



**THE COUNCIL OF THE CITY OF BINGHAMTON  
STATE OF NEW YORK**

Date: January 10, 2024

Sponsored by Council Members: Cavanaugh, Hotchkiss, Dundon, Mativetsky

Introduced by Committee: Finance

**ORDINANCE**

*entitled*

AN ORDINANCE TO AMEND THE 2024 POLICE BUDGET TO FUND A POLICE LIEUTENANT POSITION FOR THE WHOLE BUDGET YEAR (2024) AND DEFUND A GRADE 1 POLICE OFFICER FOR THE WHOLE BUDGET YEAR (2024) AND INCREASE BENEFITS ASSOCIATED WITH CHANGE OF GRADE

WHEREAS, the Police Chief and the Comptroller of the City of Binghamton find it proper and necessary to amend the 2024 Police budget for personal services to (i) defund 1 “Police Officer – Grade 1” position at an annual salary of \$88,134.00 and (ii) fund 1 “Police Lieutenant” position at an annual salary of \$106,172.00; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on January 10, 2024

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That the Comptroller and City Treasurer of the City of Binghamton are hereby authorized and directed to amend the 2023 Police budget to (i) defund 1 “Police Officer – Grade 1” position at an annual salary of \$88,134.00 and (ii) fund 1 “Police Lieutenant” position at an annual salary of \$106,172.00 from January 1, 2024 until December 31, 2024 as follows:

Transfer From (Decrease):

\$88,134.00 A3120.51000 (Per. Ser. Grade 1)  
\$27,429.30 A3120.51000 (Per. Ser. Grade 1)

\$115,563.30

Transfer To (Increase):

\$106,172.00 A3120.51000 (Per. Ser. Lt.)  
\$1379.00 A9030.58000B (Social Security)  
\$5411.40 A9015.58000 (Retirement)  
\$2600.00 A9060.58000C (Health Insurance)

\$115,563.30

Section 2. That this Ordinance shall take effect immediately.

I HEREBY CERTIFY that the above described funds are unencumbered and available

\_\_\_\_\_  
Chuck Shager, Comptroller

Please Expedite  
Cover order



# Legislative Branch

RL Number:	_____
Date Submitted:	_____

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

## REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for possible consideration at City Council Work Sessions. RLs generated by City Departments must be signed by the Mayor, Comptroller, and Corporation Counsel prior to submission. Incomplete/incorrect RLs will be returned to applicant for revisions.

### Applicant Presenting RL at Work Session

Meghan Heirnan	DEPUTY MAYOR	607-772-7001
<i>(Print Name)</i>	<i>(Title)</i>	<i>(Phone number)</i>

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### To Be Completed By Applicant

**Proposed Title:** Amend the 2024 General fund budget to fund a Police Lieutenant position for the whole budget year (2024) and defund a Grade 1 Police Officer for the whole budget year (2024). Increase benefits associated with change of grade.

**Executive Summary** (*Explain why legislation is necessary*): see attached

Effective Date: (if applicable) \_\_\_\_\_

**Budget transfer or amendment:** RL Budget Transfer Worksheet must be attached w/ Dep. Head signature.

**RL related to a grant:** RL Grant Worksheet must be attached. Deadline for Council to act by: \_\_\_\_\_

**RL related to previously adopted legislation:** Perm. number \_\_\_\_\_, adoption date \_\_\_\_\_

**Contract:** Person/Company \_\_\_\_\_ Start/End Date \_\_\_\_\_

Total Cost \_\_\_\_\_ Funds available in Budget Line \_\_\_\_\_ Title \_\_\_\_\_

Public Hearing required? Yes  No  SEQRA required? Yes  No

Additional information related to this RL attached? Yes  No

<b>OFFICE USE ONLY</b>	
Mayor:	_____
Comptroller:	_____
Corp. Counsel:	_____
Finance <input type="checkbox"/>	Planning <input type="checkbox"/>
MPA <input type="checkbox"/>	PW/Parks <input type="checkbox"/>
Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>





**THE COUNCIL OF THE CITY OF BINGHAMTON  
STATE OF NEW YORK**

Date: January 10, 2024

Sponsored by Council Members: Cavanaugh, Hotchkiss, Mativetsky, Dundon

Introduced by Committee: Finance

**ORDINANCE**

*entitled*

**AN ORDINANCE TO AMEND THE 2023  
BINGHAMTON-JOHNSON CITY JOINT  
SEWAGE TREATMENT PLANT BUDGET FOR  
CPI INCREASE**

WHEREAS, the City of Binghamton (the “City”) is a joint owner of the Binghamton-Johnson City Joint Sewage Treatment Facilities (the “BJCJSTF”) with the Village of Johnson City (the “Village”); and

WHEREAS, the BJCJSTF is operated and maintained by the Binghamton-Johnson City Joint Sewage Board (the “JSB”) under a series of inter-municipal agreements between the City and the Village; and

WHEREAS, the Council of the City and the Board of Trustees of the Village approve the BJCJSTF budget; and

WHEREAS, the JSB has requested an amendment to the 2024 BJCJSTF budget to increase the Personal Services-Hourly based on CPI in the amount of \$45,001.00.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That Council approves and directs the Comptroller/JSB Fiscal Officer to amend and make journal budget entries in 2024 BJCJSTF budget to increase the Personal Services-Hourly based on CPI in the amount of \$45,001.00 as follows:

Transfer From (Decrease):

\$45,001.00 ES8130.55000 (Per Sv. Hr)

Transfer To (Increase):

\$5,490.00 ES8130.51000.JS2HR(Per Sv.Hrly)  
\$3,495.00 ES8130.51000.JS2HR (Per Sv Hrly)  
\$6,518.00 ES8130.51000.JS2HR (Per Sv Hrly)  
\$1,516.00 ES8130.51000.JS2HR (Per Sv Hrly)  
\$3,096.00 ES8130.51000.JS2HR (Per Sv Hrly)  
\$3,294.00 ES8130.51000.JS2HR (Per Sv Hrly)  
\$1,765.00 ES8130.51000.JS2HR (Per Sv Hrly)  
\$6,826.00 ES8130.51000.JS2HR (Per Sv Hrly)  
\$4,326.00 ES8130.51000.JS2HR (Per Sv Hrly)  
\$2,069.00 ES8130.51000.JS2HR (Per Sv Hrly)  
\$1,707.00 ES8130.51000.JS2HR (Per Sv Hrly)  
\$1,486.00 ES8130.51000.JS2HR (Per Sv Hrly)  
\$41,588.00

Section 2. That this Ordinance shall be effective when also approved by sufficient members of the Board of Trustees of the Village.

I HEREBY CERTIFY that the above described funds are unencumbered and available

---

Chuck Shager, Comptroller/JSB Fiscal Officer



# Legislative Branch

RL Number:

Date Submitted:

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

## REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for possible consideration at City Council Work Sessions. RLs generated by City Departments must be signed by the Mayor, Comptroller, and Corporation Counsel prior to submission. Incomplete/incorrect RLs will be returned to applicant for revisions.

### Applicant Presenting RL at Work Session

Billie J. Goodson

Business Manager

607-772-7029

(Print Name)

(Title)

(Phone number)

Signature: *Billie Goodson*

Date: 12/12/2023

### To Be Completed By Applicant

**Proposed Title:** Ordinance to amend the BJCSB 2024 Budget to increase hourly rates due to 2.66% CPI increase and change the position count by defunding a position.

**Executive Summary** (*Explain why legislation is necessary*): The Binghamton-Johnson City Joint Sewage Board requests the owners pass legislation to amend the 2024 Budget to increase hourly rates by 2.66%. The resulting increase will be offset by defunding one Operator I/Operator Trainee position.

There will be no change to funding in the 2024 Budget.

Effective Date: (if applicable) 01/01/2024

**Budget transfer or amendment:** RL Budget Transfer Worksheet **must** be attached w/ Dep. Head signature.

**RL related to a grant:** RL Grant Worksheet **must** be attached. Deadline for Council to act by: \_\_\_\_\_

**RL related to previously adopted legislation:** Perm. number \_\_\_\_\_, adoption date \_\_\_\_\_

**Contract:** Person/Company \_\_\_\_\_ Start/End Date \_\_\_\_\_

Total Cost \_\_\_\_\_ Funds available in Budget Line \_\_\_\_\_ Title \_\_\_\_\_

**Public Hearing required?** Yes  No

**SEQRA required?** Yes  No

**Additional information related to this RL attached?** Yes  No

#### OFFICE USE ONLY

Mayor: \_\_\_\_\_

Comptroller: \_\_\_\_\_

Corp. Counsel: \_\_\_\_\_

Finance  Planning  MPA  PW/Parks  Employees  Rules/Special Studies



# CITY OF BINGHAMTON

## Request for Transfer of Funds

Transfer requests of \$2500 or less must be approved by the Comptroller.  
 Transfer requests over \$2500 and not in excess of \$10,000 must be approved by Board of E&A and Chair of Finance Committee.  
 Transfer requests in excess of \$10,000 must be approved by City Council.

