

9.3 A Local Law Entitled “Amendment of the City of Ithaca Charter and Code to Reflect New Advisory Commissions Established by Companion Ordinance.”

WHEREAS, in 2011, the City of Ithaca contracted with an outside consulting firm to evaluate the city’s organizational structure as it relates to performance measurement and efficiencies; and

WHEREAS, in February of 2012, the Common Council convened at a retreat to look at the report’s recommendations in greater depth and develop and prioritize a work plan; and

WHEREAS, one of the report’s recommendations regarding the Board of Public Works was expanded to consider a comprehensive analysis of all boards and committees and was assigned to the now-defunct Government Performance and Accountability Committee; and

WHEREAS, on May 4, 2016, the Common Council unanimously passed a resolution establishing a Boards and Committees Restructuring Working Group (the “Working Group”) to gather input from existing boards and committees, and the public, on possible models for restructuring, and to propose to the City Administration Committee a realigned structure for the City’s boards and committees; and

WHEREAS, the Working Group has engaged in diligent analysis, received input from the existing boards and committees and public, and developed a new advisory commission structure as set forth in Ordinance No. 2017-___, a companion ordinance to this local law, creating Chapter 8, “Advisory Commissions,” in the City Code; and

WHEREAS, portions of the City Charter and Code must be amended by Local Law to reflect the new Advisory Commissions; now, therefore

LOCAL LAW 2017-

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 of fact:

1. The current boards and committees organizational structure is confusing to the public and challenging for citizens to understand how to participate.
2. The Comprehensive Plan includes the following public participation goals, which will be better realized by the new Advisory Commission structure to be adopted by separate ordinance:
 - a) All members of the community will know of and have opportunities to participate in governing and decision-making processes of interest to them.

- b) The City’s active outreach to the community will support high-quality public participation.
 - c) All members of the community will feel confident that their voices will be taken seriously and given respect in City decision-making processes that are important to them.
 - d) All members of the community will know how to access information about decisions being made and what information is informing those decisions, and all this information will be easily accessible to the public
3. As a result of limited City staff resources coupled with a large number of boards and committees, many boards and committees lack regular administrative and support staff, limiting their effectiveness.
 4. Many issues that come before Common Council lack a corresponding board or committee to vet the issues, gather public input, and develop recommendations for Common Council.
 5. Under the current boards and committees structure, there is overlap between several boards and committees causing inefficiencies, wasted resources, and breakdowns in communication. The practice of appointing liaisons from one board or committee to another only partially addresses these breakdowns.
 6. The recruitment, application, and appointment process necessary to fill all positions in the current boards and committees structure is cumbersome, time consuming, and leads to long vacancies on the boards and committees.
 7. Chapter 8, “Advisory Commissions,” is, therefore, to be added to the City Code to create four “umbrella” Advisory Commissions with thirty-six appointed voting members that will replace twelve existing boards, commissions, and committees.

Based upon the above findings, the intent and purpose of this Local Law is to amend the Charter and City Code to recognize the new Advisory Commissions. Specifically, this Local Law repeals those portions of the Charter and Code that created the Board of Fire Commissioners and Conservation Advisory Council, each to be replaced by the Advisory Commissions created by Ordinance 2017-___, and amends additional provisions of the Charter or Code that are impacted by the establishment of the Advisory Commissions.

Section 2. Charter Amendments.

To reflect the creation of Chapter 8 of the City of Ithaca Municipal Code established in Ordinance 2017-___, and the Advisory Commissions set forth therein, the City of Ithaca Charter requires various amendments.

(a) Subsection C-5(C)(1) of the Charter is amended as follows:

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 eleven members of the Bicycle Pedestrian Advisory Council, the three members of the Building Code Board of Appeals, the five Commissioners of the Board of Fire Commissioners, the five members of the Board of Zoning Appeals, the three members of the Civil Service Commission, the 11 members of the Commons Advisory Board, the nine members of the Community Police Board, the nine members of the Conservation Advisory Council, the five members of the Design Review Board, the 12 members of the Disability Advisory Council, 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 nine members of the Parks Commission, the seven members of the Planning and Development Board, the nine members of the Rental Housing Advisory Commission, the six or more members of the Shade Tree Advisory Committee, the 10 members of the Natural Areas Commission, the five members of Pegasys Access Oversight Committee, the seven members of the Public Art Commission, and the nine members of the Youth Bureau Board,~~ 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.

