

**A LOCAL LAW AMENDING THE ONEIDA CITY CHARTER TO CREATE THE OFFICE OF CITY MANAGER AND AMENDING THE CODE OF THE CITY OF ONEIDA SO AS TO ACCURATELY REFLECT THE DUTIES AND RESPONSIBILITIES OF THE CITY MANAGER**

**RESOLUTION 23-**

Moved by Councilor  
Seconded by Councilor

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled “A Local Law Amending the Oneida City Charter to Create the Office of City Manager and Amending the Code of the City of Oneida so as to Accurately Reflect the Duties and Responsibilities of the City Manager,” was presented and introduced at a meeting of the City of Oneida Common Council held on June 20, 2023; and

**WHEREAS**, a public hearing was held on such proposed local law on the 5th day of July, 2023 and continued until the 18<sup>th</sup> of July, 2023, by the Common Council of the City of Oneida and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard; and

**WHEREAS**, the enactment of the Proposed Local Law has previously been determined to be an unlisted action for purposes of environmental review under SEQRA, an environmental impact statement (EIS) was not required, and a negative declaration was issued on June 20, 2023 pursuant to the State Environmental Quality Review Act (SEQRA) determining that this action will have no significant effect on the environment thus concluding the SEQRA review process; and

**WHEREAS**, this local law is subject to a mandatory referendum pursuant to Municipal Home Rule Law § 23; and

**WHEREAS**, it is in the public’s interest to enact said Proposed Local Law.

**NOW, THEREFORE**, it is

**RESOLVED**, that the Common Council of the City of Oneida, Madison County, State of New York, pursuant to the Authority vested in it by law does hereby enact a Local Law amending the Oneida City Charter and the Code of the City of Oneida to create the office of city manager and delegate certain powers and duties to the city manager as follows:

**“A LOCAL LAW AMENDING THE ONEIDA CITY CHARTER TO CREATE THE OFFICE OF CITY MANAGER AND AMENDING THE CODE OF THE CITY OF ONEIDA SO AS TO ACCURATELY REFLECT THE DUTIES AND RESPONSIBILITIES OF THE CITY MANAGER**

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

Section 1. AUTHORITY.

This local law is enacted pursuant to New York State Constitution and New York Municipal Home Rule Law § 10.

Section 2. PURPOSE.

A full-time city manager has the education and experience required to administer the City of Oneida's operations and has expertise in managing departments and preparing budgets. A professional manager who understands how to motivate and evaluate staff will make the City of Oneida more responsive to citizens and better enable the City to hire and maintain qualified individuals.

Section 3. AMENDMENT OF THE ONEIDA CITY CHARTER ARTICLE XII

So that a new Article XII of the Oneida City Charter, titled "City Manager," shall be created to read, in its entirety, as follows:

"Section 12.1 City Manager; Appointment and qualifications.

The City Council by a majority vote of its total membership shall appoint a City Manager for an indefinite term and fix the City Manager's compensation periodically. The City Manager shall be an employee of the City. The City Manager shall be appointed solely on the basis of executive and administrative qualifications for the duties of the office. Prior to the appointment, the City Manager shall be qualified by at least five (5) years' management experience and must have a Bachelor's degree in business and/or public administration and/or substantially similar field. The City Manager need not be a resident of the City, but it is preferred.

Section 12.2 Removal.

The City Manager may be suspended or removed by a resolution approved by a majority of the whole number of the City Council which shall set forth the reasons for the proposed suspension or proposed removal. A copy of such resolution shall be served immediately upon the City Manager. The City Manager shall have fifteen (15) days in which to reply thereto in writing, and upon request, shall be afforded a public hearing, which shall occur no less than ten (10) days nor more than fifteen (15) days after such hearing is requested. After the public hearing, if one be requested, and after full consideration, the City Council by a majority vote of the whole number of the City Council may adopt a final resolution of suspension or removal.

Section 12.3 Acting City Manager.

By letter addressed and forwarded to the City Council and filed within thirty (30) days of their appointment and maintained on file or replaced from time to time with the City Clerk, the City Manager shall designate a City officer or employee to exercise the powers and perform the duties of the City Manager during the City Manager's temporary absence or disability.

The City Council may revoke such designation at any time and appoint another qualified individual to serve until the City Manager returns.

