

City of North Tonawanda

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VITAL STATISTICS
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COMMON COUNCIL WORKSHOP AGENDA

July 20, 2023

The following meeting has been scheduled for **TUESDAY JULY 25, 2023:**

6:30 PM Mayor Tylec

Re: Envision Benefits Group

6:45 PM Mayor Tylec

Finance Committee

Re: Purchasing Policy

7:00 PM Mayor Tylec/Rob DePaolo

Re: Off Street Parking Code Update

7:15 PM Common Council

Re: General Discussion

Respectfully submitted,



Donna L. Braun
City Clerk-Treasurer

CITY OF NORTH TONAWANDA

Office of the Mayor

AUSTIN J. TYLEC

July 11, 2023

North Tonawanda Common Council
216 Payne Ave (City Hall)
North Tonawanda, NY 14120

Re: Updating Municipal Purchasing Policy

Dear Honorable Body,

To keep up with State and Federal guidelines, as well as daily flow within city departments, the Finance Advisory Committee met to review and update our current Municipal Purchasing Policy since it was last updated ten years ago.

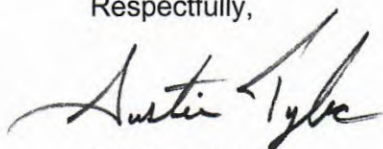
Attached please find the committee's proposed updated Municipal Purchasing Policy that has been reviewed by our Clerk-Treasurer, City Accountant, and Attorneys Office.

It is important to update this policy regularly as circumstances change and to be sure the City is following the most current union guidelines; I ask that the Council please review and approve the attached updated policy.

We are also asking Clerk-Treasurer Donna Braun to administer copies for signatures from each Department Head.

Thank you for your consideration of this matter.

Respectfully,



Austin Tylec
Mayor

City Hall, 216 Payne Avenue, North Tonawanda, NY 14120 · 716.695.8540
atylec@northtonawanda.org

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MUNICIPAL PURCHASING POLICY

It is the goal of the City of North Tonawanda (the "City") to purchase competitively, without prejudice or favoritism, and to seek the maximum value for every dollar expended. §103 of General Municipal Law requires that purchase contracts, with an estimated annual expenditure exceeding an aggregate of \$20,000, or public work contracts, involving an expenditure of more than an aggregate of \$35,000, will be awarded only after bids have been publicly advertised and received. Like commodities, to be purchased during a fiscal year, will be grouped together for the purpose of determining whether a particular item must be bid.

Goods and services, which are not required to be procured through competitive bidding, will be procured in a manner that: ensures the prudent and economical use of public monies in the best interests of the taxpayers, facilitates the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and guards against favoritism, improvidence, extravagance, fraud and corruption.

Purchases must be secured by requests for proposals, written or verbal quotations or any other appropriate method, except for when the procurement is:

- Under a County approved contract.
- Under a State approved contract, through the Office of General Services (OGS).
- Under a Federal General Services Administration (GSA) contract.
- Under the U.S. Communities Government Purchasing Alliance Contract; or
- From a preferred source, defined below.

A preferred source includes: Correctional Industries Program of the Department of Corrections and Community Supervisors (CORCRAFT); approved qualified non-profit agencies for the blind; approved special employment programs for the mentally ill; approved qualified charitable nonprofit agencies for severely disabled persons; and, certain approved qualified veterans workshops.

The City's purchasing activity will strive to meet the following objectives:

- To effectively supply all departments with needed materials, supplies, and contracted services.
- To obtain materials, supplies and contracted services at the lowest possible price, while maintaining the needed quality and standards, as determined by the requisitioning authority.
- To ensure that all purchases fall within the framework of budgetary limitations.
- To maintain an appropriate and comprehensive accounting and reporting system to record

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and document all purchasing transactions; and

- To ensure, through the use of proper internal controls, that loss and/or misappropriation of City property is prevented.

All responsible suppliers shall be afforded the opportunity to conduct business with the City. Suppliers whose place of business is situated within the City may be given preferential consideration only when bids or quotations on an item or service are identical as to price, quality and other factors.

The City will provide justification and documentation of any contract awarded to a vendor or other than the lowest responsible dollar vendor, setting forth the reasons why such an award is in the best interests of the City and how it otherwise furthers the objectives of § 104-b of the General Municipal Law.

The Council, by a two-thirds vote of all members, may adopt a resolution to standardize a particular type of material or equipment, pursuant to § 103(5) of General Municipal Law. Such resolution shall state that, for reasons of efficiency or economy, there is a need for standardization and shall further state explanations, supporting such action.

Department heads are not required to secure alternative proposals or quotations for:

- Emergencies, when time (days vs. weeks) is a crucial factor.
- Procurements for which there is no possibility of competition (sole source items);
- Procurements of professional services below \$35,000, ~~which due to the specialized nature of the services, do not lend themselves to procurement through public solicitation~~ **with concurrence of the Mayor;** or
- Procurements, under the \$1,000 threshold, where solicitation of competition would not be cost-effective.

A decentralized purchasing system shall exist within the City for all purchases initiated at the department level. However, this does not preclude efforts to centralize the purchasing of select items for the purposes of economy or efficiency.

No municipal officer or employee of the City shall have an interest in any contract entered into by the City, as provided in Article 18 of the General Municipal Law.

Comments regarding the City's purchasing policy will be solicited from department heads, at least annually, and prior to the enactment of the City's policies. The policies must then be adopted by Council resolution. The Council will review all municipal policies regarding the procurement processes at least annually.

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The unintentional failure to fully comply with the provisions of §104-b of the General Municipal Law or the City 's policies regarding procurement will not be grounds to void action taken or give rise to a cause of action against the City or any officer or employee of the City.

End of Policy

MUNICIPAL PURCHASING REGULATIONS

The following sets forth the procedures for the procurement of goods and services by the City of North Tonawanda:

1.00 DEFINITIONS:

Purchase Contract: a contract involving the acquisition of commodities, materials, supplies, or equipment.