(b) Subsection C-23(B) of the Charter is amended as follows:

Prior to payment of any bill, claim or demand against the City, ~~the Board of Fire Commissioners,~~ the Board of Public Works or the Common Council, as the case may be, shall certify that the materials, supplies or equipment have been received according to purchase order or that the work, labor or service has been rendered according to order or contract.

(c) Article VI of the Charter, Sections C-93 - C-99, is amended as follows:

§ C-93 Fire Department. All such persons as are now or shall hereafter be members of any fire company now organized in the City of Ithaca ~~or which may hereafter be organized by the Board of Fire Commissioners herein provided shall be and continue a body corporate by the name of the "Ithaca Fire Department," and such corporation, through its Board of Fire Commissioners~~ **the Common Council of the City of Ithaca**, is authorized to purchase, receive by gift or otherwise hold and convey real and personal property for the use of said corporation; provided, however, that the title of all real property shall be vested in the name of the City of Ithaca and the purchase or conveyance of any real property shall be subject to the approval of the Common Council of said City.

~~§ C-94 Membership, terms and compensation of Board. There shall be a Board of Fire Commissioners, consisting of five Commissioners appointed by the Mayor and~~

~~confirmed by the Common Council. At least three of these Commissioners shall be residents of the City of Ithaca. The remaining Fire Commissioners may be residents of either the City of Ithaca or the Town of Ithaca in Tompkins County, New York. The term of office of a Fire Commissioner shall be three years, commencing on the first day of July, two Commissioners to be appointed in each of two successive years and one Commissioner to be appointed in the third year. Such appointments shall be made at a meeting of the Common Council held in June of each year. A Commissioner shall hold office until the Commissioner's successor shall have been chosen and qualified. A vacancy for an unexpired term may be filled in the manner provided in this Charter. Permanent removal from the municipality of appointment, or other cause to be determined by the Common Council, rendering impossible the proper discharge of the Commissioner's duties as a Commissioner shall create a vacancy.~~

~~§ C-95 Organization and meetings of Board. At their first meeting in July, the Fire Commissioners shall organize as a Board by electing one of their number as Chairperson and another as Vice Chairperson, and by the appointment of a Clerk and such other officers and employees as authorized for the ensuing year. The Board shall hold such stated and special meetings at such times as the Board may determine, but at least once in each month. Three members of the Board shall constitute a quorum.~~

~~§ C-964 Powers and duties of Board~~ **the Common Council relevant to the Fire Department.** ~~It shall be its duty and said Board of Fire Commissioners~~ **The Common Council of the City of Ithaca, or its designee,** shall have power:

- ~~A. To assume control and management of all apparatus, fire alarm systems, equipment, appliances, supplies, buildings and employees exclusively in the Fire Department service.~~
- ~~B. To organize new companies and to disband any Department company, subject to the approval of the Common Council; to admit new members and to transfer members, upon application and certification of company officers, from one company to another; and to try, reprimand, suspend or expel any member or officer of any company for cause.~~
- ~~C. To authorize and direct the payment of bills and accounts incurred by it and to make such rules and regulations in regards to the auditing and payment of such bills and accounts and for the payment of all amounts payable out of the moneys appropriated to the use of the Board as it may deem necessary and proper, and the same shall be paid by the City Chamberlain. The Board shall file monthly with the Common Council a detailed statement of all bills and expenses paid, together with the original vouchers therefor, and shall render to the Common Council at such other times as may be required either by the Mayor or by 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 expenses and income of the Department. Whenever requested by either the Mayor or the Common Council, the Board shall also furnish any additional information in regard to its work or the cost thereof.~~

