

# PLAN FOR CONSOLIDATING THE CITY & TOWN OF BATAVIA IN ONE GOVERNMENT

## Consolidation Study Committee Final Report To the Batavia City Council & Town Board

*July 29, 2009*

After agreeing in 2007 to conduct a joint study to examine options for cost savings, up to and including consolidating into a single government, City Council and the Town Board successfully applied for a state Shared Municipal Services Incentive grant; named a Study Committee<sup>1</sup>; engaged a study consultant<sup>2</sup>, and subsequently endorsed the Committee's recommendation<sup>3</sup> that we develop a Consolidation Plan for consideration by voters.

This report presents our recommended next steps to merge two governments into one and our Plan to achieve this goal. If voters in the City and the Town ultimately approve consolidation, the merger would become effective January 1, 2013.

Along with the information published on the Study Committee website<sup>4</sup>, this Plan, which includes a timetable and approach for moving forward, constitutes our final report to the Board and Council.

As a result of extensive research and analysis, the Committee unanimously concludes that a consolidated City and Town is in our community's best interest. However, we believe that adding detail to our proposed Consolidation Plan, as outlined below under *Recommended Timetable & Approach*, is what will allow the Town Board, City Council, and ultimately the voters to determine whether or not to move forward as one government.

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<sup>1</sup> Committee members are: Lynn Freeman (Genesee County Chamber of Commerce), Sally Kuzon (City Director of DPW), Steven Lockwood (Genesee County Economic Development Center), Beverly Mancuso (Cornell Cooperative Extension), Jason Molino (City Manager), Steven Mountain (Town Engineer), and Jeffrey Scott (City resident).

<sup>2</sup> Center for Governmental Research Inc. (CGR), a nonprofit, nonpartisan consulting organization

<sup>3</sup> Presented to a joint Council/Board session in December 2008

<sup>4</sup> [www.cgr.org/bataviaconsolidationplan](http://www.cgr.org/bataviaconsolidationplan)



It has been our intent throughout the study process to develop a plan that not only streamlines government operations but also allows a consolidated Batavia to maintain both the identity and character of its urban core and the much more rural identity and character of the Town. We believe our Plan achieves this goal. *The Consolidation Plan* section of this report describes the essential concepts of the consolidated government. This section also illustrates how we propose to maintain what residents value about Batavia without burdening one segment of the community in order to benefit another.

We present this final report with the thought that the Council and Board will carefully review it, and assuming it meets with your approval, also endorse it.

## **Recommended Timetable & Approach**

We present our combined timetable and approach in 11 steps:

- 1) August 2009 – City Council and the Town Board separately vote to pass a local law to create a Joint Charter Commission and enter into an intermunicipal agreement. Each governing body would have to propose the law, hold a public hearing, and pass the local law in order for the Commission process to begin. The Commission’s mission would be to draft a new charter for the consolidated city, based on the Plan.

The City and Town also jointly apply for a state grant from the Local Government Efficiency (LGE) grant program. Grant funds could be used to help pay for legal services for the development of the new charter by the Joint Charter Commission and the development of draft legislation for approval by the NYS Legislature. Grant applications are awarded on a non-competitive basis and are accepted by the state on a rolling basis.

*Note:* The Joint Charter Commission would not be held to the statutory authority of a city charter commission under the NYS Municipal Home Rule Law because it would not have the authority under this law to put a charter forward on the ballot. We recommend, however, that the Joint Charter Commission follow the same procedures as outlined in the Municipal Home Rule Law, which is a key reason we call for an intermunicipal agreement that would spell out this requirement.

- 2) September 2009 – The Council and Board establish the interview committee that will determine who serves on the Commission. The interview committee would consist of the Town Supervisor and City Council President, plus two Town Board representatives selected by the Board and two City Council representatives selected by the Council.

