



## BATAVIA CITY COUNCIL CONFERENCE MEETING

City Hall - Council Board Room  
One Batavia City Centre  
February 27, 2023 at 7:00 p.m.

### AGENDA

- I. Call to Order
- II. Invocation – Councilmember Viele
- III. Pledge of Allegiance
- IV. Public Comments
- V. Council Response to Public Comments
- VI. Communications
  - a. Notre Dame 5K Run/Walk – 3/11/2023
- VII. Council President Report
  - a. Announcement of the next City Council Meeting to be held on Monday, March 13, 2023 at 7:00 p.m. at the City Hall Council Board Room, 2<sup>nd</sup> Floor, City Centre
- VIII. Public Hearings:
  - a. A Public Hearing to Adopt Local Law No. 1 to Override the Tax Cap Limit for the Budget Fiscal Year Commencing April 1, 2023
  - b. A Public Hearing to Adopt the 2023/24 Budget Ordinance #001-2023
  - c. A Public Hearing to Adopt an Amendment to Local Law No. 2 of the Year 2023 §184-41 (A), (B), (C), And (O) of the Batavia Municipal Code to establish New Water Rates, Meter Fees and a Capital Improvement Fee
- IX. Resolution to Oppose “New York Housing Compact” in NYS Budget
- X. Resolution to Oppose New York’s Climate Action Scoping Plan
- XI. Local Law No. 1 to Override the Tax Cap Limit for the Budget Fiscal Year Commencing April 1, 2023

- XII. FY 2023/24 Budget Ordinance
- XIII. Local Law No. 2 of the Year 2023 §184-41 (A), (B), (C), And (O) of the Batavia Municipal Code to establish New Water Rates, Meter Fees and a Capital Improvement Fee
- XIV. Annual Resolutions
  - a. Investment Policy
  - b. Purchasing Manual
  - c. Parking Permits
  - d. Employee Accrued Liability Reserves
- XV. Capital Asset Policy / Lease Policy Resolutions
- XVI. Pitney Bowes Machine – Resolution Transposition Error
- XVII. Surplus Equipment - Police
- XVIII. Capital Project Close Out Resolution
- XIX. Contract With T.Y. Lin – Bank and Alva Street Engineering Services
- XX. Agreement With NYSDOT for Bank and Alva Street Streetscape Enhancements
- XXI. NYSDOT Shared Services Agreement
- XXII. Discovery Reform Grant Funding
- XXIII. Executive Session.....Employment Matters
- XXIV. Adjournment



# City of Batavia

## *MEMORANDUM*

**To:** Rachael Tabelski, City Manager  
**From:** Heidi J. Parker, Clerk-Treasurer  
**Date:** 2/22/23  
**Subject:** **Event Summary**

Below please find the summary for the events to be reviewed by City Council on February 27, 2023:

### **Notre Dame 5K Run/Walk – 3/11/23**

Estimated cost from the police department is \$344. There are no costs from the other departments.

**\*\*NOTE** – Event sponsors are responsible for costs that may be incurred because of their event and have been made aware of estimated costs, if any. For final approval, all applicants must submit a certificate of liability insurance to the Clerk's Office prior to the event date.



City of Batavia  
Batavia, New York 14020  
(585) 345-6300

**PAID**  
FEB 13 2023  
CITY OF BATAVIA  
CLERK-TREASURER

**Official Use Only:**

2023-11  
Event Application #:

**Event Application Fee - \$25.00 (non-refundable)**  
(A separate permit must be issued for each item requested)

Event Sponsor Notre Dame High School  
Type of Event 5K Run/Walk  
Day and Date of Event 3/11/23 10am-12pm  
Time of Event (don't include set up time here - just actual event time) 10 am - 12 pm  
Location of Event Notre Dame High School  
Details of Event (be as specific as possible!) A 5K race to begin and end at ND High School. Race route is attached.

**Contact Information:**

Primary contact:

Name Gail Tenney  
Phone # 219938-1471  
Mailing address 67 Redfield Pleny Batavia  
E-mail address getenney@comcast.net

Secondary contact:

Carrie Monachino  
585-356-8307  
camonac2316@yahoo.com

\* Events will be posted on the City's website calendar. If there is a website you would like to include that people can visit for more information or registration, if applicable, note website here: ndhsbatavia.com

Will there be alcohol at your event? Yes  No  If yes, complete the following:

Type of alcoholic beverage to be served: Liquor  Wine  Beer

Will you be providing alcohol to your group? Yes  No

Will you be selling alcohol to your group? Yes  No  Insurance certificate **WILL BE** required with **Liquor Legal**.

Will people be allowed to bring alcohol to the event? Yes  No

Who will be applying to the NYS Liquor Authority for the permit to sell? \_\_\_\_\_

**It is the Applicant's responsibility to police the area during the gathering to make sure all Alcohol Beverage Control rules are followed. Also, after the event Applicant is responsible to dispose of all empty bottles and debris.**

**\*\* If you are contracting with a group to sell alcohol during your event on city property, separate insurance is required from them with Liquor Legal in addition to your insurance. \*\***

**EVENT INFORMATION (required):**

Set up date: 3/11/23 Set up time: 7 am

Tear down date: 3/11/23 Tear down time: 12 pm

**PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:**

Date: 3/11/23 Start time: 10 am End time: 12 pm

Estimated crowd size: 200 # of Vendors/Displays 0

**WILL THE EVENT INCLUDE:**

- Parade: Yes  No  (MAP OF DESIRED ROUTE MUST BE ATTACHED)
- Run or Walk: Yes  No  (MAP OF DESIRED ROUTE MUST BE ATTACHED)
- Music: Yes  No  (SITE DRAWING OF STAGE OR DJ LOCATION ATTACHED)
- Street Closure(s): Yes  No  (MAP OF CLOSED STREETS AND DROP LOCATION OF BARRICADES)
- Other: Yes  No  (MAP OF DESIRED ROUTE MUST BE ATTACHED)
- Fireworks or Hazardous Materials? Yes  No  Carnival or Amusement Rides? Yes  No

Name of Company Providing Above: \_\_\_\_\_ Company Contact/Representative \_\_\_\_\_ Phone # \_\_\_\_\_

Address, Street \_\_\_\_\_ City \_\_\_\_\_ Zip Code \_\_\_\_\_

Music: Live Group  Recorded/DJ

Name of Company Providing Above: \_\_\_\_\_ Company Contact/Representative \_\_\_\_\_ Phone # \_\_\_\_\_

Address, Street \_\_\_\_\_ City \_\_\_\_\_ Zip Code \_\_\_\_\_

**CITY SERVICES SUPPORT:**

**City Code 66-15, D-2** The City reserves the right, as part of the permitting process, to require the applicant to pay for additional operational costs of the City associated with the event.

FOR EVENTS IN CITY PARKS, GARBAGE PICK-UP WILL BE MADE ONLY TO GARBAGE CANS ON SITE. ADDITIONAL GARBAGE MUST BE BAGGED AND REMOVED FROM PREMISES BY EVENT SPONSOR.

**ELECTRIC:**

Will electric be needed for the event? Yes  No

What will you be providing electric to? Race finish line & timing company  
They will provide a generator

Will generators be used? Yes  No  \*see Special Events Inspection ✓ list for compliance\*

If yes, INCLUDE SITE DRAWING INDICATING PLACEMENT/LOCATION OF GENERATOR

SIZE OF GENERATOR(S) \_\_\_\_\_ FUEL SOURCE - GAS -  - DIESEL -  - PROPANE -

**PLEASE NOTE:**

1. Be as specific as possible in the description so we have the best understanding of your event. Also, be clear as to what you would like provided by the City. **Applications should be submitted at least 30 days in advance.**
2. Fire hydrants, Cross Streets/Alleys and Store Fronts **Shall Not Be Blocked** by any Vehicle or Concession at any time.
3. An Emergency Vehicle Safety Lane Must be Maintained at All times at All Locations
4. Fuel Containers Must be of an Approved type and Must be Properly Secured
5. Deep Fryers Must Be Approved. Commercial Types Require a Type "K" Portable Fire Extinguisher
6. All Food Vendors Must Have a Type ABC Fire Extinguisher. All Fire Extinguishers Must Be Inspected Within The Last Year. **A Valid Health Department Permit Must Be Displayed.**
7. No grease or substance of any kind may be discharged upon the streets, sidewalks, or into the storm drains and/or sewers
8. City Sign Ordinances Shall Be Complied With At All Times And In All Regards
9. No paint or other markings may be placed on the street surface.
10. Additional operational costs of the City, as determined by City Departments, must be paid by the event sponsor at the conclusion of the event. The application fee is due at time of submission and is non-refundable.
11. Vendor/participants must also follow all inspection/temporary structure rules found in the appendices (pg 6-7)
12. If approved, a Certificate of Liability Insurance of at least \$1,000,000 naming the City of Batavia as an additional insured for at least the day(s) of the event must be submitted to the City Clerk prior to the event date.

---

**Hold Harmless Agreement**

Notre Dame High School, the organizer/sponsor, shall indemnify, hold harmless, assume liability for and defend the City of Batavia, its employees, officers and agents from any and all damages, costs and expenses including but not limited to, attorney's fees, court costs, and all other sums which the City of Batavia its employees, officers and agents may pay or become obligated to pay on account of any and every demand, claim or assertion of liability, or any claim founded thereon, arising or alleged to have arisen out of the activities described in this special event application and sanctioned by the permit issued by the City of Batavia or by any act or omission of the Notre Dame (Organizer/Sponsor), its members, agents, employees, volunteers, officers, or directors in relation to activities described in this application and sanctioned by the issuance of a special event permit.

2/10/23  
Date:

Notre Dame H.S.  
Name of Event Sponsor:  
Clare Graves Principal  
Authorized Signature, Title  
Clare Graves  
Name - Printed or Typed

The rules and information contained within this application have been read and will be adhered to.

2/10/23  
Date:

[Signature]  
Signature of Applicant

**Please forward this application to:**

**City Clerk's Office  
Attention: Events Applications Department  
One Batavia City Centre  
Batavia, New York 14020**

TENTS/CANOPIES/POP-UPS: See appendices for compliance checklist – all tents will be inspected \*\*

Will Tents/Canopies or other membrane structures be erected at event? Yes  No   
Will a bounce house or other air supported structures be erected at event? Yes  No

NOTE – Appropriate anchoring is required for all tents, canopies, and pop-up structures

Please list size(s) of Tents/Canopies or other temporary structures erected\* \_\_\_\_\_

**ANCHORING INTO PAVEMENT IS PROHIBITED!**

If anchoring in grass, soil areas please contact the NYS Dig Safe # at: 1-800-962-7962 or 811

**STREET CLOSURE(S):**

**ANY EVENT REQUIRING A STREET CLOSURE REQUIRES 90 DAY ADVANCE NOTICE**

Will street(s) need to be closed for the event? Yes  No  Reason: Runners will be on the road

List Street(s) and Cross Street(s) that will be affected:

Redfield Pkwy Richmond Ave & Redfield Pkwy  
Street to be closed Cross Streets  
Union St Richmond Ave & Union  
Street to be closed Cross Streets  
Park Rd Richmond & Park (corner)  
Street to be closed Cross Streets  
Street to be closed Cross Streets

Will street barricades be requested from the City? Yes  No  How Many? 3

Will traffic cones be requested from the City? Yes  No  How Many? \_\_\_\_\_  
(Drop off locations of requested items must be identified on the site drawing)

**BANNERS / SIGNS OR OTHER DECORATIONS ARE NOT TO BE ATTACHED TO STREET BARRICADES, TRAFFIC CONES, LIGHT POLES, OR ANY OTHER CITY PROPERTY**

Are there any other city materials or personnel requested for the event? Identify below: *(there may be additional costs)*

**POLICE**

Will City Police Officers be requested for the event? Yes  No

**FINAL DETERMINATION FOR NUMBER OF POLICE OFFICERS and UTILIZATION WILL BE AT THE DISCRETION OF THE CITY.**

**SPECIAL EVENT APPLICATION  
DEPARTMENT APPROVAL SUMMARY**

**FOR OFFICIAL CITY USE ONLY**

<u>OFFICIAL USE ONLY</u>				
Department Recommendations:	Approved	Denied	Additional Costs	Department Initials
DPW (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Fire Dept. (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Police Dept. (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<i>If recommendation is denied, please attach a brief explanation</i>				

<u>OFFICIAL USE ONLY</u>	
_____	_____
<i>Date Received</i>	<i>Council Action: (Approved / Disapproved)</i>
_____	_____
<i>Date of Council Action:</i>	<i>Insurance Received (if applicable)</i>

**Event Application #:** \_\_\_\_\_

**Department:** \_\_\_\_\_  
*List Department Name Here*

Department Approval	YES	NO
DPW	<input type="checkbox"/>	<input type="checkbox"/>
Fire	<input type="checkbox"/>	<input type="checkbox"/>
Police	<input type="checkbox"/>	<input type="checkbox"/>

**Department Cost Estimate:** \_\_\_\_\_  
*If applicable*

**Estimate based on:** *Fillable table - type your response here:*  
\_\_\_\_\_

**If Application not Approved, Provide Reason Here:** *Fillable table - type your response here:*  
\_\_\_\_\_

**Submitted By:** \_\_\_\_\_ \_\_\_\_\_  
*Name / Title* *Date Submitted*

Appendices



SPECIAL EVENTS INSPECTION			
YES	Item to verify	NO	Corrective action
	Extension cords plugged into approved electrical boxes?		Do not use unless cords plugged direct
	Generator in use 20 feet from any structure?		Do not use generator unless moved to safe area
	Generator has appropriate extinguisher available		Do not use unless extinguisher present
	Generator grounded?		Do not use unless grounded
	Inflatable secured to ground?		Do not use unless secured
	Inflatable rods covered?		Do not use unless rods are covered for safety
	Propane tanks secured?		Do not use unless secured
	Outside cooking has appropriate extinguisher?		Do not use unless extinguisher present
	Fireworks display 75 feet from any structure?		Do not light unless in approved location
	Fireworks display has proper extinguishers?		Do not light unless extinguisher is present
	Does cooking under tent meet the safety standard?		Do not cook unless tent is rated for fire resistance or cooking outside tent
	Are Easy up tents properly roped, braced or anchored to withstand elements of weather and collapse?		Do not occupy until proper securing is approved by inspector
	Does Easy up tent have permanent label ID of size and fabric?		Tent not to be used without proper label
	Outdoor cooking that produces sparks or grease laden vapors?		Shall be outside of tents unless tent is fire rated and extinguishers or hood present
	Does the venue have a crowd of 250 people or more?		Must have crowd managers trained as approved by inspector

TEMPORARY STRUCTURE SETUP AND DAILY CHECKLIST (tent and membrane structures)			
YES	Item to Verify	NO	Corrective Action

Is structure at least 20 feet from any property lines?	Do not occupy or use structure. Structure needs to be relocated a minimum of 20 feet from any property lines.
Is structure within 20 feet of any building?	Do not occupy or use structure. Structure needs to be relocated a minimum of 20 feet from any building.
Is structure within 20 feet of another structure?	Evaluate all structures within 20 feet of each other as a single structure meeting all applicable requirements.
Is structure within 20 feet of parking?	Restrict parking or relocate structure at least 20 feet from parking.
Is structure within 20 feet of any internal combustion engines?	Do not use internal combustion engine until relocated at least 20 feet from structure.
Are "No Smoking" signs posted inside and outside?	Do not occupy or use structure unless no smoking signs are posted and enforced.
Are fireworks and unapproved open flames prohibited inside and outside the structure?	Do not occupy or use structure unless fireworks and all unapproved open flames are prohibited in the structure and within 20 feet of exterior of structure.
Are all points in the structure within 100 feet of an exit?	Do not occupy or use structure unless sufficient nearby exits are provided.
Ensure "Exit" signs are posted and clearly visible.	Do not occupy or use structure unless required "Exit" signs are provided.
Ensure "Exit" signs are illuminated.	Do not use or occupy structure unless illuminated exits are provided.
Ensure that exit signs have either two separate circuits or two sources of power depending on occupant load.	Do not use or occupy structure until a minimum of two circuits or sources of power are provided as required. Typically this is accomplished through the use of AC Powered Exit signs with internal battery backup.
Are exits open and uncovered?	Do not occupy or use structure unless all required exits are functional.
Are all aisles at least 44 inches wide? Do aisles increase in width where required?	Do not occupy or use structure unless proper aisle widths are maintained.
Is the Occupant Load posted appropriately?	Do not occupy or use structure unless the correct occupant load is posted appropriately.
Ensure emergency lighting is provided.	Do not use or occupy structure unless emergency lighting is provided.
Is a label permanently affixed to the structure bearing the identification of size and material type?	Do not use or occupy structure unless label is present.
2A:10BC Fire extinguishers are provided (see information packet for minimum number required).	Do not use or occupy structure until sufficient, properly sized, fire extinguishers are provided.
At least one 4OBC rated fire extinguisher shall be provided for each kitchen, mess hall, power generator, or transformer and at locations where flammable or combustible liquids are used, stored, or dispensed.	Do not use or operate any of these hazards unless appropriate fire extinguishers are provided as described in Temporary Membrane Structures, Tents and Canopies document and applicable codes.
Weeds and other combustible vegetation shall be removed from within 30 feet of the structure area.	Do not use or occupy the structure unless combustible vegetation has been removed from the specified area.
The floor surface inside, including the grounds adjacent to or within 30 feet outside of temporary tents, canopies, and membrane structures, shall be kept free of combustible waste.	Do not use or occupy the structure unless combustible waste is removed or stored in proper containers.
Such waste shall be stored in approved containers until removed from the premises.	Do not use or occupy the structure unless trash containers have been emptied from the previous day.
Outdoor cooking that produces sparks or grease-laden vapors. Must be outside tent.	Do not use cooking source under tent
Is tent secure	20 lbs per leg or tent stakes
Inspection performed by: _____ Date: _____	



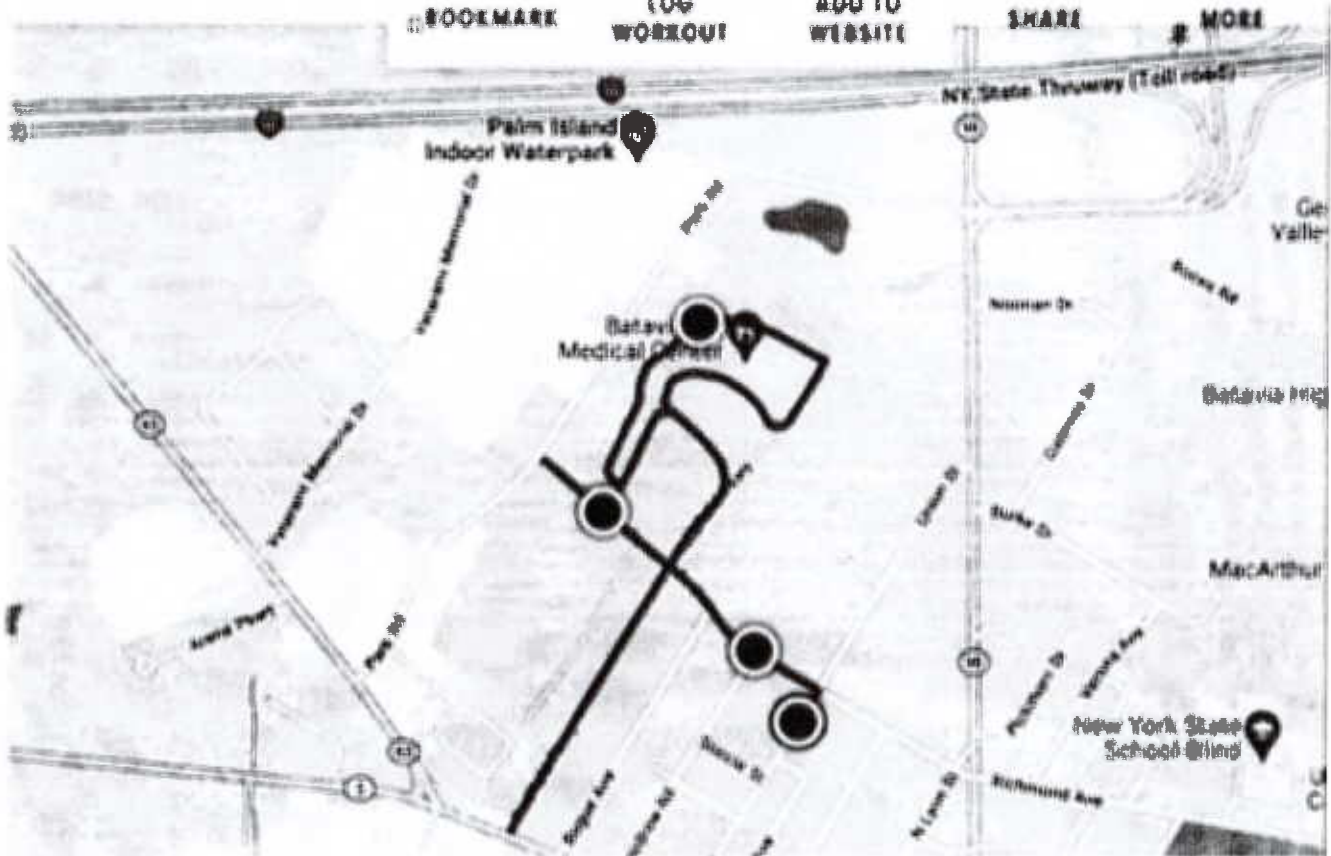
Gail Tenney | Public

**RUN**    BATAVIA, NY, UNITED STATES

3.09 MI    42 FT

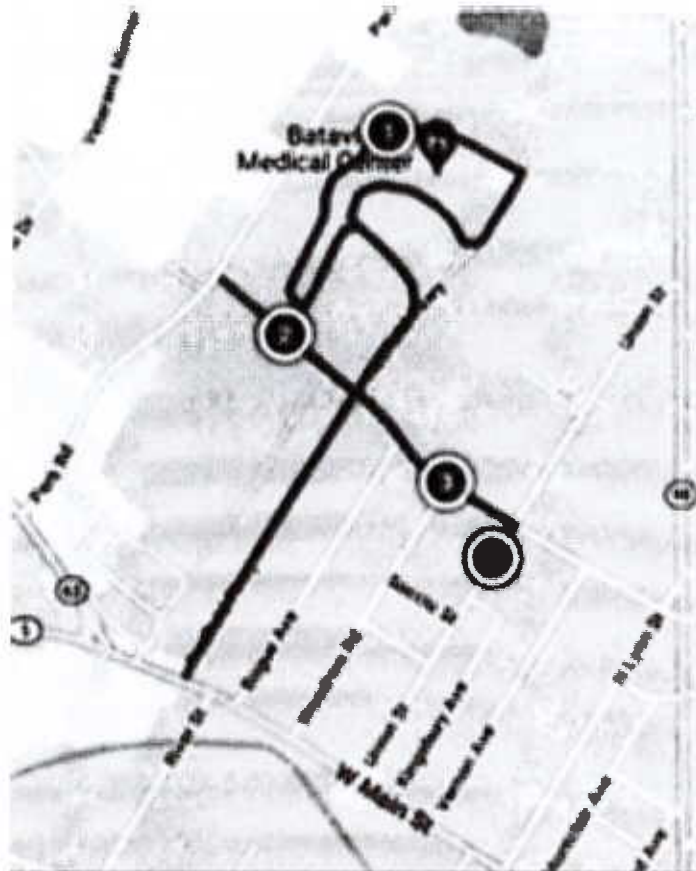
### RUNNING WITH THE IRISH 5K RUN/WALK 2022

BOOKMARK    LOG WORKOUT    ADD TO WEBSITE    SHARE    MORE



#### ELEVATION (FT)

START	MAX	GAIN
905 ft	932 ft	42 ft



### Running With the Irish 5K Directions

- Start at Union and Richmond
- Head down Richmond west toward the VA
- Turn Right into the VA parking lot
- Take the first left and follow the circle back toward the right in front of the main hospital
- As you come back to the main driveway, go left toward the back of the building through the parking lot
- Follow the parking lot to the left (volunteers will be there to guide you)
- Head all the way back through the parking lots until you turn back up at the circle
- Follow the circle to the right back out toward the main entrance
- At the entrance take a right and head to Park Rd
- Loop back down Richmond back toward the VA
- Turn Right onto Redfield Pkwy and go all the way down to Main St
- Curve around the Parkway and head back down Redfield on the other side
- Turn right onto Richmond
- Turn into school parking lot and through the finish line!
- FINISHED!!!!

#XX-2023

**RESOLUTION TO URGE THE NEW YORK STATE LEGISLATOR AND GOVERNOR HOCHUL TO RE-EVALUATE GOVERNOR HOCHUL'S HOUSING COMPACT PROPOSAL**

**Motion of Councilmember**

**WHEREAS**, Governor Hochul announced a housing compact as a part of the FY 2024 Budget Proposal with the goal of building 800,000 housing units across New York State over the next ten years; and

**WHEREAS**, The New York Housing Compact will require cities, towns, and villages across the state to achieve housing thresholds over three-year periods and require upstate municipalities to increase their housing stock by 1% annually; and

**WHEREAS**, Municipalities such as the City of Batavia may be stripped of any local zoning, planning or land-use regulations powers if housing targets are not met and allow mixed-income, multifamily projects to take advantage of a fast-track housing approval process by the proposed creation of a State Housing Approval Board; and

**WHEREAS**, the City of Batavia supports the Governor's goal of increasing the housing supply throughout New York State but municipalities should not be ignored or be stripped of approval powers to expedite construction and development; and

**WHEREAS**, new home building and construction should not take priority over the well-being of residents and a community, which is what could be at stake if the new State Housing Approval Board is given overriding authority to local regulations; and

**WHEREAS**, the City of Batavia strongly urges the New York State Legislature to make the appropriate revisions to the Governor's Housing Compact that protect local decision making; and

**WHEREAS**, the City of Batavia will continue to make significant investments in housing development to combat New York State's housing crisis.

**NOW THEREFORE, BE IT RESOLVED**, that the City of Batavia urges the New York State Legislature to re-evaluate Governor Hochul's housing compact proposal and potential impacts on municipalities especially in upstate communities, including Batavia.

**BE IT FURTHER RESOLVED**, that certified copies of this resolution be sent to Governor Hochul's Office and the Rochester and Finger Lakes delegation of the New York State Legislature.

