

**Under authority conferred by the Constitution of the State of New York, WE, THE PEOPLE of Saratoga Springs, do ordain and establish this Charter as the Law of the City to protect and enhance the health, safety, environment and general welfare of the people; to enable municipal government to provide services and meet the needs of the people efficiently; to allow fair and equitable participation of all persons in the affairs of the City; to provide for transparency, accountability and ethics in governance and civil service; to foster fiscal responsibility; to promote prosperity and diversity; and to address the broad needs of a changing society.**

## **Article I GENERAL PROVISIONS**

### 1.01 Title and Purpose

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

### 1.02 City Status, Power and Duties

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

### 1.03 Boundaries

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

## **Article II CITY COUNCIL AND MAYOR**

### 2.01 City Council Constituted

The City Council shall be composed of the Mayor, elected by the voters of the City at large, and six Members elected from Council Wards by the voters of such Wards.

## 2.02 Acting Mayor

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

## 2.03 Meetings

- A. The City Council shall hold regular meetings on the first and third Tuesday evenings in each month, and at such other times as it shall designate. Meetings shall be conducted in compliance with the New York State Open Meetings Law. The Mayor shall preside at all meetings of the City Council. In the proceedings of the City Council, the Mayor and each Member present shall have a vote. A quorum of four Members present shall be required to hold a meeting.
  
- B. Special meetings. The Mayor, or, in the Mayor's absence, the Acting Mayor, or any four Council Members may call special meetings by notice in writing or by electronic means served personally upon, or transmitted electronically to, the Members of the City Council, or left at their usual places of residence at least 24 hours before the time of the meeting.

## 2.04 Mayor

The Mayor shall be elected Citywide and shall serve as the presiding officer of the City Council. The Mayor shall

- (1) Be a voting Member of the City Council and shall attend and preside at meetings of the City Council;
- (2) Represent the City in intergovernmental relationships;
- (3) Execute any and all contracts for which City Council approval has been granted;
- (4) Appoint, with the advice and consent of the City Council, the members of all regulatory boards and commissions, including without limitation: the Planning Board, Zoning Board of Appeals, Design Review Commission, the Comprehensive Plan Committee, Civil Service Commission, Ethics Board, Housing Authority, Special Assessment Districts, Board of Assessment Review, and the City Center Authority;
- (5) Present an annual State of the City message;
- (6) Appoint Members and officers of City Council to such standing committees as may be created by the Council, the terms of such appointments to coincide with the Council terms of office;
- (7) Assign, subject to the consent of the City Council, agenda items to committees;
- (8) Create such advisory committees and appoint members thereto as deemed necessary in the public interest;
- (9) Chair the Finance Committee of the City Council;

- (10) Appoint a Charter Review Commission in 2030 and thereafter upon receipt of the results of each subsequent U.S. Decennial Census or as may be provided in New York State law; and
- (11) Perform other duties as may be specified by the City Council.

The Mayor shall be recognized as the head of City government for all ceremonial purposes, but the Mayor shall have no administrative duties, other than those outlined herein.

#### 2.05 Finance Committee

The Finance Committee of the City Council shall review all budgets of the City prior to City Council approval; monitor the City's financial affairs on an ongoing basis; and must approve all appropriations prior to action by the City Council. The Finance Committee shall consist of all members of the City Council, with the Mayor as chair.

#### 2.06 Appointment and Evaluation of City Manager

The City Council shall appoint and hire a qualified person to the office of City Manager in accordance with Section 3.01. The City Council shall annually evaluate the performance of the City Manager.

#### 2.07 Transparency and Code of Ethics

- A. It is the policy of the City that the activities of City government should be conducted in public to the greatest extent feasible in order to assure public participation and enhance public accountability.
- B. The City 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 Section 806 of the General Municipal Law.

#### 2.08 Prohibitions

- A. **Holding Other Office.** Except where authorized by law, no Council Member shall hold any other elected public office, including the office of County Supervisor, during the term for which the Member was elected to the City Council. No Council Member shall hold any other City office or City employment during the term for which the Member was elected to the City Council. No former Council Member shall hold any compensated appointive office or employment with the City until two years after the expiration of the term for which the Member was most recently elected or appointed to the City Council.
- B. **Appointments and Removals.** Neither the City Council nor any of its Members shall in any manner control the appointment or removal of any City administrative officer or

employee whom the City Manager, or any subordinate of the City Manager, is empowered to appoint, but the City Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

- C. Interference with Administration. Except for the purpose of inquiries and investigations under this Section, the City Council or its Members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager. Neither the City Council nor its Members shall give orders to any such officer or employee, either publicly or privately.

#### 2.09 Vacancies; Forfeiture of Office; Filling of Vacancies

- A. Vacancies. The office of a Council Member shall become vacant upon the Member's death, resignation or removal from office or forfeiture of office in any manner authorized by law.
- B. Forfeiture of Office. A Council Member shall forfeit that office if the Council Member:
  - (1) Ceases to reside in the City;
  - (2) Is convicted of a felony during the Member's term of office; or
  - (3) Fails to attend three consecutive regular meetings of the City Council without being excused by the City Council.
- C. Filling of Vacancies. If a vacancy shall occur in the office of Mayor or Council Member other than by expiration of term, that position shall be filled at the next general election, pursuant to the requirements of the NYS Election Law. Pending such election, the City Council shall appoint a person to fill such vacancy until a successor is elected and assumes office.

