

LOCAL LAW NO. 9 OF 2017

A LOCAL LAW AMENDING SECTION C4-7
OF THE PORT JERVIS CITY CHARTER
PROVIDING THAT IF THE COMMON COUNCIL IS UNABLE
TO MUSTER THE VOTE OF AT LEAST TWO THIRDS (2/3) OF THE
TOTAL MEMBERS OF THE COUNCIL IN OFFICE SO AS
TO OVERRIDE A BUDGET VETO BY THE MAYOR AS REQUIRED
BY SECTION C4-2 OF THE PORT JERVIS CITY CHARTER, OR THE COMMON
COUNCIL FAILS TO ADOPT A BUDGET FOR THE NEXT ENSUING
FISCAL YEAR BY DECEMBER 31ST EACH YEAR, THE BUDGET FOR THE
CURRENT FISCAL YEAR WITH ALL CONTRACTUAL INCREASES
AND OBLIGATIONS FOR THE NEXT ENSUING FISCAL YEAR,
SHALL BECOME THE ADOPTED BUDGET FOR THE NEXT
ENSUING FISCAL YEAR.

1. **Purpose.** Section C4-7 of the Port Jervis City Charter sets forth the process by which the Mayor's tentative budget for the next ensuing fiscal year is prepared, submitted by the Mayor to the Common Council, noticed for public hearing and adopted by the Common Council, subject to a veto of the Mayor, or passage over his or her veto. What is not contained in Section C4-7 of the Port Jervis City Charter is what would happen if the budget adopted by the Common Council is vetoed by the Mayor and not passed over his or her veto by the Council. Section C4-2 of the Port Jervis City Charter provides that in the event of a veto by the Mayor, the Common Council may pass a budget over the Mayor's veto by the concurring vote of at least two-thirds (2/3) of the total number of Council Members in office. The purpose of this legislation is to amend the Port Jervis City Charter to provide for a budget for the next ensuing fiscal year in the event that the Council is unable to muster the two-thirds (2/3) votes required to override the Mayor's veto or the Common Council fails to adopt a budget before the next ensuing fiscal year by December 31st each year.

2. **Legislation.** Section C4-7 of the Port Jervis City Charter is hereby amended to add additional language at the end of the existing language of said Section as it currently is set forth in the Port Jervis City Charter. Said additional language shall be:

"In the event that the Common Council is unable to muster the vote of at least two-thirds (2/3) of the total members of the Council in office so as to override a budget veto by the Mayor as required by Section C4-2 of the Port Jervis City Charter, or the Common Council fails to adopt a budget for the next ensuing fiscal year by December 31st each year, the budget for the current fiscal year with all contractual increases and obligations for the next ensuing fiscal year, shall become the adopted budget for the next ensuing fiscal year."

PLEASE TAKE NOTICE TO THE EXTENT THAT THIS LOCAL LAW MAY CONFLICT WITH APPLICABLE PORTIONS OF THE GENERAL CITY LAW OF THE STATE OF NEW YORK, IT IS THE STATED INTENTION OF THE CITY TO EXERCISE ITS AUTHORITY TO SUPERSEDE AND AMEND, AS GRANTED UNDER THE MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK, SECTION 10. THE CITY HEREBY PROVIDES NOTICE THAT IT IS EXERCISING ITS AUTHORITY TO SUPERSEDE AND AMEND PURSUANT TO MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK SECTION 22.