**Seconded by Councilmember  
and on the roll call**

#XX-2023

**A RESOLUTION AUTHORIZING OPPOSING THE NEW YORK CLIMATE LEADERSHIP AND COMMUNITY PROTECTION ACT SCOPING PLAN**

**WHEREAS**, New York's Climate Leadership and Community Protection Act (CLCPA) is seeking to achieve carbon free emission targets of 70% by 2030 and 100% by 2040; and

**WHEREAS**, a final scoping plan was approved by the Climate Action Council, which was created by the CLCPA, in December 2022 to create a roadmap to meet the statutory targets that will fundamentally transform all aspects of everyday life, ranging from transportation, homes, commercial buildings to local project approvals; and

**WHEREAS**; the scoping plan calls for the complete transition to zero emission vehicles (ZEV) by 2035; smart growth development to enhance density, mixed use development and reduced need for vehicle transportation while increasing public transit and walkable communities; and the phasing out of natural gas, propane and other fuels used to heat and cool homes and businesses among many other mandates, rules and regulations; and

**WHEREAS**; the historic blizzards and storms that hit our region in November 2022 and December 2022 demonstrated the efficacy of gasoline and diesel engines that powered the cars, trucks and plows and homes heated by natural gas and propane that helped Western New Yorkers get through these generational storms and most importantly saved lives; and

**WHEREAS**; the proposed technologies such as battery storage to replace combustion engines and heating systems are acknowledged repeatedly in the Council's plan as not being ready for deployment because the technologies are not advanced enough; and

**WHEREAS**; the plan will ban gas heating equipment and cooking appliances and will require that all new residential construction projects in single-family and low-rise buildings must install zero emission equipment starting in 2025 and high rise residential and commercial buildings to use zero emission equipment starting in 2028; and

**WHEREAS**; New York residents with existing homes will be required to replace heating systems and natural gas appliances after 2030 with zero emission systems that according to a statewide study by the New York State Realtors Association are estimated to be in the range of \$20,000 to \$50,000; and

**WHEREAS**; these mandates will require investments in the billions of dollars to the power grid to improve delivery of electricity and integration of renewable energy which based on these timeframes are simply unachievable and will create significant reliability concerns leading to power outages and other energy interruptions; and

**WHEREAS**; the Climate Action scoping plan is the most expansive environmental plan in New York, if not the United States, with the various mandates fundamentally transforming the lives of our residents without a clear analysis of its costs.

**NOW, THEREFORE, BE IT RESOLVED**, the Batavia City Council supports reasonable and achievable clean energy initiatives that are reliable and affordable and provide benefits to the residents of Batavia of which the current scoping plan clearly does not.

**BE IT FURTHER RESOLVED**, that certified copies of this resolution be sent to the Governor, Senate Majority Leader, Assembly Speaker and the Western New York and Finger Lakes Delegation to the State Legislature.

**Seconded by Councilmember  
and on roll call**

DRAFT



# City of Batavia

## *Memorandum*

To: Honorable City Council

From: Rachael J. Tabelski, City Manager

Date: February 21, 2023

Subject: FY 23/24 Tax Cap Override Resolution

Attached is a resolution to approve a local law to override the tax cap limit for the budget fiscal year commencing on April 1, 2023.

According to New York State's Property Tax cap legislation, if a City government decides to adopt a budget with a property tax levy that exceeds the level set by the State, the City government must pass a local law to override that cap.

The City's proposed property tax rate included in the Manger's Budget is \$8.94 per \$1,000, which is the same as last year. The total General Fund budget balances revenue and expenses at \$19.4M. The proposed tax rate continues to be lower than the rates since the 2007-08 budget.

The City is not immune to rapid inflation and high price increases. There are numerous price increases that the City will need to cover in the budget to continue core services for residents in the General Fund. While many costs rose in the budget, below are a few examples of rising supply and labor costs.

- Supplies, materials, salt, gas and electric are rising between 15% and 40%
- Diesel fuel is double
- Employee Wages \$400,000
- Retirements \$300,000
- Health Care \$475,000

The ~8% inflation the economy is facing challenges this budget, forcing the City to consider overriding the tax cap. To balance the FY 23/24 City of Batavia Budget I recommend that the City Council of the City of Batavia consider the local law to override the Tax Cap.



#XX-2023

**A RESOLUTION TO ADOPT A LOCAL LAW TO OVERRIDE THE TAX CAP LIMIT  
FOR THE BUDGET FISCAL YEAR COMMENCING APRIL 1, 2023**

**Motion of Councilperson**

**WHEREAS**, Local Law No. 1 of 2023 entitled “LOCAL LAW NO. 1 OF THE YEAR 2023 CITY OF BATAVIA A LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-C” was introduced before the City Council of Batavia New York; and

**WHEREAS**, according to New York State’s Property Tax cap legislation, if a City government decides to adopt a budget with a property tax levy that exceeds the level set by the State, the City government must pass a local law to override that cap; and

**WHEREAS**, adopting said local law is not predictive of the final tax levy but will provide the City of Batavia flexibility to exceed the Property Tax Cap if it is deemed necessary, and to ensure that any State re-calculation of the applicable limit will not make the City inadvertently out of compliance.

**WHEREAS**, copies of the aforesaid proposed Local Law were laid upon the desk of each member of the City Council by the City Clerk; and

**WHEREAS**, the City Council held a public hearing on said proposed Local Law in the Council Room, Second Floor, One Batavia City Centre, Batavia New York, at 7:00 p.m. on Monday, February 27th, 2023; and

**WHEREAS**, the City Clerk publish or cause to be published a public notice in the official newspaper of the City of Batavia of said public hearing at least three (3) days prior thereto.

**NOW, THEREFORE, BE IT RESOLVED**, the City Council of the City of Batavia hereby adopts Local Law No. 1 of 2023 entitled “**LOCAL LAW NO. 1 OF THE YEAR 2023 CITY OF BATAVIA A LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-C.**”

**Seconded by Councilperson  
and on roll call**

**LOCAL LAW NO. 1 OF THE YEAR 2023  
CITY OF BATAVIA**

A LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT  
ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-C

Be it enacted, by the City Council of the City of Batavia, New York, as follows:

**Section 1. Legislative Intent**

It is the intent of this Local Law to override the limit on the amount of real property taxes that may be levied by the City of Batavia, County of Genesee, State of New York (hereinafter “City of Batavia” pursuant to General Municipal Law § 3-c, and to allow the City of Batavia to adopt a budget for the fiscal year commencing April 01, 2023 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

**Section 2. Authority**

This local law is adopted pursuant to Subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the City Council to override the property tax cap for the next fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of the City Council.

**Section 3. Tax Levy Limit Override**

The City Council of the City of Batavia is hereby authorized to adopt a budget for the fiscal year commencing April 1, 2023 that may require a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law § 3-c.

**Section 4. Severability**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgement or order shall be rendered.

**Section 5. Effective date**

This local law shall take effect immediately upon filing with the Secretary of State.



# City of Batavia

## *Memorandum*

To: Honorable City Council

From: Rachael J. Tabelski, City Manager

Date: February 21, 2023

Subject: FY 23/24 Budget Ordinance Resolution

Attached is the City of Batavia Fiscal Year 23/24 Budget Ordinance Resolution.

### Budget Highlight Include:

- \$33.5 M Total City Budget
- \$19.4 M General Fund Budget
- Tax Rate remains the same
- Sewer Rate remains the same
- Water Rate increases by \$0.30
- The City continues to invest in public infrastructure and works to maintain and enhance levels of service to residents.
- The ~8% inflation the economy is facing challenges this budget, forcing the City to consider overriding the tax cap to cover costs.
- The fiscal year begins on April 1, 2023.

I recommended that the Budget Ordinance is moved to the March 13<sup>th</sup> Business Meeting for adoption.

#XX-2023

**A RESOLUTION TO ADOPT 2023-2024 BUDGET ORDINANCE**

**Motion of Councilmember**

**WHEREAS**, the City Manager prepared and submitted to the City Council a Proposed Budget for the 2023-2024 fiscal year on January 9, 2023 pursuant to Section 16.3 of the City Charter, copies of which were received by all members of the City Council and a copy placed on file in the City Clerk's Office; and

**WHEREAS**, the City Council has reviewed and amended the City Manager's proposed budget.

**WHEREAS**, said proposed budget estimated revenues and expenditures for all operating funds of the City of Batavia are \$ 33,588,472 including the General Fund at \$ 19,462,273.00 ; and

**WHEREAS**, said proposed budget includes revenues to be received through the property tax levy of \$6,600,000; and

**WHEREAS**, the City Council of the City of Batavia wishes to grant wage adjustments to its non-union City employees and the City Manager for a salary schedule adjustment of 5% to combat wage compression issues with unionized employees and a scheduled salary increase of 3%, effective April 1, 2023; and

**WHEREAS**, the City Council of the City of Batavia wishes to grant a salary adjustment due to the minimum wage increase for all seasonal and part-time employees; and

**WHEREAS**, the City Council held a public hearing on said Budget Ordinance in the Council Board Room, Second Floor, One Batavia City Centre, Batavia, New York, at 7:00 PM on Monday, February 27, 2023; and

**WHEREAS**, the City Clerk published a public notice in the official newspaper of the City of said public hearing at least five (5) days prior thereto.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Batavia hereby adopts the 2022-2023 Budget Ordinance pursuant to Section 16.6 of the City Charter.

**Seconded by Councilmember  
and on roll call**

**ORDINANCE #001-2023**  
**AN ORDINANCE ADOPTING THE 2023-2024 BUDGET AND DETERMINING THE**  
**AMOUNT OF TAX TO BE LEVIED ON ALL REAL PROPERTY FOR THE 2023-2024**  
**FISCAL YEAR**

**BE IT ENACTED**, by the Council of the City of Batavia, New York:

**SECTION 1.** The proposed Budget for 2023-2024, submitted by the City Manager pursuant to Sections 16.3, 16.4, and 16.5 of the City Charter on January 9, 2023, setting forth the estimates of revenues and expenditures for the fiscal year 2023-2024 of the various funds of the City of Batavia, namely, General Fund, Water Fund, Sewer Fund, City Centre Fund, Workers' Compensation Fund, and Health Insurance Fund is hereby approved and that the several amounts allowed as estimated expenditures be and are hereby appropriated to the use of the several departments of the City of Batavia for the purpose set forth in each estimate in the proposed budgets for the fiscal year 2023-2024.

**SECTION 2.** The City Council does hereby finally ascertain, fix, and determine that the entire amount necessary, proper, and legal be raised by tax to defray the expenditures of the City of Batavia for the fiscal year of 2023-2024 is \$6,600,000.

**SECTION 3.** The sum of \$6,600,000 the entire amounts heretofore ascertained, fixed, and determined as necessary, proper, and legal be raised by tax to defray the expenditures of the City of Batavia for the fiscal year 2023-2024, be and the same is hereby levied on all the real property subject to taxation by the City of Batavia according to valuation upon the assessment roll for the fiscal year 2023-2024.

**SECTION 4.** The amounts to be raised by taxation as hereby stated for City purposes is hereby a warrant upon the Clerk-Treasurer to spread and extend such levies upon the current assessment tax roll and to collect the same.

**SECTION 5.** The budget summaries, as filed in the Clerk-Treasurer's Office of the various funds of the City of Batavia, are made a part hereof and are hereby declared to be part of the Ordinance.

**SECTION 6.** This Ordinance shall become effective April 1, 2023.

## Budget Summaries

### General Fund

General Fund – Reserves	\$ 588,667.00
City Council	\$ 62,620.00
City Manager	\$ 208,975.00
Finance	\$ 129,441.00
Legal Services	\$ 225,160.00
General Fund - Contingency	\$ 371,480.00
Community Development	\$ 6,000.00
Economic Development	\$ 115,498.00
Council on Arts	\$ 6,500.00
Community Celebrations	\$ 12,932.00
General Fund - Debt Service/Bonds	\$ 353,572.00
General Fund – Interfund Transfer	\$ 3,073,660.00
General Fund – Transfer to Cap Proj	\$ 65,000.00
Administrative Services	\$ 259,603.00
Clerk-Treasurer	\$ 145,097.00
Elections	\$ .00
Control of Dogs	\$ 1,403.00
Vital Statistics	\$ 20,909.00
Assessment	\$ 143,560.00
Personnel	\$ 280,430.00
Information Services	\$ 107,500.00
Youth Bureau – Summer Recreation	\$ 78,846.00
Youth Bureau – Youth Service	\$ 130,744.00
Engineering	\$ 12,750.00
Department of Public Works	\$ 96,140.00
City Facilities – Facilities	\$ 282,369.00
Facilities – Ice Rink	\$ 15,340.00
Facilities – Dwyer	\$ 31,750.00
Inspection	\$ 413,907.00
Public Works BOM Admin	\$ 130,518.00
Street Maintenance	\$ 552,270.00
CHIPS Perm Improv Highway	\$ 264,174.00
Public Works Garage	\$ 540,935.00
Snow Removal	\$ 472,934.00

Street Lighting Traffic Signals	\$ 253,660.00
Parking Lots	\$ 205,000.00
Parks	\$ 548,060.00
Storm Sewer – BOM	\$ 173,620.00
Street Cleaning	\$ 125,840.00
Historic Preservation	\$ 6,290.00
Planning and Zoning	\$ 1,300.00
Storm Sewer – Water-WW	\$ 30,300.00
Refuse and Recycling	\$ 107,980.00
Police	\$ 4,323,847.00
Emergency Response Team	\$ 32,480.00
Police – Net	\$ 4,850.00
Community Policing & Events	\$ 12,440.00
K-9	\$ 950.00
Fire	\$ 4,410,287.00
State Internal EMS Program	\$ 2,250.00
State External EMS Program	\$ 9,625.00
Non-State EMS Program	\$ 12,810.00
<hr/>	
<b>TOTAL GENERAL FUND</b>	<b>\$ 19,462,273.00</b>

**Water, Wastewater & Workers Comp Funds**

**PROPOSED  
2023/24**

Water Fund – Reserves	\$ 79,730.00
Water Fund Contingency	\$ 5,050.00
Water Administration	\$ 2,788,861.00
Pump Station and Filtration	\$ 1,619,377.00
Water Distribution	\$ 478,330.00
Water Fund – Debt Svc - Bonds	\$ 241,986.00
Water Fund– Debt Service - BAN	\$ 15,000.00
Water Fund – Interfund Transfer	\$ 634,900.00
<hr/>	
<b>TOTAL WATER</b>	<b>\$ 5,863,234.00</b>

WW Fund – Reserves	\$ 1,158,918.00
Wastewater Administration	\$ 534,069.00
WW Contingency	\$ 100,000.00
WW Fund Sanitary Sewers BOM	\$ 476,430.00
WW Fund Sanitary Sewer Water/WW	\$ 221,170.00

WW Fund Wasterwater Treatment	\$ 1,212,130.00
WW Fund – Debt Service - Bonds	\$ 386,393.00
WW Fund – Interfund Transfer	\$ 296,540.00

---

<b>TOTAL WASTEWATER</b>	<b>\$ 4,385,650.00</b>
-------------------------	------------------------

---

Workers' Compensation	\$ 245,560.00
-----------------------	---------------

---

<b>TOTAL WORKER'S COMP</b>	<b>\$ 245,560.00</b>
----------------------------	----------------------

---



---

<b>TOTAL WATER, WASTEWATER, WORKERS' COMP</b>	<b>\$ 10,494,444.00</b>
---	-------------------------

---

**CITY CENTRE & HEALTH  
INSURANCE FUNDS**

Administration	\$ 218,235.00
City Centre Fund-Interfund Transfer	\$ 34,990.00

---

<b>TOTAL CITY CENTRE</b>	<b>\$ 253,225.00</b>
--------------------------	----------------------

---

Medical Insurance	\$ 3,378,530.00
Transfer to Reserves	\$ 0.00

---

<b>TOTAL HEALTH INSURANCE</b>	<b>\$ 3,378,530.00</b>
-------------------------------	------------------------

---



---

<b>TOTAL CITY CENTRE &amp; HEALTH INSURANCE</b>	<b>\$ 3,631,755.00</b>
---	------------------------

---

**TOTAL ALL FUNDS** **\$ 33,588,472**





# City of Batavia

## *Memorandum*

To: Honorable City Council

From: Rachael J. Tabelski, City Manager

Date: February 22, 2023

Subject: FY 23/24 Water Rates

Attached is the City of Batavia Resolution amend the Batavia Municipal Code to establish new water rate, meter fees, and a capital improvement fee for FY 23/24.

### Water Fund Budget Highlights Include:

- Total Water Fund Budget \$5,842,934 a \$500,000 increase from last year. Mainly due to the increases in the price of chemicals.
- Batavia Strategic Water Rate and Capital Plan was created in 2015 and updated in 2022 to reflect current priorities in capital improvements.
- Plan includes incremental rate adjustments, that will allow the City to invest in infrastructure improvement over time.
- The proposed rate adjustment includes a water rate and meter fee increase of \$0.30 or 5% and a capital improvement fee of \$3.38 per quarter for 5/8<sup>th</sup> meters or 1.5% that is \$5.97 per 1,000 gallons.
- Typical City Water and Sewer Bill combined annually for a household with four residents is \$898 annually.
- The fiscal year begins on April 1, 2023.
- There are over 11 current capital projects that the City is undertaking including water plant projects, water meter projects, and water line projects. To continue to maintain the water system the City balances small rate increases with the ability to obtain grant funding and bond for projects.

I recommended that the City Council of the City of Batavia establish new water rates, meter fees, and capital improvement fees for FY 23/24 as outlined in the attached resolution and Local Law.

#XX-2023

**A RESOLUTION ADOPTING A LOCAL LAW NO. 1 OF THE YEAR 2023 AMENDING SECTION 184-41 (A), (B), (C), AND (O) OF THE BATAVIA MUNICIPAL CODE TO ESTABLISH NEW WATER RATES, METER FEES AND A CAPITAL IMPROVEMENT FEE**

**Motion of Councilmember**

**BE IT RESOLVED**, that Local Law No. 2 of the Year 2023 entitled “LOCAL LAW NO. 1 OF THE YEAR 2022 CITY OF BATAVIA TO AMEND §184-41 (A), (B), (C), AND (O) OF THE CODE OF THE CITY OF BATAVIA TO ESTABLISH NEW WATER RATES, METER FEES AND A CAPITAL IMPROVEMENT FEE” was introduced before the City Council of Batavia, New York; and

**WHEREAS**, copies of the aforesaid proposed Local Law were laid upon the desk of each member of the City Council by the City Clerk; and

**WHEREAS**, the City Council held a public hearing on said proposed Local Law in the Council Board Room, Second Floor, One Batavia City Centre, Batavia, New York, at 7:00 p.m. on Monday, February 27, 2023; and

**WHEREAS**, the City Clerk published or caused to be published a public notice in the official newspaper of the City of said public hearing at least three (5) days prior thereto.

**BE IT RESOLVED**, the City Council of the City of Batavia hereby adopts Local Law No. 2 of the year 2023, entitled a “Local Law No. 1 of 2023 City of Batavia to Amend §184-41 (A), (B), (C), And (O) of the Code of The City Of Batavia to Establish New Water Rates, Meter Fees And A Capital Improvement Fee”

**Seconded by Councilmember  
and on roll call**

**LOCAL LAW NO. 2 OF THE YEAR 2023  
CITY OF BATAVIA**

**A LOCAL LAW TO AMEND §184-41(A), (B), (C), AND (O) OF THE CODE OF THE  
CITY OF BATAVIA TO ESTABLISH NEW WATER RATES, METER FEES AND A  
CAPITAL IMPROVEMENT FEE**

**Be It Enacted** by the City Council of the City of Batavia, New York as follows:

**Section 1. § 184-41. Water rates.**

A. Water Rates

**City – Water – Quarterly Schedule**

~~\$5.97~~ [\$6.27] per 1,000 gallons

**Town Served Directly by the City – Building and Hydrants**

~~\$7.65~~ [\$7.92] per 1,000 gallons

~~B. Bulk rate at water plant fill station: \$7.61 [\$7.88] per 1,000 gallons; cards: \$12.50 each.~~

**Section 3. Effective Date**

The foregoing amendment shall become effective with the water consumed ~~April 1, 2022~~  
~~as billed on and after June 1, 2022~~ [April 1, 2023 billed on and after June 1, 2023]

C. Quarterly meter service and availability charge for meters:

Type	Size in Inches	Quarterly Fee
Disc	5/8	<del>\$11.62</del> [\$15.45]
Disc	3/4	<del>\$14.71</del> [\$19.55]
Disc	1	<del>\$15.50</del> [\$20.60]
Disc	1 ½	<del>\$26.33</del> [\$35.00]
Disc	2	<del>\$36.56</del> [\$48.60]
Compound	2	<del>\$30.97</del> [\$41.17]
Compound	3	<del>\$117.78</del> [\$156.58]
Compound	4	<del>\$187.48</del> [\$294.24]
Compound	6	<del>\$283.21</del> [\$376.49]
Turbo	3	<del>\$69.69</del> [\$92.65]
Turbo	4	<del>\$117.78</del> [\$156.58]
Fireline	4	<del>\$117.78</del> [\$156.58]
Fireline	6	<del>\$187.48</del> [\$249.24]
Fireline	8	<del>\$261.34</del> [\$347.43]

Fireline

10

\$341.28 [\$453.70]

All of the above meter service charges include the required remote reading encoder systems.

O. Quarterly Capital Improvement fee for meters:

Type	Size in Inches	Quarterly Fee
Disc	5/8	\$8.09 [\$12.97]
Disc	3/4	\$10.25 [\$16.44]
Disc	1	\$10.79 [\$17.30]
Disc	1 1/2	\$18.34 [\$29.41]
Disc	2	\$25.47 [\$40.83]
Compound	2	\$21.58 [\$34.60]
Compound	3	\$82.05 [\$131.56]
Compound	4	\$130.60 [\$209.39]
Compound	6	\$197.30 [\$316.32]
Turbo	3	\$48.55 [\$77.84]
Turbo	4	\$82.05 [\$131.56]
Fireline	4	\$82.05 [\$131.56]
Fireline	6	\$130.60 [\$209.39]
Fireline	8	\$182.06 [\$291.90]
Fireline	10	\$237.75 [\$381.19]

Deletions designated by ~~strikeout~~

Additions designated as [brackets]

# XX-2023

**A RESOLUTION AUTHORIZING THE ADOPTION OF AN INVESTMENT POLICY  
FOR THE CITY OF BATAVIA, NEW YORK**

**Motion of Councilperson**

**WHEREAS**, the City of Batavia is the custodian of moneys and is authorized to invest such money; and

**WHEREAS**, the City's independent auditor had recommended an investment policy be updated and reviewed annually by Council; and

**WHEREAS**, the Council of the City of Batavia originally adopted the Investment Policy April 11, 2011 and has subsequently revised and adopted it each year thereafter; and

**WHEREAS**, such policy is in compliance with the current legal requirements under New York State General Municipal Law Sections 10 and 11 and is in the required format mandated by the State Comptroller; and

**WHEREAS**, said policy has been reviewed and approved by both the City's Fiscal Advisor and the City's Independent Auditor.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia, New York hereby authorizes the adoption of the attached Investment Policy effective immediately.

**Seconded by Councilperson  
and on roll call**

## **City of Batavia Investment Policy**

### **I. Scope**

This investment policy applies to all money and other financial resources available to the City of Batavia for deposit and/or investment on its own behalf or on behalf of any other entity or individual.

### **II. Objective**

The primary objectives of the local government's investment activities are, in priority order:

1. To conform with all applicable federal, State and other legal requirements (legality)
2. To adequately safeguard principal (safety)
3. To provide sufficient liquidity to meet all operating requirements (liquidity)
4. To obtain a reasonable rate of return (yield)

### **III. Delegation of Authority**

The governing board's responsibility for administration of the investment program is delegated to the City Manager who shall establish written procedures for the operation of the investment program consistent with these investment policies. Such procedures shall include internal controls to provide a satisfactory level of accountability based upon records incorporating the description and amounts of investments, the fund(s) for which they are held, the place(s) where kept, and other relevant information, including dates of sale or other dispositions and amounts realized. In addition, the internal control procedures shall describe the responsibilities and levels of authority for key individuals involved in the investment program.

### **IV. Prudence**

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the City of Batavia to govern effectively.

Investments shall be made with prudence, diligence, skill, judgment, and care, under circumstances then prevailing, which knowledgeable and prudent persons acting in like capacity would use, not for speculation, but for investment, considering the safety and liquidity of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict or appear to conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

### **V. Diversification**

It is the policy of the City of Batavia to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

The governing board shall establish appropriate limits for the amount of investments which can be made with each financial institution or dealer, and shall evaluate this listing at least annually.

## **VI. Internal Controls**

It is the policy of the City of Batavia for all moneys collected by any officer or employee of the government to transfer those funds to the Clerk-Treasurer within one (1) day of receipt, or within the time period specified by law, whichever is shorter.

The City Manager is responsible for establishing and maintaining internal control procedures to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization, properly recorded, and managed in compliance with applicable laws and regulations.

## **VII. Designation of Depositories**

The banks and trust companies that are authorized for the deposit of funds:

<u>Depository Name</u>	<u>Officer</u>
Bank of Castile	Jaime Sallome
Bank of America	Kevin Gilbert
JP Morgan Chase	Pamela Thompson
Key Bank	Amanda Vigneri
Manufacturers & Traders Trust Company	Glen Liucci
Five Star Bank	Elizabeth Nowak
Edward Jones Investments	
BankonBuffalo	David Paul

*\*Per a December 14, 2020 resolution passed by The City of Batavia City Council, this policy allows the City Manager, in consultation with the City Clerk-Treasurer and Deputy Director of Finance, to authorize the deposit of funds into established financial institutions so the City can make investments in a timely manner to ensure maximum return of the taxpayer's money. Furthermore, to ensure full accountability and transparency, the City Manager must advise Council of the new financial institution added, if any, to the list of designated depositories at the next council meeting during the City Manager's report.*

## **VIII. Securing Deposits and Investments:**

All deposits and investments at a bank or trust company, including all demand deposits, certificates of deposit and special time deposits (hereinafter, collectively, "deposits") made by officers of the City of Batavia that are in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured by:

1. A pledge of "eligible securities" with an aggregate "market value" (as provided in GML Section 10) that is at least equal to the aggregate amount of deposits by the officers. See Attachment A of this policy for a listing of "eligible securities."
2. A pledge of a pro rata portion of a pool of eligible securities, having in the aggregate a market value at least equal to the aggregate amount of deposits from all such officers within the State at the bank or trust company

3. An “eligible surety bond” payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed-upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims – paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations. The governing board shall approve the terms and conditions of the surety bond.
4. An “irrevocable letter of credit” issued in favor of the City of Batavia by a federal home loan bank whose commercial paper and other unsecured short-term debt obligations are rated in the highest rating category by at least one nationally recognized statistical rating organization, as security for the payment of 100% of the aggregate amount of deposits and the agreed-upon interest, if any.

## **IX. Collateralization and Safekeeping**

Eligible securities used for collateralizing deposits made by officers of the City of Batavia shall be held by (the depository or a third party) bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities (or the pro rata portion of a pool of eligible securities) are being pledged to secure such deposits together with agreed-upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon a default. It shall also provide the conditions under which the securities (or pro rata portion of a pool of eligible securities) may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities.

