

AGENDA

REGULAR COUNCIL MEETING

CITY OF GENEVA, NEW YORK

July 10, 2024

**City Hall
2nd Floor Conference Room
47 Castle Street
Geneva NY 14456**

COUNCIL MEETING STARTS AT 4:00PM

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- I. CALL TO ORDER – Mayor, Steve Valentino
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. PUBLIC HEARINGS:
 - A. 2024 Consolidated Funding Application and Community Development Block Grant Program
- V. THREE + ONE CITY INVESTMENT UPDATE - Presented by Comptroller Newcomb
- VI. 2025 BUDGET UPDATE – City Manager Hendrix and Comptroller Newcomb
- VII. SUPERVISOR UPDATE
- VIII. CONSIDERATION OF MEETING MINUTES

This portion of the meeting is dedicated to correction of meeting minutes for the following Council session.

 - A. June 5 (Regular Council Meeting) (page 3)
 - B. June 17 (Special Council Meeting) (page 14)
 - C. June 26 (Special Council Meeting) (page 16)
- IX. PUBLIC COMMENT

This portion of the meeting is dedicated to receiving comments on any topics. The standard time limit for public comment is three (3) minutes.

- X. CITY MANAGER REPORT –*This portion of the meeting is dedicated to presentation of a report by the City Comptroller on non-action matters that have not been addressed elsewhere on the agenda.*
- XI. UNFINISHED BUSINESS
This portion of the meeting is dedicated to consideration of matters that have been previously considered by City Council. These include:
- A. Resolution – SEQR for Short Term Rental Ordinance – Presented by Director of Economic Development and Planning West (page 20)
 - B. Second Reading of the Short Term Rental Ordinance Amending Chapter 15-44 Short-Term Rental Operator License and related sections of Chapter 350 Zoning - Presented by Director of Economic Development and Planning West
 - C. Resolution – Short Term Rental Ordinance– Presented by Director of Economic Development and Planning West (page 44)
- XII. NEW BUSINESS
This portion of the meeting is dedicated to consideration of matters that have not been previously considered by City Council. These include:
- A. Resolution – Standard Work Days for Elected Officials – Presented by City Clerk Tillotson (page 46)
 - B. Bond Resolution – Authorizing the Issuance of up to \$14,240,000 in Serial Bonds of the City to Finance the Construction or Reconstruction of or Addition to the City’s Drinking Water Plant – Presented by Comptroller Newcomb (page 48)
 - C. Resolution – Approval of Amendment to the Municipal Cooperative Agreement for the Greater Tompkins Cooperative Agreement for the Greater Tompkins County Municipal Health Insurance Consortium – Presented by City Manager Hendrix (page 56)
 - D. Resolution – Eliminating the Position of Community Engagement Coordinator (page 82)
- XIII. BOARD AND COMMISSION APPOINTMENTS
- XIV. MAYOR AND COUNCIL REPORTS
This portion of the meeting is dedicated to presentation of reports by the Mayor and City Councilors on non-action matters that have not been addressed elsewhere on the agenda
- XV. ADJOURNMENT

THE GENEVA CITY COUNCIL

JOURNAL OF PROCEEDINGS

REGULAR COUNCIL MEETING

June 5, 2024 – 7:00 PM

City Hall – 2nd Floor Council Room

47 Castle Street

Geneva, NY 14456

Presiding – Steve Valentino, Mayor

1. ROLL CALL

Present: Clr. Brennan, Clr. Whitfield, Clr. Lavin, Clr. Pealer (arrived at 7:04), Clr. Grimaldi, Clr. Gillotte, Clr. Petropoulos, Clr. Moracco

2. EXECUTIVE SESSION

ACTION TAKEN by Clr. Grimaldi; seconded by Clr. Gillotte

MOVED THAT council move to executive session at 6:00pm to discuss collective negotiations pursuant to article fourteen of the civil service law.

MOTION CARRIED UNANIMOUSLY

ACTION TAKEN by Clr. Petropoulos; seconded by Clr. Brennan

MOVED THAT council exit executive session at 6:57pm

MOTION CARRIED UNANIMOUSLY

3. PUBLIC HEARING – Short Term Rental Ordinance

ACTION TAKEN BY Clr. Gillotte; seconded by Clr. Petropoulos

MOVED TO open the Public Hearing on the Short Term Rental Ordinance

MOTION CARRIED UNANIMOUSLY

Mayor Valentino opened the public hearing at 7:01pm. With no comment offered at this time, he closed the public hearing at 7:02pm.

ACTION TAKEN BY Clr. Petropoulos; seconded by Clr. Gillotte

MOVED TO close the Public Hearing on the Short Term Rental Ordinance

MOTION CARRIED UNANIMOUSLY

4. AMENDMENT TO THE AGENDA

ACTION TAKEN by Mayor Valentino; seconded by Clr. Gillotte

MOVED THAT the agenda be amended to add a Resolution setting the fee for Short Term Rental Licenses

MOTION CARRIED UNANIMOUSLY

ACTION TAKEN by Mayor Valentino; seconded by Clr. Petropoulos

MOVED THAT the agenda be amended to a resolution amending the general fund budget and sewer fund budget for sewer repairs

MOTION CARRIED UNANIMOUSLY

5. PROCLAMATIONS

- A. Juneteenth
- B. Pride Month

6. FOUNDRY UPDATE

The city clerk read the following update provided by Michael Murphy:

This will be NYSDEC's final update for the Former Geneva Foundry off-site cleanup project. All excavation and most restoration activities are completed. Details are provided below. The NYSDEC project team will continue to coordinate with the Director of Public Works regarding remaining project activities.

Remedial Design

- NYSDEC's engineering contractor prepared specs for road milling and repaving to be completed during summer or fall 2024 on certain city streets that experienced construction traffic from the Foundry project. As discussed with Director of Public Works Joe Venuti, the NYSDEC will mill and repave State St., Jackson St., and Genesee Park Place, and portions of Genesee St., Center St., and Middle St. NYSDEC's construction contractor will contract with a paver, and the NYSDEC project team will coordinate with the DPW to notify residents of the impacted streets prior to the start of paving.

Remedial Construction

- Remediation of two residential parcels located on Tillman Street and Clinton Street was completed.
- Remediation of the State Street parcel owned by the City and used as a project staging area was completed.
- As of 5/22/2024, all excavation work related to NYSDEC's remediation of off-site properties impacted by the former Geneva Foundry is complete.
- Replacement plants and trees were installed at additional properties that were remediated in 2023 and 2024. Substantial completion is expected by the end of June.
- Demobilization from the project staging area on Geneva St. was completed. Demobilization from the project staging areas on Lehigh Street is expected by the end of June. The State Street staging area will remain for use by NYSDEC's contractor during repaving of city streets later this year.

7. CONSIDERATION OF MEETING MINUTES

ACTION TAKEN by Clr. Lavin; seconded by Clr. Pealer

MOVED THAT the minutes of the April 10th, April 29th, May 1st and May 13th Council Meetings be approved

MOTION CARRIED UNANIMOUSLY

8. PUBLIC COMMENT

Mayor Valentino opened public comment at 7:11pm.

Adrienne Braun began by presenting information about bees as our most important pollinators, sharing information about winter hive die off, and bees love of native plants. Ms. Braun continued to share information about what native plants bees enjoy including dandelions, native weeds, clover, fleas' bane and daisies. She then shared that allowing grass to grow via no mow May, wild flowers and more grow in lawns providing bees with these foods.

Catherine Price provided a BID update, sharing that hanging baskets are up, and that Seneca and Exchange plating will resume this week. She shared that the BID was awarded a Keep America Beautiful grant providing 12 outdoor cigarette receptacles to be placed throughout the BID, along with 100 car receptacles. TeraCycle will upcycle the collected cigarette butts for the duration of the five year grant period. Ms. Price also shared that a Kayak Primer for people looking to learn more about or get into paddling will be held at Lakefront Park, as well as Paddle Fest on June 29th. She shared that lakefront volunteers have been busy weeding on Wednesdays, and noted that DPW has been very helpful in the area as well, any chance they get. She continued to note that groundskeeping at Lakefront Park would benefit from qualified staff, noted some volunteer pushback, and believes that there is a resource issue here.

Viviane Paolini began by reviewing a water quality complaint in her apartment. She notes that the City and Department of Health have both been to her apartment and that the problem seems to be with her hot water heater. Ms. Paolini shared yellowed paper towels she says are stained from the hot water in her apartment, and shared that she has been sensitive to everything and has been unwell due to the problem with the hot water in her apartment. Ms. Paolini wants the city's help with the hot water tank. Mayor Valentino noted that if there is a code violation the property owner would be responsible.

AJ Moore spoke on behalf of the Geneva Middle School Student Council, presenting a proposal for youth in the community, a downtown arcade, accompanied by a petition signed by over 200 students and staff. Mr. Moore shared that students are in need of safe enjoyable recreational activities outside of school that provide a place to gather outside of school hours, socialize and enjoy in a secure and safe environment. He noted that an arcade would provide safe social interaction, and that other benefits to video games include problem solving, and hand eye coordination. He further explored the idea of multi-player games, attracting tourists and drawing them to other downtown shops and restaurants, benefiting the entire community. Mr. Moore shared that students would like to be involved in the planning and to partner with local businesses for support. Mayor Valentino encouraged the Student Council to consider rules, regulations and responsibilities in the proposed arcade. Counselors Lavin and Pealer noted the crossover between Student Government and the Boys and Girls Club, St. Peter's Art Club, and the wrestling program.

Shirly Reed then spoke in support of the arcade, noting the need for activities for elementary and high school students as well as young people aged 17-21. She went on to point out that a downtown arcade would be more accessible than the long walk in the winter to the Rec Center, and noted that there are many attractions for adults downtown, and the proposed arcade would provide an attraction for the younger demographic.

There being no one else appearing to speak, the mayor closed the public comment at 7:34pm.

9. CITY MANAGER REPORT

City Manager Hendrix presented the following report:

Emergency Sewer Repair: DPW and an outside contractor will commence emergency repair work on a sewer lateral located in front of 8-10 Castle Street. Please seek alternate routes during the hours of 7 AM to 5 PM Monday through Friday on Castle Street between Genesee St and Exchange St.

DPW Crew Work

DPW crews are continuing with spring lawn and tree debris pickup

Crews are actively performing vegetation maintenance operations throughout the City.

The resource recovery park remains in operation Wednesday and Saturdays.

Marina RFQ: Edgewater Consultants who have assisted with the development of the Marina are working to release a Request for Qualifications for the Marina Project as the next step to going out to bid. This is currently in draft as Department of State, who is largely financing this project, is reviewing the RFQ prior to release.

Foreclosure Auction: The foreclosure auction is set for Wednesday June 26 . The Auction company has taken photos and will be posting signs at all properties. The signs will include a website and phone number that interested parties can call to learn more about the property. We are waiting on confirmation for the location for the live auction, which will likely be the firehouse. The Auction company will do showings of the "safe to enter properties" either Monday June 24 or Tuesday June 25.

FEMA: Director Venuti, Comptroller Newcomb and others have been working with our state and federal representatives to make a claim following the July 2023 storms. We are in the final stages of submitting a claim for damages and mitigation efforts to the City and City infrastructure from this flooding event.

Residential Flooding Assistance: For residents impacted by the July 7, 2023 storm there is a center set up in Hopewell to assist people in applying for disaster assistance loans for residential or commercial property to repair damage from the flooding last year in July. The center will only be there until June 13, but people can apply longer. They have not had many show up for the assistance, it's quite good loan terms so if you know anyone who was impacted please pass this along. https://www.fltimes.com/news/u-s-small-business-administration-offers-loans-to-july-2023-flood-victims/article_c7671032-1de9-11ef-8321-73d4d18e2c2d.html?

Recreation Complex RFP Response: We received aq response to the RFP for the Recreation Complex Study. Staff are currently reviewing the application and will determine the next steps in the process. This study will include overall complex improvement plans for facilities and operations.

Recruitment: We are continuing to recruit summer seasonal positions for the Department of Public Works. If you know anyone that may be interested, please advise them to apply through the Ontario County Application portal.

We will soon begin commencing a search for a Grants Coordinator to assist all departments in grant management. We had previously sought this position and at this time feel that it can be explored and secured with grant resources

10. RESOLUTION – ADOPTING LICENSE FEE FOR SHORT TERM RENTAL LICENSE

Director West presented the following resolution:

WHEREAS, the 2024 budget was presented and adopted by City Council in October 2023, and

WHEREAS, An Ordinance Amending Chapter 350 and Chapter 215 of the Geneva City Code was adopted in October 2023 which enacted Short Term Rental License and Short Term Rental as a use, subject to a license fee to be set by Council, and

WHEREAS, the fee schedule presented within the 2024 Budget did not include the fee for Short Term Rental License as determined by Council, now

THEREFORE, BE IT RESOLVED, that this City Council hereby approves the addition of the Short Term Rental License Fee of \$250 per bedroom listed for Short Term Rental per year.

Director West noted the numbers developed in work sessions that provide equity for properties renting just a single room. Clr. Lavin shared that the delay by the County will give council a chance to reassess sliding down what he describes as diminishing middle and lower class housing, potentially reducing the census count.

ACTION TAKEN by Clr. Petropoulos; seconded by Clr. Pealer

MOVED THAT this resolution be approved

ROLL CALL VOTE: **Aye – Clr. Gillotte, Clr. Petropoulos, Clr. Moracco, Clr. Pealer, Mayor Valentino**
 Nay – Clr. Whitfield, Clr. Lavin, Clr. Grimaldi
 Abstain – Clr. Brennan

MOTION CARRIED

11. **RESOLUTION – AUTHORIZATION FOR WIAA DRINKING WATER GRANT APPLICATION**

City Manager Hendrix and Director Venuti presented the following resolution:

WHEREAS, the City of Geneva, Ontario County, supports the submission of a New York State Water Infrastructure Improvement Act (WIIA) application on behalf of the City for a Water Systems Improvement Project, hereinafter referred to as the “Project”; and

WHEREAS, the New York State Environmental Facilities Corporation (EFC) administers grants to assist municipalities in funding water quality infrastructure projects that protect public health and improve water quality; and

WHEREAS, an Engineering Report entitled “*Engineering Report for the Evaluation of Existing Treatment Facilities and Recommendations for Capital Improvements at the City of Geneva Water Treatment Plant*” recommends implementing the Project to help improve water quality and protect public health; and

NOW, THEREFORE BE IT RESOLVED, the City of Geneva City Council identifies the City Manager as the authorized representative of the City to submit such grant application on behalf of the City, coordinate the completion of any necessary accompanying documents (including a Bond Resolution),

and execute all associated documents relative to and as required for the grant application, financial application, and funding agreement, as applicable; and

BE IT FURTHER RESOLVED, that the City may be obligated to provide local matching funds totaling at least 40% of the Project costs in the form of in-kind services or cash contributions appropriated through State Revolving Fund (SRF) or other approved financing or funds, in accordance with the Bond Resolution; and

BE IT FURTHER RESOLVED that the City Council of the City of Geneva fully supports the Project and submission of the 2024 WIIA grant application by MRB Group on behalf of the City to improve water quality and protect public health.

City Manager Hendrix explained that this grant is related to funding for the water treatment plant. Clr. Petropoulos wondered what happens with the town related to the grant. City Manager Hendrix said the town doesn't get free water, and is not impacted by the grant, further explaining that the grant simply covers upgrades to improve water quality. Clr. Grimaldi wondered why the city needs to commit to the project, City Manager Hendrix explained that EPA regulations around PFA's will be changing, and this grant exists to assist municipalities in making those improvements before the regulations come down. Clr. Lavin wondered what the process is for renegotiating water with the town, and suggested that collaboration incentives for the town and city should be discussed in a special session. City Manager Hendrix explained that a Headworks Capacity Flow Study, by an outside consultant, sets the rates to cover costs, not to run a profit, and further explained that state and federal regulators decide who's tied into municipal water and sewer. Clr. Pealer wondered if there would be any increase in staff or specialists if this comes to fruition, City Manager Hendrix stated that there could be due to regulations, but not due to the grant. State political and social pledges were explained to the group, as well as WMBA, and equal opportunity employment. Director Venuti explained that the carbon activated treatment system would be in addition to what the Water Treatment Plant already has, it would be a redundancy.

ACTION TAKEN by Clr. Gillotte; seconded by Clr. Grimaldi

MOVED THAT this resolution be approved

MOTION CARRIED UNANIMOUSLY

12. RESOLUTION IN SUPPORT OF PRO-HOUSING COMMUNITIES PLEDGE

Director West presented the following resolution:

WHEREAS, the City of Geneva (hereinafter "local government") believes that the lack of housing for New York residents of all ages and income levels negatively impacts the future of New York State's economic growth and community well-being;

WHEREAS, the housing crisis has negative effects at regional and local levels, we believe that every community must do their part to contribute to housing growth and benefit from the positive impacts a healthy housing market brings to communities;

WHEREAS, we believe that supporting housing production of all kinds in our community will bring multiple benefits, including increasing housing access and choices for current and future residents, providing integrated accessible housing options that meet the needs of people with sensory and mobility disabilities, bringing economic opportunities and vitality to our

communities, and allowing workers at all levels to improve their quality of life through living closer to their employment opportunities;

WHEREAS, we believe that evidence showing that infill development that reduces sprawl and supports walkable communities has significant environmental and public health benefits; and

WHEREAS, we believe that affirmatively furthering fair housing and reducing segregation is not only required by law, but is essential for keeping our community strong and vibrant;

NOW, THEREFORE BE IT RESOLVED that City of Geneva, in order to take positive steps to alleviate the housing crisis, adopts the Pro-Housing Communities pledge, which will have us endeavor to take the following important steps:

1. Streamlining permitting for multifamily housing, affordable housing, accessible housing, accessory dwelling units, and supportive housing.
2. Adopting policies that affirmatively further fair housing.
3. Incorporating regional housing needs into planning decisions.
4. Increasing development capacity for residential uses.
5. Enacting policies that encourage a broad range of housing development, including multifamily housing, affordable housing, accessible housing, accessory dwelling units, and supportive housing.

