



CITY OF JAMESTOWN RESTRUCTURING EFFORTS

(1/1/00 – Present)

2000

1. Restructured and downsized the Legal Services Department (annual savings - \$75,000) (1/00)
2. Coordinated Housing and Building Code legal prosecution efforts with the County (1/00)
3. Merged the administration of the Public Works and Parks Departments (annual savings - \$65,000+) (1/00)
4. Changed Health Care Program Third Party Administrator (annual savings - \$1,000) (6/00)
5. Coordinated contract negotiations and administrative activities with the Board of Public Utilities (6/00)
6. Restructured the Financial Services Operation (annual savings - \$10,000+) (8/00)
7. Changed Employee Assistance Program Administrator (annual savings - \$2,100) (11/00)

2001

8. Restructured the Human Resources Department (annual savings - \$10,000+) (1/01 & 10/01)
9. Shared administrative personnel between the Police and Fire Departments (annual savings - \$20,000) (1/01)
10. Instituted a new Fire Department callback and overtime policy (annual savings - \$300,000+) (1/01)
11. Transferred all City-owned bridges and nine additional roadways to the County (projected annual savings - \$100,000) (7/01)
12. Round I: Police and Fire Department Early Retirement Incentive Program (initial annual savings - \$100,000) (11/01)

2002

13. Physical consolidation of City Clerk and Treasurer's Offices (initial annual savings - \$30,000) (1/02)
14. Relocation/Restructuring of the Assessor's Office (annual savings - \$12,000) (1/02)
15. Round I: Restructuring of the Fire Department (annual savings - \$161,000) (2/02)
16. Round I: Restructuring of the Police Department (annual savings - \$359,000) (2/02)
17. Restructuring of the Youth Services Department (annual savings - \$13,000) (2/02)
18. Restructuring of Department of Development/JURA Operations (annual savings - \$125,000) (2/02)
19. Restructuring of the Public Works Department (annual savings - \$100,000) (4/02)
20. Transfer of Community College Chargeback Payments to the County (annual savings - \$1,000,000+) (4/02)
21. Administrative restructuring and consolidation: Police & Fire Departments (annual savings - \$82,000) (6/02 and 2/03)
22. Round II: Police and Fire Department Early Retirement Incentive Program (annual savings - \$100,000) (12/02)

2003

23. Closed the Allen Park Ice Rink (annual savings - \$145,000) (1/03)
24. Changed the City's Internet Service Provider (ISP) (annual savings - \$3,000) (2/03)
25. Revised sidewalk replacement procedure (annual savings - \$40,000) (2/03)
26. Consolidation of EMS Dispatching with the County (annual Savings - \$150,000) (6/03)

2004

27. Regionalization of Assessment operations (annual savings - \$40,000) (6/04)

2006

28. Consolidation of City Clerk position with Finance Director/Treasurer (annual savings - \$70,000) (1/06)
29. Replacement of Health Care Benefits Plan Third Party Administrator (annual savings - \$400,000) (10/06)
30. Restructured telephone services and equipment replacement (annual savings - \$10,000) (11/06)

2007

31. In conjunction with the comprehensive reevaluation of all real property, created a State Consolidated Assessment Program (CAP) with the Town of Busti (annual savings - \$75,000) (2/07)
32. Completed Energy Conservation Capital Improvement Program (annual savings - \$195,000) (2/07)
33. Replacement of Health Insurance Stop Loss Coverage Administrator (annual savings - \$6,000) (7/07)
34. Replacement of Property and Liability Insurance Administrator (annual savings - \$160,000) (10/07)

2008

35. Replacement of Pharmacy Benefit Manager (PBM) (annual savings - \$114,000) (2/08)
36. Consolidation of DPW Operations Engineer and Assistant Engineer Positions (annual savings - \$30,000) (5/08)
37. Consolidation of Civil Service Commission with County (annual savings - \$55,000) (7/08)

2009

38. Elimination of Assistant Parks Director Position - Restructured Recreation Coordinator (annual savings - \$25,000) (1/09)
39. Merged Police Department Payroll Clerk with Part-Time Finance Department Position (annual savings - \$20,000) (3/09)
40. Expanded Consolidated Assessment Operation to include the Town of Ellicott (annual savings - \$20,000) (4/09)
41. Revised Asphalt Procurement Procedure (annual savings - \$100,000) (4/09)
42. Restructured Parking Enforcement positions (annual savings - \$10,500) (8/09)

43. Replaced contractor for Boarding of Stray Dogs (annual savings - \$18,000) (7/09)
44. Restructured Medicare supplement insurance for pre-1987 retirees (annual savings - \$140,000) (11/09)

