

**Council Member Conti introduced the following, which was approved:**

**LOCAL LAW S OF 2021**

**A LOCAL LAW AMENDING THE CITY OF ALBANY CHARTER IN RELATION TO THE DEFINITION OF BUDGETED FUNDS**

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

**Section 1.** Subsection (D) of Section 604 of the Charter of the City of Albany is amended by adding a new paragraph (c) to read as follows:

(c) For the purposes of this subsection, the term “budgeted funds” shall mean: funds included in the adopted budget pursuant to subsection (B) of this section; additional fund transfers to the general fund under this subsection; or any transfer of funds from an unappropriated fund balance.

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

**APPROVED AS TO FORM THIS  
6TH DAY OF DECEMBER, 2021**

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**Corporation Counsel**

## Supporting Memorandum

### Local Law S of 2021

**Sponsor(s):** Council Member Conti

**TITLE:** A LOCAL LAW AMENDING THE CHARTER OF THE CITY OF ALBANY IN RELATION TO THE DEFINITION OF BUDGETED FUNDS

**PURPOSE:** To define the term “budgeted funds” as it relates to the transfer of funds after the adoption of the annual operating budget subject to Common Council approval.

**SUMMARY:** Defines “budgeted funds” to mean: funds included in the adopted budget; additional fund transfers to the general fund by E&A; or any transfer of funds from an unappropriated fund balance.

**JUSTIFICATION:** When adopted in 1998 and further amended in 2008, the Albany City Charter enhanced the budget authority of the Common Council including authority to authorize certain “budgeted fund” transfers after adoption of the original budget. The Charter refers to the transfer of “budgeted funds” but does not define the term. Once the annual budget has been adopted by the Common Council, amendments and resultant fund transfers can be made by the Board of Estimate Apportionment. Logically, these fund transfers than become “budgeted funds” and should be subject to prior Common Council authorization where otherwise specified in the Charter. There has been some dispute as to what “budgeted funds” means, the purpose of this local law is to define “budgeted funds” so as to include transfers made through the E&A process.

**FISCAL IMPACT:** None

**EFFECTIVE DATE:** Upon final passage, public hearing, filing with the Secretary of State.

**Passed by the following vote of all the Council Members elected voting in favor thereof:**

*Local Law S of 2021 was co-sponsored by Council Members Anane, Balarin, Doeschate, Farrell, Flynn, Frederick, Hoey, Johnson, Kimbrough, Love, O'Brien, and Robinson*

Affirmative – Anane, Balarin, Conti, Doeschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough, Love, O'Brien, and Robinson

Affirmative 15 Negative 0 Abstain 0

\_\_\_\_\_  
Clerk of the Common Council

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President of the Common Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

I, Danielle Gillespie, City Clerk and Clerk of the Common Council, do hereby certify that Local Law S of 2021 was passed at a meeting of the Albany Common Council on December 20, 2021.

In Affirmation thereof, I hereto set my hand and affix The Seal of the City of Albany this \_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
Clerk of the Common Council