

# ***CHARTER OF THE CITY OF SARATOGA SPRINGS, NEW YORK***

## **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.*

*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 sustainability and protection of 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
- 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 and shall be known as the “Charter of the City of Saratoga Springs.”

**1.2 Territories**

The City 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 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 this 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; 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
- One or more Supervisors, as may be established by County Law

Each officer shall be elected for a term of two (2) years, from and including the first day of January next succeeding the election until the election and qualification of his or her successor. No person shall hold more than one office of the City.

No person shall be eligible to serve as an elective officer unless at the time of election the individual is a resident eligible to vote in the City and is duly qualified pursuant to the requirements of the Public Officers Law. Every officer shall take and file the constitutional oath of office prior to assuming duties.

The Mayor and each Commissioner shall receive a salary and compensation as shall be established from time to time by local law and subject to the provisions of the Municipal Home Rule Law.

The Supervisor(s) shall receive the salary established by County Law.

## **2.2 City Council and Powers**

The Mayor and the Commissioners shall constitute the City Council (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 this 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.

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 at least twenty-four (24)

hours prior to the regular meeting. Time shall be allotted at every regular meeting for the public to speak.

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 that an unlisted matter be finally acted on, 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 shall adopt a set of procedures for the conduct of Council meetings at the first regular meeting of each term.

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 State of the City Address**

The Mayor and Commissioners shall each submit in writing to the Council and the public a State of the City Address on or before the first regularly scheduled Council meeting in February each year. The Address 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.

### **2.4 Initiation of Reviews**

The Council shall cause a review of the City Comprehensive Plan and City Charter to be conducted at least every ten (10) years. The reviews shall be initiated by the Mayor. Each Council member shall have an equal number of appointments to the Committee or Commission conducting such review, except that the Mayor may have a greater number not to exceed three (3) such appointments.

### **2.5 Supervisor(s)**

The Supervisor(s) shall represent the City at the Saratoga County Board of Supervisors.

The Supervisor(s) 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. The Supervisor(s) 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.

### **2.6 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 general election held after the occurrence of such vacancy to fill such vacancy for the remainder of the unexpired term.

## **2.7 Civil Service Commission**

There shall be a Civil Service Commission. The Council shall appoint three (3) Civil Service Commissioners to serve for six (6) year staggered terms, without compensation. No two (2) members of the Commission shall be members of 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.

## **2.8 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.

2.8.1 **Deputies.** Deputies shall be public officers. Each deputy shall serve at the pleasure of, and not longer than the term of, the official making the deputy's appointment. Each deputy shall possess sufficient educational qualifications, or work experience, or both, reasonably related to the administrative responsibilities of his or her department.

2.8.2 **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.

## **2.9 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 (1) year from the date the Council member ceased to serve.

## **2.10 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. Where an appointment is made subject to the advice and consent of Council, removal shall be made in similar manner.

## **TITLE 3 THE MAYOR**

The Mayor shall be the chief executive officer and official representative of the City, and shall have and exercise the powers and duties conferred on that office by this Charter, and such other duties as the Council may prescribe by ordinance or local law, and shall supervise their execution. 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 Finance Law, and shall cause the City Seal to be affixed to instruments as required.

The Mayor shall have responsibility for the following departments, boards and/or functions in City government and shall organize same to ensure efficient, cost-effective operations: **Building Department; Planning; Zoning; Economic Development; Staff support to the Zoning Board of Appeals, Planning Board and Design Review Commission; Open Space and Preservation of Lands;** and such other departments, boards and functions assigned by action of the Council. The Mayor shall also serve as the Capital Program Committee Chairperson.

### **3.1 Building Department**

The Building Department, under the direction of the Mayor, shall, unless expressly stated to the contrary in the City Code, be responsible for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code as well as other applicable City codes, rules and regulations and the laws of the State of New York relating to the construction, alteration, demolition, use or occupancy, location, repair or removal of buildings and structures in the City and the installation and use of materials and equipment therein.

The Mayor shall appoint such Building Department staff necessary to carry out the functions and responsibilities as required by this Charter.

### **3.2 Planning**

The Mayor shall be responsible for City planning activities and for promoting the orderly development and growth of the City, consistent with the City's Comprehensive Plan and other plans adopted by the Council.