2010

45. Revised Fire Department Shift Maintenance Overtime Policy (annual savings - \$75,000) (1/10)
46. Established new Parking Fines Enforcement and Collection Contract (annual savings - \$10,000) (2/10)

2011

47. Revised contract and billing procedures for services provided by off duty, Jamestown Police Department Officers (annual savings - \$35,000) (7/11)

2012

48. Restructured Police Department Administrative staff - Elimination of three Desk Sergeant positions (annual savings -\$80,000) (1/12)
49. Restructured DPW Traffic Control Division - Elimination of Traffic Control Supervisor (annual savings - \$78,000) (1/12)
50. Restructured Fire Department Command - Elimination of Administrative Battalion Chief (annual savings - \$60,000) (1/12)
51. Restructured the Narcotics Task Force Operation within the JPD (annual savings - \$10,000) (3/12)
52. Restructured DPW Engineering Tech Position (annual savings - \$32,900) (3/12)
53. Instituted new EMS Dispatching Protocols (4/12)
54. Replaced Health Insurance Stop Loss Coverage Administrator (annual savings - \$23,000) (5/12)
55. Launched Police Consolidation Study (6/12)
56. Restructured Treasurer's Office staff (annual savings - \$40,000) (7/12)
57. Updated and restructured Mandatory Court Appearance Procedure and Fee (annual savings - \$10,000) (8/12)
58. Replaced Dental Benefits Administrator (annual savings - \$20,000) (11/12)
59. Restructured Payments to the County Operated Workers Compensation Program (initial savings - \$175,000) (11/12)
60. Replaced cellular telephone and data service provider (annual savings - \$3,000) (11/12)

61. Revised Parking Enforcement Procedure and Fine Structure (annual savings - \$34,700) (11/12)

2013

62. Computer System Redesign and Server Replacement (annual savings - \$20,000) (1/13)

63. Expanded Fire Department In House Equipment Maintenance Program (1/13)

64. Launched In House Pilot Program for EMT re-certifications (4/13)

65. Revised and extended Healthcare TPA and Pharmacy PBM Agreements (annual savings - \$20,000) (6/13)

66. Refinanced \$6 million in Capital Improvement Bonds (annual savings - \$114,000) (9/13)

67. Restructured I.T. Department (annual savings \$75,000) (10/13)

68. Settlement of Collective Bargaining Agreements with the Police and Fire Unions, which included the institution of a landmark Health Care Benefits Wellness Program for all active employees and retirees (12/13)

2014

69. Restructured Finance Department/Comptroller's Office – Payroll Supervisor (annual savings \$25,000) (7/14)

70. Settlement of Collective Bargaining Agreement with Jamestown City Administrative Association – Health Care Benefits Wellness Program for all active employees and retirees (7/14)

2015

71. Established a new Health Care Third Party Administrator agreement (annual savings \$47,000) (1/15)

72. Elimination of the Department of Youth Services (annual savings \$69,000) (1/15)

73. Relocation of the Department of Public Works and Parks Department administrative offices to the Municipal Building (annual savings \$13,000) (1/15)

74. Change in cell phone provider. (annual savings \$7,100) (1/15)

75. Settlement of Collective Bargaining Agreement with the Civil Service Employee Association (CSEA) New Health Care Benefits Wellness Program (7/15)

76. Settlement of Collective Bargaining Agreement with the American Federation of State, County and Municipal Employees (AFSCME). New Health Care Benefits Wellness Program (7/15)

77. Consolidation of Finance Department Office copiers contracts (annual savings - \$4,000) (8/15)

78. Established new Intermunicipal Assessment Agreement with Town of Busti (annual savings - \$23,000) (9/15)

Total Annual Savings: \$5,595,300



GOVERNMENT RESTRUCTURING AND REGIONALISM

The following is a summary of services that had previously been the exclusive domain of the City of Jamestown, which are now being provided directly by County Government, or are being shared through various contractual arrangements with neighboring municipal governments.

