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~~County~~
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of Cohoes
Local Law No. 12 of the year 2009

DEPARTMENT OF STATE

A local law. To revise the Cohoes City Charter in accordance with proposals made by the Charter Revision Committee and put to a public vote on November 3, 2009.

.....
.....

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

~~County~~
City
~~Town~~
~~Village~~

of Cohoes as follows:

THE CHARTER

ARTICLE I, General Provisions

§ C1-1 Corporate powers.

The citizens of the State of New York, from time to time inhabitants of the territory comprised within the boundaries of the City of Cohoes, shall continue to be a municipal corporation in perpetuity under the corporate name of the "City of Cohoes," and the same shall in that name be a body politic and corporate in fact and in law, with power of perpetual succession. The City shall have power:

- A. To take, purchase, hold, lease, sell and convey such real and personal property as the purpose of the corporation may require.
- B. To take by gift, grant, bequest and devise and hold real and personal estate absolutely or in trust for any public use, including that of education, art, ornament, health, charity or amusement, for parks or gardens or for the use or erection of statues, monuments, buildings or structures, upon such terms or conditions as may be prescribed by the grantor or donor and accepted by said corporation, and to provide for the proper administration of the same.
- C. To make, have and use and from time to time to alter a common seal.
- D. To contract and be contracted with, to sue and be sued, to complain and defend and to institute, prosecute, maintain and defend any action or proceeding in any court.
- E. To have and exercise all of the rights, privileges and jurisdiction essential to a proper exercise of its corporate functions, including all that may be necessarily incident to, or may be fairly implied from, the powers specifically conferred upon such corporation.
- F. To have and exercise all the rights, privileges, functions and powers now prescribed and exercised by it under existing or subsequent laws and not inconsistent with the provisions of this Charter.

§ C1-2 Definitions; word usage.

- A. As used in this Charter, the following terms have the meanings indicated:

EMPLOYEE -- All persons other than an officer, as herein defined, whose salary is paid out of the City treasury.

FISCAL YEAR -- The calendar year.

LOCAL IMPROVEMENT -- Includes the construction of curbs, gutters, sidewalks, drains, culverts and sewers and the opening, extending, widening, grading and paving of streets and work deemed necessary and appropriate for skill levels within the City for the public good.

OFFICER -- All persons elected to office by the electors of the City or any division thereof; the heads of departments; the members of all boards and commissions appointed by the Mayor and the City Clerk.

PERSON -- A natural person, corporation, company, association, joint-stock association, estate, firm and copartnership.

REAL PROPERTY -- Includes all lands, land under water, the water of any river, pond or stream, all easements and hereditaments, corporeal and incorporeal, and every estate, interest and right, legal and equitable, in land or water, or any privilege or easement therein, including terms for years and liens thereon by way of judgment, mortgage or otherwise and all claims for damages to such real property

STREET -- Includes avenues, roads, alleys, lanes, highways, boulevards, concourses, driveways, bridges, tunnels, subways, parkways and every kind of public road, square and place.

B. The words "the board," "the department," "the court," and "the commissioner," used in this Charter, mean the board, department, court or commissioner whose duties and powers are prescribed in this Charter.

ARTICLE II, Officers and Elections

§ C2-1 Officers enumerated

The officers of the City shall be a Mayor, two Judges of the City Court of Cohoes, a Comptroller, a Treasurer, a City Clerk, a Corporation Counsel, a City Engineer, an Assessor, a Council member for each ward, a Commissioner of General Services, a Director of Human Services, a Director of the Department of Community and Economic Development, a Planner, a Director of Code Enforcement, two City Marshals, a Police Chief, a Fire Chief, three Civil Service Commissioners, any Deputies serving under the enumerated officers, and so many Commissioners of Deeds as the Common Council deems necessary. Other officers may be appointed as provided in this Charter or otherwise by law.

§ C2-2 Elective officers.

There shall be elected by the qualified electors of the City a Mayor. There shall be elected by the qualified electors of each ward of the City a Council member. There shall also be elected by the qualified electors of the City and the wards thereof such other officers as may be provided by law.

§ C2-3 Appointive officers.

There shall be appointed by the Mayor one Assessor, a Corporation Counsel, a City Engineer, a Comptroller, a Treasurer, two Judges of the City Court of Cohoes, a Commissioner of Building and Planning, a Director of Human Services, a Director of the Department of Community and Economic Development, a Planner, a Director of Code Enforcement, two City Marshals, a Police Chief, a Fire Chief, three Civil Service Commissioners, and any Deputies serving under the enumerated appointive officers. There shall be appointed by the Common Council a City Clerk

and such Commissioners of Deeds as provided by law. Other officers may be appointed as provided in this Charter or otherwise by law.

§ C2-4 Qualifications

Every person elected to office must be a resident of the City. A person elected to the Common Council must be a resident of the ward from which that person is elected. If an elected officer ceases to be a resident of the City or of the ward if such restriction applies, then that elected office shall be considered vacant. Appointed officers may have residency without the City; however, where qualifications are equal, a candidate who is a resident of Cohoes shall be given preference over a candidate that is not. Appointed officers who are residents outside of the City must be residents of the County of Albany. No person shall hold more than one office in the City, except as provided in this Charter, or by law.

§ C2-5 Term of office of elective officers.

The term of office of an elective officer, unless elected to fill a vacancy then existing, shall commence on the first day of January next succeeding his/her election. The elective officers, except as hereinafter provided, shall hold their respective offices until the term of office shall expire and the term of every officer shall expire four years thereafter, at the end of an odd-numbered year.

§ C2-6 Term of office of appointive officers.

The term of office of each appointive officer shall commence on the day succeeding his/her appointment unless a different date is specified in the certificate of appointment. Where the term of office of an appointive officer is not specifically fixed by statute, it shall be deemed to continue only during the pleasure of the officer, officers, board or body authorized to make the appointment. All Commissioners of Deeds shall be appointed to a two-year term, to uniformly expire on December 31 of the next even-numbered year.

§ C2-7 Certificate of appointment.

Every appointment to a City office must be made by a certificate, in writing, signed by the appointing officer or, if made by a board, by the presiding officer thereof, and filed in the office of the City Clerk.

§ C2-8 Official oath

Before entering upon his/her duties, any officer must take and file with the City Clerk the constitutional oath of office, except the City Clerk shall take and file his/her oath of office with the Mayor.

§ C2-9 Holding multiple offices.

