

AGENDA

REGULAR COUNCIL WORK SESSION

CITY OF GENEVA, NEW YORK

JUNE 1, 2020

Per Executive Order No. 202.1, this meeting will take place via videoconference, and can be viewed on the City of Geneva, NY YouTube channel:

<https://www.youtube.com/channel/UCV6Q8rBUqBYLrjydrZS0IJg/featured>

Or Via Webex:

<https://cityofgeneva.my.webex.com/cityofgeneva.my/j.php?MTID=m3f9dd9e9a68e8fae755f74f55b7fda41>

www.webex.com

Meeting number: 799 549 442; Password: ScE3pjzrK63

Join by phone

+1-408-418-9388

Access code: 799 549 442; Password: 72337597

COUNCIL MEETING STARTS AT 5:30PM

- I. CALL TO ORDER – Mayor, Steve Valentino
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. THE CITY'S CURRENT FINANCIAL STATUS AND POSSIBLE COST SAVINGS
 - OVERVIEW BY CITY MANAGER GERLING AND ASST. CITY MANAGER/ COMPTROLLER BLOWERS
 - RESOLUTION # 24-2020 APPROVING BENEFIT AGREEMENT WITH MANAGEMENT AND NON-REPRESENTED EMPLOYEES FOR VOLUNTARY TEMPORARY LAYOFF PROGRAM PRESENTED BY CITY MANAGER GERLING
 - RESOLUTION # 25-2020 APPROVING MEMORANDUM OF AGREEMENT WITH CSEA (CIVIL SERVICE EMPLOYEES ASSOCIATION, INC., LOCAL 1000, AFSCME, AFL-CIO, LOCAL 835, MUNICIPAL EMPLOYEES UNIT #7852-00; GENEVA PUBLIC WORKS EMPLOYEE'S UNIT #7852-02 AND GENEVA PUBLIC WORKS FOREMEN'S UNIT #7852-01) FOR VOLUNTARY TEMPORARY LAYOFF PROGRAM PRESENTED BY CITY MANAGER GERLING
- V. DISCUSSION
- VI. ADJOURNMENT

City of Geneva, NY
COVID-19 Financial Impact Projections & Sustainability Plan
As of 5/26/20

With each passing day, we learn more about the impact COVID-19 will have on our community as a whole and also our City finances. We are grateful to City staff for their continued efforts to reduce expenses and take on more responsibilities to assist our community during this time. The revenue loss will not be corrected by the end of the 2020 fiscal year. This is a multi-year issue. Over the next several years, we will continue a measured and calculated approach to regaining a healthy fiscal position. The goal right now is to stop the bleeding and focus on navigating our way through the remainder of 2020 with as little of a deficit as possible. Over the next few months, we will be constructing the 2021 budget, which will give us a chance to fully prepare for the year ahead, as well as continue the implemented directives already in place.

As for our larger revenues, we know sales tax will be down. The State Comptroller showed a 24% decrease for the month of April for the State and a 25% decrease for Ontario County. While we do not expect that State Aid will fall to zero, we do expect that the allocation will be reduced and/ or delayed. As well as updates from the State, we continue to monitor information from the New York Conference of Mayors (NYCOM) on a daily basis.

There has been hope that the Federal government will pass a spending bill allocating funds to local governments due to overall revenue loss. There is one now that has passed the House and will be voted on by the Senate very soon. If that passes, it would mean significant relief for us and would provide extra aid in 2020 and 2021. We continue to monitor that situation at the national level.

We have run a best-case vs. worst-case scenario model for review. Please keep in mind that these are all estimates and projections until we can gather more information and data which can only happen with time.

General Fund

REVENUES	Budget	Best Case	Best Case	Worst Case	Worst Case
Real Property and Tax Items	\$ 8,532,541	\$ 8,697,145	101.93%	\$ 7,934,662	92.99%
Non-Property Taxes	\$ 4,148,654	\$ 3,742,380	90.21%	\$ 2,391,299	57.64%
Revenues from City Operations	\$ 1,532,271	\$ 1,126,235	73.50%	\$ 812,358	53.02%
State and Federal Aid	\$ 2,152,613	\$ 2,144,279	99.61%	\$ 1,707,506	79.32%
Interfund Transfers	\$ 1,067,278	\$ 849,243	79.57%	\$ -	0.00%
Appropriated Fund Balance	\$ -	\$ -	-	\$ -	-
Appropriation from Equipment Reserve	\$ 296,348	\$ 296,348	100.00%	\$ 296,348	100.00%
Total Revenues	\$ 17,729,705	\$16,855,629	95.07%	\$13,142,174	74.13%
	DIFFERENCE	\$ (874,076)		\$ (4,587,531)	
	EXPENSE SAVINGS	\$ 235,534		\$ 235,534	
	TOTAL GAP	\$ (638,542)		\$ (4,351,997)	

Note: The above budgeted percentage of 101.93% for the real property and tax items best case scenario is due to the potential proceeds from the sale of property that was not included in the 2020 budget.

