

Auburn City Council Meeting, January 4, 2024

**Auburn City Council
Regular Meeting
Thursday, January 4, 2024 5:00 P.M.
City Council Chambers
Memorial City Hall
24 South St.
Auburn, NY 13021**

Minutes

The meeting of the Auburn City Council was called to order at 5:00 p.m. from the City Council Chambers, 24 South St. Auburn, NY by Mayor James N. Giannettino, Jr..

ROLL CALL – The City Clerk called the roll. Mayor Giannettino and Councilor Ginny Kent, Councilor Rhoda Overstreet-Wilson, Councilor Terry Cuddy and Councilor Christina Calarco were present.

The following City Staff was present for the meeting:

- City Manager, Jeff Dygert
- City Clerk, Chuck Mason
- Corporation Counsel, Nate Garland
- City Comptroller, MaryBeth Leeson
- Police Chief, Jim Slayton
- Director of Planning and Economic Development, Jennifer Haines
- Director of Capital Improvement Program and Grants, Christina Selvek
- Director of Municipal Utilities, Seth Jensen

Pledge of Allegiance to the Flag – Mayor Giannettino led the Pledge of Allegiance.

Moment of Silent Prayer or Reflection – Mayor Giannettino asked for a moment of silent prayer.

Public Announcements –

The City of Auburn Historic Resources Review Board will not have a meeting in January due to no applications to go before the board.

Ceremonial Presentations –

WHEREAS, Solomon Northup was born a free person in the year 1807 in Schroon, New York, now Minerva, New York, and lived for many years in Saratoga Springs, New York; and

WHEREAS, In 1841 Solomon Northup was recruited by two men to work as a musician in the circus and made a trip to Washington, D.C. to begin his work as a fiddler; and

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WHEREAS, Upon his arrival in Washington, Solomon Northup was sold to slave trader James H. Birch by the name of Platt Hamilton, conveyed to Richmond, Virginia and then delivered by ship to New Orleans, Louisiana, where he was sold by trader Theophilus Freeman to William P. Ford; and

WHEREAS, Solomon Northup would spend the next twelve years in slavery in the Bayou Boeuf plantation region of Central Louisiana's Red River Valley; and

WHEREAS, In 1852 then Governor of New York Washington Hunt utilizing Governor Seward's 1840 statute made Henry B. Northup an agent of the State of New York sending Henry to Louisiana with documentation supporting Solomon Northup's status as a free New Yorker; and

WHEREAS, Upon arrival in Louisiana on January 1, 1853 Henry B. Northup hired John P. Waddill, Esquire in search of Solomon Northup; following months of search and legal battle, Solomon Northup's freedom was once again legally obtained in Marksville, Louisiana on January 4, 1853; and

WHEREAS, Solomon Northup returned to the State of New York on January 22, 1853 where he was reunited with his family and together with local writer and lawyer David Wilson, he penned his memoir "Twelve Years a Slave"; and

WHEREAS, "Twelve Years a Slave" was first published by the Auburn, NY publishing company of Derby & Miller once located at 107 Genesee Street on July 15, 1853, and the book becoming a best-seller with more than 25,000 copies sold in its first year and nearly 30,000 copies published in its first four years.

NOW THEREFORE, I, James N Giannettino, Jr., Mayor of the City of Auburn, New York, on behalf of the City Council and Citizens of Auburn, on the 171st anniversary of the day that Solomon Northup re-obtained his freedom do hereby proclaim January 4, 2024 as,

Solomon Northup Freedom Day

in the City of Auburn, and encourage all Citizens to observe this day by recognizing this unique story and its significant contribution to our status as History's Hometown.

**In witness whereof I have hereunto set my hand
and caused the seal of the City of Auburn to be
affixed this Fourth day of January 2024.**

James N. Giannettino, Jr., Mayor
City of Auburn, New York

Public to be heard: The City Clerk read the rules for Public To Be Heard. Pam Okussik of Chapman Avenue spoke regarding the fact that there was no City Council meeting on December 28, 2023 and she had been told by a staff person that there would be a City Council meeting.

Approval of Meeting Minutes –

December 14, 2023 Council Meeting Minutes

Motion to approve the December 14, 2023 minutes by Councilor Kent, seconded by Councilor Cuddy.

Motion to approve carried 5-0.

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Reports of City Officials

City Manager's Report –

- Yesterday we were notified the landfill solar array is hooked up and supplying power into the grid. This means that the energy bill credits for those who signed up for the project will begin to be applied. We are working with the new operator, Altus Power, to get us an update on when subscribers will actually see that credit. As a reminder, the City of Auburn is simply leasing underutilized space on the old landfill to a private energy company that produces solar power and offered participating residents the opportunity for a 10% reduction in their electric bill. The program was very popular and all available subscriptions were utilized.
- Last week my office served notice to the Cayuga County Water and Sewer Authority of the City's desire to discuss the terms and conditions of the current agreement for the City of Auburn to supply water to the CCWSA. The current agreement dates back to Sept. 11, 2003. There has been much discussion regarding the CCWSA producing its own water and potentially supplying customers currently supplied by the City of Auburn. While the city has no intention of ceasing our supply of water, I am concerned that potential future changes in our customer base may have adverse effects on the financial model currently in place. Our goal is to renegotiate terms that recognize potential future changes and encourage interagency cooperation and planning to ensure system stability and growth.
- This morning WWTP staff assisted our general contractor, MA Bongiovanni, in a full WWTP flow bypass around the 36" force main between our settled sewage building and the aeration tanks. This procedure was very technical and required all staff to coordinate and operate as a team. Seth Jensen reports he is extremely pleased by our staff's thoughtfulness and poise throughout the planning, execution, and now bypass operation phase. We will be in bypass for the next 10 days or so while we await final connection of the new 36" force main alignment and can only hope the operation in reverse goes as smoothly as today.

