



COMMON COUNCIL

REVISED

COMMITTEE OF THE WHOLE

Date: 10-13-2021
Time: 5:30 PM
Location: YouTube
https://www.youtube.com/channel/UC7RtJN1P_RFaFW2IVCnTrDg

AGENDA

Item	Voting	Presenter(s)	Time Allotted
Call to Order	No	Mayor Svante L. Myrick	
Special Order of Business			
1.1 A local law and Ordinance entitled "Amendment of City Charter and Code to enable the Common Council to Create a City Manager Position" - Discussion	No	Working Group	30 Mins
Meeting Wrap-Up			
2.1 Adjournment			

How to Participate in Public Comment Virtually

Email Common Council Through the Agenda Link

Written comments can be submitted to Common Council using this form: [Common Council Public Comment Card](#). Comments should be submitted no later than 5:00 pm on the day of the meeting. These comments will not be read into the record but will be included as an attachment to the meeting minutes. Any comments received after 5:00 pm will be saved for the next meeting.

Get Creative: Send us a Social Media Link

Send us a social media video with your thoughts and ideas. You can send it in using the public comment link found on each agenda and then the URL to your video will also be included in the public record.

Register to Speak at a Meeting Via Zoom

At 9:00 am on the day of the Common Council meeting, a link will be opened on the [Common Council Webpage](#) for people to register to speak at the beginning of the meeting. The first hour of the meeting will be dedicated to public speaking. Registration will close at 3:00 pm in order to allow time to calculate how long each person will be allowed to speak. If you register, you will be emailed the Zoom link later that day. Use that link to sign in and enter a Zoom meeting. You will be selected to speak in the order that you were registered. You must be present in the meeting when it is your turn to speak or you will forfeit your time. You can use video or telephone to participate.

Questions about the meeting protocol can be forwarded to City Clerk Julie Conley Holcomb at (607) 274-6570 or jholcomb@cityofithaca.org in advance of the meeting.



MEMORANDUM

Date: September 24, 2021

From: City Governance Structure Working Group

Aaron Lavine, City Attorney

Schelley Michell-Nunn, Director of Human Resources

Dan Cogan, Former Chief-of-Staff

Donna Fleming, Rob Gearhart, Deb Mohlenhoff, Seph Murtagh – Common Council

RE: Executive Summary and FAQ for City Manager Proposal

On January 6 Mayor Myrick announced a task force to “Take on a deep dive reforming our elected officials, starting with the Mayor” because “We need a change, either moving in the direction of a City Manager, or some equally profound reform in the executive branch.”

The Mayor addressed the [City Administration meeting](#) on January 27 and noted some known problems in the current structure:

- The current structure is an odd blend of traditional “weak mayor” and “strong mayor” systems insofar as the Mayor supervises people that he does not have the authority to terminate
- The Mayor’s salary is not commensurate with the number of direct reports and responsibilities assigned to the mayor under our current structure

He concluded that “this might be the year to take a deep dive in to see if we can fix this.” At this meeting the composition of the task force was announced.

Timeline and Work Performed

The task force began meeting via Zoom soon after and met almost every week. The following is an outline of our conversations, work, and progress:

January and February – discussion of current government structure and alternative models; sharing and review of material from the [International City Management Association](#), the 2011 report from the [Novak Consulting Group](#), a [2011 article in the Ithaca Times](#), and a 2001 study by students in Cornell’s Institute for Public Affairs

March 5- the group had a conversation with Jason Molino, then the Tompkins County Administrator and formerly the City Manager of the City of Batavia NY.

April - Dan talked with representatives of the [International City Management Association](#) and shared a [model city charter](#) recommended by them

April 28 – Deb Mohlenhoff presented the proposal for discussion at the [City Administration meeting](#)

May 11 – Donna talked with Leslyn McBean Clairborne, current Chair of the Tompkins County Legislature and also a City employee and City resident

June 14 – committee discussed Ari’s first draft of local law at our only in-person meeting!

June 30 – Donna talked with Martha Robertson, former Chair of the Tompkins County Legislature

June & July – Donna interviewed the Mayors of Elmira, Watertown, Corning, Newburgh, and Auburn and the City Council president of Long Beach. All of these cities have professional City Managers.

July 27 – message sent to all Senior Staff summarizing the proposal and asking for comments

August 3 – Dan Cogan and Donna Fleming interviewed Alan Cohen, Mayor of Ithaca from 1996 to 2003 and now Assistant County Administrator of Broward County FL

August 3 – Donna interviewed Carolyn Peterson, Mayor of Ithaca from 2004 to 2011

August 17 – Deb Mohlenhoff presented our recommendation at the Senior Staff Meeting

August 25 – Draft local law was discussed at [City Administration](#) meeting

August – Donna contacted most Department Heads to review the proposal and ask for feedback

SUMMARY OF RECOMMENDATIONS

According to our current charter, the elected Mayor is responsible for managing the operations of the City, leading Common Council meetings, appointing volunteers, and serving as the City’s political and ceremonial figurehead. This is too much responsibility for one person, and an organization of our size requires a professional manager.

We recommend that the City of Ithaca adopt the Council-Manager form of government, which is used by the majority of cities in the US of similar size. In this structure, the Common Council will hire a professional City Manager to oversee the operations of the City, supervise department heads, manage the budget, and implement policies. A part-time Mayor will be elected at-large by voters in the City. The Mayor will lead Common Council meetings, advocate for new policies, appoint committees, boards, and task forces, and serve in a ceremonial role in public celebrations as well as during crises. The Mayor will be a voting member of Common Council.

We recommend that the plan be fully implemented in January 2024 to coincide with the beginning of the next Mayoral term.

DECISIONS TO BE MADE BY COUNCIL PRIOR TO REFERENDUM

There are some open questions:

- 1) Will the City Attorney be hired and evaluated and possibly terminated by the City Manager or the Common Council? Both models work in other cities
- 2) Will the Mayor, the City Manager, or a volunteer serve as Chair of the Board of Public Works?

QUESTIONS ABOUT MANAGER-COUNCIL FORM OF GOVERNMENT

Why have an appointed City Manager to manage city operations instead of an elected Mayor?

A full-time City Manager would have the education, credentials, and experience required to administer the City's operations. The City Manager would have expertise in managing departments and preparing budgets. A professional manager who understands how to motivate and evaluate staff would make the City more responsive to the citizens and would better enable us to hire and retain highly qualified people.

An elected Mayor may or may not know how to manage a complex organization or even be interested in overseeing day-to-day operations of the City. Mayors are elected based on their ideas and visions rather than their administrative skills. This system would separate roles and allow the best qualified person to fill each role.

How is this system better than the current structure, in which we have an elected Mayor and a Chief of Staff?

Ithaca's mayor is expected to be the chief executive officer of the City as well as the legislative, political, and ceremonial leader. There are too many responsibilities for one person and they demand different kinds of talents. The Chief of Staff is hired by and reports to the Mayor but any authority that the Chief of Staff has, such as supervising department heads, is delegated by the Mayor, which creates confusion about who has true authority to make decisions. An appointed City Manager is politically neutral and will ensure that the policies created by Common Council and the Mayor are implemented. With a City Manager, the consistency, quality, and continuity of the city's operations will be independent of the election cycle.

Every mayor of Ithaca for the past twenty years has advocated for a significant change in the structure of city government, as the current system cannot provide the citizens of Ithaca the level of service they want and deserve.

Does this system weaken the power of the voters?

To the contrary; this will strengthen the power of voters, as it further empowers all members of Common Council, who will have direct oversight over and the power to dismiss the City Manager. Currently the Chief Executive is held accountable by voters only once every four years, and then only if there is a viable challenger running for Mayor.

Voters will continue to choose the Mayor, who in the new system will be a full voting member of Common Council; currently the Mayor only votes when there is tie. The Mayor and Council will still be responsible for making laws, setting direction and policy, and determining the financial priorities for the City, which the City Manager will be obligated to follow.

Will this cost the taxpayers more money?

With salary and benefits the Mayor, the Mayor's executive assistant, and the Chief of Staff cost the City approximately \$213,000 in a total City budget is \$80M. Under the new structure, the full-time City Manager will earn a bit more than the Chief of Staff and the Mayor will likely earn slightly less than the current Mayor. With a full-time executive assistant to the City Manager the total cost would be approximately the same. And because the City Manager is a professional manager, the City will become more efficient in its operations in the long run.

For comparison, note that Tompkins County pays an Administrator, two deputy administrators, and an executive assistant \$655,500 per year to oversee its budget of approximately \$190M, and 750 employees in 31 departments serving 105,000 residents.

How will the role of the Mayor be different from the current role?

The chart below summarizes the Mayor’s primary duties under the current code and charter and how they will change in the new system.

Current Mayor’s primary duties according to the current charter	Who does this in the new structure?
Lead the development of policy	Mayor
Appoint boards and committees	Mayor
Preside over Common Council meetings	Mayor
Serve as Chief Executive Officer of the City	City Manager
Supervise department heads	City Manager
Negotiate with labor unions	City Manager
Develop and present annual budget	City Manager
Chair the capital budget committee	City Manager
Represent the City to other levels of government	Shared responsibility between City Manager and Mayor
Make an annual “State of the City” address about accomplishments and goals	Mayor
Serve as ceremonial leader of the City: attend ribbon cuttings, address the public in times of crisis; represent the City in celebrations	Mayor

How common is the City Manager role?

According to the International City/Council Management Association: “More than 120 million people in the USA live in municipalities that operate under the council-manager form. Fifty-four percent of the more than 4,300 US municipalities with populations of 10,000 or more use the form, as do 59% of the 347 municipalities with populations greater than 100,000. More than 800 counties also employ a similar system.” The practice of hiring professional managers became a popular element of reform agendas during the Progressive Era in the early 20th Century as a means to stop corruption, favoritism, and nepotism and to promote efficiency within local governments.

In interviews with Mayors of six cities in New York with this form of government, we heard very positive comments about their experiences.

Tompkins County has basically had a County Manager form of government since 1970, though they refer to their chief executive as the County Administrator. This system has served the citizens of Tompkins County very well for over 50 years.

How will the City Manager be evaluated?

Common Council will develop a procedure based on best practices for reviewing the City Manager annually. As the elected leader who will work most closely with the City Manager the Mayor will play a key role in these annual evaluations.

How will the City Manager be removed?

The City Manager will serve at the pleasure of Common Council or may have a contract with a 4 to 5 year term with a clause allowing Common Council to terminate the contract early.

Will there be a Deputy or Assistant City Manager?

It would certainly be necessary to have a designated deputy to serve as City Manager during vacations, incapacitation, or in the event of the City Manager's termination or resignation. For an organization the size of the City of Ithaca, it is reasonable to have a deputy City Manager, appointed by the City Manager with the approval of Common Council, to assist in managing the city.

How will this change happen?

Common Council will vote on legislation to change the City Charter in 2021. In November 2022 the voters will vote on a referendum. If the change is approved, the search for a manager would begin in 2023, with the goal of having our first City Manager in office on 1 January 2024, aligning with the beginning of the next Mayoral term.

What further planning is needed prior to full implementation?

Before finalizing the job description for the City Manager and hiring a person, we need to decide:

- Whether there should be a residency requirement for the City Manager
- How flexible we should be with the required mix of education and experience and [credentials](#) in candidates for the City Manager position
- How we prepare for and manage the transition so that Alderpersons, including the newly-elected Mayor, understand roles and relationships
- Similarly, how to ensure that Department Heads and Senior Staff are prepared for a new form of management
- The annual compensation for the full-time City Manager and the part-time Mayor
- The term of the City Manager's contract

POWERS OF THE MAYOR	
CURRENT	UNDER COUNCIL-MANAGER GOVERNMENT
Serve as Chief Executive Officer of the City	City Manager
Appoint, evaluate and terminate department heads	City Manager
Appoint City Attorney	*City Manager (with approval of Common Council)
Serve as presiding officer of the Common Council	Mayor
Serve as presiding officer of the Board of Public Works	TBD: Could be Mayor or volunteer Chair as for most Boards and Commissions
Appoint the members of boards and commissions and ad hoc or advisory committees	Mayor
Monitor the effectiveness and performance of City departments	City Manager
Make recommendations to Common Council about changes in departments that would decrease costs or improve service, when Council's authorization is required	City Manager
Prepare an annual budget and, when adopted by the Common Council, monitor compliance with its provisions.	City Manager
Submit procurement policies to Common Council for approval; implement and monitor those policies	City Manager
Negotiate labor contracts and make recommendations to Common Council regarding personnel matters	City Manager
Develop and administer a salary plan for City employees; periodically recommend amendments to the Common Council in order to eliminate inequities, recruiting difficulties and employee turnover	City Manager
Determine what officer or employee shall exercise powers or perform duties not otherwise assigned by Charter, local law or ordinances of the Common Council	City Manager
Represent the City to agencies of the federal, state and county governments and regional authorities for the purpose of obtaining funds or services beneficial to the City.	Mayor and/or City Manager
Represent the City or arrange representation in dealing with private agencies, educational institutions and other bodies which provide funds, services or advice to the city.	Mayor and/or City Manager
Initiate and direct such activities as will improve the economy of the City and its tax base and	Mayor and/or City Manager

cooperate with groups outside the City government having the same purposes.	
Serve as Chairperson of the interdepartmental Capital Program Committee.	City Manager
Address the Common Council annually at its first regular meeting in January and at such other times as he/she deems appropriate with respect to the needs and resources of the city	Mayor
Execute on behalf of the city, when so authorized by the Common Council, all deeds, contracts and other documents to be executed as the acts of the City except as otherwise provided by law.	City Manager
Declare the existence of an emergency	City Manager
When authorized by the Common Council or Board of Public Works, execute all deeds, contracts and other papers as the acts of the City, except as otherwise provided by the Local Finance Law.	City Manager
Administer oaths and take affidavits and acknowledgments.	Mayor
Appoint members of the IURA and be a member of the IURA (according to NYS General Municipal Law)	Mayor

JOB DESCRIPTION: CITY MANAGER - DRAFT

City of Ithaca, NY

The City of Ithaca, New York has a population of approximately 30,000 and its government comprises 12 departments, over 400 employees, 18 physical facilities, and six bargaining units.