A. Officers not to be interested in contracts.

No person shall, at the same time, hold more than one City office. Upon the acceptance by a City officer of a second City office, the office first held by him/her shall thereupon become vacant. No member of the Common Council or other officer or employee of the City or person receiving a salary or compensation from funds appropriated by the City shall be interested directly or indirectly in any contract to which the City is a party, either as principal, surety or otherwise; nor shall any such member of the Common Council, City officer or employee or person or his/her

partner or any agent, servant or employee of such officer, employees or person or of the firm of which he/she is a partner purchase from or sell to the City or any officer thereof; nor shall he/she be interested, directly or indirectly, in any work to be performed for or services rendered to or for it or in any sale to or from said City or to any officer, board or person in its behalf. Any contract made in violation of any of these provisions shall be void. A person shall not be deemed to be "interested" in a contract purchase or sale made by a corporation with, from or to the City solely by reason of the fact that he/she is a stockholder of such corporation. The term "City officer" as used herein, however, shall not be deemed to include a Commissioner of Deeds or a member of the Board of Appeals appointed by the Mayor pursuant to the provisions of any local law or ordinance of the City of Cohoes and § 81 of General City Law, and all amendments and supplements thereto.

B. Board of Managers.

There shall be a Board of Managers, which shall consist of the Mayor, Comptroller, Treasurer, Commissioner of Public Works and President of the Common Council, except that, when the number of subordinates or the salaries thereof in the department of any of the members of said Board are to be fixed and determined, the Corporation Counsel shall temporarily take the place of the member whose number of subordinates or the salaries thereof is under consideration, for the purpose of fixing such salaries or number of subordinates and for that purpose alone. During the regular course of business, the Corporation Counsel shall serve as a nonvoting member. The members of the Board shall meet upon the call of the Mayor or as directed by the Board. The Mayor shall be President of the Board and the City Clerk shall act as Secretary thereof. The Secretary shall keep a journal of all of the proceedings of the Board.

§ C2-10 City elections.

The election of City officers shall be held on the Tuesday succeeding the first Monday in November in an odd-numbered year and the term of every such officer shall expire four years thereafter, at the end of an odd-numbered year. All such elections shall be held at the same time and places as the general election held in such year and shall be conducted in all respects in the same manner as general elections in cities are required to be conducted, and all the provisions of law relative to such elections shall be applicable to the election for offices of the City. In case of the failure to elect an elective City officer, except as otherwise provided herein, the office shall be deemed to be vacant for the purpose of choosing a successor, and the vacancy shall be filled in the manner provided herein for the filling of a vacancy in such office happening otherwise than by expiration of term.

§ C2-11 Resignations.

Resignations of elective officers must be presented to the Mayor, and resignations of all other officers must be presented to the appointing board or officer, and such resignations must thereupon be filed in the office of the City Clerk.

§ C2-12 Vacancies.

If a vacancy shall occur, otherwise than by expiration of term, in any elective office of the City, the Common Council shall appoint a person to fill such vacancy until the end of the official year in which said vacancy occurs, except as herein otherwise provided. If the term of office of the officer vacating his/her office continues beyond the official year in which such vacancy occurs, a

person shall be elected at the next annual City election after the occurring of such vacancy to fill such vacancy for the remainder of the unexpired term, except as herein otherwise provided or by state law. If a vacancy shall occur in an appointive office of the City, otherwise than by expiration of term, the officer, officers, board or body authorized to make appointment to office for the full term shall appoint a person to fill such vacancy for the unexpired term.

§ C2-13 Fixed salaries.

A. Each of the elected City officers named in this Charter shall, during his/her continuance in office, receive a compensation, to be fixed by law, which shall not be increased or diminished during the term for which he/she shall have been elected or appointed to fill a vacancy in an elected office. EN

B. The annual salary of appointed officials shall be set by the Board of Managers, but no such salary nor any increase and/or decrease shall take effect until the Common Council shall have approved the same.

ARTICLE III, Common Council

§ C3-1 Legislative power.

The legislative power of the City is vested in the Common Council thereof, and it has authority to enact resolutions, ordinances, and local laws, not inconsistent with law, for the government of the City and the management of its business.

§ C3-2 Power to authorize street improvements.

Any other provisions of this Charter notwithstanding, the Common Council may by ordinance without petition therefor or consent thereto provide for the making of any street improvement. The cost of any such street improvement shall be borne by the City at large out of funds provided by the annual budget or by sale of improvement bonds, and no special assessment may be levied against any property for any street improvement. The word "street improvement," as used herein, shall be deemed to refer to any one of the following: the laying out, opening, constructing, reconstructing, extending, widening, altering, straightening, altering of grade, grading, regrading, paving, repaving, surfacing, resurfacing, narrowing and discontinuing of public streets; and the construction, reconstruction and alteration of drains, gutters, crosswalks, sidewalks and curbs in or abutting public streets.

§ C3-3 Members; President; organization.

The Council members of the City shall constitute the Common Council. The members of the Common Council elected under the provisions of this Charter shall meet in the rooms provided for the purpose at 7:00 p.m. on the first business day of each year, to organize. They shall elect a President and Vice President from their number. The President of the Common Council shall preside over all regular meetings and special sessions of the Council in the absence of the Mayor and have a voice and vote therein. In the absence of the President, the Vice President shall act, in all matters, in his/her stead. The Mayor may preside at any meeting of the Common Council and shall have the casting vote in case of a tie vote except for any organizational matters, including vacancies of the Common Council. The President of the Common Council shall appoint all standing committees of the Council as he/she deems necessary. The Common Council may, in

the event that the President and the Vice President are both absent or unable to serve at any regular meeting, elect one of its members President pro tempore to act at that meeting.

§ C3-4 City Clerk.

The Common Council shall appoint a Clerk to hold office unless sooner removed by a vote of 3/4 of all the members of the Common Council or until such time as a successor is appointed. The term shall commence on the first day of January unless a different date is specified in the certificate of appointment. The appointee must be a resident of the City, and if that appointee ceases to be a resident of the City, then that office shall be considered vacant. The appointee shall be the City Clerk and shall attend the meetings of the Common Council, keep minutes of its proceedings and discharge such other duties as may be prescribed by law or ordinance. In case of the absence or disability of the City Clerk or a vacancy in the office, the Common Council may appoint a Deputy City Clerk, who shall discharge the duties of the office until the City Clerk returns, his/her disability ceases or the vacancy is filled. It shall be the duty of said Clerk to transmit to the head of each department and to the clerk of each board copies of all ordinances in any manner affecting any of the matters over which any such department or board shall have jurisdiction. The Clerk shall have the custody of the City Seal. Said Clerk and Deputy Clerk shall each be ex officio a Commissioner of Deeds.

