

LEGAL NOTICE
PUBLIC HEARING
City of Oneida

PLEASE TAKE NOTICE that a **PUBLIC HEARING** will be held at 6:30 pm on Tuesday, June 18, 2024, in Common Council Chambers, 109 N. Main Street, Oneida, NY on a proposed Local Law to amend the City Charter and the City Code regarding appointments by the Mayor.

PLEASE TAKE FURTHER NOTICE that the complete text of the Proposed Local Law may be viewed on the City's website www.oneidacityny.gov under Legal Notices and in the City Clerk's lobby.

PLEASE TAKE FURTHER NOTICE that any or all persons opposing said proposed Local Law may file a written notice thereto, with the City Clerk before such hearing or attend said hearing at the time and place specified.

PLEASE TAKE FURTHER NOTICE that any persons with special needs should contact the City Clerk one week prior to the hearing.

"A Local Law Amending the City Charter and the City Code Regarding Appointments By the Mayor

BE IT ENACTED by the Common Council of the City of Oneida as follows:

Section 1. AUTHORITY

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

Section 2. PURPOSE

The City of Oneida recently created the position of city manager. Under the creation of the position, the power to make certain appointments of board members and commission members was given to the city manager. However, because the city manager is not required to reside within the City of Oneida, they may be unfamiliar with individuals best fit to serve on such boards and commissions, such that it is more appropriate for the mayor to make such appointments. As reflected in the meeting minutes and recording of the public hearing considering the local law creating the position of city manager, the council recognized the difficulties the city manager may encounter appointing appropriately qualified individuals from within the community and clearly expressed an interest in reserving the power of appointment to the mayor. The purpose of this local law is to amend the City Charter and the City Code to allow for the mayor to make such appointments.

Section 3. AMENDMENT OF SECTION 5.26, "BOARD OF ASSESSMENT REVIEW," OF ARTICLE V, "BUDGET AND FINANCIAL ADMINISTRATION," OF THE CHARTER OF THE CITY OF ONEIDA

Subsection A of Section 5.26, "Board of Assessment Review," of Article V, "Budget and Financial Administration," of the City Charter shall be repealed and replaced with a new Subsection A, which shall read in its entirety as follows:

"A. There shall be a Board of Assessment Review appointed by the Mayor to consist of three members who shall be appointed in accordance with the Real Property Tax Law and shall have all the powers and duties prescribed therein. Each appointment shall be subject to the majority affirmative vote of the total voting power of the City of Oneida Common Council. Compensation for each member of the Board of Assessment Review shall be established by resolution of the Common Council."

Section 4. AMENDMENT OF SECTION 9.5, "BOARD OF WATER COMMISSIONERS," OF ARTICLE IX, "DEPARTMENT OF PUBLIC WORKS," AND SECTION 11.5, "RECREATION COMMISSION," OF ARTICLE XI, "YOUTH AND RECREATION," OF THE CHARTER OF THE CITY OF ONEIDA

Reference to "City Manager" in the following provisions of the City Charter shall be repealed and replaced with "Mayor":

- Section 9.5, "Board of Water Commissioners," of Article IX, "Department of Public Works"; and
- Section 11.5, "Recreation Commission," of Article XI, "Youth and Recreation."

Section 5. AMENDMENT OF SECTION 49-7, "BOARD OF ETHICS," OF CHAPTER 49, "ETHICS, CODE OF," OF THE CODE OF THE CITY OF ONEIDA

Subsection A of Section 49-7, "Board of Ethics," of Chapter 49, "Ethics, Code of," of the City Code shall be repealed and replaced with a new Subsection A, which shall read in its entirety as follows:

"A. Establishment; members; terms of office. There is hereby established a Board of Ethics consisting of the Mayor and four members to be appointed by the Mayor and shall serve without compensation and at the pleasure of the Mayor. Terms shall be for four years and staggered. (Initial member appointments shall be for one-, two-, three- and four-year terms, with subsequent four-year appointments.) A majority of such members shall be persons other than officers or employees of the City of Oneida."

Section 6. AMENDMENT OF SECTION 174-11, "MEMBERS," OF ARTICLE II, "SHADE TREE COMMISSION," OF CHAPTER 174, "TREES," OF THE CODE OF THE CITY OF ONEIDA

Reference to "City Manager" in Section 174-11, "Members," of Article II, "Shade Tree Commission," of Chapter 174, "Trees," of the City Code shall be repealed and replaced with "Mayor."

Section 7. AMENDMENT OF SECTION 172-2, "TRAFFIC SAFETY BOARD ESTABLISHED," OF CHAPTER 172, "TRAFFIC SAFETY BOARD," OF THE CODE OF THE CITY OF ONEIDA

Subsection B of Section 172-2, "Traffic Safety Board established," of Chapter 172, "Traffic Safety Board," of the City Code shall be repealed and replaced with a new Subsection B, which shall read in its entirety as follows:

"B. Each Traffic Safety Board member shall be appointed by the Mayor subject to the majority affirmative vote of the total voting power of the City of Oneida Common Council."

Section 8. AMENDMENT OF SECTION 190-45, "JOINT ZONING BOARD OF APPEALS/PLANNING COMMISSION," OF ARTICLE VI, "ADMINISTRATION AND ENFORCEMENT," OF CHAPTER 190, "ZONING," OF THE CODE OF THE CITY OF ONEIDA

Subsection A of Section 190-45, "Joint Zoning Board of Appeals/Planning Commission," of Article VI, "Administration and Enforcement," of Chapter 190, "Zoning," of the City Code shall be repealed and replaced with a new Subsection A, which shall read in its entirety as follows:

"A. Administrative/general provisions.

- (1) Establishment of Joint Board. The City of Oneida Joint Zoning Board of Appeals/Planning Commission is hereby established in order that the objectives and competent administration of this chapter and Chapters 143 and 155 of the Code of the City of Oneida may be fully and equitably achieved.
- (2) Appointment of members. The Mayor shall appoint seven members to the Joint Zoning Board of Appeals/Planning Commission. The initial appointments to the Joint Board shall be such that the term of one member shall expire each consecutive year. Thereafter, members of the Joint Board shall be appointed by the Mayor, with each appointment subject to the majority affirmative vote of the total voting power of the City of Oneida Common Council, for a term of seven years from and after the expiration of each initial term of office.
- (3) Chairperson. The Mayor shall annually appoint one of the members of the Joint Zoning Board of Appeals/Planning Commission to act as Chairperson to preside at all meetings and hearings, to supervise the affairs of the Joint Board and to fulfill the customary functions of that office.
- (4) Secretary. A secretary of the Joint Zoning Board of Appeals/Planning Commission shall be designated by the Mayor on an annual basis. The secretary shall keep minutes of all of the Joint Board's proceedings, showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact and shall also keep records of all of the Joint Board's official actions."

Section 9. VALIDITY AND SEVERABILITY

Should any section or provision of this Law be deemed invalid or unconstitutional, such decision shall not be held to invalidate or impair the validity, force or affect any other provision of this Law.

Section 10. EFFECTIVE DATE

This Local Law shall be effective upon filing with the office of the Secretary of State."

SANDRA LAPERA

CITY CLERK

June 5, 2024