



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: September 23, 2015

Sponsored by Council Members: Motsavage, Rennia, Webb, Berg

Introduced by Committee: Finance

ORDINANCE

entitled

**AN ORDINANCE AMENDING THE 2015
BUDGET TO CREATE BUDGET LINES FOR
THE BINGHAMTON HUMAN RIGHTS
COMMISSION**

WHEREAS, pursuant to the Code of the City of Binghamton, §45A-22.K, the Binghamton Human Rights Commission (“BHRC”) has authority, “To receive, accept, and use and expend public grants and private gifts, donations or bequests and other payments, goods, and services, notwithstanding any other provision of law”; and

WHEREAS, the BHRC has received offers of private gifts and donations; and

WHEREAS, the City must amend the 2015 budget to properly accept and expense for such private gifts and donations.

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

Section 1. That the Comptroller and Treasurer of the City of Binghamton are hereby authorized and directed to amend the 2015 budget to create a Trust Fund (revenue) budget line TA.85.TA017 (OTHER FUND.HRC) to be funded from private gifts and donations for an initial amount of \$1,200; and to create expense budget lines for the BHRC for Printing \$450; Postage \$50; Advertising/Promotion \$200; Website \$200; and Telephone \$300.

Section 2. That notwithstanding any amount budgeted in the Trust Fund (revenue) budget line TA.85.TA017 (OTHER FUND.HRC), the BHRC may only expend funds up to the amount of private gifts and donations actually received and as limited by the above expense budget lines. All expenditures must be pursuant to the City’s purchasing procedures and approved by the BHRC, the City Clerk, and the City of Binghamton Purchasing Agent as a purchase order or claim for payment.

Section 3. That the above budget can be amended upon receipt of additional private gifts, donations, or other payments or for such other reasons as may be appropriate.

Section 4. That this ordinance shall take effect immediately.

Introductory No. 015-58

Permanent No. **VETOED**

Sponsored by City Council Members:
Motsavage, Rennia, Webb, Berg

AN ORDINANCE AMENDING THE 2015 BUDGET TO
CREATE BUDGET LINES FOR THE BINGHAMTON
HUMAN RIGHTS COMMISSION

The within Ordinance was adopted by the Council of
the City of Binghamton.

9/23/15
Date

[Signature]
City Clerk

24 Sep 15
Date Presented to Mayor

Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Motsavage	✓			
Mihalko		✓		
Rennia	✓			
Webb	✓			
Papastrat		✓		
Matzo		✓		
Berg	✓			
Total	4	3	0	0

Code of the City of Binghamton

Adopted Defeated

4 Ayes 3 Nays 0 Abstain 0 Absent

Veto
"See Attached"



MEMORANDUM OFFICE OF THE MAYOR

Richard C. David, Mayor
Jared M. Kraham, Deputy
Donna Ferranti, Secretary

DATE: Oct. 2, 2015
TO: City Council
CC: Joe Merrill, City Clerk
Ken Frank, Corporation Counsel
Chuck Shager, Comptroller
FROM: Richard C. David, Mayor
RE: Veto — Ordinance No. 15-165, an Ordinance amending the 2015 Budget to create budget lines for the Binghamton Human Rights Commission.

I am vetoing Ordinance No. 15-165 passed on Sept. 23, 2015.

The Binghamton Human Rights Commission, which was established in good faith to condemn discrimination and educate the public, has been operating as a pseudo-political organization — partnering with activist groups, lobbying lawmakers, holding press conferences.

Establishing budget lines for the Human Rights Commission to accept and expend donations would mean utilizing taxpayer resources, including personnel costs in the areas of information technology, finance and purchasing to manage these funds, as well as a designated City employee to intake donations.

Legal precedent is clear: public money may be used for the purpose of informing the public, but may not be used to urge a “yes” or “no” vote, regardless of how “good” the cause may be.

“To educate, to inform, to advocate or to promote voting on any issue may be undertaken, provided it is not to persuade nor to convey favoritism, partisanship, partiality, approval or disapproval by a State agency of any issue, worthy as it may be (*Stern v. Kramarsky* and *Schulz v. New York*).”

The City takes no issue with supporting organizations that promote community unity and fight racism, and has a clear track record in doing so that transcends administrations.

This Administration works collaboratively with non-profit organizations, which by their nature are prohibited from engaging in political activities, to build positive relationships with the community.

As it exists right now, the Binghamton Human Rights Commission is a special interest organization pushing legislation and a political agenda. Utilizing City Hall as a vehicle to advance that goal would be a “dangerous and untenable precedent (*Stern v. Kramarsky*).”

Sincerely,

Richard C. David
Mayor