§ C3-5 Meetings.

The Common Council shall hold regular meetings at times to be determined by it from time to time. The Mayor, the President of the Common Council or a majority of its members may call a special meeting of the Common Council by causing a written notice thereof, specifying the objects of the meeting, to be served by the City Clerk upon each member personally or by mail, directed to his/her place of residence or place of business, at least six hours before the time fixed for such meeting. Notice of all special meetings shall, at a minimum, be posted on the City's website, through email distribution to the City distribution list, and at a prominent location at the Main Entrance of City Hall.

§ C3-6 Powers.

A. The Common Council shall determine the rules of its own proceedings and be the judge of the election, returns and qualifications of its members. Its meetings shall be public and its records open to public inspection, and a majority of all its members shall constitute a quorum to do business. The Common Council may compel the attendance of absent members at any meeting properly called and may punish or expel a member for disruptive conduct, for a violation of its rules or for official misconduct or declare his/her seat vacant by reason of absence, provided that such absence has continued for the space of two months; but no expulsion shall take place and no vacancy on account of absence be declared except by the vote of 2/3 of all the members of the Common Council nor until the delinquent member has had an opportunity to be heard in his/her defense. All appointments or designations made by the Common Council shall be determined upon a vote taken by a roll call of its members, and a statement of the choice of each member or the yeas and nays, if any, shall be entered upon the journal.

B. In the event that the President and/or Vice President shall be absent for the space of two consecutive months of regular meetings, the Council may, at a regularly scheduled meeting by 2/3 vote, elect a new President and/or Vice President.

§ C3-7 Legislative acts.

All the legislative acts of the Common Council shall be by resolution, ordinance and local law and, on the passage of every legislative act, the yeas and nays of the members voting thereon shall be entered in full upon the journal. The passage of a legislative act shall require the affirmative vote of at least a majority of all the members of the Common Council, except as herein otherwise provided. No ordinance shall be passed by the Common Council on the same day in which it is introduced, except by an affirmative vote of all the members of the Common Council present for that vote, the minimum of which shall be five.

§ C3-8 Appropriations.

No appropriation of money shall be made for any purpose, except with the approval of the Board of Managers, and with the additional approval of the Common Council by resolution only for those appropriations over \$5,000. Said resolution shall specify each item, the amount thereof, and the department or specific purpose for which the appropriation is made.

§ C3-9 Procedure for passage of ordinances.

Each Ordinance passed by the Common Council must immediately be engrossed and signed by the officer presiding at its final passage and attested to by the City Clerk and then presented to the Mayor. If the Mayor approves it, he/she shall sign it and return it to the City Clerk and the Ordinance shall take effect. If the Mayor does not approve the Ordinance, he/she will return it to the City Clerk listing the reasons for disapproval in writing. The City Clerk shall present same with objections to the Common Council at its next regular or special meeting. The Common Council may at its next regular meeting, but no later than 30 days after such veto, reconsider the ordinance and veto. If after such reconsideration, $\frac{3}{4}$ of all the members shall vote to pass the ordinance, it shall take effect notwithstanding the objections of the Mayor unless a greater number of members were necessary according to the provisions of the charter for the original passage of the ordinance, in which case, unless as many members as were requisite for the original passage of the ordinance shall vote to pass the ordinance, it shall not take effect.

If any ordinance is not be returned by the Mayor to the Clerk within 10 days after it was presented to him/her or if the ordinance is returned within such period without the Mayor's approval or disapproval, the ordinance shall take effect as if the Mayor has approved and signed it.

§ C3-10 Regulation and examination of duties of officers.

The Common Council may, by ordinance passed by $\frac{3}{4}$ of all its members, not inconsistent with this Charter or other laws of the state, regulate the powers and duties of any City officer or department; and it has power to investigate all City officers and departments and shall have access to all records and papers kept by every City officer or department, and it has power to compel the attendance of witnesses and the production of books, papers or other evidence at any meeting of the Common Council or of any committee thereof, and, for that purpose, it may issue subpoenas signed by the Mayor or President.

The Council may at any time appoint a special committee of its members to inquire whether the laws and ordinances relating to any matter or any department of the City are being faithfully observed and whether the duties of the officers and employees are being faithfully discharged

and to examine and report whether there are any unnecessary, inefficient or unfit employees or excessive salaries, wages or compensation paid and to inquire generally in respect to any and all matters which will conduce to the orderly and economical administration of the business of the City. Such committee shall have access to the records of the City

§ C3-11 Executive functions; how performed.

Whenever an executive or administrative function is required to be performed by law or ordinance of the Common Council it shall be performed by the proper executive or administrative officer or department designated in the law or ordinance, and if no designation is made, the Mayor shall so designate. No ordinance shall be passed that interferes with the exercise of the executive functions of the officers, departments and Boards of the City, as provided in this Charter or otherwise by law.

§ C3-12 Designation of official paper; official printing.

At the first meeting of the Common Council elected under the provisions of this Charter, the Council shall designate at least one newspaper, having a daily circulation in the City of Cohoes, to be the official paper(s) of the City, and the paper(s) receiving the highest number of votes shall be the official paper for two years and until a successor is designated. Such official paper(s) shall publish such matters and in such form as prescribed by statute or otherwise by general ordinance of the Common Council. In case an official paper shall refuse or fail to act or perform as such, the Common Council may, in its discretion, as hereinbefore provided, designate a successor. All bids and accounts for publication in official newspapers and all City printing and advertising shall be a City charge. The Common Council may, by general ordinance, prescribe the form in which the proceedings and report of the City officers, boards and departments shall be issued, and the printing and binding of the same shall be performed under contract awarded as in the case of the other City contracts.

§ C3-13 Penalties for Council members.

Any member of the Common Council who shall knowingly or unlawfully disregard any provision of law applicable to the members thereof or who shall vote for any ordinance or measure in violation of law or any appropriation unauthorized by law or in excess of the amount authorized by law or for any illegal or injurious disposition of corporate property, rights or privileges shall be guilty of a misdemeanor and liable to the punishment and penalty prescribed therefor, and every member voting in favor thereof shall be individually liable to refund the amount to the City at the suit of the taxpayer.

ARTICLE IV, Mayor

§ C4-1 Executive power.

The executive power of the City is vested in the Mayor and in such executive officers and departments as are or may be created by law or by ordinance of the Common Council.