#### 2.10 Investigations

The City Council may undertake investigations into the affairs of the City and the conduct of any City department, office or agency.

#### 2.11 Finance and Property

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

## 2.12 Audits

- A. The City Council shall provide for an independent annual audit of all City accounts and may provide for more frequent audits as it deems necessary. Such audits shall be carried out in accordance with Section 5.16.
- B. The City Council shall provide for internal audits. Such audits shall be carried out in accordance with Section 5.17.

## 2.13 Legislative Powers

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

## 2.14 Legislation

The City Council shall have the power to enact local laws, ordinances, and resolutions consistent with the US Constitution and the constitution and laws of the state, for purposes including but not limited to:

- A. The preservation of the order, peace, health, safety and welfare of the City, its residents and visitors;
- B. The benefit of trade, commerce and economic development within the City;
- C. The protection of the quality of life within the City;
- D. The protection of the business and property interests within the City;
- E. The government of the City and the management of its business.

## 2.15 Actions Requiring Enactment by Ordinance or Local Law

- A. The City Council shall, by ordinance or by local law:
  - (1) Establish rules or regulations and provide for fines or other penalties for violations thereof;
  - (2) Levy taxes;
  - (3) Grant, renew, or extend a franchise;
  - (4) Regulate the rate charged for its services by the holder of a franchise;
  - (5) Convey or lease, or authorize the conveyance or lease, of any lands of the City; or
  - (6) Amend or repeal any ordinance or local law previously adopted.
- B. These actions are in addition to other acts required by law or by specific provision of this Charter.

## 2.16 Enactment of Ordinances

All ordinances enacted by the City 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 City Council meeting. The City Council shall pass no ordinance until the City Council has held a public hearing thereon. Such public hearing shall be on at least five days' public notice, and such notice shall be published at least two times in the City's designated official newspaper or newspapers and on the City's website or other appropriate media as designated by the City Council with a link to the proposed ordinance. Such notice shall indicate that a copy of the introduced ordinance shall be available for public review in the City Clerk's office.

## 2.17 Enactment of Local Laws

All local laws enacted by the City 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.

## 2.18 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 City 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.

## 2.19 Publication and Effective Date

All ordinances shall be published once after their passage and shall take effect the day after such publication unless otherwise specified in the ordinance. The City 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. All local laws shall be published and filed after passage in accordance with § 27 of the Municipal Home Rule Law.

## 2.20 Repeal and Amendment

No ordinance, or part thereof, shall be amended or repealed except by ordinance or local law. No local law, or part thereof, shall be amended or repealed except by local law.

## 2.21 Licensing Occupations

If a City ordinance prohibits the carrying on of any occupation or business without a license, the City Council shall fix the fee for such license; prescribe whether a bond shall be given by the licensee; prescribe the mode of licensing and the necessary qualifications of the licensee; approve or disapprove the application, and if approved, direct the City Clerk to issue the license.

## 2.22 Violation of Ordinances and Local Laws

- A. Penalty. Any ordinance or local law enacted by the City Council may provide that any person convicted of any violation of the same may be punished by imposition of a fine or by imprisonment, or both.
- B. Type of violation; civil penalty. Any ordinance or local law enacted by the City Council may provide that any person violating such ordinance or local law shall be guilty of a violation or of a misdemeanor or shall be liable to pay to the City a sum therein named as a penalty, to be recovered in a civil action. If no provision is made in any ordinance or local law as to the effect of a violation thereof, every violation thereof shall be a violation.
- C. Injunction relief. The City may maintain an action to restrain by injunction a violation of any ordinance or local law of the City Council or order of the Health Officer, notwithstanding that such ordinance, local law, or order may provide a penalty for such violation.

## 2.23 Succession to Office During Disaster

- A. Mayor. If, as a result of a disaster, as defined by Article 2-B § 20 of the Executive Law of the State of New York, the office of Mayor becomes vacant, or the Mayor by reason of disability or absence from the City shall be prevented from attending to the duties of the office of Mayor, and the Acting Mayor, as the designated Council Member, is unable to discharge the powers and duties of the office of Mayor or shall be absent from the City, the City Council or, if vacancies have reduced its Membership to less than a majority, then a majority of the remaining Members of the City Council, shall appoint a person to fill such vacancy until such time as the Mayor, Acting Mayor, or designated Council Member is able to assume the duties of the office of Mayor.

### City Manager.

- (1) If, as a result of a disaster, as defined by Article 2-B § 20 of the Executive Law of the State of New York, the office of City Manager becomes vacant, or the City Manager by reason of disability or absence from the City shall be prevented from attending to the duties of the office of City Manager, and the Acting City Manager is unable to discharge the powers and duties of the office of City Manager or shall be absent from the City, the City Council, or if vacancies have reduced its Membership to less than a majority, then a majority of the remaining Members of the City Council shall appoint a Department Head to fill such

vacancy until such time as the City Manager or Acting City Manager is able to assume the duties of the office of City Manager.