### **3.3 Zoning**

The Mayor shall have authority to appoint a qualified individual or individuals to enforce those provisions of the City's codes, rules, and regulations as specified in Chapters 240 and 241 of the City Code, together with other authority conferred on him or her under the laws of the State of New York

The Mayor shall cause a review of the City's zoning laws, ordinances and regulations within twelve (12) months following adoption by Council of a Comprehensive Plan.

### **3.4 Economic Development**

The Mayor shall be responsible for coordinating and gathering, research, analysis, and technical assistance related to community and economic development opportunities. The Mayor shall have authority to ensure the work is carried out in accordance with procedures prescribed by Federal, State, and local laws and policies and shall manage and coordinate applications for grants and loans for all City departments, and shall assist in the identification of grant opportunities and the preparation of applications.

The Mayor shall be responsible for planning and implementing the activities of the Community Development Block Grant Program.

### **3.5 Zoning Board of Appeals, Planning Board, and Design Review Commission**

The Mayor shall have authority to appoint staff to support the activities of the Planning Board, Zoning Board of Appeals, and Design Review Commission.

### **3.6 Capital Program Committee**

The Mayor shall be Chair of the 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 also include one (1) representative each from the Departments of Finance, Public Safety, Public Works, and Accounts. The Capital Program Committee shall prepare and submit to the Council annually a six (6) year Capital Program consistent with § 99-g of the New York State General Municipal Law and program elements outlined in Title 14 of this Charter.

### **3.7 Open Space and Preservation of Lands**

The Mayor shall have authority over the planning, management, development and administration of open space and preservation of lands within the City. The Mayor shall recommend policies regulating the use of the lands and facilities in the City's open space and preservation of lands system, subject to review and approval by the Council.

The Mayor shall update and maintain an inventory of City owned land and facilities currently identified as open space and shall request formal designation of such by the Council. All open lands shall be held in trust by the City for the public and may not be alienated from their purpose except as provided by the laws of the State of New York and the United States. The Mayor shall be responsible for identifying, negotiating and recommending lands for addition to the inventory, including acquisition by purchase, conservation and/or development easements, or utilization of private/public partnerships to achieve open space preservation and public access. No additions to the City open space and preservation of lands system shall be made without approval of the Council.

**3.7.1 Open Space and Preservation of Lands Master Plan.** The Mayor shall develop a citywide Open Space and Preservation of Lands Master Plan, in cooperation with appropriate City staff, 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. Such

Master Plan shall be reviewed and updated periodically, but not less than once every five (5) years.

**3.7.2 Open Space and Preservation of lands Capital Plan.** The Mayor shall develop a long range Capital Plan, in cooperation with appropriate City staff, for all City owned lands and facilities included in the Master Plan. The long range Capital Plan shall be transmitted to the City's Capital Program Committee in sufficient detail, including projected costs which may be associated with acquisition, maintenance, operation and/or improvements for such lands, on or before August 1 and in time for inclusion in the City's Capital Program.

### **3.8 City Historian**

The Mayor may appoint a City Historian who shall be responsible for the management and preservation of City records with enduring value and who shall promote knowledge, understanding and appreciation of the City's history.

### **3.9 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.

### **3.10 Official Appointments**

The Mayor shall make appointments to the Planning Board, Zoning Board of Appeals, and Design Review Commission, subject to the advice and consent of the Council. This subsection is intended to supersede § 27 and § 81 of New York General City Law.

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. All City departments and personnel shall provide the necessary data, assistance, and information required in the execution of these powers, duties, and responsibilities.

In the event of the Mayor's absence or disability, other than a vacancy as defined in Section 2.6 of this Charter, a member of the Council shall act in the Mayor's stead for so long as a quorum of the Council remains present and able to serve. The order of succession to act as Mayor shall be: First, Commissioner of Finance; Second, Commissioner of Public Works.

## **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 such other duties as the Council may prescribe by ordinance or local law, and shall supervise their execution.

The Commissioner of Finance shall have responsibility for the following departments, boards and/or functions in City government and shall organize same to ensure efficient, cost-effective operations: **Tax Collector; Bursar of Funds; Custodian of Monies; Keeper of Financial**



**Records; Certifier of Payrolls;** and such other departments, boards and functions assigned by action of the Council. The Commissioner of Finance shall also serve as the Budget Chairperson.

