided by this Charter or other applicable law. An appointive officer may be removed at any time, with or without cause, by the appointment of a successor pursuant to this Charter or as permitted by other applicable law.

§ C-21. COMPENSATION OF CITY OFFICERS AND BOARDS AND COMMISSIONS

A. The members of City boards and commissions shall receive no compensation for their services.

B. The Common Council shall have the power to fix and change annual salaries or other compensations of all officers of the City subject to statutory limitations.

§ C-22. COMMENCEMENT AND EXPIRATION OF TERMS OF OFFICE

The term of office of each officer appointed by the Mayor for a full term shall, other than as herein provided, commence on the fifteenth (15th) day of January of the year in which the appointment is required to be made.

§ C-23. FILLING VACANCY IN OFFICE

If a vacancy shall occur in any elective office of the City, other than by expiration of term, the Mayor with the approval of the Common Council shall appoint, except as otherwise provided in this Charter, a person to fill such vacancy until the next general election. If a vacancy shall occur in any elective office of the City, by the expiration of term, as in the case of a tie vote, the Mayor, with the approval of the Common Council, shall appoint, except as otherwise provided in the Charter, a person to fill such vacancy until the next general election. If the vacancy shall occur in the office of Mayor, it shall be filled by Common Council appointment. A vacancy occurring in an appointive office of the City, other than by expiration of term, shall be filled for the balance of the unexpired term in the same manner as an appointment for a full term.

§ C-24. OFFICIAL OATHS REQUIRED OF ALL CITY OFFICERS

Each officer of the City shall, before assumingthe duties of office, take and file in the Office of the City Clerk the official oath in accordance with Article Thirteen (13) of the New York State Constitution and Section Ten (10) of the Public Officers' Law. Each Mayor, Clerk, Council Member, and City Judge shall file a certificate of election or appointment with the City Clerk, and take and subscribe the constitutional oath before assuming the duties of office.

§ C-25. OFFICIAL BOND OF CITY OFFICERS AND EMPLOYEES

Officers and employees as determined by the Common Council shall, prior to performing the duties of their respective position, execute and file an official bond in accordance with the General Construction Law and the Public Officers Law and for omission to do so shall be subject to the penalties and liabilities prescribed by statute. Other than as provided in this Charter, the penal sum named in such bond, or the sum specified in any such undertaking as the maximum amount of liability thereon, shall be fixed by the Common Council. The City shall pay the premiums, if any, upon said bonds. Any department or agency of the City may procure, with the approval of the Common Council, a blanket undertaking from any duly authorized corporate surety covering officers, clerks, and employees pursuant to Section Eleven (11) of the Public Officers Law.

§ C-26. LIABILITY FOR UNAUTHORIZED EXPENDITURES, OTHER MISCONDUCT

No officer of the City or other person shall have power or authority to make any purchase on behalf of, or on the credit of, the City or to contract any debts or liabilities against the City, unless authorized to do so by, or in pursuance of, the provisions of this Charter or general law; and no account, claim, or demand of any kind shall be allowed or paid unless so authorized.

§ C-27. TIME OF MEETING OF ALL BOARDS AND COMMISSIONS

Boards and commissions shall set their meeting schedules at the start of each calendar year and submit them to the City Clerk for publication and notification. All meetings of the various boards and commissions shall be held at such times as may be agreed upon by majority vote of its members, but in no case shall any such meeting commence sooner than 4:00 o'clock P.M., or after 8:00 o'clock P.M., Mondays through Thursdays, except for special meetings which may be called as provided in this Charter. The established meeting time can only be changed by a majority vote of the board or commission members.

§ C-28. ANNUAL REPORTS OF BOARDS AND COMMISSIONS

The Chair of every board and commission shall file an annual report with the Common Council on or before the 31st day of December in each year.

**ARTICLE 4. LEGISLATIVE BRANCH**

§ C-29. COMMON COUNCIL CONSTITUTED

[A.](http://www.ecode360.com/?custId=ON1737&guid=13172194&j=23) Constituted.

The Mayor and Common Council Members of the City shall constitute the Common Council. There shall be eight (8) Council Members, one (1) elected from each ward of the City.

[B.](http://www.ecode360.com/?custId=ON1737&guid=13172195&j=23) Acting Mayor.

At the first meeting in each year, the Mayor shall appoint, with the approval of the Common Council, one (1) Common Council Member to serve as Acting Mayor during the absence or disability of the Mayor, and who, if a vacancy occurs in the office of the Mayor, shall serve as Mayor until the office is filled as provided in this Charter.

[C.](http://www.ecode360.com/?custId=ON1737&guid=13172196&j=23) Meetings.

The Common Council shall hold regular or stated meetings on the first (1st) and third (3rd) Tuesday evenings in each month in the Common Council Chamber, and at such other times as they shall designate by resolution.

[D.](http://www.ecode360.com/?custId=ON1737&guid=13172197&j=23) Special Meetings.

The Mayor, or, in the Mayor’s absence, the Acting Mayor, or any three (3) Common Council Members may call special meetings by notice in writing or by electronic means served personally upon the other members of the Common Council, or left at their usual place of residence at least twenty-four (24) hours before the time of the meeting.

[E.](http://www.ecode360.com/?custId=ON1737&guid=13172198&j=23) Presiding Officer and Procedures.

The Mayor shall preside at all meetings of the Common Council. The Acting Mayor shall preside in the Mayor’s absence. In the proceedings of the Common Council each member present shall have a vote, except the Mayor, who shall only cast a vote when the votes of the other members are tied. The meetings of the Common Council shall be public except for executive sessions as authorized by the Public Officers Law. The minutes of the proceedings shall be kept by the City Clerk, and the same shall be available at all times for public inspection. A majority of members of the Common Council shall be a quorum for the transaction of business. No tax or assessment shall be ordered except by a concurring vote of a majority of the Common Council. No local law or ordinance shall take effect until it receives the approval of the Mayor, as provided in this Charter.

