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CITY CLERK
MOUNT VERNON, NY

2024 APR 10 P 3:57

City of Mount Vernon, New York

1 ROOSEVELT SQ. RM. 104
CITY HALL, MOUNT VERNON, NEW YORK 10550
& VIA FACEBOOK.COM/MOUNTVERNONNY



Meeting Agenda - Final

Wednesday, April 10, 2024

7:00 PM

**CITY COUNCIL CHAMBERS
CITY HALL**

City Council

TANESIA M. WALTERS, J.D., M.P.A.
City Clerk

**A REGULAR MEETING OF THE CITY OF THE MOUNT VERNON CITY COUNCIL
HELD ON WEDNESDAY, APRIL 10, 2024
Scheduled for 7:00 pm in the City Council Chambers, City Hall, Mount Vernon, New York.**

**** This meeting was held in the City Council Chambers, with virtual participation via ZOOM and CMVNY Facebook. The meeting was not closed to the public. ****

PRESIDING: Cathlin B. Gleason, President

OTHERS: Tanesia M. Walters, City Clerk; Antoinette Anderson, Legislative Aide; Brian G. Johnson, Corporation Counsel; Johan Powell, Deputy Corporation Counsel.

CALL TO ORDER / PLEDGE OF ALLEGIANCE

Council President Cathlin B. Gleason called the meeting to order and provided general house-keeping rules, including encouraging citizens to share the meeting on social media and what to do “in case of emergency”. Council President Gleason explained the 3-minute-plus-1 public comment rule. She then asked a Councilperson to lead the council in the Pledge of Allegiance. Council President then proceeded to the Public Speakers session of the evening (listed below as public comment).

PUBLIC COMMENT

REFERRAL SESSION

Roll Call administered by City Clerk Tanesia M. Walters

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

To the Council:

LEGISLATION AND PUBLIC WORKS

1. Department of Public Works: An ordinance authorizing the transfer of funds for travel expenses (to attend Smart Cities Connect Spring conference)

Code: LPW

2. Department of Public Works: An ordinance authorizing attendance to the 2024 Smart Cities Connect Spring Conference & Expo.

Code: LPW

3. Department of Recreation: An ordinance authorizing co-sponsorship the 3rd Annual Autism Awareness Walk

Code: HR

To the Council:

HUMAN RESOURCES

- 4. Department of Recreation: An ordinance authorizing attendance at the Convention Sports Entertainment Facility (CSEF) - three employees to attend the 2024 CSEF Conference)

Code: HR

To the Council:

PUBLIC SAFETY AND CODES

**NOT
ADOPTED**

- 5. Department of Public Safety: An ordinance authorizing retroactive attendance for two (2) Members of Service ("MoS") at the Consensual Encounters Training (Thursday, February 2, 2024)

Code: PSC

- 6. Department of Public Safety: An ordinance authorizing the conversion of Municipal Lot 17 to permit parking

Code: PSC

- 7. Department of Public Safety: An ordinance authorizing the attendance of two (2) Members of Service ("MoS") at the Criminal Interdiction Workshop Training (April 24-26, 2024)

Code: PSC

- 8. Department of Public Safety: An ordinance amending Ordinance No. 19, adopted by the City Council on March 27, 2024, entitled "AN ORDINANCE AUTHORIZING ATTENDANCE AT THE 2024 MOTOROLA PUBLIC SAFETY SUMMIT (April 28th – May 2, 2024)"

Code: PSC

To the Council:

FINANCE AND PLANNING

- 9. Department of Planning & Community Development: An ordinance authorizing the title change of Associate Commissioner to Assistant Commissioner

Code: FP

- 10. Department of Planning & Community Development: An ordinance authorizing the Budget Specialist to attend the American Society for Public Administration (ASPA) Conference (April 12-16, 2024).

Code: FP

- 11. Department of Planning & Community Development: An ordinance authorizing the attendance of the GIS Administrator at the 2024 Esri User Conference from (July 15-19, 2024)

Code: FP

ADD-ON

LEGISLATION AND PUBLIC WORKS

- HELD** 12. City Council: An ordinance Repealing Outdated Procurement Legislation and Adopting an Updated Procurement Policy for the City of Mount Vernon, New York

Code: LPW

OTHER BUSINESS/CLOSING COMMENTS

**AN ORDINANCE AUTHORIZING THE
TRANSFER OF FUNDS FOR TRAVEL EXPENSES**

Whereas, by letter dated March 5, 2024, the Commissioner of the Department of Public Works has requested legislation authorizing the transfer of funds from Budget Code 1440.405 (Outside Contracted Services) to Budget Code 1490.402 (Travel Expense) to cover the \$4,000.00 travel expense associated with attending the 2024 Smart Cities Connect Spring Conference & Expo.; and

Whereas, the City of Mount Vernon is committed to fostering innovation and excellence in public services through participation in conferences and expos; and

Whereas, attending the 2024 Smart Cities Connect Spring Conference & Expo will provide valuable knowledge, connections, and insights to advance the municipality's Smart City initiatives and enhance the quality of life for residents; and

Whereas, the travel expense for attending the conference is estimated at \$4,000.00, necessitating a transfer of funds from Budget Code 1440.405 (Outside Contracted Services) to Budget Code 1490.402 (Travel Expense) to cover the expense;
Now, Therefore, Be It Resolved That

The City of Mount Vernon, in City Council convened, does hereby ordain, and enact:

Section 1. Authorization for Fund Transfer. The City Council of Mount Vernon hereby authorizes the transfer of funds from Budget Code 1440.405 (Outside Contracted Services) to Budget Code 1490.402 (Travel Expense) to cover the \$4,000.00 travel expense associated with attending the 2024 Smart Cities Connect Spring Conference & Expo.

Section 2. Justification for Transfer. The transfer of funds is necessary to ensure adequate funding for the travel expenses incurred in attending the conference, which is aligned with the city's strategic goals and initiatives.

Section 3. Smart Cities Connect Spring Conference & Expo. The conference attendance will take place from May 6 - 10, 2024, and all related expenses will be accounted for under Account Code A1490.402 (Travel Expense).

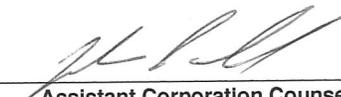
Section 4. Implementation. The Department responsible for overseeing the budget shall promptly carry out the transfer of funds as authorized by this ordinance.

Section 5. Effective Date. This ordinance shall take effect upon its approval by the Board of Estimate & Contract.



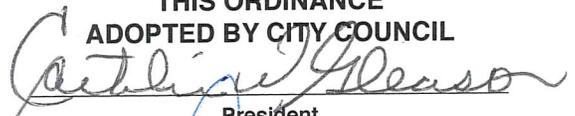
Councilperson

APPROVED AS TO FORM



Assistant Corporation Counsel

**THIS ORDINANCE
ADOPTED BY CITY COUNCIL**



President

ATTEST: 

City Clerk

APPROVED
APR 11 2024



Date
By _____
Mayor

APPROVED
Dept. _____

Vote Taken As Follows: 4/10/2024
Boxhill: Yea Browne: Yea
Poteat: Yea Thompson: Yea
Gleason: Yea Ordinance Adopted

2

**AN ORDINANCE AUTHORIZING
ATTENDANCE AT THE 2024 SMART
CITIES CONNECT SPRING CONFERENCE & EXPO**

Whereas, by letter dated March 5, 2024, the Commissioner of the Department of Public Works has requested legislation authorizing the attendance of Damani Bush, Commissioner of the Department of Public Works, and Shayne Brooks, Director of Sustainability, to attend the 2024 Smart Cities Connect Spring Conference & Expo in Raleigh, North Carolina, from May 7, 2024, to May 10, 2024; and

Whereas, the City of Mount Vernon recognizes the importance of staying abreast of the latest trends, strategies, and technologies in the field of smart city development; and

Whereas, attendance at the Smart Cities Connect Conference & Expo offers valuable opportunities to gain knowledge, explore innovative solutions, establish partnerships, and enhance the city's capabilities in managing public works and sustainability initiatives; and

Whereas, the conference will provide insights into smart city development trends, strategies, and technologies, fostering innovation and excellence in public services; and

Whereas, networking opportunities at the conference will facilitate collaboration, sharing of best practices, and engagement with industry leaders, technology providers, and policy experts; and

Whereas, exploring cutting-edge solutions and products at the expo can improve city services, reduce costs, and enhance the quality of life for residents; and

Whereas, the conference's insights will inform strategic planning processes and help prioritize investments in infrastructure and technology aligned with the city's long-term vision for a smarter, more connected city; and

Whereas, attendance at the conference aligns with the city's commitment to fostering innovation and excellence in public services, enhancing efficiency, and improving the quality of life for all residents; and

Whereas, the total cost to attend the 2024 Smart Cities Connect Spring Conference & Expo shall not exceed \$4,000, including registration fees, travel expenses, and accommodation; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain, and enact:

Section 1. Authorization to Transfer Funds. The Comptroller is hereby authorized to transfer funds from Budget Code 1440.405 (Outside Contracted Services) to Budget Code 1490.402 (Travel Expense), necessary to cover the expenses related to attending the conference.