- (2) In the event that no Department Head is selected pursuant to the process outlined in the paragraph above, the City Council shall appoint an appropriate individual to serve in such capacity

- B. Other City Offices. If, as a result of a disaster, as defined by Article 2-B § 20 of the Executive Law of the State of New York, any City officer except the Mayor or Council Member shall be unable to discharge the duties of office, the City Manager shall appoint a suitable person to discharge such duties during such disability, unless otherwise prohibited by law. The person so appointed shall have and exercise all the powers and discharge all the duties and be subject to all the provisions of law applicable to such officer, and shall receive such salary as shall be fixed by the City Council.

#### 2.24 Compensation of Mayor and Council Members

Annual salaries shall be established by Local Law in conformance with New York State Law. The mayor shall receive an annual salary in the amount of \$65,000 and medical/health/dental/vision insurance coverage under the City's plan. Each City Council member shall receive an annual salary in the amount of \$12,000 with the option to purchase into the City medical/health/dental/vision insurance coverage, with the premium paid in full by the Council member.

This compensation shall remain in effect until such amount is changed by the City Council in accordance with the provisions of this Charter and State law. Annual salaries may subsequently be changed by Local Law in conformance with New York State Law.

Under no condition shall the Mayor or a council member be entitled to any compensation beyond the end of their elected term.

### **Article III CITY MANAGER**

#### 3.01 Appointment; Qualifications; Compensation

Appointment, term, compensation, qualifications. The City Council shall conduct the search and oversee the hiring and appointment of the City Manager, who shall be competent to execute the duties of the position. The City Manager shall be appointed solely on the basis of education, professional credentials and experience in the accepted competencies and practices of local government management. The City Manager shall be qualified by possessing a master's degree with a concentration in public administration, public affairs or public policy and five years' experience in an appointed managerial or administrative position in municipal government. The City Manager shall serve an indefinite term at the pleasure of the City Council and the City Council shall fix the compensation. The appointment of the City Manager may be accompanied by an agreement between the City and the City Manager, to be approved by the City Council and

the City Manager that further defines the terms of the appointment. The City Manager need not be a resident of the City or State at the time of appointment, but may reside outside the City while in office only with the approval of the City Council. The City Manager's performance shall be evaluated by the City Council and the Mayor after an initial six-month probationary period, and on an annual basis thereafter.

### 3.02 Removal

If the City Manager declines to resign at the request of the City Council, the City Council may suspend the City Manager by a resolution approved by the majority of the total Membership of the City Council. Such resolution shall set forth the reasons for the suspension and proposed removal. A copy of such resolution shall be served immediately upon the City Manager. The City Manager shall have fifteen days in which to reply thereto in writing and, upon request to the City Council, shall be afforded a public hearing, which shall occur not earlier than ten days nor later than fifteen days after such hearing is requested. After the public hearing, if one is requested and held, and after full consideration, the City Council by a majority vote of its total Membership may adopt a final resolution of removal. The City Manager shall continue to receive full salary until the effective date of a final resolution of removal.

### 3.03 Acting City Manager

By letter filed with the City Clerk, the City Manager shall designate a City employee to exercise the powers and perform the duties of City Manager during the City Manager's temporary absence or disability. The City Council may revoke such designation at any time and appoint another officer of the City to serve until the City Manager returns.

### 3.04 Powers and Duties of the City Manager

The City Manager shall be the chief administrative and fiscal officer of the City, responsible to the City Council for the management of all City affairs placed in the City Manager's charge by or under this Charter. The City Manager shall have the authority to:

- (1) Appoint and suspend or remove all City employees and appointive administrative officers provided for-, by-, or under- this charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. The City Manager may authorize any administrative officer subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;
- (2) Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this charter or by law;
- (3) Represent the City in the collective bargaining process as leader of the management team in City negotiations with collective bargaining units;
- (4) Implement contracts executed by the Mayor on behalf of the City Council;
- (5) Develop and implement a program of annual evaluation of all City employees in their respective positions to the extent consistent with collective bargaining agreements;

- (6) Attend all City Council meetings. The City Manager shall have the right to take part in discussion, but shall not vote;
- (7) See that all laws, provisions of this charter and acts of the City Council, subject to enforcement by the City Manager or by officers subject to the manager's direction or supervision, are faithfully executed;
- (8) Prepare and submit the annual budget and capital program to the City Council and implement the final budget approved by the City Council in accord with Article V, Financial Management, of this Charter;
- (9) Submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year;
- (10) Make such other reports as the City Council may require concerning operations;
- (11) Keep the City Council fully advised as to the financial condition and future needs of the City;
- (12) Make recommendations to the City Council concerning the affairs of the City and cooperate with the City Council in developing policy by providing information requested by the City Council;
- (13) Provide staff support services for the Mayor and Council Members;
- (14) Assist the City Council to develop long-term goals for the City and strategies to implement these goals;
- (15) Encourage and provide staff support for regional and intergovernmental cooperation, to the extent feasible;
- (16) Promote partnerships among City Council, staff and citizens in developing public policy and building consensus in the community; and
- (17) Perform such other duties as are specified in this charter or may be required by the City Council.

**Article IV**  
**DEPARTMENTS, OFFICES AND AGENCIES**

4.01 General Provisions

- A. Continuation of Existing Departments. As of the effective date of this Charter, all existing departments, offices and agencies shall continue unless or until modified by the City Manager.
- B. Creation of Departments. The City Manager, in consultation with the City Council, may establish, modify, or restructure City departments, offices, or agencies in addition to those set forth in this Charter or the Code of the City of Saratoga Springs, and may prescribe the functions of all departments, offices, and agencies.
- C. Direction by City Manager. All departments, offices and agencies under the direction and supervision of the City Manager shall be administered by an officer appointed by and subject to the direction and supervision of the City Manager. With the consent of the City Council, the City Manager may serve as the head of one or more such departments, offices or agencies, or may appoint one person as head of two or more of them.