In the event of removal of the City Manager, the Acting City Manager shall serve in the role as City Manager until the City Council has appointed a new City Manager.

The Acting City Manager, when serving as City Manager, shall hold the same powers and duties of the City Manager.

#### Section 12.4 Powers and duties of the City Manager.

The City Manager shall be the chief executive officer and chief administrative officer of the City, and shall be responsible to the City Council for the administration of all City affairs placed in the City Manager's charge by or under this Charter and the Code of the City of Oneida. The City Manager shall:

- A. See that all laws, provisions of this Charter and the Code of the City of Oneida, acts of City Council, and all State laws subject to enforcement by City action, are faithfully enforced and executed;
- B. When necessary for the good of the service, suspend or remove any City employees and appointive administrative officers provided for, by or under this Charter, excepts as otherwise provided for by law, this Charter, or personnel rules adopted pursuant to this Charter. The City Manager may authorize any administrative officer subject to the City Manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;
- C. Appoint all officers of the City, including the City Engineer, the City Comptroller, the City Clerk, the City Attorney, the Assessor, the Acting City Judge, the Director of Parks and Recreation, the Director of Planning and Development, the Director of Code Enforcement, and the Commissioner of Public Safety, subject to the approval of the Common Council, and all other officers and employees of the City except as otherwise provided in this Charter or other provision of law.
- D. Have, exercise and perform all functions, powers and duties vested by state or local law or ordinance in the Chief Executive Officer and/or Chief Administrative Officer of the City, except as may be otherwise specifically provided by this Charter;
- E. Attend all meetings of the City Council with the right to take part in the discussions, including all Executive Sessions excepting discussions pertaining to the City Manager, but without the right to vote;
- F. Develop and implement a program of annual evaluation of all City employees for the purpose of maintaining and improving employee performance;
- G. 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;
- H. Whenever the interest of the City requires, temporarily assign any officer or employee of any department, agency, or office to perform similar duties in another department, agency, or office;

- I. With the assistance of the City Comptroller, prepare the current expense and revenue estimates for the annual budget in cooperation with department heads and compile the capital expenditures estimates for the annual budget;
- J. Study the governmental and administrative operations and needs of the City government and prepare and recommend to the City Council necessary and desirable plans and programs to meet present and foreseeable needs;
- K. Assign and transfer administrative functions, powers and duties among and within departments, as the best interest of the City may appear subject to the Charter, Civil Service, and local law;
- L. Delegate to department heads such power as may be deemed necessary for efficient administration;
- M. With the assistance of the City Comptroller, submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year;
- N. Communicate to the City Council, not later than its second regularly scheduled meeting after the beginning of his/her term of office, a general statement of the affairs of the City in relation to its finances, government and improvements, with such recommendations as they may deem proper;
- O. Upon approval of the warrants ordered by the City Council, they shall execute on behalf of the City, in coordination with the City Comptroller, all checks for payment; in addition, the City Manager shall, upon authorization by the City Council, execute any and all contracts and other such papers on behalf of the City;
- P. The City Manager or their designee shall be responsible for ensuring that all public records are kept by the appropriate department in accordance with New York State laws;
- Q. Subject to the jurisdiction and authority of the Public Safety Commissioner and department heads, as set forth in applicable City Code and City Charter provisions, the City Manager shall have the authority to investigate and to conduct hearings into the official conduct of all the City officers, departments, and agencies and have access to all records and papers kept by every City officer, department, and agency and 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 them; and
- R. Perform such other duties as are specified in this Charter or may be required by the City Council.”

Section 4. AMENDMENT OF THE ONEIDA CITY CHARTER ARTICLE III, SECTION 3.4

So that Section 3.4 of the Oneida City Charter, titled “Legislative Acts,” Subsection (A) is hereby amended so as to read, in its entirety, as follows:

“A. All of the legislative acts of the Common Council shall be by local law, ordinance or resolution. The passage of a local law shall be by an affirmative vote of at least a majority of the Councilmen then in office. The passage of resolutions and ordinances shall be by a majority of the total voting strength of the members of the Common Council present and voting. Amendments to the Zoning Ordinance shall be governed by the provisions of the General City Law. The Mayor shall be deemed a member of the Common Council for computing the vote upon local laws, ordinances or resolutions.