Public Works Contract: a contract involving services, labor, or construction.

2.00 COMPETITIVE BIDDING THRESHOLDS:

§ 103 of General Municipal Law requires that purchase contracts for materials, equipment and supplies involving an estimated annual expenditure exceeding \$20,000 or public works contracts involving an expenditure of more than \$35,000 will be awarded only after responsible bids have been received in response to a public advertisement soliciting formal bids. Similar items purchased in a fiscal year will be grouped together for the purpose of determining whether a particular item must be bid. Bid requirements apply to direct and indirect payments (eg. trade-in plus cash equals threshold). The source of funding (budget, grant, and indebtedness) does not alter requirements for bidding.

3.00 COMPETITIVE BIDDING REQUIREMENTS:

3.10 Method for Determining Bid Requirements

The appropriate department head will determine if the proposed contract is a purchase contract or a contract for public works.

The department head will then determine whether the estimated amount of the contract exceeds the annual expenditure threshold, outlined above.

The department head should also determine whether any exceptions to the competitive bidding requirements exist, outlined in *Section 4.0: Exceptions to Competitive Bidding Requirements*.

3.20 Professional Support Services Contract "Time and Materials Contract"

In the event that a contract combines the provision of professional services and a purchase, the City, **will create an RFP document, and provide the names and addresses of at least**

three vendors. If three are not available this must also be documented, and the written proposals/responses from vendors. As referenced in section 5.13.

3.30 Awarding Contracts

The City Clerk-Treasurer will be authorized to publicly open and records bids in the presence of at least one witness. Bid documentation will be forwarded to Department Heads for review and recommendation. Contracts will be awarded to the lowest responsible bidder (as recommended by the relevant department head) who has furnished the required security after responding to an advertisement for sealed bids.

3.40 Documentation of Competitive Bids

The department head will prepare proper written documentation, which sets forth the method used to determine whether the procurement is a purchase, or a public works, contract. When a contract is not awarded to the vendor submitting the lowest quote, formal documentation explaining the deviation will be required. Such documentation will be included in the contract file, maintained by the City Clerk-Treasurer.

The City Clerk-Treasurer will maintain documentation that will include bid advertisements, specifications, bidder tabulations and the awarding resolution.

A quote that exceeds the bid limit will be awarded only when it is determined that the award is in the best value for the City and otherwise furthers the objective of § 104-6 of the General Municipal Law. The City will provide justification and documentation of any such contract awarded.

Any legal issues regarding the applicability of competitive bidding requirements will be presented to the City Attorney for review.

4.00 EXCEPTIONS TO COMPETITIVE BIDDING REQUIREMENTS:

The City will not be subject to competitive bidding requirements when the Council, in its discretion, determines that one of the following situations exists:

4.10 Emergency situations where:

The situation arises out of an accident or unforeseen occurrence or condition; A City building, property, or the life, health or safety of an individual on City property is affected; or The situation requires immediate action, which cannot await competitive bidding.

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However, when the Council passes a resolution that an emergency situation exists, the City will make purchases at the lowest possible costs, seeking competition by informal solicitation of quotes or otherwise, to the extent practicable under the circumstances.

Documentation: Department heads will maintain records of verbal or written quotes;

4.20 Surplus and Second-hand Goods

When the City purchases surplus or second-hand supplies, materials or equipment from the federal or state governments or from any other political subdivision or public benefit corporation within the State.

Documentation: Department heads will maintain market price comparisons (verbal or written quotes) and the name of the government entity.

4.30 Sole Source

When there is only one possible source from which to procure goods or when there is only one possible source from which to procure goods or services required in the public interest. This shall include Original Equipment Manufacturers (OEM) repair/replacement parts and/or service when a department head deems such parts/service to be in the best interests of the City.

Documentation: The City will maintain written documentation of the unique benefits of the item or service purchased as compared to other items or services available in the marketplace; that no other item or service provides substantially equivalent or similar benefits; and that, considering the benefits received the cost of the item or service is reasonable, when compared to conventional methods. In addition, the documentation will provide that there is no possibility of competition for the procurement of the goods.

5.00 NON-COMPETITIVE BIDDING REQUIREMENTS PROPOSALS AND QUOTATIONS:

Goods and services which are not required by law to be procured by the City through competitive bidding will be procured in a manner so as to ensure the prudent and economical use of public monies in the best interests of the taxpayers. Alternative proposals or quotations must be secured by requests for proposals, written or verbal quotations or any other appropriate method of procurement, as set forth below.

5.10 General Procedures:

5.11 Verbal Quotations: a record will be maintained prior to purchase which will set forth, at a minimum, the date, item or service term or service required, price quoted, name of vendors, name of vendor's representative; Verbal quotations will be attached to appropriate vouchers

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and will be retained by the Accounting Department.

5.12 Written Quotations: Vendors will provide, at a minimum, the date, description of the item or details of service to be provided, price quoted and name of contact. A summary sheet of the quotations will be maintained by the issuing department prior to purchase.

5.13 Request for Proposals (RFP): In securing professional services (e.g. legal, engineering, consulting, accounting, or other, consultation) the City shall develop and issue a planned RFP document containing all relevant details and specifications of the services needed, including the method which will be used in selecting the provider(s). The RFP shall solicit written proposals from relevant professionals and the review process may include negotiations on a fair and equal basis with all respondents. RFP evaluation shall consider the following factors:

- Price
- The special knowledge or expertise of the professional, or consultant serve.
- The quality of the service to be provided.
- The staffing of the service.
- The suitability for the City's needs.
- Any other criteria considered relevant by the City.