Reports from members of Council –

- Councilor Kent reported on participating in a local government session of the Chamber of Commerce of Cayuga County's Leadership Cayuga Program. Mayor Giannettino, City Manager Jeff Dygert and City Clerk Chuck Mason also participated.

Matters to Come Before Council

A. State Environmental Quality Review Act Resolutions (SEQR) –

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SEQRA RESOLUTION #1 OF 2024

**DETERMINING TYPE II ACTIONS UNDER SEQRA FOR 22 EAST GENESEE STREET
RENOVATION PROJECT**

By Councilor Kent

January 4, 2024

WHEREAS, the City Council of the City of Auburn, New York (the “City”) is the intermediary between R&M Associates, LLC and New York State for the Renovation of the mixed-use building located at 22 East Genesee Street, that is funded by the Empire State Development through the Restore NY grant program; and

WHEREAS, the City desires to comply with the New York State Environmental Quality Review Act (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations"), with respect to the Project; and

WHEREAS, Section 617.5 of the Regulations establishes a list of Type II actions that have been determined not to have a significant impact on the environment and are not subject to further review; and

WHEREAS, § 617.5 (c) 1 states “maintenance or repair involving no substantial changes in an existing structure or facility”; and § 617.5 (c) 2 “replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4”.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Auburn that:

1. The proposed action corresponds with the parameters identified in § 617.5 (c) 1 and § 617.5 (c) 2 of the Regulations; and
2. The Renovation of 22 East Genesee Street constitutes a "Type II Action" under 6 NYCRR § 617.5 and no further action under the SEQR Act and the Regulations is required; and
3. This resolution shall take effect immediately.

Seconded by Councilor Cuddy

	Ayes	Noes	Excused
Councilor Kent	X		
Councilor Giannettino	X		
Councilor Cuddy	X		
Councilor Locastro	X		
Mayor Quill	X		
Carried and Adopted	X		

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B. Ordinances – none

C. Local Laws – none

D. Resolutions –

**COUNCIL RESOLUTION #1 OF 2024
AUTHORIZING A PUBLIC HEARING FOR THE
2024-2025 COMMUNITY DEVELOPMENT BLOCK GRANT ACTION PLAN**

By Councilor Calarco

January 4, 2024

BE IT RESOLVED, by the City Council of the City of Auburn, New York, that it does hereby authorize that a Public Hearing be held before the City Council of the City of Auburn, New York, on the 25th day of January, 2024 at 5:00 pm concerning the 2024-2025 Community Development Block Grant Annual Action Plan and any prior year amendments.

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to advertise this resolution in the official newspaper of the City of Auburn in accordance with the governing State and local requirements.

Seconded by Councilor Cuddy

	Ayes	Noes
Councilor Kent	X	
Councilor Overstreet-Wilson	X	
Councilor Cuddy	X	
Councilor Calarco	X	
Mayor Giannettino	X	
Carried and Adopted	X	

GRANT RESOLUTION #2 OF 2024

**AUTHORIZING AN APPLICATION TO NYSDEC URBAN AND
COMMUNITY FORESTRY GRANTS PROGRAM**

By Councilor Calarco

January 4, 2024

WHEREAS, the New York State Department of Environmental Conservation (NYS DEC) has announced the 2023 Urban & Community Forestry (UCF) Grant Program for which municipalities that implement Community Forest Management Plans are eligible to apply; and

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WHEREAS, the City of Auburn adopted a “Community Forest Management Plan for Auburn NY” in February 2023 with the goal of proactively managing the urban forest through education and community service, tree planting, pruning, and removals; and

WHEREAS, to continue maintaining Auburn’s urban forest through careful tree pruning the Department of Public Works Urban Forestry Division is in need of a replacement tree-trimming bucket truck and chip dump truck to support disadvantaged community forestry efforts; and

WHEREAS, the City of Auburn intends to submit a grant application in the amount of \$395,257.00 that requires no local match from the City for this project.

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby authorize as follows:

1. That the Mayor is authorized to submit an application under the NYS DEC Urban & Community Forestry Grant Program in the amount of \$395,257.00 with no local match required to complete the project; and
2. That upon award notification the Mayor, or appointed designee, is authorized to execute any and all grant agreement documents and submit any and all documentation necessary for the project reimbursement; and
3. That the City Comptroller is authorized to receive and appropriate grant funding into the appropriate City revenue and expense accounts; and
4. That this resolution shall take effect immediately upon its adoption.

Seconded by Councilor Kent

	Ayes	Noes	Excused
Councilor Kent	X		
Councilor Overstreet-Wilson	X		
Councilor Cuddy	X		
Councilor Calarco	X		
Mayor Giannettino	X		
Carried and Adopted	X		

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APPOINTMENT RESOLUTION #3 OF 2024

**CONFIRMING APPOINTMENT FOR CHAIRWOMAN OF THE
AUBURN INDUSTRIAL DEVELOPMENT AUTHORITY**

By Councilor Giannettino

January 4, 2024

WHEREAS, in accordance with Title 15, Section 2304 of the New York State Public Authorities Law, the Mayor hereby recommends confirmation of a Chair to be appointed to the Auburn Industrial Development Authority (AIDA); and

WHEREAS, Appointment Resolution #18 of 2023 appointed a Chairman of the board that completed service as Chair through December 31, 2023; and

WHEREAS, Mayor Giannettino is recommending that Auburn Industrial Development Authority board member Gwen Webber-McLeod be appointed as the Chairwoman of the AIDA board for the duration of her current term of service which lasts through January 31, 2026.