Director West explained that the resolutions commit the city to take certain steps towards building housing, and further explained that there are many grants that municipalities won't be considered for if they are not in this program. Mayor Valentino expressed appreciation for the new housing push. Clr. Pealer echoed his comments, but is frustrated with New York State, wondering where the infrastructure incentives are for existing homes, and noted that new housing would have to be built up not out in Geneva due to limited space, and that there is a lot of housing stock that needs improvement. Clr. Petropoulos feels this resolution merits more discussion, noting that the state website is vague. Director West shared that he is working on a state program to fix up single family homes and restore downtown buildings. He noted that the process commits the city to looking at the process, and tracking building permits. City Manager Hendrix reminded the group that there is a special meeting on June 25 that will dovetail into housing repair.

ACTION TAKEN by Clr. Lavin; seconded by Clr. Whitfield

MOVED THAT this resolution be approved

ROLL CALL VOTE: **Aye – Clr. Brennan, Clr. Whitfield, Clr. Lavin, Clr. Gillotte, Clr. Petropoulos, Mayor Valentino**

Nay – Clr. Moracco, Clr. Pealer, Clr. Grimaldi

MOTION CARRIED

13. **RESOLUTION SETTING A PUBLIC HEARING FOR 2024 CFA AND CDBG GRANT APPLICATIONS**

Director West presented the following resolution:

WHEREAS, the 2024 CFA and CDBG funding opportunities were announced in May of 2024, and

WHEREAS, the City of Geneva desires to pursue appropriate funding for projects that implement the City's Comprehensive Plan and other adopted plans and programs, and

WHEREAS, these applications require a public hearing, now

THEREFORE, BE IT RESOLVED, that this City Council hereby schedules a public hearing on the 2024 CFA and CDBG funding applications for July 3, 2024 at the regularly scheduled Council Meeting.

BE IT FURTHER RESOLVED, that the City Clerk and Director of Planning & Economic Development are directed to publish the appropriate required notifications advertising the public hearing and application plans as required by the various funding agencies.

Director West reviewed the resolution and noted that some may recall this grant being referred to as Upstate Hunger Games. Clr. Lavin wondered how many of the grants reviewed tonight are influenced by the census. Director West explained that the entitlement is community based on demographics, not population, and the city's success on grant applications. Clr. Pealer would like to see a history of reports, resolutions and key demographic points for success for CDBG. After some discussion Director West explained that the demographics targeted vary by program. Some are income restricted, for the elderly or frail, for veterans, and others have income limits.

ACTION TAKEN by Clr. Lavin; seconded by Clr. Whitfield
MOVED THAT this resolution be approved
MOTION CARRIED UNANIMOUSLY

14. RESOLUTION ADOPTING A CREDIT CARD POLICY FOR THE CITY OF GENEVA
ADMINISTRATIVE MANUAL

City Manager Hendrix presented the following resolution on behalf of Comptroller Newcomb:

WHEREAS, a best practice for government operations is to have standard operating procedures and policies, and

WHEREAS, Council approval by formal vote is required for new policies or for changes to existing policy language, and

WHEREAS, the policy detailed below has been crafted by the Comptroller and further offered for review by City staff now therefore be it

RESOLVED, on recommendation, that Policy 02-2024 Use of City Credit Cards is hereby adopted and shall be added to a City Administrative Policy Manual.

Clr. Petropoulos wondered how this policy varies from what is currently in place. City Manager Hendrix explained that this resolution formalizes the procedure already in place.

ACTION TAKEN by Clr. Petropoulos; seconded by Clr. Gillotte
MOVED THAT this resolution be approved
MOTION CARRIED UNANIMOUSLY

15. RESOLUTION SUPPORTING CONTINUED OPERATIONS OF THE FINGER LAKES WELCOME CENTER

Resolution presented by City Manager Hendrix and Comptroller Newcomb:

WHEREAS, The Finger Lakes Welcome Center and team continue to be a great partnership for the City of Geneva and an asset for the Finger Lakes region, and

WHEREAS, Council approval by formal vote demonstrate the continued commitment of the City of Geneva to partner with NY State and other partners now therefore be it

RESOLVED, on recommendation, Council authorizes the City Manager and Staff to take all steps necessary to continue operations of the Finger Lakes Welcome Center.

Clr. Lavin wondered if the state covers the city's expenses. City Manager Hendrix explained that it does not, and that this relationship is a partnership. This contract covers the cost of cleaning among other things. Clr. Lavin requested a P & L. Mayor Valentino recalled when this building was originally a boat museum, loosing \$250,000 annually. He noted that Senator Nozzolio helped, and the city was very appreciative of his help. When the state came in, the property improved a lot. Comptroller Newcomb explained that this is a five-year contract, which is scheduled to have roughly \$3,000 increases annually. She explained that the contract covers cleaning, the fire system, internet and utilities, all of which have increased recently. The lease agreement was discussed and mayor noted that the state is responsible for the café, and noted that city expenses at the Welcome Center are being reported to the state quarterly, giving room for further conversations financially. Clr. Lavin praised the Welcome Center as leading in the state, drawing tourists to the city. He also requested an annual report from the contractor. City Manager Hendrix noted that she does provide one to council.

ACTION TAKEN by Clr. Lavin; seconded by Mayor Valentino
MOVED THAT this resolution be approved
MOTION CARRIED UNANIMOUSLY

16. RESOLUTION AMENDING THE GENERAL FUND BUDGET AND SEWER FUND BUDGET FOR SEWER REPAIRS

Resolution presented by City Manager Hendrix:

WHEREAS, the City of Geneva is in process of performing emergency repairs to a lateral sewer line on Castle Street; and

WHEREAS, City staff and outside contractors are in process of completing this unexpected repair and the existing 2024 budget cannot accommodate the cost for this emergency repair;

NOW, THEREFORE BE IT RESOLVED, the City of Geneva City Council, hereby, and in due form does amend the 2024 Sewer Fund and General Fund Budget as follows:

REVENUES:

Add

APPROPRIATION FROM SEWER FUND BALANCE
APPROPRIATION FROM GENERAL FUND BALANCE
EXPENSES:

NOT TO EXCEED \$37,500
NOT TO EXCEED \$37,500

Add

SEWER FUND EXPENSES FOR 003.8110.4038

NOT TO EXCEED \$37,500

GENERAL FUND EXPENSES FOR 001.5140.4025

NOT TO EXCEED \$37,500

BE IT FURTHER RESOLVED, the Comptroller is authorized to complete this budget transfer once all costs are incurred.

ACTION TAKEN by Clr. Petropoulos; seconded by Gillotte

MOVED THAT this resolution be approved

MOTION CARRIED UNANIMOUSLY

City Manager Hendrix provided an update on the emergency sewer repair on Castle St., noting that they hope to need less to cover costs of the repair than this resolution is requesting.

17. MAYOR AND COUNCIL REPORTS

Clr. Whitfield shared that residents can still sign up for the Summer Rec program, both full and half day, at City Hall.

Clr. Petropoulos gave a shout out to the Geneva Middle School Student Council, thanking their president, vice president, secretary and treasurer for attending tonight's meeting. He also shared that at today's LDC meeting he pitched the idea of an arcade, with numerous location suggestions. He additionally shared his goal of replacing the Family Dollar with a small independent grocer to take its place and solve Geneva's food desert problem. Clr. Petropoulos also advised residents with garbage complaints to email complaints@geneva.ny.us. Clr. Petropoulos also addressed the rumor of a methadone clinic in Ward 5, noting that he expects answers to all questions related to zoning laws.

Clr. Gillotte shared that the PBAB met in April and May. Anthony Noone is Chair of this board. He noted that the board is looking into mental health professionals responding to calls with law enforcement, and will meet again next week regarding the budget. Clr. Gillotte shared the BID's No Butt's Left Behind initiative funded by the Keep America Beautiful grant providing for tera cycling cigarette butts. He also shared that BID is planting, finishing up painting light poles, offering a kayak primer on June 8th and hosting Paddle Fest on June 29th. First Friday, June 7th will include a ribbon cutting at Phoenix Flavors and specials at the Dove Block, Anorah, Geneva Gelato, Side Show, Live from Linden, Lake Drum Brewing and La Corozas.

Clr. Grimaldi shared that the Housing Authority continues to update units a few at a time.

Clr. Pealer thanked the Seneca Lake Trout Derby organization for a wonderful event recently. He also thanked Donnie Wheeler, AJ Fratto, and others for the Memorial Day parade and Hometown Heros banners. Clr. Pealer shared that the Rec Department will be hosting a free frisbee baseball clinic on June 23rd at Jefferson Park, and shared the success of the same event last year.

Clr. Lavin shared that he has fielded many phone calls since last meeting since the vote not to restrict taxes next year in light of the reassessment. He would like to come together as a group to realize the slow burn in community housing, the expense of housing including high taxes and rents he believes is leading families to look outside of Geneva. He noted that as more homes are turned into Air BnB's that homes become too expensive, and will affect the next census. He further stated that we need to

P&L everything we do as a community, look for opportunities to persuade and encourage combined DPW's and Fire Departments. Clr. Lavin suggested that any new house built in Geneva will have tax that beats the mortgage payment. Clr. Lavin thanked Director West for mastery of the GEDC building and noted that he wants to see a P & L for that building. He further noted that he's concerned that there has been no dedication at Solar Village. Director West advised that the City doesn't own the GEDC, the IDA owns it, and the City isn't losing any money on it. In fact, the city is paying \$0.28 per square foot for DPW storage space, and the Police Department is being given free storage space.

Clr Brennan agreed with Clr. Lavin that a 5- or 10-year view of city growth showing what tax levies mean, highlighting some very expensive and inexpensive homes providing a better bird's eye view of what we're facing would be helpful. Clr. Brennan thanked the city clerk for work on Boards and Commissions, getting back on track. He shared a Shade Tree Committee update, noting that the group is missing the services of Mark Perry and would like to find a way to bring back in next year's budget.

Mayor Valentino shared that the Ontario County Railway Corridor Steering Committee is focused on Development Area Two, focusing on the Geneva railyard and rail going through the city. There will be a community input forum at the welcome center in July. Mayor Valentino thanked Deputy Mayor Pealer for making the Memorial Day speech in his absence.

18. ADJOURNMENT

ACTION TAKEN by Clr. Petropoulos; seconded by Clr. Gillotte

MOVED THAT the meeting be adjourned at 8:54pm

MOTION CARRIED UNANIMOUSLY

Nicole Tillotson

City Clerk

THE GENEVA CITY COUNCIL

JOURNAL OF PROCEEDINGS

SPECIAL COUNCIL MEETING

JUNE 17, 2024 – 6:00 PM

City Hall – Second Floor Teams' Room
47 Castle Street
Geneva, NY 14456

Presiding – Steve Valentino, Mayor

Watch the livestream on the City of Geneva's YouTube Channel:

<https://www.youtube.com/cityofgenevany>

1. ROLL CALL

Present: Clr. Lavin, Clr. Grimaldi, Clr. Gillotte, Clr. Petropoulos, Clr. Moracco, Clr. Brennan

Absent: Clr. Pealer, Clr. Whitfield

2. RESOLUTION CHANGING JULY MEETING DATE

Mayor Valentino presented the following resolution:

WHEREAS, the regular July Council Meeting is scheduled to take place on Wednesday, July 3, 2024 at 7:00 pm, and

WHEREAS, it has been requested that this meeting be changed to the second Wednesday, July 10, 2024 at 4:00pm; now therefore be it

RESOLVED by the City Council of the City of Geneva, New York that the July Council Meeting be held Wednesday, July 10, 2024 at 4:00pm.

ACTION TAKEN by Mayor Valentino; seconded by Clr. Lavin

MOVED THAT this resolution be approved

MOTION CARRIED UNANIMOUSLY (7-2 Absent)

3. BOARD AND COMMISSION APPOINTMENTS

Clr. Grimaldi conveyed the importance of each seat on the Board of Assessment Review being filled. Discussion followed regarding Boards and Commissions, liaison responsibility, and recruitment of new board members.

ACTION TAKEN by Clr. Petropoulos; seconded by Clr. Grimaldi

MOVED THAT Tammy Luzzi be appointed to the Board of Assessment Review

MOTION CARRIED UNANIMOUSLY (7-2 Absent)

4. DISCUSSION ON FIREMAN'S PARADE

After discussion it was decided that City Council will have seating in the grandstand during the Fireman's Parade on July 6.

5. ADJOURNMENT

**ACTION TAKEN by Clr. Petropoulos; seconded by Clr. Grimaldi
MOVED THAT the meeting be adjourned at 6:26pm
MOTION CARRIED UNANIMOUSLY (7-2 Absent)**

Nicole Tillotson

City Clerk

THE GENEVA CITY COUNCIL

JOURNAL OF PROCEEDINGS

SPECIAL COUNCIL MEETING

JUNE 26, 2024 – 5:30 PM

City Hall – Second Floor Conference Room
47 Castle Street
Geneva, NY 14456

Presiding – Steve Valentino, Mayor

Watch the livestream on the City of Geneva's YouTube Channel:

<https://www.youtube.com/cityofgenevany>

1. ROLL CALL

Present: Clr. Lavin, Clr. Gillotte, Clr. Petropoulos, Clr. Moracco, Clr. Brennan

Absent: Clr. Pealer, Clr. Grimaldi, Clr. Whitfield

2. AMENDMENT TO THE AGENDA

A. Executive Session – to discuss the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body.

B. Resolution – Property Auction Bid Acceptance 2024

ACTION TAKEN by Mayor Valentino; seconded by Clr. Petropoulos

MOVED TO amend the agenda

MOTION CARRIED UNANIMOUSLY (6-3 Absent)

3. PRESENTATION – Ontario County Housing Study

Ontario County Director of Planning Thomas Harvey and Economic Developer Ryan Davis presented the Ontario County Housing Needs Assessment. Mayor Valentino wondered at the onset of the presentation if things have changed since last fall when the subcommittee last met. Mr. Davis advised that some availability and affordability data has changed, as prices are higher and stock is lower. He noted that this presentation is simply the facts. Clr. Lavin then wondered if there was any discussion in and around the study relating to Short Term Rentals. Mr. Harvey stated that there was none, and noted that the City of Geneva had 586 vacant dwelling units in the 2020 Census. Mr. Davis added that the Short Term Rentals have raised issues in other municipalities as well, and may become a study in and of itself. He further shared that Ontario County is looking at how to help municipalities address these issues.

Mr. Davis shared that Urban Partners was contracted for the Housing Study and explained the phases of the study. He explained that Ontario County was divided into four submarkets for the study, Geneva being in Submarket Four. He also noted that Canandaigua, Victor and Farmington are

growing, while the remainder of the County is in population decline. Ontario County has the highest home ownership in the region at 73%, however, the City of Geneva has a 48.4% home ownership rate. Renter occupied units in Geneva run at 41%, while the county overall has a 27% renter occupied rate.

Market Analysis was reviewed, noting that home prices have increased significantly since the study took place. Reasons for price escalation were reviewed and include homes getting bigger and increases in the cost of construction. Rental units in multi family complexes are the highest in Submarket Two (Canandaigua, Victor, Farmington), making up 89% of Ontario County's total rental units in multifamily complexes. It was noted that new builds are not cheap to rent, leading families to make significant choices to afford rent. The market equilibrium for vacancy rates in multifamily rental complexes is 5%, while in Submarket 4 the rate is 3.4%. The average year of construction of apartments was also reviewed, showing that Geneva's average year of construction is 1918, 10 years older than the average of the totals of Submarket Four.

While reviewing Future Housing Needs it was noted that Geneva's demographics show a younger population, as people are moving out of the city as their wealth grows, leaving Geneva with a smaller percentage of school aged children. Ontario County is on track for 3.1% growth between 2010-2040. Some challenges associated with this growth include employers not being motivated to move into the County, as there are few potential employees to draw from. 60% of new construction is geared towards senior housing, as seniors are looking for homes to downsize to. Discussion followed regarding senior housing and larger homes they are trying to downsize out of.

Survey Results were reviewed and the following results were presented: the high cost of homes is the most significant barrier to purchasing a home in Ontario County; needs for seniors to downsize and age in place; and 80% of renters in Ontario County experienced difficulties paying for other necessities due to high housing costs, including the higher cost of utilities in units that are older and not built to be efficient.

Key take aways of the study were reviewed to include concentrated growth in the county, the need for starter homes and more multi family units, updates to existing aged multi family housing, the need to make housing more affordable, zoning and land use reform, and the need for more senior citizen housing. Mr. Harvey noted that the County has eight planners on staff, who are able to help with zoning, etc., and shared that the Board of Supervisors is supportive of them assisting municipalities. Clr. Lavin wondered about the macro issue of taxes and if regionalization of services is part of the housing study discussion. Mr. Harvey shared that infrastructure meetings are occurring, and Mr. Davis noted that Geneva is working on some of these problems, noting that Geneva's Director of Economic Development and Planning David West has good ideas that Ontario County may want to utilize as well. Clr. Lavin then suggested that the consolidation of services should be county wide, mentioning a county in Florida that has implemented such measures. Mr. Davis replied that there is no overnight solution. Discussion followed. Clr Brennan wondered how farmland plays into the housing study. Mr. Harvey noted that there is still a lot of farms out there, even in Submarket Two, which has the highest growth, and noted that Submarket Two's proximity to Rochester makes it attractive as well. Clr. Brennan then wondered how to make affordable housing. Some strategies include working with developers, PILOT, grants, and adjusting zoning codes for higher density. Mr. Harvey also noted that there tend to be more amenities with more units noting that young people prefer overall to live where there are more amenities. Clr. Lavin noted that the revamping of downtown came from state money, and wondered if the city should go back to industrial days. Discussion followed. Mr. Davis also noted that the Pro Housing grant is the way to get the most money to fund housing solutions.

Some strategies were reviewed to improve housing availability and affordability. Some strategies include creating a county housing staff position or office/department, diversify housing stock, retain and create new income restricted rentals, reduce barriers for first time home buyers, increase the

supply of workforce housing and high-density residential products, and expand housing options for the growing senior population. To facilitate the expansion of housing development to stimulate growth recommendations include evaluating existing land use and housing policies, streamlining the county's housing delivery and supportive services, and ensuring that residential growth occurs sustainably and equitably. Stabilizing the County's aging housing stock to minimize negative impacts of vacant and dilapidated units and supporting home renovation for older housing stock are also recommended strategies.