5.20 Methods and Thresholds

The City will require the following methods of competition be used and sources of documentation maintained when soliciting non-bid procurements in the most cost-effective manner possible:

5.21 Purchase of equipment and materials, up to \$19,999:

- Item under \$1,000: No quotes necessary
- Item from \$1,000 to \$2,999: Three verbal and/or written quotes (attach verbal quotes)
- Item from \$3,000 and above: Three written quotes (maintain quotes)

5.22 Purchase Public Works (services, labor or construction) Contacts up to \$34,999:

- Item under \$1,000: No quotes necessary
- Item from \$1,000 to \$2,999: Three verbal and/or written quotes (attach verbal quotes)
- Item from \$3,000 and above: Three written quotes (maintain quotes)

5.23 Emergencies: Verbal or written quotes

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- Documentation will include notations of verbal quotes, if time is not available.
- Documentation will include actual written quote.

5.24 Insurance: Written quotes

Documentation will include bid advertisements, specifications and the awarding resolution. Alternatively, written and verbal forms will serve as documentation. Requests for Proposals, documented in the same manner as described herein, may also be used.

5.25 Professional Services: RFP

Documentation will include City RFP document, the names and addresses of at least three vendors RFPs were submitted to (if three are not available this must also be documented), and the written proposals/responses from vendors. As referenced in section 5.13.

5.26 Leases of Furnishings & Equipment

Documentation will include written quotes, cost-benefit analysis of leasing versus purchasing, etc. The City will note that the contract is a true lease and not an installment purchase contract. (Ex. Furniture, vehicles, electronics, etc.)

5.27 Secondhand Equipment from Other Governments: Written quotes

Documentation will include market price comparisons (verbal or written quotes) and the name of the government

5.28 Sole Source and OEM Parts/Service: Written or verbal quotes

Documentation will include, among other things, the unique benefits of the patented item as compared to other items in the marketplace; that no other item provides substantially equivalent or similar benefits; and that considering the benefits received, the cost of the item is reasonable, when compared to conventional methods. The department head will maintain notations of verbal quotes. In addition, the City will document that there is no possibility of competition for the procurement of the goods.

6.00 PROPOSAL AND QUOTATION EXEMPTIONS:

6.10 Existing Government Contract

Department heads will not be required to secure alternative proposals or quotations for those procurements:

- Under a County approved contract;
- Under a State approved contract, through the Office of General Services (OGS);
- Under a Federal General Services Administration (GSA) contract;

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- Under the U.S. Communities Government Purchasing Alliance Contract; or
- From a preferred source, defined below.

A preferred source includes: Correctional Industries Program of the Department of Corrections and Community Supervisors (CORCRAFT); approved qualified non-profit agencies for the blind; approved special employment programs for the mentally ill; approved qualified charitable nonprofit agencies for severely disabled persons; and, certain approved qualified veterans workshops.

6.20 In addition, department heads will not be required to secure such alternative proposals or quotations for: **Emergencies where time (days vs. weeks) is a crucial factor;**

- Procurements for which there is no possibility of competition (sole source items or OEM parts/service);
- Procurements of professional services, which, because of the specialized nature of the services, do not lend themselves to procurement through solicitation; or
- Procurements, under the \$1,000 threshold, where solicitation of competition would not be cost-effective.

6.30 Documentation Requirements for Certain Exempt Items

Department heads must provide adequate explanations and documentation to support purchases exempt from quotations under Section 6.20 (excluding utility bills) to the City Clerk. A copy of a fully descriptive Purchase Order will be considered adequate documentation.

7.00 PROCUREMENT FORMAT:

7.10 Decentralized Purchases

The City will operate under a decentralized purchasing system, with all purchases initiated at the department level; via issuance of a standard purchase order/voucher (Instructions for completion of the purchase order form are available at the Department of Accounting).

Each department is responsible for complying with all purchasing regulations related to his/her department. Purchase orders must be completely prepared by the ordering department and signed by the department head or his/her duly authorized and designated agent.

To designate a department employee as an authorized signatory of purchase orders, a department head must submit a memo to the City Accountant's office stating the name of the employee, specifying what items are signable by said employee and specifying a period of time the delegation of authority is valid.

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Purchase order signatory delegations will not begin or expire until a written memo is received by the City Accountant.

7.20 Fund Appropriations

Purchase Orders/Vouchers may be issued only after first determining that unencumbered balances of budgetary appropriations are available to cover anticipated obligations. A department head does not have the authority to initiate any financial obligations unless sufficient appropriations are available in his/her budget at the time that the purchase is consummated. Request a budgetary transfer of funds if required.

Subsidiary ledger records should be maintained by the department to record appropriations, encumbrances and expenditures. These ledgers should be reconciled with the Detail Statement of Accounts generated by the Department of Accounting.

7.30 Co-Signature Requirements – Common Council & Mayor approve purchases at regular council meetings.

7.40 Centralized Purchases

The following items shall, when practical, be purchased by a central purchasing mechanism, coordinated by the designated department or employee:

7.41 Office supplies – Accounting Department

- computer hardware, software and supplies – Mayor or his/her designee
- office machines and service contracts – City Clerk/Treasurer or his/her designee
- printing and advertising – City Clerk/Treasurer or his/her designee

Office supplies Centrally purchased commodities/services shall be obtained by each department via preparation and submission of a standard requisition form.

Every effort shall be made towards standardization within and among departments.

7.50 Verbal Orders

Verbal orders may be made only in cases where the necessity for immediate action (emergencies) exists and must be immediately confirmed with a standard purchase order form. The purchase order must provide an adequate description of the item and must state that the purchasing order confirms a verbal order.

7.60 Blanket Purchase Orders

Blanket purchase orders may be issued to purchase recurring items, which cannot benefit from ongoing, competitive cost quotations. Examples are monthly utility and telecommunications billings and annual service contracts billed periodically.

Utility billings which would incur a penalty if processed through routine warrant cycle should be delivered to the Department of Accounting on the day of the receipt, along with the monthly copy of the blanket purchase order.

