

Chapter 26, CITY COUNCIL

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

GENERAL REFERENCES

- Administration of government -- See Ch. 5.
- Boards, commissions and committees -- See Ch. 18.
- Elections -- See Ch. 53.
- Code of Ethics -- See Ch. 59.
- Adoption of local laws -- See Ch. 87.
- Mayor -- See Ch. 92.

ARTICLE I, Meetings [Adopted 10-5-1970 (Ch. 2, §§ 2-30 and 2-31, of the 1970 Code)]

§ 26-1. Regular meetings. [Amended 1-2-1978 by Ord. No. 1-79; 10-20-1980 by Ord. No. 229-80; 8-6-1990 by Ord. No. 83-90; 6-6-2005 by Ord. No. 05-35; 8-4-08 by Ord. 37-2008]

- A. Time, place designated. The regular meetings of the City Council shall be held in the Council chamber in the municipal building on each Wednesday following the first and third Monday evenings of each month commencing at 6:30 p.m.
- B. Meeting date falling on holiday. Should any regular meeting date fall upon a legal holiday, then, in such case, the meeting appointed for such date shall be held on the next day thereafter, at the appointed hour and place as set forth herein.
- C. Change of meeting time. The date or time of any regular meeting may be changed by a majority vote of the Council taken at a regular Council meeting.

§ 26-2. Special meetings.

- A. Generally. The President of the City Council, or a majority of its members, may call a special meeting of the City Council by causing a written notice thereof, specifying the objects of the meeting, to be served by the City Clerk upon each member of the City Council personally or by mail, directed to his or her place of residence or place of business, at least 24 hours before the time fixed for such meeting.
- B. Limitation on business. No business shall be transacted at any special meeting other than the business specified in the notice of meeting. [Added 1-2-1979 by Ord. No. 1-79]
- C. Organizational meetings. The City Council shall convene and conduct an organizational meeting on the first Monday following January 1 of each year unless such Monday is a holiday. In this event, said meeting shall be held the following Tuesday unless otherwise ordered by the City Council. [Added 1-2-1979 by Ord. No. 1-79]

ARTICLE II, Inspection of Institutions [Adopted 10-5-1970 (Ch. 2, § 2-32, of the 1970 Code)]

§ 26-3. Inspection of City departments, bureaus and institutions.

Any member of the City Council shall have the authority to inspect any City department, bureau or institution at any reasonable time.

ARTICLE III, Travel [Adopted 10-5-1970 (Ch. 2, § 2-33, of the 1970 Code)]

§ 26-4. Trips taken by Council members and committees.

- A. Approval required. No Council member or committee of the City Council is authorized to take any trip for or on behalf of the Council or of the City, without first obtaining the approval of the Council.
- B. Expenses. After permission is given to a Council member or a committee of the Council to take a trip outside the City, the expenses incurred on said trip shall not be paid unless accompanied with vouchers specifying the amount and the purpose of such expenditures, which expenditures shall be certified by the Comptroller, who shall forward a written report to the City Clerk, and said report shall be read at the next regular meeting. In the event that an automobile owned by a Council member is used on the said trip, a sum not to exceed the amount set forth in Chapter 5, Administration of Government, § 5-15, shall be allowed for the use of the said car, and the mileage traveled shall be set forth in said voucher.

ARTICLE IV, Rules of Procedure [Adopted 10-5-1970 (Ch. 2, §§ 2-39 through 2-45, of the 1970 Code); amended in its entirety 1-2-1979 by Res. No. 1-79]

§ 26-5. Rules adopted. [Amended 10-5-1992 by Ord. No. 92-92; 2-6-1995 by Ord. No. 10-95; 6-1-1998 by Ord. No. 98-57; 7-20-1998 by Ord. No. 98-107; 12-21-1998 by Ord. No. 98-172; 1-19-1999 by Ord. No. 99-4; 12-17-07 by Ord. No. 57-2007; 2-4-08 by Ord. No. 11-2008; 4-5-2017 by Ord. No. 17-26]

The following rules be and the same are hereby adopted as the rules of the City Council:

