



AMENDED AGREEMENT

An Agreement made the ___ day of December, 1989, by and between

The City of Binghamton, a municipal corporation; in the County of Broome and State of New York,

and

The Village of Johnson City, a municipal corporation in the County of Broome and State of New York,

The parties hereto mutually agree as follows:

WHEREAS the parties entered into an Agreement on July 14, 1965, a copy of which is attached, establishing and creating a joint sewage project and the Binghamton-Johnson City Joint Sewage Board, and,

WHEREAS, paragraph "17" of the Agreement dated July 14, 1965, between the City of Binghamton and the Village of Johnson City (Agreement No. 1 Joint Sewage Project) provides that members of the Board shall serve without compensation . . . and,

WHEREAS, the provisions of said Agreement of July 14, 1965, were reconfirmed and continued in full force and effect by the further Agreement, (Agreement No. 2), dated December 7, 1967, by and between said City of Binghamton and the Village of Johnson City, a copy of which is attached, and,

WHEREAS, a further Agreement (Agreement No. 3) was duly executed and entered into by and between the City of Binghamton

and the Village of Johnson City on April 24, 1968, a copy of which is attached, and the provisions of said Agreement No. 1 and No. 2 being reconfirmed and continued in full force and effect, and,

WHEREAS, a further agreement, (Agreement No. 4) was duly executed and entered into by the City of Binghamton and the Village of Johnson on the 5th day of March, 1977, a copy of which is attached, and,

WHEREAS, on September 21, 1976, the Binghamton-Johnson City Joint Sewage Board included salaries and compensation (in the sum of \$3,000.00) for the Board Members in its proposed budget for the year 1977, Line Item J8130.4481, and

WHEREAS, on the 15th day of November, 1976, the City Council of the City of Binghamton, adopted Ordinance No. 239, approving said proposed budget for the year 1977 of the Binghamton-Johnson City Joint Sewage Board, including Line Item J8130.4481, compensation for Board Members, and

WHEREAS, permanent Ordinance 239 for the year 1976 was duly and timely submitted to the Village of Johnson City for approval by its Governing Board, including Line Item J8130.4481, setting forth compensation for the Board Members in the sum of \$3,000.00, and,

WHEREAS, on December 16, 1976, the Village Board of the Village of Johnson adopted said budget of the Binghamton-Johnson City Joint Sewage Board for the year 1977, excepting that the salaries of the Board members was reduced to \$100.00 per Board Member, and,

WHEREAS, on January 25, 1977, the Binghamton-Johnson City Joint Sewage Board voted unanimously to resubmit said budget, including the sum of \$3,000.00 for salary or compensation of Board Members to the Village Board for its approval, and,

WHEREAS, on February 7, 1977, the Village Board of the Village of Johnson City, approved said budget for the year 1977 as submitted, including the sum of \$3,000.00 for compensation or salaries for Board Members, and,

WHEREAS, the budget for each consecutive year from 1978 to present of the Binghamton-Johnson City Joint Sewage Board has been submitted for approval to the Governing Boards of the City of Binghamton and the Village of Johnson City, each such budget including Line Item J8130.4481, salaries are compensation for Board Members, and,

WHEREAS, each of the budgets for the years 1978 through 1989 have been approved by said Governing Boards, the City Council of the City of Binghamton and the Village Board of the Village of Johnson City, and,

WHEREAS, the State Comptroller Office, in its audit of the fiscal affairs of the Binghamton-Johnson City Joint Sewage Board has recommended that the Agreement by and between the City of Binghamton and the Village of Johnson City, (Agreement No. 1, dated July 14, 1965) be amended to provide for payment of compensation to Board Members, to conform the current and past practice with the terms of the underlying agreement, and

WHEREAS, on August 7, 1989 the City Council of the City of Binghamton adopted an Ordinance, Introductory Ordinance No. 89-71, Permanent Ordinance 89-89, a copy of which is attached, authorizing implementation of changes to said agreements, including the payment of stipends to Board Members, said Ordinance being approved by the Mayor on August 15, 1989, and,

WHEREAS on the 18th day of July, 1989, the Village Board of the Village of Johnson City adopted Local Law No. 2 of the year 1989, a copy of which is attached, the same was signed by the Village Clerk and the Village Attorney on the 24th day of July, 1989, authorizing implementation of said agreements, including the payment of stipends to Board Members.