All blanket purchase orders shall expire on December 31 of the calendar year, unless the service contract expires during the next calendar year.

Department heads must keep a record of blanket purchase order payments to ensure that the amount encumbered is not exceeded.

7.70 Specifying Dollar Amounts and Time Limits

All purchase orders and contractual agreements will be initiated with reference to a specific dollar amount for the obligation. Open-ended or no-time-limit agreements will not be acceptable and will be considered void. Time and materials purchase contracts should state limitations (i.e. hourly labor rate, parts discount rate) on the Purchase Order.

7.80 Procurements from Other than the "Lowest Responsible Dollar" Vendors

The City will provide justification and documentation of any contract awarded to a vendor other than the lowest responsible dollar vendor, setting forth the reasons why such award is the best value for the City and otherwise furthers the purposes of § 104-b of the General Municipal Law.

7.90 Miscellaneous

- No vouchers will be processed for payment unless the aggregate amount of the voucher exceed \$25.00. Exceptions will be authorized by the City Accountant on an individual basis. Purchases for amounts under \$25.00 may be accumulated until they reach the minimum level of may be submitted for a Petty Cash reimbursement.
- The purchase from a unique vendor of limited small dollar valued items should be made in cash. Examples include duplicate keys, thruway tolls, UPS charge, etc.
- Receipts must be retained for these cash expenditures. The receipt must be signed by the employee making the purchase and the Appropriation Accounts Number written on it. Receipts should be given to the department head responsible for administering the Petty Cash Fund, which supports that department (usually the

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- City Clerk/Treasurer). Full cash reimbursement will be issued by this department head, who will keep the receipt.
- When the Petty Cash Fund is depleted, the department head responsible for it will submit a Voucher to replenish the fund. Receipts will be attached to the Voucher and the costs will be charged against the Appropriation Accounts referenced on the receipt. A separate Voucher must be submitted for each department head. A check will be drawn payable to the department head, Petty Cash.
- An opportunity shall be provided to all responsible suppliers to do business with the City. All things being equal, local suppliers should be given preference as local taxpayers.
- The Mayor authorizes the Accountant to establish and maintain an internal control structure to ensure, to the best of his/her ability, that the City's assets will be safeguarded against loss from unauthorized use of disposition, that transactions will be executed in accordance with the law and City policies and regulations, and recorded properly in the financial records of the City.
- Comments will be solicited from those department heads involved in the procurement process before enactment of the City's regulations regarding purchasing and from time to time thereafter. The regulations must then be adopted by Council resolution. All City regulations regarding the procurement processes will be reviewed by the Council at least annually.
- The unintentional failure to fully comply with the provisions of § 104-b of the General Municipal Law or the City regulations regarding procurement will not be grounds to void action taken or given rise to a cause of action against the City or any officer or employee of the City.

8.0 COMPLIANCE

In order to ensure compliance with the mandates of the City's purchasing policy and regulations, the following sanctions and procedures will be utilized:

- Employees and Department Heads who are properly delegated to initiate purchases and are members of relative collective bargaining units will be disciplined pursuant to the procedure set forth in such agreement between the City and union.
- Employees and Department Heads who are not in compliance and who are not within

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the purview of collective bargaining agreements will be given a hearing pursuant to § 75 of the Civil Service Law of New York State pursuant to the mandates therein, unless waived by such employee. At such hearing, the employee will be entitled to legal counsel of his/her own choosing, at his own expense. Upon a finding of a violation of the terms of this policy, by a hearing officer appointed by the Common

Council, the hearing officer shall make a recommendation as to an appropriate penalty to be imposed. Such penalty may include suspension for a term not exceeding thirty (30) days without pay, loss of vehicle privileges, demotion in title or dismissal, depending upon the severity of the offense and the employee's prior record.

9.00 CREDIT CARD USE POLICY AND PROCEDURES

9.10 OVERVIEW

The City of North Tonawanda has implemented a credit card program as an alternative for purchasing goods and services from suppliers that accept credit cards. The credit card program is designed to provide an alternative procurement method, which will enhance cost efficiencies by expanding our vendor base to allow employees to make lower cost purchases from vendors that do not accept purchase orders as a means of payment. Most purchases that are currently processed using purchase orders (PO's) are candidates for credit card use.

9.20 PROCEDURES FOR OBTAINING A CREDIT CARD

Each Department Head has a credit card assigned to their department in the City Clerk Treasurer's Office. Cards are identifiable by department name, which can be found on the face of the card. Cards will be issued to the authorized user by the City Clerk Treasurer only for the time period that they are needed.

It is possible to have more than one authorized user for each card. Approval for this must come from the respective Department Head to the City Clerk-Treasurer. Individuals authorized to make purchases on the Department Credit Card will be maintained on a Master Listing. The City Clerk Treasurer should maintain a Master Listing of all individuals authorized from each Department to use the card. Department Heads are responsible for authorizing permanent employees within their respective departments to use the Department credit card. Employees on probation and temporary employees are not to be issued a credit card. This list includes each respective Department Head and the individuals he/she has designated as an authorized user.

If the Department Head wishes to add an employee to the card a request should be made to the City Clerk-Treasurer in writing. This written request should be filed with the Master Listing. If a Department Head wishes to eliminate an authorized user from the Master Listing, this request should also be submitted in writing to the City Clerk-Treasurer and filed with the Master Listing. If an authorized user leaves the City or changes to another department the Department Head is responsible for immediately submitting a written request to the City Clerk-Treasurer removing the authorized user from the Master Listing.

Cardholders will be required to sign an *Acknowledgment of Credit Card Use Policies* (See APPENDIX A) indicating they understand and accept the terms of the City Credit Card use Policy. Each individual on the Master Listing will provide the Clerk-Treasurer with a signed acknowledgment. Individuals who do not adhere to these policies and procedures risk revocation of their credit card privileges and/or disciplinary action, see "Revoking Credit Cards/Removing Authorized Users from Master Listing" below. Use by anyone other than the cardholder and Authorized Users is prohibited. The only person entitled to use a credit card is

the individuals who appear on the Master Listing. Card transactions should only be signed for by the cardholder. **Purchases made by phone, fax, or internet order may be received by someone other than the card holder.** In this case the receipt should be signed "Received By" followed by the employee's name accepting the delivery.