#### 4.02 Personnel System

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

#### 4.03 City Attorney

The City Attorney shall be appointed by the City Council from a list of at least two qualified candidates nominated by the City Manager. The City Attorney shall serve as general legal advisor to the City Council and to the City Manager, 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.

An employment agreement between the attorney and the city, approved by the Council and executed by the Mayor, shall provide for compensation and such other terms to which the parties may agree.

The City Attorney may, with the approval of the City Manager, engage legal professionals to provide additional, specialized legal service to the City or to any department or entity. Contracts with all such legal professionals shall be reviewed and approved by the City Attorney.

#### 4.04 City Clerk

The City Manager shall appoint a City Clerk with the advice and consent of the City Council who shall serve at the pleasure of the City Manager. The City Clerk shall give notice of City Council Meetings to its members and the public, keep the journal of its proceeding, and perform such other duties as are assigned by this Charter or by the laws of New York State.

#### 4.05 City Assessor

The City Manager shall appoint a City Assessor with the advice and consent of the City Council who shall serve at the pleasure of the City Manager. The City Assessor, who shall be certified or become certified as provided by NYS regulation, shall estimate the value of real property within the City; provide property owners with fair and accurate assessments; inspect new construction and major improvements to existing structures to ensure accurate property descriptions and valuations; approve and track property tax exemptions, including the School Tax Relief (STAR) exemptions; attend all public grievance hearings of the Board of Assessment Review and present evidence in support of the municipality's assessments; file annual reports on assessment changes with the NYS Department of Taxation and Finance; and perform such other duties as are assigned by this Charter or by the laws of New York State.

#### 4.06 County Supervisors

Two Supervisors shall be elected at each City election to serve on the Saratoga County Board of Supervisors for a term of two years unless State law provides otherwise. Each supervisory position shall be contested separately, with the ballot indicating “Supervisor A” and “Supervisor B” as the positions to be contested. At such time as State law allows for four-year terms, then at the first subsequent City election under this Charter, the supervisor candidate receiving the greatest number of votes shall serve for a term of four years and the supervisor candidate receiving the next greatest number of votes shall serve for a term of two years. Thereafter, Supervisors shall be elected for terms of four years. Supervisors may attend meetings of the Council and may report to and seek advice from the Council on matters affecting County or City business.

### **Article V FINANCIAL MANAGEMENT**

#### 5.01 Fiscal Year

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

#### 5.02 Budget Elements

The City Manager shall be responsible for preparing and administering a comprehensive City Budget. The budget shall comprise an Operations Budget, a Capital Budget, a Debt Service Budget and all subsidiary budgets of City entities. No budgeted funds shall be spent unless appropriated by the City Council.

#### 5.03 Budget Preparation

The City Manager shall oversee preparation, completion, and submission of the City Budget according to the timeline set forth herein [and summarized in Appendix A.1]

- A. The City Manager shall, on or before August 1 of each year, send a call letter to all City departments and entities establishing budget parameters for the upcoming year. The call letter shall solicit from the heads of all departments and other City entities their budget requests for the ensuing year. Every proposed budget or amendment thereto submitted by any agency, board, commission, or other entity of the City of Saratoga Springs shall be submitted in accordance with the provisions of this section of the Charter.
- B. Budget requests shall be submitted to the City Manager on or before September 15. The City Manager shall transmit copies of the requests of each department or other entity to the City Council, as they are received, for their information and comment.
- C. The City Manager shall submit 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 entity for the ensuing fiscal year.

#### 5.04 Budget Submission

The City Manager shall submit a Comprehensive Balanced Budget to the City Council at the first regularly scheduled meeting of the City Council in October of each year.

#### 5.05 Budget Content

The proposed Comprehensive Balanced Budget submitted to the City Council by the City Manager shall contain:

- A. Budget message. The City Manager shall prepare a budget message in writing that shall explain the proposed budget both fiscally and programmatically; 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; and summarize the City debt position and include such other material as the City Manager deems appropriate.
- B. Financial plan. The budget shall be accompanied by a preliminary financial plan to include all income and expenditures of all City funds projected monthly for the upcoming fiscal year.
- C. Comprehensive Balanced Budget. The Comprehensive Balanced Budget shall include the following:
  - (1) 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 functions.
  - (2) Capital Budget: proposed capital projects recommended by the City Manager for the ensuing fiscal year. No capital projects shall be recommended for the ensuing year that have not been included in the City's approved six-year capital program. Capital projects shall be prioritized.
  - (3) Debt Service Budget: complete, comprehensive accounting of the total debt for which the City has any direct or indirect obligation. The budget shall itemize any new debt issuance planned for the ensuing fiscal year.
  - (4) Subsidiary budgets: each utility or entity owned or operated by the City shall provide detailed income and expenditure information appended to the Budget.