CITY SERVICES CONSOLIDATED WITH THE COUNTY

1. Department of Social Services
2. Department of Health
3. Department of Mental Health
4. Public Landfill
5. Commercial Airport
6. Industrial Development Agency (IDA) / Economic Development
7. Public Transportation
8. Tax Foreclosure/Sale Process
9. Emergency Dispatching (E-911) and related records management services
10. Ownership and Maintenance of all City Bridges
11. Local Funding – Community Colleges
12. Election Administration
13. Civil Service / Personnel Functions
14. Police Services (Under Review/Development)

CITY/COUNTY COLLABORATIONS

1. Development of Industrial Parks
2. Highway and Bridge Improvements
3. Shared purchasing and procurement activities
4. Expansion of the public safety mutual aid system
5. Provision of space in City Hall for County Offices
6. City processing of solid waste from the South-Center Sewer District
7. City treatment of leachate from the County Landfill
8. Construction of County Landfill leachate pipeline by the City
9. Billing and collection of County property taxes by the City
10. Regionalized sponsorship of Jamestown Community College

CITY SERVICES SHARED WITH MUNICIPAL NEIGHBORS

1. City Electric (Ellicott, Celoron, Falconer)
2. City Water (Ellicott, Busti, North Harmony, Kiantone, Harmony, Falconer, Celoron, Lakewood)
3. City Wastewater Treatment (Ellicott, Busti, Kiantone, Falconer)
4. Public Safety services (Ellicott and Lakewood/Busti)
5. City Assessment operations (Busti, Carroll, Kiantone, Harmony, Chautauqua, North Harmony, Ellery and Ellicott)

City of Jamestown General Fund
FULL TIME EMPLOYMENT COMPARISON
01/01/2000 – 9/1/2016

	<u>01/01/2000</u>	<u>9/1/2016</u>	<u>Change</u>	<u>% Change</u>
Administrative (JCAA, CSEA, Non-Bargaining, Court Security)	61	45	- 16	(-26.5%)
Fire Department (Local 1772)	67	55	-12	(-18%)
Police Department (Kendall Club PBA)	72	60	-12	(-17%)
DPW (AFSCME 66/418)	51	43	-8	(-16%)
Parks (AFSCME 66/418)	19	15	-4	(-21%)
JURA – DOD (JCAA)	16	10	-6	(-37.5%)
TOTAL	286	226	-58	(-20.5 %)
*Appointed City Officers	13	5.5	-7.5	(-58%)

Positions Eliminated/Merged:

- City Clerk
- City Treasurer
- Ombudsman/HR Director
- Associate Corporation Counsel
- Assessor (.5)
- Parks Director
- Fire Chief
- Director of Youth Services

CITY OF JAMESTOWN EMPLOYMENT HISTORY

	1/1/1980	1/1/1990	1/1/2000	9/1/2016	CHANGE 1/1/2000 - 9/01/2016	CHANGE 1/1/2000 - 9/1/2016	% CHANGE 1/1/2000 - 9/1/2016
BOARD OF PUBLIC UTILITIES (all employees)							
FULL-TIME	173	130	143	144	1	1	0.70%
PART-TIME	0	0	8	8	0	0	0.00%
JAMESTOWN GENERAL HOSPITAL							
FULL-TIME	285	0	0	0	0	0	0.00%
PART-TIME	109	0	0	0	0	0	0.00%
FIRE DEPARTMENT (Local 1772 members)							
FULL-TIME	99	90	67	55	-12	-12	-17.91%
PART-TIME	0	0	0	0	0	0	0.00%
POLICE DEPARTMENT (Kendall Club members)							
FULL-TIME	76	91	72	60	-12	-12	-16.67%
PART-TIME	0	0	0	0	0	0	0.00%
PARKS DEPARTMENT (AFSCME members)							
FULL-TIME	42	35	19	15	-4	-4	-21.05%
PART-TIME	0	0	8	0	-8	-8	-100.00%
DEPARTMENT OF PUBLIC WORKS (AFSCME members)							
FULL-TIME (includes WWTP, misc. employees 1980,1990)	112	106	51	43	-8	-8	-15.69%
PART-TIME	0	0	0	0	0	0	0.00%
MISCELLANEOUS (Non-bargaining, Court Security, CSEA, JCAA)							
FULL-TIME	32	38	61	45	-16	-16	-26.23%
PART-TIME (does not include City Council)	2	14	31	21	-10	-10	-32.26%
JAMESTOWN URBAN RENEWAL AGENCY							
FULL-TIME			16	10	-6	-6	-37.50%
PART-TIME			1	0	-1	-1	-100.00%
TOTAL FULL-TIME	819	490	429	372	-57	-57	-13.29%
TOTAL PART-TIME	111	14	48	29	-19	-19	-39.58%
TOTAL FULL-TIME (LESS BPU & JGH)	361	360	286	228	-58	-58	-20.28%
TOTAL PART-TIME (LESS BPU & JGH)	2	14	40	21	-19	-19	-47.50%
TOTAL	363	374	326	249	-77	-77	-23.62%
APPOINTED CITY OFFICERS			13	5.5	7.5	7.5	-57.69%