NOW THEREFORE BE IT RESOLVED, that Gwen Webber-McLeod is to be appointed to serve as the Chairwoman of the Auburn Industrial Development Authority Board for a term effective immediately and lasting through January 31, 2026; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

Seconded by Councilor Calarco

	Ayes	Noes	Excused
Councilor Kent	X		
Councilor Overstreet-Wilson	X		
Councilor Cuddy	X		
Councilor Calarco	X		
Mayor Giannettino	X		
Carried and Adopted	X		

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APPOINTMENT RESOLUTION #4 OF 2024

APPOINTING MEMBERS OF THE AUBURN HUMAN RIGHTS COMMISSION

By Councilor Cuddy

January 4, 2024

WHEREAS, the City of Auburn has created the Auburn Human Rights Commission pursuant to the General Municipal Law of the State of New York; and

WHEREAS, the City Council would like to appoint the following persons, all of whom are residents of the City of Auburn, as members of the Commission for a term of three (3) years, namely:

Linda Webster, William Berry and William Tenity; and

WHEREAS, the members shall serve for a term of three (3) years beginning immediately upon approval of this Appointment Resolution; and

WHEREAS, the City Council would like to appoint the Reverend Robert E. Wilson to serve as the Chairperson of the Commission for the duration of his term of service which lasts through March 17, 2025.

NOW, THEREFORE, BE IT RESOLVED that the following persons are hereby appointed as members of the Auburn Human Rights Commission for a term of three (3) years, namely:

Linda Webster, William Berry and William Tenity; and

BE IT FURTHER RESOLVED that the Reverend Robert E. Wilson is appointed to serve as the Chairperson of the Commission for the duration of his term of service which lasts through March 17, 2025; and

BE IT FURTHER RESOLVED that said appointments are to become effective immediately upon approval of this Appointment Resolution.

Seconded by Councilor Overstreet-Wilson

	Ayes	Noes	Excused
Councilor Kent	X		
Councilor Overstreet-Wilson	X		
Councilor Cuddy	X		
Councilor Calarco	X		
Mayor Giannettino	X		
Carried and Adopted	X		

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APPOINTMENT RESOLUTION #5 OF 2024

**APPOINTING THE CITY COUNCIL'S APPOINTMENT TO THE AUBURN DOWNTOWN
BUSINESS IMPROVEMENT DISTRICT BOARD OF DIRECTORS**

By Councilor Kent

January 4, 2023

WHEREAS, the bylaws of the Auburn Downtown Improvement District (BID) requires that one director shall be appointed to the BID Board of Directors by the Auburn City Council; and

WHEREAS, the City Council's appointment to the BID Board of Directors, Mayor Giannettino, has decided to step down from the position and is recommending that City Clerk Chuck Mason be appointed to serve as the City Council's appointment to the board; and

WHEREAS, it is necessary that the Auburn City Council make a new appointment to the BID Board of Directors; and

WHEREAS, the Auburn City Council is desirous of appointing City Clerk Chuck Mason to serve as the Council's appointment to the BID Board of Directors.

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby appoint City Clerk Chuck Mason to serve as the City Council appointee of the Board of Directors of the Auburn Downtown Business Improvement District and said appointment shall take effect immediately.

Seconded by Councilor Calarco

	Ayes	Noes	Excused
Councilor Kent	X		
Councilor Overstreet-Wilson	X		
Councilor Cuddy	X		
Councilor Calarco	X		
Mayor Giannettino	X		
Carried and Adopted	X		

GRANT RESOLUTION #6 OF 2024

**AUTHORIZING APPLICATIONS TO THE NYS DEPARTMENT OF TRANSPORTATION
FOR THE 2023 BRIDGE NY GRANT PROGRAM**

By Councilor Calarco

January 4, 2024

WHEREAS, in November 2023 the New York State Department of Transportation (NYS DOT) announced the availability of grant funding for the BRIDGE NY transportation infrastructure program; and

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WHEREAS, the BRIDGE NY program increases assistance for local governments to rehabilitate and replace bridges and culverts with emphasis on projects that address structural conditions, facilitate economic development, and reduce risk of flooding; and

WHEREAS, the City of Auburn proposes to submit funding applications for the following four (4) culvert replacement projects:

- 1) Brookside Drive Culvert over Tributary #1 to the North Hunter Brook;
- 2) Burgess Avenue Culvert over Wood Brook;
- 3) North Marvine Avenue Culvert over North Hunter Brook;
- 4) North Herman Avenue Culvert over North Hunter Brook; and

WHEREAS, NYS DOT will provide 100 percent of the authorized project costs, not to exceed \$1.5 million in grant funds for each culvert project; and

WHEREAS, the City of Auburn has identified financial and capital infrastructure needs for the rehabilitation of the above-mentioned culverts and it is necessary to obtain New York State grant funding assistance from the 2023 Bridge NY Program to complete these projects.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Auburn, New York:

1. That the Mayor, or appointed designee, is authorized to submit applications to the NYS DOT 2023 Bridge NY Program for four (4) culvert replacement projects in the City of Auburn; and
2. That this resolution shall take effect immediately upon its adoption.