## 5.06 Public Notice and Hearings

Upon receipt of the proposed budget from the City Manager, the City Council shall publish in the official City newspaper or newspapers and on the City's website or other appropriate media as designated by the City Council, a summary of the budget and a notice stating:

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

## 5.07 Budget Adoption

In the period from November 1 through November 30, the City Council Finance Committee shall continue to review and adjust the proposed budget and shall hold the second public hearing after all adjustments have been agreed on. After public hearings, the Mayor, as Chair of the Finance Committee, shall certify that the total of proposed expenditures shall not exceed the total of estimated income in the Comprehensive Balanced Budget. Following the Mayor's certification, the Finance Committee may recommend the budget to the City Council and the City Council may adopt the budget by resolution. In amending the budget, the City Council or the Finance Committee 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 City Council shall adopt the budget on or before November 30 each year. The total of proposed expenditures shall not exceed the total of estimated income in the budget adopted by the City Council. In the event that the City Council fails to adopt a budget by said date, the proposed Comprehensive Balanced Budget presented to the City Council by the City Manager shall become the budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from funds indicated. The property tax therein proposed shall constitute the levy.

## 5.08 Budget Administration

On or before December 31 each year, the City Manager shall prepare the financial plan that shall project expenditures and income, month-by-month, for the entire fiscal year. Copies of the aforementioned plan shall be available to the public for review at the City Clerk's office during normal business hours. The City Manager shall be responsible for administration of the City Budget to ensure, to the extent feasible, that the budget remains balanced throughout the fiscal year.

### 5.09 Maintaining a Balanced Budget

If at any time during the fiscal year it appears probable to the City Manager that ongoing costs and revenues available will result in budgetary imbalance, the City Manager shall report this to the City Council without delay. The City Manager shall indicate the estimated imbalance and any recommended remedial actions to be taken by the City Manager and/or the City Council. The City Council may, by resolution, reduce one or more appropriations so as to maintain budget balance.

### 5.10 Mid-year Financial Report

The City Manager shall submit to the City Council, a mid-year written financial report. The report shall include a comparison of estimated and actual income and expenditures to date. This report shall be forwarded to the City Clerk's office and shall be available for public review.

### 5.11 Budget Amendments

If, during the fiscal year, the City Manager certifies to the City Council that there are revenues available for appropriations in excess of those estimated in the budget, the City 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 City Manager certifies available.

### 5.12 Emergency Appropriations

To meet a public emergency affecting health, property, or public safety, the City Council may make emergency appropriations by unanimous action. If there are no available unappropriated revenues to meet such emergency, the City 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.

### 5.13 Transfers of Monies

Budget transfers of monies shall require certification of availability by the City Manager. Transfers of less than 10% of a budget line item do not require City Council approval. Those transfer requests that exceed 10% of the amount of a budget line item appropriation shall be accompanied by written explanation. Transfers for purposes of implementing contract agreements regarding personal services shall be permitted, notwithstanding the ten-percent limitation, on approval by the City Council. The City 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 City Council meeting. Those received afterwards will be reserved for the following meeting unless there is an emergency certified in writing by the City Manager. Transfer requests requiring City Council approval will be distributed prior to the meeting for review by the City Council.

#### 5.14 Prohibited Payments

It shall not be lawful for any City employee or public official to incur or contract any expense or liability for or on behalf of the City, unless the City 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 City Manager first certifies that sufficient funds are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of the Charter shall be void.

#### 5.15 Capital Program

The City Manager shall be responsible for preparing the City's Six-Year Capital Program. It shall be submitted to the City Council for adoption no later than the first City Council meeting in May. The program shall consist of Capital projects and capital equipment, listed by Department and priority. (Listed in Appendix A.2)

- A. Six-year Capital program preparation. In preparing a proposed six-year capital program, the City Manager shall consult with the City Council.
- B. Six-Year Capital Program Presentation. On or before the first regularly scheduled City Council meeting in May each year, the City Manager shall present to the City Council and the public the proposed six-year Capital Program, highlighting capital requests for the upcoming fiscal year to be included in the City's annual Capital Budget. Two public hearings shall be scheduled prior to the City Council's final adoption of the six-year Capital Program. The City's annual Capital Budget for each upcoming fiscal year shall be derived from projects included in the City's adopted six-year Capital Program. The proposed Capital projects to be included in the City's upcoming annual Capital Budget shall be available in writing in the City Clerk's office at least five days prior to the public hearings.
- C. Six-Year Capital Program Adoption. The City Council shall adopt an updated six-year Capital Program annually. Two public hearings shall be held prior to final adoption. No capital project shall be authorized unless it is included in the Six-Year Capital Program adopted by the City Council. A capital project may be added or deleted at any time by affirmative vote of 5/7 of the City Council, only after public hearing and publication of information supporting the requested action.
- D. Annual Capital Budget. The City Manager shall incorporate Capital projects recommended for the ensuing budget into the City's annual Capital Budget. Each capital project shall contain the following information:
  - (1) A description of the proposed project and its estimated total cost.
  - (2) The proposed means of financing, indicating the amount proposed to be financed by local taxes, and the amount, if any, estimated

to be received from the Federal government, the State government, any other government, nongovernment or private entity, or any other source of funds procured for the project;

- (3) 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;
- (4) The expected useful life of the capital project, the cost of annual maintenance and upkeep, and other expected operational and personnel-related costs;
- (5) A general summary description of the project and comments and recommendations of any department, board, officer, or agency affected by the proposed project.