In the event that the pledged securities are not registered or inscribed in the name of the City of Batavia, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the City of Batavia or the custodial bank or trust company. Whenever eligible securities delivered to the custodial bank or trust company are transferred by entries on the books of a federal reserve bank or other book-entry system operated by a federally regulated entity without physical delivery of the evidence of the obligations, then the records of the custodial bank or trust company shall be required to show, at all times, the interest of the government in the securities (or the pro rata portion of a pool of eligible securities) as set forth in the security agreement.

The custodial agreement shall provide that pledged securities (or the pro rata portion of a pool of eligible securities) will be held by the bank or trust company as agent of, and custodian for, the City of Batavia, will be kept separate and apart from the general assets of the custodial bank or trust company and will not be commingled with or become part of the backing of any other deposit or other bank liability. The agreement shall also describe how the custodian shall confirm the receipt, substitution, or release of the collateral and it shall provide for the frequency of revaluation of collateral by the custodial bank or trust company and for the substitution of collateral when a change in the rating of a security causes ineligibility. The security and custodial agreements shall also include all other provisions necessary to provide the City of Batavia with a perfected security interest in the eligible securities and to otherwise secure the local government’s interest in the collateral, and may contain other provisions that the governing board deems necessary.

## **X. Permitted investments**

As provided by General Municipal Law Section 11, the City of Batavia authorizes the City Manager to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:



- Special time deposit accounts in, or certificates of deposit issued by, a bank or trust company located and authorized to do business in the State of New York
- Through a deposit placement that meets the conditions set forth in General Municipal Law Section 10(2)(a)(ii)
- Obligations of the United States of America
- Obligations guaranteed by agencies of the United States of America, where the payment of principal and interest are guaranteed by the United States of America
- Obligations of the State of New York
- Obligations of the City of Batavia, but only with moneys in a reserve fund established pursuant to General Municipal Law Section 6-c, 6-d, 6-e, 6-f, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

All investment obligations shall be payable or redeemable at the option of the City of Batavia within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable in any event at the option of the City of Batavia within two years of the date of purchase. Time deposit accounts and certificates of deposit shall be payable within such times as the proceeds will be needed to meet expenditures for which the moneys were obtained, and shall be secured as provided in Sections VIII and IX herein.

Except as may otherwise be provided in a contract with bondholders or noteholders, any moneys of the City of Batavia authorized to be invested may be commingled for investment purposes, provided that any investment of commingled moneys shall be payable or redeemable at the option of the City of Batavia within such time as the proceeds shall be needed to meet expenditures for which such moneys were obtained, or as otherwise specifically provided in General Municipal Law Section 11. The separate identity of the sources of these funds shall be maintained at all times and income received shall be credited on a pro rata basis to the fund or account from which the moneys were invested.

Any obligation that provides for the adjustment of its interest rate on set dates is deemed to be payable or redeemable on the date on which the principal amount can be recovered through demand by the holder.

## **XI. Authorized financial institutions and dealers**

All financial institutions and dealers with which the City of Batavia transacts business shall be creditworthy, and have an appropriate level of experience, capitalization, size, and other factors that make the financial institution or the dealer capable and qualified to transact business with the City of Batavia. The City Manager shall evaluate the financial position and maintain a listing of proposed depositories, trading partners, and custodians. Recent Reports of Condition and Income (call reports) shall be obtained for proposed banks, and security dealers that are not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers.

The City of Batavia shall maintain a list of financial institutions and dealers approved for investment purposes, and establish appropriate limits to the amounts of investments that can be made with each financial institution or dealers.

## **XII. Purchase of investments**

The City Manager is authorized to contract for the purchase of investments:

1. Directly, from an authorized trading partner
2. By participation in a cooperative investment agreement with other authorized municipal corporations pursuant to article 5-G of the General Municipal Law and in accordance with Article 3-A of the General Municipal Law.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold, or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the City of Batavia by the bank or trust company.

Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law Section 10(3)(a). The agreement shall provide that securities held by the bank or trust company, as agent of, and custodian for, the City of Batavia, will be kept separate and apart from the general assets of the custodial bank or trust company and will not be commingled with or become part of the backing of any other deposit or other bank liability. The agreement shall also describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to secure the local government's perfected interest in the securities, and the agreement may also contain other provisions that the governing board deems necessary. The security and custodial agreements shall also include all other provisions necessary to provide the City of Batavia with a perfected interest in the securities.

The City Manager can direct the bank or trust company to register and hold the evidences of investments in the name of its nominee, or may deposit or authorize the bank or trust company to deposit, or arrange for their deposit with a federal reserve bank or other book-entry transfer system operated by a federally regulated entity. The records of the bank or trust company shall show, at all times, the ownership of such evidences of investments, and they shall be, when held in the possession of the bank or trust company, at all times, kept separate from the assets of the bank or trust company. All evidences of investments delivered to a bank or trust company shall be held by the bank or trust company pursuant to a written custodial agreement as set forth in General Municipal Law Section 10(3)(a), and as described earlier in this section. When any such evidences of investments are so registered in the name of a nominee, the bank or trust company shall be absolutely liable for any loss occasioned by the acts of such nominee with respect to such evidences of investments.

### **XIII. Courier service**

The City Manager may, subject to the approval of the governing board by resolution, enter into a contract with a courier service for the purpose of causing the deposit of public funds with a bank or trust company. The courier service shall be required to obtain a surety bond for the full amount entrusted to the courier, payable to the City of Batavia and executed by an insurance company authorized to do business in the State of New York, with a claims-paying ability that is rated in the highest rating category by at least two nationally recognized statistical rating organizations, to insure against any loss of public deposits entrusted to the courier service for deposit or failure to deposit the full amount entrusted to the courier service.

The City of Batavia may agree with the depository bank or trust company that the bank or trust company will reimburse all or part of, but not more than, the actual cost incurred by the City of Batavia in transporting items for deposit through a courier service. Any such reimbursement agreement shall apply only to a specified deposit transaction, and may be subject to such terms, conditions and limitations as the bank or trust company deems necessary to ensure sound banking practices, including, but not limited to, any terms, conditions or limitations that may be required by the banking department or other federal or State authority.

**XIV. Annual review and amendments**

The City of Batavia shall review this investment policy annually, and it shall have the power to amend this policy at any time.

**XV. Definitions**

The terms “public funds”, “public deposits”, “bank”, “trust company”, “eligible securities”, “eligible surety bond”, and “eligible letter of credit” shall have the same meanings as set forth in General Municipal Law Section 10.

**XVI. Reference(s)**

- City of Batavia Charter
- New York State General Municipal Code

Original Author: Lisa Neary, Deputy Director of Finance  
Heidi Parker, Clerk/Treasurer

<b>Date Revised/ Adopted</b>	4/11/11	2/27/12	3/11/13	2/19/14	3/9/15	3/14/16	3/13/17	3/12/18
<b>Revised by</b>		L Neary	L Neary	L Neary	L Neary	H Parker	H Parker	H Parker
<b>Date Adopted</b>	3/9/2020	12/14/2020	3/14/22					
<b>Revised by</b>	H Parker	H Parker	H Parker					

**Attachment A**

Schedule of Eligible Securities

(i) Obligations issued by the United States of America, an agency thereof or a United States government sponsored corporation or obligations fully insured or guaranteed as to the payment of principal and interest by the United States of America, an agency thereof or a United States sponsored corporation.

(ii) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank.

(iii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the market value of the obligation that represents the amount of the insurance or guaranty.

(iv) Obligations issued or fully insured or guaranteed by this state, obligations issued by a

municipal corporation, school district or district corporation of this state or obligations of any public benefit corporation which under specific state statute may be accepted as security for deposit of public moneys.

(v) Obligations issued by states (other than this state) of the United States rated in one of the three highest categories at least one nationally recognized statistical rating organization.

(vi) Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

(vii) Obligations of counties, cities and other governmental entities of another state having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

(viii) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.

(ix) Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by federal bank regulatory agencies.

(x) Commercial paper and bankers' acceptances issued by a bank (other than the bank with which the money is being deposited or invested) rated in the highest short-term category by at least one nationally recognized statistical rating organization and having maturities of not longer than sixty days from the date they are being pledged.

(xi) Zero-coupon obligations of the United States government marketed as "Treasury STRIPS".



# City of Batavia

## *Memorandum*

To: Rachael Tabelski, City Manager

From: Lisa Neary, Deputy Director of Finance

Date: February 15, 2023

Subject: Purchasing Manual

As required by General Municipal Law §104-b(4), the City's Purchasing Manual must be reviewed by City Council annually. This helps ensure that procedures are current and appropriate to meet the changing needs of the City of Batavia. A procurement policy and procedures manual generally ensures that competition is sought in a reasonable and cost effective manner for procurements below the bidding thresholds and for other contracts exempt from bidding.

Significant changes made to the purchasing manual at this time include the following:

- 1) Removal of any references to KVS (the City's previous financial system software) and requisitions. Requisitions were previously required through KVS and are no longer a requirement when using New World;
- 2) "Rent" was added to "Exceptions to certain purchasing requirements" - meaning purchase orders are not required for rent payments;
- 3) Travel expense maximum allowances were updated from \$8, \$15, and \$20 for breakfast, lunch and dinner, to \$15, \$20 and \$35, respectively; and
- 4) Lastly, the list of Individuals Responsible for Purchasing has been updated.

I am attaching the following pages showing the red line changes:

1. III. General Purchasing Procedure
2. IV. Requisition Forms and Purchase Orders
3. V. Invoice Requirements
4. VI. Competitive Bidding
5. VII. Purchasing Flow Chart
6. VIII. Prevailing Wage Rates



# City of Batavia

7. IX. Emergency
8. X. Sole Source & Single Source Purchases
9. XIII. Professional services/Requests for Proposals (RFP) or Qualifications (RFQ)
10. XVII. Contracts
11. XVIII. Travel expenses
12. XIX. Exceptions to Certain Purchasing Requirements
13. XXI. Local Established Credit Account Vendors
14. XXII. Best Value
15. Appendix B – Individuals Responsible for Purchasing
16. Appendix C – Purchasing Approval Chart (is being removed from the manual because this is now an electronic workflow within the City's New World software system).

#XX-2023

**RESOLUTION AUTHORIZING THE ADOPTION OF A PURCHASING MANUAL FOR  
THE CITY OF BATAVIA, NEW YORK**

**Motion of Councilperson**

**WHEREAS**, General Municipal Law §104-b (4) requires the governing body of every municipality annually review and adopt a procurement policy for all goods and services; and

**WHEREAS**, the City Council last adopted its Purchasing Manual on May 9, 2022; and

**WHEREAS**, comments have been solicited from all Department Heads and Bureau Chief's in the City of Batavia involved in the procurement process; and

**WHEREAS**, said Purchasing Manual has been reviewed and approved by the City's Attorney; and

**NOW THEREFORE, BE IT RESOLVED**, that the Batavia City Council of the City of Batavia, New York does hereby adopt the following Purchasing Manual effective immediately.

**Seconded by Councilperson**

**and on roll call**

# City of Batavia Purchasing Manual



**Adopted: February 10, 2014**

Updated: April 13, 2015

Updated: March 14, 2016

Updated: September 11, 2017

Updated: March 12, 2018

Updated: March 11, 2019

Updated: May 11, 2020

Updated: March 8, 2021

Updated May 9, 2022

**Updated: March 13, 2023**



# City of Batavia

## Purchasing Manual

### Table of Contents

<u>Chapter</u>		<u>Page</u>
I	Introduction.....	1
II	Code of Ethics.....	2
III	General Purchasing Procedure.....	3
IV	Requisition Forms and Purchase Orders..	4
V	Invoice Requirements.....	5
VI	Competitive Bidding.....	6
VII	Purchasing Flow Chart.....	9
VIII	Prevailing Wage Rates.....	10
IX	Emergency Purchases.....	11
X	Sole Source & Single Source Purchases.....	12
XI	Standardization.....	13
XII	Vouchers – Reimbursement/Travel.....	14
XIII	Professional Services/Request for Proposals or Qualifications.....	15
XIV	Preferred Sources.....	17
XV	Petty Cash.....	18
XVI	Credit Card Usage.....	19
XVII	Contracts.....	20
XVIII	Travel Expenses.....	21
XIX	Exceptions to Certain Purchasing Requirements.....	22
XX	Surplus Property and Scrap Metal.....	23
XXI	Local Established Credit Account Vendors....	24
XXII	Best Value.....	25
XXIII	Uniform Guidance Federal Grant Requirements	31
Appendix A – Threshold Grid		
Appendix B – Individuals Responsible for Purchasing		
Appendix C – Approval Chart		
Appendix D – Standardization Resolution		
Appendix E - Procurement Policy and Procedure Adoption Resolution		
Appendix F – Disposition of Surplus Property Resolution		
Appendix G – Scrap Metal Resolution		
Appendix H – Forms		
	a. Purchase Order Requisition Form	
	b. Voucher Form	
	c. Disposal Form	
	d. Travel Authorization Form	
	e. New York State Exemption Certificate for hotel room occupancy ST-129	
	f. Cooperative Contract Due Diligence Form	
	g. Professional Services Form	
Note: All forms are available on the City’s computer system. They are located on the shared drive (S:/Finance Forms)		
Appendix I –Sample resolutions		
	a. Surplus Resolution	
Appendix J – List of Cooperatives the City current uses		

## I. Introduction

The purchasing procedure employed by the City of Batavia shall comply with all applicable laws and regulations and City of Batavia Charter.

Pursuant to General Municipal Law, Section 104-b, goods and services which are not required by law to be procured through competitive bidding must be procured in a manner which assures the prudent and economical use of public monies in the best interest of the taxpayers. It further requires that to facilitate the objectives of economical use of tax monies, the acquisition of goods and services of the best possible quality at the lowest possible cost, and to guard against favoritism, improvidence, fraud and corruption, internal policies and procedures governing procurement of all goods and services not required by law to be procured through competitive bidding must be adopted by all municipalities. It also requires that, effective January 1, 2009, such policies and procedures identify the individual or individuals responsible for purchasing and their respective titles.

No official or employee of the City of Batavia shall be interested financially in any contract entered into by the municipality (as defined in General Municipal Law, Sections 800 thru 808). This also precludes acceptance of gratuities, financial or otherwise, by the above persons, from any supplies of materials or services to the municipality.

Comments have been solicited from officers and employees of the City of Batavia involved in the procurement process prior to the enactment of this policy and procedures, and will be solicited from time to time hereafter.

City Council shall annually review and, when needed, update this policy and procedures manual. The City Manager shall be responsible for conducting an annual evaluation of the effectiveness of the procurement policy and procedures and an evaluation of the control procedures established to ensure compliance with the procurement policy, and shall be responsible for reporting back to City Council.

Unintentional failure to comply fully with the provisions of General Municipal Law, Section 104-b shall not be grounds to void action taken or give rise to a cause of action against the City of Batavia or any officer or employee thereof.

All purchases made outside of the purchasing procedure will be considered unauthorized purchases and are not the financial responsibility of the City of Batavia.

Forms within this manual are not to be altered or changed in any way.

## II. Code of Ethics

In addition to the Code of Ethics found in Chapter 14 of the Code of the City of Batavia, the City of Batavia has adopted the following Code of Ethics as it applies to purchasing.

The City of Batavia believes the following ethical principles should govern the conduct of every person employed by the City of Batavia:

1. To consider first the interests of the municipality and the betterment of its government.
2. To endeavor to obtain the greatest value for every dollar expended.
3. To be receptive to advice and suggestions from City Manager, Department Heads and Bureau Chiefs, insofar as such advice and suggestions are not in conflict with legal or ethical restrictions in purchasing procedures.
4. To strive for knowledge of municipal equipment and supplies in order to recommend items that may either reduce cost or increase municipal efficiency.
5. To insist on and expect honesty in sales representation and the assurance of unbiased judgment in determining whether their product meets specifications.
6. To not directly or indirectly solicit any gift, or accept or receive any gift, which in any way might influence the purchase of municipal equipment and supplies or be in conflict with the City's Code of Ethics.
7. To accord a prompt and courteous reception, insofar as conditions permit, to all who call on legitimate business missions.
8. To counsel and assist others with purchasing responsibilities in the performance of their duties whenever occasion permits.
9. To cooperate with governmental and trade associations in the promotion and development of sound business methods in the purchasing of municipal equipment and supplies.
10. To seek or dispense no personal favors.
11. To handle each administrative problem objectively and empathetically on the basis of principal and justice without discrimination.

### III. General Purchasing Procedure

The acquisition of services, equipment and supplies in the City of Batavia is decentralized whereby each individual responsible for purchasing (as listed in Appendix B) is responsible for complying with this policy and the procedures set forth therein. The City will not be liable for any purchases made not in compliance with this policy and the person responsible for said purchase may be held personally accountable for the purchase. Those responsible individuals listed in Appendix B shall procure the necessary items of material, equipment, supplies and services as needed, at the best possible prices and maintain adequate records as verification of such.

The first step in procurement is to determine the type of service or good needed. A “purchase contract” is for the purchase of goods. A “public works contract” applies to those items or projects involving primarily labor or both material and labor where labor is the major portion of the purchase. A professional service is a service that requires special skill, expertise and/or creativity.

The next step in the procurement process is to determine the dollar threshold of the item being purchased. This will dictate the appropriate method of procurement as shown in Appendix A. That dollar threshold is the aggregate amount planned to be spent on the same or similar commodities or services, and technology within 12 months. “Like” commodities are those items of a similar nature, which are generally handled by one vendor (ie. cleaning supplies, office supplies) and should be grouped together for the purpose of determining whether you will exceed the \$20,000 limit. A series of transactions, each under the threshold, is subject to competitive bidding if it can be reasonably anticipated that the aggregate amount will exceed the threshold. If the actual cost of any purchases or projects are uncertain but suspected to exceed the limit, discretion will be used and the bidding procedure will take effect. Thresholds may not be avoided by artificially splitting contracts or purchases.

After the necessary due diligence in finding an appropriate vendor, a purchase shall be initiated via purchase order within the City’s financial software if the purchase is \$2,500 or more. Any documentation supporting the required due diligence shall be scanned and attached to the requisition purchase order. ~~See the “Requisition Forms and Input” section of this policy for instructions to complete this process.~~

All purchase orders/requisitions shall be reviewed by the Bureau of Finance to ensure compliance with this purchasing policy and procedure. ~~Requisitions-Purchase orders~~ shall not be submitted for processing until it is assured that all required information is attached and made available. After Finance approval that all steps in the procurement process have been followed appropriately, the ~~purchase order/requisition shall become a purchase order which~~ will be forwarded to the City Manager ~~or Department Head (see Appendix A)~~ for final approval. Approvals will be sought in accordance with the City’s Purchasing Approval Chart found in Appendix C. Only after the City Manager or Department Head has approved the Purchase Order can an order be placed or a contract for service signed.

~~Near~~At fiscal year end, a purchase order cut off will be instituted at the discretion of the City Manager. no requisition will be approved unless the goods are to be ordered, or the contract for services to be provided is signed, prior to the end of the fiscal year. ~~RPurchase Order/requisitions~~ may not be created ~~on March 31<sup>st</sup>~~ for the sole purpose of carrying an encumbrance forward into the next fiscal year.

#### IV. Requisition Forms and Purchase Orders and Input

A Purchase Order Requisition Form is required to initiate a purchase order. ~~Requisitions are initiated by any employee completing a Purchase Order Requisition Form.~~ This form is found in the "Appendix H – Forms" section of this manual or on the City's shared drive (S:/Finance Forms).

Each Department Head/Bureau Chief signs off on the Purchase Order Requisition Form indicating they have verified compliance with the Purchasing Policy requirements as specified in this manual. Their signature/sign off on the Purchase Order Requisition Form indicates said compliance.

Purchase Order Requisition Forms and required documentation, after Department Head approval, are forwarded to the department's clerk/secretary for input into the City's financial software system. The clerk/secretary is responsible for verifying that all information is received and input as set forth in this Purchasing Policy.

The procurement method for the purchase needs to be noted in the "Resolution #" field in New World. Those methods include but are not limited to: 3 quotes, competitive bid, professional service, sole source, emergency purchase, state contract #XXXX, and cooperative.

Any documentation that supports the procurement method and any due diligence involved in the purchase needs to be scanned and attached to the purchase order. This is imperative. A link to a document is not an acceptable method of attaching backup as the link could break.

~~The following is key information for inputting a requisition into the City's financial software system:~~

- ~~1. When choosing a vendor, make sure the address is correct.~~
- ~~2. Always enter a description whenever possible.~~
- ~~3. If for any reason you are not adding quotes to the quote tab, a reason MUST be documented in the "Contract #" field.~~
- ~~4. Narratives, sole source verifications, justifications, explanations and all written/fax quotes must be scanned and attached to the "Attachments" tab.~~
- ~~5. All quotes are added to the "Quote" tab. If the amount threshold requires written/fax quotes, those must also be scanned and attached on the "Attachments" tab.~~

Each employee shall be responsible for compliance by him/herself and his/her subordinates with the requirements as specified in this Purchasing Policy and Procedure Manual.

## V. Invoice Input

Invoice input is decentralized in that invoices ~~are will be~~ input into the City's financial software by each department's clerk/secretary. Following are requirements when inputting invoices into New World:~~The procedure for inputting an invoice is as follows:~~

- ~~Invoice batches must be entered and approved by supervisors by 4:30 on Wednesday of Accounts Payable week. s will be separated by invoice type; invoices associated with purchase orders and invoices not associated with purchase orders.~~
- ~~Capital Fund iInvoices (H Fund) are input by the Finance Bureau's Financial Clerk Typist and are due to that person by noon on Tuesday of Accounts Payable week.~~
- ~~Invoices should be coded with where it is being charged and the Purchase Order #, if the invoice is associated with the purchase order.~~
- ~~"Close PO" should be noted on the invoice, if it is the last invoice for a purchase order. Purchase orders should be closed at the time of invoice input. are placed in alphabetic order by vendor and a calculator tape will be run, or a spreadsheet used, to add up the batch of invoices to be input.~~
- ~~Invoices should scanned and attached to the invoice in New World. This includes front AND back, if there is information on the back of the invoice, and all pages that are included with the invoice. In KVS, invoices associated with purchase orders are input in "Purchase Orders" found on the "Action" tab of the purchasing module.~~
- ~~In KVS, invoices not associated with purchase orders are input in "Vouchers" found on the "Action" tab of the purchasing module.~~
- ~~The pay due date will always be the next accounts payable check processing date. This date will be maintained by the Finance department and will be updated at the completion of each accounts payable check run, at which time, new invoices will be able to be input.~~
- ~~Invoices are to be scanned and attached to each voucher into KVS.~~
- ~~A Voucher Detail Report will be run and the total on that report will need to agree with the total of the calculator tape mentioned above.~~
- ~~Balanced batches of invoices are to be forwarded to the Bureau of Finance by noon on Wednesday, the week of accounts payable processing.~~
- ~~At the beginning of each calendar year, the Bureau of Finance will furnish each department with an accounts payable pay date schedule. Invoices should be input in the fiscal year in which the supplies and/or materials have been received or the service purchased was performed.~~

## VI. Competitive Bidding

Pursuant to General Municipal Law, Article 5A, Section 103, all purchases for materials, equipment or supplies of the same category that involve an aggregate annual estimated total expenditure over \$20,000 (combining all City departments) shall be awarded only after public advertising soliciting formal bids. All competitive bids for purchase contract awards require City of Batavia Council approval.

Also pursuant to General Municipal Law, Article 5A, Section 103, all public work contracts (those projects that involve labor or both material and labor) involving an expenditure of over \$35,000 shall be awarded only after public advertising soliciting formal bids. All competitive bids for public works contracts need City of Batavia Council approval in order to be bid and awarded.

Alternatives to competitive bidding, where City Council approval is not required for procurements not to exceed budgeted amounts:

1. New York State Office of General Services awards centralized contracts based on competitive bidding for commodities, services, information technology and telecommunications. The City of Batavia is eligible to purchase through state contracts as a political subdivision of New York State. Since New York State General Municipal Law does not require competitive bidding if purchases are made under State Contract, spending levels (aggregate) do not apply if the purchase is made under New York State Contract. Purchases made from vendors offering "lower than state contract" prices do not qualify under this exception. State contracts are accessible on-line at <http://www.ogs.state.ny.us>. As noted elsewhere in this policy, the purchase order ~~requisition~~ should contain the State contract number in the "~~contract~~Resolution #" field of the ~~requisition in KVS~~purchase order in New World.
2. The City of Batavia may piggyback on municipal County and New York State contracts that have been extended to local governments. The contract must explicitly authorize piggybacking and must be let in accordance with competitive bidding laws. The purchase contract being utilized is to be scanned and attached to the purchase order ~~requisition~~ in New WorldKVS. And the ~~procurement use of these contracts~~ needs to be noted in the "Resolution~~contract~~ #" field of the purchase order in New World~~requisition in KVS~~.
3. The City is also eligible to purchase from Federal GSA Schedule 70 Technology contracts, as well as equipment for counter-drug, homeland security and emergency response activities. This contract is accessible on-line at <http://www.gsa.gov/portal/content/104506>. The ~~procurement method~~use of these contracts needs to be noted in the "Resolution~~contract~~ #" field of the purchase order in New World~~requisition in KVS~~.
4. The City of Batavia is permitted to purchase surplus and second-hand supplies, materials or equipment from Federal or State government or other political subdivisions or public benefit corporations within the State. However, purchases or used items from any other

source (e.g. private sources like auctions or going-out-of-business sales) are not exempt from bidding requirements.

Each bid submitted to the City of Batavia must contain a statement asserting prices in the bid were arrived at independently, without collusion; prices quoted were not knowingly disclosed by the bidder prior to bid opening; and the bidder did not induce any other person to not submit a bid.

General Municipal Law, Section 101 states that contracts for the erection, construction or alteration of buildings exceeding \$500,000 (for Genesee County), must separately and independently bid (1) Plumbing and gas fitting, (2) Steam heating, hot water heating, ventilating and air-conditioning apparatus, and (3) Electric wiring and standard illuminating fixtures. Referred to as the Wicks Law, when this law does not apply, bidders must submit with its bid a separate sealed list that names each subcontractor that the bidder will use to perform the work. After the low bid is announced, the sealed list is opened and the names of subcontractors are announced. The sealed lists of unsuccessful bidders are to be returned.

Every bid must contain a statement that the bidder is not on a list of entities that invest in the Iranian Energy Sector. A bid cannot be considered or contract awarded without that statement. The exception to this is if a bidder's investment activities were made prior to this law (April 12, 2012) or if the municipality determines in writing that the purchase of goods or services are necessary and are unable to be purchased from any other entity.

Advertising for each contract or bid shall be in the designated official newspaper of the City of Batavia. The advertisement should contain the time and place where all of the bids received will be opened. It should state if bids can be received electronically. It should name the City of Batavia and describe the project. It is required there be 5 days between the date of the advertisement and the opening of the bids. If the date of opening changes, re-advertising is required. Failure to comply with the advertising requirements will result in an illegal contract.