Seconded by Councilor Overstreet-Wilson

	Ayes	Noes	Excused
Councilor Kent	X		
Councilor Overstreet-Wilson	X		
Councilor Cuddy	X		
Councilor Calarco	X		
Mayor Giannettino	X		
Carried and Adopted	X		

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AGREEMENT RESOLUTION #7 OF 2024

**AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT
WITH THE FINGER LAKES DOG PROTECTION AGENCY, INC.**

By Councilor Kent

January 4, 2024

WHEREAS, the City of Auburn had a contract with the Finger Lakes Dog Protection Agency, Inc. (FLDPA) for dog protection services and enforcement, which expired on December 31, 2023, and the dog licensing and oversight of control services is the responsibility of the City Clerk's office; and

WHEREAS, the City of Auburn City Clerk's office issued a request for proposals for Dog Protection and Kennel Services on November 29, 2023; and

WHEREAS, following the advertised deadline for receipt of proposals of December 15, 2023 one proposal was received; and

WHEREAS, the one proposal was received from Finger Lakes Dog Protection Agency and this agency has provided dog control services and enforced the laws and ordinances of the State of New York and the City of Auburn under contract with the City for nearly 20 years; and

WHEREAS, the City and FLDPA have negotiated a one (1) year agreement, effective on the 1st day of January, 2024, and ending on the 31st day of December, 2024, with the option to renew the contract for a second and third year and this contract is attached hereto and incorporated herein; and

WHEREAS, these services are essential in order to provide for the dog control requirements of the New York State law and the City and the services assist with maintaining public safety throughout the City.

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby approve an agreement with the Finger Lakes Dog Protection Agency, Inc. to provide dog control and kennel services and enforce the laws and ordinances of the State of New York and the City of Auburn within the municipal boundaries of the City for the year of 2024 and the Mayor is authorized to sign the new agreement.

Seconded by Councilor Overstreet-Wilson

	Ayes	Noes
Councilor Kent	X	
Councilor Overstreet-Wilson	X	
Councilor Cuddy	X	
Councilor Calarco	X	
Mayor Giannettino	X	
Carried and Adopted	X	

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E. Staff or Vendor Presentations –

- Bar Graph Reports November 2023 - Jeff Dygert, City Manager
- Discussion for 2024-2025 City Council Rules and Procedures – City Clerk (draft attached) A Council Resolution to consider adoption of the Council Rules and Procedures for the City Council of 2024-2025 will be scheduled for January 18, 2024.

TABLED ITEMS – none

Second Public to be Heard: none

OTHER BUSINESS – none

Public to be heard:

- Thomas Cool of Barber Street spoke regarding experience he has had with the Office of Code Enforcement.

Executive Session: Councilor Cuddy made a motion to enter Executive Session, seconded by Councilor Calarco. Council voted to enter an executive session regarding the following matters:

- One matter made possible under attorney client privilege. The motion to enter executive session carried 5-0. The Council entered Executive Session at 5:45 p.m. Executive session adjourned at 7:15 p.m.

ADJOURNMENT: By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 7:16 p.m..

Minutes submitted by: Chuck Mason, City Clerk

AUBURN CITY COUNCIL

RULES AND PROCEDURES

DRAFT REVISIONS for 2024-2025



James N. Giannettino, Jr. – Mayor

Terrence R. Cuddy – City Councilor

Ginny Kent – City Councilor

Christina Calarco – City Councilor

Dr. Rhoda Overstreet-Wilson – City Councilor

Jeff Dygert – City Manager

Chuck Mason – City Clerk

Corporation Counsel – Nate Garland



City of Auburn City Council

RULES AND PROCEDURES

Pursuant to the provisions of the City Charter Article II entitled “Officers, Powers and Duties”, Section 8 thereof, entitled “Meetings of Council,” the City Council of the City of Auburn hereby adopts the following as its **“RULES AND PROCEDURES.”**

I. REGULAR MEETINGS

Meetings of the Auburn City Council shall be held in the Council Chambers at Memorial City Hall, commencing at 5:00 p.m., the first four Thursdays of each month in Council Chambers at Memorial City Hall, 24 South Street, Auburn, NY or elsewhere upon public notice five days in advance thereof by resolution approved by Council. **For security purposes Memorial City Hall shall close to the public fifteen minutes following the adjournment of any City Council meeting. The Council may adjust the meeting calendar at any time and for any reason by Council Resolution.**

II. SPECIAL MEETINGS

A special meeting may be held at any time upon the consent of the majority members of the Council.

A special meeting may be called at any time by any member of the Council upon two (2) days written notice, with a stated reason therefore, shall be signed by the member formalizing the request, and shall be filed with the Office of the City Clerk to become effective. The Clerk shall be required to contact all Councilors and the City Manager to obtain majority consent for the special meeting upon receipt of said request.

III. EMERGENCY MEETINGS

Emergency meetings may be held at any time upon the request of the City Manager, the Mayor and/or a member of the City Council at any time with two (2) hours notice. A call for an emergency meeting shall be made in writing, shall be signed by the member requesting the meeting and the reason for the emergency meeting, and shall be filed with the Office of the City Clerk. The Clerk shall be responsible to contact each member of Council, the City Manager, and notify the local media.

IV. PRESIDING OFFICER

The Mayor shall assume the chair of the Presiding Officer upon his or her inauguration into office. The Presiding Officer shall preserve strict order and decorum at all regular and special meetings of Council. He or she shall vote on all questions, his or her name being called last in the voting order. In debate, he or she shall confine speakers to the question under discussion. When two (2) or more speakers arise at the same time, he or she shall name the one entitled to the floor. He or she shall decide all questions of order.