*This worksheet must be attached to any RL submitted to the Clerk's Office that includes a budget funding transfer or amendment. For additional instructions, see 'RL Instructions' document.  
 Incomplete/incorrect RLs to be returned to applicant for revisions. Additional transfer lines in the same format may be attached.*

Adopted Budget Year Amended: 2024 Department: BJCJSTP  
 Department Head Signature: Billie Goodson

Transfers							
Transfer From (Decrease)				Transfer To (Increase)			
Amount	Budget Line	Budget Line Title		Amount	Budget Line	Budget Line Title	
\$ 45,001.00	ES8130.51000.JS2HR	Personal Services Hourly (Op I/Op. Trainee)	➔	\$ 5,490.00	ES8130.51000.JS2HR	Personal Services-Hourly (Shift Lead Op)	
			➔	\$ 3,495.00	ES8130.51000.JS2HR	Personal Services-Hourly (Operator III)	
			➔	\$ 6,518.00	ES8130.51000.JS2HR	Personal Services-Hourly (Operator II)	
			➔	\$ 1,516.00	ES8130.51000.JS2HR	Personal Services-Hourly (Maintainer)	
			➔	\$ 3,096.00	ES8130.51000.JS2HR	Personal Services-Hourly (Motor Equip Op)	
			➔	\$ 3,294.00	ES8130.51000.JS2HR	Personal Services-Hourly (Lab Tech)	
			➔	\$ 1,765.00	ES8130.51000.JS2HR	Personal Services-Hourly (CMMS Clerk)	
			➔	\$ 6,826.00	ES8130.51000.JS2HR	Personal Services-Hourly (Mechanic)	
			➔	\$ 4,326.00	ES8130.51000.JS2HR	Personal Services-Hourly (Mechanics Asst)	
			➔	\$ 2,069.00	ES8130.51000.JS2HR	Personal Services-Hourly (Bldg Maint Help)	
			➔	\$ 1,707.00	ES8130.51000.JS2HR	Personal Services-Hourly (Electrician)	
			➔	\$ 1,486.00	ES8130.51000.JS2HR	Personal Services-Hourly (Electrician's Hel)	
\$ 45,001.00				\$ 41,588.00			

Revenue & Fund Balance Amendments				
Amount	Increase/Decrease	Revenue/Expense / Fund Balance	Budget Line	Budget Line Title

**Office Use Only for Transfers Under \$10,000**

I hereby certify that the above funds are unencumbered and available for Transfer. Certified by the Comptroller. Signature: \_\_\_\_\_ Date: \_\_\_\_\_

I hereby certify that the above described funds have been transferred, in accordance with the Code of the City of Binghamton Chapter9, Appropriations. Certified by the Treasurer. Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Transfer of funds Approved \_\_\_ / Denied \_\_\_ on \_\_\_/\_\_\_/\_\_\_\_\_. Certified by the Secretary of the Board of Estimate and Apportionment. Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Transfer of funds reviewed by the Binghamton City Council Finance Chair. Recommendations to be attached. Signature: \_\_\_\_\_ Date: \_\_\_\_\_



# CITY OF BINGHAMTON

## Request for Transfer of Funds

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 Transfer requests over \$2500 and not in excess of \$10,000 must be approved by Board of E&A and Chair of Finance Committee.  
 Transfer requests in excess of \$10,000 must be approved by City Council.

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 Incomplete/incorrect RLs to be returned to applicant for revisions. Additional transfer lines in the same format may be attached.*

**Adopted Budget Year Amended:** 2024 **Department:** BJCJSTP  
**Department Head Signature:** \_\_\_\_\_

Transfers								
Transfer From (Decrease)			  	Transfer To (Increase)				
Amount	Budget Line	Budget Line Title		Amount	Budget Line	Budget Line Title		
\$ 45,001.00	ES8130.51000.JS2HR	Personal Services Hourly (Op I/Op. Trainee)	\$ 41,588.00	ES8130.51000.JS2HR	Personal Services Hourly (Cont)			
			\$ 3,413.00	ES8130.51000.JS2HR	Personal Services Hourly (Inst. Tech)			
\$ 45,001.00			\$ 45,001.00					

Revenue & Fund Balance Amendments				
Amount	Increase/Decrease	Revenue/Expense / Fund Balance	Budget Line	Budget Line Title

**Office Use Only for Transfers Under \$10,000**

I hereby certify that the above funds are unencumbered and available for Transfer. Certified by the Comptroller. Signature: \_\_\_\_\_ Date: \_\_\_\_\_

I hereby certify that the above described funds have been transferred, in accordance with the Code of the City of Binghamton Chapter9, Appropriations. Certified by the Treasurer. Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Transfer of funds Approved \_\_\_ / Denied \_\_\_ on \_\_\_ / \_\_\_ / \_\_\_\_\_. Certified by the Secretary of the Board of Estimate and Apportionment. Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Transfer of funds reviewed by the Binghamton City Council Finance Chair. Recommendations to be attached. Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**PROPOSED 2024 JSB BUDGET AND POSITION MODIFICATIONS TO INCLUDE CPI RATE INCREASE**

(presented: 12/12/2024 JSB Meeting)

**NOTES:**

1) The Joint Sewage Board proposes to modify the 2024 JSB Budget effective January 1, 2024 to include CPI rate increase, payroll taxes and benefits.

2) Decrease one open Operator I/Op. Trainee position

**The proposed Budget Modifications to accomplish these changes are as follows:**

for ITEM 2), above

BUDGET LINE / NAME			NET TOTAL
	Proposed Increase	Adopted Decrease	MODIFICATION FOR BUDGET LINE
ES8130.51000.JS2HR <b>Personal Services</b>	\$ 2,169,315.00	\$ (2,169,315.00)	\$ -
Shift Lead Operator - 3.00 @ up to \$33.95/hr - 1.00	@ \$ 211,847.00	\$ 206,357.00	\$ 5,490.00
Operator III - 3.00 @ up to 32.42/hr - 1.00	@ \$ 134,868.00	\$ 131,373.00	\$ 3,495.00
Operator II - 3.00 @ up to 30.23/hr - 1.00	@ \$ 251,543.00	\$ 245,025.00	\$ 6,518.00
Operator I/Op. Trainee - 7.00 @ up to 28.69/hr - 1.00	@ \$ 432,859.00	\$ 477,860.00	\$ (45,001.00)
Maintainer - 1.00 @ up to 28.12/hr - 1.00	@ \$ 58,488.00	\$ 56,972.00	\$ 1,516.00
Motor Equipment Operator - 2.00 @ up to 28.71/hr - 1.00	@ \$ 119,452.00	\$ 116,356.00	\$ 3,096.00
Lab Tech - 2.00 @ up to 30.55/hr - 1.00	@ \$ 127,097.00	\$ 123,803.00	\$ 3,294.00
CMMS Clerk - 1.00 @ up to 32.75/hr - 1.00	@ \$ 68,118.00	\$ 66,353.00	\$ 1,765.00
Mechanic - 4.00 @ up to 31.66/hr - 1.00	@ \$ 263,415.00	\$ 256,589.00	\$ 6,826.00
Mechanic's Assistant - 3.00 @ up to 28.12/hr - 1.00	@ \$ 166,920.00	\$ 162,594.00	\$ 4,326.00
Building Maintenance Helper - 2.00 @ up to 19.19/hr - 1.00	@ \$ 79,820.00	\$ 77,751.00	\$ 2,069.00
Electrician - 1.00 @ up to 31.66/hr - 1.00	@ \$ 65,855.00	\$ 64,148.00	\$ 1,707.00
Electrician's Helper - 1.00 @ up to 29.49/hr - 1.00	@ \$ 57,325.00	\$ 55,839.00	\$ 1,486.00
Instrumentation Tech - 2 @ up to 31.66/hr - 1.00	@ \$ 131,708.00	\$ 128,295.00	\$ 3,413.00





# Legislative Branch

RL Number:

Date Submitted:

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

## REQUEST FOR LEGISLATION

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### Applicant Presenting RL at Work Session

Billie J. Goodson

Business Manager

607-772-7029

(Print Name)

(Title)

(Phone number)

Signature: *Billie Goodson*

Date: 12/12/2023

### To Be Completed By Applicant

**Proposed Title:** Ordinance to amend the BJCSB 2024 Budget position count to defund one Mechanics Assistant and fund one Mechanics position.

**Executive Summary** (Explain why legislation is necessary): The Binghamton-Johnson City Joint Sewage Board requests the owners pass legislation to amend the 2024 Budget position count by decreasing the Mechanics Assistant position by one and increasing the Mechanics position by one. The remaining amount will be offset by holding one open Operator III position from being filled for 3 pay periods. There will be no change to funding in the 2024 Budget.

Effective Date: (if applicable) 01/01/2024

**Budget transfer or amendment:** RL Budget Transfer Worksheet **must** be attached w/ Dep. Head signature.

**RL related to a grant:** RL Grant Worksheet **must** be attached. Deadline for Council to act by: \_\_\_\_\_

**RL related to previously adopted legislation:** Perm. number \_\_\_\_\_, adoption date \_\_\_\_\_

**Contract:** Person/Company \_\_\_\_\_ Start/End Date \_\_\_\_\_

Total Cost \_\_\_\_\_ Funds available in Budget Line \_\_\_\_\_ Title \_\_\_\_\_

**Public Hearing required?** Yes  No

**SEQRA required?** Yes  No

**Additional information related to this RL attached?** Yes  No

#### OFFICE USE ONLY

Mayor: \_\_\_\_\_

Comptroller: \_\_\_\_\_

Corp. Counsel: \_\_\_\_\_

Finance  Planning  MPA  PW/Parks  Employees  Rules/Special Studies



# CITY OF BINGHAMTON

## Request for Transfer of Funds

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 Transfer requests over \$2500 and not in excess of \$10,000 must be approved by Board of E&A and Chair of Finance Committee.  
 Transfer requests in excess of \$10,000 must be approved by City Council.