We will be able to make much clearer projections on sales tax in mid-July when our 2nd quarter payment comes in. At this time, State Aid and Sales Tax are our two largest revenue concerns in the general fund.

City of Geneva, NY
COVID-19 Financial Impact Projections & Sustainability Plan
As of 5/26/20

The expense savings are a running total of items that we continue to monitor and make cuts where applicable. The current amount shown here was generated by reductions in the following line items:

- Extra Help/Seasonal Help
- Training/Conferences
- Salary and Benefits (Retirements & Hiring Freezes)

We anticipate that more savings may be gleaned from a hold on non-essential spending; at this time we are being conservative on the projected savings.

The interfund transfer is a transfer from the water and sewer fund to the general fund for personnel costs that need to be reallocated to the appropriate fund each year. There is an analysis submitted to the independent auditors annually by City staff with the breakdown of costs. We may recommend not making the full transfer in 2020 because of its large impact on the utility funds. The best-case scenario shows what the amount would be with today's breakdown and the worst-case scenario shows the amount at zero. We will likely fall somewhere in between, as is the case with the entire model.

Water Fund

REVENUES	Budget	Best Case	Best Case	Worst Case	Worst Case
Metered Water Sales	\$ 3,955,241	\$ 2,778,795	70.26%	\$ 2,124,961	53.73%
Water Service Charges	\$ 1,085	\$ 1,160	106.91%	\$ 1,160	106.91%
Interest & Penalties on Water Rents	\$ 70,000	\$ 60,503	86.43%	\$ 24,201	34.57%
Interest & Earnings	\$ 750	\$ 554	73.91%	\$ 241	32.17%
Sales of scrap & excess materials	\$ 7,150	\$ 11,245	157.27%	\$ 11,245	157.27%
Unclassified Revenue	\$ 7,850	\$ 7,850	100.00%	\$ 6,005	76.50%
Appropriated Fund Balance	\$ -	\$ -	-	\$ -	-
Appropriation from Equipment Reserve	\$ 175,000	\$ 175,000	-	\$ 175,000	-
			-		-
Total Revenues	\$ 4,217,076	\$ 3,035,107	71.97%	\$ 2,342,813	55.56%
	DIFFERENCE	\$ (1,181,969)		\$ (1,874,263)	
	EXPENSE SAVINGS	\$ 588,188		\$ 154,918	
	TOTAL GAP	\$ (593,781)		\$ (1,719,345)	

Note: The above budgeted percentage of 106.91% for water service charges and 157.27% for sales of scrap and excess materials for both best and worst case scenarios are due to revenues already received being higher than budgeted.

In the water fund, we will know a whole lot more when we read meters in early June. It will tell us if the consumption of water has been close to normal or way off target. As the largest source of the water fund's revenue, metered water sales (94%) for the 3rd quarter will give us good data on what is needed to stay afloat.

The current amount shown for expense savings was generated by reductions in the following line items:

- Extra Help/Seasonal Help
- Training/Conferences
- Salary and Benefits (Retirements & Hiring Freezes)
- Interfund Transfer

City of Geneva, NY
COVID-19 Financial Impact Projections & Sustainability Plan
As of 5/26/20

With non-essential spending on hold, additional savings from expense reduction may be available, and if so, will be added to the projection at a later time.

