

CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, December 7, 2011, at 8:00 p.m. in the Council Room of City Hall. *The Council will convene at 7:15 p.m. and it is expected they will adjourn into Executive Session at 7:16 p.m. to discuss personnel.*

AMENDED AGENDA

1. Pledge of Allegiance
2. Roll Call
3. General Announcements.
4. Approval of the election of one new member to the Rye Fire Department.
5. Draft unapproved minutes of the special meeting of the City Council held November 9, 2011, the Budget Workshop held November 14, 2011, and the Regular Meeting/Budget Workshop of the City Council held November 16, 2011.
6. Mayor's Management Report
 - Central Avenue Bridge Update
 - Legal Update
- 6A. Discussion of the Westchester Bee-Line Route 76 Line through Rye.
7. Continuation of Public Hearing to add a proposed Local Law to prohibit the use of plastic bags by Rye Merchants.
8. Public hearing on the proposed 2012 Budget.
9. Public hearing to amend the City Charter, Article 21, "Financial Procedures" to address the issuance of bonds for use in natural disaster reconstruction efforts.
10. Public hearing to adopt the revised City of Rye Financial Policy.
11. Public Hearing to adopt a Local Law to override the State enacted tax levy limitation.
12. Residents may be heard on matters for Council consideration that do not appear on the agenda.
13. Consideration to set a Public Hearing to amend the City of Rye Charter for the creation of a Public Safety Commissioner to head the Police Department and the Fire Department reporting directly to the City Manager.

14. Acceptance of Grant Award from Governor’s Traffic Safety Committee in the amount of \$1,800 for participation in the “Child Passenger Safety” program.
Roll Call.
15. Resolution to declare certain equipment as surplus.
Roll Call.
16. Miscellaneous communications and reports.
17. Old Business.
18. New Business.
19. Adjournment.

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The next regular meeting of the City Council will be held on Wednesday, December 21, 2011.

** City Council meetings are available live on Cablevision Channel 75, Verizon Channel 39, and on the City Website, indexed by Agenda item, at www.ryeny.gov under “RyeTV Live”.

* There will be no Mayor Office Hours on December 7, 2011.



CITY COUNCIL AGENDA

NO. 4

DEPT.: Fire Department

DATE: December 7, 2011

CONTACT: Chief George Hogben

AGENDA ITEM: Approval of the election of one new member to the Rye Fire Department.

FOR THE MEETING OF:

December 7, 2011

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the election of Dorn Redd to the Poningoe Engine and Hose Company.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Board of Fire Wardens has advised that one new member was elected into membership and was approved by the Fire Wardens at their November meeting. Dorn Redd will be joining the Poningoe Engine and Hose Company.



CITY COUNCIL AGENDA

NO. 5

DEPT.: City Clerk

DATE: December 7, 2011

CONTACT: Dawn F. Nodarse

AGENDA ITEM Draft unapproved minutes of the special meeting of the City Council held November 9, 2011, the Budget Workshop held November 14, 2011, and the Regular Meeting/Budget Workshop of the City Council held November 16, 2011, as attached.

FOR THE MEETING OF:

December 7, 2011

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION: That the Council approve the draft minutes.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

Approve the minutes of the special meeting of the City Council held November 9, 2011, the Budget Workshop held November 14, 2011, and the Regular Meeting/Budget Workshop of the City Council held November 16, 2011, as attached.

DRAFT UNAPPROVED MINUTES of the
Special Meeting of the City Council of the City of
Rye held in City Hall on November 9, 2011 at 8:00
P.M.

PRESENT:

DOUGLAS FRENCH Mayor
PAULA J. GAMACHE
PETER JOVANOVIK
SUZANNA KEITH
CATHERINE F. PARKER
JOSEPH A. SACK
Councilmembers

ABSENT: RICHARD FILIPPI, Councilman

The Council convened at 7:35 p.m. Mayor French made a motion, seconded by Councilman Jovanovich and unanimously carried, to immediately adjourn into executive session to discuss litigation and attorney/client matters. Councilman Sack arrived at 7:50 p.m. Councilman Jovanovich made a motion, seconded by Councilwoman Keith and unanimously carried, to adjourn the executive session at 8:07 p.m. The regular meeting convened at 8:10 p.m.

1. Pledge of Allegiance

Mayor French called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call

Mayor French asked the City Clerk to call the roll; a quorum was present to conduct official city business.

3. Presentation of the FY 2012 Budget by the City Manager

City Manager Pickup said this is the first Budget prepared since the tax cap legislation was adopted. He said he believed it was a failed piece of legislation because nothing was enacted providing mandate relief. The proposed budget does not anticipate major changes in operations or major restructuring of the organization. Department Heads were asked to prepare their budget requests to keep the budget flat.

City Comptroller Jean Gribbins made presentations on the proposed 2012 budget and on the tax cap calculation.

Budget Presentation

The 2012 budget proposes a base levy increase of \$709,950 over the actual 2011 levy. A levy increase of \$709,950, combined with a \$944,959 decrease in assessed value translates to a 4.34% tax rate increase. Fund Balance at the end of the year is expected to be just over \$2 million or 6.68% of expenditures. The proposed budget would be about \$192,000 over the tax levy cap.

Ms. Gribbins said the City is a service organization and its main cost is personnel. Even though staff levels have been decreasing, some of the costs associated with staff have increased. New York State determines the amount the City is required to contribute to the Employee and Police and Fire Retirement Systems and contributions for both will increase for 2012. The Employee Retirement budget is \$136,000 higher than 2011 and the Police and Fire Retirement budget is \$227,000 higher. By moving retirees on the Aetna health plan to a new Medicare Part F Plan, the City was able to limit the increase in costs to \$26,000. The expense for the City's employee health insurance expense in 2012 will be \$178,000 higher. Other than these mandated increases none of the City's internal departments have asked for more funding in 2012. Costs of processing credit card transactions have gone up as the City provides more on-line payment options for residents. The City is also responsible for funding Rye Town Park. The 2011 operating deficit for the park is expected to be \$150,000, making the City's share \$75,000 or \$50,000 higher than what was adopted in the 2011 budget. Funding for the Rye Free Reading Room is \$1,080,000, the same level as 2011. There is no City funding for capital and building and vehicle for 2012. The only capital funding will be the NYS CHIPS money for street repaving.

The City is limited in how it can generate revenue. The primary way is through the tax levy. For the 2012 budget the levy is 67% of total revenues, 1% higher than in 2011. Ms. Gribbins pointed out that for 2011 the assessed value at the time of the budget adoption was higher than the assessed value of the final roll used to prepare the property tax levy, which resulted in the City being \$96,874 under budget. She said a similar difference can be expected for 2012 as more people challenge their tax bills. It is expected that the amount earned for interest will be \$25,000 less than the amount budgeted for in 2011. Sales Tax and Mortgage Tax revenues are budgeted flat to the 2011 Budget. Increasing the Utility Gross Receipts tax is an option open to the Council for increasing the City revenues outside the tax levy.

Calculation of Tax Levy Cap Presentation

Ms. Gribbins began this presentation by pointing out the difference between the tax levy and the tax rate. The 2% cap is on the levy, which is the dollar amount raised by taxation. The levy can increase by 2% and if assessed value goes down, the tax rate can increase more than 2% and stay within the 2% levy. The City established its 2011 levy amount and applies the 2% cap to that amount, calculates what amounts can be excluded from the cap and then compares that levy amount to the proposed levy amount. There are two components to the City's levy: the base amount applied to all parcels in the City covering the costs for City services, and special assessments applicable to certain parcels. These figures are added together to get the total 2011 levy. The total levy is then multiplied by a Tax Base Growth Factor determined by the State Department of Finance. The 2011 PILOT (Payment in Lieu of Taxes) is then added. The result is the Adjusted Levy Basis. The 2% cap is applied to that number. The estimated 2012 PILOT

amount is then subtracted. Amounts that can be excluded from the tax levy cap include: Torts and Judgments expenditures that exceed 5% of the total levy from the prior year and a Pension Exclusion equal to 0.6% of Employee's Salaries and 2.2% of Police and Fire Salaries based on a bill from the NYS Retirement system due in December 2012. Ms. Gribbins added that part of the reason the City needs to override the tax cap is to adjust for the Special Assessments, which are fully reimbursed by specific tax payers. She said that the City is not permitted to exclude the portion of the levy attributable to the funding of non-profits and also not allowed to exclude payments to Rye Town Park.

The tax cap calculations for this year's proposed budget are as follows:

Base Real Property Tax Levy for FYE 12/31/11 (Actual amount levied)	\$19,439,051
Add Special Assessments:	
Rockridge Sewer	12,991
Kirby Lane North Water/Sewer/Gas	101,521
Upper Dogwood Sewer	<u>0</u>
Total Property Tax Levy for FYE 12/31/11	\$19,553,563

Tax Base Growth Factor – determined by NYS Dept of Tax & Finance	1.0051
Subtotal – 2011 Levy x Growth Factor	19,653,286
PILOT 2011 – Actual PILOT billed	<u>94,834</u>
2011 Adjusted Levy Basis Subject to 2% Cap	\$19,748,120

Allowable Levy Growth Factor (2%) – determined by NYS OSC	2%
Subtotal – Levy + PILOTS x 2% cap	\$20,143,083
Less: 2012 PILOT (estimated)	
2011 PILOT	\$94,834
Tax Rate increase for 2012	<u>4.34%</u>
Less: Estimated 2012 PILOT	<u>98,954</u> <u>(98,954)</u>

Subtotal – Preliminary Tax Levy Limit	\$20,044,129
Add: Tax Levy necessary for expenditures from court orders/ Judgments arising from Tort actions for any amount in excess Of 5% of the total taxes levied in the prior fiscal year – Amount in Excess of:	<u>977,678</u> 0

Pension Exclusion Calculation

Salary Base for bill to be paid in 2012 (determined by NYSRS)	
State and Local Employee Salary Base	6,755,133
Excludable Percentage: (determined by NYS OSC)	0.60%
Employee Pension Exclusion	<u>40,531</u>
Police and Fire Base	5,590,803
Excludable Percentage: (determined by NYS OSC)	2.20%
Police & Fire Pension Exclusion	<u>122,998</u>
Total Pension Exclusion	<u>163,528</u>
Tax Levy Limit without Override	\$20,207,657

Based Proposed Tax Levy	\$20,245,875
Special Assessments:	
Rockridge Sewer	12,991
Kirby Lane North Water/Sewer/Gas	120,528
Upper Dogwood Sewer (estimate)	<u>20,703</u>
Total Proposed Levy Subject to Levy Limit	<u>\$20,400,097</u>
 Amount Exceeding Levy Limit	 \$ 192,440

In response to a question about what it would take to achieve a 0% tax rate increase, Ms. Gribbins and Mr. Pickup said that \$800,000 would have to be cut from the budget and substantial operational changes would have to be made.

4. Set the Public Hearing on the 2012 Budget for December 7, 2011

Mayor French made a motion, seconded by Councilwoman Keith and unanimously carried, to adopt the following Resolution to set a public hearing on the 2012 Preliminary Budget for December 7, 2011:

WHEREAS, it is now desired to call a public hearing on the proposed 2012 budget, now, therefore, be it

RESOLVED, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on December 7, 2011 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such budget.

Section 2. Such notice of public hearing shall be in substantially the following form:

**CITY OF RYE
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held by the Council of the City of Rye on Wednesday, the 7th day of December, 2011 at 8:00 p.m. at City Hall, 1051 Boston Post Road, in said City, on the Proposed Budgets of the General Fund, Cable TV Special Revenue Fund, K.T. Woods Permanent Fund, Debt Service Fund, Capital Projects Fund, Boat Basin Enterprise Fund, Golf Club Enterprise Fund, Risk Retention Internal Service Fund, and Building and Vehicle Maintenance Internal Service Fund of the City of Rye for the ensuing fiscal year, January 1, 2012 through December 31, 2012, and at such time and place any person interested in said Proposed Budgets will

be given an opportunity to provide written and oral comments on any and all of the aforementioned budgets.

CITY OF RYE SUMMARY OF PROPOSED BUDGETS

<u>Fund/Program</u>	<u>Proposed Budgets</u>
General Fund	\$30,067,271
Rye Cable TV Special Revenue Fund	396,784
K.T. Woods Permanent Fund	-0-
Debt Service Fund	403,348
Capital Projects Fund	285,000
Boat Basin Enterprise Fund	1,123,751
Rye Golf Club Enterprise Fund	7,305,049
Risk Retention Internal Service Fund	712,536
Building and Vehicle Maintenance Internal Service Fund	<u>4,280,894</u>
TOTAL - All Funds	<u>\$44,574,633</u>

Dawn F. Nodarse
City Clerk
Dated: November 25, 2011

5. Adjournment

There being no further business to discuss Councilman Jovanovich made a motion, seconded by Councilwoman Gamache and unanimously carried, to adjourn the meeting at 9:05 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk

DRAFT UNAPPROVED MINUTES of the
Budget Workshop of the City Council of the City of
Rye held in City Hall on November 14, 2011 at 8:00
P.M.

PRESENT:

DOUGLAS FRENCH Mayor
PAULA J. GAMACHE
PETER JOVANOVIĆH
SUZANNA KEITH
JOSEPH A. SACK
Councilmembers

ABSENT: RICHARD FILIPPI
CATHERINE F. PARKER
Councilmembers

1. Pledge of Allegiance

Mayor French called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call

Mayor French asked the City Clerk to call the roll; a quorum was present to conduct official city business.

Mayor French began the workshop by saying that the City Manager had presented the Proposed Budget to the Council and it is now up to the Council to review that budget both strategically and financially. The Council must balance: shrinking revenues; a shift in the expense ratio; and the ability of citizens to pay. This year's budget submission is \$900,000 over the base levy of last year.

3. Discussion of the FY 2012 Budget.
● Emergency Medical Services (EMS)

City Manager Pickup said that the City's Emergency Medical Services program is an example of successful inter-municipal cooperation among three communities who have joined together to provide high quality EMS services to their citizens.

Scott Moore and Tony Suttin, representing the Port Chester-Rye-Rye Brook Emergency Ambulance Corps (Ambulance Corps) made a presentation on their organization. They said the Ambulance Corps works well because all three communities sit on a committee and are involved with the operation. They said they are keeping their budget level for the third year in a row by

trying to save money wherever possible. The Ambulance Corps derives its income from contributions and fund raising, insurance recovery and municipal contracts. The City of Rye's share of the municipal contract is 32.2%. Mr. Moore also provided the Council with an overview of the Ambulance Corps' projected expenses for the coming year, including employee related costs, maintenance and repairs of their facility and equipment, fuel costs and depreciation of equipment. He noted that they are trying to increase revenue by providing transportation services from nursing homes to dialysis centers and doctor's offices. Mr. Suttan said that this inter-municipal model is very efficient and by the three municipalities working jointly with the Ambulance Corps they get more resources than they could get individually. Mr. Moore noted that their use of volunteers keeps them grounded in the community they serve. City Manager Pickup said that the City's First Responder Program works closely with the Ambulance Corps, which results in a top rate response to medical emergencies and is an extra service to the community that saves lives. Mr. Pickup also pointed out that if major cuts are made to the Medicare reimbursement rates there would be an impact on EMS and, therefore, the City.

- Rye Free Reading Room Budget Review

City Manager Pickup said that each year the City enters into an Agreement with the Library to set out hours of operation and payment responsibilities. The amount of funding proposed for the Library in the 2012 budget is \$1,080,000, the same as in 2011. The City has held discussions with the Library on how this will affect the operations of the Library. Mr. Pickup added that in the initial proposed budget there are no resources to increase the funding to the 2009 amount of \$1,150,000.

Library Director, Kitty Little and Library Board Members Debra Julian, Fran Rodilosso and John Eckerson were present to represent the Library. Ms. Little made a presentation on what flat funding from the City would mean for the Library; how the Library compares with other Libraries in Westchester County; and the needs of the Library based on community expectations. She said that current City funding, which is below 2006 funding levels, supports only staffing the Library and lighting and heating the building with everything else funded by donations, contributions and fees. If the funding from the City remains flat in 2012 it will require the Library to close for an additional full day bringing the maximum number of hours open to 41.5. Materials and program budgets and building operations will be at 2004 levels. Ms. Little also compared the Library with peer group libraries in terms of population and public funding. She said that demands for library services have increased with the bad economy and the amount of productivity coming out of the library is significant compared to the number of dollars going into it. Ms. Little provided three scenarios for the Library based on different funding levels.

- \$75,000 is restored to the budget bringing the funding back to 2010 levels The new Teen Center will be fully supported; the hours will remain unchanged at 49.5 and an E-Book Collection will be added to the collection. .
- \$45,000 is restored to the budget to offset increased pension and health care costs for employees The Teen Center will be funded entirely by private contributions and matching grants and staffed most hours that teens are in the library; the hours of operation will be 45.5 in winter and 41.5 in summer; and the materials budgets will be increased by 2%.

- City Funding Remains Flat The hours of operation will be reduced to 41.5; the Teen Center will be funded entirely by private contributions and matching grants and funded most hours teens are in the library; the collection and program budgets will fall below 2004 levels; and, there will be no cushion in the budget.

Ms. Little said that the Library provides critical services for the community and for every taxpayer dollar invested there is a return of \$2.70.

There was a discussion between the Council and Library representatives relating to Library personnel costs and the current contract negotiations. Board President Julian said that the current Library contract is actually less lucrative than the contracts that the City has with its unions and said that for the first time they are using the services of an attorney to negotiate the next contract. Ms. Little was asked to provide the Council with details of the contract.

Questions and comments:

- Could the Library work with the local school libraries? (They do not have sufficient resources to serve their own populations.)
- What is necessary for operation of the Teen Center? (More than one full-time person in order to maximize the use of the space for all hours that the Library is open.)
- What percent of populations use the library? (They would have to look at program statistics and circulation statistics.)
- Are there any opportunities for additional revenue? (For-profit organizations are charged for use of the meeting room; the amounts for fines could be increased; they continue to seek grant opportunities; and they are open to opportunities that do not impact services.)
- What is the trend for E-Books vs. hard copy books? (E-Books are another format in demand and increase the collection costs. The length of circulation time is shorter than hard copy books. There is also additional demand put on the network systems and staff.)
- How does the Endowment Fund work? (It is about \$1.5 million and composed of two funds that have restrictions on how funds can be used. The Board is allowed to transfer 4% to the operating budget each year.)
- If the hours of operation are projected to go down by 16% why are the personnel costs increasing by 2%? (There will be an additional floor of service that will need personnel to staff it.)
- Should the third floor Teen Center be opened if it can't be sustained without affecting the rest of the operation? (The grant used for the Teen Center was applied for when there was sufficient funding to support it.)

After the presentations the Council held a general discussion about budget concerns. City Manager Pickup and City Comptroller Gribbins asked the Council to get any budget related questions to them by next week so staff can have the answers by the November 30th workshop. Mr. Pickup said that any proposed changes would have to be calculated according to the tax cap requirements and asked the Council to come up with a few scenarios they would all be willing to discuss in terms of cutting services if they want to substantially reduce the proposed tax rate increase.

4. Adjournment

There being no further business to discuss Councilman Jovanovich made a motion, seconded by Councilwoman Gamache and unanimously carried, to adjourn the meeting at 10:59 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on November 16, 2011 at 8:00
P.M.

PRESENT:

DOUGLAS FRENCH Mayor
PAULA J. GAMACHE
PETER JOVANOVIK
SUZANNA KEITH
JOSEPH A. SACK
Councilmembers

ABSENT: RICHARD FILIPPI
CATHERINE F. PARKER
Councilmembers

Prior to the meeting an attorney/client meeting was held. A quorum of the Council was not present to conduct an official Executive Session.

1. Pledge of Allegiance

Mayor French called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call

Mayor French asked the City Clerk to call the roll; a quorum was present to conduct official city business.

3. General Announcements

- The next budget workshop will be on November 30th. The public hearing on the budget will be on December 7, with the final vote on the 2012 Budget scheduled for December 21st.