F. Duties of Common Council Members.

It shall be the duty of every Common Council Member, as a representative of his or her respective ward, to:

1. Attend the regular and special meetings of the Common Council.
2. Serve on committees when appointed by the Mayor or Common Council.
3. Report to the Mayor all subordinate officers who are guilty of any official misconduct or neglect of duty.
4. Aid in maintaining peace and good order in the City.
5. Perform or assist in performing all such duties, separately or as a whole, as assigned by this Charter.

G. Rules of the Common Council.

The Common Council shall determine the rules applicable to its own proceedings, be the judge of the qualifications of its own members, have the power to compel the attendance of absent members from time to time, and prescribe the duties of all the officers and persons appointed by them to any place whatever, as provided for in this Charter.

§ C-30. APPOINTMENT OF CITY MANAGER

The Common Council shall appoint a person to the office of City Manager.  **In the appointment of the City Manager, the Mayor shall vote as a member of the Common Council.**

§ C-31.  LEGISLATIVE POWERS

A. Role, Powers, and Duties.

The Common Council shall be the legislative and appropriating body of the City. It shall have all the powers and perform all the duties now or in the future conferred by this Charter or imposed by law upon the legislative body of a city.

B. Finance and Property.

The Common Council shall have the control of the finances and property of the City, except as otherwise provided for in this Charter.

C. Laws, Ordinances, and Regulations.

The Common Council shall have the power to enact local laws, ordinances, and regulations consistent with the Constitution and laws of the State, including but not limited to:

1. The preservation of order, peace, and health, and the safety and welfare of the City and its residents.
2. The benefit of trade and commerce within the City.
3. The protection of the quality of life within the City.
4. The protection of the business and property interests of the residents of the City.
5. The government of the City and the management of its business.

§ C-32. ACTIONS REQUIRING ENACTMENT BY ORDINANCE OR LOCAL LAW

The Common Council shall, by ordinance or by local law:

1. Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed.
2. Levy taxes, except as otherwise provided with respect to the property tax levied by adoption of the budget.
3. Grant, renew, or extend a franchise.
4. Regulate the rate charged for its services by the holder of a franchise.
5. Convey or lease, or authorize the conveyance or lease, of any lands of the City.
6. Amend or repeal any ordinance or local law previously adopted.

These actions are in addition to other acts required by law or by specific provision of this Charter.

§ C-33. PROCEDURE FOR ADOPTION OF ORDINANCES BY COMMON COUNCIL

[A.](http://www.ecode360.com/?custId=ON1737&guid=13172201&j=23) Voting Procedure.

Passage of an ordinance shall require a majority vote of the Common Council. Member names and their votes shall be entered into the record, journal, or minutes of proceedings.

[B.](http://www.ecode360.com/?custId=ON1737&guid=13172202&j=23) Style.

The style of an ordinance shall be "Be it ordained by the Common Council of the City of Oneonta as follows:"

[C.](http://www.ecode360.com/?custId=ON1737&guid=13172203&j=23) Introduction and Required Time Periods.

A proposed ordinance may be introduced only by a Member of the Common Council at a meeting of the Common Council or as may be otherwise prescribed by the rules of procedure adopted by the Common Council. No such ordinance shall be passed until it shall have been in its final form and either (a) upon the desks or tables of the Members at least seven (7) calendar days, exclusive of Sunday, prior to its final passage; (b) mailed to each of them in postpaid properly addressed and securely closed envelopes or wrappers in a post box or post office of the United States Postal Service within the City at least ten (10) calendar days, exclusive of Sunday, prior to its final passage; or (c) at a Member’s option, it has been set forth in a legible format by electronic means and has been available for review in such format at the desk or other designated location of such Member, in its final form, at least seven (7) calendar days, exclusive of Sunday, prior to its final passage. The procedures and time periods may be waived upon certification by the Mayor as to the necessity for immediate passage of an ordinance and such ordinance is passed by a two-thirds (2/3) majority vote of the Common Council.

[D.](http://www.ecode360.com/?custId=ON1737&guid=13172204&j=23) Public Hearing Before Mayor.

The Mayor shall hold a public hearing before approving or vetoing an ordinance passed by the Common Council. The Mayor shall give notice of hearing within ten (10) days after being presented with the ordinance, and the hearing shall be held within twenty (20) days after such presentation. Public notice of at least five (5) days shall be provided before the public hearing.

§ C-34. MAYORAL APPROVAL OF ORDINANCES AND LOCAL LAWS

[A.](http://www.ecode360.com/?custId=AL0934&guid=13986681&j=23) Veto Power.

The Mayor shall have the power to veto any local law or ordinance passed by the Common Council except as stated in Article 5 pertaining to the budget, or as otherwise provided by State law.

[B.](http://www.ecode360.com/?custId=AL0934&guid=13986682&j=23) Approval Process.

Subject to the limitations set forth in Section 406 A:

1. A copy of every local law or ordinance approved by the Common Council shall be separately certified by the City Clerk and presented to the Mayor for review and approval within three (3) business days after passage.
2. In the case of an ordinance, the Mayor may exercise such veto power within ten (10) days of receipt of a certified copy from the City Clerk. In the case of a local law, the Mayor may exercise such veto power within thirty (30) days following receipt of a certified copy from the City Clerk.
3. If the Mayor approves such local law or ordinance, the Mayor shall sign it and return it to the City Clerk and it shall be deemed adopted and will take effect. If the Mayor vetoes such local law or ordinance, it shall be returned to the City Clerk with the objections stated in writing; the City Clerk shall present the same with the objections stated to the Common Council at its next regular meeting.
4. In the event of a Mayoral veto, the Common Council may override such veto, within thirty (30) days, by a two-thirds (2/3) vote of the Common Council. Legislation authorizing bond debt shall require a three-fourths (3/4) vote of the Common Council to override a veto. In the event of an override, the local law or ordinance shall be deemed adopted and will take effect.
5. If any ordinance or local law is not returned by the Mayor to the City Clerk within ten (10) days after it shall have been presented to the Mayor, or thirty (30) days in the case of a local law, or if such ordinance or local law is returned without the Mayor's approval or disapproval, the same shall be deemed adopted and will take effect.
6. If any ordinance or local law contains more than one (1) specific appropriation or budget item, including specific items in a five (5) -year capital plan, or embraces more than one (1) distinct subject, the Mayor may approve specific appropriations or subjects and disapprove others. The approval or disapproval of the Mayor and review by the Common Council shall be subject to the procedures outlined above.