Prior to awarding a bid, City of Batavia personnel must first consult a list of debarred vendors on the Department of Labor website. New York State Labor law sets a five-year ban on bidding or award of public work projects to contractors, sub-contractors, successors, and/or substantially owned or affiliated entities who have been debarred for violations of Article 8 or Article 9 of Department of Labor laws, which are related to prevailing wages. The list is located at the link on the bottom of the page of this website: <https://labor.ny.gov/workerprotection/publicwork/PWDebarmentInformation.shtm> In addition, City of Batavia personnel must also check the System for Award Management (SAM) Exclusions which is maintained by the General Services Administration (GSA) and is available at <https://www.sam.gov/portal/public/SAM/> Vendors on either list may not be awarded a competitive bid by the City of Batavia.

All formal bid contracts (those which require public advertising and competitive bidding according to General Municipal Law, Article 5A, Section 103) shall be awarded as provided by law and by Resolution of the City Council.



It shall be the policy of the City of Batavia that a low tie bid be rejected and re-bid to eliminate any question of vendor favoritism by making a choice of an award other than low price.

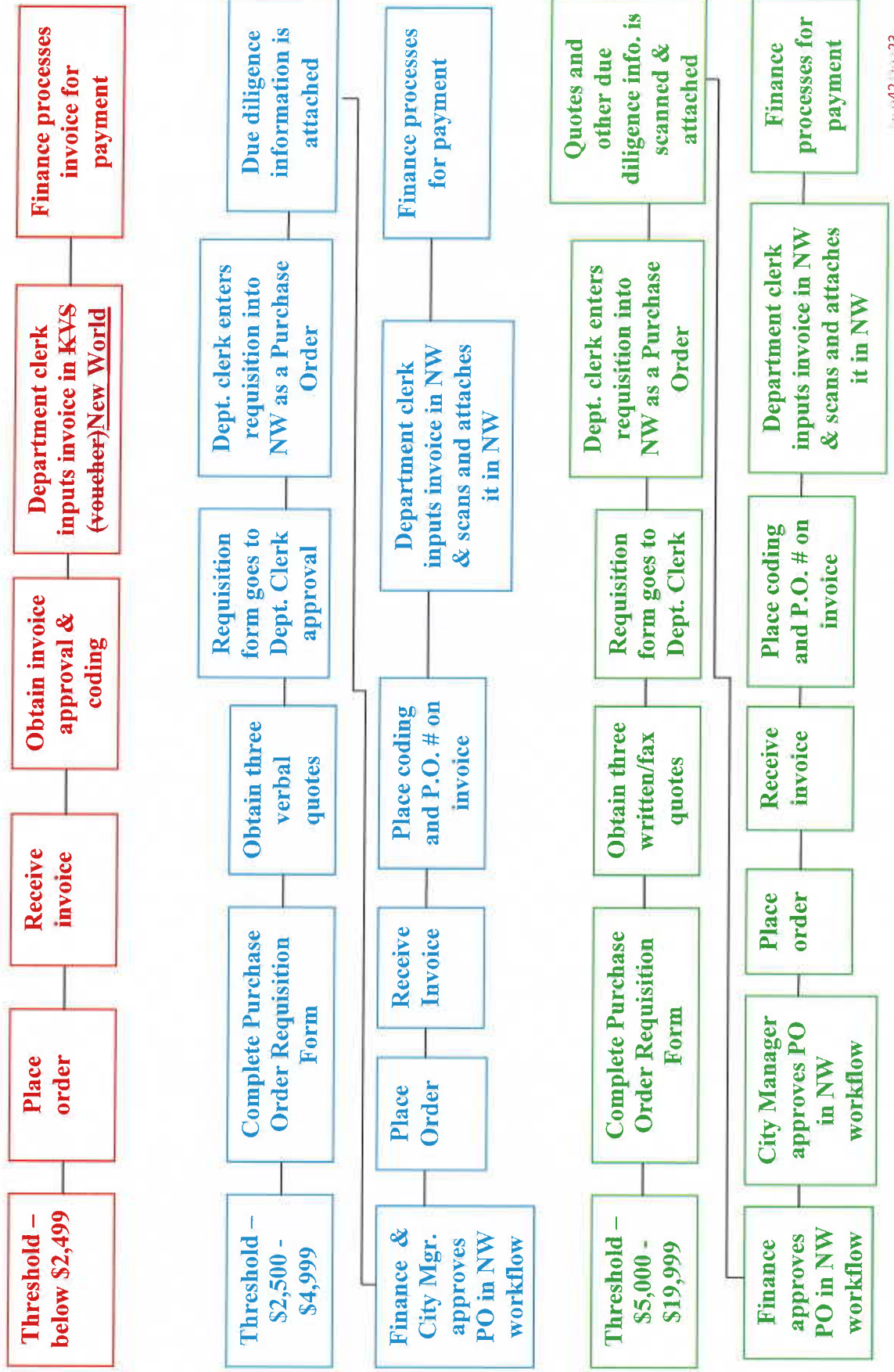
In KVS New World, the competitive bid should be referenced as the procurement method in the “Resolutioncontract #” field (~~name of bid or another form of reference~~) when the purchase orderrequisition is entered and the award letter and resolution and any other due diligence should be scanned attached to the purchase orderrequisition.

A blanket purchase order should be issued for the purpose of consolidation of bulk or numerous purchases over the year to eliminate the necessity for issuance of separate orders for groups of items which are purchased frequently by the same vendor and to permit the department to purchase items of this nature on an “as needed” basis. Blanket purchase orders generally should be closed out at the end of a fiscal year and a new one issued for the new fiscal year.

The following include but are not limited to situations that are exempt from competitive bidding requirements:

- Public emergencies
- Sole source providers of goods or services
- Municipal cooperation agreements
- Purchases of surplus/second hand supplies materials or equipment from the Federal Government, State of New York, or any other political subdivision or district
- Real property purchases or leases
- New York State preferred source purchases
- State contract purchases
- Genesee County or other municipal contracts properly extended to municipalities
- Professional service contracts
- Special skill contracts

VII. Purchasing Flow Chart  
Purchase Contracts



## VIII. Prevailing Wage Rates

The New York State Department of Labor requires the payment of prevailing wages for any public work that is not performed by City of Batavia staff. Refer to New York State Labor Law Article 8 (construction such as electricians, carpenters, highway workers) and Article 9 (building service contracts such as janitorial services, landscapers and window washers). See website at <http://www.labor.ny.gov/workerprotection/publicwork/PWContents.shtm>.

The dollar threshold for payment of the wages under Article 8 is ZERO. ANY work, regardless of how small, is subject to this requirement. The dollar threshold for payment of wages under Article 9 is \$1,500. Any project or public work where the payment of wages meets these thresholds is subject to this prevailing wage requirement.

- The Department of Labor requires the City of Batavia to request a PRC # and prevailing wage schedule listing the hourly rates of wages and supplements due the workers to be employed on a public work project for any project or service contract involving labor. This schedule may be obtained by completing and forwarding a “Request for Wage and Supplement Information Form” (PW-39) from the Department of Labor or via an online request.
- The City of Batavia must attach the wage schedule to the bid specifications prior to bidding.
- Upon awarding a contract, the City of Batavia must attach the wage schedule to the contract. When signing the contract, the vendor should also sign a receipt for the wage schedule. That receipt should be kept with the bid documentation.
- Before the work begins, the vendor (contractor and subcontractors) must post wage schedules at the construction site so that workers know what they are entitled to.
- The City of Batavia is required to furnish the following information to the NYS Department of Labor Bureau of Public Works, upon the awarding of the contract:
  - The name and address of the contractor
  - The date the contract was let
  - The approximate dollar value of the contract
- Purchase orders should contain “Prevailing wages apply” in the note section of the purchase order-accessed by clicking the note icon in the top section of the purchase order screen.
- Certified payrolls must be collected from the contractor prior to payment to the vendor. These certified payrolls scanned and attached to each invoice in New World and must be kept on file with the City.
- If a vendor has any questions regarding the job category or classification they are instructed to contact the Department of Labor.
- The City of Batavia is required to notify the NYS Department of Labor Bureau of Public Works of the completion or cancellation of any public work project. The Department’s Notice of Completion/Cancellation of Project Form (PW-200) is provided for that purpose.
- All forms are available for completion online.  
See <http://www.labor.ny.gov/workerprotection/publicwork/PWContents.shtm>

On 02/12/2024

## IX. Emergency Purchases

The City may forego compliance with competitive bidding requirements when a situation arises that requires an emergency procurement. The term “Emergency Purchases” is defined in Section 103(4), Article 5A of the General Municipal Law as follows:

“...in the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants of a political subdivision or district therein require immediate action which cannot await competitive bidding, or competitive offering, contracts for public work or the purchase of supplies, material or equipment may be let by the appropriate officer, board or agency of a political subdivision or district therein.”

Unless the situation threatens lives, health or public property, the purchases of services or products or public works are subject to the standard provision of this Purchasing Policy Manual. In general, it must be an accident or an unanticipated occurrence that requires immediate attention, or threatens the health, safety or welfare of the City’s property or residents. If the time it takes you to award a contract for an emergency takes as much time as it would to do a competitive bid, it is not an emergency. Improper planning for purchases or capital projects cannot be classified as an emergency purchase.

In the case of a good faith emergency, City of Batavia employees should still work to obtain goods or services at the lowest cost available.

In the event of an emergency, the Department Head responsible for that operation will assume charge for the operation. The following procedure will then be used:

1. The Department Head will provide to the City Manager the reason for the emergency and a complete description of what will need to be purchased and its cost.
2. The City Manager will provide the Department Head written approval of the emergency purchase, in the form of a signature.
3. With the City Manager’s approval, the purchase can be made.
4. A purchase orderrequisition will need to be completed in the City’s financial software system and the City Manager’s written approval and the documentation provided to the City Manager describing the emergency (see #1 above) will be scanned and attached to the purchase orderrequisition.
- ~~5.~~ The word “emergency” will be inserted in the “resolutioncontract #” field on the purchase order in New World.requisition in KVS.
- ~~6.5.~~ The purchase order resulting from the requisition will be forwarded to the department to await receipt of the invoice.

## X. Sole Source & Single Source Purchases

In situations where there is only one possible source from which to procure goods and services required in the public interest such as in the case of certain patented goods or services, competitive bidding or required quoting is not required.

A **sole source** can be a manufacturer, software developer or service provider that sells direct and there are no other sources offering an “or equal.” To qualify under the sole source exception, the Department must demonstrate that the acquisition of the good or service sought is in the public interest. To do so, the Department must document the following: 1. The unique benefits arising from the particular good or service as compared to a different good or service; 2. That no other good or service provides substantially similar benefits; and 3. When considering the benefit conferred upon the City of Batavia from the good or service, the cost of such is reasonable. In addition, the department must demonstrate that the good or service is available from only one source for which there is no equivalent. To do this, a letter on the vendor’s official letterhead must be received from the vendor. All of the above documentation must be scanned and, attached and labeled on the “Attachments” tab of the purchase order in New World requisition.

A **single source** could be a distributor/wholesaler/retailer that has a contractual agreement for a specific territory to the exclusion of others. Should you have a situation involving a single source supplier, a letter on the manufacturer’s letterhead confirming the single source authorized vendor should be obtained.

The above mentioned documentation must be scanned and attached to the purchase order requisition in each instance the purchase is made from that Vendor and “Sole Source” must be noted in the “resolution contract #” field of the purchase order requisition.

## XI. Standardization

General Municipal Law, Section 103 makes it possible for the City of Batavia to standardize purchasing a particular type of material or equipment by City Council resolution. The resolution shall state that for reasons of efficiency and economy there is a need for standardization. It shall contain a full explanation supporting such action.

*The adoption of such a resolution does not eliminate the necessity for conformance to the competitive bidding requirements, or other requirements of this policy. Standardization, as the word implies, restricts a purchase to a specific model or type of equipment or supply. For example, to limit the purchase of trucks to a particular make or model on the basis of past performance and/or future plans. Previous experience may indicate that a certain vehicle is more economical to operate or functions more efficiently. A preventative maintenance program undertaken by the central garage may operate more efficiently and economically because of the ability to interchange parts.*

The make or model must be stated in the specifications, and any vendor who can furnish the item may bid. After such resolution is passed, bid specifications would no longer require the inclusion of the term "or equivalent" or "or equal" in bid specifications since, as a result of the resolution, anything other than City standard would not be acceptable.

The following items have been standardized by the City of Batavia as of this date:

Date

Item

## XII. Vouchers- Reimbursement/Travel

Vouchers are used for employee reimbursement type situations. Examples of these instances include meal or mileage reimbursements.

All expenditures should be substantiated by attaching a paid receipt to the voucher. At no time will any employee be reimbursed for the payment of sales tax. Sales tax exempt forms are required to be used for all purchases made. They are on file in each department or are available in the Bureau of Finance.

Amounts to be reimbursed should comply with the City of Batavia Personnel Policies Manual.

All vouchers must have signed approval by a Bureau Chief, Department Head or City Manager, and should be coded with an account number with which to charge the expense.

In the case of mileage reimbursement, the following is required to be noted on the voucher:

1. Beginning and ending location;
2. Beginning and ending mileage;
3. Name of the person to be reimbursed;
4. Purpose of the travel; and
5. Calculation of the mileage reimbursement using the current IRS mileage rate.

See the Travel Expense section of this manual for further information regarding mileage reimbursement.

In the case of tuition reimbursement, compliance with employee's collective bargaining agreement is required. The following is necessary to accompany the voucher:

1. Department Head's advanced written approval of the class;
2. Receipt showing class payment; and
3. Grade report.

Voucher forms can be found in Appendix H of this policy or on the City's shared drive (s:/finance forms).

### XIII. Professional services/Requests for Proposals (RFP) or Qualifications (RFQ)

Contracts for professional services are subject to the guidelines of GML 104-b for competitive pricing to be obtained for these services. Professional services are services that require special skill, expertise and/or creativity.

Professional service examples include but are not limited to: insurance, engineering, marketing, stenographers, investment management, architect services, artistic services, attorney services, bond underwriters, financial auditors, financial consultants, management and system analysts and psychologists.

A department's decision to obtain services must be documented and justified to the City Manager's satisfaction. The City Manager and the City Attorney will determine when the formal request for proposal/qualification process will be used or if quotes or proposals may be obtained from specific vendors/firms. The form required to be used for this documentation is in Appendix H. This form is to be scanned and attached to the purchase order for services in New World. ~~requisition for services in KVS.~~

The City can, after an RFQ, keep a, pre-approved by council, list on file for a specified period of time of anywhere between 2 and 5 years with the ability to extend for another 3 years upon approval from City Manager, of professional services providers as specified in the RFQ.

The information required for approval to request proposals for services shall include:

- a. A work statement or performance specification
- b. Time frames in which the work is to be completed
- c. Specific criteria to be used in evaluating the proposal

Request for Proposals/Qualifications may be legally advertised in the designated official newspaper of the City of Batavia and posted on the City's website. The decision to advertise will be at the discretion of the City Manager.

1. Request for proposals will be issued upon receiving all required documentation and approval from the City Manager to issue the RFP.
2. The City Manager, Department Heads and City Attorney will evaluate the proposals received for completeness, accuracy and compliance with the RFP requirements.
3. If appropriate, firms may be selected to make a presentation to the City Manager and Department Heads and/or City Council.
4. Requests for proposals or qualifications will be approved via resolution by City Council and the procurement documents will be executed by the Council President.



5. In the event a request for proposal/qualification is not required and where City Council has approved the procurement of professional services under the adopted budget, the final procurement decision and execution of procurement documents will be made by the City Manager. Professional services that do not require a request for proposal/qualification, of which funding is not provided for in the City of Batavia's adopted budget will require approval via resolution from City Council and execution of procurement documents by the Council President. This will be done in a manner as to assure the prudent and economical use of public moneys in the best interest of the taxpayers, to facilitate the acquisitions of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption.
6. If a contract is awarded to other than the lowest responsible dollar offered, the reason for such award must be justified and documented.
7. After the contract is awarded, all documentation mentioned above in #s 1 – 6, including the City Manager's approval, are to be scanned and attached to the purchase orderrequisition.

~~Professional service contracts can cover a span of anywhere between 2 and 5 years. Contracts that cover a span of 2 and 3 years may be extended for another 3 years upon approval from City Manager.~~

#### XIV. Preferred Sources

Political subdivisions are required by law to purchase suitable products and commodities from sources granted Preferred Source status by the New York State Legislature. Preferred Sources are:

##### CORCRAFT

New York State Department of Correctional Services  
Division of Industries (highest degree of preference)

[www.corcraft.org](http://www.corcraft.org)

NEW YORK STATE PREFERRED SOURCE PROGRAM FOR PEOPLE WHO ARE BLIND  
(NYSPSP)

[www.nyspsp.org](http://www.nyspsp.org)

NEW YORK STATE INDUSTRIES FOR THE DISABLED, INC.

[www.nysid.org](http://www.nysid.org)

NEW YORK STATE OFFICE OF MENTAL HEALTH

BUY OMH

[www.omh.ny.gov](http://www.omh.ny.gov)

## XV. Petty Cash

A petty cash fund has been established in the amount of \$200.00 in the Clerk's Office and will be maintained by that office for reimbursement of minor purchases up to an amount of \$50.00 or less. The fund shall be used as a last resort for the payment of properly itemized invoices of nominal amounts and under conditions calling for immediate payment. Petty cash will be disbursed only when accompanied by a store receipt or invoice containing an approved signature and appropriate coding. At no time will any employee be reimbursed for the payment of sales tax. Sales tax exempt forms are required to be used for all purchases made. They are on file in each department or are available in the Bureau of Finance. Reimbursements will be made during the Clerk's Office normal business hours. Wherever possible, instead of using petty cash, City employees should make purchases from local vendors who have credit accounts established with the City. These vendors are listed in Chapter XXI, "Local Established Credit Account Vendors" of this policy.

## XVI. Credit Card Usage

It is the policy of the City of Batavia that a sole credit card be issued in the name of the City of Batavia with the Clerk/Treasurer identified on the card. The credit card issued will be with one of the authorized City depositories pursuant to Section VII of the City's Investment Policy.

The City Clerk shall maintain custody of the credit card. A department head seeking to use the card must contact the City Clerk. Once permission is granted by the City Clerk, the credit card can be used for the purpose of only the goods and/or services approved. The Department Head will be fully responsible and liable for the use of the card including in circumstances where a subordinate is making the purchase. Credit cards are to be signed out and back in, in the Clerk's Office. In the event of travel, a travel authorization form must be signed prior to credit card issue. Receipts must be attached to the sign out sheet upon return with appropriate approval signatures and expense coding.

The use of the credit card is only permitted in situations where a vendor will not accept a check or purchase order in payment for goods and services. Authorized credit card transactions include but are not limited to: travel and conference expenditures including registration fees, hotel, webinar fees, internet purchases, dues and subscriptions. Credit cards should not be used for vendors with which the City has an established credit account. A listing of those businesses with established accounts can be found in Chapter XXI, "Local Established Credit Account Vendors", of this policy. Cash advances are not permitted. All purchases of goods or services transacted with a credit card shall comply with all other sections of this policy. At no time will any employee be reimbursed for the payment of sales tax. Sales tax exempt forms are required to be used for all purchases made. They are on file in each department or are available in the Bureau of Finance. Any credit card transactions that include the payment of sales tax will require reimbursement from the employee for the sales tax.

At no time should the City credit card number be stored for future reference, whether in written form, committed to memory or stored on as a payment source on a website such as paypal or amazon. Written or saved numbers does not properly safeguard the asset.

In the event the card is lost or stolen, the individual must report the loss or theft immediately to the City Clerk and to the credit card issuer. Fraudulent use of the credit card by any employee may result in immediate suspension of card privileges, employee reimbursement to the City of Batavia via check payable to the City of Batavia within 48 hours, and formal disciplinary action including termination of employment, if appropriate.

## XVII. Contracts

A purchase order is a legal contract by and between the City of Batavia and a vendor. It authorizes the vendor to deliver a product, good or service. Purchase orders are not to be prepared after a department has already received an item or when services have already begun except in the case of a Declared Emergency. The City of Batavia will not be responsible for purchases made without appropriate prior authorization as set forth in this manual.

Original contracts associated with professional services and competitive bids are required to be kept on file in the Clerk's Office in addition to being scanned and attached to the purchase order requisition they support. The Clerk's Office is the custodian of all City records.

As noted in Appendix A, the procurement of goods and services that fall below the threshold required for competitive bidding, the final procurement decision and execution of procurement documents will be made by the City Manager. The procurement of goods and services which require competitive bidding will require approval via resolution from City Council and execution of procurement documents by the Council President. This will be done in a manner as to assure the prudent and economical use of public moneys in the best interest of the taxpayers, to facilitate the acquisitions of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption.

## XVIII. Travel expenses

As stated in the City of Batavia Personnel Policies Manual, certain travel expenses shall be paid by the City and/or reimbursed to an employee. General Municipal Law, Section 77-b states no claim or expense shall be paid unless a travel authorization form, signed by the respective Department Head or City Manager, is attached to the voucher or invoice.

Travel authorization forms can be found in Appendix H of this policy or on the City's shared drive (s:/finance forms). Travel authorization forms are to be completed only when you anticipate expenses assessed to you as a result of travel to a conference, for training, etc.

Mileage for travel will be reimbursed based on the Internal Revenue Service standard mileage rate in effect at the time of travel. Current rates may be found at <http://www.irs.gov/Tax-Professionals/Standard-Mileage-Rates>. Vouchers shall be used to claim mileage reimbursement and the beginning and ending location and mileage must appear on the voucher in order for payment to be made, along with the name of the person to be reimbursed, the purpose of the travel and the calculation of the reimbursement. Voucher forms can be found in Appendix H of this policy or on the City's shared drive (s:/finance forms). Travel to training or conferences that exceed \$1,000 require a purchase order with quotes.

Meals while traveling to or attending training, school or conferences will be reimbursed by the City at the rates listed below, only when meals are not provided as part of the training, schooling or conference. An itemized bill for each meal must be submitted. Rates for meals include gratuities and are not cumulative. Alcohol will be not included for reimbursement.

Meal	Maximum Allowance	Applicable Period
Breakfast	<del>\$15</del> -8.00	When an overnight stay is required.
Lunch	<del>\$20</del> 15.00	When the training, conference or seminar requires you to be away during normal business hours.
Dinner	<del>\$35</del> 20.00	When an overnight stay is required.

If an employee chooses to stay at a hotel OTHER THAN a conference-hosting hotel, a purchase order with quotes will be required. Lodging while traveling to or attending training, school or conferences should be arranged for in -advance and the City's credit card may be used for reservations. See Credit Card Usage in this manual for further information. Employees should present to the hotel an Exemption Certificate ST-129 to ensure that sales taxes are not charged. The ST-129 Exemption Certificate form can be found in Appendix H of this policy or on the City's shared drive (s:/finance forms). Important to note, the ST-129 Exemption Certificate is for exemption of sales tax for hotel occupancy only. Employees are urged to verify their hotel receipts prior to check out to make certain sales taxes have not been charged and no additional charges are assessed. At no time will the City of Batavia pay or reimburse an employee for the payment of sales tax. Sales tax exempt forms are required to be used for all purchases made. They are on file in each department or are available in the Bureau of Finance.

## XIX. Exceptions to Certain Purchasing Requirements

The following expenses do not require a purchase order:

1. Utility bills
2. Heating fuel
3. Vehicle fuel
4. Petty cash items
5. Medical exams
6. Collection fees
7. Software support agreements
8. Subscriptions
9. Dues
10. Social security and workers compensation premiums
11. Health and dental premium payments
12. Insurance premiums
13. Insurance settlements
14. Legal settlements/judgments and/or claims
15. Postage
16. Payments on bonds, BANs and RANs
17. Payments on leases
18. Election fees
19. Training/conferences and hotels where conferences are held
20. Payment of school taxes
21. Payment of county taxes
22. Payment of payroll taxes
23. Payroll withholding payments
24. Police contraband funds
25. Insurance benefits
26. Interfund transfers or payments fund reserves
27. Arbitrators and Mediators
28. Regulatory fees
- 28.29. Rent payments

This list is subject to amendment in the future as changes are deemed necessary.

## XX. Surplus Property and Scrap Metal

No items owned by the City of Batavia may be destroyed or disposed of without prior approval. As noted in the resolution authorizing the adoption of the City's Disposition of Surplus Property dated May 27, 2013, found in Appendix F of this policy, any item owned by the City of Batavia valued at less than \$1,000 can be declared surplus and disposed of with the approval of the City Manager. Items valued at \$1,000 or greater must be declared surplus via resolution and approved by City Council. The valuation of items is based on a good faith estimate by the Bureau Chief, Department Head or City Manager requesting the items to be surplus.

A City of Batavia Property Disposal/Transfer Form (for items valued at less than \$1,000) can be found in Appendix I of this policy or on the City's shared drive (s:/finance forms).

A sample resolution for the declaration of surplus equipment can be found in Appendix I of this policy.

In the event an item is traded in for a new item, the Disposal/Transfer Form or the Resolution need to be scanned and attached to the requisition for the purchase of the new item.

City of Batavia Personnel Policies Manual, Section 8, Article 1.C.5 states, "In order to avoid any potential conflicts of interest or to avoid even the appearance of impropriety, no paid municipal employee or City Council Member and/or no business corporation or entity of any nature in which these individuals have an interest, shall be permitted to contract with the City of Batavia or to purchase any real or personal property offered for sale by the City of Batavia. Any bid received by the City of Batavia in contravention of this mandate shall be rejected and declared null and void."

As noted in the resolution authorizing the adoption of the City's Scrap Metal Disposal Policy, Resolution #15-2011, found in Appendix G of this policy, all scrap/waste metal generated from the operations of the Bureau of Maintenance are the property of the City of Batavia. All scrap metal shall be properly disposed of. All miscellaneous metals will be placed in the scrap metal dumpster to be picked up by the City's scrap vendor as requested by the City.

When in the best interest of the City, single type metal scrap (e.g. cast iron, aluminum, copper), may be stockpiled separately at the Bureau of Maintenance and the Water and Sewer Plants for disposal. The City will make special arrangements for pick up of the single type metals to ensure receipt by the scrap vendor.

The scrap vendor will provide the City of Batavia a printed receipt for all materials received. Any employee involved in the disposal of scrap metals will not accept cash. All payments from the scrap vendor shall be in the form of a check made payable to the City of Batavia and sent to the City Clerk's Office.



## XXI. Local Established Credit Account Vendors

Following is a list of local vendors for which the City of Batavia currently has established accounts. These vendors are available to be used by employees for convenience and to avoid reimbursement situations. These vendors are to be used for diminutive and nominal purchases and are not to be used to circumvent the procurement process. Receipts are required to be approved and coded for payment.