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 Incomplete/incorrect RLs to be returned to applicant for revisions. Additional transfer lines in the same format may be attached.*

Adopted Budget Year Amended: 2024 Department: BJCJSTP  
 Department Head Signature: Billie Goodson

Transfers						
Transfer From (Decrease)			→	Transfer To (Increase)		
Amount	Budget Line	Budget Line Title		Amount	Budget Line	Budget Line Title
\$ 58,489.00	ES8130.51000.JS2HR	Personal Services Hourly (Mechanics Asst)	→	\$ 65,852.00	ES8130.51000.JS2HR	Personal Services Hourly (Mechanic)
\$ 7,363.00	ES8130.51000.JS2HR	Personal Services Hourly (Operator III)	→			
			→			
			→			
			→			
			→			
\$ 65,852.00				\$ 65,852.00		

Revenue & Fund Balance Amendments				
Amount	Increase/Decrease	Revenue/Expense / Fund Balance	Budget Line	Budget Line Title

**Office Use Only for Transfers Under \$10,000**

I hereby certify that the above funds are unencumbered and available for Transfer. Certified by the Comptroller. Signature: \_\_\_\_\_ Date: \_\_\_\_\_

I hereby certify that the above described funds have been transferred, in accordance with the Code of the City of Binghamton Chapter9, Appropriations. Certified by the Treasurer. Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Transfer of funds Approved \_\_\_ / Denied \_\_\_ on \_\_\_ / \_\_\_ / \_\_\_\_\_. Certified by the Secretary of the Board of Estimate and Apportionment. Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Transfer of funds reviewed by the Binghamton City Council Finance Chair. Recommendations to be attached. Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**PROPOSED 2024 JSB POSITION COUNT MODIFICATIONS TO DEFUND (1) MECHANICS ASSISTANT TO FUND (1) MECHANIC**

(presented: 12/12/2023 JSB Meeting)

**NOTES:**

- 1) The Joint Sewage Board proposes to modify the 2024 JSB Position count effective January 1, 2024 to include Personal Service increase and corresponding incidentals to allow for internal growth and movement.
- 2) Defund one Mechanics Assistant position, decrease an open Operator III position by 2.839 pay periods and (b)create/fund one Mechanic position

Trainee position.

**The proposed Budget Modifications to accomplish these changes are as follows:**

*( based on Section 8.1.3 CBA-established "New Hire" Rates )*

for ITEM 2), above	<b>Mechanics Asst Operator III</b>	<b>Mechanic</b>		
BUDGET LINE/NAME	-1 @ up to \$28.12/hr.	-up to \$32.42/hr.	+1 @ up to \$31.66/hr.	
ES8130.51000.JS2HR <b>Personal Services</b>	\$ (58,489.00)	\$ (7,363.00)	\$ 65,852.00	\$ -



**THE COUNCIL OF THE CITY OF BINGHAMTON  
STATE OF NEW YORK**

Date: January 10, 2024

Sponsored by Council Members: Cavanaugh, Hotchkiss, Dundon

Introduced by Committee: Finance

**RESOLUTION**

*entitled*

**A RESOLUTION AUTHORIZING THE MAYOR  
TO ENTER INTO AN AGREEMENT WITH  
BONADIO CPA FOR AUDITING SERVICES**

WHEREAS, the the Comptroller of the City of Binghamton has recommended Bonadio CPA to provide audit services for 3 years (2023-2025) with two (2) one year optional renewals, for the City of Binghamton;

WHEREAS, funds are available for the purpose from the City, through the 2024 Adopted Budget;

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby:

RESOLVE that the Mayor of the City of Binghamton, or his designee, is hereby authorized to enter into an agreement, approved as to form and content by the Office of Corporation Counsel, with Bonadio CPA to provide 2023, 2024, and 2025 audit services to the City at a cost not to exceed \$60,000.00 for all three years and that funds will be deducted from budget line A1310.54425 (Auditing and Financial Services) for this purpose.

I HEREBY CERTIFY that the above described funds  
are unencumbered and available

\_\_\_\_\_  
Chuck Shager, Comptroller

Please expedite



# Legislative Branch

RL Number:

Date Submitted:

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

## REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for possible consideration at City Council Work Sessions. RLs generated by City Departments must be signed by the Mayor, Comptroller, and Corporation Counsel prior to submission. Incomplete/incorrect RLs will be returned to applicant for revisions.

### Applicant Presenting RL at Work Session

Megan Heiman

Deputy Mayor

607-772-7001

(Print Name)

(Title)

(Phone number)

Signature:

Date: 12/18/2023

### To Be Completed By Applicant

**Proposed Title:** Resolution for the mayor to authorize Bonadio & Co., LLP for Audit services.

### **Executive Summary** (Explain why legislation is necessary):

Resolution for the mayor to authorize Bonadio & Co., LLP for Audit services for 3 years (2023-2025) with 2 (two) 1 year optional renewals.  
Funding will be available from A1310.54425

Effective Date: (if applicable) \_\_\_\_\_

**Budget transfer or amendment:** RL Budget Transfer Worksheet **must** be attached w/ Dep. Head signature.

**RL related to a grant:** RL Grant Worksheet **must** be attached. Deadline for Council to act by: \_\_\_\_\_

**RL related to previously adopted legislation:** Perm. number \_\_\_\_\_, adoption date \_\_\_\_\_

**Contract:** Person/Company \_\_\_\_\_ Start/End Date \_\_\_\_\_

Total Cost \_\_\_\_\_ Funds available in Budget Line \_\_\_\_\_ Title \_\_\_\_\_

**Public Hearing required?** Yes  No

**SEQRA required?** Yes  No

**Additional information related to this RL attached?** Yes  No

#### OFFICE USE ONLY

Mayor: \_\_\_\_\_

Comptroller: \_\_\_\_\_

Corp. Counsel: \_\_\_\_\_

Finance  Planning  MPA  PW/Parks  Employees  Rules/Special Studies

**CITY OF BINGHAMTON  
REQUEST FOR PROPOSALS  
FOR  
PROFESSIONAL AUDITING SERVICES  
November 2023**

**CITY OF BINGHAMTON  
OFFICE OF THE COMPTROLLER  
38 HAWLEY STREET  
BINGHAMTON, NY 13901**



**CITY OF BINGHAMTON**  
**REQUEST FOR PROPOSALS**  
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- A. City Council Selection
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- A. Organizational Chart
- B. List of Key Personnel
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- D. Proposer Warranties
- E. Schedule of Audit Quotations
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# CITY OF BINGHAMTON REQUEST FOR PROPOSALS

## I. INTRODUCTION

### A. General Information

The City of Binghamton (City) is requesting proposals from qualified independent certified public accounting firms to audit its financial statements for the fiscal year ending December 31, 2023, with the option of auditing its financial statements for each of the TWO subsequent fiscal years, along with the Binghamton Local Development Corporation, a component unit, whose fiscal year ends August 31, 2024, Binghamton Urban Renewal Agency (BURA) (calendar year), and the City of Binghamton Water St. Development Agency. The City of Binghamton, for financial reporting purposes, is in conformity with the Governmental Accounting Standards Board's Codification of Governmental Accounting and Financial Reporting Standards, Section 2100 with the source being GASB Statement 61. It is the City's responsibility, and not that of the auditor, to prepare all required components of the financial statements to be audited. These audits are to be performed in accordance with U.S. generally accepted auditing standards, and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States, the provisions of the federal Single Audit Act Amendments of 1996 and 2 CFR part 200 subpart F.

There is no expressed or implied obligation for the City of Binghamton to reimburse responding firms for any expenses incurred in preparing proposals in response to this request.

The Comptroller will be the audit firm's primary contact for the City and all inquiries should be directed to:

Chuck Shager, Comptroller  
(607) 772-7011  
[ceshager@cityofbinghamton.gov](mailto:ceshager@cityofbinghamton.gov)  
City of Binghamton  
City Hall- Governmental Plaza  
38 Hawley Street  
Binghamton, NY 13901

To be considered, all submissions must follow the proposal calendar on pages 9 - 10. The City of Binghamton reserves the right to reject any or all proposals submitted.

During the evaluation process, the City of Binghamton reserves the right, where it may serve the City of Binghamton's best interest, to request additional information or clarifications from proposers, or to allow corrections of errors or omissions. At the discretion of the City of Binghamton, firms submitting proposals may be requested to make oral presentations as part of the evaluation process.

The City of Binghamton reserves the right to retain all proposals submitted and to use any ideas in a proposal regardless of whether that proposal is selected. Submission of a proposal indicates acceptance by the firm of the conditions contained in this request for proposals, unless clearly and specifically noted in the proposal submitted and confirmed in the contract between the City of Binghamton and the firm selected.

