

Council Members Johnson, Anane, Farrell, Hoey, and Romero with the Support of Council President Ellis introduced the following:

LOCAL LAW A OF 2022 (As Amended 04/04/2022)

A LOCAL LAW AMENDING SECTION 301 OF THE CHARTER OF THE CITY OF ALBANY IN RELATION TO APPOINTMENTS OF DEPARTMENT HEADS UPON COMMENCEMENT OF A NEW TERM

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

Section 1. Section 301 (Mayor's Powers and Duties Generally) of Article III (Executive Branch) of the Charter of the City of Albany is amended to read as follows:

(c)

(1) The Mayor shall have sole authority to appoint and remove all nonelected City department and office heads, who shall serve at the pleasure of the Mayor. Effective January 1, 2007, the Mayor's authority to appoint all nonelected City department heads (Department of Water and Water Supply, Department of Assessment & Taxation, Department of Youth & Workforce Services, Department of General Services, Department of Recreation, Department of Development & Planning, Albany Police Department, Albany Fire Department, Department of Administrative Services, Department of Law, Department of Public Safety, and such other departments that are created from time to time) shall be subject to the advice and consent of the Common Council. This advice and consent authority shall be applicable to new appointments after January 1, 2007, only. The Common Council must either confirm or reject any such appointment within 45 days of the Mayor's filing of a written notice of appointment with the City Clerk. In the event the Common Council fails to timely approve or disapprove the appointment, the appointment shall be deemed confirmed. In the event the Common Council timely rejects the appointment, the Mayor shall make a new appointment for such position, which shall also be subject to confirmation pursuant to the above procedure.

(i) The Mayor, within 30 days of commencing a term new or successive, shall either appoint new non-elected City department heads or re-appoint all current nonelected department heads and put forth the names of such appointees before the Common Council following procedure described above.

(ii) In the event that a previous department head is not confirmed, their employment is terminated effective the date of the rejection by the Common Council.

(iii) Notwithstanding any provisions of State law, a previously-confirmed department head may remain in their positions until such department head is confirmed or not confirmed in accordance with subparagraphs (i) and (ii) of this paragraph.

Matter in ~~strikethrough~~ to be deleted. Matter underlined is new material.

Section 2: This local law shall take effect upon final passage, public hearing, mandatory referendum, and filing with the Secretary of State.

**APPROVED AS TO FORM THIS
28TH DAY OF MARCH, 2022**

Corporation Counsel

To: Danielle Gillespie, City Clerk

From: John-Raphael Pichardo, Esq., Research Counsel

Re: Common Council Legislation
Supporting Memorandum

Date: January 27, 2022

Sponsor: Council Members Johnson, Anane, Farrell, Hoey, and Romero, with the support of Council President Ellis

LOCAL LAW A of 2022 (*As Amended 03/28/2022*)

TITLE

A LOCAL LAW AMENDING SECTION 301 OF THE CHARTER OF THE CITY OF ALBANY IN RELATION TO APPOINTMENTS OF DEPARTMENT HEADS UPON COMMENCEMENT OF A NEW TERM

GENERAL PURPOSE OF LEGISLATION

This local law amends the Charter of the City of Albany by requiring every 4 years that the Mayor is elected, the Department Heads must be reconfirmed by the Common Council.

FISCAL IMPACT(S)

None.