#### **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 Title 13 of this Charter and in accordance with the laws of the State of New York.

#### **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. The Finance Policy and Procedures 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 monies 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 therefore, 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 Finance 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 Investment Policy shall be adopted or modified annually by Council resolution. The Investment Policy shall detail the City's operative policy and instructions regarding investing, monitoring, and reporting of City monies. The Investment 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 Investment Policy shall be reviewed annually by the Commissioner of Finance and adjusted as necessary. The Investment 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 (5) 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 forty-five (45) business days after the issuance of the letter.
- 4.3.4 **Internal audit.** The Commissioner of Finance shall conduct internal audits, as deemed necessary, of randomly selected City operations, or on request of Council. The Commissioner of Finance may, if deemed necessary, retain an independent auditing firm to conduct any internal audit, subject to approval of Council. All audits, whether

conducted by the Commissioner or an independent auditing firm, shall be presented in writing to the Council and forwarded to the City Clerk's office for public examination.

#### **4.4 City Budget**

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. The City Budget content, preparation, and administration shall be as outlined in Title 15 of this Charter.

#### **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.

The Commissioner of Finance may lawfully delegate the above-cited powers, duties and responsibilities. The Commissioner of Finance shall ensure that employees in the Finance Department have appropriate skills, work experience, and education to perform professional-quality work. All City departments and personnel shall provide the necessary data, assistance, and information required in the execution of these powers, duties and responsibilities.

### **TITLE 5**

## **THE COMMISSIONER OF PUBLIC WORKS**

The Commissioner of Public Works shall be responsible for the overall operation of the Department of Public Works and shall have and exercise the powers and duties conferred on that office by this Charter, and such other duties as the Council may prescribe by ordinance or local law, and shall supervise their execution.

The Commissioner of Public Works shall have responsibility for the following departments, boards and/or functions in City government and shall organize same to ensure efficient, cost-effective operations: **Streets and Highways; Buildings and Grounds; Utilities; Parks and Recreation; Engineering Services; City Beautification Program;** and such other departments, boards and functions assigned by action of the Council.

The Commissioner of Public Works shall, on or before the second regularly scheduled Council meeting of June 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.

#### **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 maintenance, operation, and repair 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 storm water 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 storm water 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 curb line.
  - 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 (3) 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 Parks and Recreation**

The Commissioner of Public Works shall be responsible for the operation and maintenance of all City owned parks and recreational facilities and shall, in coordination with the Recreation Commission, ensure that all established programs and activities are implemented and available for City residents.

- 5.4.1 **Recreation Commission.** 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 Department of Public Works. Each member of the Commission shall be appointed by the Commissioner of Public Works with the advice and consent of the Council. This subsection is intended to supersede § 243 of the General Municipal Law relative to the appointment process.
- 5.4.2 **Program activities.** The Recreation Commission shall establish recreation programs for City playgrounds and recreation facilities 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.
- 5.4.3 **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.
- 5.4.4 **Budget.** The Recreation Commission shall be subject to the budget process promulgated by the Commissioner of Finance pursuant to Section 15.2 of this Charter and procedures and policies adopted subsequent thereto.
- 5.4.5 **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.
- 5.4.6 **Program coordination.** The Recreation Commission shall coordinate with the Commissioner of Public Works to ensure appropriate maintenance of City playgrounds and recreation facilities.

5.4.7 **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.

5.4.8 **Policy and Procedures Manual.** The Commissioner of Public Works shall, in coordination with the Recreation Commission, develop policies and procedures for the maintenance, operation and implementation of recreation programs and activities on City property. The Policy and Procedures Manual and any revisions thereto shall be submitted to the Council for approval and modification and shall go into effect upon approval by the Council.

### **5.5 Engineering Services**

The Commissioner of Public Works shall be responsible for coordinating the provision of engineering services to all City departments and entities. The Commissioner shall ensure that any individual or individuals retained or employed in such capacity shall have the requisite skill, certifications and experience and, as necessary, shall be a registered Professional Engineer, duly certified by the State of New York and possessing all of the qualifications required by the State.

### **5.6 City Beautification Program**

The Commissioner of Public Works shall undertake responsibility for City beautification and such other related programs as the Council may from time to time establish.

