

CITY OF GENEVA

DEDICATED TO THE MEMORY OF

HAROLD J. VAN OPDORP

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GENEVA CITY CHARTER

ARTICLE I

GENERAL PROVISIONS

§ 1.1 CORPORATE CONTINUITY

The Municipal Corporation now existing and known as the "City of Geneva" shall continue to be a municipal corporation under the same name and with the same boundaries.

§ 1.2 TITLE

This Charter and all amendments hereto shall constitute the form of government for the City of Geneva and shall be known and cited as the "Geneva City Charter".

§ 1.3 POWERS OF THE CITY

The City of Geneva shall be a body politic and corporate and shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property within and without its boundaries for any municipal purpose in fee simple or any lesser interest or estate by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage and control such property as its interest may require. The City of Geneva shall have all municipal powers, functions, rights, privileges and immunities of every name and nature wheresoever conferred on cities by the Constitution of the State of New York and conferred or imposed on it by general or special law.

§ 1.4 ENUMERATED POWERS NOT EXCLUSIVE

The enumeration of particular powers in this Charter shall not be deemed to be exclusive, but in addition to the powers enumerated or implied herein or appropriate to the exercise of such powers, the City of Geneva shall have and may exercise all powers which under the Constitution of the State of New York it would be competent for this Charter specifically to enumerate, and all powers necessarily incident or fairly to be implied, not inconsistent with the provisions hereof. All powers of the City of Geneva, whether expressed or implied, shall be exercised in the manner specifically provided in this Charter, or if not so provided, then in the manner provided by Local Law, Ordinance or Resolution of the City Council or as otherwise provided by Law.

§ 1.5 BOUNDARIES

The territory comprised within the following limits shall constitute the City of Geneva:

All that part of the County of Ontario, together with that part of the County of Seneca, included within the boundaries hereinafter stated, shall form and constitute the City of Geneva namely; Beginning at a point in the center line of Pre-Emption Street, which separates the Counties of Seneca and Ontario, distant about two thousand one hundred (2100) feet northerly from the center line of East North Street, said point being on a line with the southerly right-of-way of the Finger Lakes Railway Corp.; thence in a northerly direction along the southerly right-of-way line of said Finger Lakes Railway Corp.; about one thousand six hundred seven (1607) feet to an iron pin; thence in a southerly direction on a line running through property formerly owned by Arthur and Paul Dove about one thousand three hundred thirty-one and five tenths (1331.5) feet to a stone monument, said monument being located about one thousand thirty-six (1036) feet westerly from the center line of Pre-Emption Street; thence in a straight line due west to a point in the center of the Carter Road; thence southerly along the center line of Carter Road to the center line of North Street; thence westerly along the center line of North Street to a point which is intersected by the westerly boundary of the lands of Loomis extended southerly to a point of the center line of West North Street; thence northerly along the west line of the lands of Loomis to a point on the north boundary line of West North Street, said point being three hundred forty-eight (348) feet westerly from an iron pin in the southeast corner of lands of Loomis, said iron pin being also at the intersection formed by the west boundary of Carter Road and the north boundary of West North Street; thence on a continuation of the same course N 11° 13' E three hundred twenty-two (322) feet to an iron pin in the northwest corner of land of Loomis; thence along the north boundary of lands of Loomis S 80° 08' E fifty (50) feet more or less to an iron pin; thence N 11° 13' E thirty-five (35) feet to an iron pin thence on a continuation of the same course one hundred (100) feet to an iron pin; thence N 80° 08' W one hundred (100) feet to an iron pin; thence N 11° 13' E one hundred twenty (120) feet to an iron pin; thence N 80° 08' W fifty (50) feet to an iron pin; thence N 11° 13' W one hundred eighty-five (185) feet to an iron pin; thence on a continuation of the same course two hundred (200) feet more or less to the north boundary of the premises of the Enlarged City School District of the City of Geneva, New York; thence easterly along the north

boundary of said premises of the Enlarged City School District of the City of Geneva, New York to an iron pin in the west boundary line of Carter Road; thence on a continuation of the same course thirty (30) feet to the point of intersection of the center line of Carter Road; thence northerly along the center line of Carter Road a distance of twenty-five (25) rods to a point, said point being at the southeast corner of lands now or formerly of John Kane; thence westerly along the south line of said John Kane's land one hundred (100) rods; thence southerly parallel with the said Carter Road twenty-five (25) rods; thence easterly for a distance of ten (10) feet more or less to a point said point being the northwesterly corner of the lands of the Enlarged City School District City of Geneva, New York; thence S 13° 26' W for six hundred five and one tenth (605.1) feet to a point; thence S 68° 40' E along the north boundary of lands now or formerly of Ivor W. Lont four hundred fifty (450) feet to a point; thence S 13° 26' W one hundred (100) feet to an iron pin; thence S 87° 08' E one hundred two and five tenths (102.5) feet more or less to an iron pin; thence S 13° 26' W three hundred twenty-six (326) feet more or less to an iron pin in the north boundary of West North Street; thence on a continuation of the same course to the center line of West North Street, said center line being the boundary line between the City of Geneva and the Town of Geneva; thence westerly along the center line of North Street to the center line of Castle Street; thence N 10° 43' E to the south boundary of lands formerly of the Lehigh Valley Railroad Company (Naples branch); thence southwesterly along the south boundary of said lands formerly of the Lehigh Valley Railroad Company to the intersection of such boundary with the center line of the Castle Road; thence westerly along the center line of the Castle Road to the center line of the old Pre-Emption Road; thence southerly along the center line of the old Pre-Emption Road to its intersection with the center line of the Reed Road; thence along the center line of the Reed Road to its intersection with the center line of Hamilton Street (formerly known as the Canandaigua Turnpike); thence easterly along the center line of Hamilton Street to its intersection with the center line of the White Springs Road (formerly known as the Ridge Road), lying east of the White Springs farm; thence along the center line of the White Springs Road to its intersection with the center line of Jay Street (formerly known as the Oak Hill Road); thence easterly along the center line of Jay Street to its intersection with the center line of the Slosson Lane; thence southerly along the center line of said Slosson Lane to a point in the center line of Snell Road, (formerly known as the Slosson Road); thence easterly along the center line of said Snell Road, and in continuation thereof, due east to a line opposite the

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center line of new Pre-Emption Street first above mentioned; and thence northerly along the new Pre-Emption Street to the place of beginning.

§ 1.6 WARD BOUNDARIES

The City of Geneva is hereby divided into six wards as follows:

First Ward.

The First Ward shall include all of that portion of the City lying southerly of the following described courses: Commencing at a point at the intersection of the center line of Hamilton Street and the center line of White Springs Road; running thence easterly along the center line of Hamilton Street to its intersection with the center line of Monroe Street; thence northerly along the center line of Monroe Street to its intersection with the center line of Washington Street; running thence easterly along the center line of Washington Street to its intersection with the center line of Pulteney Street; thence northerly along the center line of Pulteney Street to its intersection with the center line of William Street; running thence easterly along the center line of William Street to its intersection with the center line of William Street to its intersection with the center line of Main Street; thence southerly along the center line of Main Street to its intersection with the center line of East Washington Street; running thence easterly along the center line of East Washington Street and Elizabeth Blackwell Street and said center line extended eastward to the easterly bounds of said City.

Second Ward.

The Second Ward shall include all of that portion of the City described as follows: Commencing at a point at the intersection of the center line of Hamilton Street and the center line of Reed Street; running thence easterly along the center line of Hamilton Street to its intersection with the center line of Monroe Street; thence northerly along the center line of Monroe Street to its intersection with the center line of Washington Street; running thence westerly along the center line of Washington Street to its intersection with the center line of Grove Street; thence northerly along the center line of Grove Street to its intersection with the center line of High Street; thence westerly along the center line of High Street and West High Street to its intersection with the

center line of Reed Street; running thence southerly along the center line of Reed Street to the place of beginning.

Third Ward.

The Third Ward shall include all of that portion of the City described as follows: Commencing at a point at the intersection of the center line of Pulteney Street and the center line of Washington Street; running thence westerly along the center line of Washington Street to its intersection with the center line of Grove Street; thence northerly along the center line of Grove Street to its intersection with the center line of High Street; running thence westerly along the center line of High Street and West High Street to its intersection with the center line of Reed Street; thence southerly along the center line of Reed Street to its intersection with the center line of Reed Road; running thence westerly along the center line of Reed Road to its intersection with the center line of Pre-Emption Road; thence northerly along the center line of Pre-Emption Road to its intersection with the center line of West North Street; running thence easterly along the center line of West North Street to its intersection with the southerly line formerly of the Lehigh Valley Railroad Company (Naples branch) right of way and continuing along the northerly boundary line of the City and along its various courses to the center line of Carter Road; thence southerly along the center line of Carter Road to its intersection with the center line of West North Street; running thence westerly along the center line of West North Street to its intersection with the center line of North Brook Street; thence southerly along the center line of North Brook Street to its intersection with the center line of Castle Street; running thence southeasterly along the center line of Castle Street to its intersection with the center line of Pulteney Street; thence southerly along the center line of Pulteney Street to the place of beginning.

Fourth Ward.

The Fourth Ward shall include all of that portion of the City described as follows: Commencing at a point at the intersection of the center line of Milton Street and Main Street; running thence westerly along the center line of Milton Street to its intersection with the center line of Pulteney Street; thence northerly along the center line of Pulteney Street to its intersection with the center line of Castle Street; thence northwesterly along the center line of Castle Street to its intersection with the center line of North

Brook Street; thence northerly along the center line of North Brook Street to its intersection with the center line of West North Street; running thence easterly along the center line of West North Street to its intersection with the center line of Carter Road; thence northerly along the center line of Carter Road to its intersection with the north boundary line of the City; running thence easterly along the north boundary line of the City to its intersection with the center line of North Genesee Street; thence southerly along the center line of North Genesee Street to its intersection with the center line of North Street; running thence westerly along the center line of North Street to its intersection with the center line of North Main Street; thence southerly along the center line of North Main Street to the place of beginning.

Fifth Ward.

The Fifth Ward shall include all of that portion of the City described as follows: Commencing at the intersection of the center line of Main Street and the center line of East Washington Street; running thence northerly along the center line of Main Street to its intersection with the center line of William Street; thence westerly along the center line of William Street to its intersection with the center line of Pulteney Street; thence northerly along the center line of Pulteney Street to its intersection with the center line of Milton Street; thence easterly along the center line of Milton Street to its intersection with the center line of Main Street; thence northerly along the center line of North Main Street to its intersection with the center line of North Street; thence easterly along the center line of North Street to its intersection with the center line of Exchange Street; running thence southwesterly along the center line of Exchange Street to its intersection with the center line of Castle Street; thence southeasterly along the center line of Castle Street and along said center line extended southeasterly to the highwater mark of the shore of Seneca Lake as it presently exists; running thence southwesterly along the high water line of Seneca Lake to its intersection with the center line of Elizabeth Blackwell Street extended; thence westerly along the center line of Elizabeth Blackwell Street extended and the center line of Elizabeth Blackwell Street and East Washington Street to the place of beginning.

Sixth Ward.

The Sixth Ward shall include all of that portion of the City

described as follows: Commencing at the intersection of the center line of North Genesee Street and North Street; running thence northerly along the center line of North Genesee Street to the northerly boundaries of the City of Geneva; thence easterly along the northerly boundary line of the City and its various courses to the center line of Pre-Emption Street; running thence southerly along the center line of Pre-Emption Street which is also the easterly boundary line of the City of Geneva and the center line of Pre-Emption Street extended into the waters of Seneca Lake to its intersection with the center line of East Washington Street extended; thence westerly along the center line of East Washington Street extended to the high water mark along the shore of Seneca Lake; running thence northeasterly along the shore of Seneca Lake to its intersection with the center line of Castle Street extended; thence westerly along the center line of Castle Street extended and along the center line of Castle Street to its intersection with the center line of Exchange Street, running thence northeasterly along the center line of Exchange Street to its intersection with the center line of North Street; thence westerly along the center line of North Street to the place of beginning.

§ 1.7 SEPARABILITY; LIBERAL CONSTRUCTION

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

The provisions of this Charter shall be liberally construed to effectuate the objectives and purposes for which this Charter and the Articles contained herein are enacted.