The City Manager will be the chief administrative officer of the City, overseeing the operations and finances of City government and ensuring that federal, state, and municipal laws and policies are implemented in the City and that residents of the City receive a high level of service.

The City Manager leads in incorporating Ithaca's commitment to social and environmental justice, as well as other adopted values, into the operations, policies and practices of city government. The City Manager appoints and supervises Deputies and other staff necessary to perform the duties of the office. The City Manager is appointed by, is directly responsible to, and serves at the pleasure of the Common Council and Mayor of the City of Ithaca.

SUMMARY OF DUTIES:

The City Manager is responsible for the overall administration of city government. The duties of the office will be to:

- Execute and enforce all resolutions, orders and laws enacted by the City of Ithaca Common Council;
- Delegate the implementation of programs, policies, and initiatives as determined by the Common Council of the City of Ithaca;
- Appoint and remove (subject to consultation with and confirmation by the City of Ithaca Common Council), in conformance with Civil Service law, all department heads;
- Supervise department heads and facilitate collaboration among various departments and agencies to efficiently carry out the directives of Common Council;
- Promote a culture among the city's employees in which customer focus, data-based decision making, team building, and employee involvement are respected;
- Manage collective bargaining and negotiations with organized employee organizations in the City of Ithaca;
- Obtain estimates of revenue and expenditures from all departments, offices and agencies and prepare, submit and execute an annual budget that reflects effective, efficient and economical management of municipal funds;
- Chair the capital projects review committee
- Recommend to Common Council policies and procedures that will build a positive culture and promote economy, efficiency and a high quality of service;
- Apprise Alderpersons and the Mayor of current and emerging issues; anticipate potential problems and bring them to the attention of Common Council
- Supervise the implementation of contracts for services on behalf of the City;
- Provide adequate insurance and surety bond coverage and/or administer adequate insurance reserves to protect the City from all reasonable risks of loss or damage;
- Develop and maintain the City's Administrative Policy Manual defining the operating policies and procedures of the City;
- Serve as final authority for appeals to the Freedom of Information Officer for the City;
- Provide and coordinate staff services to Common Council, and its committees and task forces;
- Oversee special projects of Common Council;
- Perform all other duties and possess all powers as may be conferred or imposed on the City Manager by the City of Ithaca Common Council;

KNOWLEDGE, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS:

- Comprehensive knowledge of the practices and procedures of municipal administration and budgeting [*special knowledge of New York State laws preferred?*]
- Strong written communication skills, including report writing, accounting, and public relations;
- Strong oral communication skills, including the ability to analyze complex problems and propose realistic solutions clearly and concisely to staff, legislators, and the public
- Ability to separate technical from policy choices and to define the implications of those choices for Common Council;
- Ability to plan, direct and supervise the work of others while maintaining good working relationships; ability to motivate, coach, and mentor staff as needed
- Tact, integrity, attention to detail, good judgment, and resourcefulness are all required traits;
- Demonstrated commitment to Ithaca's values of diversity, equity, inclusion, and environmental and social justice;
- Proven experience with and commitment to the principles of quality management.

MINIMUM QUALIFICATIONS:

- (a) Graduation from an accredited college or university with a Master's Degree in Business or Public Administration or a related field AND eight (8) years of administrative and management experience; OR
- (b) Graduation from an accredited college or university with a Bachelor's Degree in Business or Public Administration or a related field AND ten (10) years of administrative or management experience; OR
- (c) Any combination of education and experience equal to or greater than that described in (a) and (b) above.

SPECIAL REQUIREMENT: This position is considered to be a public officer. Pursuant to Article 3 of the NYS Public Officers law, the holder of this position must be at least 18 years old, a United States citizen, a resident of the City of Ithaca, and must not have been convicted of a felony.

Local Law No. __-2021

A local law entitled "Amendment of City Charter and Code to Enable the Common Council to Create a City Manager Position"

WHEREAS, under our current charter, the Mayor is elected every four years and serves as the chief executive officer of the City, the political leader of the City, and the Chair of Common Council; and

WHEREAS, as chief executive officer the Mayor oversees 11 departments, a budget of [approximately 8079](#) million dollars, 400 employees, and six bargaining units; and

WHEREAS, As political head, the Mayor appoints committees, represents the City to other levels of government, and articulates a vision for the future and values of the City; and

WHEREAS, the Common Council and the Mayor believe that it is in the best interests of the City to shift to an alternative form of government that would allow Common Council to select and hire a trained, experienced person in the role of City Manager to be the chief executive officer of the City and would allow the electorate to choose a Mayor who is the political leader of the City as well as a voting member and Chair of Common Council; now, therefore

BE IT ENACTED by the Common Council of the City of Ithaca as follows:

Section 1. Legislative findings, intent, and purpose.

The Common Council makes the following findings:

1. The current governmental structure of the City does not fully serve the best interests of the City, insofar as:
 - An elected Mayor may not have experience administering a large complex organization
 - The Mayor's salary is not commensurate with this level of responsibility and is significantly lower than the salaries of the department heads managed by the Mayor
 - Under this prevailing system, the Mayor is accountable to the electorate every four years
 - Though elected, the Mayor only votes with the Council to break a tie
 - Even if the Mayor has a Chief of Staff that person's role is ambiguous insofar as department heads do not report to and are not evaluated or hired by the Chief of Staff
 - Furthermore, an appointed Chief of Staff reports directly to the Mayor and may be replaced upon the election of a new Mayor
2. An alternative form of government would allow Common Council to select and hire a trained, experienced person in the role of City Manager to be the chief executive officer of the City and would allow the electorate to choose a Mayor who is the

political leader of the City as well as a voting member and Chair of Common Council.

3. Advantages of this alternative form of government for the City of Ithaca include:
- An appointed City Manager is hired solely for educational and professional credentials and compensated accordingly.
 - An appointed City Manager is accountable to Common Council every day and is responsible for implementing policy formed by elected Alderpersons, reflecting the will of the citizens.
 - An appointed City Manager with long service offers stability to City government
 - The Mayor is a voting member of Common Council
 - There is a distinction between the administrative and political functions in City leadership

Based upon the above findings, the intent and purpose of this Local Law is to create the position of an appointed City Manager that will report directly to the Common Council, which shall continue to be chaired by the Mayor, and to detail the authorities and responsibilities of the City Manager as chief executive officer of the City, while preserving to the Mayor the role as political leader, but not administrative head, of the City.

Section 2. Charter Amendments This Section 2 amends only the following provisions of the City of Ithaca Charter, with the remainder of the provisions unchanged.

(a) *The text of Section C-5 (C) and (D) of the in the Ithaca City Charter, titled "Elective and appointive officers" is amended as follows:*

§ C-5 Elective and appointive officers.

C. The appointed officers of the City shall be:

- (1) Members of boards, councils and commissions: the six Commissioners of the Board of Public Works, the nine members of the Public Safety and Information Commission, the nine members of the Community Life Commission, the nine members of the Mobility, Accessibility, and Transportation Commission, the nine members of the Parks, Recreation, and Natural Resources Commission, the 10 members of the Workforce Diversity Advisory Committee, the three members of the Building Code Board of Appeals, the five members of the Board of Zoning Appeals, the three members of the Civil Service Commission, the nine members of the Community Police Board, the five members of the Design Review Board, the three members of the Examining Board of Electricians, the three members of the Examining Board of Plumbers, the five members of the Housing Board of Review, the five members of the Ithaca Housing Authority, the seven members of the Ithaca Landmarks Preservation Commission, the five members of the Ithaca Urban Renewal Agency, the seven members of the Planning and Development Board, and the five members of Pegasys Access Oversight Committee, all of whom shall be appointed by the **Mayor** in accordance with the provisions of the Charter or the ordinances or resolutions which create such boards, commissions or councils.

- (2) Officers who serve at the pleasure of the *City Manager in accordance with and subject to the provisions of Section C-13* ~~Mayor~~: a City Attorney, who shall serve as the head of the City Attorney's Office.
 - (3) ~~[Officers appointed by the Mayor pursuant to State Judiciary Law: a City Court Judge.]~~ *Reserved.*
 - (4) Officers appointed by the *City Manager* ~~Mayor~~ with approval of Common Council.
 - (a) Officers who serve as the heads of their respective departments, and who are appointed by the *City Manager* ~~Mayor~~ with the approval of Common Council: City Clerk, Controller, Director of Human Resources, Director of Planning and Development, Fire Chief, Greater Ithaca Activities Center Director, Police Chief, Superintendent of Public Works, Youth Bureau Director.
 - (b) Officers who are appointed by the *City Manager* ~~Mayor~~ with the approval of Common Council to a specific department: City Chamberlain as appointed to the Office of the City Controller; Building Commissioner as appointed to the Department of Planning, Building, and Development.
 - (5) Officers who serve as the deputies or assistant department heads of their respective departments, and who are appointed by their respective department heads: Assistant City Attorney(s), Assistant Superintendent(s) of Public Works, Deputy City Chamberlain, Deputy City Clerk, Deputy Controller, Deputy Director of Human Resources, Deputy Director of Economic Development, Deputy Director of Planning and Development, Deputy Fire Chief(s), Deputy Greater Ithaca Activities Center Director, Deputy Police Chief(s), Deputy Youth Bureau Director.
 - (6) The City Manager is an officer appointed by Common Council in accordance with such appointment and removal procedures as the Common Council may promulgate from time to time the provisions of C-13 and serves at the pleasure of the Common Council.
- D. Unless otherwise prohibited by law, the same person may be appointed to hold one or more of said offices at the same time.
- (h) Housing Board of Review.
 - (i) Ithaca Landmarks Preservation Commission.
 - (j) Planning and Development Board.
 - (k) Cable Commission.
- (2) If necessary, additional alternates may be appointed on an ad hoc basis in the same manner that regular members are appointed.
 - (3) In order to minimize training time, preference should be given to former members of each board and commission.

- (4) Alternates shall serve in the event that one or more board or commission members cannot act on a particular application or decision because of a conflict of interest.
- (5) Alternates shall be required to attend the same training sessions as regular board members.

(b) The text of Section C-11 of the in the Ithaca City Charter, titled "Mayor" is amended as follows:

§ C-11 **Mayor.**

A. Powers and duties. The Mayor shall: be a voting member of the City Council and shall attend and preside at meetings of the Council; represent the City in intergovernmental relationships, appoint with the advice and consent of the Council the members of citizen advisory boards and commissions; present an annual state of the City message; appoint the members and officers of Council committees; assign subject to the consent of Council agenda items to committees, and perform other duties specified by the Common Council; be recognized as head of the City government for all ceremonial purposes and by the governor for purposes of military law but shall have no administrative duties; have power to administer oaths and take affidavits and acknowledgments; to recommend, in writing, to the Common Council, from time to time, such measures as the Mayor shall deem necessary or expedient for it to adopt; and possess all the power and authority conferred upon the Mayors of cities of the same class by any general statute of the state.

B. Compensation. The Mayor shall receive such compensation as may be fixed and determined by the Common Council and no other fee or reward excepting necessary expenses and disbursements incurred

~~[A. The **Mayor** of the City of Ithaca shall be the chief executive officer thereof and shall, when present, preside at all meetings of the Common Council.]~~

~~B. Powers and duties.~~

~~(1) It shall be the duty of the **Mayor**:~~

~~(a) To take care that within the City the laws of this state and the ordinances and bylaws passed by the Common Council shall be faithfully executed and, as head of the police of said City, to arrest or cause the arrest of all persons violating the same.~~

~~(b) To exercise constant supervision over the conduct of all subordinate officers and to receive and examine into all complaints against them for misconduct or neglect of duty.~~

~~(c) To appoint, at the first meeting of the Common Council in each year or as soon thereafter as may be, all standing committees required by the rules of the~~

Common Council and all special committees of the Common Council, unless by it otherwise ordered.

- (d) To recommend, in writing, to the Common Council, from time to time, such measures as the **Mayor** shall deem necessary or expedient for it to adopt.
- (e) To approve or disapprove of all bills, orders, resolutions or ordinances which shall have passed the Common Council; and if the **Mayor** disapproves, the same shall be returned to the Common Council or to the Clerk thereof with the **Mayor's** objection, in writing, which shall be filed by the Clerk; and the Common Council may, at its next meeting thereafter, proceed to reconsider such ordinance, resolution, order or act thus disapproved; and if the same shall be passed by the votes of 2/3 of all the alderpersons then in office, the same shall have full force and effect, notwithstanding the objection of the **Mayor**. If any such bill, order, resolution or ordinance shall not be so returned by the **Mayor** to the Common Council or Clerk within five days after it shall have been passed, such ordinance, resolution, order or act shall have full force and effect in like manner as if duly approved by the **Mayor**, unless the term of office of the **Mayor** shall have expired within five days after the same shall have been passed, in which case such ordinance, resolution, order or act shall have no force. **[Amended 4-22-1997 by L.L. No. 2-1997]**
- (2) The **Mayor** shall have power, summarily, to hear, try and determine any complaint for misconduct or neglect of duty against any officer of the City appointed by the **Mayor** and to suspend or remove said officer; provided, however, that at the next meeting of the Common Council after such removal, the **Mayor** shall state the reasons therefor, in writing, which shall be spread upon the minutes kept by the Common Council.
- (3) The **Mayor** shall have power, summarily, to revoke any license issued by him/her to any milk delivery person, hacker, carter, peddler or street dealer or for the exhibition of any show.
- (4) When authorized by the Common Council or Board of Public Works so to do, the **Mayor** shall execute, in behalf of the City, all deeds, contracts and other papers to be executed as the acts of the City, except as otherwise provided by the Local Finance Law.
- (5) The **Mayor** shall have power to administer oaths and take affidavits and acknowledgments.
- (6) The **Mayor** shall have power to prescribe the duties and fix the rate of compensation of all officers appointed by the **Mayor** and of all employees of the City not otherwise provided for by this Charter.
- (7) The **Mayor** shall possess all the power and authority conferred upon the **Mayors** of cities of the same class by any general statute of the state.
- (8) The **Mayor** may, upon complaint being made to the **Mayor** under oath, issue a warrant to any police officer in the City of Ithaca to arrest any person charged with any crime or misdemeanor or with violation of any of the laws or statutes of

