

CHARTER

CHARTER

**Preamble
Statement of Purpose**

**TITLE 1
Short Title; Territories;
General City Powers; Severability**

- 1.1. Short title.**
- 1.2. Territories.**
- 1.3. General City powers; liabilities; construction.**
- 1.4. Severability.**

**TITLE 2
City Council, Supervisors, Deputies, and Employees**

- 2.1. Officers; eligibility; terms of office; salaries.**
- 2.2. City Council and powers.**
- 2.3. Supervisors.**
- 2.4. Vacancies.**
- 2.5. Civil Service Commission.**
- 2.6. Deputies and employees.**
- 2.7. Code of Ethics.**
- 2.8. Removal from office.**

**TITLE 3
The Mayor**

- 3.1. Capital Program.**

SARATOGA SPRINGS CODE

- 3.2. Human Resources Administrator.**
- 3.3. Administrator of Parks, Open Lands, and Historic Preservation.**
- 3.4. Recreation Commission.**
- 3.5. Planning and Economic Development.**
- 3.6. Building Inspector.**
- 3.7. Public information.**

**TITLE 4
The Commissioner of Finance**

- 4.1. Tax Collector.**
- 4.2. Custodian of City monies.**
- 4.3. Keeper of City financial records.**
- 4.4. Budget content, preparation, and administration.**
- 4.5. Construction with Local Finance Law.**

**TITLE 5
The Commissioner of Public Works**

- 5.1. Streets and highways.**
- 5.2. Buildings and grounds.**
- 5.3. Utilities.**
- 5.4. Office of the City Engineer.**

**TITLE 6
The Commissioner of Public Safety**

- 6.1. Police Department.**

CHARTER

- 6.2. Fire Department.**
- 6.3. Emergency planning.**

TITLE 7 The Commissioner of Accounts

- 7.1. City Clerk.**
- 7.2. City Assessor.**
- 7.3. City Purchasing Agent.**

TITLE 8 Legal Matters

- 8.1. City Attorney.**
- 8.2. Service of papers on the City.**
- 8.3. Notice of injury.**
- 8.4. Condemnation; acquisition and sale of city property.**

TITLE 9 Ordinances and Local Laws

- 9.1. Enactment of Ordinances.**
- 9.2. Enactment of local laws.**
- 9.3. Recording and proof.**
- 9.4. Publication and effective date.**
- 9.5. Repeal and amendment.**

SARATOGA SPRINGS CODE

**TITLE 10
Public Works and Local Improvements;
Water and Sewer Rates**

- 10.1. Public works and local improvements paid by tax.**
- 10.2. Local improvements paid by special assessment.**
- 10.3. Change of grades.**
- 10.4. Discontinuance of highways.**
- 10.5. Expenses added to assessments.**

**TITLE 11
Tax Districts; Bonding Limits; Contracts;
Assessments, Taxes, and User Fees; Reserve Funds**

- 11.1. Tax Districts.**
- 11.2. Limitations on bonding capabilities.**
- 11.3. Limitations on amount to be raised by real estate taxes.**
- 11.4. Apportionment of taxes.**
- 11.5. Water and sewer rates.**
- 11.6. Contracts.**
- 11.7. Reserve Fund for recreational development.**

**TITLE 12
Elections**

- 12.1. Election Districts.**
- 12.2. Primaries and municipal elections.**
- 12.3. Election of City officers.**

CHARTER

**TITLE 13
Miscellaneous Provisions**

- 13.1. Franchises.**
- 13.2. City property.**
- 13.3. Official newspapers.**
- 13.4. Open meetings.**

**TITLE 14
Effect of Charter on Existing Laws**

- 14.1. Repeal of 1915 Charter.**
- 14.2. Continuation of City officers and employees.**
- 14.3. Effective date of the Charter.**
- 14.4. Transition to the new Charter.**

**Appendix A, Annual Time Line and Schedule for
City Budget Process**

Glossary of Terms Used in the Charter

[HISTORY: Approved by a majority of the qualified voters of the City of Saratoga Springs at referendum 11-6-2001. Amendments noted where applicable.]

Preamble

Established as a City in 1915, Saratoga Springs has a rich and unique heritage. Residents and visitors cherish the beauty and history of the City and its diverse surroundings.

The citizens of Saratoga Springs freely offer their energies, ideas, and time to the City. As stewards of Saratoga Springs' wellbeing, they express their commitment by proactively ensuring that this is a special place to live, work, play, and raise families.

SARATOGA SPRINGS CODE

This Charter:

Describes a government its citizens can understand, and welcomes participation and cooperation to continue its tradition of being accountable to the people

Respects the shared commitment to protect the area's natural beauty and open spaces while promoting thoughtful and progressive development

Honors the community's past and present successes while judiciously permitting needed change.

Statement of Purpose

This Charter provides the legal framework for operating the government in the City of Saratoga Springs. It is the legal document that governs the operation of the City. The purpose of this Charter is to help the public servants and citizens of Saratoga Springs identify and meet City needs as they evolve. The Charter clarifies goals and requirements for City officials, and provides sufficient flexibility to adapt to future needs and opportunities. This Charter has been crafted to:

Provide elected and appointed officials with tools and resources to perform their duties effectively

Define clearly the duties and responsibilities of City officials
Provide citizens with access to timely, accurate, and complete information about City business and City finances

Develop a comprehensive process for preparing and administering City budgets, and for the inventory, management, financing, and replacement of the City infrastructure

Deliver City programs and services efficiently, affordably, and cost-effectively

Encourage opportunities for cooperation, and reduce potential for conflict, among City offices and between the City and other governmental entities

Enhance and improve the quality of long-range planning and implementation of City plans

Create frameworks for performing important functions that previous Charters could not foresee

Unify City grant and loan applications and management

§ 1.1

CHARTER

§ 1.3

Promote government efficiency in programs and services
Require regular reviews of important City plans, including
this Charter.

TITLE 1

**Short Title; Territories;
General City Powers; Severability**

1.1. Short title.

This Charter, together with all subsequent amendments hereto, provides for the government of the City of Saratoga Springs and shall be known as the “Charter of the City of Saratoga Springs.”

1.2. Territories.

The City of Saratoga Springs shall comprise the lands embraced within the boundaries of the City of Saratoga Springs as it existed when this Charter was adopted and any territory hereinafter duly acquired by the City to become part thereof.

1.3. General City powers; liabilities; construction.

The City of Saratoga Springs shall have all municipal powers, functions, rights, privileges, and immunities of every name and nature wherever conferred on cities by the Constitution of the State of New York and conferred or imposed on it by the laws of the State of New York. The City may provide for the distribution of such powers among and within its departments and regulate and control the exercise thereof by its officers and employees. All powers of the City, whether express or implied, shall be exercised in the manner provided by this Charter or by local law or ordinance not inconsistent with this Charter.

The enumeration of particular powers in this Charter shall not be deemed to be exclusive, but in addition to the powers enumerated or implied herein or appropriate to the exercise of

such powers. The City shall have all powers necessarily incident or fairly to be implied, not inconsistent with the provisions hereof. The powers of the City under this Charter shall be construed liberally in favor of the City, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general powers granted in this section.

Any state law inconsistent with this Charter shall be superseded by this Charter to the extent inconsistent, except where supersession is restricted by law.

1.4. Severability.

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

TITLE 2

City Council, Supervisors, Deputies, and Employees

2.1. Officers; eligibility; terms of office; salaries.

The elected officers of the City shall consist of the following:

- Mayor
- Commissioner of Finance
- Commissioner of Public Works
- Commissioner of Public Safety
- Commissioner of Accounts
- Two Supervisors

Each officer shall be elected for a term of two years, from and including the first day of January next succeeding the election until the election and qualification of his or her successor.

The Mayor and each Commissioner shall receive a salary of \$14,500 per year, which may be amended by local law. The Supervisors shall receive the salary established by the County Legislature.

Before assuming duties, each officer shall take and file the constitutional oath of office.

No person shall be eligible to serve as an elective officer unless at the time of election the individual is a resident elector of the City and is duly qualified pursuant to the requirements of the Public Officers Law.

2.2. City Council and powers.

The Mayor and Commissioners shall constitute the City Council, and shall be the legislative body of City government. The Council shall propose and enact legislation, establish policy, adopt a comprehensive City Budget, adopt a comprehensive plan and land use legislation, assess lawful taxes, fees, rents, and utility rates, provide for public health, safety and welfare, and oversee fundamental operations, finances, and property of City government.

The Council shall be vested with the powers granted to the City under New York State General City Law and other applicable laws; the Council may delegate such powers lawfully. Each Council member shall perform all duties imposed on him or her by this Charter and the ordinances and local laws of the City, and the laws of the State of New York and the United States. No matter before the Council shall be finally decided unless and until it has been moved and voted on at an open Council meeting. Three members shall constitute a quorum; a lesser number may adjourn. The vote of three members shall be necessary to pass any matter, unless otherwise provided in the Charter.

The Council has the authority to enact, amend, or repeal local laws, ordinances, and resolutions not inconsistent with the laws of the state or this Charter, for the government of the city and the management of its business, for the preservation of good order, peace, and health, for the safety and welfare of its inhabitants, and for the protection and security of their property.

The Council shall conduct open meetings in accordance with provisions of the Public Officers Law, and shall keep a public record of its proceedings. The Council shall state and enter into the record the reason(s) for closing to the public any part of any meeting. Members of the public shall be scheduled to speak at Council meetings at times and in such manner as the Council shall establish. Time shall be allotted at every Council meeting for the public to speak.

Regular meetings of the Council shall be on the first and third Tuesday of each month; other meetings shall be held at such times the Council may schedule. Agendas for regular meetings shall be finalized and filed in the City Clerk's office for public review no later than noon the day preceding such meeting. Agendas for meetings other than regular meetings shall be prepared and filed for public review to the extent practicable. Matters not listed on the agenda for a meeting may not be finally acted on at that meeting, unless one or more Council members shall propose an unlisted matter be finally acted upon, and shall state on the record the reason why such matter was not listed on the agenda, and the Council shall, by motion and vote, find that immediate final action on the matter is necessary.

The Council or any member thereof may create such ad hoc committees and appoint members thereto as deemed necessary in the public interest.

The Council shall have authority to establish bond for any elected official, public officer, or City employee.

2.3. Supervisors.

Supervisors shall represent the City at the Saratoga County Board of Supervisors.

Supervisors shall sit at all meetings of the Council and shall regularly report to and seek advice from the Council on matters affecting City residents and taxpayers that are coming before the County Board of Supervisors. Supervisors may submit agenda items for public information and discussion, and may request the Council conduct a public hearing on County issues of interest to the City and taxpayers that are before the Saratoga County Board of Supervisors.

Nothing in this Charter shall be construed as prohibiting any person from simultaneously holding the office of County Supervisor and the office of a Council member.

2.4. Vacancies.

A vacancy in an elective office shall exist upon the death of the incumbent, the incumbent's resignation or removal from office, or occurrence of events specified in § 30 of New York State Public Officers Law.

In case of a vacancy caused by other than expiration of term, the Council shall appoint a person to fill such vacancy until the end of the official year in which said vacancy occurs. If the term of office of the officer vacating the office continues beyond the official year in which said vacancy occurs, a person shall be elected at a special election held after the occurrence of such vacancy to fill such vacancy for the remainder of the unexpired term.

2.5. Civil Service Commission.

There shall be a Civil Service Commission. The Council shall appoint three Civil Service Commissioners to serve for six-year staggered terms, without compensation. No two members of the Commission shall be affiliated with the same political party.

The Council shall fill vacancies for unexpired terms. No Civil Service Commissioner shall hold concurrently another City office or City employment.

The Civil Service Commission shall prepare its annual budget, and the Mayor shall present it to the Council.