V. AGENDA

A. Regular Meetings

1. All reports, communications, proposed Local Laws, ordinances, resolutions or other matters to be submitted to the City Council, should be submitted to each member of the Council at least three (3) days prior to each Council meeting, not later than 5:00 PM that day. All documents that are going to be discussed at a public meeting are to be made available upon request or posted on the city's website at least 24 hours prior to the meeting.
2. The City Manager shall be responsible for preparation of the agenda for meetings of the City Council. All reports, communications, proposed local laws, ordinances, resolutions or other matters introduced by the Mayor or a member of Council to be acted upon or considered by the Council at a business meeting or work session shall be submitted in writing to the City Manager's Office before noon on the Friday preceding the next meeting of the Council. The City Manager shall cause the agendas and supporting materials to be published and delivered the Friday preceding the next scheduled Council meeting. Prior to publication and distribution, the final completed agenda for any Council meeting as prepared by the City Manager must receive approval for publication from the City Clerk.
3. Any new matters of City business submitted to the City Manager after the above time and day will not be considered by the Council until its next scheduled meeting. This requirement may, however, be waived by the Council by a majority of the body present to allow the introduction of the matter at the Council Meeting.
4. Each proposed legislative matter sought to be introduced by the Mayor or a member of the City Council shall first be submitted to the Corporation Counsel for approval as to its form and legality, and to insure proper integration into City law.
5. Meeting agendas will be delivered to the Council members by e-mail, unless a member of Council notifies the City Clerk that they would prefer a paper copy of the agenda. Paper copies of the agenda or any agenda item will be delivered to the member of Council via

their mailbox in the Mayor and Council office, 1st floor of Memorial City Hall. It will be the responsibility of the member of Council to pick up paper copies of agendas or agenda item documents from their mailbox in the Mayor and Council office, 1st floor of Memorial City Hall.

B. Special Meetings

For purposes of a special meeting, all relevant legislation and documents shall be presented to each member of the Council and are to be made available upon request or posted on the city's website at least 24 hours prior to the time of the special meeting.

C. Amending the Agenda

The order of any item on the agenda may be modified at the commencement of the Council meeting by any member of the City Council of those present if moved without objection by the remainder of the Council. If any member of the Council present should object, the agenda may be amended by a majority vote of the total Council.

VI. CALL TO ORDER – PRESIDING OFFICER

The Presiding Officer shall take the chair at the hour appointed for the Council meeting, and shall immediately call the Council to order. In the absence of the Mayor, the members of Council will rotate chairing the meeting with the selected member calling the Council to order and assuming the responsibilities of the Presiding Officer. Upon the arrival of the Mayor, the temporary chairperson shall relinquish the chair upon the conclusion of the business immediately before the Council. At the discretion of the Presiding Officer, a delay of up to ten (10) minutes may be allowed for a member of Council to appear who is not yet in attendance at the time of the meeting.

VII. ROLL CALL

Before proceeding with the business of the City Council, the City Clerk, or the Deputy City Clerk, shall call the roll of the members, and the names of those present shall be entered into the minutes.

VIII. ORDER OF BUSINESS

A. City Council Meetings

Regular meetings of the Council shall be classified as either a Business Meeting or a Work Session Meeting. These meetings shall be defined as the following:

1. **Business Meetings** of the Council will be held on the first and third Thursday of each month. The purpose of the Business Meeting is to focus on matters brought before the Council that require a vote of the Council.
2. **Work Session Meetings** of the Council will be held on the second and fourth Thursday of each month. The purpose of the Work Session Meeting is to focus on matters brought before the Council in the form of staff/vendor presentations about pertinent City issues or projects. While items requiring a vote of the Council should be placed on the agenda of a Business Meeting, voting may occur during a Work Session Meeting at the discretion of the City Manager with the consent of a majority of Council members.

At all Regular (Business and Work Session) Meetings of the Council, the following order of business shall be observed:

1. Roll Call
2. Pledge of Allegiance
3. Moment of Silent Prayer or Reflection
4. Public Announcements
5. Ceremonial Presentations and Proclamations
6. Public To Be Heard
7. Approval of Meeting Minutes
8. Reports of City Officials (City Manager, Councilors)
9. Matters to Come Before Council
 - a. SEQR Resolutions
 - b. Ordinances
 - c. Local Laws
 - d. Resolutions
 - e. Tabled Items
 - f. Staff/Vendor Presentations
10. Other Business From the Council
11. Adjournment

B. Special Meetings

At a special meeting of the Council, the following order of business shall be observed:

1. Roll Call
2. Pledge of Allegiance to the Flag
3. Moment of Silent Prayer or Reflection
4. Matters before Council

5. Adjournment

C. Executive Sessions

Upon a majority vote of the total membership of the City Council, taken in an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered, the Council may conduct an executive session for the below enumerated purposes only, provided, however, that no action by the formal vote shall be taken to appropriate public monies:

- a. matters, which will imperil the public safety, if disclosed;
- b. any matter which may disclose the identity of a law enforcement agent or informer;
- c. information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
- d. discussions regarding proposed, pending or current litigation;
- e. collective bargaining negotiations pursuant to article fourteen of the civil service law;
- f. the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension or removal of a particular person or corporation;
- g. the preparation, grading or administration of examinations;
- h. the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof; and
- i. any matter made confidential by Federal or State law. Section 4503 of the Civil Practice Law and Rules which establishes that a confidential communication between attorney and client shall be privileged. Pursuant to this section, Council will be receiving legal advice from its attorney which fulfills the requirement provided in Section 108(3) of the Public Officers Law allowing this exemption.