Section 2. Authorization for Attendance. Damani Bush, Commissioner of the Department of Public Works, and Shayne Brooks, Director of Sustainability, are hereby authorized to attend the 2024 Smart Cities Connect Spring Conference & Expo in Raleigh, North Carolina, from May 7, 2024, to May 10, 2024.

2

2

Section 3. Purpose of Attendance. The attendance of Commissioner Bush and Director Brooks at the conference is intended to gain knowledge, explore innovative solutions, establish partnerships, and enhance the city's capabilities in managing public works and sustainability initiatives.

Section 4. Funding. A total amount not to exceed \$4,000, including registration fees, travel expenses, and accommodation, is allocated for attendance at the conference. Funds for attendance shall be transferred from Budget Code 1440.405 (Outside Contracted Services) to Budget Code 1490.402 (Travel Expense).

Section 5. Reporting. Commissioner Bush and Director Brooks shall provide a report to the City Council summarizing key insights, lessons learned, and recommendations from the conference within 30 days of their return.

Section 6. Effective Date. This ordinance shall take effect upon its approval by the Board of Estimate & Contract.

Vote Taken As Follows: 4/10/2024

Boxhill: Yea Browne: Yea

Poteat: Yea Thompson: Yea

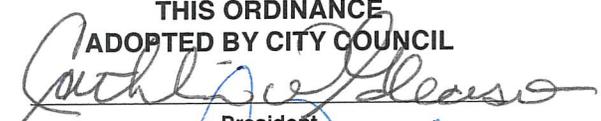
Gleason: Yea Ordinance Adopted

APPROVED AS TO FORM


Assistant Corporation Counsel


Councilperson

THIS ORDINANCE
ADOPTED BY CITY COUNCIL


President

ATTEST:


City Clerk

APPROVED
APR 11 2024

Date


Mayor

APPROVED

Dept. _____

2

3

AN ORDINANCE AUTHORIZING CO-SPONSORSHIP OF THE 3RD ANNUAL AUTISM AWARENESS WALK

Whereas, by letter dated March 21, 2024, the Commissioner for the Department of Recreation has requested legislation seeking authorization from the City Council to co-sponsor the 3rd Annual Autism Awareness Walk, scheduled to take place on Saturday, April 27, 2024, from 11:00 a.m. to 2:00 p.m., starting on the steps of City Hall and proceeding to the designated location at the Doles Center; and

Whereas, the Department of Recreation of the City of Mount Vernon recognizes the significance of the Annual Autism Awareness Walk in promoting community unity and advocating for individuals on the autism spectrum and their families; and

Whereas, the Annual Autism Awareness Walk serves as a vital platform for raising awareness, fostering understanding, and advocating for inclusivity and acceptance of neurodiversity within our community; and

Whereas, the event provides essential resources and support networks for families affected by autism, offering a sense of belonging empowerment; and

Whereas, the Annual Autism Awareness Walk represents a beacon of compassion and support for individuals with autism, ensuring they are valued members of our society; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain, and enact:

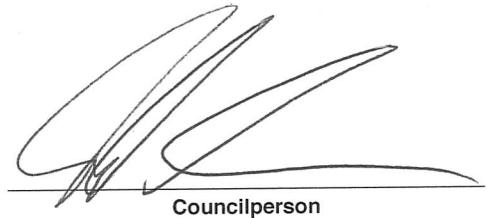
Section 1. Authorization for Co-Sponsorship. The City Council of Mount Vernon hereby authorizes the Department of Recreation to co-sponsor the 3rd Annual Autism Awareness Walk scheduled for Saturday, April 27, 2024.

Section 2. Purpose and Significance. The co-sponsorship of the 3rd Annual Autism Awareness Walk underscores the City's commitment to promoting inclusivity, understanding, and support for individuals on the autism spectrum and their families. It signifies the City's dedication to raising awareness, challenging stigma, and fostering a sense of community unity.

Section 3. Route and Logistics. The 3rd Annual Autism Awareness Walk will commence on the steps of City Hall and proceed down Stevens Avenue to Sixth Avenue, making a right turn, and proceeding to the Doles Center located at 250 South Sixth Avenue, as indicated in the provided map.

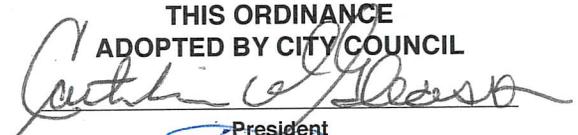
Section 4. Police Escort. The Department of Recreation requests police escort assistance to facilitate safe crossing at Stevens Avenue intersections, specifically at First, Second, and Third Streets.

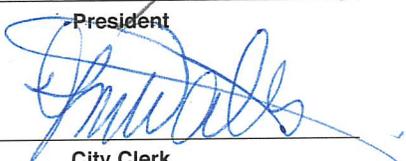
Section 5. Effective Date. This ordinance shall take effect immediately upon passage by the City Council.


Councilperson

APPROVED AS TO FORM

Assistant Corporation Counsel

THIS ORDINANCE
ADOPTED BY CITY COUNCIL

President

ATTEST: 
City Clerk

APPROVED
Dept. _____

APPROVED
APR 11 2024
Date
By 
Mayor

3

Vote Taken As Follows: 4/10/2024
Boxhill: Yea Browne: Yea
Poteat: Yea Thompson: Yea
Gleason: Yea Ordinance Adopted

APR 10 2024

4

AN ORDINANCE AUTHORIZING ATTENDANCE AT THE 2024 CONVENTION SPORTS ENTERTAINMENT FACILITY ("CSEF")

Whereas, by letter dated March 27, 2024, the Commissioner for the Department of Recreation has requested legislation authorizing the attendance of three (3) employees from the Department of Recreation at the 2024 Conference Sports Entertainment Facility (CSEF), to be held on May 20-21, 2024, at the MGM Grand in Las Vegas, NV.; and

Whereas, the Department of Recreation of the City of Mount Vernon recognizes the value of professional development and networking opportunities for its employees; and

Whereas, the 2024 CSEF conference, scheduled for May 20-21, 2024, at the MGM Grand in Las Vegas, NV, offers educational content, networking opportunities, and practical advice pertinent to the field of recreation and sports facility management; and

Whereas, attendance at this conference will enable the Department of Recreation employees to gain valuable insights, information, and best practices from subject matter experts, enhancing their professional skills and knowledge base; and

Whereas, the total cost of attendance for three (3) employees, including conference registration fees, hotel accommodation, and flight expenses, amounts to \$5,067.00, to be allocated from Budget Code A7021.458 (Memorial Field - Other Expense); Now, Therefore, Be It Resolved That

The City of Mount Vernon, in City Council convened, does hereby ordain, and enact:

Section 1. Authorization. The City Council of Mount Vernon hereby authorizes the attendance of three (3) employees from the Department of Recreation at the 2024 CSEF conference, to be held on May 20-21, 2024, at the MGM Grand in Las Vegas, NV.

Section 2. Registration Fees. The amount of \$1,485.00 shall be allocated to cover the conference registration fees for the three (3) employees attending the CSEF conference.

Section 3. Hotel Accommodation. The amount of \$1,782.00 shall be allocated to cover the hotel accommodation expenses for the three (3) employees attending the CSEF conference, at a rate of \$594.00 per person for three (3) nights.

Section 4. Flight Expenses. The amount of \$1,800.00 shall be allocated to cover the flight expenses for the three (3) employees attending the CSEF conference.