In acting upon legislative acts, the Common Council shall comply with the Municipal Home Rule Law and the Local Finance Law, in addition to the requirements imposed by this section or by any other provisions of law. No ordinance shall be passed by the Common Council on the same day it is introduced, except by unanimous consent of all of the Councilmen present at the meeting and at which at least 2/3 of all of the Councilmen then in office are present. A resolution may be passed by the Common Council on the same day it is introduced, unless otherwise provided by law.”

Section 5. AMENDMENT OF THE ONEIDA CITY CHARTER ARTICLE II, SECTION 3.0 [2.10]

So that Section 3.0 [2.10], titled “Procedure in the event of an extraordinary emergency,” Subsections E and F, of the Oneida City Charter are hereby amended to read, in their entirety, as follows:

“E. If any City officer except the Mayor, Councilor or Supervisor shall, from sickness, absence, suspension from office by the Common Council or from any other cause, be unable to discharge the duties of his office, in the event of or during such extraordinary emergency, the Common Council or if vacancies have reduced its membership to less than a majority then a majority of the remaining members of the Common Council shall appoint an individual to discharge such duties during such disability, and the person so appointed shall have and exercise all the powers and discharge all the duties and be subject to all of the provisions of law applicable to the officer whose place they shall supply or to the officer or the duties of the office at which they are appointed and shall receive such salary as shall be fixed by the members of the Common Council making such appointment.”

F. If the office of the Mayor and of all the Councilors shall from sickness, absence, suspension from office or from any other cause be vacated and there is no one to discharge the duties of the office of Mayor, in the event of and during such extraordinary emergency, it is hereby established the continuity of leadership which requires the office of Mayor to be filled at all times. Next in order of succession to the last Councilor for the purpose of acting as Mayor shall descend in the following order upon the following City officials dependent on their availability and presence in the City in the order named: City Manager, City Comptroller, City Attorney, Fire Chief and Police Chief.”

Section 6. AMENDMENT OF THE ONEIDA CITY CHARTER ARTICLE IV

So that Article IV, titled "Executive Department: City Mayor" shall be renamed "City Mayor" and shall be amended to read in its entirety as follows:

"Section 4.1. Mayor.

At each regular election a Mayor shall be elected for a term of two years. The Mayor shall be a member of the City Council and shall preside at meetings of the City Council, represent the City in intergovernmental relationships, appoint with the advice and consent of the City Council the members of citizen advisory boards and commissions, and perform other duties specified by the City Council. The Mayor shall be recognized as head of the city government for all ceremonial purposes and by the Governor for purposes of military law but shall have no administrative duties.

Section 4.2. Election and term of office.

The Mayor shall be elected and serve as specified in Article II.

Section 4.3. Duties of the Mayor, Deputy Mayor.

A. The Mayor shall have the power to hear and entertain any complaint against any appointees for misconduct or neglect of duty and to suspend such appointee until the next regular meeting of the City Council, when such complaint shall be investigated by it, and the appointee reinstated, removed or suspended for such additional time as it may deem just or proper.

B. The Mayor shall recommend to the City Council and to the City Manager, from time to time, such measures as he/she may deem necessary or expedient for the City Council to adopt in order to expedite or carry into effect any order, resolution, ordinance or act which it shall have passed.

C. The Mayor shall nominate, with the approval of the City Council, in a nonpartisan manner, the members of the Board of Assessment Review, the members of the Joint Zoning Board of Appeals/Planning Commission, the members of the Board of Water Commissioners, and all other boards, commissions, agencies, officers and employees of the City except as otherwise provided in this Charter or other provision of law.

D. The Mayor shall sign, when authorized by the City Council, all deeds to be executed as an act of the City, and shall sign appointments made to office by the City Council.

E. In case the Mayor shall be unable to perform the duties of the office in consequence of sickness, absence from the City or other cause, the Deputy Mayor shall preside at meetings and be vested with the powers and duties of the Mayor until the Mayor shall resume office or until the vacancy is filled.

Section 4.4. Powers of the Mayor.

A. The Mayor shall have the power within the City to administer oaths and take affidavits. Upon filing with the Clerk of Madison County a certificate under the seal of

the City, signed by the City Clerk, of his/her election and filing of oath, the Mayor may take proof and acknowledgment of deeds and other instruments.

B. The Mayor shall possess all the powers and authority conferred upon mayors of cities by any general statute of this state.”