The Commissioner of Public Works may lawfully delegate the above-cited powers, duties, and responsibilities. The Commissioner of Public Works shall ensure that employees in the Public Works Department have appropriate skills, work experience, and education to perform professional-quality work. All City departments and personnel shall provide necessary data, assistance, and information required in the execution of these powers, duties, and responsibilities.

## **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 powers and duties conferred on that office by this Charter, and such other duties as the Council may prescribe by ordinance or local law, and shall supervise their execution.

The Commissioner of Public Safety shall have responsibility for the following departments, boards and/or functions in City government and shall organize same to ensure efficient, cost-effective operations: **Police Department; Fire Department; Code Administration; Traffic Safety; Animal Control; Emergency Planning; Health Officer;** and such other departments, boards and functions assigned by action of the Council.

The Commissioner of Public Safety shall, or before the first regularly scheduled Council meeting of June 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 Safety and its several departments and functions for the previous year.

### **6.1 Police Department.**

The Police Department of the City 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 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 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 Code Administration**

The Code Administration Department, under the direction of the Commissioner of Public Safety, shall, unless expressly stated to the contrary in the City Code, be responsible for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code as well as other applicable City codes, rules and regulations and the laws of the State of New York relating to buildings, property, businesses and entities located within the City's jurisdiction.

The Commissioner of Public Safety shall appoint such Code Administration staff necessary to carry out the functions and responsibilities as required by this Charter.

### **6.4 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.

6.4.1 **Strategic Traffic Safety and Enforcement, Emergency Medical Services and Emergency Management Plans.** The Commissioner of Public Safety shall develop, manage, and implement a Strategic Traffic Safety and Enforcement Plan, an Emergency Medical Services Plan and an Emergency Management Plan and shall submit each plan to the Council for its approval or modification. Each plan shall be reviewed and updated periodically but not less than once every three (3) years.

### **6.5 Health Officer**

The Commissioner of Public Safety shall have responsibility to appoint a Health Officer, who shall be a physician duly licensed to practice under the laws of the State of New York. The Commissioner 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.

### **6.6 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 Department, the Fire Department and those of such other departments as may from time to time be vested in the Department of Public Safety by the Council.

The Commissioner of Public Safety may lawfully delegate the above-cited powers, duties, and responsibilities. The Commissioner of Public Safety shall ensure that employees of the Department of Public Safety have appropriate skills, work experience, and education to perform professional-quality work. All City departments and personnel shall provide the necessary data,



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

## TITLE 7 THE COMMISSIONER OF ACCOUNTS

The Commissioner of Accounts shall have and exercise the powers and duties conferred on that office by this Charter, and such other duties as the Council may prescribe by ordinance or local law, and shall supervise their execution.

The Commissioner shall have responsibility for the following departments, boards and/or functions in City government and shall organize same to ensure efficient, cost-effective operations: **City Clerk; City Assessor; Purchasing Agent; Registrar of Vital Statistics; Issuer and Collector of License Fees and Rents;** and such other departments, boards and functions assigned by action of the Council.

### **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.

### **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 manner set forth in Title 16 of 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. Each member of the Board shall be appointed by the Commissioner of Accounts with the advice and consent of the City Council.

### **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. The City Purchasing 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. The Manual shall be regularly revised and updated as necessary.
- 7.3.2 **Pre-audits.** The Purchasing Agency shall undertake periodic pre-audits of all purchases on behalf of the City to ensure conformity with standards and procedures under the law.
- 7.3.3 **Purchases.** The Purchasing Agency 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 **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.

#### **7.4 Registrar of Vital Statistics**

The Commissioner of Accounts shall keep and maintain all records of births and deaths which occur within the jurisdictional limits of the City, and in accordance with the guidelines and requirements of the New York State Department of Health.

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

### **TITLE 8 RESERVED**

### **TITLE 9 LEGAL MATTERS**

#### **9.1 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 with the advice and consent of the City Council and the Council shall establish his or her compensation and other terms of employment pursuant to a written contract. 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 appoint such staff necessary to assist the City Attorney in carrying out the functions and responsibilities set forth in this Charter and 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.

#### **9.2 Risk and Safety**

The City Attorney's Office shall be responsible for the management of the City's Property and Casualty Insurance, Risk Management, Compliance and Safety Programs and shall, in coordination with appropriate City officials and staff, assist the City in achieving compliance with applicable local, State and Federal regulations.