- A. Call to order. At any meeting of the Council, at the scheduled time and as soon as a quorum appears, the President of the Council shall take the Chair and call the meeting to order. Immediately thereafter, official attendance of Council members who are present shall be taken. Such official attendance shall be taken at each and every meeting of the Binghamton City Council. This includes special meetings, committee meetings, special committee meetings and work session meetings.
- B. Order of business. Except in case of special meetings, or when any subject shall have been made a special order at a particular time, the order of business, which shall not in any case be departed from unless by the unanimous consent of the members present, shall be as follows:
 - I. Call to Order
 - II. Pledge of Allegiance
 - III. Roll call
 - IV. Acknowledgements and Recognitions
 - V. Reports from committees and approval of minutes
 - VI. Approval of Appointments
 - VII. Public hearing(s)
 - VIII. Set public hearing(s)
 - IX. Public comment/communication
 - X. Review of Mayoral Veto
 - XI. Second reading legislation
 - XII. First reading legislation — preferred agenda
 - XIII. Other first reading legislation
 - XIV. Communications from Council members
 - XV. Adjournment
- C. Petitions. All petitions or other papers previous to presentation to the City Council shall have the name of the Council member presenting the same endorsed thereon, and, when requested, the entire paper shall be read by the Clerk before reference or voting thereon.

- D. Recording of communications. No communication shall be spread upon the minutes which is not germane to an action taken or to be taken by the Council and then only by motion duly made, seconded and carried.
- E. Introduction of Legislation and Voting.
- (1) Except for the Preferred Agenda (See 26-5.FF), legislation shall be introduced by the applicable committee chair, or if the chair did not sign out the legislation then by a committee member that did sign the legislation.
 - (2) The member introducing legislation shall stand and read in full or summarize the legislation. The legislation must receive a second before discussion.
 - (3) The President shall recognize any member wishing to discuss the legislation. When discussion is complete the President, or acting President, shall call the question.
 - (4) Every member of the Council who shall be present when a question is stated from the President, or acting President, shall vote thereon unless excused by a majority vote of the Council.
- F. Questions of order; appeals from decision of chair. All questions of order shall be decided without debate; also appeals from the decision of the chair.
- G. Members to rise, remain at desk when making motion, debating, etc. It shall not be in order for any member to make a motion or to debate any question, or to present any petition, report or other paper from his or her desk while seated or away from his or her desk.
- H. Voting on expenditure of money. In all cases involving the expenditure of money, the vote shall be by ayes and nays on any question whatsoever.
- I. Appointment of standing committees. The standing committees of the Council shall be appointed by the President of the Council to serve for one year.
- J. Composition, enumeration of standing committees.
- (1) The standing committees of the City Council shall each consist of three members and shall be as follows:
 - (a) Employees' Committee. This committee shall consider and report upon all matters relating to employees, including salaries, wages and all other employee benefits and terms and conditions of employment. This committee shall also be responsible for reporting to the Council the current status of all labor negotiations.
 - (b) Finance. This committee shall consist of three members, including one member of the minority party, who shall consider and report upon all matters pertaining to the Department of Finance. The committee shall:
 - [1] Review and make recommendations for any change or modification in the current annual budget or capital program;
 - [2] Investigate and report all matters pertaining to City insurance and bonds of City officers and employees;
 - [3] Consider and report upon all matters pertaining to the equalization of assessments, the assessment rolls, and footings, erroneous assessments, tax maps and tax sales;
 - [4] Report upon all property deeded or conveyed to the City, and shall recommend disposal or sale of all real and personal property when no longer required for public use;