Attendance at an executive session shall be permitted to any member of the public body and any other persons authorized by the public body.

*(The above is taken from the New York State Public Officers Law, Article 7,
Open Meetings Law, § 105. Conduct of executive sessions.)*

IX. PETITIONS, PRESENTATIONS, PROCLAMATIONS, COMMUNICATIONS, REPORTS, LEGISLATION

A. All petitions, presentations, proclamations, communications, resolutions, ordinances, and Local Laws shall be in writing, and numbered in consecutive order with an annual

index number attached thereto. Report of City Officials and/or committee reports may be either in writing or given orally.

B. Unless by unanimous consent by the City Council, all petitions, presentations, proclamations, communications, written reports of City Officials, resolutions, ordinances, and Local Laws shall be read in their entirety at regular and special sessions of Council.

C. The Presiding Officer and/or a Councilor may, at any time, in his or her motion, refer any petition, presentation, proclamation or communication, when presented, to the City Manager or to any appropriate body of the City of Auburn, unless otherwise ordered by the Council, and shall request a report thereon at the second succeeding regular meeting of the Council unless such time to do so is extended by the Council.

D. Report of Disbursements: The Council shall receive monthly the claims list supplied by the City Manager which is made available through the Office of the City Comptroller. The City Clerk shall be responsible for posting claims lists to the City website once they are delivered to the Council.

E. In all cases where a resolution, ordinance or Local Law shall have been tabled, such legislation shall be stricken from the agenda and may not be acted upon by the Council unless it shall have been brought from the table for discussion or other action no later than the end of the third regular meeting after such legislation was tabled. Such legislation shall appear under the title of “Tabled Legislation” on each subsequent agenda of the City Council and can be resubmitted on a new agenda.

X. PROCEDURE: PUBLIC COMMENTS

A. PUBLIC TO BE HEARD

The Council shall reserve time on the Council meeting agenda for the public to be heard. This public portion of all regular meetings of the Council is open to any individual wishing to speak on issues before or involving the City Council, the City government, or on matters of general City Concern. Individuals wishing to speak before Council shall be allowed to do so subject to the following rules:

1. Speakers will be required to use the microphone situated at each podium located in the Council chambers.
2. Prior to addressing the Council, speakers first will be required to state their name, address where they reside, **including municipality if they reside outside of the City of Auburn**, and organization affiliation, if any.

3. Questions and comments should be addressed to the entire Council and not to individual Council members, nor to the Manager or staff.
4. Speakers shall only speak for themselves or the organization they represent. No speaker shall be allowed to speak or read a statement for another identified or anonymous individual or organization.
5. A limit of three (3) minutes will be allotted to each speaker on any given topic, each speaker will be allotted to speak just once per meeting.
6. Council members may, upon recognition of the Chair, interrupt a speaker during their remarks, but only for the purpose of clarification of information.
7. A speaker who does not need a full three (3) minutes may not yield the unused portion of their time to another person.
8. It is expected that speakers before the Council will observe the commonly accepted rules of courtesy, decorum, dignity and good taste. Personal attacks upon any individual, any City staff, any City board or commission members, and/or any contractor working for the City will promptly be ruled out of order. When such attacks occur the Presiding Officer shall determine if the speaker's remaining time may be used or revoked.
9. The use of intemperate, abusive and defamatory language is strictly forbidden and any member of the public who uses obscene, threatening or harassing language, slander, threats of violence, personal attacks of any kind or offensive comments that target or disparage any ethnic, racial, age, or religious group, gender, sexual orientation or disability status or who otherwise becomes disorderly while at a public meeting shall be removed from the Council Meeting at the discretion of the Presiding Officer and the security personnel on duty.
10. The Council in addition to, or in lieu of, oral presentations will receive written statements.
11. The Council may decide that consultants of other parties, paid or retained by the City, may be taken out of order on the agenda at any meeting they attend. It is the responsibility of the City Manager or department head to identify the consultant to the Council.
12. The Council shall not immediately address the concerns of any individual speaker until all members of the public desiring to be heard have had the opportunity to speak.
13. Once all individuals from the public desiring to be heard have spoken the Presiding Officer shall close that portion of the meeting. The Presiding Officer shall then facilitate addressing individual matters brought forth during

this public portion of the meeting with the assistance of the City Manager. Any members of Council may provide input upon recognition of the Presiding Officer.

B. PUBLIC HEARINGS

The following Rules of Procedure shall apply to any Public Hearing conducted by the City Council or any Council Committee:

1. When calling a Public Hearing to order, the Presiding Officer shall request all persons who wish to speak to file their name, address, and the name of any group they represent.
2. No persons shall be granted permission to speak more than once during the public hearing period.
3. Speakers shall be permitted to speak without interruption. Only members of Council shall be permitted, upon recognition of the Presiding Officer, to question speakers at the conclusion of their remarks and questions should be asked only for the purpose of clarification of a topic presented.
4. Regarding conduct of the speakers, the same rules as set forth for speakers participating in the Public To Be Heard portion of a regular Council meeting shall apply.
5. After all persons have had an opportunity to speak at the public hearing, the Presiding Officer shall declare the hearing closed.

C. DECORUM

1. **Council Members:** While the Council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the Council or its Presiding Officer, except as otherwise herein provided.
2. **Individuals:** At all times when Council is in session, no member shall be subjected to derogatory or defamatory remarks, either directly or indirectly. If this is done, or attempted to be done, any member may interrupt the speaker and ask the Presiding Officer to declare the speaker out of order. If the Presiding Officer so rules, the speaker must refrain from any continuation of the objectionable remarks. The Presiding Officer may enforce this rule, if necessary, by causing the ejection from the meeting of the offending individual member. The Chair shall request the Auburn Police Department to assist the Council in said instances.