9.2.1 **Risk and Safety Policy and Procedures Manual.** The City Attorney's Office shall prepare a written Risk and Safety Manual and shall develop policies to be distributed and used by all City departments. The Manual shall be approved by the Council and be relied on by all City departments.

#### **9.3 Public Information**

The City Attorney shall advise all departments relative to the provisions of the Freedom of Information Law and shall establish policies and procedures to assist persons in obtaining accessible public records and information.

#### **9.4 Service of Papers on the City**

Service of legal papers on the City 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.

#### **9.5 Notice of Injury**

9.5.1 **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.

9.5.2 **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.

9.5.3 **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.

#### **9.6 Condemnation, Acquisition, and Disposition 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 sell or lease for fair value any property of the City, except that a transfer of title shall further require at least two (2) public hearings, prior to such transfer. The sale or lease of City property shall require a majority vote of the Council. This subsection is intended to supersede § 23 of the New York General City Law.

There shall be a Human Resources Administrator under the direction of the Council. The Mayor shall, in accordance with Civil Service Law, retain or appoint a Human Resources Administrator, subject to the advice and consent of the Council. The Administrator shall be a qualified professional in the field of Human Resources, and shall be retained or appointed on the basis of education and experience.

The Human Resources Administrator shall be responsible for providing all City departments and entities with advice and counsel relating to job audits and descriptions and shall, in cooperation with the Civil Service Commission, determine job duties and compensation for all positions on the City payroll and assist in the recruitment of personnel.

The Human Resources Administrator shall coordinate and promote training for all City employees through maintenance of appropriate training schedules and programs, and shall provide employees with counseling and information regarding City benefits and personnel policies.

#### **10.1 Personnel Policy and Procedures Manual**

The Human Resources Administrator shall prepare a written Personnel Manual and shall develop personnel policies to be distributed and used by all City departments. The Personnel Manual shall be approved by the Council and relied on for day-to-day administration of personnel functions in all City departments. 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.

### **TITLE 11 INFORMATION TECHNOLOGY**

There shall be an Information Technology (IT) Administrator under the direction of the Council. The Commissioner of Finance shall, in accordance with Civil Service Law, retain or appoint an IT Administrator, subject to the advice and consent of the Council. The IT Administrator shall be a qualified professional in the field of information technology and shall be retained or appointed in on the basis of education and experience.

The IT Administrator shall be responsible for providing all City departments and entities with advice and counsel relating to information technology, including hardware and software. The IT Administrator shall coordinate and promote relevant training for all City employees through maintenance of appropriate training schedules and programs.

#### **11.1 Information Technology Policy and Procedures Manual**

The IT Administrator shall prepare a written Information Technology Policy and Procedures Manual to be distributed and used by all City departments. The Information Technology Policy and Procedures Manual shall be approved by the Council and relied on for day-to-day information technology practices and procedures.

### **TITLE 12 ORDINANCES AND LOCAL LAWS**

#### **12.1 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 (5) days public notice, and such notice shall be published at least two (2) 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.

### **12.2 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.

### **12.3 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.

### **12.4 Publication and Effective Date**

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

12.4.2 **Summary.** In addition, but not limited, to provisions in Section 12.4.1, 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.

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

### **12.5 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 13 **TAX RATES, COLLECTION AND PENALTIES**

**13.1 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.

**13.2 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.

**13.3 Tax penalties.** County and City taxes for the several tax districts shall be paid by times set forth. Thereafter, payments made within thirty (30) days of the times set forth shall include a penalty of six percent (6%). Payments made beyond such thirty (30) day period shall include an additional penalty of one-and-one half percent (1½%) per month up to a maximum of fifteen percent (15%) per annum.

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.

**13.4 Discounts.** The Council shall have the authority to establish a discount for the payment of the four (4) quarterly current City and County taxes on or before March 1 of each year; no other discount shall be allowed. The Council shall establish such discount, if any, by Resolution on or before October 31 of each year.

**13.5 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 (1) day prior to the date of the lien and on the date of the lien. If there are two (2) official newspapers of the City, the City may elect to place an advertisement in each newspaper.