§ 1.8 MUNICIPAL YEAR

The municipal year of the City of Geneva shall begin on the first day of January. The terms of all officers, departments, boards, commissions and agencies appointed as provided in this Charter for a year or series of years shall be computed by municipal years. For the purpose of determining when a term of office shall end, the municipal year in which an officer, department, board, commission or agency shall take office shall be deemed to be the entire year, although such officer, board or commission may not have taken office

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until after the municipal year shall have begun, so that the terms of office of all such officers, departments, boards, commissions and agencies shall terminate at the end of the municipal year in which their term expires. This provision shall not apply to the term of office of the Personnel Office.* This provision shall not apply to members of the Board of Assessment Review.**

§ 1.9 DEFINITIONS

Whenever used in this Charter, unless otherwise expressly stated or unless the context or subject matter otherwise requires:

1. "Charter" shall mean the "Geneva City Charter".
2. "City" shall mean the "City of Geneva".
3. "City Council" shall mean the elective governing body of the City of Geneva.
4. "Law" shall mean a state statute, charter, local law, ordinance, or resolution.
5. "Local Law" shall mean a law adopted pursuant to the Municipal Home Rule Law or to other authorization of a state statute or this Charter by the City Council, or proposed by a Charter Commission or by petition, and ratified by a popular vote, as provided in Article IV of the Municipal Home Rule Law or as provided in a state statute, this Charter or Local Law; but shall not mean or include an ordinance, resolution or other similar act of the City Council or of any other board or body of this City.
6. "Ordinance" shall mean a legislative act of the City Council which is permanent in nature, unless specifically self-limiting, general in its application and may or may not contain penal provisions for its violation and must be in written form. It shall be enacted in accordance with the provisions hereinafter provided.
7. "Resolution" shall mean a legislative act of the City Council which is limited in its application or of a temporary nature, or both, and shall include, as used in this Charter, all orders,

* When the local law transferring the duties of the Personnel Officer to the County of Ontario is effective, then this sentence is to be deleted.

** RPTL § 523(1)[c] provides for 5 year terms commencing Oct. 1.

CHARTER

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rules, motions, and all other legislative acts except local laws and ordinances. Unless specifically provided, it need not be in writing.

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GENEVA CITY CHARTER

ARTICLE II

OFFICERS AND ELECTIONS

§ 2.1 ELECTIVE OFFICERS; TERMS

The elective officers of the City shall be the Mayor, eight (8) Councilors and three (3) Supervisors and such City Judges as are established by State Law. The Mayor and the eight (8) Councilors shall hold office for four (4) years. The Supervisors elected at the general election in 1992 and thereafter, shall be elected for a term of four (4) years, except to fill vacancies. * The City Judges shall be elected or appointed as established by State Law. ** The Mayor and two (2) Councilors shall be elected by the electors of the City at large. The six (6) remaining Councilors shall be elected by the electors of their respective wards. One Supervisor shall be elected by the electors of the first and second wards which is designated as the first supervisory district, one by the electors of the third and fourth wards which is designated as the second supervisory district, and one by the electors of the fifth and sixth wards which is designated as the third supervisory district.

§ 2.2 APPOINTIVE OFFICERS

A. The City Council shall appoint the City Manager, the City Clerk, the City Attorney, five (5) members of the Board of Assessment Review, three (3) members of the Fire Commission, nine (9) members of the Recreation Advisory Board, nine (9) members of the Planning Board, seven (7) members of the Zoning Board of Appeals, seven (7) members of the Historic Districts Commission and such other appointive officers as may be required of the City Council or by law.

[B.] All other appointive officers shall be appointed by the City Manager unless otherwise provided by this Charter or other provision of law.

* See General City Law § 2(2) adopted by Chapter 347 of the Laws of 1996 and Local Law #1 of the year 1996 adopted by the City Council on Sept. 4, 1996 and approved by the electorate on Nov. 5, 1996.

** Chapter 397 of the Laws of 1988 repealed City Charter provisions relating to the City Court of the City of Geneva and provided in UCCA § 2104 for the organization of City Courts. City Judges are elected for a six (6) year term whenever a vacancy occurs. The Acting City Judge is appointed by the Mayor for a six (6) year term. In case of vacancy in the office of City Judge, the Acting City Judge shall serve until a successor is elected and takes office. UCCA § 2104(c), (e) & (f) (iii).

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§ 2.3 RESIDENCE REQUIREMENTS OF ELECTIVE OFFICERS

A person elected to the office of Mayor or Councilor at Large must be an elector of the City at the time of his or her election. In the case of a Councilor elected by ward, such person must be a resident and elector of that ward from which he or she is elected. In the case of a Supervisor, he or she must be an elector and resident of the supervisory district from which he or she is elected. If an elective officer ceases to be a resident of the City or of the ward or district from which he or she was elected, his or her office thereupon shall be vacant.

§ 2.4 PROHIBITIONS AGAINST HOLDING OTHER OFFICES

No member of City Council shall at the same time hold any other elective office under the Government of the State of New York or any political subdivision thereof or any appointive office established under this Charter or a paid position of employment of the City.

§ 2.5 POLITICAL AFFILIATION OF BOARD MEMBERS

Any board, commission, or agency of the City, except the Fire Commission and *the Geneva Human Rights Commission, shall consist of not more than a bare majority at any time of adherents of the same political party.

§ 2.6 CERTIFICATE OF APPOINTMENT

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

§ 2.7 OFFICIAL OATH AND BONDS

Each officer of the City shall, before entering upon the duties of his or her office, take and file with the City Clerk the Constitutional Oath of Office; and where required by ordinance or resolution of the City Council he or she shall file an official bond with such sureties and in an amount as the City Council shall direct. All bonds shall be filed in the City Clerk's office after approval as to form by the City Attorney and the premiums for all such bonds shall be paid by the City.

* Amended by Local Law #2-2005 adopted by the City Council on December 7, 2005.

Notwithstanding the foregoing provisions of this Section, it shall be permissible in lieu thereof, with the consent of the City Council, for any department or agency of the City to procure a blanket undertaking from any duly authorized corporate surety covering officers, clerks and employees pursuant to § 11 of the Public Officers Law.

§ 2.8 VACANCIES

Any vacancy in an elective office, other than by the expiration of the term of office, except City Judges, shall be filled by the City Council. Any person appointed to an elective office to fill a vacancy shall have the same qualifications as are required of a person elected to the office. The term of office of an officer appointed to fill the vacancy in an elective office shall be until the commencement of the municipal year next succeeding the first general election at which the vacancy can be filled after the happening of the vacancy. All vacancies in appointive offices shall be filled by the appointing authority for the balance of the unexpired term.

§ 2.9 REMOVAL OF OFFICERS

The appointing authority shall have the power to remove any officer or employee appointed by him or her at any time except as otherwise provided by law or this Charter and in accordance with all provisions of law applicable thereto. In those cases where the appointing authority is the City Council, Board, Agency or Commission; the City Council, Board, Agency or Commission shall have the power to remove any of its appointive officers or employees by a majority vote of its full membership and in accordance with all provisions of law applicable thereto.

§ 2.10 COMPENSATION OF OFFICERS AND EMPLOYEES

The City Council shall have the power at any time to fix and change the salaries or compensation for all officers and employees of the City. Any fees or compensation for the performance of their duties in the execution of their City office or employment paid to and received by such officers or employees from any source shall be the property of the City and shall be paid or turned over by the officer or employee receiving same to the City Comptroller unless this Charter or the City Council specifically authorizes the retention of such fees or compensation.

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§ 2.11 REAPPORTIONMENT

As soon as practicable after each federal census, the City Council shall review the results of such census with the existing wards and districts of the City to determine if a new plan of apportionment should be adopted.

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ARTICLE III

THE CITY COUNCIL

§ 3.1 COMPOSITION

There shall be a City Council which shall consist of the Mayor and eight (8) Councilors elected in the manner provided in Article II of this Charter. The City Council shall be a continuing body, and no measure pending before it shall abate or be discontinued by reason of expiration of the term of office, resignation, vacancy or removal of any of the members thereof.

§ 3.2 LEGISLATIVE POWERS

The City Council shall be the legislative and governing body of the City and shall exercise all powers of legislation in relation to enacting, amending or repealing local laws, ordinances and resolutions.

§ 3.3 POWER OF ORGANIZATION

The City Council may by local law, ordinance or resolution establish offices, departments, boards, commissions, and agencies in addition to those created by this Charter and may prescribe the functions of such offices, departments, boards, commissions and agencies subject to all applicable provisions of law.

§ 3.4 MAYOR; PRESIDING OFFICER

The Mayor shall be the presiding officer of the City Council, and shall have a vote on all matters before the City Council. The Mayor shall be recognized as the head of the City government, but shall have no administrative powers or duties. The City Council shall at the first meeting in each term elect one of its members as Deputy Mayor, 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 § 2.8 of this Charter.

§ 3.5 CLERK OF THE CITY COUNCIL

The City Clerk shall be the Clerk of the City Council and attend all official meetings thereof. The City Clerk shall keep the minutes of all official meetings of the City Council which shall be the official record of its proceedings; shall have custody of the

§ 3.5

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City Seal and shall affix the same to such documents as action by the City Council may require.

§ 3.6 MEETINGS

The City Council shall hold its first meeting in each term in the evening on the second day of January next following the election of its members, or if that be a Sunday or holiday, on the next day, and at that meeting the City Council shall organize and elect an Deputy Mayor as provided in § 3.4. The City Council shall hold regular meetings at least once a month, at times to be determined by it. All official meetings, regular and special, of the City Council shall be open to the public. No official act shall be taken except at an official meeting. A majority of the City Council shall constitute a quorum. Special meetings may be held at any time the City Council may direct and may be called by the City Manager, the Mayor or any four (4) members of the City Council. The notice of any special meeting shall be served personally upon each member of the City Council or delivered to his or her residence or place of business not less than twenty-four (24) hours before the time fixed for such special meeting, and shall contain a statement of the specific item or items of business to be transacted. No other business shall be conducted at such meeting except by unanimous consent of all members of the City Council.

§ 3.7 COMMITTEE OF THE WHOLE

The City Council shall be constituted and shall meet as a committee of the whole. It may, from time to time, designate some of its members as a Committee for a special purpose, which Committee shall then be disbanded upon completion of its duty. The City Council shall not be organized with permanent committees.

§ 3.8 RULES OF PROCEDURE

The City Council shall determine the rules of its own proceedings, subject to the provisions of this Charter and shall keep minutes which shall be filed in the City Clerk's Office.

§ 3.9 LEGISLATIVE ACTS

A. All the legislative acts of the City Council shall be by ordinance, resolution or local law, the yeas and nays of the members voting on local laws and ordinances shall be entered in the minutes. Roll call votes on resolutions shall be at the discretion

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of the presiding officer unless otherwise required by law. The passage of an ordinance, resolution or local law shall require the affirmative vote of a majority of all the members of the City Council except as otherwise provided by law. No matter shall be voted upon by secret ballot. A resolution may be passed by the City Council on the same day it is introduced, unless otherwise provided by law. No ordinance shall be passed by the City Council on the same day it is introduced, except by unanimous consent of the City Council, and where the City Council declares the existence of an emergency requiring immediate action. In acting upon a local law, the City Council shall comply with the requirements of the Municipal Home Rule Law.

B. No appropriation of money shall be made for any use or purpose except by resolution specifying the amount thereof and the department or specific purpose for which the appropriation is made. The annual budget shall be considered such a resolution.

C. Disposition of City real estate by sale, lease or franchise may be made by private sale or negotiation. Any such sale, lease or granting of franchise by private sale or negotiation must be approved by two-thirds vote of all members of the City Council and a determination must be made by City Council after a public hearing that such real estate is not needed for any public purpose. Notice of public hearing before the City Council shall be published at least five (5) days before such scheduled date of hearing.

The City Manager shall be authorized to execute any and all documents pertaining to such sale, lease or franchise subject to the approval of City Council as set forth above.

It is the intent of this subdivision to enable the City of Geneva to sell, lease or grant franchises or City owned real estate without the necessity of going to public sale, bid or auction, in those situations where the City Council deems it appropriate to do so and in the best interest of the City notwithstanding any provisions of the General City Law.