The Civil Service Law of New York State shall govern the acts of the Commissioners and powers of the Commission.

2.6. Deputies and employees.

The Mayor and each Commissioner shall be entitled to such deputies and employees as the Council may determine. The Council shall establish appropriate compensation for each deputy and employee. Each Council member shall appoint deputies and employees serving his or her Department.

2.6.1. Deputies. Deputies shall be public officers. Each deputy shall serve at the pleasure of, and not longer than the term of, the Council member making the deputy's appointment. The Council may establish appropriate qualifications for any deputy.

2.6.2 Employees of City entities. Whenever it is provided in this Charter or other law that any agency, board, commission, or other entity shall have authority to hire one or more employees, such employees shall be hired in coordination with the Human Resources Administrator, and their employment shall be consistent with the provisions of Civil Service Law.

2.7. Code of Ethics.

The Council shall adopt a Code of Ethics to guide the actions of elected and appointed City officers and employees. The Code of Ethics adopted shall be consistent with Article 18 of the General Municipal Law of the State of New York. The City Code of Ethics shall be updated as needed pursuant to § 806 of the General Municipal Law.

No Council member shall be eligible to hold any appointive office, position, employment, or contract with the City or any of its entities for which compensation was established or increased by the Council while the member served, until one year from the date the Council member ceased to serve.

2.8. Removal from office.

The Mayor, Commissioners, and Supervisors may be removed from office for cause by the Governor in the manner provided for removal of the Chief Executive Officer of a City in § 33 of the New York Public Officers Law.

Any appointee or employee may be removed by the officer appointing such person in a manner consistent with provisions of the New York Civil Service Law.

**TITLE 3
The Mayor**

The Mayor shall exercise the following powers and duties, and such duties as the Council may prescribe by ordinance or local law, and supervise their execution:

- A. **Chief Executive.** The Mayor shall be chief executive officer and official representative of the City, and shall have and exercise powers conferred on that office by this Charter or laws of New York State or the United States.
- B. **Intergovernmental Representative.** The Mayor shall represent the Council in negotiations or matters affecting agreements and contracts with neighboring local governmental jurisdictions, or the county, state, or federal governments. The Mayor may delegate such duties in consultation with Council members. All Departments shall provide assistance that the Mayor or Mayor's delegate shall require. The Mayor shall obtain the Council's approval prior to entering final agreements. The Mayor shall report regularly

to the Council on the status of negotiations and/or discussions.

- C. **Executor of legal documents.** The Mayor shall execute in the name of the City all instruments requiring the assent of the Council except as otherwise provided by New York State Local Finance Law. The Mayor shall cause the City Seal to be affixed to instruments as required.
- D. **Presiding Officer of the Council.** The Mayor shall be presiding officer of the Council and shall prepare the final agenda for each Council meeting by obtaining a list of agenda items from each Council member and supervisor.
- E. **State of the City Address.** The Mayor shall submit in writing to the Council and the public a State of the City Message on or before the first regularly scheduled Council meeting in February each year. The message shall detail the overall status of City operations for the previous year as well as the challenges, opportunities, goals, and objectives for the succeeding year.
- F. **Initiation of reviews.** The Mayor shall cause a review of the City Comprehensive Plan and City Charter to be conducted periodically. The City Comprehensive Plan shall be reviewed at least every five years, commencing with the effective date of this Charter. The City Charter shall be reviewed at least every 10 years commencing with the effective date of this Charter.
- G. **Enforcement of laws.** The Mayor shall have ultimate responsibility for and see to enforcement of City laws, codes, rules, and regulations. Departments shall provide aid and assistance to the Mayor in execution of these responsibilities.
- H. **Progress reports.** The Mayor shall have authority to require any Department to report to the Council in writing on the status of any function, program, or project involving the City. Departments shall provide aid and assistance to the Mayor in execution of these responsibilities.

- I. **Collective bargaining.** The Mayor shall, in consultation with the Council and professionals retained by the Council for the purpose, conduct collective bargaining with City employees' bargaining units. The Mayor may delegate this authority, as the Mayor deems necessary. The Council shall approve collective bargaining agreements and auxiliary agreements before they take effect.
- J. **Official appointments.** The Mayor shall make the following appointments: The City Attorney, in accordance with Section 8.1 of this Charter, and members of the City Planning Board, Zoning Board of Appeals, Design Review Commission, Urban Heritage Program Board, Housing Authority Board of Directors, and Recreation Commission. Such appointments shall be pursuant to Civil Service Law and the Public Authorities Law.
- K. **City Department administration.** The Mayor shall have responsibility for the following functions and boards in City government and shall organize such functions to ensure efficient, cost-effective operations: Human Resources, Parks, Open Lands and Historic Preservation, Zoning Board of Appeals, Planning Board, Design Review Commission, Planning and Economic Development, and other functions assigned to the Mayor's office by action of the Council by virtue of federal, state, or local laws.
- L. **Capital Program Committee Chairperson.** The Mayor shall be Chair of the City's Capital Program Committee, which shall develop and submit for public review an annual assessment of the City's needs and priorities regarding its physical facilities, equipment, and appurtenances. The Committee shall consist of one representative each from the Departments of Finance, Public Safety, Public Works, and Accounts; the City Planner; the City Engineer; Chair of the City Planning Board; a representative of the Recreation Commission; and the Administrator of Parks, Open Lands, and Historic Preservation. The Capital Program Committee shall prepare and submit to the Council annually a six-year Capital Program consistent with § 99-g of the New York

State General Municipal Law and program elements outlined in Section 3.1 of this Charter.

The Mayor may lawfully delegate the above-cited powers, duties, and responsibilities. The Mayor shall ensure that employees in the Mayor's Office have appropriate skills, work experience, and education to perform professional quality work. The Mayor shall have immediate responsibility for administering and operating the Mayor's Office and shall organize the Office to provide efficient, cost-effective services. All City departments and personnel shall provide the necessary data, assistance, and information required in the execution of these powers, duties, and responsibilities.

3.1. Capital Program.

In conjunction with the Capital Program Committee, the Mayor shall be responsible for preparing the City's Capital Program for a six-year period. The Capital Program shall be submitted to the Council for adoption. The program shall consist of Capital projects and capital equipment, be listed by Department, and contain recommended priorities.

3.1.1. Capital projects. Each capital project shall contain the following information:

- a. A description of the proposed project and its estimated total cost.
- b. The proposed means of financing, indicating the amount proposed to be financed by local taxes, and the amount, if any, estimated to be received from the Federal government, the State government, any other government, nongovernment or private entity, or any other source of funds procured for the project.
- c. The proposed method of financing, indicating the use of reserve funds, grants, transfers, current taxes, notes, bonds, or any other type of debt obligation or similar devices to be used to finance each project.

- d. The expected useful life of the capital project, the cost of annual maintenance and upkeep, and other expected operational and personnel-related costs.
- e. A general summary description of the project and additional comments and recommendations of any department, board, officer, or agency affected by the proposed project.

3.1.2. Capital Program preparation. In preparing the six-year Capital Program, the Capital Program Committee shall consult with each Council member who shall provide whatever information is required to ensure a complete, comprehensive, up-to-date priority listing and program plan regarding City capital needs.

3.1.3. Capital Program presentation. On or before the first regularly scheduled Council meeting in September each year, the Mayor shall present to the Council and the public the proposed six-year Capital Program highlighting capital requests for the upcoming fiscal year to be included in the City's annual Capital Budget. Two public hearings shall be scheduled prior to the Council's final adoption of the six-year Capital Program. The City's Capital Budget for each upcoming fiscal year shall be derived from projects included in the City's adopted six-year Capital Program. The proposed Capital Program and projects to be included in the City's upcoming Capital Budget shall be available in writing in the City Clerk's office at least five days prior to the public hearings.

3.1.4. Capital Program adoption. The Council shall adopt the six-year Capital Program annually after its review and revision. Two public hearings shall be held prior to final adoption by the Council. No capital project shall be authorized or undertaken unless it is included in the Capital Program adopted by the Council. A capital project may be added to or deleted from the Capital Program any time by affirmative vote of $\frac{4}{5}$ of the

Council, only after public hearing and publication of information supporting the requested action.

- 3.1.5. Capital Budget.** The Mayor shall transmit Capital Budget projects recommended for the ensuing budget along with the six-year Capital Program to the Chairperson of the Budget Committee on or before September 15 each year to ensure its incorporation into the City's annual Capital Budget.

3.2. Human Resources Administrator.

There shall be a Human Resources Administrator under the direction of the Mayor. The Mayor shall, in accordance with Civil Service Law, appoint the Human Resources Administrator. The Administrator shall be a qualified professional in the field of human resources, and shall be appointed on the basis of education and experience in human resources work in a like jurisdiction.

The Human Resources Administrator shall be responsible for providing all City departments and entities with the following services:

- 3.2.1. Job audits.** With cooperation from the Human Resources Administrator, the Civil Service Commission shall undertake job audits of all positions on the City payroll to determine appropriate job duties, compensation, and comparability for like positions throughout and among City departments. The Human Resources Administrator shall undertake periodic salary surveys.
- 3.2.2. Job descriptions.** The Human Resources Administrator shall support the Civil Service Commission in developing job descriptions and duties to ensure equal pay for equal work and comparable pay schedules throughout the City work force. The Human Resources Administrator shall ensure that there are career opportunities for all City employees and that employees can advance through competitive testing and transfers

between departments through development of a unified series of job titles applicable to all City departments.

- 3.2.3. Personnel Manual.** The Human Resources Administrator shall prepare a written Personnel Manual to be distributed and used by all City departments. The manual shall be approved by the Council and relied on for day-to-day administration of personnel functions in all City departments.
- 3.2.4. Personnel policies.** The Human Resources Administrator shall develop personnel policies that shall be forwarded to the Council for adoption or modification upon the Mayor's review and approval. If the Council fails to act, then policies shall stand as submitted by the Mayor. Such policies shall address, but not to be limited to, such issues as: discrimination, recruitment, hiring, termination, harassment, outside employment, vacation and personal time, benefits, contract administration, discipline, and other appropriate matters. Policies adopted by the Council shall be effective throughout all City departments and entities, and be consistent with collective bargaining agreements and Civil Service Law.
- 3.2.5. Recruitment.** The Human Resources Administrator shall work in cooperation with the Civil Service Commission in the recruitment and employment of personnel.
- 3.2.6. Employee assistance program.** The Human Resources Administrator shall develop a comprehensive employee assistance program in consultation with appropriate labor representative to address the health and welfare of City employees. The program shall be sent to the Council for modification and adoption.
- 3.2.7. Employee counseling.** The Human Resources Administrator shall provide City employees counseling and information regarding City benefits and personnel policies. The Administrator shall provide guidance and assistance to each City department and its employees through orientation and information sessions.

- 3.2.8. Labor contracts.** The Human Resources Administrator shall be responsible for the preparation of background material and analysis required to support the City negotiator in labor contract negotiations. The Human Resources Administrator shall provide information regarding contract administration and disciplinary procedures and other provisions implementing various employee contracts.
- 3.2.9. Training.** The Human Resources Administrator shall coordinate and promote training for all City employees through maintenance of appropriate training schedules and programs.
- 3.2.10. Grievance.** The Human Resources Administrator shall provide advice and counsel to employees and department heads on all matters regarding personnel policy and administration, and shall coordinate any grievance process.
- 3.2.11 Personnel records.** The Human Resources Administrator shall work in cooperation with the Civil Service Commission in maintaining complete and up-to-date records for each City employee in so far as it is practicable and consistent with law. The Human Resources Administrator shall assist the Civil Service Commission in maintaining a single shared database for all such records.