§ C4-2 Acting Mayor. Whenever there shall be a vacancy in the office of the Mayor or whenever by reason of sickness or absence from the City the Mayor shall be prevented from attending to the duties of the office, the President of the Common Council shall act as Mayor and possess all the rights of Mayor during such period of disability or absence. In case of a vacancy

in the office of Mayor, the President of the Common Council shall so act until the first day of January next succeeding the election, at which the Mayor's successor shall be chosen. It shall not be lawful for the President of the Common Council when acting as Mayor in consequence of the absence or sickness of the Mayor to exercise any power of appointment or removal from office, unless such sickness or absence shall have continued for a period of 30 days, or to sign, approve or disapprove any ordinance or resolution unless such sickness or absence shall have continued for a period of at least nine days.

A. Should the President of the Common Council be unavailable during the same period as the Mayor is unavailable, then the Vice President of the Common Council shall act as Mayor during such period. Should the Vice President of the Common Council be unavailable as well during such period, the Common Council shall elect one of its members President pro tempore to act as Mayor.

§ C4-3 Consultation with heads of departments.

The Mayor shall call together the heads of the City departments for consultation and advice upon the affairs of the City as often as he/she may deem advisable, but not less than monthly each year, and at such meetings he/she may call upon the heads of the departments for such reports as to the subject-matters under their control and management as he/she may deem proper, which it shall be their duty to prepare and submit at once to him/her. Records shall be kept of such meetings, and rules and regulations shall be adopted thereat for the harmonious, systematic and efficient administration of the affairs of the City, not inconsistent with law or ordinance.

§ C4-4 Powers and duties.

The Mayor shall have the authority to appoint all officers and employees of the City except as provided with regard to the City Clerk and Commissioners of Deeds, subject to the requirements of the New York State Civil Service Law. It shall be the duty of the Mayor to see that the City officers and departments faithfully perform their duties; to maintain peace and good order within the City; to take care that the laws of the state and the ordinances of the Common Council are executed and enforced within the City; to make a state of the City address incorporating a statement of the finances and general condition of the affairs of the City and his/her goals and objectives for the coming year, prior to, but no later than the 15th day of February, recommendations in relation thereto as he/she may deem proper; to give such information in relation to the same as the Common Council may from time to time require; and to call a special meeting of the Common Council whenever in his/her judgment it is required by public necessity. He/She shall also receive and examine into all complaints made against any City officer for neglect of duty or malfeasance in office.

§ C4-5 Execution of deeds and contracts.

The Mayor shall, on behalf and in the name of the City, execute all deeds and all contracts made by it and shall cause to be affixed thereto the City seal.

§ C4-6 Examination of books and accounts.

The Mayor shall have authority at all times to examine the books and papers of any officer, employee or department of the City; and, as often as he/she may deem proper, to appoint one or more competent persons to examine, without notice, the accounts of any City officer or

department and the money, securities and property belonging to the City in the possession or charge of any officer or department and to report the result of such examination; and he/she may administer oaths to witnesses and take affidavits in all cases relating to the affairs of the City and its officers and employees; and he/she may issue a subpoena commanding a person to appear and produce books and papers in his/her possession.

§ C4-7 Additional powers and duties; public emergencies.

The Mayor shall have such other powers and perform such other duties as may be prescribed in this Charter or by other laws of the state or by ordinance of the Common Council, not inconsistent with law. In case of riot, conflagration or other public emergency requiring it, the Mayor shall have power to call out the police and firefighters. He/She shall also have power to appoint such number of special police officers as he/she may deem necessary to preserve the public peace. Such special police officers shall be under the sole control of the regularly appointed and constituted officers of the Police Department. They shall have power to make arrests only for public intoxication, disorderly conduct or other offenses against peace and good order. In case of riot or insurrection, he/she may take command of the whole police force, including the chief executive officer thereof.

§ C4-8 City Hall; designation of rooms and offices.

The Mayor shall have the power to designate the different rooms and offices in the City Hall to be occupied by the various courts, officers, boards and departments of the City. Office or rooms necessary for conducting Common Council business shall be designated by mutual consent of the Mayor and the Common Council.

ARTICLE V, Officers and Employees

§ C5-1 Removal of appointive officers.

Except as otherwise provided in this Charter, the Mayor may remove any appointive officer in the following manner: The Mayor shall serve written charges upon the officer and shall give him/her a hearing at which all the testimony in the matter shall be taken under oath and reduced to writing. If, in the judgment of the Mayor, such testimony is sufficient to warrant the removal of the officer, the Mayor may remove the officer and shall file all the evidence, together with his/her written detailed reasons for the removal, signed by him/her, in the office of the City Clerk.

§ C5-2 Removed officer not eligible for election or appointment.

An elective officer who has been removed from office under any provision of this Charter shall not be eligible for election or appointment to fill the vacancy caused by his/her removal.

§ C5-3 Appointee to be of same political party as predecessor.

In case of a vacancy from any cause in any elective office, the person appointed to fill such vacancy until a successor is elected shall be a member of the same political party as the last incumbent of the office.

§ C5-8 Officers to be trustees of public property.

The Common Council and the several members thereof and all officers and employees of the City are hereby declared trustees of the property, funds and effects of said City, respectively, so far as such property, funds and effects are or may be committed to their management or control, and every taxpayer residing in said City is hereby declared to be a cestui que trust in respect to said property, funds and effects respectively; and any cotrustee or cestui que trust shall be entitled as against said trustees and in regard to said property, funds and effects to all the rules, remedies and privileges provided by law for any cotrustee or cestui que trust to prosecute and maintain an action to prevent waste and injury to any property, funds and estate held in trust; and such trustees are hereby made subject to all the duties and responsibilities imposed by law on trustees. Such duties and responsibilities may be enforced by the City or by any cotrustee or cestui que trust aforesaid. The remedies herein provided shall be in addition to those now provided by law.

ARTICLE VI, Department of Finance

§ C6-1 Comptroller.

The Comptroller may appoint to hold office during his/her pleasure, such subordinates as may be prescribed by the Board of Managers. The Comptroller before entering upon the duties of his/her office, shall execute and file with the City Clerk an official undertaking in such penal sum as may be prescribed by the Common Council. The Comptroller shall be ex officio a Commissioner of Deeds.

§ C6-2 Duties of Comptroller.

The Comptroller shall superintend the fiscal affairs of the City and manage the same pursuant to law and ordinance of the Common Council. He/She shall keep a separate account with every office, bureau and department and with each improvement for which funds are appropriated or raised by tax or assessment. No warrant shall be drawn by him/her for the payment of any claim against or obligation of the City unless it states particularly against which of such funds it is drawn. No fund shall be overdrawn, nor shall any warrant be drawn against one fund or appropriation to pay a claim chargeable to another. The Comptroller shall perform such other and further duties as may from time to time be prescribed by law or by ordinance of the Common Council, not inconsistent with the provisions of this Charter or other laws of the state.