9.30 SAFEGUARD AND MAINTENANCE OF CARDS

Individual credit cards will be kept in the custody of the ~~City Clerk-Treasurer~~ **Department Head**. ~~The City Clerk-Treasurer will keep all cards locked in a drawer to ensure the safeguard of the cards. The City Clerk-Treasurer, The Assistant City Clerk, and The Assistant City Treasurer will have access to the cards (should be someone who is not reconciling the statements, etc. to eliminate opportunity for fraud).~~ **The Department Head will keep all cards in a safe and secure manner. The Department Head maintains the only access to the card.**

9.40 USING A CITY AUTHORIZED CREDIT CARD

When an authorized city employee ("user") wishes to make a purchase using their Departments credit card, the user ~~should contact the City Clerk-Treasurer. The City Clerk-Treasurer will then review the master listing to ensure that the employee has been designated as an authorized user (procedures for adding an authorized user are documented in the procedures for obtaining a credit card section above).~~ **will complete a Credit Card Use Log, located in the associated department, which should document the following:**

- The date the card was issued to the user
- The Card Users name and department
- A description documents the purpose for which they wish to use the card
- The chargeable budget account; and
- The amount the City Clerk-Treasurer approved for spending.
- The user will also initial in the 'Issued' column indicating they have taken the card.

9.41 DOLLAR AMOUNT CONTROL LIMITS

The following limits are placed on each department's cards:

- There is a \$1,000 transaction limit, unless the purchase is authorized by the City Clerk-Treasurer in advance.
- There is a \$2,500 limit on each card for each cycle (monthly).
- The Department must submit a written request to the City Clerk-Treasurer, (with sufficient substantiation) if they wish to increase the credit limit on their Department's card. The City Clerk Treasurer will make a determination on this

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written request and increase the limit or deny the request as the City Clerk-Treasurer deems appropriate.

9.42 ALLOWABLE PURCHASES

Credit cards will only be used for City business-related purchases to procure goods or services for the respective department or division.

Use of the credit card for personal purchases is strictly prohibited. If the credit card is inadvertently used for a personal purchase, notify the City Clerk-Treasurer immediately.

The credit card may be used to purchase only items or services that are for the City of North Tonawanda's use. It may be used for NON-CONTRACT small dollar purchases, which do not exceed the total dollar limit per transaction (maximum of \$1,000, unless authorized by the City Clerk-Treasurer) and the total dollar limit per month,\$2,500.

Acceptable purchase items include:

- Books and subscriptions
- Supplies and products
- Repairs and repair parts
- Printing
- Services
- Training Seminars*
- Professional dues
- Catering for budgeted events
- Travel related expenses*
- The travel/training request must be approved prior to use of the credit card for these expenses.

The following purchases are not allowed:

- Alcoholic beverages/tobacco products
- Capital equipment and upgrades over \$5,000 **(unless approved by Clerk-Treasurer)**
- Construction, renovation/installation
- Controlled substances

City of North Tonawanda

- Items or services on term contracts
 - Maintenance agreements
 - Personal items or loans
 - Rentals (other than short-term autos)
-
- Telephones, related equipment, or services
 - Contract items
 - Items on a City issued blanket purchase order where a discounted price is specified.
 - Items where the purchase price exceeds the dollar limit per transaction (maximum of \$1,000 **unless approved by City Clerk-Treasurer**)
 - Goods, supplies and /or services that exceed your budget.
 - Gift certificates
 - Products and services where a potential liability may exist and an indemnification agreement, insurance and/or bonds are required.

In addition, use of the credit card is prohibited for:

- Cash advances
- Money orders
- Travelers checks
- Cashier's checks
- Purchases split in order to remain under the single transaction dollar limit

9.43 WHAT IS THE REQUIRED DOCUMENTATION FOR EACH PURCHASE

Each cardholder is responsible for maintaining enough supporting documentation to substantiate charges against their card. For each purchase the user must maintain and return to the City-Clerk Treasurer, the original cash receipt. If the item was ordered by fax or internet, a confirmation should be submitted. In the event the purchase was made over the phone a shipping invoice will be sufficient to substantiate the charge, this should be submitted upon receipt, until a receipt is received the user should provide the transaction details to the Clerk-Treasurer in writing.

Meals, that would otherwise be reimbursable, also require the names of individuals in attendance, and business purpose, i.e. nature of business discussion. This written confirmation must be submitted along with the credit card form and cash register receipt.

9.44 LOST RECEIPTS

If the cash register receipt or the signed credit card form is lost, the cardholder must submit a written explanation, entitled "Lost Receipt," describing the transaction in detail. The cardholder's supervisor must review and sign the written explanation.

Once the user has made his/her purchase the card should be immediately returned to the department's secured location. The Department Head or Authorized User will document the date the card was returned, the amount that was actual spent and will conclude as to whether or not the following events occurred: (1) The City's Purchase Policy was followed, (2) Sales tax was not charged; and (3) Receipts were returned with the card.

The User will initial in the returned column as an acknowledgment that they have returned the card to the City Clerk-Treasurer and that the card is no longer in their possession.

If sales tax was charged the City Clerk-Treasurer's office will contact the vendor to dispute the charge made against the account prior to the automatic payment being made on the account.

9.45 SALES TAX

New York State Publication 843 states that "Generally, a New York governmental entity is exempt from payment of sales tax on its purchases when the entity is the purchaser, user or consumer of tangible personal property or services, or when an employee of the entity, on official business, is the occupant of a hotel room, or patron at a place of amusement, club, or similar place."