At the same time as the interview committee is established, the Council and Board advertise in their official newspapers and by media releases that residents who are age

- 18 or older and are not elected or appointed officials or spouses of elected or appointed officials, may apply during the next 30 days to be considered for the Commission. The information advertised would include a description of the Commission and duties of its members.
- 3) October 2009 – After the application period ends, the interview committee selects, from among the applicants, four Town residents and four City residents to comprise the Joint Charter Commission.
  - 4) November 2009 – The City and Town enter into an intermunicipal agreement appointing the Commission members. The Joint Charter Commission begins its work in late 2009.
  - 5) December 2010 – The eight-member Joint Charter Commission completes work on the new charter for the consolidated city.
  - 6) Spring 2011 – After accepting the charter, the existing City Council and Town Board request from the NYS Legislature the authority to vote on consolidating the City and Town by placing the new charter on the ballot at the general election to be held in November 2011.
  - 7) Late Summer / Fall 2011 – City Council and the Town Board hold the required public hearings on the proposed new charter.
  - 8) November 2011 – The City and Town hold separate votes. In order to pass, approval of the charter requires a majority in the City and a majority in the Town.
  - 9) 2012 – If the charter is passed by voters in the City and the Town, the year 2012 becomes the transition year for planning the actual implementation of the merger. That means the two governments would take the necessary steps to merge operations per the new charter and identify whatever other agreements would be necessary to incorporate other entities into the new single government (e.g., laws and codes would be reviewed so they could be integrated to meet the needs of each tier.)
  - 10) November 2012 – General elections for the new consolidated City of Batavia council are held, per the adopted charter.
  - 11) January 1, 2013 – The new Batavia begins.

This report includes an Appendix that presents draft language for a resolution and local law to establish a Joint Charter Commission. The Appendix also includes a proposed intermunicipal agreement to officially appoint Commission members and describe their mission.

## The Consolidation Plan

This section of the report describes the key concepts of our Plan.

### What Would the New Government Look Like?

Substantial research was undertaken to determine options for defining the structure, form of government and other key aspects of what the new government would look like<sup>5</sup>. The options were published on the website, and subsequently reviewed at the recent public informational forums. Based upon our assessment of the benefits and challenges posed by the two potential forms of government (town or city), we propose the new government be based upon the following model:

- **Form of Government** – the consolidated Batavia to be a city. The major reasons are:
  - Under NY law, there is greater flexibility for a city to determine the guidelines for how it is organized and administered (e.g., size of the governing body, options for type of top elected leader).
  - State aid per capita is significantly higher for a city than for a town.
  - Only a city has pre-emption authority to collect sales tax.
  - A city court is run by the state judicial system, while a town pays for its court. If the new entity is a city, we estimate annual savings of \$104,000. For comparison purposes, we are not recommending that Batavia City Court become a town court because the local community would have to fund about \$675,000 annually in personnel and non-personnel costs that are now covered by the state.
- **Governing Body** – The Committee proposes that the consolidated city be governed by a seven-person council, as follows:
  - One member, the mayor, to be elected at large.
  - Six members to represent specific areas known as wards. Of the six wards, one to be wholly in the existing City, one wholly in the existing Town, and four to include residents in both the existing City and Town.

*Note:* The form of government described above would allow for a mayor and manager, should the Joint Charter Commission determine that is in the best interest of the community. In other words, the Joint Charter Commission could recommend a Council-Manager, strong mayor, or weak mayor form of government.

**Tiered Service & Tax Zones** – We propose a tiered service zone concept, with taxpayers taxed only for the services provided in their own zone. The Study Committee considers the

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<sup>5</sup> Click on the Documents button on the website, and see the information under the heading *Governance*

tiered service zone concept<sup>6</sup> the “breakthrough” organizing principle that paved the way for us to develop our overall Plan.

The graphic on the following page illustrates how we envision the tiers. There are services all residents will receive (e.g., central finance, accounting, purchasing, legal, road maintenance, snowplowing, parks maintenance, water and sewer operations and maintenance) and services that will be in specific zones (existing City and existing Town). Since the urban core receives more intensive services, the existing City will receive – and be taxed for – services that only residents and businesses within its boundaries receive. Town taxpayers will not be taxed for services provided only in the existing City.