§ 3.10 RECORD OF ORDINANCES

Upon its final passage, every ordinance shall be authenticated by the signatures of the Mayor and the City Clerk and shall be recorded in a book kept for that purpose by the City Clerk. Such record shall include the signature of the officer presiding at the time of the passage and the attestation of the City Clerk. Such record or a certified copy thereof shall be presumptive evidence of

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the passage of the ordinance. Every ordinance shall be publicly posted in a conspicuous place in the City Hall for a period of two (2) weeks following passage. The original authenticated ordinance shall be kept by the City Clerk.

§ 3.11 PENALTIES FOR VIOLATION OF ORDINANCES

The City Council shall have the power to provide for penalties including fine and imprisonment for the violation of any of its ordinances. Notwithstanding the foregoing, and in addition thereto, the City Council may also provide for civil penalties and the City may maintain an action or proceeding in a court of competent jurisdiction for an injunction or to compel compliance with the requirements of any ordinance of the City.

§ 3.12 CITY COUNCIL NOT TO INTERFERE IN ADMINISTRATION

The City Council shall determine the policies of the City, the execution of which shall be under the direction of the City Manager. Neither the City Council nor any of its members shall exercise any administrative duties. Except for the purpose of inquiry or investigation, the City Council and its members shall deal with the administrative service of the City through the City Manager, and neither the City Council nor any member thereof, shall give orders to any subordinate of the City Manager. Whenever an executive or administrative function is required to be performed by law, local law, ordinance or resolution of the City Council, the same shall be performed by the proper executive or administrative officer, department, or agency designated in the law, ordinance or resolution, and in case no such designation be thus made, the City Manager shall make the same.

§ 3.13 POWER OF INVESTIGATION

The City Council shall have power to investigate the official conduct of all city officers, departments, boards, commissions and agencies. The Council shall have access to all records and papers kept by every City officer, department, board, commission, and agency, and shall have power to compel the attendance of witnesses and the production of books, papers, or other evidence at any meeting of the Council, and for that purpose may issue subpoenas signed by the Mayor on its behalf.

§ 3.14 OFFICIAL NEWSPAPER

At the first meeting of the City Council in each term, the City

Council shall designate one newspaper to be the official paper of the City.

§ 3.15 OFFICIAL DEPOSITORIES

At the first meeting of the City Council in each term, the City Council shall designate one or more banks or trust companies as the official depository or depositories of the City.

§ 3.16 GENERAL POWERS OF CITY COUNCIL

In addition to any other powers conferred upon cities, the City Council may take all measures and do all acts by local law, ordinance or resolution, not inconsistent with the provisions of the constitution which shall be deemed expedient or desirable for the good government of the City, its management and business, the protection of its property, the safety, health, comfort, and general welfare of its inhabitants, the protection of their property, the preservation of peace and good order, the suppression of vice, the benefit of trade, and the preservation and protection of public works.

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ARTICLE IV

CITY MANAGER

§ 4.1 APPOINTMENT AND QUALIFICATIONS

The City Manager shall be appointed for an indefinite term by the City Council. The City Manager shall be appointed solely on the basis of executive and administrative qualifications, education, training and experience in public administration. The City Manager need not be a resident of the City at the time of appointment but shall become and remain so during his or her term of office. No Councilor or Supervisor shall be appointed City Manager during the term for which elected or within two years after the expiration of his or her term.

§ 4.2 POWERS AND DUTIES OF THE CITY MANAGER

The City Manager shall be the Chief Executive Officer of the City. The City Manager shall be responsible to the City Council for the administration of all city affairs under his or her jurisdiction and control or placed in his or her charge by or under this Charter or other provisions of law. The City Manager shall have all incidental powers and duties conferred upon the chief executive officer of a city by all general laws of the State of New York except as otherwise provided in this Charter.

The City Manager shall:

1. Prepare the budget and capital program and administer them after adoption.

2. Be responsible for the proper execution and enforcement of laws in the City including the provisions of this Charter, local laws, ordinances, resolutions and other acts of the City Council, contracts, permits, licenses, privileges and franchises issued by the City.

3. Execute all contracts, deeds or leases, permits and licenses that the City Manager may be authorized to issue, by the direction of the City Council or by other provisions of law or of this Charter except as otherwise provided in this Charter.

4. Make such recommendations from time to time to the City Council as he or she may deem advisable.

5. Keep the City Council advised of the financial condition and future needs of the City.

6. Prepare and submit to the City Council, as soon as practicable after the conclusion of each municipal year, a concise and comprehensive report on the finances and administrative activities of the City.

7. Make such other reports as the City Council may require concerning the operations of all city offices, departments, agencies, boards and commissions subject to his or her direction and supervision.

8. Attend all meetings of the City Council. The City Manager may participate in any discussion and make recommendations but shall not have the right to vote.

9. Have the right to be present at all meetings of any department, agency, board or commission of the City.

10. Authorize any officer or employee of the City to attend an official or unofficial convention or conference of municipal officers or employees, or to attend any school conducted for the betterment of municipal government, if believed to be of benefit to the City, in accordance with § 77-b of the General Municipal Law.

11. Be responsible for the briefing of all new officers, employees and members of City boards, commissions and agencies as to their duties, responsibilities, powers and such other information necessary to the proper execution of their respective positions.

12. Have the power to designate any qualified person to be the acting head of any department, office, or agency appointed by the City Manager during the period of any vacancy, absence or disability until a permanent appointment can be made or the disability of the permanent head is removed.

13. Have the power to temporarily assign any officer or employee of any department, agency, board, commission or office to perform similar duties in another department, agency, board, commission, or office.

14. Perform such other duties and have such additional powers as are specified in this Charter or may be authorized or required by

the City Council. *

§ 4.3 ACTING CITY MANAGER

A. The City Manager may also designate an Acting City Manager to perform his or her duties during any temporary absence from the City or temporary disability, and may change such designation from time to time by filing same in writing with the City Clerk. Unless authorized by the City Council, the City Manager may not designate any person except an officer of the City to serve as Acting City Manager. The Acting City Manager shall receive no additional compensation for serving as Acting City Manager unless specifically authorized by the City Council.

B. In case the office of City Manager becomes vacant, or if the City Manager is suspended, or during his or her absence or disability for a period exceeding three (3) months, the City Council may appoint a qualified administrative officer to serve as Acting City Manager with all the powers and responsibilities of the City Manager until a permanent City Manager is appointed. In no event shall the City Council appoint one of its own members as Acting City Manager.

§ 4.4 POWER OF INVESTIGATION

The City Manager shall have the power to investigate and to conduct hearings into the official conduct of all the City officers, departments, boards, commissions and agencies. The City Manager shall have access to all records and papers kept by every City officer, department, board, commission and agency; and shall have the power to compel the attendance of witnesses and the production of books, papers or other evidence to any such hearings and for that purpose may issue subpoenas signed by him or her.

§ 4.5 REMOVAL OF CITY MANAGER

The City Council may remove the City Manager from office by a majority vote of its full membership. At least thirty days before such removal shall become effective, the City Council shall by a majority vote of its members adopt a preliminary resolution stating the reasons for his or her removal. The City Manager may reply in writing and may request a public hearing, which shall be held not earlier than twenty days nor later than thirty days after the filing of such request. After such public hearing, if one be

* Preparation of Capital Program. § 13.3, infra.

requested, and after full consideration, the City Council by majority vote of its members may adopt a final resolution of removal. By the preliminary resolution, the City Council may suspend the City Manager from duty, but shall in any case cause to be paid him or her any unpaid balance of his or her salary and his or her salary for the next three calendar months following adoption of the preliminary resolution.

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ARTICLE V

BUDGET

§ 5.1 FISCAL YEAR

The fiscal year of the City shall begin on the first day of January.

§ 5.2 SUBMISSION OF BUDGET; MESSAGE

On or before the last day of September of each year, the City Manager shall submit to the City Council a proposed budget and capital program together with a message concerning same for the ensuing fiscal year.

§ 5.3 BUDGET MESSAGE

The budget message shall:

1. Describe the important features.
2. Outline the proposed work and capital programs.
3. Point out any major changes from the current fiscal year in financial policies, expenditures, and revenues together with the reasons for such changes.
4. Summarize the City's debt position.
5. Include such other material as the City Manager deems advisable.

§ 5.4 FORM OF BUDGET

A. The proposed budget shall provide a complete financial plan for all City functions and activities for the ensuing fiscal year. The budget shall be in such form as the City Manager deems advisable or as the City Council may direct but shall include the following:

1. Actual revenues and expenditures of the preceding fiscal year.
2. Actual and estimated revenues and expenditures of the current fiscal year.

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3. All estimated revenues and proposed expenditures for the ensuing fiscal year, including detailed estimates of revenue from all sources and the amount proposed to be raised from the tax levy upon real estate.

B. The proposed expenditures shall be itemized as follows:

1. Each office, department, board, commission and agency shall be listed separately showing the proposed amount for salaries and wages, supplies and other expenditures and the total thereof.

2. Reserve for uncollected taxes.

3. Debt service.

4. Judgments and settlements outstanding and not covered by insurance.

5. Capital Program staging the amount to be paid by direct budgetary appropriation and the amount to be financed, if any, and the method thereof.

6. Special Funds and Purposes not otherwise contained in the budget.

7. Anticipated deficit, if any, of the current fiscal year.

8. Contingency Fund.

§ 5.5 CAPITAL IMPROVEMENT FUND

There shall be a Capital Improvement Fund. The Capital Improvement Fund shall be used only for the purposes specified in § 5.6 of this Article. There shall be paid into such fund:

1. A minimum budgetary appropriation of \$.70 of a dollar (seventy cents) on each thousand dollars of taxable property upon the assessment roll of each fiscal year shall be paid into the Capital Improvement Fund.

2. Such revenues as are directed by the City Council to be paid into said fund.

§ 5.6 USE OF FUND

The moneys in the Capital Improvement Fund shall be used to:

1. Finance the issuance of capital notes in the manner provided by law.

2. Meet any down payment required by law before contracting any bonded debt.

3. Pay for all or part of the cost of any City object or purpose for which bonds may be lawfully issued, as defined in the Local Finance Law.

4. Pay for all or part of any installment payments due on any bonds issued by the City of Geneva, or the principal and interest or any portion thereof due on any bond anticipation notes or capital notes issued or reissued by the City of Geneva, or the proportionate share of the City of Geneva for any bonded indebtedness incurred by the City and another municipality or municipalities for a joint object or purpose. Appropriations from the fund shall be made for the capital program in the manner provided in this Article. Transfers from this fund may be made to the General Fund for debt service payments of principal and interest. Total transfer shall not exceed debt service.

§ 5.7 FILING OF BUDGET AND PUBLIC NOTICE

A. Immediately after presentation of the proposed budget to the City Council, the City Manager shall file same in the City Clerk's Office and cause sufficient copies of same and the budget message to be made for distribution to the public. The proposed budget shall be a public record and shall be open to inspection by the public during regular business hours in the City Clerk's Office.

B. A public hearing on the proposed budget shall be held before the City Council at the date, time and place determined by the City Council but not later than two weeks after its submission. Public notice specifying:

1. The date, time and place of the public hearing.

2. The total amount of the proposed budget.

3. The amount thereof to be raised by taxes.

4. The anticipated tax rate per thousand of assessed valuation.

5. That copies of the proposed budget are available to the public in the City Clerk's Office during regular business hours shall be

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published in the official newspaper of the City by the City Clerk not less than five days prior to the date of the public hearing.

§ 5.8 PUBLIC HEARING; CHANGES BY CITY COUNCIL

A. The City Council shall meet and hold the public hearing at the date, time and place specified in the public notice.

B. After conclusion of the public hearing, the City Council shall consider the adoption of the proposed budget and may adjourn from time to time until it has fully considered and reviewed the proposed budget.

C. The City Council may add new programs or amounts; and may increase, decrease or strike out programs or amounts. Expenditures required by law, for debt service, for estimated deficit or estimated revenues may not be changed except to correct omissions or mathematical errors.

D. The City Council may, however, decrease the amount of the tax levy for the ensuing fiscal year as proposed by the City Manager in proportion to such decrease in the total expenditures as it may have determined. If the City Council shall increase the total expenditures, such increase shall be included in the amount to be raised by taxes.