NOW IT IS HEREBY AGREED by and between the parties as follows:

1. That the second paragraph of paragraph "17" of the Agreement dated July 14, 1965 be amended to delete the following:

"Members of the Board shall serve without compensation . . ."
and to insert the following in lieu thereof;

"Members of the Board shall serve with compensation as approved and determined by the City Council of the City of Binghamton and the Board of Trustees of the Village of Johnson City, and that ordinary and necessary expenses incurred in the performance of their duties shall be proper expenses and may be reimbursed by the Board."





**IN
THE COUNCIL OF THE CITY OF BINGHAMTON**

STATE OF NEW YORK

Dated: JUNE 19, 1989

Sponsored by Council Member(s): MCGOWAN, BENNETT, BROOKS, WACKETT, STENTO, CARRINGTON, GOOSLEY,
SMITH, LOMONACO.

Introduced by Committee(s) on: FINANCE

ORDINANCE

enrolled

**AN ORDINANCE AUTHORIZING IMPLEMENTATION OF CERTAIN
CHANGES FOR THE BINGHAMTON-JOHNSON CITY JOINT SEWAGE
TREATMENT PLANT AS RECOMMENDED BY THE OFFICE OF
STATE COMPTROLLER.**

WHEREAS, the examination of the Binghamton-Johnson City Joint Sewer Board by the office of the State Comptroller suggested several changes to existing procedures and/or agreements and,

WHEREAS it is deemed desirable to adopt these changes, now therefore, be it ordained that the City Council and Village Board of Trustees (the governing boards)

- 1) Authorizes amendments to the July 14, 1965 agreement pertaining to Board members compensation to be consistent with amounts authorized with the adoption of the annual budget for the Binghamton-Johnson City Joint Sewage Facility.
- 2) Adopts the investment policy as follows for securing joint sewer public deposits and investments.

WHEREAS, the office of the State Comptroller has recommended that the finance board of every municipality adopt an investment policy for the municipality, and

WHEREAS, the Binghamton-Johnson City Joint Sewer Board (the Board), by and through the office of the Comptroller presently has an investment policy in place, and

WHEREAS, it is now necessary for the governing boards to formally adopt an investment policy for the Board, and

WHEREAS, the present investment policy implemented by the Comptroller is acceptable to the governing board.

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

IN COUNCIL OF THE CITY OF BINGHAMTON

STATE OF NEW YORK

June 19, 1989

By Councilman MCGOWAN, BENNETT, BROOKS, WACKETT, STENTZ Dated _____
CARRINGTON, GOOSLEY, SMITH, LOMONACO.

ORDINANCE

Section 1. The Comptroller is hereby authorized and directed to deposit and/or invest funds of the board in accordance with the following policy and procedures:

- A) The investment policy of the Board shall be guided by four (4) basic factors:
1. Legality
 2. Safety
 3. Liquidity
 4. Yield

B) Funds of the Board shall be deposited in a bank or trust company located and authorized to do business in the City of Binghamton and Johnson City, the State of New York.

1. Funds of the Board shall be deposited in one or more of the following

- institutions:
- a) Certificate of Deposit
 - b) Chemical Bank
 - c) Endicott Trust Co.
 - d) Key Bank of Central New York
 - e) Marine Midland Bank, N.A.
 - f) Any other commercial bank or trust company located and authorized to do business in the State of New York, City of Binghamton and Johnson City.

C) All idle funds of the Board shall be invested in one or more of the following types of accounts.

- 1) Certificate of Deposit
- 2) N.O.W. Accounts
- 3) Super N.O.W. Accounts
- 4) Money Market Deposit Accounts
- 5) Seven (7) to Thirty-one (31) day accounts
- 6) Any similar account as indicated in 1 through 5, provided that said account has been approved by the office of the State Comptroller.

D) Demand accounts of the Board shall be limited to checking and/or N.O.W. Accounts.

E. Investment by the Board in obligations shall be limited to the following:

- a) Obligations of the government of the United States.
- b) Obligations of the various agencies of the government of the United States, provided that the payment of principal and interest on said obligations is guaranteed by the government of the United States, and provided further that reserve funds, if any, shall not be invested in obligations of said agencies.
- c) Other federal, state and local obligations to the extent these obligations are approved by the office of the state comptroller, and/or the public authorities law, public housing law and general municipal law.