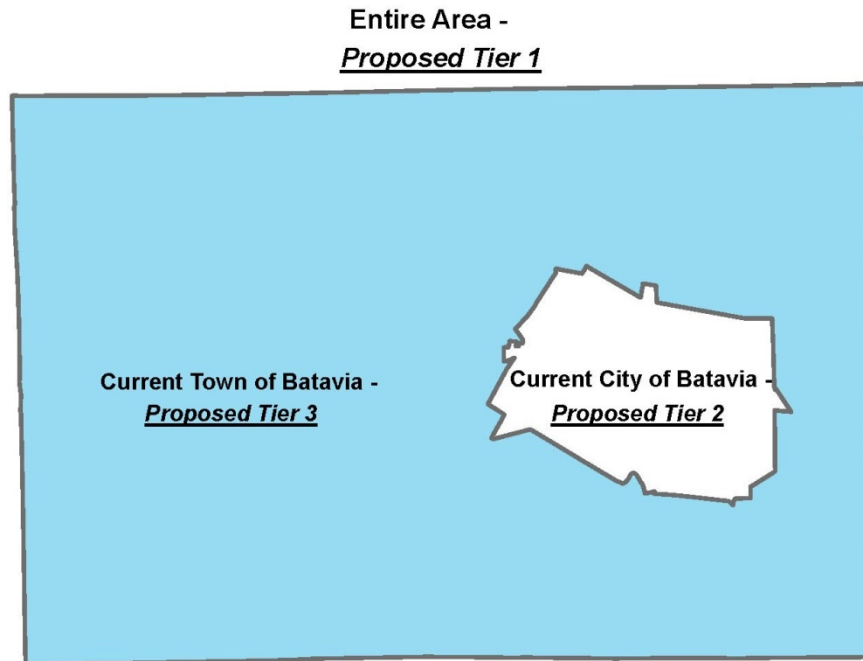
In terms of services what does this mean?

- For the Existing City: current police, fire, refuse collection, special activities, and existing City-specific water and sewer capital improvements will not be affected.
- For the Existing Town: residents will continue to rely on the county sheriff, volunteer fire departments, private refuse haulers, and pay for Town specific special activities and water/sewer district capital improvements – the same scenario that exists today.

*Note:* Three cities in NYS have had tiered zones as part of their charters ever since they were incorporated – Rome in 1870, Oneida in 1901, and Saratoga Springs in 1915. In Rome, for example, only the urban core receives and is taxed for Rome police services, while all other Rome residents rely on the county sheriff and state police. In addition, the city contracts with an outside provider for refuse services for residents in the urban core and bills residents and businesses for refuse service on their tax bills. However, the Rome taxpayers whose properties are located outside the urban core select their own private refuse haulers, pay them directly, and are not taxed for refuse service on their tax bills.

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<sup>6</sup> For more details see on the website: a) *PowerPoint presentation - Public Informational Meeting 6-30-09*; b) *First Report to the Community – A Vision for One Batavia*, and/or c) click on Documents and review the information posted under the heading *Three-Tier Taxation in NYS*



### Who Will Pay Debts and Benefit from Fund Balances?

The tier structure defines debt payments<sup>7</sup> and use of fund balances<sup>8</sup>. Specifically, the Plan proposes:

- No shift of the current City debt to Town property owners.
- No shift of current Town debt to City property owners.
- Special district current and future debts (e.g., water, sewer, other special districts) be paid by properties associated with the special districts.
- Future debt that benefits the entire consolidated community be paid by all taxpayers.
- Future debt that benefits only the existing City be paid by taxpayers in Tier 2.
- Future debt that benefits only the existing Town be paid only by taxpayers in Tier 3.
- Existing fund balances NOT be co-mingled but remain with the areas of Batavia (City, Town, or special district) with which they are currently associated. The consolidated

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<sup>7</sup> Under Documents on the website, see the heading Financial Information and click on *City Debt Schedule* and *Town Schedule of Indebtedness* for additional information

<sup>8</sup> Under Documents on the website, see the heading Financial Information and click on *City & Town Fund Balances* for more information

city's governing body (i.e., council) to decide how to use the fund balances within this guideline.

