

Council Member Conti introduced the following, which was approved:

Local Law T of 2021

A LOCAL LAW AMENDING THE CITY OF ALBANY CHARTER IN RELATION TO THE COMPOSITION OF THE BOARD OF ESTIMATE AND APPORTIONMENT

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

Section 1. Section 606 of the Charter of the City of Albany is amended by to read as follows:

There shall continue to be a Board of Estimate and Apportionment which shall consist of the Mayor, Comptroller (Chief City Auditor commencing January 1, 2010), President of the Common Council, Treasurer and the [~~Corporation Counsel~~] President Pro Tempore of the Common Council or their designees. Except to the extent inconsistent with the Charter, the Board shall exercise the functions as presently set forth in the Code of the City of Albany or as subsequently created, modified or repealed by a duly enacted local law and the functions otherwise authorized by state law.

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**

Corporation Counsel

Supporting Memorandum

LOCAL LAW T OF 2021

SPONSOR(S): Council Member Conti

TITLE: A LOCAL LAW AMENDING THE CITY OF ALBANY CHARTER IN RELATION TO THE COMPOSITION OF THE BOARD OF ESTIMATE AND APPORTIONMENT

PURPOSE: To provide the Common Council with representation on the Board of Estimate and Apportionment.

JUSTIFICATION: Under the current City Charter, the Mayor submits to the Common Council for review and approval a budget for the financing of city government. Once a budget is adopted, it may from time to time need to be revised. Some of these revisions may be routine administrative revisions, others may relate to policy that impact government programs and objectives. Under the charter, the City of Albany uses an archaic mechanism called the Board of Estimate and Apportionment to revise the budget after its adoption by the Common Council. This mechanism has its roots in the NYS Second Class Cities Law adopted in 1906. The current Board is comprised of the Mayor, City Auditor, Treasurer, Common Council President and Corporation Counsel. Four of these five positions are elected officials, the Corporation Counsel is a department head appointed by the Mayor. This Board has the authority to make budget adjustments without the involvement or review (except in limited instances) of the Common Council.

A basic flaw in the current E&A process is that the Common Council, which is the policy making body that reviews, has the authority to revise, and approves the budget is not involved in any policy related revisions (except in limited instances) that are subsequently made after final adoption. This is a breakdown in the checks and balances central to government. While the Common Council President is a member of E&A, that position is of a separately elected city-wide official who presides over the Council but has no direct role in Council deliberations or legislative actions. Since the Council President is not selected by members of the Council, the Council President is not accountable to or bound to represent the Common Council and its legislative actions. In addition, under the NYS Second Class Cities Law, the Council President is not defined as a member of the Council.

Under its current composition, the membership of the Common Council is the only elective entity not represented on E&A, and the Corporation Counsel as an appointed official is the only non-elected member of the body. In replacing the membership of the Corporation Counsel on E&A with the Council's President Pro Tempore (or designee), a position filled by members of the Common Council, and which serves at the pleasure of the Common Council, the Common Council would have direct representation on E&A and have a role in their deliberations and E&A would become a board fully comprised of elected officials, which arguably is more appropriate, vs. including a non-elected mayoral appointee.

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 T of 2021 was co-sponsored by Council Members Anane, Balarin, Doeschate, Farrell, Flynn, Frederick, Hoey, Igoe, 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

President of the Common Council

Mayor

Date

I, Danielle Gillespie, City Clerk and Clerk of the Common Council, do hereby certify that Local Law T 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