**13.6 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 twelve percent (12%) per annum.

**13.7 Tax lien penalties.** Tax liens referred to herein shall bear the interest rate of one percent (1%) per month up to a maximum of twelve percent (12%) per annum from the date thereof.

**13.8 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 one percent (1%) interest per month, up to a maximum of twelve percent (12%) per annum from the date of said lien.

**13.9 Certificate and deed.** If the property is not redeemed as heretofore provided, the Commissioner of Finance shall at the expiration of two (2) 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.

## TITLE 14 CAPITAL PROGRAM

In conjunction with the Capital Program Committee, the Mayor shall be responsible for preparing the City's Capital Program for a six (6) 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.

**14.1 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, non-government 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.

**14.2 Capital Program preparation.** In preparing the 6-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.



**14.3 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 6-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 6-year Capital Program. The City's Capital Budget for each upcoming fiscal year shall be derived from projects included in the City's adopted 6-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 (5) days prior to the public hearings.

**14.4 Capital Program adoption.** The Council shall adopt the 6-year Capital Program annually after its review and revision. Two public hearings shall be held prior to final adoption by the Council. If adopted, the Capital Program, and subsequent year's Capital Budget, shall be submitted as a requested budget to the Commissioner of Finance who may, upon review of the City's debt obligations and in order to ensure a balanced budget, alter the Capital Budget.

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 four-fifths (4/5) of the Council, only after public hearing and publication of information supporting the requested action.

**14.5 Capital Budget.** The Mayor shall transmit Capital Budget projects recommended for the ensuing budget along with the 6-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.

**14.6 Infrastructure inventory.** The Commissioners of Public Works and Public Safety shall each undertake and regularly update 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 and under the jurisdiction and control of the respective Department. The Inventory shall be listed by department and program and shall include for each item listed:

- a. Location
- b. Physical description
- c. Present condition and expected remaining useful life
- d. Current value and estimated replacement cost
- e. Other information required by the Capital Program Committee

In undertaking this inventory the Commissioners of Public Works and Public Safety shall each request the assistance of every City department head. The inventory shall be maintained and annually provided to the City's Capital Program Committee for their use in developing the City's mandated 6-year Capital Program.

## TITLE 15 BUDGET CONTENT, PREPARATION AND ADMINISTRATION

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

**15.2 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.

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 shall be submitted in accordance with the provisions of this section of this 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 Budget 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.

**15.3 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 a meeting of the Council held no later than October 31 of each year.

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

**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.

**Financial Plan.** The budget shall be accompanied by a preliminary Financial Plan to include all income and expenditures of all City monies and activities projected monthly for the fiscal year.

**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.

**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 Capital 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 Debt Service 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 Subsidiary Budget.

**15.5 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 Comprehensive 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 (1) week after such publication, for at least two (2) 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.

**15.6 Budget adoption.** In the period from November 1 through November 30, the Council shall continue to adjust the proposed Comprehensive 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 proposed Comprehensive 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 Comprehensive Budget on or before the first regularly scheduled Council meeting in December each year. The total of proposed expenditures shall not exceed the total of estimated income in the Comprehensive 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 Comprehensive 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.

**15.7 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.

**15.8 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 (1) or more appropriation as allowed by law.

**15.9 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 forty-five (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.

**15.10 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.

**15.11 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 un-appropriated 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.

**15.12 Transfers of monies.** Budget transfers of monies shall require certification of availability by the Commissioner of Finance. Those transfer requests that exceed ten percent (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 (10%) 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.

**15.13 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 this Charter shall be void, unless subsequently ratified by four-fifths (4/5) vote of Council upon good cause shown.

## TITLE 16 ASSESSMENT OF REAL PROPERTY

**16.1** Valuation date of real property in the City shall be determined annually as of July 1 of the prior year.

**16.2** Taxable status of real property in the City shall be determined annually as of March 1.

**16.3** On or before March 1 each year, the Commissioner of Accounts shall ascertain, by diligent inquiry, all real property and names of owners thereof.

**16.4** 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 one in the official newspaper or newspapers of the City. The notice shall be posted on the City website, if an. 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 or 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.