- ~~D.~~ To submit to the Common Council, on or before the first day of May in each year, an estimate of the amount of money necessary to cover the expenses of maintenance of the Department, including all salaries and wages, equipment and supplies and for the maintenance, heating, lighting and ordinary repairs of buildings.
- ~~E.~~ To make and promulgate from time to time such rules, regulations and bylaws as it may deem necessary and expedient for the government and discipline of the Department not inconsistent with this Charter or the ordinances of the City of Ithaca or of the laws or Constitution of this state or of the United States.
- ~~FA.~~ To be trustees of all moneys now constituting the Active Firemen's Relief Fund, together with 1/2 of all moneys that may hereafter be received by the City of Ithaca as a Fire Department tax on premiums on policies of foreign and alien fire insurance companies pursuant to §§ 9104 and 9105 of the Insurance Law (except the amount payable under the provisions of such law to the Firemen's Association of the State of New York), together with any other moneys, gifts or property whatsoever acquired for relief or benefit purposes, to be accumulated as a relief fund for sick, indigent or disabled fire fighters, with power to draw upon such fund for temporary relief and benefits only, as the Common Council shall determine. Said moneys shall not be used for any other purposes, except that the ~~Board~~**Common Council** may, at any time, distribute such Fire Department tax moneys so received equally among each of the volunteer fire companies of the City for the use and benefit of the Ithaca Fire Department and the company or companies comprising the same so long as the balance of said relief fund shall be at least the sum of \$90,000. ~~Said Board~~**Common Council** shall have full power and authority to invest such funds in any investments legal for trust funds under the laws of the State of New York. ~~At the close of each fiscal year and at such other times as the Common Council shall require, said Board of Fire Commissioners, as such trustees, shall submit to the Common Council a detailed accounting of such fund.~~ **The City Chamberlain shall have authority to disburse such monies over which Common Council acts as Trustee.**
- ~~GB.~~ To be trustees of all moneys now constituting the Veteran Volunteer Firemen's Relief Fund and to pay the interest thereon to the Veteran Volunteer Firemen's Association of Ithaca annually. **The City Chamberlain shall have authority to disburse such monies over which Common Council acts as Trustee.**
 - (1) ~~Said Board~~ **Common Council** is further authorized to pay from the principal of such fund from time to time such amounts as it may deem necessary or desirable for the relief of any sick, indigent or disabled member of the Veteran Volunteer Firemen's Association of Ithaca, but the

total amount so paid to any one member shall not exceed the sum of \$200. Such expenditures from principal shall be made, however, only upon the written recommendation of the Board of Trustees and President of said Association. Said Veteran Volunteer Firemen's Association of Ithaca is hereby authorized to adopt any further regulation or restriction relating to the expenditure of the principal of such fund not inconsistent herewith as it may deem desirable for the preservation of the fund and for the purpose of limiting properly the amount to be withdrawn and the use thereof.

(2) ~~Said Board of Fire Commissioners~~ **Common Council** shall also pay to the Veteran Volunteer Firemen's Association of Ithaca on March 1 and September 1 of each year 1/2 of all moneys received by the City of Ithaca pursuant to the provisions of § 9104 of the Insurance Law of the State of New York as a Fire Department Tax on premiums on policies on foreign and alien fire insurance companies, except the amount payable under the provisions of such law to the Firemen's Association of the State of New York. ~~Said Board~~ **Common Council** shall have full power and authority to invest such funds in any investments legal for trust funds under the laws of the State of New York.

(3) ~~At the close of each fiscal year and at such other times as the Common Council shall require, said Board of Fire Commissioners and said Veteran Volunteer Firemen's Association of Ithaca, New York, shall submit to the Common Council a detailed accounting of such fund.~~

~~H To divide the employees of the Fire Department into platoons and prescribe the tours of duty for said employees. Such tours of duty shall be in accordance with § 1015 of the Unconsolidated Laws, except that, in the event of conflagrations or riots or other emergencies, said employees shall remain on duty, subject to the orders of their superiors, and shall receive an extra allowance based on their salary if they are required to perform their duties during such period of emergency at a time when they usually would be off duty or receive compensatory time off as provided in § 1015 of the Unconsolidated Laws.~~

~~C-97 Limitation of expenditures. Said Board of Fire Commissioners shall in no year expend a sum or incur any indebtedness in excess of the amounts appropriated by the Common Council for the use of said Fire Department and the amounts made available pursuant to the Local Finance Law, and such Commissioners shall be personally liable for any expenditure or indebtedness incurred in excess of such appropriations.~~

~~C-98 (Reserved)~~

~~C-99 Student bunkers; workers' compensation. The Board of Fire Commissioners of the City of Ithaca is hereby authorized to contract with student bunkers at the various fire stations so that said bunkers will be covered by Workers' Compensation~~

~~pursuant to § 3, Article 1, Subdivision 1, Group 19, and § 50 of the Workers' Compensation Law of the State of New York, and such Workers' Compensation coverage is hereby extended to said student bunkers.~~

Section 3. Code Amendments.

To reflect the creation Chapter 8 of the City of Ithaca Municipal Code established in Ordinance 2017-___, and the Advisory Commissions set forth therein, the following provisions of the City Code are hereby repealed in their entirety:

Chapter 31, "Conservation Advisory Council."

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. Mandatory Referendum and Effective Date.

This Local Law shall be submitted to a referendum at the next feasible general election. This Local Law shall take effect upon the filing of the Local Law in the office of the Secretary of State, after approval by the electorate at referendum, but at no time earlier than January 1, 2018.