§ C6-3 Authorization to issue obligations; redemption of water supply obligations.

A. Whenever the Common Council shall authorize the issuance of obligations, it shall do so by ordinance.

B. Provision may be made by the City for the application of the moneys received from water rents to the redemption of bonds or bond anticipation notes issued for water supply purposes.

§ C6-4 Treasurer.

The Treasurer may appoint, to hold office during his/her pleasure, such subordinates as may be prescribed by the Board of Managers.

§ C6-5 Duties of Treasurer.

The Treasurer shall demand, collect, receive and have the care and custody of and shall disburse all moneys belonging to or due the City from every source, except as otherwise provided by law. All moneys of the City received by the Treasurer shall be deposited by him/her daily in such banks or trust companies as shall be designated by the Common Council for such purpose. The interest on all deposits shall be the property of the City and shall be accounted for and credited to the appropriate fund. No money shall be drawn from a City depository except on check or drafts signed by the Treasurer and countersigned by the Comptroller and made payable to the person entitled to receive the same, unless such moneys be drawn for public use in the Treasurer's office, in which case the checks or drafts shall be made payable to the order of the Treasurer. The Treasurer shall keep a separate account with every office, bureau and department and with each improvement for which funds are appropriated or raised by tax or assessment, and in every check or draft drawn by him/her shall state particularly against which of such funds it is drawn, unless the money is drawn for use in his/her office. He/she shall at no time permit any fund or appropriation to be overdrawn nor draw upon one fund or appropriation to pay a claim chargeable to another. No money shall be paid out by him/her except upon the warrant of the Comptroller. He/she shall render to the Comptroller at the end of each day's business a detailed statement of all moneys received and paid out by him/her. The Treasurer shall be the official in charge of the City of Cohoes Parking Violations Bureau, should said Bureau be established by the Cohoes City Court. He/she shall perform the duties and functions as set forth in the City Code with respect to the Parking Violations Bureau. He/she shall perform such other duties as may from time to time be prescribed by law or by ordinance of the Common Council, not inconsistent with the provisions of this Charter or the laws of the state.

§ C6-6(a) Accounts with Treasurer.

The Comptroller shall keep an account between the City and the Treasurer and of all moneys received and disbursed by the Treasurer, and for that purpose he/she shall procure daily statements from the Treasurer as to the moneys received and disbursed by him/her and shall also procure from the banks in which the City funds are deposited by the Treasurer monthly statements of the moneys which have been received and paid out on account of the City. He/She shall examine the Treasurer's books, accounts and bank books and ascertain as to their correctness and shall render quarterly, and at such other time or times as the Common Council may require, a detailed report to the Mayor and Common Council of the funds and financial condition of the City.

§ C6-6(b) Fiscal year; departmental estimates.

The fiscal year of the City shall commence on the first day of January. On or before the first day of September in each year, all heads of departments and officers empowered by law or by City ordinance to control or authorize expenditures shall furnish to the Mayor and Comptroller, copies of which shall forthwith be furnished to the Common Council, estimates and information in such form and at such times as they may require, in writing, of the amount of expenditures for the next fiscal year in their respective departments or offices, including a statement of the salaries of all their subordinates, which estimates and information the Mayor shall lay before the Board of Managers at its first meeting thereafter, and the same shall be entered in its minutes. The Common Council may hold hearings thereon at which they may require the attendance of heads of departments and their subordinates and may make inquiry concerning any part thereof.

§ C6-7(a) Annual financial statement.

The annual financial report of the prior fiscal year shall be delivered to the Mayor and Common Council prior to May 1 of the following fiscal year. The Comptroller shall make the annual financial report available to the general public. The Comptroller shall prepare and publish in book or pamphlet form a full and accurate statement of the financial condition of the City. The financial statement shall include:

- A. A statement of all receipts of the City, from all sources and of all accounts or revenues which may be due and uncollected at the close of the fiscal year.
- B. A statement of the disbursements for all branches of government during the fiscal year.
- C. A detailed statement of the indebtedness of the municipality at the close of the fiscal year and the provisions made for payment thereof, together with the purpose for which it was incurred.

§ C6-7(b) Determination of positions and salaries.

- A. The Board of Managers, except as otherwise provided in this Charter and by law, shall determine the positions and numbers of all City officers and employees, of each office, board and department.
- B. The Board of Managers, subject to the approval of the Common Council, except as otherwise provided in this Charter and by law, shall have the authority to fix the salaries or compensation of all City officers and employees.

§ C6-8 Annual estimate of revenues and expenditures.

On or before September 15 of each fiscal year, the Board of Managers shall make an itemized statement, in writing, of the estimated revenues and expenditures of the City for the fiscal year which shall be known as its "annual estimate." The annual estimate shall contain an estimate of the probable revenues including the water and sewer rents which, in the judgment of the Board of Managers, will be received by the City during the fiscal year; a statement of the amount of the sinking fund, if any, which, in the judgment of the Board of Managers, is available and should be applied to the payment of the principal of any bonded indebtedness of the City falling due during said fiscal year; and a statement of all unexpended balances or estimated unexpended balances of the previous fiscal year remaining to the credit of the City or of any office, board or department thereof. The estimate of expenditures shall contain an estimate of the several amounts of money, including water and sewer expenses, which the Board of Managers deems necessary to provide for the expenses of conducting the business of the City in each board, department and office thereof and for the various purposes contemplated by this Charter and otherwise by law for said fiscal year; to pay the principal and interest of any bonded or other indebtedness of the City falling due during said fiscal year; to make the annual contribution to the sinking fund required by this Charter and otherwise by law; and the amount of any judgments recovered against the City and payable during said fiscal year. After said annual estimate shall have been completed, and no later than October 1 of each year, the Board of Managers shall submit such annual estimate in final form to the Common Council with a statement, in writing, of such reasons for

such estimate as it may deem proper. The Common Council shall, as soon thereafter as may be possible, convene and consider said estimate. It shall give such public hearing(s) as deemed necessary to such persons as wish to be heard in reference thereto. After such hearing, and within 45 days after such estimate shall have been submitted to it, the Common Council shall adopt such estimate so submitted or shall amend any items therein contained and adopt said estimate as so amended. The Common Council may hold Special Session(s), as necessary, to consider overriding the mayors veto pursuant to the provisions of § C3-10. The Common Council shall not have the power to diminish or reject any item which relates to the indebtedness or the sums directed by the county to be levied within the City for state and county purposes or the sums lawfully payable within said fiscal year upon judgments or to the sinking fund.