- [5] Survey, consider, study and report upon all capital projects and submit recommendations thereon with the order of priority based upon the City's financial condition and future needs.
 - (c) Municipal and Public Affairs.
 - [1] This committee shall consider all matters in connection with the welfare of the general public of the City of Binghamton.
 - [2] This committee shall act as a liaison between the City government and the general public of the City of Binghamton.
 - (d) Public Works/Parks and Recreation Committee.
 - [1] This committee shall consider and report upon all matters pertaining to the Department of Public Works.
 - [2] This committee shall consider and report upon all matters pertaining to City parks and recreation, including purchase of sites, administration, equipment and related recreational facilities and programs.
 - (e) Planning and Community Development. This committee shall consider and report upon all matters pertaining to the Community Development Department as well as all matters pertaining to planning and zoning.
 - (f) Rules and Procedures/Special Studies.
 - [1] This committee shall present an initial proposal for the copy of all rules of the Council in a separate format. Upon approval of the City Council, the rules and procedures shall be put in a separate book form adaptable for revisions, changes or supplements.
 - [2] Review, on an ongoing basis, the approved rules and procedures booklet for purpose of revision, amendments, additions and other changes to be submitted to the City Council for consideration.
 - [3] At the next regularly scheduled meeting following the annual (organizational) meeting of the City Council, the Chair of the committee shall move to adopt the rules and procedures of the City Council in the printed form, subject to amendment or revision. This would include an update of the rules and procedure by revision or amendment during the past calendar year.
 - [4] Consider and report upon any legislation requiring lengthy study and research in order to relieve other Council committees for their day-to-day, short-term legislation.
- (2) Each standing committee shall consist of three members each to serve for a one-year term and shall be appointed by the President of the Council, with one member designated as Chair. The President of the Council shall be an ex officio member of each committee without a vote.
- K. Reports on petitions, etc.; action thereon. All committees of the City Council and officers to whom petitions or other papers are referred shall report in writing at the first succeeding regular meeting, unless time be extended by the Council. The report when received may be adopted, recommitted or action thereon postponed.
- L. Certain ordinances to be certified by Corporation Counsel. No ordinance granting any right, franchise or property shall be adopted until certified by the Corporation Counsel as to form and legality. He or she shall report the same within 10 days after such ordinance is referred to him or her.
- M. Order of roll call, voting. The roll call and voting on any local law, ordinance, resolution, motion or other matter coming before the Council shall be in consecutive order by wards, commencing with the First Council District, except that each President may elect to vote last throughout his/her term. Such election to be made at the organizational meeting.

- N. Altering, suspending, rescinding rules. No rules of the Council shall be altered, suspended or rescinded unless by majority vote of all the members elected and no motion to alter, suspend or rescind any such rule shall be in order without the unanimous consent of all members of the Council present, unless notice thereof shall have been given at the previous regular meeting and no motion to suspend shall embrace more than one rule or relate to any other subject than the one specified in the motion.
- O. Members of public addressing Council. Members of the general public may address the Council in an orderly fashion and shall speak for not more than five minutes.
- P. Robert's Rules of Order. Robert's Rules of Order shall govern the deliberations of the City Council, except as otherwise provided by its rules.
- Q. Verbatim statements in minutes. Any member of the City Council may have his or her statements included verbatim in the minutes of the Council if a motion is adopted by the majority of the members of Council, provided that such statements are not excessive and are capable of being transcribed by a stenographer.
- R. Election of President Pro Tem. The City Council shall elect a President Pro Tem to act during the temporary absence or inability of the President and to perform such other duties as the Council may direct.
- S. Special committees. The President of the Common Council shall designate members to a special committee whenever it is deemed necessary and appropriate with the approval of a majority of the members of the Council.
- T. Committee of the whole meetings.
 - (1) The City Council may at any time while in regular or special session revolve itself into a committee of the whole meeting on any subject before it, including the annual budget. [See §26-5.U(2) below]. Except as provided in §26-5.U(2) below, the President may name some other member of the Council to preside at said meeting and take his or her place as a voting member of the committee.
 - (2) A committee of the whole meeting shall be public (Public Officers Law § 100 et seq.), unless, by consent of the majority, it shall be deemed necessary to the public welfare, and in accordance with the Open Meetings Law (Public Officers Law § 100 et seq.), to hold said meeting in private. The member presiding at such meeting shall report to the Council of the action taken.
- U. Authority and responsibility:
 - (1) Pursuant to the laws of the State of New York, the City Council has the power and authority to subpoena persons and documents and to examine witnesses under oath on any matter or proceeding referred to or before them. Any documents and papers shall be returned after Council's examination.
 - (2) It shall be the responsibility of the Council to adopt an annual tax budget. The City Council shall meet as a committee of the whole to review and vote on each budget item, each page, or group of pages during the forty-five day annual budget review period. The Chair of the Finance Committee shall preside over the meetings regarding the annual budget.
- V. Legislation holdover. [See § 26-7, First Read Legislation]
- W. Reconsideration.