D. OTHER

1. **All other questions relating to the orderly conduct of meetings,** regular or special, shall be decided by the Presiding Officer under Robert's Rules of Order, as revised. An appeal from the ruling may be taken by any member of Council, and in such event, the question shall be put to a vote of the Council, and a majority vote shall prevail.
2. **Addressing the Council after Motion Made:** After a motion is made by Council, no member of the general public shall address the Council without first securing the permission of the Presiding Officer to do so.
3. **Authorized to be Within Rail:** No person, except City Officials and their representatives, as well as the members of the press shall be permitted within the rail in front of the Council Chambers without the express consent of the Council.

XI. MOTIONS

A. PRECEDENCE OF MOTIONS

When a question shall be under consideration, no motion shall be received except as herein specified, which motion shall have precedence in the order named, to wit:

1. For an adjournment or recess of the Council;
2. For the previous questions;
3. To lay on the table;
4. To postpone to a day certain;
5. To amend

B. DESIGNATED MOTIONS NEITHER AMENDABLE NOR DEBATABLE

All motions for an adjournment, or recess, for the previous question, or to lay on the table shall be neither amendable nor debatable.

C. MOTION TO RECONSIDER

A motion to reconsider must be made by a member who voted with the majority on the decision of the motion or resolution proposed to be reconsidered. When a motion

to reconsider has been decided, it shall not again be submitted to the Council. The motion to reconsider must be made at the same Council Meeting wherein the initial vote took place.

D. MOVING THE “PREVIOUS QUESTION”

The “previous question” shall be as follows: “Shall the main question now be put?”, and until it is decided, shall preclude all amendment and debate. Whenever Council shall order the previous question and amendments are pending, the question shall be taken up first upon such amendments in reverse order and then upon the main question without further debate or amendment. A majority vote of those present shall be necessary for the previous question.

E. RECOGNITION BY CHAIR, REQUIRED

No member choosing to debate, to give a notice, make a motion or report, or to present a petition, or other paper, shall proceed until he or she shall have addressed the Chair and have been recognized by him or her.

F. CONDUCT WHEN QUESTION IS BEING PUT, ROLL IS BEING CALLED

While the Chair is putting a question, or while the roll is being called, no member shall speak or leave his place.

G. STATEMENT OF QUESTION PREREQUISITE TO DEBATE

No debate shall be in order until the pending question shall be stated by the Chair.

H. SPEAKING ON QUESTION

No member shall speak more than once on the same general question, without leave of the Council until every member desiring to speak on the question pending shall have spoken.

I. CALLING MEMBER TO ORDER

If any member in speaking transgresses the rule of the Council, the Presiding Officer or any other member may call to order, in which case the member so called to order shall immediately cease his or her comments until Council determines the point raised, and if the point of order be sustained, he or she shall not proceed further except in order.

J. QUESTIONS REGARDING PRIORITY OF BUSINESS

All questions relating to the priority of business, that is, the priority of one question or subject matter over another shall be decided by the Chairperson.

K. MOTION TO AMEND

1. Any agenda item may be amended by fulfilling one of the following requirements:
 - (a) By a majority vote of the members present at a regular or special meeting of the Council; or
 - (b) On the consent of the sponsors and the member who has seconded the legislation, no vote shall be required.
2. Any amendment to a resolution or ordinance may be referred, delayed or otherwise disposed of without delay or prejudice to the ordinance itself.

L. MOTION TO TABLE

A motion may be made to lay on the table any item on the agenda and at such time discussion shall cease. The City Clerk will call the roll of the Council and upon a majority vote, the item shall be tabled. Any item so tabled may be added to the agenda during a subsequent meeting if requested by any member of the Council or it may be placed on any agenda by normal procedure prior to a meeting.

M. MOTION TO “CALL FOR THE QUESTION”

In the event any member of the Council requests a “call for the question,” a Councilor who has not, as yet, spoken on the matter shall be privileged to do so, should they desire, before the vote. Councilors who have already spoken on the matter shall not be granted such a privilege.

N. ILLEGAL/IMPROPER ACTS

Any motion or resolution, which, in effect, is a violation of law, or in conflict with any existing ordinance, shall be ruled out of order.

O. **RECESS**

Any member of the Council may request a recess at any time. A request for a recess must state the length of time and must be approved by rule of the Presiding Officer, or by a majority of the Council present.

P. **ADJOURNMENT**

A motion to adjourn shall always be in order and shall be decided without debate.

XII. DELIBERATIONS OF COUNCIL

A. **Robert's Rules of Order** shall govern deliberations of the Council, except as otherwise provided for by its rules. The Robert's Rules of Order shall be the most recently revised version. The Corporation Counsel shall act as Parliamentarian for the Council.

B. **Authority of Presiding Officer on Appeal:** On every appeal, the Presiding Officer shall have the right to assign reason for his or her decision. In case of such appeal, no member shall speak more than once. The Chair shall put the question, "Shall the ruling of the Chair be sustained?", which question shall be decided by a majority of the members present.

XIII. VOTING

A. **Duty of Councilor to Vote on Question:** Every member who shall be in the room when a question is stated by the Chair shall either vote or abstain thereon unless he or she be excused, with the consent of the majority of the members present. Any member requesting to be excused from voting, may make, when his or her name is called and before the result is announced, a brief statement of the reason for making of such request, not exceeding two (2) minutes in time.