Cardholders should make every effort to ensure that purchases do not include sales tax. To claim exemption from sales tax, a New York governmental entity [the City] must provide vendors with a governmental purchase order, government credit card, or the appropriate exemption document." An example of an appropriate exemption document would be a Tax-Exemption Letter. Tax-Exemption Letters are available through the Accounting Department.

An employee of the City, who is on official business, may purchase hotel occupancy exempt from tax by providing the operator of the hotel or motel with a properly completed ST- 129, Exemption Certificate- Tax on Occupancy of Hotel Rooms. These forms are available on the State website or can also be obtained through the Accounting Department.

9.50 PROCESSING PAYMENTS/CYCLE END PROCEDURES

At the end of the cycle the City-Clerk Treasurer will total up the total amount s

pent per the Credit Card Use Logs and reconcile it to the monthly credit card statement. The City Clerk-Treasurer will ensure that there are itemized receipts for each charge documented on the log. Each account will be reviewed for accuracy, including transactions, amounts, and vendors. All charges should be disputed prior to payment and payment withheld on any charges that were not incurred by the City or its authorized users. The Assistant City Treasurer will dispute any

unauthorized charges prior to the automated payment.

The monthly statement of account, Credit Card Use Log, and attached receipts should then be submitted to the department's supervisor for review and approval signature and forwarded to Accounting at least 5 days prior to the payment due date. All monthly statements submitted for payment must have the appropriate account number(s) and the associated amounts clearly written on the statement. Charges will be expensed to the cardholder's department by Accounting using the account information listed on the monthly cardholder's statement of account. Without account numbers the charges cannot be charged to the appropriate/desired accounts.

The accounting department will then file all receipts, written explanations, statements and forms submitted in accordance with its normal procedures.

9.60 LOST OR STOLEN CARDS

If the credit card is lost or stolen, contact the City-Clerk Treasurer immediately. The cardholder's department will be liable for charges made with a stolen card. The liability on a stolen card is in effect until the bank has been notified and completes a thorough investigation.

9.70 RETURNING A PURCHASE

If a purchased item needs to be returned, follow the merchants return procedures. If the item is being returned because of the merchants' error, the merchant should be responsible for return shipping charges. Request a "Call Tag" be issued by the merchant for their shipper of choice.

9.80 REVOKING CREDIT CARDS/REMOVING AUTHORIZED USERS FROM MASTER LISTING

Failure to comply with any of the requirements of the User Manual may result in immediate revocation by the City Clerk- Treasurer of any credit card privileges. The Mayor, Department Head, City Accountant, and the respective Department Head reserve the right to revoke the use of the credit card with or without cause. This includes, but is not limited to, any of the following:

City Of North Tonawanda

- Loaning the card to an unauthorized employee for use
- Allowing purchases to be signed for by anyone other than the cardholders. The exception being a delivery receipt.
- Failure to submit receipts for charges.
- An inadvertent personal purchase occurs for a second time.
- Attached receipts do not match the item descriptions or dollar amounts listed on the monthly statement of account.
- Any use contrary to this or any other City Policy.

If reported violations constitute revocation of card privileges, the City Clerk-Treasurer will contact the cardholder's department head. Information will be provided regarding exceptions to the established policy or requirements that justify the cancellation of the card. A written determination will be signed by the City Clerk-Treasurer, the Department Head and the

authorized user with privileges being revoked.

The card is not to be used for personal purchases. If the card is used for personal purchases or for purchases for any other entity, the City will be entitled to reimbursement from the user for such purchases.

9.90 WHO SHOULD I CALL IF I HAVE QUESTIONS OR EXPERIENCE PROBLEMS?

City Clerk-Treasurer City
Hall - 216 Payne Avenue
North Tonawanda, NY 14120
(716) 695-8555

10.00 TRAVEL POLICY AND PROCEDURES

10.10 PURPOSE: To establish the criteria and guidelines for travel, conducted by municipal officials and employees.

10.20 OVERVIEW

The Mayor may authorize travel expenditures for any of its officers, employees or elected officials to attend conferences or other seminars, not covered within negotiated union contracts, which are for the betterment of the City. Such authorization must be made by **Mayor's approval** prior to such attendance.

Travel on municipal business may be authorized for employees and officials when other methods of communicating or exchanging information or materials are not available, when such travel is for the best interest of the municipality and when such travel will promote the proper and efficient conduct of the municipality's business. All expenditures and travel activity will be in compliance with §77-b of General Municipal Law. Expenses will be categorized as reimbursable and non-reimbursable:

Reimbursable expenses are generally defined as only those actual and necessary expenses essential to the ordinary comforts of a traveler in the performance of official duties. Reference must always be made to **the Mayor**, authorizing the reason for the travel.

Non-reimbursable expenses are generally defined as those not directly related to the authorized travel. Individuals traveling by an indirect route shall assume any extra expense incurred. Expenditures for laundry, valet service, theater and banquet tickets, entertainment, etc., are personal charges and will not be allowed. **Travel expenses associated with non-authorized personnel/guests shall not be reimbursed.** Telephone calls pertaining to non-city business are not allowable. Expenses not properly received will also not be reimbursable.

Any Union's Collective Bargaining Agreement will supersede this document's policy.

10.30 TRANSPORTATION COMMON CARRIER

Travel by train or bus. Coach fare only will be allowed when the trip is a day time trip of 200 miles or less each way. On trips over 200 miles each way, regular first-class fare will be allowed.

City Of North Tonawanda

Travel by air. It is the general policy of the City that less than first class accommodation will be used to the maximum extent consistent with the successful accomplishment of official duties. The policy is not intended to require the use of air coach, tourist or economy travel where it will require travel at unreasonable hours, circuitous routing or result in added direct.

expenses off- setting transportation savings. Coach accommodation should be used when available. However, when more costly accommodations are necessary, satisfactory explanation should be submitted with the traveler's expense voucher. Receipts shall accompany traveler's expense voucher.