It is anticipated the selection of a firm will be completed by December 20, 2023. Following the notification of the selected firm it is expected a contract will be executed between both parties by December 27, 2023.

**B. Term of Engagement**

A THREE (3) year contract is contemplated with the option of TWO (2) one-year extensions, subject to the annual review and recommendation of the City of Binghamton, the satisfactory negotiation of terms (including a price acceptable to both the City of Binghamton and the selected firm), and the annual availability of an appropriation.

**C. Subcontracting**

Firms submitting proposals are encouraged to consider subcontracting portions of the engagement to small audit firms or audit firms owned and controlled by socially and economically disadvantaged individuals. If this is to be done, that fact, and the name of the proposed subcontracting firms, must be clearly identified in the proposal. Following the award of the audit contract, no additional subcontracting will be allowed without the express prior written consent of the City of Binghamton.

**II. NATURE OF SERVICES REQUIRED**

**A. General**

The City of Binghamton is soliciting the services of qualified firms of independent certified public accountants to audit its financial statements for the fiscal year ending December 31, 2023 with the option to audit the City of Binghamton's financial statements for each of the TWO (2) subsequent fiscal years. At the discretion of the City, additional periods up to TWO (2) subsequent fiscal years beyond 2025 may be negotiated. These audits are to be performed in accordance with the provisions contained in this request for proposals.

**B. Scope of Work to be Performed**

The City of Binghamton desires the auditor to express an opinion on the fair presentation of its general purpose financial statements in conformity with generally accepted accounting principles.

The auditor is required to audit the combining and individual fund and account group financial statements and supporting schedules. The auditor is to provide an "in-relation-to" report on the combining and individual fund financial statements and supporting schedules based on the auditing procedures applied during the audit of the general purpose financial statements.

The auditor is required to audit the schedule of federal financial assistance. The auditor is to provide an "in-relation-to" report on that schedule based on the auditing procedures applied during the audit of the financial statements.

The auditor is required to audit the schedule of state transportation assistance expended. The auditor is to provide a report on compliance and controls over the state transportation assistance expended.

### **C. Auditing Standards to be Followed**

To meet the requirements of this request for proposals, the audit shall be performed in accordance with:

generally accepting auditing standards as set forth by the American Institute of Certified Public Accountants, the standards for financial audits set forth in the U.S. General Accounting Office's Government Auditing Standards, the provisions of the Single Audit Act Amendments of 1996 and 2 CFR part 200 subpart F, and types of compliance requirements described in Title 17 of the New York State Codes, Rules and Regulations (NYCRR) Part 43 of the New York State Codification of Rules and Regulations.

### **D. Reports to be Issued**

Following the completion of the audit of the fiscal year's financial statements, the auditor shall issue:

1. Independent Auditors Report on General Purpose Financial Statements.
2. Report on Compliance and on Internal Control Over Financial Reporting Based on an Audit of Financial Statements Performed In Accordance With Government Auditing Standards.
3. Report on Compliance with Requirements Applicable to Each Major Program and Internal Control Over Compliance in Accordance with 2 CFR part 200 subpart F.
4. Schedule of Expenditures of Federal Awards.
5. Notes to the Schedule of Expenditures of Federal Awards.
6. Schedule of Findings and Questioned Costs

7. Data Collection Form.
8. Report on Compliance and Controls over State Transportation Assistance Expended.

In the required reports on internal controls, the auditor shall communicate any significant deficiencies and/or material weaknesses found during the audit. A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance. Other conditions discovered by the auditors shall be verbally reported to management.

Fraud and illegal acts: Auditors shall be required to make an immediate, written report of all fraud and illegal acts or indications of illegal acts of which they become aware to the Mayor of the City of Binghamton and the City Comptroller.

Reporting to City Council. Auditors shall assure themselves that the City of Binghamton's Governing Board is informed of each of the following:

1. The auditor's responsibility under generally accepted auditing standards
2. Significant accounting policies
3. Management judgments and accounting estimates
4. Significant audit adjustments recorded and not recorded
5. Other information in documents containing audited financial statements
6. Disagreements with management
7. Management consultation with other accountants
8. Major issues discussed with management prior to retention
9. Difficulties encountered in performing the audit

**E. Special Considerations**

1. The schedule of federal financial assistance and related auditor's

report, as well as the reports on the internal controls and compliance are not to be included in the comprehensive financial report, but are to be issued separately.

2. A list of findings and other weaknesses from the City of Binghamton's most recent financial statement audit, as well as a list of findings from internal audits conducted during the most recent fiscal period to be audited, are available on the City's website at [www.binghamton-ny.gov](http://www.binghamton-ny.gov).

**F. Working Paper Retention and Access to Working Papers**

All working papers and reports must be retained, at the auditor's expense, for a minimum of three (3) years, unless the firm is notified in writing by the City of Binghamton of the need to extend the retention period. The auditor will be required to make working papers available upon request, to the following parties or their designees:

City of Binghamton

U.S. Office of Environmental Protection Agency

U.S. General Accounting Office (GAO)

Department of Housing and Urban Development

Parties designated by the federal or state governments or by the City of Binghamton as part of an audit quality review process

Auditors of entities of which the City of Binghamton is a sub-recipient of grant funds

In addition, the firm shall respond to the reasonable inquiries of successor auditors and allow successor auditors to review working papers relating to matters of continuing accounting significance.

**III. DESCRIPTION OF THE GOVERNMENT**

**A. Name and Telephone Number of Contact Persons/Organizational Chart / Location of Offices**

The auditor's principal contact with the City of Binghamton will be, Chuck Shager, Comptroller.

An organizational chart and a list of key personnel with the location of their principal offices are attached.

**B. Background Information**

The City of Binghamton serves an area of 10.4 square miles with a



population of approximately 45,179 (US Census estimate) as of July 2017. The City of Binghamton's fiscal year begins on January 1 and ends on December 31.

The City of Binghamton provides a full range of services to its citizens, including police and fire protection, refuse removal, water, sewer, highway, bridges and streets, parks and recreation.

The City of Binghamton has a total budgeted payroll of approximately \$35,000,000.00 covering approx. 600 full time employees and numerous seasonal and part time employees.

The City of Binghamton is organized into twenty-eight departments and agencies. The City maintains 23 bank accounts at various financial institutions. The accounting and financial reporting functions of the City of Binghamton are centralized.

More detailed information on the government and its finances can be found in the City's 2023 Annual Financial Report and 2024 Budget Document, which can be found on the City's website ([Finance | City of Binghamton New York \(binghamton-ny.gov\)](https://www.binghamton-ny.gov)).

#### **C. Fund Structure**

Governmental Fund Types:

Major Funds:

General Fund

Special Revenue – Special Grant Fund

Special Revenue – Sewer Fund

Capital Projects Funds

Non-Major Funds:

Parking Ramp Fund

Water Fund

Refuge Fund

Insurance Fund

Debt Service Fund

Proprietary Funds:

Internal Service Fund

Fiduciary Funds:

Agency Fund

Governmental Activities includes fixed assets, long-term debt.

THE TOTAL CITY OF BINGHAMTON BUDGET FOR 2024 IS ROUGHLY \$102,000,000

#### **D. Budgetary Basis of Accounting**

The City of Binghamton prepares its budgets on a basis consistent with a modified accrual method of accounting. Current year encumbrances are included with expenditures.