~~the state within said City and to bring such person for examination or trial before the City Judge or Acting City Judge, and such warrant may be executed by any officer to whom it is directed at any place within the state without endorsement. When such process shall be made returnable before the City Judge, such officer, upon the same being returned to said officer or the prisoner arrested by virtue thereof being brought before said officer, shall take and acquire jurisdiction of the subject matter and proceed with the case to the same extent and in the same manner and in all respects as if such process had been originally issued by said judge.~~

~~(9) The **Mayor** shall have power at all times to examine the books, vouchers and papers of any officer or employee of said City and to summon and examine, under oath, any person connected therewith.~~

~~(10) It shall be the duty of the **Mayor**, either in person or by the aid of a competent expert, to know the manner in which the accounts of the City and of the various boards are kept; to exercise general supervision thereof; to require the submission of the statements provided for by this Charter and such additional statements as the **Mayor** may deem necessary and to cause the annual statements to be published; to exercise the right of veto as to any resolution of any board created or continued by this Charter making unlawful expenditure or any expenditure in excess of its appropriation not otherwise provided for; to make recommendations for the consideration of any said boards; and to make such investigations and reports in regard to the work and transactions thereof as the **Mayor** may deem necessary or advisable for the information of the inhabitants of the City or otherwise.~~

~~C. The **Mayor** shall receive such compensation as may be fixed and determined by the Common Council and no other fee or reward excepting necessary expenses and disbursements incurred.]~~

(c) *The text of Section C-12 in the Ithaca City Charter, titled "Council Members" is amended as follows:*

It shall be the duty of every Council member in said City:

- A. To attend the regular and special meetings of the Common Council.
- B. To act upon committees when thereunto appointed by the **Mayor** or Common Council.
- C. To report to the **Mayor and/or City Manager** all officers who are guilty of any official misconduct or neglect of duty.
- D. To aid in maintaining peace and good order in the City.
- E. To perform or assist in performing all such duties as are enjoined upon the Council members of the City separately or upon the Common Council thereof.

(d) The text of Section C-13 in the Ithaca City Charter, titled "City Attorney" is amended as follows:

A. The ~~[Mayor]~~*City Manager* shall ~~[select-]~~appoint a City Attorney, subject to the approval of the Common Council. Once approved, the City Manager may remove the City Attorney with or without cause, but only on forty-five days' written notice to the Common Council, unless after such notice two-thirds of the Common Council votes to waive the remainder of the notice period. The Common Council may act by majority vote during the notice period to prevent the removal of the City Attorney.

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B. The compensation of the City Attorney and terms of payment shall be fixed by the Common Council. The Common Council shall pay the City Attorney all disbursements or expenses which the City Attorney may legally incur in behalf of the City and which may be incurred under the direction of the Common Council, ~~[or Mayor,]~~ *City Manager*, or any board or officer, as provided by this Charter. The City Attorney must be a resident of Tompkins County, New York, with his/her principal place of business in the City of Ithaca, New York. It is not necessary that the City Attorney be a resident of the City of Ithaca.

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[B]C. The City Attorney shall prosecute and defend the actions and proceedings by and against the City and every department thereof; shall be the official legal advisor of the *City Manager*, ~~[Mayor,]~~ the Common Council, the boards and other officers of the City; shall, when required, prepare all legal papers, contracts, deeds and other instruments for the City and the different departments thereof; shall attend the meetings of the Common Council and of the Board of Public Works; shall, when requested by the Board of Public Works, attend to all of the proceedings under this Charter in relation to improvements, local or otherwise, and conduct the same in a legal manner; shall pass upon the legality of all bills or claims presented to the Common Council or the Board of Public Works which may be presented to the City Attorney for that purpose; and shall perform such other and professional services relating to the City as the ~~[Mayor]~~*City Manager* or Common Council shall direct. It shall be the duty of the City Attorney to appear in behalf of the People in proceedings before the City Judge whenever, in the judgment of the ~~[Mayor]~~*City Manager* or a majority of members of the Common Council or Board of Public Works, the interests of the City require it. If the City Attorney ~~[certifies to the Common Council]~~determines that there is need for the assistance of additional counsel on questions or matters submitted to the City Attorney or if, in the judgment of the ~~[Mayor]~~*City Manager*, other or additional counsel should be employed, the ~~[Common Council may authorize the Mayor]~~*City Manager* ~~[to]~~ or City Attorney may employ counsel thereon within such budgetary authorization as made available by the Common Council; and except upon such ~~[authorization]~~determination, the City Attorney and staff of the City Attorney's Office shall be the sole attorneys and counselors of the City and of its various boards and departments.

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[G]D. Whenever any papers in any proceeding or action by which the City is affected

shall be served upon any officer of the City, such officer shall forthwith deliver the same to the City Attorney, who shall thereupon take such actions in the matter as shall be necessary to protect the interests of the City: *provided that periodically, at [until the next] meetings of the Common Council, when the City Attorney shall report on [thereon concerning] such proceedings of sufficient import to merit report,* and make recommendations thereon. The City Attorney shall keep a record or register of all suits and proceedings in which the City Attorney is involved as City Attorney. The City Attorney shall have power to authorize any attorney to temporarily appear for the City Attorney, in case of absence or illness, for and in behalf of the City in any suit or proceeding. All costs of actions and proceedings when the City is a party shall belong to the City or, when collected, shall be paid to the City Chamberlain and be credited to and form a part of the contingent fund. Upon termination of service, the City Attorney shall deliver to the successor City Attorney, as soon as engaged, the record or register of all suits and proceedings in which the City or any of its departments may be a party, to the end that a suitable order may be entered making the substitution.

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(e) *The text of Section C-14 in the Ithaca City Charter, titled "City Prosecutor" is amended as follows:*

- A. The ~~[Mayor]~~*City Attorney, or an Assistant City Attorney so designated from time to time by the City Attorney,* shall ~~[select a] be the~~ City Prosecutor. ~~[The compensation of the City Prosecutor and terms of payment shall be fixed by the Common Council. The Common Council shall pay the City Prosecutor all disbursements or expenses which the City Prosecutor may legally incur in behalf of the City and which may be incurred under the direction of the Common Council or Mayor or any board or officer, as provided by this Charter. The City Prosecutor must be a resident of Tompkins County, New York, with his/her principal place of business in the City of Ithaca, New York. It is not necessary that the City Prosecutor be a resident of the City of Ithaca.]~~
- B. The City Prosecutor shall conduct all prosecutions for crimes and offenses cognizable by the City Court of Ithaca, except felonies and such misdemeanors as the District Attorney chooses to prosecute, including violations of ordinances of the City of Ithaca, prosecutions of crimes and offenses upon the complaint of all departments and officers of the City of Ithaca and prosecutions and violations of rules duly promulgated by the various boards and departments of the City of Ithaca.

(f) *The text of Sections C-16(C) and (E) in the Ithaca City Charter, subsections of "Community Police Board," are amended as follows:*

- C. The Community Police Board shall act as community liaison to the Police Department, actively fostering positive communication between police and all segments of the community. It shall make provisions for resolving complaints by the citizenry related to the delivery of police services. Using established procedures, the Board may recommend action against any member of the Police Department. It shall recommend, on its own initiative or at the request of the **Mayor, the City Manager,** the Common Council or the

Police Chief, on any matter affecting the policy or performance of the Police Department, including finances and budget. It shall perform such other related duties as requested by the **Mayor, the City Manager** or Common Council.

...

E. The Board shall give written annual reports to the **Mayor, the City Manager** and the Common Council regarding its activities and the changes it has sought and achieved.

(g) *The text of Section C-17(A)(2) and (B) in the Ithaca City Charter, subsections of "Police Department," are amended as follows:*

(2) It shall be the duty of the Chief of Police to keep a record of all arrests and of all services performed by the Police Department and to keep a record of all articles taken from persons arrested or seized on warrant or otherwise, together with the disposition made thereof. The Chief of Police shall, upon request of the Police Commissioners, make a report as to the condition of the Department and whether any member of the force is delinquent in the performance of the rules and regulations prescribed for the control and conduct of police officers and of the directions given by the **[Mayor]City Manager** or Common Council in relation thereto.

...

B. The **[Mayor]City Manager**, upon the recommendation of the Chief of Police, may appoint such special police officers as may be necessary. Such appointments may be for definite terms stated in certificates of appointment or may be for indefinite terms, in which latter case such special police officers shall continue as such until their appointments are revoked by the **[Mayor]City Manager**, with or without cause. The certificate of appointment shall set forth, among other things, the term for which such special police officer is appointed, or, if such appointment is for an indefinite term, the certificate shall so state. It shall also state the limits of the jurisdiction of such special police officers. The City Clerk shall keep a record of all such appointments, which shall set forth the name of each special police officer, his/her address, the term for which he/she is appointed and the limits of his/her jurisdiction. All persons heretofore appointed as special police shall continue as such until the expiration of their several terms or, if appointed for an indefinite term or without term, until their several appointments are revoked by the **[Mayor]City Manager**.

(h) *The text of the following subsections of Section C-26.1 in the Ithaca City Charter, titled "Discipline and removal of selected officers" is amended as follows:*

§ C-26.1 **Discipline and removal of selected officers.**

A. Application of this section.

(1) The following City officers are subject to the discipline and removal procedures found in this section:

(a) Director of Code Enforcement [~~Building Commissioner~~].

(b) City Chamberlain.

(c) City Clerk.

(d) City Controller.

(e) Director of Human Resources.

(f) Assistant City Attorney.

(g) Deputy City Chamberlain.

(h) Deputy City Clerk.

(i) Deputy City Controller.

(2) Notwithstanding any other designation of applicability in this section, the discipline and removal procedures found in this section shall not apply to City officers who are subject to Civil Service Law for reasons which attach to the individual rather than the office.

(3) The following City officers are subject to the discipline and removal procedures found in §§ 75 and 76 of New York Civil Service Law, as amended:

(a) Youth Bureau Director.

(b) Director of Planning and Development.

(c) Superintendent of Public Works.

(d) Police Chief.

(e) Fire Chief.

(f) Deputy Fire Chief.

...

E. The final decision-maker is the Common Council, or the Council's designee if the Common Council delegates the power to impose a penalty, but under no circumstances, shall [∴

(1) ~~Shall~~] the penalty of removal be imposed in any manner inconsistent with §26.1(N). [~~26.1(N)~~];

~~[(2) Shall the **Mayor** be the final decision maker; nor~~

~~(3) Shall the **Mayor** vote, discuss or otherwise participate as a member of the Council for the purposes of this section.]~~

F. Who may commence and prosecute an action. The *City Manager* ~~[**Mayor** or the **Mayor's** designee.]~~ may commence and/or prosecute an action under this section.

...

I. Commencement of the hearing.

- (1) An officer against whom an action is commenced may request a hearing regarding the action and must make any such request in writing to the *City Manager* ~~[**Mayor**]~~ within 10 days of the service of the notice of charges.
- (2) The *City Manager* ~~[**Mayor**]~~, after receiving a written request for a hearing, must, within seven days of receipt of that request, forward such request to Common Council.
- (3) If the officer against whom an action is commenced requests a hearing within the applicable time period, the hearing may not begin less than seven days after the answer to the notice of charges is forwarded to Common Council.
- (4) The hearing must begin within 45 days after the service of the notice of charges unless the parties otherwise agree.

...

K. Disciplinary action prior to the final determination. The *City Manager* ~~[**Mayor**]~~ may impose any penalty short of removal that the *City Manager* ~~[**Mayor**]~~ deems appropriate prior to the final determination, but if such interim penalty includes suspension without pay, such suspension may not continue for longer than 30 days.

L. Hearing officer.

- (1) The hearing officer is the Common Council or the Council's designee, but under no circumstances shall the *City Manager* ~~[**Mayor**]~~ be the hearing officer.
- (2) The hearing officer may make findings of fact and recommend the imposition of any type of penalty to the final decision-maker.
- (3) The hearing officer, if so designated by the Common Council, may be the final decision-maker, but under no circumstances may the penalty of removal be imposed in any manner inconsistent with § C-26.1N.

...

N. Penalties if found guilty.

(1) Discipline less than removal may be imposed as deemed appropriate by the final decision-maker.

(2) The penalty of removal may be imposed only by the affirmative vote of 2/3 of the Common Council~~[-exclusive of the Mayor]~~.

(3) An officer must be provided with written notice of the penalty imposed.

O. Action upon acquittal. An officer who is acquitted of charges must be restored to the officer's most recent position with full pay for the suspension period, if any, less any unemployment benefits received for the suspension period and less any earnings from employment secured by the officer after the suspension began.

P. Appeals. An officer may appeal the final determination as authorized by law.

Q. This section is expressly intended to supersede General City Law § 4.

(i) *The text of Article III, titled "Common Council," Section C-30, titled "Procedure at meetings; minutes; quorum," subsections (B)(1) and (3), subsections of "Voting" in the Ithaca City Charter, are amended as follows:*

(1) In the proceedings of the Common Council, each member present shall have a vote ~~[except]~~including the Mayor~~[-who shall only have a vote when the votes of the other members are tied, and except as hereinafter provided]~~.

...

(3) Notwithstanding any other section, ~~[no tax or assessment shall be ordered except by a concurring vote of a majority of all members of the Common Council in office, including the Mayor, who shall be entitled to vote thereon as a member of the Council, and]~~no tax shall be levied, assessment bill ordered, resolution or ordinance shall take effect until the same shall receive the approval of the Mayor, as hereinafter provided.