§ 5.9 ADOPTION OF BUDGET, APPROPRIATION AND TAX LEVY RESOLUTION

Upon the completion of the consideration and review of the proposed budget, the City Council shall adopt a resolution approving the budget in the final form approved by it and shall forthwith adopt an appropriation resolution and a resolution making a levy upon all the real property situate in the City liable to taxation in the ensuing fiscal year. The appropriation resolution shall be passed on the budget as adopted but need not be itemized further than by each office, board, department, commission, agency, fund and program.

§ 5.10 FAILURE TO ADOPT BUDGET

If the City Council fails to adopt the proposed budget by the last day of October, the budget as submitted by the City Manager shall be deemed to be the budget of the City for the ensuing fiscal year and expenditures shall be made in accordance therewith. The City Council shall, at the next regular meeting following the last day of October, adopt the appropriation and tax levy resolutions in

the same manner as set forth in § 5.9.

§ 5.11 FILING OF APPROPRIATION AND TAX LEVY RESOLUTIONS

Upon adoption of the budget, the appropriation and tax levy resolutions, the City Clerk shall file a certified copy of each with the City Comptroller.

§ 5.12 ADMINISTRATION OF BUDGET

A. No payment shall be made and no obligation incurred by any official of the City against any appropriation unless there is a sufficient unexpended and unencumbered balance in the appropriation. Every expenditure or obligation authorized or incurred in violation of these provisions shall be void and any payment so made shall be deemed illegal. All officers who shall knowingly authorize or make such payment shall be jointly and severally liable to the City for the full amount so paid and such action shall be cause for removal.

B. If at any time during the fiscal year, the City Manager shall ascertain that the revenue for the year including general fund surplus from the preceding year, will be less than the total appropriations, the City Manager shall order the reduction of expenditures in those appropriations that he or she deems advisable. No later than the next regularly scheduled meeting of the City Council, he or she shall report such action and the City Council may by resolution, confirm, modify or amend the action of the City Manager or take such other appropriate action as it deems necessary to handle the deficit.

§ 5.13 AMENDMENTS AFTER ADOPTION OF BUDGET

A. Transfer of appropriations.

The City Manager may at any time transfer any unencumbered appropriation, balance or portion thereof within a department, office, board, commission or agency. At the request of the City Manager, the City Council may by resolution transfer from the contingency fund or any unencumbered appropriation, balance or portion thereof from one department, office, board, commission or agency to another.

B. Supplemental appropriations.

Upon recommendation of the City Manager and certification by the

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City Comptroller that the funds to be appropriated are not needed for the purpose of preventing a deficit for the fiscal year, the City Council may by resolution passed by a two-thirds vote of its entire membership, appropriate any unanticipated revenue received during the fiscal year for the use of any department, office, board, commission, agency, program, city object or purpose.

C. Capital Program.

The City Council may by resolution passed by a two-thirds vote of its entire membership, add, modify, or abandon projects or may modify the methods of financing. No capital project shall be authorized or undertaken unless it is included in the Capital Program as adopted or amended.

§ 5.14 ADDITIONAL POWERS OF CITY COUNCIL OVER FINANCIAL AFFAIRS
OF THE CITY

Notwithstanding any of the foregoing provisions, the City Council shall have the power to borrow money, to make additional appropriations and to exercise all other powers and control over the financial affairs of the City pursuant to the provisions of the Local Finance Law or other provisions of law. Except as otherwise provided by law, the City Council shall exercise the powers enumerated in this Section by resolution by a two-thirds vote of its entire membership.

§ 5.15 LAPSE OF APPROPRIATIONS

Any portion of an annual appropriation, except an appropriation for a capital improvement, remaining unexpended and unencumbered at the close of the fiscal year shall lapse. An appropriation for a capital improvement shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three years pass without any expenditure from, or encumbrance of, the appropriation.

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ARTICLE VI

FINANCIAL ADMINISTRATION

§ 6.1 DEPARTMENT OF FINANCE

There shall be a Department of Finance which shall be headed by the City Comptroller. The City Manager shall appoint the City Comptroller. The selection of the City Comptroller shall be based on qualifications in the field of finance, accounting and budgeting. The City Comptroller shall appoint the Deputy City Comptroller, Assessor and all other officers and employees of the Department in accordance with the provisions of the Civil Service Law, rules and regulations and other provisions of this Charter and other laws applicable thereto. The City Comptroller shall be the chief fiscal officer of the City and shall have and possess all the powers and duties as such as provided in this Charter or other provisions of law.

§ 6.2 DUTIES OF CITY COMPTROLLER

The City Comptroller shall:

1. Have charge of the administration of all the financial affairs of the City except as otherwise provided in this Charter or other provisions of law.
2. Maintain and supervise the general accounting system of the City in accordance with the uniform system of accounts prescribed by the State Comptroller.
3. Examine and audit the accounts of all officers of the City and all persons indebted to the City, and certify the condition of such accounts prescribed and controlled.
4. Be responsible for the issuance of receipts to be used by all offices, departments, boards, commissions and agencies of the City.
5. Receive and have custody of all public funds belonging to the City.
6. Provide for the collection of all taxes, assessments, license fees and other revenues of the City for whose collection the City is responsible, except those payable by law to other City departments or offices or as otherwise provided in this Charter or other provision of law.

7. Deposit all funds coming into his or her hands in such depositories as may be designated by resolution of the City Council, subject to the requirements of law as to depositories and their undertakings.

8. Require reports of receipts and disbursements from all offices, departments, boards, commissions and agencies of the City at such intervals as he or she may deem it advisable or as otherwise required by law.

9. Have supervision over and be responsible for the disbursement of all City funds.

10. Submit the annual financial statement of the City to the State Comptroller and provide such other statements or reports as may be required from time to time by the City Manager, the City Council or as otherwise prescribed by law.

11. Have custody over the investment and management of all City funds unless otherwise provided in this Charter or other provision of law.

12. Monitor the contracting for and purchase of supplies, materials, equipment, and services by any office, department, board, commission or agency of the City pursuant to rules and regulations established by the City Council or promulgated by the City Manager and except for professional and technical services and public works contracts. All purchases made and contracts executed by offices, departments, boards, commissions or agencies of the City shall be processed in accordance with the rules and regulations of the City Council, the City Manager and the City Comptroller. Purchases may be made in advance or in bulk amounts when such practice would result in economy or improved efficiency.

Under the supervision of the City Manager, the City Comptroller shall:

a. Establish specifications for supplies, materials and equipment to be purchased by the City.

b. Determine financial responsibility of all bidders for purchase contracts and such prerequisites for determining the qualification of such bidders.

c. Prescribe the time and period for which purchases are to be made.

d. Under the supervision of the City Comptroller, the heads of City offices, departments, boards, commissions or agencies shall inspect or cause to be inspected all supplies, materials and equipment and if necessary, to cause tests to be made as soon as practicable after receipt of same and to determine if they comply with all requirements and specifications.

e. Transfer, with approval of the City Manager, to or between offices, departments, boards, commissions and agencies any supplies, materials and equipment or to sell same if determined to be unneeded, surplus or obsolete.

f. The City Comptroller shall keep records of all purchases and of the ultimate destination or use of such material, equipment or supplies. The City Comptroller shall cause to be kept and inventoried all municipal property and it shall be the duty of each officer or employee having municipal property in his or her custody to keep an inventory of such property and to furnish a copy thereof to the City Comptroller on request.

13. Assist the City Manager in preparing the annual City budget and Capital Program.

14. Perform such other similar and related duties as may be assigned to him or her by the City Manager or the City Council.

§ 6.3 POWERS AND DUTIES OF DEPUTY CITY COMPTROLLER

1. Assist generally the City Comptroller in the performance of his or her duties.

2. Perform such duties of the City Comptroller as hereinabove specified as may be directed by the City Comptroller.

3. In case of absence, disability or vacancy in the office of the City Comptroller, to perform all of the duties and exercise all the powers of the City Comptroller.

§ 6.4 COMPETITIVE BIDDING

All purchases shall be made in conformity with the provisions of the General Municipal Law and such further and additional regulations as may be imposed by the City Council, the City Manager or the City Comptroller.

§ 6.5 CONTRACTS FOR PUBLIC WORKS AND CAPITAL IMPROVEMENTS

All contracts for Public Works and Capital Improvements shall comply with the provisions of the General Municipal Law, applicable Federal and State law, and such other and additional rules and regulations established by the City Council. All such contracts shall be awarded by a Committee of Award consisting of the City Manager, the Director of Public Works, the City Comptroller and the City Attorney. The City Comptroller shall advertise and open bids for Public Works and Capital improvements as directed by the Committee of Award pursuant to the General Municipal Law.

The Committee of Award shall have the duty and responsibility of making the award without prior authorization of the City Council provided that the contract price or the estimated cost of the public improvement does not exceed the monies appropriated therefor. Upon request of the Committee of Award, the City Council may appropriate additional monies to cover the amount of the contract price or the estimated cost of any capital project. For the purpose of this Section, the authorization by the City Council to borrow monies in accordance with the Local Finance Law shall be deemed an appropriation.

The Committee of Award in its discretion may reject any or all bids and order the readvertising for new bids or to recommend to the City Council that the Department of Public Works execute the work or improvement.

§ 6.6 AUDIT AND PAYMENT OF CLAIMS

A. Except for small purchases as determined by the City Manager, every claim for the payment of money shall be in writing and itemized. The claim shall be certified by the claimant, or a duly authorized officer or agent, as true and correct, and that the amount claimed remains due, owing and unpaid. It shall also contain a statement that the service was actually rendered, the disbursement actually and necessarily made, the supplies or equipment actually delivered or other appropriate statement that the consideration has passed to the City. The City Comptroller may require claims to be verified. A written contract for the payment of money at stated amounts and at stated intervals shall be deemed a certified or verified claim, as required by the City.

B. Every claim for the payment of money shall be audited by the City Comptroller or by such other officer or employee designated by him or her. No disbursement shall be made from any funds of the

City except by check signed by the City Comptroller and countersigned by the City Manager.

C. Approval of payment of the claim shall also be made in writing by the respective head of the various department, office, agency or other administrative unit of the City against whose account the claim is made.

§ 6.7 REQUISITIONS

A. Except for small purchases as determined by the City Manager, all purchases made and contracts executed by the head of a department, agency, board, commission, office or other administrative unit whose appropriation is to be charged shall require the written authorization of the City Comptroller except as otherwise provided in this Charter.

B. The City Comptroller may, under the direction of the City Manager, establish rules and regulations pertaining to the time, mode, form and other related matters for the procurement of supplies, materials, equipment and services.

§ 6.8 PETTY CASH FUND

Notwithstanding the foregoing provisions, the City Comptroller may establish a petty cash fund and may make payments therefrom prior to audit of claims, for purchases and disbursements certified by the head of a City office, department, board, commission or agency to be a valid claim. No payment from such fund shall be in excess of one hundred dollars (\$100.00) and in the event that said claim is disallowed after audit, the person certifying same shall be required to immediately reimburse the City and upon failure to do so, the amount of the claim shall be deducted from the salary of such person.

§ 6.9 ASSESSOR

The Assessor shall be appointed by the City Comptroller for an indefinite term which office of Assessor shall be full time and shall be classified in the competitive class of the Civil Service. The Assessor shall meet all of the minimum qualification standards as required by the Real Property Tax Law. Except as otherwise provided in this Charter, he or she shall possess all the powers and duties of an Assessor as provided in the Real Property Tax Law.

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§ 6.10 ASSESSMENT PROCEDURE*

A. Except as otherwise provided in this Charter, the assessment procedure shall be as prescribed by the Real Property Tax Law.

B. The assessment roll shall be prepared in such form as may be prescribed by the State Board of Equalization and Assessment.

C. The taxable status of real property shall be determined annually as of the first day of May.

§ 6.11 BOARD OF ASSESSMENT REVIEW

There shall be a Board of Assessment Review appointed by the City Council to consist of five (5) members in accordance with the Real Property Tax Law and shall have all the powers and duties as prescribed therein.

Compensation for each member of the Board of Assessment Review shall be established by the City Council.