3.3. Administrator of Parks, Open Lands, and Historic Preservation.

There shall be an Administrator of Parks, Open Lands, and Historic Preservation under the direction of the Mayor. The Mayor, in accordance with Civil Service Law, shall appoint the Administrator. The Administrator shall be a qualified professional in the field of parks, open lands, or historic preservation administration, and shall be appointed on the basis of education and experience in a like jurisdiction.

The Administrator of Parks, Open Lands, and Historic Preservation shall be responsible for the planning,

management, development, and administration of a parks and open lands system within the City of Saratoga Springs and shall integrate and coordinate the activities of the Heritage Area Program, the City Historian, and all policies and programs of the City dealing with historic preservation. The City's parks and open lands, whether used for active or passive recreation, environmental protection, or scenic enhancement, are held in trust by the City of Saratoga Springs for the public. The parks and open lands may not be alienated from their purposes except as provided by the laws of the State of New York and the United States.

- 3.3.1. Policy development.** The Administrator of Parks, Open Lands, and Historic Preservation shall recommend policies regulating the use of the lands and facilities in the City's park and open lands system. Such policies regarding use shall be subject to review and approval by the Council.
- 3.3.2. Inventory.** The Administrator of Parks, Open Lands and Historic Preservation shall regularly update and maintain an inventory of City-owned land and buildings currently used as parkland, open lands, or for historic purposes and shall request formal designation of such lands and buildings by the Council.
- 3.3.3. Master plans.** The Administrator of Parks, Open Lands, and Historic Preservation shall, in conjunction with the Commissioner of Public Works and the Office of Planning and Economic Development, develop a city-wide Parks, Open Lands, and Historic Preservation Master Plan, which shall include all designated lands and facilities extant or proposed. The Plan shall be developed and transmitted to the Council for comment and adoption. The Council shall hold a public hearing prior to adoption of the plan. If not adopted by the Council within 90 days, the Master Plan as submitted shall be the official Parks, Open Lands, and Historic Preservation Master Plan of the City until subsequently modified by the Council. Such Master Plan shall be reviewed and updated periodically, but not less than once every five years.

3.3.4. Capital plan. The Administrator of Parks, Open Lands, and Historic Preservation shall develop a long-range Capital Plan in cooperation with the Office of the City Engineer for all lands and facilities under its jurisdiction. The long-range Capital Plan shall be transmitted to Chairperson of the City's Capital Program Committee in sufficient detail on or before August 1 and in time for inclusion in the City's six-year Capital Program. The Administrator shall transmit its capital and operation budget requests annually, including maintenance and improvements, to the Commissioner of Finance on or before August 1.

3.3.5. Acquisitions. The Administrator of Parks, Open Lands, and Historic Preservation shall be responsible for identifying, negotiating, and recommending lands for addition to the City's parks and open land system including gifts offered to the City. The Administrator shall provide the Council with the following information for each recommended acquisition:

Location.

Size.

Description of natural and cultural resources.

Any needed improvements.

Whether the cost of such acquisition and improvements are within the limits of available monies and/or appropriations.

The Administrator shall utilize whatever acquisition techniques are appropriate, including, but not limited to, purchasing property, conservation, and/or development easements, or using private/public partnerships to achieve open land preservation and public access. No additions to the City park, open lands, or historic preservation system shall be made without approval of the Council.

3.3.6. Grants. The Administrator of Parks, Open Lands, and Historic Preservation shall, with approval of the Council, seek out and apply for private and public grants for the purposes and benefit of the system.

- 3.3.7. Bond and grant allocation.** The Administrator of Parks, Open Lands, and Historic Preservation shall make recommendations to the Council regarding use of proceeds from bonds for park, open lands, or historic preservation purposes or from state, federal, or private grants for such purposes.
- 3.3.8. Concession standards.** The Administrator of Parks, Open Lands, and Historic Preservation shall recommend general standards to the Council relative to concessions on City-owned property within the system, including concessions for sale of merchandise and food.
- 3.3.9. Coordination with the Department of Public Works.** The Administrator of Parks, Open Lands, and Historic Preservation shall assist the Commissioner of Public Works in developing a maintenance, operation, repair, and public use policy for each site in the system.
- 3.3.10. Coordination with the Recreation Commission.** The Administrator of Parks, Open Lands, and Historic Preservation shall work closely with the Recreation Commission to ensure that the Recreation Commission has access to appropriate lands and facilities for scheduling the Recreation Commission's programs.

3.4. Recreation Commission.

The Recreation Commission shall have power to equip, operate, and maintain playgrounds and recreation centers primarily for the benefit of City residents.

The Recreation Commission of the City, created by resolution of the Council on 5-6-77 pursuant to § 243 of the General Municipal Law, shall reside for administrative, reporting, and oversight purposes in the Office of the Mayor.

- 3.4.1. Program activities.** The Recreation Commission shall establish programs and equip, operate, and maintain playgrounds and recreation centers that serve City residents. It shall hold regular meetings in a public

place, at a time convenient to the public, to present to the public proposed recreation programs. Subsequent to these public meetings, a schedule of planned programs shall be made available for public view at the City Clerk's office.

- 3.4.2. Staffing.** The Recreation Commission shall have power to appoint qualified employees in consultation with the Human Resources Administrator and in accordance with Civil Service Law.
- 3.4.3. Budget.** The Recreation Commission shall be subject to the budget process promulgated by the Commissioner of Finance pursuant to Section 4.4.2 of this Charter and procedures and policies adopted subsequent thereto.
- 3.4.4. Financial activities.** The Recreation Commission shall be subject to the Finance Policy and Procedures Manual developed by the Commissioner of Finance prior and subsequent to its adoption by the Council pursuant to Section 4.2.1 of this Charter. All purchases by or on behalf of the Recreation Commission shall be undertaken in conformance with the City's Purchasing Policy and Procedures Manual promulgated by the Commissioner of Accounts in accordance with Section 7.3.1 of this Charter.
- 3.4.5. Program coordination.** The Recreation Commission shall coordinate with the Administrator of Parks, Open Lands, and Historic Preservation and the Commissioner of Public Works to ensure appropriate maintenance of City playgrounds and recreation centers. The operational and capital costs of such maintenance shall be reflected in their respective budgets.
- 3.4.6. Annual report.** The Recreation Commission shall submit a written annual report to the Council on the activities and accomplishments of the Commission. A copy of the report shall be forwarded to the City Clerk's office for public view.

3.5. Planning and Economic Development.

There shall be an Office of Planning and Economic Development that shall be under the direction of the Mayor. The Office of Planning and Economic Development shall be responsible for City planning activities and for promoting the orderly economic development of the City, consistent with the City's Comprehensive Plan and other plans adopted by the Council.

The Mayor shall appoint the Administrator of the Office of Planning and Economic Development in accordance with Civil Service Law. The Administrator shall be a qualified professional in the field of planning and/or economic development and shall be appointed on the basis of education and experience in planning and economic development in a like jurisdiction.

- 3.5.1. Support to boards.** The Office of Planning and Economic Development shall provide staff support for the activities of the Planning Board, Zoning Board of Appeals, and Design Review Commission.
- 3.5.2. Community Development Block Grant.** The Office of Planning and Economic Development shall be responsible for planning and implementing the activities of the Community Development Block Grant Program.
- 3.5.3. Technical activities.** The Office of Planning and Economic Development shall be responsible for a variety of data gathering, research, analysis, and technical activities related to community and economic development. The Director shall ensure the work is carried out in accordance with procedures prescribed by federal, state, and local laws and policies.
- 3.5.4. Informational hearings.** The Office of Planning and Economic Development shall conduct public hearings and community informational meetings, as appropriate, to ensure that the community is aware of programs and plans contemplated for funding and execution.
- 3.5.5. Grant and loan applications.** The Office of Planning and Economic Development shall manage and coordinate

§ 3.5

SARATOGA SPRINGS CODE

§ 3.7

application for grants and loans for all City departments, and shall assist in the identification of grant opportunities and the preparation of applications.

3.6. Building Inspector.

The Building Inspector shall be under the direction of the Mayor and shall have authority to enforce and administer those provisions of the City's laws, codes, rules, and regulations specified in Chapter 117, Article I; Chapter 240, Article XII of the City Code, together with other authority conferred on him or her under the laws of the State of New York.

3.7. Public information.

The Mayor shall establish policies and procedures to assist persons in obtaining accessible public records and public information.

TITLE 4

The Commissioner of Finance

The Commissioner of Finance shall be chief fiscal officer of the City and shall have and exercise the powers conferred on that office by this Charter and the laws of the New York State and the United States, and such duties as the Council may prescribe by ordinance and local law.

- A. **Substitute for the Mayor.** The Commissioner of Finance shall act in place of the Mayor in his or her absence or disability.
- B. **City Tax Collector.** The Commissioner of Finance shall collect taxes, assessments, utility fees, and other monies due the City in accordance with Section 4.1 of this Charter.
- C. **Bursar of City Funds.** The Commissioner of Finance shall disburse City funds only when appropriated by the Council

and on the warrant, subject to pre-audit, of the Commissioner of Accounts.

- D. **Internal Auditor.** The Commissioner of Finance shall conduct internal audits, as deemed necessary, of randomly selected City operations annually or on request of the Council. Such audits shall be presented in writing to the Council and forwarded to the City Clerk's office for public examination.
- E. **Custodian of City monies.** The Commissioner of Finance shall designate bank accounts for the deposit of City monies and invest City funds in accordance with Section 4.2 of this Charter and the guidelines, rules, and regulations of the State Comptroller and applicable State laws.
- F. **Keeper of City financial records.** The Commissioner of Finance shall maintain complete and accurate financial records in accordance with standards established by the Comptroller of the State of New York and Section 4.3 of this Charter.
- G. **Budget Chairperson.** The Commissioner of Finance shall be Budget Chairperson for the Council and shall be responsible for preparation and administration of a comprehensive budget for the City in accordance with Section 4.4 of this Charter.
- H. **Certifier of City payrolls.** The Commissioner of Finance shall certify City payrolls. The Commissioner of Finance may lawfully delegate the above-cited powers, duties, and responsibilities. The Commissioner shall ensure that employees of the Finance Department have appropriate skills, work experience, and education to perform professional quality work. The Commissioner of Finance shall have immediate responsibility for administering and operating the Finance Department and shall organize the Department to provide efficient, cost-effective services. All City departments shall provide the necessary data, assistance, and information required in the execution of these powers, duties, and responsibilities.

4.1. Tax Collector.

The Commissioner of Finance shall be responsible for collecting all taxes, levies, and assessments in the City. The Commissioner shall calculate the tax rate based on several valuations of properties described in this section of the Charter and in accordance with the laws of the State of New York.

4.1.1. Tax rates. On or before January 15 of each year, the Commissioner of Finance shall submit said tax rates to the County of Saratoga. The County will then process and deliver tax rolls to the Commissioner of Finance for collection.

4.1.2. Tax collection. On receipt of completed tax rolls, the Commissioner of Finance shall announce at a Council meeting receipt thereof, and that during the time and at a place specified the Commissioner will receive payment of taxes due.

County and City taxes for the several tax districts shall be due and payable, without penalty, each year as follows: first quarter on or before March 1; second quarter on or before June 1; third quarter on or before September 1; fourth quarter on or before December 1. All school taxes shall be assessed, levied, and collected in the manner provided for in Education Law, Real Property Tax Law and other statutes made and provided.

Levies, assessments, and charges for water and sewer and re-levied City utilities shall be due and payable on dates prescribed in various notices provided for in this section.

4.1.3. Tax penalties. County and City taxes for the several tax districts shall be paid by times set forth, and received without penalty if paid within 30 days. Thereafter a penalty of 6% shall be imposed and added. Thereafter, an additional 1¹/₂% per month up to a maximum of 15% per annum shall be imposed and added.