(j) *The text of Article III, titled "Common Council," Section C-33, titled Acting Mayor; Alternate Acting Mayor, subsection A in the Ithaca City Charter, is amended as follows:*

A. By the time of the first regular Common Council meeting of each year, the Mayor shall appoint a member of the Council to serve (when needed) as Acting Mayor until the next such annual appointment or replacement by the Mayor. In the Mayor's absence or in the event of a vacancy in the office of the Mayor, the Acting Mayor shall preside at meetings where the Mayor would normally preside, if there is no other provision for another officer to preside at that meeting in the Mayor's absence. In the event that the Mayor is unable to perform the other duties of the

Mayor's office, due to absence and unavailability, sickness or incapacitation, or resignation, removal or death, the Acting **Mayor** shall be vested with all the powers and perform all the duties of the **Mayor**, except as specified herein, until the **Mayor** shall resume the duties of the office or until any vacancy in the office of **Mayor** shall be filled for the unexpired term, by election according to law. The Acting **Mayor** shall not be authorized to make appointments~~[-to remove City officers from their positions-]~~ or to cast a veto, unless the **Mayor** is absent or incapacitated for more than 30 days. ~~[The Acting Mayor shall not be vested with the voting powers of the Mayor as described in § C-30, but shall instead exercise the voting rights afforded Council members other than the Mayor.]~~ The Acting **Mayor** shall sign all necessary papers with the **Mayor's** name, adding thereto the words "Acting **Mayor**."

(k) *The text of Article III, titled "Common Council," Section C-38, titled "Enactment of ordinances and resolutions; penalties," subsection B, titled "Enactment procedure," subsection 1 in the Ithaca City Charter, is hereby amended as follows:*

(1) Every ordinance or resolution imposing any penalty or forfeiture for the violation of its provisions shall take effect upon its enactment or adoption, subject to ~~[approval or disapproval procedure by the Mayor as set forth in § C-11 of this Charter and]~~publication of a notice as hereinafter provided. The notice shall contain the title and a brief description, together with a statement that such ordinance or resolution is on record with the City Clerk, which notice shall be published at least once in the official newspaper of the City of Ithaca before it shall become effective. It shall not be necessary to publish any ordinance, resolution, rule or regulation to be enforced within the City except as herein provided.

(l) *The text of Section C-40 in the Ithaca City Charter, titled "Estimates of revenues and expenditures" is amended as follows:*

§ C-40 Estimates of revenues and expenditures.

- A. On or before the first day of August each year, or at such earlier date as the City Manager ~~[Mayor]~~ may prescribe, but not before the first day of July, the head of each quasi-independent board or commission receiving funds on a budgeted basis, or a designee, and the head of each department or other spending unit of the City government shall furnish to the City Controller an estimate of revenues and expenditures of such unit or authorized agency for the ensuing fiscal year.
- B. Estimates shall be submitted in such form and with such additional information as the City Manager ~~[Mayor]~~ and the Controller shall prescribe.
- C. Such estimates of expenditures shall be based on and shall be accompanied by a proposed work program prepared by each department head for such funds and such work program shall justify the funds requested.

D. The City Controller shall also present to the Common Council a statement of balances of funds on hand and available for application toward the reduction of taxes in the ensuing year.

(m) The text of Section C-41 (D) in the Ithaca City Charter, titled "Levy of taxes; lien" is amended as follows:

§ C-41 Levy of taxes; lien.

D. Such roll shall then be delivered to the City Chamberlain not later than the 31st day of December, with a warrant annexed under the hand of the City Manager [~~Mayor~~] and City Controller and the seal of the City, commanding said Chamberlain to receive, levy and collect the several sums in the roll specified as assessed against the person or property therein mentioned or described and to return said warrant and roll within 11 months after the date of the warrant, unless such time is extended by resolution of the Common Council.

(n) The text of Section C-52 (B) in the Ithaca City Charter, titled "Extraordinary purpose expenditures; special election" is amended as follows:

§ C-52 Extraordinary purpose expenditures; special election.

B. Every resident of the City of the age of 18 years and every resident corporation whose name shall be in the assessment roll made, completed and certified by the Assessors of said City next preceding said special election and upon whose property or upon whom, as the owner or possessor of property, a tax may be assessed upon said roll, and no other person or persons whatever, shall be entitled to vote at said special election. If any person is assessed in any trust capacity representing property mentioned or named in said roll, he/she shall, if a resident of said City and 18 years of age, be considered a qualified voter and entitled also to cast one vote as such trustee. Said assessment roll made by the Assessor or Assessors, or a copy thereof certified by the City Chamberlain [~~Clerk and the Mayor~~] of said City, shall be evidence of the names and assessments as aforesaid.

(o) The text of City Code Section C-62 (B), titled "Program for development of arts" is amended as follows:

§ C-62 Program for development of arts.

B. Agreements. The City Manager [~~Mayor~~], with the approval of the Board of Public Works, is hereby authorized to execute agreements with individuals or corporations permitting the erection of a theater and other facilities on former municipal airport lands as more particularly shown on a map entitled "Ithaca Municipal Airport," dated August 26, 1957, filed in the office of the City Engineer,

upon such terms as said Board may determine, subject to the general conditions hereinafter set forth.

(p) *The text of City Code Section C-86, titled "Statement of receipts and disbursements" is amended as follows:*

§ C-86 Statement of receipts and disbursements.

The Board of Public Works shall, quarterly and at such other times as may be required either by the City Manager, ~~Mayor~~ or by the Common Council, render to the Common Council an itemized statement of all its receipts and disbursements properly classified and showing the balance on hand at the beginning and at the close of the period covered; and at the close of each fiscal year, it shall submit an annual statement showing, by suitable summaries, the cost and the income of each department. Whenever requested by either the City Manager, ~~Mayor~~ or by the Common Council, the Board shall also furnish any additional information in regard to its work or the cost thereof.

(q) *The text of Section C-103 in the Ithaca City Charter, titled "Razing buildings to arrest and extinguish fires" is amended as follows:*

§ C-103 Razing buildings to arrest and extinguish fires.

The City Manager [~~Mayor~~ or Acting ~~Mayor~~] shall have power to cause buildings to be pulled down, blown up or removed for the purpose of arresting the progress of fires and for the extinguishment of the same. In case a building shall be pulled down, blown up or removed under such authority for the purposes aforesaid and said building shall be insured, the owner thereof shall be entitled to recover from said City damages to the same extent that he/she would have been entitled to recover against the insurers in case such building had been destroyed by fire.

(r) *The text of Section C-111 in the Ithaca City Charter, titled "Attendance at conventions, conferences and schools" is amended as follows:*

§ C-111 Attendance at conventions, conferences and schools.

- A. Attendance to be authorized. The Common Council of the City of Ithaca does hereby delegate and grant to the City Manager [~~Mayor~~] of said City the power to authorize the attendance of all officials, officers and employees of said City at official and unofficial conventions and conferences of municipal officers or employees or any school conducted for the betterment of municipal government if believed to be of benefit to the municipality.
- B. Claims for expenses. Where authorization to attend a convention, conference or school shall have been granted by the City Manager [~~Mayor~~], no claim for expenses shall be audited, allowed or paid unless there shall have been an appropriation by the Common Council for these expenses of travel and unless

there shall be attached thereto a travel order or similar document signed by the City Manager ~~[Mayor]~~ authorizing the claimant to attend such conference, convention or school.

Section 3. Amendments to the City Code - This Section 3 amends only the following provisions of the City of Ithaca Municipal Code, with the remainder of the provisions unchanged.

(a) *The text of City Code Section 4-1 "Office of Mayor" is amended as follows:*

§ 4-1 Powers and duties of Mayor.

As provided in Article II of the Charter and in addition thereto, the **Mayor** shall have, but not by way of limitation, the following powers and duties:

A. Serve as presiding officer of the Common Council, pursuant to § C-11 of the Charter.

~~B. Serve as presiding officer of the Board of Public Works, pursuant to § C-58 of the Charter.~~

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~~C. Serve as the chief executive officer of the city, pursuant to § C-11 of the Charter.~~

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~~D. Appoint, except as otherwise provided by the Charter, all department heads and appointive heads of administrative units of the City government, subject to approval or affirmation by the Common Council.~~

~~E. Appoint all officers of the City government for whose appointment no other provision is made by law.~~

~~F. CB. Appoint the members of boards, commissions and other bodies, as required by the Charter or this Administrative Code, and such ad hoc or advisory committees as will, in his/her judgment, aid in the effective administration of the city.~~

~~G. Direct and monitor the governmental activities of units under his/her control with respect to the quality and cost of delivering City services and, to the extent of his/her authority, deal similarly with quasi-independent boards, commissions and agencies.~~

~~H. Recommend to the Common Council such departmental changes and functional assignments as will, in his/her judgment, improve the quality of services rendered or control the cost of the same, where such changes require Common Council action.~~

~~I. Submit or cause to be submitted to the Common Council for approval, procurement policies for the purchase, sale, rental and servicing of all materials, supplies and equipment for the City and, upon such approval, provide for the implementation and monitoring of the same.~~

~~J. Negotiate or cause to be negotiated, with Common Council approval, and administer on behalf of the City agreements with recognized employee representatives concerning conditions of employment, wages, employee sick leave, vacation, health insurance, retirement plans and other personnel matters and recommend to the Common Council necessary action as he/she from time to time deems necessary.~~

~~K. Submit to the Common Council for approval and, upon such approval, administer a salary plan for City employees and periodically have resurveyed prevailing salaries and benefits and recommend amendments to the Common Council in order to eliminate inequities, recruiting difficulties and employee turnover.~~

~~L. Authorize, within appropriations therefor, any officer or employee paid from City funds to attend, at City expense, any convention, conference, school or function deemed to be in the interests of the city.~~

~~M. Transfer employees temporarily between units of the Executive Branch of the City government.~~

~~N. Determine what officer or employee shall exercise powers or perform duties not otherwise assigned by the Charter, this Administrative Code, local law or ordinances of the Common Council, applicable provisions of law or administrative orders of higher authority having the effect of law.]~~

[~~O~~]D. Represent the City or arrange representation in dealing with agencies of the federal, state and county governments and regional authorities for the purpose of obtaining funds or services beneficial to the City and its inhabitants.

[~~P~~]E. Represent the City or arrange representation in dealing with private agencies, educational institutions and other bodies which provide funds, services or advice to the city.

[~~Q~~]E. Represent the City or arrange such representation in meetings and discussions with governmental and private groups, where his/her participation or representation will be beneficial to the city.

[~~R~~]G. Encourage and deal with individual corporations and others whose operations may be brought to Ithaca, who may be persuaded to remain in Ithaca or to expand their operations in the City in accordance with the General Plan adopted by the Common Council.

[~~F~~]H. Serve as Chairperson of the interdepartmental Capital Program Committee, to ensure that all capital program applications are properly substantiated for consideration by the Capital Improvement Review Committee.

[~~U~~. Prepare or cause to be prepared annually an executive budget pursuant to Article III of this chapter and, when adopted by the Common Council, monitor compliance with its provisions.]

[~~V~~]I. Address the Common Council annually at its first regular meeting in January and at such other times as he/she deems appropriate with respect to the needs and

resources of the city, including such programs and proposals for the good of the City as he/she may wish to recommend.

~~[W. Execute on behalf of the city, when so authorized by the Common Council, all deeds, contracts and other documents to be executed as the acts of the City except as otherwise provided by law.]~~

~~X. Declare the existence of an emergency affecting the life, health or safety of inhabitants of the City and, except as otherwise specifically provided by law, perform all acts necessary for the protection of such inhabitants, and execute all necessary documents to effectuate this authorization.]~~

~~[Y.]~~ Perform such other and related duties as the Common Council shall prescribe.

(b) *The text of City Code Section 4-2 "Capital Program Committee" is amended as follows:*

§ 4-2 Capital Program Committee.

There shall be in the Office of City Manager [~~Mayor~~] an interdepartmental Capital Program Committee, consisting of the City Manager [~~Mayor~~] as Chairperson, the Director of Planning and Development, the Superintendent of Public Works and the Controller. The function and duties of the Committee shall be, but not by way of limitation, the following;

(c) *The text of City Code Section 4-5, titled "Preparation of proposed budget" is amended as follows:*

§ 4-5 Preparation of proposed budget.

The City Manager [~~Mayor~~], with the assistance of the Controller in his/her role as Budget Officer, shall be responsible for preparation of and submission to the Common Council of one proposed executive budget each year.

(d) *The text of City Code Section 4-6, titled "Capital budget forecast; procedure; guidelines" is amended as follows:*

§ 4-6 Capital budget forecast; procedure; guidelines.

A. Submission to Controller and Capital Program Committee. On or before the 15th day of April of each year or such earlier date as the City Manager [~~Mayor~~] may prescribe, the head of each quasi-independent board or commission, department or other spending unit shall furnish to the Controller a description, justification and estimate for each physical public improvement or works, hereinafter called "capital project," which he/she proposes for development during one or more of the ensuing six fiscal years. Each capital project request shall show:

...

C. Guidelines.

- (1) The Chairperson of the Budget and Administration Committee shall present its findings and its recommendation for total capital expenditures to the Common Council at its first meeting in August.
- (2) Following its deliberations, the Chairperson of the Budget and Administration Committee shall inform the City Manager [~~Mayor~~] of the Common Council's guidelines for finalizing the capital budget section of the executive budget. This shall be done not later than September 15 each year.
- (3) None of the tentative decisions arrived at during the foregoing shall be binding upon the parties during their subsequent finalizing of the executive budget.

(e) *The text of City Code Section 4-7, titled "Proposed capital budget" is amended as follows:*

§ 4-7 Proposed capital budget.

A. The City Manager [~~Mayor~~], with the assistance of the Controller, shall proceed to prepare his/her proposed capital budget, which shall be arranged so as to give in parallel columns not less than the following comparative information for the appropriations and methods of financing capital projects.

- (1) Appropriations for the last completed fiscal year.
- (2) Appropriations for the present fiscal year.
- (3) Recommendations of the City Manager [~~Mayor~~] for the ensuing fiscal year.

(f) *The text of City Code Section 4-8, titled "Proposed operating budget" is amended as follows:*

§ 4-8 Proposed operating budget.