[C.](http://www.ecode360.com/?custId=AL0934&guid=13986689&j=23) Procedures.

Local laws shall be enacted pursuant to the procedures set forth in the Municipal Home Rule Law.

§ C-35. EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS

Every ordinance of the Common Council may specify at what time it shall take effect, and if no time be specified, it shall take effect twenty (20) days after it shall have been finally adopted. Resolutions may specify at what time after their final passage as stated above they shall take effect, and if no such time be specified they shall take effect immediately.

§ C-36. LICENSING OCCUPATIONS

If an ordinance of the City prohibits the carrying on of any occupation or business without a license, the Common Council shall fix the fee for such license, prescribe whether or not a bond shall be given by the licensee, prescribe the mode of licensing and the necessary qualifications of the licensee, approve or disapprove the application, and if approved, direct the City Clerk to issue the license.

§ C-37. VIOLATION OF ORDINANCES AND LOCAL LAWS

[A.](http://www.ecode360.com/?custId=ON1737&guid=13172209&j=23) Penalty.

Any ordinance or local law enacted by the Common Council may provide that any person convicted of any violation of the same may be punished by imposition of a fine, or by imprisonment, or both.

B. Type of Violation; Civil Penalty.

Any ordinance or local law enacted by the Common Council may provide that any person violating such ordinance or local law shall be guilty of a violation or of a misdemeanor or shall be liable to pay to the City a sum therein named as a penalty, to be recovered in a civil action. If no provision is made in any ordinance or local law as to the effect of a violation thereof, every violation thereof shall be a violation.

[C.](http://www.ecode360.com/?custId=ON1737&guid=13172211&j=23) Injunction Relief.

The City may maintain an action to restrain by injunction a violation of any ordinance or local law of the Common Council or order of the Health Officer, notwithstanding that such ordinance, local law, or order may provide a penalty for such violation.

§ C-38. POSSESSION, DISPOSITION, AND CONTROL OF REAL AND PERSONAL PROPERTY

A. Power of Common Council.

The Common Council absolutely shall possess, dispose, and control all property of the City, both real and personal, of whatever nature and wherever located, subject only to the management and maintenance by the various boards and commissions granted by this Charter.

B. Mayor to Execute Agreements.

All agreements, contracts, deeds, rights-of-way, and other easements of any nature whatsoever relating to said real and personal property shall be made in the name of the City of Oneonta and executed by the Mayor, after majority vote of the Common Council authorizing the same

§ C-39. OFFICIAL NEWSPAPER

The Common Council shall, at its first meeting in each fiscal, year, or as soon thereafter as practicable, designate a newspaper published, circulated, printed, or distributed in the City in which all such matters as the Common Council may direct shall be published. The newspaper so designated shall be the official newspaper of the City for the ensuing fiscal year, and until the next annual designation. The affidavit of the publisher or a designee of the publisher shall be filed with the City Clerk to cover each publication, and the same or a certified copy thereof shall be presumptive evidence of the fact of such publication.

§ C-40. SALARIES OF COUNCIL MEMBERS

The salary of each Council Member shall be fixed and determined by the Common Council and be included in and paid from the general City fund.

§ C-41. APPROVAL BY COMMON COUNCIL OF CONTRACTS AWARDED ON PUBLIC BID

No contract required to be submitted to public bidding shall be binding upon the City of Oneonta unless and until it has been approved by a majority vote of the Common Council.

§ C-42. REDISTRICTING

A. Commission Appointment.

The Common Council shall appoint a Redistricting Commission to evaluate the existing ward boundaries for equity and representation in relation to population within six (6) months after the publication of each federal decennial census. The Redistricting Commission shall include City residents in such proportion as to reasonably reflect the demographic composition of the City, together with such other expert and official representatives as shall be deemed necessary and appropriate.

B. Process.

The Redistricting Commission shall review the population data and propose a plan to the Common Council in compliance with the Municipal Home Rule Law within six (6) months after the Commission is appointed.

C. Guiding Rules.

The Redistricting Commission shall apply, as nearly as practicable, the “one person, one vote” principle and the Equal Protection clauses of the Fourteenth Amendment of the United States Constitution and Article I, Sections I and II of the New York State Constitution.

§ C-43. CLAIMS FOR DAMAGES, PLACE OF TRIAL OF ACTIONS, PROCEEDINGS

A. Dangerous, Defective Conditions.

No civil action shall be maintained against the City for damages or injury to person or property sustained in consequence of any street, highway, bridge, culvert, sidewalk, crosswalk, or public building being defective, out of repair, unsafe, dangerous, or obstructive unless it appears that written notice of the defective, dangerous, unsafe, or obstructive condition was actually given to the City Clerk, and there was a failure or neglect within a reasonable time after the giving of such notice to remedy, repair, or remove the defect, danger, or obstruction.

B. Snow, Ice.

No civil action shall be maintained against the City for damages or injury to person or property sustained in consequence of the existence of snow or ice upon any sidewalk, crosswalk, or street, unless written notice thereof relating to the particular complaint was actually given to the Mayor or the Common Council, and there was a failure or neglect to cause such snow or ice to be removed, or the place otherwise made reasonably safe, within a reasonable time after the receipt of such notice.

C. Other Claims; Notice Requirements, Limitations, Venue of Actions.

All claims against the City for damages or injuries to persons or property, or invasion of personal or property rights of every name and nature whatsoever shall be governed by the provisions of Article Four (4) of the General Municipal Law. The place of trial of all actions or proceedings against the City or its boards or officers shall be in the County of Otsego.