§ C6-9 Annual appropriations.

When the Common Council shall have adopted the final estimate of the Board of Managers or said estimate as amended by it, the same shall be entered at large in its minutes and become a part of its proceedings. The several sums estimated for expenditures therein shall be and become appropriated in the amounts and for the several departments, offices and purposes as therein specified for said fiscal year. The several sums therein enumerated as estimated revenues and the moneys necessary to be raised by tax in addition thereto to pay the expenses of conducting the business of the City and for the purposes contemplated by this Charter and otherwise by law shall be and become applicable in the amounts therein named for the purposes of meeting said appropriations. In case the revenues received by the City exceed the amount of such estimated revenues named in said annual estimate or in case there remain any unexpended balances of appropriations made for the support of the City government or for any other purpose, then such surplus revenues or such unexpended balances shall, except as otherwise provided by law, remain upon deposit as an unappropriated fund balance. Any transfers or appropriations from the unappropriated fund balance shall be approved by resolution of the Common Council. When any moneys or revenues are received by any officer, board or department of the City, from any source other than by municipal tax, which are not otherwise appropriated, such moneys or revenues shall become part of the unappropriated fund balance.

§ C6-10 Contracts and expenditures prohibited.

No officer, board or department shall, during any fiscal year, expend or contract to be expended any money or incur any liability or enter into any contract which, by its terms, involves the expenditure of money for any of the purposes for which provision is made in the annual estimate in excess of the amounts appropriated in said estimate, as adopted by the Common Council, for such officer, board, department or purpose for such fiscal year, nor shall any such board or officer expend or contract to expend any money or incur any liability upon or by virtue of any open market order until an order, in writing, made in triplicate, is submitted to the Comptroller, and he/she shall have certified thereon that unexpended funds, appropriated for that purpose, are available to meet a claim therefor if incurred. One of such copies shall be retained by the Comptroller, one by the officer issuing the order and the third shall be delivered to the person furnishing the merchandise or material or who shall perform the service specified therein and be attached to the claim presented to the Comptroller for audit. Any contract, verbal or written, made in violation of this section shall be null and void as to the City, and no moneys belonging to the City shall be paid thereon; provided, however, that nothing therein contained shall prevent the making of contracts for light or water, the collection and disposal or the disposal of garbage,

the collection and removal of rubbish and ashes, the cleaning of streets for periods exceeding one year. Nothing therein contained, shall prevent the making of contracts, authorized by law and pursuant to the City's procurement policy, for periods exceeding one year and as may be made available pursuant to § C6-18 of this Charter or § 29.00 of the Local Finance Law.

§ C6-11 Penalties for offenses against preceding section.

Any officer or member of any board or department of the City, making or voting for any contract prohibited by the preceding section or auditing any account or claim under such contract shall be deemed guilty of a misdemeanor.

§ C6-16 Purchasing Agent.

The Mayor appoints a Purchasing Agent. The Purchasing Agent may appoint to hold office, at his/her pleasure, such subordinates as may be prescribed by the Board of Managers.”

§ C6-24 Deputy Comptroller and Deputy Treasurer.

The Common Council may, by ordinance, create the office of Deputy Comptroller and Deputy Treasurer or authorize the Comptroller and Treasurer to severally designate, in writing, which written designation shall be filed with the City Clerk, a subordinate to perform the duties of the office during the absence or disability of such officer or during a vacancy in the office. If deputies for each such office be authorized and appointed, they shall qualify in the same manner as their superiors in office. If subordinates be authorized as aforesaid to perform such duties, they shall qualify in the manner specified in the ordinance authorizing the designation. Where a deputy has been appointed and qualified or a subordinate designated, in case of the absence or disability of the Comptroller or the Treasurer, as the case may be, or during a vacancy in the office, the deputy or person so designated shall discharge the duties of the office until his/her superior returns, his/her disability ceases or the vacancy is filled.

§ C6-26 Duties of Purchasing Agent.

The Purchasing Agent shall conduct procurement activities of supplies, materials and equipment required by the various departments, boards or offices of the City, except as may be otherwise provided by this Charter, and shall, as directed by ordinance, provide for the sale, exchange or other disposal of any surplus, used, obsolete or depreciated personal property belonging to the City in accordance with statute, this Charter and procedures adopted by the Council.

§ C6-27 Records of the Purchasing Agent.

The Purchasing Agent shall maintain records of all sources solicited, prices quoted and prices paid for all supplies, equipment, capital improvement projects and services purchased; purchase orders and awards made; inspections of commodities or services received; requisitions filed; and vendors furnishing commodities or services to the City.

ARTICLE VII Department of Public Works

§ C8-1 Commissioner and Deputy Commissioner of Public Works.

The Commissioner of Public Works shall be the head of the Department of Public Works. He/she shall appoint, to hold office during his/her pleasure, such subordinates as may be prescribed by the Board of Managers. In case of the absence or disability of the Commissioner or of a vacancy

in the office, the Mayor may appoint a Deputy Commissioner who shall discharge the duties of the office until the Commissioner returns, his/her disability ceases or the vacancy is filled.

§ C8-2 Powers and duties of Commissioner.

The Commissioner, subject to the provisions of law and ordinances of the Common Council, has cognizance, direction and control of the construction, maintenance, alteration, repair, care, cleaning, paving, flagging, lighting and improving of the streets, highways, sidewalks and public places of the City; of the construction, alteration and repair of all City buildings, except as herein otherwise provided, and of all docks and bridges belonging to the City; of all public sewers and drains in the City; of the construction, maintenance, extension, repair and care of the City water works; of the care, superintendence and management and improvement of all parks and grounds, and recreation piers belonging to the City. Except as otherwise provided by law, the Commissioner shall have the supervision of, control over and jurisdiction and authority to make all ordinary repairs or improvements upon the streets, parks, sidewalks, crosswalks, gutters, vaults, drains, culverts, bridges and public ways and places of the City, including the cleaning of the same, and may employ such laborers and teams and incur such expenditures as may be necessary within the limits of the appropriations made therefor. It shall be his/her duty to inspect the same with sufficient frequency to ascertain their condition and cause the same to be kept free from obstructions and in good condition and repair and reasonably safe for public use. The Commissioner shall also have general supervision and control of all work performed under any contract of the City for local or other improvements to be performed within or upon any of the public streets, parks, ways and places or with reference to the public works and ways within the jurisdiction of his/her Department, including the lighting, sprinkling, watering or flushing of the streets or public places and shall cause the same to be performed in full compliance with the provisions of any contract therefor. Except as otherwise provided by law or ordinance of the Common Council, the Commissioner of Public Works has, over the streets and public places within the City, all the jurisdiction and is charged with all the duties of town superintendents of highways within the towns of the state. The Commissioner of Public Works shall have the supervision, care, management and control of the Water Works Department and water works system of the City.