A. Procedure.

- (1) On or before the first day of August each year or at such earlier date as the City Manager [~~Mayor~~] may prescribe but not before the first day of July, the head of each quasi-independent board or commission receiving City funds on a budgeted basis, or his/her designee, and the head of each department or other spending unit of the City government shall furnish to the Controller an estimate of revenues and expenditures of his/her respective unit or authorized agency for the ensuing fiscal year, exclusive of capital projects.
- (2) Each estimate shall show the sources of revenues and the character and object of expenditures, which may be subclassified by functions and activities, designated according to the Uniform System of Accounts previously mentioned.
- (3) The estimate of each unit or agency shall be subdivided according to the internal organization of such unit.
- (4) Estimates shall be submitted in such form and shall contain such additional information as the City Manager [~~Mayor~~] and the Controller shall prescribe, provided that the estimate of expenditures shall constitute or be accompanied by a request for an appropriation.
- (5) Such estimates of expenditures shall be based on and shall be accompanied by a proposed work program prepared by each applicant for such funds and such proposed work program shall justify the funds requested.

(g) *The text of the following subsections of City Code Section 4-9, titled "Proposed executive budget" is amended as follows:*

§ 4-9 Proposed executive budget.

A. Information required.

(1) Upon the completion of the review and investigation of the estimates and requests from the various units and authorized agencies, the Controller shall prepare the proposed executive budget, under the direction of the City Manager [~~Mayor~~], for both current operating and capital purposes. The proposed operating budget shall be in such form as the City Manager [~~Mayor~~] may deem advisable and shall show, in parallel columns, the following comparative information:

- (a) The actual expenditures and revenues for the last completed fiscal year.
- (b) The budget as modified for the current fiscal year.
- (c) The estimates of expenditures and revenues for the ensuing fiscal year submitted by the heads of the various quasi-independent agencies, departments and other units.
- (d) The Controller's recommendations and estimates as to expenditures and revenues for the ensuing fiscal year.
- (e) The executive budget as proposed by the City Manager [~~Mayor~~].

(2) The proposed capital budget shall be established according to procedures stipulated in § 4-6 of this chapter, in conformity with the Uniform System of Accounts previously mentioned.

B. Detailing of recommendations. The recommendations for expenditures in the proposed executive budget shall be classified by units and their subunits or by special funds. Such recommendations shall show the character and object of expenditure and shall contain:

- (1) An estimate of the several amounts which the City Manager [~~Mayor~~] deems necessary in the ensuing fiscal year for conducting the business of the City and each unit thereof, separately stated, and for other City purposes and charges, classified to show separately:
 - (a) The ordinary recurring expense of the operation and the maintenance of City government; and
 - (b) Any extraordinary or nonrecurring expenses to be financed from current revenue.
- (2) An estimate of the general contingent fund which the City Manager [~~Mayor~~] recommends to be provided for unanticipated or emergency City purposes or charges.

- (3) A statement of the several amounts recommended by the City Manager [~~Mayor~~] for appropriation to the reserve funds and sinking funds, if any.
- (4) A statement of the amount required to pay the interest on and amortization of or redemption of indebtedness becoming due in the ensuing fiscal year.
- (5) An estimate of the amount to be paid to school districts on account of unpaid school taxes to be returned to the City during such year.
- (6) The amount of any judgment recovered against the City and payable during the fiscal year and for which no bonds have been or will be issued.

...

D. Additional data concerning debt. In addition to items of operation and maintenance, the proposed executive budget shall include or be supplemented by a statement showing the bonded indebtedness of the City government and its quasi-independent boards, commissions and other units, the debt redemption and interest requirements, the indebtedness authorized and unissued, the condition of the capital reserve and sinking funds and the borrowing capacity of the City and any other matter which the City Manager [~~Mayor~~] may deem advisable or the Common Council may require.

(h) *The text of City Code Section 4-10, titled "Budget legislation and message" is amended as follows:*

§ 4-10 Budget legislation and message.

B. Submission to Common Council.

- (1) On or before the first day of October of each year, the City Manager [~~Mayor~~] shall submit to the City Controller for distribution to the members of the Common Council the proposed executive budget, including both the proposed operating budget and the proposed capital budget for the ensuing fiscal year, the proposed appropriation and tax levying legislation as prescribed by Subsection **A** of this section, and an accompanying budget message as prescribed by Subsection **C** of this section.
- (2) The proposed operating budget, the proposed capital budget, the budget message and the appropriation and tax levying legislation shall be combined as one document, which shall constitute the proposed City budget for the ensuing fiscal year.
- (3) The City Controller shall forward the proposed City budget, as defined in Subsection **B(2)** above, to the Common Council no later than three days after receipt of the proposed City budget from the City Manager [~~Mayor~~].

- C. Budget message. The City Manager's ~~Mayor's~~ budget message shall include, but not be limited to, an outline of fiscal policy for the City government, describing the important features of the current budget, with reference both to proposed expenditures and anticipated income, and a general summary showing the current and capital requirements for the budget year, with supporting schedules, which shall exhibit the aggregate figures of the current budget in such manner as to show a balanced relation between the proposed expenditures and the total anticipated income for the fiscal year covered by it and which shall compare these figures with the corresponding figures of the last completed fiscal year and the year in progress. The message shall contain such comments with respect to the capital program and budget as the City Manager ~~Mayor~~ may deem advisable, including the probable effect thereof for each of the years involved.
- D. Available as public record. Upon submission, the proposed City budget shall become a public record in the office of the City Clerk. Copies of the same shall be made available by the City Clerk for distribution at a charge to be fixed by the Common Council.
- E. Review by Common Council or designated committee.
- (1) The Common Council, or a committee designated by it, shall review the proposed City budget as submitted by the City Manager ~~Mayor~~ and shall, not later than the 31st day of October, file with the City Controller its report, including any recommendations proposed therein.
 - (2) Such report shall become a public record in the office of the City Controller.
 - (3) Copies of the same shall be made available by the City Controller for distribution at a charge to be fixed by the Common Council.

(i) *The text of City Code Section 4-11, titled "Public hearing" is amended as follows:*

§ 4-11 Public hearing.

Not later than the second day of November, the City Clerk shall cause to be published in the official newspapers a notice of the place and time, not less than five days after such publication nor later than the seventh day of November, at which the Common Council at its regular November meeting will hold a public hearing on the proposed City budget submitted by the City Manager ~~Mayor~~ and the report submitted by the Common Council, or a committee designated by the Council.

(j) *The text of City Code Section 4-12, titled "Adoption of budget" is amended as follows:*

§ 4-12 Adoption of budget.

B. Return to City Manager ~~[Mayor]~~.

- (1) If the budget as passed by the Common Council contains any such alterations, the same shall be presented by the City Clerk to the City Manager ~~[-Mayor]~~ not later than two business days after its passage for his/her consideration of such alterations. [
- ~~(2) If the Mayor approves all the alterations, he/she shall affix his/her signature to a statement thereof and return the budget and such statement to the City Clerk not later than three business days after presentation by the Clerk.]~~ The budget, including the alterations as part thereof, shall then be deemed adopted.-

~~[C. Mayor's veto.~~

~~(1)~~

- ~~(2) The City Manager~~ **[Mayor]** may request reconsideration ~~[object to any one or more]~~ of such alterations and, in such case, shall append to the budget a statement of the alterations to which he/she requests reconsideration ~~[objects]~~, with the reasons therefor ~~[his/her objection]~~, and shall return the budget with his/her requests for reconsideration ~~[objections]~~ to the City Clerk not later than three business days after presentation by the Clerk.
- (2) The Clerk shall distribute the same to the Common Council no later than two business days after receipt of the same from the City Manager **[Mayor]**.
- (3) At a meeting to be held not later than the 30th day of November, the Common Council may in its discretion ~~[shall]~~ proceed to consider, discuss and vote upon the question of whether to approve any or all of the alterations so objected to.
- (4) If 2/3 of the members of the Common Council ~~[-exclusive of the Mayor]~~, vote to approve such alterations, or any of them, the budget with the alterations so approved, together with any additional alterations as Common Council may make in its discretion ~~[not so objected to by the Mayor]~~, shall be deemed adopted.

~~[D. Mayor's failure to act. If a budget with alterations is not returned by the Mayor to the City Clerk with his/her objections within three business days after its presentation to the Mayor by the City Clerk pursuant to § 4-12B(1) above, it shall be deemed adopted.]~~

E. Common Council's failure to act. If a budget has not been adopted as herein provided on or before the 30th day of November, the proposed executive budget as submitted by the City Manager ~~[-Mayor]~~, plus all alterations to which he/she has failed to object, shall be deemed adopted as the City budget for the ensuing fiscal year.

F. Certification of budget. Three copies of the City budget, as adopted, shall be certified by the City Clerk. One such copy shall be filed in the office of the **Mayor** and one each in the offices of the Controller and the City Clerk and the City Manager. The City budget, as so certified, shall be printed or otherwise reproduced, and copies shall be made available at a charge to be fixed by the Common Council.

G. Budget Process Checklist. The following table is provided merely as a convenience and if any conflict arises between this table and the text of the Code, the text shall be considered definitive. The Controller shall copy this chart from the Code, indicate on such copy the actual calendar date for each step in the current calendar year, and provide a copy to each department head, the City Manager **[Mayor]** and each Alderperson on or before the 31st day of March.

(k) *The text of City Code Section 4-15, titled "Reduction of appropriations" is amended as follows:*

§ 4-15 Reduction of appropriations.

If at any time during the fiscal year it appears that the revenues available will be insufficient to meet the amounts appropriated, the City Manager **[Mayor]** shall report to the designated committee of the Common Council without delay the estimated amount of the deficit, remedial action taken by him/her and his/her recommendations as to further action. The designated committee shall recommend and the Common Council shall take such action as it deems necessary to prevent any deficit. For that purpose, it may, by resolution, reduce one or more appropriations; but no appropriation for debt service may be reduced, and no appropriation may be reduced by more than the unencumbered balance thereof or below any amount required by law to be so appropriated. The Common Council may also, if it so desires, authorize borrowing temporarily pursuant to applicable law in an amount not greater than such deficit for such purposes.

(l) *The text of City Code Section 4-16, titled "Transfer of appropriations" is amended as follows:*

§ 4-16 Transfer of appropriations.

Within limitations established by the Common Council, the City Manager **[Mayor]** may, at any time during the fiscal year, transfer part or all of any unencumbered appropriation balance between classifications or expenditures within the same unit of City government. The Common Council, on recommendation of the City Manager **[Mayor]**, may transfer part or all of any unencumbered appropriation balance from one administrative unit or authorized agency to another. But no transfer shall be made from appropriations for debt service, and no appropriation may be reduced below any amount required by law to be so appropriated.

(m) *The text of City Code Section 4-20, titled "Establishment; Director" is amended as follows:*

§ 4-20 Establishment; Director.

There shall be a Youth Bureau, headed by a Youth Bureau Director. Among the powers and duties of the Youth Bureau Director, but not by way of limitation, shall be the:

- D. Submission to the City Manager and Common Council [~~Mayor~~] of such reports, data and other information as he/she may require or as may otherwise be appropriate, from time to time, regarding youth policies, programs and services throughout the city.
- E. Except as may otherwise be provided in the Charter or this chapter, performance of such other and related duties as may be required by the City Manager [~~Mayor~~].

(n) *The text of City Code Section 4-22, titled "Establishment; Director" is amended as follows:*

§ 4-22 Establishment; Director.

There shall be a Department of Planning, Building and Development headed by a Director of Planning and Development. Among his/her functions and duties, but not by way of limitation, shall be the:

...

- J. Service on and provision of service to such bodies as may be concerned with landmark preservation, beautification and the like, as mandated by applicable law or policy decisions of the Board [~~the Mayor~~] or the Common Council.
- K. Carrying out of such additional functions and duties of a related nature as shall be assigned by the Board, the City Manager [~~Mayor~~] or the Common Council.

(o) *The text of the following subsections of City Code Section 4-23, titled "Planning and Development Board" is amended as follows:*

§ 4-23 Planning and Development Board.

A. Creation, appointment and organization.

- (1) There shall be a Planning and Development Board, also known as the "Planning Board," consisting of seven members, each of whom shall be appointed by the **Mayor** with the consent of Common Council. There shall be one member from the Board of Public Works. The **Mayor** shall appoint one member of the Planning

and Development Board to serve as Chairperson. In the absence of a Chairperson, the Planning and Development Board may designate a member to serve as Chairperson. In making such appointments, the **Mayor** may require Planning and Development Board members to complete training and continuing education courses in accordance with any local requirements for the training of such members. The term of office shall be three years, and the terms shall be staggered, except for the member appointed from the Board of Public Works. With respect to that member, the term of office shall be two years and shall coincide with his or her term of office as a member of the Board of Public Works.

- (2) Legislative body members ineligible. No person who is a member of the Common Council shall be eligible for membership on such Planning and Development Board.
- (3) Vacancy in office. If a vacancy shall occur, otherwise than by expiration of term, the **Mayor**, with the consent of Common Council, shall appoint a new member for the unexpired term.
- (4) Removal of members. The **Mayor or Common Council** shall have the power to remove, after public hearing, any member of the Planning and Development Board for cause. Any Board member may be removed for noncompliance with minimum standards relating to meeting attendance and training as established by the Common Council.

...

- (8) Rules and regulations. The Planning and Development Board may recommend to the Common Council regulations relating to any subject matter over which the Board has jurisdiction under this article or under any other statute or under any other local law or ordinance of the city.

B. Powers and duties. Among its powers and duties, but not by way of limitation, shall be:

...

- (13) Undertaking such related functions and duties as shall be requested of it by the City Manager, ~~Mayor~~ or Common Council.

(p) *The text of City Code Section 4-23.4, titled "Powers and duties of the Director" is amended as follows:*

§ 4-23.4 Powers and duties of the Director.

Among the Director's powers and duties, but not by way of limitation, shall be the following:

...

- E. To submit to the City Manager ~~Mayor~~ such reports, data and other information as he/she may require or as may otherwise be appropriate, from time to time, regarding youth and family policies, programs and services throughout the city.
- F. To forward the GIAC's annual budget proposals to the City Manager ~~Mayor~~ in accordance with guidelines and schedules established for all City departments.
- G. Except as may otherwise be provided in the Charter or this chapter, performance of such other and related duties as may be required by the City Manager ~~Mayor~~.