4. Draft unapproved minutes of the regular meeting of the City Council held November 2, 2011

Councilwoman Gamache made a motion, seconded by Councilwoman Keith and unanimously carried, to approve the minutes of the regular meeting of the City Council held on November 2, 2011, as submitted.

5. Presentation of the Citizen's Budget

Paula Schaefer, representing the Finance Committee, said the Citizen's Budget Report was prepared by City staff at the request of the Finance Committee to provide a streamlined version of the proposed 2012 budget in order to have an informed public. The Finance Committee will provide their full view on the proposed budget in conjunction with the public hearings. She provided the following highlights of the 2012 budget:

- Revenues budgeted in 2012 are \$30 million, or 2.2% over the 2011 adopted Budget of \$29.4 Million.
- Expenditures are \$30 million, up \$120,000 or 0.4% from the 2011 adopted Budget of \$29.9 Million.
- There is no capital included in the proposed budget except for street repairs that are funded from other sources.
- The tax cap legislation has an impact on how much taxes can be increased without adopting a tax cap override. The budget presented would require an override of the tax cap.

Ms. Schaefer added that the Finance Committee is in support of the proposed amendment to the City Charter with respect to Charter Debt Limits for disaster bonding and also of the proposed changes to the Financial Policy that will be considered at public hearings on December 7th.

The entire Citizen's Budget Report will be posted on the City website.

6. Mayor's Management Report
• Legal Update

Corporation Counsel Kristen Wilson reported on the following matters:

- *Panetta v. Planning Commission* – Judge Colangelo rendered a decision dismissing the petition. Petitioner has appealed the decision and requested that the Supreme Court Judge who dismissed the petition conduct a conference on the matter.
- *Highland Hall Tenant's Association v. City of Rye, et al* – Judge Zambelli has granted the County an extension of time to file a Motion to Dismiss.

7. Public Hearing to add a proposed Local Law to prohibit the use of plastic bags by Rye Merchants

Councilwoman Gamache made a motion, seconded by Councilwoman Keith and unanimously carried to open the public hearing.

Councilwoman Keith said that the proposed law has good public support and is based upon a nation-wide best practice analysis. The ban would prohibit single-use disposable bags used for every day shopping. She said the City could be the first community in Westchester to enact such a law. Sara Goddard of the Sustainability Committee gave a presentation regarding: plastic bags and their effect on the environment; other communities that have adopted similar legislation and their experience; and the intended purpose of the City's proposed local law.

Several members of the public commented on the proposed local law. *Olivia Dabinett, Jonathan Cunitz, Jordan Christiansen, John Grieco, Christine Siller, Lee Sandford and Melissa Grieco* (who also read a prepared statement from *Rene Drummond*), all spoke in favor of the proposed local law and its benefits to the community and urged the Council to adopt it. *Jerry and Martha McGuire of the Post Road Market* both said they supported the law but asked if it could be amended to make an exception for plastic bags used to transport take-out food orders. Ms. Goddard offered to sit down with Deli owners to address their concerns and share how other communities who have adopted a ban have addressed the issue.

The public hearing was kept open until the next meeting.

8. Residents may be heard on matters for Council consideration that do not appear on the agenda

Jordan Squires, Theodore Fremd Avenue, spoke in favor of putting a stop sign at the intersection of Midland Avenue and Palisade Road. He said the decision should be based on the behavior of children and not on the advice of experts.

Bob Zahm, 7 Ridgewood Drive, said he was glad to see the work starting on the Old Post Road Bridge. Later in the meeting Mr. Zahm asked if the City would be doing the usual private sidewalk work where residents can take advantage of the City's contract price, since there was no money in the proposed budget for sidewalks. City Manager Pickup said that a sidewalk contract would not include city sidewalk work, but the private work for abutters would go on as usual.

Ray Tartaglione said he wanted to make a presentation to the Council about illegal building he claims was done at a house owned by the Mayor. Deputy Mayor Gamache said that unless Mr. Tartaglione's presentation was City business it was not appropriate for him to present it to the Council.

Jim Amico, 350 Midland Avenue, spoke about the issue of a stop sign at the intersection of Midland Avenue and Palisade Road. He referred to another location in the City where a stop sign was erected to slow traffic after it was requested by a resident and the implementation of the Post Road Diet near the High School. He said the Council directed the City Manager to put up a stop sign at the intersection and accused the City Manager of disregarding their orders. Mayor French said that Midland Avenue is a County road and the City is waiting to hear back from the County. The City Manager will report back to the Council at that time.

9. 2012 Budget Review: Police Department

Police Commissioner William Connors made a presentation regarding the Police Department. He said that when preparing the department budget they prepare for the possibilities while budgeting for the probabilities. The challenge is to find a balance between the staffing and funding needed to deal with the probable and maintain the readiness to handle the possible. For 2012 the Department has submitted a basic subsistence budget with no capital projects. Because the Police Department is a service business, the bulk of the department's expenses are personnel related in order to provide adequate patrol coverage; maintain a public

safety answering point; ensure adequate supervision; police special events; respond to emergencies; conduct investigations; and, prevent and deter crime. Specialized responsibilities include the Village Patrol; Youth Liaison work; Marine Patrol; Traffic and Parking Enforcement; Counter Terrorism and Victim Assistance. The “back office” operation of the Department involves technology; scheduling; training; event planning; records management; evidence management; equipment maintenance; and accreditation. He provided a breakdown of the current staffing in the Department; explained the process of staffing squads; and how staffing levels can change during a year. He also explained the hiring process and training process for the Department and how it affects staffing levels. The Commissioner also outlined the use of overtime in the budget and factors that can increase the amount such as crime patterns or reduced staffing levels. He said the industry best practice is to look at overtime as a percentage of the budget. Between 5-10% is considered a good level. The Department’s overtime percentage level is generally in the 5-6% range and is tracked by 12 categories. All overtime assignments are approved by a Lieutenant and all overtime submissions are approved by both a Lieutenant and the Commissioner. Everyone in the Department, except the Commissioner and one other person, is eligible to receive overtime for any time they work over eight hours a day, five days a week. The Commissioner also provided an overview on the work done by the Auxiliary and Marine Units and shared services with other municipalities and organizations. The final part of the presentation dealt with enforcement. He showed a chart comparing the number of moving violations issued in 2010 with the first three quarters of 2011. He said that the number of summonses issued can be influenced by such things as staffing levels; community tolerance; economy related factors; and the labor relations climate. He added that the issuance of a traffic violation is ultimately at the discretion of the officer and that State law prohibits the establishment of quotas. He said that there are items that would help the members of the Department do their jobs better, but he understands that there is no money and, therefore, they are looking into other funding sources. City Manager Pickup said that there are no additional changes proposed for staffing of the Police Department in the 2012 budget and the real increases in the proposed budget are related to pension and benefits.

10. Consideration to set a Public Hearing to adopt the revised City of Rye Financial Policy and a revision to the Rye City Charter

Councilman Jovanovich made a motion, seconded by Councilwoman Gamache, to adopt the following Resolution:

WHEREAS, the Council wishes to adopt a revised City of Rye Financial Policy; and

WHEREAS, it is now desired to call a public hearing on such revised Financial Policy, now, therefore, be it

RESOLVED, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will

be held by the Council of said City on December 7, 2011 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such proposed revised Financial Policy.

Section 2. Such notice of public hearing shall be in substantially the following form:

**PUBLIC NOTICE
CITY OF RYE**

Notice of Public Hearing on a proposed revision to the City of Rye Financial Policy.

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 7th day of December, 2011 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning a proposal to revise the City of Rye Financial Policy.

Copies of said revised policy may be obtained from the office of the City Clerk.

Dawn F. Nodarse
City Clerk
Dated: November 25, 2011

ROLL CALL:

AYES: Mayor French, Councilmembers Gamache, Jovanovich, Keith and Sack
NAYS: None
ABSENT: Councilmembers Filippi and Parker

The Resolution was adopted by a 5-0 vote.

Councilman Jovanovich made a motion, seconded by Councilwoman Gamache, to adopt the following Resolution:

WHEREAS, the Council wishes to amend Article 21 “Financial Procedures” of the City Charter of the City of Rye to address the issuance of bonds for use in natural disaster reconstruction efforts; and

WHEREAS, it is now desired to call a public hearing on such proposed amendments to the law, now, therefore, be it

RESOLVED, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on December 7, 2011 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such proposed local law.

Section 2. Such notice of public hearing shall be in substantially the following form:

**PUBLIC NOTICE
CITY OF RYE**

Notice of Public Hearing on a proposed local law to Amend Article 21 “Financial Procedures” of the City Charter of the City of Rye, to address the issuance of bonds for use in natural disaster reconstruction efforts.

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 7th day of December, 2011 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning a proposal to amend Article 21 “Financial Procedures” of the City Charter of the City of Rye to address the issuance of bonds for use in natural disaster reconstruction efforts.

Copies of said local law may be obtained from the office of the City Clerk.

Dawn F. Nodarse
City Clerk
Dated: November 25, 2011

ROLL CALL:

AYES: Mayor French, Councilmembers Gamache, Jovanovich, Keith and Sack
NAYS: None
ABSENT: Councilmembers Filippi and Parker

The Resolution was adopted by a 5-0 vote.

11. Consideration to set a Public Hearing to amend the City of Rye Charter for the creation of a Public Safety Commissioner to head the Police Department and the Fire Department reporting directly to the City Manager

City Manager Pickup said that the City has begun looking at the operational structure of the Fire Department to determine if there was an opportunity to make changes in the management structure. A proposal was made based on past studies of the Fire Department as well as looking at other operational structures in Westchester that have a combined Public Safety Commissioner who is ultimately responsible for the operation of both Police and Fire. There would still be a continuation of the role of the Chiefs and Board of Wardens. Going forward, the City will have to look at different operating models in order to be more efficient and continue to deliver services. The details will be worked out in terms of fire inspection and the role of the Chiefs and the Board of Fire Wardens and, if approved, a new Civil Service title will have to be created for the City of Rye. A suggestion was made that an additional budget workshop should be added for December 5th to discuss issues related to the Fire Department. This City Manager was asked to provide information regarding proposed cost savings and the impact on the budget.

Richard Barber spoke on behalf of the Board of Wardens. He requested that the Council not set the public hearing at this time and wait until after the Fire Department budget workshop to determine if the proposed change would benefit the City and the Fire Department. He said he believed it would take away all of the powers of the Board of Wardens and the Chiefs.

The Council deferred setting a public hearing until after a Fire Department Budget Workshop.

12. Home Rule Resolution supporting S5902(Oppenheimer)/A8556(Latimer) extension of the City of Rye Hotel Occupancy Tax
Roll Call.

City Manager Pickup said that the original legislation for the Hotel Occupancy Tax had a sunset provision and the City must pass a Home Rule Resolution as part of the process to extend the legislation until September 2015.

Councilman Jovanovich made a motion, seconded by Councilwoman Keith, to adopt a Home Rule Message supporting S5902 (Oppenheimer)/A8556 (Latimer) extending the City of Rye Hotel Occupancy Tax until September 1, 2015.

ROLL CALL:

AYES: Mayor French, Councilmembers Gamache, Jovanovich, Keith and Sack
NAYS: None
ABSENT: Councilmembers Filippi and Parker

The Resolution was adopted by a 5-0 vote.

13. Miscellaneous Communications and Reports

Mayor French reported that the Rye Town Park Commission is looking to have a community forum on January 7th. The Mayor said he has met with the consultant regarding the Town of Rye dissolution study, but it will take a couple of years before anything could happen. The problem piece is the Rye Neck section of the Town of Rye.

14. Old Business

Councilwoman Keith asked for updates on the following topics:

- Flood mitigation efforts – City Manager Pickup said he had hoped to bring the City’s consultant in for the December 7th Council meeting to update on the FEMA grants and the Sluice Gate project. In connection with the Sluice Gate, Mayor French said the Rye Brook Planning Commission would be meeting on December 8th and the project would go to the Village Board on December 13th. The Town of Harrison has asked to comment on the project.
- Black Bass Grill – Corporation Counsel Wilson said she would follow up with the attorneys for the property for an update on the asbestos removal.
- Central Avenue Bridge – City Manager Pickup said he would provide an update at the next meeting.
- Stop sign issue – City Manager Pickup said he asked the City’s engineers to provide a preliminary design to share with the County because a County work permit is required to install a stop sign in a County road. The County provided feedback, but has not provided a final position, which may not come. The Council will have to make a decision about what they want to do going forward. Mayor French said he was not ready to move forward until the Council received a comprehensive report on the issue.

In connection with the 2012 proposed budget, Ms. Keith said she believed the Council should offer the public the rationale for what cutting \$700,000 or \$450,000 would mean in terms of changes to the City. Mayor French said that the City Manager has submitted his budget and Councilmembers should provide him and Comptroller Gribbins with their theories of where there might be opportunities to cut the budget. City Manager Pickup said there were very few things that could be done to achieve that amount of savings in 2012.

15. New Business

Mayor French said he believed the City should consider establishing a volunteer position of a Public Information Coordinator.

Mayor French and Deputy Mayor Paula Gamache noted that they would both be out of town during the next week. Corporation Counsel Wilson said that the Council must designate someone to serve as Acting Mayor during that time.

Mayor French made a motion, seconded by Councilwoman Gamache, and unanimously carried to appoint Councilwoman Suzanne Keith as Acting Mayor for the period November 19 through November 27, 2011.

16. Adjournment

There being no further business to discuss Councilman Jovanovich made a motion, seconded by Councilwoman Keith and unanimously carried, to adjourn the meeting at 12:27 a.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk



CITY COUNCIL AGENDA

NO. 6

DEPT.: City Council

DATE: December 7, 2011

CONTACT: Mayor Douglas French

AGENDA ITEM: Mayor's Management Report

FOR THE MEETING OF:

December 7, 2011

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Manager provide a report on requested topics.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Mayor has requested an update from the City Manager on the following:

- Central Avenue Bridge Update
- Legal Update



CITY COUNCIL AGENDA

NO. 6A

DEPT.: City Council

DATE: December 7, 2011

CONTACT: Mayor Douglas French

AGENDA ITEM: Discussion of the Westchester Bee-Line Route 76 Line through Rye.

FOR THE MEETING OF:

December 7, 2011

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: County Executive Astorino's 2012 budget proposal calls for the elimination of the Bee-Line Bus Route 76 with estimated County savings of \$243,436. The Route 76 bus currently provides service between Rye and Port Chester following a 55-minute loop from the Port Chester train station to Kohl's Shopping Center to the Rye train station and the end of Milton Road. It runs six days a week. In addition, there are three special rush-hour runs early morning and early evening. The route is served by a 19-passenger shuttle van owned by the County and operated by Port-Chester-Rye Transit under an annual contract with the County.

Proponents of the Route 76 bus line decry the elimination and ask for Council intervention.

Please see attached letter from Thomas M. Saunders, President of SPRYE, Inc.

To the Mayor and Council Members,

I ask you to join me in urging County government to revisit their recent move to eliminate service along the existing #76 bus route. SPRYE and other area Aging in Place (AIP) groups have learned through both direct experience and marketing research that the biggest single challenge faced by the elderly is transportation. Simply put, if you live in the suburbs and have to surrender your driver's license, you're in big trouble. The problem is twofold:

- 1) The elderly can't get out of their homes to run errands and interact with the community at large, and
- 2) Low-wage providers of critical in-home services like health care and housekeeping can't get in.

Lack of transport also contributes to elders' number two complaint-social isolation.

Another County proposal, limiting service to the northern portion of the existing route, would isolate Milton Harbor House, a significant NORC (Naturally Occurring Retirement Community) that is one of only two in Rye, and Milton Point as a whole.

The County Executive's rationale seems to be that low ridership justifies elimination of the route. While I agree that public transportation is underpinned by economy of scale, we must also consider the importance of the service to those who use it. Thirty-six years' work in another networking enterprise (telecommunications) taught me that you don't isolate a location just because it lies at the end of a low-density route. Rather, you keep it on line and use revenue from the higher-density routes that it feeds into to subsidize it. So it should be with public transportation.

Thank you for your attention.

Thomas M. Saunders
President
SPRYE, Inc.



CITY COUNCIL AGENDA

NO. 7

DEPT.: City Council

DATE: December 7, 2011

CONTACT: Councilwoman Suzanna Keith

ACTION: Continuation of Public Hearing to add a proposed local law to prohibit the use of plastic bags by Rye Merchants.

FOR THE MEETING OF:

December 7, 2011

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: A proposal was presented by the Sustainability Committee to the City Council to adopt a new ordinance prohibiting the use of plastic bags for retail checkout of purchased goods. The Committee previously presented the proposal to the Rye Merchants at a Chamber of Commerce meeting; their support for the proposal is evidenced in numerous signatures on the Sustainability petition for the new ordinance.

See attached draft Local Law and petition.

CITY OF RYE
LOCAL LAW NO. __ OF 2011

A Local Law to add Chapter 154 "Retail Checkout Bags" to the City Code of the City of Rye to encourage the use of reusable checkout bags and prohibit the use of plastic bags for retail checkout of purchased goods

Be it enacted by the Rye City Council as follows:

Section 1. Chapter 154 Retail Checkout Bags

§ 154-1. Purpose.

The intent of this ordinance is to improve the environment in Rye by encouraging the use of reusable checkout bags and banning the use of plastic bags for retail checkout of purchased goods. Retail establishments are encouraged to make reusable bags available for sale.

§ 154-2. Justification.

Non-biodegradable plastic bags often are discarded into the environment and end up polluting our waterways, clogging sewers, endangering marine life and causing unsightly litter. These bags last hundreds of years in landfills and are a potential source of harmful chemicals when they do break down.

§ 154-3. Definitions.

The following words, terms and phrases, when used in this Division, shall have the meanings ascribed to them in this section:

CHECKOUT BAG - a carryout bag that is provided to a customer at the point of sale. The term "checkout bag" does not include plastic produce bags or plastic bags measuring 28" by 36" or larger in size.

PLASTIC PRODUCE or GARMENT BAG - a flexible container made of very thin plastic material with a single opening that is used to transport clothing from a dry cleaner, produce, meats or other items selected by customers to the point of sale.

RETAIL SALES - the transfer to a customer of goods in exchange for payment occurring in retail stores, sidewalk sales, farmers' markets, flea markets and restaurants. The term "retail sales" does not include sales of goods at yard sales, tag sales, other sales by residents at their home, and sales by not-for-profit organizations.

RECYCLABLE PAPER BAG - a paper bag that should have the following characteristics: (1) contains no old growth fiber; (2) is 100% recyclable overall and contains a minimum of 40% post-consumer recycled content; and (3) displays the words "Reusable" and "Recyclable" on the outside of the bag.

REUSABLE BAG - a bag with handles that is specifically designed and manufactured for multiple reuse and is: (1) made of cloth or other fabric; and/or (2) made of durable plastic that is at least 2.25 mils thick.

§ 154-4. Restriction on checkout bags.

- A. Any person engaged in retail sales shall provide only reusable bags and/or recyclable paper bags as checkout bags to customers.
- B. Nothing in this section shall preclude persons engaged in retail sales from making reusable bags available for sale to customers.

§ 154-5. Effective date.

This Chapter shall become effective six (6) months following its adoption to allow retail establishments to dispose of their existing inventory of plastic checkout bags and convert to alternative packaging materials.

§ 154-6. Penalties for offenses; continuing violations.

- A. In the event that there is noncompliance with this chapter, the owner of the property or the owner's agent or the person performing such violation shall be notified in writing and shall forthwith stop with the violating activity. Such notice shall be in writing and may be served upon a person to whom it is directed either by delivering it personally to him or her or by posting same upon a conspicuous portion of the property and sending a copy of same by certified mail.
- B. The penalty for each violation shall be up to \$150.00.
- C. Each occurrence of a violation, and each day that such violation continues, shall constitute a separate violation and shall be subject to a separate penalty and may be cited as such.

Section 2. This local law will take effect six months upon filing in the Office of the Secretary of State.