Travel by taxicab, public bus, subway. It is the general policy of the City that discretion should be used when choosing the type of transportation to keep costs at a minimum. Charges for this type of transportation will be allowed. Reasonable tipping will be allowed. Tips shall be claimed separately in conjunction with respective charges. Receipts shall accompany the traveler's expense voucher.

10.40 TRANSPORTATION PERSONALLY-OWNED VEHICLE

The official use of personally-owned cars shall be restricted to such cases where it is to the advantage of the municipality and authorized in writing by the Mayor. The mileage reimbursement rate will be at the current Federal Government rate for authorized use of personally-owned cars, regardless of the number of passengers. Include dates, point of travel and the number of miles driven. Miles driven should be obtained from an online mapping service such as MapQuest or Google maps and documented on the voucher.

When an employee is in an official travel status, necessary parking charges will be allowed. Parking meter charges will be allowed when the rate and place incurred is listed on account. Receipts are required for day parking and overnight parking and such receipts shall be attached to the vouchers.

Charges for gasoline, accessories, repairs, depreciation, anti-freeze, towage, and other similar expenditures will not be allowed.

In addition to the mileage rate payable, reimbursement for travel by personally owned automobile on the controlled interchange section of the State Thruway will be made at the toll rate established by the Thruway Authority.

Vehicle must have proper NYS insurance and passed NYSDOT inspection.

10.50 TRANSPORTATION CITY OWNED VEHICLE

Officials or employees traveling by City-owned cars shall state on the travel expense voucher, giving odometer readings, time of departure and arrival and license number of car. Parking meter charges will be allowed when the date and place incurred is listed on account. Garage parking charges, auto emergency supply items, gasoline, oil, thruway tolls, and other similar expenditures will be allowed and must be supported by receipts. Travel by City-owned vehicles is encouraged by the Common Council.

10.60 MEALS

Reimbursement by the City for meals will be based on the U.S. General Services

Administration's maximum per diem rates (www.gsa.gov). The municipality will not reimburse any amounts exceeding this allocation. Reimbursement will not be allowed for the payment of meals for individuals who are not employees of the municipality.

If meals are included with registration, lodging, schooling, etc., then **the municipality will not reimburse secondary dining**. Receipts must be obtained from waitress or register attendant to include vendor name, date and dollar amount. A separate receipt is required for every meal where reimbursement is requested. Tips are reimbursable to a maximum of **20%** of your meal cost, **not to exceed GSA Standard Per Diem Rate**. A receipt will not be necessary for tips; however an accurate record should be maintained.

The cost of any alcoholic beverage consumed prior, during, or after a meal will not be reimbursed by the municipality.

10.70 LODGING

To be eligible for reimbursement of overnight accommodations, officers, employees or elected officials, must be traveling at least 35 miles from City Hall.

The cost of accommodation for single occupancy at the hotel or motel at which the representative stays will be allowed. Where acceptable, a municipal purchase order should be utilized. Receipts must be obtained from the hotel/motel front desk, to include dates, room number and dollar amount. The maximum allocation per day will be based on the U.S. General Services Administration's maximum per diem rates for lodging (www.gsa.gov). The City will not reimburse any amounts that exceed this rate.

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If your **travel guest** accompanies you, the municipality will not be responsible for their lodging and the cost differential between single and double occupancy will not be reimbursable by the municipality.

10.80 REGISTRATION

All actual and necessary registration fees shall be reimbursed by the City. Claims for reimbursement of expenses incurred for registration shall be supported by a program of literature setting forth the opening and closing dates and original receipts.

10.90 REIMBURSEMENT

A travel expense reimbursement form will be obtained and completed by the individual requesting reimbursement for his reimbursable expenses. All expenses must be itemized and documented on this form. All receipts must be attached to this form. This form should then be attached to a purchase order/voucher and submitted to the Department of Accounting for audit and payment.

Where authorization to attend a conference has been granted, no claim or expenses shall be audited, allowed or paid unless the travel voucher has been: (1) **signed by the mayor or department head.**

A formal vendor receipt with the company or organization name is preferred; however, in the event that these are not available, a credit card receipt or cancelled check will be accepted.

In accordance with §77-b of General Municipal Law, no person shall be entitled to any compensation for the time spent attending such a conference except that no deduction shall be made from the salary of an employee or officer attending such conference.

If a receipt is lost, the individual must execute the travel affidavit and attach it to the travel reimbursement form.

It will be the general policy of the municipality to not allow the advance of monies from the General Fund for the purpose of travel. In the event an advance is deemed necessary, the City will refer to §77-b.6 of General Municipal Law.

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Exhibit B

City Of North Tonawanda Employee Travel Expense Reimbursement Form

Department		Employee Title		
Employee ID	Official Station Address			
Last Name	First Name	MI	Suffix	
Business Purpose		Travel Description		
Start Location Street (attach Google, MapQuest Search)	Start Location Zip	Name of Lodging		
Destination Location Street	Destination Location Zip	CORP CARD <input type="checkbox"/>	ADVANCED <input type="checkbox"/>	DIRECT BILL <input type="checkbox"/>
Travel Start Date and Time	Travel End Date and Time		Normal Work Hours	

Indicate All Travel Expenses **Total** **Itemization per Day**

Lodging (Attach Receipt)

\$ _____	Day 1	Day 2	Day 3	Day 4	Day 5
----------	-------	-------	-------	-------	-------

GSA.Gov rate per day \$

Attach Copy of Exemption Certificate ST-129

Meals (Attach Receipts)

Day 1	Day 2	Day 3	Day 4	Day 5
-------	-------	-------	-------	-------

Total Breakfast Paid \$ _____

Breakfast GSA.Gov Rate per Day \$

Tips can not exceed 20% of the bill.