City Manager Hendrix noted that the City is watching about 100 Short Term Rental Units, some of which are just one room, some of which are a whole house. Discussion followed around the one room rentals possibly supporting the affordability of the rest of the home for the owners. Director West wondered about the changes in household size. Mr. Harvey shared that the number of people living in one dwelling unit has gone down, and noted that as communities' loose population housing stock availability goes up. Discussion followed. Clr. Petropoulos wondered what comes first, housing or employees? Discussion followed around having more jobs than can be filled right now, noting that as Ontario County leans into the travel and tourism market the jobs created pay lower wages. Mr. Harvey then noted that it's important to remember the importance of smaller multi family units, as young people in the community need a place to start out, stay, and invest in the community. Clr. Gillotte wondered how much of a role schools play in where people choose to live. Mr. Harvey shared that schools do play a part, and that Victor is the only district in Ontario County experiencing growth.

4. EXECUTIVE SESSION

ACTION TAKEN by Clr. Brennan; seconded by Clr. Petropoulos

MOVED THAT council move to executive session at 6:44pm to discuss the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body.

MOTION CARRIED UNANIMOUSLY (6-3 Absent)

ACTION TAKEN by Clr. Petropoulos; seconded by Clr. Lavin

MOVED THAT council exit executive session at 6:58pm

MOTION CARRIED UNANIMOUSLY (6-3 Absent)

5. NEW BUSINESS

Resolution – Property Auction Bid Acceptance 2024 – Presented by Comptroller Newcomb

RESOLUTION # 46 - 2024

RESOLUTION FOR SALE OF REAL PROPERTY ACQUIRED THROUGH ENFORCEMENT OF DELINQUENT TAXES

WHEREAS, City-owned real property acquired by way of foreclosure of delinquent tax debt pursuant to Article 11 of the NYS Real Property Tax Law were held out for online and in-person public auction on June 26th, 2024 by Absolute Auction; and

WHEREAS, the properties are all sold “as is” and without any representation or warranties of any kind; and

WHEREAS, The Property Disposition Team recommends accepting the following high bids:

Auction Lot Number & Address	High Bidder	Bid Amount
#1 – 46 Hallenbeck Ave	Silver Lining Capital Group	\$11,000
#2 – 132 N Exchange St	William P. Laquitar	\$6,000
#3- Clark St Ext (91.13-1-5)	David Johnson	\$5,000
#4- Clark St Ext (91.13-1-5.100)	William P. Laquitar	\$2,000
#5- Dixon Ave	Wesley Sensenig	\$6,000
#7- Katherine Street	Flower City Habitat for Humanity	\$7,000
#8 – 59 West Ave	Tatiana Dixon	\$30,000
#12 – 69 Jefferson Ave	Jessica Serrett	\$70,000
#13 – Clinton St	Lisa & Bernard LLC	\$1,750
#14- 26 Hoffman Ave	Tatiana Dixon	\$6,000
#15 – 165 Washington St	Jessica Serrett	\$129,000
#16- Jay St	Lisa & Bernard LLC	\$7,250

NOW, THEREFORE BE IT RESOLVED, that the Geneva City Council, hereby and in due form, accepts the above bids; and further

RESOLVED, upon review and approval of the City Attorney, the City of Geneva Comptroller be, and they hereby are, authorized to execute a Quitclaim Deed of the City's interest in each of the above Lots for, and in consideration of, the corresponding Bid Amount set forth above; and further

RESOLVED, the City Comptroller be, and they hereby are, authorized to accept the Bid Amounts set forth above to pay the full delinquent tax bill for each corresponding parcel, plus reasonable and necessary costs associated with the sale, and to remit any surplus to the former property owner in accordance with NYS Real Property Tax Law Article 11

ACTION TAKEN by Clr. Gillotte; seconded by Clr. Brennan

MOVED THAT this resolution be approved

MOTION CARRIED UNANIMOUSLY (6-3 Absent)

6. ADJOURNMENT

ACTION TAKEN by Clr. Moracco; seconded by Clr. Petropoulos

MOVED THAT the meeting be adjourned at 7:01pm

MOTION CARRIED UNANIMOUSLY (6-3 Absent)

Nicole Tillotson

City Clerk



Geneva City Council
Agenda Item Briefing

To: Geneva City Council

From: David West, Director of Planning & Economic Development

Meeting Date: 7/10/24

Item Title: SHORT TERM RENTAL SEQRA RESOLUTION

Action Required:

The approval of this resolution will designate City Council as the Lead Agency for SEQR review of the proposed Short Term Rental ordinance amendments to the City Code and make a determination of non-significance on the proposed action. This is a required step toward adopting the proposed amendments.

Background:

Based on feedback from the Code Staff, the Geneva community, and the City Council Work Session on Short Term Rentals we have a final draft ordinance amending the City Code to make changes to the process for approving Short Term Rentals in the City of Geneva. The proposed amendments fix some inconsistencies and provide additional clarity in the process as well as making 2 substantive changes requested. These changes include removing the requirement for a special use permit for Short Term Rentals, and adjusting the parking requirements for Short Term Rentals to match those of a residential use. The resolution before Council today completes the SEQR review process. A complete Part 1 form and a draft Part 2&3 form is included. Adopting the resolution accepts the Parts 2&3 as drafted. The final step before adoption is review by Ontario County Planning Board which will take place in June.

Alternatives:

Council is responsible for reviewing the potential for environmental impacts from this proposal. Rather than adopting the resolution as drafted Council could find that the proposed amendments could have med.-large impact which would require a full Environmental Impact Statement including scoping, mitigations, and findings before adopting the proposed ordinance.

Financial Impact:

None if adopted.

Geneva City Council
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Resolution # 38-2024
Short Term Rental SEQRA Resolution

WHEREAS, the City Council of the City of Geneva is considering adopting an ordinance amending short-term rental restrictions to permit them as of right in certain districts and to subject them to additional licensing restrictions (the “Action”); and

WHEREAS, the City Council has determined that it is the most appropriate agency for making the determination of significance thereon under the SEQRA Regulations, as the environmental, economic, and social impacts are primarily local in nature and is therefore the appropriate Lead Agency to conduct an environmental review of the Action; and

WHEREAS, the City Council prepared a Short Form Environmental Assessment Form (“EAF”); and

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Geneva, that in accordance with SEQRA the City Council hereby designates itself as Lead Agency for the proposed Action identified herein; and

IT IS FURTHER RESOLVED, that the adoption of the ordinance constitutes an unlisted action pursuant to the New York State Environmental Quality Review Act, and the City Council has reasonably concluded that, when compared against the criteria set forth in Part 617 of SEQRA, and based upon the information and analysis recited in Parts 1 and 2 the EAF, the proposed Action WILL NOT result in any significant adverse environmental impacts; and

IT IS FURTHER RESOLVED that the City Council does hereby make a Determination of Non-Significance on the proposed Action, and thus issues a Negative Declaration for the Action and authorizes the City Mayor to execute Part 3 of the EAF according to such declaration.

ORDINANCE NO. ____ OF 2024 TO AMEND CHAPTERS 215-44, 350-7.18, 350-3.4, 350-4.4,
AND 350-8.4 OF THE CITY CODE OF THE CITY OF GENEVA REGARDING SHORT- TERM
RENTALS

BE IT ENACTED, by the City Council of the City of Geneva, Ontario County, State of New York, as follows:

Article I. General Provisions

Section 1. Authorization

The adoption of this Ordinance is in accordance with Section 10 of New York's Municipal Home Rule Law.

Section 2. Title and Purpose

This Ordinance shall be known as Ordinance No. _ of 2024, to amend Chapters 215-44, 350-7.18, 350-3.4, 350-4.4, and 350-8.4 of the City of Geneva City Code regarding short-term rentals.

Section 3. Legislative Finding

The City Council of the City of Geneva hereby finds that short-term rental properties should be permitted as of right in certain districts subject to licensing restrictions. Protection of the public health, safety, and welfare of City residents shall be achieved through licensing restrictions including, but not limited to, inspection of rental units, appointment of a local contact person, and a process by which violations of City Code regulations results in the revocation of a license.

Section 4. Validity and Severability.

If any clause, sentence, paragraph, word, section or part of this ordinance shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 5. Inconsistency.

All other local laws and ordinances of the City of Geneva that are inconsistent with the provisions of this ordinance are hereby repealed provided, however, that such repeal shall only be to the extent of such inconsistency. In all other respects, this ordinance shall be in addition to such other local laws or ordinances regulating and governing the subject matter covered herein.

Section 6. Effective Date

This Ordinance will take immediate effect upon approval by resolution by the City Council for the City of Geneva.

Article II. Amendments to the Code of the City of Geneva

Chapter 215-44, entitled “Short-term rental operator license”, shall be amended as follows:

Definitions

For purposes of this Chapter, the following terms shall have the following meanings:

Dwelling. A building that contains one or more dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

Dwelling Unit. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Owner: Any individual or individuals, partnership or corporation or other organization in possession of and having a fee interest in the Dwelling Unit. The term Owner shall include a corporation, limited-liability company, partnership, association, trustee, or other business entity or nonbusiness forms of ownership. For purposes of this Chapter, the term Owner shall also include any individual or individuals, partnership or corporation or other organization that has permission from the fee interest holder to operate a Short-Term Rental at the Dwelling Unit and is otherwise responsible for the management and/or maintenance of the Short-Term Rental.

Rental: An agreement granting use or possession of a Dwelling in whole or in part, to a person, group or entity in exchange for consideration. Use of a Short-Term Rental by a record owner of a property shall not be considered to be a Rental under this section.

Short-Term Rental: A Dwelling Unit with no more than four bedrooms that is rented, in whole or in part, to any person or entity for a period of less than 30 consecutive nights and meets all of the regulations, requirements and standards contained in this Chapter and Chapter 350-7.18, as amended. Short-Term Rentals do not include Boarding Houses or Bed and Breakfast Inns.

Short-Term Rental License: A license granted to a Short-Term Rental pursuant to this Chapter.

215-44-1 Short-Term Rental License Required.

- A. In addition to the requirements contained in Chapter 350, the Owner of a Short-Term Rental must also possess a current and valid Short-Term Rental License for each Dwelling Unit used for Short-Term Rental, issued by the Code Enforcement Office, prior to operation as a Short-Term Rental.

215-44-2 Short-Term Rental License Application, Renewal, and Fees.

A. An application for, or renewal of, a Short-Term Rental License shall be submitted to the City Code Enforcement Office, signed by all persons and entities that have an ownership interest in the subject property, accompanied by payment of the license fee in the amount determined as part of the annual chart of accounts of the City of Geneva. Each Dwelling Unit used or advertised as a Short-Term Rental shall require a separate application for a Short-Term Rental License and payment of the associated license fee. The application shall be completed on a form provided by the City of Geneva, and shall include the following:

1. A list of all of Owner(s) of the Dwelling Unit, including names, addresses, telephone numbers (including mobile numbers) and e-mail addresses;
2. Completion of a signed and notarized affidavit by the Owner(s) certifying the following:
 - a. The property is in compliance with New York State Code R314.3 Smoke Alarm and FC 915 for Carbon Monoxide Detector Locations.
 - b. The number of parking spaces meets the zoning requirements set forth by Chapter 350-8.4 of the City Code;
 - c. There are no outstanding property taxes or tax liens associated with the Dwelling Unit, nor does the Owner owe any other outstanding taxes fees or assessments to the City, including taxes and fees owed in connection with any other Short-Term Rentals;
 - d. The Dwelling Unit complies and will continue to comply with all standards contained in this Chapter, the City Zoning Ordinance and all other applicable laws, standards and regulations.
 - e. The Owner has read, understands, and agrees to comply with all legal duties imposed by this Chapter and the City Zoning Ordinance.
 - f. The Owner will not discriminate in guest use or rental of a Short-Term Rental, and will comply with all applicable anti- discrimination laws, including but not limited to: Title VII of the Civil Rights Act of 1968, the Fair Housing Act (FHA), and the Americans with Disabilities Act (ADA).
 - g. Designation by the Owner of a local person whose contact information will be made available to the City Code Enforcement Department and published in the City's Short-Term Rental database, and who shall be available twenty-four (24) hours per day, seven (7) days per week with the ability to respond to any complaint from the City or community members within forty-five (45) minutes for the purpose of responding to complaints regarding the condition, operation, or conduct of occupants of

the Short-Term Rental unit and taking immediate action to resolve any such complaints.

3. A site plan, drawn to scale, showing the location of the Dwelling Unit, surrounding buildings, and required parking. An accurate, suitable plan need not be prepared by a professional.
 4. A statement that the Dwelling Unit is served by a public sewer.
 5. Mobile Telephone numbers and email addresses of a local contact person(s), who shall be responsible, and authorized, to act on the Owner's behalf to promptly remedy any violation of these standards or the permit. The contact person may be the Owner or an agent designated by the Owner to serve as a contact person.
- B. The owner and any operator shall sign an authorization, valid for the Term of the Short-Term Rental License and any subsequent renewals, authorizing the City Code Enforcement Office to enter the Dwelling Unit upon twenty-four (24) hour notice to conduct an inspection to verify compliance with the Code of the City Geneva, including this section; to verify compliance with applicable New York State laws, codes and regulations; to verify the number of sleeping rooms within the Short-Term Rental, as authorized by this section; and to verify the number of parking spaces meet the standards set forth in the City Code zoning requirements for a Dwelling Unit.
- C. Upon the filing of a complete Short-Term Rental License application with the City Code Enforcement Office together with the applicable fee, and all documents and information required by this Chapter, the City Code Enforcement Office shall have sixty (60) days to review the application and then either issue the Short-Term Rental License or notify the applicant in writing that the application has been denied, along with the reason or reasons for denial.
- D. In reviewing the application, the Code Enforcement Office shall have the right to inspect the Short-Term Rental upon twenty-four (24) hour notice for purposes of ensuring compliance with this Code, and any other applicable codes, laws, or ordinances enforced by the Code Enforcement Office. If an inspection authorized herein is conducted, the Code Enforcement Office shall use the results of such inspection in determining whether to issue the Short-Term Rental License, with or without conditions, or to not issue the Short-Term Rental License.
- E. Short-Term Rental License Provisions.
1. A Short-Term Rental License shall be obtained prior to using any Dwelling Unit as a Short-Term Rental.

2. A Short-Term Rental License shall be valid for two years from the issue date, and must be renewed upon expiration as long as the Dwelling Unit is used as a Short-Term Rental.
3. The Short-Term Rental License is transferable to a new Owner, so long as the Owner registers with the City, updates the Short-Term Rental License application, and agrees in writing to comply with the requirements of the Short-Term Rental License and these regulations.
4. If the conditions under which the Short-Term Rental License is issued are not maintained or these regulations are violated, the short-term rental license may be revoked as described in Section 215-44-4 and the Owner subject to the penalties of this Chapter and the penalties set forth below.

F. Short-Term Rental Licenses issued pursuant to this section shall state the following:

1. The names, addresses, and phone numbers of the subject Owner(s) and the local contact person with the ability to respond to any complaint within forty-five (45) minutes for the purpose of responding to complaints regarding the condition, operation, or conduct of occupants of the Short-Term Rental and taking immediate action to resolve any such complaints.
2. Identification of the number of and location of off-street parking spaces available and the amount required by the Code.
3. A statement that the Short-Term Rental License may be revoked for violations.
4. A statement that guests must comply with the Noise Ordinance of the City of Geneva, as set forth in Chapter 232 of the City Code, which ordinance will be enforced by the City Police Department, the Ontario County Sheriff's Department, the New York State Police, or any law enforcement agency properly exercising jurisdiction over the premises or incident.
5. Any conditions imposed by the City Code Enforcement Office.
6. The Short-Term Rental License expiration date.

G. The current Short-Term Rental License shall be prominently displayed inside and near the front entrance of the Short-Term Rental.

H. Application Denial. City Code Enforcement may decline a Short-Term Rental License application for any of the following reasons:

1. The application is incomplete, the documentation required is not included with the application, or the full license fee, in payment form acceptable for the City Clerk, is not included with the application.

2. A Short-Term Rental License issued to any of the Owners was revoked within the two years prior to the date of the application.
3. City Code Enforcement determines upon review of application or inspection that the Dwelling Unit is not in compliance with City Code.
4. The site plan required to be submitted with the application does not comport with the requirements of this section.

215-44-3 Owner & Tenant Responsibilities.

- A. The Owner(s) of a Short-Term Rental shall be responsible for any nuisance violations arising at a property during Short-Term Rental activities.
- B. The Owner(s) of a Short-Term Rental shall fully comply with all applicable State and Local fire, building, health and safety laws, and all relevant local ordinances, including City parking standards.
- C. The Owner(s) must conspicuously post the Short-Term Rental License in a protected mounting in the public corridor, hallway or lobby of the dwelling for which the license was issued. This posting shall be in a common entrance. If no common entrance exists, then posting shall be made at the entrance of each Dwelling Unit.
- D. It shall be the responsibility of the Owner to acquire and maintain a valid sales tax certificate as required by New York State Law. Except for those instances in which a Platform bears the responsibility for collecting and remitting taxes and fees applicable to Short-Term Rentals, the Owner shall timely remit all applicable local, state, federal taxes and fees, owed in connection with any Short-Term Rental. The failure of a Platform to collect and remit taxes and fees shall not relieve an Owner of the obligation to pay taxes and fees owed pursuant to this Chapter.
- E. With respect to the Dwelling Unit which the tenant occupies, controls or uses, the Owner(s) shall be responsible for the following standards:
 1. Occupancy limitations and the lawful use of a Dwelling Unit;
 2. Maintenance of the Dwelling Unit in a clean, safe and sanitary condition;
 3. Maintenance of plumbing, cooking and refrigeration equipment, appliances, fixtures and facilities contained in the dwelling unit in a clean and sanitary condition;
 4. Keeping exits in the Dwelling Unit free and clear of obstacles and debris;

5. Disposal of garbage, refuse and debris in a sanitary manner and keeping the dwelling unit, lot, and neighboring lots free and clear from garbage, refuse and debris from the Short-Term Rental;
 6. Keeping domestic animals and pets in an appropriate manner and under control, to the extent that domestic animals and pets are permitted on the premises by the Owner;
 7. All occupants and visitors to the Short-Term Rental unit shall comply with all relevant occupancy and parking codes. In addition, occupants and visitors shall park motor vehicles only on-site (if the Dwelling Unit is designed to accommodate on-site parking) or off-site where parking adjacent to the Dwelling Unit is allowed. Notice of the parking locations allowed and other requirements shall be conspicuously posted on the inside of the Short-Term Rental;
 8. Ensuring that all occupants of the Dwelling Unit refrain from making any disturbing, offensive or excessive noise at any time, including but not limited to respecting quiet hours between the hours of 10 p.m. and 7 a.m., which would annoy or disturb the peace, quiet or comfort of a reasonable person of normal sensibilities. Each Short-Term Rental shall be required to prominently display a notice in any yard, porch, patio, deck, and/or pool area where renters may gather outside that indicates that unreasonable noise is prohibited by the City Code Chapter 323 and listing quiet hours.
- F. Compliance with Other Laws. The Owner shall ensure that any Short-Term Rental fully complies with the provisions of this Chapter, the City Zoning Ordinance, and all other applicable laws.

