# CITY ADMINISTRATION COMMITTEE AGENDA

**Date:** Wednesday, February 22, 2023  
**Time:** 6:00 P.M.  
**Location:** City Hall, 108 E. Green Street 3rd Floor, Council Chambers  
**Watch Online:** [https://www.youtube.com/@CityofIthacaPublicMeetings](https://www.youtube.com/@CityofIthacaPublicMeetings)

## ITEM
<table>
<thead>
<tr>
<th>No.</th>
<th>Call to Order</th>
<th>Voting Item?</th>
<th>Presenter(s)</th>
<th>Time Alloated</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Call to Order</td>
<td>No</td>
<td>Chair, Robert Cantelmo</td>
<td>5 Min</td>
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<tr>
<td></td>
<td>1.1 Agenda Review</td>
<td>Yes</td>
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<td></td>
<td>1.2 Review and Approval of Minutes</td>
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<td></td>
<td>January 25, 2023, minutes</td>
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<tr>
<td>2</td>
<td>Petitions and Hearings of Persons Before Council</td>
<td>No</td>
<td></td>
<td>30 Min</td>
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<td></td>
<td>2.1 Statements from the Public</td>
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<td></td>
<td>The public can provide short statements during this portion of the meeting. 3 minutes is the maximum time allotted, but the chair reserves the right to modify the amount of time per individual at the start of the meeting. Only the first hour of the meeting is set aside for Public Comment.</td>
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<td><em>Written comments submitted will be compiled and entered into the record.</em></td>
<td>No</td>
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<td>2.2 Committee Member Response</td>
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<td>3</td>
<td>Consent Agenda</td>
<td>Yes</td>
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<td>5 Min</td>
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<td>3.1 Amendment to Personnel Roster – Human Resources Recruitment Specialist</td>
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<tr>
<td>4</td>
<td>Administration, Human Resources, &amp; Policy</td>
<td>Yes</td>
<td></td>
<td>20 Min</td>
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<tr>
<td></td>
<td>4.1 Rules of Procedure Revisions</td>
<td>No</td>
<td>R. Cantelmo, Chair</td>
<td>30 Min</td>
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<td></td>
<td>4.2 A Local Law to Entitled “Elective Office Vacancy Reform Act”</td>
<td>No</td>
<td>R. Cantelmo, Chair</td>
<td>30 Min</td>
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<td></td>
<td>4.3 HR Report</td>
<td>No</td>
<td>S. Michell-Nunn, HR Director</td>
<td>5 Min</td>
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<td>5</td>
<td>Finance, Budget, &amp; Appropriations</td>
<td>Yes</td>
<td></td>
<td>5 Min</td>
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<td></td>
<td>5.1 Update Hours GIAC Position</td>
<td>Yes</td>
<td>L. McBean-Clairborne, GIAC Dir</td>
<td>5 Min</td>
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<td></td>
<td>5.2 Temporary Easement to NYSEG</td>
<td>Yes</td>
<td>S. Gibson, Asst. Supt DPW</td>
<td>5 Min</td>
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<tr>
<td>6</td>
<td>City Manager Transition</td>
<td>No</td>
<td></td>
<td>10 Min</td>
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<td>6.1 Written report provided</td>
<td>No</td>
<td>D. Mohlenhoff, Chief of Staff</td>
<td>10 Min</td>
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<td>7</td>
<td>Other Business</td>
<td>Yes</td>
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<td>10 Min</td>
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<td></td>
<td>No Items submitted this month</td>
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<td>8</td>
<td>Meeting Wrap-Up</td>
<td>No</td>
<td></td>
<td>5 Min</td>
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<td></td>
<td>8.1 Announcements</td>
<td>No</td>
<td></td>
<td>5 Min</td>
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<td>8.2 Next Meeting Date: TBA</td>
<td>No</td>
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<td>5 Min</td>
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<td>8.3 Review Agenda Items for Next Meeting</td>
<td>No</td>
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<td>5 Min</td>
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<td></td>
<td>8.4 Adjourn</td>
<td>Yes</td>
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**Meeting Length Estimate: 130 Min**
3. CONSENT AGENDA

3.1 Amendment to Personnel Roster – Human Resources Recruitment Specialist

WHEREAS, In the 2023 budget process Common Council approved the funding for a position dedicated to recruitment with an equity lens, and

WHEREAS, this individual will work closely with departments and community members and organizations to meet the staffing needs of all departments, and

WHEREAS, it is necessary to assign the position to a salary grade and establish a standard workday, now, therefore, be it

RESOLVED, that the Personnel Roster of the Human Resources Department be amended as follows:

Add: One (1) Human Resources Recruitment Specialist

and be it further

RESOLVED, that the position of Human Resources Recruitment Specialist shall be assigned to the Management Compensation Plan at salary grade 7, and be it further

RESOLVED, that for the sole purpose of determining days worked reportable to the New York State and Local Employees Retirement System the standard workday for this position shall be established at eight (8) hours per day (forty (40) hours per week), and, be it further

RESOLVED, that the funding for this change shall be derived from existing funds within the Human Resources Department budget.
4. ADMINISTRATION, HUMAN RESOURCES, & POLICY

4.1 Modification to Council Rules of Procedure

WHEREAS, Common Council has Rules of Procedure that govern Council business, last updated March 7, 2018, and

WHEREAS, in 2020 the City Administration Committee was charged with revision to the Rules of Procedure to amend them to be in line with existing City practices, and

WHEREAS, the City Administration resumed this project in 2022 after a COVID-19 delay, now therefore be it

RESOLVED, that sections [xxx] be amended as follows:

[NOTE: when final changes are determined, the resolution sent to council will summarize the changes below]

I. Meetings

1. Organization Meeting
   The Common Council shall meet on the first Wednesday of January after the election at the regular place of meeting of the Common Council for the previous year, and thereafter it shall meet at such place as it may choose, within or without the territorial limits of the city but in reasonable proximity thereto, and at times hereinafter provided.

2. Regular Meetings
   The Common Council shall hold regular meetings at least once each month, on the first Wednesday of the month in Common Council Chambers, Third Floor, City Hall, 108 East Green Street, unless otherwise specified by Council.

3. Special Meetings
   The Mayor or any six Council members may call a special meeting of the Common Council by 24 hours' notice, in writing, served personally or by mail or email upon the other members of the Common Council or by leaving said notice at either their respective usual places of business during business hours or their respective places of abode at other times. In the absence of the Mayor, any three Council members may call special meetings by 24 hours' notice in the same fashion.

4. Voting
   i. In the proceedings of the Common Council, each member present shall have a vote except the Mayor, who shall only have a vote when the votes of the other members are tied, and except as hereinafter provided.
   ii. A majority of the members of the Common Council shall be a quorum for the transaction of business. If a member abstains from voting, it shall be considered as if that member did not vote. However, a member may only abstain from voting if that member determines that she or he has a conflict of interest regarding the motion being voted upon.
   iii. A majority vote is required to pass any motion or resolution, except as is hereinafter provided. A vote of six or more Council members shall constitute a majority vote.
   iv. No tax or assessment shall be ordered except by a concurring vote of a majority of all members of the Common Council in session, including the Mayor, who shall be entitled to vote thereon as a member of the Council, and no tax levied, assessment bill ordered, resolution or ordinance shall take effect until the same shall receive the approval of the Mayor.
   v. The Common Council may override any mayoral veto by a 2/3 vote of the alderpersons.

5. Collection and Distribution of Materials
   i. The City Clerk shall prepare and distribute an agenda to the members of Common Council via email or delivery of hard copy for each meeting of Common Council at least four days before each meeting.
   ii. Staff designated by the appropriate body shall distribute to the members of Common Council an agenda of the Board of Public Works, Planning and Development Board, Ithaca Landmarks Preservation Commission and Board of Zoning Appeals, and other City commissions at least four days before each meeting of said boards.
   iii. Agendas for each meeting of each Standing Committee of Common Council will be distributed to the members of Common Council by the department responsible for preparing agendas and minutes for said Standing Committee. Agendas shall include all supporting documents, unless a member of Council indicates that they do not wish to receive the documents for a particular committee.
iv. Each Chair of a Common Council committee shall present agenda items pertaining to that committee in the appropriate final format to the City Clerk no later than 4:00pm on the Thursday preceding any meeting of the Common Council and give some indication of whether the item is for report or action. Any member of the Common Council or the Mayor may present agenda items in the same fashion and by the same deadline to be considered at the following regular meeting of the Common Council.

v. The City Clerk shall transfer in memo or email form all referrals or action resolutions from Common Council to the Chair(s) of the involved Council committee(s), lay boards, agencies, and departments.

vi. All matters to be brought before Common Council should include sufficient supporting information for Council members to fully understand the resolution to be voted upon.

6. Attendance
   Emergencies notwithstanding, Council members shall inform the Council or committee chair at least three days ahead of time if they are not able to attend a Common Council or Standing Committee meeting.

7. Length of Meetings
   Any meeting of either a Standing Committee or Common Council shall end after four hours unless an extension is authorized by a majority vote of said body.

