

LOCAL LAW 3 OF 2025 OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AMENDING THE ADMINISTRATIVE CODE AUTHORIZING THE DEPUTY COMPTROLLER TO ACT GENERALLY FOR AND IN PLACE OF THEIR PRINCIPAL OFFICER, OR IN THE ABSENCE OR INABILITY OF THE PRINCIPAL TO ACT AND THE COMPTROLLER SHALL HAVE THE POWER AND AUTHORITY TO APPOINT OFFICERS AND EMPLOYEES THEREIN

Sponsored By: Laws & Rules Committee: Alderman:
Hirsch, Pasti, Mickens, Dennison

WHEREAS, a request has been made to authorize the Deputy Comptroller to act generally for and in place of their principal officer, or in the absence or inability of the principal to act; and

WHEREAS, as per NYS Civil Service, in order to classify the City's Deputy Comptroller as an exempt position under Civil Service, the issue must be addressed; and

WHEREAS, it is extremely important that there is an employee in the Comptroller's office that can act on behalf of the Comptroller in case of the absence of the Comptroller, or the Comptroller's inability to act; and

WHEREAS, the Comptroller shall have the power and authority to appoint officers and employees therein; and

WHEREAS, the Common Council of the City of Kingston finds it in the best interests of the City to authorize the Deputy Comptroller to act generally for, and in place of the Comptroller, in case of the absence of the Comptroller, or the Comptroller's inability to act for for the Comptroller to have the power and authority to appoint officers and employees therein.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK AS FOLLOWS:

SECTION 1. The purpose of this Local Law is to amend Chapter A of the Administrative Code, Section A-1 – Administrative Services, C. Department Heads responsible to Mayor by adding 2 (a) to read as follows:

2. (a) the Comptroller shall be authorized to have the power and authority to appoint officers and employees therein, and the Deputy Comptroller shall be authorized to act generally for, and in place of the Comptroller, in case of the absence of the Comptroller, or the Comptroller's inability to act.

SECTION 2. If any provisions of this local law are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the local law shall remain in effect.

SECTION 3. This local law shall take effect upon filing with the Secretary of State.

Submitted to the Mayor this ____ day of _____, 2025

Approved by the Mayor this ____ day of _____, 2025

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2025

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THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES COMMITTEE REPORT

DEPARTMENT: _____

DATE: _____

Description:

To Add

A LOCAL LAW OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NY TO AMEND THE ADMINISTRATIVE CODE WITH THE FOLLOWING LANGUAGE:

"THE COMPTROLLER HAS THE POWER AND AUTHORITY TO APPOINT OFFICERS AND EMPLOYEES THEREIN" AND

~~"A Local Law that authorizes the Deputy Comptroller~~

"authorizing the Deputy Comptroller to act generally for and in place of their principal officer(s), or in the absence or inability of the principal(s) to act."

SHAR HANE

Signature _____

Motion by SP

Seconded by BRAD

Action Required: _____

SEORA Decision:

Type I Action _____

Type II Action _____

Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Michele Hirsch, Chairman, Ward 9 <i>Michele Hirsch</i>	✓	
Reynolds Scott Childress, Ward 3 <i>Sara G. Pasti</i>	✓	
Sara Pasti, Ward 1		
Teryl Mickens, Ward 2 <i>Teryl Mickens</i>	✓	
Robert Dennison, Ward 6 <i>Robert Dennison</i>	✓	

Tinti, Elisa

(L+R)

From: Tuey, John
Sent: Friday, February 28, 2025 10:58 AM
To: Tinti, Elisa; Shaut, Andrea
Cc: DeCicco, Jackie; Noble, Steve
Subject: Common Council Communication - Deputy Comptroller - Exempt Status

Good morning,

Please consider this as an official communication to the Common Council that I am asking to be referred to the appropriate committee of the Common Council:

Per NYS Civil Service, in order to classify the City's Deputy Comptroller (this would also apply to other City Deputy's) as an exempt position under Civil Service, the following must be addressed in some fashion:

The Charter language that was shared seems to provide for the Deputy Comptroller as a position existing in city government, but it doesn't say how much authority the position has. Section 41 provides for exempt jurisdictional classification of deputies to department heads if they are authorized by law to act generally for and in place of their principal officers. Our counsel says that a law or local resolution by the governing board is sufficient to establish this authority. So, we would need to see one of the following:

- a. *Language in the City Charter that provides for all deputies to act generally for and in place of their principal officers, or in the absence or inability of the principals to act.*
- b. *A local law that authorizes the Deputy Comptroller (which could be worded to cover just the Deputy Comptroller, or it could be a blanket authorization of all deputies in the city) to act generally for and in place of their principal officer(s), or in the absence or inability of the principal(s) to act.*
- c. *A local resolution passed by the city's governing body that authorizes the Deputy Comptroller (which could be worded to cover just the Deputy Comptroller or all deputies in the city) to act generally for and in place of their principal officer(s), or in the absence or inability of the principal(s) to act.*

It is extremely important that there is an employee in my office that can act on my behalf in the case of my absence.

Thank you in advance,

John

John Tuey, CPA
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