215-44-4 Compliance, Hearings, and Penalties.

- A. Owners of Short-Term Rentals shall obey all applicable laws, ordinances, and regulations of the City of Geneva, Ontario County, New York States and the United States of America, and shall be subject to the enforcement proceedings contained in this section.
- B. Any Short-Term Rental License issued pursuant to this Code is subject to continuing compliance with the conditions set forth herein, as well as any applicable laws, codes, regulations or ordinances. It shall be a violation of this Chapter to fail to comply with any standards and/or procedures set forth in this Section and/or Federal, State, or Local Law.
- C. The Zoning Coordinator or his designee shall be given access to the Dwelling Unit upon twenty-four (24) hour notice for the purpose of conducting an inspection as deemed necessary from time to time to ensure compliance with these regulations and with applicable State and Local codes.

- D. Inspection Fee. Owners of a Short-Term Rental shall pay an inspection fee to be set by the City Council annually in their schedule of fees, to be assessed against the Dwelling Unit, for each inspection in which violations of State or Local laws, codes, regulations and/or ordinances are found. The Code Enforcement Office shall assess the fee, when, in the evaluation of the inspector, the status of the violation has not progressed or been satisfactorily completed. The fee shall not be applicable to inspections ordered after the commencement of a Court action, nor any initial inspection required pursuant to the application process above, but shall apply to subsequent re-inspections pursuant to the aforementioned sections.
- E. Noise, nuisance, and parking violations. A Short-Term Rental License may be revoked upon repeated noise, nuisance, or parking complaints. Three (3) complaints relating to noise, nuisance, or parking at a licensed Short-Term Rental within twelve (12) consecutive months shall collectively constitute a first violation for the purposes of Section “G” below. Every subsequent three (3) complaints shall constitute an additional violation pursuant to Section G(2) and (3). Citations for noise, nuisance, or parking violations may be appealed to the Zoning Board of Appeals pursuant to Section 215-44-5 below.
- F. In the event that the Code Enforcement Office receives a complaint or determines that a violation exists, it shall inform the Owner of a Short-Term Rental License by written correspondence, hand delivered or sent via first class mail to the address provided on the application, and provide a fixed period of time, not to exceed thirty (30) days, to remedy all existing violations or show cause for delay, which may only be granted once, by the Code Enforcement Office, for a time period not to exceed ninety (90) days.
- G. Failure to remedy violations
1. Following the receipt of three (3) complaints relating to noise, nuisance, or parking, or expiration of the time period set forth in Section “F” above, the Owner of the Short-Term Rental unit shall be guilty of a violation and such Short-Term Rental License will be immediately suspended for a period of sixty (60) days. Continued failure to remedy an initial violation following the sixty (60) day suspension shall be considered a second violation.
 2. The Owner of the Short-Term Rental guilty of a second violation shall be further suspended for a period of one hundred twenty (120) days. Continued failure to remedy a second violation following the one hundred twenty (120) day suspension, shall be considered a third violation.
 3. The Owner of the Short-Term Rental guilty of a third violation shall have their Short-Term Rental License immediately revoked for that Owner and the Dwelling Unit.
- H. An Owner that has a Short-Term Rental License revoked may not apply or be granted another License for a period of two (2) years from the date of revocation, and no such License shall be reinstated unless the Owner has demonstrated that all violations have

been corrected and that he/she/they is in full compliance with all applicable provisions of this chapter. Revocation and/or multiple violations may be grounds for the denial of a subsequent application under this Chapter.

- I. Non-Permitted/Licensed Operation: No Owner shall operate a Short-Term Rental without a current Site Plan Approval, if required in the applicable zone, and a Short-Term Rental License issued pursuant to this Chapter. In the event that the Code Enforcement Office determines that a violation of this subsection exists, it shall inform the Owner by written correspondence, hand delivered or sent via first class mail to the address of the Dwelling Unit in question. The Owner will be given a warning with seventy-two (72) hours to cease operating the Dwelling Unit as a Short-Term Rental. Should such unpermitted/unlicensed operation continue after seventy-two (72) hours, or should the Dwelling Unit be operated as a Short-Term Rental without a Short-Term Rental License at any time thereafter, the Owner shall be in violation of this Chapter and be subject to the penalties listed below.

215-44-5 Appeals.

Decisions of the Code Enforcement Officer will be provided to the parties and may be appealed by the Owner or by the complaining party, by filing a written appeal within thirty (30) days of receipt of the decision, to the City Zoning Board of Appeals. The Zoning Board of Appeals shall conduct a de novo review of the decision.

215-44-6 Penalty.

For the purposes of City Code § 215-44, each day a violation exists shall constitute a separate violation.

- A. Any violation of either this article or chapter, as the case may be, shall be punishable as provided in § 1-17 of Chapter 1, General Provisions, of this Code.
- B. Notwithstanding the foregoing and in addition thereto, the City may bring an action for a mandatory injunction to compel compliance with the provisions of this chapter.

215-44-7 Effective Date.

This Ordinance, amending the Geneva City Code shall take effect 150 days after adoption by the City Council.

All other sections of Chapter 215-44 not referenced or amended as set forth above remain unchanged.

Chapter 350-7.18, entitled “Short Term Rentals”, shall be amended as follows:

§ 350-7.18 SHORT-TERM RENTALS

A. Findings. The purpose of this Chapter is to regulate the Short-Term Rental of dwelling units within the City of Geneva, NY and to establish comprehensive registration and licensing regulations to safeguard the public health, safety and welfare by regulating and controlling the use, occupancy, oversight and maintenance of Short-Term Rental properties. The City also recognizes that extensive Short-Term Term Rentals have the potential to compromise the residential character of the community, drive up prices of limited low-cost housing supply, and may cause disruption to the peace, quiet and enjoyment of neighboring residents. Accordingly, in order to respect the rights and interests of all residents of the City, this Chapter seeks to thoroughly monitor and regulate those who offer their homes as Short-Term Rental properties in order to minimize any potential detrimental impact this commercial enterprise may have upon the residential character of Geneva's neighborhoods.

B. Definitions.

1. Short-Term Rental: As used in this chapter, the term "Short-Term Rental" shall mean a dwelling that is rented, in whole or in part, to any person or entity for a period of less than 30 consecutive nights and meets all of the regulations, requirements and standards contained in this Chapter, as amended. Short-Term Rentals do not include Boarding Houses or Bed and Breakfast Inns.
2. Rental: As used in this chapter, the term "Rental" shall mean an agreement granting use or possession of a dwelling in whole or in part, to a person, group or entity in exchange for consideration. Use of a short-term rental by a record owner of a property shall not be considered to be a rental under this section.

C. Presumption of dwelling unit as short-term rental property

1. The following shall create a presumption that all or a part of a dwelling unit is being used as a short-term rental:
 - a) All or a part of the property is offered for lease on a short-term rental website, including but not limited to Airbnb, Home Away and VRBO, for a rental period of 30 consecutive nights or less; and/or
 - b) All or a part of the property is offered for lease for a period of 30 days or less through any form of advertising.
2. The foregoing presumptions may be rebutted by evidence presented to the City of Geneva Code Enforcement Office that the premises is not operated as a short-term rental.

D. General Requirements.

1. Any conditions imposed by the City Code Enforcement Office or the City Planning Board through Site Plan Review.
2. The property must have sufficient off-street parking spaces as required by Chapter 350-8.4 of the City Code.
3. Tenants and guests shall only park on a suitably improved parking area and shall not park in the required front yard setback.
4. The maximum number of bedrooms that can be rented is limited to 4.
5. The maximum occupancy for each Short-Term Rental shall be the lesser of 10 people or the number of people allowed by bedroom capacity as determined by the international building code section PM 404.4.1.
6. Regardless of all other occupancy limitations, maximum occupancy may not exceed 10 people and occupancy limitations are in effect 24 hours a day.
7. Advertisements for the Short-Term Rentals in the City of Geneva must conform to what is allowed under this section, the Short-Term Rental License issued in accordance with Chapter 215-44 of the City Code, and contain a statement advising potential occupants that Short-Term Rentals are subject to Section 215-44 of the Geneva City Code.
8. Short-Term Rentals are not permitted in dwelling units that are subject to affordable housing covenants or are income-restricted under Federal, State or Local law.

E. Short-Term Rental License Required. The Operator of a Short-Term Rental unit must acquire and maintain in good standing a revocable Short-Term Rental License as described in Chapter 215-44 of the City of Geneva Code.

1. Where the district regulations of this Chapter require site plan review, issuance of such approval shall be required prior to issuance of a revocable Short-Term Rental License under Chapter 215-44.

All other sections of Chapter 350-7.18 not referenced or amended as set forth above remain unchanged.

Chapter 350-3.4, entitled “Use Lists”, shall be amended as follows:

§ 350-3.4

USE LISTS

Uses are allowed in residential districts in accordance with the following table.

- A. Uses identified with a "P" are permitted as-of-right, subject to compliance with all other applicable standards of this zoning law.
- B. Uses identified with a "SP" may be allowed with the issuance of a special use permit (see Article 14 for review and application procedures).
- C. Uses identified with a "-" are expressly prohibited.
- D. Uses otherwise not identified in this Section may be permitted by right or with the issuance of a special use permit if the CEO deems such use to be similar in nature, activity, intensity and/or extent to a use that is already listed.

LAND USE	LDR	MDR	LLR	MR	ADDITIONAL REGULATIONS
Residential					
Single- or Two-Family Dwelling	P	P	P	P	-
Multi-Family Dwelling, By Conversion	-	SP	-	SP	§350-7.14
Multi-Family Dwelling, Up to 6 Units	-	P	-	P	§350-7.14
Multi-Family Dwelling, 7 to 12 Units	-	-	-	P	§350-7.14
Multi-Family Dwelling, Over 12 Units	-	-	-	SP	§350-7.14
Fraternity or Sorority House	-	SP	SP	SP	-
Bed and Breakfast	SP	SP	SP	SP	§350-7.7
Short-Term Rental	P	P	P	P	§350-7.18
Home Occupation (including Day Care)	P	P	P	P	§350-7.12
Hospice, Nursing Home, or Assisted Living	-	SP	-	SP	-
Commercial					
Day Care Center, Child or Adult	-	-	-	SP	§350-7.8
Dance, Art, Music, or Photo Studio	SP ¹	SP ¹	-	-	-
Office, Administrative or Professional	-	SP	-	SP	-
Other					
Agricultural Operation	-	-	P	-	-
Community or Service Club	-	SP	-	SP	-
Cultural Facility, such as Museum	-	-	P	-	-
Municipal Structure or Use	-	SP	-	SP	-
Place of Worship	P	P	P	P	-
Public Park or Playground	P	P	P	P	-
School, Public or Private	P	P	P	P	-
Telecommunications Facility	-	-	-	-	-
Accessory					
Accessory Use or Structure	P	P	P	P	§350-7.4
Accessory Dwelling Unit	SP	SP	SP	SP	§350-7.3
Keeping of Animals	SP	SP	SP	-	§350-7.13

All other sections of Chapter 350-3.4 not referenced or amended as set forth above remain unchanged.

Chapter 350-4.4, entitled “Use Lists”, shall be amended as follows:

§ 350-4.4 USE LISTS

Uses are allowed in business districts in accordance with the following table.

- A. Uses identified with a “P” are permitted as-of-right, subject to compliance with all other applicable standards of this zoning law.
- B. Uses identified with a “SP” may be allowed with the issuance of a special use permit (see Article 14 for review and application procedures).
- C. Uses identified with a “-” are expressly prohibited.
- D. Uses otherwise not identified in this Section may be permitted by right or with the issuance of a special use permit if the CEO deems such use to be similar in nature, activity, intensity and/or extent to a use that is already listed.
- E. In the GB District it may be permissible to locate more than one primary structure or use on a lot, provided the location and arrangement of such uses is approved as part of development plan review.

LAND USE	GB	NB	CB, CB-5	ADDITIONAL REGULATIONS
RESIDENTIAL				
Single- or Two-Family Dwelling	-	P	-	-
Multi-Family Dwelling, Up to 6 Units	P	P	P	§350-7.14
Multi-Family Dwelling, 7 to 12 Units	P	SP	P	§350-7.14
Multi-Family Dwelling, Over 12 Units	SP	-	SP	§350-7.14
Bed and Breakfast	P	SP	P	§350-7.7
Short-Term Rental	P	P	P	§350-7.18
Home Occupation	P	P	P	§350-7.12
Upper-Floor Dwelling Units or Lofts	P	P	P	-
COMMERCIAL				
Animal Grooming Shop	P	P ¹	P	§350-7.6
Dance, Art, Music, or Photo Studio	P	P ¹	P	-
Day Care Center, Child or Adult	P	P	P	§350-7.8
Financial Institution	P	P ¹	P	-
Funeral Home or Parlor	SP	SP	-	-
Gasoline Service Station	SP	-	-	§350-7.11
Gym or Fitness Club	P	P ¹	P	-
Hotel or Inn	P	-	P	-
Laundromat or Dry Cleaner	P	P ¹	P	-
Office, Administrative or Professional	P	P	P	-
Office or Clinic, Medical	P	SP	P	-
Personal Service Shop or Spa	P	P ¹	P	-
	P	SP	P	-

Recreation or Entertainment Facility, Indoor	P	P ¹	P	-
Repair or Service of Personal Items	P	SP	P	§350-7.17
Restaurant or Tavern	P	SP	P	-
Retail Store	SP	-	-	§350-7.23
Vehicle Sales, Service, or Repair Shop	P	SP	SP	§350-7.6
Veterinary Clinic	P	-	P	§350-7.22
OTHER				
Municipal Structure or Use	P	P	P	-
Museum or Library	P	P	P	-
Community or Service Club	P	P	P	-
Place of Worship	P	P	P	-
Public Park or Playground	P	P	P	-
School, Public or Private	SP	SP	SP	-
Telecommunications Equipment	SP	SP	SP	§350-7.20
Mix of Uses in a Single Structure or Lot	Refer to Each Use			
Permitted Uses Over 2,000 Square Feet	N/A	SP	N/A	-
ACCESSORY				
Accessory Use or Structure	P	P	P	§350-7.4
Accessory Dwelling Unit	-	SP	-	§350-7.3
Drive-Through Facility	P	-	SP	§350-7.9
Outdoor Assembly or Seating Area	P	SP	P	§350-7.15
Outdoor Sales, Display, or Storage Area	P	P	P	§350-7.15
Temporary Storage Unit	P	P	P	§350-7.21

NOTE: (1) Provided the use occupies a gross floor area of no more than 2,000 square feet.

All other sections of Chapter 350-4.4 not referenced or amended as set forth above remain unchanged.

Chapter 350-8.4, entitled “Minimum Off Street Parking Requirement”, shall be amended as follows:

§ 350-8.4 OFF-STREET PARKING MINIMUMS

A. Determination of Requirements.

1. The requirement for a single use (e.g. a retail store) shall be determined directly from this section, unless otherwise noted within this Chapter.
2. The requirements for a combination of uses made up of multiple permitted or specially permitted uses (e.g. a retail store with an office building) shall be determined by establishing the requirement for each single use and adding them together, unless otherwise provided for in this Article.
3. Any use requiring ½ or more of a parking space shall be deemed to require the full space.
4. If the use is not specifically listed in the schedule of such

requirements, the requirement shall be the same as for the most similar listed use as determined by the CEO.

5. The maximum number of parking spaces allowable for any use is not to exceed 125% of the minimum requirement, unless otherwise approved as part of development plan review.
6. The minimum parking requirement may be reduced as part of development plan review if the applicant can make permanent arrangements for shared parking with other uses or can otherwise prove that the parking standards are excessive for the particular use proposed.
7. The minimum parking requirement may be increased as part of development plan review if it is deemed necessary to protect the health, safety, and general welfare of the public.

- B. Central Business District.** In the CB and CB-5 Districts off-street parking spaces shall be provided in accordance with the following table.

LAND USE	MINIMUM SPACES (CB & CB-5 Districts)
<i>Residential</i>	1 per dwelling unit
<i>Lodging</i>	1 per room
<i>Other</i>	3 per 1,000 square feet of gross floor area

- C. CB District Exemptions.** No existing building within the CB and CB-5 Districts shall be required to provide additional off-street parking except when the building footprint is expanded. In such case, the required amount of additional off-street parking required shall be based on the additional building area.

- D. All Other Districts.** Off-street parking spaces shall be provided in all zoning districts, except the CB and CB-5 Districts, in accordance with the following table.