D. Compromise of Claims.

The Common Council shall have the power to pay, compromise, or settle any such claim which may be made against the City for damages, provided such claim is presented within the time and in the manner prescribed in this Charter. The sum or sums so expended shall be included in the amount to be raised by tax for general purposes.

**ARTICLE 5. FINANCES**

§ C-44. BUDGET PLANNING AND PREPARATION

A. Instructions to Departments.

On or before August 1st of each year, the Director of Finance shall consult with the City Manager, Mayor, and Common Council to establish budget guidelines for the next fiscal year. The Director of Finance shall forward these guidelines and budget forms to the head of each City department, and to all other City agencies with direct budget allocation.

B. Planning and Budgeting Workshop.

The City Manager shall convene a planning and budgeting workshop for City department heads on or before August 31st. Department heads may designate an employee to serve as budget manager and attend the workshop in their stead.

C. Submission of Budget Requests.

On or before September 30th:

1. Department heads shall submit draft department budgets and explanatory narrative to the Director of Finance.
2. City commissions, boards or other agencies requiring direct budget allocations shall submit their budget requests to the Director of Finance.

On or before October 15th, the Director of Finance shall submit a report to the City Manager that includes:

1. A detailed statement of estimated revenues and items of expense of the City for the next fiscal year.
2. An itemized statement of the principal and interest of all bonded and other indebtedness of the City that will fall due during the next fiscal year.
3. An updated five (5)-year capital budget plan.

D. Preparation and Submission of Draft Budget.

The City Manager shall review the draft budget and may revise revenue, expense, and capital items. S/he shall submit the draft budget to the Common Council at least one (1) week prior to its second (2nd) meeting in November.

§ C-45. FIVE (5) -YEAR CAPITAL PLAN

The budget shall include a five (5)-year capital plan. The first (1st) year of the capital plan shall be included in the budget for the ensuing year. The five (5)-year plan shall include:

* 1. A clear general summary of its contents.
	2. A list of all capital projects to be undertaken during the ensuing five (5) fiscal years, including those under way.
	3. Cost estimates, sources of funding and, where appropriate, recommended time schedules for each project.

§ C-46. COMMON COUNCIL ACTION ON BUDGET

A. Revision of Estimates.

The Common Council shall review the draft spending and revenue plan for the ensuing year at its second (2nd) meeting in November, or at a special meeting. It may, by a two-thirds (2/3) vote of its members, revise any budget lines, except those of the Library Board. By simple majority vote, it shall approve the proposed budget, as amended, for the City for the ensuing fiscal year. Copies of the proposed budget shall be made available for inspection by any person.

B. Finalization of Budget.

The Common Council shall hold a public hearing on the proposed budget at least one (1) week before its first (1st) regular meeting in December. The Common Council shall vote on the adoption of the budget at its regular meeting following the public hearing. Adoption of the budget requires an affirmative vote of a majority of the Common Council. Immediately after the adoption of the budget, the Common Council shall levy all regular and special taxes required to defray the approved expense plan.

C. Failure to Adopt Budget.

In the event that the Common Council fails to adopt a budget by December 10, the budget for the current year shall become the budget for the ensuing fiscal year, modified only to add any increased expenditures resulting from previously approved contracts or other obligations of the City.

§ C-47. BUDGET TRANSFER AFTER ADOPTION OF BUDGET

The Common Council may approve transfers within departments and between departments or other budget units. The City Manager may approve transfers up to limits established by the Common Council and may delegate authority to approve transfers to the Director of Finance.

**ARTICLE 6. ADMINISTRATIVE DEPARTMENTS**

§ C-48. GENERAL PROVISIONS

A. Departments.

The Common Council may establish or abolish City departments, offices, or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices, and agencies.

B. Personnel System.

All appointments and promotions of City employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence, and according to the provisions and requirements of the Civil Service Law.

C. Salaries.

The City Manager shall recommend salaries of all department heads, non-elected, and non-union personnel for Common Council approval.

D. Employment Positions.

The Mayor and Common Council shall approve in advance the creation of all employment positions within the City. The City Manager shall provide the Common Council with the position title, rate of pay, description of duties to be performed, and the planned date of hire.

§ C-49. DEPARTMENT OF FINANCE

A. Constituted.

There shall be a Department of Finance, the head of which shall be the Director of Finance, which shall be responsible for the management and disbursement of all City revenues and other assets.

B. Role.

The Director of Finance shall be the chief fiscal officer of the City. The Director shall administer the financial affairs of the City and shall have the following powers and duties:

1. Draft the annual budget based on department budget requests and revenue estimates.
2. Supervise and be responsible for the disbursement of all moneys and have control over all expenditures as provided in this Charter, to insure that budget appropriations are not exceeded.
3. Have custody of all moneys belonging to the City, and keep accounts in conformance with a uniform system of accounts formulated and prescribed by the State Comptroller.
4. Collect all taxes, special assessments, and other revenues of the City or for whose collection the City is responsible and receive all moneys receivable by the City from the State or federal government, or from any court, or from any office, department, or agency of the City.
5. Have custody of all investments and invested funds of the City, or in possession of such City in a fiduciary capacity, except as the Common Council may provide by resolution for custody by a different escrow or as may be required by general law.
6. Submit to the City Manager and Common Council a monthly statement of all receipts and disbursements in sufficient detail to show the financial condition of the City.
7. Process all special assessments for the City, refer same to the Assessor for inclusion in the assessment and tax roll or separate roll, and give notice of taxes and assessments as may be required by law.
8. Deposit regularly all moneys received and belonging to the City to accounts in one or more banks or trust companies designated by the Common Council.
9. File in the office of the City Clerk within one hundred twenty (120) days after the end of the fiscal year a balance sheet and a statement showing in detail all revenues and expenditures during the previous fiscal year and the outstanding indebtedness of the City at the end of the fiscal year. The Director of Finance shall, within ten (10) days, cause to be published in the official newspaper, either a notice that the annual financial statement has been filed and is available for inspection or a summary of such statement in a form approved by the State Comptroller, with an endorsement that details of the full statement are on file in the office of the City Clerk.
10. Submit written reports of the fiscal affairs of the City as directed by the Mayor or the Common Council in such form as it may require, and file said report in the Office of the City Clerk.
11. Perform such other duties not inconsistent with the duties of office as may be determined by resolution of the Common Council.