POSITIONS ELIMINATED/MERGED

- CITY CLERK
- CITY TREASURER
- OMBUDSMAN/HR DIRECTOR
- ASSOCIATE CORPORATION COUNSEL
- ASSESSOR (.5)
- PARKS RECREATION AND CONSERVATION DIRECTOR
- FIRE CHIEF
- DIRECTOR OF YOUTH SERVICES 11/1/15

Exhibit 4

CITY OF JAMESTOWN
GENERAL FUND BUDGET HISTORY
2000 -- 2016

BUDGET	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
ESTIMATED REVENUES	13,878,000	14,454,500	13,954,000	14,066,500	14,260,500	14,852,500	15,430,000	16,336,300	17,592,800	17,820,382	17,128,013	17,473,676	18,023,710	18,390,308	18,473,402	18,864,809	19,019,109
TAX LEVY	8,872,218	9,810,966	11,015,933	11,142,788	11,173,082	11,594,160	12,268,125	12,712,519	12,610,625	12,924,290	13,939,808	14,048,004	14,320,055	14,437,827	14,732,936	15,079,560	15,694,050
ESTIMATED REVENUES & TAX LEVY	22,750,218	24,265,466	24,969,933	25,209,288	25,433,582	26,446,660	27,698,125	29,048,819	30,203,425	30,744,672	31,067,821	31,521,680	32,343,765	32,828,135	33,206,338	33,944,369	34,713,159
APPROPRIATED FUND BALANCE	-	-	-	-	25,000	321,000	198,424	300,000	300,000	300,000	350,000	420,000	715,000	390,000	305,000	1,054,326	409,753
TOTAL	22,750,218	24,265,466	24,969,933	25,209,288	25,458,582	26,767,660	27,896,549	29,348,819	30,503,425	31,044,672	31,417,821	31,941,680	33,058,765	33,218,135	33,511,338	34,998,695	35,122,912
APPROPRIATIONS	22,750,218	24,265,466	24,969,933	25,209,288	25,458,582	26,767,660	27,896,549	29,348,819	30,503,425	31,044,672	31,417,821	31,941,680	33,058,765	33,218,135	33,511,338	34,998,695	35,122,912

ACTUAL	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
REVENUES	22,692,800	24,982,613	25,054,550	25,732,741	26,362,166	27,688,051	29,100,225	30,011,142	30,592,954	30,656,682	31,344,797	31,545,339	32,246,074	33,031,750	33,581,782	34,705,255	
APPROPRIATIONS	23,603,537	24,392,230	23,619,912	25,175,174	26,054,323	27,538,374	28,641,833	29,433,287	30,549,761	30,300,646	31,010,258	31,896,099	32,514,118	33,097,295	34,338,550	35,853,430	
SURPLUS / (DEFICIT)	(910,737)	590,383	1,434,638	557,567	307,843	1,49,677	458,392	577,855	43,193	356,036	334,539	(350,760)	(268,044)	(65,565)	(756,768)	(1,148,175)	
ACCUMULATED SURPLUS / (DEFICIT)	(1,371,007)	(780,624)	654,014	1,211,581	1,519,424	1,669,101	2,127,493	2,705,348	2,748,541	3,104,577	3,439,116	3,088,356	2,820,312	2,754,747	2,715,867	1,567,692	

Restated

Sales Tax Structure and Implications

Taxable Items

- Vehicle Sales*
- Furniture and other home improvement items
- Utility sales (non-residential)
- Prepared foods (restaurants)
- Airline tickets
- Vehicle parts
- Appliances
- Fuel sales (non-residential)
- Alcohol/soft drinks
- Hotel stays

*NOTE: Sales taxes on vehicle sales are paid to the State and County in which the vehicle is registered.

Non-Taxable Items

- Food
- Health and beauty aids
- Clothing (\$110 and less per item)
- Medicine (prescription and over the counter)
- Natural juice products
- Footwear (\$110 and less per item)
- Residential energy sales (oil, gas, electric, etc.)
- Residential utilities
- Professional services
- Building materials involving IDA PILOTS
- All "taxable" purchases by Government, Religious, Charitable and other nonprofit/tax exempt organizations

Distribution of 8% Sales Tax

For every \$1 million in Eligible, Aggregate Sales within Chautauqua County

State (4%)	\$40,000
Chautauqua County (2.4%)	\$24,000
City of Jamestown (0.36%)	\$3,600
All remaining local governments Within Chautauqua County (1.24%)	\$12,400
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Total	\$80,000

**CITY OF JAMESTOWN
 GENERAL FUND - GENERAL PURPOSE STATE AID
 CUT BY NYS FORMULA - JAMESTOWN'S BUDGET DEPENDENT OF LESS THAN 10% STATE AID***