LAND USE	MINIMUM SPACES
RESIDENTIAL	
<i>Dwelling</i>	1 per dwelling unit
<i>Bed & Breakfast</i>	1 per room
<i>Nursing Home or Adult Care Facility</i>	0.50 per room + 0.50 per employee ¹
<i>Short-Term Rental</i>	1 per dwelling unit
BUSINESS & COMMERCIAL	
<i>Brewery or Distillery</i>	3 per 1,000 square feet ²
<i>Dance, Art, Music, or Photo Studio</i>	2 per 1,000 square feet ²
<i>Funeral Home or Mortuary</i>	3 per 1,000 square feet ²
<i>Gasoline Service Station or Car Wash</i>	2 per 1,000 square feet ²
<i>Gym or Health Club</i>	3 per 1,000 square feet ²
<i>Lodging</i>	1 per guest room + 0.50 per employee ¹
<i>Office, Administrative or Professional</i>	2 per 1,000 square feet ²
	3 per 1,000 square feet ²

<i>Office or Clinic, Medical</i>	2 per 1,000 square feet²
<i>Personal Service Shop</i>	2 per 1,000 square feet²
<i>Recreation Facility, Indoor or Outdoor</i>	4 per 1,000 square feet²
<i>Restaurant, Bar, or Tavern</i>	3 per 1,000 square feet²
<i>Retail Store</i>	2 per employee¹
<i>Vehicle Sales³</i>	2 per 1,000 square feet²

Industrial

<i>All Uses</i>	1 per employee¹
Other	

<i>Hospital</i>	1 per bed + 1 per employee¹
<i>Licensed Daycare Facility</i>	1 per employee¹
<i>Place of Public Assembly</i>	2 per 1,000 square feet²
<i>Place of Worship</i>	1 per 3.5 seats
<i>School, Public or Private</i>	2 per classroom + 1 per employee¹
<i>School, Occupational or Skill Training</i>	1 per 3 students + 1 per employee¹

NOTES: (1) "Per employee" requirements shall be based on the maximum shift.
(2) As measured by the gross floor area of the primary structure of the proposed use.
(3) Minimum parking requirement does not include the spaces devoted to storage of vehicles to be sold.

All other sections of Chapter 350-8.4 not referenced or amended as set forth above remain unchanged.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Short Term Rental Zoning Ordinance Update			
Project Location (describe, and attach a location map): City of Geneva - City Wide			
Brief Description of Proposed Action: The City of Geneva is proposing a zoning ordinance amendment that makes several administrative corrections and adjustments as well as making 2 main changes in the regulatory requirements for Short Term Rental properties. Previously STR uses required both a license and a Special Use Permit. The proposal is to remove the Special Use Permit requirement and make the use permitted subject to the license requirement. The update also changes the parking requirement to match the requirement of residential uses (1 per dwelling unit) rather than matching the bed and breakfast requirement (one per rented bedroom).			
Name of Applicant or Sponsor: City of Geneva		Telephone: 315-835-0436 E-Mail: dwest@geneva.ny.us	
Address: 47 Castle St.			
City/PO: Geneva		State: NY	Zip Code: 14456
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO ☐
			YES ☒
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO ☐
			YES ☐
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

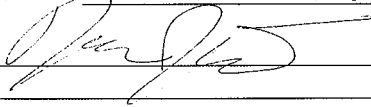
5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☐	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☐	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☐	☐	
b. Are public transportation services available at or near the site of the proposed action?	☐	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☐	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	☐	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	☐	☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☐	☐	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☐	☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☐	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☐	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☐	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	☐	☐
a. Will storm water discharges flow to adjacent properties?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☐	☐

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	☐	☐

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	☐	☐

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	☐	☐

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>David West, Dir. of PED, City of Geneva</u> Date: <u>5/30/2024</u>		
Signature: <u></u> Title: <u>Director of Planning & Economic Development</u>		

Narrative description of the intent of the proposed action and the environmental resources that may be affected:

The City of Geneva's proposed amendments to the zoning ordinance with regard to Short Term Rentals is intended to clarify some administrative sections of the ordinance regarding the permitting and licensing process for Short Term Rental properties. These changes update the ordinance that was adopted in December of 2023 but has yet to be fully implemented due to some challenges in the process that was originally conceived and feedback from the community and Ontario County Planning Board.

The substantive components of the update include making Short Term Rental a use that is allowed by right where it was previously (briefly) allowed by Special Use Permit. The City determined that the newly created licensing requirements and the requirements of special use permit review were burdensome and duplicative; and that the health, safety, and welfare of the community can be adequately protected with the license system alone. Further, the City found that Short Term Rentals have not resulted in significantly more parking usage than a typical residential unit and therefore is adopting requirements in line with that use/demand level to avoid creating unnecessary nonconformity among existing STR uses and to keep regulations in line with expected impacts.

The proposal is not expected to have an impact on any environmental resources, the lead agency should review and elaborate on the potential for impacts to character and quality of the existing community, to land use intensity, to traffic, and to historic architectural resources in Parts 2 & 3.

Project: STR Zoning Ordinance Amendment

Date: 5/30/2024

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☒	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☒	☐
3. Will the proposed action impair the character or quality of the existing community?	☒	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☒	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☒	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☒	☐
7. Will the proposed action impact existing: a. public / private water supplies?	☒	☐
b. public / private wastewater treatment utilities?	☒	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☒	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☒	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☒	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☒	☐

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The updates to the STR section of the zoning ordinance are mostly administrative, the two substantive changes - allowing STR with a license but no Special Use Permit, and allowing a smaller amount of off-street parking are not likely to have a negative environmental impact. The City of Geneva currently has around 130 operating short term rentals without an licensing or permitting system having been in place and with no parking requirement greater than the residential requirements for the homes. The City added increased requirements in a recent zoning update but had not implemented those requirements due to administrative hurdles.

Essentially, the change currently under review will create regulations more in line with the existing reality on the ground in terms of parking. STRs do not create significantly more parking demand than a residence, so reverting the the residential requirement will not have traffic implications.

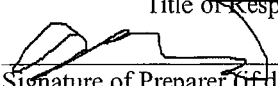
We expect that the licensing system will create greater accountability and may reduce the number of STR properties slightly. Allowing use of a residence as STR does not increase the number of dwelling units allowed on a lot and will not increase the density beyond what is currently allowed.

The imposition of a revocable license system with various nuisance limitations should keep any potential negative impacts to the character and quality of neighborhoods in check limiting them to no or small impact.

STR of residential units has had a positive impact in preserving historic buildings in the city as it creates revenue to support these expensive to maintain built assets.

Carefully allowing Short Term Rentals is in conformity with the City's plans including the Comprehensive Plan, the Downtown Full Occupancy initiative, and other investment priorities.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

City of Geneva	6/5/2024
Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	 Signature of Preparer (if different from Responsible Officer)



Geneva City Council
Agenda Item Briefing

To: Geneva City Council

From: David West, Director of Planning & Economic Development

Meeting Date: 7/10/24

Item Title: SHORT TERM RENTAL ORDINANCE AMENDMENT

Action Required:

The approval of this ordinance will amend the City of Geneva Code as requested by council to adjust certain provisions applicable to Short Term Rentals in the City of Geneva.

Background:

Based on feedback from the Code Staff, the Geneva community, and the City Council Work Session on Short Term Rentals we have a final draft ordinance amending the City Code to make changes to the process for approving Short Term Rentals in the City of Geneva. The proposed amendments fix some inconsistencies and provide additional clarity in the process as well as making 2 substantive changes requested. These changes include removing the requirement for a special use permit for Short Term Rentals, and adjusting the parking requirements for Short Term Rentals to match those of a residential use. The Ontario County Planning Board provided review of the proposed ordinance and the only substantive comment was that it was difficult for the public to review the proposal because E-Code is out of date, something the City is working to correct.

Alternatives:

Council may decide to leave the Short Term Rental Ordinance as originally drafted or to make additional amendments, changes, if so desired.

Financial Impact:

None if adopted.

RESOLUTION # 49 - 2024

A RESOLUTION TO ADOPT ORDINANCE NO. 1 OF 2024 TO AMEND THE CITY OF GENEVA CITY CODE REGARDING SHORT TERM RENTAL REGULATIONS

WHEREAS, a resolution was duly adopted by the City Council of the City of Geneva on the 1st day of May, 2024, calling for a Public Hearing to be held by the City of Geneva on the 5th day of June, 2024, at the City of Geneva City Hall, 47 Castle Street, Geneva, New York, at 7:00 P.M., to hear all interested parties on a proposed ordinance to amend the City of Geneva City Code regarding short term rental regulations.

WHEREAS, notice of said Public Hearing was duly advertised in accordance with law; and

WHEREAS, said Public Hearing was duly held at the City Hall on the 5th day of June, 2024, at 7:00 P.M., and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed ordinance, or any parts thereof; and

WHEREAS, said proposed ordinance was referred to Ontario County Planning Board pursuant to N.Y. General Municipal Law 239-m, which Board recommended approval and returned the referral with the following comments: "Members of the public may have difficulty reviewing proposed changes because updated zoning and short term rental codes adopted earlier this year are not available on the city website," and "A number of editorial comments have been submitted directly to the applicant"; and

WHEREAS, the City Council, by separate resolution, declared itself lead agency for purposes of SEQRA and made a negative declaration with respect to the proposed ordinance; and

WHEREAS, City Council, after due deliberation, finds it in the best interest of the City to adopt said ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby adopts said Ordinance No. 1-2024, to amend the City Code of the City of Geneva regarding short term rental regulations, as set forth in the attached Ordinance, which is incorporated herein and made a part hereof; and

BE IT FURTHER RESOLVED, that the City Clerk be and hereby is directed to enter said Ordinance into the minutes of this meeting and to keep a copy of the Ordinance on file at City Hall.



Geneva City Council
Agenda Item Briefing

To: Geneva City Council

From: Nicole Tillotson, City Clerk

Meeting Date: July 10, 2024

Item Title: Resolution – 2024 Standard Work Days for Elected Officials for Retirement Purposes – James Petropoulos.

Action Required: If approved by council, workday will be established for retirement credit purposes for Counselor Petropoulos, who is participating in the New York State Employee's Retirement System.

Background: Elected and appointed officials who are members of New Your State & Local Retirement System and do not participate in a time-keeping system that either shows hours worked or tracks accruals used and confirms that full hours were worked need to correctly report their hours to NYSLRS. They must complete a Record of Activities within 150 days of the start of their term, and submit a signed copy to the clerk. Next a Standard Work Day and Reporting Resolution must be adopted, establishing their standard work day, and report their days worked to NYSLRS.

Financial Impact: None

Office of the City Clerk

Nicole Tillotson

CITY HALL- 47 CASTLE STREET- GENEVA, NEW YORK 14456
(315) 789-2603 - FAX (315) 789-0604 - ntillotson@geneva.ny.us - www.cityofgenevany.com

RESOLUTION 47-2024
2024 STANDARD WORK DAYS FOR ELECTED OFFICIALS
FOR RETIREMENT PURPOSES
JAMES PETROPOULOS

WHEREAS, The New York State and Local Employees' Retirement System, pursuant to NYS Comptroller's Regulation 315.4, requires that a standard workday be established for retirement credit purposes; and

WHEREAS, This City Council hereby establishes the following as standard work days for elected officials; and further

RESOLVED, That this Council will report the following days worked in the New York State Employees' Retirement System based on the record of activities maintained and submitted by the these officials, who are members of the Retirement System and are not part of an acceptable time keeping system, to the City Clerk:

Title	Standard Work Day	Name First and Last	Registration #	Tier 1 (check only if member is in tier 1)	Current Term Begins/Ends	Record of Activities Result	Not Submitted (check only if official did not submit their Record of Activities)
Elected:							
City Council	6.0	James Petropoulos			1/1/24 – 12/31/27	28.5	

and further

RESOLVED, That a certified copy of this resolution be transmitted by the City Clerk to the New York State Comptroller.



Geneva City Council
Agenda Item Briefing

To: Geneva City Council

From: Stefanie Newcomb, Comptroller

Meeting Date: July 10, 2024

Item Title: Bond Resolution – Authorizing the Issuance of up to
\$14,240,000 in Serial Bonds of the City to Finance the
Addition to the City's Drinking Water Plant

Action Required:

An affirmative vote by the majority of City Council is required to approve the City Comptroller to authorize the issuance of the City's bonds and bond anticipation notes to be issued to finance the construction of a new one-story building, the acquisition of four granular activated carbon vessels, a new 30,000 gallon pump well with three vertical turbine pumps, and incidental improvements and expenses not to exceed \$14,240,000.

Background:

The City of Geneva owns and operates a Water Treatment Plant (WTP) along the shoreline of Seneca Lake and provides potable water to 14,500 residents in the City and Town of Geneva. The WTP produces high-quality water, but currently has no treatment process for algal toxins or emerging contaminants. Awareness of emerging contaminants has increased tremendously and the City wants to add a new treatment process to remove both algal toxins and emerging contaminants to better serve residents and visitors to the area. Seneca Lake has had an abundance of Harmful Algal Blooms in recent years. In addition, traces of PFOA and PFAS are being observed and documented in the Lake. In addition to treating for emerging contaminants, the City is interested in improving operator safety and reducing administrative costs by replacing the existing chlorine gas disinfection process. As a result of the proposed improvements, the City will have the capability to sustain and welcome economic growth.

Comptroller's Office
City Hall
47 Castle St., Geneva, New York, 14456
www.cityofgenevany.com

**Alternatives:**

If the WIIA grant application is not received, City Council could opt to not proceed with the WTP upgrades at this time.

Financial Impact:

The approval is for a maximum amount not to exceed \$14,240,000. If the total project is covered solely by bond financing an estimated additional \$498,000 a year in debt payments over 25 years would be incurred.

At a regular meeting of the City Council of the City of Geneva, Ontario County, New York, held at the City Hall, 47 Castle Street, Geneva, New York, 14456, on July 10, 2024.

PRESENT:

ABSENT:

The following resolution was offered by Clr. _____, who moved its adoption, seconded by Clr. _____, to-wit:

RESOLUTION NO. 48 – 2024

BOND RESOLUTION, DATED JULY 10, 2024, OF THE CITY OF GENEVA, ONTARIO COUNTY, NEW YORK (THE “CITY”), AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE CITY IN AN AMOUNT NOT TO EXCEED \$14,240,000 TO FINANCE THE CONSTRUCTION OR RECONSTRUCTION OF OR ADDITION TO THE CITY’S DRINKING WATER TREATMENT PLANT

WHEREAS, the City Council of the City of Geneva (the “**City Council**”) has determined to undertake the construction or reconstruction of or addition to the City’s drinking water treatment plant (“**WTP**”) to, among other things, allow such WTP to treat water for algal and emerging contaminants, as further described herein and to appropriate funds for such specific object or purpose and to make certain determinations in connection with such specific object or purpose; and

WHEREAS, as a pre-condition to the adoption of this resolution, by resolution dated April 3, 2024 (the “**SEQR Resolution**”), the City Council determined that the foregoing specific object or purpose constitutes a Type 2 action under the provisions of the State Environmental Quality Review Act (collectively, “**SEQRA**”) and that such specific object or purpose will not result in adverse impacts upon the environment, and therefore no further action need be taken by the City Council under SEQRA as a pre-condition to the adoption of this resolution; and

WHEREAS, all other conditions precedent to the financing of each of the specific object or purpose hereinafter described, have been performed and no other action need be taken by the City Council as a pre-condition to the adoption of this resolution; and

WHEREAS, the City Council now wishes to appropriate funds for the foregoing specific object and purpose and to authorize the issuance of the City's bonds and bond anticipation notes to be issued to finance said appropriation.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GENEVA, ONTARIO COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. The acquisition, construction, or reconstruction of, or additions to the WTP, including the construction of a new one-story building, the acquisition of four granular activated carbon vessels, a new 30,000 gallon pump well with three vertical turbine pumps, and incidental improvements and expenses related thereto and in connection therewith (collectively, the "**Project**"), is and are hereby authorized at a maximum estimated cost not to exceed \$14,250,000.

SECTION 2. It is hereby determined that the plan of finance of the specific object or purpose described in paragraph 1 of these resolutions is as follows: (i) the issuance of serial bonds of the City or bond anticipation notes issued in anticipation of such serial bonds, in a principal amount not to exceed \$14,250,000, and (ii) the levy and collection of taxes on real property located within the City to pay the principal of said bonds and interest thereon as the same becomes due and payable, but if the levy and collection of taxes on all real property in the City is insufficient to pay the principal of said bonds and the interest thereon, then the levy and collection of taxes on all real property located within the City shall be used to pay the principal of said bonds and interest thereon as the same becomes due and payable; except that, to the extent that the City receives grants or other funding from any source to fund such specific objects or purpose, the amount of said serial bonds shall be reduced dollar for dollar by the amount of such grants or other funding. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is forty (40) years pursuant to subdivision 1. of Section 11.00(a) of the Local Finance Law.

SECTION 3. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller (the "**City Comptroller**"), as chief fiscal officer of the City. Such notes will be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by the City Comptroller, consistent with the provisions of the Local Finance law.

SECTION 4. Except as otherwise provided herein, all other matters relating to such bonds, including the determination of whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, will be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal

agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the City Comptroller may determine.

SECTION 5. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, ability to sell to the New York State Environmental Facilities Corporation, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the City Comptroller. Such bonds will contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the City Comptroller shall determine consistent with the provisions of the Local Finance Law. The City Comptroller is hereby further authorized, at his or her sole discretion, to execute a project finance agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 2 hereof, or a portion thereof, by a bond, and/or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the City Comptroller. Such notes shall be of such terms, form and contents as may be prescribed by said City Comptroller consistent with the provisions of the Local Finance Law.

SECTION 6. The bonds, or bon anticipation notes issued in advance thereof, authorized hereby will be in fully registered form and be signed in the name of the City of Geneva, Ontario County, New York, by the manual or facsimile signature of the City Comptroller, and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

SECTION 7. The faith and credit of said City of Geneva, Ontario County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in this resolution.

SECTION 9. The City Comptroller is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchaser of the bonds or notes in compliance with the provisions of Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 10. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

SECTION 11. This resolution shall take effect immediately and the City Clerk is hereby authorized and directed to publish the foregoing resolution, or a summary thereof, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the City (a) for such publication, and (b) for the publication of the notice of sale in connection with any bonds or other obligations issued pursuant to this resolution.

STATE OF NEW YORK)
COUNTY OF ONTARIO) SS.:

I, the undersigned City Clerk of the City of Geneva, DO HEREBY CERTIFY as follows:

1. I am the duly qualified and acting City Clerk of the City of Geneva, Ontario County, New York (the “**City**”) and the custodian of the records of the City, including the minutes of the proceedings of the City Council, and am duly authorized to execute this certificate.

