



Mayor Jared M. Kraham

## Office of the Mayor

Aug. 12, 2024

President Hadassah Mativetsky  
Binghamton City Council  
38 Hawley St.  
Binghamton, NY 13901

President Mativetsky,

I have vetoed *Ordinance 24-62, An Ordinance to Amend the Code of the City of Binghamton, Chapter 26.*

State law and this newly drafted version of our code require these materials be posted within 24-hours of the meeting “to the extent practicable.” The prior version of the law that was recently changed by Council required that “A digital copy of every proposed Local Law, Ordinance, or Resolution shall be available to the Mayor and City of Binghamton employees at least 24 hours prior to its inclusion as first read legislation.” I support this prior language as it places a stricter burden on City government to make sure that the public, and City Hall staff and employees, are on notice of the items up for discussion by a public body.

Prior to this veto message, I reached out to get input from Council members. Part of the input I received is that there is good faith confusion as to what “the extent practicable” means legally. This deserves further discussion, as does exploring practical barriers in the posting of materials and the timeline of legislative actions.

Keeping this local strict 24-hour requirement is a good backstop against costly litigation. If City Council fails to publish its agenda and resolutions in accordance with state Open Meetings Law, it opens the City to potential litigation which could invalidate legislation. The litigation would require in-house legal resources to defend these claims or outside counsel expenses.

In sum, I don’t yet understand Council’s intent or have yet to hear a reasonable argument that requires this change. When dealing with matters of open government, we should err on the side of greater transparency and notice unless there is a compelling argument against it.

Sincerely,

Jared M. Kraham  
Mayor

SB



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

Date: August 1, 2024

Sponsored by Council Members: Hotchkiss, Porter, Dundon, Cavanaugh, Middleton

Introduced by Committee: Rules and Procedures/Special Studies

**ORDINANCE**

*entitled*

AN ORDINANCE TO AMEND THE CODE OF  
THE CITY OF BINGHAMTON, CHAPTER 26

WHEREAS, City Council has recommended that the Code of the City of Binghamton, Chapter 26, *City Council, §26-6 Legislative procedure for drafting of local laws, ordinances and resolutions* be amended; and

WHEREAS, City Council wishes to amend the Code of the City of Binghamton accordingly.

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

Section 1: Chapter 26, *City Council, §26-6 Legislative procedure for drafting of local laws, ordinances and resolutions*, Subsection D, be amended as follows:

D. A digital copy of every proposed Local Law, Ordinance, or Resolution shall be available to the Mayor and City of Binghamton employees to the extent practicable and in accordance with Public Officers Law, Article 7 (Open Meetings Law) at least 24 hours prior to its inclusion as first read legislation.

Section 2. That this ordinance shall take effect immediately.

Introductory No. 024-62

Permanent No. 024-62

Sponsored by City Council Members: Hotchkiss, Porter, Dundon, Cavanaugh, Middleton

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF BINGHAMTON, CHAPTER 26

The within Ordinance was adopted by the Council of the City of Binghamton.

Date 8/11/24

City Clerk [Signature]

Date Presented to Mayor 8/21/24

Date Approved \_\_\_\_\_

Mayor [Signature]

**VETO**

	Ayes	Nays	Abstain	Absent
Councilmember Porter	✓			
Councilmember Middleton				✓
Councilmember Cavanaugh	✓			
Councilmember Hotchkiss	✓			
Councilmember Mativetsky		✓		
Councilmember Kosty		✓		
Councilmember Dundon	✓			
<b>Total</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>1</b>

Code of the City of Binghamton

Adopted     Defeated

4 Ayes    2 Nays    0 Abstain    1 Absent

I hereby certify the above to be a true copy of the legislation adopted by the Council of the City of Binghamton at a meeting held on 8/11/24. Approved by the Mayor on \_\_\_\_\_.