Our local League members voted to study the Oneonta City Charter in May 2007. The following spring, a small committee was formed to learn how our City’s government functions, including the roles of our Common Council, Mayor, Boards, Commissions and Committees, as well as the City’s Charter.

What is the City Charter vs. the City Administrative Code?

CHARTER is the document which delineates the legal boundaries of the city, defines its organization, powers, functions and procedures. Generally: composition of city council, various departments, procedure for assessment & collection of taxes. It's comparable to the State Constitution and to the Constitution of the United States.

CODE is the official collection or compendium of laws, rules or regulations of the city consolidated and classified according to subject matter. It includes provisions that implement sections of the charter. Code provisions tend to reflect ongoing needs, and tend to be less permanent than charter provisions.

Charter = frame of house  Code = sheet rock, insulation and siding
- The charter is, therefore, the most important single law of any city.
- It provides the basis for most municipal regulatory functions and delivery of municipal services.
- A good charter should provide a clear distribution of the powers of city government, and clear descriptions of the duties and powers of municipal officials. [per Dept of State]
- Dept of State also notes that many older charters (pre-1960’s) were written to include details of city operations, because of concerns about home rule powers being infringed upon by the state. Now that home rule is more securely established, charters can be used to delineate basic powers and structure, while details of operation are spelled out in an administrative code.

Home rule & scope of authority

Municipal home rule law gives cities power to adopt or amend local laws in relation to their “property, affairs or government” – as long as they’re not inconsistent with the provisions of the Constitution or with any general law, and

Adopt or amend laws not inconsistent with the Constitution or any general law relating to several specifically enumerated subjects, whether or not these subjects relate to the “property, affairs or government” of cities.
Numerous small revisions have been made to the charter over the years. In the mid-1970’s, Mayor Jim Lettis appointed a charter review commission, which made some recommendations. A referendum was held on those recommendations, and the voters rejected them.

**Definition of Common Council:**

The Charter defines the CC as “the Mayor and Aldermen of the City” together. However, throughout the document, the Mayor is referred to separately within some duties and responsibilities of the Council, when the Mayor is by definition as much a part of the CC as the Aldermen.

Example: Written notice of dangerous, unsafe conditions of streets, sidewalks, buildings, etc. needs to be given to the Mayor or Common Council, (5.1) which can be interpreted to mean the Council is the Aldermen only

- The Mayor, or the Acting Mayor in his absence, is the presiding officer at all Council meetings. Each member shall have a vote except the Mayor, who shall have only a casting vote when the votes of the other members are tied.
- The Common Council shall determine the result applicable to its own proceedings and be judge of the qualifications of its own members, and have power to compel the attendance of absent members from time to time, and to prescribe the duties of all the officers and persons appointed by them to any place whatever, subject to the provisions of this Charter
- Legislative powers are given to the Council, to enact and enforce any ordinance or resolution, for any local purpose pertaining to the government of the city and the management of its business, the protection of the business and property interests; and have the powers of legislation by ordinance, local law or resolution, management and control of the finances, and the property, real and personal belonging to the City

**B. Mayor**

We are often thought of as having a Weak Mayor – Strong Council system, but it may be that our government functions with a combination of both the Strong and Weak Mayor – Council system, as they are defined and described by NYCOM. The City of Oneonta Charter currently says the Mayor shall be the Chief Executive Officer of the City and gives him/her the following duties:

1. To see that the laws of the State and the ordinances, local laws and resolutions passed by the Common Council are faithfully executed
2. To sign all contracts made by the City
3. Shall be the presiding officer of the C.C.
4. Shall appoint all standing committees thereof
5. Shall have power and authority to call out and command the police and firemen of the City whenever deemed necessary in his/her discretion
6. Authorized to take action necessary for the prevention or suppression of public disturbances, mobs, riots, etc.
7. Shall be is/her duty to exercise a constant supervision and control over the conduct of all City Officers
8. He shall have the power and authority to examine, at all times, the books, vouchers and papers of any officer or employee of the City, and to take and hear testimony
9. Shall be the duty of the Mayor to communicate to the Common Council as soon after the election as practicable and as often thereafter as he may deem expedient, a general statement of the affairs of the City in relation to its finances, government and improvement, with such recommendations as is deemed proper, a State of the City

C. Common Council
1. Act upon committees when appointed by the Mayor or Council
2. report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty
3. aid in maintaining peace and good order in the City, and perform or assist in performing all such duties as are by this act enjoined upon Aldermen of the City separately or upon the Council thereof
4. And, importantly, the Aldermen of each ward shall be fence viewers.

D. Committees

The City website presently lists 23 commissions, boards, committees and task forces in the City of Oneonta. Members of these groups are appointed by the Mayor as Officers of the City with consent of the Common Council. All members of the commissions, boards, and committees serve without pay. No commission, as per the City of Oneonta Charter, may be wholly comprised of persons having the same political party. Each commission selects its own chair. Members of the task forces and ad-hoc committees are appointed by the Mayor with no Common Council approval needed.