C. Check Signing.

In the absence or inability of the Director of Finance and the Deputy Director of Finance, the Common Council may, by resolution, determine that the Mayor and/or City Manager shall sign checks and a copy of such resolution shall be notice to the depository of such authorization.

§ C-50. DEPARTMENT OF THE CITY CLERK

A. Constituted.

There shall be a Department of the City Clerk, the head of which shall be the City Clerk.

B. Term.

The City Clerk shall hold office for an indefinite term and may be removed for just cause upon recommendation of the City Manager by a majority vote of the Common Council.

C. Role.

The City Clerk shall:

1. Perform the functions and discharge the powers and duties of the City Clerk pursuant to law.
2. Act as the Clerk for the Common Council and for the Board of Public Service, Parks and Recreation Board, and City of Oneonta Planning Commission. The City Clerk shall be responsible forkeeping a journal of all proceedings and a record of the minutes of all meetings of these respective boards and commissions and of the Common Council.
3. Keep and maintain the original authenticated copies of all resolutions, ordinances, and local laws. At the close of each year, s/he shall compile or codify and bind all local laws, ordinances, and resolutions, or true copies thereof, in books to be provided for that purpose with the advice and assistance of the City Attorney. The City Clerk shall properly index such books, compilations, and codifications. This record, or a copy duly certified by the City Clerk, shall be presumptive evidence in all courts and places, and in all actions and proceedings, of the due and proper passage of any such local law, ordinance or resolution.
4. Issue licenses and permits under authority of the Common Council or of a City Clerk pursuant to this Charter, the City Code, or other applicablelaw. The City Clerk shall keep a record of each application and license if issued, the party to whom issued, and the fee paid. The City Clerk shall turn over all fees to the Director of Finance on a regular basis.
5. Serve as the Registrar of Vital Statistics.
6. Have such other powers and duties as may be prescribed by this Charter, local law, or ordinance.

§ C-51. DEPARTMENT OF LAW

A. Constituted.

There shall be a Department of Law, the head of which shall be the City Attorney.

B. Role.

The City Attorney shall be the legal adviser for all officers, agencies, and boards and commissions of the City. S/he shall prosecute and defend all actions and proceedings by and against the City and every department thereof, and perform such other professional services relating to the City as the City Manager or Common Council may direct. The City Attorney shall prepare all legal papers, contracts, deeds, and other instruments for the City and all City officers, departments, agencies, boards, and commissions.

C. Transition.

The City Attorney shall, at the expiration of the term of office, deliver to the succeeding City Attorney, as soon as qualified, the record or register of all suits or proceedings in which the City or any of its departments may be a party and also all the papers on the part of the City therein, and also sign stipulations substituting such successor as Attorney for the City to such suits or proceedings to the end that an order may be entered making such substitution.

D. Collected Costs.

All costs in litigated cases, wherein the City is successful, shall belong to the City, and when collected shall be paid to the Director of Finance and credited to and form part of the general fund of the City.

E. Appointment of City Prosecutor.

The Mayor shall appoint an attorney to serve as City Prosecutor who shall prosecute all criminal and quasi-criminal offenses and proceedings in City Court and all subsequent appeals.

§ C-52. DEPARTMENT OF PERSONNEL

A. Constituted.

There shall be a Department of Personnel, the head of which shall be the Personnel Director.

B. Role.

The Personnel Director is responsible for and shall enforce the provisions of federal, State, and local laws as they relate to City personnel.

C. Other Powers and Duties.

The Personnel Director shall have other powers and duties as may be prescribed by this Charter, local law, or ordinance, or as directed by the City Manager or Common Council.

D. Civil Service Commission.

A Civil Service Commission shall be in the Department of Personnel. The Commission shall have all the powers and duties of a municipal civil service commission as provided in the Civil Service Law or in any other statute or local law pertinent to the Commission. The City shall provide staff assistance to the Civil Service Commission.

§ C-53. DEPARTMENT OF PURCHASING

A. Constituted.

There shall be a Department of Purchasing, the head of which shall be the Purchasing Agent.

B. Role.

The Purchasing Department shall make all purchases for City departments, officers, or other employees. Every department, officer, or employee requiring materials and supplies for which the City is liable must requisition the same on forms supplied for that purpose and deliver such requisition to the Purchasing Department. The City will not be liable for purchases made in any other way.

C. Functions.

The Purchasing Agent:

1. Shall purchase and be responsible for the proper receipt of all materials and supplies, including those on which bids are obtained after publication of legal notices.
2. May sell, under the direction and control of the Common Council, all property of the City, real and personal, not needed for public use and authorized to be sold.
3. Shall have charge of all storerooms and warehouses of the City maintained and designated as storage space for all materials and supplies belonging to the City.
4. Shall establish and maintain a current inventory account.
5. Shall prepare and be responsible for the publication of advertisements for bid for all purchase contracts and public works contracts for all City departments, as authorized by the Common Council and in accordance with the following procedures:
6. The City Engineer or other authorized representative shall provide technical assistance and guidance in the preparation of the advertisements for bid and the contract documents.
7. The Purchasing Agent or a designee shall publicly open and read all bids received at the time and place specified in the advertisements for bid.
8. The issuance of plans and specifications and the receipt of mailing fees, deposits, bid bonds, certified checks, contract bonds, and other related action shall be the responsibility of the Purchasing Agent unless otherwise provided by the Common Council.
9. The Purchasing Agent and, where necessary or appropriate, the City Engineer or other authorized representative shall review the bids to determine the lowest responsible bidder so that a recommendation for an award can be made.
10. When an award is made by the Common Council, the Purchasing Agent shall arrange for the execution of the contract documents by the successful bidder and the Mayor.