All water and sewer levies, assessments, and charges shall be paid by times set forth; such amounts so paid

shall be received without penalty. If not paid on the due dates, a penalty of 6% shall be imposed. Any water and sewer levies, assessments, and charges unpaid after 90 days shall be added to the next quarterly assessments of water and sewer charges. Penalties of all outstanding balances shall be charged at the same percentage provided herein. In no event, however, shall the penalty charges exceed 16% per annum.

4.1.4. Discounts. A discount of 2¹/₄% shall be allowed for the payment of the four quarterly current City and county taxes on or before March 1 in each year; no other discount shall be allowed.

4.1.5. Tax lien. The prior year's taxes, penalties, charges, and assessments, if remaining unpaid, will become a lien on October 1 or next business day. The Commissioner of Finance shall publish a notice of lien for properties that are in default of taxes and assessments of every name and nature for the year immediately preceding, including reassessed properties under the Real Property Tax Law of the State of New York. The notice shall contain a list of properties on which tax liens are to be levied, with the installments of taxes, assessments, charges, and penalties due thereon, computed to the day of the lien, and the estimated associated expenses. The notice shall state that on October 1, or the next business day (if said date should fall on Sunday or a legal holiday), the lien will be levied.

Publication of the notice of lien shall be made in the official newspaper of the City one day prior to the date of the lien and on the date of the lien. If there are two official newspapers of the City, the City may elect to place an advertisement in each newspaper.

4.1.6. Cancellation of tax liens. On direction of the Council, the Commissioner of Finance may cancel any tax lien for the amount thereon, including interest at 12% per annum.

- 4.1.7. Tax lien penalties.** Tax liens referred to herein shall bear the interest rate of 1% per month up to a maximum of 12% per annum from the date thereof.
- 4.1.8. Redemption.** Until the property is claimed through foreclosure proceeding by the City, the owner or mortgagee of any property on which a tax lien has been levied may redeem it at any time by paying the Commissioner of Finance the sum mentioned in the lien with 1% interest per month, up to a maximum of 12% per annum from the date of said lien.
- 4.1.9. Certificate and deed.** If the property is not redeemed as heretofore provided, the Commissioner of Finance shall at the expiration of two years from the day of the lien have the right to begin In Rem foreclosure proceedings as provided for in the New York State Real Property Tax Law.

4.2. Custodian of City monies.

The Commissioner of Finance shall be the custodian of City monies.

- 4.2.1. Finance Policy and Procedures Manual.** The Commissioner of Finance shall be responsible for promulgating a Finance Policy and Procedures Manual for use by City departments, entities, and operations. The Manual shall standardize procedures and forms and establish regulations and guidance regarding timely reporting and depositing of City monies, creation and use of petty cash funds, and other matters the Commissioner shall deem appropriate in regard to safeguarding and handling City monies. The Finance Policy and Procedures Manual and any revisions thereto shall be submitted to the Council for approval and modification and shall go into effect on approval by the Council or 90 days after its submission if not acted upon by the Council. The Manual shall be regularly revised and updated.

4.2.2. Banking service. The Commissioner of Finance shall develop a request for proposals (RFP) for City banking requirements and shall solicit proposals and select a vendor, with concurrence of the Council, that best meets the needs of the City at the most reasonable cost.

4.2.3. Deposit of City monies. The Commissioner of Finance shall deposit City funds in banking and trust institutions selected subject to the laws of the State of New York and the United States. Such depositories shall secure said deposits by furnishing a satisfactory corporate surety bond or by pledging with the City approved bonds or securities therefor, for which the Commissioner of Finance shall be given the receipt.

Other City departments and entities receiving monies in their official capacity shall deposit such monies in accounts in banks and trust companies designated by the Commissioner of Finance, in accordance with procedures established in the Financial Policy and Procedures Manual.

4.2.4. Investment of City monies. The Commissioner of Finance shall prepare an investment policy in accordance with Chapter 708, § 39 of the General Municipal Law. The policy shall be adopted or modified annually by the Council resolution. The policy shall detail the City's operative policy and instructions regarding investing, monitoring, and reporting of City funds. The policy shall specify the following:

- a. List of authorized investments.
- b. Procedures to ensure the City's financial interest in investments.
- c. Standards for written agreements consistent with legal requirements.
- d. Procedures for monitoring, control, deposit, and retention of investments and collateral.
- e. Standards for security agreements and custodial agreements consistent with legal requirements.

- f. Standards for diversification of investments including types of investments and firms with which the City transacts business.
- g. Standards for qualification of investment agents with whom the City transacts business.

The policy shall be reviewed annually by the Commissioner of Finance and adjusted as necessary. The policy shall be adjusted whenever new state legislation is enacted that requires conformity.

The Commissioner of Finance is authorized to invest monies of the City in accordance with policies adopted by the Council and as provided by law, including but not limited to reserve fund monies and proceeds of obligations.

4.3. Keeper of City financial records.

The Commissioner of Finance shall be the keeper of City financial records and shall make them available for inspection.

4.3.1. Accounting systems. The Commissioner of Finance shall maintain and supervise the general accounting system for the City government and each of its offices, departments, and entities in accordance with the uniform system of accounts prescribed by the State Comptroller. The Commissioner shall keep books for and, together with the Council, exercise financial budgetary control over each office, department, and entity.

4.3.2. Payments. No demand against the City for money shall be paid unless appropriated by the Council, verified by a City official or employee, audited by the Commissioner of Accounts, and approved by the Commissioner of Finance.

4.3.3. Annual audit. The City shall have a financial statement and single audit conducted annually by an independent auditing firm. The Commissioner of Finance shall solicit proposals from accounting firms on the basis

of scope of services approved by the Council, which shall award the contract on the basis of best services offered at most reasonable cost. The Commissioner or the Commissioner's designee shall coordinate the annual audit, which shall be made available to the public not later than five business days after issuance by the independent auditors, and not later than the first public hearing on the upcoming budget. The annual audit shall be accompanied by a management letter, and the Commissioner of Finance or the Commissioner's designee shall coordinate a response, which shall be made available for public review not later than 45 business days after the issuance of the letter.

4.4. Budget content, preparation, and administration.

The Commissioner of Finance shall be responsible for preparing and administering a comprehensive City Budget. The budget shall comprise an Operations Budget, a Capital Budget, and a Debt Service Budget. The City Budget shall include all revenues, grants, and payments to the City for any program purpose and shall also include any off-budget monies (federal, state matching funds, etc.), enterprise funds, or contracted operations and programs. No such monies shall be spent unless appropriated by the Council to the budget of the department or entity requesting such funds.

4.4.1. The fiscal year. The City's fiscal year shall begin on the first date of January and end on the last day of December.

4.4.2. Budget preparation. The Commissioner of Finance shall oversee all meetings relating to the preparation, completion, and adoption of the City Budget according to the timeline set forth herein and summarized in Appendix A.¹

¹ Editor's Note: Appendix A is included at the end of this Charter.

The Commissioner of Finance shall, on or before August 1 of each year, send a call letter out to all City departments and entities establishing budget parameters for the upcoming year. The call letter shall solicit the Mayor, Commissioners, and all City entities for their budget requests for the ensuing year, which shall be submitted on forms and in a format provided by the Commissioner of Finance. Every proposed budget or amendment thereto submitted by any agency, board, commission, or other entity of the City of Saratoga Springs shall be submitted in accordance with the provisions of this section of the Charter.

Departmental budget requests shall be submitted to the Commissioner of Finance on or before September 15. Each budget request shall contain a detailed, itemized estimate of the amount of expenditures required by their respective departments for the ensuing year. The Commissioner of Finance shall collate and put in order all such requests. The Commissioner of Finance shall transmit copies of each department's requests to the Council, as they are received, for their information and comment.

The Commissioner of Finance shall provide a detailed estimate of the amount of income from all sources, exclusive of taxes, and a detailed estimate of the amount of tax required to be levied to defray all expenses and liabilities of each City department or entities for the ensuing fiscal year.

The Commissioner of Finance, as Budget Chairperson, shall forward copies of department requests to the Council with whatever information and analysis the Chairperson considers relevant to understanding each budget request. The Budget Chairperson shall consult and exchange views and information with the Mayor and the Council about department budget requests.

4.4.3. Budget submission. As Budget Chairperson, the Commissioner of Finance shall, on completion of

consultation with Council members, prepare a proposed Comprehensive Budget and shall submit it to the Council at the first regularly scheduled meeting of the Council in October each year.

4.4.4. Budget content. The proposed Comprehensive Budget submitted to the Council by the Commissioner of Finance shall contain:

- a. **Budget message.** The Commissioner of Finance shall prepare a budget message in writing that shall explain the proposed budget both fiscally and programmatically. The message shall outline proposed financial policies of the City for the ensuing fiscal year, describe important features of the budget, indicate any major changes from the current year's budget to the proposed budget in finances, expenditures, and revenues, together with reasons for such changes, summarize the City debt position, and include other material the Budget Chairperson deems appropriate.
- b. **Financial plan.** The budget shall be accompanied by a preliminary financial plan to include all income and expenditures of all City funds and activities projected monthly for the fiscal year.
- c. **Standardized format.** The budget shall use the most feasible combination of expenditure classifications by funds, organization unit, program, purpose, or activity and object.

Each unit and program narrative shall begin with a clear general summary of its contents and shall show in detail all estimated income, including the proposed tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year. It shall be arranged to show comparative figures for estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year.

- d. **Comprehensive Budget.** The Comprehensive Budget shall include the following:

Operations Budget: proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments, and agencies in terms of their respective work programs, and the method of financing such expenditures.

Capital Budget: proposed capital projects recommended by the Capital Program Committee for the ensuing fiscal year, detailed by purpose, offices, departments, and agencies, and the proposed method of financing each. Equipment expenditures shall be itemized individually in the adopted budget and listed under the department and program for which they are to be purchased for the ensuing budget year. No equipment may be purchased during the course of the fiscal year that has not been included on said itemized lists.

Debt Service Budget: complete, comprehensive accounting of the total debt for which the City had any direct or indirect obligation. The budget shall itemize any new debt issuance planned for the ensuing fiscal year and shall list all outstanding debt obligations of the City, the credit rating of those instruments, the current status of the City debt load, and remaining debt capacity.

Subsidiary budgets: each utility or entity owned or operated by the City shall provide detailed income and expenditure information appended to the budget.

- 4.4.5. Public notice and hearings.** Upon receipt of the proposed budget from the Commissioner of Finance, the Council shall publish in the official City newspaper or newspapers a summary of the budget and a notice stating:

- a. Times and places where copies of the budget message and Comprehensive Budget are available for inspection by the public
- b. Time and place, not less than one week after such publication, for at least two public hearings on the proposed budgets, the first of which shall be held on or before November 1. The summary and notice shall be placed on file at the City Clerk's office to be available for public review.

4.4.6. Budget adoption. In the period from November 1 through November 30, the Council shall continue to adjust the proposed budget and shall hold the second public hearing after all adjustments have been made and agreed on. After public hearings, the Council may adopt the budget, with or without amendment, by resolution. In amending the budget, the Council may add or increase programs or amounts, and may delete or decrease programs or amounts, except expenditures required by law, judgments against the City, or for debt service.

The Council shall adopt the budget on or before November 30 each year. The total of proposed expenditures shall not exceed the total of estimated income in the budget adopted by the Council. In the event that the Council fails to adopt a budget by said date, the proposed Comprehensive Budget presented to the Council by the Commissioner of Finance shall become the budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from funds indicated. The property tax therein proposed shall constitute the levy. On adoption of the budget, the Commissioner of Finance shall amend the financial plan to reflect actions of the Council.