#### 5.16 Independent Annual Audit

The City Council shall provide for an independent annual audit of all City accounts and may provide for more frequent audits as it deems necessary. An independent certified public accountant or firm of such accountants shall make such audits. Such audits should be performed in accordance with Generally Accepted Auditing Standards and Generally Accepted Governmental Auditing Standards. The annual audit shall be accompanied by a management letter and the City Council shall coordinate a response, which shall be made available for public view not later than 45 business days after the issuance of the letter.

The Council shall designate no fewer than three of its members to serve as an Audit Committee. This Committee shall:

- (1) Lead the process of selecting an independent auditor;
- (2) Direct the work of the independent auditor as to the scope of the annual audit and any matters of concern with respect to internal controls; and
- (3) Receive the report of the independent auditor and present that report to the council with any recommendations from the Committee.

The council shall, using competitive bidding, designate such accountant or firm annually, or for a period not exceeding five years, but the designation for any particular fiscal year shall be made no later than 30 days after the beginning of such fiscal year. The standard for independence is that the auditor must be capable of exercising objective and impartial judgment on all issues encompassed within the audit engagement. No accountant or firm may provide any other services to the City during the time it is retained to provide independent audits to the City. The City Council may waive this requirement by a majority vote at a public hearing. If the state makes such an audit, the council may accept it as satisfying the requirements of this section.

### 5.17 Internal Audit

The City Council shall also be responsible for maintaining an internal audit function. A professional internal auditor may either be hired directly by the council or outsourced through a professional audit firm. The internal auditor will establish and execute a cycle of random financial and operational audits and report the results directly to the council. The council may also direct the internal auditor to examine areas where it may have financial or operational concerns.

### 5.18 Construction with NYS Local Finance Law

Nothing contained herein shall prevent the City from providing from sums made available for such purposes, pursuant to the NYS Local Finance Law, for payment of any expense necessitated by casualty, accident, or unforeseen contingency arising after the budget is passed. 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.

## **Article VI ELECTIONS and TERMS OF OFFICE**

### 6.01 Elections

Elections for City offices shall be conducted in accordance with the New York State Election Law.

### 6.02 Terms of Office, Mayor and Council Members, Council Wards

At the first election under this Charter, the Mayor and six Council Members shall be elected.

- A. The Mayor shall be elected at large by the voters and serve for a term of four years.
- B. Council Members shall serve a term of two years, and shall be elected by the voters in each of six Council Wards. Candidates for Member of City Council must be a qualified elector of the Council Ward they seek to represent.
- C. Council Wards. For the first election under this Charter, the City Council may appoint a reapportionment commission pursuant to paragraph 6.03 for purposes of establishing six Council Wards. Appointment of such commission shall be contingent on the final publication of the decennial national census. In future, to meet the requirements of law, after any decennial census, the City Council may modify the boundaries of the Election Districts and the Council Wards pursuant to paragraph 6.03. If the 2020 census is not published in time to meet the reapportionment commission's requirements and obligations provided in paragraph 6.03, then the Council Wards for the first election under this Charter shall be comprised of the Election Districts delineated, enumerated and in place as of January 1, 2019 and the

Wards designated in this paragraph. Unless modified pursuant to this Article, the Council Wards at the first election under this Charter shall be comprised as follows:

- a. Council Ward 1 shall contain Election Districts 4, 8, 9, and 12.
- b. Council Ward 2 shall contain Election Districts 1, 2, 3, 24 and 25.
- c. Council Ward 3 shall contain Election Districts 5, 15, 17, and 22.
- d. Council Ward 4 shall contain Election Districts 10, 13, 14 and 23.
- e. Council Ward 5 shall contain Election Districts 16, 18, 20, and 21.
- f. Council Ward 6 shall contain Election Districts 6, 7, 11 and 19.

#### 6.03. Reapportionment.

- A. Pursuant to the guidelines set forth in the Municipal Home Rule Law, the City Council shall appoint a reapportionment commission within six months after the publication of each federal decennial census to evaluate the existing Council Ward boundaries for equity and representation in relation to population.
- B. The reapportionment commission shall consist of five members, not more than two of which may belong to the same political party. No member of the commission shall be employed by the city, or hold any other elected or appointed position in the city. In the event of a vacancy on the commission due to death, resignation or otherwise, the City Council shall appoint a new member enrolled in the same political party from which the predecessor was selected. Members of the commission shall serve without compensation, except that each member shall be allowed actual and necessary expenses, subject to audit in the same manner as other city charges. No member of the commission may be removed by the City Council except for cause, and upon notice and public hearing.
- C. The reapportionment commission shall review the population data and, within six months after the commission is appointed, make recommendations, if necessary, in the form of a proposed local law as to changes in the Council Ward boundaries for the City. The commission may hire or contract for necessary staff assistance and may require agencies of city government to provide technical assistance. The commission shall have a budget as provided by the City Council.
- D. The Commission shall hold one or more public hearings not less than one month before it submits its plan to the City Council. The commission shall make its plan available to the public for inspection and comment not less than one month before its public hearing. In designing its plan, the commission shall consider the application of the "one person, one vote" concept and the equal protection clauses of the Fourteenth Amendment of the United States Constitution and Article I, Sections I and II of the New York State Constitution.
- E. The commission shall submit its plan to the City Council not less than one year before the first general election of the City Council after each decennial census. The plan shall be deemed adopted by the City Council unless it is disapproved within two weeks by the

vote of two-thirds of all members of the City Council. If the City Council rejects the plan, it shall return the plan to the commission with its objections.