§ 6.12 COMPLETION OF ROLL; EQUALIZATION

The Assessor shall revise and complete the roll according to the determination of the Board of Assessment Review. Upon completion and certification of the roll by the Assessor, the original roll shall be filed with the City Comptroller. Certified copies of the roll shall be filed in the office of the Board of Education of the City school district and on or before the first day in September, in the Office of the Clerk of the Ontario County Board of Supervisors.

§ 6.13 CORRECTION OF ASSESSMENTS

The City Council may correct any manifest error on an assessment upon the application of the interested party, his or her agent or attorney, and shall have power to remit the tax upon the excess evaluation if such tax has been paid and if the City Council deems that an injustice has been done. Such application shall be

* Local Law #2 of the year 1991 established the following dates for assessment procedures:
valuation date - January 1
taxable status date - May 1
filing of tentative roll - June 1
grievance date - 3rd Tuesday in June
filing of final roll - August 1
[See LL #2, 91, p. LL-55 for complete text.]

accompanied by a written certificate, signed and sworn to by the Assessor, stating that the valuation fixed was a clerical error and that the Assessor intended to fix a certain other valuation, and naming such intended valuation. The assessment as corrected by the City Council shall not be lower than the amount named in such certificate.

§ 6.14 COLLECTION OF CITY TAXES

The City Comptroller shall extend and apportion on the assessment roll City taxes as levied annually and shall prepare tax bills and accounts. After a warrant, under the seal of the City signed by the Mayor and the City Clerk, shall be annexed thereto, the City Comptroller shall proceed to collect from the several persons named, the sums specified in the roll. The City Comptroller shall publish a notice in the official newspaper once at least two weeks in advance stating that such taxes may be paid during each collection period, during business hours at locations designated by the City Comptroller. Such notice shall also state the collection period when taxes may be paid without penalty, and the penalties to be added thereto for the non-payment thereof. Every tax shall become a lien against the real estate affected thereby on the day when it becomes due and payable.

§ 6.15 LEVY OF COUNTY TAXES

A. Certification of County taxes.

The Board of Supervisors shall annually equalize the assessments within the City of Geneva with the other cities and towns in the County and shall by resolution, apportion and direct the amount of tax to be levied in the City of Geneva for county and other lawful purposes. On or before the seventh day of December in each year, the Board of Supervisors shall file with the City Clerk of the City of Geneva a certified copy of such resolution under the seal of the County.

B. Levy by City Council.

The City Council shall, by resolution adopted at a general or special meeting held on or before the seventh day of December in each year or as soon thereafter as practicable, cause to be raised by general taxes upon all the taxable property within the City, according to the valuation upon the last completed assessment roll, the amount of taxes apportioned to the City as certified to the City Clerk by the Board of Supervisors.

C. Collection of County Taxes.

The City Comptroller pursuant to the resolution of the City Council shall immediately extend and apportion such County taxes on the original assessment roll, pursuant to a warrant under the seal of the City, and signed by the Mayor and the City Clerk, and the City Comptroller shall proceed to collect from the several persons named the sums specified in the roll. The City Comptroller shall publish a notice in the official newspaper once each week for two successive weeks stating that such taxes may be paid during each collection period during business hours. Such notice shall also state the collection period when taxes may be paid without penalty, and the penalties to be added thereto after non-payment thereof. Every tax shall become a lien against the real estate affected thereby on the date when it becomes due and payable.

§ 6.16 COLLECTION PERIOD AND PENALTIES

City taxes and taxes directed to be levied by the Board of Supervisors of Ontario County for county and other lawful purposes in the City of Geneva, of each fiscal year, shall be due and payable in two equal installments during the business days of the months of January and May of each year, which are hereby defined as the collection periods. Whenever the last day to pay taxes without penalty falls on Saturday, Sunday, or a legal holiday, such taxes may be paid without penalty on the next business day. If any installment of such tax shall not be paid when due as hereinabove provided, such installment shall become delinquent. Thereupon, a penalty of one per centum shall be added to the unpaid installment and an additional one per centum shall be added thereafter for each additional month or fraction thereof. Any person may pay the total amount of any such tax for which he or she is liable at the time when the first installment shall be payable.

§ 6.17 PARTIAL PAYMENTS

The City Comptroller shall accept partial payments from any taxpayer at any time for any unpaid tax due the City or for which the City is the collection agent or responsible for the collection of such taxes, provided all accrued interest and penalties on the part so paid are also paid, and all taxes levied earlier on the same property, together with all accrued interest and penalties thereon, have been paid or are paid at the same time. Such partial payment shall not serve to extend the period of tax delinquency beyond that provided by law, and no payment shall be less than twenty-five per centum of the original tax. Thereafter interest

and penalties shall accrue only on the unpaid balance, but such unpaid balance shall be subject to all the provisions for enforcement of collection that apply to other unpaid taxes.

§ 6.18 SETTLEMENT OF COUNTY TAXES

It shall be the duty of the City Comptroller to pay the County Treasurer at the end of each month all the moneys the City Comptroller shall have then received for taxes for state and county purposes and if the full amount of such taxes, as required by the Board of Supervisors, shall not have been paid to the County Treasurer on or before the twenty-fifth day of August, then it shall be the duty of the City Comptroller to pay such deficiency with any moneys available therefor; and thereafter all such unpaid state and county taxes shall belong to the City and shall be enforced and collected in the manner provided for City taxes. The City Comptroller shall not be required to make any return of unpaid taxes to the County Treasurer, or to surrender the roll or warrant to him or her.

§ 6.19 COLLECTION OF WATER BILLS

The City Comptroller shall prepare and issue bills quarterly or for such other periods as the City Council may provide, for water sold within and without the City and other charges and the City Council shall provide for penalties for delinquent payments. Water bills shall be a lien upon real estate until paid and every delinquent water bill may be collected in the same manner as provided in this Charter for the collection of taxes.

§ 6.20 ACTION FOR RECOVERY OF TAXES

On or before the last day in December in each year, the City Comptroller shall make a list of all real estate upon which there are unpaid taxes, assessments, water bills, or charges for which a tax sale has not been held previously, except property which shall have been bid in by the City Comptroller at a tax sale and which shall not have been redeemed and upon which the City owns and holds the lien so bid in. All taxes, assessments, water bills, or charges remaining unpaid at the close of the fiscal year may be sued for by the City and recovered in an action against any person or corporation liable therefor, but a judgment in such action in favor of the City shall not operate to release any lien of such tax or assessment until satisfied.

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§ 6.21 SALE OF LAND FOR TAXES

Whenever any such tax, penalty, or interest shall remain unpaid on the 1st day of December next after the tax is levied, the City Comptroller shall proceed to advertise and sell the parcel of land upon which the same was imposed, for the payment of such tax, together with the penalty or interest that may be due thereon at the time of the sale, and any expense incurred in procuring an abstract of title, survey, map, and advertising such parcel for sale.

§ 6.22 NOTICE OF TAX SALE

A. The City Comptroller shall place in the official newspaper of the City once a week for six successive weeks, a list or statement of the parcels of land charged with any unpaid tax, penalty or interest, together with a notice that each of said parcels of land will on a day within ten days after the expiration of said six weeks, to be specified in said notice, be sold at public auction at a time and place in the City therein specified to discharge the tax, penalty or interest and expenses aforesaid which shall be due thereon at the time of the sale.

B. Each parcel of land so advertised to be sold shall be designated by the name of the owner or occupant thereof as it appears on the assessment roll, the address, street number if any, and the block and lot numbers, which designation shall be sufficient description of such parcel.

C. On the day and time and place stated in the notice, the City Comptroller shall commence the sale of said parcels of land and shall continue the sale from day to day until all have been sold.

D. If the City Comptroller shall be unable to attend the sale, the Deputy City Comptroller shall conduct the sale.

E. Affidavits of publication of all notices shall be recorded and filed each year in the office of the City Clerk and copies of such affidavits shall also be filed with the County Clerk. Such affidavits shall be presumptive proof of such publication in all the Courts of this State.

§ 6.23 PURCHASE FOR CITY; CERTIFICATE OF SALE

The purchasers shall pay the amounts of their respective bids to the City Comptroller immediately after each parcel shall be struck

off. In case a purchaser shall fail to pay the amount of his or her bid, as herein prescribed, the City Comptroller shall forthwith offer the parcel for sale again, and proceed as though it had not been struck off. Should there be no bid of the amount due on any lot or parcel of land to be sold, then the City Comptroller shall bid it in for the City. As soon as practicable after the sale, the City Comptroller shall prepare and execute in triplicate, a certificate of sale describing the parcel purchased by a brief general description of the location, stating the fact of the sale, the name of the purchaser, the sum paid, the amount due thereon at the time of the sale, the name of the person or persons against whom the tax was assessed, and the name of the reputed owner thereof. One of the duplicates shall be delivered to the purchaser, or in case the parcel was struck off to the City, then it shall be retained by the City Comptroller. The City Comptroller shall deliver the other duplicate certificate to the County Clerk who shall record and file it in the same manner as deeds are required by law to be indexed. The County Clerk shall be entitled to receive a fee for each certificate so filed and recorded, which fee shall be paid by the City Comptroller and shall be a part of the expenses of the sale of the parcel.

§ 6.24 PROCEEDS OF SALE

The proceeds of the sale of each parcel, other than those struck off to the City, shall be applied to the payment of the expenses of the sale as herein provided, and the extinguishment of the tax, penalty or interest for which it was sold. If there shall be any surplus, the City Comptroller shall hold it until the owner shall redeem it from the sale as herein provided, and the City Comptroller shall pay such owner the surplus. In all other cases, the City Comptroller shall hold the surplus until after the period of redemption shall have expired, and then the City Comptroller shall pay such surplus, and the person or persons entitled thereto shall be ascertained in the same manner and by the same proceedings as in the case of surplus on statutory foreclosure of a mortgage on real estate.

§ 6.25 REDEMPTION OF LANDS

The owner of, or any person interested in or having a lien upon, any parcel of real property sold for taxes may redeem the same from the tax sale at any time within two years from the day of sale and until and during the last day for redemption fixed by the notice published as hereinafter provided. He or she shall pay to the City Comptroller, for the use of the purchaser or his or her assigns,

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the sum mentioned in the certificate of tax sale with interest thereon at the rate of ten per centum per annum from the day of sale, together with any tax, assessment or water bill upon the parcel that the purchaser or his or her assigns may have paid between the day of sale and the day of redemption, with interest upon such tax, assessment, or water bill from the time of payment, and expenses of publishing any notice to redeem.

§ 6.26 PUBLICATION OF NOTICE

After the expiration of one year and nine months from the sale of real property for unpaid taxes, the City Comptroller shall place in the official newspaper of the City once in each of six successive weeks, a notice containing a list of the parcels of real property sold for taxes more than one year and nine months previously and not redeemed, describing each parcel in such notice as they were described in the notice of sale. The notice shall state the date of the tax sale, and the amount necessary for redemption calculated to the last day, and that unless the parcels of real property therein described are redeemed on or before a certain day, at least two years subsequent to the day of the tax sale and at least six weeks subsequent to the first publication of notice of sale, they will be conveyed to the respective purchasers at the tax sale. The publication of such notice shall bar and preclude any and all persons except the purchaser on such sales, or his or her heirs or assigns, from claiming any interest in or lien upon any parcel of real property described in such notice, or any part thereof, in case the same shall not be redeemed as herein provided on or before the last day for redemption stated in the notice.

§ 6.27 CONVEYANCE TO PURCHASER

If any parcel of real property sold at tax sale shall not be redeemed as herein provided, the City Comptroller, immediately after the expiration of the last day for redemption, shall execute and deliver to the purchaser, his or her heirs and assigns or to the City and its assigns, if the City is the purchaser, a deed of conveyance of the real property so sold, which deed shall contain a description of such parcel of real property and shall state the name of the reputed owner thereof at the time of the tax sale as it appears in the certificate of such sale. Such deed shall vest in the grantee an estate in fee, subject only to the lien, if any, of unpaid taxes, assessments or water bills thereon. The City Comptroller shall, at the time of the delivery of the deed, demand and receive from the purchaser of each parcel of real property so conveyed, except the City, the cost of publishing the notice to

redeem herein provided.

