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

Date: January 11, 2023

Sponsored by Council Members: Resciniti, Riley, Burns, Strawn, Scanlon, Scaringi

Introduced by Committee: Rules/Special Studies

**ORDINANCE**

*entitled*

AN ORDINANCE TO AMEND THE  
BINGHAMTON-JOHNSON CITY JOINT  
SEWAGE IMA

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 JSB has requested an amendment to the Binghamton-Johnson City Joint Sewage IMA as attached.

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

Section 1. That the Binghamton-Johnson City Joint Sewage IMA is amended as stated in the attachment.

Introductory No. 023-16

Permanent No. 023-16

Sponsored by City Council Members:  
Resciniti, Riley, Burns, Strawn, Scanlon, Scaringi

AN ORDINANCE TO AMEND THE  
BINGHAMTON-JOHNSON CITY JOINT SEWAGE  
IMA

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

Date 1/25/23

Resciniti G. Scaringi  
City Clerk

Date Presented to Mayor 1/26/23

Date Approved 1/26/23

J. M. 7/23  
Mayor

	Ayes	Nays	Abstain	Absent
Councilwoman Resciniti	✓			
Councilwoman Riley	✓			
Councilwoman Friedhan	✓			
Councilman Burns	✓			
Councilman Strawn	✓			
Councilman Scanlon	✓			
Councilman Scaringi				✓
<b>Total</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>1</b>

Code of the City of Binghamton

Adopted  Defeated

6 Ayes 0 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 1/25/23. Approved  
by the Mayor on 1/26/23.

[Signature]

(request for legislation) from the Board as required in Section 23.G(i) above.

iii. Capital items (including transfer[s] to or from the "Capital Reserve" for the Binghamton-Johnson City Joint Sewage Project). Any request for a budget transfer shall be deemed denied unless a majority of the members of both legislative bodies vote to approve such budget transfer within thirty-five (35) days from the date of receipt of the written notice and RL (request for legislation) from the Board as required in Section 23.G(i) above. This provision shall apply to all capital budget lines, whether established before or after this Agreement, as well as to transfer[s] to or from the "Capital Reserve" for the Binghamton-Johnson City Joint Sewage Project.

iv. No new budget lines will be established without approval of a majority of the members of both legislative bodies.

v. Any legislative vote required above may be made at a separate or a joint meeting of the legislative bodies.

\* \* \* \*

Seconded by Bruce King .  
Motion Carried. 6/0

(text in underscored green typeface is to be added; ~~red struck through~~ text is to be deleted)

D. Notwithstanding any agreement to the contrary, nothing shall prevent the Board from presenting a budget which includes funding for addition to or reallocation from a budget line (or lines), and/or funding for addition to or reallocation from a capital reserve fund, for specific capital projects that will not occur during the year for which the budget is to be implemented. The request shall include the estimated cost of each specific capital project, how each project will be funded, and the anticipated start and completion dates of the project. Once established, these capital budget lines and/or capital reserve funds may not be used for any other purpose, without consent of a majority of the members of both ~~each~~ legislative bodies.

\* \* \* \*

G. The Board may be permitted to make budget transfers during the year or within ~~30~~ 45 days thereafter so long as such transfers do not increase the Joint Sewage Project budgeted expenses for the year under the following conditions:

i. The Board will give the City Clerk and Village Clerk/Treasurer written notice via email of any proposed budget transfer approved by the Board. The written notice will state if the proposed budget transfer is (i)a for a non-capital item up to \$2,500, ~~(ii)b~~ for a non-capital item of more than \$2,500 or cumulative transfers of \$20,000 or more in the calendar year; or ~~(iii)c~~ for a capital item (including transfer[s] to or from the "Capital Reserve" for the Binghamton-Johnson City Joint Sewage Project) noting, when applicable to the established purpose of the source funding, whether such transfer pertains to a declared emergency [such as resulting from an unexpected or imminent equipment or system failure]. The notice will include a copy of the Board's minutes or resolution approving the proposed budget transfer and a RL (request for legislation). The Board will copy said email to the (i) Mayor, President of City Council, Corporation Counsel, and Comptroller of the City and (ii) Mayor, Trustees, Attorney, and Clerk/Treasurer of the Village.

ii. Non-capital items. The Board may transfer up to \$2,500 from one budget line to another budget line without legislative approval, except all transfers to increase salary or benefits for any personnel shall require legislative approval. The Board may transfer more than \$2,500 from the contingency budget line to another or various other budget lines, except all transfers to increase salary or benefits for any personnel shall require legislative approval. Any transfer of more than \$2,500 from any budget line or cumulative transfers of \$20,000 or more in the calendar year shall be deemed denied unless a majority of the members of both legislative bodies vote to approve such budget transfer within thirty-five (35) days from the date of receipt of the written notice and RL