OFFICIAL NOTICE OF MEETING

A Regular meeting of the Common Council will be held on Wednesday, April 4, 2018, at 6:00 p.m. in the Common Council Chambers at City Hall, 108 East Green Street, Ithaca, New York. Your attendance is requested.

AGENDA

1. **PLEDGE OF ALLEGIANCE:**

2. **ADDITIONS TO OR DELETIONS FROM THE AGENDA:**

3. **PROCLAMATIONS/AWARDS:**

4. **SPECIAL ORDER OF BUSINESS:**
   4.1 Presentation of Quarterly Employee Recognition Award

5. **SPECIAL PRESENTATIONS BEFORE COUNCIL:**
   5.1 Introduction to New Tompkins County Administrator – Jason Molino

6. **PETITIONS AND HEARINGS OF PERSONS BEFORE COUNCIL:**

7. **PRIVILEGE OF THE FLOOR – COMMON COUNCIL AND THE MAYOR:**

8. **CONSENT AGENDA ITEMS:**
   **Superintendent of Public Works Office:**
   8.1 Kilpatrick’s Publick House Restaurant - Alcohol Permit Request – Resolution
   8.2 Le Café Cent-Dix Restaurant Alcohol Permit Request - Resolution
   8.3 Luna Street Food Downtown Restaurant Alcohol Permit Request - Resolution
   8.4 Mahogany Grill Restaurant Alcohol Permit Request - Resolution
   8.5 Mercato Bar and Kitchen Restaurant Alcohol Permit Request - Resolution
   8.6 Mia Noodle Bar and Restaurant Alcohol Permit Request - Resolution
   8.7 Sahara Restaurant Alcohol Permit Request - Resolution
   8.8 Taste of Thai Restaurant Alcohol Permit Request - Resolution
   8.9 Woody’s Ladybugs, LLC – d/b/a Red’s Place Restaurant Alcohol Permit Request - Resolution
   **City Administration Committee:**
   8.10 Planning, Building and Economic Development - Amendment to Personnel Roster - Resolution
   8.11 Department of Public Works (DPW) - Amendment to Capital Project #700 for Cascadilla Creek Dredging Design - Resolution
   8.12 Department of Public Works (DPW) - Authorization to Operate the Newman Municipal Golf Course Club House Food and Beverage Concessions - Resolution
   8.13 Recommendation that “Six Mile Creek” be the Appropriate Name for that Stream - Resolution
8. **CONSENT AGENDA ITEMS CONTINUED:**
   **City Administration Committee (Continued):**
   8.14 An Ordinance to Amend Chapter 240 of the City of Ithaca Municipal Code entitled “Noise Ordinance”
   8.15 Finance Department - Approval of Updated Purchasing Policy - Resolution
   8.16 Finance Department - Approval of Grant Modification - Resolution

9. **CITY ADMINISTRATION COMMITTEE:**
   9.1 Amendment of Capital Project for Expansion of the Alex Haley Municipal Wading Pool - Resolution
   9.2 Amendment to Capital Projects #777 and #839 for Dryden Road Garage - Resolution
   9.3 Ratification of Agreement for Advance Payment and Authorization for Mayor Svante L. Myrick to Execute Closing Papers on Behalf of the City of Ithaca - Resolution
   9.4 Mayor – Acceptance of Grant from Bloomberg Philanthropies - Resolution
   9.5 An Ordinance to Amend Chapter 120 of the City of Ithaca Municipal Code Entitled “Youth Council”
   9.6 Common Council – Opioid Cost Recovery and Public Nuisance - Resolution
   9.7 City Controller’s Report

10. **PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE:**
    10.1 An Ordinance to Amend the City of Ithaca Municipal Code, Chapter 325, Entitled “Zoning,” Section 325-5 entitled “Zoning Map” and Article IV, Section 325-12 entitled “Purpose and Intent”, in Order to Expand the Area Permitted for Planned Unit Developments By Creating a Planned Unit Development Overlay District (PUDOD)
        A. Designation of Lead Agency – Resolution
        B. Determination of Environmental Significance – Resolution
        C. Adoption of Ordinance

11. **REPORTS OF SPECIAL COMMITTEES:**

12. **NEW BUSINESS:**

13. **INDIVIDUAL MEMBER – FILED RESOLUTIONS:**

14. **MAYOR’S APPOINTMENTS:**

15. **REPORTS OF COMMON COUNCIL LIAISONS:**

16. **REPORT OF CITY CLERK:**
17. REPORT OF CITY ATTORNEY:

18. MINUTES FROM PREVIOUS MEETINGS:
18.1 Approval of the March 7, 2018 Common Council Meeting Minutes – Resolution

19. ADJOURNMENT:

If you have a disability that will require special arrangements to be made in order for you to fully participate in the meeting, please contact the City Clerk at 274-6570 at least 48 hours before the meeting.