4.4.7. Budget Administration. On or before December 31 each year, the Commissioner of Finance shall prepare the financial plan that shall project expenditures and

income, month-by-month, for the entire fiscal year. The Commissioner of Finance shall provide a comparison of expenditures and income to the actual prior fiscal year. Copies of the aforementioned report shall be available to the public for review at the City Clerk's office during normal business hours. The Commissioner of Finance shall be responsible for administration of the City Budget to ensure, to the extent feasible, that the budget remains balanced throughout the fiscal year.

- 4.4.8. Maintaining a balanced budget.** If at any time during the fiscal year it appears probable to the Commissioner of Finance that revenues available will be insufficient to meet the amount appropriated, the Commissioner shall report this to the Council without delay. The Commissioner shall indicate the estimated shortfall, the remedial action taken by the Commissioner, and the Commissioner's recommendations for steps to be taken to eliminate or reduce the shortfall. The Council shall take such further action it deems necessary to prevent or minimize any deficit, and for that purpose may by resolution reduce one or more appropriation as allowed by law.
- 4.4.9. Quarterly financial reports.** The Commissioner of Finance shall submit to the Council, for each quarter, a written financial report on the status of the City's financial plan. Such financial plan shall include a comparison of estimated and actual income and expenditures to date and shall be submitted within 45 days after the end of each quarter. Each quarterly summary shall be forwarded to the City Clerk's office and shall be available for public review.
- 4.4.10. Budget amendments.** If during the fiscal year the Commissioner of Finance certifies to the Council that there are available for appropriations revenues in excess of those estimated in the budget, the Council may make supplemental appropriations for the year, by resolution in an open public meeting and with written justification regarding the requested supplemental appropriation, up

to the amount of monies the Commissioner of Finance certifies available.

4.4.11. Emergency appropriations. To meet a public emergency affecting health, property, or public safety, the Council may make emergency appropriations by unanimous action. If there are no available unappropriated revenues to meet such emergency, the Council may, by emergency ordinance, authorize issuance of emergency notes that may be renewed from time to time. Emergency notes and renewals of any fiscal year shall not be paid later than the last day of the fiscal year succeeding that in which emergency appropriation was made.

It shall be lawful for the Council, on occurrence of emergency and on declaration of emergency by resolution of the Council, to appropriate from unexpended funds not otherwise designated for specific purposes by law sufficient funds for the payment of expenses created by such emergency.

4.4.12. Transfers of monies. Budget transfers of monies shall require certification of availability by the Commissioner of Finance. Those transfer requests that exceed 10% of the amount of a budget line item appropriation shall be accompanied by written explanation. Transfers for purposes of implementing contract agreements regarding personal services shall be permitted, notwithstanding the ten-percent limitation, on approval by the Council. The Council shall approve no transfer of monies from or to an account for payroll or employee benefits unless such transfer has been submitted and approved separately from other transfers. Transfer requests shall be submitted by the close of business on Thursday before the next Council meeting. Those received afterwards will be reserved for the following meeting unless there is an emergency certified in writing by the Council member making the request. Transfer requests requiring Council approval will be distributed prior to the meeting for review by the Council.

4.4.13. Payments prohibited. It shall not be lawful for any City employee to incur or contract any expense or liability for or on behalf of the City, unless the Council has made an appropriation concerning such expenses. No payment shall be made or obligation incurred against any allotment or appropriation except and unless the Commissioner of Finance first certifies that sufficient funds are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of the Charter shall be void.

4.5. Construction with Local Finance Law.

Nothing contained herein shall prevent the City from providing from sums made available for such purposes, pursuant to the Local Finance Law, for payment of any expense necessitated by casualty, accident, or unforeseen contingency arising after the budget is passed, provided that provisions of this section shall not apply to or limit authority conferred pursuant to Local Finance Law for monies to be collected by special assessments for local improvements.

TITLE 5

The Commissioner of Public Works

The Commissioner of Public Works shall have responsibility to inventory, construct, and maintain City lands, buildings, facilities, and infrastructure except for those lands, buildings, facilities, and apparatus for which responsibility is specifically vested with the Commissioner of Public Safety.

The Commissioner of Public Works shall be responsible for overall operation of the Department of Public Works and its several departments and functions, and such duties as the Council may prescribe by ordinance and local law.

A. Streets and highways. The Commissioner of Public Works shall repair, replace and maintain City streets, highways,

and public ways in accordance with Section 5.1 of this Charter and the laws of the State of New York.

- B. **Buildings and grounds.** The Commissioner of Public Works shall maintain, operate, and repair City lands, buildings, and facilities in accordance with Section 5.2 of this Charter.
- C. **Utilities.** The Commissioner of Public Works shall repair, replace, and maintain City water and sewer facilities and services in accordance with Section 5.3 of this Charter.
- D. **Office of the City Engineer.** The Commissioner of Public Works shall coordinate and oversee the provision of engineering services to all City departments and entities in accordance with Section 5.4 of this Charter.
- E. **Beautification and composting programs.** The Commissioner of Public Works may undertake responsibility for City beautification and composting programs or such program as the Council may from time to time establish.
- F. **Substitute for the Mayor.** The Commissioner of Public Works shall act in place of the Mayor in the absence or disability of the Mayor and Commissioner of Finance.

The Commissioner of Public Works shall, on or before the second regularly scheduled Council meeting of March each year, submit to the Council and make available to the public at the City Clerk's office, a written report on the accomplishments and operations of the Department of Public Works and its several departments and functions for the previous year.

The Commissioner of Public Works may lawfully delegate the above-cited powers, duties, and responsibilities. The Commissioner shall ensure that employees of the Public Works Department have appropriate skills, work experience, and education to perform professional-quality work. The Commissioner shall have immediate responsibility for administering and operating the Public Works Department and shall organize the Department to provide efficient, cost-effective services. All City departments and personnel shall provide

necessary data, assistance, and information required in the execution of these powers, duties, and responsibilities.

5.1. Streets and highways.

The Commissioner of Public Works shall repair and maintain the streets, highways, and public ways in the City.

5.1.1. Highway districts. The Inside Tax District and the Outside Tax District shall be separate highway districts.

5.1.2. Encroachments. The Commissioner of Public Works may require that property owners repair the sidewalks and curbs and remove the snow and ice from the sidewalks adjoining such property, pursuant to standards established by ordinance of the Council.

5.2. Buildings and grounds.

The Commissioner of Public Works shall maintain, operate, and repair the lands, buildings, and facilities of the City, except for those specifically vested with the Commissioner of Public Safety.

5.2.1. Maintenance, operation, and repair. The Commissioner of Public Works shall develop a maintenance, operation, and repair program for each City building, facility, and lands associated thereto. The Commissioner of Public Works shall develop the maintenance, operation, and repair program, in cooperation with the occupant and/or user, to schedule programs and public activities with minimal disruption. The program shall be included in the budget request of the occupant/user and forwarded to the Budget Chairperson in sufficient time for budget submission to the Council.

5.2.2. Rental and use. The Commissioner of Public Works shall develop with the appropriate City department or entity for each City-owned land, building or other facility available for rent or use, other than for official City use, a written public policy that shall detail the days and

hours of availability, the recommended rates, and the means for reserving use. The Council shall determine the appropriateness of such rentals. It shall be the policy of the City to accommodate City residents as a first priority for the use of all such facilities. The public policy for each such facility shall be in written form and made available at the City Clerk's office for public review. The public policy for each facility shall become effective upon review and approval by the Council.

5.3. Utilities.

The Commissioner of Public Works shall ensure that the City water system provides sufficient quantities of safe potable water and that the stormwater system is adequate for runoff without flooding. The Commissioner also shall ensure that the City sewer disposal system provides sufficient capacity.

5.3.1. Responsibilities and duties. The Commissioner of Public Works shall:

- a. Annually recommend rates for water and sewer charges for Council approval.
- b. Develop, manage, and implement a comprehensive public utilities plan for the operation and maintenance of all City utilities and infrastructure, and shall submit such plan to the Council for its review and approval. The plan shall include a complete inventory of the utilities and infrastructure as provided by the City Engineer.
- c. Manage, supervise, control, construct, and maintain the water supply, treatment and distribution system, sanitary sewage disposal system, and stormwater carrier system throughout the City.

5.3.2. Powers and authority. The Commissioner of Public Works may:

- a. Require the owner of any property along any highway to lay water, sewer, and gas service pipes from the mains in front of such property to a point beyond the curbline.

- b. Prevent the use of any sanitary facility not connected with the sewer system.
- c. Require the owner or occupant of any property to connect any sanitary facility thereon with the sewer system in such manner as the Department may prescribe. If the person so required fails to immediately comply with any such requirement, the Commissioner of Public Works may cause the work to be done and, with three days' notice of hearing, sue, assess, and levy the associated expense on the property of such person, to be enforced by sale as for taxes.

5.4. Office of the City Engineer.

There shall be a City Engineer who shall be appointed by the Commissioner of Public Works. The Office of the City Engineer shall be located in the Department of Public Works. The City Engineer shall provide engineering services to all City departments and entities.

5.4.1. Engineering services. The Commissioner of Public Works shall be responsible for coordinating the provision of engineering services to City departments through the Office of the City Engineer. The Council shall determine the schedule and priority of work required if there are conflicting demands between departments for engineering services.

5.4.2. Qualifications. The Office of the City Engineer shall be headed by and staffed with employees who have the requisite skills, certifications, and experience required to ensure professional standards are maintained. The office shall have at least one individual on its full payroll who shall be a registered professional engineer (PE), certified by the State of New York and possessing all the qualifications required by the state on an ongoing in-service training basis.

5.4.3. Infrastructure inventory. The Commissioner of Public Works shall ensure that the Office of the City Engineer

undertakes a comprehensive inventory of the infrastructure, including, but not limited to, the buildings, lands, utilities, water and sewer lines, facilities, and appurtenances owned by the City. The Inventory shall be listed by department and program and shall include for each item listed:

Location.

Physical description.

Present condition and expected remaining useful life.

Current value and estimated replacement cost.

Other information required by the City Capital Program Committee.

In undertaking this inventory the Commissioner of Public Works shall request the assistance of every City department head. The inventory shall be maintained by the Office of the City Engineer, updated annually by that office and, on completion each year, provided to the City's Capital Program Committee for their use in developing the City's mandated six-year Capital Program.

TITLE 6

The Commissioner of Public Safety

The Commissioner of Public Safety shall be responsible for the protection of City residents and their property from crime, fire, hazard, disorder, and natural disasters. The Commissioner of Public Safety shall have and exercise the duties, powers, and responsibilities enumerated in this Charter and the laws of New York State.

The Commissioner of Public Safety shall be responsible for the overall operation of the several departments and functions, and such duties as the Council may prescribe by ordinance and local law:

A. **Police Department.** The Commissioner of Public Safety shall have jurisdiction, supervision, and control of the

governance, administration, disposition, operation, and discipline of the Police Department and its officers in accordance with Section 6.1 of this Charter.

- B. **Fire Department.** The Commissioner of Public Safety shall have jurisdiction, supervision, and control of the governance, administration, disposition, operation, and discipline of the Fire Department and its officers in accordance with Section 6.2 of this Charter.
- C. **Code Administrator.** The Code Administrator shall be under the direction of the Commissioner of Public Safety and shall have authority to enforce and administer those provisions of the City's laws, codes, rules, and regulations specified in Chapter 8 of the City Code, together with such other authority as may be conferred on him or her under the laws of the State of New York.
- D. **Emergency Planning.** The Commissioner of the Public Safety shall be responsible for development, management, administration, and implementation of an integrated public safety services program and its consequent plans in accordance with Section 6.3 of this Charter.
- E. **Health Officer.** There shall be a Health Officer who shall be appointed by the Commissioner of Public Safety. The Health Officer shall be a physician duly licensed to practice under the laws of the State of New York. The Commissioner of Public Safety shall ensure that the Health Officer performs duties as may be required by the provision of the laws of the State of New York and the ordinances of the City.
- F. **Animal Control Officer.** There shall be an Animal Control Officer who shall be appointed by the Commissioner of Public Safety. The Commissioner of Public Safety shall ensure that the Animal Control Officer performs duties as may be required by the provision of the laws of the State of New York and the ordinances of the City.
- G. **Public Safety facilities and equipment.** The Commissioner of Public Safety shall be responsible for management and care of lands, buildings, equipment, and

apparatus of the Police and Fire Departments and those of such other departments as may from time to time be vested in the Department of Public Safety by the Council.