YEAR	GENERAL PURPOSE STATE AID	ANNUALIZED CUT FROM BASE YEAR	UTILITIES PROFIT TRANSFER
2009	\$ 5,029,795		
2010	\$ 4,665,592	\$ 364,203	\$ -
2011	\$ 4,572,280	\$ 457,515	\$ -
2012	\$ 4,572,280	\$ 457,515	\$ -
2013	\$ 4,572,280	\$ 457,515	\$ 420,000
2014	\$ 4,572,280	\$ 457,515	\$ 475,000
2015	\$ 4,572,280	\$ 457,515	\$ 482,000
2016	\$ 4,572,280	\$ 457,515	\$ 482,000
2017	\$ 4,572,280	\$ 457,515	\$ -
TOTAL	\$	\$ 3,566,808	\$ 1,859,000

No profit transfer anticipated to be available in 2017.

*NYS cut the City's General Purpose state aid because the State included municipally owned utility cash, revenues and fund balance in the amount of the City's budget. As such, the state "determined" that Jamestown's "budget" was less than 10% dependent on state aid, thus triggering a reduction every year since 2009. The NYS Director of Budget recommended transfers from eligible utility enterprise funds to the General Fund to help offset this cumulative state aid cut.

Article 9 Section 1 (P)

(f) No local government shall be prohibited by the legislature (1) from making a fair return on the value of the property used and useful in its operation of a gas, electric or water public utility service, over and above costs of operation and maintenance and necessary and proper reserves, in addition to an amount equivalent to taxes which such service, if privately owned, would pay to such local government, or (2) from using such profits for payment of refunds to consumers or for any other lawful purpose.

8. New article adopted by amendment approved by vote of the people November 5, 1963. Former Article IX repealed, except for sections 5, 6 and 8 which were relettered subdivisions (a), (b) and (c) respectively of new section 13 of Article XIII.

Effective:[See Text Amendments]

McKinney's Consolidated Laws of New York Annotated Currentness
General Municipal Law (Refs & Annos)

Chapter 24. Of the Consolidated Laws

Article 5. Powers, Limitations, and Liabilities

→→ § 94. Earnings of municipal corporations from certain municipally operated public utility services

Any municipal corporation operating a gas, electric or water public utility service may earn from and out of such operation an amount equivalent to taxes which the said service, if privately owned, would pay to such municipal corporation; and, in addition, such municipal corporation may earn from and out of such operation a fair return on the value of the property used and useful in such public utility service, over and above costs of operation and necessary and proper reserves. Profits resulting from the operation of such a public utility service may be used for the payment of expenses or obligations incurred by such municipal corporation for municipal purposes or for the payment of refunds to consumers. The provisions of this section shall not apply to any gas, electric or water public utility service operated by the city of New York or any agency thereof.

CREDIT(S)

Added L.1943, c. 609, § 1.)

LIBRARY REFERENCES

2007 Main Volume

Electricity ↪ 1.5.

Waters and Water Courses ↪ 183(1).

Westlaw Topic Nos. 145, 405.

C.J.S. Waters §§ 483, 498 to 504.

RESEARCH REFERENCES

2011 Electronic Update

Encyclopedias

NY Jur. 2d, Counties, Towns, & Municipal Corp. § 1530, Public Utilities.

NY Jur. 2d, Water § 684, Requirement that Rates Must be Reasonable.

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GENERAL CODE

[Index](#)

City of Jamestown, NY -
Archive 2013-04-10
CHAPTER C CHARTER

[Search](#)[ARTICLE VI ASSESSMENT](#)[Help](#)[ARTICLE VIII Local Improvements](#)

This electronic version is provided for informational purposes only. For the official version please contact the municipality.

[Jump to Content](#)[ARTICLE VII. Board of Public Utilities](#)[§ C-50. Establishment; membership; procedures.](#)[§ C-51. Powers and duties.](#)[§ C-52. Additional powers.](#)[§ C-53. Water, electric and other rents.](#)[§ C-54. Furnishing water, sanitary sewer, district heat or electricity to other municipalities.](#)[§ C-55. Sinking funds.](#)[§ C-56. Payments out of public utility funds.](#)[§ C-57. Records and annual report.](#)**Article VII. Board of Public Utilities****§ C-50. Establishment; membership; procedures.**