- Future fund balances that accrue for the consolidated city be treated as Tier 1 (community-wide) fund balances.
- Future water, sewer and other special district fund balances continue to be assigned to the associated special districts.

### **What Happens to the Existing City and Town Codes?**

The Committee reviewed existing City and Town codes. Our overview code comparison chart<sup>9</sup> and the Plan are the starting point to address codes for the consolidated city. Our recommendation that the consolidated entity be a city does NOT mean that existing City of Batavia codes and ordinances should be extended to the existing Town. Doing so would negate the Committee's goal of maintaining both the identity and character of Batavia's urban core and the more rural identity and character of the Town of Batavia.

We propose that the consolidated City of Batavia address needed differences as other cities in New York have addressed them – through code provisions (e.g., zoning, planning) and, where appropriate, ordinances passed by the council. For example, in Rome what is acceptable in a rural residential zone or an agricultural zone, per that city's zoning code, is different from what Rome allows in a light industrial zone or a central commercial zone. We cite as another example the code of the City of Oneida, which does not allow swine or horses in the City's urban core but does allow them in other areas of that city.

Firearms discharge, open burning, and hunting codes are examples of codes that would remain as is for the consolidated Batavia. In other words, these codes would be tier-specific codes (e.g., existing City, existing Town).

### **Are Police and Fire Services Changed by Consolidation?**

We recommend police and fire services be structured as they currently exist<sup>10</sup>. This means:

- Current City of Batavia police services be provided only to the residents and businesses located within the boundaries of the existing City (Tier 2).
- Law enforcement services in the current Town (Tier 3) be provided by the Genesee County Sheriff and NYS Police.

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<sup>9</sup> On the website under Documents click on *Comparison of City & Town Codes*

<sup>10</sup> For a map of the areas covered by the two volunteer fire departments in the Town of Batavia, click on Documents on the website



- The three current fire services – City of Batavia, Town of Batavia, and East Pembroke Fire Departments – continue status quo, unless and until a longer-term shared services plan is developed.

*Note:* Although the fire protection model in Rome is different than what the Plan proposes, there are important similarities. The City of Rome does have two volunteer fire departments – both located within the Rome City limits – serving specific outlying sections of that city because the volunteer departments can typically respond faster to the specified areas than the paid Rome Fire Department<sup>11</sup>.

The Committee recommends that police and fire services be discussed by the new Batavia council to determine if it is the best interest of the consolidated city to consider changes in police and fire services.

### **Would DPW, Highway, Water and Sewer Services Be Changed?**

Except in cases where specific services (e.g., solid waste pickup and recycling, water and sewer service<sup>12</sup>) are not provided community-wide, the Plan provides a merged City Department of Public Works, Town Highway Department and Town Water/Sewer Department. This means:

- The existing City will constitute a single water district and a single sewer district as they pertain to capital costs.
- Plowing roads, maintaining roads and streets, trimming trees, parks maintenance, fleet maintenance<sup>13</sup>, etc., will be centrally planned and managed for the entire 54 square land miles that make up the community of Batavia.

### **What Does the Plan Propose for Existing Personnel?**

Whenever government merger is proposed, a key consideration is combining separate work forces into one. The Committee assumes that all fulltime Town employees will become City employees, which we estimate will cost an additional \$72,000 annually. Longer term, personnel efficiencies will be achieved through staffing reductions that can be planned to coincide with normal staff attrition and retirements<sup>14</sup>.