H. **Inventory.** The Commissioner of Public Safety shall undertake and regularly update a comprehensive inventory of all City-owned lands, buildings, facilities, equipment, and appurtenances under the jurisdiction and control of the Department of Public Safety. The inventory shall include for each item:

Location.

Physical description.

Present condition and expected remaining life.

Current value and replacement costs.

Other useful information that may be required by the Capital Program Committee.

The equipment lists shall be prioritized and the complete inventory shall be provided to the Capital Program committee in sufficient time for use in developing the City's six-year Capital Program and the ensuing year's Capital Budget.

On or before the first regularly scheduled Council meeting in March of each year, the Commissioner of Public Safety shall submit to the Council and make available to the public at the City Clerk's office, a written report on the operations of the Department of Public Safety and its several departments and functions for the previous year.

The Commissioner of Public Safety may lawfully delegate the above-cited powers, duties, and responsibilities. The Commissioner shall ensure that employees of the Department of Public Safety have appropriate skills, work experience, and education to perform professional-quality work. The Commissioner of Public Safety shall have immediate responsibility for administering and operating the Department of Public Safety and shall organize the Department to provide efficient, cost-effective services. All City departments and personnel shall provide the necessary data, assistance, and

information required in the execution of these powers, duties, and responsibilities.

6.1. Police Department.

The Police Department of the City of Saratoga Springs shall be under the general control and management of the Commissioner of Public Safety. It shall be the duty of the Commissioner of Public Safety to ensure that the Police Department preserves peace and good order; enforces the laws, ordinances, rules, and regulations of the City, New York State and the United States; and performs other duties the Council shall prescribe.

- 6.1.1. Training.** The Commissioner of Public Safety shall, with the assistance of the Chief of Police, provide appropriate training of all police personnel and shall prepare and submit plans and credentials necessary to gain state accreditation of the Police Department.
- 6.1.2. Chief of Police.** The Chief of Police shall be appointed by the Commissioner of Public Safety and shall have immediate direction and control of the Police Department, subject to the policies, rules, regulations, and orders established by the Commissioner of Public Safety.
- 6.1.3. Police personnel.** The Police Department shall include, in addition to the Chief of Police, such other ranks within the Department as the Commissioner of Public Safety may hereafter create with the approval of the Council.
- 6.1.4. Police powers and authority.** Police officers of the City of Saratoga Springs shall have all the powers, authority, and duties conferred on them by the laws of the State of New York. All police officers shall have the power and authority to arrest any person or persons observed by them to be in violation of any of the penal ordinances or laws of the City, the State of New York or the United States. They shall not serve civil process.
- 6.1.5. Oath of office.** Police officers shall take and file with the City Clerk the Constitutional Oath of Office.

6.2. Fire Department.

The Fire Department of the City of Saratoga Springs shall be under general control and management of the Commissioner of Public Safety. It shall be the duty of the Commissioner of Public Safety to ensure that the Fire Department has the resources to fight and control fires, enforce the relevant fire codes and regulations of the City, provide medical care and handling of hazardous materials incidents, and perform other duties the Council and the Commissioner of Public Safety may prescribe, pursuant to Department job descriptions, collective bargaining agreements, and Civil Service Law.

6.2.1. Training. The Commissioner of Public Safety shall, with assistance of the Fire Chief, provide for appropriate training of all Fire Department personnel and ensure that applicable provisions of the New York State Uniform Fire Prevention and Building Code are implemented.

6.2.2. Fire Chief. The Fire Chief shall be appointed by the Commissioner of Public Safety and shall have immediate direction and control of the Fire Department, subject to policies, rules, regulations, and orders established by the Commissioner of Public Safety.

6.2.3. Fire Department personnel. The Fire Department shall include, in addition to Fire Chief, other ranks within the Department as the Commissioner of Public Safety may hereafter create with approval of the Council.

6.3. Emergency planning.

The Commissioner of Public Safety shall have responsibility to ensure that there are adequate plans, preparations, and community awareness of potential threats to the health and safety of the citizens of Saratoga Springs. The written plans described below shall be submitted to the City Clerk's office for public review.

- 6.3.1. Strategic Traffic Safety and Enforcement Plan.** The Commissioner of Public Safety shall develop, manage, and implement a Strategic Traffic Safety and Enforcement Plan and shall submit such plan to the Council for its approval or modification. Such plan shall be reviewed and updated periodically but not less than once every three years.
- 6.3.2. Strategic Emergency Medical Services Plan.** The Commissioner of Public Safety shall develop, manage, and implement a Strategic Emergency Medical Services Plan and shall submit such plan to the Council for its approval or modification. Such plan shall be reviewed and updated periodically but not less than once every three years.
- 6.3.3. Strategic Emergency Management Plan.** The Commissioner of Public Safety shall develop, manage, and implement an integrated Strategic Emergency Management Plan and shall submit such plan to the Council for its approval or modification. This plan shall include procedures for dealing with potential threats to the health, safety, and welfare of the community and its residents due to dangers, including, but not limited to, movement of hazardous materials, natural disasters, and illegal activities that could adversely affect the City. Such plan shall be reviewed and updated periodically, but not less than once every three years.

TITLE 7

The Commissioner of Accounts

The Commissioner of Accounts shall exercise the following powers, responsibilities, and duties, and such duties as the Council may prescribe by ordinance and local law, and supervise their execution. The Commissioner shall ensure that those powers, responsibilities, and duties are exercised as required.

- A. **City Clerk.** The Commissioner of Accounts shall have the powers, responsibilities, and duties of the City Clerk as mandated by State law and outlined in Section 7.1 of this Charter.
- B. **City Assessor.** The Commissioner of Accounts shall have the powers, responsibilities, and duties of the City Assessor mandated by State law and outlined in Section 7.2 of this Charter.
- C. **City Purchasing Agent.** The Commissioner of Accounts shall have the powers, responsibilities, and duties of the City Purchasing Agent as outlined in Section 7.3 of this Charter.
- D. **Registrar of Vital Statistics.** The Commissioner of Accounts shall have the powers, responsibilities, and duties of the Registrar of Vital Statistics pursuant to Article 41 of the New York State Public Health Law.
- E. **Issuer and Collector of License Fees and Rents.** The Commissioner of Accounts shall be the issuer and collector of license fees and rents for those matters placed within the Commissioner's jurisdiction by City ordinance, local law, or state law.

The Commissioner of Accounts may lawfully delegate the above-cited powers, duties, and responsibilities. The Commissioner shall ensure that employees of the Accounts Department have appropriate skills, work experience, and education to perform professional-quality work. The Commissioner of Accounts shall have immediate responsibility for administering and operating the Accounts Department and shall organize the Department to provide efficient, cost-effective services. All City departments and personnel shall provide the necessary data, assistance, and information required in execution of these powers, responsibilities, and duties.

7.1. City Clerk.

The powers, responsibilities, and duties of the Commissioner of Accounts acting as City Clerk are hereby enumerated.

- 7.1.1. Council minutes.** The City Clerk shall record and keep minutes of the Council and all City entities unless otherwise provided for. Such minutes shall be available to the general public at the City Clerk's office during regular business hours. An index and listing of meeting minutes shall be made available for public use and posted on the City website, if any.
- 7.1.2. City records.** The City Clerk shall receive, file, index, and archive, as custodian of record of all City documents, records and other instruments required by law to be filed and maintained by the City.
- 7.1.3. City Seal.** The City Clerk shall be keeper of the City Seal and shall ensure it is affixed to all official instruments executed by the Mayor as required.
- 7.1.4. City books.** On reasonable demand, the City Clerk shall produce all books and papers within the Clerk's office for inspection by any person and provide copies of them for a reasonable fee, in accordance with Article 6 of the Public Officers Law or as otherwise provided by law.

PAGE NO. C-53

7.2. City Assessor.

The powers, duties, and responsibilities of the Commissioner of Accounts acting as City Assessor are hereby enumerated.

- 7.2.1. Assessment of real property.** The City Assessor shall assess all real property within the City for taxation to include the preparation, revision, and filing of an annual assessment roll in the following manner: **[Amended 1-18-2005 by L.L. No. 1-2005]**
- a. Valuation date of real property in the City shall be determined annually as of July 1 of the prior year.

- b. Taxable status of real property in the City shall be determined annually as of March 1.
- c. On or before March 1 each year, the Commissioner of Accounts shall ascertain, by diligent inquiry, all real property and names of owners thereof.
- d. On or before May 1 each year, the Commissioner of Accounts shall complete the tentative assessment roll and make a copy thereof to be left at the office of the Commissioner of Accounts. The Commissioner of Accounts shall forthwith cause a notice, the contents of which are hereinafter set forth, to be published once in the official newspaper or newspapers of the City. The notice shall be posted on the City website, if any. Such notice shall state:

The Commissioner of Accounts has completed the tentative assessment roll.

A copy thereof is available in the office of the Commissioner of Accounts where it may be seen and examined by any person until the fourth Tuesday in May.

On the fourth Tuesday in May, the Board of Review will meet to hear complaints in relation to assessments at a date, time, and hours to be set by the Board of Review.

After publication of the notice and until the fourth Tuesday in May, the Commissioner of Accounts shall make the roll available for public inspection.

- e. On or before May 1, any person who, or corporation that, owns or has interest in real property in this City, but is not a City resident, may file a written demand with the City Clerk for:

A list of each parcel of real property assessed in his, her, or its name.

The assessed valuation of each such parcel and the time and place at which the Board of Review will meet for the purpose of hearing complaints relative thereto.

Between May 1 and 10, the Commissioner of Accounts shall mail the requested information to such person or corporation. Failure to comply with such demand shall not affect the validity of the assessment. On application made on or before the fourth Tuesday in May by the nonresident person or corporation, the Commissioner of Accounts shall fix a time on or subsequent to the fourth Tuesday in May, but not later than May 31, for a hearing to review the assessment of the real property of such person or corporation located in this City.

- f. On or before July 1, the Commissioner of Accounts shall complete the assessment roll and prepare and file a certified copy thereof in the City Clerk's office. The Commissioner of Accounts shall forthwith cause a notice to be published in the official newspaper or newspapers of the City, and post it on the City website, if any, stating that this assessment roll has been completed and a certified copy thereof is filed for public inspection in the City Clerk's office.
 - g. On or before the first day of July, the Commissioner of Accounts shall deliver the original copy of the final assessment roll to the Clerk of the County Board of Supervisors. The certified copy of said roll shall remain on file in the City Clerk's office until August 1.
 - h. All terms used in this section shall have the same meanings as set forth in the Real Property Tax law, and the provisions of said Real Property Tax Law shall apply, except for those sections of said law inconsistent with anything expressly provided for in this Charter.
- 7.2.2. Assessment records.** The City Assessor shall have custody of, and responsibility for, preparing and maintaining all files, reports, maps, assessment books, and other records and papers required to fulfill the duties of the assessor's function under State law rules and regulations.
- 7.2.3. Assessor's qualifications.** The City Assessor shall be required to meet all qualifications and certifications

established by the New York State Board of Real Property Services. Any employee designated by the Commissioner of Accounts to assist in the assessment of real property shall meet the qualifications and standards established by the New York State Board of Real Property Services for assessors. Such designee shall maintain up-to-date certifications and in-service training as may be required from time to time by the State Board.