(q) *The text of City Code Sections 4-28 and 4-29 are deleted in their entirety as follows:*

~~§ 4-28 Transitional provisions-~~

~~The Common Council, on recommendation of the Mayor, shall determine and provide for any necessary matters involved in the transition to this chapter.~~

~~§ 4-29 Continuity of authority-~~

~~Any proceedings or other business undertaken or commenced prior to the effective date of this chapter shall be conducted and completed by the City unit responsible therefor under the Charter or this chapter.]~~

(r) *The text of "Part I: Administrative Legislation," Chapter 47, "Economic Development Zone," Section 47-3, "Authorization to submit an application," in the Ithaca City Code, is amended as follows:*

The ~~Mayor~~ City Manager is hereby authorized to submit an application for designation of certain areas within the City of Ithaca as an Economic Development Zone.

(s) *The text of "Part I: Administrative Legislation," Chapter 90, "Personnel," Article I, "Grievance Procedures," Section 90-4, "Initial presentation," subsection D, in the Ithaca City Code is amended as follows:*

D. In the event that the immediate supervisor to whom the initial presentation is made is a department head or the [Mayor]City Manager, the grievant, if dissatisfied with the decision communicated pursuant to Subsection C, may, within 10 days of the communication of that decision, submit a written statement describing the specific nature of the grievance and the objections to the decision to the department head or [Mayor]City Manager. The department head or [Mayor]City Manager shall respond to such statement within 10 days by submitting a written description of the reasons underlying the decision. The grievant shall then have the right to appeal to the Grievance Board in accordance with the procedure outlined in § 90-7.

(t) The text of "Part I: Administrative Legislation," Chapter 90, "Personnel," Article I, "Grievance Procedures," Section 90-7, "Appeals," subsection I, in the Ithaca City Code, is amended as follows:

I. Report. The Grievance Board shall make its report, in writing, within 10 days after the close of the hearing. It shall immediately file its report and the written summary of the proceedings with the City Clerk and shall at the same time send a copy of its report to the employee, the employee's representative, if any, the department head, the [Mayor]City Manager and the Local Civil Service Commission, if appropriate. The report shall include a statement of the Board's findings of fact, conclusions and advisory recommendations.

(u) The text of "Part I: Administrative Legislation," Chapter 90, "Personnel," Article IX, "Indemnification," Section 90-61, "Indemnification," subsection D, in the Ithaca City Code, is amended as follows:

D. Upon entry of a final judgment against the employee, or upon the settlement of the claim, the employee shall serve a copy of such judgment or settlement, personally or by certified or registered mail, within 30 days of the date of entry or settlement, upon the [Mayor]City Manager, and if not inconsistent with the provisions of this article, the amount of such judgment or settlement shall be paid by the City.

(v) The text of "Part I: Administrative Legislation," Chapter 90, "Personnel," Article IX, "Indemnification," Section 90-62, "Conditions of defense," subsection A, in the Ithaca City Code is amended as follows:

A. Delivery by the employee to the City Attorney or the [Mayor]City Manager of a written request to provide for his or her defense, together with the original or a copy of any summons, complaint, process, notice, demand or pleading, within 10 days after he or she is served with such document; and.

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(w) *The text of “Part I: Administrative Legislation,” Chapter 90, “Personnel,” Article XI, “Merit Award Board,” Section 90-70, “Creation; membership; terms” and subsection A thereof, in the Ithaca City Code, are amended as follows:*

There is hereby created a Merit Award Board within the City of Ithaca. The Board shall consist of the ~~Mayor~~ City Manager, Corporation Counsel and a committee of Alderpersons and City employees as follows:

A. Annual Merit Award Board: The ~~Mayor~~ City Manager, Corporation Counsel, and five alderpersons to be designated by Common Council.

(x) *The text of “Part I: Administrative Legislation,” Chapter 90, “Personnel,” Article XI, “Merit Award Board,” Section 90-72, “Criteria for nominations,” subsection A, “Annual recognition,” subsection (4), in the Ithaca City Code, is amended as follows:*

Nominators: any employee, Alderperson, ~~or~~ the Mayor, or the City Manager may nominate an employee, cross-functional team or committee for annual recognition by completing and submitting an annual recognition award nomination form to the Department of Human Resources. Nominations must be submitted no later than the first day of August of the year of nomination and shall consider a twelve-month period ending on July 31. Awards shall become a part of the official personnel file of the City employee.

(y) *The text of “Part I: Administrative Legislation,” Chapter 90, “Personnel,” Article XI, “Merit Award Board,” Section 90-72, “Criteria for nominations,” subsection B, “Quarterly recognition,” in the Ithaca City Code, subsection (4), in the Ithaca City Code, is amended as follows:*

Nominators: any employee, Alderperson, ~~or~~ the Mayor, or the City Manager may nominate an employee, cross-functional team or committee for quarterly recognition by completing and submitting a quarterly recognition nomination form to the Department of Human Resources. Awards shall become a part of the official personnel file of the City employee.

(z) *The text of City Code Section 232-5, titled “Transferability; revocation” is amended as follows:*

§ 232-5 Transferability; revocation.

All licenses issued by the City may be revoked for cause and shall be upon the following conditions and shall contain the following words: "This license is not

transferable except by consent of the issuing authority and is issued to and accepted by the licensee on the express condition that it is revocable by the City Manager ~~[Council or the Mayor]~~ if at any time, in their judgment ~~[of either]~~, the licensee proves unfit to hold such license or the places licensed are not being conducted in a proper and orderly manner."

(aa) *The text of City Code Section 232-33, titled "Issuance and revocation of licenses" is amended as follows:*

§ 232-33 Issuance and revocation of licenses.

The City Manager or their designee ~~[Mayor or the Mayor's designee]~~ shall grant and revoke licenses at his/her discretion in accordance with the provisions of this article and Article 5 of the General Business Law and shall require at all times such data and information as may, in his/her opinion, be necessary to fully carry out the intent and purpose of this article.

(bb) *The text of City Code Section 232-34, titled "Application for license" is amended as follows:*

§ 232-34 Application for license.

Applications for licenses shall be made to the City Manager or designee ~~[Mayor or Mayor's designee]~~ in such form as he/she may prescribe and must be accompanied by:

- A. Satisfactory testimonials of the good moral character of the applicant.
- B. Cash or a certified check for the license fee in the amount fixed by this article.
- C. Such other and additional information that the appropriate officer deems necessary or appropriate.

(cc) *The text of City Code Section 232-53, titled "Solicitation of contributions" is amended as follows:*

§ 232-53 Solicitation of contributions.

- B. License and identification card required. It shall be unlawful for any person, organization, society, association or corporation or their agents or representatives to solicit money, donations of money or property or financial assistance of any kind upon the streets, in office or business buildings, by house-to-house canvass or in public places in the City except upon a license issued by the City Manager ~~[Mayor]~~ and an identification card issued by the City Clerk.

C. Application for license; contents. An application to solicit funds for any cause whatever, as provided for in this section, shall be addressed to the City Manager ~~[Mayor]~~ at least two weeks in advance of the first day of solicitation, and such application shall contain the following information:

- (1) The name and the purpose of the cause for which permission is sought.
- (2) The names and addresses of the officers and directors of the organization.
- (3) The time for which permission is sought and the localities and places of solicitation.
- (4) Whether or not any commissions, fees, wages or emoluments are to be expended in connection with such solicitation.
- (5) Such other information as the City Manager ~~[Mayor]~~ shall require.

D. Statement of finances. It shall be the duty of the City Manager ~~[Mayor]~~, before granting permission to solicit funds or donations as provided for in this section, to compel the applicant to file ~~[with the Mayor]~~ a signed statement of all moneys collected in the calendar year or the fiscal year of such organization, society, association or corporation previous to the application and the expenditures connected therewith, together with the names and addresses of all persons receiving wages, commissions or emoluments and the amounts so expended.

(dd) Amend City Code Section 282-8 (B), titled "Administration," as follows:

§ 282-8 Administration.

B. The City Manager ~~[Mayor]~~, on behalf of the City of Ithaca, and in consultation with the Superintendent of Public Works and the Director of Planning and Development, shall designate a Stormwater Management Officer (SMO), who shall administer, implement and enforce the provisions of this Part 1.

(ee) The text of Chapter 316, titled "Emergency Preparedness," Article I, titled "Snowmobiles," Section 316-5(A), a subsection of "Limited operation permitted," in the Ithaca City Code, is amended as follows:

Emergency: in an officially declared snow emergency in the City for the purpose of emergency travel only, during the period of time when and at locations where snow upon the highways renders travel by automobiles impractical, as to declared and permitted by the ~~[Mayor]~~ City Manager or other authorized person. A snowmobile may also be operated on a street or highway in the City in emergency situations when the specific travel for a specific purpose is authorized or directed by a state or local police officer, the Highway Superintendent or the ~~[Mayor]~~ City Manager.

Section 4. Severability clause.

Severability is intended throughout and within the provisions of this Local Law. If any section, subsection, sentence, clause, phrase, or portion of this Local Law is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Local Law.

Section 5. Effective date.

This Local Law shall take effect on January 1, 2024, and after filing in the office of the Secretary of State. This Local Law is subject to mandatory referendum pursuant to Municipal Home Rule Law Section 23.

Ordinance No. 2021-__

An ordinance to amend the City Code to incorporate the creation of a
City Manager Position

WHEREAS, under our current charter, the Mayor is elected every four years and serves as the chief executive officer of the City, the political leader of the City, and the Chair of Common Council; and

WHEREAS, as chief executive officer the Mayor oversees 11 departments, a budget of 79 million dollars, 400 employees, and six bargaining units; and

WHEREAS, as political head, the Mayor appoints committees, represents the City to other levels of government, and articulates a vision for the future and values of the City; and

WHEREAS, the Common Council and the Mayor believe that it is in the best interests of the City to shift to an alternative form of government that would allow Common Council to select and hire a trained, experienced person in the role of City Manager to be the chief executive officer of the City and would allow the electorate to choose a Mayor who is the political leader of the City as well as a voting member and Chair of Common Council; and

WHEREAS, this action requires amendment of the City Charter by local law (addressed in the companion local law), and various Code changes by ordinance (addressed by this ordinance); now, therefore

BE IT ORDAINED by the Common Council of the City of Ithaca as follows:

Section 1. Legislative findings, intent, and purpose.

The Common Council makes the following findings:

1. The current governmental structure of the City does not fully serve the best interests of the City, insofar as:
 - An elected Mayor may not have experience administering a large complex organization
 - The Mayor's salary is not commensurate with this level of responsibility and is significantly lower than the salaries of the department heads managed by the Mayor
 - Under this prevailing system, the Mayor is accountable to the electorate every four years
 - Though elected, the Mayor only votes with the Council to break a tie

- Even if the Mayor has a Chief of Staff that person's role is ambiguous insofar as department heads do not report to and are not evaluated or hired by the Chief of Staff
 - Furthermore, an appointed Chief of Staff reports directly to the Mayor and may be replaced upon the election of a new Mayor
2. An alternative form of government would allow Common Council to select and hire a trained, experienced person in the role of City Manager to be the chief executive officer of the City and would allow the electorate to choose a Mayor who is the political leader of the City as well as a voting member and Chair of Common Council.
 3. Advantages of this alternative form of government for the City of Ithaca include:
 - An appointed City Manager is hired solely for educational and professional credentials and compensated accordingly.
 - An appointed City Manager is accountable to Common Council every day and is responsible for implementing policy formed by elected Alderpersons, reflecting the will of the citizens.
 - An appointed City Manager with long service offers stability to City government
 - The Mayor is a voting member of Common Council
 - There is a distinction between the administrative and political functions in City leadership

Based upon the above findings, the intent and purpose of this ordinance is to amend the City Code to reflect the changes implemented by the companion Local Law creating the position of an appointed City Manager that will report directly to the Common Council, which shall continue to be chaired by the Mayor, and to detail the authorities and responsibilities of the City Manager as chief executive officer of the City, while preserving to the Mayor the role as political leader, but not administrative head, of the City.

Section 2. References to Mayor in contracts or agreements

To the extent any current or existing contract or other written agreement or obligation with or on behalf of the City of Ithaca refers to or confers a remedy or responsibility to the Mayor, upon the effective date of this ordinance, the term "Mayor" shall be interpreted to mean the City Manager.

Section 3. Amendments to the City Code This Section 3 amends only the following provisions of the City of Ithaca Municipal Code, with the remainder of the provisions unchanged.

(a) *The title of "Part I: Administrative Legislation," Chapter 7, "Appointments, Mayoral" in the Ithaca City Code, is amended as follows:*

Appointments, ~~Mayor~~ by Mayor and/or City Manager.

(b) *The introductory portion of “Part I: Administrative Legislation,” Chapter 7, “Appointments, Mayoral” in the Ithaca City Code, titled “Charter References,” is amended as follows:*

Appointments by Mayor and/or City Manager — See §§ C-26 and C-27.

Commented [KF1]: Remove? I think ECode does this

(c) *The text of “Part I: Administrative Legislation,” Chapter 7, “Appointments, Mayoral,” Section 7-1, “Procedure outlined,” and subsection A thereof in the Ithaca City Code, are amended as follows:*

The procedure for making appointments by the Mayor and/or the City Manager as provided for in applicable provisions of the charter and code (for purposes of this Chapter, the “Appointing Official”), to any office, board, commission or committee for which the approval of the Common Council is required or sought shall be as follows, except as provided in charter § C-26:

A. The [Mayor]-Appointing Official shall give written notice of the proposed appointment to the members of the Common Council at least seven days in advance of the Council meeting at which Council action is requested.

(d) *The introductory portion of “Part I: Administrative Legislation,” Chapter 8, “Advisory Commissions” in the Ithaca City Code, titled “General References,” in the second line thereof, is amended as follows:*

[Mayoral appointments]Appointments by Mayor and/or City Manager — See Ch. 7.