# E. Federal Financial Assistance

## CITY OF BINGHAMTON

### SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS FOR THE YEAR ENDED DECEMBER 31, 2023

		2023		
Federal Grantor/Pass - Through Grantor	Federal AL# (Formerly CFDA#)	Pass - Through Grantor #	Federal Expenditures	Provided To Subrecipients
Program Title				
<b>U.S. Department of Defense</b>				
Department of the Army/National Guard Military Operations	12,401		2,346	
<b>U.S. Department of Housing and Urban Development</b>				
<b>CDBG - Entitlement Grants Cluster:</b>				
Community Development Block Grant	14,218	N/A	2,174,282	1,961,724
Community Development Block Grant- Coronavirus Aid	14,218	N/A	154,255	122,722
<b>Total Community Development Block Grant and CDBG Entitlement Grants Cluster</b>			<b>2,328,537</b>	<b>2,084,446</b>
Emergency Shelter Grants Program	14,231	N/A	154,062	154,062
Emergency Shelter Grants Program - Coronavirus Aid	14,231	N/A	602,588	602,588
Home Investment Partnerships Program	14,239	N/A	446,503	405,125
<b>Total U.S. Department of Housing and Urban Development</b>			<b>3,531,690</b>	<b>3,246,221</b>
<b>U.S. Department of Transportation</b>				
<b>Passed Through NYS Department of Transportation:</b>				
<b>Highway Planning Cluster:</b>				
Highway Planning and Construction	20,205	D035470	80,314	
Highway Planning and Construction	20,205	D035913	32,476	
Highway Planning and Construction	20,205	D036291	465,782	
Highway Planning and Construction	20,205	D036381	471,622	
<b>Total U.S. Department of Transportation and Highway Planning Cluster</b>			<b>1,050,194</b>	
<b>U.S. Department of Justice</b>				
Organized Crime Drug Enforcement Task Force Grant	16,111		25,101	
Organized Crime Drug Enforcement Task Force Grant	16,111	M-22-A34-0-00143	15,484	
Byrne Justice Assistance Grant (GEN FD)	16,738	2020DIBX0080	24,241	
BJA CORONAVIRUS SUPPLEMENTAL FUNDING	16,034	BJA FY2020VDBX014	41,371	
<b>Total U.S. Department of Justice</b>			<b>106,197</b>	
<b>U.S. Department of the Treasury</b>				
CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS	21,027	N/A	7,512,340	
LOSS REVENUE	21,027	N/A	2,750,932	
<b>Total U.S. Department of the Treasury</b>			<b>10,263,272</b>	
<b>United States Department of Health and Human Service (HHS)</b>				
<b>Health and Human Services Administration</b>				
Provider Relief Funds	93,498		-	
Low-Income Home Energy Assistance	93,568		146,842	
<b>Total U.S. Department of the HHS</b>				
<b>U.S. Department of Homeland Security</b>				
<b>Homeland Security and Emergency Services:</b>				
EXPLOSIVE DETECTIVE CANINE GRANT	97,067	CP19-106-E00	49,858	
TACTICAL TEAM (SWAT) 2021 GRANT	97,067			
TACTICAL TEAM (SWAT) 2019 GRANT	97,067	WM19835299/TT19-1004-E00	63,247	
<b>Total Passed-Through NYS Division of Homeland Security</b>			<b>113,105</b>	
<b>FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)</b>				
HAZARD MITIGATION GRANT-PROJECT 4397-0002	97,039	FEMA-4397 DR-NY	34,800	
<b>Total FEMA</b>			<b>34,800</b>	
<b>Total U.S. Department Homeland Security</b>			<b>147,905</b>	
<b>Total Expenditures of Federal Awards</b>			<b>15,248,447</b>	<b>3,246,221</b>

**F. Pension Plans**

The City of Binghamton participates in the following pension plans:

<u>Plan</u>	<u>Cost Sharing</u>	<u>Agent</u>	<u>Defined Benefit</u>	<u>Defined Contribution</u>
<b>NEW YORK STATE AND LOCAL EMPLOYEES</b>	YES	NYS	X	
<b>NEW YORK STATE AND LOCAL POLICE AND FIRE MEMBERS EMPLOYEES</b>	NO	NYS	X	

Actuarial Services for these plans are provided by New York State for the State Operated Plans and by private consultants for the City operated Plan.

**G. Component Units**

The City of Binghamton is defined for financial reporting purposes, in conformity with the Governmental Accounting Standards Board's Codification of Governmental Accounting and Financial Reporting Standards, Section 2100 with the source being GASB Statement 61. Using these criteria, component units are included in the City of Binghamton financial statements.

The management of the City of Binghamton identified the following component units for discrete presentation in the City of Binghamton's financial statements:

1. Binghamton Urban Renewal Agency Fiscal year ending December 31
2. Binghamton Local Development Corporation Fiscal year ending August 31
3. City of Binghamton Water St. Development Corp Fiscal year ending 12-31

**CONTACT THE CITY OF BINGHAMTON COMPTROLLER FOR INFORMATION REGARDING THESE UNITS.**

These component units are to be audited as part of the audit of the City of Binghamton's financial statements. A separate report and opinion is required for the Binghamton Local Development Corporation, Binghamton Urban Renewal Agency, and City of Binghamton Water St Development Corp.

**H. Joint Ventures**

The City of Binghamton does participate in joint ventures with other governments.

<u>NAME OF JOINT VENTURE</u>	<u>NAME OF OTHER PARTICIPATING GOVERNMENT(S)</u>	<u>TYPE OF SERVICES PROVIDED</u>
Binghamton-Johnson City Joint Sewage Treatment Board	City of Binghamton Village of Johnson City	Sewage Treatment

**I. Magnitude of Finance Operations**

The finance department is headed by Chuck Shager, Comptroller and consists of 24 employees. The principal functions performed and the number of employees assigned to each area as follows:

<u>Function</u>	<u># of Employees</u>
Comptroller / Finance	6
Treasurer / Ticket Bureau	4
Purchasing / Central Store	2
Info Mgmt & Technology	6
Real Property Assessment	2

**J. Computer Software**

See attached listing of the various software programs utilized by the City of Binghamton

**K. Availability of Prior Audit Reports and Working Papers**

Interested proposers who wish to review prior years' audit reports and management letters should contact: Chuck Shager at City Hall, 38 Hawley St., Binghamton, NY 13901. 607-772-7011 or [ceshager@cityofbinghamton.com](mailto:ceshager@cityofbinghamton.com). The City of Binghamton will use its best efforts to make prior audit reports and supporting working papers available to proposers to aid their response to this request for proposals. All audits and budgets can be found on the City's website ([Finance | City of Binghamton New York \(binghamton-ny.gov\)](http://Finance | City of Binghamton New York (binghamton-ny.gov)))

**IV. TIME REQUIREMENTS**

**A. Proposal Calendar**

The following is a list of key dates up to and including the date proposals are

due to be submitted:

Request for proposal issued	November 1, 2023
Due date for proposals	November 22, 2023 @10:30AM

**B. Notification and Contract Dates**

Selected firm notified	December 13, 2023
Contract date	December 27, 2023

**C. Date Independent Auditor's Final Report is Due**

1. Binghamton Local Development Corporation  
November 20
2. Single Audit and Related Reports identified by numbers on  
page 7. September 20
3. BURA by March 30

Report preparation, editing and printing shall be the responsibility of the auditor.

The final report and twenty signed copies should be delivered to the City of Binghamton Comptroller at his office in City Hall. A soft copy of the report is also required.

**V. ASSISTANCE TO BE PROVIDED TO THE AUDITOR AND REPORT PREPARATION**

**A. Finance Department and Clerical Assistance**

The finance department staff and responsible management personnel will be available during the audit to assist the firm by providing information, documentation, and explanations. The preparation of confirmations will be the responsibility of the auditor. The City can upload data to a portal, the city does not allow access to its system from outside the city confines.

**B. Electronic Data Processing (EDP) Assistance**

The following EDP personnel will be available to assist the auditor in performing the engagement:

**LORI CLIFT, DATA PROCESSING OPERATIONS COORDINATOR**

EDP personnel will also be available to provide systems

documentation and explanations.

**C. Work Area, Telephones, Photocopying and FAX Machines**

The City of Binghamton will provide the auditor with reasonable workspace, desks and chairs.

**D. City's Report Preparation**

The chief fiscal officer shall draft financial statements, notes, and all required supplementary schedules and statistical data for the City of Binghamton audit (not BLDC) by the end of the first week of May, each year, on the New York State report format.

The City will make reports available to the auditors through the City's ShareFile program, or the auditors portal.

**VI. PROPOSAL REQUIREMENTS**

**A. General Requirements**

1. Inquiries

Inquiries concerning the request for proposals and the subject of the request for proposals must be made to:

Chuck Shager, Comptroller, City of Binghamton  
38 Hawley Street  
Binghamton, NY 13901  
607-772-7011  
[ceshager@cityofbinghamton.gov](mailto:ceshager@cityofbinghamton.gov)

2. Submission of Proposals

The following material is required to be submitted to the Board of Contract & Supply by 10:30 AM on November 22, 2023 for a proposing firm to be considered:

a. A master copy (so marked) of a Technical Proposal and TWO copies to include the following:

i. Title Page

Title page showing the request for proposals subject; the firm's name; the name, address and telephone number of the contact person; and the date of the proposal.

ii. Table of Contents

iii. Transmittal Letter

A signed letter of transmittal that briefly states the proposer's understanding of the work to be done, the commitment to perform the work within the time period, a statement why the firm believes itself to be best qualified to perform the engagement and a statement that the proposal is a firm and irrevocable offer.

iv. Detailed Proposal

The detailed proposal should follow the order set forth in Section VI B of this request for proposals.

- b. The proposer shall submit an original and TWO (2) copies of a dollar cost proposal in a separate envelope marked as follows:

DOLLAR COST PROPOSAL  
FOR  
CITY OF BINGHAMTON

PROFESSIONAL AUDITING SERVICES

- c. Proposers should send the completed proposal consisting of the two separate envelopes to the following address:

BOARD OF CONTRACT & SUPPLY  
CITY OF BINGHAMTON  
38 HAWLEY STREET  
BINGHAMTON, NY 13901

**B. Technical Proposal**

1. General Requirements

The purpose of the Technical Proposal is to demonstrate the qualifications, competence and capacity of the firms seeking to undertake an independent audit of the City of Binghamton in conformity with the requirements of this request for proposals. As such, the substance of proposals will carry more weight than their form or manner of presentation. The Technical Proposal should demonstrate the qualifications of the firm and of the particular staff to be assigned to this engagement. It should also specify an audit approach that will meet the request for proposals requirement.

The Technical Proposal should address all the points outlined in the request for proposals (excluding any cost information which should only be included in the Dollar Cost Proposal). The Proposal should be prepared simply and economically, providing a straightforward, concise description of the proposer's capabilities to satisfy the requirements of the request for proposals. While additional data may be presented, the following subjects, items Nos. 2 through 9, must be included. They represent the criteria against which the proposal will be evaluated.