- F. In the event of rejection of the plan by the City Council, the commission shall prepare a revised plan and shall submit such revised plan to the City Council not later than eleven months before the first general election of the City Council after the decennial census. Such revised plan shall be deemed adopted by the City Council unless disapproved within two weeks by the vote of five-sixths of all the members of the City Council. If in any year, the decennial population figures are not available at least one year and five months before the first general election following the census, the City Council may, by local law, shorten the time periods provided for the commission to take the actions authorized herein.
- G. Council Wards shall be equal in population, or within a deviation of not more than five percent of the average population for all Council Wards. Districts shall also consist of contiguous Election Districts.
- H. The new Council Wards as of the date of enactment shall supersede previous Council Wards for all purposes of the next general election for City Council, including nominations for office and circulation of designating petitions pursuant to the New York State Election Law.

#### 6.04 Term Limits

- A. No Council Member shall serve more than six full, elected two-year terms of office, totaling twelve years, except as otherwise specified herein. Should an elector of the City be appointed by the City Council to fill a vacant City Council seat and subsequently be elected to that City Council seat in a general election held pursuant to this paragraph, said member shall not serve longer than six full, elected two-year terms of office.
- B. No Mayor shall serve more than three full, elected four-year terms of office, totaling twelve years, except as otherwise specified herein.

### **Article VII TAX DISTRICTS; BONDING LIMITS; CONTRACTS; ASSESSMENTS, TAXES, AND USER FEES**

#### 7.01 Tax Districts

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

- A. 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.
- B. 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.

- C. 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.
- D. Revision of tax districts. The City Council 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.

#### 7.02 Limitation on Amount of Local Indebtedness Which May be Contracted

The limitation on the amount of indebtedness which may be contracted 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.

#### 7.03 Limitations on Amount to Be Raised by Real Estate Taxes

Notwithstanding the provisions of the New York State Constitution, Article VIII, § 10, the amount to be raised by tax on real estate in any fiscal year, in addition to providing for the interest on and the principal of all indebtedness, shall not exceed an amount equal to 1% of the average full valuation of taxable real estate in the City, reduced by the amount to be raised by tax on real estate in such year for payment of interest on, and redemption of, certificates or other evidence of indebtedness described in Subdivisions A and D of § 5 of Article VIII of the New York State Constitution, or renewals thereof. In all other respects, the provisions of the New York State Constitution, Article VIII, § 10, including the definition of "average full valuation," shall remain in full force and effect. This law shall specifically exclude special assessment for specific purposes.

#### 7.04 Apportionment of Taxes

- A. 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.
- B. Outside Tax District apportionment. Except as herein provided, the Outside Tax District shall pay the expense, excluding administrative expense, of construction and maintenance

of highways (except bridges having a span of five feet or more), charity, health, and schools therein.

- C. City Tax District apportionment. Except as herein provided, the City Tax District shall pay the expense, excluding administrative expense, of construction and maintenance of bridges in the Outside Tax District having a span of five feet or more, machinery and tolls for use in the Outside Tax District or removal of obstructions caused by snow, and of City Hall and all other City expenses not otherwise provided for.
- D. Administrative expenses. The administrative expenses of the City shall be apportioned by the City Council on the several tax districts according to benefits received therefrom as the City 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.
- E. Additional provisions. Notwithstanding any other provisions of this section or any other special act or local law, 1/2 the cost of street improvements shall be paid by the City Tax District, and 1/2 shall be paid by the Inside Tax District. One-half the cost of items associated with highways and highway miscellaneous shall be paid by the City Tax District, and 1/2 shall be paid by the Outside Tax District. Notwithstanding other provision of this section or other special act, ordinance, or local law, 3/4 the cost of fire and police protection shall be paid by the City Tax District.
- F. Highway districts. The Inside Tax District and the Outside Tax District shall be separate highway districts.

#### 7.05 Public Works and Local Improvements Paid by Tax

The City 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 City Council may determine.

#### 7.06 Tax Collection

- A. Tax Payments. County and City taxes for the several tax districts shall be due and payable, without penalty, each year as follows: first quarter on March 1; second quarter on June 1; third quarter on September 1; fourth quarter on 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.
- B. County and City taxes for the several tax districts shall be paid by times set forth, and received without penalty if paid within 30 days. Thereafter a penalty of 6% shall be imposed and added. Thereafter, an additional 1 1/2% per month up to a maximum of 15% per annum shall be imposed and added.

- C. 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 or before 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.
- D. Discounts. A discount of 2 1/4% shall be allowed for the payment of the four quarterly current City and county taxes on or before March 1 in each year; no other discount shall be allowed.

#### 7.07 Water and Sewer Rates

- A. For water and sewer usage, the City 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.
- B. The City 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.
- C. 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 City Manager 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 City Manager 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 City Manager shall send such notice to the address listed. Delinquent water and sewer 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.

#### 7.08 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 City Manager. All such contracts shall be let to the lowest responsible bidder

who complies with specifications and furnishes satisfactory performance bonds. The City Council may waive this section by an affirmative vote of five members.