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(e) *The text of “Part I: Administrative Legislation,” Chapter 17, “Cable Commission,” Section 17-2, “Officers and meetings; minutes,” subsection B in the Ithaca City Code, is amended as follows:*

B. Copies of the minutes of each meeting shall be transmitted to the [Mayor]-City Manager and the Common Council.

(f) *The text of “Part I: Administrative Legislation,” Chapter 18, “Cable Access Oversight Committee,” Section 18-3, “Terms; officers and meetings; minutes,” subsection C in the Ithaca City Code, is amended as follows:*

C. Copies of the minutes of each meeting shall be transmitted to the [Mayor]-City Manager and the Common Council.

(g) *The text of “Part I: Administrative Legislation,” Chapter 42, “Cyber Security Citizen Notification Policy” Section 42-5, “Implementation,” in the Ithaca City Code, is amended as follows:*

The ~~[Mayor]~~City Manager shall ensure that a written, city-wide protocol is established, which protocol shall stipulate how the notification requirements in this policy are to be implemented.

(h) *The text of Chapter 48, titled “Emergency Preparedness,” Section 48-4 in the Ithaca City Code, titled “Designation of emergency operations center (EOC),” is amended as follows:*

The emergency operations center for the city will be in the Central Fire Station unless the ~~[Mayor]~~City Manager declares otherwise. Once the ~~[Mayor]~~City Manager or next city officer in line has declared that an emergency exists, the emergency operations center will be staffed on a twenty-four-hour basis until the declared emergency subsides. The emergency operations center will forward all warnings, directives, information, etc., to various local departments, as appropriate. This will be done through the use of department representatives, telephones (located in the emergency operations center), radios in the Police, Fire, Highway and Civil Defense Departments and in the offices of cooperating agencies. Each member assigned to the emergency operations center will be familiar with this plan, particularly with the section pertaining to each responsible person's service duties.

(i) *The text of Chapter 48, titled “Emergency Preparedness,” Section 48-5 in the Ithaca City Code, titled “Essential emergency operations records,” is amended as follows:*

The ~~[Mayor]~~City Manager, with the assistance of the Fire Chief, Police Chief and/or Superintendent of Public Works, functioning either at the emergency operations center or an appropriate designated alternative site, depending on the nature of the emergency, are responsible for the maintenance and availability of records, documents, plans and other materials required to discharge their and others' functions during an emergency.

(j) *The text of Chapter 48, titled “Emergency Preparedness,” Sections 48-6(A), (D), and (E) in the Ithaca City Code, subsections of “Procedure,” are amended as follows:*

A. The [Mayor]City Manager or the designated Emergency Coordinator is responsible for notification and declaration of an emergency or disaster.

...

D. The City of Ithaca should contact the County Civil Defense Office regarding any major emergency or disaster situation. Civil defense assistance should be requested when local or mutual aid resources are exhausted. All requests for county civil defense assistance of any nature by any department will be approved by the [Mayor]City Manager and will be made to the County Director of Civil Defense by direct phone contact or by civil defense radio network.

E. Military assistance requests will be made by the [Mayor]City Manager of the City of Ithaca to the County Administrator and the Chair of the County Board, who will forward the request to the Tompkins County Civil Defense Office, which will forward it to the State Natural Disaster Commission.

(k) *The text of Chapter 48, titled "Emergency Preparedness," Sections 48-7(A), (D), (I), (J), (K), (L), (M), (N), and (O) in the Ithaca City Code, subsections of "Powers and duties of officials," are amended as follows:*

A. [Mayor]City Manager.

(1) The [Mayor]City Manager of the City of Ithaca is responsible for the conduct of disaster operations within the City of Ithaca. The [Mayor]City Manager shall use any and all facilities, equipment, supplies, personnel and other resources of the city in such a manner as may be necessary or appropriate to cope with the disaster.

(2) The [Mayor]City Manager shall direct the activities of all agencies within the city against the effects of emergency in conformance with the approved plans for the rescue and relief of the people, the recovery and the rehabilitation of the community. The [Mayor]City Manager will utilize services of the emergency operations center and its staff for implementation of necessary measures to achieve emergency operations.

...

D. An Emergency Coordinator shall be appointed by the [Mayor]City Manager, with skills appropriate to direct the implementation of the comprehensive plan for the emergency operations center, under the direction of the [Mayor]City Manager.

Also, under the direction of the [Mayor]City Manager, the Emergency Coordinator coordinates the emergency operations of the emergency operations center, prepares estimates of the situation, advises the [Mayor]City Manager of operational priorities and recommends requests for assistance from the Tompkins County Civil Defense or other appropriate agencies.

...

- I. A Public Information Officer will be appointed by the [Mayor]City Manager of the city to direct the local dissemination of emergency information and the issuance of news reports to the public and notify the County Civil Defense Office on the status and development of emergency measures, using all media of public communication.
- J. If necessary, a Communications Officer will be appointed by the [Mayor]City Manager to supervise, direct, arrange and restore communications for all emergency purposes using available communication means and methods. Maximum use of all available forms of communications will be planned by all departments to aid the communications staff in carrying out their duties.
- K. If needed, a Medical Officer or staff will be appointed by the [Mayor]City Manager to direct all action necessary for rendering health and medical services to the community. The Medical Officer or staff should alert hospitals and ambulances in the area regarding anticipated medical needs.
- L. If necessary, a Supply Officer will be appointed by the [Mayor]City Manager to carry out measures necessary to the emergency handling of all local resources.
- M. If necessary, a Staffing Officer will be appointed by the [Mayor]City Manager to coordinate and/or direct the assignment of personnel to the various emergency services as requested.
- N. If necessary, a Transportation Officer will be appointed by the [Mayor]City Manager to carry out measures necessary to the utilization of all transportation modes for support and rescue operations.
- O. Additional responsibilities and functions. All department heads and/or those responsible for carrying out parts of the emergency operations for the City of Ithaca shall perform their responsibilities and functions as directed by the [Mayor]City Manager or the Emergency Coordinator.

(l) *The text of "Part I: Administrative Legislation," Chapter 55, "Ethics, Code of," Section 55-7, "Required conduct respecting actual and potential conflicts of interest," subsection F in the Ithaca City Code, is amended as follows:*

F. Notwithstanding any provisions in this chapter, if a conflict of interest cannot be avoided because of the nature of the circumstances in a particular situation, any involved city official or employee shall bring the particular matter to the attention of the ~~Mayor, the City Manager,~~ and the City Attorney, or such other city official or city employees as may be appropriate, before voting or taking any discretionary action on said matter.

(m) *The text of "Part I: Administrative Legislation," Chapter 73, "Landmarks Preservation Commission," Section 73-6, "Records and annual report," in the Ithaca City Code is amended as follows:*

The Commission shall keep a record, which shall be open to the public view, of its resolutions, proceedings and actions. The vote or failure to vote of each member shall be recorded. The concurring affirmative vote of a majority of those members present shall constitute approval of plans before it for review or for the adoption of any resolution, motion or other action of the Commission. The Commission shall submit an annual report of its activities to the ~~Mayor~~City Manager and Common Council and make such recommendations to the Common Council as it deems necessary to carry out the purposes of this chapter and Chapter 228, Landmarks Preservation.

(n) *The text of "Part I: Administrative Legislation," Chapter 90, "Personnel," Article VIII, "Sexual Harassment," Section 90-56, "Reporting and investigation of complaints," subsection E, "Investigation procedure," subsection (1), in the Ithaca City Code, is amended as follows:*

(1) Once a formal complaint has been received, the Human Resources Director will commence a prompt investigation of the allegations in the complaint and will report the results of the investigation to the complainant's department head or to the ~~Mayor~~City Manager, as appropriate. The investigation should be concluded within 60 days of the filing of the formal complaint. The investigation may be expanded if more allegations are uncovered during the investigation.

(o) *The text of "Part I: Administrative Legislation," Chapter 90, "Personnel," Article VIII, "Sexual Harassment," Section 90-57, "Post-investigation and appeal procedure," subsection B, in the Ithaca City Code, is amended as follows:*

B. Complaint founded. If a complaint is founded, the Human Resources Director and the Department Head or ~~[Mayor]~~*City Manager* will meet with the person accused and his/her union representative, if the accused is represented, and explain the findings of the investigation. The accused will have an opportunity to accept the findings and any corrective and/or disciplinary action, or to oppose the findings and file a grievance through his/her collective bargaining unit. The Human Resources Department will maintain a confidential record of the investigation.

(p) *The text of "Part I: Administrative Legislation," Chapter 120, "Youth Council," Section 120-2, "Purposes and duties," subsection F, in the Ithaca City Code, is amended as follows:*

To submit a written annual report on the membership and activities of the Youth Council, to the Mayor and Common Council (and the City Clerk), and to report on a regular basis to the Mayor.

(q) *The text of "Part I: Administrative Legislation," Chapter 120, "Youth Council," Section 120-5, "Staff support," in the Ithaca City Code, is amended as follows:*

A staff person(s) from a City Youth Services Department shall act in consultation with the Common Council Liaisons and under the direction and supervision of the City department head so designated by the ~~[Mayor]~~*City Manager*. The duties of this staff person with regard to the Youth Council shall be set forth in writing and kept up-to-date by the department head and provided to the Mayor *and City Manager*, and a current version of such description shall be appended to the annual report required by § 120-2 herein.

(r) *The text of "Part I: Administrative Legislation," Chapter 120, "Youth Council," Section 120-6, "Meetings; records; annual report" subsection C, in the Ithaca City Code, is amended as follows:*

The Youth Council shall meet at least one time per year with the Mayor.

(s) *The text of "Part II: General Legislation," Chapter 128, "Alcoholic Beverages," Section 128-5, "Exceptions," subsection B, in the Ithaca City Code, is amended as follows:*

The provisions of this article shall not apply to any activity sponsored by an organization having proper license to dispense alcoholic beverages in or upon any public place within the City, said license having been issued by the Alcoholic Beverage Control Board of Tompkins County and such organization having obtained permission from the [Mayor]City Manager. This exception shall apply only to the public place in the City in or upon which the alcoholic beverages are dispensed.

(t) *The text of "Part II: General Legislation," Chapter 132, "Assemblies and Parades," Section 132-8, "Appeals," in the Ithaca City Code is amended as follows:*

The applicant may appeal to the [Mayor]City Manager or the [Mayor]City Manager's designee from the decision of the permit officer within five days, in writing and with notice, and the [Mayor]City Manager or the [Mayor]City Manager's designee shall hear argument from both sides and render a written decision reversing, affirming or modifying in any regard the determinations of the permit officer within 48 hours. Remedy by appeal as described in this section is not exclusive, and exhaustion of such appeal shall not be required before seeking any judicial remedy.

(u) *The text of "Part II: General Legislation," Chapter 132, "Assemblies and Parades," Section 132-9, "Notification of officials," subsection A, in the Ithaca City Code, is amended as follows:*

A. The [Mayor]City Manager.

(v) *The text of City Code Section 146-4 (B), titled "Administrative officers and functions" is amended as follows:*

§ 146-4 Administrative officers and functions.

B. Director of Planning and Development. The Director of Planning and Development or the Director of Code Enforcement if so designated by the Director of Planning and Development shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-

service training and other training as the State of New York shall require for code enforcement personnel, and the Director of Planning and Development or the Director of Code Enforcement if so designated by the Director of Planning and Development shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder. In the event that the Director of Code Enforcement is unable to serve as such for any reason, an individual shall be appointed by the City Manager [~~Mayer~~] to serve as Acting Director of Code Enforcement. The Acting Director of Code Enforcement shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Director of Code Enforcement by this chapter.

(w) *The text of City Code Section 152-5 titled "Regulation of franchise" is amended as follows:*

§ 152-5 Regulation of franchise.

A. General. The City shall exercise appropriate regulatory authority under the provisions of this article and applicable federal and state law. This authority shall be vested in the City Manager [~~Mayer~~] and/or Common Council or their designee to provide day-to-day administration and enforcement of the provisions of this article and any franchise granted hereunder and to carry out the City's responsibility with regard to cable service. The City may from time to time adopt such reasonable rules and regulations that it may deem necessary in the exercise of its municipal powers; provided, however, that the same do not alter the terms and conditions of grantee's rights and obligations under this article or its franchise.

(x) *The text of City Code Section 152-15 titled "Notices" is amended as follows:*

§ 152-15 Notices.

Every notice to be served upon the City shall be sent by certified mail, postage prepaid, to the [~~City's Mayor~~] City Manager, City Attorney and City Clerk. Every notice to be served upon the grantee shall be sent by certified mail, postage prepaid, to the grantee at its Ithaca office.

(y) *The text of City Code Section 152-34 titled "Regulation of franchise," subsections 34(A)(1) and 34(E)(7)(a)(2), is amended as follows:*

§ 152-34 Regulation of franchise.

A. Regulatory authority.

- (1) Ongoing regulation. The City shall exercise appropriate regulatory authority under the provisions of this article and applicable law. This authority shall be vested in the Common Council and administered through the City Manager [~~Mayer~~] or his/her designee. The City Manager [~~Mayer~~] or his/her designee shall provide day-to-day administration and enforcement of the provisions of this article and any franchise granted hereunder, and shall carry out the City's responsibilities with regard to telecommunications.

...

E. Franchise fees and in-kind compensation.

...

- (7) In-kind compensation and use of grantee's facilities.

- (a) In addition to the franchise fee and linear foot fee, grantee shall provide the following in-kind compensation to the City:

...