- (1) A motion to reconsider a vote shall be in order at (i) the same meeting at which the vote to be considered was taken, (ii) the next succeeding regular meeting or (iii) the next succeeding special meeting when such special meeting has been called for reconsideration.
 - (2) The Annual Budget. Any time during the forty-five annual budget review period and before final approval and adoption of the budget as a whole, a motion for reconsideration can be made by any member who voted in favor of the adoption of a particular budget item, page, or group of pages requesting reconsideration of a particular budget item, budget page, or pages. Said motion can be seconded by any member. Said motion to reconsider must be approved by a two-thirds (a least five of seven) vote of the City Council. Once the motion to reconsider has been approved, a motion to amend any previously approved budget items, page, or group of pages requires a majority vote of City Council.
- X. Question reduced to writing. No question shall be decided unless reduced to writing if requested by any member of the Council.
- Y. Absence. No member of the Council shall be absent from a Council meeting prior to adjournment for more than 10 minutes without the permission of the presiding officer.
- Z. Discussion. When a member of the Council wishes to speak, he or she shall rise from his or her chair and address the presiding officer. If two or more members rise to speak at the same time, the presiding officer shall determine the first to speak.
- AA. Chair. In the absence of the President or President Pro Tem at any regular or special meeting of the Council, the majority leader shall preside at said meeting. If the majority leader is also absent, the minority leader shall preside.
- BB. Lack of quorum. A majority of the members of the Council shall constitute a quorum. If a quorum shall not be in attendance at any regular meeting of the Council, the only action which can be taken is to take the appropriate measures to establish a quorum.
- CC. Presiding officer.
- (1) Generally. The duties of the presiding officer shall be to enforce the rules of order and to determine, without debate, all questions of procedure. Any member of the Council may appeal to the presiding officer regarding a question of procedure.
 - (2) Participation in discussion. The presiding officer shall limit his or her discussion in the deliberations of the Council. If it is the desire of the presiding officer to participate in the full debate, he or she shall leave the chair and take a place on the Council floor, and the President Pro Tem shall take the place of the presiding officer.
 - (3) Explanation of ruling. Nothing herein shall be construed to prevent the presiding officer from explaining his or her ruling.
- DD. Communications. The Clerk shall provide a synopsis of communications received by members of the Council during a given Council meeting. The Clerk shall read in full any communication if so directed by the presiding officer or a member of the Council.
- EE. Public hearings. The following rules shall apply to any public hearing before the Council:
- (1) Each person shall register with the Clerk his or her name, address, and, if representing a group or organization, the name of said group or organization, and if he or she is speaking in favor or against the subject.
 - (2) All persons speaking in favor of the subject shall be given opportunity to speak first. The opponents shall then be given an opportunity to speak.

- (3) Only members of the Council shall be permitted to ask questions during the course of the hearing.

FF. A Preferred Agenda may be presented at any regular meeting. The Preferred Agenda shall be limited to Ordinances or Resolutions (collectively "Legislation") that has been signed by all seven members of City Council as provided in 26-6.A below. The City Clerk will read the title of each Legislation on the Preferred Agenda. After each title is read, any City Council member may comment on the proposed Legislation. Once all the titles on the Preferred Agenda are read, the Preferred Agenda will be voted on as one item. Prior to voting, any Council member may request to remove any Legislation from the Preferred Agenda.

§ 26-6. Legislative procedure for drafting of local laws, ordinances and resolutions [Amended 4-5-2017 by Ord. No. 17-26].

- A. All local laws, ordinances or resolutions, or any other papers to be presented to the Council, shall carry the name of the Council member(s) sponsoring same, with the name(s) of the member(s) reviewing the legislation listed on the legislation.
- B. Requests for legislation from the Mayor, members of the Council, department heads, and the general public shall be referred to the City Clerk, who shall forward same to the President of the Council for appropriate committee designation. Any request for legislation to be forwarded to the Corporation Counsel for drafting, following approval by the designated committee(s), shall be approved by a majority of each of the designated committee(s). A request for legislation may be removed from committee for drafting if approved by a majority of the member of Council.
- C. The Clerk shall not process a late request for a legislation unless so authorized by City Council President.
- D. A digital copy of every proposed local law, ordinance, or resolution shall available to the Mayor and City of Binghamton employees at least 24 hours prior to its inclusion as first read legislation.

§ 26-7. First reading legislation. [Amended 4-2-07 by Res. No. 37-2007; 4-5-2017 by Ord. No. 17-26]

All first reading legislation shall be referred by the sponsoring Council member to the appropriate committee(s), unless unanimous consideration is requested. Upon receiving the right of the floor, a council member may move to holdover the pending question to the next regular business meeting. The request to holdover must receive a second. Upon a motion and a second, the question will be held over to the next regular business meeting or special meeting called to consider such legislation. The motion or second may be withdrawn at any time. The Council President will decide whether or not to allow discussion on the question to continue.