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<sup>11</sup> To assist the future Joint Charter Commission, we note here information on the pertinent sections from the existing Rome charter. The sections are: Sec. 303. *Contracts for fire protection; insurance* and Sec.308. *Furnishing fire protection in outer district by city in corporation tax district not affected.* In Rome the corporation tax district is the name given to the urban core of that city, while the outer district includes all areas outside the urban core of Rome.

<sup>12</sup> For maps of existing water and sewer districts in the Town, click on Documents on the website

<sup>13</sup> For the City and Town fleet inventories, click on Documents on the website

<sup>14</sup> The Committee estimates that approximately 15 employees are currently retirement eligible, not including City police and fire personnel.



### What Would Happen to City and Town Facilities and Equipment?

As part of our research, we gathered information on all facilities<sup>15</sup> and fixed assets<sup>16</sup> owned by the Town and City, including land, buildings and equipment. We propose:

- All City and Town-owned facilities be used by the consolidated city until and unless the new council decides that a property is no longer needed<sup>17</sup>. (*Note: The Committee envisions that initially all facilities will be utilized to provide services to the community, such as having the Town Highway garage exist as a satellite DPW facility*).
- Any facilities that are utilized only for the existing City or only for the existing Town to be considered as Tier 2 or Tier 3 facilities, respectively – with associated expenses, revenues or debts assigned to the appropriate tier.
- All vehicles and equipment now owned by the City or Town would be owned by the consolidated city and maintained by the entire community, with two exceptions:
  - 1) City of Batavia vehicles and equipment currently used in meeting public safety needs (e.g., fire protection, police services) will be used to provide services to the existing City and be considered Tier 2 equipment. The same approach will apply to public safety vehicles and equipment purchased in the future by the consolidated city.
  - 2) Equipment currently used to provide special district services that are paid for by these districts (e.g., water, sewer), whether in the Town or City, remain as equipment belonging to these specific districts. Equipment for these districts that is purchased by the consolidated city in the future will be handled the same way.
- The new government to decide whether to sell excess vehicles or equipment in order to eliminate overlap and duplication and maximize efficiency.

*Note:* Property, vehicles and equipment owned and maintained by the Town of Batavia Fire Department or East Pembroke Fire Department are not affected by consolidation. They will remain under the jurisdiction of these volunteer departments.

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<sup>15</sup> For detailed information, click on website Documents button and see information listed under the heading *Real Property*

<sup>16</sup> The Committee gathered information on all City and Town fixed assets and the information is available for use by the Joint Charter Commission

<sup>17</sup> Such property could be sold, likely putting it back on the tax rolls

### **What Happens to Current Sales Tax Agreements?**

The Committee proposes the current sales tax agreement<sup>18</sup> between the County, the City and the towns in Genesee County, as approved by the NYS Comptroller, remain unchanged until the agreement expires in 2018. If voters ultimately approve merging the City and Town of Batavia, the amount of sales tax currently allocated to the Town of Batavia through the assessment apportionment should continue.

### **Will Schools Be Affected by Consolidation?**

Parts of six school districts are located within the area that is currently encompassed by the City and Town<sup>19</sup>. The Committee notes consolidation means no change for these districts, except that the school districts – with the exception of the Batavia CSD – would become subject to the small city constitutional debt limit of 5% rather than the statutory cap of 10% that currently applies to these districts. However, provisions exist in state law to exceed the debt limit by getting approval from the NYS Education Department and Office of the State Comptroller<sup>20</sup>.

### **What Are the Annual Cost Savings Projections?**

CGR, the Committee's study consultant, developed a computer model that makes total cost and revenue and property tax levy projections based upon cost and revenue data, then used the current (2009) budgets for the City and Town as the baseline for comparing options for the future. Based on this approach, we make the following projections<sup>21</sup>:

- \$245,000 – Estimated net efficiencies and cost reductions from consolidating per year at start-up – and likely more in future years.
- \$820,000 – Estimated net additional revenues, primarily NYS consolidation incentive funding per year – an ongoing revenue.
- (\$122,000) Estimated adjustments per year, based on tier approach.
- \$943,000 – Total Projected Annual Cost Savings from Consolidation – with this amount likely to be larger in future years.