- A. A Board of Public Utilities is hereby established. It shall consist of seven appointive members, two of whom shall be Council persons, together with the Mayor and the Director of Public Works by virtue of their respective offices. The Mayor and the Director of Public Works shall be entitled to vote on all questions. The majority of the members of the Board of Public Utilities shall constitute a quorum for the transaction of business. The Board may make, from time to time, alter or amend bylaws, rules and regulations not in conflict with law for the transaction of its business.
- B. The terms of office of the seven appointive members of the Board of Public Utilities hereafter shall be as follows: of the two members who have been appointed in 1930, one shall hold office until the expiration of his/her term January 1, 1932, and his/her successors shall be appointed for terms of two years each from that date; one shall hold office until the expiration of his/her term, and his/her successors shall be appointed for full terms of four years each from that date; of the three remaining members to be appointed, one shall hold office until January 1, 1932, and his/her successors shall be appointed for full terms of four years each from that date, and two shall hold office until January 1, 1934, and their successors shall be appointed for full terms of four years each from that date. The Council persons appointed to such office shall be appointed for their terms of office only. The Mayor, in his/her appointment, shall designate the term for which each is appointed.
- C. The members of the Board of Public Utilities shall receive no salaries. The members of such Board shall be reimbursed their actual expenses incurred in the discharge of their duties. This section shall not prevent such Board from employing one of its number as Secretary or other executive officer and paying him/her proper compensation.
- D. The Board of Public Utilities may fix the salaries and compensation of its several superintendents, employees, counsel and the like, except that **in the event of such Board requiring the City Council to insert in a given budget a sum to be levied upon the taxpayers to meet the deficit in the operation of its utility system, then the budget of such Board containing the proposed salaries for that and succeeding**

years, until such Board ceases to require the insertion of its deficit in the tax levy, shall be submitted to the City Council for approval.

- E. The officers appointed to or elected by the Board of Public Utilities under § C-8B of this Charter may likewise be removed by the Board upon its own motion, following a hearing, by a 2/3 vote of all of the members of the Board taken by roll call and recorded in the minutes of the meeting. Such removal shall become effective as and from the hour that a certified copy of the resolution is served upon the officer named therein.

§ C-51. Powers and duties.

- A. All the properties, records, rights, privileges and prerogatives constituting the water and lighting system of the City of Jamestown and the district heating system of the City of Jamestown are hereby transferred to the Board of Public Utilities, and such systems shall be under the control and supervision of the Board of Public Utilities. Neither the City Council of said City nor the Board of Public Utilities shall have the power or authority to sell or lease any public utility system to any person or persons, corporation or corporations except when authorized by a vote of the resident taxpayers of the City at a special election. The Board shall keep such systems in repair and may from time to time improve the same and may extend the plant and facilities thereof within said City and within the Village of Falconer or the Village of Celoron or elsewhere in the Town of Ellicott. All the earnings, revenues and monies belonging to each system shall be kept separate and apart from the other systems and shall be carried in separate accounts, and no funds or revenues belonging to one system shall be applied or used in the conduct and operation of the others except with the approval of the City Council. The surplus earnings of any of said systems, after the costs of operation, management, maintenance and ordinary improvements have been paid and the payment of accrued interest upon outstanding bonds issued by said City on account of any and after the requirements of the sinking fund have been fully met, may, in the discretion of said Board, be applied toward improving and extending said systems respectively.
- B. The Board of Public Utilities shall have the control of the construction of all improvements and additions to the public utility systems and the extensions thereof and shall have the power to make all contracts necessary or incidental to the execution thereof. All contracts for the performance of any work and all purchase contracts involving expenditures in excess of the amounts provided for in General Municipal Law § 103 shall be awarded by competitive bids by advertisement by said Board for bids, with the power to reject any and all bids received.
- C. Such Board shall appoint a General Manager, who shall have the power to appoint and remove a deputy who shall act in his/her stead and such advisors and other employees necessary to efficiently operate the electric, water and district heating systems, and who shall have the further power to fix the duties and compensation for his/her Deputy and other employees within the guidelines established by the Board. The Board, in its discretion, shall also have the power to employ attorneys at law of the State of New York to act as legal advisors for the Board and to appear for and represent it in any or all actions, matters and proceedings relating to the Board or the conduct of its business. Such employment may be terminated by the Board at any time. The compensation of such counsel shall be determined and paid by the Board of Public Utilities.
- D. All agents and employees handling monies belonging to the City shall give a bond in the form usual for City officers in the penal sum prescribed by said Board.
- E. Said Board shall have full control of the public utility systems and everything pertaining thereto and shall exercise the powers and fulfill the duties connected with the management and regulation thereof and of the use and sale of the products thereof and may enforce the observance thereof by cutting off the supply or services of the public utilities systems or by the imposition of penalties. It shall establish a scale of rents, rates or charges to be not less than the cost thereof to said Board at the place of delivery for the use and consumption of water, electricity, hot water and other public utility services, to be paid at such times as the Board may prescribe by the consumers thereof and may from time to time either modify, increase or diminish such rents, rates or charges, not, however, below cost, and employees shall be authorized at all times to enter into any building or building where water, electricity, hot water or other public utilities service is used from said systems to examine, as to the