Advantage Auto Parts  
238 West Main Street  
Batavia, NY 14020

I.D. Booth, Inc.  
60 Liberty Street  
Batavia, NY 14020

Batavia Restaurant Supply  
301 West Main Street  
Batavia, NY 14020

NAPA Automotive Parts & Accessories  
341 West Main Street  
Batavia, NY 14020

Cedar Street Sales and Rentals  
111 Cedar Street  
Batavia, NY 14020

Schaefer Plumbing Supply  
44 Swan Street  
Batavia, NY 14020

Country Line Electric  
5059 East Main Street  
Batavia, NY 14020

TOPS Markets, LLC  
390 West Main Street  
Batavia, NY 14020

Genesee Auto Supply Co.  
412 East Main Street  
Batavia, NY 14020

Upson-Maybach, Inc.  
662 East Main Street  
Batavia, NY 14020

Genesee Lumber Co., Inc.  
76 Franklin Street  
Batavia, NY 14020

Wal-mart Stores, Inc.  
4311 Veterans Memorial Drive  
Batavia, NY 14020

Gui's Lumber & Home Center  
3892 West Main Street  
Batavia, NY 14020

This list is subject to amendment in the future as changes are deemed necessary.

## XXII. Best Value

General Municipal Law, Section 103 makes it possible for the City of Batavia to award purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to article eight of the labor law) on the basis of best value. It also allows the City to piggyback most out of state municipal, County, State, political subdivision or district bids which are awarded based on best value. In addition, it allows the City to utilize contracts with cooperatives where contracts may have been awarded based on best value.

“Best Value” means the basis for awarding contracts for services to the offeror who optimizes quality, cost and efficiency. Using this basis requires, wherever possible, objective and quantifiable analysis.

Should the City of Batavia elect to award a purchase contract on the basis of best value, the City must determine the following: (1) the offeror is responsive and responsible; and (2) objective and quantifiable standards are applied whenever possible to determine that the offer optimizes quality, cost and efficiency.

### I. Piggybacks and Cooperatives

#### A. Piggybacking bids awarded based on best value

The City of Batavia may piggyback most out of state municipal, County and/or State contracts that have been awarded based on best value as long as those bids have been extended to local governments. The contract must have been let by the United States or any agency thereof, any state or any county, political subdivision or district therein. In order for this exception to apply, the contract must be let either to the lowest responsible bidder or on the basis of best value in a manner consistent with GML section 103 and made available for use by other governmental entities. The contract must explicitly authorize piggybacking and must be let in accordance with competitive bidding laws. Be aware of other cost factors including delivery charges. Most OGS contracts are “Free on Board” and delivery to the purchaser’s location is generally free. Other miscellaneous costs should be investigated before you commit to purchasing.

#### B. Cooperative Purchasing

The City of Batavia is authorized to enter into cooperative purchasing arrangements for the purpose of purchasing. Many cooperatives award bids based on best value. The benefits

of cooperative purchasing are potential cost savings attained by lower commodity prices (achieved through economies of scale) and lower joint administrative costs. In a cooperative purchasing arrangement, all laws relating to competitive bidding or competitive offering must be complied with and the cooperative agreement must be in place prior to the solicitation of bids or offers. A list of cooperatives can be found in Appendix J.

### C. Office of the State Comptroller Requirements and Guidance

In all of the above situations where bids are being piggybacked or when the City is contracting with a cooperative, it is the City's responsibility to review each proposed procurement to determine whether the procurement meets the exception which allows piggybacking in place of competitive bidding. In reviewing each proposed procurement, there are three prerequisites that must be met in order for a procurement of apparatus, materials, equipment and supplies, and related installation, repair and maintenance services, to fall within this exception. Note, the City has the burden of reviewing this, and documenting that a review was performed and the results of the review. The Office of the State Comptroller has put together a bulletin to provide further guidance when undertaking this review. It is summarized as follows:

1. The contract must have been let by the United States or any agency thereof, any state or any other political subdivision or district therein. Therefore, there must be an underlying contract let by a governmental entity. Contracts developed for use by local governments that are let by private parties (e.g., a private company, association or non-profit corporation is the party awarding the contract to the vendor), would not fall within the exception.
2. The contract must have been made available for use by other governmental entities. This means that the other governmental entity has taken steps to make its contracts available for New York local governments. This would occur by inclusion in the contract a clause extending the terms and conditions of the contract to other governmental entities. Unilateral offers by vendors to extend contract pricing and other terms would not fall within the exception.
3. The contract must have been "let to the lowest responsible bidder or on the basis of best value in a manner consistent with this section." The term "consistent with this section" refers to General Municipal Law §103 (and related case law) applicable to New York State political subdivisions. The City needs to obtain background information on the procedures used to let the contract and, as necessary, consult with its counsel, to determine whether this prerequisite is met. Additional guidance on complying with this prerequisite follows:

In order for a non-New York contract to have been let to the lowest responsible bidder or on the basis of best value in a manner “consistent” with GML §103, the procedures used by that government need not be exactly the same as those under GML §103. Rather, the procedures should be in harmony or general agreement with, and further the same principles as the competitive bidding or best value requirements of GML §103. The purpose of GML §103 is to guard against favoritism, improvidence, extravagance, fraud, and corruption, and to foster honest competition in order that the City may obtain the best goods and services at the lowest possible price to protect the public interest.

Based on this, there are four fundamental elements that should be present in the procedures used by the non-New York entity in letting its contract in order for the process to have been let to the lowest responsible bidder or on the basis of best value consistent with GML §103. It is the City’s responsibility to review and document the review making sure these four elements are present.

- a. Public solicitation of bids or, in the case of best value, offers. A public solicitation is consistent with the statutory advertising requirement in GML §103, and services to ensure that the purposes of GML §103 are furthered.
- b. Submission of sealed bids or offers, or analogous procedures to secure and preserve the integrity of the process and confidentiality of the bids or offers submitted. A secure competitive bidding or best value process is consistent with sealed competitive bidding and competitive offering requirements of GML §103 and helps foster honest competition and guard against collusion.
- c. Preparation of specifications, or a similar document that provides a common standard for bidders or offerors to compete fairly. Consistent with the purposes of GML §103, the City, in advance of the submission of bids or offers, should convey the nature of the goods or services and other information necessary for prospective bidders or offerors to make an intelligent evaluation and bid or offer, without being unduly restrictive. In the case of a best value process, that generally should include a description of the manner in which the evaluation of the offers and award of the contract will be conducted and, as appropriate, identify the relative importance or weight of price and non-price factors.
- d. Award to the lowest bidder who materially or substantially meets the bid specifications and is determined to be a responsible bidder, or in the case of a best value process, an award to the responsive and responsible offeror which optimizes quality, cost and efficiency, reflecting objective and quantifiable analysis, whenever possible. A contract awarded through a negotiation process would not be consistent with the requirements and purposes of awarding to the lowest responsible bidder or on the basis of best value in a manner consistent with GML §103.

The City must maintain appropriate documentation to allow for a thorough review of the decision to use this exception to competitive bidding. This documentation should include such items as copies of the contract, analysis of the contract to ensure it meets the three prerequisites stated above, and cost savings analysis including consideration of other procurement methods. A Cooperative Contract Due Diligence form must be used to document the City's verification of these requirements. The Cooperative Contract Due Diligence form can be found in Appendix H or in the shared drive (s:/Finance Forms).

D. Procurement procedures for piggybacks and cooperatives

1. The portion of the bid containing the language authorizing municipalities to piggyback, and documentation stating who was awarded that bid (ie. resolution) must be scanned and attached to the purchase order in New World requisition in KVS.
2. The purchase contract being utilized is to be scanned and attached to the purchase order in New World requisition in KVS.
3. The procurement method "Cooperative" or "Piggyback" use of the contract needs to be noted in the "resolution contract #" field of the purchase order in New World requisition in KVS.
4. Documentation such as the contract, and analysis of the contract to ensure it meets the three prerequisites as required by the Office of the State Comptroller, cost savings analysis including consideration of other procurement methods and correspondence with legal council should be kept on file with the contract in the clerk's office and scanned and attached to the purchase order in New World.
5. A Cooperative Contract Due Diligence Form found in the "Appendix H – Forms" section of this manual or on the City's shared drive (S:/Finance Forms), is required to be completed and signed by the person who completed it, attesting that an analysis was completed and the contract was found to be consistent with GML. A statement should be added to the "memo" tab of the purchase order requisition stating that the analysis was completed, by whom it was completed, and that the contract was found to be consistent with GML-§103. This form should then be scanned and attached to the purchase order in New World.
6. Contracting with cooperatives differs depending on the cooperative. Some may require a signed contract in order to use one of their contracts, others do not allow contracting with other cooperatives. If a contract is required, consult with the City Manager and the City Attorney.

2. Preparing City of Batavia bids to be awarded using best value

- A. It is required to state in the bid for goods and services that the award will be made on the basis of best value.
- B. Identify a minimum of four (4) criteria that will be considered from the criteria list provided below. The criteria may include, but shall not be limited to, those listed below. The criteria is required to be clearly stated in the bid. Criteria should support City philosophies and should make sense based on what is being purchased. Your selection needs to be defensible.
- C. It is required that the bid include a statement of how best value will be evaluated. That determination shall be based on an objective analysis of clearly described and documented criteria as they apply to the rating of bids or offers. Where possible, the determination shall be based upon and include a quantifiable analysis. The method(s) for scoring and weighting criteria needs to be clearly documented in the bid. Where applicable, require the bidder to provide proof by independent verification, as it relates to criteria chosen. This must be clearly stated in the bid document.
- D. When evaluating bid results, record the evaluation and document the scoring. Make sure to follow methods precisely documented in the bid document.
- E. All other requirements for competitive bidding apply such as advertising, sealed bids or offers, non-collusion statements, bids or offers are publicly opened and read, etc.
- F. Consult with the City Attorney prior to bidding.
- G. Criteria examples include but are not limited to the following:
  - 1. Features of the offered product or service set forth in detailed specifications for the product offered;

2. Warranties and/or maintenance to be provided with the product or service along with the availability of replacement parts or maintenance contracts;
3. References, past performance and reliability, durability of the product being offered and current or past experience with provision of similar goods or services;
4. Organization, staffing (both members of staff and particular abilities and experience), and ability to undertake the type and complexity of the work;
5. Financial capability;
6. Record of compliance with all federal, state and local laws, rules, licensing requirements, where applicable, and executive orders, including but not limited to compliance with existing labor standards and prevailing wage laws;
7. Proximity to the end user if distance or response time is a significant term;
8. Added costs for training, transportation, installation and/or disposal; and
9. Environmental – less environmentally harmful manufacturing, less harmful end of life disposal, do they recycle.

## XXIII. Uniform Guidance – Federal Grant Requirements

On December 26, 2013, Office of Management and Budget (OMB), which serves the President of the United States in overseeing the implementation of meeting his policy, budget, management and regulatory objectives to fulfill the agency's statutory responsibilities; published 2 CFR 200 (subparts A – F), Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, which is also referred to as the Uniform Guidance. 2 CFR Part 200 (subparts A – F) requires organizations receiving federal awards to establish and maintain effective internal controls over federal awards.

The City of Batavia has elected to and will implement the required procurement procedures related to Uniform Guidance for the 3/31/19 fiscal year, beginning 4/1/18.

This section of the City's Procurement Manual addresses all requirements resulting from Uniform Guidance.

### **Conflict of Interest Policy**

#### **Section 1. General**

- A. The provisions of this article supplement, but do not supersede, other provisions of New York State and Federal law. The provisions of this article apply notwithstanding the fact that the conduct described may not constitute a violation of the State and Local Government Conflict of Interests Act.
- B. No City employee having official responsibility for a procurement transaction shall participate in that transaction on behalf of the City when the employee knows that:
  - 1. The employee is contemporaneously employed by a bidder, offeror, or contractor involved in the procurement transaction; or,
  - 2. The employee, the employee's partner, or any member of the employee's immediate family holds a position with a bidder, offeror, or contractor such as an officer, director, trustee, partner or the like, or is employed in a capacity involving personal and substantial participation in the procurement transaction, or owns or controls an interest of more than five percent; or
  - 3. The employee, the employee's partner, or any member of the employee's immediate family has a pecuniary interest arising from the procurement transaction; or
  - 4. The employee, the employee's partner, or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment with a bidder, offeror, or contractor.



## **Section 2. Solicitation or Acceptance of Gifts.**

No City employee having official responsibility for a procurement transaction shall solicit, demand, accept or agree to accept from a bidder, offeror, contractor or subcontractor any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal or minimal value, present or promised, unless consideration of substantially equal or greater value is exchanged. The City may recover the value of anything conveyed in violation of this section.

## **Section 3. Disclosure of Subsequent Employment.**

No City employee or former City employee having official responsibility for procurement transactions shall accept employment with any bidder, offeror or contractor with whom the City employee or former City employee dealt in an official capacity concerning procurement transactions for a period of one year from the cessation of employment by the City unless the City employee, or former City employee, provides written notification to the City prior to commencement of employment by that bidder, offeror or contractor.

## **Section 4. Gifts.**

No bidder, offeror, contractor or subcontractor shall confer upon any City employee having official responsibility for a procurement transaction any payment, loan subscription, advance, deposit of money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is exchanged.

## **Section 5. Kickbacks.**

1. No contractor or subcontractor shall demand or receive from any of his suppliers or his subcontractors, as an inducement for the award of a subcontract or order, any payment, loan, subscription, advance, deposit of money, services or anything present or promised, unless consideration of substantially equal or greater value is exchanged.

2. No subcontractor or supplier shall make, or offer to make, kickbacks as described in this section.

3. No person shall demand or receive any payment, loan, subscription, advance, deposit of money, services or anything of value in return for an agreement not to complete on a City contract.

4. If a subcontractor or supplier makes a kickback or other prohibited payment as described in this section, the amount thereof shall be conclusively presumed to have been included in the price of the subcontract or order and ultimately borne by the public body and will be recoverable from both the maker and recipient. Recovery from one offending party shall not preclude recovery from other offending parties.

5. No person who, for compensation, prepares an invitation to bid or request for proposal for or on behalf of the City shall (i) submit a bid or proposal for that procurement or any portion thereof or (ii) disclose to any bidder or offeror information concerning the procurement which is not available to the public. However, the City may permit such person to submit a bid or

proposal for that procurement or any portion of potential qualified bidders or offerors in a manner contrary to the best interests of the City.

**Section 6. Certification of Compliance.**

The City may require City employees having official responsibility for procurement transactions in which they participated in annually submit for such transactions a written certification that they complied with the provisions of this section.

**Section 7. Misrepresentations.**

No City employee having official responsibility for a procurement transaction shall knowingly falsify, conceal, or misrepresent a material fact; knowingly make any false, fictitious or fraudulent statements or representations; or make or use any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry.

**Section 8. Personal Conflicts of Interest.**

It is City policy to require contractors to:

1. Identify and prevent personal conflicts of interest of their employees who perform an acquisition function closely associated with inherently governmental functions; and
2. Prohibit employees who have access to non-public County information from using such information for personal gain.

The Purchasing Agent may waive, in exceptional circumstances, a personal conflict of interest or waive the requirement to prevent conflict of interest for a particularly employee, if he determines in writing that such mitigation is in the best interest of the City.

-----

**Procurement Standards**

The City of Batavia does not have a centralized grant department, therefore it is the responsibility of each department obtaining a grant to administer, and be familiar with, all grant documents and requirements. If it is a Federal Grant, the department should complete the grant information form found here: [s:-/finance forms/Grants](#) and be sure to reference that it is a federal grant and include the CFDA number on the form. For the purposes of this policy, Department Head and Bureau Head applies to the individual within a given department who will be responsible for the grant.

## **Uniform Guidance Compliance Supplement – Procurement Standards**

The requirements for procurements using federal awards are contained in the Uniform Guidance (2 CFR Part 200, subparts A – F), program legislation, Federal awarding agency regulations and the terms and conditions of the award. For up to date compliance requirements see the website noted below:

**<https://www.gpo.gov/fdsys/granule/CFR-2014-title2-vol1/CFR-2014-title2-vol1-sec200-321>**

To comply with 2 CFR Part 200 (subparts A – F), the City of Batavia implements the following policies and procedures:

The City will use its own documented procurement procedures which reflect applicable State, Local and Tribal laws and regulations; provided that the procurements conform to applicable federal law and Uniform Guidance. As such, City procurements related to Federal grants will be subject to New York State General Municipal Law, City of Batavia Purchasing Manual and Uniform Guidance requirements. **Note, where the City’s procurement manual is more restrictive than the federal purchase methods below, departments must always follow the most restrictive policy.**

Contract files will document the significant history of the procurement, including the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis of contract price.

The City will utilize one of the five acceptable procurement methodologies detailed in §200.320 which include:

- Micro purchase
- Small purchase procedure
- Sealed bid
- Competitive proposal
- Non-competitive Proposal (sole source)

The City will enter into state and local intergovernmental agreements or inter-entity agreements, where appropriate.

The City will only utilize Time and Materials contracts when it has been determined, in writing, that no other contract type is suitable.

### **Contracting with small and minority businesses, women’s business enterprises, and labor surplus area firms §200.321**

The City must take all necessary affirmative steps to assure that minority businesses, women’s business enterprises, and labor surplus area firms are used when possible. Affirmative steps must include:

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists, if such a list exists;
2. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and Minority Business Development Agency of the Department of Commerce; and
6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

### **Debarment and Suspension**

Non-Federal entities are prohibited from contracted with or making subawards under covered transactions to parties that are suspended or debarred. "Covered transactions" include those procurement contracts for goods and services awarded under a nonprocurement transaction (e.g., grant or cooperative agreement) that are expected to equal or exceed \$25,000 or meet certain other criteria as specified in 2 CFR section 180.220. All nonprocurement transactions entered into by a recipient (i.e., subawards to subrecipients), irrespective of award amount, are considered covered transactions, unless they are exempt as provided by 2 CFR section 280.215.

When a non-Federal entity enters into a covered transaction with an entity at a lower tier, the non-Federal entity must verify that the entity, as defined in CFR section 180.995 and agency adopting regulations, is not suspected or debarred or otherwise excluded from participating in the transaction. This verification may be accomplished by (1) checking the System for Award Management (SAM) Exclusions maintained by the General Services Administration (GSA) and available at <https://www.sam.gov/portal/public/SAM/> (Note: The OMB guidance at 2 CFR part 180 and agency implementing regulations still refer to the SAM Exclusions as the Excluded Parties List System (EPLS)), (2) collection a certification from the entity, or (3) adding a clause or condition to the covered transaction with that entity (2 CFR section 180.300).

### **Maintenance of Procurement Records**

The City shall maintain records sufficient to detail the history of all procurements. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, the basis for the contract price (including a cost or price analysis), and verification that the contractor is not suspended or debarred.

### **Standards of Conduct**

In accordance with 2 C.F.R. § 200.18(c)(1), the City maintains the following standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

The officers, employees, and agents of the City may neither solicit nor accept gratuities, favors or anything of monetary value from contractors or parties to subcontracts, unless the gift is an unsolicited item of nominal value.

### **Bonding requirements §200.325**

For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the City shall require:

1. A bid guarantee from each bidder equivalent to five percent of the bid price.
2. A performance bond on the part of the contractor for 100 percent of the contract price.
3. A payment bond on the part of the contractor for 100 percent of the contract price.

### **Contract provisions §200.326**

The City's contracts will contain the applicable provisions described in Appendix II to Part 200.

#### **Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards**

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

- (A) Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.
- (B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

- (C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” ( 30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs. Equal Employment Opportunity, Department of Labor.”
- (D) Davis-Bacon Act, as amended ( 40 U.S.C. 3141- 3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act ( 40 U.S.C. 3141- 3144) as supplemented by Department of Labor regulations ( 29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act ( 40 U.S.C. 3145), as supplemented by Department of Labor regulations ( 29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.
- (E) Contract Work Hours and Safety Standards Act ( 40 U.S.C. 3701- 3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations ( 29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous

or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

- (F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of "funding agreement" under 37 CFR § 401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.
- (G) Clean Air Act ( 42 U.S.C. 7401- 7671q.) and the Federal Water Pollution Control Act ( 33 U.S.C. 1251- 1387), as amended - Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act ( 42 U.S.C. 7401- 7671q) and the Federal Water Pollution Control Act as amended ( 33 U.S.C. 1251- 1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
- (H) Debarment and Suspension (Executive Orders 12549 and 12689) - A contract award (see 2 CFR 180.220) must not be made to parties listed on the government wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 ( 3 CFR part 1986 Comp., p. 189) and 12689 ( 3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.
- (I) Byrd Anti-Lobbying Amendment ( 31 U.S.C. 1352) - Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.
- (J) See § 200.322 - A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery

Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines



## Appendix A – Threshold Grid

The following charts constitute a minimum requirement for the acquisition of goods and services. When appropriate you may choose a greater level of competition. Threshold amounts are determined based on the aggregate amount reasonably expected to be spent on the same or similar goods/services within a 12 month period. See the “General Purchasing Procedure” section for more aggregate information.

<u>Purchase Contract Threshold</u>	<u>Requirement</u>	<u>Scan and Attach</u>
0 - \$2,499	No Purchase Order Required	
\$2,500 - \$4,999	3 verbal quotes	<u>Requisition and any documentation to support due diligence</u>
\$5,000 - \$19,999	3 written/fax quotes	<u>Requisition, quotes and any documentation to support due diligence</u>
\$20,000 and over	Competitive bid	<u>Requisition, bid, bid results, council resolution and any documentation that supports or is required to prove due diligence.</u>

### Exceptions:

1. Where City owned equipment has been sent to an authorized shop for an estimate for necessary repairs under a purchase order, that purchase order may be amended up to a total of \$10,000 for actual repairs upon provision of a written estimate by the shop without additional quotes required. The written estimate must be signed by the Department Head before authorization may be given to vendor to complete the work of the original purchase order.
2. For insurance recoverable expenses, a purchase order can be issued after two (2) vendor prepared estimates are received and one is accepted by the City’s insurance adjuster.
3. Every attempt will be made to receive the number of quotes required. In the event a vendor is unable to quote, make an attempt to get a letter stating the vendor was unable to quote and the reason is to be scanned and attached to the requisition.
4. Any requisition that is over budget and any emergency purchase will require City Manager approval.

### Public Works Contract

<u>Threshold</u>	<u>Requirement</u>	<u>Scan and Attach</u>
0 - \$2,499	No Purchase Order	
\$2,500 - \$4,999	3 verbal quotes	<u>Requisition and any documentation to support due diligence</u>
\$ 5,000– \$34,999	3 written/fax quotes	<u>Requisition, quotes and any documentation to support due diligence</u>
\$35,000 and over	Competitive bid	<u>Requisition, bid, bid results, council resolution and any documentation that supports or is required to prove due diligence</u>

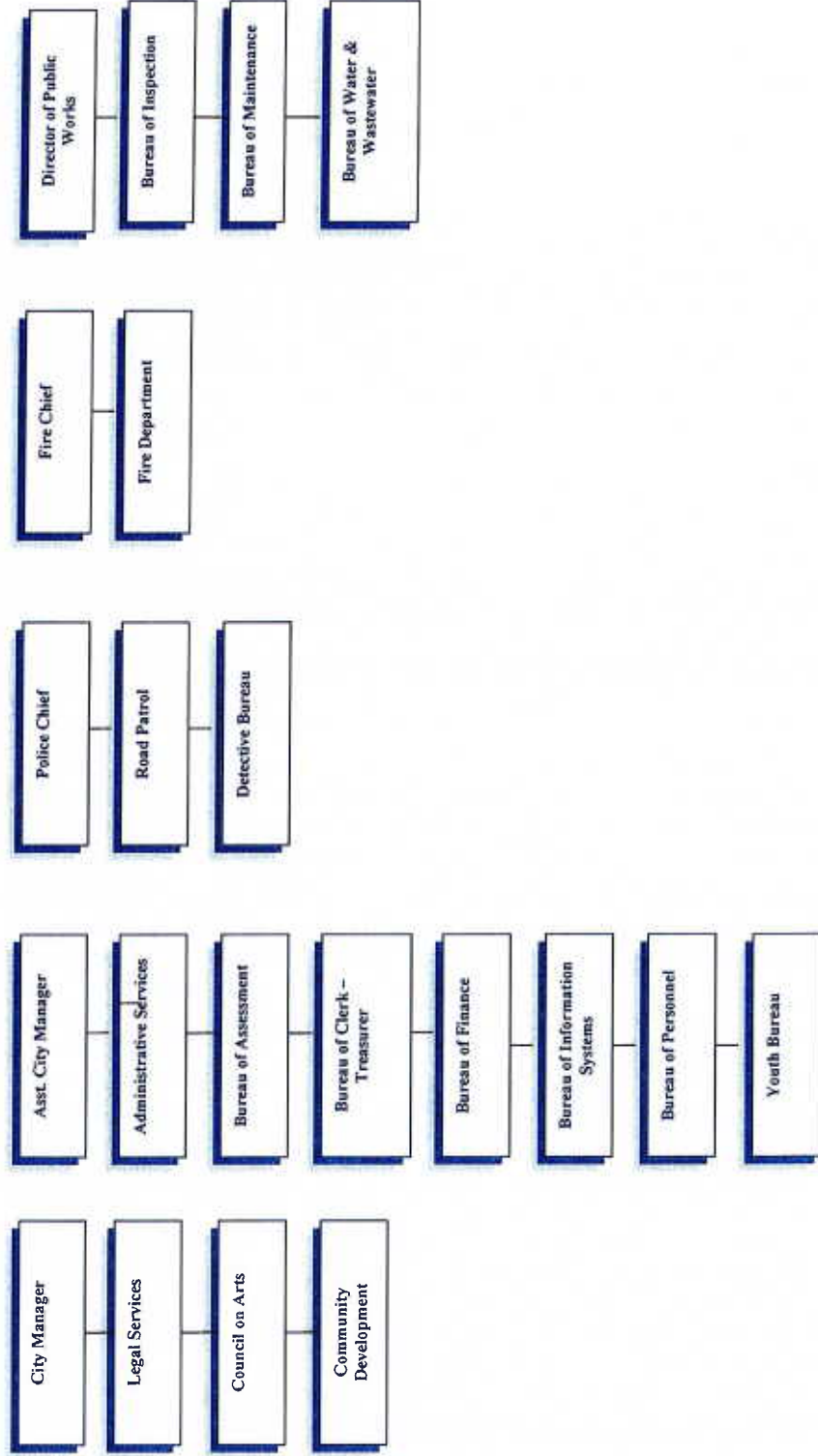
## Appendix B

### Individuals Responsible for Purchasing

Last Name	First Name	Title
Allen	Scott	Superintendent of Maintenance
Betters	Kelly	Human Resource Clerk
Bolles	Eric	Police Sergeant
Borchert	Dan	Financial Clerk Typist
Call	James	Fire Captain
Camp	Chris	Assistant Police Chief
Cassidy	Amy	Deputy Clerk/Treasurer
Chilano	Meg	Secretary
Coffey	Dan	Police Sergeant
Cowen	Mitchel	Police Sergeant
Dean	Teri	Payroll Specialist
Donovan	Lauren	Secretary
Downey	McKenna	Secretary
Fairbanks	Dawn	Director of Human Resources
Fix	Bob	Fire Captain
Fix	Erik	Assistant City Manager
Frank	Brett	Director of Public Works
Josh	Graham	Fire Chief
Galdun	Krista	Confidential Secretary
Gowanlock	Zechariah	Fire Lieutenant
Green	Dave	Fire Lieutenant
Herberger	Dan	Fire Captain
Heubusch	Shawn	Police Chief
Houseknecht	Doug	Water & Wastewater Maint. Supervisor
Klein	Vickie	Assessment Clerk
Lindsay	Christopher	Police Sergeant
Lutey	Matthew	Police Detective Sergeant
Mayeu	Mark	Automotive Mechanic
Metz	Brian	Supervisor, Public Works
Morris	Michael	Fire Captain
Neary	Lisa	Deputy Director of Finance
Palmer	Patty	Senior Clerk Typist
Parker	Heidi	Clerk/Treasurer
Patterson	Rebecca	Secretary
Phelps	Tom	Superintendent of Water and Wastewater
Saulsbury	Rhonda	Assessor
Stevenson	Brett	Supervisor, Public Works
Tabelski	Rachael	City Manager
Tedford	Robert	Fire Lieutenant
Volk	Kevin	Chief WW Treatment Plant Operator
Weibel	Nelson	Chief Water Treatment Plant Operator
Whitcombe	Jeff	Fire Lieutenant

Appendix C

# City of Batavia Purchasing Approval Chart



Appendix D

Standardization Resolution

There are none at this time.