7.2.4. Assessor's powers. The City Assessor's powers, duties, and responsibilities shall include but not be limited to those outlined above, so long as they are exercised in accordance with the New York State Real Property Tax Law.

7.2.5. Board of Assessment Review. There shall be a Board of Assessment Review, established as mandated by the New York State Real Property Tax Law. The Board shall establish an assessment calendar and a review process that enables individual taxpayers to have an opportunity for an open examination to ensure equity and fairness in the establishment of their real property tax.

7.3. City Purchasing Agent.

The powers, duties, and responsibilities of the Commissioner of Accounts acting as the City Purchasing Agent are hereby enumerated.

7.3.1. Policy and Procedures Manual. The Purchasing Agent shall develop and promulgate, consistent with § 104-b of the General Municipal Law, a City Purchasing Policy and Procedure Manual for use by all City departments.

7.3.2. Preaudits. The Purchasing Agent shall undertake periodic preaudits of all purchases on behalf of the City to ensure conformity with standards and procedures under the law.

- 7.3.3. Purchases.** The Purchasing Agent shall make all purchases made for public use. All departments and employees requiring insurance, materials, and supplies for public use shall requisition them on forms supplied by the City Purchasing Agent for that purpose and deliver said requisition to the Purchasing Agent. The City will not be liable for any purchase made otherwise.
- 7.3.4. Inventories.** The Purchasing Agent shall annually maintain and update all inventories prepared by City departments and entities. No purchases shall be authorized for any department or entity that has not completed its inventory.
- 7.3.5. Storage.** The Purchasing Agent shall have access to City storerooms and warehouses maintained and designated as storage space for materials and supplies belonging to the City for the purpose, as necessary, of verifying the inventory.
- 7.3.6. Sale of property.** Under the direction and control of the Council, the Purchasing Agent may sell all real and personal property of the City that is declared surplus, not needed for public use, and authorized by the Council to be sold at public auction.
- 7.3.7. Advertisements.** The Purchasing Agent shall prepare and be responsible for publication of required advertisements for bids, purchase contracts, and public works contracts for all City departments and entities. The City Engineer or other authorized representative shall

(Cont'd on page C-57)

provide technical assistance and guidance in preparing advertisements for bids and contract documents for capital projects.

- 7.3.8. Procedures for contracts.** The Purchasing Agent shall use the following procedures relative to purchase contracts and public works contracts:

- a. The Purchasing Agent shall publicly open and read all bids received at the time and place specified in the advertisement for bids.
- b. The Purchasing Agent shall be responsible for the issuance of plans and specifications, receipt of mailing fees, deposits, bid bonds, certified checks, contract bonds, and other related action unless otherwise provided by the Council.
- c. The Purchasing Agent and, where necessary or appropriate, the City Engineer or any other authorized representative shall review capital project bids to determine the lowest responsible bidder so that a recommendation for award can be made at the next regular meeting of the appropriate department, entity, or the Council.
- d. After review by the City Attorney for form and legality, the Purchasing Agent shall arrange for the department negotiating the bid/contract to ensure that contract documents are signed by the appropriate authority.

TITLE 8 Legal Matters

8.1. City Attorney.

There shall be a City Attorney who shall report to the Council regarding all legal matters affecting the City. The Mayor shall appoint the City Attorney, and the Council shall establish his or her compensation. The City Attorney shall serve as general legal advisor and shall be responsible for providing legal services and guidance to the City and all its departments and entities. The City Attorney shall maintain regular and updated records and shall report to the Council on the progress of all legal matters conducted by or on behalf of the City, as required.

The Council may, from time to time, engage legal professionals to provide additional legal service to the City or to any department or entity. Contracts with all such legal professionals shall be reviewed and approved by the Council.

8.2. Service of papers on the City.

Service of legal papers on the City of Saratoga Springs shall be made in accordance with the provisions of § 311 of the Civil Practice Law and Rules of the State of New York. All legal papers served on the City shall be immediately delivered to the City Attorney's office.

8.3. Notice of injury.

8.3.1. Civil action. No civil action shall be maintained against the City for damages or injuries to persons or property sustained in consequence of any street, highway, bridge, culvert, sidewalk, or crosswalk being out of repair, unsafe, dangerous, or obstructed, or in consequence of the existence of snow or ice thereon, unless written notice of the defective, unsafe, dangerous, or obstructed condition, or the existence of the snow or ice, was actually given to the Commissioner of Public Works and there was failure or neglect within a reasonable time after such notice to repair or remove the defect, danger, or obstruction complained of, or to cause snow and ice to be removed, or for the place to be made otherwise reasonably safe.

8.3.2. Index record. The City shall keep an index record, in a separate book, of all written notices that it receives of the existence of such defective, unsafe, dangerous, or obstructed condition, or of such snow or ice. The record shall state the date of receipt of the notice, the nature and location of the condition stated to exist, and the name and address of the person from whom notice is received.

8.3.3. Notice upon the City. No action shall be maintained against the City for damages or injuries to person or property pursuant to this section, unless notice is served upon the City in a manner consistent with the General Municipal Law.

8.4. Condemnation; acquisition and sale of city property.

The City may acquire or lease property for public purposes in any lawful manner, including proceedings under the Eminent Domain Proceedings Law.

Whenever any public work authorized by law shall be undertaken, the City may take by eminent domain lands held or used for public purposes by any corporation, for the purpose of carrying out such work.

Upon a published notice, the Council may change or sell for fair value, at private sale or auction, any property of the City.

**TITLE 9
Ordinances and Local Laws**

9.1. Enactment of Ordinances.

All ordinances enacted by the Council shall be in writing and shall contain an enactment clause beginning with the words "Be it ordained . . ."

Any Council member may introduce ordinances at any Council meeting. The Council shall pass no ordinance until the Council has held a public hearing thereon. Such public hearing shall be on at least five days public notice, and such notice shall be published at least two times in the City's designated official newspaper or newspapers. Such notice shall indicate that a copy of the introduced ordinance shall be available for public review in the City Clerk's office.

9.2. Enactment of local laws.

All local laws enacted by the Council shall be in writing and shall contain an enactment clause beginning with the words, "Be it enacted . . ." Local laws shall be enacted in accordance with the Municipal Home Rule Law.

9.3. Recording and proof.

All ordinances and local laws shall be recorded in books kept by the City for that purpose. The Charter, minutes of the Council, and any ordinance or local law or part thereof may be proven by a copy certified by the City Clerk under the Seal of the City or by a book or pamphlet printed by authority of the City.

9.4. Publication and effective date.

9.4.1. Public notice. All ordinances shall be published once after their passage and shall take effect the day after such publication.

9.4.2. Summary. In addition, but not limited, to provisions in Section 9.4.1, the Council may publish a summary of each adopted ordinance as an alternative to publication of the full text of each adopted ordinance, except when publication of the full text of the ordinance is specifically required by laws of the State of New York or the United States. Each published summary of an ordinance shall briefly describe the subject matter of the ordinance and its purpose and shall state when and where a complete text of the ordinance shall be available for public review.

9.4.3. All local laws shall be published and filed after passage in accordance with § 27 of the Municipal Home Rule Law.

9.5. Repeal and amendment.

No ordinance, local law, or part thereof shall be amended or repealed except by ordinance or local law adopted as provided in this title.

TITLE 10
Public Works and Local Improvements;
Water and Sewer Rates

10.1. Public works and local improvements paid by tax.

The Council may, with or without petition order any public work or local improvement and provide for payment of such work by tax on the City Tax District or the Inside or Outside Tax District, or apportion it to two or more tax districts, as the Council may determine.

10.2. Local improvements paid by special assessment.

The Council may, on its own motion or on petition, order any local improvement and provide for the payment of it by special assessment.

10.2.1.Plans and specification. The Council shall cause to be prepared and filed in the office of the Commissioner of Public Works a roll consisting of plans and specifications of such work or improvement, including the estimated cost, estimated amount of damages to be paid on it (if any), the proposed area of assessment, and the proportionate amount to be assessed on each property.

The Council shall have authority to choose any fair and equitable method to determine benefits and apportion assessments to individual properties in the proposed area.

10.2.2.Hearing and adoption. The Council shall thereupon publish a notice of hearing thereon, in the same manner as a notice for the enactment of an ordinance. The notice

shall include the estimated costs, proposed area, and proportionate amounts to be assessed.

At the hearing, the Council may reject the entire plan or reduce or add to the area, the estimated costs, or proportionate amounts to be assessed, and thereupon adopt the plan in whole or in part. Any change or addition that substantially affects any property not included in the original area shall be renoticed for hearing, as in the first instance. When adopted, the roll of property affected shall be filed with the Commissioner of Accounts.

10.2.3. Report of costs. On completion of work or improvement, the Commissioner of Public Works shall report the cost to the Commissioner of Accounts, who shall add to it any damages awarded and apportion the amount on the properties in accordance with said roll and confirm the same.

10.2.4. Review. Any action or proceeding to review, vacate, or modify said roll of property after adoption by the Council shall be commenced within 30 days from the date thereof. Any error in or omission from said roll or any illegality in whole or in part may be reassessed as in the first instance. The amounts so assessed shall be liens on the respective properties, to be collected by sale as in case of taxes.

10.3. Change of grades.

The Council may, with or without petition, change the grade of highways or parts thereof. The Council shall cause a map showing the intended change to be prepared and filed in the office of the Commissioner of Public Works and shall publish a notice of hearing thereon and, on the return or adjourned day, order the change in whole or in part.

10.3.1. Claim for damages and hearing. Any claim for damages for such change shall be made in writing to the Council within 30 days from the date of the order,

stating the amount claimed and reasons for the claim. Thereupon, and within 90 days after the date of said order, the Council shall publish notice of hearing for a day not less than eight days after the last publication, before Saratoga County Court or Supreme Court of the district, for the appointment of a person to ascertain and report said damages regarding all claims. Such appointee shall have the same powers, and proceedings shall be the same, as in case of a referee to hear and report, including confirmation thereof and appeal. Costs of review are at the Court's discretion, unless a claimant recovers less than 50% of the amount claimed, when such claimant shall not be entitled to costs.

10.3.2. Appointee's report and Council action. On confirmation of the appointee's report, the Council may include the ascertained amount, with costs, in the tax budget or prepare a roll designating an assessment district with said total apportioned on properties therein, as it may determine, and shall publish a notice of hearing thereon. On the return or adjourned day, the Council may correct or change the roll to meet the equities of the case and confirm the same. The amounts so apportioned shall be liens on the respective properties, to be collected by sale as in case of taxes.

10.3.3. Review. An action or proceeding to review, vacate, or modify the order for such change or said roll shall be commenced within 30 days from the date of each. Any error in or omission from said roll or any illegality in whole or in part may be reassessed as in the first instance.

10.4. Discontinuance of highways.

The Council may, with or without petition, order highways or parts thereof discontinued.

10.4.1. Hearing and Council action. The Council shall cause a map of any highway proposed to be discontinued to be

prepared and filed in the office of the Commissioner of Public Works and shall publish a notice of a hearing thereon and, on the return or adjourned day, order the same closed in whole or in part. If made on petition, the Council may require the owners of land within the discontinued highway to pay the expense of the proceeding and damages caused by it.

10.4.2. Review. Any action or proceeding to review such proceeding shall be commenced within 30 days from the date of the order. Any claim for damages for such discontinuance shall be claimed, ascertained, and paid as provided in the case of a change of grade.