II. Order of Business
A. Common Council Order of Business
   1. Pledge of Allegiance
   2. Additions To or Deletions From the Agenda
   3. Minutes from Previous Meetings
   4. Proclamations/Awards
   5. Special Orders of Business
   6. Special Presentations Before Council
   7. Petitions and Hearings of Persons Before Council
   8. Privilege of the Floor – Common Council and the Mayor
   9. Consent Agenda
   10. Reports and Resolutions from Standing Committees
   11. Reports of Special Committees
   12. New Business
   13. Individual Member-Filed Items
   14. Mayor's Appointments
   15. Reports of Common Council Liaisons
   16. Report of City Clerk
   17. Report of City Controller
   18. Mayor’s Appointments

19. Adjournment
   The Mayor shall lead all present in the Pledge of Allegiance to the Flag.

21. Additions To or Deletions From the Agenda: No legislation may be moved for a vote at a regular meeting of the Common Council without unanimous vote of the members unless it first appeared on the agenda. A matter may be reported to the Council at any time, whether or not it appears on the agenda for that meeting, an item may be withdrawn from the Common Council agenda with the consent of the Mayor and either the sponsoring committee Chair or individual member who brought the item.
2. Minutes from Previous Meetings: The City Clerk shall present the minutes from previous meetings to Council. In the absence of objection or correction, the minutes stand approved without formal motion.

3. Proclamations/Awards: The Mayor shall announce any proclamations or awards.

4. Special Order of Business: Common Council will consider any agenda items or convene any public hearings deemed of special significance.

5. Special Presentations Before Council: It is desirable for the Common Council to hear from boards, commissions, neighborhood associations, representatives from other municipalities or some other group or individual in order to get essential information for the effective maintenance of the City. In this case, the three (3) minute time limit shall not apply.

6. Petitions and Hearings of Persons Before Council: Persons not members of Common Council shall be accorded the privilege of the floor and be permitted to speak for up to three minutes in regards to matters within the scope of the powers of Common Council. All persons speaking before Council will observe the Rules of Order posted in Common Council Chambers. Any provision herein to the contrary notwithstanding, a group of three or four persons wishing to be heard may designate a spokesperson to address the Common Council on behalf of said group. Such a spokesperson will be permitted to speak for five minutes. Similarly, a group of five or more may designate a spokesperson to address the Common Council on behalf of said group. Such a spokesperson will be permitted to speak for seven minutes. All persons represented by such a spokesperson must be present at the Common Council meeting, and appear with the speaker in order for the spokesperson to be heard. All spokespersons speaking before Council will observe the Rules of Order posted in Common Council Chambers.

7. Privilege of the Floor: Any member of Common Council or the Mayor shall be accorded the privilege of the floor to speak in response to any person having made comments during the Petitions and Hearing of People Before Council or in regard to any matters pending before the board or any matters of significance to the residents of the city.

8. Consent Agenda: The Consent Agenda shall be a listing of all resolutions and appointments that have been designated by the Chairs of the recommending Standing Committees, or by the Mayor, as being routine and not likely to need or require discussion by the Common Council, unless said agenda item requires a formal vote in accordance with state or local law. The resolutions and appointments listed in the Consent Agenda are voted on as a group by the Council. Any member of the Council may require can remove that any resolution or appointment in the Consent Agenda be instead included separately and individually as part of the business of a Standing Committee or Special Committee.

9. Reports and Resolutions from Standing Committees: The chair of each standing committee shall give a brief oral report of any business of that committee not scheduled for discussion as part of the meeting agenda, followed by an opportunity for other members of Council to ask questions. The Committee Chair shall introduce each motion or resolution brought forward from committee by reading the Resolved portions into the record resolution. The Committee Chair need not read the entire resolution. The Committee Chair may synopsize or summarize the issues in the resolution, if so desired.

10. Reports of Special Committees: The Chairs of any special committees may give brief oral reports of any business of their committees. Each report shall be followed by an opportunity for other Council members to ask questions. If they have any motions or resolutions, they shall follow the sequence and procedures for Standing Committees.

11. New Business: The Mayor may ask Common Council to consider any report or resolution whether or not that report or resolution has been previously reviewed by a Standing Committee.

12. Individual Member-Filed Items: Any individual Council member shall introduce any motion, proposed resolution, or proposed ordinance that was submitted to the City Clerk by that individual Council member by 4:00 p.m. on the Thursday preceding the Common Council
meeting and which was included in the agenda for that meeting. Any individual Council member may introduce a proposed local law that was submitted to the City Clerk by that individual Council member at least seven calendar days (excluding Sundays) prior to the Common Council meeting, laid upon the tables of all the members of Common Council at least seven days (excluding Sundays) prior to the day of the Common Council meeting and which was included in the agenda for that meeting. Common Council may decide to consider the motion or proposed resolution, ordinance or local law, table it until a future meeting, refer said motion or proposed resolution, ordinance or local law to a Standing or Special Committee, or take any other action it deems appropriate.

13. Mayor’s Appointments: The Mayor shall present their appointments to Common Council for a vote.

14. Reports of Common Council Liaisons: Any Common Council member may provide a report related to any board, commission, or other body to which that Council member is a liaison.

15. Report of the City Clerk: The City Clerk shall provide a report.

16. Report of the City Controller: The City Controller shall provide a report.

17. Report of the City Attorney: The City Attorney shall provide a report.

18. Adjournment: Upon completion of the above-listed order of business, the Mayor shall hear a motion to adjourn the meeting.

B. Standing and Special Committee Order of Business

1. Standing and Special Committees of Council shall conduct their business in accordance with the rules outlined under II.A. Presiding officers for these bodies shall be the respective Committee Chairs.

III. Order and Decorum

i. The Chair shall preserve order and decorum and shall decide all questions of order, subject to an appeal from the Common Council or Standing Committee.

ii. If an appeal is taken from the decision of the Chair, the Chair shall have the right to explain the reason for the decision. The Council or committee shall decide the case without debate, and the question shall be stated by the Clerk or equivalent staff, “Shall the ruling of the Chair be sustained?” The vote shall be taken by roll call and ruling sustained by a majority of the members of Council or Standing Committee. The Mayor does not vote in such an appeal.

iii. While the Chair or the Clerk is taking a vote or while a member has the floor and is speaking, no other member shall speak except to raise a point of order or a point of information.

iv. No matter concerning the medical, financial, credit or employment history of a particular person, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person shall be discussed by Council in open session, but shall instead be taken up in executive session upon a majority vote of the total membership of Council as provided by Sec. 105 subd. 1 f of the Public Officers Law. In any case, Alderpersons and the Mayor shall be sensitive to the negative impact of public statements criticizing an employee. If the direct subject of the public criticism is the content, implementation, or outcome of a policy, this is not considered to be a criticism of job performance.

v. All members of the public who attend meetings of any City board, commission or committee, including public meetings of Common Council, shall act in accordance with the following Rules of Order (as posted in Common Council Chambers):

1. Where public comment is scheduled on the meeting agenda, any member of the public may address the Mayor, Common Council, or a Council Committee in regards to matters within the scope of the powers of Common Council for up to three minutes.
2. Any person may address Common Council or a standing committee of Common Council for up to three minutes during the “Petitions and Hearings of Persons Before Council” or “Public Comment” portion of an official meeting. A speaker will be notified by a timekeeper when her/his time has ended. Neither the Chair, the Mayor, nor any majority vote of the entire body may extend the speaker’s limit. A person may address the body at any point after the “Petitions and Hearings of Persons Before Council” or “Public Comment” portion of the meeting upon invitation by, or permission from, the Mayor, the Chair of the committee or by a majority vote of the body. The provisions of this subsection shall apply to spokespersons, designated per Section II (6)(a), with the exception that the time limit afforded such persons shall be either five or seven minutes, depending on the size of the group the spokesperson represents.

3. Any person who shall desire to speak at a meeting of Common Council, or a Council Committee shall fill out a card stating her or his name, street address, municipality of residence, and the topic upon which they will comment. Any spokesperson, appointed pursuant to Section II (6)(a), who shall desire to speak at a meeting of Common Council, or a Council Committee shall fill out a form stating her or his name, the name, if any, of the group she or he represents, the names of those persons that the spokesperson is designated to represent, and the topic upon which they will comment. In completing this card or form each speaker will be affirming that they have read and understand the posted Rules of Conduct. Upon speaking, each person shall verbally state their name, the municipality in which they reside, and the name of the group they represent, if any, for the record.

4. Members of the public addressing the Mayor, Common Council, or a Council Committee shall do so in an orderly manner.

5. No person shall shout, use foul language, throw or slam anything or engage in any other form of disruptive behavior.

6. No member of the public shall approach Common Council members, the Mayor or City staff seated at the Council table, except as detailed in Section III, v. 7, or upon request of the Chair or a majority of the body.

7. Speakers shall give any written materials to the City Clerk or City staff for distribution to Common Council and Committee members.