MERCHANT SIGNATURES AS OF: Wednesday, November 9, 11

Name	Signed Pledge
Alfred Harcourt Foundation	1
Angelas	1
Arcade Booksellers	1
Benefit Cosmetics	1
Better Homes/Rand Realty	1
Blue Monster Promotions	1
Blush	1
Bubble and Tweet	1
Carpet Trends	1
Citibank	1
Coldwell Banker/Country Properties	1
Corner Stone Caterers	1
Crozier-Gedney Architects	1
Dock Deli	1
Financial Spyglass	1
Fong's Dry Cleaning	1
Fresh Green Light	1
Gallery 52	1
Great Stuff	1
Hampton White	1
Houlihan Lawrence	1
Jay Heritage Center	1
June and Ho	1
JWH Design and Cabinetry	1
Le Beastro	1
Lola	1
Longford's Ice Cream	1
Morgan's Fish House	1
The Open House	1
Parkers	1
Patisserie Salzburg	1
Pilates Studio of Rye	1
Planet Pizza	1
Post Rd Market	1

DBA Allstate Insurance	1
R&M Woodrow Jewelers	1
Rhythm in Rye	1
Rock Island Sound	1
Rockridge Deli	1
Ruby's Oyster Bar & Bistro	1
Rye Art & Framing	1
Rye Beach Pharmacy	1
Rye Beverage Mart	1
Rye Health and Fitness	1
Rye Historical Society	1
Rye Nature Center	1
Rye Town Park	1
Scissors on the Sound	1
Silver Rush	1
State Farm	1
The Framing Corner of Rye	1
The Rye Free Reading Room	1
The Rye Grill & Bar	1
The Rye Record	1
The Rye Stationer	1
Trapp Optician	1
Tutta Bella Spa and Salon	1
Twinkle Toes	1
UPS	1
Wainwright House	1
Weezie D.	1
Wine At Five	1
Wish	1

TOTAL YES 63

Notes:

- One "no": Sole Ryeders
- Most, but not all, are Chamber of Commerce members
- There is one signature for Rye Grill & Bar, Morgan's, Ruby's (same owner)
- There is one signature for Wish and Twinkle Toes (same owner)
- Jay Heritage head "signed" via email

RETAIL SHOPPING BAG ORDINANCE – FAQs

Justification/Background

Q: Why do we need a retail shopping bag ordinance?

A: Single-use, disposable plastic bags are a major source of litter and pollution in our environment. These bags do not biodegrade, are extremely difficult to recycle, and can only be “reused” once before being discarded. Most are never used more than once to transport goods from a store. The proposed ordinance is part of a larger educational campaign to encourage the use of reusable bags, thereby contributing to a cleaner, healthier environment.

Q: Is the problem really that bad, that we need to pass new legislation?

A: Yes. There is nothing useful about single-use bags. The lasting damage from a disposable plastic bag that is used – on average - for only 12 minutes before discarded, is huge. Plastic bags will remain in the environment hundreds, if not thousands, of years, and destroy wildlife, clog storm drains and fill landfills. This legislation will demonstrate that Rye understands the need to protect its environment by moving away from our “disposable” habit to a “reusable” one.

Q: Why isn’t an education campaign enough to get the point across?

A: Sometimes education is not enough to change habits that are considered part of every day life, but are actually of no value to the community, and can be harmful to many. As members of a community, we accept regulations imposed on us every day: we’re not allowed to litter; we must recycle; we are required to pick up after our dogs; we must use a seatbelt. This legislation is similar to these forms of legislation where voluntary compliance has not achieved the desired results because of reluctance of individuals to change their behavior.

Retail establishments impose rules too, that we, as shoppers, accept: Costco, for example, has imposed its own “regulation” by not offering bags to customers. It’s good business because it cuts costs.

Q: Is this a new concept?

A: No. Many communities, just like Rye, have understood the need to solve their litter and pollution problems by passing similar ordinances. Westport, CT, Southampton Village, NY and Chestertown, MD are three municipalities nearby that have passed ordinances, but there are hundreds of towns, cities and countries that have similar ordinances.

Q: What about “biodegradable” plastic bags? Why not use them?

A: Studies have shown that these types of bags do not effectively disintegrate back into nature¹. A far more important point is that these bags are disposable and thus, counter to the objective of reducing the amount of waste and pollution in our

¹ “Facing the Dirty Truth About Recyclable Plastics”
<http://e360.yale.edu/content/feature.msp?id=2400>

environment.

Q: Why aren't paper bags targeted?

A: The objective of the ordinance is to promote the use of reusable bags by reducing our dependence on single-use bags. It is a simple fact that single-use plastic bags are a chronic litter and pollution problem while paper bags, though not ideal, have far higher recycling rates and will biodegrade.

Q: Won't the proposed ordinance hurt business owners as paper bags, on average cost more than plastic?

A: Although they are less expensive than paper bags for retailers, plastic bags represent an insignificant portion of retailer operating expenses. No Westport business, for example, has closed down due to the elimination of plastic bags from its inventory as a result of the 2008 Westport ordinance.

The proposed ordinance is part of a larger campaign to reduce single-use bags. The use of disposable bags will decline as shoppers adopt reusable bags, allowing businesses to purchase less disposable bags and promote the sale of reusable bags.

Two studies conducted by Fairfield University one year after Westport passed its ordinance shows a significant increase in reusable bag rates (approx. 50%) at the Westport Stop & Shop relative to those in neighboring towns (Wilton and Norwalk: approx. 10 – 15%)² The Westport Stop & Shop management embraced the spirit of the ordinance to its advantage through the use of store signs and sales of reusable bags.

Q: Won't the proposed ordinance hurt consumers?

A: There will be a minimal cost associated with purchasing a few, inexpensive reusable bags. It is unlikely that retail prices will be affected by the elimination of plastic bags.

The Proposed Ordinance

Q: To whom does the Checkout Bag Ordinance apply?

A: The ordinance targets only retail transactions. Its goal is to reduce the use of disposable plastic bags, which are often discarded less than an hour after, but remain in our environment virtually forever.

Q: Who is exempt?

A: The ordinance does not apply to plastic bags used for personal use in the home. It does not apply to the sales of goods at yard sales, tag sales, other sales by residents at their home, and sales by non-profit organizations.

Q: What plastic bags from a store can still be used?

² Fairfield Uni. Retail Checkout Bag Surveys, 5/8/10; and June 2010

A: The ordinance does not apply to thick plastic bags -- those that at least 2.25 mils thick and sometimes called "reusable" shopping bags -- and plastic bags made of very thin plastic material with a single opening that is used for produce, meats, dry cleaning, newspapers or other items.

Q: How will retailers compensate for not being allowed to use single use plastic bags?

A: They will be able to use reusable bags and recyclable paper bags.

Q: Is the proposed ordinance too limited to make a difference?

A: No. By targeting the plastic bags that are used for the least amount of time before being disposed, we can make a real impact in our community. It's also important to reiterate that this is part of a larger educational campaign to encourage the use of reusable bags.

Q: What is the effective date?

A: Six months after the date of passage.

Q: What is a "recyclable paper bag"?

A: A recyclable paper bag has the following characteristics: (1) contains no old growth fiber, (2) is 100% recyclable overall and contains a minimum of 40% post-consumer recycled content, and (3) displays the words "Reusable" or "Recyclable" on the outside of the bag.

Q: What is a "reusable bag"?

A: A reusable bag is a bag with handles that is specifically designed and manufactured for multiple reuse and is (1) made of cloth or other fabric, and/or (2) made of durable plastic that is at least 2.25 mils thick.

Q: Can retailers "sell" shopping bags to their customers?

A: Yes. Any bag provided by a retailer can be sold to its customers, including paper, cloth or canvas shopping bags. Retailers are encouraged to promote the use of reusable bags, and sell them with their logo, if desired.

Q: What is the enforcement procedure?

A: The [City of Rye] is not required to check stores for compliance, but will respond to any complaints. A notice of non-compliance will be delivered to the person in violation of the ordinance.

Q: What is the penalty for non-compliance?

A: Up to \$150. Each day that a violation continues will constitute a separate violation and penalty.

Q: What will I use if I need to line my trash bin or pick up dog waste?

A: Garbage bags, newspaper bags will still be available.

- Also: - Lola's
 - Woodrow
 - Hampton White
 - Trapp.
 - Corner Store
 - Rye Beach
 - Paterson.

PLEDGE OF SUPPORT FOR REUSABLE BAGS

I pledge to encourage the use of reusable bags by eliminating single-use plastic bags from my inventory.

I recognize that although they were introduced just 25 years ago, single-use plastic bags have become an environmental problem and threaten the natural beauty of our coastal community.

I am encouraged by recent legislative action in many coastal communities, including Westport, CT, Southampton, NY and Colchester, MD to ban plastic bags from their retail stores.

	Business Name	Owner/Manager	Contact
1.	ARCADE Booksellers	PATRICK COCCOZZO	
2.	Wine At Five	CAI PALMER	
3.	Corner Store (Rye)	Harold M. Jr	MHP@...
4.	Ben's Rhythm	Renee D'Amico	Renee
5.	The Rye Stationer	Antonella Dattilo	
6.	WISH / Twinkle Tees	Dennis Madson	
7.	Rye Historical Society	Laure Brett	Sjordan@ryehistorical.soc
8.	Rye Nature Center	Christine Siller	christinesiller@ryenaturecenter.org
9.	Alfred Harcourt Foundation	Peter Juannini	PeterJuannini@gmail.com
10.	June and Ho	Jo Pal	Ho, June
11.	Rye Town Park	Bill Langer	same
12.	Carpet Trends	Margaret Ricketts	margaret@carpettrends.com
13.	Longford's Ice Cream	Christine Vita	cvita27@gmail.com
14.	Archie's Lounge	Kyle Kure	KMPRRM@bocittmeaweb.com
15.	Benefit Companies	Jennifer	Rye@Benefittees.com
16.	Chronic Coaching & Detox	Dee Debbey	
17.	RYE HEALTH and Fitness	J.M.	tommy.martinez47@Yahoo.com
18.	Blush	Ara Sobalvado	Blushinrye10580@hotmail.com
19.	Bubble + Tweet	Iske Regras	bubbleandtweet@gmail.com

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	Business Name	Owner/Manager	Contact
1.	Framingham Corner	Pat Pato	Pat Pato
2.	The Rye Record	Robin Gaurand	Robin Gaurand
3.	Silver Rush	DENIS MATHEWS	Denise MATHEWS
4.	Rye Free Reading Room	Kitty Little (Dir.)	Kitty Little
5.	The Open House	Barbara Sperling	office of the open house co
6.	JWH Design & Cabinetry	Jennifer Howard	Same
7.	HAMPTON WHITES	John Josephine	same.
8.	Rhythm in Rye	Vanesia Ay	Renee Drummond
9.	Carpet Trends	Margaret Ricketts	same
10.	Blue Monster Promotions	Marc Kozak	same
11.	Blue monster Promotions	Cheryl Kozak	same
12.	Better Homes, Gardens Land Realty	Arlyne Ashkins	Kathy Yavari
13.	Wainwright House	Hilary Jones	same
14.	Parkus	Catherine Parke	same
15.	Eric Jeffries Citibank	DAVID Parks	Eric Jeffries
16.	Allstate	Zygi Nemzer	Zygi Nemzer
17.			
18.			
19.			

SARA GODDARD

914-645-6808

PLEDGE OF SUPPORT FOR REUSABLE BAGS

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	Business Name	Owner/Manager	Contact
1.	Tutta Bella Spa & Salon	Annette Pugliese	914-921-0881
2.			
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RYE SUSTAINABILITY COMMITTEE

Sara Goddard: 921-0715

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	Business Name	Owner/Manager	Contact
1.	POST ROAD MARKET	Gerard McElmer	
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SARA GODDARD
goddard sw@gmail
com

914-645-6808

RYE SUSTAINABILITY COMMITTEE



PLEDGE OF SUPPORT FOR REUSABLE BAGS

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	Business Name	Owner/Manager	Contact
1.	Weezie D.	Suzie Belizaire	(14) 914 930-7355
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SARA GODDARD



RYE SUSTAINABILITY COMMITTEE



Rye Sustainability Committee

PLEDGE OF SUPPORT FOR REUSABLE BAGS

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	Business Name	Owner/Manager	Contact
1.	JWH DESIGNS	JENNIFER HOWARD	jhoward@jwhdesigns.com
2.			
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11.			

PLEDGE OF SUPPORT FOR REUSABLE BAGS

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	Business Name	Owner/Manager	Contact
1.	do/e	Carole Spender	921-3162
2.	Russ Woodrow Jewellers	Bill Wood	967-0464
3.	Hampton Whites	Owner/Manager	481-5765
4.	TADD OPTICONS	Bob	967-5565
5.	Angela's	Angela GUITARD	481-5894
6.	Riviera Mangos	Michelle	921-4166
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PLEDGE OF SUPPORT FOR REUSABLE BAGS

I pledge to encourage the use of reusable bags by eliminating single-use plastic bags from my inventory.

I recognize that although they were introduced just 25 years ago, single-use plastic bags have become an environmental problem and threaten the natural beauty of our coastal community.

I am encouraged by recent legislative action in many coastal communities, including Westport, CT, Southampton, NY and Colchester, MD to ban plastic bags from their retail stores.

	Business Name	Owner/Manager	Contact
1.	Rye Beach Pharmacy	Ken Gigante	914-967-0836 / kennig@ryebch.com
2.	CORNER STONE	LIZ STONE	914 967-0035
3.	PATISSERIE GILHARRIS	M. Gilharis	914 921-4448
4.	FRESH GREEN LIGHT	DM MO	914-921-2283
5.	Financial Spyglass	Steve Marchal Travis August	914-921-6500
6.	UPS Store	Larry Levin	914 967-5800
7.	Rock Ridge	Emma Lazar	967-2455
8.	State Farm/Rye Agency	Angela Caputo	967-9250
9.	Dalley 52	Dan Daley	914-921-1585
10.	Muller	Bill Muller	914 630 4530
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			

The Thick and Thin of Plastic Bags

By J.T. McWilliams, President, Multi-Pak USA
<http://www.multipakUSA.com>

Whether you're new to ordering plastic (poly) bags or a seasoned pro, it doesn't hurt to know more about how the plastic bag industry measures the thickness of plastic bags.

In the United States, the *gauge* (that is, the thickness) of a poly bag is measured in *mils*.

What Is a Mil?

A mil is a unit of measurement that is equal to .001". (This is also referred to as "one one-thousandth of an inch.") Think of it this way:

$$1 \text{ mil} = .001''$$

... so therefore ...

$$1000 \text{ mil} = 1'' \text{ (Not that you'd ever order plastic bags this thick!)}$$

Here's a quick conversion table that covers the standard ranges of thicknesses:

Mil Thickness	Thousandth of an Inch Thickness	Best For ...
½ mil	.0005"	Short-term use for lightweight products. A grocery store bag is ½ mil. A dry cleaning bag is ¾ mil.
¾ mil	.00075"	
1 mil	.001"	Storing, displaying, and shipping everyday items such as food or clothes. A bread bag is 1.5 mils thick. A trade show bag or retail boutique bag is usually 2 mils.
1.5 mils	.0015"	
2 mils	.002"	
3 mils	.003"	Providing scuff protection and tear resistance during shipping, especially for heavy or abrasive items. Industrial pallet covers are 3 mils.
4 mils	.004"	
5 mils	.005"	

Quick Tip

To convert from thousandth of an inch to mils, move the decimal point three spaces to the right. For example, .002" becomes 2 mils, and .0035 becomes 3.5 mils.

Note: Countries outside the U.S. sometimes express the thickness of plastic bags in microns (mic). One mil is equal to 25.4 microns.

How to Choose a Plastic Bag's Thickness

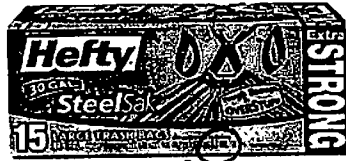
In the plastic bag industry, it's crucial to specify the right gauge for the bags you're ordering. Before specifying a bag's thickness, think about:

- The item the bag will contain. Consider the size of the item, as well as its weight. For example, a heavy, medium-sized item would require a thicker gauge than a light, large-sized item.
- How much protection the bag should provide for the item. If the item is delicate or easily scratched, use a thicker gauge.
- The length of time the bag will be used. If you want the bag to be reusable, specify a gauge of at least 2 mils (.002").

Quick Fact
Plastic bag manufacturers measure a bag's gauge with a tool called a *micrometer*.

If you've still got questions about specifying the gauge of your plastic bags, ask us! Drop us an email at sales@multipakusa.com or call us toll-free at 1-800-229-9950.

Multi-Pak USA, Inc. supplies plastic/poly bags and closely-related products to businesses nationwide for use in a variety of **industrial** and **promotional** applications. We invite you to try our simple online Request for Quote form for your next order. For more information, visit our Web site at <http://www.multipakUSA.com> or call 1-800-229-9950.



Hefty SteelSak.

Our Hefty® SteelSak® trash bags are thick, strong bags for tough clean up - great for moving and storage, too.

For tough clean up jobs
Great for moving and storage
Strength you can depend on



1.3 mils

Hefty® SteelSak® Bags Help You



Around the House

In the Kitchen & Dining Room
In the Attic & Basement
In the Yard & Garage
With Home Improvements



On the Go

At School & Work
While Camping



Fun & Entertainment

At Parties
During Holidays
With Arts & Crafts
With Games & Activities



Featured Tip

After your next woodworking project, store the leftover pieces of wood in durable Hefty® SteelSak® Bags.

Hefty® SteelSak® Bags are available in the following sizes:

SteelSak® Drawstring 30 Gallon Large Trash Bags



Click here for ways to save money and have more fun at family gatherings.



Hefty® Trash Bags (Official) on Facebook

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Sample Paper Bag in use by CVS



Signage at Stop & Shop





CITY COUNCIL AGENDA

NO. 8

DEPT.: City Manager's Office

DATE: December 7, 2011

CONTACT: Scott D. Pickup, City Manager

ACTION: Public hearing on the proposed 2012 City Budget.

FOR THE MEETING OF:

December 7, 2011

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the Mayor and the Council conduct the public hearing on the proposed 2012 Rye City Budget.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The City Manager presented the budget on November 9th. The Council held Workshops on November 14th, 16th, and 30th.

The proposed 2012 Budget is available on the City website www.ryeny.gov under City News: 2012 Tentative Budget.

The Budget adoption is scheduled for December 21, 2011.



CITY COUNCIL AGENDA

NO. 9

DEPT.: Finance

DATE: December 7, 2011

CONTACT: Jean Gribbins, City Comptroller

AGENDA ITEM: Public Hearing to amend the City Charter, Article 21, "Financial Procedures" to address the issuance of bonds for use in natural disaster reconstruction efforts.

FOR THE MEETING OF:

December 7, 2011

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: A presentation on the proposed changes was made to the City Council at a special meeting held on September 28, 2011. A Public Hearing must be held to discuss and adopt the proposed changes.

See attached.

**CITY OF RYE
LOCAL LAW NO. __ OF 2011**

A Local Law to amend the City Charter Article 21 “Financial Procedures” to address the issuance of bonds for use in natural disaster reconstruction efforts.

Be it enacted by the Rye City Council as follows:

Section 1.

§ C21-9. Bond resolutions.

A. All bond resolutions, except as hereinafter provided, authorizing the issuance of bonds in excess of 10% of the average of the gross annual budget of the city for the preceding three years shall be adopted by a vote of at least five members of the Council and shall be subject to the approval of a majority of the qualified voters voting at a general or special election.

B. All bond resolutions, except as hereinafter provided, authorizing the issuance of bonds in excess of 5% of the average of the gross annual budget of the city for the preceding three years but not more than 10% of such average shall be adopted by a vote of at least five members of the Council and shall be subject to a permissive referendum, provided that the aggregate of the proposed bond issue and the outstanding obligations under bonds previously issued subject to a permissive referendum does not exceed 10% of such average.

