

[Note: This local law merges the departments Jan. 1, 2014 independent of the passage of the position elimination at 2014 referendum. If both local laws are to be passed, Council should first pass this Local Law and then the other.]

**Local Law No. -2013**

A local law entitled the “City of Ithaca Local Law to Consolidate the Department of Information Technology Into the Department of the City Clerk.”

**WHEREAS** the intent of the following legislation is to reduce the costs and increase the efficiency of the City’s government in light of record budget deficits, and

**WHEREAS** New York State has granted to the City the power to organize its own government and the departments therein as the City deems necessary, and

**WHEREAS** the Common Council has determined that certain operations of the City’s government could efficiently be consolidated and overseen by a single department head rather than by multiple separate departments, and

**WHEREAS** the Department of Information Technology only came into existence late in the City’s long history, and at a time that technology was distinct from the information generated and stored by that technology, and

**WHEREAS** today information and the technology on which it is generated and stored have so far converged as to be virtually indistinguishable in many situations, and

**WHEREAS** the Department of the City Clerk has long been the repository for the storage and retrieval of information vital to the City, and is well equipped, with the assistance of appropriate staff of the Department of Information Technology, to handle the informational affairs of the City both as a matter of technology and substance,

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

**Section 1.** Legislative Intent and Purpose.

The Common Council of the City of Ithaca determines that it is in the interest of the public welfare to consolidate the Department of Information Technology into the Department of the City Clerk, thus forming the Department of Public Information and Technology. In the resulting Department, the Director of Information Technology and all appropriate staff of the former Department of Information Technology shall hereafter report to the City Clerk as members of the Department of Public Information and Technology. Subject only to the requirement that the position of Director of Information Technology report to the City Clerk, the Director of Information Technology shall retain all powers, duties, and functions otherwise possessed by the Director of Information Technology unless explicitly altered herein. The intent and purpose of this local law is compatible with a subsequent elimination from the Charter of the position of Director of Information Technology via separate local law, if any.

**Section 2.** Appointive Officers Not Serving In Their Respective Department.

The text of Section C-5(C)(4), a subsection of “Elective and Appointive Officers”, as currently contained in the Ithaca City Charter, and last ratified by Local Laws Nos. 3 and 4 of 2012, is hereby repealed and replaced with the following text:

(a) Officers who serve as the heads of their respective departments, and who are appointed by the Mayor with the approval of Common Council: City Clerk, Controller, Director of Human Resources~~[, Director of Information Technology]~~, 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 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; **Director of Information Technology as appointed to the Department of Public Information and Technology.**

**Section 3.** Consolidated Department of Public Information and Technology.

A. There shall be a Department of ~~[the City Clerk]~~ **Public Information and Technology**, the head of which shall be the City Clerk.

B. The City Clerk shall:

(1) Perform the functions and discharge the powers and duties of the City Clerk pursuant to law.

(2) Act as Clerk for the Board of Public Works and the Common Council and keep a journal of their proceedings and a record of the minutes of every meeting. The minutes of each meeting shall be signed by the officer presiding at such meeting and by the Clerk.

(3) Keep and maintain the original authenticated copies of all resolutions, ordinances and local laws. At the close of each year, the Clerk, with the advice and assistance of the City Attorney, shall compile or codify and bind all local laws, ordinances and resolutions, or true copies thereof, in books to be provided for that purpose. The City Clerk shall properly index such books, compilation or codification. The record so made, or a copy thereof, duly certified by the City Clerk, shall be presumptive evidence in all courts and places and in all actions and proceedings of the due and proper passage and publication of any such local law, ordinance or resolution.

(4) Issue licenses and permits authorized to be issued by the City Clerk under authority of the Council or by a City Clerk pursuant to law.

**(5) Manage and execute all information technology functions of the City Government, including systems of written and spoken communication, archiving and retrieval, and all software and hardware components necessary thereto.**

(~~6~~<sup>5</sup>) Organize the work of the Department of **Public Information and Technology**~~[the City Clerk]~~. The City Clerk may assign and transfer administrative functions, powers and duties within the Department of **Public Information and Technology**~~[office of the City Clerk]~~ as the best interest of the City may appear, subject to the Charter, local law or ordinance.

(~~7~~<sup>6</sup>) Have such other powers and duties as may be prescribed by the Charter, local law or ordinance.

**Section 4.** Effect of Related Local Laws. This local law, including the replacement text provided in Section 2 hereof, shall be read in concert with, and solely to the extent in conflict with, shall be superseded by, one or more local laws that become operative after this local law is adopted, including but not limited to any City of Ithaca Local Law to Eliminate the Position of Director of Information Technology.

**Section 5.** Severability. If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**Section 6.** Effective Date. This Local Law shall take effect on January 1, 2014 after filing in the office of the Secretary of State.