

## **Chapter 33, CLAIMS AGAINST CITY**

[HISTORY: Adopted by the City Council of the City of Binghamton as indicated in article histories. Amendments noted where applicable.]

### **ARTICLE I, Payment Procedure [Adopted 10-5-1970 (Sub-Part XII of the 1970 Code)]**

#### **§ 33-1. Statutory amendment.**

Section 64 of Chapter 53 of the Consolidated Laws, known as the "Second Class Cities Law," as last amended by local law number three of the year 1953, is hereby superseded and amended to read as follows: Section 64. Claims against the City. No claim against the City except for a fixed salary, for the principal or interest on a bonded or funded debt or other loan, or for the regular or stated compensation of officers or employees in any City department, or for work performed or materials furnished under contract with the City of Binghamton or for claims arising under the provisions of the Workmen's Compensation Law, shall be paid unless a claim therefor certified by or on behalf of the claimant, in such form as the Comptroller shall prescribe, and approved by the head of the department or officer whose action gave rise or origin to the claim, shall have been presented to the Comptroller and shall have been audited and allowed by him. The Comptroller shall cause each such claim, upon presentation to him for audit, to be numbered consecutively and the number, date of presentation, name of the claimant and brief statement of character of each claim shall be entered in a book kept for such purpose, which shall at all times during office hours be so placed as to be convenient for public inspection and examination. The Comptroller shall not be required to audit a claim until two weeks have expired after the date upon which such claim was presented to him. The Comptroller is authorized, in considering a claim, to require any person presenting the same for audit to be sworn before him touching the justness and accuracy of such claim, and to take evidence and examine witnesses in reference to the claim, and for that purpose he may issue subpoenas for the attendance of witnesses. If the claimant be dissatisfied with the audit he may appeal to the Board of Estimate and Apportionment by serving notice of appeal in writing upon the Comptroller and the Council at any time before the first regular meeting of the Council that is held after he receives the Comptroller's audit. If the Council or any taxpayer be dissatisfied with such audit, it or he may appeal to the same board on behalf of the City, in like manner, by serving notice of appeal upon the claimants and the Comptroller and the Treasurer within 10 days after the meeting of the Council at which such claims shall have been reported by the Comptroller. The Board of Estimate and Apportionment shall make rules for the procedure upon the hearing of such appeals and the decision and audit of that Board after the hearing upon the appeal to it, shall be final and conclusive as to the amount of the claim; but if there be no appeal from the original audit it shall in like manner be final and conclusive. Upon the appeal herein provided for, the Treasurer shall take the place of the Comptroller as a member of the Board. The Comptroller and the Board of Estimate and Apportionment upon an appeal to it, as herein provided, shall have authority to take evidence and examine witnesses in reference to the claim and for that purpose may issue subpoenas for the attendance of witnesses; and the Comptroller and each member of the Board of Estimate and Apportionment is hereby declared to be ex-officio a Commissioner of Deeds. When a claim has been finally audited by the Comptroller he shall endorse thereon or attach thereto his certificate as to such audit, and the same shall thereupon be filed in and remain a public record in his office. If any person shall present to the Comptroller for audit a claim in the name of any person or firm other than that of the actual claimant he shall be guilty of a misdemeanor.

### **ARTICLE II, Settlement [Adopted 11-4-1985 by L.L. No. 9-1985 (Sub-Part XX of the 1970 Code)]**

#### **§ 33-2. Compromise of claims.**

The Corporation Counsel shall, whenever he or she considers that the interests of the City will be subserved thereby, enter into an agreement in writing, to compromise and settle any claim against the City up to but not exceeding \$2,500; and all claims in excess of \$2,500 shall be subject to the approval of the Board of Estimate and Apportionment, which agreement shall constitute a valid obligation against the City.

**§ 33-3. Effect of article on prior local law and state law.**

This article shall supersede the provisions of Local Law No. 2 of 1963 and § 205 of the Second Class Cities Law to the extent that said laws are inconsistent with this article.