C. The Council may, by a vote of at least five members thereof, authorize the issuance of bonds not in excess of 5% of the average of the gross annual budget of the city for the preceding three years, provided that the aggregate of the proposed bond issue and the outstanding obligations under bonds previously issued without being subject to any referendum does not exceed 5% of such average.

D. The provisions of this section shall not apply to bond resolutions authorizing the issuance of bonds for the payment of judgments, or compromised or settled claims against the City, or awards or sums payable by the City pursuant to a determination by a court, or an officer, body or agency in an administrative or quasi-judicial capacity, or any capital improvement or equipment proposed to be constructed or acquired where the expense thereof, other than operation and maintenance, is to be borne by local assessment upon the several lots and parcels of land which the Council shall determine and specify to be especially benefited thereby, or capital improvements or equipment to be constructed or acquired which have been determined by resolution of the Council to be required to implement a Federal, State or County of Westchester mandate failure of which to comply with could, in the judgment of the Council expressed in a resolution, result in the imposition of a fine or penalty, or authorizing the issuance of obligations to be sold to the New York State Environmental Facilities Corporation or any successor thereto.

[Amended 9-5-2001 by L.L. No. 3-2001; 12-15-2004 by L.L. No. 4-2004]

E. The provisions of this section shall not apply to bond resolutions authorizing the issuance of bonds for the payment of capital improvements or equipment proposed to be constructed or acquired for purposes determined by resolution of the Council to be required for public safety purposes requiring urgent action, in an amount not exceeding \$1,000,000 in the aggregate in any fiscal year, and provided that on the date of adoption of said bond resolution, the Council determines that the aggregate of the proposed bond authorization and the outstanding principal amount of obligations previously issued for public safety purposes requiring urgent action in reliance on this paragraph E does not exceed \$2,500,000. In making such determination, the Council shall disregard certain such outstanding obligations to the extent provided below. Such determination shall be conclusive for all purposes of this paragraph E, irrespective of whether through inadvertence or otherwise such determination is later found to be inaccurate. In the event that the Council determines that the aggregate of the proposed bond authorization and the outstanding obligations issued for public safety purposes requiring urgent action exceeds \$2,500,000, the Council may authorize a mandatory public referendum on the question whether such bond authorization shall become effective. In the event of approval of such authorization at a referendum, such authorization shall become effective and i) the obligations issued or to be issued in reliance on such bond authorization, and ii) the outstanding amount of obligations previously issued or authorized for public safety purposes requiring urgent action in reliance on this paragraph E on the date of adoption of such bond authorization, shall be thereafter disregarded for all purposes of this paragraph E.

[Added 12-15-2004 by L.L. No. 4-2004]

F. The provisions of this section shall not apply to bond resolutions authorizing the issuance of bonds for the payment of capital improvements or equipment proposed to be constructed or acquired for purposes determined by resolution of the Council to be required for natural disaster reconstruction as a result of a natural disaster, as declared by the Federal Government or the State Government requiring urgent action, in an amount not exceeding \$2,500,000 in the aggregate in any fiscal year, and provided that on the date of adoption of said bond resolution, the Council determines that the aggregate of the proposed bond authorization and the outstanding principal amount of obligations previously issued for natural disaster reconstruction purposes requiring urgent action in reliance on this paragraph F does not exceed \$2,500,000. In making such determination, the Council shall disregard certain such outstanding obligations to the extent provided below. Such determination shall be conclusive for all purposes of this paragraph F, irrespective of whether through inadvertence or otherwise such determination is later found to be inaccurate. In the event that the Council determines that the aggregate of the proposed bond authorization and the outstanding obligations issued for natural disaster reconstruction purposes requiring urgent action exceeds \$2,500,000, the Council may authorize a mandatory public referendum on the question whether

such bond authorization shall become effective. In the event of approval of such authorization at a referendum, such authorization shall become effective and i) the obligations issued or to be issued in reliance on such bond authorization, and ii) the outstanding amount of obligations previously issued or authorized for natural disaster reconstruction purposes requiring urgent action in reliance on this paragraph F on the date of adoption of such bond authorization, shall be thereafter disregarded for all purposes of this paragraph F.

Section 2. Severability

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder thereof.

Section 3. This local law will take effect on December 21, 2011.



CITY COUNCIL AGENDA

NO. 10

DEPT.: Finance

DATE: December 7, 2011

CONTACT: Jean Gribbins, City Comptroller

AGENDA ITEM: Public Hearing to adopt the revised City of Rye Financial Policy.

FOR THE MEETING OF:

December 7, 2011

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: A presentation on the proposed changes was made to the City Council at a special meeting held on September 28, 2011. A Public Hearing must be held to discuss and adopt the proposed changes.

See attached.

City of Rye
Summary of 2011 changes to Financial Policy Document

Changes are highlighted in Blue
Additions to the Policy are in Yellow

Budget Policy (old page 3) DRAFT page 5 – previously unreserved/undesignated is now unassigned

DRAFT page 5 - GASB 54 classifications of fund balance will be estimated in the adopted budget for amounts of fund equity legally restricted or otherwise not available for appropriation. GASB 54 is effective for Financial Statements for periods beginning after June 15, 2010. GASB 54 divides Fund Balance reporting in to the five following classifications: Nonspendable, Restricted, Committed, Assigned, and Unassigned.

DRAFT page 5 – Specific Dates have been replaced with relative references (i.e. on or before August 7th, has been changed to on or before the second Wednesday in August.)

Designation of Banks and Depositories has been changed from:

- The Bank of New York
- Chase Investment Services Corp.
- Citibank, N.A.
- Commerce Bank
- HSBC Bank USA
- JPMorgan Chase Bank
- North Fork Bank
- Wachovia Bank, N.A.
- Washington Mutual
- Webster Bank

TO:

- Capital One Bank
- Cutwater Cooperative Liquid Asset Securities System (CLASS)
- Chase Investment Services Corp.
- Citibank, N.A.
- HSBC Bank USA
- JPMorgan Chase Bank
- TD Bank
- Webster Bank
- Wells Fargo

Authorized Financial Institutions and Dealers have been changed from:

The Bank of New York
Chase Investment Services Corp.
Citibank, N.A.
Commerce Bank
HSBC Bank USA
JPMorgan Chase Bank
North Fork Bank
Wachovia Bank, N.A.
Washington Mutual
Webster Bank
MBIA Cooperative Liquid Asset Securities System (CLASS)

TO:

Capital One Bank
Cutwater Cooperative Liquid Asset Securities System (CLASS)
Chase Investment Services Corp.
Citibank, N.A.
HSBC Bank USA
JPMorgan Chase Bank
TD Bank
Webster Bank
Wells Fargo

DRAFT – page 15 – insert new Disaster Bonding language – also a Charter Change

DRAFT – page 16-18 NEW – Credit Card Issuance and Use Policy

Appendix A – NEW

DRAFT page 18 - (Operating Position Policy) Encumbrances outstanding at year-end will be reported as reservations of fund balance **has been changed to** Encumbrances outstanding at year-end will be reported in accordance with GASB 54 reporting requirements.

The City will maintain ~~unreserved/undesignated~~ unassigned fund balance of the General Fund at a level at least equal to 5% of the total General Fund appropriations.

General Fund ~~unreserved and undesignated~~ unassigned fund balance should be used for capital, emergency, or unusual and non-recurring expenditures.

NEW:

The City will prepare June 30th, and September 30th, quarterly financial reports of the financial position and results of operations, for the General Fund, special revenue funds, Debt Service Fund, and proprietary funds within 45 days of quarter end.

The Comptroller will communicate the City's liability for Other Post Employment Benefits (OPEB) to the City Council on a bi-annual basis.

DRAFT – page 19 - 21 - Purchasing Policy

Per GML §103, competitive bids will be required for purchase contracts (contracts involving materials only) in excess ~~\$10,000~~ of ~~\$35,000~~ and public works contracts (contracts involving labor or both labor and materials) in excess of \$20,000.

Purchase orders must be issued for purchases of ~~\$500~~ ~~\$2,500~~ or more. Purchase orders are encouraged where practical for purchases less than ~~\$500~~ ~~\$2,500~~.

Purchase orders of \$5,000 or more shall be submitted to, and approved by, the City Manager prior to being submitted to the Finance Department.

Only Purchase Orders generated by the Finance Department shall be used for requisitioning.

Blanket Purchase Orders

Blanket Purchase orders are open end purchase orders issued to various vendors for the purpose of consolidating numerous purchases over the course of the year. Blanket purchase orders eliminate the issuance of separate orders for groups of items which are purchased frequently from the same vendor, and permit departments to purchase items of this nature on an “as needed” basis. If at any time the amount allowed on the Blanket Purchase Order will be exceeded, a change order is to be submitted to the City Manager.

Change Orders

A change order shall mean a properly prepared and authorized document which directs and authorizes a vendor providing goods or performing services to change the quantity or character of goods provided or services performed from that originally specified or estimated and to correspondingly change the payment due. Change orders

are submitted first to the City Manager for approval, and then forwarded to the Finance Department for processing using the following form.

**City of Rye
Purchase Order
Change Order Request Form**

Date: _____, 20__

Change Order Requested By: _____

Department: _____ PO#: _____

Vendor Name: _____ Vendor #: _____

Amount of Change: \$ _____

Original Amount: \$ _____ New Total: \$ _____

Item #	Quantity (From)	Quantity (To)	Unit Price (From)	Unit Price (To)

Justification for Change:

Department Head Signature: _____ Date: _____

Comptroller Signature: _____ Date: _____

City Manager Signature: _____ **Date:** _____

New York State Office of General Services – State Contract

New York State Office of General Services awards centralized contracts based on competitive bidding for commodities, services, information technology and telecommunications. State contracts should be reviewed and used whenever possible to provide additional cost savings. The City of Rye is eligible to purchase through State Contracts as a political subdivision of New York State.

New York State General Municipal Law does not require competitive bidding if purchases are made under State Contract. Therefore, spending levels do not apply only if the purchase is made under New York State Contract. Purchases made from vendors offering lower-than-state contract price do not qualify under this exception. State Contracts are on file in the Purchasing Department, and are accessible on-line at <http://www.ogs.state.ny.us>

Revenue Policy

Deleted:

A process to review diversified and stable revenues will be maintained to shelter us from short-run fluctuations in any one revenue source.

Each year, major revenues will be projected for at least the next three years.

Attachment A

City of Rye

Credit Cardholder Agreement

Requirements for use of a Municipal Credit Card:

1. The credit card is to be used only to make purchases at the request of, and for the legitimate business benefit of, the City of Rye, New York.

2. The credit card must be used in accordance with the provisions of the Credit Card Policy established by the City Rye, as attached hereto.

Violations of these requirements may result in revocation of use privileges. Employees found to have inappropriately used the credit card will be required to reimburse the City of Rye for all costs associated with such improper use through direct payment or payroll deduction. Disciplinary action(s) may be taken per the City's Personnel Policies, up to and including termination. The City of Rye will investigate and commence, in appropriate cases, criminal prosecution against any employee found to have misused the credit card or who violates the provisions of the cardholder agreement.

Credit Card Account Number: _____

Received by: _____
Name (Please Print)

I acknowledge receipt of the attached Credit Card Policy and agree to abide by said Policy.

Signature: _____

Date: _____

(Below, For Finance Department Use Only)

Credit Card Returned

Authorized Signature: _____

Date: _____

Reason: _____



CITY OF RYE, NEW YORK

Comprehensive Financial Policy Document

As Adopted by the City Council
December 21, 2011

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Questions, Comments and Suggestions-----

DRAFT

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Comptroller
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Rye, New York 10580



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<http://www.ryeny.gov>

**Transmittal Letter
City of Rye
Department of Finance**

December 21, 2011

To the Honorable Mayor, City Council, and City Manager of the City of Rye, New York:

Submitted herewith is the reviewed and revised Comprehensive Financial Policy Document, which incorporates all of the financial management policies, adopted by the City Council from their inception in 1992 through to the present date.

As in the past, these policies have been reviewed on a regular basis, and where necessary, updated to reflect changes in law or generally accepted accounting principles. These policies may also be updated to enhance our understanding and implementation of sound financial practices, in response to changes and events that may affect our financial health.

We believe that the financial policies contained in this document represent the best practices of governmental financial management. Adhering to these policies will help to ensure that we maximize our revenues, minimize our expenditures, preserve the safety of our public funds, and maintain a strong position in the financial community.

Your adoption of this Comprehensive Financial Policy Document confirms our commitment to financial excellence, full disclosure, and responsible financial management.

Sincerely,
CITY OF RYE

Jean Gribbins
City Comptroller

Introduction

The City of Rye has an important responsibility to carefully account for public funds, to manage municipal finances wisely, and to plan and provide for the adequate funding of services desired by the public and as required by laws, rules, or regulations, including the provision and maintenance of public facilities and improvements. The financial goals and policies set forth in this document are intended to establish guidelines for the continued financial strength and stability of the City of Rye. They have been reviewed and amended as necessary since their original adoption on January 22, 1992.

Financial Goals

Financial goals are broad, fairly timeless statements of the financial position the City seeks to attain. The financial goals for the City of Rye are:

- To provide full value for each tax dollar by delivering quality services efficiently and on a cost-effective basis.
- To preserve our quality of life by providing and maintaining adequate financial resources necessary to sustain a sufficient level of municipal services, and to respond to changes in the economy, the priorities of governmental and non-governmental organizations, and other changes that may affect our financial well-being.
- To maintain a strong credit rating in the financial community.

Financial Policies

Financial policies support the financial goals. They are general statements that guide decision-making in specific situations, to ensure that a decision will contribute to the attainment of the financial goals. Federal and state laws, rules, and regulations, our City Charter, and generally accepted accounting principles promulgated by the Governmental Accounting Standards Board (“GASB”) and the Government Finance Officers Association of the United States and Canada (“GFOA”) govern our financial policies and processes.

Budget Policy

Sound financial practice and the desire to maintain a strong credit rating dictate that our budgets be balanced, constantly monitored, and responsive to changes in service demands. With these concepts in mind, the City of Rye has adopted the following budget policy statements:

- Annual operating budgets will be adopted for the General Fund, special revenue funds, proprietary funds, and Debt Service Fund. Project-length budgets will be adopted for all capital projects.

- Annual operating budgets will be adopted on a balanced basis, where operating revenues (estimated revenues) are used to fund operating expenditures/expenses (appropriations). Operating revenues include taxes, charges for services, interest earnings, license and permit fees, fines and forfeitures, regularly recurring governmental aid, debt proceeds and transfers in from other funds for operating (non-capital) purposes. Operating expenditures/expenses include salaries and wages, employee benefits, non-capital equipment and improvements, depreciation (proprietary funds only), materials, supplies, contractual costs, and transfers out to other funds for operating (non-capital) purposes. Fund balance should not be considered a source of funds for operating expenditures/expenses. Nothing in this policy shall prohibit the use of operating revenues for capital expenditures/expenses.
- The City will adopt an annual budget for the General Fund that includes a contingency equal to at least one (1%) percent of the total General Fund appropriations of that budget. This contingency will be used to provide for expenditures that exceed or revenues that do not meet budget estimates, and/or for new or increased program requirements required by law or desired and approved by City Council resolution.
- **Unassigned** fund balance may be appropriated as part of the adopted budget to fund capital, emergency, or unusual and non-recurring expenditures/expenses. **Unassigned** fund balance should not be used to fund operating expenditures/expenses in the adopted budget.
- One-time revenues that are not required by law or agreement to be expended for a particular purpose will only be used to fund capital or emergency expenditures/expenses in the adopted budget. One-time revenues include, but are not limited to, proceeds from the sale of property and other major assets, governmental aid that is not regularly received and is unlikely to recur on a regular basis, major gifts or donations, and major insurance recoveries.
- **GASB 54 classifications of fund balance will be estimated in the adopted budget for amounts of fund equity legally restricted or otherwise not available for appropriation. GASB 54 is effective for Financial Statements for periods beginning after June 15, 2010. GASB 54 divides Fund Balance reporting in to the five following classifications: Nonspendable, Restricted, Committed, Assigned, and Unassigned.**
- The City's fiscal year shall be the calendar year and its budget calendar shall be as provided for in Article 21 of the Charter of the City of Rye, as follows:
 - **On or before the second Wednesday in August of each year, the City Manager will submit a capital program to the City Council which lists the proposed capital improvements with appropriate supporting information.**
 - **On the first Wednesday following Election Day in November of each year, the City Manager will submit a tentative budget for the ensuing fiscal year to the City Council.**
 - Upon receiving the tentative budget from the City Manager and prior to a public hearing, the City Council may, by a vote of at least four members of the Council, make changes in the tentative budget.

- After considering the tentative budget, but not later than the first Wednesday in December, the City Council will hold a public hearing on the proposed budget.
- After the public hearing, the Council may adopt the proposed budget with or without amendment. In amending the proposed budget, it may add or increase programs or amounts, and may decrease or delete programs or amounts, except expenditures required by law, or for debt service or for an estimated cash deficit, provided that it may not increase the estimated revenues or the total proposed expenditures without the affirmative vote of at least five members of the Council.
- The Council shall adopt the proposed budget and determine the tax rate for the ensuing year on or before December 31 of the current fiscal year.
- • The City Manager may at any time during the fiscal year transfer part or all of any available appropriation balance among programs or accounts within any fund. The Council may by resolution transfer part or all of any available appropriation balance among programs or accounts within and/or between any funds.
- • No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the available balance thereof.

Cash Management and Investment Policy

Scope

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

Objectives

The primary objectives of the City's cash management and investment activities are, in order of priority:

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

Delegation of Authority

In accordance with City Charter §C10-2, responsibility for administration of the cash management and investment program is delegated to the City Comptroller, who shall establish written procedures for the operation of the cash management and investment program consistent with these cash management and investment guidelines. Such procedures shall include an internal control structure adequate to provide a satisfactory level of accountability, maintaining records incorporating descriptions and amounts of investments, transaction dates, and other relevant information, and regulating the activities of subordinate employees.

Prudence

All participants in the cash management and investment process shall act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the City.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the cash management and 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.

Diversification

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

The following diversification limitations shall be imposed on the City's portfolio of deposits and investments:

Institution - No more than 55% of the overall portfolio may be deposited in a single bank, except in the case of money center banks, for which the limit is 75%.

Instrument:

- No more than 55% of the overall portfolio may be invested in cooperative investment programs, and,
- No more than 25% of the overall portfolio may be invested in the securities of a single issuer, except the U.S. Treasury.

Maturity:

- No more than 10% of the portfolio may have a maturity beyond twelve months,
- The average maturity of the portfolio shall never exceed one year, and,
- At least 10% of the portfolio shall be invested in overnight instruments or marketable securities that can be sold to raise cash on one business day's notice.

Internal Controls

It is the policy of the City for all money collected by any officer or employee of the City to transfer those funds to the City Comptroller as soon as is practicable, but in any event within one business day of receipt, or within the time period specified by law, whichever is shorter.

The City Comptroller is responsible for establishing and maintaining an internal control structure 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 and recorded properly, and that deposits and investments are managed prudently and in compliance with applicable laws and regulations.

Designation of Depositories

The banks and trust companies authorized for the deposit of money are as follows:

- Capital One Bank
- Cutwater Cooperative Liquid Asset Securities System (CLASS)
- Chase Investment Services Corp.
- Citibank, N.A.
- HSBC Bank USA
- JPMorgan Chase Bank
- TD Bank
- Webster Bank
- Wells Fargo

Banks and trust companies holding City deposits must meet or exceed the following rating requirements of at least one of the nationally recognized statistical rating organizations (“NRSRO”) listed below for long-term debt (debt having a term of one year or more):

<u>NRSRO</u>	<u>Long-Term Debt Rating</u>
Moody's Investors Services	A
Standard & Poors	A
Fitch	A

The City Council shall review and approve this list at least annually.