Sewer Fund

REVENUES	Budget	Best Case	Best Case	Worst Case	Worst Case
Sewer Rents	\$ 4,169,964	\$ 2,721,064	65.25%	\$ 2,080,814	49.90%
Sewer Service - Other Govt	\$ 653,269	\$ 653,269	100.00%	\$ 653,269	100.00%
Interest & Earnings	\$ 800	\$ 589	73.58%	\$ 235	29.43%
Permits, Other	\$ 260,000	\$ 145,845	56.09%	\$ 145,845	56.09%
Sales of Equipment	\$ -	\$ -	-	\$ -	-
Unclassified Revenue	\$ -	\$ 20,891	-	\$ 20,891	-
Appropriated Fund Balance	\$ -	\$ -	-	\$ -	-
Appropriation from Equipment Reserve	\$ -	\$ -	-	\$ -	-
Total Revenues	\$ 5,084,033	\$ 3,541,658	69.66%	\$ 2,901,054	57.06%
	DIFFERENCE	\$ (1,542,375)		\$ (2,182,979)	
	EXPENSE SAVINGS	\$ 571,404		\$ 155,432	
	TOTAL GAP	\$ (970,971)		\$ (2,027,547)	

The sewer fund is very similar to the water fund in that we will know much more when we read meters in early June. As a reminder, water and sewer bills are both generated based on an established rate by City Council during the budget process which is then multiplied by the quarterly consumption for each meter.

The current amount shown for expense savings was generated by reductions in the following line items:

- Extra Help/Seasonal Help
- Training/Conferences
- Salary and Benefits (Retirements & Hiring Freezes)
- Interfund Transfer

With non-essential spending on hold, additional savings from expense reduction may be available and if so, will be added to the projection at a later time.

In conclusion, real knowledge of actual revenue loss will allow us to project the current situation with more accuracy. At this time, we are looking at everything we do as a City as a possible source of savings. Nothing is off the table for data collection purposes. Thus far, we have implemented a freeze on hiring and non-essential spending and a request for early retirements from eligible staff. At the June 1st City Council work session, Councilors will vote on a voluntary temporary layoff program, which would run for 8 weeks starting June 8th. Working with our six unions and unrepresented employees, we will discuss reduction possibilities to salary or benefits that would impact all employees. We have already asked staff to do more with less, and thus requests to all employees to consider a decrease in compensation must be balanced with other efforts that spread out the burden of the financial loss. As we come up with more possibilities, they will be shared with Council for approval. Every small move towards reducing expenses helps at this time. We have a long road ahead. We are confident that with perseverance and smart financial decision making, we can keep Geneva moving forward on the great path we have been on.



Geneva City Council
Agenda Item Briefing

To: Geneva City Council

From: Sage Gerling, City Manager

Meeting Date: June 1, 2020

Item Title: Resolution Approving Benefit Agreement with Management and Non-Represented Employees for Voluntary Temporary Layoff Program

Resolution Approving Memorandum of Agreement with CSEA (Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Local 835, Municipal Employees Unit #7852-00; Geneva Public Works Employee's Unit #7852-02 and Geneva Public Works Foremen's Unit #7852-01) for Voluntary Temporary Layoff Program

Action Required:

An affirmative vote by a majority of City Council is required to adopt these resolutions.

Background:

Due to the COVID-19 pandemic, we are currently faced with a projected revenue shortfall in several large line items including sales tax, occupancy tax and possibly State aid. In an effort to remedy this, staff is proposing a voluntary temporary layoff program. This program will be offered to Department of Public Works Foremen and Laborers unions, Municipal Employee union and non-represented (management) staff. The temporary program would run from June 8th through July 31st. During this time, employees would continue to have health insurance coverage if they are currently covered today.

Attached is the Memorandum of Agreement (MOA) for non-represented (management staff). The three CSEA MOA's are under legal review and will be made available when ready. If not ready before the Council meeting, we will review the items anticipated in the agreement.

Note: Not everyone who volunteers will be necessarily be approved based on department need.

City Manager's Office

CITY HALL- 47 CASTLE STREET- GENEVA, NEW YORK 14456
(315) 789-6104 - sgerling@geneva.ny.us - www.geneva.ny.us

Alternatives:

City Council could elect to reject this proposal.

Financial Impact:

For any employee who volunteers and is approved, there would be a financial savings to the City. Those savings will be calculated once we have a list of everyone who will be included in the program. We currently estimate six to ten people joining the program with an estimated savings of \$60,000 to \$85,000.