§ 6.28 EXECUTION AND RECORD OF DEED; PRESUMPTION OF REGULARITY

Every such deed of conveyance shall be executed by the City Comptroller under his or her hand and seal of the City and the execution thereof shall be acknowledged by him or her as provided by law so that said deed may be recorded. Every such deed shall be presumptive evidence that the sale and all proceedings prior thereto, from and including the assessment of the real property sold, were regular and in accordance with the provisions of law relating thereto and that all notices required by law to be given previously to the time allowed for redemption were duly given according to law. After two years from the date of such deed such presumption shall be conclusive.

§ 6.29 OBTAINING POSSESSION OF LANDS

The said grantee or his or her assigns or the City or its assigns, as the case may be, shall be entitled to have and possess the granted lands from and after the execution of such conveyance, and may cause the occupants of such lands to be removed therefrom and the possession thereof delivered to them, in the same manner and by the same proceedings and by and before the same officers as in the case of a tenant holding over after the expiration of his or her term without permission of his or her landlord.

§ 6.30 REFUNDING OF PURCHASE MONEY

Whenever any grantee under any sale shall be unable to obtain possession of the lands conveyed to him or her by reason of any error or irregularity in the assessment of any person or property, in the levying of a tax, or in any proceedings for the collection of any tax, the City Council shall refund to the purchaser the money so paid with interest, the same to be audited and paid as other City charges.

§ 6.31 CITY LAND EXEMPT FROM TAXES

After the City shall have acquired the title to any lands sold for taxes, such lands shall be exempt while owned by the City from all taxes including City School District taxes. Whenever a sale of any lands belonging to the City shall be made, the City Comptroller shall forthwith notify the Assessor thereof, and in case the sale shall be made before the first day of August, the Assessor shall

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add the same to the assessment roll.

§ 6.32 SALE OF LAND FOR UNPAID ASSESSMENTS AND WATER BILLS

Whenever any assessment, water bill, charge, or other lien upon real estate, except taxes, shall have remained unpaid beyond the period prescribed by law or ordinance, the City Comptroller shall forthwith proceed to advertise and sell the land upon which such lien exists in the same manner as in case of unpaid taxes and all the provisions of this Article as to such sales shall apply to sales under this Section.

§ 6.33 RECEIPT UPON REDEMPTION

In case of the redemption of any lands sold for taxes, as herein provided, by the person who was the owner thereof at the time of the sale, the City Comptroller shall give such owner a receipt for the amount paid by him or her to effect such redemption. On the production of such receipt by such owner to him or her, the County Clerk shall cancel the item on the certificate of sale.

§ 6.34 ENFORCEMENT OF DELINQUENT TAXES; ALTERNATE PROCEDURE

The procedure for the enforcement of the collection of delinquent taxes, assessments, water bills, and charges hereinbefore provided shall not be exclusive. The City may enforce tax liens pursuant to any procedures authorized by the Real Property Tax Law.

GENEVA CITY CHARTER

ARTICLE VII

OTHER CITY OFFICERS

§ 7.1 CITY CLERK

The City Clerk shall be appointed by the City Council and shall hold office for an indefinite term and may be removed by majority vote of the full membership of the City Council. The City Clerk shall be the Clerk of the City Council and shall perform such other duties as are prescribed by this Charter, the City Council or by law.

§ 7.2 POWERS AND DUTIES

The City Clerk shall:

1. Be the official custodian of all records and the official seal of the City.

2. Receive, file, and index all books and papers as required by law or by the City Council.

3. Upon request and payment therefor of a fee as prescribed by the City Council, make certified copies of all records and documents in his or her possession or under his or her control.

4. Be the Registrar of Vital Statistics.

5. Appoint the Deputy City Clerk and any other officers or employees of his or her office.

§ 7.3 DEPUTY CITY CLERK

The Deputy City Clerk shall be appointed by the City Clerk. The Deputy City Clerk shall:

1. Generally assist the City Clerk in the performance of his or her duties.

2. Serve as Deputy Registrar of Vital Statistics.

3. In case of absence, disability, or vacancy in the office of City Clerk, perform all of the duties and exercise all of the powers of the City Clerk.

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4. Perform such other and related duties as may be prescribed by the City Council.

§ 7.4 ACTING CITY CLERK

The City Manager may designate any officer or employee of the City to serve as Acting City Clerk in case of absence, temporary or otherwise, disability or vacancy in the office of City Clerk and the Deputy City Clerk is likewise not able to serve.

§ 7.5 CITY ATTORNEY; POWERS AND DUTIES

There shall be a City Attorney who shall be appointed by the City Council for an indefinite term, and may be removed by a majority vote of the full membership of the City Council. The City Attorney shall be an attorney and counselor of the State of at least three years standing. The City Attorney shall be and act as the attorney and counsel for the City Council, the City Manager, and all departments, officers, boards, commissions, and agencies of the City. The City Attorney shall upon request, furnish them with a written opinion on any question of law involving their respective powers and duties. The City Attorney shall appear for and protect the rights of the City in all actions, suits, or proceedings brought by or against it or any department, officer, board, commission or agency. The City Attorney shall have power with the approval of the City Council, to appeal from orders, decisions, or judgments in such cases, and to compromise and settle any claims by or against the City. The City Attorney shall prepare all local laws, ordinances, and resolutions, contracts, deeds and other instruments for the City except in such instances where special counsel has been retained to perform such duties and as otherwise provided by the Local Finance Law. Before the execution of any contract other than those prepared by special counsel, the City Attorney shall, at the expiration of term of office, deliver personally to his or her successor all records and files pertaining to the office, and the record or register of all suits or proceedings in which the City or any of its officers, departments, boards, commissions or agencies may be a party and all the papers pertaining to such suits or proceedings.

§ 7.6 EMPLOYMENT OF SPECIAL COUNSEL

The City Council may, upon the request of the City Attorney, employ bond counsel and other special counsel and experts at such compensation as may be authorized by the City Council to handle or

assist the City Attorney in difficult and unusual, or specialized matters or proceedings in which the City is interested or in which the City is a party. The City Council may employ the City Attorney as special counsel to perform such duties in such matters aforesaid which are not within the scope of his or her normal or usual employment.

§ 7.7 WRITTEN NOTICE REQUIRED TO MAKE CLAIM AGAINST CITY

No civil action shall be maintained against the City for damages or injuries to person 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 it appears that written notice of the defective, unsafe, dangerous or obstructed condition, or of the existence of snow or ice, was actually given to the Director of Public Works and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of, or to cause the snow or ice to be removed, or the place otherwise made reasonably safe. The Director of Public Works shall keep an indexed record, in a separate book, of all written notices which he shall receive of the existence of such defective, unsafe, dangerous or obstructed condition, or of such snow or ice, which 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 the notice is received. The record of notices shall be preserved for a period of five (5) years after the date it is received.

GENEVA CITY CHARTER

ARTICLE VIII

PUBLIC WORKS, ENGINEERING, WATER SUPPLY

§ 8.1 DEPARTMENT OF PUBLIC WORKS

There shall be a Department of Public Works which shall consist of the following divisions: streets and highways, water supply, sewage disposal, cemeteries, parks and playgrounds, and such other divisions as the City Council may authorize. There shall be a Director of Public Works who shall be the head of the Department of Public Works. The Director of Public Works may, with the approval of the City Manager, combine any of such divisions. The Department shall be responsible for (a) construction, maintenance, cleaning and repair of streets, highways, sidewalks, cemeteries, cemetery roads and driveways, water and sewer lines, storm sewers and drains, breakwaters and retaining walls, parking lots, municipal buildings and all other buildings, structures and works; (b) water supply and distribution, and sewage disposal systems; (c) collection and disposal of garbage, ashes, and refuse and supervision and control of private refuse collections and disposal; (d) maintenance of public parks and squares, playing fields and playground facilities and equipment; (e) house numbering, street lighting, and under the direction of the Chief of Police to install and maintain traffic control signals, signs and other traffic control devices, street signs and markings; (f) providing heat, light and janitor service for city buildings; (g) operation of central garage and fuel supply for the maintenance and repair of all City vehicles and equipment, except fire apparatus; (h) setting out, care and removal of street shade trees and shrubs, and mosquito control programs and such other similar and related duties as the City Council may prescribe.

§ 8.2 DIRECTOR OF PUBLIC WORKS

The Director of Public Works shall be appointed by the City Manager and shall be the head of the Department of Public Works. The Director of Public Works shall have had training and administrative experience in public works functions*. The Director of Public Works shall appoint all officers and employees of the Department in accordance with the provisions of the Civil Service Law and rules and regulations thereunder.

* Amended by Local Law #5-2000. Adopted by the City Council on December 19, 2000.

§ 8.3 ENGINEERING SUPERVISION

The Director of Public Works shall have charge of all engineering work of the City, unless consulting engineers are retained for such purpose. The Director of Public Works shall review all subdivision plans. The Director of Public Works shall be responsible for establishing street and sidewalk grades, and the planning and supervision of the construction of all sewer and water facilities. The Director of Public Works shall have custody of all maps and surveys of the City. The Director of Public Works shall have general supervision and control of all work performed under any contract of the City within or upon any of the streets, highways, parks, or other public places unless consulting engineers are retained for such purpose. All public work performed pursuant to contract under the supervision or control of the Director of Public Works shall, before it is accepted, be certified by him or her to the effect that such work has been performed in a good and substantial manner, with the materials required, and of the quality and in the manner directed by the terms of such contract. The Director of Public Works shall file such certificate of completion with the City Comptroller.

§ 8.4 STREET OPENINGS; PERMITS

The Director of Public Works shall be responsible for the supervision of the making of excavations in or under streets, highways, alleys, or other public places for ditches, trenches, tunnels, and vaults, the laying therein of water and sewer lines, wires, cables, and conduits, the erection of all poles in such streets, alleys or other public places and the use thereof for such purposes. The Director of Public Works shall be responsible for the supervision of the back-filling of such excavations and the restoration to normal conditions of such streets, highways, alleys or other public places. The Director of Public Works shall issue permits for such purposes under such rules and regulations and at such fees as the City Council shall establish for the entry upon or into any street, highway, alley or other public place by any person, firm or corporation, for the purpose of construction or repair. No person, firm, or corporation shall enter upon or occupy such street, highway, alley or other public place for any such purposes except at such times and in such manner as he or she shall prescribe. The Director of Public Works shall determine the manner and extent of posting of surety and the maintenance of proper signs and light in such permit area as will free the City of liability in the event of negligence on the part of the permittee.

§ 8.5 WATER, SEWER, RULES AND REGULATIONS

The Director of Public Works shall recommend for adoption by the City Council such rules and regulations for the use and protection of the water and sewer systems of the City as he or she deems appropriate. Water and sewer laterals connecting any building with a public water or sewer main shall be installed, maintained and repaired by the owners or occupants of such building on their property and up to the connection where the City shall be responsible. The City shall be responsible for the maintenance and repair of such laterals and other devices from the main to the first joint outside the property line of abutting property in case of sewers and up to and including the curb box for water service. However, the abutting owner or occupant shall be responsible for any blockage or stoppage of a sewer lateral for its entire length.

§ 8.6 REPAIR OF SIDEWALKS; SNOW, ICE REMOVAL

The Director of Public Works shall have authority: to require the owners of property abutting upon, or adjacent to, a public street to construct, repair or bring to true grade any sidewalk in front, side or rear of any such property; any such sidewalk shall be of concrete and the specifications therefor shall be determined by the Director of Public Works and he or she shall have authority to remove the snow and ice therefrom where the owner of any such property shall fail or neglect to remove snow or ice. Where the owner of any such property shall after due notice fail or neglect to construct, repair, or bring any sidewalk to true grade, the Director of Public Works, with the approval of the City Manager, may have such sidewalk constructed, repaired, or brought to grade and costs therefor shall be chargeable to said owner. Where the Director of Public Works has performed such work, he or she shall certify the cost of same to the City Comptroller who shall present to the owner a bill for the expenses incurred thereby. If the owner shall fail to pay such bills, the City Comptroller shall add the amount thereof to the tax on the property, and the same shall be levied, enforced, and collected in the same manner, by the same proceedings, at the same time, with the same penalties, and having the same lien upon the property, as City taxes. In addition thereto, the City Council shall have the power to provide for penalties including fine and imprisonment for violation of this Section.