**16.5** On or before May 15, 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.

**16.6** 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.

**16.7** 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.

**16.8** 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.

## TITLE 17

### **PUBLIC WORKS AND LOCAL IMPROVEMENTS; WATER AND SEWER RATES**

#### **17.1 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.

#### **17.2 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.

**17.2.1 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.

**17.2.2 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 re-noticed for hearing, as in the first instance. When adopted, the roll of property affected shall be filed with the Commissioner of Accounts.

**17.2.3 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.

**17.2.4 Review.** Any action or proceeding to review, vacate, or modify said roll of property after adoption by the Council shall be commenced within thirty (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.

#### **17.3 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.

17.3.1 **Claim for damages and hearing.** Any claim for damages for such change shall be made in writing to the Council within thirty (30) days from the date of the order, stating the amount claimed and reasons for the claim. Thereupon, and within ninety (90) days after the date of said order, the Council shall publish notice of hearing for a day not less than eight (8) 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 fifty percent (50%) of the amount claimed, when such claimant shall not be entitled to costs.

17.3.2 **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.

17.3.3 **Review.** An action or proceeding to review, vacate, or modify the order for such change or said roll shall be commenced within thirty (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.

#### **17.4 Discontinuance of Highways**

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

17.4.1 **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.

17.4.2 **Review.** Any action or proceeding to review such proceeding shall be commenced within thirty (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.

#### **17.5 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 18

## **TAX DISTRICTS; BONDING LIMITS; CONTRACTS; ASSESSMENTS, TAXES, AND USER FEES; RESERVE FUNDS**



## **18.1 Tax Districts**

The City shall consist of three (3) separate tax districts designated as the City Tax District, the Inside Tax District, and the Outside Tax District.

18.1.1 **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.

18.1.2 **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.

18.1.3 **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.

18.1.4 **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.

## **18.2 Limitation on Local Indebtedness which May be Contracted**

The limitation on the amount of indebtedness which may be contacted by the City for any purpose or in any manner, including existing indebtedness, shall be determined pursuant to §104.00 of the New York State Local Finance Law, except that such limitation shall not exceed 2% of the City's average full valuation.

## **18.3 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 one percent (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.

## **18.4 Apportionment of Taxes**

- 18.4.1 **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.
- 18.4.2 **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 [5] feet or more), charity, health, and schools therein.
- 18.4.3 **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 (5) 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.
- 18.4.4 **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.
- 18.4.5 **Additional provisions.** Notwithstanding any other provisions of this section or any other special act or local law, half ( $\frac{1}{2}$ ) the cost of street improvements shall be paid by the City Tax District, and half ( $\frac{1}{2}$ ) shall be paid by the Inside Tax District

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

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

## **18.5 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.

### **18.6 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 four-fifths (4/5) vote.

### **18.7 Reserve Fund for Recreational Development**

18.7.1 **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.

18.7.2 **Payments into Fund.** There may be paid into such Fund amounts that may be received from payments to the City for purposes specified in 18.7.1, hereof from approval of plats as provided for in Article 3 of General City Law.

18.7.3 **Deposit of monies.** The monies in such Fund shall be deposited in one (1) 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.

18.7.4 **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.

18.7.5 **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 19 ELECTIONS

### **19.1 Election Districts**

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

### **19.2 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 and shall guide in all matters not provided in this 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 noon until 9 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.

### **19.3 Election of City Officers**

A general City election shall be held every two (2) 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(s) every ten (10) years.

The number of Supervisors representing the City shall be established by County Law. There shall be a list of candidates for County Supervisor(s) on the ballot, and the candidate(s) receiving the highest number of votes for the Supervisor position(s) available shall serve as County Supervisor(s).

### **19.4 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 (2) 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 20  
**MISCELLANEOUS PROVISIONS**

**20.1 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 (3) successive weeks during which the proposed grant of franchise shall be on file with the City Clerk for public inspection.

**20.2 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.

**20.3 Official Newspapers**

The Council shall designate not more than two (2) 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.

**20.4 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 21  
**EFFECT OF CHARTER ON EXISTING LAWS**

**21.1 Repeal of 2001 Charter**

The Charter of the City of Saratoga Springs, enacted in 2001 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.

**21.2 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.

**21.3 Effective Date of the Charter**

This Charter shall become effective on January 1, 2019, 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.

#### **21.4 Transition to the New Charter**

21.4.1 **Budget process.** The budget policies, procedures and process required by this Charter shall be fully implemented within two (2) 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.