2. Independence

The firm should provide an affirmative statement that is independent of the City of Binghamton as defined by generally accepted auditing standards/[the U.S. General Accounting Office's Government Auditing Standards]

3. Prior Single Audit Experience

The firm should include prior or current engagements pursuant to the Single Audit Act Amendments of 1996 and 2 CFR part 200 subpart F.

4. Firm Qualifications and Experience

The proposer should state the size of the firm, the size of the firm's governmental audit staff, the location of the office from which the work on this engagement is to be performed and the number and nature of the professional staff to be employed in this engagement on a full-time basis and the number and nature of the staff to be so employed on a part-time basis.

If the proposer is a joint venture or consortium, the qualifications of each firm comprising the joint venture or consortium should be separately identified and the firm that is to serve as the principal auditor should be noted, if applicable.

The firm is also required to submit a copy of the report on its most recent external quality control review, with a statement whether that quality control review included a review of specific government engagements.

The firm shall also provide information on the results of any federal or state desk reviews or field reviews of its audits during the past three (3) years. In addition, the firm shall provide information on the circumstances and status of any disciplinary action taken or pending against the firm during the past three (3) years with state regulatory bodies or professional organizations.

5. Partner, Supervisory and Staff Qualifications and Experience

Identify the principal supervisory and management staff, including engagement partners, managers, other supervisors and specialists, who would be assigned to the engagement. Indicate whether each such person is registered or licensed to practice as a certified public accountant in New York State. Provide information on the government auditing experience of each person, including information on relevant continuing professional education for the past three (3) years and membership in professional organizations relevant to the performance of this audit.

Provide as much information as possible regarding the number, qualifications, experience and training, including relevant continuing professional education, of the specific staff to be assigned to this



engagement. Indicate how the quality of staff over the term of the agreement will be assured.

Engagement partners, managers, other supervisory staff and specialists may be changed if those personnel leave the firm, are promoted or are assigned to another office. These personnel may also be changed for other reasons with the express prior written permission of the City of Binghamton. However, in either case, the City of Binghamton retains the right to approve or reject replacements.

Consultants and firm specialists mentioned in response to this request for proposal can only be changed with the express prior written permission of the City of Binghamton, which retains the right to approve or reject replacements.

Other audit personnel may be changed at the discretion of the proposer provided that replacements have substantially the same or better qualifications or experience.

6. Similar Engagements With Other Government Entities

For the firm's office that will be assigned responsibility for the audit, list the most significant engagements (maximum - 5) performed in the last five years that are similar to the engagement described in this request for proposal.

These engagements should be ranked on the basis of total staff hours. Indicate the scope of work, date, engagement partners, total hours, and the name and telephone number of the principal client contact.

7. Specific Audit Approach

The proposal should set forth a work plan, including an explanation of the audit methodology to be followed, to perform the services required in Section II of this request for proposal. In developing the work plan, reference should be made to such sources of information as City of Binghamton's budget and related materials, organizational charts, manuals and programs, and financial and other management information systems.

Proposers will be required to provide the following information on their audit approach:

- a. Proposed segmentation of the engagement
- b. Level of staff and number of hours to be assigned to each proposed segment of the engagement
- c. Extent of use of EDP software in the engagement
- d. Type and extent of analytical procedures to be used in the

engagement

- e. Approach to be taken to gain and document an understanding of the City of Binghamton's internal control structure
- g. Approach to be taken in determining laws and regulations that will be subject to audit test work
- h. Approach to be taken in drawing audit samples for purposes of tests of compliance

**C. Dollar Cost Proposal**

1. Total All-Inclusive Maximum Price

The dollar cost proposal should contain all pricing information relative to performing the audit engagement as described in this request for proposal. The total all-inclusive maximum price to be bid is to contain all direct and indirect costs including all out-of-pocket expenses.

The City of Binghamton will not be responsible for expenses incurred in preparing and submitting the technical proposal or the dollar cost proposal. Such costs should not be included in the proposal.

The first page of the dollar cost proposal should include the following information:

- a. Name of Firm
- b. Certification that the person signing the proposal is entitled to represent the firm, empowered to submit the bid, and authorized to sign a contract with the City of Binghamton.
- c. A Total All-Inclusive Maximum Price for the 2023, 2024, & 2025 engagements broken down as follows:

City (Less Single Audit) Audit Fee	\$X,XXX
Single Audit Fee -	\$X,XXX
BLDC Audit Fee -	\$X,XXX
BURA Audit Fee -	\$X,XXX
Out of Pocket Fees -	<u>\$X,XXX</u>
Total All-Inclusive Maximum Price -	<u>\$X,XXX</u>

For the H.U.D. portion of the audit, the City of Binghamton requires a

breakout of fees related to the Single Audit or Uniform Guidance.

2. Rates for Additional Professional Services

If it should become necessary for City of Binghamton to request the auditor to render any additional services to either supplement the services requested in this RFP or to perform additional work as a result of the specific recommendations included in any report or special audits of state/federal grants, issued on this engagement, then such additional work shall be performed at the same rates set forth in the schedule of fees and expenses included in the dollar cost proposal.

3. Manner of Payment

Progress payments will be made on the basis of hours of work completed during the course of the engagement and out-of-pocket expenses incurred in accordance with the firm's dollar cost proposal. Interim billing shall cover a period of not less than a calendar month. Ten percent (10%) will be withheld from each billing pending delivery of the firm's final reports.

**VII. Final Selection**

- A. The CITY COUNCIL will approve a firm based upon the recommendation of the City Comptroller.
- B. It is anticipated that a firm will be selected by December 13, 2023. Following notification of the firm selected, it is expected a contract will be executed between both parties by December 27, 2023.
- C. Right to Reject Proposals

Submission of a proposal indicates acceptance by the firm of the conditions contained in this request for proposal unless clearly and specifically noted in the proposal submitted and confirmed in the contract between the City of Binghamton and the firm selected.

The City of Binghamton reserves the right without prejudice to reject any or all proposals.

## APPENDIX B

### LIST OF KEY PERSONNEL, OFFICE LOCATIONS AND TELEPHONE NUMBERS

<u>NAME &amp; TITLE</u>	<u>LOCATION OF OFFICES</u>	<u>TELEPHONE</u>
Jared Kraham, Mayor	4 <sup>th</sup> Floor, City Hall	772-7001
Chuck Shager, Comptroller	2 <sup>nd</sup> Floor, City Hall	772-7011
Chuck Robinson, Assistant Comptroller	2 <sup>nd</sup> Floor, City Hall	772-7011
Jennifer Voorhees, Treasurer	2 <sup>nd</sup> Floor, City Hall	772-7027
Brian Seachrist, Corporation Counsel	5 <sup>th</sup> Floor, City Hall	772-7013
Juliet Berling, Dir. of PHCD	4 <sup>th</sup> Floor, City Hall	772-7028
Sarah Glose, BLDC/BURA	4 <sup>th</sup> Floor, City Hall	772-7161
Joel Boyd, BLDC/BURA	4 <sup>th</sup> Floor, City Hall	772-7161
Lori Clift, Data Proc. Co-coordinator	2 <sup>nd</sup> Floor, City Hall	772-7104
Terie Husbie, Assessor	2 <sup>nd</sup> Floor, City Hall	772-7038
Janine Faulkner, City Clerk	1 <sup>st</sup> Floor, City Hall	772-7005
Bernice Griffiths, Purchasing Agent	2 <sup>nd</sup> Floor, City Hall	772-7025

**APPENDIX C**

**PROPOSER GUARANTEES**

- I. The proposer certifies it can and will provide and make available, as a minimum, all services set forth in Nature of Services Required.
- II. The proposer has read Appendix, Contractual Requirements, and agrees that the rights and prerogatives as detailed are retained by the City of Binghamton.
- III. The proposer agrees to be bound by the contractual requirements delineated in Appendix.

Signature of Official: \_\_\_\_\_

Name (typed): \_\_\_\_\_

Title: \_\_\_\_\_

Firm: \_\_\_\_\_

Date: \_\_\_\_\_

**APPENDIX D**

**PROPOSER WARRANTIES**

- A. Proposer warrants that it is willing and able to obtain an errors and omissions insurance policy providing a prudent amount of coverage for the willful or negligent acts, or omissions of any officers, employees or agents thereof.
- B. Proposer warrants that it will not delegate or subcontract its responsibilities under an agreement without the prior written permission of the City of Binghamton.
- C. Proposer warrants that all information provided by it in connection with this proposal is true and accurate.