IN COUNCIL OF THE CITY OF BINGHAMTON STATE OF NEW YORK

By Councilman MCGOWAN, BENNETT, BROOKS, WCKETT, STENTO, Dated June 19, 1989
CARRINGTON, GOOSLEY, SMITH, LOMONACO.

F. All obligations shall be registered or inscribed in the name of the City of Binghamton (or, if Johnson City is acting as fiscal agent in the name of the village of Johnson City) or, purchased through delivery to and held in the custody of a bank or trust company.

G. For amounts which exceed coverage under the federal deposit insurance corporation (FDIC), all investments shall be secured by a pledge of obligations as collateral. His obligations which may be pledged are:

- 1) Obligations of the government of the United States.
- 2) Obligations of the government of the State of New York.
- 3) Obligations of the various agencies of the government of the United States provided the payment of principal and interest is guaranteed by the government of the United States.
- 4) Obligations of any municipality, school district or district corporation of the State of New York.
- 5) Obligations of a public authority created under the public authorities law of the State of New York and obligations of a public housing authority created under the public housing law of the State of New York.
- 6) Any obligations specified in Section 559(4) of the General Municipal Law, Section 105(2) of the State Finance Law, Section 49 of the Public Housing Law, and the Public Authorities Law.

Said obligations pledged pursuant to this section shall have a market value equal to the investment less the coverage available under the federal deposit insurance corporation (FDIC), where applicable.

The written consent of the Comptroller shall be required for the release and/or substitution of the obligations pledged under this section.

Said obligations pledged under this section shall be segregated either physically or by appropriate book entry by the comptroller.

H. Demand deposits shall be collateralized in accordance with the laws of the State of New York. In lieu of collateral, the Comptroller is authorized to accept, in his or her discretion, a bond provided by a surety authorized to do business as a surety in the State of New York in an amount sufficient to guarantee the demand deposit.

Section 2. That this ordinance shall take effect immediately.

I HEREBY CERTIFY, that the above is a true copy of an ordinance, adopted by the Council, of the City of Binghamton, at a regular meeting, August 7, 1989; approved by the Mayor, August 15, 1989.

8/15/89 Margery F. Coxlon City Clerk

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~ of Johnson City, Broome County, New York
~~Town~~
Village
Local Law No. 2 of the year 19 89

A local law authorizing implementation of certain changes for the Binghamton-Johnson City Joint Sewage Treatment Plant as (insert title) recommended by the Office of the State Comptroller

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

~~County~~
~~City~~ of Johnson City, Broome County, New York
~~Town~~
Village as follows:

WHEREAS, the examination of the Binghamton-Johnson City Joint Sewer Board by the Office of the State Comptroller suggested several changes to existing procedures, and/or agreements, and

WHEREAS, it is deemed desirable to adopt these changes,

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of Trustees of the Village of Johnson City and the City Council of the City of Binghamton (the governing boards):

1. Authorize amendments to the July 14, 1985 agreement pertaining to board members compensation to be consistent with amounts authorized with the adoption of the annual budget for the Binghamton-Johnson City Joint Sewage Facility.
2. Adopt the investment policy as follows for securing joint sewer public deposits and investments:

WHEREAS, the Office of the State Comptroller has recommended that the finance board of every municipality adopt an investment policy for the municipality; and

WHEREAS, the Binghamton-Johnson City Joint Sewer Board (the board), by and through the Office of the Comptroller presently has an investment policy in place; and

WHEREAS, it is now necessary for the governing boards to formally adopt an investment policy for the board; and

WHEREAS, the present investment policy implemented by the Comptroller is acceptable to the governing board,

NOW, THEREFORE, the Board of Trustees of the Village of Johnson City and the Council of the City of Binghamton, duly convened in regular session, hereby does resolve:

(If additional space is needed, please attach sheets of the same size as this and number each)

SECTION 1. The Comptroller is hereby authorized and directed to deposit and/or invest funds of the board in accordance with the following policy and procedures:

A. The investment policy of the board shall be guided by four (4) basic factors:

1. Legality
2. Safety
3. Liquidity
4. Yield

B. Funds of the board shall be deposited in a bank or trust company located and authorized to do business in the Village of Johnson City and the City of Binghamton, the State of New York.