Collateralizing of Deposits

In accordance with the provisions of General Municipal Law §10, all deposits of the City, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured by any one or combination of the following:

1. By a pledge of eligible securities with an aggregate market value equal to the aggregate amount of deposits, from one of the following categories:
 - 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 government sponsored corporation.

- 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.
- 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.
- Obligations issued or fully insured or guaranteed by New York State, obligations issued by a municipal corporation, school district or district corporation of New York State or obligations of any public benefit corporation which under a specific state statute may be accepted as security for deposit of public moneys.
- Obligations issued by states (other than New York State) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- 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.
- Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.
- 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.
- 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 pledged.
- Zero-coupon obligations of the United States government marketed as "Treasury STRIPS".

There must be diversification of the collateral securing deposits, except where the deposits aggregate less than \$2,000,000 or the security is in the form of obligations of the U.S. Government or State of New York.

Eligible securities must meet or exceed the following rating requirements of at least one of the nationally recognized statistical rating organizations ("NRSRO") listed below:

<u>NRSRO</u>	<u>Long Term Debt (a)</u>	<u>Short Term Debt (b)</u>
Moody's Investors Service	A1	P-1
Standard & Poors	A+	A-1
Fitch	A+	F-1

(a) Securities with an original term of one year or longer.

(b) Obligations usually defined as less than one year.

2. By an eligible irrevocable letter of credit issued by a qualified bank, other than the bank with the deposits in favor of the City for a term not to exceed 90 days, with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations meets the rating requirements of at least one nationally recognized statistical rating organization as heretofore described or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.
3. By an eligible surety bond payable to the City 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 meets the rating requirements of at least two nationally recognized statistical rating organizations as heretofore described.

Safekeeping and Collateralization

Eligible securities used for collateralizing deposits shall be held by the depository and/or a third party bank or trust company, subject to security and custodial agreements satisfactory to the City's Corporation Counsel.

The security agreement shall provide that eligible securities are being pledged to secure City deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released providing collateral values are maintained, and, the events which will enable the City to exercise its rights against the pledged securities including failure to meet deposit repayment or collateral terms, or the deposit institution's insolvency. In the event that the securities are not registered or inscribed in the name of the City, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the City or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for the City, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall also describe how the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for daily revaluation of eligible securities and for the substitution of securities when a change in the rating of a

security may cause ineligibility. The agreement shall provide that the custodian will exercise the City's rights to the security or as instructed by the City. Such agreement shall include all provisions necessary to provide the City with a perfected interest in the securities.

Permitted Investments

As authorized by General Municipal Law §11, the City authorizes the City Comptroller to invest money 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
- Certificates of deposit
- 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 issued pursuant to Local Finance Law §24 or §25 (with approval of the State Comptroller) by any municipality, school district or district corporation other than this City
- Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments
- Certificates of Participation issued pursuant to General Municipal Law §109-b
- Obligations of this City, but only with any money in a reserve fund established pursuant to General Municipal Law §6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

All investment obligations shall be payable, saleable or redeemable at the option of the City within such times as the proceeds will be needed to meet expenditures for purposes for which the monies were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable, saleable or redeemable at the option of the City within two years of the date of purchase.

Authorized Financial Institutions and Dealers

Financial institutions and dealers approved for the purchase and sale of investments are as follows:

- Capital One Bank
- Cutwater Cooperative Liquid Asset Securities System (CLASS)
- Chase Investment Services Corp.
- Citibank, N.A.
- HSBC Bank USA
- JPMorgan Chase Bank
- TD Bank
- Webster Bank
- Wells Fargo

All financial institutions with which the City conducts business must meet or exceed the following rating requirements of at least one of the nationally recognized statistical rating organizations (“NRSRO”) listed below for long-term debt (debt having a term of one year or more):

<u>NRSRO</u>	<u>Long-Term Debt Rating</u>
Moody's Investors Services	A
Standard & Poors	A
Fitch	A

Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the City. Security dealers 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 Comptroller is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated by the City Council at least annually.

Purchase of Investments

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

1. Directly, including through a repurchase agreement, from an authorized trading partner. Authorization for the purchase of repurchase agreements is subject to the limitations outlined in the section of this policy entitled “Repurchase Agreements”.
2. By participation in a cooperative investment program where such program meets all the requirements of the General Municipal Law, the diversification characteristics as outlined in the section of this policy entitled “Diversification”, and that otherwise meets the same standards as the City has for direct investments.
3. By utilizing an ongoing investment program with an authorized trading partner, pursuant to a contract authorized by the City Council.

All purchased investments, obligations, or participations unless registered or inscribed in the name of the City, 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 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 §10.

Repurchase Agreements

Repurchase agreements are authorized subject to the following restrictions:

- All repurchase agreements must be entered into subject to a Master Repurchase agreement providing for the terms outlined below and satisfactory to the Corporation Counsel
- The City may only be the initial purchaser in such agreements
- Trading partners are limited to banks or trust companies meeting the rating requirements of one of the nationally recognized rating organizations as heretofore described or primary reporting dealers approved by the Federal Reserve Bank of New York
- Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America
- No substitution of securities will be allowed
- The custodian of the purchased securities shall be a party other than the trading partner, satisfactory to the City
- Tenor of the repurchase agreement should be no longer than 3 months
- Tenor of the securities to be purchased should be no longer than 10 years
- The market value of the securities purchased shall exceed the purchase funds by the margins shown below; and, the securities shall be revalued daily, and these margins should be maintained by the initial seller during the life of the transaction:
 - For bills or bonds less than 3 years tenor, 3%;
 - For bills or bonds of 3 years to 10 years, 4 1/2%;
 - No one repurchase agreement may exceed \$2,000,000, and,
 - The City retains the right to terminate the agreement and sell the securities outside the repurchase agreement if any of the above items are not met after adequate notice to the initial seller.

Capital Asset Policy

This policy is to establish the principles related to the accounting treatment of our capital assets.

Capital assets include land, improvements to land, buildings, building improvements, vehicles, machinery, equipment, works of art and historical treasures, infrastructure, construction in progress and all other tangible and intangible assets 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, dams and lighting systems.

Land and land improvements are inexhaustible capital assets and will not be depreciated. Construction in progress will not be depreciated. All other capital assets will be depreciated over their estimated useful lives, as established by the City Comptroller, using the straight-line method of depreciation. In no event shall the useful life of an asset

be less than the period of probable usefulness established for debt purposes as found in Section 11 of the New York State Local Finance Law.

A capitalization threshold is the cost established by the City Comptroller that must be met or exceeded if an asset is to be recorded and depreciated as a capital asset. The capitalization threshold is based on the cost of a single asset. Assets that do not meet the capitalization threshold will be recorded as expenditures or expenses. For purposes of property control (insurance, security, etc.), the City Comptroller and/or department heads may develop and maintain the appropriate record keeping system(s) to account for assets which do not meet the capitalization threshold.

Capital assets that meet the minimum capitalization threshold will be recorded at historical cost. The cost of a capital asset includes capitalized interest and ancillary charges necessary to place the asset into its intended location and condition for use. Ancillary charges include costs that are directly attributable to asset acquisition, such as freight and transportation charges, site preparation costs, and professional fees. Donated capital assets will be recorded at their estimated fair value at the time of acquisition, including any ancillary charges. Estimated historical cost may be used in those cases where the actual historical cost is not readily available. Estimated historical cost will be calculated using the current replacement cost of a similar asset and deflating this cost to the acquisition year (or estimated acquisition year) using a price-level index approved by the City Comptroller.

Capital assets associated with the operation of enterprise funds will be recorded in those funds. Capital assets associated with general government operations, with the exception of infrastructure assets, will be recorded in the appropriate internal service fund(s). Infrastructure assets will not be recorded in a governmental or proprietary fund, but the City Comptroller will establish and maintain the record keeping system necessary to allow for the accounting, auditing, and reporting of such assets, including depreciation.

Useful Lives and Thresholds of Capital Assets

<u>Class</u>	<u>Asset</u>	<u>Capitalization (Yrs)</u>	<u>Life</u>	<u>Threshold (\$)</u>
Land	Land and Site Improvements	Inexhaustible		Any value
Buildings	Buildings	50		100,000
Buildings	Building Improvements	50		50,000
Equipment	Accounting, Assessment or Tax Systems	10		15,000
Equipment	Passenger Vehicles w/capacity < 10 persons	3		15,000
Equipment	Passenger Vehicles w/capacity >= 10 persons	5		15,000
Equipment	Computer Hardware and Software	5		15,000
Equipment	Construction Machinery >\$15,000 <\$30,000	10		15,000
Equipment	Construction Machinery >= \$30,000	15		30,000
Equipment	Fire/Police Boats	10		15,000
Equipment	Firefighting Apparatus	20		50,000
Equipment	Misc. Equipment, Furniture, Furnishings	5		15,000

Improvements	Fences, Walls, Trails, etc	20	20,000
Improvements	Docks	10	20,000
Improvements	Dredging	7	100,000
Improvements	Parks & Playgrounds	20	50,000
Improvements	Golf Course Improvements	15	50,000
Improvements	Swimming Pools	15	50,000
Improvements	Underground Fuel Tanks	15	50,000
Infrastructure	Bridges & Tunnels	50	50,000
Infrastructure	Curbs & Sidewalks	25	50,000
Infrastructure	Drainage	50	20,000
Infrastructure	Parking Lots	25	20,000
Infrastructure	Sewers	50	20,000
Infrastructure	Streets - Primary	17	50,000
Infrastructure	Streets - Secondary	25	20,000
Infrastructure	Traffic Signals and Signs	25	50,000

Debt Management Policy

Debt is an effective way to finance capital improvements or to even out short-term revenue flows. Properly managed debt preserves our credit rating, provides flexibility in current and future operating budgets, and provides us with long-term assets that maintain or improve our quality of life. To provide for the appropriate issuance and responsible use of debt, the City of Rye has adopted the following debt management policy statements:

- Long-term debt will be issued only for objects or purposes having a period of probable usefulness of at least ten years under New York State Local Finance Law.
- Short-term debt may be issued to finance current operating expenditures only in the event of extreme financial emergency. Short-term debt may be issued whenever appropriate for objects or purposes having a period of probable usefulness of at least five years under New York State Local Finance Law.
- Whenever appropriate, we should seek to issue debt that can be repaid from special assessments, enterprise fund revenues, or other sources other than a general levy of real property taxes.
- Debt maturity will not exceed the lesser of: the useful life (as established by the City Comptroller), or the period of probable usefulness (as defined in New York State Local Finance Law), of the object or purpose so financed.
- The annual operating budgets of all funds will be maintained so as to ensure the full and timely repayment of debt principal and interest due that year.
- As required under New York State Local Finance Law §104, our total amount of outstanding debt will not exceed 7% of our 5-year average full valuation.
- As required under our City Charter §C21-9:
 - A mandatory referendum is required for the approval of debt that exceeds 10% of the 3-year average annual adopted operating budgets of our City;

- A permissive referendum is required for the approval of debt that exceeds 5% but is less than 10% of the 3-year average annual adopted operating budgets of our City, provided that the aggregate of the proposed debt issue and the principal balance remaining on debt issued previously by permissive referendum does not exceed this 10% limitation;
- The City Council may adopt a resolution for the issuance of debt that does not exceed 5% of the 3-year average annual adopted operating budgets of our City, provided that the aggregate of the proposed debt issue and the principal balance remaining on debt issued previously by council resolution does not exceed this 5% limitation; and,
- Exceptions to these limitations include the payment of judgments or claims, or compromised or settled claims against the City, or, for the payment of awards or sums payable by the City pursuant to a determination by a court, or an officer, body or agency in an administrative or quasi-judicial capacity, or, for obligations sold to the New York State Environmental Facilities Corporation or any successor thereto.

INSERT DISASTER BONDING LANGUAGE HERE

- Debt limits established by law and policy will be calculated at least once each year, and whenever otherwise requested or appropriate.
- Good communications will be maintained with bond rating agencies, bond counsel, banks, financial advisors and others involved in debt issuance and management. The City Comptroller and City Manager or their respective designees shall be the City's representatives in official matters involving City debt, and shall determine who should participate in communications with rating agencies concerning City debt. The City Comptroller shall coordinate and participate in communications between other City officials and the City's bond counsel, financial advisors, and financial institutions concerning City debt.
- Our comprehensive annual financial reports and official statements will reflect our commitment to full and open disclosure concerning our debt.

Expenditure/Expense Policy

Expenditures/expenses are a rough measure of a local government's service output. While many expenditures/expenses can be easily controlled, emergencies, unfunded mandates, and unanticipated service demands may strain our ability to maintain a balanced budget. To ensure the proper control of expenditures/expenses and provide for a quick and effective response to adverse financial situations, the City of Rye has adopted the following expenditure/expense policy statements:

- Expenditures/expenses and purchase commitments will be made in a form and process that is legal, appropriate, funded, authorized and sufficiently documented.
- Expenditures/expenses and purchase commitments will be recorded in an accurate and timely fashion.
- The review and approval process for all claims made against the City shall be as follows:

- Departments must issue purchase orders as required under our purchasing policy. Departments are encouraged to issue purchase orders whenever practical, even if they are not required.
- Properly completed claims must be prepared and submitted to the finance department by the department responsible for originating the claim. A “properly completed claim” must include, but is not limited to, the vendor’s name and address, date of claim, explanation, and accounts to be charged, department authorization signature and sufficient documentation. “Sufficient documentation” means that a person unfamiliar with the transaction could understand what was ordered, when, by whom, from what vendor, at what price, when the goods or services were delivered, who accepted delivery, and who authorized payment. Typical documentation includes copies of purchase orders, invoices and/or statements, council resolutions awarding bids or state contracts, records of quotes received, receiving slips, correspondence and other communications.
- Finance will issue checks promptly for all claims properly completed and submitted.
- The balances in appropriation accounts will be monitored regularly to ensure that the total of expenditures/expenses and purchase commitments in any account do not exceed the authorized budget for that account.
- Requests for competitive bids, proposals, formal and informal quotes, and other methods of seeking and encouraging vendor competition will be obtained as required by law or otherwise established by the City Manager or City Comptroller.
- Arrangements will be encouraged with other governments, private individuals, and firms, to contract out or cooperatively deliver services, in a manner that reduces cost and/or improves efficiency and effectiveness while maintaining service quality.
- The full direct and indirect costs will be calculated for any service provided for a fee or charge, or where there is a potential for the reimbursement of such costs.
- We will maintain an effective risk management program that provides adequate coverage, minimizes losses, and reduces costs.
- All appropriations shall lapse at the close of the fiscal year to the extent that they shall not have been expended or encumbered.

Credit Card Issuance and Use Policy

To receive your assigned credit card, please read this Credit Card Policy and return the Credit Cardholder Agreement (Attachment A) to the City Comptroller. Retain the Policy, a copy of the signed agreement and any future revisions for your reference.

Cardholder Responsibilities:

- a. Ensure that the credit card is used in compliance with the City's Purchasing Policies.
- b. Only authorized employees of the City of Rye may use the municipal credit card.
- c. A municipal credit card may be used for the purchase of goods or services for only official business of the City of Rye.
- d. The employee using the credit card must submit receipts, documentation detailing the goods or services purchased, cost, date of the purchase and the official business explanation thereof.

- e. Above said receipts and documentation must be submitted to the City's Finance Office within 2 business days of making a purchase.
- f. The employee issued the card is responsible for its protection and custody and shall immediately notify the City Comptroller, in writing, if the card is lost or stolen.
- g. Municipal credit card users must notify vendors or merchants that the credit card transaction should be exempt from New York State Sales and Use Taxes (IRS Tax Identification #13-6007325) if it is used for the purchase of goods or services in the State of New York.
- h. The credit card may not be used for cash advances, personal use or any other type of purchase not permitted under the City's Purchasing Policy.
- i. Employees must immediately surrender the card upon termination of employment. The City reserves the right to withhold final payroll checks and payout of accrued leave until the card is surrendered.
- j. Prohibited Transactions: (a) splitting of total purchase cost, singly or between cardholders to avoid transaction limits, (b) personal purchases, (c) non-municipal use, (d) cash advances, money orders, bank drafts, etc. (e) temporary help, (f) maintenance contracts, long term agreements, rentals or leasing of equipment (with the exception of short-term emergency situations, or vehicle rentals required for travel.)

Disputed Charges, Returns, and Assistance

In the event of disputed charges, or if a cardholder has any questions, the cardholder should contact the appropriate financial institution directly. In the event there are returns, the cardholder must check to ensure that credit notices are issued by the vendor, and submit the credit slip to the Finance Department. If a credit slip was not obtained, attach other documentation explaining the return. If credit does not appear by the second subsequent statement, the cardholder must contact the financial institution directly.

The cardholder must also advise the Finance Department if there is a dispute. The cardholder must ensure that all required steps to register a dispute are followed. Any charge to be disputed must be identified within 30 days of the statement date. The cardholder is responsible for the transactions identified on the statement. If an audit is conducted on a cardholder's account, receipts must be produced and/or other proof that the transaction occurred. If an error is discovered, the cardholder is responsible to show that the error or dispute resolution process has been invoked.

Lost or Stolen Cards

The card assigned is the property of the City of Rye and should be secured as a personal credit card would be. If the card is lost or has been stolen, or if the number becomes the knowledge of someone else, notify the Comptroller immediately.

Internal Control Procedures

The City Manager is the administrator of this policy and shall be responsible for the issuance and retrieval of assigned municipal credit cards to personnel and generally for overseeing compliance with this policy.

The Comptroller shall be responsible for:

- a. Assisting and maintaining record of issuance and retrieval of municipal credit cards and overseeing compliance with this policy.
- b. Accounting and payment of expenses. All documentation must accompany invoices before payment is made.
- c. Ensuring accuracy of the statement and that activity and account information is noted on the credit card statement for each line of entry.
- d. The balance under the credit card arrangement shall be paid for within 30 days of the initial statement date.
- e. Compliance with State of New York records retention requirements for safekeeping of statements and receipts for seven years.
- f. Cardholders will be subject to random audits of expenses and recordkeeping by the Finance Department. Any purchases which violate the terms of the Cardholders' responsibilities shall be reported by the Comptroller to the City Manager. Discovery of violation(s) of this policy may result in loss of card privileges and/or other disciplinary steps, as appropriate.

The total combined authorized credit limit of all credit cards issued by the City of Rye shall not exceed ½ % of the General Fund budgeted expenditures of the City of Rye for the current fiscal year.

Any employee found guilty of illegal or unauthorized use of a municipal credit card may be subject to penalties allowed by law and/or disciplinary action(s) under the City's Personnel Policies up to and including termination.

Operating Position Policy

Operating position refers to the City's ability to balance its budget on a current basis, maintain reserves for emergencies, and maintain sufficient cash to pay its bills on a timely basis. Our operating position policy requires that:

- The City will pay all current operating expenditures with current operating revenues.
- Encumbrances represent commitments related to unperformed contracts for goods or services, and will be recorded when incurred. Encumbrances outstanding at year-end will be reported in accordance with GASB 54 reporting requirements.
- The City will maintain unassigned fund balance of the General Fund at a level at least equal to 5% of the total General Fund appropriations.
- General Fund unassigned fund balance should be used for capital, emergency, or unusual and non-recurring expenditures.
- The City will prepare a cash-flow analysis of all funds on a regular basis. Disbursements, collections and investments will be managed to provide sufficient cash for daily financial needs.

The City will prepare June 30th, and September 30th, quarterly financial reports of the financial position and results of operations, for the General Fund, special revenue funds, Debt Service Fund, and proprietary funds within 45 days of quarter end.

The Comptroller will communicate the City's liability for Other Post Employment Benefits (OPEB) to the City Council on a bi-annual basis.

