

2013 CHARTER REVISION COMMISSION
Draft Final Report - 1118 July 2013

ARTICLE VIII. BUDGETARY PROCEDURES; REPORTING; FINANCIAL REVIEW
AND AUDIT COMMISSION

Sec. 1. Budgetary procedures; duties of the Mayor, City Clerk, Board of Alders.

A. No later than March 1st each year, the Mayor shall present to the Board of Alders a budget for the ensuing fiscal year consisting of⁶⁴⁰:

(1) a budget message outlining the financial policy of the City government and describing in connection therewith the important features of the budget proposal indicating any major changes from the current year in financial policies, expenditures and revenues and the reasons therefor, and containing a clear general summary of its contents;

(2) an itemized statement of proposed appropriations for current expenses for each budgeted City agency for the ensuing year, with comparative statements of appropriations and expenditures for the current and preceding year, the increase and decrease between the current and ensuing fiscal years in the appropriations recommended;

(3) an itemized statement of the estimated revenues of the City including all sources other than the property tax with comparative statements for the current and preceding fiscal year; and

(4) a statement of the bonds to mature and the interest payable on bonds outstanding.

B. In recommending said estimates of appropriations and rate of taxation, the Mayor shall not estimate the receipts from current taxes levied in any one year in excess of one percent less than the actual rate of collection during the last preceding fiscal year, on the amount laid on the estimated grand list at the rate recommended.

C. The budget shall be filed with the City Clerk concurrently with its submission to the Board of Alders, and within four (4) business days after its filing the clerk shall cause Publication of the proposed budget, and include in the notice that it is available for public inspection at the clerk's office⁶⁴¹.

D. The Board of Alders committee or committees to which the budget has been referred shall hold at least two Public Hearings thereon. The first hearing shall be no later than fifteen (15) Days after the Publication of the budget and another Public Hearing shall be held at least seven (7) Days before the first reading by the Board of Alders⁶⁴².

E. The Board of Alders shall consider and act upon such budget so proposed by the Mayor. The Board of Alders shall have the power by a majority vote of the entire membership of the Board of Alders, then eligible to vote, to increase

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and decrease individual lines of appropriations and to decrease the total appropriation and rate of taxation. By a two-thirds (2/3rd) vote of the entire membership of the Board of Alders, then eligible to vote, the Board of Alders may increase the total appropriation or increase the rate of taxation as recommended by the Mayor⁶⁴³.

F. The Board of Alders shall not reduce any item proposed by the Mayor for the payment of interest or principal of the municipal debt⁶⁴⁴.

G. If on or before the first Monday in June the Board of Alders shall fail to consider and act on the budget recommended by the Mayor, then such budget recommended by the Mayor shall be final and the appropriations, revenues and the rate of taxation contained therein shall be the legal appropriations and the legal rate of taxation for the City of the ensuing year⁶⁴⁵.

H. If the Mayor shall disapprove the budget as approved by the Board of Alders, or any part of such budget, the Mayor shall issue a veto message and proceed as provided in §2.B of Article III of this Charter, and a two-thirds (2/3rd) vote of the entire Board of Alders shall be required to override said veto⁶⁴⁶.

I. The total amount of the annual appropriations for any year shall not exceed the estimated income for that year⁶⁴⁷.

Sec. 2. Allotments.

A. After the annual budget has been approved for the ensuing fiscal year and before the beginning of such fiscal year, each Department and Board or Commission shall submit to the Controller a work program which shall show the proposed allotments of the department's appropriation for the entire fiscal year by monthly or quarterly periods as prescribed by the Controller. The Controller shall approve such allotments for each department, with such amendments as determined by said Controller in consultation with said department. Revisions to allotments during the year may be made upon request of the department and approval of the Controller⁶⁴⁸.

B. The Controller shall not authorize any expenditure to be made from any appropriation except on the basis of the approved allotments. No obligation shall be incurred against and no payment shall be made from any appropriation and the duly authorized allotments unless the Controller shall first certify that there is an unexpended and unencumbered balance in the proper appropriation and allotment sufficient to meet the same⁶⁴⁹.

C. No Department, Public Official or Board of Commissioners shall incur any liability or expense by contract or otherwise for which said City shall be responsible in excess of the appropriations so made by said Board of Alders⁶⁵⁰.

D. Every expenditure authorized or incurred in violation of this Charter shall be void. Every payment made in violation of the provisions of this Charter shall be deemed illegal and every official who knowingly authorizes or makes such payment or takes part therein and every person who knowingly receives

Sec. 207. Effect of resignation, death before receiving benefits.

If a member of the fund shall terminate his service with the city before retirement, the total amount of his contributions shall be repaid to him, unless he is a policeman who qualifies for a vested benefit. After July 1, 1975, pension rights for members of the police department shall become vested after twenty (20) years of continuous service, conditioned upon the member leaving his contributions in the pension fund. Such deferred vested pension shall become payable on the date when such member would have first become eligible for retirement if he had remained in service, namely, upon his attainment of age forty-eight (48) or upon his completion of twenty-five (25) years of continuous service, if later. The amount of such vested pension shall be equal to two (2) per cent of his average annual rate of pay for his final ten (10) years of service for each full year of his actual service as a policeman. If a member shall die before retirement from active service and prior to completion of ten years of continuous service, the total amount of his contribution shall be paid to the beneficiary designated by him. If no designated beneficiary shall survive the member, said amount may be paid, in the discretion of the board, to the surviving widow, in equal shares to the member's surviving parents or parent or, if there be no surviving parent, in equal shares to the member's surviving brothers and sisters; if said amount is not so paid, it shall be paid to the member's executor or administrator. If a member shall die after retirement from active service and before he shall receive payments on account of his retirement allowance at least equal to the total amount of his contributions to the date of retirement, the difference between said payments and said contributions shall be paid to the beneficiary designated by him. If no designated beneficiary shall survive the member, said amount shall be paid as hereinbefore provided.

(Special Laws 1957, Act No. 531, § 9; Amd. of 3-18-75)

Sec. 208. Authority of board to make rules, employ assistance.

The pension board shall have the power to make reasonable rules and regulations for carry-

ing out the provisions of this act [division] and may employ such assistance as is necessary for the purpose. Such cost shall be borne by the city in its annual appropriation.

(Special Laws 1957, Act No. 531, § 10)

Sec. 209. Benefits and conditions for certain employees of department of fire service excluded from membership in or representation by Local 825.

Notwithstanding the provisions of Number 531 of the Special Acts of 1957 and any amendment thereto to the contrary, the following benefits and conditions shall be established for all employees of the department of fire service who are excluded from membership in or representation by Local 825, International Association of Fire Fighters, AFL-CIO, and who were appointed to the fire department on or after January 1, 1958 and who are members of the Policemen's and Firemen's Pension Fund, established by said Special Act Number 531, and for the survivors of such employees:

- (a) Each fire department member of said policemen's and firemen's pension fund who has completed twenty-five or more years of continuous service with the fire department, and who is forty-six (46) years of age or older, upon his written application to the pension board, shall be entitled to retirement for superannuation on an annual pension to be paid in accordance with the provisions of subsection (b) of this section.
- (b) Each such member who is retired on superannuation under subsection (a) of this section, shall receive from said pension fund an annual pension, payable monthly, in an amount equal to two (2) per cent of his average total annual earnings of his five (5) highest years of earnings during the ten (10) years immediately preceding his retirement for each full year of service, up to a maximum of seventy (70) per cent of his average total annual earnings of such five (5) highest years of earnings.