Section 5. Funding Source. The total cost of \$5,067.00 for attendance at the 2024 CSEF conference shall be allocated from Budget Code A7021.458 (Memorial Field - Other Expense).

Section 6. Effective Date. This ordinance shall take effect upon its approval by the Board of Estimate & Contract.

Derrick Thompson Councilperson

APPROVED AS TO FORM

Assistant Corporation Counsel

THIS ORDINANCE ADOPTED BY CITY COUNCIL

President

ATTEST:

City Clerk

APPROVED APR 11 2024

Date

Mayor

APPROVED

Dept.

Vote Taken As Follows: 4/10/2024 Boxhill: Yea Browne: Yea Poteat: Yea Thompson: Yea Gleason: Yea Ordinance Adopted

5

NOT ADOPTED

AN ORDINANCE AUTHORIZING RETROACTIVE ATTENDANCE FOR TWO MEMBERS OF SERVICE ("MOS") AT THE CONSENSUAL ENCOUNTERS TRAINING

Whereas, by letter dated March 28, 2024, the Commissioner for the Department of Public Safety has requested legislation for the attendance of two Members of Service ("MoS") at the Consensual Encounters Training, held on Thursday, February 2, 2024, at the Paladin Center located at 39 Seminary Hill Road, Carmel, NY; and

Whereas, the Department of Public Safety recognizes the importance of ongoing training for its members; and

Whereas, the Consensual Encounters Training held on February 2, 2024, provided valuable knowledge and skills for law enforcement personnel; and

Whereas, the attendance of two MoS at the Consensual Encounters Training incurred a total cost of \$250.00 (\$125.00 per person); and

Whereas, the funds for this training were allocated in Budget Line A3120.451 (Training); Now, Therefore, Be It Resolved That

The City of Mount Vernon, in City Council convened, does hereby ordain, and enact:

Section 1. Retroactive Authorization for Attendance. The retroactive attendance of the two MoS at the Consensual Encounters Training, held on February 2, 2024, at the Paladin Center, is hereby approved and authorized.

Section 2. Funding. The total cost of \$250.00 for the Consensual Encounters Training for two MoS shall be satisfied from Budget Line A3120.451 (Training).

Section 3. Severability. If any provision of this ordinance is held to be invalid or unenforceable, the remaining provisions shall remain in full force and effect.

Section 4. Enactment. This ordinance shall be deemed enacted upon approval by the City Council and signature by the Mayor.

Section 5. Effective Date. This ordinance shall take effect upon its approval by the Board of Estimate & Contract.

Vote Taken As Follows: 4/10/2024
Boxhill: Yea Brown: Abstain
Poteat: Yea Thompson: Yea
Gleason: Nay Ordinance Not Adopted

APPROVED AS TO FORM

[Signature]
Assistant Corporation Counsel

Councilperson

THIS ORDINANCE ADOPTED BY CITY COUNCIL

[Signature]
President

ATTEST:

[Signature]
City Clerk

APPROVED

APPROVED

Date

Dept. _____

5 By _____
Mayor

APR 10 2024

6

AN ORDINANCE AUTHORIZING THE CONVERSION OF MUNICIPAL LOT 17 TO PERMIT PARKING

Whereas, by letter dated March 28, 2024, the Commissioner for the Department of Public Safety has requested legislation authorizing the conversion of Municipal Lot 17; located on Crary Avenue, to all permit parking, including the elimination of metered spaces and relocation of a handicapped space; and

Whereas, the Department of Public Safety has determined that converting Municipal Lot 17 to all permit parking will better serve the needs of residents and enhance parking management; and

Whereas, the conversion involves the elimination of nine (9) metered parking spaces; and

Whereas, the relocation of the handicapped space closer to the residential building on East Sidney Avenue across from Lot 17 will improve accessibility for residents; and

Whereas, the cost of the conversion work will be covered by Budget Line A3120.431 (Maintenance for Parking Garages); Now, Therefore, Be It Resolved That

The City of Mount Vernon, in City Council convened, does hereby ordain, and enact:

Section 1. Conversion of Municipal Lot 17

- Municipal Lot 17, located on Crary Avenue, shall be converted to all permit parking.
Nine (9) metered parking spaces in Municipal Lot 17 shall be eliminated.
The current handicapped space in Municipal Lot 17 shall be relocated closer to the residential building on East Sidney Avenue across from Lot 17.

According to Div. Albano there is no cost associated with this project. Section 2. Funding. The cost of the conversion work for Municipal Lot 17 shall be satisfied from Budget Line A3120.431 (Maintenance for Parking Garages).

Section 3. Severability. If any provision of this ordinance is held to be invalid or unenforceable, the remaining provisions shall remain in full force and effect.

Section 4. Repeal. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 5. Effective Date. This ordinance shall take effect upon its approval by the Board of Estimate & Contract.

[Signature] Councilperson

APPROVED AS TO FORM [Signature] Assistant Corporation Counsel

THIS ORDINANCE ADOPTED BY CITY COUNCIL [Signature] President

ATTEST: [Signature] City Clerk

APPROVED Dept. _____

APPROVED APR 11 2024 Date [Signature] Mayor

Vote Taken As Follows: 4/10/2024
Boxhill: Yea Browne: Yea
Potteat: Yea Thompson: Yea
Gleason: Yea Ordinance Adopted

7

AN ORDINANCE AUTHORIZING THE ATTENDANCE OF TWO (2) MEMBERS OF SERVICE ("MOS") AT THE CRIMINAL INTERDICTION WORKSHOP TRAINING

Whereas, by letter dated March 28, 2024, the Commissioner for the Department of Public Safety has requested legislation authorizing the attendance of two Members of Service at the Criminal Interdiction Workshop Training scheduled for April 24-26, 2024, at the Hilton Garden Inn located at 15 Nevins Road, Wayne, NJ; and

Whereas, the Department of Public Safety recognizes the importance of providing ongoing training to its personnel; and

Whereas, the Criminal Interdiction Workshop Training, to be held at the Hilton Garden Inn in Wayne, NJ, will enhance the skills and knowledge of the attending Members of Service in the field of criminal interdiction; and

Whereas, the total cost for this training for two Members of Service is \$1,398.00, with each person's cost being \$699.00; and

Whereas, funds for this training will be satisfied from Budget Line A3120.451 (Training);

Whereas, the MoS request permission to utilize a department vehicle for transportation to and from the training venue, and reimbursement for gas, tolls, and miscellaneous charges not to exceed \$200.00 is requested; **Now, Therefore, Be It Resolved That**

Now, Therefore, Be It Resolved That

The City of Mount Vernon, in City Council convened, does hereby ordain, and enact:

Section 1. Authorization for Training. The City Council hereby authorizes and approves the attendance of two Members of Service at the Criminal Interdiction Workshop Training scheduled for April 24-26, 2024, at the Hilton Garden Inn located at 15 Nevins Road, Wayne, NJ.

Section 3. Transportation and Reimbursement. The MoS are authorized to utilize a department vehicle for transportation to and from the training venue. Reimbursement for gas, tolls, and miscellaneous charges not to exceed \$200.00 is approved and shall be satisfied from Budget Line A3120.451 (Training).

Section 2. Funding. The total cost of \$1,398.00 for the training for two Members of Service shall be satisfied from Budget Line A3120.451 (Training).

Section 3. Severability. If any provision of this ordinance is held to be invalid or unenforceable, the remaining provisions shall remain in full force and effect.

Section 4. Repeal. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

7

APR 10 2024

7

Section 5. Enactment This ordinance shall be deemed enacted upon approval by the City Council and signature by the Mayor.

Section 6. Effective Date. This ordinance shall take effect upon its approval by the Board of Estimate & Contract.