Attachments:

Resolutions

Memorandum of Agreement Example

RESOLUTION # 24 – 2020

RESOLUTION APPROVING BENEFIT AGREEMENT WITH MANAGEMENT AND NON-REPRESENTED EMPLOYEES FOR VOLUNTARY TEMPORARY LAYOFF PROGRAM

WHEREAS, the City Manager is recommending that Management and Non-Represented employees be offered voluntary temporary layoffs; and

WHEREAS, Governor Cuomo declared a Disaster Emergency in the State of New York to address the threat that COVID-19 poses to the health and welfare of its residents and visitors; and

WHEREAS, the COVID-19 pandemic is impacting sales tax receipts and other revenue sources for all counties and cities of New York State, including the City; and

WHEREAS, sales tax receipts are a primary revenue source of the City and are used to pay a portion of the City cost of services each year; and

WHEREAS, it is projected that the City will incur a budget deficit in 2020 such that expenses are expected to exceed revenues; and

WHEREAS, the City is taking actions to mitigate the sales tax revenue shortfall and other deficits impacting the 2020 budget, including implementation of a temporary layoff of Management and Non-Represented unit members for a period not to exceed July 31, 2020, but in a manner that ensures that the City continues to provide essential and non-essential governmental services consistent with the Executive Orders issued by Governor Cuomo; and

WHEREAS, Management and Non-Represented has acknowledged the management right of the City to determine the size of its workforce; and

WHEREAS, this City Council has reviewed the anticipated terms of said Benefit Agreement for Management and Non-Represented with regard to the Voluntary Temporary Layoff Program;

NOW, THEREFORE BE IT RESOLVED, that this City Council hereby approves the City Management and Non-Represented Benefit Agreement and also approves the expenditure of any funds necessary to implement same; and

BE IT FURTHER RESOLVED, that the City Manager, Assistant City Manager/Comptroller, and Assistant to the City Manager/Human Resource Director be and hereby are authorized to execute said anticipated Memorandum of Agreement on behalf of the City; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be provided to the City Manager, the City's Management and Non-Represented employees, elected officials, and the City's local and outside labor counsel.

RESOLUTION # 25 - 2020

RESOLUTION APPROVING MEMORANDUM OF AGREEMENT WITH CSEA(CIVIL SERVICE EMPLOYEES ASSOCIATION, INC., LOCAL 1000, AFSCME, AFL-CIO, LOCAL 835, MUNICIPAL EMPLOYEES UNIT #7852-00; GENEVA PUBLIC WORKS EMPLOYEE'S UNIT #7852-02 AND GENEVA PUBLIC WORKS FOREMEN'S UNIT #7852-01) FOR VOLUNTARY TEMPORARY LAYOFF PROGRAM

WHEREAS, the Civil Service Employees Association, Inc. ("CSEA") represents a bargaining unit consisting of blue and white collar employees of the City of Geneva ("City"); and

WHEREAS, Governor Cuomo declared a Disaster Emergency in the State of New York to address the threat that COVID-19 poses to the health and welfare of its residents and visitors; and

WHEREAS, the COVID-19 pandemic is impacting sales tax receipts and other revenue sources for all counties and cities of New York State, including the City; and

WHEREAS, sales tax receipts are a primary revenue source of the City and are used to pay a portion of the City cost of services each year; and

WHEREAS, it is projected that the City will incur a budget deficit in 2020 such that expenses are expected to exceed revenues; and

WHEREAS, the City is taking actions to mitigate the sales tax revenue shortfall and other deficits impacting the 2020 budget, including implementation of a temporary layoff of CSEA unit members for a period not to exceed July 31, 2020, but in a manner that ensures that the City continues to provide essential and non-essential governmental services consistent with the Executive Orders issued by Governor Cuomo; and

WHEREAS, the CSEA and the City are parties to a collective bargaining agreement that expires December 31, 2020; and

WHEREAS, CSEA has acknowledged the management right of the City to determine the size of its workforce; and

WHEREAS, the City and CSEA are negotiating a Memorandum of Agreement and as it relates to the impact of the City's decision to implement temporary layoffs of certain City employees represented by CSEA; and

WHEREAS, this City Council has reviewed the anticipated terms of said Memorandum of Agreement with regard to the Voluntary Temporary Layoff Program;

NOW, THEREFORE BE IT RESOLVED, that this City Council hereby approves the City entering into the Memorandum of Agreement with CSEA and also approves the expenditure of any funds necessary to implement same; and

BE IT FURTHER RESOLVED, that the City Manager, Assistant City Manager/Comptroller, and Assistant to the City Manager/Human Resource Director be and hereby are authorized to execute said anticipated Memorandum of Agreement on behalf of the City; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be provided to the City Manager, the City's department heads and elected officials, the City's local and outside labor counsel, and the CSEA Unit Presidents and Representative.