Purchasing Policy

The adoption of a purchasing policy confirms the commitment of a local government to ensure that its purchases of goods and services are made legally, fairly, prudently, competently, and at the lowest possible cost offered by responsible vendors. This purchasing policy, our city charter, General Municipal Law §§103 and 104, and the State Comptroller's Financial Management Guide subsection 8, provide guidance to those city employees involved in the purchasing process. The City of Rye has adopted the following purchasing policy statements in accordance with §104-b of the General Municipal Law (GML):

- Per §C8-2(J) of our city charter, the city manager shall have control and supervision of all city purchases except for those requiring competitive bidding.
- The dollar thresholds stated in this policy are to mean the total city-wide aggregate amount which is estimated to be spent for the same or similar item in the course of a fiscal year.
- Per GML §103, competitive bids will be required for purchase contracts (contracts involving materials only) in excess of \$35,000 and public works contracts (contracts involving labor or both labor and materials) in excess of \$20,000.
- Some purchases are specifically exempt from competitive bidding or purchasing policy. Such exceptions are defined in GML §103 and §104-b, and include but are not limited to, state and county contracts, qualified agencies, emergencies, professional services, sole source vendors, true leases and insurance.
- The purchase record for any purchase made under an exception to competitive bidding or purchasing policy will include documentation clearly indicating the exception as defined in GML §103 or §104-b.
- For purchases not requiring competitive bid:
 - Three written quotes will be required for any purchase of \$5,000 or more
 - Two verbal quotes will be required for any purchase of at least \$2,500 and below \$5,000
 - Purchases below \$2,500 may be made at the discretion of the department head
 - Where it is economically feasible, departments are encouraged to seek competitive written quotes from three or more vendors, whether or not the quotes are required.
- The city council may adopt resolutions establishing circumstances and reasons under which, in the best interest of the city, competitive bids or quotes are not required.
- Purchase orders must be issued for purchases of \$1,500 or more. Purchase orders are encouraged where practical for purchases less than \$1,500.

Purchase orders of \$5,000 or more shall be submitted to, and approved by, the City Manager prior to being submitted to the Finance Department.

Only Purchase Orders generated by the Finance Department shall be used for requisitioning.

- All purchases will be sufficiently documented. “Sufficiently documented” means that a person unfamiliar with the transaction would understand the transaction, including, but not limited to, the nature and purpose of the transaction, parties involved, goods or services ordered and delivered, itemized and total costs, accounts charged, person(s) who authorized the purchase, person(s) who confirmed receipt of the goods or services, and the date of each material event in the purchasing process.

Blanket Purchase Orders

Blanket Purchase orders are open end purchase orders issued to various vendors for the purpose of consolidating numerous purchases over the course of the year. Blanket purchase orders eliminate the issuance of separate orders for groups of items which are purchased frequently from the same vendor, and permit departments to purchase items of this nature on an “as needed” basis. If at any time the amount allowed on the Blanket Purchase Order will be exceeded, a change order is to be submitted to the City Manager.

Change Orders

A change order shall mean a properly prepared and authorized document which directs and authorizes a vendor providing goods or performing services to change the quantity or character of goods provided or services performed from that originally specified or estimated and to correspondingly change the payment due. Change orders are submitted first to the City Manager for approval, and then forwarded to the Finance Department for processing using the following form.

**City of Rye
Purchase Order
Change Order Request Form**

Date: _____, 20____

Change Order Requested By: _____

Department: _____ PO#: _____

Vendor Name: _____ Vendor #: _____

Amount of Change: \$ _____

Original Amount: \$ _____ New Total: \$ _____

Item #	Quantity (From)	Quantity (To)	Unit Price (From)	Unit Price (To)
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Justification for Change:

Department Head Signature: _____ **Date:** _____

Comptroller Signature: _____ **Date:** _____

City Manager Signature: _____ **Date:** _____

New York State Office of General Services – State Contract

New York State Office of General Services awards centralized contracts based on competitive bidding for commodities, services, information technology and telecommunications. State contracts should be reviewed and used whenever possible to provide additional cost savings. The City of Rye is eligible to purchase through State Contracts as a political subdivision of New York State.

New York State General Municipal Law does not require competitive bidding if purchases are made under State Contract. Therefore, spending levels do not apply only if the purchase is made under New York State Contract. Purchases made from vendors offering lower-than-state contract price do not qualify under this exception. State Contracts are on file in the Purchasing Department, and are accessible on-line at <http://www.ogs.state.ny.us>

- The justification and reasons for any variance from this policy, including but not limited to, the selection of a vendor who is not the lowest responsible bidder or the failure to obtain sufficient competitive quotes, will be documented and made a part of the purchasing record.
- The city council and all city department heads will review this policy periodically and at least annually. Comments, questions, and proposed changes should be addressed to the city comptroller.
- The unintentional failure to comply with this purchasing policy or the provisions of GML §104-b shall not be grounds to void action taken or give rise to a cause of action against the city or any officer or employee of the city.

Revenue Policy

Revenues determine the capacity of a local government to provide services. Under ideal conditions, revenues would grow at a rate equal to or greater than expenditures. To ensure that our revenues are balanced and capable of supporting our desired levels of services, the City of Rye has adopted the following revenue policy statements:

- Each year and whenever appropriate, existing revenues will be re-examined and possible new sources of revenues will be explored to ensure that we are maximizing our revenue potential.
- Legally restricted revenues will be avoided when they adversely affect the short or long-term financial health of our government.
- We will strive to be informed and aware of all grants and other aid that may be available to us. All potential grants and other aid shall be carefully examined for matching requirements (both dollar and level-of-effort) and restrictive covenants, to ensure that our participation in such grants will be beneficial and cost-effective.
- Each year and whenever appropriate, intergovernmental revenues will be reviewed to determine their short and long-term stability, to minimize the impact of any adverse changes. Intergovernmental revenues shall be used as legally prescribed or otherwise set forth by policy.
- A balance will be sought in the revenue structure between elastic and inelastic revenues, to minimize any adverse effects caused by inflationary or economic changes.
- One-time revenues will be used for capital improvements or as legally restricted to a specific purpose.
- We will carefully and routinely monitor any amounts due to us. An aggressive policy of collection will be followed for all receivables, including property taxes.
- General Fund recreation user charges and fees will strive to recover approximately 40% of total costs generated by General Fund recreation special programs and use of facilities and equipment.
- Proprietary funds will generate revenue sufficient to support the full direct and indirect costs of these funds.
- Revenue forecasts shall be conservative, using generally accepted forecasting techniques and appropriate data.
- Each year and whenever appropriate, we will review our schedule of fees and related administrative procedures.

Attachment A

City of Rye

Credit Cardholder Agreement

Requirements for use of a Municipal Credit Card:

1. The credit card is to be used only to make purchases at the request of, and for the legitimate business benefit of, the City of Rye, New York.

2. The credit card must be used in accordance with the provisions of the Credit Card Policy established by the City of Rye, as attached hereto.

Violations of these requirements may result in revocation of use privileges. Employees found to have inappropriately used the credit card will be required to reimburse the City of Rye for all costs associated with such improper use through direct payment or payroll deduction. Disciplinary action(s) may be taken per the City's Personnel Policies, up to and including termination. The City of Rye will investigate and commence, in appropriate cases, criminal prosecution against any employee found to have misused the credit card or who violates the provisions of the cardholder agreement.

Credit Card Account Number: _____

Received by: _____

Name (Please Print) _____

I acknowledge receipt of the attached Credit Card Policy and agree to abide by said Policy.

Signature: _____

Date: _____

(Below, For Finance Department Use Only)

Credit Card Returned

Authorized Signature: _____

Date: _____

Reason: _____

Periodic Review

This Comprehensive Financial Policy Document, and each of the policies contained within, shall be reviewed by the City Council at least annually.

Questions, Comments and Suggestions

We invite, encourage, and value your questions, comments and suggestions concerning this Comprehensive Financial Policy Document. Please feel free to contact us:

Jean Gribbins, City Comptroller
City of Rye
1051 Boston Post Road
Rye, New York 10580
TEL: (914) 967-7303
FAX: (914) 967-7370
E-mail: jgribbins@ryeny.gov



CITY COUNCIL AGENDA

NO. 11

DEPT.: City Manager

DATE: December 7, 2011

CONTACT: Scott D. Pickup, City Manager

ACTION: Public Hearing to adopt a Local Law to override the State enacted tax levy limitation.

FOR THE MEETING OF:

December 7, 2011

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: New York State enacted a 2% tax cap on June 24, 2011. A provision in the law allows a municipality to override this tax cap under certain provisions including:

- Local governments may override the tax levy limit only by first passing a local law that allows for the tax levy limit to be exceeded.
- This override vote requires a 60 percent vote of the total voting power of the governing body to pass.
- In a case where a weighted vote is used to pass the budget, the override will require a 60 percent weighted vote of the local government 's governing body.
- The override vote must precede the vote on adoption of the budget although both votes may occur on the same day.

See attached draft Local Law.

CITY OF RYE

LOCAL LAW NO. ___ FOR THE YEAR 2011

**A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED
IN GENERAL MUNICIPAL LAW §3-C**

Be it enacted by the City Council of the City of Rye 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 Rye pursuant to General Municipal Law §3-c, and to allow the City of Rye to adopt a budget for the fiscal year beginning January 1, 2012 and ending December 31, 2012 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

It is the determination of the City Council of the City of Rye that the property tax cap recently enacted by the State Legislature is unfair to the residents of the City of Rye and would severely curtail the ability of the City of Rye to provide necessary services to the City residents. The City Council finds that this local law would provide the City the flexibility it may need when it adopts the 2012 budget. Thus, the City Council of the City of Rye finds that it is in the best interests of the City to enact the local law.

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 tax levy limit by the adoption of a local law approved by vote of at least sixty percent (60%) of the City Council.

Section 3. Tax Levy Limit Override: The City Council of the City of Rye, County of Westchester is hereby authorized to adopt a budget for the fiscal year 2012 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability: If any 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 of 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 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.

Section 5. Effective date: This local law shall take effect immediately upon filing with the Secretary of State.



New York State Conference of Mayors and Municipal Officials

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.....
Executive Director
Peter A. Baynes

November 18, 2011

Re: Property Tax Cap

Dear Mayor:

For the last several months, NYCOM has been working hard to educate our members – both on the phone and at the many tax cap workshops we have presented – about the various provisions of the tax cap law. One area that we continuously receive inquiries about is our guidance as to whether a municipality should enact a local law authorizing a property tax levy in excess of the cap.

It is important to remember that passing the local law does not mean you must exceed the cap – it simply gives your governing body the authority to do so. Yet, if a city council or village board of trustees decides to pass the local law authorizing such body to override the tax cap, the challenge for local officials will likely be trying to educate the public about the legitimate reasons for enacting such a local law.

Additionally, local officials – even in those communities where the override option is not exercised – are going to have to help their residents understand that, in many ways, this “tax cap” is no cap at all. First and foremost, it does nothing to address state mandates, which are the real cost drivers in municipal budgets and are the true cause of New York’s high property taxes. Furthermore, the tax cap law contains exclusions (e.g., settlement amounts arising out of tort actions and the excludable amount of pension costs) which, in reality, make the 2% cap a 3% or 4% cap, maybe even higher – depending upon how much “additional room” under the cap a community obtains from such exclusions. Finally, it is important to note that the cap is on the tax levy and not the tax rate. The bottom line is, even with this theoretical 2% tax cap in place and a municipality electing not to exceed the cap, residents may still experience an increase of more than 2% – in some cases, potentially much more than 2% – in their tax bills.

While NYCOM strongly believes that the decision to override the cap must be made by each community based upon their own individual circumstances, there are a variety of issues to consider when making this determination, such as:

Fiscal Capacity – A municipality may come to the conclusion, after reviewing all options, including spending and workforce reductions, that it must exceed the cap in order to continue to provide the level of essential services demanded by its residents.

Under other scenarios, including the following, a municipality may not necessarily decide to override the cap, but it would elect to pass the local law nonetheless.

Precautionary Measure – A municipality may be concerned that, particularly in the first year of the tax cap law with many uncertainties surrounding its interpretation and implementation, there is the very real potential for a local government to exceed the cap unintentionally. Without the local law in place, this could result in the municipality, at some later date, having to set aside money in a reserve fund, the amount of which would depend on how long it takes for the inadvertent mistake to be discovered. Passing the local law should “protect” the municipality if such a mistake occurs.

Default Budgets – The “default budget” provisions in the Village Law and in many city charters – whereby a mayor’s proposed budget becomes effective if the governing body does not act by a date certain – could lead to budgetary stalemates that result in the automatic enactment of a budget that includes a property tax levy in excess of the cap. If no local law to override the cap is in effect at such time, an automatic reduction in the levy to the capped amount will be necessary, thereby resulting in an immediately out-of-balance budget. Once again, the early passage of a local law authorizing the municipality to impose a levy in excess of the cap will help a municipality whose budget may be adopted by “default” avoid this situation.

Local Control – A municipality may choose to pass the local law to simply set aside the tax cap as an artificial device imposed as the state’s way to put the onus on local officials for what are in reality mandate-driven property tax increases. This action would, in turn, allow for a community-based discussion of local service priorities and the appropriate balance of spending cuts and revenue increases to fund such services, just as cities and villages do each and every year.

You, as local officials, are acutely aware of the pain caused by New York’s property tax problem. For the past year, NYCOM and our members have strongly made the case that a tax cap without significant mandate relief is a cop-out and will fail to yield meaningful and sustainable property tax relief. To date, the primary way local governments are keeping their tax levies under the cap for 2012 is by draining their limited amounts of fund balance. Clearly **this approach** is of very short-term value and increases long-term risks. Only through mandate relief that allows you to locally control your costs can New York achieve property tax relief and economic revitalization.

If you have thoughts or concerns regarding these critically important issues, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter A. Baynes", with a long horizontal line extending to the right.

Peter A. Baynes
Executive Director

cc: Managers, Administrators, Fiscal Officers

The Property Tax Cap

Guidelines for Implementation



The information presented is current as of this publication's revision date.

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On June 24, 2011 the property tax cap was signed into law (see Chapter 97 of the NYS Laws of 2011). Below is guidance to assist local governments in the implementation of the property tax cap.

Key Components of the Tax Cap

- ✓ **What is the property tax cap?**
The tax cap law establishes a limit on the annual growth of property taxes levied by local governments and school districts to two percent or the rate of inflation, whichever is less.
- ✓ **Who is subject to the tax cap?**
The cap applies to all independent school districts outside of the Big Five Cities (i.e. dependent school districts) and to all local governments including counties, cities, towns, villages and special districts (except those special districts noted below). The cap does not apply to New York City.
- ✓ **Are there exceptions to the tax cap?**
There are limited, narrow exclusions to the cap, including certain costs of significant judgments arising out of tort actions and unusually large year-to-year increases in pension contribution rates.
- ✓ **Is there an override mechanism to the tax cap?**
The tax levy cannot exceed the cap unless 60 percent of voters (for school districts) or 60 percent of the total voting power of the governing body (for local governments) approve such increase.
- ✓ **When is the tax cap effective?**
The cap first applies to local fiscal years beginning in 2012. Local budgets that commenced in 2011 but conclude in 2012 are not affected.

Technical Information

I. Applicability

The tax cap applies to all independent school districts and all local governments outside of New York City, and is intended to capture the broad range of property taxes levied in New York. Accordingly, the tax cap applies broadly to property taxes that support all local governments, including special districts that are independently governed as well as special districts that are established, governed and administered by another municipality. Where a local government, such as certain special districts, is wholly integrated within another local government – i.e. the special district is established, administered and governed by the board of that other local government, and is supported by a tax levy imposed by and under the authority of that other local government – then any property tax being levied by the overarching local government to support the operations of the subordinate special district is considered part of the tax levy of the overarching local government for purposes of administering the tax cap and override vote, if any. The following entities are covered by the cap:

- All Counties (except those within NYC)
- All Cities (except NYC)
- All Towns
- All Villages
- All Fire Districts
- School Districts (including common, union free, central, central high school, and city school districts, but excluding NYC and the Big Four¹)
- Special Districts (including, but not limited to sewer, water, library and fire protection districts). In the case of special districts the tax cap applies as follows:
 - The tax levy of a special district (such as a water or sewer district) that (i) has a separate independent elected board, and (ii) has the authority to levy a tax, or can require a municipality to levy a tax on its behalf, **is subject to the tax levy limit.**
 - The tax levy of a special district that (i) has a separate independent board appointed by the governing body of another local government, and (ii) has

¹ The budgets for the school districts in the Big Four Cities are within the cities' budgets, and those school districts have no separate taxing authority. The portion of the tax cap law applicable to local governments applies to the budgets of the Big Four Cities.

the authority to levy a tax, or can require a municipality to levy a tax on its behalf, **is subject to the tax levy limit.**

- To the extent the budget of a special district, such as a library district, is comprised of revenues generated by its own taxing authority, or by a tax levy of another local government that the local government is required to impose on behalf of that special district, those tax revenues fall within the tax levy limit of the special district. To the extent the budget of that special district is comprised of revenues generated by the taxing authority of another local government (such as a town or village), and that local government is not required to impose that tax levy on behalf of the special district, those tax revenues fall within the tax levy limit of the town or village.
- A tax levy that supports the operations of a special district that is established, administered and governed by the governing body of another local government— such as a tax levy imposed by a town or county board, under its authority, to support an improvement district created, administered and governed by that town or county board - is part of that town or county's tax levy, and **is to be applied to the tax levy limit of that town or county** – it is not to be separately reported by the special district.
- A special district that raises revenue solely through fees based on use **is not subject to the tax levy limit.**

II. Quantity Change

The Quantity Change Factor adjusts the tax levy limit to reflect an increase in the full value of taxable real property in a local government due to physical or quantity change – i.e. new growth or significant additions to existing properties.

- The Commissioner of Taxation and Finance will issue a Quantity Change Factor for all local governments that have experienced an increase in the full value of taxable real property due to a physical or quantity change.
 - Increases in full value due to changes in assessment only do not constitute a basis for a quantity change factor. A physical or quantity change does not result from the splitting or merging of parcels.
 - Property returning to the tax rolls after the expiration of a PILOT does not constitute a basis for a Quantity Change Factor.

III. Inflationary Factor

The growth in annual levy is limited to the lesser of 2 percent or the Consumer Price Index (CPI), subject to certain limited exceptions and adjustments. For the purposes of the cap the applicable CPI will be the unadjusted "All Items Consumer Price Index for All Urban Consumers" (CPI-U), the broadest and most comprehensive measure released by the Bureau of Labor Statistics. The CPI-U is released on a monthly basis, generally in the third week of the subsequent month.

Based on the most recently released calendar of release dates, the following table illustrates when the inflationary factor will be available for use by local governments in preparing their levy limit for upcoming budgets.

Chart 1. Timing of the Release of CPI-U Index for the Property Tax Cap Inflation Factor

Fiscal Year beginning	CPI-U period ends	CPI-U released
January 1, 2012	June 30, 2011	July 15, 2011
April 1, 2012	September 30, 2011	October 19, 2011
June 1, 2012	November 30, 2011	December 15, 2011
July 1, 2012	December 31, 2011	January 14, 2012

IV. Calculating the Tax Levy Limit

Each local government shall calculate the tax levy limit for the coming year as follows:

- First, determine the total amount of **taxes levied**, not collected, in the prior fiscal year.
 - Property taxes levied by a town to fund the town budget under its taxing authority fall within the town's tax levy limit.
 - Property taxes levied by a town on behalf of another local government (e.g. fire district) pursuant to the taxing authority of that other local government fall within that other local government's tax levy limit.
- Second, if a "tax base growth factor" has been reported to the local government by the Commissioner of Tax and Finance, the total amount of taxes levied for the prior year is to be multiplied by the growth factor.
- Third, add any PILOTs that were receivable in the base year. The total amount of PILOTs receivable is to be included in the calculation of the tax levy limit. No adjustment is permitted.

- Fourth, beginning for fiscal year 2013, subtract the tax levy necessary to support expenditures for tort actions for any amount that exceeds 5 percent of the local government's tax levy in the prior fiscal year. There is no subtraction for these expenditures in the calculation for the 2012 fiscal year.
- Fifth, multiply the result by the allowable levy growth factor, which will be provided by the Office of the State Comptroller.
- Sixth, subtract any PILOTs receivable in the coming year. The total amount of PILOTs receivable is to be included in the calculation of the tax levy limit. No adjustment is permitted.
- Seventh, beginning with fiscal year 2013 budgets, add any available carryover from the prior fiscal year. There is no available carryover for the 2012 fiscal year.
- Eighth, unused exclusions associated with growth in pension costs or tort judgments may not be carried forward.