B. **Vote on Question with Several Propositions:** If a question in debate contains several distinct propositions, the same shall be divided by the Chair at the request of any member to the end that a vote may be taken on each proposition, but a motion to strike out and insert a portion or portions of the legislation must be done in a manner reviewing the legislation as a whole.

C. **Ayes and Nays on Questions:** The ayes and nays shall be taken on all questions. Once a vote is called, discussion shall be limited to one (1) minute per member.

D. **Voting Order:** The voting order for Council members, excluding the Mayor which is addressed in Section IV, shall begin with the Councilor seated to the Mayor's immediate left and continues in a clockwise direction ending with the Councilor seated to the Mayor's immediate right.

XIV. LOCAL LAWS

A. Enactment of Local Laws

No Local Law shall be passed except by at least the majority affirmation of the total voting power of Council. On the final passage of a Local Law, the question shall be taken by ayes and nays, which shall be entered into the official record.

B. Style of Local Law

The style of the Local Law shall be "Be it enacted by the City Council of the City of Auburn as follows..."

C. Content of Local Law

Every such Local Law shall embrace only one subject. The title shall briefly refer to the subject matter.

D. Preparation of Local Law

All Local Laws shall be prepared by the Office of the Corporation Counsel.

E. Procedure – Ordinances, Local Laws and Amendments

Any new ordinance, local law or amendment to the Municipal Code of the City of Auburn shall at its first appearance on the City Council agenda be presented to City Council by the formal reading thereof by the City Clerk and may thereafter be discussed by Council but shall not be formally acted and voted upon by Council until the next regularly scheduled meeting following first appearance.

XV. COMMITTEES

A. **Special Committees:** The City Council may, by majority vote, at any time, appoint a special committee. Such committees may, at any time, be changed, increased or abolished as deemed appropriate, by the appointing party.

B. Referrals to Committees: All committees of the City Council and officers to whom petitions, presentations, proclamations, ordinances and resolutions be referred, shall report thereon, at such time as deemed appropriate by the Presiding Officer and/or by the City Council. The report, when received, may be adopted, returned to the committee or action thereon postponed.

XVI. MINUTES

The official minutes of each Council meeting shall be maintained in the following two forms:

1. **Digital Video Recording:** The digital video recording shall be administered, produced, stored, and maintained by the Office of the City Clerk. These video recordings shall be posted to the city website (www.auburnny.gov) by the City Clerk's office for public viewing within one week of the date of each meeting. The City Clerk's office shall maintain the archive of video recorded council meetings on the city's website, as well as, in an archive located in the City Clerk's office.

2. **Written Summary:** The written summary of minutes shall be taken at all meetings of the Council and shall be recorded by the City Clerk or Deputy City Clerk. Written minutes of meetings shall be available to the Council for review and approval within 10 days from the date of such meeting. Following approval of the written minutes by the Council and before two weeks from the date of the meeting it shall be the responsibility of the City Clerk to post a digital copy of the written minutes to the city website. The City Clerk shall also maintain an archive of approved written minutes in the City Clerk's office. The written minutes of the meeting shall incorporate the following items:

- A. Meeting date and time;
- B. Roll call of Councilors present;
- C. City Officials present;
- D. List of public speakers and description of subject discussed;
- E. A summary of communications of City officials;
- F. All legislation voted on with a record of the vote;
- G. List of all topics discussed;
- H. Any motion for Executive Session, identifying the general area or areas of the subject or subjects to be considered, and the time the session commenced and concluded; and,
- I. Record of the time the meeting commenced and concluded

XVII. REQUESTS FOR INFORMATION FROM CITY STAFF

All Councilor requests for information from City staff that cannot be obtained via the City's website should be made through the City Manager's office or through the City Clerk. Requests made outside of the weekly Council meeting should be made in writing via email and all other members of Council should be copied. The City Manager and City Clerk should generally track the amount of staff time it takes to respond to requests. Information compiled in response to a Councilor request should be provided electronically when possible. Responses to individual members of Council should be copied to all other members of Council, the Manager and the City Clerk. If at any time a member of Council does not desire to have a copy of information requested by another member of Council they should notify the other members of Council, the Manager and the City Clerk.

XVIII. ROLE OF CITY CLERK

The City Clerk shall have such powers and perform such duties as are prescribed by the Optional City Government Law, and otherwise by law, and as the Council may from time to time prescribe. It shall be the responsibility of the City Clerk to attend and record all actions taken by the City Council at weekly Council meetings. In the absence of the City Clerk it shall be the responsibility of the Deputy City Clerk to attend and record all actions taken by the City Council at weekly Council meetings. Further responsibilities of the City Clerk shall be reviewed and defined by the City Council every two years in conjunction with the review and update of the Council Rules and Procedures.

XIX. REVIEW AND APPROVAL OF COUNCIL RULES AND PROCEDURES

It shall be the responsibility of each newly seated Council to review and update this Rules and Procedures every two years. The review and update process shall be conducted within 90 days of the 1st day of January of the year following the election of new Council members. It will then be the responsibility of the entire Council, by a majority vote thereof, within 30 days of being presented with the proposed revision, to approve a resolution adopting the Rules and Procedures. In the event a Council fails to adopt a set of Rules and Procedures, the Council shall follow the most recently approved set of Rules and Procedures having been adopted by previous Councils.

XVIII. AMENDMENTS TO COUNCIL RULES AND PROCEDURES

One or more of these rules may be suspended, rescinded, amended or additional rules adopted at any time by a majority vote of the entire Council.