**BENEFIT AGREEMENT WITH MANAGEMENT AND NON-REPRESENTED
EMPLOYEES FOR VOLUNTARY TEMPORARY LAYOFF PROGRAM**

THIS AGREEMENT is made by and between CITY OF GENEVA (hereinafter called the “City”) and the GENEVA MANAGEMENT AND NON-REPRESENTED EMPLOYEES collectively referred to as the "Parties.”

WHEREAS, Governor Cuomo declared a Disaster Emergency in the State of New York to address the threat that COVID-19 poses to the health and welfare of its residents and visitors; and

WHEREAS, the COVID-19 pandemic is impacting sales tax receipts and other revenue sources for all counties and cities of New York State, including the City; and

WHEREAS, sales tax receipts are a primary revenue source of the City and are used to pay a portion of the City cost of services each year; and

WHEREAS, it is projected that the City will incur a budget deficit in 2020 such that expenses are expected to exceed revenues; and

WHEREAS, the City is taking actions to mitigate the sales tax revenue shortfall and other deficits impacting the 2020 budget, including implementation of a temporary layoff of Management and Non-Represented unit members for a period not to exceed July 31, 2020, but in a manner that ensures that the City continues to provide essential and non-essential governmental services consistent with the Executive Orders issued by Governor Cuomo; and

WHEREAS, Management and Non-Represented has acknowledged the management right of the City to determine the size of its workforce; and

WHEREAS, the City Manager is now recommending the City’s decision to implement temporary layoffs of certain City employees represented by Management and Non-Represented employees; and

NOW, THEREFORE, the City and Management and Non-represented Employees benefit package is modified as follows:

1. All Management and Non-Represented employees may elect to be considered for a temporary layoff. Election forms will be available to employees through an e-mail and hard copy for those without email from the City’s Human Resource Department. Alternatively, employees may obtain an election form at the Human Resource Department. Employees electing to be considered must complete and sign the election form, and submit it to the Human Resource Department no later than 4:00 p.m. on June 1, 2020. Forms may be submitted by e-mail at jslywka@geneva.ny.us, by mail to City of Geneva Human Resource Department, 47 Castle Street, Geneva, New York 14456, or by

hand-delivering the form to the Human Resource Department, so long as the forms are received by the Human Resource Department by the deadline. Employees may submit an election form after the June 1, 2020 date and may be subsequently considered for selection for temporary layoff.

2. The initial temporary layoff period will begin **June 8, 2020**. The temporary layoff period will end no later than **July 31, 2020**.

3. Unless recalled sooner, all employees who are selected for a temporary layoff cannot rescind their election once made during the initial temporary layoff period or any extension thereof.

4. Should the City determine that its operational needs require that certain employees be recalled from temporary layoff at any time during the temporary layoff period, such employees must report to work no later than three (3) business days following verbal or written notice of the recall. Failure to return accordingly will result in the employee being deemed to have voluntarily resigned his or her employment with the City. In all other instances, employees on a temporary layoff are required to return on the first business day following the end of the layoff period, unless the employee has documented FFCRA leave related to COVID-19 or other documented medical FMLA leave reason to not return. Failure to return accordingly will result in the employee being deemed to have voluntarily resigned his or her employment with the City.

5. Each employee who is temporarily laid off is required to immediately apply for unemployment benefits and continue to file until a claim is registered with the NYS Department of Labor. If the employee is denied unemployment benefits by the NYS Department of Labor, the employee must provide a copy of the NYS Department of Labor's notice of denial to the City Assistant to the City Manager/Human Resource Director immediately. So long as the employee provides a copy of the NYS Department of Labor's notice of denial, the employee shall be made whole from the date of June 8, 2020 until the date of the notice of denial. If the employee fails to provide a copy of the NYS Department of Labor's notice of denial, the employee shall not be entitled to back pay as stated herein. The employee is required to return to work the first business day after the denial of unemployment benefits unless the employee has documented FFCRA leave related to COVID-19 or other documented medical FMLA leave reason to not return. Failure to return accordingly will result in the employee being deemed to have voluntarily resigned his or her employment with the City.

6. For those employees on a temporary layoff, the employees shall be permitted to continue active participation in the City's self-funded group health insurance plan subject that the employee maintains his/her usual monthly premium contribution for active employees under the aforementioned Management and Non-Represented 2009 benefits package. Such employee contributions shall be paid directly to the City.