§ C-54. DEPARTMENT OF ASSESSMENT

A. Constituted.

There shall be a Department of Assessment, the head of which shall be the Assessor.

B. Appointment.

The appointment of the Assessor, term of office, qualifications, duties, and removal shall be in conformance with the Real Property Tax Law.

C. Powers and Duties.

The Assessor shall have the following powers and duties:

1. Make all assessments for general tax or special assessment purposes in accordance with the provisions of the Real Property Tax Law..
2. Be responsible for the maintenance and revision of the tax roll.
3. Perform such other functions as may be required by applicable law.

D. Board of Assessment Review.

There shall be a Board of Assessment Review, the members of which shall be appointed and qualified as provided in the Real Property Tax Law. The Board of Assessment Review shall hear and determine complaints in relation to assessments, as provided in the Real Property Tax Law.

§ C-55. MUNICIPAL FACILITIES AND OPERATIONS

A. Position.

There shall be a Department of Municipal Facilities and Operations**, the head of which will be the Director of Engineering.**

B. Role.

The Director of Engineering shall be responsible for the administration of the following departments: Public Service (streets, parks, sewers, and water distribution), Engineering, Wastewater Treatment, Water Treatment, and Code Enforcement as well as the supervision of the maintenance of all City parks, buildings, and facilities.

C. Functions.

The Director of Engineering shall:

1. Oversee all engineering required by the Common Council or Board of Public Service and by the other departments and the other officers of the City.
2. Ensure that all professional engineering requirements of the City are met, including but not limited to the water treatment plant, wastewater treatment plant, streets, and parks, and engineering functions related to purchases, contracts, and public works generally.
3. Provide for the maintenance and retention of books and records of all surveys and maps of public places, streets, avenues, and lanes, and the grade thereof; and sidewalks, water mains, sewers, and sewer inlets, with location and grade thereof. Such books and records shall be properly indexed, and shall be the property of the City.

§ C-56. DEPARTMENT OF RECREATION

A. Constituted.

There shall be a Department of Recreation, the head of which shall be the Recreation Director.

B. Role.

The Recreation Director shall be responsible for planning, preparing, implementing, and evaluating a comprehensive recreation program for youth and residents of the City, in accordance with policies outlined by the Common Council and under the supervision of the City Manager.

C. Parks and Recreation Board.

There shall be a Parks and Recreation Board which shall provide recommendations to the Department of Recreation regarding rules for use, regulations, and fee structures to ensure the maintenance, beautification, and provision of services and supplies by vendors, and to financially support City parks and playgrounds.

§ C-57. POLICE DEPARTMENT

There shall be a Police Department, the head of which shall be the Chief of Police.

§ C-58. FIRE DEPARTMENT

There shall be a Fire Department, the head of which shall be the Fire Chief.

§ C-59. DEPARTMENT OF PUBLIC TRANSPORTATION

A. Constituted.

There shall be an Oneonta Public Transit System (OPT), the head of which shall be the Transportation Director.

B. Role.

The Transportation Director shall perform all related transportation duties required by the Common Council with the assistance of the Transportation Committee. These duties shall include, but not be limited to, the establishment and maintenance of bus routes; fare recommendations; vehicle maintenance and purchase recommendations; maintenance of all records required by law; direction and supervision of all employees of OPT; appointment recommendations of all employees; and any additional duties and responsibilities as may become necessary to maintain the operation of the Oneonta Public Transit System.

§ C-60. DEPARTMENT OF CENTRAL GARAGE

A. Constituted.

There shall be a Department of Central Garage, the head of which shall be the Fleet Operations Manager.

B. Role.

The Fleet Operations Manager shall service and maintain all City motor vehicles.

§ C-61. DEPARTMENT OF COMMUNITY DEVELOPMENT

A. Constituted.

There shall be a Department of Community Development. The head of which shall be the Director of Community Development.

B. Role.

The Department is responsible for promoting the economic and neighborhood development of the City including industrial, commercial, and residential growth and development; coordination with local businesses, governmental and non-governmental agencies concerning development issues and funding; and the enhancement of residential areas of the City. The Department shall have other related powers and duties as assigned by the City Manager, the Mayor, or the Common Council.

**ARTICLE 7. BOARD OF PUBLIC SERVICE**

§ C-62. BOARD ESTABLISHED

The Board of Public Service shall consist of five (5) Commissioners to be appointed by the Mayor for a term of three (3) years each, subject to the approval of the Common Council. All members of the Board of Public Service shall not belong to the same political party.

§ C-63. MEETINGS; NOTICE OF SPECIAL MEETINGS OF BOARD

The Board of Public Service shall meet regularly each month but may hold special meetings at the call of the Chair. The Chair shall call special meetings at the request of any two (2) members of the Board. Special meetings shall be called (a) by serving a written or printed notice thereof upon each member personally; (b) by delivering such notice to each member’s residence at least three (3) hours before the time of meeting; or, (c) at a member’s option, by electronic means delivered at least three (3) hours before the time of meeting.

§ C-64. SCOPE OF AUTHORITY OF THE BOARD OF PUBLIC SERVICE

The Board of Public Service shall:

A. Authorize, upon application on forms duly established for such purposes and upon demonstration by applicant of intention to install according to established standards, the introduction of new water service and new sewer service based on the apportionment of expenses, as provided in the Code;

B. Accept and consider appeals to the implementation of the Water Department Rules and Regulations. The Board shall make recommendations to the Mayor and the Common Council regarding changes in such Rules and Regulations.

C. Accept requests for exemption from the Water Department Rules and Regulations, and may grant such exemptions after due deliberation on a case by case basis. When such exemption shall require expenditure or repayment of public funds, the Board of Public Service shall notify the Common Council of the implications of its decision, and the Common Council shall act to accept or deny such action.

