



# COMMON COUNCIL

## COMMITTEE OF THE WHOLE

### AGENDA

Date: 10-13-2021  
Time: 5:30 PM  
Location: YouTube  
[https://www.youtube.com/channel/UC7RtJN1P\\_RFaFW2IVCnTrDg](https://www.youtube.com/channel/UC7RtJN1P_RFaFW2IVCnTrDg)

Item	Voting Item	Presenter(s)	Time Allotted
<b>Call to Order</b>	No	Mayor Svante L. Myrick	
<b>Special Order of Business</b>			
1.1 A local law entitled "Amendment of City Charter and Code to Enable the Common Council to Create a City Manager Position" - Discussion	No	Working Group	30 Mins
<b>Meeting Wrap-Up</b>			
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](mailto:jholcomb@cityofithaca.org) in advance of the meeting.

**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.

[~~T~~]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.