8. If a member of the public fails to follow the Rules of Order, the Chair shall ask the member of the public to take her or his seat or, if seated, the Chair shall ask the member of the public to cease any behavior in violation of the Rules of Order.

9. If a member of the public fails to sit down after being asked, or continues with outbursts or other behavior prohibited by these Rules of Order while in the audience, the Chair shall ask the member of the public to leave the room.

10. If a member of the public fails to leave the room after being asked or continues with other behavior prohibited by the Rules of Order, the member of the public will be subject to arrest on the charge of Obstructing Governmental Administration.

IV. Standing Committees
1. The Mayor shall 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 rule of the Common Council and all special committees of the Common Council.

   i. These committees are: Planning and Economic Development, City Administration, and Public Safety.

V. Acting Mayor and Alternate Acting Mayor

1. In case the Mayor shall be unable to perform the duties of the Mayor’s office in consequence of sickness or absence from the city or if there shall be a vacancy in the office, at the first meeting in each year or at soon thereafter as may be practicable, the Common Council shall appoint by ballot one of its members to preside at the meetings, and the presiding officer that chosen shall be vested with all the powers and perform all the duties of the Mayor of the city, except as provided in the City Charter C-33A(1), until the Mayor shall resume the duties of the office or the vacancy shall be filled for the unexpired term by election according to law. The officer so appointed shall be styled “Acting Mayor” and shall sign all necessary papers with his/her name, adding thereto the words “Acting Mayor.”

   i. The Acting Mayor shall not be vested with the voting powers of the Mayor as described in the City Charter C-30, but shall instead exercise the voting rights afforded Council members other than the Mayor.

2. The Common Council may in the same manner appoint another of its members as Alternate Acting Mayor, to assume all the powers and perform all the duties of the Mayor of the city in the same manner and fashion as the Acting Mayor whenever the Acting Mayor is required to assume the powers and duties of the Mayor’s office but is unable to do so in consequence of sickness or absence from the city.

VII. Receipt of Reports

1. The Common Council may vote to ACCEPT in whole or in part the report of any person, consultant, committee, task force, or other group. Acceptance is hereby defined to mean that the Common Council acknowledges receipt of the report and thanks its author for it.

2. The Common Council may vote to ENDORSE any such report in whole or in part. Endorsement is hereby defined to mean that the Common Council acknowledges receipt of the report, thanks its author for it, and concurs with its findings and/or recommendations.

3. The Common Council may vote to ADOPT any such report in whole or in part. Adoption is hereby defined to mean that the Common Council acknowledges receipt of the report, thanks its author for it, and formally commits itself to implementing its recommendations.

4. The Common Council may vote to REJECT any such report in whole or in part. This may be done either by voting down an acceptance or an adoption resolution, or by passage of a resolution of rejection. Such a resolution means that while Common Council received the report, it finds it unsatisfactory and/or does not choose to implement its findings.

VIII. Vacancies

1. In the event that a vacancy is created on Common Council pursuant to Article 3 of New York State Public Officers Law, Council shall fill such vacancy until the next regularly scheduled municipal election.

2. A Council Selection Committee shall consist of:

   i. The Mayor;
   ii. The Council member from the same Ward in which the vacancy has been created;
   iii. Another member of Council as selected by the Mayor.

3. Within 7 days of the receipt of written notice of the creation of a vacancy, the City Clerk shall post a notice of vacancy and request that interested candidates submit an application to the City Clerk.
4. The Council Selection Committee shall review applications and schedule a meeting at which candidates have the opportunity to present themselves and answer questions.
5. The Council Selection Committee shall, within 30 days of the posting of the vacancy by the City Clerk, present a recommended candidate to Common Council for a vote. The candidate shall be approved upon majority vote of Common Council.
6. Approved candidates shall be seated at the next Common Council meeting.
7. In the event that Common Council does not approve the recommended candidate, the Council Selection Committee shall have the option of presenting an alternate candidate at the same meeting, or tabling the recommendation until the next Common Council meeting.

VIII. Removal of a Council Member
1. Common Council may initiate the removal of a Common Council member for misconduct or abrogation of duties, otherwise being unfit for services OR pursuant to New York State Public Officers Law 30(1), for failure to maintain residence in the Ward for which the member was elected, as defined in City Code § 90.67(B)(2).
2. Robert's Rules of Order shall govern the process for investigating a claim that a member is unfit for membership and ultimately removing a Common Council member from office.
3. Removal of a Common Council member shall create a vacancy, pursuant to Article 3 of New York State Public Officers Law, which shall be filled as outlined in Section VII above.

IX. Rules of Procedure
1. In any matter of procedure not governed by these rules, the Common Council shall be governed by Robert's Rules of Order.

X. Amendment and Suspension of the Rules
1. These rules shall not be altered or amended except by two-thirds vote of the entire Common Council or Standing Committee, and then only after at least one week’s notice accompanied by a written or printed copy of the proposed alteration or amendment.
2. These rules may be temporarily suspended by a two-thirds vote of the entire Common Council.
3. Unless otherwise specified, these rules govern Common Council and all Standing Committees of Common Council.

XI. Communication and Correspondence with Council Members and the Public
A. Communications between Council Members and Staff
1. Council members who need information from City staff to assist them in developing policy or in responding to a request from a constituent, shall transmit information requests to the department head or directly to the department staff.
2. Whenever Council members seek information directly from departmental staff, the following procedures should be pursued since individual Council members do not supervise staff nor do they establish or change programs.
   i. If the information request is more than minimal in terms of staff time required, the Council member should direct the inquiries to the Mayor or the chair of the committee to which the department reports. If the Mayor or the committee chair declines to authorize the request, an appeal may be made to the appropriate committee; and if that fails, to the whole Council.
3. Council member should never attempt to influence the conduct of a staff person on the job. Any concerns that a Council member has about a staff person's conduct on the job or job performance should be directed to the Department Head, the Mayor, the Human Resources Director or the appropriate committee.
   i. In the event that any Council member does so attempt to influence the conduct of a City staff member on the job, the staff person should bring this to the attention of
the department head who will in turn notify the Human Resources Director, the
Mayor and the Chair of the committee to which the department reports.

B. Use of Council Letterhead

1. The primary use of Common Council letterhead stationery is to communicate official
Council positions on matter of public concern. These positions may be communicated by
members of Council designated to speak for the whole when a majority of Council members
have consented.

2. A secondary use of Common Council letterhead stationery is to allow individual Council
members to express views regarding matters of official City business. In these instances it
shall be clear that the opinion expressed by the Council member is that member’s
opinion only and may not be the official opinion of the City or Council as a body.

3. When expressing her/his own position on City letterhead, a Council member shall use
letterhead designating her/his office, e.g. “Ezra Ithacan, Sixth Ward Alderperson, Common
Council, City of Ithaca.” This personal letterhead may also be used, for example, for letters
of reference or recommendation if the Alderperson, in her/his capacity as a City official, has
known the subject.

4. When two or more Council members collaborate to express a view not officially advocated
by the majority of Council, those Alderpersons may electronically design their own joint
letterhead indicating their names and offices, or use Council letterhead, but in either case
shall explicitly state in the letter that their view is not that of the majority or the official view.

5. Council members shall not use City letterhead stationery or the City logo for their private
correspondence or on behalf of private individuals or organizations. Correspondence on
letterhead should never give the appearance of using the office of Alderperson for personal
gain or influence.

C. Access by Telephone

1. Council members shall maintain and publicize a local telephone number such that members
of the public can be reached by telephone without incurring long-distance fees.

XII. Budget Review Meetings

1. After receiving the Mayor’s proposed budget, the Common Council shall conduct a
committee meeting (or series of committee meetings) for the purpose of reviewing the
proposed budget, receiving presentations from City departments and agencies and affected
City-sponsored programs, considering possible modifications to the Mayor’s budget,
conducting two or more public hearings on the budget (in addition to the public hearing
required at the regular Common Council meeting in November), and recommending a
proposed budget to be voted upon by the Common Council at a regular or special Common
Council meeting.