§ 8.7 WATER BILLS; EARNINGS TO CITY

Water bills and penalties for non-payment for the sale of water to users both within the City and outside of the City shall be determined by the City Council. Such bills shall provide for differential for consumers outside of the City and shall provide a fair return on the value of the property used over and above costs of operation and reserves. Such bills shall be just, reasonable, and compensatory and shall be uniform for all consumers in the same class, but different bill schedules may be applied to different classes of consumers as determined by the City Council. Bills within the City may be less but shall be no greater than for the same class of services outside the City.

§ 8.8 DIVISION OF CEMETERIES

A. The maintenance of all City cemeteries presently in existence and those that hereafter may be established, whether within or without the corporate limits of the City, shall be under the care, management and control of the Division of Cemeteries.

B. The Director of Public Works shall appoint a Superintendent of the Cemetery Division in the manner provided by this Article. The Superintendent of the Cemetery Division shall be under the immediate supervision of the Director of Public Works and shall supervise the care, maintenance and control of all City cemeteries.

C. The City Comptroller, under the direction of the City Manager, shall be responsible for the custody of all cemetery trust funds, and shall have the authority to invest or reinvest the same in securities, legal for investment with the approval of the City Council of the amount and terms of such investment.

D. The City Manager shall have the power and duty of providing or the carrying out of existing cemetery trusts.

E. The Director of Public Works shall be responsible and shall have the power to promulgate rules and regulations for carrying into effect or fully administering the operation of all City cemeteries, subject to the approval of the City Manager, except that the price or charges for services, cemetery lots or other purpose, shall be determined by the City Council.

F. The City Manager shall execute all cemetery deeds upon the payment of the established price and shall not need the approval of

the City Council prior to execution of the same.

§ 8.9 BEQUESTS

The City may, with the approval of the City Council, take and hold, by gift, devise, bequest, lease, or otherwise, any real and personal property donated for the purpose of parks and cemeteries or for the establishment or maintenance thereon of objects of interest.

GENEVA CITY CHARTER

ARTICLE IX

PUBLIC SAFETY

§ 9.1 DIRECTOR OF PUBLIC SAFETY

The City Manager shall be the Director of Public Safety and shall coordinate all public safety and inspection functions performed by the Police Department and the Fire Department.

§ 9.2 CHIEF OF POLICE

The Chief of Police shall be appointed by the City Manager on the basis of his or her executive and administrative qualifications in the field of police science from the competitive class of civil service. The Chief of Police shall appoint and remove all other officers and employees of the Department subject to the provisions of the Civil Service Law and rules and regulations thereunder. The Chief of Police shall be the head of the Police Department, shall be in direct command, and shall assign all members of the Department to their respective posts, shifts, details, and duties. The Chief of Police shall make rules and regulations concerning the operation of the department, and the conduct, duties, and assignments of all officers and employees, which rules, and regulations shall first be approved by the City Manager. The Chief of Police shall be responsible for the efficiency, discipline, and good conduct of the Department and for the care and custody of all property used by the Department. Disobedience of the lawful orders of the Chief of Police or of the rules and regulations of the Department shall be grounds for dismissal or for other appropriate disciplinary action. The Chief of Police shall be responsible for the control of traffic, and the location of traffic control signals, signs, and other traffic control devices. The Chief of Police shall perform such other and related duties as may be assigned to him or her by the Director of Public Safety or the City Council.

§ 9.3 POLICE DEPARTMENT

The Police Department shall consist of the Chief of Police and such other officers and employees as the City Council may provide, and shall be organized into such divisions as the Chief of Police shall provide. The Department shall have jurisdiction, supervision, and control of all functions and duties customarily performed by a police department. Police officers shall have all

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the powers and authority conferred on them by the Criminal Procedure Law and all other general laws of the State in criminal and civil cases and proceedings in serving and executing all processes or papers on behalf of the City. They shall execute the orders and commitments of the City Court and they shall serve and execute all civil processes or proceedings issued and directed by any officer or court. They shall possess such other powers and perform such other duties as may be provided by the City Council or as may be assigned to them by the Chief of Police.

§ 9.4 VOLUNTEER FIRE DEPARTMENT; STATUS

Nothing in this Charter shall be construed to affect the organization, status, or property of the volunteer fire companies of the Geneva volunteer fire department.

§ 9.5 FIRE COMMISSION; POWERS

The City Council shall appoint three electors as members of the Fire Commission. Of those first appointed, one shall be appointed to serve a term of one year, one a term of two years, and one a term of three years. Each year thereafter, one member shall be appointed for a term of three years. Any vacancy shall be filled by the City Council for the unexpired portion of the term. Appointments to the Commission shall be made on the basis of nominations from each of the fire companies. The Fire Commission and the Fire Chief shall have charge of all the apparatus and property in the possession of the department.

§ 9.6 FIRE DEPARTMENT; FIRE CHIEF

The Fire Department shall consist of such volunteer companies as are presently constituted, a Fire Chief and other officers, a superintendent of fire alarm, and employees of the paid Department. The Fire Chief shall be appointed by the City Manager from the competitive class of civil service with the advice and approval of the Fire Commission and shall hold office subject to removal in accordance with the Civil Service Law. The Fire Chief shall appoint and remove such other paid officers and employees of the Department subject to the provisions of the Civil Service Law and rules and regulations thereunder. The Fire Chief shall be in command of the Department and the volunteer companies. The City Fire Department shall also comprise a sufficient number of volunteers to be organized into companies with the approval of the Fire Chief and the Fire Commission, provided, however, that any

member who has ceased to be a resident of the City may continue to be a member of the Volunteer Fire Department.

§ 9.7 FIRE PREVENTION

The Fire Chief shall be responsible for the development and administration of continuing programs of specialized fire training, fire prevention, school safety, fire control and communications, and mutual aid. The Fire Chief shall cooperate with State and federal agencies and the civil defense organization, and shall recommend to the City Manager, for adoption by the City Council, such codes and ordinances as may be required for the protection of lives and property.

GENEVA CITY CHARTER

ARTICLE X

PUBLIC HEALTH

§ 10.1 DEPARTMENT OF PUBLIC HEALTH

The Department of Public Health shall be responsible for environmental sanitation, water and sewage pollution abatement, air pollution abatement and all other matters customarily or by law the responsibility of a Department of Public Health.

§ 10.2 HEALTH OFFICER

The Health Officer shall be appointed by the City Manager for a term of four (4) years and shall be the head of the Department of Public Health. He or she shall be a physician and surgeon duly licensed to practice under the laws of the State of New York and shall possess such other qualifications as are prescribed in the Sanitary Code of the State of New York.

§ 10.3 POWERS AND DUTIES OF HEALTH OFFICER

The Health Officer shall have all the powers and duties and perform all the duties conferred upon or required of local Boards of Health by the laws of the State of New York and shall perform such other duties as may be prescribed by ordinance of the City Council. He or she shall appoint and remove all other subordinate officers and employees of the Department in accordance with the provisions of the Civil Service Law and rules and regulations adopted thereunder.

GENEVA CITY CHARTER

ARTICLE XI

RECREATION DEPARTMENT

§ 11.1 RECREATION DEPARTMENT

There shall be a Recreation Department which shall consist of the Director of Recreation and such other employees as the City Council shall provide. The Department shall be responsible for the control, development, operation and management of public playgrounds, swimming pools, recreation complex, gymnasiums; athletic fields, tennis courts and all public lands, equipment and facilities for recreation presently in existence or those which hereafter may be established.

§ 11.2 DIRECTOR OF RECREATION

The Director of Recreation shall be appointed by the City Manager on the basis of his or her experience in public recreation. The Director of Recreation shall be the head of the Department and shall appoint all employees in accordance with the provisions of the Civil Service Law and rules and regulations thereunder. The Director of Recreation shall have the supervision and management of all public facilities for recreational purposes and shall be responsible for the development of a balanced active recreation program for the inhabitants of the City. The Director of Recreation shall cooperate with other governmental agencies and civic groups in the carrying out of such programs.

§ 11.3 RECREATION ADVISORY BOARD

There shall be a Recreation Advisory Board which shall act in an advisory capacity to the Recreation Department and shall make recommendations concerning the recreation and youth programs. The Board shall consist of nine (9) electors who shall be appointed by the City Council. They shall be appointed for a term of three (3) years in staggered terms so that three (3) vacancies shall occur each year. They shall serve without compensation. The members of the Board shall be selected for their interest in comprehensive recreation, and adult and youth programs. At the beginning of each municipal year, the members shall select from among their members a chairman and a vice-chairman to serve until their successors are appointed. The Director of Recreation shall serve as the ex-officio secretary of the Board.

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§ 11.4 POWERS AND DUTIES OF RECREATION DEPARTMENT

The Recreation Department shall:

1. Coordinate and supplement the activities of public and private agencies devoted in whole or in part to the welfare and protection of youth in the City, and to undertake and promote activities and establish, maintain and operate projects devoted in whole or in part to providing leisure-time activities for youth or assistance to children.

2. Establish, maintain and operate programs devoted in whole or in part to the welfare of adults, and to coordinate and supplement the activities of public and private agencies devoted to such purposes.

3. Perform such other and related duties as provided by law or as may be assigned to it by the City Council.

GENEVA CITY CHARTER

ARTICLE XII

PERSONNEL ADMINISTRATION

§ 12.1 PERSONNEL OFFICER

There shall be a Personnel Officer who shall be appointed by the City Manager on the basis of training and experience in personnel administration in accordance with the Civil Service Law. **(Authority to administer Civil Service Law transferred to Ontario County Office of Human Resources by Local Law #3-1998- All charter provisions, local law or part of any local law in conflict herewith, specifically Article XII, Section 12.1 are hereby repealed).**

§ 12.2 SALARY PLAN

The City Manager shall be responsible for the preparation of a salary plan which shall be revised annually. Upon completion of the proposed salary plan or any revision, the City Manager shall submit the same to the Personnel Officer for his or her recommendations prior to final submission to the City Council. The City Manager shall submit to the City Council with the proposed annual budget the salary plan and any changes recommended by him or her and the Personnel Officer, for adoption in conjunction with the annual budget.

§ 12.3 VACATIONS, SICK LEAVE, BENEFITS

The City Manager shall be responsible for the preparation of provisions for vacations, sick leave, leaves of absence and other fringe benefits for department heads, other City officials and employees and any changes therein and shall submit the same to the Personnel Officer for his or her recommendations prior to submission to the City Council for final action and approval.

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ARTICLE XIII

PLANNING AND DEVELOPMENT

§ 13.1 DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

There shall be a Department of Planning and Economic Development. The Department shall be responsible for promoting the economic and orderly development of the City including planning; zoning, industrial, commercial and residential growth and development and to coordinate with governmental and non-governmental agencies the attraction and development of industrial facilities, commercial establishments and the enhancement of residential areas of the City and shall have such other related powers and duties as may be assigned to it by the City Council.

§ 13.2 DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT

There shall be a Director of Planning and Economic Development who shall head the Department of Planning and Economic Development. The Director shall be appointed by the City Manager on the basis of his or her training and administrative experience in the field of planning and economic development. The Director shall appoint all other officers and employees of the Department in accordance with the provisions of the Civil Service Law and rules and regulations thereunder.

§ 13.3 PLANNING BOARD

There shall be a Planning Board appointed by the City Council. The provisions of Article 3 of the General City Law shall apply to the powers, duties, organization and authority of the Planning Board except that:

1. The Planning Board shall consist of nine (9) members appointed by the City Council each for a term of three (3) years. One Councilor appointed by the City Council for a term of two (2) years shall act as a liaison officer between the City Council and the Planning Board. Such Councilor shall have the duty to attend all Planning Board meetings and report from time to time to the City Council. The Director of Planning and Economic Development shall serve as an advisor to the Planning Board and shall attend meetings of the Planning Board when so requested. Neither the Councilor nor the Director of Planning and Economic Development shall be deemed to be members of the Planning Board.

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2. The Planning Board shall appoint from its members a chairperson.