APPENDIX E

#7-2014

**RESOLUTION AUTHORIZING THE ADOPTION OF A PURCHASING MANUAL FOR THE CITY OF BATAVIA, NEW YORK**

**Motion of Councilperson Canale**

**WHEREAS**, General Municipal Law requires the governing body of every municipality annually review and adopt a procurement policy for all goods and services; and

**WHEREAS**, the City Council last adopted its Purchasing Manual on March 24, 2003; and

**WHEREAS**, the Office of the New York State Comptroller completed an audit (2013M-296) to determine if the City properly awards contracts for goods and/or services; and

**WHEREAS**, it was recommended by the Office of the New York State Comptroller that the City Council annually review the City's procurement policy and update as needed; and

**WHEREAS**, comments have been solicited from all Department Heads and Bureau Chief's in the City of Batavia involved in the procurement process; and

**WHEREAS**, said Purchasing Manual has been reviewed and approved by the City's Attorney; and

**NOW THEREFORE, BE IT RESOLVED**, that the Batavia City Council of the City of Batavia, New York does hereby adopt the following Purchasing Manual effective immediately.

**Seconded by Councilperson Briggs and on roll call approved 9-0.**

I hereby certify that the foregoing is a true and correct transcript of a resolution duly adopted by the City Council of the City of Batavia on the 10<sup>th</sup> day of February, 2014 and of the whole thereof.

Dated at Batavia, NY, February 11, 2014



Heidi J. Parker  
City Clerk, Batavia, NY

#80-2014

**RESOLUTION INTRODUCING A LOCAL LAW TO AMEND THE CODE OF THE  
CITY OF BATAVIA BY ADDING CHAPTER 18 – BEST VALUE**

**Motion of Councilperson Jankowski**

**BE IT RESOLVED**, that Local Law No. 3 of the Year 2014 entitled “A LOCAL LAW TO AMEND THE CODE OF THE CITY OF BATAVIA BY ADDING CHAPTER 18 – BEST VALUE TO AUTHORIZE THE USE OF BEST VALUE, FOR PURCHASE CONTRACTS (INCLUDING CONTRACTS FOR SERVICE WORK, BUT EXCLUDING ANY PURCHASE CONTRACTS NECESSARY FOR THE COMPLETION OF A PUBLIC WORKS CONTRACT PURSUANT TO ARTICLE EIGHT OF THE LABOR LAW) MAY BE AWARDED ON THE BASIS OF LOW BID OR BEST VALUE, AS AUTHORIZED IN SECTION 103 OF THE GENERAL MUNICIPAL LAW AND AS DEFINED IN SECTION ONE HUNDRED SIXTY-THREE OF THE STATE FINANCE LAW” be introduced before the City Council of Batavia, New York; and

**BE IT FURTHER RESOLVED**, that copies of the aforesaid proposed Local Law be laid upon the desk of each member of the City Council by the City Clerk; and

**BE IT FURTHER RESOLVED**, that the City Council hold a public hearing on said proposed Local Law in the Council Board Room, Second Floor, One Batavia City Centre, Batavia, New York, at 7:00 p.m. on Monday, October 27, 2014; and

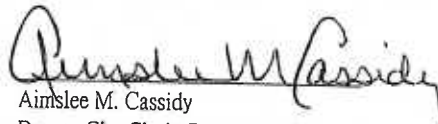
**BE IT FURTHER RESOLVED**, that the City Clerk publish or caused to be published a public notice in the official newspaper of the City of said public hearing at least three (3) days prior thereto.

**Seconded by Councilperson Briggs and on roll call approved unanimously.**

STATE OF NEW YORK  
COUNTY OF GENESEE  
CITY OF BATAVIA

I hereby certify that the foregoing is a true and correct transcript of a Resolution duly adopted by the City Council of the City of Batavia on the 14th day of October, 2014, and of the whole thereof.

Dated at Batavia, NY, 4/17/15

  
Aimslee M. Cassidy  
Deputy City Clerk, Batavia, NY

**LOCAL LAW NO. 3 OF THE YEAR 2014  
CITY OF BATAVIA**

**A LOCAL LAW TO AMEND THE CODE OF THE CITY OF BATAVIA BY ADDING CHAPTER 18 – BEST VALUE TO AUTHORIZE THE USE OF BEST VALUE, FOR PURCHASE CONTRACTS (INCLUDING CONTRACTS FOR SERVICE WORK, BUT EXCLUDING ANY PURCHASE CONTRACTS NECESSARY FOR THE COMPLETION OF A PUBLIC WORKS CONTRACT PURSUANT TO ARTICLE EIGHT OF THE LABOR LAW) MAY BE AWARDED ON THE BASIS OF LOW BID OR BEST VALUE, AS AUTHORIZED IN SECTION 103 OF THE GENERAL MUNICIPAL LAW AND AS DEFINED IN SECTION ONE HUNDRED SIXTY-THREE OF THE STATE FINANCE LAW**

**Be It Enacted** by the Council of the City of Batavia, New York as follows:

**[§18-1. Title and authority**

- A. This chapter shall be known and may be cited as “Best Value”.
- B. The City of Batavia, under the authority of §103 of the General Municipal Law and as defined in section one hundred sixty-three of the State Finance Law, hereby enacts this chapter.

**§18-2. Declaration of Intent**

- A. The intent of this Local Law shall be to authorize the use of Best Value criteria when awarding purchase and service contracts consistent with Section 103 of the General Municipal Law and Section 163 of the New York State Finance Law. Use of best value criteria is intended to provide the City of Batavia greater flexibility in awarding contracts and ensure that the City of Batavia obtains the highest quality goods and services at a low cost. Awarding contracts on the basis of Best Value standards is further intended to promote competition, foster fairness among vendors and competitors, expedite contract awards, optimize quality, control costs and enhance efficiency among responsive and responsible offerors.

**§18-3. Definitions**

- A. Purchase Contracts – Contracts for goods, commodities and equipment, including technology.
- B. Public Works Contracts – Contracts for items or projects involving primarily labor or both material and labor where labor is the major portion of the contract.
- C. Best Value – The basis for awarding contracts for services to the offeror which optimizes quality, cost and efficiency, among responsive and responsible offerors. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for offerors that are small businesses or certified minority or women-owned business enterprises as defined in Executive Law Section 310 (1), (7), (15) and (20) and as may be amended.
- D. Procurement record – Purchasing documents such as requisition, purchase order, and competitive bid, etc.
- E. Responsive and responsible offeror – A responsive offeror is an offeror meeting the minimum specifications. In assessing whether an offeror is responsible, the City of Batavia should consider an

offeror's capacity and financial ability to complete the contract, accountability, past performance, reliability and integrity per State Finance Law, section 163 (1)(c) and (1)(d).

#### **§18-4. Requirements**

- A. Where the basis for award is the best value offer, the procurement record shall include documentation, in advance of the initial receipt of offers, the evaluation criteria, which whenever possible, shall be quantifiable, and the process to be used in the determination of best value and the manner in which the evaluation process (rating of proposals) and selection shall be conducted.
- B. The solicitation shall identify the relative importance and/or weight of cost and the overall technical criterion to be considered by the City of Batavia in its determination of best value.
- C. Best Value is also an approved award basis for contracts to be piggybacked.
- D. Procedures that govern the award of contracts on the basis of best value shall be included in the City of Batavia's Purchasing Manual and reviewed annually by the Council of the City of Batavia in conjunction with its annual review and approval of the Purchasing Manual, consistent with General Municipal Law, section 104-b(2)(f).

#### **§18-5. Severability**

If any section or subsection, clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court or competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section or subsection, clause, sentence, paragraph, subdivision or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

#### **§18-4. Effective Date**

This Local Law shall take effect immediately upon filing with the Secretary of State.]

Deletions designated by ~~strikeout~~

Additions designated as [brackets]



#32-2015

**RESOLUTION AUTHORIZING THE ADOPTION OF A PURCHASING MANUAL FOR  
THE CITY OF BATAVIA, NEW YORK**

**Motion of Councilperson Cipollone**

**WHEREAS**, General Municipal Law requires the governing body of every municipality annually review and adopt a procurement policy for all goods and services; and

**WHEREAS**, the City Council last adopted its Purchasing Manual on February 10, 2014; and

**WHEREAS**, it is required by the Office of the New York State Comptroller that the City Council annually review the City's procurement policy and update as needed; and

**WHEREAS**, comments have been solicited from all Department Heads and Bureau Chief's in the City of Batavia involved in the procurement process; and

**WHEREAS**, said Purchasing Manual has been reviewed and approved by the City's Attorney; and

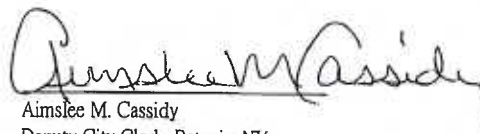
**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia, New York does hereby adopt the following Purchasing Manual effective immediately.

**Seconded by Councilperson Deleo and on roll call approved 8-0. Council President Hawley was absent.**

STATE OF NEW YORK  
COUNTY OF GENESEE  
CITY OF BATAVIA

I hereby certify that the foregoing is a true and correct transcript of a Resolution duly adopted by the City Council of the City of Batavia on the 13th day of April, 2015, and of the whole thereof.

Dated at Batavia, NY, 4/17/15

  
Aimslee M. Cassidy  
Deputy City Clerk, Batavia, NY

#42-2016

**A RESOLUTION AUTHORIZING THE ADOPTION OF A PURCHASING MANUAL FOR THE CITY OF  
BATAVIA, NEW YORK**

**Motion of Councilperson Christian**

**WHEREAS**, General Municipal Law §104-b (4) requires the governing body of every municipality annually review and adopt a procurement policy for all goods and services; and

**WHEREAS**, the City Council last adopted its Purchasing Manual on March 9, 2015; and

**WHEREAS**, comments have been solicited from all Department Heads and Bureau Chief's in the City of Batavia involved in the procurement process; and

**WHEREAS**, said Purchasing Manual has been reviewed and approved by the City's Attorney; and

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia, New York does hereby adopt the following Purchasing Manual effective immediately.

**Seconded by Councilperson Hawley and on roll call approved 8-0. Councilperson McGinnis was absent.**

I hereby certify that the foregoing is a true and correct transcript of a resolution duly adopted by the City Council of the City of Batavia on the 14<sup>th</sup> day of March, 2016 and of the whole thereof.

Dated at Batavia, NY, February 3, 2017



Heidi J. Parker  
City Clerk, Batavia, NY

#18-2016

**A RESOLUTION AUTHORIZING THE CITY OF BATAVIA, NY TO ENTER INTO A  
COOPERATIVE PURCHASING AGREEMENT WITH THE HOUSTON-GALVESTON AREA  
COUNCIL (H-GAC)**

**Motion of Councilperson Hawley**

**WHEREAS**, the City Council has been presented a proposed Interlocal Agreement for cooperative purchasing with Houston-Galveston Area Council (H-GAC), and found it to be acceptable and in the best interests of the City of Batavia and its citizens, and

**WHEREAS**, the City Council desires to participate in the described cooperative purchasing program, with H-GAC, and in the opinion that participation in the program will be highly beneficial to the taxpayers of the City of Batavia through the anticipated savings to be realized.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia authorizes the Council President to execute the Interlocal Agreement with H-GAC and hereby authorizes the City Manager, or his designee to serve as the Official Representative of the City of Batavia relating to the program.

**Seconded by Councilperson Viele and on roll call approved 9-0.**

I hereby certify that the foregoing is a true and correct transcript of a resolution duly adopted by the City Council of the City of Batavia on the 9<sup>th</sup> day of February, 2016 and of the whole thereof.

Dated at Batavia, NY, February 22, 2016



Heidi J. Parker  
City Clerk, Batavia, NY

**#91-2017**  
**A RESOLUTION AUTHORIZING THE ADOPTION OF A PURCHASING MANUAL FOR  
THE CITY OF BATAVIA, NEW YORK**

**Motion of Councilperson Canale**

**WHEREAS**, General Municipal Law §104-b (4) requires the governing body of every municipality to annually review and adopt a procurement policy for all goods and services; and

**WHEREAS**, the City Council last adopted its Purchasing Manual on March 14, 2016; and

**WHEREAS**, comments have been solicited from all Department Heads and Bureau Chief's in the City of Batavia involved in the procurement process; and

**WHEREAS**, said Purchasing Manual has been reviewed and approved by the City's Attorney.

**NOW THEREFORE, BE IT RESOLVED**, that the Batavia City Council of the City of Batavia, New York does hereby adopt the following Purchasing Manual effective immediately.

**Seconded by Councilperson Pacino and on roll call approved 7-0. Council President Jankowski and Councilperson McGinnis were absent.**

I hereby certify that the foregoing is a true and correct transcript of a resolution duly adopted by the City Council of the City of Batavia on the 11<sup>th</sup> day of September, 2017 and of the whole thereof.

Dated at Batavia, NY, September 27, 2017



Heidi J. Parker  
City Clerk, Batavia, NY

**#21-2018**  
**A RESOLUTION AUTHORIZING THE ADOPTION OF A PURCHASING MANUAL FOR  
THE CITY OF BATAVIA, NEW YORK**

**Motion of Councilperson Briggs**

**WHEREAS**, General Municipal Law §104-b (4) requires the governing body of every municipality annually review and adopt a procurement policy for all goods and services; and

**WHEREAS**, the City Council last adopted its Purchasing Manual on September 11, 2017; and

**WHEREAS**, comments have been solicited from all Department Heads and Bureau Chief's in the City of Batavia involved in the procurement process; and

**WHEREAS**, said Purchasing Manual has been reviewed and approved by the City's Attorney; and

**NOW THEREFORE, BE IT RESOLVED**, that the Batavia City Council of the City of Batavia, New York does hereby adopt the following Purchasing Manual effective immediately.

**Seconded by Councilperson Viele and on roll call approved 8-0. Councilperson Christian was absent.**

I hereby certify that the foregoing is a true and correct transcript of a resolution duly adopted by the City Council of the City of Batavia on the 12<sup>th</sup> day of March, 2018 and of the whole thereof.

Dated at Batavia, NY, March 14, 2018



Heidi J. Parker  
City Clerk, Batavia, NY

#24-2019

**A RESOLUTION AUTHORIZING THE ADOPTION OF A PURCHASING MANUAL FOR  
THE CITY OF BATAVIA, NEW YORK**

**Motion of Councilperson Viele**

**WHEREAS**, General Municipal Law §104-b (4) requires the governing body of every municipality annually review and adopt a procurement policy for all goods and services; and

**WHEREAS**, the City Council last adopted its Purchasing Manual on March 12, 2018; and

**WHEREAS**, comments have been solicited from all Department Heads and Bureau Chief's in the City of Batavia involved in the procurement process; and

**WHEREAS**, said Purchasing Manual has been reviewed and approved by the City's Attorney; and

**NOW THEREFORE, BE IT RESOLVED**, that the Batavia City Council of the City of Batavia, New York does hereby adopt the following Purchasing Manual effective immediately.

**Seconded by Councilperson Canale and on roll call approved 9-0.**

I hereby certify that the foregoing is a true and correct transcript of a resolution duly adopted by the City Council of the City of Batavia on the 11<sup>th</sup> day of March, 2019 and of the whole thereof.

Dated at Batavia, NY, March 12, 2019



Heidi J. Parker  
City Clerk, Batavia, NY

#38-2020

**A RESOLUTION AUTHORIZING THE ADOPTION OF A PURCHASING MANUAL FOR  
THE CITY OF BATAVIA, NEW YORK**

**Motion of Councilmember Canale**

**WHEREAS**, General Municipal Law §104-b (4) requires the governing body of every municipality annually review and adopt a procurement policy for all goods and services; and

**WHEREAS**, the City Council last adopted its Purchasing Manual on March 11, 2019; and

**WHEREAS**, comments have been solicited from all Department Heads and Bureau Chief's in the City of Batavia involved in the procurement process; and

**WHEREAS**, said Purchasing Manual has been reviewed and approved by the City's Attorney; and

**NOW THEREFORE, BE IT RESOLVED**, that the Batavia City Council of the City of Batavia, New York does hereby adopt the following Purchasing Manual effective immediately.

**Seconded by Councilmember Bialkowski and on roll call approved 8-0. Councilmember Viele was absent.**

I hereby certify that the foregoing is a true and correct transcript of a resolution duly adopted by the City Council of the City of Batavia on the 11<sup>th</sup> day of May, 2020 and of the whole thereof.

Dated at Batavia, NY, May 12, 2020



Heidi J. Parker  
City Clerk, Batavia, NY

#17-2021

**A RESOLUTION AUTHORIZING THE ADOPTION OF A PURCHASING MANUAL FOR  
THE CITY OF BATAVIA, NEW YORK**

**Motion of Councilmember Viele**

**WHEREAS**, General Municipal Law §104-b (4) requires the governing body of every municipality annually review and adopt a procurement policy for all goods and services; and

**WHEREAS**, the City Council last adopted its Purchasing Manual on May 11, 2020; and

**WHEREAS**, said Purchasing Manual has been reviewed and approved by the City's Attorney.

**NOW THEREFORE, BE IT RESOLVED**, that the Batavia City Council of the City of Batavia, New York does hereby adopt the following Purchasing Manual effective immediately.

**Seconded by Councilmember Karas and on roll call approved 8-0. Councilmember Canale was absent.**

I hereby certify that the foregoing is a true and correct transcript of a resolution duly adopted by the City Council of the City of Batavia on the 8<sup>th</sup> day of March 2021 and of the whole thereof.

Dated at Batavia, NY, March 10, 2021



Heidi J. Parker  
City Clerk, Batavia, NY



#42-2022

**RESOLUTION AUTHORIZING THE ADOPTION OF A PURCHASING MANUAL FOR THE  
CITY OF BATAVIA, NEW YORK**

**Motion of Councilmember Schmidt**

**WHEREAS**, General Municipal Law §104-b (4) requires the governing body of every municipality annually review and adopt a procurement policy for all goods and services; and

**WHEREAS**, the City Council last adopted its Purchasing Manual on March 8, 2021; and

**WHEREAS**, said Purchasing Manual has been reviewed and approved by the City's Attorney;  
and

**NOW THEREFORE, BE IT RESOLVED**, that the Batavia City Council of the City of Batavia, New York does hereby adopt the following Purchasing Manual effective immediately.

**Seconded by Councilmember McGinnis and on roll call approved 8-0. Councilmember Viele was absent.**

I hereby certify that the foregoing is a true and correct transcript of a resolution duly adopted by the City Council of the City of Batavia on the 9<sup>th</sup> day of May 2022 and of the whole thereof.

Dated at Batavia, NY, July 12, 2022



Heidi J. Parker  
City Clerk, Batavia, NY

## Appendix F

### **A RESOLUTION AUTHORIZING THE ADOPTION OF A DISPOSITION OF SURPLUS PROPERTY POLICY FOR THE CITY OF BATAVIA, NEW YORK**

#### **Motion of Councilperson Moscicki**

**WHEREAS**, the City of Batavia occasionally identifies tangible public property as surplus; and

**WHEREAS**, the City of Batavia has determined that said property is no longer needed for public use; and

**WHEREAS**, the City of Batavia is desirous of having a policy to dispose of said property in an equitable manner.

**NOW, THEREFORE, BE IT RESOLVED**, that the Batavia City Council of the City of Batavia, New York, hereby authorizes the adoption of the following *Disposition of Surplus Property Policy* to become effective immediately.

#### I. Disposition of Surplus Property.

It is the policy of the City of Batavia, New York, that surplus property shall be disposed of in an orderly, equitable, and efficient manner.

A. Surplus property is defined as any tangible public property with a value of \$1,000 or more.

1. *Exception.* Firearms.
2. *Exception.* Real estate.

#### II. Procedures.

The following procedures shall be utilized by the City of Batavia and staff for the disposal of surplus property by the City of Batavia.

- A. Surplus property shall be identified by the Department Head and then forwarded to the City Manager for consideration for disposal.
- B. Tangible public property, with a value of less than \$1,000, shall be disposed of at the discretion of the City Manager.
- C. The Manager or his or her designee shall determine if any other city department or bureau can use the potential surplus property and, if so, said property shall be transferred to said department or bureau. Otherwise, said property shall be declared to be surplus and shall be disposed of pursuant to this policy.
- D. Prior to the transfer or disposal of any tangible public property by the City, the Batavia City Council shall make a determination that such property is to be declared surplus.

Appendix F (con't)

- E. After the declaration by Batavia City Council that said property is surplus, the Manager or his or her designee is authorized to dispose of surplus property by sale, exchange, lease, permit or transfer, for cash, credit, or other property, with or without warranty.
- F. Following the disposal of surplus property, the City Manager or his or her designee shall report to the Batavia City Council that the property has been disposed of and the manner of disposal and profits, if any, received by the City from the sale.
- G. The City Manager or his or her designee shall record or cause to be recorded any profits from the disposal of surplus property to the City Clerk.
- H. The time and manner of the sale shall be determined by the City Manager or his or her designee.
- I. This policy shall take effect immediately upon adoption.

**Seconded by Councilperson Briggs and on roll call approved unanimously.**

I hereby certify that the foregoing is a true and correct transcript of a resolution duly adopted by the City Council of the City of Batavia on the 27<sup>th</sup> day of May, 2003 and of the whole thereof.

Dated at Batavia, NY, November 27, 2013



Heidi J. Parker  
City Clerk, Batavia, NY

## Appendix G

#15-2011

### **RESOLUTION AUTHORIZING THE ADOPTION OF A SCRAP METAL DISPOSAL POLICY FOR THE CITY OF BATAVIA, NEW YORK**

#### **Motion of Councilperson Bialkowski**

**WHEREAS**, the City of Batavia occasionally identifies scrap metal as surplus; and

**WHEREAS**, the City of Batavia on May 27, 2003 adopted a *Disposition of Surplus Property Policy*; and

**WHEREAS**, the Office of the New York Comptroller completed an audit to determine if internal controls over the collection and safeguarding of scrap material and the receipt of sale proceeds were appropriately designed and operating effectively; and

**WHEREAS**, it was recommended by the Office of the New York Comptroller that the City of Batavia document the existing procedures to ensure all scrap material is adequately secured and that sales proceeds are remitted only by check made payable to the City of Batavia;

**NOW, THEREFORE, BE IT RESOLVED**, that the Batavia City Council of the City of Batavia, New York, hereby authorizes the adoption of Attachment A, the *Scrap Metal Disposal Policy*, to become effective immediately.

**Seconded by Councilperson Buckley and on roll call approved 9-0.**

#### **Attachment A**

#### **Scrap Metal Disposal Policy**

##### Departmental Responsibilities / Storage of Material

All scrap / waste metal generated from the operations of the Bureau of Maintenance are the property of the City of Batavia. All scrap metal shall be properly disposed of. All miscellaneous metals will be placed in the scrap metal dumpster to be picked up by the City's scrap vendor as requested by the City.

When in the best interest of the City, single type metal scrap (e.g. cast iron, aluminum, copper), may be stockpiled separately at the Bureau of Maintenance for disposal. The City will make special arrangements for pick up of the single type metals to ensure receipt by the scrap vendor.

##### Financial Tracking

The scrap vendor will provide the City of Batavia a printed receipt for all materials received. Any employee involved in the disposal of scrap metals will not accept cash. All payments from the scrap vendor shall be in the form of a check made out to the City of Batavia and sent to the City Clerk's office.

Appendix G (con't)

I hereby certify that the foregoing is a true and correct transcript of a resolution duly adopted by the City Council of the City of Batavia on the 14<sup>th</sup> day of February, 2011 and of the whole thereof.

Dated at Batavia, NY, November 27, 2013

A handwritten signature in black ink, appearing to read "Heidi J. Parker". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Heidi J. Parker  
City Clerk, Batavia, NY

## Appendix H

### Forms:

- a. Purchase Order Requisition Form
- b. Voucher Form
- c. Disposal Form
- d. Travel Authorization Form
- e. New York State Exemption Certificate for hotel room occupancy (Form ST-129)
- f. Cooperative Contract Due Diligence Form (for Best Value)
- g. Professional Service Form

Note: All forms are available on the City of Batavia computer system. They are located on the shared drive S:/finance forms/

City of Batavia  
Purchase Order Requisition Form

Date: \_\_\_\_\_  
Requisition #: \_\_\_\_\_

Commodity or Service Requested: \_\_\_\_\_

1. Estimated aggregate dollar amount to be spent on same or similar commodities in the next 12 months City-wide: \_\_\_\_\_
2. Department Head/Bureau Chief approval: \_\_\_\_\_
3. Quotes obtained by: \_\_\_\_\_

<u>Acct # (fund, dept, item, project)</u>	<u>Amount</u>

#1 Vendor Name: _____ Contact: _____ Address: _____ Phone #: _____ Fax #: _____			
Quantity	Description	Unit Price	Total
		Total	\$

#2 Vendor Name: _____ Contact: _____ Address: _____ Phone #: _____ Fax #: _____			
Quantity	Description	Unit Price	Total
		Total	\$

#3 Vendor Name: _____ Contact: _____ Address: _____ Phone #: _____ Fax #: _____			
Quantity	Description	Unit Price	Total
		Total	\$

Comments or explanation if lowest quote not accepted: \_\_\_\_\_

Delivery Location: \_\_\_\_\_

## City of Batavia Cooperative Contract Due Diligence

Cooperative \_\_\_\_\_

Contract Name and No. \_\_\_\_\_

Vendor(s) Name(s) \_\_\_\_\_

Department completing this form \_\_\_\_\_

We have reviewed and completed due diligence on the aforementioned cooperative contract. As part of the due diligence review, we have confirmed that the contract complies substantially with our procurement rules and practices. We have further confirmed that all purchases will comply with the terms and prices in the contract. It has been determined that it is in the best interest of the City of Batavia to utilize this contract for the reasons cited below:

Issue	Procurement Consideration
<b>New York State Considerations:</b>	
1. Was the contract let by the United States or any agency thereof, any state or any other political subdivision or district therein?	Y or N Who: _____
2. Does the contract contain wording making it available for use by other governmental entities?	Y or N
3. Was the public solicitation of bids advertised and were bids opened at the advertised date and time in a public forum?	Y or N
4. Was the submission of sealed bids, or analogous procedure, done in a manner to secure and preserve the integrity of the process and confidentiality of the bids submitted?	Y or N
5. Was the preparation of bid specifications, or a similar document that provides a common standard for bidders to compete fairly?	Y or N
6. Was the award to the lowest bidder who materially or substantially meets the bid specifications and is determined to be a responsible bidder?	Y or N
<b>General Considerations:</b>	
7. Were the terms, conditions and scope of work/specifications negotiable?	It should be noted here if terms or prices were negotiated
8. Does the cooperative contract provide the most advantageous solution? Why?	Factors may include advantageous terms, conditions, prices, quality, performance, timing, entity's experience and ability duplicate the contract, age of the contract, etc.
9. Will volume pricing advantages be applied to purchases?	Y or N



10. Did the cooperative or lead agency have the expertise, reputation and history of quality contracting for the good or service being procured?	Y or N
11. Was past experience with the cooperative or lead agency acceptable?	Y, N, or N/A
12. What is the age of the contract? How many years is it into its contract term?	