Signature of Official: \_\_\_\_\_

Name (typed): \_\_\_\_\_

Title: \_\_\_\_\_

Firm: \_\_\_\_\_

Date: \_\_\_\_\_

**APPENDIX E**

	<u>AS PROPOSED</u>				
	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>
Audit of Annual Financial Report of the City of Binghamton and all other services not separately listed below	_____	_____	_____	_____	_____
Audit of the Following Component Units:					
*Binghamton Local Development Corp	_____	_____	_____	_____	_____
*NOTE THIS AUDIT MUST BE COMPLETED BY 9/20					
Binghamton Urban Renewal Agency March 30	_____	_____	_____	_____	_____
Single Audit requirement for the following major federal financial assistance programs:					
Community Development Block Grant (Single Audit)	_____	_____	_____	_____	_____
<b>TOTAL ALL INCLUSIVE MAXIMUM PRICE</b>	_____	_____	_____	_____	_____

**APPENDIX F**

**SCHEDULE OF FEES FOR  
ADDITIONAL SERVICES AND AUDITS  
IF REQUESTED BY CITY OF BINGHAMTON**

**HOURLY RATE**

PARTNERS

MANAGERS

SUPV. STAFF

STAFF

OTHER (SPECIFY)



January 5, 2024

Chuck Shager, Comptroller  
 City of Binghamton  
 City Hall -Governmental Plaza  
 38 Hawley Street  
 Binghamton, NY 13901

It is The Bonadio Group's (Bonadio) pleasure to submit this proposal to provide independent audit services to the City of Binghamton (the "City") and related entities.

**Scope**

We will audit the financial statements for the fiscal year ending December 31, 2023, with the option of auditing its financial statements for each of the TWO subsequent fiscal years, along with the Binghamton Local Development Corporation, a component unit, whose fiscal year ends August 31, 2024, Binghamton Urban Renewal Agency (BURA) (calendar year), and the City of Binghamton Water St. Development Agency.

Following the completion of the audits of the fiscal year's financial statements, the auditor shall issue the following as required by professional standards and government regulations:

1. Independent Auditors Report on General Purpose Financial Statements.
2. Report on Compliance and on Internal Control Over Financial Reporting Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards.
3. Report on Compliance with Requirements Applicable to Each Major Program and Internal Control Over Compliance in Accordance with 2 CFR part 200 subpart F.
4. Schedule of Expenditures of Federal Awards.
5. Notes to the Schedule of Expenditures of Federal Awards.
6. Schedule of Findings and Questioned Costs
7. Data Collection Form.
8. Report on Compliance and Controls over State Transportation Assistance Expended.

Gregg H. Evans is entitled to represent Bonadio & Co., LLP, (Bonadio). He is empowered to submit the bid and is authorized to sign a contract with the City.

**Total All-Inclusive Maximum Prices:**

Engagement	2023	2024	2025
City Audit Fee	\$50,000	\$51,300	\$52,500
Single Audit Fee	\$12,000	\$12,300	\$12,600
BLDC Audit Fee	\$8,250	\$8,500	\$8,700
BURA Audit Fee	\$5,000	\$5,100	\$5,200
Water St. Development Agency Audit Fee	\$4,500	\$4,600	\$4,700
Out of Pocket Fees	\$0	\$0	\$0
<b>Total All-Inclusive Maximum Price</b>	<b>\$79,750</b>	<b>\$81,800</b>	<b>\$83,700</b>

432 North Franklin Street, #60  
 Syracuse, NY 13204  
 p (315) 476-4004  
 f (315) 254-2384

www.bonadio.com

**Rates for Additional Professional Services:**

Staff Level	Rate
Partners	\$360
Principals	\$280
Managers	\$180
Supervisory Staff	\$150
Staff	\$110

Please note that extensions of rates multiplied by the hours are never relevant to a fixed-fee engagement. While approximate or average hourly rates can be calculated, they have no bearing on the actual cost for the audit.

The rates for additional services relating to work agreed to in advance between the City and Bonadio and would have a pre-defined scope, direction, and objective agreed to prior to commencing any work.

If the readiness of the City impacts our ability to complete our audit procedures, we will meet with key management personnel to determine the most appropriate course of action to complete the audit.

Significant changes or implementation of accounting or auditing standards during the term of this proposal may require adjustments to the proposed fees in future years.

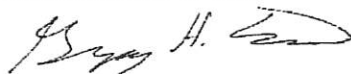
**Manner of Payment**

It is understood that progress payments will be made on the basis of hours of work completed in accordance with the project cost proposal. Interim billings shall cover a period of not less than a calendar month. The engagement will be billed monthly during the course of the engagement.

While the fixed fee audit entitles you to unlimited consultation with us, if your question or issue requires additional research and/or analysis beyond the phone conversation, this additional work will be subject to an additional price negotiation prior to the additional services being performed.

Very truly yours,

THE BONADIO GROUP



Gregg H. Evans, CPA  
Partner

432 North Franklin Street, #60  
Syracuse, NY 13204  
p (315) 476-4004  
f (315) 254-2384

[www.bonadio.com](http://www.bonadio.com)



**IN  
THE COUNCIL OF THE CITY OF BINGHAMTON  
STATE OF NEW YORK**

Dated: January 10, 2024

Sponsored by Councilmember(s): Middleton, Cavanaugh, Dundon

Introduced by Committee(s) on: Employees

**RESOLUTION**  
*entitled*

A RESOLUTION AUTHORIZING THE MAYOR TO  
ENTER AN INTERMUNICIPAL AGREEMENT WITH  
THE TOWN OF VESTAL AND VILLAGE OF  
JOHNSON CITY FOR A COMBINED SWAT TEAM

WHEREAS, pursuant to Article 5-g of the General Municipal Law, municipalities are empowered and authorized to enter into municipal cooperation agreements; and

WHEREAS, the City of Binghamton, the Town of Vestal, and the Village of Johnson City have experienced within their jurisdictions a need for a joint combined SWAT team; and

WHEREAS, the City of Binghamton, the Town of Vestal, and the Village of Johnson City have reached an agreement as set forth in a Intermunicipal Agreement for a combined SWAT team;

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby:

RESOLVE that the Mayor, or his designee, is hereby authorized to enter into an Intermunicipal Agreement, approved as to form and content by the Office of Corporation Counsel, with the Town of Vestal, and the Village of Johnson City for a combined SWAT team.



# Legislative Branch

RL Number:

Date Submitted:

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

## REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for possible consideration at City Council Work Sessions. RLs generated by City Departments must be signed by the Mayor, Comptroller, and Corporation Counsel prior to submission. Incomplete/incorrect RLs will be returned to applicant for revisions.

### Applicant Presenting RL at Work Session

Joseph T. Likuski Police Chief (607) 772-7090  
(Print Name) (Title) (Phone number)

Signature: Joseph T. Likuski Date: 1/2/24  
To Be Completed By Applicant

Proposed Title: Enter into mou with Vestal & Johnson City Police SWAT  
teams

Executive Summary (Explain why legislation is necessary):  
\_\_\_\_\_  
\_\_\_\_\_

Effective Date: (if applicable) \_\_\_\_\_

Budget transfer or amendment: RL Budget Transfer Worksheet **must** be attached w/ Dep. Head signature.

RL related to a grant: RL Grant Worksheet **must** be attached. Deadline for Council to act by: \_\_\_\_\_

RL related to previously adopted legislation: Perm. number \_\_\_\_\_, adoption date \_\_\_\_\_

Contract: Person/Company \_\_\_\_\_ Start/End Date \_\_\_\_\_

Total Cost \_\_\_\_\_ Funds available in Budget Line \_\_\_\_\_ Title \_\_\_\_\_

Public Hearing required? Yes  No  SEQRA required? Yes  No

Additional information related to this RL attached? Yes  No

<b>OFFICE USE ONLY</b>	
Mayor:	<u>[Signature]</u>
Comptroller:	<u>[Signature]</u>
Corp. Counsel:	<u>[Signature]</u>
Finance <input type="checkbox"/>	Planning <input type="checkbox"/>
MPA <input type="checkbox"/>	PW/Parks <input type="checkbox"/>
Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>

SWAT AGREEMENT  
J. Ryan

## INTERMUNICIPAL AGREEMENT POLICE TACTICAL TEAM COOPERATION

This agreement is made this 2<sup>nd</sup> day of April, 2018, between the Town of Vestal, a municipal corporation with its principal place of business at the Vestal Town Hall, 605 Vestal Pkwy. W. Vestal, New York, the City of Binghamton, a municipal corporation with its principal place of business at the Binghamton City Hall, 38 Hawley Street Binghamton, New York and the Village of Johnson City, a municipal corporation with its principal place of business at the Johnson City Village Office at 243 Main Street Johnson City, New York.

### RECITALS

WHEREAS, Section 119-o of the General Municipal Law permits municipal corporations to enter into agreements for the performance amongst themselves or one for the other of their respective functions, powers and duties on a cooperative or contract basis or for the provision of a joint service; and

WHEREAS, the parties hereto have experienced within their jurisdictions a potential need for the joint response of both participants' police tactical teams to deal with certain criminal acts or threats including but not limited to barricaded suspects, hostage takers, or other persons committing violent acts that may be more effectively dealt with through the use of a specially trained tactical team rather than standard police operations.

NOW THEREFORE, the parties do mutually agree pursuant to the terms and provisions of this Tactical Team Cooperation Agreement as follows:

### ARTICLE ONE Purpose of the Agreement

The purpose of this Agreement is to:

1. Establish and maintain a joint Special Weapons and Tactics Team by the Town of Vestal Police Department, City of Binghamton Police Department, and Village of Johnson City Police Department (hereinafter referred to as "Metro SWAT Team") that will be available to each participating entity in the event of an emergency in accordance with the provisions of this Agreement;
2. Formalize rules and regulations providing for a single team commander and team leaders, a single set of standard operational procedures, training records maintenance, and fiscal responsibilities of each agency;
3. Eliminate the need to follow the formal procedure set forth in OML §209-m to request assistance from the other party in the form of personnel and/or equipment;
4. Provide for more efficient utilization of law enforcement resources and services.