V. Filing the Levy Limit Calculation

Each local government shall submit to the Office of the State Comptroller any information necessary for calculating the tax levy limit for the coming fiscal year prior to adopting a budget for that year. The Comptroller's office will provide additional information on the form and manner in which such submissions are to be made.

- A special district whose tax levy is determined by the board of another local government (such as a town or county board) does not have to separately submit the above information to the Office of the State Comptroller. The tax levy for that special district is part of that town or county's tax levy, is to be applied to the tax levy limit of that town or county, and is to be included within the information submitted by that town or county to the Office of the State Comptroller.
- A special district that raises revenues solely through fees based on use is not subject to the tax levy limit, and therefore does not have to submit the above information to the Office of the State Comptroller.
- All other special districts are each responsible for ensuring that its tax levy limit is calculated and reported in an accurate and timely manner.
- A special district may authorize another local government that handles its administrative affairs to calculate and report the tax levy limit on its behalf.

VI. Limited Exclusions

The tax cap law allows for a limited number of exclusions to the tax levy limit. These exclusions are:

- **Torts.** Local governments can increase their property tax levy beginning for fiscal year 2012 above the levy limit (the base year levy as adjusted for growth and inflation) for costs resulting from court orders or judgments against the local government arising out of tort actions to be paid in the coming fiscal year. The adjustment can only be made for costs of those court orders or judgments that exceed 5 percent of the total prior year's tax levy. Tax certioraris and breach of contract actions are among the types of actions that **are not** tort actions.
- **Pensions.** The pension exemption is triggered if the annual growth in the average actuarial contribution rate for the Employees' Retirement System (ERS), the Police and Fire Retirement System (PFRS), or the normal contribution rate for Teachers' Retirement System (TRS) exceeds two percentage points. Under the exemption, pension costs associated with the annual growth in the employer contribution rate above two percentage points are exempted from the cap.
 - **Variance in Plans.** In years in which the pension exclusion is triggered, the pension exemption rate is the same percentage of salary (growth in the system average actuarial rate minus two percentage points) for all employers.

Determining the Pension Exclusion

- In accordance with the employer contribution rates recently promulgated by the Office of the State Comptroller, the pension exemption will be triggered for both ERS and PFRS in local governments' FY 2012 budgets. The ERS average contribution rate is increasing by 2.6 percentage points and the PFRS average contribution is increasing by 4.2 percentage points. As a result, the ERS exemption is 0.6 percentage points and the PFRS exemption is 2.2 percentage points. These exemptions are calculated by subtracting two percentage points from the year-to-year increases in the ERS and PFRS average contribution rates (2.6 and 4.2 percentage points, respectively, for FY 2012). A similar exemption is allowed for local governments with TRS pension costs.
- For a hypothetical employer with a \$1 million ERS salary base and a separate \$1 million PFRS salary base, the ERS exemption would be calculated by multiplying 0.6 percent by the \$1 million salary base (\$6,000), and the PFRS exemption would be calculated by multiplying 2.2 percent by the separate \$1 million salary base (\$22,000), for a total pension exemption of \$28,000. All other pension costs fall within the property tax cap limitation.
- The system average contribution rate is to be utilized in calculating the amount of the exemption, even when the system average contribution rate is different than the actual contribution rate that the local government pays for its ERS pension plans. For example, if the ERS average contribution rate is increasing by 2.6 percent, and a local government's actual ERS plan contribution rate increased by only 2 percent, that local government would still be eligible to exclude 0.6 percent of its ERS salary base of \$1 million (or \$6,000). On the other hand, in years where the ERS average contribution rate increased by 3 percent and a local government's actual contribution rate increased by 3.5 percent, that local government can only exempt an amount equal to 1 percent of its \$1 million ERS salary base (or \$10,000).

- **Adjustments and Reconciliations.** Salary reconciliations and adjustments are not to be factored into the pension exclusion.

- **Contribution Rates.** The system average actuarial contribution rate is the average contribution rate paid by all employers in ERS and PFRS. It is published annually by the Office of the State Comptroller.
 - For fiscal years beginning in 2012, the Office of the State Comptroller recently published the ERS and PFRS contribution rates. TRS first published its estimated employer contribution rate in February 2011 for fiscal year 2012.
 - Local governments should use the ERS and PFRS contribution rates recently promulgated by the Office of the State Comptroller to calculate their exclusion for fiscal year 2012. Local governments with TRS pension costs should use the TRS contribution rate formally adopted in August 2011 (which was first published as an estimate in February 2011) for their FY 2012 budgets.
 - In future years, no local government may assume a pension exclusion until the Office of the State Comptroller officially promulgates the ERS and PFRS contribution rates. Accordingly, local governments will not be eligible to take advantage of the pension rate exclusion unless they use these contribution rates. If a local government's local law requires an earlier budget calculation and adoption, the local law must be changed with respect to when the budget is due in order to utilize the pension exception.

- **Salary Base.** The Office of the State Comptroller will provide local governments with their estimated salary bases to calculate their ERS and PFRS pension exclusions. Local governments with TRS pension costs must use their own salary base estimates to determine their TRS pension exclusion.
 - For ERS and PFRS, local governments must use the salary base projected by the Office of the State Comptroller in the calculation of their pension exclusion.
 - For TRS, local governments must continue to use their own initial salary base projections.

- **Amortization.** Local governments utilizing amortization may not levy for the pension exclusion.

VII. Erroneous Levies

Excess levies that are collected due to calculations that are inconsistent with the statute are required to be placed in reserve.

- The law provides for no minimum threshold before funds are placed in reserve, although the Office of the State Comptroller may issue guidelines in this area.
- The law requires that cash be put in reserve.
- If the levy exceeds the tax levy limit due to technical or clerical errors, the excess amount shall be placed in reserve in accordance with Office of the State Comptroller requirements.
- If the Office of the State Comptroller finds upon audit that a local government has levied in excess of the tax levy limit, the local government must place an amount equal to the excess amount of the levy in reserve.

VIII. Overrides of the Tax Levy Limit

Local governments **may override the tax levy limit only by first passing a local law** (or a resolution in the case of a fire or other special district) that allows for the tax levy limit to be exceeded.

- This override vote requires a 60 percent vote of the total voting power of the governing body to pass.
 - In a case where a weighted vote is used to pass the budget, the override will require a 60 percent weighted vote of the local government's governing body.
 - The override vote must precede the vote on adoption of the budget although both votes may occur on the same day.
- The local government may exercise reasonable discretion in drafting a local law or resolution that overrides the tax levy limit, but any such local law or resolution must contain language that clearly overrides the levy limit.
- The local governing body may adopt the budget right after adopting the local law. If the Secretary of State rejects the local law for filing because of technical reasons, and those technical reasons are not cured within a reasonable period of time, the amount of the tax levy that exceeded the tax levy limit (other than a levy for those items excluded from the tax levy limit) shall be placed in reserve pursuant to paragraph 6 of section 3-c of the General Municipal Law.

- In the event that a local government successfully overrides the tax levy limit, the base for the following year's tax levy limit calculation is the amount that was levied in the prior year inclusive of the override amount, less any amounts to be subtracted as set forth in the statute.
- In the case of a special district that requires a popular vote to pass the budgetary increase, the 60 percent voting requirement only applies to the board's vote, not to the popular vote (where only a majority vote continues to be required).

Example: Non-Charter Counties Budget Process

- The budget officer of a non-charter County has to submit a tentative budget by November 15, but may be required by the County's board of supervisors to submit that tentative budget by October 1.
- Members of the committee of the board of supervisors designated or created to review the tentative budget are entitled to investigate and inquire about the estimate of any administrative unit or the request for an appropriation of any authorized agency, and are entitled to attend all hearings conducted by the budget officer.
- The board of supervisors of that County has until December 20 to adopt a budget.
- Accordingly, that County has between 5 to 11 weeks to enact a local law that overrides the tax levy limit (which local law has to be upon the desks or tables of the board of supervisors for at least 7 calendar days, excluding Sundays, unless there is a message of necessity).
- As is required for all local laws, the proposed local law that overrides the tax levy limit is subject to a public hearing on five days notice, unless a local law prescribes a different notice requirement.
- See attached charts entitled **"Timeline for Tentative County Budget that Requires Tax Cap Override"** and **"Timeline for Tentative County Budget as Amended by Board of Supervisors that Requires Tax Cap Override."**

Example: Town Budget Process

- The town clerk of a town has to submit a tentative budget to the town board on or before September 30 (or on or before October 30 for towns in Westchester and Monroe Counties).
- A town board has until November 20 (or December 20 for towns in Westchester and Monroe Counties) to adopt the budget.
- Accordingly, towns in counties other than Westchester and Monroe have more than 6 weeks to enact a local law that overrides the tax levy limit (which local law has to be upon the desks or tables of the town board members for at least 7 calendar days, excluding Sundays, unless there is a message of necessity). Towns in Westchester and Monroe Counties have nearly 6 weeks to pass such a local law.
- As is required for all local laws, the proposed local law that overrides the tax levy limit is subject to a public hearing on five days notice, unless a local law prescribes a different notice requirement.
- See attached charts entitled “**Timeline for Tentative Town Budget that Requires Tax Cap Override**” and “**Timeline for Tentative Town Budget as Amended by the Town Board that Requires Tax Cap Override.**”

IX. Budget Process: Final Adoption of a Budget

A budget officer, or chief executive, may prepare a tentative budget that requires a tax levy in excess of the levy limit. However, the governing body cannot, without first complying with override requirements, (i) adopt a budget that requires a levy in excess of the tax levy limit, or (ii) impose or cause the imposition of a tax levy to the extent that a budget requires a levy in excess of the levy limit.

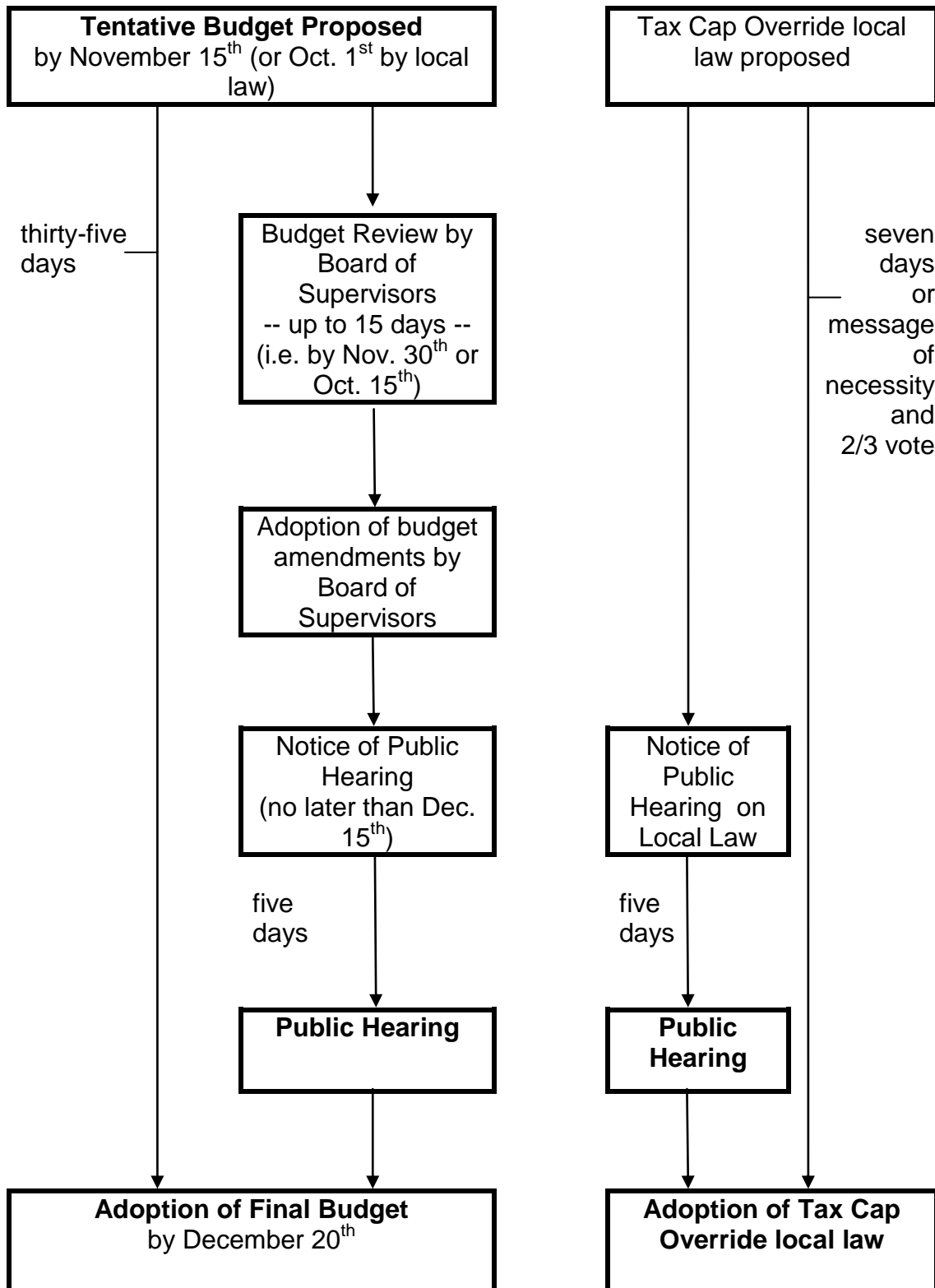
X. Special Circumstances: Consolidation, Dissolution & Transfer of Functions

When significant changes are made to the structure or governance of a local government, the tax levy limit calculation will need to be determined by the Office of the State Comptroller.

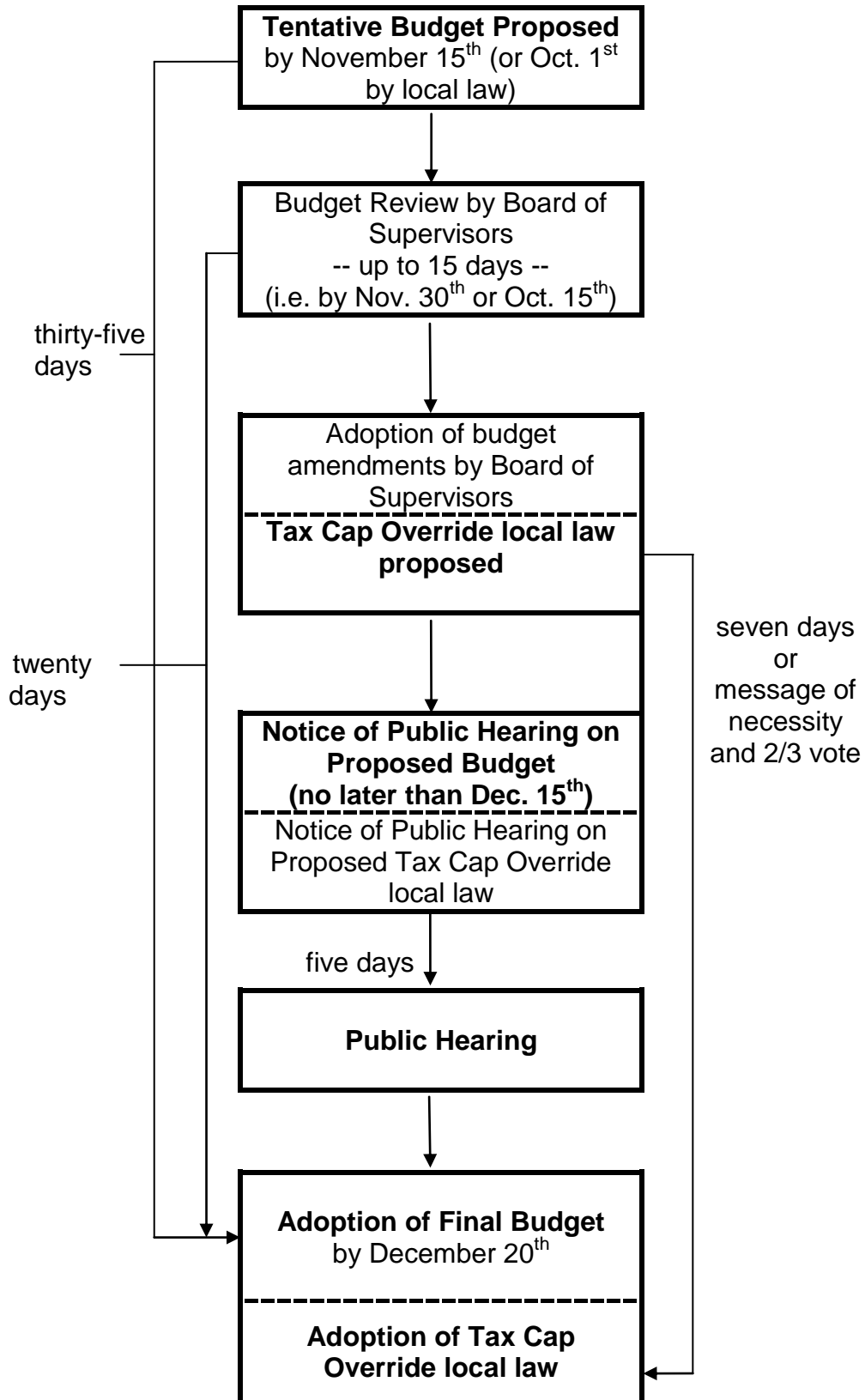
- **Consolidation.** When two or more local governments consolidate, the Office of the State Comptroller will calculate the tax levy limit for the first year after the consolidation. This calculation will be based upon the prior year tax levy limits of both local governments, but other factors pertaining to the consolidation may also be considered.

- **Transfer of Functions.** If a local government determines that it is in the best interest of the citizens to transfer the function for a governmental activity (such as policing) to another local government, the Office of the State Comptroller shall determine the costs and savings of the associated function for both local governments. This determination will be provided to the local governments so that the appropriate adjustments can be made to their tax levy limit calculations.
- **Dissolutions.** When a local government dissolves, the Office of the State Comptroller will calculate the tax levy limit for the local government that assumes the debts, liabilities and obligations of the former local government. This calculation will be based upon the prior year tax levy limits of both local governments, but other factors pertaining to the dissolution may also be considered.
- **New Local Governments.** The tax levy limit does not apply to the first fiscal year of a newly established local government (which is not the result of a consolidation or dissolution).