At the public forums, residents asked the Committee how the cost savings would translate into tax savings for property owners. Our Plan leaves use of the cost savings up to the new consolidated government elected by the community. We note, however, that the savings could be

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<sup>18</sup> On the website under Documents see the section titled *Agreements*

<sup>19</sup> On the website click on the Documents button and see additional information under the heading *Batavia City & Town Schools*

<sup>20</sup> Two to three districts across NYS typically seek such approvals each month due to planned capital projects. In Batavia, none of the five districts need do anything unless or until a district plans a capital project that would push it beyond the constitutional debt limit.

<sup>21</sup> For detailed information, go to the website and click on *First Report to the Community from the Batavia Consolidation Study Committee*, and read the section under the sub-heading "Financial Projections." Additional supporting information is available on the website by clicking on the Documents button and reviewing the *Financial Information* documents.

used in any number of ways to benefit the entire community. Potential options include, but are not limited to, the following: offset County property taxes for every property taxpayer in the consolidated city; build a community-wide fund balance; or fund established capital planning needs.

However, if the new consolidated city opts to use the entire \$943,000 in consolidation savings to reduce property taxes, our projections show:

- Property taxes would be the same or lower than current City or Town tax bills.
  - This takes into account that current property taxes for Town operations are \$0.00, and county tax bills for Town residents are lower by \$250,000 in total.
- If the \$943,000 in consolidation savings were all applied to reduce property taxes, this would reduce taxes \$1.10/\$1,000 assessed value across all tiers (community-wide, existing City, existing Town) per year.

### **Conclusion**

The Committee strongly recommends that Council and the Board endorse the Plan and pursue the steps that will lead to putting the issue of consolidation before voters. Deciding to do so is your decision, but we believe local voters should be given the chance to decide what is best for our community's future.

We believe our final report is responsive to what residents told us in the two community forums we held to discuss the Plan. As a result of comments made by the public, we've built in time to add detail to the Plan – through the Joint Charter Commission process – before asking voters in the Town and City to accept or reject consolidation.

Finally, the Study Committee is pleased to have been given the opportunity by the Council and the Board to serve our community as facilitators in crafting *a vision for one Batavia*.



**Appendix**  
**#-2009**

**PROPOSED RESOLUTION TO ADOPT A LOCAL LAW TO ESTABLISH A  
JOINT CHARTER COMMISSION**

**Motion of Councilperson**

**WHEREAS**, the City of Batavia and the Town of Batavia have received grant funding from the Shared Municipal Services Incentive grant program, have been engaged in a Consolidation Study and have received a report from the Consolidation Study Committee recommending the creation of a Joint Charter Commission to develop a new City of Batavia Charter for the consolidation of the City of Batavia and the Town of Batavia; and

**WHEREAS**, it is the desire of the City of Batavia City Council to have a Joint Charter Commission with the Town of Batavia to draft a proposed new City of Batavia Charter that contemplates a consolidation of the existing City of Batavia and Town of Batavia; and

**WHEREAS**, the Joint Charter Commission, is to have equal representation from both municipalities, and shall consist of eight members and that four members shall be residents from the City of Batavia and four members shall be residents of the Town of Batavia; and

**WHEREAS**, the general process Charter Commission review is outlined in Chapter 36 and 37 in the Municipal Home Rule Law; and

**WHEREAS**, Local Law No. X of the Year 2009 entitled “A LOCAL LAW TO ESTABLISH A JOINT CHARTER COMMISSION TO STUDY AND DRAFT A NEW CITY OF BATAVIA CHARTER” was introduced before the City Council of the City of Batavia, New York on XXXX; and

**WHEREAS**, the City Council held a Public Hearing on said proposed Local Law on XXXX;

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Batavia that Local Law No. X of Year 2009 is hereby adopted creating a Joint Charter Commission to study and draft a new City of Batavia Charter.