utility functions to be transferred to the Board of Public Utilities and, thereafter, owned and operated by the City, under the control and supervision of the Board of Public Utilities pursuant to the other provisions of Article VII of this Charter. In the event the City Council adopts such an ordinance or ordinances, any references to the Director of Public Works in the Charter and the City Code as such relate to sanitary sewer or solid waste functions shall be deemed to refer to the General Manager of the Board of Public Utilities.

§ C-53. Water, electric and other rents.

The water, electricity, hot-water and other rents and charges for supplies and services furnished by any public utility owned by the City may be based on actual consumption as determined by meter or apportioned to the different classes of buildings and different conditions of delivery and consumption in the City or elsewhere with reference to their ordinary use for dwellings, stores, shops, factories, stables or places, for the number of families or occupants, for the sprinkling of lawns, for fire protection or for the consumption of water or electricity or other service of supply as nearly as practicable. Such rents and charges, as well as the amount due and unpaid for the introduction and measurement of the supply of water, electricity, hot water or other public utility, supply or service to such premises and buildings, shall be, like other taxes of the City, a lien and charge upon such premises and buildings as herein provided. The Board shall estimate annually the sum which shall be paid by the City of Jamestown for the use of water, electricity and hot water or for other public utility supplies and service for its public purposes, which estimate shall be based upon the actual cost thereof. The City Council shall annually levy and raise the amount of money thereby established by the Board, and the amount so to be raised shall be levied and collected at the same time and in the same manner as other general taxes of the City are levied and raised, and in addition thereto, the sum thus raised shall be paid by the Director of Financial Services into the water, electric, district heating funds and other public utility funds, respectively.

§ C-54. Furnishing water, sanitary sewer, district heat or electricity to other municipalities.

- A. If water mains are or shall be laid into or through a town or village, the Board of Public Utilities may contract through an intermunicipal agreement with the Town Board on behalf of the town or with the Trustees of the village on behalf of the village to furnish water for the extinguishment of fires and for sanitary and other public purposes within the town or village as the case may be. Any such intermunicipal agreement shall not become effective until approved or ratified by a majority vote of the entire City Council. Any intermunicipal agreement or contract by and between the Board of Public Utilities and a town or village for the furnishing of water in effect as of January 1, 1995, shall not thereafter be modified, amended, renewed or extended without prior approval or ratification by a majority vote of the entire City Council.
- B. If sanitary sewer lines, district heating lines or electric lines are or shall be laid or placed through a town or village, the Board of Public Utilities may contract through an intermunicipal agreement with the Town Board on behalf of the town or with the Trustees of the village on behalf of the village to furnish any or all of such utilities for public purposes, use or consumption within the town or village as the case may be. Any such intermunicipal agreement for the delivery of any or all of such utility services shall not become effective until approved or ratified by a majority vote of the entire City Council. Any intermunicipal agreement or contract by and between the Board of Public Utilities and town or village for the furnishing of sanitary sewer lines, sanitary sewer services, district heating or electricity in effect as of January 1, 1995, shall not thereafter be modified, amended, renewed or extended without prior approval or ratification by a majority vote of the entire City Council.

§ C-55. Sinking funds.

Any sinking fund heretofore created for the purpose of taking care of any water or electric light bonds now outstanding shall be continued, and such other sinking funds shall be created from time to time as may be necessary to liquidate at their maturity any bonds now outstanding or hereafter issued in connection with the existing utilities or any other utilities placed under the jurisdiction of this Board. Such sinking funds shall be created and maintained as follows:

- A. Out of the surplus earnings of the operation of the water system, electric light system, district heating system or any other public utility, after the payment of the cost of operation, management,

City Taxpayers on Hook

maintenance, improvements and extensions of said systems and the payment of the interest upon the outstanding bonds issued therefor by said City, the Board of Public Utilities shall, upon the issuing of any bonds for any of the purposes authorized hereby, create a sinking fund for the payment of such bonds, principal and interest at the maturity thereof by setting apart annually an amount sufficient to produce at the maturity of said bonds a sum equal to the principal then to become due. **If and whenever the revenues as aforesaid shall be insufficient to enable said Board to provide for the sinking fund requirements and the interest upon any of said bonds, said Board shall report the fact and the amount of the deficiency to the City Council. It shall thereupon become the duty of the City Council to provide for such deficiency and pay the same in the same manner as it may provide for the payment of the principal and interest upon other bonded indebtedness of said City.**