§ 26-8. Council member sponsoring legislation to move for formal adoption.

The sponsoring Council member must move for formal adoption of his or her legislation on the Council floor.

§ 26-9. Discharge of legislation from committee. [Amended 5-15-1997 by Ord. No. 72-97; 8-4-2003 by Ord. No. 03-93; 4-5-2017 by Ord. No. 17-26]

- A. Any formal legislation signed out of committee by a majority of committee members, or a majority of the members of the Council, shall be first read legislation at the next regular meeting or special meeting called for that purpose.
- B. Any legislation that has been returned to committee, after first read, will automatically be returned to the assigned Council floor for a second reading at the next regular business meeting or special

business called for that purpose, unless one or more Council members removes his or her name from the legislation and, as a result, there is no longer a majority of committee members or a majority of Council members who signed the legislation; in which event the legislation will be returned to committee. [Amended 8-21-2006]

§ 26-10. Legislation carry-over.

All requests for legislation, ordinances, local laws and resolutions introduced for consideration by the Council and not acted upon before the end of the year in which said request for legislation or legislation was introduced shall be deemed withdrawn, and in order for such request for legislation, ordinance, local law or resolution to be considered the following year, such request for legislation or legislation shall be carried over by the request of any member of Council.

§ 26-11. Amendments to legislation [Amended 4-5-2017 by Ord. No. 17-26].

- A. All amendments to legislation which are deemed in violation of the law shall be deemed out of order.
- B. All amendments to legislation shall be made (i) at a regular or special meeting or (ii) in writing prior to said meeting and copies of same shall be provided to all members of Council, the City Clerk, and Corporation Counsel.
- C. All amendments to legislation may be referred, delayed or otherwise disposed of without delay or prejudice to the legislation itself.

ARTICLE V, Salaries of Council Members [Adopted 10-5-1970 (Sub-Part XVII of the 1970 Code); amended in its entirety by L.L. No. 2-1988]

§ 26-12. Annual salary. [Amended by L.L. No. 4-1990; Amended 11-17-2003 by O03-120; Amended 11-19-2014 by O14-61]

- A. From January 1, 2016, through December 31, 2019, the annual salary of each of the members of the Common Council of the City of Binghamton shall be as follows:

2016-\$8,500
2017-\$9,000
2018-\$9,500
2019-\$10,000

- B. In the absence of further legislation amending said annual salaries, starting January 1, 2020, the annual salary shall be increased by the average upstate New York consumer price index (CPI) as determined by the U.S. Department of Labor for the preceding twelve (12) month average as of October 1.

§ 26-13. Effect of article on Optional City Government Law.

Article III, Section 38; Article VI, Title 1, Section 106; and Article VI, Title III, Section 115 of Chapter 444 of the Laws of 1914, known as the "Optional City Government Law," hereby are superseded in their application to the City of Binghamton insofar as the same conflict with the provisions of this article.

§ 26-14. Effective date.

This article shall take effect January 1, 1988, subject to the provisions of the Municipal Home Rule Law.

§ 26-15. Except for salary increases as provided in § 26-12 above [Amended 4-5-2017 by Ord. No. 17-26]

The salary for members of City Council for each Councilmatic term shall be established prior to the Councilmatic election for the term for which that salary shall be effective.

ARTICLE VI, Telephone Services [Adopted 12-20-1976 by Ord. No. 265-76 (Ch. 2, § 2-34, of the 1970 Code); 4-5-2017 by Ord. No. 17-26]

§ 26-16. Council members to contract for telephone services.

- A. The City of Binghamton will provide and pay for a cellular or home phone for use by Council members.
- B. It is optional that each member of the Council take advantage of Subsection A above.

ARTICLE VII, First Reading of Ordinances [Adopted 2-21-1995 by L.L. No. 2-1995 (Sub-Part LXXXVI of the 1970 Code)]

§ 26-17. Statutory provisions superseded.

The Second Class Cities Law § 35 is hereby superseded as to that portion of the law requiring unanimous consent for first reading legislation.

§ 26-18. Same-day approval of ordinance by majority vote.

The Council of the City of Binghamton is hereby authorized to approve an ordinance, on the same day as it is introduced, by a majority vote of the Council.