D. Determine, after holding a duly authorized show cause hearing, whether properties in the City shall be declared unsafe according to the Code.

E. Administer and implement the City of Oneonta Flood Damage Prevention Law as set forth in the Code.

F. Hear appeals to action by the City of Oneonta to cause snow and ice removal from sidewalks, roofs, and gutters, as set forth in the Code.

§ C-65. SALE OF WATER OUTSIDE CITY LIMITS

The Board of Public Service shall accept applications for and make recommendations to the Common Council regarding sale of water outside the limits of the City. In no case shall water lines be extended during any water emergency or at other times when provisions of such service shall jeopardize the delivery of water to customers within the City.

§ C-66. RIGHTS TO USE STREETS AND HIGHWAYS

The Board of Public Service and all persons acting under its authority may use the ground or soil under any street within the City of Oneonta, and the highways or roads within the County of Otsego or any adjoining county, for the purpose of introducing water into and through any portion of the City or counties. The Board shall cause the surface of such street, highway, or road to be re-laid or restored to its usual state, and all damages done to be repaired. Such rights shall be continuous for the purpose of repairing and relaying water pipes.

**ARTICLE 8. DEPARTMENT OF PUBLIC LIBRARIES**

§ C-67. CITY PUBLIC LIBRARY DISTRICT

The City has formed a permanent library district and the public library or libraries therein shall be entitled to all the rights, powers, privileges, public moneys and other benefits conferred upon public libraries by law or other State authority and shall, except as otherwise provided in this Charter, be subject to all the rules, regulations, powers of inspection and superintendence prescribed by law applicable to public libraries in the State of New York.

§ C-68. NAME OF LIBRARY DESIGNATED

The name of the "Oneonta Public Library," a corporation created by the regents of the State of New York in eighteen hundred and ninety-three has been duly changed to "The Huntington Memorial Library" pursuant to the request of Mr. Henry E. Huntington who has already made valuable gifts to the City of Oneonta for library and park purposes and who proposes to endow the same in memory of his parents.

§ C-69. BOARD OF LIBRARY TRUSTEES CONSTITUTED

The affairs of the Huntington Memorial Library shall be managed by a board of five (5) members to be appointed in the manner provided in this Charter, which board shall be known and designated as the "Board of Trustees of the Huntington Memorial Library." Said Board and its successors shall possess all the powers conferred, and discharge all the duties imposed by this Charter or by any general law relating to public libraries.

§ C-70. GENERAL POWERS OF BOARD OF LIBRARY TRUSTEES

The title to all real and personal property belonging to said library shall remain vested in said Board of Library Trustees, but all moneys and funds belonging to said library shall be paid over and delivered to the Chamberlain and credited by him to the library fund of the City.

§ C-71. APPOINTMENT, TERM OF TRUSTEES

The Mayor, subject to the approval of the Common Council, shall annually in the month of January appoint a citizen of the City a member of the Board of Trustees of Huntington Memorial Library and shall also appoint a citizen of the City to fill any vacancy in the membership of said Board caused by death or otherwise, whenever such vacancy shall occur. Each person so appointed shall hold office for the term of five (5) years, except when appointed to fill a vacancy, and in such case to fill the unexpired term caused by such vacancy.

§ C-72. ORGANIZATION; POWERS DESIGNATED OF BOARD OF LIBRARY TRUSTEES

The Board of Library Trustees shall have power to elect one of their members President, and one of said members to act as Secretary, and each shall perform the duties usually pertaining to their respective offices, and subject to the provisions of this Charter and to the laws and regulations pertaining to public libraries in the State of New York, said Board of Library Trustees shall have power and it shall be its duty:

1. Control of property. To have the exclusive care, custody, management and control of the public library of the City, and of all property pertaining thereto.

2. Provision of facilities. To provide suitable rooms or buildings for said library and to appoint a librarian and such other persons as may be necessary for the proper care and maintenance of the library.

3. Purchase, sale repairs. To purchase, sell or exchange, improve and repair books for the Library, library appurtenances and fixtures.

4. Payment of salaries, expenses. To pay the salaries of its librarian, assistants or persons employed by said Board, and for books, library apparatus and fixtures, and all other expenses in the care and maintenance of the Library, out of the moneys appropriated or provided by law for that purpose, by orders upon the Chamberlain.

5. Application for State funds. To apply to the State for public library moneys and when received to pay the same over to the Chamberlain and the Chamberlain shall include the same in the library funds.

6. Receipt of property, investment thereof. To receive all property, real and personal, that may be given, bequeathed or devised to the Huntington Memorial Library and to have power to invest and reinvest and to care for and control the same, but all moneys, incomes and funds received from such gifts, bequests or devises shall be paid to and disbursed by the Chamberlain upon the order of the Board of Library Trustees.

§ C-73. ANNUAL REPORTS OF LIBRARY TRUSTEES

It shall be the duty of the Board of Library Trustees on or before the last day of January in each year, to make to the Common Council a detailed report of the manner in which it shall have expended the money provided for and appropriated to library purposes from any source during the fiscal year of said Board of Library Trustees; and such report shall be published by the Common Council in connection with, and as part of, the annual report of the financial transactions of the City. The Board of Library Trustees shall also make such reports to the Education Department of the State of New York as shall be required by law.

§ C-74. PROCEDURE FOR FINANCING OPERATIONS, EXPENSES

A. Submission of statement of anticipated expenses.

On or before the first day of October of each year, the Board of Library Trustees shall prepare a statement of such sums of money as it shall deem necessary during the next fiscal year which shall begin January first, annually. Before the meeting of the Board at which said statement is prepared, the Board shall give the Mayor official notice thereof, and the Mayor shall attend said meeting and be accorded the right to inquire into all the items of said statement and all the privileges in said meeting of the members of said Board, except the privilege of voting.