§ 13.4 REFERRALS TO PLANNING BOARD

Every resolution, ordinance or local law relating to or affecting the City comprehensive plan or the official map, or the establishment or change in the boundaries of or regulations governing any zoning district and such other matters as this Charter or the City Council by ordinance or local law shall require, shall be referred to the Planning Board for its recommendation. Final action shall not be taken on any such resolution, ordinance, local law or other matter until the Planning Board shall have reported thereon. However, if the Planning Board shall not file a report within forty-five (45) days after submission, or such other time as may be provided by ordinance or local law of the City Council, the City Council or other appropriate body or officer may proceed as though a report had been filed.

§ 13.5 CAPITAL PROGRAM

Each year the City Manager shall submit to the Planning Board a proposed six (6) year capital program. The Planning Board shall review the program, and shall make such recommendations as it deems advisable which the City Manager shall submit to the City Council with the tentative budget as provided in Article V. The capital program shall include a general summary of its contents; a list of all capital projects which are proposed to be undertaken with appropriate supporting information as to the order of priority of each project, cost estimates, the proposed method of financing, indicating the amounts from the capital improvement fund; amounts if any, to be received from the federal and/or state governments, and the amounts to be financed by issuance of obligations together with the period of probable usefulness of the proposed types of obligations, and the estimated annual cost of operating and maintaining the facilities to be constructed or acquired within each of the three fiscal years following completion of the project. As to each undertaking in process of construction or acquisition, the capital program shall be revised and extended to bring the above information up to date.

§ 13.6 ZONING BOARD OF APPEALS

A. There shall be a Zoning Board of Appeals appointed by the City

Council. The provisions of Article 5-A of the General City Law shall apply to the powers, duties, organization and authority of the Zoning Board of Appeals except as hereinafter provided.

B. The Zoning Board of Appeals shall consist of seven (7) members who shall be appointed by the City Council for a term of three (3) years. Any vacancies shall be filled by the City Council for the unexpired portion of the term. The Board shall serve without compensation.

C. The City Council shall designate the Chairperson thereof.

D. The Board shall have the powers and duties as prescribed in Article 5-A of the General City Law and other statutes of the State of New York. The Board shall determine its own rules and regulations as it deems necessary for the proper execution of its duties but such rules and regulations shall not conflict with nor have the effect of waiving or superseding any provision of this Charter or any ordinance or local law of the City.

§ 13.7 HISTORIC DISTRICTS COMMISSION

A. Creation; membership; appointments

There shall be a Commission called the Historic Districts Commission. The Commission shall consist of seven members appointed by the City Council. Members shall serve for staggered terms of office of three years as it is presently constituted. Before making appointments, the City Council shall request the Board of Trustees of the Geneva Historical Society for recommendations but the City Council is not required to accept any recommendations so made. A vacancy, except expiration of term, shall be filled for the unexpired term.

The members of the Commission shall serve without compensation.

B. Organization

The Commission shall annually appoint a Chairperson and Vice-Chairperson. The Chairperson shall preside over all meetings of the Commission. The Vice-Chairman shall perform the duties of the Chairperson in case of absence or disability of the Chairperson. All members shall be entitled to vote on any matter before the Commission. The Commission may adopt rules and regulations not inconsistent with this Charter or ordinance or local law of the

City Council.

C. Referral of building permits

1. All applications for building permits in an Historic District or Historic Building or Structure as determined by ordinance or local law of the City Council shall be referred to the Commission for review to determine the appropriateness using the standards or guidelines established by the City Council.

2. If the Commission determines that the proposed work meets the standards or guidelines, it shall issue a Certificate of Approval, otherwise, it shall deny same but may advise as to modification of the plans which may meet their approval and the applicant may resubmit his or her application in accordance therewith.

3. Building Permit

No building permit shall be issued without the required Certificate of Approval. Failure to act within forty-five days after submission of the application for a Building Permit shall be deemed to constitute approval unless the time for review is mutually extended by agreement of the applicant and the Commission.

4. Other Powers and Duties

The Commission shall have such additional and related powers and duties as may be assigned to it by the City Council.

D. Appeal to Zoning Board of Appeals

Any person or persons jointly or severally aggrieved by the decision of the Historic Districts Commission shall have the right to appeal to the Zoning Board of Appeals as provided by law.

No application for a variance or special use permit shall be entertained by the Zoning Board of Appeals until referral is made to the Commission as required by this Section and a report has been made by the Commission or the time to make such report has expired.

GENEVA CITY CHARTER

ARTICLE XIV

TRANSITIONAL PROVISIONS

§ 14.1 EFFECTIVE DATE OF CHARTER

This Charter having been approved by referendum in the manner provided by law, became effective January 1, 1974.

§ 14.2 OFFICES, BOARDS AND COMMISSIONS ABOLISHED AND CONTINUED

A. The Public Health Advisory Board, the Personnel Advisory Board and the Merit Award Board are hereby abolished.

B. All other offices, boards, commissions, agencies and positions of employment of the City shall continue until abolished, modified, or superseded by action of the City Council but subject to the provisions of this Charter.

§ 14.3 TRANSFER OF OFFICERS AND EMPLOYEES

Wherever by any provision of this Charter, any functions, powers, or duties heretofore exercised by an office, department, board, commission, agency or committee are assigned to another office, department, board, commission, agency or committee, all the officers and employees in the classified Civil Service, who at the time when this Charter shall take effect are engaged in the performance of such functions, powers, or duties shall be transferred to the office, department, board, commission, or agency to which such functions, powers or duties are assigned by this Charter without examination and without affecting existing compensation, pension or retirement rights, privileges or obligations of such officers and employees.

§ 14.4 TRANSFER OF POWERS

The powers which are conferred and the duties which are imposed upon any office, department, board, commission, or agency of the City by any laws of the State, or by any local law, resolution, ordinance, rule or regulation, shall, if such office, department, board, commission, or agency be abolished by this Charter, be thereafter exercised and discharged by the office, department, board, commission, or agency upon which are imposed corresponding or like powers, duties, and functions pursuant to the provisions of this Charter.

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§ 14.5 TRANSFER OF RECORDS AND PROPERTY

All records, property and equipment whatsoever of any office, department, board, commission, agency, or division, the powers and duties of which are assigned to any other office, department, board, commission, agency or division by this Charter, shall be transferred and delivered to the office, department, board, commission, agency or division to which such powers and duties are assigned.

§ 14.6 CONTINUITY OF AUTHORITY

All existing state, local and other laws or enactments having the force of law shall continue in force until lawfully amended, modified, superseded or repealed, either by this Charter or an enactment adopted subsequent to its effective date. Any 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 administrative unit responsible therefor under this Charter.

§ 14.7 PENDING ACTIONS AND PROCEEDINGS

No action or proceeding, civil or criminal, pending at the time when this Charter shall take effect, brought by or against the City or any officer, department, board, commission or agency, shall be affected or abated by the adoption of this Charter, or by anything herein contained; but all such actions or proceedings shall be continued notwithstanding that functions, powers, and duties of any officer, department, board, commission or party thereto may be assigned or transferred by this Charter to another officer, department, board, commission, or agency, but in that event the same may be prosecuted or defended by the head of the office or department to which such functions, powers and duties have been assigned or transferred by this Charter.

§ 14.8 EFFECT OF CHARTER ON EXISTING LAWS

A. The Geneva City Charter as enacted by Local Law No. 1 of the year 1962 as well as the Charter of the City of Geneva as enacted by Chapter 360 of the Laws of 1897, and as amended from time to time, were repealed by Local Law #1 of the year 1973.

The repeal thereof is not intended, however, to abrogate, diminish or abolish any rights, authority, privileges or immunities

accruing thereunder to the City of Geneva or any portion thereof or any of its inhabitants and any provisions of existing law incorporated into this new Charter shall not be deemed repealed but shall be construed as a continuation of such provisions, modified or amended as herein set forth, and not as new enactments.

B. All laws, ordinances, resolutions, rules and regulations, and parts thereof relating to or affecting the City when this Charter takes effect, to the extent to which they are inconsistent with the provisions of this Charter and no further, were repealed and superseded.

C. The following local laws enacted by the City of Geneva, having been superseded by this Charter, were repealed:

1. Local Laws Nos. 3, 4, 5 and 6 of the year 1925.
2. Local Law No. 1 of the year 1926.
3. Local Laws Nos. 1, 2, 3 and 4 of the year 1927.
4. Local Laws Nos. 1, 2 and 3 of the year 1928.
5. Local Law No. 1 of the year 1930.
6. Local Laws Nos. 1 and 2 of the year 1931.
7. Local Laws Nos. 1 and 2 of the year 1932.
8. Local Law No. 2 of the year 1933.
9. Local Law No. 1 of the year 1934.
10. Local Laws Nos. 1 and 2 of the year 1935.
11. Local Law No. 1 of the year 1936.
12. Local Law No. 1 of the year 1937.
13. Local Laws Nos. 1, 3 and 4 of the year 1938.
14. Local Laws Nos. 1 and 2 of the year 1939.
15. Local Laws Nos. 1, 2, 5 and 6 of the year 1940.
16. Local Laws Nos. 1, 2, 3, 7 and 8 of the year 1941.
17. Local Law No. 2 of the year 1942.
18. Local Law No. 1 of the year 1943.
19. Local Laws Nos. 3, 4, 5, 6 and 7 of the year 1944.
20. Local Laws Nos. 1, 2, 3, 4, 6, 7, 8, 10 and 11 of the year 1946.
21. Local Law No. 1 of the year 1948.
22. Local Laws Nos. 2, 3, 4 and 5 of the year 1950.
23. Local Laws Nos. 1, 2, 3, 4, 5, 6 and 7 of the year 1951.
24. Local Law No. 3 of the year 1952.
25. Local Laws Nos. 1, 2, 3, 4 and 5 of the year 1953.
26. Local Laws Nos. 1, 2, 3, 4, 5, 6 and 7 of the year 1954.
27. Local Law No. 2 of the year 1955.
28. Local Laws Nos. 1, 3 and 4 of the year 1956.
29. Local Laws Nos. 1 and 2 of the year 1957.

30. Local Law No. 1 of the year 1958.
31. Local Law No. 1 of the year 1959.
32. Local Laws Nos. 1 and 2 of the year 1960.
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37. Local Laws Nos. 1 and 2 of the year 1966.
38. Local Law No. 1 of the year 1967.
39. Local Law No. 1 of the year 1968.
40. Local Laws Nos. 1 and 2 of the year 1969.
41. Local Law No. 1 of the year 1970.

D. Local Law No. 1 of the year 1955 whereby the City of Geneva was included in the Ontario County Mental Health Board is not repealed even though it purports to amend the original City Charter.

E. The following special acts of the State Legislature, having been superseded by this Charter insofar as they apply to the "Charter of the City of Geneva" are hereby repealed:

1. Chapter 360 of the Laws of 1897.
2. Chapter 297 of the Laws of 1898.
3. Chapters 31, 405 and 614 of the Laws of 1899.
4. Chapter 296 of the Laws of 1901.
5. Chapter 557 of the Laws of 1903.
6. Chapters 461 and 462 of the Laws of 1905.
7. Chapter 330 of the Laws of 1907.
8. Chapter 361 of the Laws of 1908.
9. Chapter 323 of the Laws of 1909.
10. Chapter 560 of the Laws of 1910.
11. Chapter 391 of the Laws of 1911.
12. Chapter 288 of the Laws of 1916.
13. Chapter 373 of the Laws of 1917.
14. Chapter 534 of the Laws of 1919 except that it is not intended to diminish the existing City boundaries.
15. Chapter 505 of the Laws of 1921.
16. Chapter 441 of the Laws of 1922.
17. Chapters 41 and 673 of the Laws of 1923.
18. Chapter 98 of the Laws of 1930.
19. Chapter 839, § 20 of the Laws of 1945.
20. Chapter 750 of the Laws of 1946.
21. Chapter 34 of the Laws of 1951.
22. Chapter 143 of the Laws of 1966.

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F. The following special acts of the State Legislature having been incorporated in this Charter, are not intended to be repealed or superseded:

1. So much of Chapter 360 of the Laws of 1897 establishing the City of Geneva and its boundaries.
2. So much of Chapter 534 of the Laws of 1919 increasing the City boundaries.
3. Chapter 28 of the Laws of 1940.
4. Chapter 738 of the Laws of 1945.
5. Chapter 495 of the Laws of 1957.
6. Chapter 766 of the Laws of 1965.
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