Vote Taken As Follows: 4/10/2024

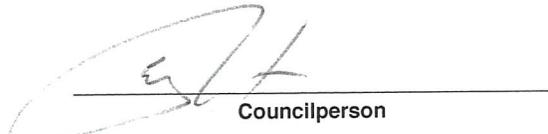
Boxhill: Yea Browne: Yea

Poteat: Yea Thompson: Yea

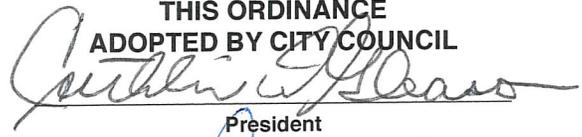
Gleason: Yea Ordinance Adopted

APPROVED AS TO FORM

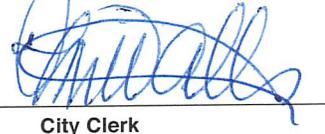

Assistant Corporation Counsel


Councilperson

**THIS ORDINANCE
ADOPTED BY CITY COUNCIL**


President

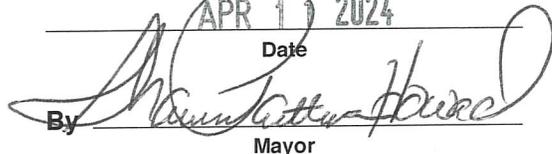
ATTEST:


City Clerk

APPROVED

APR 10 2024

Date


By _____
Mayor

APPROVED
Dept. _____

7

APR 10 2024



**AN ORDINANCE AMENDING ORDINANCE NO. 19,
ADOPTED BY THE CITY COUNCIL ON MARCH 27,
2024, ENTITLED “AN ORDINANCE AUTHORIZING
ATTENDANCE AT THE 2024 MOTOROLA PUBLIC
SAFETY SUMMIT (April 28th – May 2, 2024)”**

The City of Mount Vernon, in City Council convened, does hereby ordain and enact:

Section 1. The first decretal paragraph and Section 1 and Section 4 of Ordinance No. 19, adopted by the City Council on March 27, 2024, entitled “AN ORDINANCE AUTHORIZING ATTENDANCE AT THE 2024 MOTOROLA PUBLIC SAFETY SUMMIT” is hereby amended as follows:

Whereas, by letter dated April 3, 2024, [March 22, 2024, the Commissioner of the Department of Public Safety has requested legislation seeking authorization to amend Ordinance No. 19 adopted by the City Council on March 27, 2024 from the City Council for the [Commissioner and Chief] Commissioner, Chief, Deputy Chief, a Lieutenant and Sergeant (five Members of Service) of Public Safety to attend the 2024 Motorola Public Safety Summit, scheduled to take place at the Gaylord Texan Hotel in Grapevine, Texas, from April 28, 2024, to May 2, 2024; and

Whereas, the Department of Public Safety of the City of Mount Vernon recognizes the importance of staying abreast of advancements in public safety technology and strategies; and

Whereas, the Motorola Public Safety Summit offers valuable training courses conducted by Motorola Solutions experts, focusing on technologies such as patrol radios, license plate readers, and city surveillance systems, which are integral to the operations of the Department of Public Safety; and

Whereas, attendance at the Motorola Public Safety Summit will provide the Commissioner and Chief of Public Safety with essential knowledge and insights to enhance the effectiveness and efficiency of public safety operations in the City of Mount Vernon; and [Now, Therefore, Be It Resolved That]

Whereas, the Commissioner of the Department of Public Safety seeks authorization to utilize the City-issued credit card to cover expenses related to hotel accommodations, airfare, and conference registration fees for Members of Service attending conferences; and

Whereas, it is essential to facilitate efficient payment processing for conference-related expenses to ensure timely arrangements for attendance at such events; Now, Therefore, Be It Resolved That

The City of Mount Vernon, in City Council convened, does hereby ordain, and enact:

Section 1. Authorization for Attendance. The City Council of Mount Vernon hereby authorizes the [Commissioner and Chief] Commissioner, Chief, Deputy Chief, a Lieutenant and Sergeant (five Members of Service) of the Department of Public Safety to attend the 2024 Motorola Public Safety Summit.

Section 2. Purpose and Significance. The attendance of the Commissioner and Chief of the Department of Public Safety at the 2024 Motorola Public Safety Summit is essential for staying informed about cutting-edge technologies and strategies in public safety, particularly those offered by Motorola Solutions, which are utilized by the Department of Public Safety in Mount Vernon.

Section 3. Conference Details. The 2024 Motorola Public Safety Summit will feature numerous training courses conducted by Motorola Solutions experts, focusing on technologies such as patrol radios, license plate readers, and city surveillance systems.

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Section 4. Authorization to Use City-Issued Credit Card. The City Council of hereby authorizes the Commissioner of the Department of Public Safety to use the City-issued credit card to purchase hotel accommodations, airfare, and conference registration fees for Members of Service attending conferences on behalf of the City of Mount Vernon.

- **Scope of Authorization.** The Commissioner may utilize the City-issued credit card solely to cover expenses directly related to conference attendance, including but not limited to hotel accommodations, airfare, and conference registration fees.
- **Compliance Requirements.** The Commissioner shall ensure that all expenditures made using the City-issued credit card comply with relevant city policies and procedures, as well as applicable laws and regulations governing public expenditure.
- **Documentation and Reporting.** The Commissioner shall maintain accurate records of all transactions made using the City-issued credit card for conference expenses and provide detailed reports to the City Council upon request.

Section 5. Budget Allocation. The total cost for the [Commissioner and Chief] Commissioner, Chief, Deputy Chief, a Lieutenant, and Sergeant (five Members of Service) of the Department of Public Safety to attend the conference, including registration fees, flight, hotel accommodations, ground transportation, and meals, shall not exceed \$23,000.00 [\$7,000.00]. Funds for this purpose shall be allocated from Budget Line A3120.451 (Training).

Section 6. Effective Date. This ordinance shall take effect upon its approval by the Board of Estimate & Contract.

New Matter Underlined
Deleted Matter in Brackets []

Vote Taken As Follows: 4/10/2024
Boxhill: Yea Browne: Yea
Potat: Yea Thompson: Yea
Gleason: Yea Ordinance Adopted

APPROVED AS TO FORM

Assistant Corporation Counsel

APPROVED

Dept. _____

Councilperson

THIS ORDINANCE
ADOPTED BY CITY COUNCIL

President

ATTEST:

City Clerk

APPROVED

APR 11 2024

Date

By _____

Mayor

9

AN ORDINANCE AUTHORIZING THE TITLE CHANGE OF ASSOCIATE COMMISSIONER TO ASSISTANT COMMISSIONER

Whereas, by letter dated March 29, 2024, the Commissioner for the Department of Planning & Community Development has requested legislation authorizing the title of the position currently designated as Associate Commissioner in the Department of Planning and Community Development 2024 Budget A8020.101 (Salaries and Wages – PCD) to be changed to Assistant Commissioner; and

Whereas, the City of Mount Vernon acknowledges the need for clarity and consistency in job titles within its departments; and

Whereas, the Department of Planning and Community Development has identified the necessity to align the title of the Associate Commissioner position with its duties and responsibilities; and

Whereas, the proposed title change from Associate Commissioner to Assistant Commissioner will accurately reflect the role and responsibilities of the position without altering its functions, skill set, experience requirements, or scope of work; and

Whereas, the Civil Service Commission has reviewed and approved the proposed title change, ensuring compliance with relevant regulations; and

Whereas, it is in the best interest of the City of Mount Vernon to enact legislation to effectuate this title change; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain, and enact:

Section 1. Title Change Authorization. The City Council of Mount Vernon authorizes the title of the position currently designated as Associate Commissioner in the Department of Planning and Community Development 2024 Budget A8020.101 (Salaries and Wages – PCD) shall be changed to Assistant Commissioner.

Section 2. Scope and Salary. The change in title from Associate Commissioner to Assistant Commissioner shall not impact the functions, skill set, experience requirements, or salary grading associated with the position. The Assistant Commissioner shall continue to perform the duties outlined in the approved job description.

Section 3. Implementation. The Department of Planning and Community Development shall promptly update all relevant documentation, including organizational charts and official records, to reflect the new title of Assistant Commissioner.

Section 4. Effective Date. This ordinance shall take effect upon its approval by the Board of Estimate & Contract.