#### 7.09 Claims for Damages; Place of Trial of Actions; Proceedings

- A. Dangerous, defective conditions. No civil action shall be maintained against the City for damages or 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 City Manager 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.
- B. 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.
- C. Other claims; notice requirements; limitations; venue of actions. All claims against the City for damages or injuries to persons or property, or invasion of personal or property rights of every name and nature whatsoever shall be governed by the provisions of Article 4 of the General Municipal Law. The place of trial of all actions or proceedings against the City or its boards or officers shall be in the County of Saratoga.
- D. Compromise of claim. The City Council shall have the power to pay, compromise, or settle any such claim which may be made against the City for damages, provided such claim is presented within the time and in the manner prescribed in this Charter. The sum or sums so expended shall be included in the amount to be raised by tax for general purposes.

### **Article VIII TRANSITION AND SEVERABILITY**

#### 8.01 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 City 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.

#### 8.02 Effective Date of the Charter

This local law shall become effective immediately upon approval by public referendum and filing with the Secretary of State in the manner provided by applicable law. The Mayor and City Council shall be elected at the general election of 2021, to assume office on January 1, 2022. An administrative code may be adopted and amended at any time after the approval and adoption of this Charter.

### 8.03 Civil Service

All positions specified in this Charter shall be governed in accordance with New York State Civil Service Law.

### 8.04 Civil Service Rights Continued; Status of Certain City Officers Previously Elected or Appointed

The civil service status and rights of all City employees and their beneficiaries, including but not limited to those with respect to retirement and Social Security, shall not be affected by this Charter. Nothing contained in this Charter shall affect the term of office of any City officer or Member of any board or commission who shall have been elected or appointed prior to the effective date of this Charter.

### 8.05 Departments; Offices; and Agencies

- A. Transfer of Powers. If a City department, office or agency is abolished by this charter, the powers and duties given it by law shall be transferred to the City department, office or agency designated in this charter or, if the charter makes no provision, designated by the City Council
- B. Property and Records. All property, records and equipment of any department, office or agency existing when this charter is adopted shall be transferred to the department, office or agency assuming its powers and duties, but, in the event that the powers or duties are to be discontinued or divided between units or in the event that any conflict arises regarding a transfer, such property, records or equipment shall be transferred to one or more departments, offices or agencies designated by the City Council in accordance with this charter.

### 8.06 Continuity of Authority; Completion of Unfinished Business

The performance of functions pursuant to the provisions of this Charter shall be deemed to constitute a continuation of such functions for the purpose of succession to all rights, powers, duties and obligations attached to such functions. Proceedings or other business undertaken or commenced prior to the effective date of this Charter may be conducted and completed by the City officer or department responsible for such proceedings or other business under this Charter. This Charter shall not be deemed to invalidate any obligations previously issued by the City or by any of its commissions, boards or agencies, and such obligations shall be and remain binding obligations of the City. In the event that any obligation shall have been issued in anticipation of

the issuance of bonds by the City or by any of its commissions, boards or agencies, the City is hereby empowered to issue such bonds as legal and binding obligations of the City.

#### 8.07 Schedule

- A. First Election. At the time of its adoption, this charter shall be in effect to the extent necessary in order that the first election of Members of the City Council may be conducted in accordance with the provisions of this charter and the State Election Law. The first election shall be held at the time of the General Election in November 2021. The then-serving Commissioner of Accounts shall prepare and adopt temporary regulations that are applicable only to the first election and designed to ensure its proper conduct and to prevent fraud and provide for the proper counting of ballots.
  
- B. First City Council Meeting. On the first day of January, 2022, following the first election of Council Members under this charter, the newly elected Members of the City Council shall meet at City Hall, Saratoga Springs:
  - (1) For the purpose of appointing or considering the appointment of a City Manager or acting City Manager, and choosing, as it may see fit, one of its Members to act as temporary clerk, pending appointment of a City Clerk pursuant to Section 4.04; and
  
  - (2) For the purpose of adopting ordinances and resolutions necessary to effect the transition of government under this charter and to maintain effective government during that transition.
  
- C. Initial Expenses. The initial expenses of the City Council under this Charter, including such expenses as may be incurred during 2021, such as the expense of recruiting a City Manager, shall be paid by the City on vouchers signed by the Mayor.

#### 8.08 Severability

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

#### 8.09 Transition to the New Charter

- A. Charter Transition Task Force. A Charter Transition Task Force shall be established not later than sixty (60) days after certification of the results of the referendum approving the amended charter by the voters. The Charter Transition Task Force shall be comprised of nine members: five representatives appointed by the Mayor and one representative appointed by each of the four commissioners. The City Council shall provide the Charter

Transition Task Force with necessary funds within the city budget. The Task Force shall retain counsel selected solely at the discretion of the Task Force. The Task Force shall prepare a detailed work plan addressing, at a minimum, the following transition issues: re-allocation of the specific duties of each commissioner and deputy commissioner to new or existing positions; establishment of recruitment and selection timetable for City Manager; recommendation of competitive salary ranges for the position of City Manager; recommendation to the City Council of amounts necessary to adequately fund reasonably foreseeable new positions in the fiscal year beginning January 1, 2022; and estimation of any other expenses necessary to include in the 2022 fiscal year budget to fund a smooth transition to the new Charter.

- B. Deputy Commissioners. The existing deputy commissioners' positions shall be terminated on December 31, 2021.

- END -