Total Lunch Paid \$ _____

Day 1	Day 2	Day 3	Day 4	Day 5
-------	-------	-------	-------	-------

Lunch GSA.Gov rate per Day \$

Total Dinner Paid \$ _____

Day 1	Day 2	Day 3	Day 4	Day 5
-------	-------	-------	-------	-------

Dinner GSA.Gov Rate per Day \$

Transportation (Attach Receipts)

	GSA RATE	TOTAL	2.Summary	Amount
Personal Vehicle Milage @ _____	\$ _____	\$ _____	A.Total Travel Expenses	
Government Vehicle Milage @ _____	\$ _____	\$ _____	B. Subtract Amount Paid with Travel Advance	
Motorcycle Milage @ _____	\$ _____	\$ _____	C. Subtract Amount Billed to CITY CITY CARD	
Airplane Milage @ _____	\$ _____	\$ _____	D. Other Direct Bill (specify)	
Tolls/ E-Z Pass _____	\$ _____	\$ _____	E. Other Adjustments (specify)	
Parking Fees _____	\$ _____	\$ _____	Total Amount Claimed	
Car Rental Day @ \$ _____ or weekly @ \$ _____	\$ _____	\$ _____		
Taxi, Public Bus, Subway _____	\$ _____	\$ _____		
Registration or Tuition Fee _____	\$ _____	\$ _____		
Total Travel Expenses- Section 2 Line A _____	\$ _____	\$ _____		

I hereby certify that the above account and attachments are just, true and correct, that no part thereof has been paid, except as stated therein, and that the balance therein stated is actually due and owing, and that the amount claimed were necessary an incurred in the performance of my official duty.

Signature _____ Title _____ Date _____

I, the claimants' supervisor, certify that this account has been examined and to the best of my knowledge and belief, the amount claimed therein were necessary for the performance of the claimants' authorized official duty.

Signature _____ Title _____ Department _____ Date _____

**TRAVEL REQUEST/AUTHORIZATION TO TRAVEL FORM
North Tonawanda**

PERMISSION TO TRAVEL MUST BE APPROVED BY RESOLUTION AND ADOPTED PRIOR TO TRAVEL

Date: _____
Name: _____
Address: _____
Phone Number: _____
Destination: _____

Departure Date: _____ Return Date: _____

Purpose of Trip: _____
 Conference Training Other (Specify)

Persons Traveling With: _____

Accommodations

Name: _____
Address: _____

Mode of Transportation

VEHICLE:

Make and Model: _____
Plate Number: _____ E-Z Pass Tag Number: _____
Owner of the Vehicle: _____

AIRLINE:

Name of Airline: _____
Departure Flight and Time: _____
Return Flight and Time: _____

OTHER MODE OF TRANSPORTATION (SPECIFY): _____

POV Air Rail Bus Rental Car Gov Vehicle Taxi Other

Does Traveler have Governmental Card: YES NO

Estimated Costs: Travel \$ _____ Per Diem \$ _____ Other \$ _____ Total \$ _____

Department Head Signature: _____

Date of Resolution and Approval: _____

NOTES:

Prior Approval for Travel

As the Department Head for _____ I request that the individual _____ be approved for travel. The reason for travel is _____ . The proposed travel expenses will be no greater than _____ . The item will be placed on the agenda for the Common Council Meeting dated _____ .

Department Head Signature _____ Date _____
Department _____

Mayor Signature _____ Date _____

*Council Approval is required if travel expense is not already budgeted or covered under Collective Bargaining Agreement.

Common Council Approval _____ Denial _____ Date _____

APPENDIX A

EMPLOYEE ACKNOWLEDGEMENT FORM

Commented [MW1]: Get the commissioner going on adding comments and using Share (above) to send a link to this doc. It's free! No subscription or login necessary.

I acknowledge that I have received, read, and understand the policies outlined in the City of North Tonawanda purchase policy. I agree to conform to the rules and regulations of the City of North Tonawanda as described in the purchase policy and other pursuant policies and agreements. If I am found in violation of the purchasing policies, I understand I am subject to the penalties and sanctions allowed under these provisions. I understand the City has the right to change the purchase policy without notice, and that these changes supersede the rules and regulations written in this policy. Employees will be made aware of such changes through normal communication channels.

I understand and agree that the information contained in this agreement does not constitute an employment contract between the City of North Tonawanda and myself. I further affirm that I or the City of North Tonawanda may terminate our employment relationship at any time, with or without cause.

Employee Signature

Date

Employee Name (print)

Department/ Title

CITY OF NORTH TONAWANDA

Office of the Mayor

AUSTIN J. TYLEC

July 17, 2023

North Tonawanda Common Council
216 Payne Ave (City Hall)
North Tonawanda, NY 14120

Re: Revision to Driveway Ordinance

Dear Honorable Body,

My office and the building department have received numerous complaints in regard to our current driveway code restricting residents from effectively maintaining their property. After review with Rob Depaolo, I would like to propose the following ordinance revision to allow for an existing driveway to be replaced and/or repaired.

§ 103-14 **Off-street parking.**

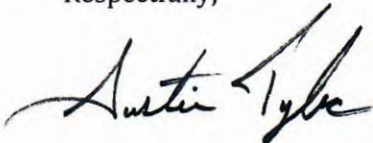
B. Special regulations applying to accessory off-street parking, used-car lots and gasoline stations

(f) Driveway Design.

[2] ~~No driveway shall be placed or constructed as to exceed the opening width of the parcel's garage door by more than two feet, but in no event shall the width of said driveway exceed 20 feet.~~ Any existing concrete or asphalt driveway and/or apron may be replaced or repaired with no increase in size, subject to approval by our Building Department.

Thank you for your consideration of this matter.

Respectfully,



Austin Tylec
Mayor

City Hall, 216 Payne Avenue, North Tonawanda, NY 14120 · 716.695.8540
atylec@northtonawanda.org

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CITY CLERK'S OFFICE

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