At each CC meeting, reports are heard from the Building and Technology Committee, Finance and Operations Committee, Intergovernmental Affairs Committee, Personnel Committee, Public Works Committee, and Board of Public Safety. The members of these 5 committees above are comprised solely of Aldermen. These are the committees that bring actionable legislation to the CC. The list of these committees’ members, and the days and times of these meetings are available on the website in its entirety.

E. Issues of Concern and Confusion

A city charter is intended as THE basic document that defines the organization, powers, functions and essential procedures of city government. Overall, the existing Oneonta City Charter, as amended, is confusing and not user-friendly. A few examples:

1. The Common Council is given the power to pass local laws, ordinances and resolutions. Nowhere does the Charter explain the differences among the intended uses or applications of these 3 legal structures. While it explains in some detail the processes and procedures for drafting and passing ordinances, it is silent regarding the same thing for local laws and resolutions.
2. While the powers of the Mayor are not clearly defined, the Charter is quite clear on the circumstances under which an Acting Mayor may discharge the powers and duties of the Mayor... “If, as a result of an attack, actual or imminent, or series of attacks by an enemy or a foreign nation upon the United States, causing, or which may cause, substantial damage or injury to civilian property or persons in the City of Oneonta in any manner by sabotage or by the use of bombs, shellfire, or atomic, radiological, chemical, bacteriological or biological means or other weapons or processes, or if as a result of a natural or peacetime disaster...”.

3. “The Aldermen of each ward shall be fence viewers and shall possess all the powers and authority, in respect to division fences or walls in their ward which are given to law by fence viewers of towns with respect to division fences and shall be entitled to receive the same fees as fence viewers of towns.”

   Some Internet research reveals that the position of town fence viewers was first created in New England the mid 1600s. Its intent was to settle disputes and claims for damages arising from one person’s livestock passing on to another farmer’s cropped fields.

   In this realm Oneonta is not far behind the state. From what appears to be current NYS law - N.Y. TWN. LAW § 304 : NY Code - Section 304: Powers of fence viewers

   Witnesses may be examined by the fence viewers on all questions submitted to them; and either of such fence viewers may issue subpoenas for witnesses. A subpoena issued under this section shall be regulated by the civil practice law and rules. Each fence viewer thus employed shall be entitled to one dollar and fifty cents per diem. The party refusing or neglecting to pay the fence viewers or either of them shall be liable to an action for the same with costs.

   (From: http://codes.lp.findlaw.com/nycode/TWN/18/304)

The Mayor does not have a direct manner in which to effect any perceived or real agenda for the City. I am not sure that we voters truly understand this, and I am sure it is not clear when candidates for Mayor are campaigning. There isn’t any literature passed around by either major party that explicitly describes the intricate relationship between the Mayor and Aldermen. Together, they form the Common Council as it is referred to throughout the Charter, with specific references made as well to the “Mayor” and the “Aldermen”. This is confusing and gives one the impression that they are not a coherent group, but are rather two separate entities.

From our interviews, our study group has heard criticisms of this system, such as: employees are interviewed and hired by the Aldermen, and the Mayor is kept out of hiring process, but he is then responsible for supervising those employees. Another problem is that there is no real authority for the Mayor to supervise these employees and that there is an indirect chain of command and it is an inefficient and confusing system. There are many positions which are civil service jobs, and a suggestion was to maybe have fewer civil service employees if allowable by state statute. Presently, the following positions are appointed and in CSEA: City Chamberlain, Transportation Director and additional employees, all officers and employees within the police and fire departments.

Those we interviewed felt that the job descriptions themselves are not reflective of what the department heads and other officers actually do, and the expectations and duties need to be reviewed and updated. It was said that the actual manner in which ordinances and local laws are proposed and passed through the
committee process is not included in this Charter and one person we interviewed felt this needed to be amended. As our Council is presently set up, the Mayor needs to work through this same process in order to get anything done. We are not sure this is clearly understood by our citizen voters when they consider candidates for the Mayor position.

Overall, the current City Charter is a core document that provides little guidance on how Oneonta citizens want and expect their city government to function. Its’ confusing structure and inconsistent level of detail defies common-sense understanding and discourages informed citizen interest and participation.

Addendum to City Charter Study Information from 9-29-09

Mayor Miller made the following changes at the Sat. mtg. held on 1/9/10.

Finance Committee was renamed Finance/Administration Committee and will have oversight of the Assessor, Bingo Inspector, Chamberlain, Clerk and Court Clerk, as well as Purchasing and Vendor Registration and will continue to deal w/fiscal matters.

Personnel Committee is Human Resources Committee

Buildings and Technology Committee and Public Works Committee are now Facilities/Technology/Operations Committee and will oversee Central Garage, Engineering Office, OPT and Public Service, Recreation, Wastewater Treatment and their departments.

Intergovernmental Affairs Committee is the Community Improvement Committee, will oversee the Community Development Office, Historian, Grants, Neighborhood Improvement, downtown issues and relations between the city and other government or major employers.

Public Safety Committee, still includes all eight aldermen, who will elect one of their own to chairman, and will oversee Fire and Police departments, City Court, City Prosecutor, Code Enforcement, Health Inspector and Health Officer.