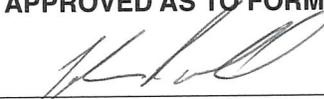
Vote Taken As Follows: 4/10/2024

Boxhill: Yea Browne: Yea

Poteat: Yea Thompson: Yea

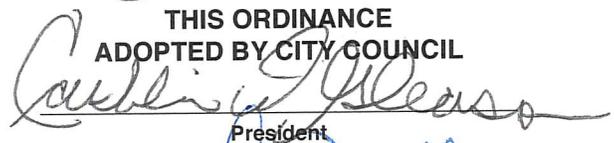
Gleason: Abstain Ordinance Adopted

APPROVED AS TO FORM


Assistant Corporation Counsel


Councilperson

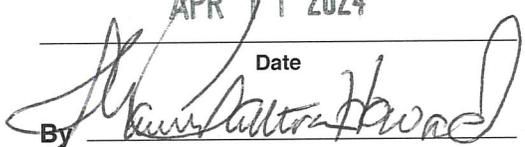
THIS ORDINANCE ADOPTED BY CITY COUNCIL


President

ATTEST:


City Clerk

APPROVED
Dept. _____

APPROVED
APR 11 2024
Date
By 
Mayor

9

18

AN ORDINANCE AUTHORIZING THE BUDGET SPECIALIST TO ATTEND THE AMERICAN SOCIETY FOR PUBLIC ADMINISTRATION (ASPA) CONFERENCE

Whereas, by letter dated March 29, 2024, the Commissioner for the Department of Planning & Community Development has requested legislation authorizing the attendance of Budget Specialist Tiffany Nozil to travel to Minneapolis, MN, to attend the 2024 American Society for Public Administration (ASPA) Conference from April 12 through April 16, 2024; and

Whereas, the American Society for Public Administration (ASPA) is a leading professional membership association for public service, dedicated to advancing excellence through education, advocacy, and leadership development; and

Whereas, ASPA's mission aligns with the City of Mount Vernon's commitment to accountability, professionalism, ethics, and social equity in public administration; and

Whereas, attending the ASPA conference will provide valuable networking opportunities and enable the Budget Specialist to gain new municipal financial management skills, benefiting both the City of Mount Vernon and the individual; and

Whereas, the requested costs for attending the ASPA conference include event registration at a student discount rate of \$259.00 and airfare travel from NYC to MSP for \$500.00, totaling \$759.53; and

Whereas, the current balance for Budget Line A8020.423 (Conference Expense) is \$808.77, leaving a remaining balance of \$49.24 for the current fiscal year; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain, and enact:

Section 1. Authorization for Travel. The Mount Vernon City Council hereby authorizes Budget Specialist Tiffany Nozil to travel to Minneapolis, MN, to attend the 2024 American Society for Public Administration (ASPA) Conference from April 12 through April 16, 2024.

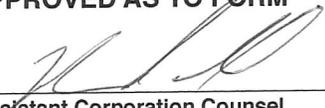
Section 2. Funding. The total expenses for attending the ASPA conference, amounting to \$759.53, shall be covered by Budget Line A8020.423 (Conference Expense).

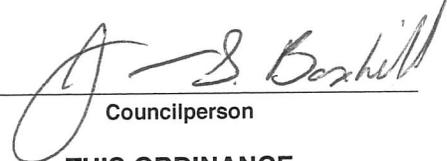
Section 3. Severability. If any provision of this ordinance is held to be invalid or unenforceable, the remaining provisions shall remain in full force and effect.

Section 4. Enactment. This ordinance shall be deemed enacted upon approval by the City Council and signature by the Mayor.

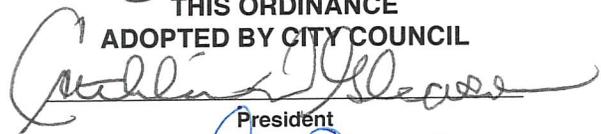
Section 5. Effective Date. This ordinance shall take effect upon its approval by the Board of Estimate & Contract.

APPROVED AS TO FORM


Assistant Corporation Counsel


Councilperson

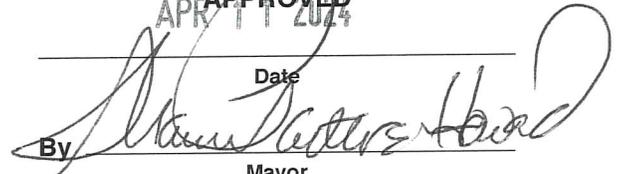
THIS ORDINANCE ADOPTED BY CITY COUNCIL


President

ATTEST:


City Clerk

APPROVED
Dept. _____

APPROVED
APR 11 2024
Date
By 
Mayor

Vote Taken As Follows: 4/10/2024
Boxhill: Yea Browne: Yea
Potteat: Yea Thompson: Yea
Gleason: Yea Ordinance Adopted

APR 10 2024

11

AN ORDINANCE AUTHORIZING THE ATTENDANCE OF THE GIS ADMINISTRATOR AT THE 2024 ESRI USER CONFERENCE

Whereas, by letter dated March 29, 2024, the Commissioner for the Department of Planning & Community Development has requested legislation authorizing the attendance of the GIS Administrator to the 2024 Esri User Conference in San Diego, California, from July 15-19, 2024; and

Whereas, the Mount Vernon City Council recognizes the importance of staying abreast of advancements in Geographic Information System (GIS) technology; and

Whereas, Esri, the national leader in GIS technology, hosts an annual User Conference aimed at providing valuable learning, collaboration, and networking opportunities for GIS professionals; and

Whereas, the GIS Administrator, Amelia Zaino, plays a crucial role in maintaining and advancing the GIS Enterprise system at City Hall, ensuring that the City's spatial information management remains efficient and up-to-date; and

Whereas, attendance at the Esri User Conference will enable the GIS Administrator to collaborate with peers, learn about software innovations, and gain skills in coding and app development to enhance GIS services for colleagues and constituents; and

Whereas, the conference registration fee is included as part of the Enterprise agreement with Esri, mitigating the financial burden on the City for attendance; **Now, Therefore, Be It Resolved That**

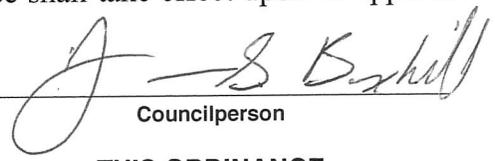
The City of Mount Vernon, in City Council convened, does hereby ordain, and enact:

Section 1. Authorization for Travel. The City Council of Mount Vernon that the GIS Administrator, Amelia Zaino, is hereby authorized to travel to San Diego, California, to attend the 2024 Esri User Conference from July 15- 19, 2024.

Section 2. Purpose of Travel. The purpose of this travel authorization is to enable the GIS Administrator to participate in the Esri User Conference, collaborate with peers, attend workshops, and gain insights into GIS technology advancements to enhance the City's spatial information management.

Section 3. Funding. The total expenses for the GIS Administrator's travel to the Esri User Conference, amounting to \$1,813.90, shall be funded from Budget Line A8020.423 (Conference Expense), with a current budget allocation of \$2,622.67.

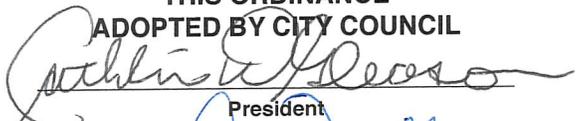
Section 4. Effective Date. This ordinance shall take effect upon its approval by the Board of Estimate & Contract.


Councilperson

APPROVED AS TO FORM


Assistant Corporation Counsel

THIS ORDINANCE ADOPTED BY CITY COUNCIL


President

ATTEST:


City Clerk

APPROVED

APR 11 2024

Date


Mayor

APPROVED

Dept. _____

Vote Taken As Follows: 4/10/2024
Boxhill: Yea Browne: Yea
Poteat: Yea Thompson: Yea
Gleason: Yea Ordinance Adopted

APPROVED AND ENACTED

11

FILED IN THE OFFICE OF THE CITY CLERK

APR 10 2024

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HELD

**AN ORDINANCE REPEALING OUTDATED
PROCUREMENT LEGISLATION AND ADOPTING
AN UPDATED PROCUREMENT POLICY FOR
THE CITY OF MOUNT VERNON, NEW YORK**

Whereas, by letter dated April 9, 2024, City Councilwoman, Danielle R. Browne, Esq. has requested legislation authorizing retroactive payment of \$7,863.10 for repairs on non-city-owned properties as detailed below; and

Whereas, the City of Mount Vernon recognizes the need to update its procurement legislation to comply with New York State laws and operate efficiently in today's fast-paced environment; and

Whereas, the current procurement policy, which has remained unchanged since 1992, is outdated and inadequate to meet the needs of the city's operations; and

Whereas, the revision of the procurement policy is crucial to streamline the procurement process, enhance competencies, ensure quality and cost-effectiveness, and safeguard against impropriety and corruption in procurement practices; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain, and enact:

Section 1. Title. This ordinance shall be known as the "Repeal of Outdated Procurement Legislation and Adoption of an Updated Procurement Policy for the City of Mount Vernon, New York."