2. A regular meeting of the City Council of the City (the “**City Council**”) was held on July 10, 2024, and attached hereto is a true and correct copy of a resolution duly adopted at such meeting and entitled:

BOND RESOLUTION, DATED JULY 10, 2024, OF THE CITY OF GENEVA, ONTARIO COUNTY, NEW YORK (THE “CITY”), AUTHORIZING THE ISSUANCE OF BONDS OF THE CITY IN AN AMOUNT NOT TO EXCEED \$14,240,000 TO FINANCE THE CONSTRUCTION OR RECONSTRUCTION OF OR ADDITION TO THE CITY’S DRINKING WATER TREATMENT PLANT

3. That said meeting was duly convened and held and that said resolution was duly adopted in all respects in accordance with the law and regulations of the City. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the City Council was present throughout said meeting, and a legally sufficient number of members (2/3’s of the City Council) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under the law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including the publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

4. The seal appearing below constitutes the official seal of the City and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the City of Geneva this ____ day of July 2024.

CITY OF GENEVA

By: _____
Nicole Tillotson, City Clerk

[SEAL]

ESTOPPEL NOTICE

The resolution, a summary of which is published herewith, has been adopted on July 10, 2024, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the City of Geneva, Ontario County, New York is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

Nicole Tillotson, City Clerk
City of Geneva

SUMMARY OF BOND RESOLUTION

Set forth below is a summary of said resolution adopted by the City Council of the City of Geneva on July 10, 2024

1. The resolution is entitled: "BOND RESOLUTION, DATED JULY 10, 2024, OF THE CITY OF GENEVA, ONTARIO COUNTY, NEW YORK (THE "CITY"), AUTHORIZING THE ISSUANCE OF BONDS OF THE CITY IN AN AMOUNT NOT TO EXCEED \$14,240,000 TO FINANCE THE CONSTRUCTION OR RECONSTRUCTION OF OR ADDITION TO THE CITY'S DRINKING WATER TREATMENT PLANT."

2. The resolution authorized bonds or other obligations of the City for the following specific object or purpose, in the following principal amount, and with the following period of probable usefulness ("PPU"): acquisition, construction, or reconstruction of, or additions to the City's Drinking Water Treatment Plant ("WTP"), including the construction of a new one-story building, the acquisition of four granular activated carbon vessels, a new 30,000 gallon pump well with three vertical turbine pumps, and incidental improvements and expenses related thereto and in connection therewith; PPU 40 years.

3. The amount of the obligations to be issued is \$14,250,000.

4. The project to be financed by the obligations has been designated a Type 2 action under the New York State Environmental Quality Review Act pursuant to a resolution of the City Council dated April 3, 2024.

The resolution summarized herein shall be available for public inspection during normal business hours at the offices of the City Clerk, City of Geneva, City Hall, 47 Castle Street, Geneva, New York, 14456.



Geneva City Council
Agenda Item Briefing

To: Geneva City Council

From: Amie Hendrix, City Manager

Meeting Date: July 10, 2024

Item Title: Approval of the 2024 and Municipal Cooperative Agreement for the Greater
Tompkins County Municipal Health Insurance Consortium (GTCMHIC)

Action Required:

An affirmative vote by a majority of City Council is required to approve this resolution.

Background:

In 2023, the City of Geneva joined the Greater Tompkins County Municipal Health Insurance Consortium (the Consortium) and approved the existing MCA. In February of 2024, the Council approved a multi-year resolution. Previously, the Consortium negotiated with the NYSDFS (New York State Department of Financial Services) to streamline this inconvenient annual process for participating municipalities. Two resolution templates were provided to municipalities: An (“evergreen”) resolution template that would approve all future amendments to future MCAs, and one specifying only a year-to-year MCA approval.

In February, the City of Geneva opted to submit an “evergreen” 2023 resolution approving all future amendments to future MCAs. However, after review by new members of the Department of Financial Services team this practice is no longer allowable. As a result the attached agreement and resolution must now be adopted for the current year. The attached resolution approves the amendments made to the Municipal Cooperative Agreement in 2024 only and each winter a new agreement will be adopted by each participating municipality. There have been no changes to the agreement since first reviewed in February.

Financial Impact:

None.

Office of the City Manager

CITY HALL- 47 CASTLE STREET- GENEVA, NEW YORK 14456

RESOLUTION # 50-2024

APPROVAL OF THE 2024 AMENDMENT TO THE MUNICIPAL COOPERATIVE AGREEMENT FOR THE GREATER TOMPKINS COUNTY MUNICIPAL HEALTH INSURANCE CONSORTIUM

WHEREAS, the City of Geneva is a Participant in the Greater Tompkins County Municipal Health Insurance Consortium (the "Consortium"), a municipal cooperative organized under Article 47 of the New York Insurance Law, and

WHEREAS, the municipal participants in the Consortium, including this body, have approved and executed a certain Municipal Cooperation Agreement (the "Agreement"; effective date of October 1, 2010), and

WHEREAS, Article 47 of the New York Insurance Law (the "Insurance Law") and the rules and regulations of the New York State Department of Financial Services set forth certain requirements for governance of municipal cooperatives that offer self-insured municipal cooperative health insurance plans, and

WHEREAS, the Agreement sets forth in Section Q2 that continuation of the Consortium under the terms and conditions of the Agreement, or any amendments or restatements thereto, shall be subject to Board review and upon acceptance of any new Participant hereafter, and

WHEREAS, the Municipal Cooperative Agreement requires that amendments to the agreement be presented to each participant for review and adopted by a majority vote by its municipal board, and

WHEREAS, the (municipality) is in receipt of the proposed amended Agreement and has determined that it is in the best interest of its constituents who are served by the Consortium to amend the Agreement as set forth in the Amended Municipal Cooperative Agreement, now therefore be it

RESOLVED, that upon receipt and review of the amended Agreement, the City of Geneva approves at a meeting of the governing body held on July 10, 2024 and authorizes the Chief Elected Official to sign the 2024 Amendment to the Municipal Cooperative Agreement (Effective 1.1.24) of the Greater Tompkins County Municipal Health Insurance Consortium as recommended by the Board of Directors.

2024 MUNICIPAL COOPERATIVE AGREEMENT (MCA) SIGNATURE

MCA Effective Date: January 1, 2024

IN WITNESS WHEREOF, the undersigned has caused this Agreement to be executed as of the date adopted by the Greater Tompkins County Municipal Health Insurance Consortium Board of Directors and subsequently adopted by the Municipal Corporation named below.

City of Geneva, New York
Municipality

Steve Valentino

Mayor

Printed Name of Chief Elected Official or Chief Officer

Title

Signature

Date



Greater Tompkins County Municipal Health Insurance Consortium

P.O. Box 7 • Ithaca, New York 14851 • (607) 274-5590

Headquarters: 215 N. Tioga Street, Ithaca, NY 14850

www.healthconsortium.net • consortium@tompkins-co.org

"Individually and collectively we invest in realizing high quality, affordable, dependable health insurance."

2024

AMENDMENT

TO THE

MUNICIPAL COOPERATION AGREEMENT

(Adopted Per DFS Approval; effective January 1, 2024)

THIS AGREEMENT (the "Agreement") made effective as of the 1st day of October 2010 (the "Effective Date"), and as amended herein, by and among each of the signatory municipal corporations hereto (collectively, the "Participants").

W H E R E A S:

1. Article 5-G of the New York General Municipal Law (the "General Municipal Law") authorizes municipal corporations to enter into cooperative agreements for the performance of those functions or activities in which they could engage individually;
2. Sections 92-a and 119-o of the General Municipal Law authorize municipalities to purchase a single health insurance policy, enter into group health plans, and establish a joint body to administer a health plan;
3. Article 47 of the New York Insurance Law (the "Insurance Law" or "N.Y. Insurance Law"), and the rules and regulations of the New York State Superintendent of Financial Services (the "Superintendent") set forth certain requirements for governing self-insured municipal cooperative health insurance plans;
4. Section 4702(f) of the Insurance Law defines the term "municipal corporation" to include a county, city, town, village, school district, board of cooperative educational services, public library (as defined in Section 253 of the New York State Education Law) and district (as defined in Section 119-n of the General Municipal Law); and
5. The Participants have determined to their individual satisfaction that furnishing the health benefits (including, but not limited to, medical, surgical, hospital, prescription drug, dental, and/or vision) for their eligible officers, eligible employees (as defined by the Internal Revenue Code of 1986, as amended, and the Internal Revenue Service rules and regulations), eligible retirees, and the eligible dependents of eligible officers, employees and retirees (collectively, the "Enrollees") (such definition does not include independent contractors and/or consultants) through a municipal cooperative is in their best interests as it is more cost-effective and efficient. Eligibility requirements shall be determined by each Participant's collective bargaining agreements and/or their personnel policies and procedures.

NOW, THEREFORE, the parties agree as follows:

A. PARTICIPANTS.

1. The Participants hereby designate themselves under this Agreement as the Greater Tompkins County Municipal Health Insurance Consortium (the "Consortium") for the purpose

2024 Municipal Cooperation Agreement

of providing health benefits (medical, surgical, hospital, prescription drug, dental, and/or vision) to those Enrollees that each Participant individually elects to include in the Greater Tompkins County Municipal Health Insurance Consortium Medical Plan(s) (the "Medical Plan(s)"), as that term is defined by Section 4702 (e) of the Insurance Law.

2024 Municipal Cooperation Agreement

2. The following Participants shall comprise the current membership of the Consortium:

Municipality Name	Effective Date	Municipality Name	Effective Date	Municipality Name	Effective Date
City of Ithaca	1/1/2011	Village of Union Springs	1/1/2017	Town of Camillus	1/1/2023
County of Tompkins	1/1/2011	Town of Homer	1/1/2018	Town of DeRuyter	1/1/2023
Town of Caroline	1/1/2011	Town of Newfield	1/1/2018	Town of Dewitt	1/1/2023
Town of Danby	1/1/2011	Town of Owasco	1/1/2018	Town of Hastings	1/1/2023
Town of Dryden	1/1/2011	County of Seneca	1/1/2019	Village of Camillus	1/1/2023
Town of Enfield	1/1/2011	Town of Big Flats	1/1/2019	Village of Skaneateles	1/1/2023
Town of Groton	1/1/2011	Town of Mentz	1/1/2019	Dewitt Fire District	1/1/2023
Town of Ithaca	1/1/2011	~~Town of Niles~~	~~1/1/2019~~	City of Geneva	1/1/2024
Town of Ulysses	1/1/2011	Town of Sennett	1/1/2019	Town of Brutus	1/1/2024
Village of Cayuga Heights	1/1/2011	Village of Freeville	1/1/2019	Town of Locke	1/1/2024
Village of Dryden	1/1/2011	Village of Horseheads	1/1/2019	Town of West Monroe	1/1/2024
Village of Groton	1/1/2011	Village of Lansing	1/1/2019	Village of Fair Haven	1/1/2024
Village of Trumansburg	1/1/2011	Town of Horseheads	1/1/2020		
City of Cortland	1/1/2013	Town of Spencer	1/1/2020		
Town of Lansing	1/1/2013	Lansing Library	1/1/2020		
Town of Willet	1/1/2015	Village of Watkins Glen	1/1/2020		
Village of Homer	1/1/2015	Town of Catharine	1/1/2021		
Town of Marathon	1/1/2016	Town of Cuyler	1/1/2021		
Town of Truxton	1/1/2016	Town of Dix	1/1/2021		
Town of Virgil	1/1/2016	Town of Hector	1/1/2021		
Town of Aurelius	1/1/2017	Town of Tioga	1/1/2021		
Town of Cincinnatus	1/1/2017	Village of Owego	1/1/2021		
Town of Montezuma	1/1/2017	Town of Erwin	1/1/2022		
Town of Moravia	1/1/2017	Town of Throop	1/1/2022		
Town of Preble	1/1/2017	Village of Minoa	1/1/2022		
Town of Scipio	1/1/2017	Village of Fayetteville	1/1/2022		
Town of Springport	1/1/2017				

3. Membership in the Consortium may be offered to any municipal corporation as defined in N.Y. Insurance Law Section 4702(f) within the geographical boundaries of the Counties of Tompkins, Broome, Cayuga, Chenango, Chemung, Cortland, Livingston, Madison, Monroe, Onondaga, Ontario, Oswego, Tioga, Schuyler, Seneca, Steuben, Wayne, and Yates, provided however that, in the sole discretion of the Board (as defined below), the applicant provides satisfactory proof of its financial responsibility. Membership shall be subject to the terms and conditions set forth in this Agreement, any amendments hereto, and applicable law. Upon admission of any new Participant, the Consortium shall amend Section A(2) of this Agreement to reflect that change in membership, which must be submitted to the New York State Department of Financial Services (“DFS”) for approval. The geographic boundaries of the Consortium shall not be expanded beyond the above-listed counties without amendment of the MCA, submitted to DFS for approval, and prior DFS approval of an amendment to the Certificate of Authority.

4. The Board, in its sole discretion, and by a two-thirds (2/3) vote of the entire Board, may elect to permit additional municipal corporations located within the geographical boundaries set forth in Section A(3) to become Participants subject to satisfactory proof, as determined by the Board, of such municipal corporation’s financial responsibility. Such corporations must agree to continue as a Participant for a minimum of three (3) years upon entry.

5. Participation in the Medical Plan(s) by some, but not all, collective bargaining units or employee groups of a Participant shall not be permitted without a Board approved waiver. Participants with a waiver allowing active employees not enrolled in Consortium benefit plan options, must, within 3 (three) years of the date of enrolling in the Consortium, fully enroll all of their active employees in Consortium plan options. Failure to comply with this provision may be grounds for termination from participation in the Consortium as defined in Section Q(3).

6. Initial membership of additional participants shall become effective as soon as practical but preferably on the first day of the Plan Year following the adoption by the Board of the resolution to accept a municipal corporation as a Participant. Such municipal corporation must agree to continue as a Participant for a minimum of three (3) years upon entry.

7. A municipal corporation that was previously a Participant, but is no longer a Participant, and which is otherwise eligible for membership in the Consortium, may apply for re- entry after a minimum of three (3) years has passed since it was last a Participant. Such re-entry shall be subject to the approval of two-thirds (2/3) of the entire Board. This re-entry waiting period may be waived by the approval of two-thirds (2/3) of the entire Board. In order to re-enter the Consortium, a municipal corporation employer must have satisfied in full all of its outstanding financial obligations to the Consortium. A municipal corporation must agree to continue as a Participant for a minimum of three (3) years upon re-entry.

B. PARTICIPANT LIABILITY.

1. The Participants shall share in the costs of, and assume the liabilities for benefits (including medical, surgical, and hospital) provided under the Medical Plan(s) to covered officers, employees, retirees, and their dependents. Each Participant shall pay on demand such Participant's share of any assessment or additional contribution ordered by the governing board of the municipal cooperative health benefit plan, as set forth in Section L(4) of this Agreement or as ordered by the Superintendent or under Article 74 (seventy four) of the New York State Insurance Law. The pro rata share shall be based on the Participant's relative "premium" contribution to the Medical Plan(s) as a percentage of the aggregate "premium" contribution to the Medical Plan(s), as is appropriate based on the nature of the assessment or contribution.

2. New Participants (each a "New Participant") who enter the Consortium may, at the discretion of the Board of Directors, be assessed a fee for additional financial costs above and beyond the premium contributions to the Medical Plan(s). Any such additional financial obligations and any related terms and conditions associated with membership in the Consortium shall be determined by the Board, and shall be disclosed to the New Participant prior to its admission.

3. Each Participant shall be liable, on a pro rata basis, for any additional assessment required in the event the Consortium funding falls below those levels required by the Insurance law as follows:

- a. In the event the Consortium does not have admitted assets (as defined in Insurance Law Section 107) at least equal to the aggregate of its liabilities, reserves, and minimum surplus required by the Insurance Law, the Board shall, within thirty (30) days, order an assessment (an "Assessment Order") for the amount that will provide sufficient funds to remove such impairment and collect from each Participant a pro-rata share of such assessed amount.
- b. Each Participant that participated in the Consortium at any time during the two (2) year period prior to the issuing of an Assessment Order by the Board shall, if notified of such Assessment Order, pay its pro rata share of such assessment within ninety (90) days after the issuance of such Assessment Order. This provision shall survive termination of the Agreement of withdrawal of a Participant.
- c. For purposes of this Section B(3), a Participant's pro-rata share of any assessment shall be determined by applying the ratio of the total assessment to the total contributions or premium equivalents earned during the period covered by the assessment on all Participants subject to the assessment to the contribution or premium equivalent earned during such period attributable to such Participant.

C. BOARD OF DIRECTORS.

1. The governing board of the Consortium, responsible for management, control and administration of the Consortium and the Medical Plan(s), shall be referred to as the "Board of Directors" (the "Board"). The voting members of the Board shall be composed of one representative of each Participant and representatives of the Joint Committee on Plan Structure and Design (as set forth in Section C(11)), who shall have the authority to vote on any official action taken by the Board (each a "Director"). Each Director, except the representatives of the Joint Committee on Plan Structure and Design, shall be designated in writing by the governing body of the Participant.

2. If a Director designated by a Participant cannot fulfill his/her obligations, for any reason, as set forth herein, and the Participant desires to designate a new Director, it must notify the Consortium's Chairperson in writing of its selection of a new designee to represent the Participant as a Director.

3. Directors shall receive no remuneration from the Consortium for their service and shall serve a term from January 1 through December 31 (the "Plan Year").

4. No Director may represent more than one Participant.

5. No Director, or any member of a Director's immediate family, shall be an owner, officer, director, partner, or employee of any contractor or agency retained by the Consortium, including any third-party contract administrator.

6. Except as otherwise provided in Section D of the Agreement, each Director shall be entitled to one vote. A majority of the entire Board, not simply those present, is required for the Board to take any official action, unless otherwise specified in this Agreement. The “entire Board”, as used herein and elsewhere in this Agreement, shall mean the total number of Directors when there are no vacancies.

While physical presence is strongly encouraged, Directors who cannot be physically present at any meeting may attend remotely utilizing videoconferencing that allows for real time audio and visual participation and voting in the meeting upon confirmation that communication is with all participants as it progresses.

7. Each Participant may designate in writing an alternate Director to attend the Board's meeting when its Director cannot attend. The alternate Director may participate in the discussions at the Board meeting and will, if so designated in writing by the Participant, be authorized to exercise the Participant's voting authority. Only alternate Directors with voting authority shall be counted toward a quorum. The Joint Committee on Plan Structure and Design may designate alternate Directors as set forth in Section C(11).