2. The afore-mentioned budget review meetings shall be considered to be Committee of the
Whole (COTW) meetings and shall be subject to the following procedural rules:

i. The COTW shall consist of the full membership of Common Council, including the
Mayor.

ii. These COTW meetings shall be organized by the committee of Common Council
charged with budget and finance matters (i.e., the City Administration Committee or
whichever successor committee is responsible for budget and finance matters).

iii. A quorum for purposes of conducting business shall be a simple majority of the
whole membership of Common Council, i.e., six members, and the Mayor shall not
count toward said quorum.

iv. The Mayor shall not be entitled to vote except to break a 5-5 tie in the vote of the
other members of the COTW.

v. The budget review COTW meetings shall be chaired by the chairperson of the
committee of Common Council that is charged with budget and finance matters.
(i.e., the City Administration Committee or whichever successor committee is responsible for budget and finance matters).

vi. All budget review COTW meetings are subject to the Open Meetings Law, and are, therefore, open to the public and require advance notice as provided by law. However, with the exception of those COTW meetings, which are specifically designated as “public hearings,” members of the public shall not be entitled to make public comment at the COTW meetings, unless the COTW decides otherwise by majority vote. For those COTW meetings that are specifically designated as “public hearings,” or at any other COTW meeting where the public has been permitted to comment, the same rules as to public comment which are applicable to regular Common Council meetings or other Council committee meetings shall apply.

vii. At the first meeting in any year of the budget review COTW, the Mayor’s proposed budget shall be moved (and seconded) for recommended approval by Common Council, for the sake of discussion and possible amendment. Thereafter, including at subsequent COTW meetings, the chair shall entertain proposed amendments to the Mayor’s budget, with regard to any line or amount therein, which proposed amendment shall require a second in order to be considered. For passage by the COTW, any such amendment shall require the affirmative vote of at least six of those COTW members present. Following the consideration of all proposed amendments, the COTW shall vote on a recommendation, to Common Council, of a proposed budget, including any amendments which have been acted upon affirmatively by the COTW. If for any reason the COTW is unable to make such a recommendation, then the Mayor’s proposed budget shall be moved for discussion at a Common Council meeting following the completion of the scheduled budget review COTW meetings.

viii. Except as otherwise provided for herein, the meetings of the budget review COTW shall be governed by Robert’s Rules of Order.

3. Nothing herein is intended to restrict the ability of the Common Council to amend the proposed budget at a Common Council meeting, prior to its adoption.
I. Meetings
   i. Organization Meeting
      The Common Council shall meet on the first day of January after the election at
      the regular place of meeting of the Common Council for the previous year, and
      thereafter it shall meet at such place as it may choose, within or without the
      territorial limits of the city but in reasonable proximity thereto, and at times
      hereinafter provided.
   ii. Regular Meetings
      The Common Council shall hold regular meetings at least once each month, on
      the first Wednesday of the month in Common Council Chambers, Third Floor,
      City Hall, 108 E. Green Street, unless otherwise specified by Council.
   iii. Special Meetings
      The Mayor or any six Council members may call a special meeting of the
      Common Council by 24 hours’ notice, in writing, served personally or by mail
      upon the other members of the Common Council or by leaving said notice at
      either their respective usual places of business during business hours or their
      respective places of abode at other times. In the absence of the Mayor, any
      three Council members, may call special meetings by 24 hours’ notice in the
      same fashion.
   iv. Voting
      1) In the proceedings of the Common Council, each member present shall
         have a vote except the Mayor, who shall only have a vote when the
         votes of the other members are tied, and except as hereinafter
         provided.
      2) A majority of the members of the Common Council shall be a quorum
         for the transaction of business. If a member abstains from voting, it shall
         be considered as if that member did not vote. However, a member may
         only abstain from voting if that member determines that she or he has a
         conflict of interest regarding the motion being voted upon.
      3) A majority vote is required to pass any motion or resolution, except as is
         hereinafter provided. A vote of six (6) or more Council members shall
         constitute a majority vote.
      4) 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 levied, assessment bill ordered, resolution or
         ordinance shall take effect until the same shall receive the approval of
         the Mayor.
      5) The Common Council may override any mayoral veto by a 2/3 vote of
         the alderpersons.
v. Collection and Distribution of Materials

1) The City Clerk shall prepare and distribute an agenda to the members of Common Council for each meeting of Common Council at least four days before each meeting.

2) Staff designated by the appropriate body shall distribute to the members of Common Council an agenda of the Board of Public Works, Planning and Development Board, Ithaca Landmarks Preservation Commission and Board of Zoning Appeals at least four days before each meeting of said boards.

3) Agendas for each meeting of each Standing Committee of Common Council will be distributed to the members of Common Council by the department responsible for preparing agendas and minutes for said Standing Committee. Agendas shall include all supporting documents, unless a member of Council indicates that they do not wish to receive the documents for a particular committee.

4) Each Chair of a Common Council committee shall present agenda items pertaining to that committee in the appropriate final format to the City Clerk no later than 4:00 p.m. on the Thursday preceding any meeting of the Common Council and give some indication of whether the item is for report or action. Any member of Common Council or the Mayor may present agenda items in the same fashion and by the same deadline to be considered at the following regular meeting of Common Council.

5) The City Clerk shall transfer in memo or email form all referrals or action resolutions from Common Council to the Chair(s) of the involved Council committee(s), lay boards, agencies, and departments.

6) All matters to be brought before Common Council should include sufficient supporting information for Council members to fully understand the resolution to be voted upon.

vi. Attendance
Emergencies notwithstanding, Council members shall inform the Council or committee chair at least three days ahead of time if they are not able to attend a Common Council or Standing Committee meeting.

vii. Length of Meetings
Any meeting of either a Standing Committee or Common Council shall end after four hours unless an extension is authorized by a majority vote of said body.

II. Order of Business

1. Pledge of Allegiance
2. Additions To and Deletions From the Agenda
3. Proclamations/Awards
4. Special Orders of Business
5. Special Presentations Before Council
6. Petitions and Hearings of Persons Before Council
7. Privilege of the Floor – Common Council and the Mayor
8. Consent Agenda
9. Reports and Resolutions from Standing Committees
10. Reports of Special Committees
11. New Business
12. Individual Member-Filed Items
13. Mayor’s Appointments
14. Reports of Common Council Liaisons
15. Report of City Clerk
16. Report of City Controller
17. Report of City Attorney
18. Minutes from Previous Meetings
19. Adjournment

(1) Pledge of Allegiance
   The Mayor shall lead all present in the Pledge of Allegiance to the Flag.

(2) Additions To and Deletions from the Agenda
   No legislation may be moved for a vote at a regular meeting of the Common Council without unanimous vote of the members unless it first appeared on the agenda. A matter may be reported to the Council at any time, whether or not it appears on the agenda for that meeting, an item may be withdrawn from the Common Council agenda with the consent of the Mayor and either the sponsoring committee Chair or individual member who brought the item.

(3) Proclamations/Awards
   The Mayor shall announce any proclamations or awards.

(4) Special Orders of Business
   Common Council will consider any agenda items or convene any public hearings deemed of special significance.

(5) Special Presentations Before Council
   It is desirable for the Common Council to hear from boards, commissions, neighborhood associations, representatives from other municipalities or some other group or individual in order to get essential information for the effective maintenance of the City. In this case, the three (3) minute time limit shall not apply.

(6) Petitions and Hearings of Persons Before Council
   Persons not members of Common Council shall be accorded the privilege of the floor and be permitted to speak for three minutes in regards to matters within the scope of the powers of Common Council. All persons speaking before Council will observe the Rules of Order posted in Common Council Chambers (See Section III (v)).

a. Petitions and Hearings of Spokespersons Before Council
   Any provision herein to the contrary notwithstanding, a group of three or four persons wishing to be heard in regards to matters within the scope of the powers of the Common Council may designate a spokesperson to address the Common Council on behalf of said group. Such a spokesperson will be permitted to speak for five minutes. Similarly, a group of five or more may designate a spokesperson to address the Common Council on behalf of said group. Such a spokesperson will be
permitted to speak for seven minutes. All persons represented by such a spokesperson must be present at the Common Council meeting, and appear with the speaker in order for the spokesperson to be heard. All spokespersons speaking before Council will observe the Rules of Order posted in Common Council Chambers (See Section III (v)).

(7) Privilege of the Floor – Common Council and the Mayor
Any member of Common Council or the Mayor shall be accorded the privilege of the floor to speak in response to any person having made comments during the Petitions and Hearing of People Before Council or in regard to any matters pending before the board or any matters of significance to the residents of the city.

(8) Consent Agenda
The Consent Agenda shall be a listing of all resolutions and appointments that have been designated by the Chairs of the recommending Standing Committees, or by the Mayor, as being routine and not likely to need or require discussion by the Common Council, unless said agenda item requires a formal vote in accordance with state or local law. The resolutions and appointments listed in the Consent Agenda are voted on as a group by the Council. Any member of the Council may require that any resolution or appointment in the Consent Agenda be instead included separately and individually as part of the business of a Standing Committee or Special Committee.

(9) Reports and Resolutions from Standing Committees
Reports – The chair of each standing committee shall give a brief oral report of any business of that committee not scheduled for discussion as part of the meeting agenda, followed by an opportunity for other members of the Council to ask questions.
Motions and Resolutions – The Committee Chair shall introduce each motion or resolution brought forward from committee by reading the Resolved portions into the record. The Committee Chair need not read the entire resolution. The Committee Chair may synopsize or summarize the issues in the resolution, if so desired.

(10) Reports of Special Committees
The Chairs of any special committees may give brief oral reports of any business of their committees. Each report shall be followed by an opportunity for other Council members to ask questions. If they have any motions or resolutions, they shall follow the sequence and procedures in No. 9 above.

(11) New Business
The Mayor may ask Common Council to consider any report or resolution whether or not that report or resolution has been previously reviewed by a Standing Committee.