Section 2. Repeal of Outdated Legislation. The City Council hereby repeals the Outdated Legislation, which was enacted in ~~[Insert Year of Enactment]~~ 1992, as it is outdated and no longer reflects the needs of the City of Mount Vernon.

Section 3. Adoption of Updated Procurement Policy. The City Council hereby adopts the updated procurement policy, as indicated below, to replace the repealed legislation:

**"POLICIES AND PROCEDURES FOR
PROCUREMENT OF GOODS AND SERVICES
NOT SUBJECT TO COMPETITIVE BIDDING**

§1. Statement of Policy and Purpose. Goods and services which are not required by law to be procured pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public moneys, in the best interests of the taxpayers, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption.

To further these objectives, the City Council is hereby adopting internal policies and procedures governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of General Municipal Law §103, or of any other general, special or local law.

This resolution sets forth the policies and procedures of the City of Mount Vernon to meet the requirements of General Municipal Law, § 104-b.

§2. Lists of Suppliers and Contractors.

A. The Procurement Manager, or the designated person by the Commissioner of Management Services, shall maintain lists of suppliers and contractors categorizing the various types of goods and services, which officials, department heads or their duly authorized designees may use in soliciting prices.

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B. The Procurement Manager, or the designated person by the Commissioner of Management Services, shall update such lists on an annual basis or as needed and take such steps necessary to effectuate the same.

C. Officials, department heads or their duly authorized purchasing agents shall advise the Procurement Manager, or the designated person by the Commissioner of Management Services, of prospective suppliers or contractors which should be added to the abovementioned lists.

§3. Applicability of this Policy. The policies and procedures outlined herein apply to the procurement of every good or service procured by the municipality that are not required to be made pursuant to the competitive bidding requirements General Municipal Law §103 or of any general, special or local law.

A. Purchase or Public Works Contract Determination. Every proposed purchase must initially be reviewed to determine whether it constitutes a purchase contract or a public works contract. In general, purchase contracts involve the acquisition of commodities, materials, supplies, or equipment, while contract for public work involve labor or construction. For the purposes of this policy routine service contracts (e.g. grounds maintenance, vehicle maintenance and repair, janitorial services) will be considered purchase contracts for the applicable methods of procurement and adequate documentation.

B. Aggregate Amount Determination. Once the determination is made regarding whether the procurement constitutes a purchase contract or a public works contract, a good-faith effort will be made to determine whether it is known, or can reasonably be expected, that the aggregate amount to be spent on the goods or services falls below the monetary threshold for state competitive bidding laws set forth under General Municipal Law Section 103. This determination must take into account past purchases and the aggregate amount to be spent in a year.

C. Procurements Subject to State Competitive Bidding. The following items are subject to competitive bidding pursuant to General Municipal Law §103 and must be procured through the procedure outlined therein:

- a. Purchase contracts over \$20,000; and
- b. Public works contracts over \$35,000.

D. (i) Procurements Not Subject to State Competitive Bidding Requirements. The following items are either not subject to or are exceptions to General Municipal Law Section 103 competitive bidding requirements:

- a. Purchase contracts under \$20,000 and public works contracts under \$35,000;
- b. Emergency purchases;
- c. Certain municipal hospital purchases;
- d. Goods purchased from agencies for the blind or severely handicapped;
- e. Goods purchased from correctional institutions;
- f. Purchases under state and county contracts; and
- g. Surplus and secondhand purchases from another governmental entity.

(ii) Documentation Required. The determination that a purchase is not subject to competitive bidding requirements under General Municipal Law §103 must be documented in writing by the said officials, department heads or their duly authorized purchasing agents and filed with the purchase order or contract therefor. This documentation may include:

- a. Written or verbal quotes from vendors; or

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- b. A memo from the said officials, department heads or their duly authorized purchasing agents indicating how the decision was arrived at; or
- c. A description of the professional services; or
- d. A copy of the contract indicating the source that makes the item or service exempt;
- e. A memo from the purchaser detailing the circumstances which led to an emergency purchase;
- f. Any other written documentation that is appropriate.

E. (i) Statutory Exceptions to Quotations/Proposals Requirements of From These Policies and Procedures. All goods and services will be secured in accordance with this policy except in the following circumstances:

- a. Purchase contracts over \$20,000 and public works contracts over \$35,000 use competitive bidding procedures under General Municipal Law §103;
- b. Goods purchased from agencies for the blind or severely handicapped pursuant to State Finance Law 175-b;
- c. Goods purchased from correctional institutions pursuant to Correction Law §186;
- d. Purchases under state contracts pursuant to General Municipal Law §104;
- e. Purchases under county contracts pursuant to General Municipal Law 103(3);
- f. Purchases let by other governmental entities pursuant to General Municipal Law §103(16); or
- g. Other items excepted from this policy (see Section 6, "Items Excepted from these Policy and Procedures).

(ii) Documentation Required. The determination that a purchase a purchase is not subject to this procurement policy must be documented in writing by the said official, department head, or their duly authorized purchasing agent. This documentation may include:

- a. Written or verbal quotes from vendors; or
- b. A memo from the said officials, department heads or their duly authorized purchasing agents indicating how the decision was arrived at; or
- c. A copy of the contract indicating the source that makes the item or service exempt;
- d. Opinions of the Corporation Counsel, if any; or
- e. Any other written documentation that is appropriate.

In summary, the documentation should show the category of procurement that is being made and what method of procurement is specified.

§4. Adoption of Procedures. The following procedures identify the methods of competition and the means of adequate documentation to be used for the procurement of goods and services subject to this policy.

A. Methods of Procurement

The methods of procurement to be used are as follows:

1. Discretion of officials, department heads or their duly authorized purchasing agents
2. Verbal Estimates
3. Written quotations
4. Requests for Proposals

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B. Adequate Documentation. Documentation of actions taken in connection with each method of procurement is required as follows:

Estimated Amount of Purchase or Service Contract	Method
Less than \$1,000	Discretion of purchasing agent
\$1,000 - \$2,999.99	3 verbal quotes
\$3,000 - \$19,999	3 or more written quotes/RFPs
Estimated Amount of Public Work Contract	Method
Less than \$1,000	Discretion of purchasing agent
\$1,000 - \$4,999.99	3 verbal quotes
\$5,000 - \$9,999	2 written quotes
\$10,000 - \$34,999	3 or more written quotes/RFPs

(i) A good-faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

(ii) Verbal Quotations - The telephone log or other record should record, at a minimum: date, item or service desired, price quoted, name of the vendor and name of the vendor's representative.

(iii) Written Quotations – Vendors should provide at a minimum: date, description of the item or details of the service to be provided; price quoted; and name of the vendor's contact person.

(iv) Requests for proposals – An effective way to award contracts for some professional services is to award them only after a minimum number of professionals are contacted and asked to submit written proposals. Requests for proposals (RFPs) are traditionally used as a means of obtaining all types of professional services. RFPs are used to obtain the services of architects, engineers, accountants, underwriters, fiscal consultants, and other professionals. A RFP and evaluation of proposals can consider price plus other factors, like experience, staffing and suitability for needs and may include negotiations on a fair and equal basis. The award should be the most advantageous to the City of Mount Vernon.

(v) Second-Hand Equipment from Other Governments – Procurement shall be documented by, at a minimum: market price comparisons obtained either by verbal or written quotes (documented in accordance with Sections 4B(i) and 4B(ii) above).

C. Required Statements for Submissions Made Pursuant to Competitive Bidding. If the goods or services to be procured must be acquired by competitive bidding pursuant to General Municipal Law §103 or any other general, special or local law, the following statement must accompany such bid:

a. The Iran Divestment Act. Every written offer made to the City of Mount Vernon must contain the following statement subscribed and affirmed by the offeror as true under the penalties of perjury:

By submission of this offer, each offeror and each person signing on behalf of any offeror certifies, and in the case of a joint offer each party thereto certifies as to its own, under penalty or perjury, that to the best of its knowledge and belief that each offeror is not on the list created pursuant to State Finance Law §165-a (3)(b).