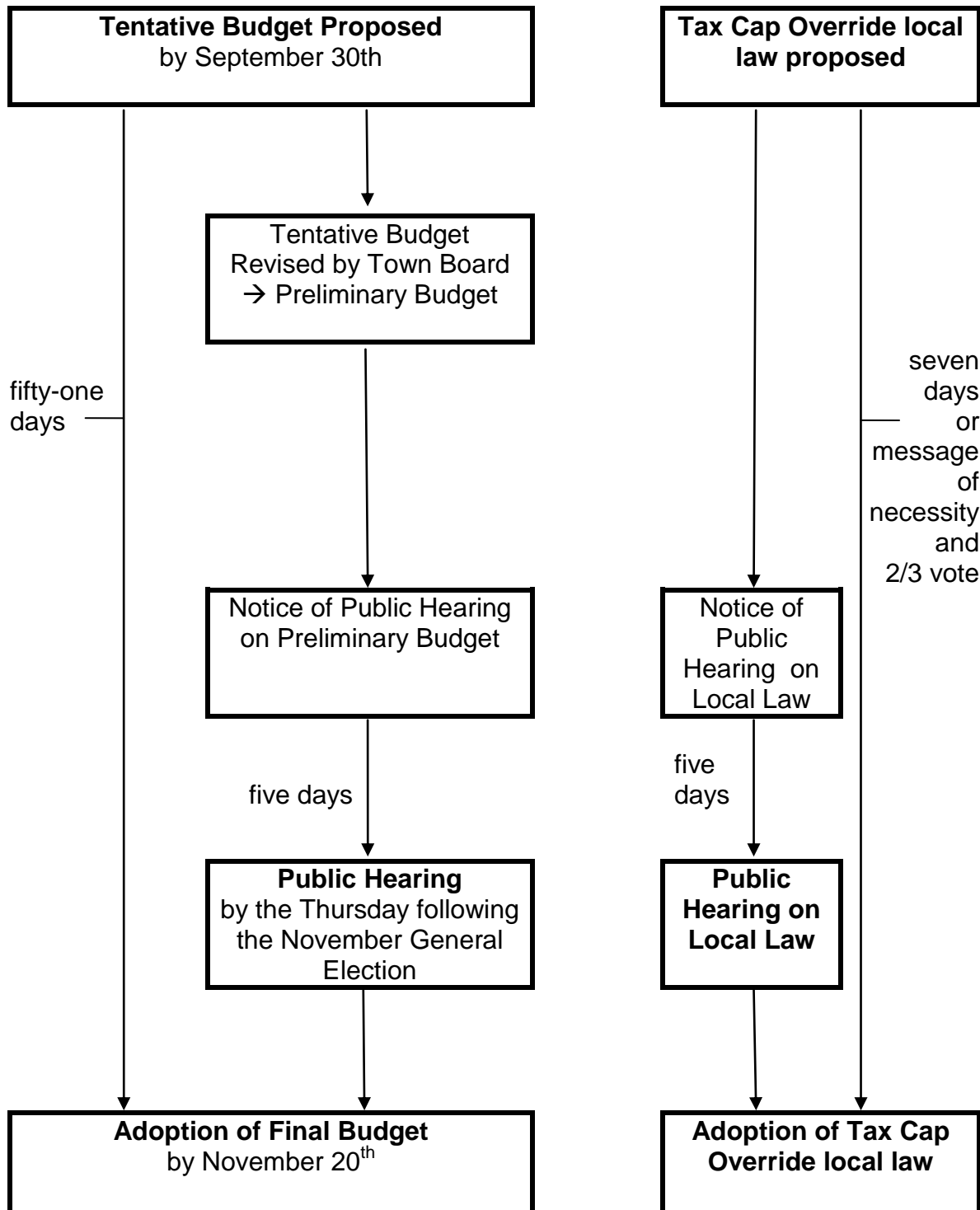
Appendix A Timeline for Tentative County Budget that Requires Tax Cap Override



Appendix B
Timeline for Tentative County Budget as Amended by Board of Supervisors that Requires Tax Cap Override

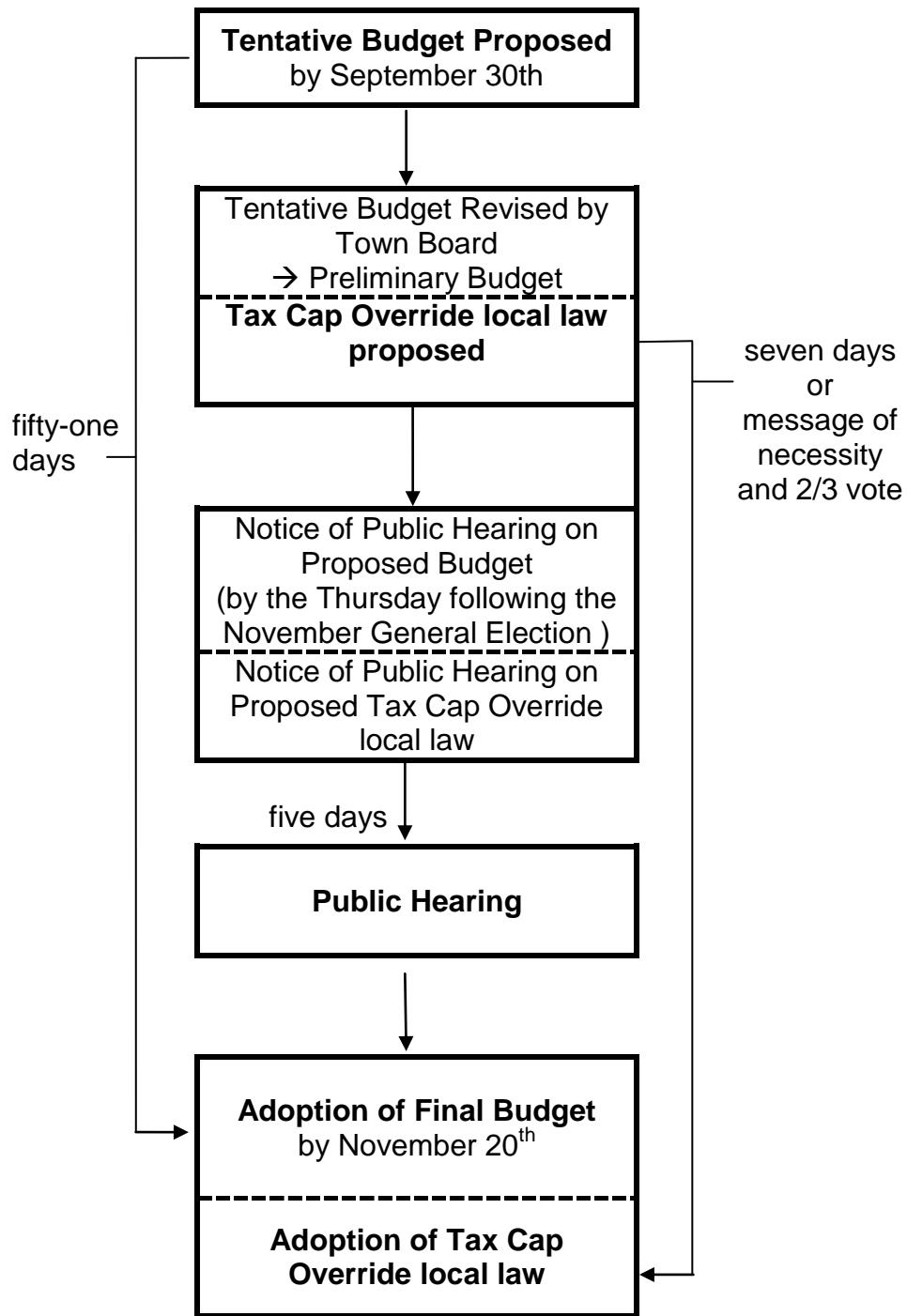


Appendix C
Timeline for Tentative Town Budget that requires Tax Cap Override*



* The budget calendars are different for towns in Monroe and Westchester Counties

Appendix D
Timeline for Tentative Town Budget as Amended by the Town Board
that requires Tax Cap Override*



* The budget calendars are different for towns in Monroe and Westchester Counties



CITY COUNCIL AGENDA

NO. 13

DEPT.: City Manager's Office

DATE: December 7, 2011

CONTACT: Scott Pickup, City Manager

ACTION: Consideration to set a Public Hearing to amend the City of Rye Charter for the creation of a Public Safety Commissioner to head the Police Department and the Fire Department reporting directly to the City Manager.

FOR THE MEETING OF:

December 7, 2011

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council set the Public Hearing for December 21, 2011.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Due to 2012 Staff retirements, a recommendation has been made to create a Public Safety Commissioner which would include management of Police and Fire Services. These changes would incorporate updating the Rye City Charter so that the Fire Department would have a direct reporting relationship to the City Manager.

See attached.

**CITY OF RYE
LOCAL LAW NO. __ OF 2011**

A Local Law to amend the City Charter Article 12 “Department of Police” and Article 13 “Fire Department” to rename the Head of the Department and to have the Head report to the City Manager’s office

Be it enacted by the Rye City Council as follows:

Section 1. Rye City Charter Article 12 “Department of Police”

§ C12-1. Head of Department; subordinates.

- A. There shall be a Department of Police, the head of which shall be the Commissioner of ~~Police~~ **Public Safety**, who shall be appointed by the City Manager, and he shall serve at the pleasure of the City Manager. The Commissioner of ~~Police~~ **Public Safety** shall have at least the qualification and experience specified by the Council.
- B. In addition to the Commissioner of ~~Police~~ **Public Safety**, the Council shall determine the number of Lieutenants, Sergeants and patrolmen, all of whom shall be appointed by the Commissioner.
- C. The Commissioner of ~~Police~~ **Public Safety** shall appoint, as vacancies in the Department occur, all officers and members thereof. He may also appoint bay constables and special officers for such purposes and upon such occasions as he may deem proper if not in conflict with law or this chapter.
- D. The Mayor and City Manager shall be ex-officio members of the police force of the City and shall have all the powers conferred upon policemen.
- E. The ~~Police~~ **Public Safety** Commissioner shall, when he deems it necessary for the good of the Department, suspend or remove any officer or employee whom he may appoint or employ, except as otherwise provided by law.

§ C12-2. Powers and duties.

- A. The Department of Police shall have all functions customarily performed by a police department, and shall exercise all powers and perform all duties pertaining to or necessarily incident thereto.
- B. Under the supervision of the City Manager, the Commissioner of ~~Police~~ **Public Safety** shall promulgate and enforce rules and regulations governing police discipline, practices and procedures for the administration of the department for the discipline and efficiency of the police force. The rules and regulations shall be approved by the Council before becoming effective. He shall have the authority to administer oaths and take evidence, affidavits and acknowledgements in all proceedings relating to the Department.

C. In addition, the Commissioner of ~~Police~~ **Public Safety** shall:

- 1) Exercise the powers to request and grant public assistance as provided in § 209-m of the General Municipal Law.
- 2) In coordination with the head of the Department of Public Works, supervise the application and maintenance of all pavement markings in the streets, sidewalks, parking areas and all other public places, and the installation and maintenance of all traffic signs and signals within the City.
- 3) Be responsible for the administration, supervision and training of the auxiliary police and shall coordinate the same with the Deputy Local Director of Disaster and Emergency Services.
- 4) Be responsible for the administration and supervision of policemen assigned to policing and enforcing all laws and ordinances applicable to the Rye Town Park and the maintenance of order therein.
- 5) Assist the City Manager in the administration of flood, disaster and other emergency plans.
- 6) Be responsible for the administration in coordination with other municipalities, of an emergency ambulance service on behalf of the inhabitants of the City.
- 7) Institute and formulate, in coordination with the heads of other Departments of the City, safety programs to reduce accidents and avoid injury or damage to persons and property.
- 8) Perform such other duties as may be prescribed by law, the Council or the City Manager.

Section 2. Article 13 “Fire Department”

§ C13-1. Head of Department; ~~Board of Fire Wardens~~ Commissioner of Public Safety.

The members of several fire companies of the City shall constitute the Fire Department of the City of Rye, the head of which shall be the ~~Board of Wardens~~ **Commissioner of Public Safety**. The maximum number of members of each company shall be fixed by the Council. The Fire Chief, the First and Second Assistant Fire Chiefs and the Wardens of such company shall constitute the Board of Fire Wardens.

§ C13-2. Election of officers.

- A. The members of the Fire Department shall elect annually by ballot by their members a Fire Chief, a First Assistant Fire Chief, and a Second Assistant Fire Chief and their election shall be subject to the approval of the Council.
- B. Each of the several fire companies shall elect annually by ballot from their own members a Warden for a term of two years.

§ C13-3. Powers and duties of the Board of Fire Wardens.

- A. The Board of Fire Wardens, **under the supervision of the Commissioner of Public Safety**, shall have control and supervision of the Fire Department and of all equipment and apparatus thereof, subject to the authority and control of the Council.
- B. The Board, **in conjunction with the Commissioner of Public Safety**, shall make recommendations with respect to the employment of such persons as the Council may deem necessary and proper in the Department within budgetary limitations.
- C. The Board shall fill any vacancies in the offices of Fire Chief and First and Second Assistant Fire Chiefs, subject to the approval of the Council.
- D. The Board, **in conjunction with the Commissioner of Public Safety**, shall, subject to the approval of the Council, adopt and enforce rules and regulations, not inconsistent with the provisions of the Civil Service Law or any other law, for the control, disposition and discipline of the officers, members and employees of the Department, for their training and efficiency, and for the use and care of equipment and apparatus of the Department.
- E. The Board shall approve the by-laws adopted by the several fire companies for the government and discipline of their members.
- F. The Fire Department shall comply with City regulations, practices and procedures relating to the administration, employees, purchasing and accountability of City property, except as otherwise provided by the Council.

§ C13-4. Powers of Fire Chief.

- A. The Fire Chief shall be Chairman of the Board of Fire Wardens and preside at meetings of the Board and Fire Department.
- B. He shall, under the direction and control of the ~~Board~~ **Commissioner of Public Safety**, have supervision of the officers, members and employees, and the equipment and apparatus of the Fire Department and also, shall have exclusive control of the officer, members and employees of the Department at all fires, inspections and reviews.

- C. He may appoint from members of the Department “call men” on a part-time basis when necessary, subject to the approval by the Board of Wardens, and their compensation shall be fixed by the Council.

§ C13-5. City Manager.

The Commissioner of Public Safety shall report to the City Manager.

Section 3. Severability

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder thereof.

Section 4. This local law will take effect on March 1, 2012.



CITY COUNCIL AGENDA

NO. 14

DEPT.: Police

DATE: December 7, 2011

CONTACT: Commissioner William R. Connors

AGENDA ITEM: Acceptance of Grant Award from Governor's Traffic Safety Committee in the amount of \$1,800 for participation in the "Child Passenger Safety" program.

FOR THE MEETING OF:

December 7, 2011

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Manger be authorized to accept the Grant Award from the Governor's Traffic Safety Committee in the amount of \$1,800.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City of Rye Police Department has been awarded a grant of \$1,800 from the Governor's Traffic Safety Committee to participate in the "Child Passenger Safety" program. The goal of the program is to increase the proper use and installation of child safety seats thereby reducing serious injury and deaths that result from vehicle accidents.

See attached.



William R. Connors
Police Commissioner

POLICE DEPARTMENT

City of Rye, New York
21 McCullough Place
Rye, N. Y. 10580
Phone: (914) 967-1234
FAX: (914) 967-8341



November 14, 2011

Memorandum for: Scott D. Pickup, City Manager


Subject: **CHILD PASSENGER SAFETY GRANT**

I am pleased to report that the City of Rye Police Department has been awarded a grant of \$1,800 by the Governor's Traffic Safety Committee's Child Passenger Safety Program to participate in the statewide "Child Passenger Safety" program. The program's goal is to increase the proper use and installation of child safety seats in New York State. This grant follows a similar one that was awarded to the Department last year.

The Child Seat Program is a valuable safeguard for the safety of our city's children, and has been exceptionally well received by the community. Combined with donations received by grateful parents, this grant should cover all materials and supplies associated with the program.

A copy of the grant award letter is attached for your information.

WRC/wrc


William R. Connors
Police Commissioner

cc: Jean Gribbins, Comptroller



ANDREW M. CUOMO
Governor

STATE OF NEW YORK
GOVERNOR'S TRAFFIC SAFETY COMMITTEE
DEPARTMENT OF MOTOR VEHICLES



BARBARA J. FIALA
Chair

November 8, 2011

Mr. Tom Scappaticci
Accountant
Rye City Police Department
21 McCullough Place
Rye, New York 10580

Re: CPS-2012-Rye City PD -00069-(060)
Child Passenger Safety Program
EFFECTIVE DATE: October 1, 2011

Dear Mr. Scappaticci:

On behalf of Governor Andrew M. Cuomo, I am pleased to notify you that the City of Rye has been awarded \$1,800 to participate in the statewide "Child Passenger Safety" program. Our goal is to increase the proper use and installation of child safety seats in New York State. Please note all grants will be effective only upon final approval by the New York State Office of the State Comptroller.

Before incurring any project related expenses, login to eGrants to review your approved budget as it may have been reduced or otherwise changed from what was requested.

Thank you for participating in this very important statewide program. I wish you success in your efforts. If you have any questions, please contact the Governor's Traffic Safety Committee at (518) 474-5111.

Sincerely,

Barbara J. Fiala
Chair and
Commissioner of Motor Vehicles

BJF:et
Enclosure
cc: William Connors ✓
Joseph Fazzino



CITY COUNCIL AGENDA

NO. 15

DEPT.: Police Department

DATE: December 7, 2011

CONTACT: William R. Connors, Police Commissioner

AGENDA ITEM: Consideration of request by the Police Department to dispose of obsolete and inoperable computer equipment.

FOR THE MEETING OF:

December 7, 2011

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council adopt the following resolution:

Whereas, the City has been provided with a list of City computer equipment identified as being obsolete or will become obsolete during 2011, and,

Whereas, the Police Department has recommended that said equipment be declared surplus, now, therefore, be it

Resolved, that said equipment is declared surplus, and, be it further

Resolved, that authorization is given to the City Comptroller to sell or dispose of said equipment and vehicles in a manner that will serve in the best interests of the City.

IMPACT: Environmental Fiscal Neighborhood Other

Enhancement of the operational effectiveness of the Department.

BACKGROUND: Attached is a listing of computer equipment in the possession of the Police Department that is either currently obsolete or inoperable and has been removed from service. The Police Department requests authorization to remove the equipment from its inventory for disposal.

See attached.

Computer Equipment That Has Been Removed From Inventory For Disposal

The following equipment is either obsolete, nonfunctional or in disrepair and has been removed from inventory.

As of July 2008

- 1 Dell E172fpb Monitor Serial # cn0m1609466333ah32nl
- 1 Dell Ultra Sharp 1702FP Monitor Serial # MX08G15247605319DGW5
- 1 Panasonic Toughbook CFM34 Laptop Computer Serial #1FKSA03533
- 1 Dell Dimension 4550 Computer Serial # D3KT021
- 1 Dell Dimension 4550 Computer Serial # 93KT021
- 1 Dell Dimension 4550 Computer Serial # FL8W21
- 1 Panasonic Toughbook CF 29 Serial # 4EKSA35894 (Destroyed by fire August 11, 2008)
- 1 Panasonic Toughbook CF 29 Serial # 4EKSA35141 (Destroyed by fire February 28, 2009)
- 1 HP Color Laser Jet 4650dtn Printer Serial # JPDAB05384
- 1 Samsung Syncmaster 700 B Plus serial # KG17H80K10449L
- 1 Compaq Proliant ML530 Server Serial # D130FPY1K072
- 1 Fargo Quattro 081410 Serial # 90520171
- 1 Quantum 1100 Snap Server, Model # 70700228-004, Serial # FCC10U2756
- 1 HP Pro Curve Network Switch, Model # 4000M / J4121A, Serial # SG02663074
- 1 Compaq HP Proliant 800server Serial # D916CDG10126
- 1 HP Super Store DAT 24 Web Server Backup Drive Serial # IE25073581
- 1 Dell Dimension 4400 Serial Number FTN7F11
- 1 Dell Dimension 4400 Serial Number JCM7F11
- 1 Dell Dimension 4550 Serial Number BL8WF21
- 1 Compaq Deskpro EXM Serial Number 6052FR4ZD769
- 1 Visioneer Strobe XP100 Serial Number TU3114557
- 1 Visioneer Strobe XP200 Serial Number 339574239068560
- 1 Dell E172 FPb Monitor, Serial # CNOM1609466333AH125L
- 1 Visioneer Strobe XP200 Serial Number 34557423B000853
- 1 HP Proliant ML370 Server, Serial # USE510A79W
- 1 Dell E196FPf 19 inch Monitor, Serial # cnogc8117287262k4mdm
- 1 HP D530 CMT Computer, Serial # USU442047R
- 1 HP Laser Jet 2300n printer Serial # CNBGD40357
- 1 Dell Dimension 4550, Serial Number 63KT021
- 1 Dell E196FPF 19 inch Monitor, Serial # cnogc8117287264b2gvl
- 1 Dell E196FPF 19 inch Monitor, Serial # cnogc8117287264b2gel