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Date \_\_\_\_\_

# City of Batavia

## Professional services/Requests for Proposals (RFP) or Qualifications (RFQ)

### Department Head/Manager/Supervisor:

Document/justify services needed including work statement or performance specification, time frames for work complete or contract coverage and criteria used in evaluation.

---

---

---

---

---

---

---

---

---

---

Is this service in the current budget? Yes \_\_\_ No \_\_\_ If no, City Council approval is necessary.

### City Manager:

RFP required? Yes \_\_\_ No \_\_\_

If yes, advertise? Yes \_\_\_ No \_\_\_

RFQ required? Yes \_\_\_ No \_\_\_

If yes, advertise? Yes \_\_\_ No \_\_\_

Quotes required? Yes \_\_\_ No \_\_\_

\_\_\_\_\_  
Department Head/Manager/Supervisor signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Manager signature

\_\_\_\_\_  
Date

## Appendix I

Sample resolutions:

- a. Surplus resolution

**#XX-201X**  
**RESOLUTION TO DECLARE DEPARTMENT OF \_\_\_\_\_ VEHICLES AND  
EQUIPMENT SURPLUS FOR THE PURPOSE OF SALVAGE AND DISPOSAL**

**Motion of Councilperson**

**WHEREAS**, the Bureau of \_\_\_\_\_ has declared the vehicles and equipment listed below surplus and the cost of needed repairs exceeding the vehicle's value; and

**WHEREAS**, the City of Batavia requires a surplus declaration of property to be made prior to disposal or sale of vehicles;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Batavia that the City Manager is authorized to declare the following as surplus for the purpose of salvage and disposal:

- Year, make model, and serial no.
- Same

**Seconded by Councilperson  
and on roll call**

SAMPLE

## Appendix J

### List of Cooperatives the City currently uses:

- NCPA: National Cooperative Purchasing Alliance
  - o <http://www.ncpa.us/>
  
- HGAC – BUY
  
- Sourcwell (formerly NJPA: National Joint Powers Alliance)
  - o <https://www.sourcwell-mn.gov/>
  
- Omnia Partners (formerly U.S. Communities Government Purchasing Alliance, National IPA & TCPN (The Cooperative Purchasing Network))
  - o <https://www.omniapartners.com/>



**CITY OF BATAVIA PROPERTY DISPOSAL / TRANSFER FORM**  
**Disposal of Property under \$1,000.00**

Dept / Bureau: \_\_\_\_\_ Description of Property: \_\_\_\_\_  
(Make, Model, Serial No., Year, etc.)

Method of Disposal: \_\_\_\_\_ Estimated Value: \_\_\_\_\_

I hereby authorize disposal of the aforementioned Surplus Public Property:

Signature of Dept / Bureau Director \_\_\_\_\_ Date \_\_\_\_\_

City Manager \_\_\_\_\_ Date \_\_\_\_\_

Date of Disposal: \_\_\_\_\_ Purchaser: \_\_\_\_\_ Amount Received: \_\_\_\_\_  
(If applicable) (If applicable)

Signature of Dept / Bureau Director \_\_\_\_\_ Date \_\_\_\_\_

**Transfer of Property**

Transferring Property From: \_\_\_\_\_ Transferring Property To: \_\_\_\_\_ Description of Property: \_\_\_\_\_  
(Dept./Bureau) (Dept./Bureau/Agency) (Make, Model, Serial No.)

Signature of Dept / Bureau Transferring Property \_\_\_\_\_ Date \_\_\_\_\_

Signature of Dept./Bureau/Agency Receiving Property \_\_\_\_\_ Date \_\_\_\_\_

**Upon completion please retain a copy and submit the original form to the City Manager's Office.**



City of Batavia  
Travel Authorization Form

To be completed and approved prior to travel event.  
Not required for travel within a 10 mile radius of the City.

Today's Date: _____
Employee Name: _____
Department: _____ Ext.: _____

Destination: \_\_\_\_\_

Reason: \_\_\_\_\_

Benefit to the City: \_\_\_\_\_

Date and time of travel: \_\_\_\_\_

Duration: \_\_\_\_\_

Other employees attending: \_\_\_\_\_

Method of travel:

Air travel       City vehicle       Personal vehicle     

Rental vehicle

Employee signature: \_\_\_\_\_ Date: \_\_\_\_\_

<u>Approval</u>	
_____	_____
Department Head/Bureau Chief Signature	Date
Note: Please attach signed approval to vouchers and/or invoices relevant to this travel event.	





New York State Department of Taxation and Finance  
**New York State and Local Sales and Use Tax**  
**Exemption Certificate**  
 Tax on occupancy of hotel or motel rooms

**ST-129**  
 (4/12)

This form may only be used by government employees of the United States, New York State, or political subdivisions of New York State.

Name of hotel or motel		Dates of occupancy	
Address (number and street)		From:	To:
City	State	ZIP code	Country

**Certification:** I certify that I am an employee of the department, agency, or instrumentality of New York State, the United States government, or the political subdivision of New York State indicated below; that the charges for the occupancy of the above business on the dates listed have been or will be paid for by that governmental entity; and that these charges are incurred in the performance of my official duties as an employee of that governmental entity. I certify that the above statements are true, complete, and correct, and that no material information has been omitted. I make these statements and issue this exemption certificate with the knowledge that this document provides evidence that state and local sales or use taxes do not apply to a transaction or transactions for which I tendered this document, and that willfully issuing this document with the intent to evade any such tax may constitute a felony or other crime under New York State Law, punishable by a substantial fine and a possible jail sentence. I understand that the vendor is a trustee for, and on account of, New York State and any locality with respect to any state or local sales or use tax the vendor is required to collect from me; that the vendor is required to collect such taxes from me unless I properly furnish this certificate to the vendor; and that the vendor must retain this certificate and make it available to the Tax Department upon request. I also understand that the Tax Department is authorized to investigate the validity of tax exemptions claimed and the accuracy of any information entered on this document.

Governmental entity (federal, state, or local)		Agency, department, or division	
Employee name (print or type)	Employee title	Employee signature	Date prepared

## Instructions

### Who may use this certificate

If you are an employee of an entity of New York State or the United States government and you are on official New York State or federal government business and staying in a hotel or motel, you may use this form to certify the exemption from paying state-administered New York State and local sales taxes (including the \$1.50 hotel unit fee in New York City). This **does not** include locally imposed and administered hotel occupancy taxes, also known as *local bed taxes*.

New York State governmental entities include any of its agencies, instrumentalities, public corporations, or political subdivisions.

Agencies and instrumentalities include any authority, commission, or independent board created by an act of the New York State Legislature for a public purpose. Examples include:

- New York State Department of Taxation and Finance
- New York State Department of Education

Public corporations include municipal, district, or public benefit corporations chartered by the New York State Legislature for a public purpose or in accordance with an agreement or compact with another state. Examples include:

- Empire State Development Corporation
- New York State Canal Corporation
- Industrial Development Agencies and Authorities

Political subdivisions include counties, cities, towns, villages, and school districts.

The United States of America and its agencies and instrumentalities are also exempt from paying New York State sales tax. Examples include:

- United States Department of State
- Internal Revenue Service

Other states of the United States and their agencies and political subdivisions **do not** qualify for sales tax exemption. Examples include:

- the city of Boston
- the state of Vermont

### To the government representative or employee renting the room

Complete all information requested on the form. Give the completed Form ST-129 to the operator of the hotel or motel upon check in or when you are checking out. You must also provide the operator with proper identification. Sign and date the exemption certificate. You may pay your bill with cash, with a personal check or personal credit card, with a government voucher, or with a government credit card.

**Note:** If, while on official business, you stay at more than one location, you must complete an exemption certificate for each location. If you are in a group traveling on official business, each person must complete a separate exemption certificate and give it to the hotel or motel operator.

### To the hotel or motel operator

Keep the completed Form ST-129 as evidence of exempt occupancy by New York State and federal government employees who are on official business and staying at your place of business. The certificate should be presented to you when the occupant checks in or upon checkout. The certificate must be presented no later than 90 days after the last day of the first period of occupancy. If you accept this certificate after 90 days, you have the burden of proving the occupancy was exempt. You must keep this certificate for at least three years after the later of:

- the due date of the last sales tax return to which this exemption certificate applies; or
- the date when you filed the return

This exemption certificate is valid if the government employee is paying with:

- cash
- personal check or credit/debit card
- government voucher
- government credit card

Do not accept this certificate unless the employee presenting it shows appropriate and satisfactory identification.

**Substantial penalties will result from misuse of this certificate.**



TO: Rachael Tabelski, City Manager  
FROM: Lisa Neary, Deputy Director of Finance  
DATE: February 15, 2023  
RE: Parking Permits and Employee Accrued Liability Reserve

In preparation of the City's fiscal year end, there are certain resolutions that require Council action.

- Annually the City transfers dumpster permit revenue and parking permit revenue received throughout the fiscal year into the parking lot reserve to assist with future replacement and improvements to the City's parking lots.
- Annually, Employee Benefit Accrued Liability Reserve is used to cover moneys paid out throughout the year to employees who retired or terminated their employment with the City. In the fiscal year ending March 31, 2023, the City had three (3) General Fund employees who have retired/resigned.

Attached please find resolutions supporting these actions to be presented to City Council at the February 27, 2023 conference meeting. Please let me know if you have any questions.

#-2023

**A RESOLUTION TRANSFERRING \$8,100 TO THE PARKING LOT CAPITAL  
RESERVE FUND**

**Motion of Councilmember**

**WHEREAS**, pursuant to General Municipal Law 6-c the City of Batavia has an established Parking Lot Reserve Fund; and

**WHEREAS**, the City of Batavia, through December 31, 2022, received parking and dumpster permit revenue in the amount of \$8,100 and is desirous of transferring said \$8,100 to the Parking Lot Capital Reserve Fund to assist with future replacement and improvements of City parking lots.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia does hereby authorize the transfer \$8,100 of parking and dumpster permit revenue to the Parking Lot Capital Reserve Fund.

**Seconded by Councilmember  
and on roll call**

DRAFT

#-2023

**A RESOLUTION TRANSFERRING \$73,316.31 FROM THE EMPLOYEE BENEFIT ACCRUED LIABILITY RESERVE AND TO AMEND THE BUDGET**

**Motion of Councilmember**

**WHEREAS**, pursuant to General Municipal Law 6-p, the City of Batavia has an established Employee Benefit Accrued Liability Reserve fund for payment of accrued benefits due to employees upon termination of the employees' service; and

**WHEREAS**, the City of Batavia for the fiscal year ending March 31, 2023 has approximately \$206,321 of Employee Benefit Accrued Liability Reserve; and

**WHEREAS**, the City of Batavia for the fiscal year ending March 31, 2023 will have had three employees retire/terminate from General Fund employment with payable accrued employee benefits totaling approximately \$73,316.31.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia that the City Manager is hereby authorized to use approximately \$73,316.31 of Employee Benefit Accrued Liability Reserve and to make the following budget transfers:

Effective March 31, 2023, the following transfers are hereby approved:

Increasing expenditure accounts:

Fire Department	A.05.3410.3410 100	\$ 59,985.23
Fire Department	A.05.3410.3410 105	\$ 1,858.43
Bureau of Maintenance	A.03.5010.5110 100	\$ 11,472.65

Increasing revenue account:

Appropriated Employee Benefit Accrued Liability Reserve	A.00.0000.0000 0511.2109	\$ 73,316.31
--	--------------------------	--------------

**Seconded by Councilmember  
and on roll call**



# City of Batavia

## *Memorandum*

To: Rachael Tabelski, City Manager

From: Lisa Neary, Deputy Director of Finance

Date: February 15, 2023

Subject: Capital Asset Policy and Lease Policy

As recommended by Drescher & Malecki, the City's financial auditors, in their September 26, 2022 internal control letter to City Council, I have created both a Capital Asset Policy and a Lease Policy for adoption by City Council prior to the end of our current fiscal year.

The Capital Asset Policy outlines the capitalization thresholds, useful lives and depreciation methods for the City's Assets and describes procedures taken by the Finance Bureau when assets are purchased or when they are to be removed from the master capital asset listing. This policy outlines the processes which we undertake every year when we account for the City's fixed assets.

The Lease Policy was recommended by Drescher & Malecki due to the implementation of Governmental Accounting Standards Board (GASB) Statement No. 87, *Leases*. This policy will help provide the accounting firm with direction as to how and when leases are to be recorded and reported in the notes to the audited financial statements.

Both policies have been reviewed by our financial audit firm, Drescher & Malecki, and have been approved with regards to meeting their recommendation.

Attached please find a resolution for council to adopt both policies followed by the policies themselves. Please let me know if you need any further information.

#-2023

**RESOLUTION AUTHORIZING THE ADOPTION OF A CAPITAL ASSET POLICY  
AND A LEASE POLICY FOR THE CITY OF BATAVIA, NEW YORK**

**Motion of Councilperson**

**WHEREAS**, during the City of Batavia's financial audit for the year ending 3/31/22, the City's audit firm, Drescher & Malecki, identified certain operating matters and future reporting requirements for the City's consideration to be acted upon prior to the end of the current fiscal year ending 3/31/23; and

**WHEREAS**, the City does not have a formalized capital asset policy outlining thresholds, useful lives and depreciation methods, therefore it was recommended by Drescher & Malecki that the City formalize a capital asset policy to ensure treatment of the City's assets is consistent; and

**WHEREAS**, the Governmental Accounting Standards Board (GASB) Statement No. 87 "Leases" is required to be implemented for the fiscal year ending March 31, 2022, therefore it was recommended that the City implement a formal lease policy based on GASB Statement No. 87 guidelines to ensure a standard set of guidelines are followed for reporting leases.

**NOW THEREFORE, BE IT RESOLVED**, that the Batavia City Council of the City of Batavia, New York hereby authorizes the adoption of the attached Capital Asset Policy and the attached Lease Policy effective immediately; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the adoption of the attached Fund Balance Policy is consistent with the City's Strategic Plan in achieving Key Intended Outcome's identified under the Financial Health strategic priority.

**Seconded by Councilperson**

**and on roll call**

## City of Batavia Capital Asset Policy

### I. Purpose

The City of Batavia recognizes the material investments it has made in its physical assets such as streets, buildings, parks and recreational facilities, sewer facilities, water facilities, vehicles, equipment and infrastructure; and the necessity to ensure adequate steps are taken to protect from loss or misuse of these assets. This policy sets general procedures and overall requirements for protecting the City's capital assets by establishing the minimum value, useful life and depreciation method of assets to be tracked for departmental inventory control and for financial reporting purposes. This policy will also describe the procedure the Finance Bureau takes when adding and/or deleting assets from the master capital asset listing.

### II. Definitions

Capital assets primarily include land, construction in progress, buildings and building improvements, machinery, equipment, vehicles, and infrastructure that are used in operations and have initial useful lives extending beyond a single reporting period.

Infrastructure assets are long-lived capital assets that normally are stationary in nature and can be preserved for a significantly greater number of years than most capital assets. Examples of infrastructure assets include roads, bridges, tunnels, drainage systems, water and sewer systems and lighting systems.

### III. Guidelines

Overview. Capital assets are reported in the applicable governmental activities or business-type activities in the government-wide financial statements and are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at acquisition value. The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend assets lives are not capitalized.

Capitalization Classifications, Thresholds and Lives. The City uses five fixed assets classifications for reporting purposes which include: land, construction in progress, buildings and improvements, infrastructure and equipment. The capitalization threshold is the cost established by the Director of Finance that must be met or exceeded if the asset is to be recorded and depreciated as a capital asset. Land and construction in progress are not depreciation. As of the date of this policy, the other capital assets of the City are depreciated using the straight-line method over the estimated useful lives presented as follows:

<b>Assets</b>	<b>Years</b>	<b>Capitalization Threshold</b>
Infrastructure	25 – 50	\$200,000
Buildings	25 – 50	\$50,000
Building Improvements	10 – 50	\$50,000
Furniture and equipment	3 – 20	\$5,000
Vehicles	3 – 5	\$20,000

Identification and additions. Assets are identified at the time of purchase. Where the threshold defined above is met, these particular items are charged to the equipment (0200) line of the department acquiring the asset. At year end, Finance will review the purchases to ensure they meet the definition of a capital asset and record it as such in the City's fixed asset software. A review of other expense lines is performed by Finance to ensure assets did not get charged to an incorrect account.

Construction in progress. Once a construction in progress/capital project has been completed, all invoices have been processed and the capital project committee has deemed the project to be complete; a resolution to close capital projects will be created and presented to council. This will be done twice a year, effective September 30 or March 31. After approval by City Council, any necessary transfers to close the project will be made and the project will be recorded as a capital asset in the City's fixed asset software.

Donations. Donations are defined as voluntary contributions of resources to a governmental entity by a non-governmental entity. Where a donation meets the definition of a capital asset and where its value at the time of donation meets the capitalization threshold, the asset will be treated as a capital asset addition in accordance with this policy.

Inventories and disposals. To maintain accuracy and completeness of capital assets, a physical inventory is conducted by each department on an annual basis. A fixed asset report is created by the Finance Bureau for each department. Department heads, supervisors or managers are asked to review the listing and physically locate the assets listed. If an asset listed has been disposed of, it is noted on the list and documentation of



the disposal is forwarded to Finance along with the completed inventoried list. Finance uses this list to update the fixed assets records will match surplus/disposal forms and resolutions to the list.

Depreciation. Capital assets shall be depreciated over their estimated useful lives in accordance with this policy using the straight-line method. The straight-line depreciation method is the asset cost divided by the asset’s useful life. The City’s financial system uses half year convention (recording ½ year of depreciation) depending on the purchase date of the asset.

Leased equipment or assets. Equipment shall be capitalized if the lease agreement transfers ownership of the property to the lessee by the end of the lease term.

Disposition of Capital assets. When an asset is sold, a gain or a loss shall be recognized when cash is exchanged the amount paid does not equal the net book value of the asset or when cash is not exchanged and the asset is fully depreciation but has a residual value.

Declaration of Surplus. Surplus of property is addressed in the City’s Purchasing Manual, Chapter XX. In summary, no items owned by the City of Batavia may be destroyed or disposed of without prior approval by either the City Manager (if valued less than \$1,000) or via resolution and approval by City Council (if valued at \$1,000 or greater). As stated in both the City’s Purchasing Manual and the Personnel Policies Manual, Section 8, Article 1.C.5 “In order to avoid any potential conflicts of interest or to avoid even the appearance of impropriety, no paid municipal employee or City Council member and/or no business corporation or entity of any nature in which these individuals have an interest, shall be permitted to contract with the City of Batavia to purchase any real or personal property offered for sale by the City of Batavia. Any bid received by the City of Batavia in contravention of this mandate shall be rejected and declared null and void”.

**IV. Reference(s)**

- Office of the New York State Comptroller, Local Government Management Guide, Capital Assets
- City of Batavia Purchasing Manual
- City of Batavia Audited Financial Statements for the year ended 3/31/22

Original Author: Lisa Neary, Deputy Director of Finance

<b>Date Revised/ Adopted</b>	2/9/23								
<b>Revised by</b>	L Neary								

## City of Batavia Lease Policy

### I. Purpose

The purpose of this policy is to provide guidelines and procedures and to establish the City of Batavia's policy for leases in accordance with Governmental Accounting Standards Board (GASB) Statement No. 87 (whether the City is the lessee or lessor); and to provide all pertinent information and aid in decision-making in accounting for and reporting of leases in accordance with all applicable governmental accounting standards.

#### Qualifying leases:

For the purpose of this policy, the following assets are examples of qualifying leases:

- a) Office Space/Buildings/Facilities
- b) Land/Easements
- c) Equipment/Machinery
- d) Vehicles

#### Excluded leases:

For the purpose of this policy, the following are examples of non-qualifying leases:

- a) Short-term leases – less than 12 months.
- b) Leases of intangible assets, including rights to explore for or to exploit natural resources such as oil, gas, and minerals and similar nonregenerative resources; licensing contracts for items such as motion picture films, video recordings, plays manuscripts, patents, and copyrights; and licensing contracts for computer software. In sublease transactions, however, this statement does apply to the intangible right-to-use assets that are created by the original leases of tangible underlying assets.
- c) Leases of biological assets, including timber, living plants, and living animals.
- d) Leases of inventory.
- e) Contracts that meet the definition of a service concession arrangement in Paragraph 4 of GASB Statement No. 60, Accounting and Financial Reporting for Service Concession Arrangements.
- f) Leases in which the underlying asset is financed with outstanding conduit debt, unless both the underlying asset and the conduit debt are reported by the lessor.
- g) Supply contracts, such as power purchase agreements.

Threshold Amount: The City of Batavia is utilizing a lease dollar value threshold of \$100,000 for compliance with GASB Statement No. 87. This amount is calculated using the present value of all future lease payments including all optional extensions.

## **II. Definitions**

Lease – A lease is a contract that conveys control of the right to use another entity’s nonfinancial asset (i.e., land, building, equipment, etc.) for a given term for consideration.

Lessee – The entity paying for the use of specific property from a lessor and therefore the lessee is required to recognize a lease asset (an intangible asset) when accounting for the lease.

Lessor - an entity providing the right to use an asset for a period of time in exchange for consideration.

Term – The term is the period during which the lessee has a noncancelable right to use the asset **plus** extensions that the lessee or lessor (without needing the approval of the other) is reasonably certain to exercise **minus** options to terminate early, if it is reasonably certain that both will exercise that right, including any notice periods. A fiscal funding clause should affect the lease term only when it is reasonably certain that the clause will be exercised.

## **III. Guidelines**

Overview. GASB Statement No. 87 increases the usefulness of governments’ financial statements by requiring recognition of certain lease assets and liabilities for leases that previously were classified as operating leases and recognized as inflows of resources or outflows of resources based on the payment provision of the contract. It establishes a single model for lease accounting based on the foundational principle that leases are financings of the right to use an underlying asset. Under this statement, a lessee is required to recognize a lease liability and an intangible right-to-use lease asset, and a lessor is required to recognize a lease receivable and a deferred inflow of resources, thereby enhancing the relevance and consistency of information about governments’ leasing activities.

If the City is the “Lessee”.

- a) Recognition of a lease liability and an intangible asset representing the lessee’s right to use the leased asset is required at the commencement of the lease.

- b) The lease liability is measured as the present value of all payments expected to be made during the lease term (including any expected renewals).
- c) Variable payments based on future performance of the lessee or usage of the underlying asset should be expensed as incurred, and not included in the measure of the lease liability.
- d) The lease asset (an intangible asset) should equal the amount of the initial lease liability, plus any payments made to the lessor at or before the commencement of the lease term; amortized over the shorter of the lease term and the asset's useful life.
- e) The lease liability is reduced over time as lease payments are made with a portion of the payments comprised of a current interest expense and the remainder is a reduction of the liability.
- f) The lease liability and payments will be accounted for in the Debt Service Fund.
- g) The lessee's financial statement footnote disclosures will include the following:
  - A general description of leasing arrangements including (1) the basis, terms and conditions on which variable payments not included in the measurement of the lease liability are determined; and (2) the existence, terms and conditions of the residual value guarantees provided by the lessee not included in the measurement of the lease liability.
  - The total amount of the lease assets recognized.
  - Related accumulated amortization, disclosed separately from other capital assets.
  - Amount of lease assets by major classes of underlying assets, disclosed separately from other capital assets.
  - The amount of outflows of resources recognized in the reporting period for variable payments not previously included in the measurement of the lease liability.
  - The amount of outflows of resources recognized in the reporting period for other payments, such as residual value guarantees or termination penalties, not previously included in the measurement of the lease liability.
  - Principal and interest requirements to maturity, for the lease liability for each of the five (5) subsequent fiscal years, and in five-year increments thereafter.
  - Commitments under leases before the commencement of the lease term.
  - Impairment losses and any significant related changes in the lease liability.

If the City is the "Lessor".

- a) A lease receivable is measured at the present value of lease payments anticipated to be received during the lease term.
- b) The City will recognize a deferred inflow of resources at the initial value of the lease receivable, plus the amount of any payments received at or before the commencement of the lease term that relate to future periods (i.e., the final month's rent).

- c) The City should recognize interest revenue on the lease receivable and an inflow of resources from the deferred inflows of resources.
- d) The lessor's financial statement footnote disclosures will include the following:
- A general description of the leasing arrangements
  - The total amount of revenue recognized from the leases.
  - A description of variable payments and other payments not included in the measurement of the lease receivable. This includes revenue related to residual value guarantees and lease termination penalties.
  - If the lease payments serve as security for debt issued by the lessor government, the existence, terms, and conditions of options for the lessee to terminate the lease or abate lease payments.
  - If material, the lessor government should disclose a schedule of future payments that are included in the lease receivable, showing principal and interest requirements to maturity, for each of the five subsequent fiscal years, and in five-year increments thereafter.

#### **IV. Other Significant Provisions**

Short-Term Leases. In the event the City is the lessee, payments are recognized as expenditures or expenses based on the provisions of the lease contract. These expenditures should be charged to the functional unit the short-term lease is related to. In the event the City is the lessor, payments are recognized as revenues when they are received, based on the provisions of the lease contract. Payments received early are recorded as a liability (688 other liabilities). If payments are due but will be received in a subsequent reporting period, the lessor should report an asset.