ARTICLE VIII Department of Law

§ C10-1 Corporation Counsel; qualification.

The Corporation Counsel shall be the head of the Department of Law and, at the time of his/her appointment, shall be an attorney and counselor of the Supreme Court of the State of New York.

§ C10-2 Duties.

The Corporation Counsel shall be and act as the legal adviser of the Common Council and of the several officers, boards and departments of the City, and he/she shall appear for and protect the rights and interests of the City in all actions, suits and proceedings brought by and against it or any City officer, board or department, and such officers, boards or departments shall not employ other counsel except as otherwise provided in this Charter or the City Code, and where there is a clear conflict of interest such that representation by Corporation Counsel would be inappropriate, and the Common Council has appropriated the necessary funds therefore.

§ C10- 3 Employment of counsel.

The Corporation Counsel, with the written consent of the Mayor and approval by the Common Council, may employ counsel, at such compensation as may be agreed upon by the Board of Managers, to assist him/her in cases or proceedings in which the City is interested or a party.

ARTICLE IX Department of Assessment and Taxation

§ C11-1 Election and appointment of Assessor.

The Mayor shall appoint one Assessor to a six-year term. Pursuant to the NYS Real Property Tax Law, the terms for appointive assessors shall commence on the first day of October, 1971, and each sixth year thereafter. Said appointee shall meet the minimum requirements for assessors set forth in state law. The Assessor shall receive such salary as fixed by the Board of Managers and approved by the Common Council.

§ C11-2 Powers and duties of Assessor.

The Assessor shall perform all the duties specified in this Charter in relation to the assessment and taxation of property within the City and shall possess all the powers conferred and be subject to all the obligations and duties imposed pursuant to law. He/she shall perform the duties relating to the assessment of property for the purposes of levying taxes and assessments for local improvements pursuant to law. All adjustments to assessments must be reviewed and approved by the Assessor.

ARTICLE X Office of Building and Planning

§ C13-1 Establishment.

An Office of General Services of the City of Cohoes is hereby established.

§ C13-2 Appointment of Commissioner.

The Mayor is authorized, subject to the approval of the Board of Managers, to appoint a person to the position of Commissioner of General Services. This position shall be filled by appointment of the Mayor to serve at the Mayor's pleasure.

§ C13-3 Duties.

A. The Commissioner's duties shall include, but shall not be limited to, setting policies and directing all OGS operations, including the supervision of personnel.

B. The Commissioner of General Services shall also serve as the Commissioner of Public Works, and shall perform all of the duties and have all of the powers thereof.

C. The Commissioner of General Services shall also perform such other duties as may be required by the Mayor or the Common Council.

D. The Department of Public Works, Department of Water, Department of Code Enforcement, and Office of the City Engineer shall be under the supervision of the Office of General Services, and as such, the heads of those departments shall report to the Commissioner of General Services.

E. The Office of General Services shall equip and maintain parks, playgrounds, tot lots and district play fields within the City of Cohoes.

§ C 13-4 City Engineer.

The Mayor shall appoint a proper and suitable person, as provided by this Charter, who shall be City Engineer who shall be a certified professional engineer.

§ C 13-5 Duties of City Engineer.

It shall be the duty of the City Engineer to perform all the ordinary engineering and surveying services in the affairs and business of the City and to supervise all the work done for the City in which the skill of his/her profession may be required or useful. He/She shall perform such other duties as may be prescribed by the Mayor or by ordinance of the Common Council.

ARTICLE XI Department of Community and Economic Development

§ C14-1 Creation.

A Department of Community and Economic Development of the City of Cohoes is hereby created, and such Department shall be managed by a person designated as the Director.

§ C14-2 Appointment of Director of Community and Economic Development, City Planner, and Director of Human Services.

The Mayor of the City of Cohoes is authorized, subject to the approval of the Board of Managers, to appoint a person to the position of Director of Community and Economic Development, a person to the position of City Planner, and a person to the position of Director of Human Services. The positions enumerated here shall be filled by appointment of the Mayor to serve at the Mayor's pleasure and shall report directly to the Mayor.

§ C14-3 Duties and responsibilities.

A. The Community and Economic Development Department shall plan, develop and implement the community development activities of the City, including those funded under the Housing and Community Development Act of 1974. These community development activities include, but are not limited to, long- and short-range planning, land use controls, development and redevelopment projects, property acquisition and disposition, demolition and clearance, relocation, environmental matters, the construction and reconstruction of various public facilities, code enforcement and rehabilitation and citizen participation. Other activities of a social nature will be planned, developed and administered by the Human Services Department.

B. The Community and Economic Development Department shall develop and prepare the application, planning documents, budgets, reports and such other materials as may be required by the Department of Housing and Urban Development in the implementation of the Housing and Community Development Act of 1974.

C. The Community Development Department shall also perform such other duties as may be directed by the Mayor.

§ C14-4 Human Services.

Within the Department of Community and Economic Development, there shall be a Director of Human Services. The Director of Human Services shall be appointed by the Mayor, subject to the approval of the Board of Managers. He or she shall serve at the Mayor's pleasure and report directly to the Mayor. His or her duties shall include, but not be limited to, performing such duties as may be required to enhance youth service, development, and recreation programs within the City of Cohoes. The Director of Human Services shall perform the duties formerly performed by the Director of Parks and Recreation except that maintenance of City parks will be carried out by the Office of General Services. The Director of Human Services shall also facilitate programs to enhance service and quality of life for senior citizens and the indigent within the City of Cohoes.

§ C14-5 Youth Bureau. Within the Department of Community and Economic Development, and under the supervision of the Director of Human Services, there shall be a Youth Bureau.

A. The Youth Bureau shall collaborate with the City's Youth Advisory Board and independently study and advise on matters of policy and operations with regard to the City's youth. The Bureau's responsibility shall be to aid the Director of Human Services in implementing suggestions of the Youth Advisory Board, as contemplated in Chapter 87 of the Code of the City of Cohoes, regarding the planning, coordination, and supplementation of the activities of public, private, or religious agencies devoted in whole or part to the welfare and protection of youth.

B. The Bureau shall aid the Director of Human Services in:

(1) Coordinating the activities of public, private, voluntary and sectarian agencies devoted in whole or in part to the welfare and protection of youth.

