

RESOLUTION No. 2022–

RELATIVE TO SCHEDULING A PUBLIC HEARING RELATIVE TO AN ESTIMATE OF THE AMOUNT NECESSARY TO PAY THE EXPENSES FOR THE RECYCLING AND REFUSE PROGRAM FOR FISCAL YEAR 2023

BY:

Council Chairman John Spanbauer
Council Member Kenny Tompkins

WHEREAS, Local Law #3 for the year 2019, a Local Law to amend the Niagara Falls City Charter as amended by adding Section 10.37, entitled “Taxation and Assessment”, which was adopted by City Council on November 21, 2019 and was received and filed by the New York State Department of State on December 10, 2019; and

WHEREAS, Subsection 10.37 (A) (2) of 10.37 of the Charter requires that or before September 15th each year, the City Controller make an estimate of user fees and probable revenues to be received by the City for Recycling And Refuse during the current fiscal year and estimate the amount necessary to pay the expenses for the Recycling And Refuse program for the succeeding fiscal year; and

WHEREAS, on or about September 9, 2022, the City Controller provided the required information relating to recycling and refuse user fees and revenues to the City Council; and

WHEREAS, pursuant to subsection 10.37 (A) (2), the City Council is now required to convene a public hearing, whereby the council shall hear any taxpayer who wishes to be heard in reference thereto. After such hearing, the council shall consider such user fees and

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estimates and may adopt such estimates so submitted to it, add items thereto, or increase, diminish or reject any item therein contained, except such as relates to City indebtedness; and

WHEREAS, furthermore, at the first regular meeting of the City Council in the month of October preceding the expiration of the fiscal year, the City Council is to adopt the user fees and estimates as last amended; this would require the City Council to make such a determination at its meeting on October 5, 2022 without the benefit of the public hearing; and

WHEREAS, however, in 2021, Chapter 5.6 (B) of the City Charter was amended to move the date for the Mayor's submission of the proposed executive budget for the following fiscal year from the first working day of October to the first working day of November, in order to streamline the budget process; and

WHEREAS, with the executive budget proposal moved to November, and as the user fees and estimates are a significant part of any proposed budget, the Council has determined that it would therefore be beneficial to schedule both the public hearing and the Council's consideration and adoption of the user fee and estimates at its first regular meeting in November 2022 (November 2, 2022), which more closely corresponds with the Council's deliberations on the 2023 City Budget.

WHEREAS, accordingly, both the public hearing and the Council's consideration and adoption of the user fee and estimates should occur at the council's regular meeting on November 2, 2022.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York has determined that a public hearing pursuant to Section 10.37 of the City Charter be held on the 2nd day of November, 2022 at 6:00 p.m. in the Council Chambers of the City of Niagara Falls, New York, and that three (3) days' notice of said hearing be

published in the Niagara Gazette preceding said hearing, relative to an estimate of the amount necessary to pay the expenses for the Recycling And Refuse program for fiscal year 2023; and it is further

RESOLVED, following said public hearing, at the Council's regular meeting on November 2, 2022, the City Council will adopt the user fees and estimates as last amended.

Bax_____ **Myles** _____ **Tompkins** _____ **Zajac** _____ **Spanbauer** _____