B. Action by Mayor.

Whenever the Board shall finally have determined on the statement of expenses for the ensuing year, it shall present the same to the Mayor or Acting Mayor of the City. If the Mayor, or Acting Mayor, approves such statement he shall sign it and immediately file the same with the City Clerk; if he does not approve of any item therein he shall, within five (5) days, return the statement with his objections endorsed thereon or annexed thereto, to the Clerk of the Board of Library Trustees and the Board shall then proceed to reconsider such statement and if four- fifths of the members then in office agree to sustain the statement as made it shall stand as if it had been approved by the Mayor and shall be immediately filed with the City Clerk. If four- fifths of the members of the Board do not agree to sustain the statement as made, it shall be modified so as to conform to the views expressed by the Mayor in his objections and he shall sign it and file it with the City Clerk. But if he does not approve any item thereof, he shall, within twenty- four (24) hours, return the same with his objections as before, and the Board of Library Trustees shall continue to present statements as aforesaid until the Mayor's approval be obtained or until four- fifths of the members of the Board agrees to pass the same over his objections; and said statement when thus approved shall be filed with the City Clerk. If the Mayor, or Acting Mayor, fails to sign a statement of moneys required as herein provided, or fails to return, within five (5) days after its submission, said statement with his objections thereto to the Board, said statement shall be filed with the City Clerk in the same manner as if it had been approved.

C. Tax levy.

When such statement is filed with the City Clerk, the Common Council shall then include the amount thereof in the annual levy for City taxes, and the same shall be collected by the Chamberlain under the same terms as other taxes, who shall credit the same when received to the library fund of the Huntington Memorial Library and who shall disburse the same upon orders of the Board signed by the President and Secretary thereof.

**ARTICLE 9. APPLICATION OF CHARTER**

§ C-75. ADOPTION OF CHARTER; EFFECTIVE DATE

This Charter shall become effective on January 1, 2012, upon approval by public referendum in the manner provided by applicable law. An Administrative Code may be adopted and amended by local law at any time subsequent to the approval and adoption of this Charter.

§ C-76. AMENDMENT AND REVISION OF CHARTER

This Charter may be amended in the manner provided by the Municipal Home Rule Law. At least once every twenty (20) years following the effective date of January 1, 2012, this Charter shall be reviewed and revised as deemed necessary pursuant to the Municipal Home Rule Law.

§ C-77. CONTINUITY OF AUTHORITY; COMPLETION OF UNFINISHED BUSINESS

The provisions of this Charter shall constitute a continuation of City functions for the purpose of succession to all rights, powers, duties, and obligations attached to such functions. Proceedings or other business undertaken or commenced prior to the effective date of this Charter may be conducted and completed by the City officer or department responsible. This Charter shall not invalidate any obligations previously issued by the City or by any of its commissions, boards, or agencies, and such obligations shall be and remain binding obligations of the City. In the event any obligation has been issued in anticipation of the issuance of bonds by the City or by any of its commissions, boards, or agencies, the City is hereby empowered to issue such bonds as legal and binding obligations of the City.

§ C-78. TRANSITION

A. Continuity of City Officers’ Rights and Privileges.

Nothing in this Charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are City officers or employees at the time of its adoption.

B. Continuity of Appointed Officials.

Appointed officials whose offices are continued pursuant to this Charter shall continue to hold their respective offices until the expiration of the term for which they were originally appointed, and shall perform the duties of their respective offices as prescribed in this Charter, and shall be subject to removal only as originally provided at the time of their appointment.

C. Continuity of Powers and Duties.

Any powers which are conferred and duties which are imposed upon an officer, board, commission, or department under any laws of the State or by any ordinance or local law in force at the time this Charter takes effect, shall be retained and exercised by the officer, board, commission, or department except as amended by the provisions of this Charter.

D. Continuity of Officers and Employees.

All officers and employees of the City, who shall hold office or be employed subject to Civil Service Law and Rules when this Charter takes effect, shall continue in their respective positions and employment and in their respective civil service classifications and status as officers or employees of the City, consistent with the provisions of this Charter.

E. Transfer of Functions, Powers, and Duties.

This Charter provides that any functions, powers, or duties exercised by an officer, department, board, commission, or agency, including the officers and employees in the classified civil service, who are engaged in the performance of such functions, powers, or duties at the time this Charter takes effect shall be transferred to the office, department, board, commission, or agency to which such functions, powers, or duties are assigned by this Charter without examination and without affecting existing compensation, pension or retirement rights, privileges, or obligations of such officers and employees.

F. Transfer of Records, Property, and Equipment.

All records, property, and equipment whatsoever of any office, department, board,

Commission, or agency the powers and duties of which are assigned by this Charter to any other office, department, board, commission, or agency shall be transferred and delivered to the office, department, board, commission, or agency to which such powers and duties are assigned.

G. Transfer of Powers and Duties.

If a City department, office, or agency is abolished by this Charter, the powers and duties given it by law shall be transferred to the City department, office, or agency designated in this Charter or, if the Charter makes no provision, designated by the Common Council.

H. Transfer of Chamberlain’s Powers and Duties.

Upon adoption of this Charter, all powers and duties of the City Chamberlain shall be vested in the Director of Finance.

§ C-79. SEVERABILITY

If part of any provision of this Charter shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair, or invalidate the remainder of such provision, but shall be confined in its operation to the clause, sentence, paragraph, section, or article thereof directly involved in the proceeding in which such adjudication shall have been rendered.

§ C-80. DATES

If any date specified in this Charter falls, in any year, on a Saturday, Sunday, or legal City holiday, then such date shall be deemed to refer to the next succeeding date which is not a Saturday, Sunday, or legal City holiday.

§ C-81. SUBMISSION TO VOTERS

This Charter shall be submitted to the voters of the City of Oneonta at the general election occurring November 8, 2011. Pursuant to the Municipal Home Rule Law, this Local law, enacting a new Oneonta City Charter, shall not become operative unless and until approved by the duly qualified voters of the City of Oneonta in the manner prescribed by law at the general election of November 8, 2011.

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