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The City of Mount Vernon may award an offer to an offeror who cannot make the statement of non-investment on a case-by-case basis if:

i. The investment activities in Iran were made before the effective date of this section, the investment activities in Iran have not been expanded or renewed after the effective date of this section, and the person has adopted, publicized, and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or

ii. The City of Mount Vernon makes a determination that the goods or services are necessary for the City of Mount Vernon to perform its functions and that, absent such an exemption, the City of Mount Vernon would be unable to obtain the goods or services for which the contract is offered. Such determination shall be made in writing and shall be a public document.

No contract may be awarded to any persons determined to be engaged in investment activities in Iran as indicated by New York State Office of General Services.

b. **Statement of Non-Collusion.** Every written offer made to the City of Mount Vernon must contain the following statement subscribed and affirmed by the offeror as true under the penalties of perjury:

By submission of this offer, each offeror and each person signing on behalf of any offeror certifies, and in the case of joint offer each party thereto certifies as to its own organization, under penalty of perjury, that to the best of their knowledge and belief:

i. The prices in this offer have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor.

ii. Unless otherwise required by law, the prices quoted in this offer have not been knowingly disclosed by the offeror and will not knowingly be disclosed by the offeror prior to opening, directly or indirectly, to any other offeror or to any competitor; and

iii. No attempt has been made or will be made by the offeror to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

c. **Statements for Non-Bid Procurements.** Offers submitted in a manner other than competitive bidding shall also contain the above statements; however, the failure to include them shall not result in their automatic rejection.

§5 Awards to Other than the Lowest Responsible Dollar Offeror. Whenever a contract is awarded to someone other than the lowest responsible dollar offeror, the reasons why shall be documented as follows:

A. **Best Value.** Notwithstanding anything else contained in this policy, the City of Mount Vernon may award purchase contracts and service contracts that have been procured pursuant to competitive bidding under General Municipal Law §103(1) or otherwise under this policy by either the lowest responsible bidder standard or the best value standard.

a. **Definition.** “Best value” is defined in State Finance Law §163 as, “the basis for awarding contracts for services to the offeror which optimizes quality, cost and efficiency, among responsive and responsible offerors.” For the purposes of this section, the City of Mount Vernon adopts the above definition of “best value” as may be modified from time to time by the State Legislature.

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b. **Applicability.** The best value standard may only be used for purchase contracts, which includes contracts for service work, but excludes any purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the Labor Law. When awarding contracts under the best value standard the City of Mount Vernon must consider the overall combination of quality, price and other elements of the required commodity or service that in total are optimal relative to the needs of the City of Mount Vernon. Use of the best value standard must rely, wherever possible, on objective and quantifiable analysis. The best value standard may identify as a quantitative factor whether offerors are small businesses or certified minority- or women-owned business enterprises as defined in the New York Executive Law §310.

c. **Approval.** Use of the best value standard for the procurement of goods and services requires approval from the City of Mount Vernon. The City Council must also approve the factors to be considered when awarding contracts under this standard.

d. **Documentation Required.** The determination that a purchase may be awarded on the basis of best value must be documented in writing by public officials, department heads or their duly authorized purchasing agents. This documentation may include a memo from the said officials, department heads or their duly authorized purchasing agents indicating how the decision was arrived at or any other written documentation that is appropriate.

B. Additional justifications for awarding a contract to or purchasing from other than the lowest responsible dollar offeror would be, among other considerations, that the lowest dollar offeror has a history of:

- a. Not making timely deliveries;
- b. Delivering inferior quality goods; or
- c. Providing inferior quality services.

§6. Items Excepted from these Policies and Procedures by the City Council. Pursuant to General Municipal Law §104-b(2)(g), this policy may contain circumstances or types of procurements for which, in the sole discretion of the City Council, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interests of the City of Mount Vernon to solicit quotations or document the basis for not accepting the lowest bid:

A. **Professional services or services requiring special or technical skill, training or expertise.** The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

a. In determining whether a service fits into this category the public official, department head, or their duly authorized purchasing agents making the purchase shall take into consideration the following guidelines:

- i. Whether the services are subject to state licensing or testing requirements;
- ii. Whether substantial formal education or training is a necessary prerequisite to the performance of the services; and
- iii. Whether the services require a personal relationship between the individual and municipal officials.

b. "Professional or technical services" shall include but not be limited to the following services of:

- i. An attorney;
- ii. Services of a physician

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- iii. Technical services of an engineer engaged to prepare plans, maps and estimates;
- iv. Securing insurance coverage and/or services of an insurance broker;
- v. Services of a certified public accountant;
- vi. Investment management services;
- vii. Printing services involving extensive writing, editing or art work;
- viii. Management of municipally owned property; and
- ix. Computer software or programming services for customized programs, or services involved in substantial modification and customizing of prepackaged software.

c. To the extent practicable, professional services should be obtained through requests for proposals issued by the City of Mount Vernon's officials, department heads or their duly authorized purchasing agents. All RFPs are to be reviewed by said officials, department heads or their duly authorized purchasing agents, who will make a recommendation to the City Council for final approval. The determination of the RFP will be based on clearly described and documented criteria, and will include the evaluation of the service provider's accountability, reliability, responsibility, skill, education and training, judgment, integrity and moral worth. The City of Mount Vernon must provide documentation, such as but not limited to a memorandum, outlining its evaluation and the basis for awarding the contract for professional services.

d. In the event an RFP is not used to procure a professional service, no contract shall be awarded without written documentation, such as but not limited to a memorandum, outlining the procurement process, the evaluation methods used, and the basis for awarding the contract.

e. Procurements of professional services in excess of the sum of Five Thousand (\$5,000.) Dollars annually to any one contractor, though not subject to competitive bidding requirements, are hereby required to be in the form of a written Professional Service contract, signed by the party providing the service. and the City of Mount Vernon, and shall detail the costs of the professional service. Such Professional Service Contracts shall be subject to the approval of the City Council and the Board of Estimate and Contract, unless such professional services procurement is specifically provided for by another method in the Charter of the City of Mount Vernon (e.g. Section 153 of the Charter of the city of Mount Vernon) or in State Law.

B. Emergency purchases. For purpose of this section, an emergency refers to an occurrence that presents an immediate threat to public property, the life, safety, health, welfare or property of residents or the public, or threatens to curtail or terminate an essential service to residents or the public. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety, property or welfare of the residents or City of Mount Vernon. This section does not preclude alternate proposals if time permits. Emergency purchases will be made at the discretion of the appropriate department head with the appropriate documentation as to the nature of the emergency.

a. Documentation required – Procurement of goods and/or services shall be documented by, at a minimum:

- i. the nature of the emergency - a situation:
 - 1. arising out of an accident or unforeseen occurrence or condition;
 - 2. affecting public buildings, public property or the life, health, safety or property of the City's residents; and
 - 3. that requires immediate action which cannot await competitive bidding.

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- ii. the verbal or written quote (documented in accordance with Sections 4B(i) and 4B(ii) above); and
- iii. any other relevant information.

b. Pre-approved contractors – There shall be an established list of preapproved contractors and service providers which shall be contacted and retained as necessary in emergency situations. The Mayor shall be authorized to enter into contracts with said contractors and service providers during emergencies. The provisions of this section shall not preclude the hiring of contractors and service providers which are not on the list if deemed necessary due to the nature of the emergency.

C. **Sole Source.** Under State Finance Law §163, “sole source” is defined as “a procurement in which only one offeror is capable of supplying the required commodities or services,” and no substantial equivalent exists. To qualify under the sole source exception, the City of Mount Vernon must demonstrate that the acquisition of the good or service sought is in the public interest and is available from only one source, for which there is no equivalent. A good or service serves the public interest if there are unique benefits arising from the particular good or service as compared to a different good or service, no other good or service would provide substantially similar benefits, and the cost is reasonable when considering the benefit conferred upon the municipality.

a. Documentation Required – Procurement shall be documented by, at a minimum:

- i. the unique benefit of the sole source item as compared to other items available in the market place;
- ii. the fact that no other item provides substantially equivalent or similar benefits; considering the benefits received, that the cost of the sole source item is reasonable when compared to conventional items; and
- iii. that, as a matter of fact, there is no possibility of competition for the procurement of said sole source item.