B. Said City, in addition to the power which it now possesses to raise money for all other purposes by taxation, shall have the power to raise by a general tax annually, and it shall be the duty of the City Council to levy and raise annually, upon the real and personal property assessed for taxation in said City and as a part of the general tax levy such sums as may be necessary to provide for the payment of such bonds and interest as aforesaid. **If the City Council shall have raised and paid any sum of such deficiency arising from the insufficiency or the revenue of any said systems, the Board of Public Utilities, as soon as practicable, by exercising the powers conferred upon it by law shall increase the revenues of said system sufficiently to prevent a further deficiency and also to raise the amount of the deficiency that shall have been paid by said City Council, and said Board of Public Utilities shall pay the amount of said deficiency when raised into the general fund of said City.**

C. The sinking funds herein provided for and the monies belonging thereto shall be kept by the Director of Financial Services and deposited in such banks, trust companies or savings banks as shall be designated by the Board of Public Utilities at such rate of interest thereon as may be agreed upon between said banks or trust companies and the Director of Financial Services, subject to the approval of said Board. No such deposit in any such bank or trust company, however, shall at any time be authorized in excess of 50% of the capital stock of such bank or trust company. Each and every bank or trust company receiving such deposit shall, before receiving the same, execute and give to the City a bond with sufficient sureties, conditioned to save the City harmless in any event from loss by reason of such deposits, such bonds to be approved by said Board. All such deposits shall be made in accounts separate from other City funds and shall be properly distinguished and designated. No money shall be withdrawn from any such fund except upon the warrant of the Director of Financial Services authorized by the resolution of the City Council for the payment, redemption or purchase of the bonds or some part thereof, for the payment of which said sinking fund was created or for the transfer of such fund or some part thereof to another depository designated or approved therefor by the Board. Any bond paid, redeemed or purchased shall at once be canceled and returned with the report thereof to the City Council. The funds remaining in said sinking funds at any time or any part thereof may, however, be invested by the Director of Financial Services upon resolution of said Board of Public Utilities and of the City Council, approved by the Mayor, in interest-bearing obligations of the United States or the State of New York or any municipality thereof, and the Board may at any time, having the funds for that purpose, purchase at no more than par any of the bonds issued for said systems and cancel and pay the same.

Profits

D. **The surplus earnings of the operation of the water, electric lighting or any other public utility systems on hand at any time after the payment of the costs of operation, management, maintenance, improvements and extensions and after the payment of the interest upon the outstanding bonds issued by said City in connection with said utilities and after the requirements of said sinking funds may have been fully complied with and provided for may be applied by the City Council, with the consent of the Board of Public Utilities, toward the payment of any bonded or other indebtedness of the City of Jamestown now or hereafter contracted.**

§ C-56. Payments out of public utility funds.

A. Any monies now or hereafter belonging to the Water, Electrical Lighting or District Heating Fund or any other public utility fund of the City of Jamestown shall be paid out only on checks or warrants numbered consecutively as issued and signed by the Director of Financial Services and countersigned by the City Comptroller, except as hereinafter provided. No order or warrant for the payment of

C

Effective:[See Text Amendments]

McKinney's Consolidated Laws of New York Annotated Currentness

General Municipal Law(Refs & Annos)

↳ Chapter 24. Of the Consolidated Laws

↳ Article 5. Powers, Limitations, and Liabilities

→ **§ 94-a. Tax equivalent payments of the city of Jamestown board of public utilities**

Voluntary

Notwithstanding any law, rule or regulation to the contrary, in addition to the amount equivalent to taxes authorized to be earned and paid pursuant to section ninety-four of this chapter, **the city of Jamestown is hereby authorized in the operation of its board of public utilities electric utility service to earn and pay from such operation to the Jamestown city school district an amount equivalent to taxes which said service, if privately owned, would pay to such school district. The terms and conditions of any such tax equivalent payments shall be determined in accordance with agreements entered into from time to time between such school district and such board of public utilities.**

CREDIT(S)

(Added L.1993, c. 366, § 1.)

LIBRARY REFERENCES

Electricity ↪ 1.5.

Waters and Water Courses ↪ 183(1).

Westlaw Topic Nos. 145, 405.

C.J.S. Waters §§ 483, 498 to 504.

McKinney's General Municipal Law § 94-a, NY GEN MUN § 94-a

Current through L.2013, chapters 1 to 340.

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