Section 7. AMENDMENT OF THE ONEIDA CITY CHARTER ARTICLE V

So that Article V, titled “Budget and Financial Administration,” is hereby amended such that the reference to “Mayor” shall be replaced with the term “City Manager.”

Section 8. AMENDMENT OF THE ONEIDA CITY CHARTER ARTICLE VII

So that Article VII, titled “City Clerk,” is hereby amended such that the reference to “Mayor” shall be replaced with the term “City Manager.”

Section 9. AMENDMENT OF THE ONEIDA CITY CHARTER ARTICLE VIII

So that Article VIII, titled “City Attorney,” is hereby amended such that the reference to “Mayor” shall be replaced with the term “City Manager.”

Section 10. AMENDMENT OF THE ONEIDA CITY CHARTER ARTICLE IX

So that Article IX, titled “Department of Public Works,” is hereby amended such that the reference to “Mayor” shall be replaced with the term “City Manager.”

Section 11. AMENDMENT OF THE ONEIDA CITY CHARTER ARTICLE XI

So that Article XI, titled “Youth and Recreation,” is hereby amended such that the reference to “Mayor” shall be replaced with the term “City Manager.”

Section 12. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 13

So that Chapter 13, titled “Amusement Devices,” of the Code of the City of Oneida is hereby amended such that the reference to “Mayor” shall be replaced with the term “City Manager.”

Section 13. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 17

So that Chapter 17, titled “Animals,” of the Code of the City of Oneida is hereby amended such that the reference to “Mayor” shall be replaced with the term “City Manager.”

Section 14. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 33

So that Chapter 33, titled “Building Code Administration and Enforcement,” of the Code of the City of Oneida is hereby amended such that the reference to “Mayor” shall be replaced with the term “City Manager.”

Section 15. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 34

So that Chapter 34, titled "Buildings, Vacant, Abandoned, Unsafe and Collapsed," of the Code of the City of Oneida is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 16. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 40

So that Chapter 40, titled "Curfew," of the Code of the City of Oneida is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 17. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 49

So that Chapter 49, titled "Ethics, Code of," of the Code of the City of Oneida is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 18. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 85

So that Chapter 85, titled "Junkyards," of the Code of the City of Oneida is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 19. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 92

So that Chapter 92, titled "Mobile Homes and Mobile Home Parks," of the Code of the City of Oneida is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 20. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 104

So that Chapter 104, titled "Officers and Employees," of the Code of the City of Oneida is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 21. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 110

So that Chapter 110, titled "Parades," of the Code of the City of Oneida is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 22. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 112

So that Chapter 112, titled "Special Events," of the Code of the City of Oneida is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 23. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 122

So that Chapter 122, titled "Public Nuisance Abatement," of the Code of the City of Oneida is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 24. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 169

So that Chapter 169, titled "Taxicabs," of the Code of the City of Oneida is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."



Section 25. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 174

So that Chapter 174, titled "Trees," of the Code of the City of Oneida is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 26. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 180

So that Chapter 180, titled "Vehicles and Traffic," of the Code of the City of Oneida is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 27. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 190

So that Chapter 190, titled "Zoning," of the Code of the City of Oneida is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 28. MANDATORY REFERENDUM

Pursuant to Municipal Home Rule Law § 23(2)(e), this Local Law shall be submitted for approval to the electors of the City of Oneida at the next general City election to be held on November 7, 2023.

Section 29. VALIDITY & SEVERABILITY

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 30. EFFECTIVE DATE

This Local Law shall be effective upon filing with the office of the Secretary of State. Pursuant to Municipal Home Rule Law § 23, this Local Law is subject to a mandatory referendum and this may not be filed with the Secretary of State until a referendum has been conducted approving this Local Law."

and it is further

**RESOLVED**, that a proposition will be put before the voters at the General Election to be held on November 7, 2023, and the Clerk of said City is hereby authorized and directed to cause to be included in the Notice of the Election the following proposition which shall read as follows: "Shall the City of Oneida Local Law No. \_\_\_ of 2023, which creates the office of city manager and delegates certain powers and duties, currently held by the Mayor, to the city manager be approved?"

Councilor Szczerba  
Councilor Laureti

Councilor Rossi  
Councilor Kinville  
Councilor Pagano  
Councilor Simchik  
**MOTION CARRIED**