[2] If grantee applies for a permit to install any facilities underground in the public right-of-way, then in addition to applying for all necessary permits, grantee shall notify, by certified mail, the City Manager [~~Mayer~~] at City Hall, Suite 401, 108 East Green Street, Ithaca, New York 14850, and the Director of Economic Development at City Hall, 108 East Green Street, Ithaca, New York 14850, in writing that grantee has applied for such a permit. The City shall have 45 business days from the date of receipt of notice from the grantee to notify grantee in writing whether it desires to install in grantee's trench(es) one four-inch-in-diameter-or-larger conduit with innerducts, at its sole cost and expense for the City's use or to use 5% of grantee's installed duct capacity, whichever is greater. The City's conduit with innerducts and facilities shall be allowed to have ingress and egress to pedestals, manholes, and underground vaults and access to the same. If the City does not meet the deadline specified above, grantee shall use reasonable efforts to accommodate late City requests for use of grantee's trench(es) and installation of conduit as specified herein. The City shall obtain any necessary governmental licenses or permits and any necessary governmental or private easements or authorizations required for the City's conduit at its sole cost and expense. The City's installation of the conduit shall not unduly delay grantee in constructing or installing its facilities. Grantee shall not charge the City for construction of the trench(es). The City, at its option, may elect to have grantee (rather than the City or its designee) install the one four-inch-in-diameter-or-larger conduit with innerducts and pull lines in the conduit for the City's use. The City shall own such conduit installed by itself, a designee, or the grantee. If grantee installs the City's conduit, grantee shall not charge the City for any portion of the construction and installation costs related to the grantee's network containing such City conduit that are incurred by grantee, but

may charge the City, on an incremental basis, costs incurred by grantee for materials, permits, licenses, authorizations and engineering fees, if any, incurred by grantee for the City conduit ("costs"). If the City requested the grantee to construct and install the conduit, grantee shall provide the City with an itemized invoice and shall transfer ownership of said conduit to the City upon the City's payment of the costs within 30 days from the City's receipt of an itemized invoice from grantee. At the end of the term of grantee's franchise and any extensions or renewals thereof, or if the franchise is terminated for any other reason, the City, in its discretion and at its sole cost and expense, shall be entitled to continue its use of and access to the grantee's trench(es), pedestals, manholes, conduits and underground vaults, provided that the City has or will obtain any necessary licenses, authorizations, easements, permits and approvals that may be required. The City shall be required to maintain and operate said conduit at its sole cost and expense. Grantee and City shall not physically interfere with each other's conduit and facilities.

(z) *The text of City Code Section 170-7, titled "Application procedure" is amended as follows:*

§ 170-7 Application procedure.

...

- K. If an application for a permanent easement or a lease is not denied by staff, the City Attorney shall submit the application to the City Manager ~~[Mayor]~~, together with any staff recommendations, for consideration by Common Council.
- L. An appeal of a staff denial of an application for a lease, license, easement or permit shall be in writing, must include copies of the application (and any attachments) and the denial notice, and the grounds for the appeal, and shall be submitted to the City Manager ~~[Mayor]~~ within 15 days of the applicant's receipt of such denial. If the City Manager ~~[Mayor]~~ grants the appeal, the application shall be remitted to the Board of Public Works or the Common Council, as appropriate per this chapter, for consideration. In any case, as noted above, whether to grant such application shall be in the sole discretion of the City.

(aa) *The text of City Code Section 170-9, titled "Form and terms of all licenses and permits" is amended as follows:*

§ 170-9 Form and terms of all licenses and permits.

- B. The City, through the City Manager ~~[Mayor]~~ or Superintendent, specifically reserves the right to revoke any permit or license if conditions warrant. Each

license is revocable by the City in the event of an emergency, or upon no more than three months' notice (or such other period as is specified in the license or permit) to the licensee or permittee or upon failure of the licensee or permittee to comply with any term in the license or permit. Sufficient reasons to revoke a license or permit include but are not limited to insufficient maintenance by the licensee or permittee such that the encroachment or permitted use is rendered unsafe; or changes in the use of streets or sidewalks such that the encroachment or use has been rendered a public nuisance. The Superintendent shall notice the owner of the encroachment or permittee of the decision to revoke the license or permit and shall fix a reasonable time for removal of the encroachment or use, by the licensee or permittee, that is appropriate to the reason for the removal. Any person aggrieved by a decision of the Superintendent may file an appeal with the Board of Public Works, within 15 days of the receipt of the removal notice. The revocation notice shall include notification to the encroachment owner of the right to appeal and the time limitation for commencing an appeal.

(bb) *The text of City Code Section 170-11, titled "Form and terms of leases and easements" is amended as follows:*

§ 170-11 Form and terms of leases and easements.

Where the use of City land requires a lease or permanent easement (pursuant to this chapter), such lease or easement shall be in the form of a legally binding agreement signed by the City Manager [~~Mayor~~] and the tenant or easement beneficiary, and shall be drafted and/or reviewed by the City Attorney prior to execution. The terms of such leases and easements shall be particular to the situation, for reasonable and proper consideration, and, unless otherwise specified herein (or by Common Council), subject to the approval of Common Council.

(cc) *The text of City Code Section 181-8 (D), titled "Fire Prevention Bureau" is amended as follows:*

§ 181-8 Fire Prevention Bureau.

D. Report to City Manager [~~Mayor~~]. A report of the Fire Prevention Bureau shall be made annually and submitted to the City Manager [~~Mayor~~]. It shall contain all enforcement actions under the Uniform Code, with such statistics as the Chief of the Fire Department may deem necessary to include therein. The Chief of the Fire Department may also recommend any amendments to this article as he/she may deem to be desirable.

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(dd) The text of City Code Section 201-4, titled "Exemptions" is amended as follows:

§ 201-4 Exemptions.

- A. High-level radioactive materials (not including high-level radioactive waste materials) transported by or for the United States government for military or national defense purposes are exempted from this article, and nothing herein shall be construed as requiring the disclosure of any defense information or restricted data as defined in the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974, as amended.
- B. High-level radioactive materials transported to or from or stored at and to be used by any medical facilities are exempted from this article. Valid operating certificates issued by the New York State Department of Health and the New York State Bureau of Radiological Health must be held by the medical facilities to qualify for this exemption. The City Manager [~~Mayor~~] and the Chief of Police of the City of Ithaca shall be notified two weeks prior to the date of shipment stating the route, the date and method of shipment, the time of passage, the destination and the type and quantity of high-level radioactive materials to be transported.
- C. High-level radioactive materials transported to or from or stored at and to be used for educational research purposes at an accredited institution which is licensed by the New York State Bureau of Radiological Health or, in the case of interstate shipments, licensed by the equivalent government agency in the jurisdiction in which the institution using the radioactive material is located are exempted from this article. This exemption also applies to any educational institution licensed by the United States Nuclear Regulatory Commission. The City Manager [~~Mayor~~] and Chief of Police of the City of Ithaca shall be notified two weeks prior to the date of shipment, stating the route, the date and the method of shipment, the time of passage, the destination and the type and quantity of high-level radioactive materials to be transported.

(ee) The text of City Code Section 215-17, titled "Handicapped Access Coordinator" is amended as follows:

§ 215-17 Americans with Disabilities [~~Handicapped~~] Access Coordinator.

The City Manager [~~Mayor~~] shall appoint a city employee to be the Americans with Disabilities or ADA [~~Handicapped~~] Access Coordinator for the City of Ithaca.

The Coordinator shall help coordinate and facilitate city efforts to improve handicapped access, shall receive complaints from aggrieved persons and shall

make every effort to ensure prompt and equitable resolution of complaints.
The [~~Handicapped~~] ADA Access Coordinator shall serve until a new appointment is made. If the person designated as [~~Handicapped~~] ADA Access Coordinator leaves city employment, the City Manager [~~Mayor~~] shall name a replacement as soon as possible.

(ff) *The text of City Code Section 232-54, titled "Additional regulations applicable to religious solicitations" is amended as follows:*

§ 232-54 Additional regulations applicable to religious solicitations.

C. Advance notice shall be given to the City Manager [~~Mayor~~], in writing, at least 72 hours and not more than one month prior to the commencement of such solicitations, including the following information:

(gg) *The text of City Code Section 240-13, titled "Permit procedures for events of temporary duration" is amended as follows:*

§ 240-13 Permit procedures for events of temporary duration.

Except as provided for in § 157-8 of the City Code regarding the Ithaca Commons:

...

E. The application shall be made to the Superintendent of Public Works, or his/her designee, in connection with construction work on public rights-of-way or in parks; to the Director of Planning and Development, or his/her designee, for all other construction projects; and for others to the City Manager [~~Mayor~~] or his/her designee. The issuance of permits shall be discretionary, and a permit shall be issued only where the responsible official determines that such permit is reasonable and necessary and will allow an activity that is consistent with the general purposes of this chapter, as stated in § 240-2. When determining if a permit should be issued, factors the official shall consider shall include but are not limited to the volume of the noise, the proximity of the noise to sleeping facilities, the time of the day or night the noise occurs, the time duration of the noise, and the impact of the noise on persons living or working in different places or premises who are affected by the noise. Any permit granted shall state that the permit only applies to this chapter, and that § 240.20, Subdivision 2, of the Penal Law of the State of New York, Disorderly Conduct, provides that "a person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm or recklessly creating a risk thereof: . . . he makes unreasonable noise."

F. In order to further the purposes of this chapter and to facilitate its implementation and enforcement, the Superintendent of Public Works, the Director of Planning and Development and the City Manager [Mayor], or their designees, shall have authority to impose such conditions as they determine are reasonable and necessary on permits they issue pursuant to this section. Such conditions may govern factors which include but are not limited to the time and location the involved sound source may be utilized.

G. The Superintendent of Public Works, the Director of Planning and Development and the City Manager [Mayor], or their designees, shall provide the Chief of Police with a copy of any permit issued pursuant to this section.

(hh) *The text of City Code Section 240-14, titled "Variances" is amended as follows:*

§ 240-14 Variances.

The City Manager [Mayor] or his/her designee may grant for a sustained duration an individual variance from the limitations prescribed in this article whenever it is found, after a noticed public hearing before the Planning and Economic Development Committee of Common Council and upon presentation of adequate proof, that compliance with any part of this article will impose an undue economic burden upon any lawful business, occupation or activity, and that the granting of the variance will not result in a condition injurious to health or safety.

A. Any variance, or renewal thereof, shall be granted within the following limitations:

- (1) If the variance is granted on the grounds that compliance with the particular requirement or requirements will necessitate the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time as, in the view of the City Manager [Mayor] or his/her designee, is requisite for taking of the necessary measures. A variance granted on the ground specified in this subsection shall contain a timetable for taking of action in an expeditious manner and shall be conditioned on adherence to the timetable; or
- (2) If the variance is granted on the ground that it is justified to relieve or prevent hardship of a kind other than that provided for in Subsection A(1), it shall be for not more than one year.

B. Any person seeking a variance shall file a petition for variance and a filing fee of \$50 with the City Manager [Mayor] or his/her designee. The City Manager [Mayor] or his/her designee shall thereafter conduct a noticed public hearing in accordance with this section at a regularly scheduled meeting of the Planning and Economic Development Committee of Common Council, accept documentary and testimonial evidence in accordance with accepted

administrative hearing procedures, and make a final decision regarding the granting of the variance.

- C. Written notice of the public hearing, the time and place of which shall be set by the City Manager [~~Mayor~~] or his/her designee, shall be mailed by the petitioner at least 10 days prior to the hearing, with proof of mailing provided to the City Manager [~~Mayor~~] at least eight days prior to the hearing, to:
- (1) The owners as shown by the records of the County Assessor of lots comprising the site of the variance and lots within 200 feet, excluding public right-of-way, of the site of the variance;
 - (2) Any neighborhood association if the site of the variance is within the neighborhood association's boundaries or within 200 feet of the neighborhood association's boundaries, excluding public right-of-way.
 - (3) Any other person or entity that has filed with the City Manager [~~Mayor~~] a request to receive a notice of the variance proceeding.
- D. The notice of hearing shall set forth the name and address of the petitioner, the location of the site of the variance, that the petitioner has requested a variance from this chapter, the nature of the requested variance, and that part of the chapter that would be waived if approved.
- E. Following the hearing, the Chair of the Planning Committee [~~Mayor~~] or his/her designee shall render a written final decision, including findings of fact and conclusions of law, ~~and~~ [~~The Mayor or his/her designee~~] shall mail the decision to all parties of record.

(ii) *The text of City Code Section 256-6, titled "Appeals" is amended as follows:*

§ 256-6 Appeals.

Any person denied access to a record may, within 30 days, appeal such denial, in writing, to the City Manager [Mayor], who shall, within 10 business days of the receipt of such appeal, fully explain, in writing, to the person requesting the record the reasons for further denial or provide access to the record sought. In addition, the records access officer shall forward to the New York State

Committee on Open Government a copy of such appeal and the determination thereon. If the City Manager [Mayor] affirms or modifies the denial, he/she shall communicate his/her reasons, in writing, to the person making the appeal and inform such person of his/her right to appeal such affirmation or modification pursuant to Article 78 of the Civil Practice Law and Rules.

(jj) *The text of City Code Section 342-38 (C) "Insurance Requirements" is amended as follows:*

C. Block parties and similar neighborhood gatherings, motorcades, parades, and public gatherings and assemblages, for which a street obstruction permit has been granted, are exempt from the insurance requirements set forth in § 342-38A above. Street obstruction permits for block parties and similar neighborhood gatherings shall be issued only upon the condition that no alcohol is consumed in the public rights-of-way. Street obstruction permits for block parties and similar neighborhood gatherings must be approved by the City Manager [Mayor] and the Superintendent.

(kk) *Text of Chapter 346, titled "Vehicles and Traffic," Article III, titled "Parking, Standing and Stopping," Section 346-33, titled "Designation of emergency snow routes; restrictions pertaining thereto" in the Ithaca City Code, is amended as follows:*

The ~~[Mayor]~~City Manager is hereby authorized to declare that a snow emergency exists. The Board of Public Works is hereby authorized to determine and to designate and declare snow emergency routes for the purpose of this section. The locations described in Schedule XXVI of the traffic regulations of the Board of Public Works are hereby designated as snow emergency routes. It shall be unlawful to park or stand a motor vehicle, except for the expeditious loading or unloading of passengers, upon any portion of any emergency snow route during the period of time the ~~[Mayor]~~City Manager has declared that a snow emergency exists.

Section 4. Severability Clause.

Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is held to be

invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 5. Effective Date.

This Ordinance shall take effect contingent upon approval of Local Law ____, "Amendment of City Charter and Code to Enable the Common Council to Create a City Manager Position", by the electors at referendum, in which event this Ordinance shall take effect on January 1, 2024, after publication as provided in the City Charter