(12) Individual Member-Filed Items
Any individual Council member shall introduce any motion, proposed resolution, or proposed ordinance that was submitted to the City Clerk by that individual Council member by 4:00 p.m. on the Thursday preceding the Common Council meeting and which was included in the agenda for that meeting. Any individual Council member may introduce
a proposed local law that was submitted to the City Clerk by that individual Council member at least seven calendar days (excluding Sundays) prior to the Common Council meeting, laid upon the tables of all the members of Common Council at least seven days (excluding Sundays) prior to the day of the Common Council meeting and which was included in the agenda for that meeting. Common Council may decide to consider the motion or proposed resolution, ordinance or local law, table it until a future meeting, refer said motion or proposed resolution, ordinance or local law to a Standing or Special Committee, or take any other action it deems appropriate.

(13) **Mayor’s Appointments**
The Mayor shall present her or his appointments to Common Council for a vote.

(14) **Reports of Common Council Liaisons**
Any Common Council member may provide a report related to any board, commission or other body to which that Council member is a liaison.

(15) **Report of City Clerk**
The City Clerk shall provide a report.

(16) **Report of City Controller**
The City Controller shall provide a report.

(17) **Report of City Attorney**
The City Attorney shall provide a report.

(18) **Minutes from Previous Meetings**
The City Clerk shall present the minutes from previous meetings to Council. In the absence of objection or correction, the minutes stand approved without formal motion.

(19) **Adjournment**
Upon completion of the above-listed order of business, the Mayor shall hear a motion to adjourn the meeting.

### III. Order and Decorum

i. **The Chair shall preserve order and decorum and shall decide all questions of order, subject to an appeal from the Common Council or Standing Committee.**

ii. If an appeal is taken from the decision of the Chair, the Chair shall have the right to explain the reason for the decision. The Council or committee shall decide the case without debate, and the question shall be stated by the Clerk or equivalent staff, “Shall the ruling of the Chair be sustained?” The vote shall be taken by roll call and ruling sustained by a majority of the members of Council or Standing Committee. The Mayor does not vote in such an appeal.

iii. While the Chair or the Clerk is taking a vote or while a member has the floor and is speaking, no other member shall speak except to raise a point of order or a point of information.

iv. **No matter concerning the medical, financial, credit or employment history of a particular person, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person shall be discussed by Council in open session, but shall instead be taken up in executive session upon a majority vote of the total membership of Council as provided by Sec. 105 subd. 1 f of the Public Officers Law. In any case,**
Aldersons and the Mayor shall be sensitive to the negative impact of public statements criticizing an employee. If the direct subject of the public criticism is the content, implementation, or outcome of a policy, this is not considered to be a criticism of job performance.

v. All members of the public who attend meetings of any City board, commission or committee, including public meetings of Common Council, shall act in accordance with the following Rules of Order (as posted in Common Council Chambers):

1) Where public comment is scheduled on the meeting agenda, any member of the public may address the Mayor, Common Council, or a Council Committee in regards to matters within the scope of the powers of Common Council for up to three minutes.

2) Any person may address Common Council or a standing committee of Common Council for up to three minutes during the “Petitions and Hearings of Persons Before Council” or “Public Comment” portion of an official meeting. A speaker will be notified by a timekeeper when her/his time has ended. Neither the Chair, the Mayor, nor any majority vote of the entire body may extend the speaker’s limit. A person may address the body at any point after the “Petitions and Hearings of Persons Before Council” or “Public Comment” portion of the meeting upon invitation by, or permission from, the Mayor, the Chair of the committee or by a majority vote of the body. The provisions of this subsection shall apply to spokespersons, designated per Section II (6)(a), with the exception that the time limit afforded such persons shall be either five or seven minutes, depending on the size of the group the spokesperson represents.

3) Any person who shall desire to speak at a meeting of Common Council, or a Council Committee shall fill out a card stating her or his name, street address, municipality of residence, and the topic upon which they will comment. Any spokesperson, appointed pursuant to Section II (6)(a), who shall desire to speak at a meeting of Common Council, or a Council Committee shall fill out a form stating her or his name, the name, if any, of the group she or he represents, the names of those persons that the spokesperson is designated to represent, and the topic upon which they will comment. If a person identifies himself or herself as a member of such a group, he or she may not exercise the individual right to address council or committee at the same meeting. In completing this card or form each speaker will be affirming that they have read and understand the posted Rules of Conduct. Upon speaking, each person shall verbally state their name, the municipality in which they reside, and the name of the group they represent, if any, for the record.

4) Members of the public addressing the Mayor, Common Council, or a Council Committee shall do so in an orderly manner.

5) No person shall shout, use foul language, throw or slam anything or engage in any other form of disruptive behavior.

6) No member of the public shall approach Common Council members, the Mayor or City staff seated at the Council table, except as detailed in Section III, v. 7, or upon request of the Chair or a majority of the body.

7) Speakers shall give any written materials to the City Clerk or City staff for distribution to Common Council and Committee members.
8) If a member of the public fails to follow the Rules of Order, the Chair shall ask the member of the public to take her or his seat or, if seated, the Chair shall ask the member of the public to cease any behavior in violation of the Rules of Order.

9) If a member of the public fails to sit down after being asked, or continues with outbursts or other behavior prohibited by these Rules of Order while in the audience, the Chair shall ask the member of the public to leave the room.

10) If a member of the public fails to leave the room after being asked or continues with other behavior prohibited by the Rules of Order, the member of the public will be subject to arrest on the charge of Obstructing Governmental Administration.

IV. Standing Committees
The Mayor shall 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.

V. Acting Mayor and Alternate Acting Mayor
i. In case the Mayor shall be unable to perform the duties of the Mayor's office in consequence of sickness or absence from the city or if there shall be a vacancy in the office, at the first meeting in each year or as soon thereafter as may be practicable, the Common Council shall appoint by ballot one of its members to preside at the meetings, and the presiding officer thus chosen shall be vested with all the powers and perform all the duties of the Mayor of the city, except as provided in the City Charter § C-33A(1), until the Mayor shall resume the duties of the office or the vacancy shall be filled for the unexpired term by election according to law. The officer so appointed shall be styled "Acting Mayor" and shall sign all necessary papers with his/her name, adding thereto the words "Acting Mayor."

1) The Acting Mayor shall not be vested with the voting powers of the Mayor as described in the City Charter § C-30, but shall instead exercise the voting rights afforded Council members other than the Mayor.

ii. The Common Council may in the same manner appoint another of its members as Alternate Acting Mayor, to assume all the powers and perform all the duties of the Mayor of the city in the same manner and fashion as the Acting Mayor whenever the Acting Mayor is required to assume the powers and duties of the Mayor's office but is unable to do so in consequence of sickness or absence from the city.

VI. Receipt of Reports
i. The Common Council may vote to ACCEPT in whole or in part the report of any person, consultant, committee, task force, or other group. Acceptance is hereby defined to mean that the Common Council acknowledges receipt of the report and thanks its author for it.

ii. The Common Council may vote to ENDORSE any such report in whole or in part. Endorsement is hereby defined to mean that the Common Council acknowledges receipt of the report, thanks its author for it, and concurs in its findings and/or recommendations.
iii. The Common Council may vote to ADOPT any such report in whole or in part. Adoption is hereby defined to mean that the Common Council acknowledges receipt of the report, thanks its author for it, and formally commits itself to implementing its recommendations.

iv. The Common Council may vote to REJECT any such report in whole or in part. This may be done either by voting down an acceptance or an adoption resolution, or by passage of a resolution of rejection. Such a resolution means that while the Common Council has received the report, it finds it unsatisfactory and/or does not choose to implement its findings.

VII. Vacancies
i. In the event that a vacancy is created on Common Council pursuant to Article 3 of New York State Public Officers Law, Council shall fill such vacancy until the next regularly scheduled municipal election.

ii. A Council Selection Committee shall consist of:
   a. The Mayor;
   b. The Council member from the same Ward in which the vacancy has been created;
   c. Another member of Council as selected by the Mayor.
      i. Within 7 days of the receipt of written notice of the creation of a vacancy, the City Clerk shall post a notice of vacancy and request that interested candidates submit an application to the City Clerk.
      ii. The Council Selection Committee shall review applications and schedule a meeting at which candidates have the opportunity to present themselves and answer questions.
      iii. The Council Selection Committee shall, within 30 days of the posting of the vacancy by the City Clerk, present a recommended candidate to Common Council for a vote. The candidate shall be approved upon majority vote of Common Council.
      iv. Approved candidates shall be seated at the next Common Council meeting.

v. In the event that Common Council does not approve the recommended candidate, the Council Selection Committee shall have the option of presenting an alternate candidate at the same meeting, or tabling the recommendation until the next Common Council meeting.

VIII. Removal of a Council Member
Common Council may initiate the removal of a Common Council member for misconduct or abrogation of duties, otherwise being unfit for services OR pursuant to New York State Public Officers Law 30(1), for failure to maintain residence in the Ward for which the member was elected, as defined in City Code § 90-67(B)(2).

i. Robert’s Rules of Order shall govern the process for investigating a claim that a member is unfit for membership and ultimately removing a Common Council member from office.
ii. Removal of a Common Council member shall create a vacancy, pursuant to Article 3 of New York State Public Officers Law, which shall be filled as outlined in Section VII above.”