10.5. Expenses added to assessments.

The expense of advertising and printing and compensation of all persons, other than salaried officers and employees necessarily employed in any proceeding under this Title, is part of the cost thereof.

TITLE 11

**Tax Districts; Bonding Limits; Contracts;
Assessments, Taxes, and User Fees; Reserve Funds**

11.1. Tax Districts.

The City shall consist of three separate tax districts designated as the City Tax District, the Inside Tax District, and the Outside Tax District.

11.1.1. City Tax District. The City Tax District shall consist of all territory within the boundaries of the City as they may exist at any given time.

11.1.2. Inside Tax District. The Inside Tax District shall consist of that portion of the City within the boundaries of the Village of Saratoga Springs as they existed in 1915, together with such other territory outside said

village boundaries that may in the past have been added by law to the Inside Tax District or that may hereafter be added by law to the Inside Tax District.

The territory now comprising the Inside Tax District shall comprise all of the land designated Inside Tax District as it exists at adoption of this Charter and any territory hereinafter duly designated by the City to become part thereof. The description of the Inside Tax District shall be set forth in the Administrative Code of the City.

11.1.3. Outside Tax District. The Outside Tax District shall consist of all land within the City Tax District that is not included in Inside Tax District boundaries.

11.1.4. Revision of tax districts. The City shall have the power to adopt local laws to modify the boundaries of the Inside Tax District and the Outside Tax District to include in the Inside Tax District described portions of the Outside Tax District. Each shall be contiguous with the then-existing Inside Tax District.

11.2. Limitations on bonding capabilities.

When long-term debt bonding exceeds 1% of the average full valuation of taxable real estate of the City, any increase in the City's bonding limits shall be approved by voter referendum.

The phrase "average full valuation of taxable real estate" shall be defined in the same manner as in Article VIII, § 10, of the New York State Constitution.

This law shall specifically exclude special assessment for specific purposes.

11.3. Limitations on amount to be raised by real estate taxes.

Notwithstanding the provisions of the New York State Constitution, Article VIII, § 10, the amount to be raised by tax

on real estate in any fiscal year, in addition to providing for the interest on and the principal of all indebtedness, shall not exceed an amount equal to 1% of the average full valuation of taxable real estate in the City, reduced by the amount to be raised by tax on real estate in such year for payment of interest on and redemption of certificates or other evidence of indebtedness described in Subdivisions A and D of § 5 of Article VIII of the New York State Constitution, or renewals thereof.

In all other respects, the provisions of the New York State Constitution, Article VIII, § 10, including the definition of "average full valuation," shall remain in full force and effect.

This law shall specifically exclude special assessment for specific purposes.

11.4. Apportionment of taxes.

11.4.1. Inside Tax District apportionment. Except as herein provided, the Inside Tax District shall pay the expense, excluding administrative expense, of construction and maintenance of highways, public works, lands, buildings (except City Hall), lighting, fire and police protection, charity and health therein, and the expense of the waterworks, water carriers, sewers, and sewage disposal plant extending into the Outside Tax District.

11.4.2. Outside Tax District apportionment. Except as herein provided, the Outside Tax District shall pay the expense, excluding administrative expense, of construction and maintenance of highways (except bridges having a span of five feet or more), charity, health, and schools therein.

11.4.3. City Tax District apportionment. Except as herein provided, the City Tax District shall pay the expense, excluding administrative expense, of construction and maintenance of bridges in the Outside Tax District having a span of five feet or more, machinery and tolls for use in the Outside Tax District or removal of

obstructions caused by snow, and of City Hall and all other City expenses not otherwise provided for.

11.4.4. Administrative expense. The administrative expenses of the City shall be apportioned by the Council on the several tax districts according to benefits received therefrom as the Council may from time to time determine, after publication of notice of hearing and a hearing thereon. When made, apportionment shall be the basis for subsequent levies until changed after a new hearing.

11.4.5. Additional provisions. Notwithstanding any other provisions of this section or any other special act or local law, $\frac{1}{2}$ the cost of street improvements shall be paid by the City Tax District, and $\frac{1}{2}$ shall be paid by the Inside Tax District.

One-half the cost of items associated with highways and highway miscellaneous shall be paid by the City Tax District, and $\frac{1}{2}$ shall be paid by the Outside Tax District.

Notwithstanding other provision of this section or other special act, ordinance, or local law, $\frac{3}{4}$ the cost of fire and police protection shall be paid by the City Tax District.

11.5. Water and sewer rates.

For water and sewer usage, the Council shall each year establish water and sewer rates, within the territory serviced by the waterworks and the sewer district, on properties therein, whether occupied or vacant, based on the amount of metered water used or usage as estimated or by other applicable charges.

The Council shall establish water and sewer rates in accordance with ordinances adopted under the laws of the State of New York made and provided. Payment of water and sewer charges shall be in accordance with ordinances adopted under the laws of the State of New York made and provided. The City may, within its discretion and from time to time, enact

ordinances, regulations, and rules to establish water and sewer rates and other related charges and to set forth regulations, ordinances, rules, and obligations concerning water and sewer use.

All water and sewer rates and related charges for water and sewer shall be the personal obligation of the landowner and/or buildings and the user thereof for charges related thereto. The land and/or buildings that receive water and sewer and that benefit therefrom shall be subject to a lien for any unpaid water and sewer bills and related charges. The Commissioner of Finance shall establish this lien by preparing a statement, on or before December 1 each year, of all unpaid water and sewer and other related charges for that year. The Commissioner of Finance shall cause a notice of the amount of this lien to be sent to the person in whose name the property is listed and that benefited from the water and sewer. The Commissioner of Finance shall send such notice to the address listed. Delinquent sewer and water charges and related charges not paid by December 31 shall be levied as part of general real property tax collection; it shall be a lien and obligation thereon in the same manner and same force and effect as the general real property tax lien.

11.6. Contracts.

No contract for public work exceeding \$20,000 and no purchase contract exceeding \$10,000 shall be made, except as hereinafter provided, without a published notice inviting bids according to plans and specifications prepared by the department having the matter in charge and on file in the office of the Commissioner of Accounts.

All such contracts shall be let to the lowest responsible bidder who complies with specifications and furnishes satisfactory performance bonds.

The Council may waive this section by a $\frac{4}{5}$ vote.

11.7. Reserve Fund for recreational development.

- 11.7.1. Establishment of fund.** The City shall have the power, by resolution duly adopted by the Council, to establish a reserve fund for recreational development to spend exclusively for neighborhood parks, playgrounds, and/or recreational purposes, including acquisition of land.
- 11.7.2. Payments into fund.** There may be paid into such fund amounts that may be received from payments to the City for purposes specified in 11.7.1, hereof from approval of plats as provided for in Article 3 of General City Law.
- 11.7.3. Deposit of monies.** The monies in such fund shall be deposited in one or more banks or trust companies designated, in the manner provided by law, as depositories of the fund of the City. The Council or Commissioner of Finance may invest the monies in such fund in obligations specified in the General Municipal Law. Any interest earned or capital gain realized on money so deposited or invested shall accrue to and become part of such fund.
- 11.7.4. Expenditures.** All expenditures from this fund shall be solely for the purpose of neighborhood parks, playgrounds and/or recreational purposes, including acquisition of land, and shall require Council resolution before any funds are removed therefrom.
- 11.7.5. Transfers.** If after establishment of this fund the City determines such fund is no longer needed, monies remaining in it may be transferred to another reserve fund of the City authorized by General Municipal Law that is comprised of monies raised on the same tax base as the monies in this reserve fund. Prior to discontinuance of this fund, the Finance Commissioner and City Attorney shall certify to the Council the amount that may be necessary to retain in such fund to satisfy all liabilities incurred or accrued against the City; such sum shall be retained in the fund for payment of such amounts or until later certified that such funds are no longer needed.

TITLE 12
Elections

12.1. Election Districts.

The City shall be divided into election districts with boundaries the Council may prescribe, per the New York State Election Law.

12.2. Primaries and municipal elections.

Provisions of the Election Law of the State of New York shall apply to all municipal elections and special elections of the City of Saratoga Springs and shall guide in all matters not provided in the Charter.

A primary election shall be held in accordance with Election Law of the State of New York in each odd-numbered year during the hours 12:00 noon until 9:00 p.m.

The general municipal election shall be held on Tuesday succeeding the first Monday in each odd-numbered year, in accordance with Election Law of the State of New York.

12.3. Election of City officers.

A general City election shall be held every two years in odd-numbered years in November at the time and places for holding the general election. There shall be elected at each general City election successors to all elected city officers whose terms will expire before the date of the next general City election.

There shall be an election for City Judge every 10 years.

There shall be a list of candidates for Supervisor on the ballot, and the two candidates receiving the highest number of votes and the second highest number of votes shall serve as County Supervisors.

12.3.1. Publication of election timetable. The Commissioner of Accounts shall cause to be published a timetable

indicating times when each step shall be taken to designate, nominate, and submit petitions for partisan and independent candidates under the New York State Election Law. Such timetable shall be published first in the City's official newspaper or newspapers no later than two weeks after the issuance of the official political calendar of the New York State Board of Elections, and a copy shall be placed on file at the City Clerk's office. There shall be a second publication of the timetable no later than the first day for circulation of partisan petitions.

TITLE 13 Miscellaneous Provisions

13.1. Franchises.

The City shall grant no franchise or renewal thereof except after public hearing, for which a notice shall be published once a week for three successive weeks during which the proposed grant of franchise shall be on file with the City Clerk for public inspection.

13.2. City property.

All books, records, correspondence, papers and other property of each department, officer, and employee shall be City property and shall be delivered by the custodian thereof to his or her successor.

13.3. Official newspapers.

The Council shall designate not more than two newspapers of general circulation in the City to be the official newspaper or newspapers. There shall be published in the official newspaper or newspapers all notices, ordinances, local laws, and other information required by law to be so published.

13.4. Open meetings.

Every agency, board, commission and other entity shall conduct its business in accordance with the provisions of the Open Meetings laws of the State of New York.

TITLE 14**Effect of Charter on Existing Laws****14.1. Repeal of 1915 Charter.**

The Charter of the City of Saratoga Springs, enacted in 1915 and as amended from time to time, is hereby repealed. All local laws, ordinances, and resolutions of the Council and all regulations and bylaws of boards, commissions, or bodies of the City previously adopted and in effect as of the adoption of this Charter, including the City Code, shall continue in full force and effect, except to the extent that such local laws, ordinances, resolutions, regulations, and bylaws have been repealed, modified, or superseded in their application to the City by the adoption of this Charter.

14.2. Continuation of City officers and employees.

Existing terms of office shall continue uninterrupted by this Charter. All officers of the City now in office, whether elected or appointed, shall continue in office and discharge duties thereof until the end of the terms for which they were elected or appointed, and until their successors are elected or appointed and qualify as provided in this Charter. All officers and employees of the City who shall hold office or be employed under the Civil Service Law and Rules when this Charter shall take 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, insofar as such may be consistent with provisions of this Charter.

14.3. Effective date of the Charter.

This Charter shall become effective on January 1, 2004, upon approval by public referendum in the manner provided by applicable law. An administrative code may be adopted and amended at any time subsequent to the approval and adoption of this Charter.

14.4. Transition to the new Charter.

14.4.1. Budget process. The budget policies, procedures and process required by this Charter shall be fully implemented within two budget cycles after the Charter's effective date. The Commissioner of Finance shall report regularly on progress to the Council, in six-month intervals through the full implementation period specified herein.

14.4.2. Human resources. The establishment of unified city-wide human resources policies, procedures, and programs will require a period of transition for full implementation. A period of 18 months from the effective date of this Charter shall be provided for transition purposes. The Mayor shall report regularly on progress to the Council, in six-month intervals through the full implementation period specified herein.