**Seconded by**

**LOCAL LAW NO. X OF THE YEAR 2009**

**CITY OF BATAVIA**

**PROPOSED LOCAL LAW TO ESTABLISH A JOINT CHARTER  
COMMISSION TO STUDY AND DRAFT A NEW CITY OF BATAVIA  
CHARTER**

**BE IT ENACTED** by the City Council of the City of Batavia, New York, as follows:

**SECTION 1. ESTABLISHMENT OF COMMISSION**

A Commission to study and to draft a new City of Batavia Charter is hereby established. It is recognized that the Joint Commission will generally follow the process and guidelines as outlined in Charter 36 and 37 in the Municipal Home Rule Law but not necessarily be limited to said procedures.

**SECTION 2. PURPOSE**

The purpose of the Commission is to promote and develop a new City of Batavia Charter reflective of the efforts and recommendations set forth by the Consolidation Study Committee. It is in the best interest of the City of Batavia and the Town of Batavia to make local government more efficient while maintaining high quality services for residents.

**SECTION 3. FUNDING**

In accordance with the purposes set forth herein the parties will subsequently apply to the New York State Department of State 2009-2010 Local Government Efficiency Grant Program for a High Priority Planning Grant to assist with the legal fees and other costs associated with the City Charter development. Any additional or funded costs will be borne equally by the City and Town, or further grant applications will be pursued jointly by the City and Town.

**SECTION 4. INTERMUNICIPAL AGREEMENT**

In accordance with purposes set forth herein the parties will subsequently enter into an intermunicipal agreement in accordance with section 5-G of the General Municipal Law.

**SECTION 5. APPOINTMENT OF COMMISSION MEMBERS**

The City Council and Town Board shall appoint an Interview Committee consisting of six elected officials including the City Council President, Town Supervisor, two City Council members and two Town Board members. The Interview Committee shall advertise in the official newspaper for residents interested in serving as members of the

Joint Charter Commission and then conduct interviews of all interested residents to select a total of eight Commission members, four residents must reside in the Town of Batavia and four residents must reside in the City of Batavia. The appointment of such members shall be done jointly by the City Council and Town Board by entering into an intermunicipal agreement outlining the mission, purpose and guidelines as set forth for the Joint Charter Commission.

#### **SECTION 6. COMPLETION DATE**

The members of the Commission shall complete and forward a recommended draft City of Batavia Charter to both the City of Batavia City Council and the Town of Batavia Town Board as set forth in the intermunicipal agreement.

#### **SECTION 7. NEW YORK STATE LEGISLATIVE AUTHORITY**

Upon receipt of the draft City of Batavia Charter, both the City of Batavia City Council and the Town of Batavia Town Board shall consider adopting resolutions requesting authority from the New York State Legislature to permit the City of Batavia and the Town of Batavia in Genesee County to hold a referendum to determine whether the City and the Town should merge and to expand the boundaries of such City to encompass the Town upon passage of such referendum.

#### **SECTION 8. REFERENDUM FOR MERGER**

Should the New York State Legislature authorize a referendum to determine whether the City and the Town should merge, both the City of Batavia City Council and the Town of Batavia Town Board shall consider putting forth to qualified voters under the provisions of the Election and Municipal Home Rule Law, a proposition to merge the City of Batavia and Town of Batavia.

#### **SECTION 9. EFFECTIVE DATE**

The Local Law shall take effect immediately upon filing in the Office of the Secretary of State in accordance with law.