IX. Rules of Procedure
In any matter of procedure not governed by these rules, the Common Council shall be governed by Robert’s Rules of Order.
X. Amendment and Suspension of the Rules
  i. These rules shall not be altered or amended except by two-thirds vote of the entire
     Common Council, and then only after at least one week’s notice accompanied by a
     written or printed copy of the proposed alteration or amendment.
  ii. These rules may be temporarily suspended by a two-thirds vote of the Common
     Council.

XI. Communication and correspondence with Council Members and the Public
XI. A Communications between Council Members and Staff

XIA - 1. Council members who need information from City staff to assist them in developing
    policy or in responding to a request from a constituent, shall transmit information requests to the
    department head or directly to the department staff.

XIA - 2. Whenever Council members seek information directly from departmental staff, the
    following procedures should be pursued since individual Council members do not supervise
    staff nor do they establish or change programs.

    1) If the information request is more than minimal in terms of staff time
        required, the Council member should direct the inquiries to the Mayor or
        the chair of the committee to which the department reports. If the
        Mayor or the committee chair declines to authorize the request, an
        appeal may be made to the appropriate committee; and if that fails, to
        the whole Council.

XIA - 3. A. Council member should never attempt to influence the conduct of a staff person
    on the job. Any concerns that a Council member has about a staff person’s conduct on the job
    or job performance should be directed to the Department Head, the Mayor, the Human
    Resources Director or the appropriate committee.

    1) In the event that any Council member does so attempt to influence the
        conduct of a City staff member on the job, the staff person should bring
        this to the attention of the department head who will in turn notify the
        Human Resources Director, the Mayor and the Chair of the committee to
        which the department reports.

   B. Use of Council letterhead

XIB – 1 The primary use of Common Council letterhead stationery is to communicate official
   Council positions on matters of public concern. These positions may be communicated by
   members of Council designated to speak for the whole when a majority of Council members
   have consented.

XIB – 2- A secondary use of Common Council letterhead stationery is to allow individual Council
   members to express views regarding matters of official City business. In these instances it shall
   be clear that the opinion expressed by the Council member is that member’s opinion only
   and may not be the official opinion of the City or Council as a body.

XIB - 2 – a – When expressing her/his own position on City letterhead, a Council member shall
   use letterhead designating her/his office, e.g. “Ezra Ithacan, Sixth Ward Alderperson, Common
Council, City of Ithaca.” This personal letterhead may also be used, for example, for letters of 
reference or recommendation if the Alderperson, in her/his capacity as a City official, has known 
the subject.

XIB – 2 – b – When two or more Council members collaborate to express a view not officially 
advocated by the majority of Council, those Alderpersons may electronically design their own 
joint letterhead indicating their names and offices, or use Council letterhead, but in either case 
shall explicitly state in the letter that their view is not that of the majority or the official view.

XIB – 3 – Council members shall not use City letterhead stationery or the City logo for their 
private correspondence or on behalf of private individuals or organizations. Correspondence on 
letterhead should never give the appearance of using the office of Alderperson for personal gain 
or influence.

C. Access by telephone.

XIC -1. Council members shall maintain and publicize a local telephone number such that 
members of the public can be reached by telephone without incurring long-distance fees.

XII. Budget Review Meetings.

i. After receiving the Mayor’s proposed budget, the Common Council shall 
conduct a committee meeting (or series of committee meetings) for the 
purpose of reviewing the proposed budget, receiving presentations from City 
departments and agencies and affected City-sponsored programs, 
considering possible modifications to the Mayor’s budget, conducting two or 
more public hearings on the budget (in addition to the public hearing required 
at the regular Common Council meeting in November), and recommending a 
proposed budget to be voted upon by the Common Council at a regular or 
special Common Council meeting.

ii. The afore-mentioned budget review meetings shall be considered to be 
Committee of the Whole (COTW) meetings and shall be subject to the 
following procedural rules:

a. The COTW shall consist of the full membership of Common Council, 
including the Mayor.

b. These COTW meetings shall be organized by the committee of 
Common Council charged with budget and finance matters (i.e., the City 
Administration Committee or whichever successor committee is 
responsible for budget and finance matters).

c. A quorum for purposes of conducting business shall be a simple 
majority of the whole membership of Common Council, i.e., six 
members, and the Mayor shall not count toward said quorum.

d. The Mayor shall not be entitled to vote except to break a 5-5 tie in the 
vote of the other members of the COTW.
e. The budget review COTW meetings shall be chaired by the chairperson of the committee of Common Council that is charged with budget and finance matters (i.e., the City Administration Committee or whichever successor committee is responsible for budget and finance matters).

f. All budget review COTW meetings are subject to the Open Meetings Law, and are, therefore, open to the public and require advance notice as provided by law. However, with the exception of those COTW meetings, which are specifically designated as “public hearings,” members of the public shall not be entitled to make public comment at the COTW meetings, unless the COTW decides otherwise by majority vote. For those COTW meetings that are specifically designated as “public hearings,” or at any other COTW meeting where the public has been permitted to comment, the same rules as to public comment which are applicable to regular Common Council meetings or other Council committee meetings shall apply.

g. At the first meeting in any year of the budget review COTW, the Mayor’s proposed budget shall be moved (and seconded) for recommended approval by Common Council, for the sake of discussion and possible amendment. Thereafter, including at subsequent COTW meetings, the chair shall entertain proposed amendments to the Mayor’s budget, with regard to any line or amount therein, which proposed amendment shall require a second in order to be considered. For passage by the COTW, any such amendment shall require the affirmative vote of at least six of those COTW members present. Following the consideration of all proposed amendments, the COTW shall vote on a recommendation, to Common Council, of a proposed budget, including any amendments which have been acted upon affirmatively by the COTW. If for any reason the COTW is unable to make such a recommendation, then the Mayor’s proposed budget shall be moved for discussion at a Common Council meeting following the completion of the scheduled budget review COTW meetings.

h. Except as otherwise provided for herein, the meetings of the budget review COTW shall be governed by Robert’s Rules of Order.

iii. Nothing herein is intended to restrict the ability of the Common Council to amend the proposed budget at a Common Council meeting, prior to its adoption.
X. Government Administration, Human Resources, and Policy
.1 A Local Law to Entitled “Elective Office Vacancy Reform Act”

WHEREAS, Section C-100 of Article VII of the Ithaca City Charter currently specifies the process for filling vacancies in elective offices other than the Mayor, and

WHEREAS, Council vacancies are currently filled by appointment until at least the political year next succeeding the first annual election at which such vacancy can be filled, and

WHEREAS, Section C-33 of Article III of the Ithaca City Charter permits an Acting Mayor to retain their Council seat and mayoral duties until any vacancy in the office of the Mayor shall be filled for the unexpired term, and

WHEREAS, Common Council finds it desirable to promote transparency, equity, and fairness through a special election rather than an appointment, and

WHEREAS, the practice of filling vacancies through special election is the method utilized by the Tompkins County Legislature, now therefore

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

Local Law No. 202__-__

Section 1. Legislative Findings, Intent, and Purpose
It is the intent of the Common Council to promote transparency, equity, and fairness with respect to the filling of vacancies for elective office in the City of Ithaca.

The Common Council makes the following findings of fact:

A. The current process for filling vacancies does not fully serve the best interests of the City’s electorate by placing the appointment process in the hands of Council until the political year next succeeding the first annual election at which such vacancy can be filled.

B. The community would be better served by a timely and public special election to more appropriately represent the will of the electorate.

Section 2. Charter Amendments
Chapter 100 of the City Charter is hereby amended as follows:

§C-100 Vacancy in elective office other than Mayor

If a vacancy shall happen in any elective office other than Mayor, the Common Council shall fill the same by appointment until the commencement of the political year next succeeding the first annual election at which such vacancy can be filled, and at such election, some qualified person shall be elected to such office for the residue of the term thereof, according to the provisions of this Charter. It shall be filled at a special election according to the following schedule:

• If a vacancy on the Common Council or the Office of the Mayor shall occur more than 85 days before the general election of any year, such office shall be filled for the remainder of the unexpired term at a special election in the ward or district of said office.

• In the event that such a vacancy shall occur fewer than 85 days but more than 60 days before the general election of any year, such vacancy shall be filled at the next general election.
If a vacancy occurs fewer than 60 days before the general election in a year that is not the last of the expiration of the elective office’s term, such office shall be filled for the reminder of the unexpired term at a special election in the district of said office.

In the event that a vacancy occurs fewer than 60 days before the general election in a year that is the last year of the elective office’s term, the winner of the general election for said office shall fill the vacancy for the remainder of the unexpired term.