7. Accrued vacation, personal leave, sick leave, or other paid leave shall not be paid out to employees on a temporary layoff. However, employees on temporary layoff will not have seniority dates, or leave time anniversary dates, adjusted for the layoff period for purposes of administration of the aforementioned Management and Non-Represented 2009 benefits package.

8. Flex Spending Benefits: Qualified medical expense flex spending account funds are available during a period of temporary layoff. No additional contributions may be made during a period of temporary layoff, but you will be responsible to have the monies deducted before or after the temporary layoff. Dependent care expense flex spending account benefits contributed by the employee are available for use by the employee during a period of temporary layoff. No additional contributions may be made during a period of temporary layoff, but you will be responsible to have the monies deducted before or after the temporary layoff.

9. The Parties further agree that the City Manager, in consultation with Department Heads, will make the final determination as to the selection of employees for the temporary layoff. Such selection determination will be made based on operational needs to ensure that the City continues to provide essential and non-essential services consistent with the Executive Orders issued by Governor Cuomo.

10. The Parties agree and acknowledge that except as provided in paragraphs 6 and 7, employees on temporary layoff shall in all other respects be treated as laid off employees for all purposes, including but not limited to benefits eligibility and accrual, during the temporary layoff period. However, sick leave shall not continue to accrue during the unpaid period of temporary layoff.

11. During the time of temporary layoff, employees will not be entitled to Retirement Service Credit with the NYS Employees Retirement System (“ERS”), and the period of temporary layoff could negatively affect the employee’s Final Average Salary for Retirement System purposes. Employees with active loans with the ERS will be personally responsible to make direct contact with the ERS for instructions regarding their accounts.

12. The Parties further agree and acknowledge that given the temporary nature of the layoffs set forth herein, the New York State Civil Service Law and Rules pertaining to layoffs. Any permanent layoffs will be done in accordance with the New York State Civil Service Law and Rules.

13. The Parties further agree and acknowledge that the selection determinations by the City Manager are final and binding and are not subject to challenge in any court or administrative forum.

14. Employees on temporary layoff will still be able to remit payment to the City in order to continue to participate in any Management and Non-Represented sponsored programs that would normally require a payroll deduction. If such payments are not made, the appropriate deductions shall be made from the employee’s first paycheck after recall.

15. During the period of temporary layoff, employees do not report to work; request or participate in any work-related activity, including making or receiving telephone calls, sending or receiving e-mails or meetings; work on projects related to City needs; or perform any work which would benefit the City. Voluntary, unpaid work is not authorized and is not permitted, and such prohibition shall be monitored and enforced by Department Heads. Any Department Head or employee found to be in violation of this rule may be subject to disciplinary action as provided by the collective bargaining agreement and/or any other applicable provision of law.

The City may limit access to City data sources and equipment to proactively mitigate the risk of any prohibited work activity during the temporary layoff.

16. This Benefit Agreement is without precedent or prejudice and shall in no way bind the Parties in any future matters.

17. The Parties agree that this Benefit Agreement represents the full and final and complete resolution of this matter.

18. Separability: If the enactment of legislation, or a determination of a court or other tribunal of final jurisdiction, renders any portion of this Benefit Agreement invalid or unenforceable, it shall not affect the validity of the balance of this Benefit Agreement which shall remain in full force according to the terms and in the same manner and with the same effects as if such invalid portion had not originally been included herein. Furthermore, upon the written demand of either party, the parties agree to negotiate a replacement provision for any provision of this Benefit Agreement rendered inoperative as set forth above.

19. Except where preempted by federal law, this Benefit Agreement shall in all respects be interpreted, enforced and governed by the statutes and common law of the State of New York. The language of all parts of this Benefit Agreement shall in all cases be construed as a whole, according to its fair meaning, and not strictly for or against any of the parties.

20. This Benefit Agreement constitutes the entire agreement and understanding between the parties on the limited issues addressed herein and supersedes all prior agreements or understandings on the limited issues addressed herein whether oral or written. The parties acknowledge that no representation, promise, inducement, or statement of intention has been made by any party to this Benefit Agreement that is not embodied in this Benefit Agreement, and agree that no party shall be bound by, or liable for, any alleged representation, promise, inducement, or statement of intention not set forth in this BENEFIT AGREEMENT.

21. This Benefit Agreement is scheduled to be approved by the City Council on June 1, 2020.

IN WITNESS WHEREOF, the City Manager has signed this Benefit Agreement solely for voluntary temporary layoffs:

Sage Gerling, City Manager

Date Signed