**PROPOSED**  
**INTERMUNICIPAL AGREEMENT**  
**BETWEEN**  
**THE CITY OF BATAVIA, NEW YORK**  
**AND**  
**THE TOWN OF BATAVIA, NEW YORK**

WHEREAS, the City of Batavia (hereinafter the “City”) and the Town of Batavia (hereinafter the “Town”) have jointly committed to study the potential of shared services and the consolidation of the two municipalities into a single entity; and

WHEREAS, on June 1, 2009 the Consolidation Study Committee issued the “First Report to the Community from the Batavia Consolidation Study Committee – A Vision for One Batavia” outlining key topics of a consolidated entity such as tiered tax zones, financial projections, governance, police and fire services, DPW – highway, water and sewer services, schools, personnel and facilities and equipment; and

WHEREAS, on June 18, 2009 and June 30, 2009 the Consolidation Study Committee held public forums as part of a civic engagement process to seek community input before developing a final Plan for consolidation; and

WHEREAS, on July 29, 2009 the Consolidation Study Committee issued to the City Council and Town Board a final Plan for consolidation, “A Plan for Consolidating the City & Town of Batavia in One Government”; and

WHEREAS, the final Plan recommended the City Council and Town Board separately pass a local law establishing a Joint Charter Commission and enter into an intermunicipal agreement explaining the Joint Charter Commission’s mission for drafting a new City Charter for the consolidated City, based on the Consolidation Plan (the Plan); and

WHEREAS, on XXXX XX, 2009 the City Council of the City of Batavia held a public hearing and on XXXX XX, 2009 adopted LOCAL LAW #-2009 entitled “A LOCAL LAW TO ESTABLISH A JOINT CHARTER COMMISSION TO STUDY AND DRAFT A NEW CITY OF BATAVIA CHARTER”; and

WHEREAS, on XXXX XX, 2009 the Town Board of the Town of Batavia held a public hearing and on XXXX XX, 2009 adopted LOCAL LAW #-2009 entitled “A LOCAL LAW TO ESTABLISH A JOINT CHARTER COMMISSION TO STUDY AND DRAFT A NEW CITY OF BATAVIA CHARTER”; and



WHEREAS, on XXXX XX, 2009 the City Council and Town Board jointly submitted an application to the Local Government Efficiency Grant Program for a High Priority Planning Grant to develop a new City Charter for the implementation of a functional consolidation of the City of Batavia and the Town of Batavia; and

WHEREAS, the City Council and Town Board appointed an Interview Committee consisting of six elected officials including the City Council President, Town Supervisor, two City Council members and two Town Board members; the Interview Committee advertised in the official newspaper for residents interested in serving as members of the Joint Charter Commission and then conducted interviews of all interested residents; and

NOW THEREFORE, the parties hereby agree as follows:

1. The City Council and Town Board jointly appoint the following residents to serve as members of the Joint Charter Commission:
  - 1) Town Resident
  - 2) Town Resident
  - 3) Town Resident
  - 4) Town Resident
  - 5) City Resident
  - 6) City Resident
  - 7) City Resident
  - 8) City Resident
2. The mission of the Joint Charter Commission is to develop a new City of Batavia City Charter reflective of the efforts and recommendations set forth in the Plan by the Consolidation Study Committee. It is in the best interest of the City of Batavia and the Town of Batavia to make local government more efficient while maintaining high quality services for residents. The Charter should serve as a framework for the new form of government.
3. It is recognized that the Joint Charter Commission will generally follow the process and guidelines as outlined in the Municipal Home Rule law but will not necessarily be limited to said procedures; and
4. The Joint Charter Commission shall issue a draft Charter to both the City Council and Town Board no later than December 31, 2010.
5. Both the City and Town understand the importance of this effort and agree to commit any and all necessary municipal employees to cooperate with the Joint Charter Commission.
6. Any additional funded costs will be borne equally by the City and Town, or further grant applications will be pursued jointly by the City and Town.



DATED: \_\_\_\_\_

THE TOWN OF BATAVIA

By: \_\_\_\_\_  
Supervisor

DATED: \_\_\_\_\_

THE CITY OF BATAVIA

By: \_\_\_\_\_  
Council President