1. Funds of the board shall be deposited in one or more of the following institutions:

- a. Chase Lincoln First
- b. Chemical Bank
- c. Endicott Trust Co.
- d. Key Bank of Central New York
- e. Marine Midland Bank, N.A.

f. Any other commercial bank or trust company located and authorized to do business in the State of New York, Village of Johnson City and City of Binghamton.

C. All idle funds of the board shall be invested in one or more of the following types of accounts.

1. Certificate of Deposit.
2. N.O.W. Accounts
3. Super N.O.W. Accounts
4. Money Market Deposit Accounts
5. Seven (7) to Thirty-one (31) day accounts

6. Any similar account as indicated in 1 through 5, provided that said account has been approved by the Office of the State Comptroller.

D. Demand Accounts of the board shall be limited to checking and/or N.O.W. Accounts.

E. Investment by the board in obligations shall be limited to the following:

1. Obligations of the Government of the United States.
2. Obligations of the various agencies of the Government of the United States, provided that the payment of principal and interest on said obligations is guaranteed by the Government of the United States, and provided further that reserve funds, if any, shall not be invested in obligations of said agencies.
3. Other federal, state and local obligations to the extent these obligations are approved by the Office of the State Comptroller, and/or the Public Authorities Law, Public Housing Law and General Municipal Law.

F. All obligations shall be registered or inscribed in the name of the Village of Johnson City (or, if Binghamton is acting as fiscal agent, in the name of the City of Binghamton) or, purchased through delivery to and held in the custody of a bank or trust company.

G. For amounts which exceed coverage under the Federal Deposit Insurance Corporation (FDIC), all investments shall be secured by a pledge of obligations as collateral. The obligations which may be pledged are:

1. Obligations of the Government of the United States.
2. Obligations of the Government of the State of New York.
3. Obligations of the various agencies of the Government of the United States provided the payment of principal and interest is guaranteed by the Government of the United States.
4. Obligations of any municipality, school district or district corporation of the State of New York.

5. Obligations of a public authority created under the Public Authorities Law of the State of New York and obligations of a public housing authority created under the Public Housing Law of the State of New York.

6. Any obligations specified in Section 559(4) of the General Municipal Law, Section 105(2) of the State Finance Law, Section 49 of the Public Housing Law, and the Public Authorities Law.

Said obligations pledged pursuant to this Section shall have a market value equal to the investment less the coverage available under the Federal Deposit Insurance Corporation (FDIC), where applicable.

The written consent of the Comptroller shall be required for the release and/or substitution of the obligations pledged under this Section.

H. Demand Deposits shall be collateralized in accordance with the Laws of the State of New York. In lieu of collateral, the Comptroller is authorized to accept, in his or her discretion, a bond provided by a surety authorized to do business as a surety in the State of New York in an amount sufficient to guarantee the demand deposit.

SECTION 2. That this Local Law shall take effect immediately.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 1989.
of the ~~XXXXX~~ City of Johnson City was duly passed by the Board of Trustees
~~XXXXX~~ Village (Name of Legislative Body)
on July 18 1989 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer,* or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____
County
of the City of _____ was duly passed by the _____
Town (Name of Legislative Body)
Village
on _____ 19____ and was approved _____ by the _____
not disapproved _____ repassed after disapproval _____ Elective Chief Executive Officer *
and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____
County
of the City of _____ was duly passed by the _____
Town (Name of Legislative Body)
Village
on _____ 19____ and was approved _____ by the _____
not disapproved _____ repassed after disapproval _____ Elective Chief Executive Officer *
on _____ 19____. Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive general
thereon at the special election held on _____ 19____, in accordance with the appli-
annual
cable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____
County
of the City of _____ was duly passed by the _____ on
Town (Name of Legislative Body)
Village
_____ 19____ and was approved _____ by the _____ on
not disapproved _____ repassed after disapproval _____ Elective Chief Executive Officer *
_____ 19____. Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
_____ 19____, in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special election held on general 19 became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as Local Law No. of 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19, pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph one above.

[Handwritten Signature]
..... Village Clerk or
officer designated by local legislative body

Date: 7/24/89

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF Broome

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Handwritten Signature]
.....
Signature
[Handwritten Title]
Title

Date: 7/24/89

County
City of Jones City
Town
Village