

CITY OF RENSSELAER**LOCAL LAW NO. 6 OF THE YEAR 2020.****A Local Law****To Amend Title IV, Section 77, of the Charter of
the City of Rensselaer, New York, Relative to
the Auditing and Payment of Claims**

Be it enacted by the Common Council of the City of Rensselaer as follows:

ARTICLE I. INTENT

This Local Law shall be known as Local Law No. 6 of 2020, and shall amend Title IV, Section 77, of the Charter of the City of Rensselaer, New York, relating to the Auditing and Payment of Claims against the City of Rensselaer. This Local Law amends and supersedes all previously adopted Local Laws concerning such Auditing and Payment of Claims of Vendors servicing the City of Rensselaer. The purpose of this Local Law is to update Section 77 of the City Charter to meet the provision contained in Section 64 of the New York State Second Class Cities Law.

ARTICLE II. LEGISLATIVE ACTION

The Common Council of the City of Rensselaer, New York, hereby amends Article II, Section 155-4(B)(1), of the Code of the City of Rensselaer, New York, so as to read as follows:

§ 77. Claims against the City. No claim against the City except for a fixed salary, for the principal or interest on a bonded or funded debt or other loan, or for the regular or stated compensation of officers or employees in any city department, or for work performed or materials furnished under contract with the City, shall be paid unless a claim therefor, in such form as the Comptroller shall prescribe, and approved by the head of the department or officer whose action gave rise or origin to the claim, shall have been presented to the Comptroller, and shall have been audited and allowed by the Comptroller. The Common Council, by resolution, may require that claims be certified or that they be verified by oath of the claimant or claimant's duly authorized agent. The Comptroller shall cause each such claim, upon presentation to the Comptroller for audit, to be numbered consecutively and the number, date of presentation, name of claimant and brief statement of character of each claim shall be entered in a book or computer ledger kept for such purpose, which shall at all times during normal office hours the Comptroller be so placed as to be convenient for public inspection and examination. No claim shall be audited or paid until at least five days have elapsed after its presentation to the Comptroller, and the Comptroller shall not be required to audit a claim until two weeks have expired after the expiration of such period of five days. Notwithstanding the foregoing, the Comptroller is hereby authorized to pay by direct withdrawal from City funds normal and customary cyclical bills of the City for ongoing services, such as utilities, insurances, and the like, so as to avoid otherwise applicable penalties and late fees. Such payments still

are subject to audit and review. The Comptroller is authorized, in considering a claim, to require any person presenting the same for audit to be sworn before the Comptroller, and to give testimony touching upon the justness and accuracy of such claim, and to take evidence and examine witnesses in reference to the claim, and for that purpose, the Comptroller may issue subpoenas for the attendance of witnesses. If the claimant be dissatisfied with the audit the claimant may appeal to the Common Council by serving a notice of appeal in writing upon the Comptroller and the Common Council at any time before the first regular meeting of the Common Council that is held after the claimant receives the Comptroller's audit. If the Common Council, or any taxpayer be dissatisfied with such audit, the Common Council, or the taxpayer, may appeal to the Common Council, in like manner, by serving a written notice of appeal upon the claimant and the Comptroller and the Treasurer within ten days after the meeting of the Common Council at which such claims shall have been reported by the Comptroller. The Common Council shall make rules for the procedure upon the hearing of such appeals and the decision and audit of the Common Council, after the hearing upon the appeal to it, shall be final and conclusive as to the amount of the claim; but if there be no appeal from the original audit it shall in like manner be final and conclusive. The Comptroller and the Common Council upon an appeal to it, as herein provided, shall have authority to take evidence and examine witnesses in reference to the claim and for that purpose may issue subpoenas for the attendance of witnesses; and the Comptroller and each member of the Common Council is hereby declared to be ex officio a commissioner of deeds. When a claim has been finally audited by the Comptroller, the Comptroller shall indorse thereon or attach thereto the Comptroller's certificate as to such audit, and the same shall thereupon be filed in and remain a public record in the office of the Comptroller. If any person shall present to the Comptroller for audit a claim in the name of any person or firm other than that of the actual claimant that person shall be guilty of a misdemeanor.

ARTICLE III. EFFECTIVE DATE

This Law is subject to Permissive Referendum. If no valid Petition is filed in a timely manner, or if a valid Petition is filed in a timely manner, and this Law is adopted by a Referendum vote, then this Law shall take effect immediately thereafter upon its filing with the Office of the Secretary of State.

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

I hereby certify that the local law annexed hereto, designated as Local Law No. 6 of 2020 of the City of Rensselaer was duly passed by the Common Council on _____, 2020, in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as Local Law No. 6 of 2020 of the City of Rensselaer was duly passed by the Common Council on _____, 2020, and was (approved)(not approved) (repassed after disapproval) by the Elective Chief Executive Officer*, Mayor

Michael Stammel, and was deemed duly adopted on _____, 2020.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as Local Law No. 6 of 2020 of the City of Rensselaer was duly passed by the _____ on _____, 200__, and was (approved)(not approved)(repassed after disapproval) by the Elective Chief Executive Officer*, _____ on _____, 200__. 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 _____, 200__, in accordance with the applicable provisions of law.

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. 6 of 2020 of the City of Rensselaer was duly passed by the Common Council on _____, 2020, and was (approved)(not approved)(repassed after disapproval) by the Elective Chief Officer*, Mayor Michael Stammel, on _____, 2020. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 2020, in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as Local Law No. _____ of 200__ of the City of _____ 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 _____, 200__, became operative.

* Elective Chief 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.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 200__ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____, 200__, 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 1, above.

(Seal)

Clerk of the County Legislative Body, City, Town or Village
Clerk or officer designated by local legislative body
CITY CLERK

Date: _____

(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 Rensselaer

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.

Corporation Counsel

Title

CITY OF: RENSSELAER

Date: _____