

TEXT OF PROPOSAL NUMBER TWO, A PROPOSITION
LOCAL LAW MODIFYING CITY CHARTER WITH REGARD TO CITY
CONTROLLER - MANDATORY REFERENDUM

Part 1: Legislative Intent –

The fiscal crisis that the City of Amsterdam has faced over the last several years has been well-documented, including but not limited to the deficit legislation that was enacted by the State of New York in 2019. It is necessary for the City to be introspective in terms of the organizational structure of our city government so as to put the City in the best position possible for long-term success. Presently, the eligibility requirements for the position of City Controller are most similar to that of a political position such as Mayor or Alderman in that it is an elective position that only has a residency requirement and an age requirement of 18 years and there are no minimum educational or work-experience qualifications required. Given that the position of City Controller requires a high level of technical accounting skill and financial management experience and knowledge, it is believed that minimum educational and professional qualifications should be required for the position. In addition, the City Charter does not expressly provide for the position of City Controller to be under the direction and supervision of the mayor and prevents a mayor from being able to mandate production from a City Controller of many things such as the preparation of specialized reports and projections relating to City finances and future budgeting activities.

The legislative intent of the instant local law is to modify the City Charter of the City of Amsterdam so as to abolish the position of City Controller as an elected position and re-establish the position of City Controller as an appointive position made by the Mayor of the City of Amsterdam, with the term of the Controller to run coterminous with the term of the Mayor of the Amsterdam; and further establishing minimum qualifications for the new appointive position of City Controller and reorganizing the position of City Controller to be under the direction and supervision of the Mayor.

The instant local law is subject to mandatory referendum pursuant to Municipal Home Rule Law, Section 23.

Part 2: Enactment:

BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF AMSTERDAM, AS FOLLOWS, that the City Charter of the City of Amsterdam is modified as follows:

Modification #1:

C-9 – Remove “Controller” as an elective City officer position.

Modification #2:

C-11B – omit this subsection as the same pertains to the elective office of Controller.

Modification #3:

C-12 – Modify subsections “A” and “B” to include “Controller” as an appointive officer.

Modification #4:

C-39 of the City Charter is amended to read as follows:

The Controller shall be appointed for a term of four (4) years, which shall run coterminous with the term of the Mayor. He or she shall be under the direction and supervision of the Mayor. He or she shall be the chief fiscal officer of the city and have charge of the administration of all its financial affairs. He or she shall have/be one of the following minimum qualifications (1) a Certified Public Accountant; (2) a four-year degree from an accredited college or university in Accounting or Finance, and has had at least three (3) years' experience in governmental accounting; (3) a person who has had at least eight (8) years' experience in accounting, including four years' experience of governmental and supervisory experience ; or (4) a person who has had equivalent experience in financial management for at least eight (8) years, with knowledge of governmental accounting.

ABSTRACT OF PROPOSAL # ONE, A PROPOSITION MODIFICATION OF AMSTERDAM CITY CHARTER – CITY CONTROLLER

Effectiveness: Following a public hearing to be held on June 21, 2022, and upon ratification of the instant local law thereafter by the Common Council, said local law shall be subject to a mandatory referendum pursuant Municipal Home Rule Law, Section 23 for the approval by the electors at the general election to be held on November 8, 2022. Upon approval by the electors, the instant local law shall become effective January 1, 2023 with the first appointment for the modified position of Controller being effective January 1, 2024.

BALLOT FORM SUBMISSION PROPOSAL # ONE, A PROPOSITION MODIFICATION OF AMSTERDAM CITY CHARTER – CITY CONTROLLER

Should the City of Amsterdam Charter be amended regarding the Office of City Controller to (a) expand the eligibility requirements beyond Public Officers Law, Section 3, to include educational and professional qualifications and to (b) modify the position of City Controller from an Elective Officer to a Mayoral Appointive Officer, with the position falling under the direction and supervision of the mayor?