(2) Performing studies and analyses of the problems of youth guidance and the prevention of juvenile delinquency.

(3) Seeking to remove the causes of juvenile delinquency through the means available to City departments and public, private, voluntary and sectarian agencies.

(4) Collecting and disseminating information, statistics and data on the subject of juvenile delinquency and methods of removing the causes of juvenile delinquency.

(5) Making application to the appropriate state agencies pursuant to law to engage in the maintenance of recreation projects and youth service projects.

C. The Bureau shall consist of the Director of Human Services and such other employees as the Board of Managers deems necessary.

ARTICLE XII Department of Code Enforcement

The Director's duties shall include, but shall not be limited to, setting policies and directing all departmental operations, including the appointment and supervision of all Department personnel.

§ C15-4 Enforcement of building codes and regulations.

The Department of Code Enforcement shall administer and enforce the New York State Uniform Fire and Building Code and all other laws, codes, ordinances, regulations and orders applicable to the location, design, materials, construction, alteration, repair, equipment maintenance, use, occupancy, removal and demolition of buildings, structures and appurtenances in the City.

§ C15-5 Responsibilities.

The Department of Code Enforcement shall be responsible for the issuance of all permits for the erection, construction, enlargement, alteration, removal, improvement, demolition, conversion or installation therein of any building or structure or change in nature of occupancy classification.

§ C15-6 Permits and inspections.

The Department of Code Enforcement shall be responsible for the issuance of all occupancy permits and shall conduct code compliance inspections of structures within the City.

§ C15-7 Other powers.

The Department of Code Enforcement shall exercise such other powers and duties as may be conferred or imposed by the Mayor and/or Common Council.

ARTICLE XIII Miscellaneous Provisions

§ C16-1 Transitional provisions.

The powers which are conferred and the duties which are imposed upon any officer or department of the City under any statute of the state or any City ordinance which is in force at the time of the taking effect of this Charter shall, if such office or department be abolished by this Charter, be thereafter exercised and discharged by the officer, board or department upon which is imposed corresponding or like functions, powers and duties pursuant to the provisions of this Charter. Where any contract has been entered into by the City, prior to the taking effect of this Charter, or any bond or undertaking has been given to or in favor of the City, which contains provisions that the same may be enforced by some officer, board or department therein named, but by the provisions of this Charter such office, board or department is abolished, such contract, bonds and undertakings shall not in any manner be impaired, but shall continue in full force, and the powers conferred and the duties imposed with reference to the same upon the officer, board or department which has been abolished shall thereafter be exercised and discharged by the officer, board or department upon whom is conferred or imposed like powers, functions or duties under this Charter. All ordinances and bylaws heretofore passed by the Common Council and which are not inconsistent with this Charter or with law shall continue in full force and effect until amended or repealed.

under this Charter. All ordinances and bylaws heretofore passed by the Common Council and which are not inconsistent with this Charter or with law shall continue in full force and effect until amended or repealed.

§ C16-3 Charter review.

This Charter may be amended in the manner provided by the Municipal Home Rule Law. This Charter shall be reviewed at least once every ten years following the effective date and revised as deemed necessary pursuant to the Municipal Home Rule Law.

§ C16-4 Charter revision.

The charter may be revised or amended at any time in the manner provided by statute.

§ C16-5 Effective date.

This Charter shall take effect immediately.

ARTICLE XIV Department of Public Safety

§ C17-1 Department and Commissioner of Public Safety.

The Department of Public Safety of the City of Cohoes is hereby created, and such Department shall be managed by a person designated as Commissioner of Public Safety.

§ C17-2 Appointment and salary of Commissioner of Public Safety.

The Commissioner of Public Safety shall be an officer of the City of Cohoes and shall be appointed by the Mayor at an annual salary to be fixed by the Board of Managers.

A. The Commissioner of Public Safety, other than when there is a vacancy and the powers and duties reside in the Mayor as set forth in § C17-4, shall have exclusive jurisdiction, supervision and control of the government, administration, disposition and discipline of the Police Department and its officers and members, together with the general direction and the supervision of the expenditure of all moneys appropriated to said Police Department.

B. The Commissioner of Public Safety, other than when there is a vacancy and the powers and duties reside in the Mayor as set forth in § C17-4, shall have jurisdiction, supervision, and control of the administration, disposition and discipline of the Public Safety Dispatchers employed by the City of Cohoes.

C. The Commissioner of Public Safety, other than when there is a vacancy and the powers and duties reside in the Mayor as set forth in § C17-4, shall make, adopt and enforce such reasonable rules, orders and regulations as may be reasonably necessary to effect a prompt and efficient exercise of all powers conferred and the performance of all duties imposed by law upon him/her.

D. The Commissioner of Public Safety, other than when there is a vacancy and the powers and duties reside in the Mayor as set forth in § C17-4, shall have the power and authority to prefer charges and discipline any member of the Police Department or any public safety

dispatcher for a violation of any applicable rule or regulation or neglect in the performance of his/her official duties.

§ C17-3 Powers and duties of Commissioner of Public Safety.

The Commissioner of Public Safety shall have the responsibility of overseeing the operations of the Police and Fire Department of the City of Cohoes, as well as all other powers and duties necessary to provide for the public safety in the City of Cohoes.

§ C17-4 Departmental chain of command.

The Police Chief and the Fire Chief shall report and be accountable to the Commissioner of Public Safety. In the event that no person has been appointed to the position of the Commissioner of Public Safety or in the event of a vacancy in that position, all powers and duties appurtenant thereto shall reside in the Mayor of the City of Cohoes.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. 12 of 2009 of the City of Cohoes having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (~~special~~)(general) election held on Nov 3 2009, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 5, above.

Lauri A. Yanko

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

Date: November 18, 2009

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ALBANY

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Title

[Signature]
Corporation Counsel

~~County~~
~~City~~ of
~~Town~~
~~Village~~

Cohoes

Date: November 19, 2009

CERTIFICATION

STATE OF NEW YORK)
COUNTY OF ALBANY) ss.:

GREGORY J. TERESI, an attorney duly licensed and admitted to practice law before the Courts of the State of New York, affirms under the penalty of perjury that the following is true:

- that I am the Corporation Counsel for the City of Cohoes;
- that attached is the revised Charter of the City of Cohoes;
- that I have read the attached revised Charter of the City of Cohoes and I am acquainted with the propositions set forth within;
- that said revised Charter of the City of Cohoes contains the correct text and all proper proceedings have been had or taken for the enactment of such local law;

Affirmed this 10th day of November, 2009.



GREGORY J. TERESI