Special elections are to be called by the Common Council as soon as practicable and, in any event, to be held not later than 85 days from the date of such vacancy. Notice of a special election called hereunder shall be in the manner provided for in the Election Law for notice of a general election. To the maximum extent feasible, the provisions of the Election Law governing the conduct of a special election shall apply. It shall be the duty of the Board of Elections to prepare ballots, voting machines, and other matters so that such election may be properly held and conducted. Notwithstanding any law to the contrary, the expenses of a special election conducted pursuant to this chapter shall be borne by the City.

Section 3. 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 4. Effective Date
Upon filing in the office of the Secretary of State, this Local Law shall take effect January 1, 2024. This Local Law is subject to referendum on petition pursuant to Municipal Home Rule Law Section 24.
Hi Robert,

The Special Election for LD 3 County Legislature seat that was held on January 24th would be similar to a Special Election for an Alderperson seat. For the 3rd LD Special Election we paid $5477.49 to poll workers that worked the 9 days of Early Voting. We paid the 12 poll workers that worked at the three polling places on January 24th a total of $2449.60. A conservative estimate for the amount of time it took technicians to prepare the voting machines, help deliver the voting machines, receive the voting machines back, and audit the voting machines used in this election is about 80 hours. At the rate of $26.01 per hour, the amount paid to technicians for working this election is $2080.80. The total amount in labor alone to run this special election was $10,620.37. Other expenses like preparation of the ballot, printing of ballots, postage for mailing and receiving absentee ballots, and delivery and pickup of the voting machines are not included in this total. In the end only 102 people voted in this election.

As I have said in conversations with you, I do not think the Special Election process is anywhere near as transparent as common council interviewing candidates and choosing someone to hold the seat until the next General Election occurs. The political calendar for a Special Election is much different than for a regular election. The ballot access process starts immediately after the proclamation of the election and there is not a petition process to run on the 4 major party lines. The parties nominate a candidate of their choice to run on the party line. The process lasts only about 10-13 days. An independent petition is part of that process, although the signature requirement would be the same as for a normal petitioning period. In addition the date of the election has to be no earlier than 70 days after the proclamation of the election is made. The county charter specifies that the election must be held within 85 days of the occurrence of the vacancy.

My personal opinion that using the current process in the City of Ithaca, one could make the electorate aware of the vacancy, invite interested persons to apply, have the current members of council interview the candidates, and make their selection well within the 70 days. If someone does not get selected, they can run for the seat at the next General Election.

One final note, there are many times when you do not have control over the timing of the vacancy. If someone had not gone to talk with Henry Granison and ask him to make his resignation date effective October 31 instead of October 20 as he originally intended, the election would have been held on January 10 with 9 days of Early Voting beginning on December 31. If he had decided to resign effective one week earlier on
October 13, Early Voting would have been for 9 consecutive days beginning on December 24. For either of the last two dates, the ballot access process would be taking place in the week leading up to the mid-term election.

As you consider legislation to hold Special Elections to fill vacancies, I will hope you take what I have said in this email to heart. Please feel free to share this email. If you or any of your colleagues have any questions, feel free to contact me.

Stephen M. DeWitt
Democratic Commissioner of Elections
Tompkins County Board of Elections
128 E. Buffalo St.
Ithaca, NY 14850
(607) 274-5522
www.votetompkins.com
§ C-100. Vacancy in elective office other than Mayor.

If a vacancy shall happen in any elective office other than Mayor, the Common Council shall fill the same by appointment until the commencement of the political year next succeeding the first annual election at which such vacancy can be filled; and at such election, some qualified person shall be elected to such office for the residue of the term thereof, according to the provisions of this Charter.
5. FINANCE, BUDGET, & APPROPRIATIONS

5.1 Resolution to Amend GIAC Roster Program Coordinator Position

WHEREAS, the Greater Ithaca Activities Center (GIAC) needs a Program Coordinator position to manage some of its special initiatives including serving as the School Aged Child Care Program Director (SACC); and

WHEREAS, the Mayor and Common Council included this position in the authorized 2023 GIAC budget at 20 hours per week; and

WHEREAS, GIAC needs this position to be at minimum 25 hours per week to be able to fulfill the demanding responsibilities of a SACC Director and other special events; and

WHEREAS, GIAC Administration is requesting this position be amended to 25 hours per week; and

WHEREAS, the cost for making this change is $7,220 for the remainder of 2023, including fringe; and

WHEREAS, GIAC’s 2023 budget as approved has funding to support the amendment of this position; and

WHEREAS, no additional funds are being requested for this position, now therefore be it:

RESOLVED, that the Personnel Roster of GIAC shall be amended as follows:

Increase: one (1) GIAC Program Coordinator from 20 hours/week to 25 hours/week

And be it further,

RESOLVED, that said roster amendment will be made within the existing funds of the 2023 authorized GIAC budget.
5. FINANCE, BUDGET, & APPROPRIATIONS

5.2 Resolution for a Temporary Access Easement from the City of Ithaca to New York State Electric & Gas Corporation (NYSEG)

WHEREAS, the City of Ithaca owns a land interest for public water supply within Tax Parcel 55.-1-1, and

WHEREAS, the New York State Electric & Gas Corporation (NYSEG) owns and maintains an overhead utility easement within City land, and

WHEREAS, direct access to the NYSEG utility easement can be obtained through City property off of Coddington Road in the Town of Ithaca, more specifically between Tax Parcel 48.-1-9.1 and Tax Parcel 48.-1-10, and

WHEREAS, NYSEG has prepared a Temporary Access Easement to service said utility through the Coddington Road access, and

WHEREAS, the City is desirous in granting NYSEG access through its parcel. Now therefore be it

RESOLVED, that careful review of the Temporary Access Easement by City of Ithaca staff and the City legal team agree with the conditions therein and make recommendation to City Common Council to approve said agreement.
TEMPORARY ACCESS EASEMENT

THIS TEMPORARY ACCESS EASEMENT (this “Easement”) is granted by City of Ithaca, hereinafter [“collectively”] called the Grantor, being the owners of or having an interest in land situate in the Town of Ithaca, County of Tompkins, State of New York, fronting on the street or highway known as Coddington Road or NYS Rt 119, Tax map 55.1-1, for and in consideration of the sum of One and No/100 Dollars ($1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grant and release unto NEW YORK STATE ELECTRIC & GAS CORPORATION, a corporation organized under the laws of the State of New York, hereinafter called the Grantee, and its successors and assigns, the right to Construct, repair, maintain and use a temporary roadway upon and across the Grantor’s property (as defined below) for access by foot and motor vehicle, including trucks and equipment, to construct/rebuild facilities for the transmission and distribution of electricity in connection with Grantee’s project commonly known as “Ithaca Line 981 Upgrades” (the “Project”).

This Easement affects the portion of Grantor’s property shown on the sketch attached hereto as Exhibit “A” (the “Temporary Easement Area”).

Within a reasonable time, following completion of the Project, Grantee will restore the Easement Area to its original condition to the extent reasonably practical.

The rights granted by this Easement may be exercised by Grantee, its employees, agents, contractors and subcontractors until the construction and restoration process associated with the Project is complete, at which time this Easement will be deemed terminated. Notwithstanding the foregoing, this Easement shall terminate immediately if construction has not commenced within Eighteen Months of the date of execution of this Easement.

TOGETHER with the right to trim, cut, and remove by manual or mechanical means trees and brush and other obstructions within the Easement Area and to fill depressions and grade the surface of the Easement Area. The Grantee shall have all other rights and benefits necessary or convenient for the full enjoyment or use of this Easement.

PROVIDED, however, that any damage (other than for trimming, cutting or removing trees, as herein provided) to the property of the Grantor caused by the Grantee in constructing or repairing the roadway, shall be borne by the Grantee.

The Grantor hereby warrants title to the rights above granted, and Grantor will execute or procure any further necessary assurance of the title to said premises as may be required by the Grantee.

The Grantor hereby reserves the right to use the Easement Area for any purposes except that the Grantor shall not, and shall not permit any third party to, (i) erect any building or structure on, place or store any materials on, obstruct, grade, excavate, fill or flood the Easement Area, or (ii) otherwise use the Easement Area in any manner which may (x) interfere with the exercise of the rights granted by this Easement or (y) create a hazard, in each case as determined by the Grantee in its sole discretion.

This Easement shall be binding upon the Grantor’s heirs, executors, administrators, successors and assigns.

Attached hereto as Exhibit B are additional terms and conditions applicable to this instrument. In the event of any conflict between the terms and conditions set forth above and those set forth in Exhibit B, the terms and conditions of Exhibit B shall control.

[signature page follows]
Signed this ___________ day of ______________________, 20_____.

GRANTOR:
City of Ithaca

By

________________________________________
Name

Title

GRANTEE:
New York State Electric and Gas Corporation

Esmina Sabic
2/14/23
Date

Project Manager, Brightline BES Programs NY
1. Approximate location of Temporary Access Easement depicted.
EXHIBIT “B”

Additional Terms and Conditions

1. Grantor does not provide any warranty of title.

2. Grantee agrees to indemnify and hold Grantor harmless from and against any loss, claim or expense, including without limitation, claims for injury or death to persons or damage to property (“Loss and Expense”) occurring as a result of Grantee’s breach of any of its obligations under this Easement. Notwithstanding the foregoing, this indemnification shall not apply to any Loss and Expense to the extent caused by any willful misconduct or negligence on the part of the Grantor, its agents, contractors or employees.