8. A majority of the Directors of the Board shall constitute a quorum. A quorum is a simple majority (more than half) of the entire Board. A quorum is required for the Board to conduct any business. This quorum requirement is independent of the voting requirements set forth in Section C(6). The Board shall meet on an annual basis, at a time and place within the State of New York determined by a vote of the Board. The Board shall hold an annual meeting (the “Annual Meeting”) in September of each Plan Year.

9. Special meetings of the Board may be called at any time by the Chairperson or by any two (2) Directors. Whenever practicable, the person or persons calling such special meeting shall give at least a three (3) day notice to all of the other Directors. Such notice shall set forth the time and place of the special meeting as well as a detailed agenda of the matters proposed to be acted upon. In the event the three (3) day notice cannot be given, each Director shall be given such notice as is practicable under the circumstances.

10. In the event that a special meeting is impractical due to the nature and/or urgency of any action which, in the opinion of the Chairperson, is necessary or advisable to be taken on behalf of the Consortium, the Chairperson may send resolutions regarding said actions via electronic communication to each and all of the Directors. The Directors may then electronically communicate their approval or disapproval of said resolution via signed document to the Chairperson. In accordance with NY Business Corporation Law Section 708(b), unanimous consent is required for the Chairperson to act on behalf of the Board in reliance upon such approvals. Any actions taken by the Chairperson pursuant to this paragraph shall be ratified at the next scheduled meeting of the Board.

11. The Chair of the Joint Committee on Plan Structure and Design and any At-Large Labor Representatives (as defined in Section K) (collectively the “Labor Representatives”) shall serve as Directors and shall have the same rights and obligations as all other Directors. The Joint Committee on Plan Structure and Design may designate in writing alternate Directors to attend the Board's meetings when the Labor Representatives cannot attend. The alternate Director may, if designated in writing, be authorized to exercise the Labor Representatives' voting authority.

D. WEIGHTED VOTING.

1. Except as otherwise provided in this Agreement, any two or more Directors, acting jointly, may require a weighted vote on any matter that may come before the Board. In such event,

the voting procedure set forth in this Section D shall apply in lieu of any other voting procedures set forth in this Agreement. Such weighted voting procedures shall apply solely with respect to the matter then before the Board.

2. For purposes of this Section D, each Director shall receive votes as follows:

- a. Each Director representing a Participant with five hundred (500) or fewer Enrollees shall be entitled to one (1) vote.
- b. Each Director representing a Participant with more than five hundred (500) Enrollees shall be entitled to a number of votes equaling the total number of votes assigned under subsection 2(a) above minus the number of Labor Representative votes, divided evenly by the number of Participants eligible under this subsection 2(b) and rounded down to the nearest whole number.
- c. The Labor Representatives shall be entitled to one (1) vote each.

3. Attached as Addendum “A” to this Agreement is an example of the application of the voting formula contained in subparagraph “2” of this Section.

4. Notwithstanding anything to the contrary contained in this Agreement, any action taken pursuant to this Section D shall require the approval of two-thirds (2/3) of the total number of votes, if all votes had been cast.

E. ACTIONS BY THE BOARD

1. Subject to the voting and quorum requirements set forth in this Agreement, the Board is required, in accordance with N.Y. Insurance Law § 4705, to take action on the following matters:

- a. In accordance with N.Y. Insurance Law § 4705 (d) (5), to approve an annual budget for the Consortium, which shall be prepared and approved prior to October 1st of each year and determine the annual premium equivalent rates to be paid by each Participant for each Enrollee classification in the Medical Plan(s) on the basis of a community rating methodology in accordance with N.Y. Insurance Law Section 4705(d)(5)(B) and filed with and approved by the Superintendent.
- b. To audit receipts and disbursements of the Consortium and provide for independent audits, and periodic financial and operational reports to Participants in accordance with N.Y. Insurance Law § 4705 (e)(1).
- c. To establish a joint fund or funds to finance all Consortium expenditures, including claims, reserves, surplus, administration, stop-loss insurance and other expenses in accordance with N.Y. Insurance Law § 4705(d)(4).
- d. To select and approve the benefits provided by the Medical Plan(s) including the plan document(s), insurance certificate(s), and/or summary plan description(s) in accordance with N.Y. Insurance Law Section 4709,

a copy of the Medical Plan(s) effective on the date of this Agreement is incorporated by reference into this Agreement.

- e. In accordance with N.Y. Insurance Law § 4705(d)(2) and N.Y. General Municipal Law § 119-o(2)(d) & (2)(i), the Board may contract with third parties, if appropriate, which may include one or more Participants, for the furnishing of all goods and services reasonably needed in the efficient operation and administration of the Consortium, including, without limitation, accounting services, legal counsel, contract administration services, consulting services, purchase of insurances and actuarial services. Provided, however (a) the charges, fees and other compensation for any contracted services shall be clearly stated in written administrative services contracts, as required in Section 92-a(6) of the General Municipal Law; (b) payment for contracted services shall be made only after such services are rendered; (c) no Director or any member of such Director's immediate family shall be an owner, officer, director, partner or employee of any contract administrator retained by the Consortium; and (d) all such agreements shall otherwise comply with the requirements of Section 92-a(6) of the General Municipal Law.
- f. To purchase stop-loss insurance on behalf of the Consortium and determine each year the insurance carrier or carriers who are to provide the stop-loss insurance coverage during the next Plan Year, as required by N.Y. Insurance Law Sections 4707 and 4705(d)(3).
- g. To designate one governing Board member to retain custody of all reports, statements, and other documents of the Consortium, in accordance with N.Y. Insurance Law Section 4705(c)(2), and who shall also take minutes of each Board meeting which, if appropriate, shall be acted upon by the Board in a subsequent meeting.
- h. In accordance with N.Y. Insurance Law § 4705(e)(1), to choose the certified public accountant and the actuary to provide the reports required by this Agreement and any applicable law.
- i. In accordance with N.Y. Insurance Law § 4705 (d)(5)(A), designate the banks or trust companies in which joint funds, including reserve funds, are to be deposited and which shall be located in this state, duly chartered under federal law or the laws of this state.
- j. In accordance with N.Y. Insurance Law § 4705 (a)(6), designate the fiscal officer of a participating municipal corporation to be the Chief Fiscal Officer of the municipal cooperative health benefit plan, and who will serve on the Executive Committee.

2. Subject to the voting and quorum requirements set forth in this Agreement, the Board is authorized to take action on the following matters:

- a. To fix the frequency, time and place of regular Board meetings.
- b. To have a plan consultant (the "Plan Consultant) contract in place for the upcoming Plan Year, prior to October 1st of each year.

- c. To determine and notify each Participant prior to October 15th of each Plan Year of the monthly premium equivalent for each enrollee classification during the next Plan Year commencing the following January 1st.
- d. To take all necessary action to ensure that the Consortium obtains and maintains a Certificate of Authority in accordance with the Insurance Law.
- e. To take any other action authorized by law and deemed necessary to accomplish the purposes of this Agreement.
- f. Annually elect Directors to the Executive Committee to oversee operations and develop recommendations for Board actions stated in this Section E.

F. EXECUTIVE COMMITTEE

1. The Executive Committee of the Consortium shall consist of at least eleven (11) and no greater than fifteen (15) Directors. Executive Committee Directors are elected annually, but shall always include the elected Chairperson, Vice-Chairperson, and the Secretary of the Consortium, as well as the designated Chief Fiscal Officer and Chairperson of the Joint Committee on Plan Structure and Design.

2. The Secretary shall be responsible for maintaining all records in accordance with Article E, Section 1.g.

3. The Executive Committee shall establish meeting dates at its Organizational Meeting. The Executive Committee shall meet no less frequently than once per quarter.

4. Special meetings of the Executive Committee may be called at any time by the Chairperson or by any two (2) Executive Committee Directors. Whenever practicable, the person or persons calling such special meeting shall give at least three (3) day notice to all of the other Directors. Such notice shall set forth the time and place of the special meeting as well as a detailed agenda of the matters proposed to be acted upon. In the event three (3) day notice cannot be given, each Director shall be given such notice as is practicable under the circumstances.

5. The Executive Committee shall:

- a. Conduct business according to its Bylaws within its delegated authority, subject to approval and/or ratification of its actions at the next scheduled Board meeting.
- b. Create sub-committees as necessary to monitor operations and make recommendations, to the Executive Committee and/or Board, to facilitate operations.
- c. Manage the Consortium between meetings of the Board, subject to such approval by the Board as may be required by this Agreement.
- d. Develop Bylaws for its operations.

- e. In consultation with a nomination committee, fill any vacancy on the Executive Committee from among the Board's members as set forth in its Bylaws.
- f. Establish administrative guidelines for the efficient operation of the Consortium.
- g. Take all necessary action to ensure the Consortium is operated and administered in accordance with the laws of the State of New York.

G. OFFICERS

1. At the Annual Meeting, the Board shall elect from its Directors a Chairperson, Vice Chairperson, Chief Fiscal Officer, and Secretary, who shall serve for a term of one (1) year or until their successors are elected and qualified. Any vacancy in an officer's position shall be filled at the next meeting of the Board.

2. Officers of the Consortium and employees of any third-party vendor, including without limitation the officers and employees of any Participant, who assist or participate in the operation of the Consortium, shall not be deemed employees of the Consortium. Each third-party vendor shall provide for all necessary services and materials pursuant to annual contracts with the Consortium. The officers of the Consortium shall serve without compensation from the Consortium, but may be reimbursed for reasonable out-of-pocket expenses incurred in connection with the performance of such officers' duties.

3. Officers shall serve at the pleasure of the Board and may be removed or replaced upon a two-thirds (2/3) vote of the entire Board. This provision shall not be subject to the weighted voting alternative set forth in Section D.

H. CHAIRPERSON; VICE CHAIRPERSON; SECRETARY

1. The Chairperson shall be the Chief Executive Officer of the Consortium.

2. The Chairperson, or in the absence of the Chairperson, the Vice Chairperson, shall preside at all meetings of the Board.

3. In the absence of the Chairperson, the Vice Chairperson shall perform all duties related to that office.

4. The Secretary shall retain custody of all reports, statements, and other documents of the Consortium and ensure that minutes of each Board meeting are taken and transcribed which shall be acted on by the Board at a subsequent meeting, as appropriate.

I. CHIEF FISCAL OFFICER

1. The Chief Fiscal Officer shall act as the chief financial administrator of the Consortium and disbursing agent for all payments made by the Consortium, and shall have custody of all monies either received or expended by the Consortium. The Chief Fiscal Officer may delegate duties and

tasks to the Finance Manager to assist in accomplishing this function. However, the Chief Fiscal Officer may never delegate his/her ultimate authority and shall remain responsible for ensuring that the Consortium's finances are operated and administered in accordance with the laws of the State of New York. The Chief Fiscal Officer shall be the City Controller of the City of Ithaca. The Chief Fiscal Officer shall receive no remuneration from the Consortium. The Consortium shall reimburse the Participant that employs the Chief Fiscal Officer for reasonable and necessary out-of-pocket expenses incurred by the Chief Fiscal Officer in connection with the performance of his or her duties that relate to the Consortium.

2. The Finance Manager, under the supervision and direction of the Chief Fiscal Officer, is responsible for directing and maintaining the financial records of the Consortium, overseeing financial transactions, installation and maintenance of accounting systems, billing/invoicing of premiums, quarterly and annual reporting, preparation of reports, and fiscal analyses.

3. The Chief Fiscal Officer shall be bonded for all monies received from the Participants. The amount of such bond shall be established annually by the Consortium in such monies and principal amount as may be required by the Superintendent.

4. All monies collected from the Participants by the Chief Fiscal Officer in connection with the Consortium shall be deposited in accordance with the policies of the Participant which regularly employs the Chief Fiscal Officer and shall be subject to the provisions of law governing the deposit of municipal funds.

5. The Chief Fiscal Officer may invest monies not required for immediate expenditure in the types of investments specified in the General Municipal Law for temporary investments or as otherwise expressly permitted by the Superintendent.

6. The Chief Fiscal Officer shall account for the Consortium's reserve funds separate and apart from all other funds of the Consortium, and such accounting shall show:

- a. the purpose, source, date, and amount of each sum paid into the fund;
- b. the interest earned by such funds;
- c. capital gains or losses resulting from the sale of investments of the Consortium's reserve funds;
- d. the order, purpose, date and amount of each payment from the reserve fund; and
- e. the assets of the fund, indicating cash balance and schedule of investments.

7. The Chief Fiscal Officer shall cause to be prepared and shall furnish to the Board, to participating municipal corporations, to unions which are the exclusive bargaining representatives of Enrollees, the Board's consultants, and to the Superintendent:

- a. an annual audit, and opinions thereon, by an independent certified public accountant, of the financial condition, accounting procedures and internal control systems of the municipal cooperative health benefit plan;

- b. an annual report and quarterly reports describing the Consortium's current financial status; and
- c. an annual independent actuarial opinion on the financial soundness of the Consortium, including the actuarial soundness of contribution or premium equivalent rates and reserves, both as paid in the current Plan Year and projected for the next Plan Year.

8. Within ninety (90) days after the end of each Plan Year, the Chief Fiscal Officer shall furnish to the Board a detailed report of the operations and condition of the Consortium's reserve funds.

J. PLAN ADMINISTRATOR

The Board, by a two-thirds (2/3) vote of the entire Board, may annually designate an administrator and/or insurance company of the Medical Plan (the "Plan Administrator") and the other provider(s) who are deemed by the Board to be qualified to receive, investigate, audit, and recommend or make payment of claims, provided that the charges, fees and other compensation for any contracted services shall be clearly stated in written administrative services and/or insurance contracts and payment for such contracted services shall be made only after such services are rendered or are reasonably expected to be rendered. All such contracts shall conform to the requirements of Section 92-a(6) of the General Municipal Law.

K. JOINT COMMITTEE ON PLAN STRUCTURE AND DESIGN

1. There shall be a Joint Committee on Plan Structure and Design (the "Joint Committee"), which shall consist of (a) a representative of each collective bargaining unit that is the exclusive collective bargaining representative of any Enrollee or group of Enrollees covered by the Medical Plan(s) (the "Union Members"); and (b) a representative of each Participant (the "Management Members"). Management Members may, but are not required to be, Directors.

2. The Joint Committee shall review all prospective Board actions in connection with the benefit structure and design of the Medical Plan(s), and shall develop findings and recommendations with respect to such matters. The Chair of the Joint Committee shall report such findings and recommendations to the Board at any regular or special meeting of the Board.

3. The Joint Committee shall select (a) from among the Union Members, an individual who shall serve as Chair of the Joint Committee; and (b) from among the Management Members, an individual who shall serve as Vice Chair of the Joint Committee. The Joint Committee shall establish its own parliamentary rules and procedures.

4. Each eligible union shall establish such procedures by which its representative to the Joint Committee is chosen and such representative shall be designated in writing to the Chairperson of the Board and the Chair of the Joint Committee.

5. The Union Members on the Joint Committee on Plan Structure and Design shall select from among the Union Members an individual to serve as an additional at-large voting

Labor Member on the Board of Directors of the Consortium. If the number of municipal members on the Consortium rises to seventeen (17), the union members of the Joint Committee on Plan Structure and Design shall select from among the Union Members an additional at-large voting Labor Member on the Board of Directors of the Consortium. The at-large voting Labor Member(s) along with the Joint Committee Chair shall collectively be the “Labor Representatives” as defined in Section C(11) of this Agreement. If the number of municipal members on the Consortium rises to twenty-three (23), the Union Members may select from among their members a third At-Large Labor Representative to serve as a Director. Thereafter, for every increase of five (5) additional municipal members added to the Consortium Union Members may select from among their members one (1) At-large Labor Representative to serve as Director with a maximum of ten (10) Labor Representatives. Attached hereto as Addendum “B” is a table illustrating the addition of At-Large Labor Representatives as set forth in this Section. Any At-Large Labor Representative designated according to this section shall have the same rights and obligations as all other Directors.

L. PREMIUM CALCULATIONS/PAYMENT.

1. The annual premium equivalent rates shall be established and approved by a majority of the entire Board. The method used for the development of the premium equivalent rates may be changed from time to time by the approval of two-thirds (2/3) of the entire Board, subject to review and approval by the Superintendent. The premium equivalent rates shall consist of such rates and categories of benefits as is set forth in the Medical Plan[s] that is determined and approved by the Board consistent with New York law.

2. In accordance with N.Y. Insurance Law §§ 4706 & 4707, the Consortium shall maintain reserves and stop-loss insurance to the level and extent required by the Insurance Law and as directed by the Superintendent.

3. Each Participant's monthly premium equivalent, by enrollee classification, shall be paid by the first day of each calendar month during the Plan Year. A late payment charge of one percent (1%) of the monthly installment then due may be charged by the Board for any payment not received by the first of each month, or the next business day when the first falls on a Saturday, Sunday, legal holiday, or day observed as a legal holiday by the Participants.

The Consortium may waive the first penalty once per Plan Year for each Participant, but will strictly enforce the penalty thereafter. A repeated failure to make timely payments, including any applicable penalties, may be used by the Board as an adequate justification for the expulsion of the Participant from the Consortium.

4. The Board shall assess Participants for additional contributions, if actual and anticipated losses due to benefits paid out, administrative expenses, and reserve and surplus requirements exceed the amount in the joint funds, as set forth in Section B(3) above.

5. The Board, in its sole discretion, may refund amounts in excess of reserves and surplus, or retain such excess amounts and apply these amounts as an offset to amounts projected to be paid under the next Plan Year's budget.

M. EMPLOYEE CONTRIBUTIONS.

If any Participant requires an Enrollee's contribution for benefits provided by the Consortium, the Participant shall collect such contributions at such time and in such amounts as it requires.

However, the failure of a Participant to receive the Enrollee contribution on time shall not diminish or delay the payment of the Participant's monthly premium equivalent to the Consortium, as set forth in this Agreement.

N. ADDITIONAL BENEFITS.

Any Participant choosing to provide more benefits, coverages, or enrollment eligibility other than that provided under the Medical Plan(s)(s), will do so at its sole expense. This Agreement shall not be deemed to diminish such Participant's benefits, coverages or enrollment eligibility, the additional benefits and the payment for such additional benefits, shall not be part of the Consortium and shall be administered solely by and at the expense of the Participant.