**ARTICLE TWO**  
**Personnel and Equipment**

Each party agrees that their police department will supply personnel, equipment and other available resources to the other as part of a joint Metro SWAT Team. The number of personnel, if any, and the amount or type of equipment to be contributed shall be determined by the party's police chief, or their designee.

In furtherance of this Agreement, the parties agree to conduct joint training for all employees participating in Metro SWAT team operations, subject to the terms of this Agreement. Such training shall take place at a time and place mutually agreed upon between the parties.

**ARTICLE THREE**  
**Retained Personnel and Equipment**

Each party agrees that the responding party may hold back sufficient personnel and equipment to provide adequate protection within the territory of the responding party. Should a need for the loaned personnel and equipment arise within the territory of the responding party, then the responding party may recall such personnel and equipment or any part thereof. The responding party shall inform the requesting party of its intent to withdraw from the situation.

**ARTICLE FOUR**  
**Compensation**

Neither participant, as a requesting party, shall be obligated to compensate the responding party for services rendered by or injuries to the responding party's personnel, or for the use or damage to the responding tactical team's equipment. Specifically, and without limiting the foregoing, the requesting party shall have no obligation for payment of wages or withholding for unemployment, workers compensation, or for the payment of any other benefits to the personnel of the responding party. Each participant hereto hereby expressly waives all claims of whatever type or nature, except for gross negligence, against the other and its personnel, which may arise out of the performance of this Agreement.

**ARTICLE FIVE**  
**Control of Personnel and Equipment**

The Incident Commander of the agency responsible for the geographical jurisdiction in which an incident occurs shall be in command of the operation(s) under which the Metro SWAT Team is requested. The Metro SWAT Team Commander shall report to the Incident Commander. Metro SWAT Team members will be under the supervisory control of the Metro SWAT Team structure during incidents and training events. Specifically, during incidents occurring within the City of Binghamton the Incident Commander will be a member of the Binghamton Police Department, during incidents occurring within the Town of Vestal the Incident Commander will be a member of the Vestal Police Department, and during incidents occurring within the Village of Johnson City the Incident Commander will be a member of the Johnson City Police Department.



Each party agrees that the selection of the SWAT Team Commander will be made jointly by the respective police chiefs, or their designees. Selection of team leaders and team operators will be made jointly by the respective police chiefs, or their designees, in consultation with the Team Commander.

Each party agrees to seek and maintain compliance with the provisions of the SWAT Team Certification Program promulgated by the State of New York Municipal Police Training Council (MPTC)

#### ARTICLE SIX Privileges and Immunities

To the extent permitted by law, all the powers, duties, rights, privileges and immunities from liability which surround the activities of the Metro SWAT Team when performing its functions within the public agency's territorial limits shall apply to the activities of Metro SWAT Team, team members, other police officers or employees, or agency while furnishing tactical assistance outside its territorial limits under the terms of this Agreement.

Specifically, pursuant to sections §119-a(e) and § 119-a GML, police officers assisting another local government outside their normal geographical area of employment shall have all powers and authority of law enforcement officers in such other jurisdiction as provided by law, including the power of arrest.

#### ARTICLE SEVEN Line of Duty Death or Injury

The effect of the death, injury or disability of any officer who is killed, injured or disabled outside the territorial limits of either participating entity while in the performance of this agreement, shall be the same as if they were killed, injured or were to become disabled while that officer was functioning within its own territorial limits, and such injury or death shall be considered to be in the line of duty.

#### ARTICLE EIGHT Liability and Indemnification

Neither party shall incur any liability or responsibility for the failure to respond to any request for assistance made pursuant to this Agreement. This Agreement shall not be construed as or deemed to be an Agreement for the benefit of any third party or parties, and no third party or parties shall have any right of action whatsoever hereunder for any cause whatsoever.

Neither party shall be required to indemnify the other for any claim arising out of participating under this Agreement. Each party shall be responsible for defending its own respective entity in any action or dispute that arises in connection with or as a result of this Agreement and that each party will be responsible for bearing their own costs, damages, losses, expenses and attorney

fees. Each party shall be obligated to notify the other of any claims or lawsuits received arising out of tactical team operations.

#### ARTICLE NINE Administration

It is the intention of the participants that no separate legal entity is created by this Agreement to carry out its provisions. To the extent this Agreement requires administration other than as set forth herein, it shall be administered by the governing bodies or an appointee of the governing bodies hereto acting as a joint board. No real or personal property shall be acquired by the participants because of this Agreement.

Each party shall have equal access to the records created by the other party related to incidents responded to under this Agreement.

#### ARTICLE TEN Compliance with Laws

Each participant agrees that each will comply with all applicable, federal, state and local laws, rules and regulations applicable to the respective entities and employees in connection with the performance of this Agreement.

#### ARTICLE ELEVEN Approval, Duration and Termination

1. This Agreement shall not be effective until approved by a majority vote, as required by section 119-o of the General Municipal Law, of the governing body of each party.
2. This agreement may be changed, modified or amended by written agreement of the participants, subject to the requirements of paragraph 1 of this Article.
3. This agreement shall terminate on December 31, 2022. The terms herein shall continue, however, until both legislative bodies have held their annual organizational meetings. At such meetings, this agreement shall be considered for renewal, and if approved by each legislative body, such renewal shall be made effective January 1, 2023. Either party may terminate any rights and obligations under this Agreement at any time by giving thirty days written notice of its intent to withdraw from this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement the date and year below written.



State of New York )  
 ) ss.:  
County of Broome )


On the 12<sup>th</sup> day of April in the year 2018, before me, the undersigned, personally appeared W. John Schaffer, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signatures on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
Notary Public

TONYA L. PINNEY  
Notary Public - State of New York  
No. 01P16248125  
Residing in Broome County  
My Commission Expires 09/12/2019

State of New York )  
 ) ss.:  
County of Broome )

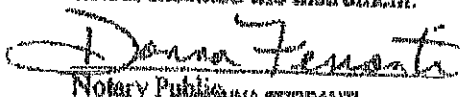
On the 9<sup>th</sup> day of April in the year 2018, before me, the undersigned, personally appeared Gregory Deane, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signatures on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
Notary Public

DIANE DEVO  
Notary Public, State of New York  
No. 01DE0089553  
County of Broome  
Commission Expires 12/30/20 18

State of New York )  
 ) ss.:  
County of Broome )

On the 15<sup>th</sup> day of May in the year 2018, before me, the undersigned, personally appeared Richard David, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signatures on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
Notary Public

DONNA FERRANTI  
Notary Public, State of New York  
Reg. No. 01P00000027  
Qualified in Broome County  
Commission Expires August 21, 2021



**IN  
THE COUNCIL OF THE CITY OF BINGHAMTON  
STATE OF NEW YORK**

Dated: January 10, 2024

Sponsored by Councilmember(s): Hotchkiss, Porter, Middleton, Cavanaugh, Dundon

Introduced by Committee(s) on: Special Rules

**RESOLUTION**  
*entitled*

**A RESOLUTION AUTHORIZING THE CITY COUNCIL  
TO RETAIN OUTSIDE LEGAL COUNSEL FOR THE  
COUNCIL IN THIS SUBJECT MATTER**

WHEREAS, the Council of the City of Binghamton has been made aware of pending litigation against it in the matter of appointment of the vacant 6th District Council Seat; and

WHEREAS, the Corporation Counsel has in word and deed declined to advocate for, represent, or guide the City Council in this matter; and

WHEREAS, the Mayor of the City of Binghamton has refused the Council President's request to retain outside legal counsel in this matter.

WHEREAS, the Council of the City of Binghamton intends to protect and preserve the authority of the Council as an independently elected branch of local government.

WHEREAS, the Council of the City of Binghamton recognizes that, under Section 201 of the Second Class Cities Law, "The corporation counsel shall be and act as the legal adviser of the common council" and that corporation counsel "shall appear for and protect the rights and interests of the city in all actions, suits and proceedings brought by or against it or any city officer, board or department...". We also recognize that "an attorney may not be compensated for services rendered a municipal board or officer unless he has been retained in accordance with statutory authority".

Where, however, corporation counsel cannot adequately represent the interests of common council because of a conflict between itself and another city officer, the common council is vested with the power to retain its own counsel.

It is well established that common council possesses implied authority to employ counsel in the good faith defense of an action undertaken in the public interest, and in conjunction with its official duties where the corporation counsel refuses to act, or is incapable of, or disqualified from, acting. This authority is implied in order to enable common council to effect the purposes of its creation and to allow it to properly function.

Here, corporation counsel has made it clear that it is not representing the interest of common council in pending litigation between the common council and the Mayor.

Moreover, corporation counsel has made it clear that it refuses to act in the interest of common council and that it is incapable and likely disqualified from acting.

For all of these reasons, Common Council has the right to retain its own counsel.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session does hereby:

RESOLVED that the Council of the City of Binghamton hereby approves the above-subject Resolution; and be it further

RESOLVED that the President of the Council of the City of Binghamton, is hereby authorized to approve and retain outside legal counsel for the Council in the subject matter.