3. In consideration for this Easement, Grantee shall pay Grantor $3,000.00.

4. Payment to be made within 90 days of when Easement is executed and delivered by Grantor to Grantee.

5. Grantee agrees to comply with state and federal regulations regarding post construction reclamation when reseeding the Easement Area.

6. Grantee shall include Grantor as an additional insured on all applicable insurance policies carried in connection with the Project, which insurance shall at minimum include:
   a. Commercial General Liability coverage with limits not less than $1,000,000 each occurrence and $2,000,000 Annual Aggregate
   b. Business Auto liability with limits of at least $1,000,000 for each accident and including coverage for liability arising out of all owned, leased, hired, and non-owned vehicles
   c. Commercial umbrella insurance with limits not less than $5,000,000, and
   d. Worker’s Compensation coverage complying with New York state law or adequate proof of an exemption therefrom.

Within 60 days of the execution of this Easement, Grantee shall provide proof of insurance (or an applicable exemption) and a copy of the Additional Insured Endorsement that is part of the Commercial General Liability policy. Said proof and the insurance policies shall contain a provision that coverage afforded under the policies will not be canceled or allowed to expire until at least 30 days prior written notice has been given to the City.
MEMORANDUM

Date: February 17, 2023
To: City Administration Committee
From: Deb Mohlenhoff, Chief of Staff
RE: City Manager Transition

Please find attached a tentative workplan for the items to be completed as we move forward with the transition to a new City Manager form of government.

Individual Departments will be consulted as we analyze each of the items on the workplan.

Also, here are some additional actions that have been taken in the last month:

- City Attorney and Chief of staff divided some items on the workplan and assigned them for staff to research and begin legislative review
- Chief of Staff reached out to a consultant group to identify possible services provided to the City to assist with the transition process
- HR Director and the Mayor will take the lead on the design & execution of the search process

Proposed COW dates and topics:

<table>
<thead>
<tr>
<th>DATE</th>
<th>TOPIC</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 10 or May 31</td>
<td>Role Clarification, Voting Procedures, Rules of Procedure, Budget Process</td>
</tr>
<tr>
<td>June 14</td>
<td>Board of Public Works, CM Selection Process, Staffing &amp; Structure of CM and Mayor’s Departments</td>
</tr>
</tbody>
</table>
# City Manager Transition Roadmap

<table>
<thead>
<tr>
<th>PREVIOUS POWERS OF THE MAYOR</th>
<th>UNDER COUNCIL-MANAGER GOVERNMENT</th>
<th>POSSIBLE WORKPLAN ITEMS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Serve as Chief Executive Officer of the City</td>
<td>City Manager</td>
<td><strong>COW TOPIC</strong> - finalize CM job description - review &amp; set salary of CM - create selection and removal process for CM - define contract length of CM - residency requirement? - staffing needs for CM</td>
</tr>
<tr>
<td>Appoint, evaluate and terminate department heads</td>
<td>City Manager</td>
<td>- define selection process for city department heads - ensure clarity with regard to the role of Common Council in the selection process <a href="https://ecode360.com/26859908">https://ecode360.com/26859908</a></td>
</tr>
<tr>
<td>Appoint City Attorney</td>
<td><em>City Manager (with approval of Common Council)</em></td>
<td>- define selection process</td>
</tr>
<tr>
<td>Serve as presiding officer of the Common Council</td>
<td>Mayor</td>
<td><strong>COW TOPIC</strong> - defining legislative role of the Mayor (Chief Elected Official) - defining role and scope of Common Council - review standing committees of Council and any potential changes - review salary of Mayor - review staffing needs for Mayor - complete Revision of Rules of Procedure</td>
</tr>
<tr>
<td>Serve as presiding officer of the Board of Public Works</td>
<td>TBD</td>
<td><strong>COW TOPIC</strong> - review of current practices</td>
</tr>
<tr>
<td>Appoint the members of boards and commissions and ad hoc or advisory committees</td>
<td>Mayor</td>
<td>- create a list of all current Mayoral appointments - create list of all Common Council liaison assignments - create list of all organizations the Mayor attends on behalf of the city (IAED, etc.)</td>
</tr>
<tr>
<td>Task</td>
<td>Responsible Party</td>
<td>Notes</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Monitor the effectiveness and performance of City departments</td>
<td>City Manager</td>
<td>- create new org chart with all CM direct reports</td>
</tr>
<tr>
<td>Make recommendations to Common Council about changes in departments</td>
<td>City Manager</td>
<td>- Review current charter for potential legislative changes needed if departments are impacted</td>
</tr>
<tr>
<td>that would decrease costs or improve service, when Council's</td>
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<tr>
<td>authorization is required</td>
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<tr>
<td>Prepare an annual budget and, when adopted by the Common Council,</td>
<td>City Manager</td>
<td><strong>COW TOPIC</strong></td>
</tr>
<tr>
<td>monitor compliance with its provisions.</td>
<td></td>
<td>- Design new budget process</td>
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<tr>
<td></td>
<td></td>
<td>- Define role of Mayor in budget process</td>
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<td></td>
<td></td>
<td>- Define role of CA chair in budget process</td>
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<tr>
<td></td>
<td></td>
<td>- Define role of Common Council in budget process</td>
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<tr>
<td></td>
<td></td>
<td>- Create new budget timeline</td>
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<tr>
<td></td>
<td></td>
<td>- Review Council Rules of Procedure per budget</td>
</tr>
<tr>
<td>Submit procurement policies to Common Council for approval;</td>
<td>City Manager</td>
<td>- review and modify contract routing process</td>
</tr>
<tr>
<td>implement and monitor those policies</td>
<td></td>
<td>- who should sign contracts moving forward (role of Mayor/CA?)</td>
</tr>
<tr>
<td>Negotiate labor contracts and make recommendations to Common Council</td>
<td>City Manager</td>
<td>- clearly define roles of all members of City negotiating team</td>
</tr>
<tr>
<td>regarding personnel matters</td>
<td></td>
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<tr>
<td>Develop and administer a salary plan for City employees; periodically</td>
<td>City Manager</td>
<td>- review current practice</td>
</tr>
<tr>
<td>recommend amendments to the Common Council in order to eliminate</td>
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<tr>
<td>inequities, recruiting difficulties and employee turnover</td>
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<td></td>
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<tr>
<td>Determine what officer or employee shall exercise powers or</td>
<td>City Manager</td>
<td>- review duties and assign</td>
</tr>
<tr>
<td>perform duties not otherwise assigned by Charter, local law or</td>
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<td></td>
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<tr>
<td>ordinances of the Common Council</td>
<td></td>
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</tr>
<tr>
<td>Represent the City to agencies of the federal, state and county</td>
<td>Mayor and/or City Manager</td>
<td>- review current roles and redefine if needed</td>
</tr>
<tr>
<td>governments and regional authorities for the purpose of obtaining</td>
<td></td>
<td>- review legislative advocacy practices</td>
</tr>
<tr>
<td>funds or services beneficial to the City.</td>
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</tr>
<tr>
<td>Role</td>
<td>Responsibility</td>
<td>Actions/Recommendations</td>
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<tr>
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<tr>
<td>Mayor and/or City Manager</td>
<td>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.</td>
<td>- review current roles and redefine if needed</td>
</tr>
<tr>
<td>Mayor and/or City Manager</td>
<td>Initiate and direct such activities as will improve the economy of the City and its tax base and cooperate with groups outside the City government having the same purposes.</td>
<td>- review Economic Development strategies</td>
</tr>
<tr>
<td>City Manager</td>
<td>Serve as Chairperson of the interdepartmental Capital Program Committee.</td>
<td>- review current Capital Projects process and recommend any changes</td>
</tr>
<tr>
<td>Mayor</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>City Manager</td>
<td>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.</td>
<td>- review and modify contract routing process - who should sign contracts moving forward (role of Mayor/CA?)</td>
</tr>
<tr>
<td>City Manager</td>
<td>Declare the existence of an emergency</td>
<td>- review process for declaring &amp; update if needed - State of Emergency - Weather Closures</td>
</tr>
<tr>
<td>City Manager</td>
<td>When authorized by the Common Council or Board of Public Works, execute all deeds, contracts and other papers as the acts of the City, except as otherwise provided by the Local Finance Law.</td>
<td>- review and modify contract routing process - who should sign contracts moving forward (role of Mayor/CA?)</td>
</tr>
<tr>
<td>Mayor</td>
<td>Administer oaths and take affidavits and acknowledgments.</td>
<td>- review duties of City Clerk and Deputy City Clerk</td>
</tr>
<tr>
<td>Mayor</td>
<td>Appoint members of the IURA and be a member of the IURA (according to NYS General Municipal Law)</td>
<td></td>
</tr>
</tbody>
</table>