

## LOCAL LAW # 1 - 2020

### LOCAL LAW AMENDING THE CHARTER FOR THE CITY OF JOHNSTOWN

BE IT ENACTED by the Common Council of the City of Johnstown, New York, as follows:

**Section 1.** Article 6, Section C-6.0, Water Department, of the City of Johnstown Charter is hereby amended to read in its entirety as follows:

There shall be a Water Department, which shall be under the direction and control of the Common Council, and, in that capacity, shall be known as the Water Board.

**Section 2.** Article 6, Section C-6.1, Organization of the Water Board, of the City of Johnstown Charter is hereby amended to read in its entirety as follows:

(1) The Mayor shall preside at any meetings of the Water Board and, in that capacity, shall maintain the same duties, powers, and authorities as provided for in Article 3, Section C-3.0 of the City Charter.

(2) Meetings of the Water Board shall occur as provided for in Article 3, Section C-3.2(4) of the City Charter.

(3) Rules of procedure of the Water Board shall be as provided for in Article 3, Section C-3.2(5) of the City Charter.

(4) Quorum and voting procedures of the Water Board shall be as provided for in Article 3, Section C-3.2(6) of the City Charter.

**Section 3.** Article 6, Section C-6.2, Water Superintendent, of the City of Johnstown Charter is hereby removed.

**Section 4.** Article 6, Section C-6.3, Clerk of the Water Board, of the City of Johnstown Charter is hereby amended to read in its entirety as follows:

(1) The City Clerk shall fulfill the following duties of the Clerk of the Water Board: keep a record of the proceedings of each meeting of the Water Board; issue permits and orders; and perform all other duties prescribed by the Water Board for the City Clerk.

(2) The City Treasurer shall fulfill the following duties of the Clerk of the Water Board: collect all water rents and charges; keep records of all the books and accounts of the Water Board; invest all Water Department funds in such a manner as to gain maximum advantages to the Water Department; collect all sewer rents assessed by the City; and maintain records of sewer rent accounts.

**Section 5.** Article 2, Section C-2.0, City officers, of the City of Johnstown Charter is hereby amended to remove reference to the members of the Water Board. Section C-2.0 reads in its entirety as follows:

The elected officers of the City shall be a Mayor, a Council member-at-large, one (1) Council member for each of the four (4) wards, a City Court Judge, and a City Treasurer.

**Section 6.** Article 2, Section C-2.1(2), Manner of choosing elected City officers, of the City of Johnstown Charter is hereby amended to remove reference to the members of the Water Board. Section C-2.1(2) reads in its entirety as follows:

(2) The Mayor, Council member-at-large, City Treasurer, and City Court Judge shall be elected by ballot by the qualified electors of the City.

**Section 7.** Article 2, Section C-2.2, Terms of office, of the City of Johnstown Charter is hereby amended to remove subsection (3) referring to the terms of office of the members of the Water Board. Section C-2.2 reads in its entirety as follows:

(1) The term of office of the Mayor, Council member-at-large, Council members, and City Treasurer shall be four (4) years.

(2) The term of office of the City Court Judge shall be as provided in the Uniform City Court Act.

**Section 8.** Article 2, Section C-2.4, Eligibility, of the City of Johnstown Charter is hereby amended to read in its entirety as follows:

(1) No person shall be eligible to serve as an elected officer unless at the time of the election the individual is a resident elector of the City. Council members shall also be residents of the ward from which they are elected. Whenever any elected officer shall cease to be a resident of the City, the office shall become vacant, and whenever any Council member shall cease to be a resident of the ward from which they were elected, the office shall become vacant.

(2) All elected officers shall be duly qualified pursuant to the requirements of the Public Officers Law. The City Court Judge shall satisfy the requirements of the Uniform City Court Act.

(3) No elected officer shall at the same time hold more than one (1) salaried office except as otherwise provided by this Charter, but a Commissioner of Deeds may also hold any other City office.

**Section 9.** Article 2, Section C-2.6 Vacancies, of the City of Johnstown Charter is hereby amended to remove subsection (3) referring to a vacancy on the Water Board. Section C-2.6 reads in its entirety as follows:

(1) If a vacancy shall occur, other than by expiration of term, in any elected office of the City, the Common Council shall appoint a person to fill such vacancy until the end of the official year in which said vacancy occurs. If the term of office of the officer vacating the office continues beyond the official year in which such vacancy occurs, a person shall be elected at the next general election after the occurring of such vacancy to fill such vacancy for the remainder of the unexpired term.

(2) A vacancy in the office of City Court Judge shall be filled pursuant to the Uniform City Court Act.

**Section 10.** Transfer of rights and obligations. All property, real and personal, rights, powers, privileges, and contracts at the time of the effective date of this Local Law that is possessed, owned, occupied, exercised, and enjoyed by the Water Board are hereby transferred to, vested in and imposed upon the Common Council and the City of Johnstown. All contracts, rates, charges, ordinances, rules and regulations of the Water Board in force and effect at the time of adoption of this Local Law shall remain valid and effectual as ordinances, contracts, rates, charges, rules and regulations of the Common Council until repealed, modified or changed, subject, however, to the provisions of this Local Law, and the rights and privileges of all persons or parties that may have arisen or accrued under, pursuant to, or by reason of any such contract, ordinance, rule or regulation, rates and charges, or otherwise, as well as any liabilities that may have arisen by reason thereof, shall remain and be the same under this Local Law as they would have been had this Local Law not been passed.

**Section 11.** Mandatory Referendum. Pursuant to Municipal Home Rule Law §§ 10(1)(c)(1), 23(1), and 23(2)(e-f) upon adoption of this Local Law, it shall be subject to a mandatory referendum to be on the ballot for the general election to be held on November 3, 2020, which is no less than *sixty* days after the adoption of this Local Law. Public notice of the referendum will be made in accordance with law.

**Section 12.** Ballot Abstract. This Local Law shall be placed on the ballot of an election as provided for herein and the question on the ballot shall read as follows: "Shall the City of Johnstown abolish the City of Johnstown Water Board and transfer its powers and duties to the Common Council in accordance with Local Law No. I of 2020?"

**Section 13.** Severability Clause. If any part of this local law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this local law. The Common Council of the City of Johnstown hereby declares that it would have passed this local law and each section and subsection thereof, irrespective of the fact that any one or more of these

sections, subsections, sentences, clauses, or phrases may be declared unconstitutional or invalid.

**Section 14.** Effective Date. This local law shall be effective immediately upon filing with the New York Secretary of State and after approval by a majority of qualified voters.