O. REPORTING.

The Board, through its officers, agents, or delegates, shall ensure that the following reports are prepared and submitted:

1. Annually after the close of the Plan Year, not later than one-hundred twenty (120) days after the close of the Plan Year, the Board shall file a report with the Superintendent showing the financial condition and affairs of the Consortium, including an annual independent financial audit statement and independent actuarial opinion, as of the end of the preceding plan year.
2. Annually after the close of the Plan Year, the Board shall have prepared a statement and independent actuarial opinion on the financial soundness of the Consortium, including the contribution or premium equivalent rates and reserves, both as paid in the current Plan Year and projected for the next Plan Year.
3. The Board shall file reports with the Superintendent describing the Consortium's then current financial status within forty-five (45) days of the end of each quarter during the Plan year.
4. The Board shall provide the annual report to all Participants and all unions, which are the exclusive collective bargaining representatives of Enrollees, which shall be made available for review to all Enrollees.
5. The Board shall submit to the Superintendent a report describing any material changes in any information originally provided in the Certificate of Authority. Such reports, in addition to the reports described above, shall be in such form, and containing such additional content, as may be required by the Superintendent.

P. WITHDRAWAL OF PARTICIPANT

1. Withdrawal of a Participant from the Consortium shall be effective only once annually on the last day of the Plan Year.
2. Notice of intention of a Participant to withdraw must be given in writing to the Chairperson prior to September 1st of each Plan Year. Failure to give such notice shall automatically extend the Participant's membership and obligations under the Agreement for another Plan Year, unless the Board shall consent to an earlier withdrawal by a two-thirds (2/3) vote.

3. Any withdrawing Participant shall be responsible for its pro rata share of any Consortium deficit that exists on the date of the withdrawal, subject to the provisions of subsection “4” of this Section. The withdrawing Participant shall be entitled to any pro rata share of surplus that exists on the date of the withdrawal, subject to the provisions of subsection “4” of this Section. The Consortium surplus or deficit shall be based on the sum of actual expenses and the estimated liability of the Consortium as determined by the Board. These expenses and liabilities will be determined one (1) year after the end of the Plan Year in which the Participant last participated.

4. The surplus or deficit shall include recognition and offset of any claims, expenses, assets and/or penalties incurred at the time of withdrawal, but not yet paid. Such pro rata share shall be based on the Participant's relative premium contribution to the Consortium as a percentage of the aggregate premium contributions to the Consortium during the period of participation. This percentage amount may then be applied to the surplus or deficit which existed on the date of the Participant's withdrawal from the Consortium. Any pro rata surplus amount due the Participant shall be paid to the Participant one year after the effective date of the withdrawal. Any pro rata deficit amount shall be billed to the Participant by the Consortium one year after the effective date of the withdrawal and shall be due and payable within thirty (30) days after the date of such bill.

Q. DISSOLUTION; RENEWAL; EXPULSION

1. The Board at any time, by a two-thirds (2/3) vote of the entire Board, may determine that the Consortium shall be dissolved and terminated. If such determination is made, the Consortium shall be dissolved ninety (90) days after written notice to the Participants.

a. Upon determination to dissolve the Consortium, the Board shall provide notice of its determination to the Superintendent. The Board shall develop and submit to the Superintendent for approval a plan for winding-up the Consortium's affairs in an orderly manner designed to result in timely payment of all benefits.

b. Upon termination of this Agreement, or the Consortium, each Participant shall be responsible for its pro rata share of any deficit or shall be entitled to any pro rata share of surplus that exists, after the affairs of the Consortium are closed. No part of any funds of the Consortium shall be subject to the claims of general creditors of any Participant until all Consortium benefits and other Consortium obligations have been satisfied. The Consortium's surplus or deficit shall be based on actual expenses. These expenses will be determined one year after the end of the Plan Year in which this Agreement or the Consortium terminates.

c. Any surplus or deficit shall include recognition of any claims/expenses incurred at the time of termination, but not yet paid. Such pro rata share shall be based on each Participant's relative premium contribution to the Consortium as a percentage of the aggregate premium contributions to the Consortium during the period of participation. This percentage amount would then be applied to the surplus or deficit which exists at the time of termination.

2. The continuation of the Consortium under the terms and conditions of the Agreement, or any amendments or restatements thereto, shall be subject to Board review on the fifth (5th) anniversary of the Effective Date and on the fifth (5th) anniversary date thereafter (each a “Review Date”) to the extent deemed required by Article 5-G of the New York General Municipal Law (the "General Municipal

Law").

a. At the annual meeting a year prior to the Review Date, the Board shall include as an agenda item a reminder of the Participants' coming obligation to review the terms and conditions of the Agreement.

b. During the calendar year preceding the Review Date, each Participant shall be responsible for independently conducting a review of the terms and conditions of the Agreement and submitting to the Board of Directors a written resolution containing any objection to the existing terms and conditions or any proposed modification or amendment to the existing Agreement, such written resolution shall be submitted to the Board on or before March 1st preceding the Review Date. Failure to submit any such resolution shall be deemed as each Participant's agreement and authorization to the continuation of the Consortium until the next Review Date under the existing terms and conditions of the Agreement.

c. As soon as practicable after March 1st, the Board shall circulate to all Participants copies of all resolutions submitted by the Participants. Subject to Section S hereof, any resolutions relating to the modification, amendment, or objection to the Agreement submitted prior to each Review Date shall be considered and voted on by the Participants at a special meeting called for such purpose. Such special meeting shall be held on or before July 1st preceding the Review Date.

d. Notwithstanding the foregoing or Section T hereof, if at the Annual Meeting following any scheduled Review Date the Board votes on and approves the budget and annual assessment for the next year, the Participants shall be deemed to have approved the continuation of the Consortium under the existing Agreement until the next Review Date.

3. The Participants acknowledge that it may be necessary in certain extraordinary circumstances to expel a Participant from the Consortium. In the event the Board determines that:

a. A Participant has acted inconsistently with the provisions of the Agreement in a way that threatens the financial well-being or legal validity of the Consortium; or

b. A Participant has acted fraudulently or has otherwise acted in bad faith with regards to the Consortium, or toward any individual Participant concerning matters relating to the Consortium, the Board may vote to conditionally terminate said Participant's membership in the Consortium. Upon such a finding by the affirmative vote of two-thirds (2/3) of the Participants, the offending Participant shall be given sixty (60) days to correct or cure the alleged wrongdoing to the satisfaction of the Board. Upon the expiration of said sixty (60) day period, an absent satisfactory cure, the Board may expel the Participant by an affirmative vote of two-thirds (2/3) of the Participants (exclusive of the Participant under consideration). This section shall not be subject to the weighted voting provision provided in Section D. Any liabilities associated with the Participant's departure from the Consortium under this provision shall be determined by the procedures set forth in Section P of this Agreement.

R. REPRESENTATIONS AND WARRANTIES OF PARTICIPANTS.

Each Participant by its approval of the terms and conditions of this Agreement hereby represents and warrants to each of the other Participants as follows:

1. The Participant understands and acknowledges that its participation in the Consortium under the terms and conditions of this Agreement is strictly voluntary and may be terminated as set forth herein, at the discretion of the Participant.
2. The Participant understands and acknowledges that the duly authorized decisions of the Board constitute the collective will of each of the Participants as to those matters within the scope of the Agreement.
3. The Participant understands and acknowledges that the decisions of the Board made in the best interests of the Consortium may on occasion temporarily disadvantage one or more of the individual Participants.
4. The Participant represents and warrants that its designated Director or authorized representative understands the terms and conditions of this Agreement and is suitably experienced to understand the principles upon which this Consortium operates.
5. The Participant understands and acknowledges that all Directors, or their authorized representatives, are responsible for attending all scheduled meetings. Provided that the quorum rules are satisfied, non-attendance at any scheduled meeting is deemed acquiescence by the absent Participant to any duly authorized Board-approved action at the meeting.
6. The Participant understands and acknowledges that, absent bad faith or fraud, any Participant's vote approving any Board action renders that Board action immune from later challenge by that Participant.

S. RECORDS

The Board shall have the custody of all records and documents, including financial records, associated with the operation of the Consortium. Each Participant may request records and documents relative to their participation in the Consortium by providing a written request to the Chairperson and Chief Fiscal Officer. The Consortium shall respond to each request no later than thirty (30) days after its receipt thereof, and shall include all information which can be provided under applicable law.

T. CHANGES TO AGREEMENT

Any change or amendment to this Agreement shall require the unanimous approval of the Participants, as authorized by a majority vote of their respective legislative bodies, as required by N.Y. Insurance Law § 4705(a).

U. CONFIDENTIALITY

Nothing contained in this Agreement shall be construed to waive any right that a covered person possesses under the Medical Plan(s) with respect to the confidentiality of medical records and that such rights will only be waived upon the written consent of such covered person.

V. ALTERNATIVE DISPUTE RESOLUTION ("ADR").

1. General. The Participants acknowledge and agree that given their budgeting and fiscal constraints, it is imperative that any disputes arising out of the operation of the Consortium be limited and that any disputes which may arise be addressed as quickly as possible. Accordingly, the Participants agree that the procedures set forth in this Section V are intended to be the exclusive means through which disputes shall be resolved. The Participants also acknowledge and agree that by executing this Agreement each Participant is limiting its right to seek redress for certain types of disputes as hereinafter provided.

2. Disputes subject to ADR. Any dispute by any Participant, Board Member, or Committee Person arising out of or relating to a contention that:

a. The Board, the Board's designated agents, a Committee person, or any Participant has failed to adhere to the terms and conditions of this Agreement or any duly-passed resolution of the Board;

b. The Board, the Board's designated agents, a Committee person, or any Participant has acted in bad faith or fraudulently in undertaking any duty or action under the Agreement; or

c. Any other dispute otherwise arising out of or relating to: (i) the terms or conditions of this Agreement; (ii) any duly-passed decision, resolution, or policy by the Board of Directors; or (iii) otherwise requiring the interpretation of this Agreement shall be resolved exclusively through the ADR procedure set forth in paragraph (3) below.

3. ADR Procedure. Any dispute subject to ADR, as described in subparagraph (2), shall be resolved exclusively by the following procedure:

a. Board Consideration: Within ninety (90) days of the occurrence of any dispute, the objecting party (the "Claimant") shall submit a written notice of the dispute to the Chairperson specifying in detail the nature of the dispute, the parties claimed to have been involved, the specific conduct claimed, the basis under the Agreement for the Participant's objection, the specific injury or damages claimed to have been caused by the objectionable conduct to the extent then ascertainable, and the requested action or resolution of the dispute. A dispute shall be deemed to have occurred on the date the objecting party knew or reasonably should have known of the basis for the dispute.

i. Within sixty (60) days of the submission of the written notice, the Executive Committee shall, as necessary, request further information from the Claimant, collect such other information from any other interested party or source, form a recommendation as to whether the Claimant has a valid objection or claim, and if so, recommend a fair resolution of said claim. During such period, each party shall provide the other with any reasonably requested information within such party's control. The Executive Committee shall present

its recommendation to the Board in writing, including any underlying facts, conclusions or support upon which it is based, within such sixty (60) day period.

ii. Within sixty (60) days of the submission of the Executive Committee's recommended resolution of the dispute, the Board shall convene in a special meeting to consider the dispute and the recommended resolution. The Claimant and the Executive Committee shall each be entitled to present any argument or material it deems pertinent to the matter before the Board. The Board shall hold discussion and/or debate as appropriate on the dispute and may question the Claimant and/or the Executive Committee on their respective submissions. Pursuant to its regular procedures, the Board shall vote on whether the Claimant has a valid claim, and if so, what the fair resolution should be. The weighted voting procedure set forth in Section D shall not apply to this provision. The Board's determination shall be deemed final subject to the Claimant's right to arbitrate as set forth below.

b. Arbitration. The Claimant may challenge any Board decision under subparagraph (V)(3)(a)(ii) by filing a demand for arbitration with the American Arbitration Association within thirty (30) days of the Board's vote (a "Demand"). In the event a Claimant shall fail to file a Demand within thirty (30) days, the Board's decision shall automatically be deemed final and conclusive. In the event the Participant files a timely Demand, the arbitrator or arbitration panel may consider the claim:

provided however;

i. in no event may the arbitrator review any action taken by the Board that occurred three (3) or more years prior to when the Chairperson received notice of the claim; and

ii. in no event may the arbitrator award damages for any period that precedes the date the Chairperson received notice of the claim by more than twenty-four (24) months.

c. The Participants agree that the procedure set forth in this Section V shall constitute their exclusive remedy for disputes within the scope of this Section.

W. MISCELLANEOUS PROVISIONS

1. This instrument constitutes the entire Agreement of the Participants with respect to the subject matter hereof, and contains the sole statement of the operating rules of the Consortium. This instrument supersedes any previous Agreement, whether oral or written.

2. Each Participant will perform all other acts and execute and deliver all other documents as may be necessary or appropriate to carry out the intended purposes of this Agreement.

3. If any article, section, subdivision, paragraph, sentence, clause, phrase, provision or portion of this Agreement shall for any reason be held or adjudged to be invalid or illegal or unenforceable by any court of competent jurisdiction, such article, section, subdivision, paragraph, sentence, clause, phrase, provision or portion so adjudged invalid, illegal or unenforceable shall be deemed separate, distinct and independent and the remainder of this Agreement shall be and remain in

full force and effect and shall not be invalidated or rendered illegal or unenforceable or otherwise affected by such holding or adjudication.

4. This Agreement shall be governed by and construed in accordance with the laws of the State of New York. Any claims made under Section V(3)(b) except to the extent otherwise limited therein, shall be governed by New York substantive law.

5. All notices to any party hereunder shall be in writing, signed by the party giving it, shall be sufficiently given or served if sent by registered or certified mail, return receipt requested, hand delivery, or overnight courier service addressed to the parties at the address designated by each party in writing. Notice shall be deemed given when transmitted.

6. This Agreement may be executed in two or more counterparts each of which shall be deemed to be an original but all of which shall constitute the same Agreement and shall become binding upon the undersigned upon delivery to the Chairperson of an executed copy of this Agreement together with a certified copy of the resolution of the legislative body approving this Agreement and authorizing its execution.

7. The provisions of Section V shall survive termination of this Agreement, withdrawal or expulsion of a Participant, and/or dissolution of the Consortium.

8. Article and section headings in this Agreement are included for reference only and shall not constitute part of this Agreement.

9. No findings or recommendations made by the Joint Committee on Plan Structure and Design or by the Chair of the Joint Committee shall be considered a waiver of any bargaining rights under any contract, law, rule, statute, or regulation.

10. The Chairperson and Executive Director are each designated attorneys-in-fact to receive service of any summons or other legal process in any action, suit or proceeding arising out of any contract, agreement, or transaction involving the Consortium. Service may be effected on either the Chairperson or Executive Director without requiring service to both.”

X. APPROVAL, RATIFICATION, AND EXECUTION

1. As a condition precedent to execution of this Municipal Cooperative Agreement and membership in the Consortium, each eligible municipal corporation desiring to be a Participant shall obtain legislative approval of the terms and conditions of this Agreement by the municipality’s governing body.

2. Prior to execution of this Agreement by a Participant, the Participant shall provide the Chairperson with the resolution approving the municipality’s participation in this Consortium and expressly approving the terms and conditions of this Municipal Cooperative Agreement. Each presented resolution shall be maintained on file with the Consortium.

3. By executing this Agreement, each signatory warrants that he/she has complied with the approval and ratification requirements herein and is otherwise properly authorized to bind the participating municipal corporation to the terms and conditions of this Agreement.

[Signature Pages Follow]

IN WITNESS WHEREOF, the undersigned has caused this Amended Agreement to be executed as of the date adopted by the Board of Directors of the Greater Tompkins County Municipal Health Insurance Consortium and subsequently adopted by all participating municipalities.

Addendum “A”

Example of Weighted Voting Formula under Section D(2)

If 11 Participants have 500 or fewer enrollees each and 2 Participants have more than 500 enrollees each, under subparagraph “a” the 11 each get 1 vote. Under subparagraph “b” the 2 large Participants get 4 votes each, which is calculated by taking the total number of votes under subparagraph “a” [11] subtracting the number of Labor Representative votes [2], dividing by the number of eligible Participants under subsection “b” [2], and rounding the result [4.5] down to the nearest whole number [4]. The Labor Representative shall have 1 vote, irrespective of the votes available to the Participants.

Addendum "B"

Illustration of At-Large Labor Representative Calculation

Total Number of Participants	Total Number of At-Large Labor Representatives
< 17	1
17-22	2
23-27	3
28-32	4
33-37	5
38-42	6
43-47	7
47-52	8
53-57	9
58+	10



Geneva City Council Agenda Item Briefing

To: City Council

From: Clr. Jim Petropoulos

Meeting Date: July 10, 2024

Item Title: RESOLUTION ELIMINATING THE POSITION OF COMMUNITY ENGAGEMENT COORDINATOR

Action Required:

A vote from council will eliminate this position and move the allocated funding provided in the 2024 budget process from the Departments of Planning and Economic Development and City Manager to the 2024 fund balance.

Background:

The City of Geneva does not have the resources to support the position of Community Engagement Coordinator and that any duties and responsibilities set forth in the posted job description are not necessary at this time. Community feedback can be obtained through Council Town Hall meetings/other means and does not require a full-time City Employee. There is no evidence that the creation of such a position will further the goals of the Department of Economic Development.

Alternatives:

The position is either funded fully or funded on a pilot program basis for a term established by council.

Financial Impact:

RESOLUTION # 51-2024

RESOLUTION ELIMINATING THE POSITION OF COMMUNITY ENGAGEMENT COORDINATOR

WHEREAS, The City of Geneva does not have the resources to support the position of Community Engagement Coordinator and that any duties and responsibilities set forth in the posted job description are not necessary at this time and,

WHEREAS, Community feedback can be obtained through Council Town Hall meetings/other means and does not require a full-time City Employee, and

WHEREAS, There is no evidence that the creation of such a position will further the goals of the Department of Economic Development, and

WHEREAS, The money saved through the elimination of this position would be better spent on another more urgently needed position or used more effectively elsewhere, now

BE IT THEREFORE RESOLVED THAT, Effective immediately the position of Community Engagement Coordinator is eliminated and that all applicants to that position should be informed in a timely manner