Contracts that Transfer Ownership. If a contract transfers ownership of the underlying asset to the lessee at the end of the term and does not contain termination options, it should be accounted for in accordance with New York State Office of the State Comptroller Division of Local Government and School Accountability, December 2015 Bulletin on Installment Purchase Contracts.

If a lease involves multiple underlying assets, lessees and lessors should account for each underlying asset as a separate lease contract.

Leases should be recognized and measured using the facts and circumstances that exist at the beginning of the period of implementation.

Departments' Responsibilities. The Bureau of Finance must be notified immediately by a contracting department when any lease is entered into or modified, whether the City is the lessor or the lessee. The department shall provide the Bureau of Finance with a copy of the lease and the council resolution authorizing the lease as approved.

Additional Disclosures. The City, whether the lessor or the lessee, should provide additional relevant financial disclosures for the following transactions, if applicable:

- Related party leases
- Leases of assets that are investments
- Certain regulated leases
- Sublease transactions
- Sale-leaseback transactions
- Lease-leaseback transactions

**V. Reference(s)**

- Governmental Accounting Standards Board (GASB) Statement No. 87
- Office of the New York State Comptroller, December 2022 Bulletin – Accounting and Financial Reporting for Leases as Required by GASB Statement No. 87
- American Institute of Certified Public Accountants Web Event “GASB 87:Leases”
- Governmental Accounting Standards Board (GASB) Statement No. 60

Original Author: Lisa Neary, Deputy Director of Finance

<b>Date Revised/ Adopted</b>	2/10/23							
<b>Revised by</b>	L Neary							



TO: Rachael Tabelski, City Manager  
FROM: Lisa Neary, Deputy Director of Finance  
DATE: February 15, 2023  
RE: Resolution #98-2022 transposition error

The above referenced resolution requesting use of Administration Reserves to purchase the Pitney Bowes folding and envelope stuffing machine contained a transposition error. Although the memo stated we were in need of \$6,841.58 of reserves, the resolution requested the use of \$6,481.58; therefore a resolution requesting the difference is necessary in order to stay compliant with New York State Municipal Law regarding the use of reserves.

Attached please find the resolution bringing to light the error and requesting an additional \$360.00 of Administration Reserves to cover the purchase of the machine.

#-2023

**A RESOLUTION TO USE ADDITIONAL ADMINISTRATIVE RESERVES FOR THE  
PITNEY BOWES FOLDING MACHINE AND AMEND THE 22/23 BUDGET**

**Motion of Councilmember**

**WHEREAS**, pursuant to General Municipal Law 6-c and per City of Batavia resolution #11-2015, the City of Batavia has an established Administrative Reserve; and

**WHEREAS**, the Administrative Reserve has a current balance of approximately \$480,368;  
and

**WHEREAS**, the City previously received approval via resolution #98-2022 to purchase a document folding and envelope stuffing machine using Administration Reserves; and

**WHEREAS**, Resolution #98-2022 contained a transposition error requesting \$6,481.58 of reserves and budget amendment instead of the required \$6,841.58.

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Batavia that the City Manager be and hereby is authorized to use an additional \$360.00 of Administrative reserves for the Pitney Bowes folding and envelope stuffing machine, and make the following budget amendment to the 2022/2023 budget, effective March 13, 2023:

Increase revenue accounts:

A.00.0000.0000 0511-2112	Appropriated Administrative Reserves	\$360.00
--------------------------	--------------------------------------	----------

Increase expenditure accounts:

A.01.1310 200-2112	Finance Bureau Equipment (Reserves)	\$360.00
--------------------	-------------------------------------	----------

**Seconded by Councilmember  
and on roll call**





# City of Batavia

## *Memorandum*

To: Rachael Tabelski, City Manager

From: Shawn Heubusch, Police Chief

Date: February 17, 2023

Subject: Surplus of property for disposal

Per the City of Batavia Purchasing Manual property valued over \$1000 must be declared surplus by resolution of City Council prior to being disposed of.

The attached draft resolution calls for the surplus of 31 tasers and miscellaneous equipment and 2 police vehicles by the Police Department with the intent on auctioning/ selling the equipment.

I request the proceeds from the sales to be placed into the Police Equipment Reserve Fund for future equipment purchases.

Please advise if you should have any questions or concerns regarding this MEMO.

Thank you.

**Police Department  
10 Main Street  
Batavia, New York 14020**



**Phone: 585-345-6350  
Fax: 585-344-1878  
Records: 585-345-6303  
Detective Bureau: 585-345-6370  
[www.batavianewyork.com](http://www.batavianewyork.com)**

#-2023

**RESOLUTION TO DECLARE POLICE DEPARTMENT EQUIPMENT SURPLUS FOR  
THE PURPOSE OF DISPOSAL**

**Motion of Councilperson**

**WHEREAS**, The Police Department has declared the equipment listed below surplus;  
and

**WHEREAS**, the City of Batavia requires a surplus declaration of property to be made prior  
to disposal or sale of equipment; and

**WHEREAS**, the Police Department desires to use the proceeds from selling the equipment  
listed below in order to offset the purchase of future equipment needs by placing the proceeds into  
the Police Equipment Reserve account.

**NOW THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia that the  
City Manager be and hereby is authorized to declare the following as surplus for the purpose of  
disposal:

Taser X26P    Serial number X13002TF3  
Taser X26P    Serial number X13001R9C  
Taser X26P    Serial number X13001R3W  
Taser X26P    Serial number X13007E2A  
Taser X26P    Serial number X1300470C  
Taser X26P    Serial number X130043RE  
Taser X26P    Serial number X1300470Y  
Taser X26P    Serial number X130043YD  
Taser X26P    Serial number X13002T4M  
Taser X26P    Serial number X130043R0  
Taser X26P    Serial number X13004685  
Taser X26P    Serial number X130043Y7  
Taser X26P    Serial number X13002T4F  
Taser X26P    Serial number X13004706  
Taser X26P    Serial number X130046YN  
Taser X26P    Serial number X130043R1  
Taser X26P    Serial number X130043V3

Taser X26P Serial number X13004714

Taser X26P Serial number X13002T3N

Taser X26P Serial number X13004680

Taser X26P Serial number X1300470X

Taser X26P Serial number X130043R3

Taser X26P Serial number X13004708

Taser X26P Serial number X130043Y6

Taser X26P Serial number X130043R6

Taser X26P Serial number X130043Y8

Assorted cartridges and accessories

2017 Ford Police Interceptor Utility VIN - 1FM5K8ARXHGD07105

2013 Ford Police Interceptor Utility VIN - 1FM5K8AR0DGC73203

**NOW, THEREFORE, BE IT RESOLVED,** that the City Council of the City of Batavia does hereby authorize the transfer of the proceeds from the sale of said equipment to the Police Equipment Reserve Fund.

**Seconded by Councilperson  
and on roll call**



# City of Batavia

## *Memorandum*

To: Rachael Tabelski, City Manager

From: Lisa Neary, Deputy Director of Finance

Date: February 17, 2023

Subject: Closing capital projects for year end

In an effort to keep our capital project fund up-to-date and current, it is necessary to close out certain capital projects that are completed at this time. Those capital projects are listed as follows:

Police Station Roof #210005  
Walnut Street Paving Project #220002  
Water Fund Lead Services Project #201188  
City Centre Roof II Project #210002

With regards to the Police Station Roof, \$125,000 of Facility Reserves was utilized, however a balance of approximately \$9,550.44 is left unspent from the project and will be transferred back to Facilities Reserves.

Attached please find a resolution in support of these actions.

#XX - 2023

**A RESOLUTION TO CLOSE OUT CAPITAL PROJECTS**

**Motion of Councilmember**

**WHEREAS**, The City of Batavia should periodically close capital projects which are completed; and

**WHEREAS**, projects completed at this time that require official closing are listed as follows:

#210005	Police Station Roof
#220002	Walnut Street Paving Project
#201188	Water Fund Lead Services Project
#210002	City Centre Roof II Project

**WHEREAS**, in order to close the Police Station Roof project, approximately \$9,550.44 of unspent reserves will need to be transferred back to the Facility Reserves; and

**WHEREAS**, the City Council authorizes the City Manager to make the recommended transfer and close out the specified capital projects effective March 31, 2023.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia that the above referenced transfer and capital projects be closed effective March 31, 2023.

**Seconded by Councilmember  
and on roll call**



# City of Batavia

## *Memorandum*

To: Rachael Tabelski, City Manager

From: Brett Frank, Director of Public Works

Date: February 16, 2023

Subject: Selection of Design Professional for Bank and Alva Street Project

The City of Batavia was awarded Federal Highway funding through the New York State Department of Transportation (NYSDOT) for the Bank and Alva Street Traffic Calming and Streetscape Enhancements under the Transportation Alternatives Program (TAP). This project will enhance the safety on Bank and Alva Street in the City of Batavia by including bump outs and curb extensions, bike lanes, restriping of lanes and on-street parking, new ADA compliant sidewalks, and decorative crosswalks.

The solicitation for design professionals was issued on November 8, 2022 to a pre-approved NYSDOT list of design with proposals due on Friday, December 9, 2022. A team of City employees including the Director of Public Works, Superintendent of Water/Wastewater, Assistant City Manager and City Manager reviewed and scored the proposals. Based on scoring results, it is recommended that TY Lin be selected as the design firm of this project.

Supporting Documentation:  
Draft Resolution

**XX#-2023**  
**A RESOLUTION AUTHORIZING AGREEMENT WITH**  
**TY LIN INTERNATIONAL FOR ENGINEERING SERVICES FOR THE BANK AND**  
**ALVA STREET TRAFFIC CALMING AND STREETScape ENHANCEMENTS**  
**(BANK AND ALVA TAP)**

**Motion of Councilmember**

**WHEREAS**, a project to improve non-driver safety and access to public transportation and enhanced mobility along Bank Street, City of Batavia, Genesee County, PIN 4761.31 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

**WHEREAS**, the City of Batavia desires to advance the project that has been previously approved as part of the New York State Transportation Alternatives Program (TAP)

**WHEREAS**, a request for proposals was issued, and a committee of City and NYSDOT personnel selected TY LIN International to perform the work out of five proposals that were received;

**NOW THEREFORE**, be it resolved that City Council approves the award of a contract for Engineering services for PIN 4761.31 City of Batavia Bank and Alva Street to TY LIN International for \$372,870.00 or as otherwise modified by New York State Department of Transportation.

**Seconded by Councilmember**  
**and on roll call**



# City of Batavia

## *Memorandum*

To: Rachael Tabelski, City Manager

From: Brett Frank, Director of Public Works

Date: February 16, 2023

Subject: Agreement with NYSDOT for Bank and Alva Street Streetscape Enhancements

The City of Batavia was awarded Federal Highway funding through the Genesee Transportation Council for the Bank and Alva Street Traffic Calming and Streetscape Enhancements project under the Transportation Alternatives Program. The total estimated project cost is \$1,181,168 with a 20% local share. It is expected for the City to utilize CHIPs to cover the 20% local share.

The proposed schedule for this project is to engage a design professional in the spring of 2023, and to have preliminary design completed by spring of 2024 allowing for design approval. Advanced design would be completed in 2024 allowing for bids to be advertised in winter of 2024 and constructions during the spring of 2025.

Entering into the agreement with NYSDOT allows for the release of the funding and for the project process to begin. This also is a commitment from the City to complete the project within the timeframe and budget constraints identified in the Initial Project Proposal (IPP).

This institution is an equal opportunity provider and employer. If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at [http://www.aser.usda.gov/complaint\\_filing\\_cust.html](http://www.aser.usda.gov/complaint_filing_cust.html), or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at [program.intake@usda.gov](mailto:program.intake@usda.gov)

**Department of Public Works  
One Batavia City Centre  
Batavia, New York 14020**

**Phone: 585-345-6325  
Fax: 585-345-1385  
[www.batavianewyork.com](http://www.batavianewyork.com)**



#XX-2023

**A RESOLUTION AUTHORIZING AGREEMENT WITH NEW YORK STATE DEPARTMENT OF  
TRANSPORTATION FOR MASTER FEDERAL AID/MARCHISELLI AID PROJECT AGREEMENT  
BANK AND ALVA STREET STREETScape ENHANCEMENTS**

**Motion of Councilmember**

**WHEREAS**, a project for the Bank and Alva Street Streetscape Enhancements, City of Batavia, Genesee County, P.I.N. 4761.31 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

**WHEREAS**, the City of Batavia desires to advance the Project by making a commitment of 100% of the non-Federal share of the cost for PE/Design, R.O.W. Incidentals and Construction/CI/CS.

**NOW THEREFORE**, the City Council, duly convened does hereby resolve that the above-referenced Project is approved; and

**IT IS FURTHER RESOLVED**, that the City Council hereby authorizes the payment in the first instance 100% of the Federal and non-Federal share for the cost of PE/Design, R.O.W. Incidentals, and Construction/CI/CS for the Project or portions thereof; and

**IT IS FURTHER RESOLVED**, that the sum of \$1,181,168 is hereby appropriated and made available to cover the cost of participation in the above phase of the Project; and

**IT IS FURTHER RESOLVED**, that in the event the full Federal and non-Federal share of the Project costs exceeds the amount appropriated above, the City Council shall convene as soon as possible to appropriate said excess amount immediately upon notification by the New York State Department of Transportation thereof; and

**IT IS FURTHER RESOLVED**, that the Council President be and is hereby authorized to execute all necessary agreements, and the Director of Public Works is authorized to execute certifications or reimbursement requests for Federal aid and/or Marchiselli aid on behalf of the City Council with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of Federal aid and State aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and

**IT IS FURTHER RESOLVED**, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and

**IT IS FURTHER RESOLVED**, that this resolution shall take effect immediately.

**Seconded by Councilmember  
and on roll call**



# City of Batavia

## *Memorandum*

To: Rachael Tabelski, City Manager

From: Brett Frank, Director of Public Works

Date: February 16, 2023

Subject: NYSDOT Shared Services Agreement

The City of Batavia and New York State Department of Transportation would like to extend the required shared services agreement, which allows the state and City of Batavia to share services, exchange or lend materials or equipment which shall promote and assist the maintenance of State and Municipal roads and highways while also providing a cost savings by maximizing the effective utilization of both parties' resources. The new agreement is equivalent to the present one, with the exception that the minimum dollar amount has increased from \$10,000.00 to \$25,000.00.

Supporting Documentation:  
Draft Resolution

**#XX-2023**

**A RESOLUTION TO ENTER INTO A SHARED SERVICES AGREEMENT BETWEEN  
NEW YORK STATE DEPARTMENT OF TRANSPORTATION AND CITY OF  
BATAVIA**

**Motion of Councilperson**

**WHEREAS**, Pursuant to Section 99-r of the General Municipal Law, the State of New York and City of Batavia wish to share services, exchange or lend materials or equipment which shall promote and assist the maintenance of State and Municipal roads and highways; and

**WHEREAS**, these shared services will provide a cost savings by maximizing the effective utilization of both parties' resources; and

**WHEREAS**, the Provider's employees shall remain under the full supervision and control of the Provider; and

**WHEREAS**, if the borrowed machinery or equipment is damaged or otherwise needs repair arising out of or in connection with the Recipients use, the Recipient shall be responsible for such repairs; and

**WHEREAS**, the City agrees to defend and indemnify the State for any and all claims arising out of the Municipality's acts or omissions under this Agreement; and

**WHEREAS**, the State of New York shall hold the City of Batavia harmless from and indemnify it for any final judgement attributable to the negligence of the State or their officers or employees when acting in the course and scope of their employment; and

**WHEREAS**, the term of this Agreement shall be for four years, not to exceed \$25,000 for any given shared service event.

**NOW, THEREFORE BE IT RESOLVED**, that the Council President be and is hereby authorized to execute the necessary agreement on behalf of City Council with New York State Department of Transportation in connection with the Shared Services Agreement; and

**Seconded by Councilperson and on roll call**



# City of Batavia

## *Memorandum*

To: Rachael Tabelski, City Manager  
From: Shawn Heubusch, Police Chief  
Date: January 19, 2023  
Subject: 2022-23 Discovery Reform Grant Funding

On January 13, 2023 the Police Department was awarded \$16,000.00 from Genesee County as a sub-recipient of a NYS Division of Criminal Justice Services Discovery Reform Grant as submitted by the Genesee County District Attorney's Office for expenses related to the implementation of state-wide discovery reforms.

The monies received are intended to be used to off-set costs already incurred related to the expedited discovery process. Specifically, the Police Department submitted to be reimbursed for hourly wages for a part-time clerk that is dedicated to discovery related material to meet the Department's obligation.

Feel free to call with any questions you may have. Thank you.

Attachments: County Award documents  
Letter from District Attorney  
Cc: Lisa Neary, Deputy Director of Finance

**Police Department  
10 Main Street  
Batavia, New York 14020**



**Phone: 585-345-6350  
Fax: 585-344-1878  
Records: 585-345-6303  
Detective Bureau: 585-345-6370  
[www.batavianewyork.com](http://www.batavianewyork.com)**

#-2023

**A RESOLUTION TO ACCEPT A NYS DEPARTMENT OF CRIMINAL JUSTICE SERVICES  
DISCOVERY REFORM GRANT IN THE AMOUNT OF \$16,000 TO RECOVER EXPENSES  
ASSOCIATED WITH DISCOVERY REFORM MANDATES INCURRED BY THE POLICE  
DEPARTMENT**

**Motion of Councilperson**

**WHEREAS**, Genesee County was the recipient of a New York State Division of Criminal Justice Services grant intended to recover costs associated with the NYS Discovery Reform Mandates; and

**WHEREAS**, the City of Batavia Police Department received \$16,000 as a sub-recipient of said grant for expenses already incurred directly related to the NYS Discover Reform Mandates; and

**WHEREAS**, to properly account for the receipt of funds the City must formally accept the grant, and;

**NOW THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia that the City Manager be and hereby is authorized to accept the grant to recover costs already incurred by the Police Department associated with the Discovery Reform Mandates:

Increase revenue accounts

A.00.0000.0000 3389                      \$     16,000.00

**Seconded by Councilperson  
and on roll call**

**OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF GENESEE**

KEVIN T. FINNELL  
District Attorney

JOSEPH J. ROBINSON  
First Assistant District Attorney



Assistant District Attorneys  
ANDREW J. DiPASQUALE  
JENNA L. BAUER  
WILLIAM G. ZICKL  
ROBERT R. ZICKL  
VICTOR MUI

January 19, 2023

Chief Shawn Heubusch  
Batavia Police Department

Dear Chief Heubusch:

This letter acknowledges our receipt of payment in care of the Batavia Police Department in the amount of \$16,000 as a sub-recipient of the Discovery Reform Funding Grant submitted to the NYS Division of Criminal Justice Services.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read "Kevin T. Finnell", is written over the typed name.

KEVIN T. FINNELL  
DISTRICT ATTORNEY

**OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF GENESEE**

KEVIN T. FINNELL  
District Attorney

JOSEPH J. ROBINSON  
First Assistant District Attorney



Assistant District Attorneys  
ANDREW J. DiPASQUALE  
JENNA L. BAUER  
WILLIAM G. ZICKL  
ROBERT R. ZICKL  
VICTOR MUI

Payable to: Batavia Police Department  
10 West Main Street  
Batavia, NY 14020

<b>DATE</b>	<b>TIME ENTRY</b>	<b>AMOUNT</b>
12/28/22	Criminal Justice Discovery Reform Grant Award	\$16,000

**The project has been submitted.**

[Close](#)



**OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF GENESEE**

KEVIN T. FINNELL  
District Attorney  
JOSEPH J. ROBINSON  
First Assistant District Attorney



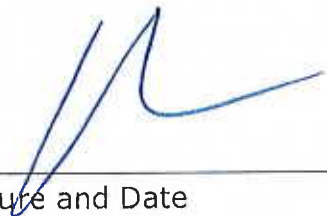
Assistant District Attorneys  
ANDREW J. DiPASQUALE  
JENNA L. BAUER  
WILLIAM G. ZICKL  
ROBERT R. ZICKL

September 22, 2022

District Attorney's Office  
Genesee County

To the NYS Division of Criminal Justice Services:

As District Attorney for County Genesee, I affirm my support for the Discovery Reform Funding Plan submitted to the NYS Division of Criminal Justice Services by the Chief Elected Official and agree that this Plan will support implementation of the discovery and/or bail reform efforts in our county during 2022-23.

  
\_\_\_\_\_  
Signature and Date



## GENESEE COUNTY PROBATION DEPARTMENT

County Building No.1, 15 Main Street  
Batavia, NY 14020-2136  
Email: [probation@co.genesee.ny.us](mailto:probation@co.genesee.ny.us)  
Phone: 585-344-2550 / Fax: 585-343-5839



TIMOTHY J. MICHALAK  
Probation Director

RACHEL A. SANFRATELLO  
JASON R. MINDLER  
Probation Supervisors

September 28, 2022

NYS Division of Criminal Justice Services  
Alfred E. Smith Building  
80 South Swan Street  
Albany, NY 12210

Dear Sir or Madam:

As Probation Director for Genesee County, I affirm my support for the Discovery Reform Funding Plan submitted to the NYS Division of Criminal Justice Services by the Chief Elected Official and agree that this Plan will support implementation of the pre-trial services and supervision in our county during 2021-22.

Sincerely,

Timothy J. Michalak  
Probation Director  
Ext. 2270



## GENESEE COUNTY LEGISLATURE

Old Courthouse  
7 Main Street  
Batavia, NY 14020  
(585) 344-2550 Ext. 2202  
Fax: (585) 345-3078

Rochelle M. Stein, Chair  
Marianne Clattenburg, Vice Chair  
Gregg Torrey, 2<sup>nd</sup> Vice Chair

Lisa K. Casey, Clerk  
Lisa.Casey@co.genesee.ny.us

Dist. 1 Chad Klotzbach  
Dist. 2 Christian Yunker  
Dist. 3 Gordon Dibble  
Dist. 4 Brooks Hawley  
Dist. 5 Rochelle M. Stein  
Dist. 6 Gregg Torrey  
Dist. 7 John Deleo  
Dist. 8 Marianne Clattenburg  
Dist. 9 Gary T. Maha

Date: September 22, 2022

Re: County of Genesee  
Criminal Justice Discovery Reform Grant

To: NYS Division of Criminal Justice Services

I, Rochelle M. Stein, Genesee County Legislature Chair, affirm that the Discovery Reform Funding Plan submitted to the NYS Division of Criminal Justice Services by the County of Genesee has been developed in collaboration with local stakeholders and describes the activities and expenses that will be supported with the grant funds provided by DCJS, and how those activities/expenditures will support implementation of the discovery and/or bail reform efforts in our county during 2022-23.

Rochelle M. Stein  
Chair

9/28/2022  
Date



**ATTACHMENT: 2022-23 DISCOVERY REFORM FUNDING PLAN**

**DISTRICT ATTORNEY: DESCRIBE HOW THIS EXPENDITURE SUPPORTS IMPLEMENTATION OF THE DISCOVERY AND/OR BAIL REFORM EFFORTS:**

Based solely on the Discovery Reform that went into effect on January 1, 2020, late in 2019 the Genesee County Legislature approved the Genesee County District Attorney's request to hire an additional attorney and two paralegals. These three additional employees were hired as a direct result of the increased work load (time spent on each case) that is a direct consequence of Discovery Reform and is still true to this day. The personnel expenses listed on our application are directly related to salary and benefits for that attorney and the two paralegals. The need for this additional attorney was 100% attributable to time spent on Discovery Reform. The paralegals have the sole responsibility for liaising with police agencies county-wide to obtain, track and upload the required discovery materials so that it can be reviewed by our attorneys and disclosed in a timely fashion. Their positions are 100% attributable to Discovery Reform.

The DA's Office IT expenses were incurred by purchasing equipment for our Office and for DEMS cost.

**GENESEE COUNTY SHERIFF'S DEPARTMENT: DESCRIBE HOW THIS EXPENDITURE SUPPORTS IMPLEMENTATION OF THE DISCOVERY AND/OR BAIL REFORM EFFORTS:**

As a direct consequence of the Discovery Reform that went into effect on January 1, 2020, and the workload created due to the requirements placed on the Genesee County Sheriff's Office by the Genesee County District Attorney's Office, the Genesee County Legislature approved the creation of one new, full-time equivalent clerical position at the Sheriff's Office.

A current employee was reassigned to the required task of obtaining, reviewing, tracking, and uploading all required discovery materials, which include case files, digital evidence and 911 center recordings and radio transmissions, to the District Attorney's Office for its review. The previous tasks of the current employee were assigned to the new employee.

The expenses listed on our grant application are directly related to the salary and fringe benefits of the additional position that needed to be created in order to ensure the reassigned employee's sole responsibility to provide the required discovery materials to the District Attorney's Office was completed within the required timeframe set forth. The addition of this new position is 100% attributable to Discovery Reform.

**LEROY POLICE DEPARTMENT: DESCRIBE HOW THIS EXPENDITURE SUPPORTS IMPLEMENTATION OF THE DISCOVERY AND/OR BAIL REFORM EFFORTS:**

As a direct result of Discovery Reform, the role of "DEMS coordinator" between the LPD and the Genesee County District Attorney's Office and the Court was added to the Deputy Clerk's job

responsibilities. Coordinator duties included tracking LPD cases, communication with LPD officers, the DA's office, and the Court, and scanning paper case files to provide electronic case files to the DA's office and the Court.

**BATAVIA POLICE DEPARTMENT: DESCRIBE HOW THIS EXPENDITURE SUPPORTS IMPLEMENTATION OF THE DISCOVERY AND/OR BAIL REFORM EFFORTS:**

Based solely on the Discovery Reform that went into effect on January 1, 2020, and in order to comply with the mandates to provide the Genesee County District Attorney's Office the required paperwork in the prescribed time period, the City of Batavia was required to hire one part-time equivalent clerical employee to assist the full-time equivalent records clerk and subscribe to body worn camera software in order to share body worn camera video with the Genesee County District Attorney's Office to ensure compliance. The part-time equivalent employee was hired as a direct result of the increased work load that is a direct consequence of Discovery Reform. The body worn camera software was purchased as a direct result of having to provide all body worn camera video to the Genesee County District Attorney's Office within the prescribed time periods. The personnel expenses listed on our application are directly related to salary and benefits for the part-time employee. The part-time position is 100% attributable to the Discovery obligations under NYS law and therefore the costs associated are 100% of that positions salary and benefits. The body worn camera software ensures the Genesee County District Attorney's Office receives any digital evidence in the time as prescribed by law. Therefore, all costs submitted are directly related to the increased workload of the Discovery Reform mandate.

## **MOTION TO ENTER EXECUTIVE SESSION**

### **Motion of Councilperson**

**WHEREAS**, Article 7, Section 105(1)(f), of the Public Officer's Law permits the legislative body of a municipality to enter into Executive Session to discuss "...the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation...".

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia, that upon approval of this Motion, the City Council does hereby enter into Executive Session.

**Seconded by Councilperson  
and on roll call**