D. **Preferred Source.** Prior to entering into the competitive bidding process, the City is required by law to purchase commodities and services from Preferred Sources if the offering meets the form function, and utility required at a price no more than 15% above the prevailing market rate from the organizational priority listing below:

1. Department of Correctional Services’ Correctional Industries Program [Corcraft]
2. Approved, charitable, non-profit making agencies for the blind [NYSID]
3. Equal priority to approved, charitable, nonprofit agencies for the severely disabled, qualified special employment programs for mentally ill persons, and qualified veterans’ workshops. [NYSPSP]

Utilizing Preferred Sources bypasses the need for a competitive bid process, streamlines procurement, and advances social and economic goals.

E. **Purchases of surplus and secondhand goods from any source or goods purchased at auction.** If alternate proposals are required, the City of Mount Vernon would be precluded from purchasing surplus and secondhand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.

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F. **Goods or services under \$1,000.** The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contractors would be awarded based on favoritism.

G. **Cooperative or Piggyback Contracts.** General Municipal Law §103(16) allows for the procurement of certain goods (including apparatus, materials, equipment and supplies) and services through contracts let by the United States or any agency thereof, any state or any other political subdivision or district therein, if such contract was let in a manner consistent with competitive bidding and has been made available for use by other governmental entities. The stated purpose is to reduce administrative and product cost and increase efficiencies. Through cooperative purchasing, or piggybacking, a governmental subdivision has already investigated and secured the lowest possible price for the municipality. It is the responsibility of the City Council to review each proposed procurement to determine, on the advice of the Corporation Counsel as appropriate, whether the procurement falls within this exception. Three items must be considered:

a. The contract must have been let by the United States or any agency thereof, any state or any other political subdivision or district therein; and

b. The contract must have been made available for use by other governmental entities; and

c. The contract must have been let in a manner that constitutes competitive bidding consistent with state law.

If it is determined that all three items to consider have been met, the City Council shall allow this exception to the requirements of competitive bidding and this policy. The determination that cooperative purchasing is allowed shall be documented and a copy of the government contract off which piggybacking is allowed must be included in such documentation.

H. **Shared Services, Efficiencies and Municipal Cooperation.** The City of Mount Vernon is encouraged and authorized to share services and work together with other municipalities when possible to reduce costs.

I. **True leases.** The courts have held that "true lease" agreements are neither purchases nor contracts for public work and, thus, are not subject to bidding under General Municipal Law §103.

a. Documentation Required: Procurement shall be documented by, at a minimum:

- i. Written quotes
- ii. Cost-benefit of leasing versus purchasing
- iii. any other relevant information.

§7. Other Considerations. Ethics and Conflicts of Interest. - When engaging in procurement activities, officials, department heads or their duly authorized designees shall conduct themselves in accordance with City Code Chapter 24.

C. **Internal Control.** A system of internal control shall be established by the Department of Finance and shall provide for periodic review and monitoring of procurement procedures as outlined herein which shall be reported to the City Council.

D. **Benefit-Cost Analysis.** Benefit-cost analysis involves weighing the benefit against the cost in order to make a choice among alternatives that will yield the maximum benefit at the least cost. When implementing the policies and procedures outlined herein, officials, department heads or their duly authorized designees should consider the financial benefit of their actions taken to procure goods and services, which should be economically more beneficial than their cost.

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E. **Environmental Awareness.** Officials, department heads or duly authorized designees shall take into consideration the environmental impact of goods and their energy efficiency when procuring the same.

F. **Maintenance and Durability.** Further consideration shall be given to the cost of maintaining said goods, and the durability, reparability and reliability of same.

G. **Standardization of purchase.** Standardization of a particular type of material or equipment must be approved by a City Council resolution setting forth the reasons for a need for standardization as defined in General Municipal Law §103. Such resolution shall state reasons of efficiency or economy.

§8 Individual(s) Responsible for Purchasing

- A. Purchasing Agent
- B. Procurement Manager
- C. Commissioner of Management Services
- D. Comptroller
- E. Assistant Comptroller

§9 Input from Officials, Department Heads and Purchasing Agent.

Comments concerning the policies and procedures have been solicited from officials, department heads, and the Purchasing Agent of the City of Mount Vernon involved in the procurement process prior to the enactment of this resolution. Further comments will be solicited from time to time as the City Council may desire.

§10 Annual Review. The City Council shall review these policies and procedures annually, and when necessary, and evaluate whether the lists maintained by the City Clerk are being effectively utilized by officials, department heads or their duly authorized designees to implement the requirements of General Municipal Law § 104-b.

The Committee Chairpersons of Finance and Planning and Legislation and Public Works shall be responsible for conducting an annual evaluation of the effectiveness of the procurement policy and procedures and an evaluation of the control procedures established to ensure compliance with the procurement policy and shall be responsible for reporting back to the City Council.

§11 Unintentional Failure to Comply. In the event of an unintentional failure to fully comply with the provisions of General Municipal Law, Section 104-b, the following corrective steps should be taken:

1. **Immediate Review:** Upon discovery of any unintentional noncompliance, an immediate review shall be conducted to assess the extent and impact of the noncompliance.

2. **Notification:** The officer or employee who identifies or learns of the noncompliance shall notify their supervisor and the Corporation Counsel's Office.

3. **Documentation:** All details of the noncompliance, including how it was discovered, the nature of the noncompliance, and any immediate actions taken, must be documented.

4. **Rectification Plan:** A rectification plan must be developed and implemented to correct the noncompliance. This plan should outline the steps to be taken to ensure compliance and prevent future occurrences.

5. **Review and Approval:** The rectification plan shall be reviewed and approved by the appropriate supervisory personnel and, if necessary, by the City Council.

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6. **Implementation:** The approved rectification plan shall be implemented promptly to address any issues arising from the noncompliance.

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

§12 Training.

A. **Annual Training:** All department heads, purchasing agents, and relevant employees will undergo a mandatory training session annually conducted by the Corporation Counsel or an appointed representative, in collaboration with the Purchasing Manager or Agent on these procurement policies. This training will reinforce the City's procurement procedures, ethical guidelines, and any recent policy changes.

B. **Training Documentation:** Participation in annual training will be recorded and filed in the Office of the City Clerk.”

Section 4. Purpose. The purpose of this ordinance is to modernize the procurement practices of the City of Mount Vernon, ensure compliance with New York State laws, and enhance operational efficiency and transparency.

Section 5. Key Provisions of Updated Procurement Policy:

1. **Streamlined Procurement Process:** The updated policy introduces a streamlined process for the procurement of goods and services not subject to competitive bidding to reduce administrative burdens and foster a more agile municipal operation.

2. **Mandatory Annual Trainings:** The policy mandates annual training sessions for all commissioners and purchasing agents to enhance competencies, ensuring competitiveness and inclusivity in procurement decisions.

3. **Enhanced Quality and Cost-Effectiveness:** Modern procurement practices shall be adopted to acquire goods and services of maximum quality at the lowest possible cost, directly benefiting taxpayers.

4. **Guard against Improvidence and Corruption:** The proposed policy sets forth stringent procedures to prevent favoritism, extravagance, fraud, and corruption in the procurement process, thereby safeguarding the public interest.

5. **Compliance with NYS Law:** Updating the procurement policy ensures compliance with New York State law, aligning the city with statewide standards and regulations.

Section 6. Implementation. The City of Mount Vernon shall implement the updated procurement policy immediately upon the effective date of this ordinance.

Section 7. Severability. If any provision of this ordinance is held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining provisions.

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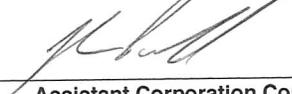
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Section 8. Publication. The City Clerk is hereby directed to publish this ordinance in accordance with the laws of the State of New York.

Section 9. Effective Date. This ordinance shall take effect immediately upon passage.

APPROVED AS TO FORM



Assistant Corporation Counsel

APPROVED
Dept. _____

Councilperson

**THIS ORDINANCE
ADOPTED BY CITY COUNCIL**

President

ATTEST:

City Clerk

APPROVED

Date

By _____
Mayor

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