Out of consideration for the health of other individuals, please try to refrain from using perfume/cologne and other scented personal care products at City of Ithaca meetings. Thank you for your cooperation and understanding.

______________________________
Julie Conley Holcomb, CMC
City Clerk

Date: March 29, 2018
8. CONSENT AGENDA ITEMS:
Superintendent of Public Works Office:
8.1 Kilpatrick’s Publick House Restaurant - Alcohol Permit Request –
Resolution
WHEREAS, the City Clerk has received a request to allow Kilpatrick’s Publick House
Restaurant to utilize certain areas along North Tioga Street for outdoor dining; and

WHEREAS, this use of public property has been deemed proper and successful; and

WHEREAS, the City of Ithaca wishes to promote diverse uses of the Primary and
Secondary Commons, including outdoor dining; and

WHEREAS, it is Common Council's responsibility to determine whether or not to allow
the serving and consumption of alcohol on the Primary and Secondary Commons; and

WHEREAS, Common Council has determined that the use of this public property for
outdoor dining at Kilpatrick’s Publick House Restaurant, including the responsible sale
and consumption of alcohol, is desirable; and

WHEREAS, Common Council has determined that any use of this or similar public
property involving the same and consumption of alcohol should be covered by a
minimum of $1,000,000 insurance under the Dram Shop Act; now, therefore be it

RESOLVED, For the year 2018, Common Council hereby approves a revocable
Alcoholic Beverage Permit for the outdoor sale and consumption of alcohol for
Kilpatrick’s Publick House Restaurant that includes the sale of alcohol in accord with the
terms and conditions set forth in application therefore, including minimum Dram Shop
coverage in the amount of $1,000,000 and the approval of an outdoor dining permit.
Le Café Cent-Dix Restaurant Alcohol Permit Request – Resolution

WHEREAS, the City Clerk’s Office has received a request to allow Le Café Cent-Dix Restaurant to utilize certain areas along North Aurora Street for outdoor dining, and

WHEREAS, this use of public property has been deemed proper and successful, and

WHEREAS, the City of Ithaca wishes to promote diverse uses of the Primary and Secondary Commons, including outdoor dining, and

WHEREAS, it is Common Council’s responsibility to determine whether or not to allow the serving and consumption of alcohol on the Primary and Secondary Commons, and

WHEREAS, Common Council has determined that the use of this public property for outdoor dining at Le Café Cent-Dix Restaurant, including the responsible sale and consumption of alcohol, is desirable, and

WHEREAS, Common Council has determined that any use of this or similar public property involving the same and consumption of alcohol should be covered by a minimum of $1,000,000 insurance under the Dram Shop Act; now, therefore be it

RESOLVED, For the year 2018, Common Council hereby approves a revocable Alcoholic Beverage Permit for the outdoor sale and consumption of alcohol for Le Café Cent-Dix Restaurant that includes the sale of alcohol in accord with the terms and conditions set forth in application therefore, including minimum Dram Shop coverage in the amount of $1,000,000 and the approval of an outdoor dining permit.
8.3 Approval of Luna Street Food Downtown Restaurant Alcohol Permit Request – Resolution

WHEREAS, the Luna Street Food Downtown Restaurant has requested permission to utilize certain areas along North Aurora Street for outdoor dining; and

WHEREAS, this use of public property has been deemed proper and successful; and

WHEREAS, the City of Ithaca wishes to promote diverse uses of the Primary and Secondary Commons, including outdoor dining; and

WHEREAS, it is Common Council’s responsibility to determine whether or not to allow the serving and consumption of alcohol on the Primary and Secondary Commons, and

WHEREAS, Common Council has determined that the use of this public property for outdoor dining at the Luna Street Food Downtown Restaurant, including the responsible sale and consumption of alcohol, is desirable; and

WHEREAS, Common Council has determined that any use of this or similar public property involving the same and consumption of alcohol should be covered by a minimum of $1,000,000 insurance under the Dram Shop Act; now, therefore be it

RESOLVED, For the year 2018, Common Council hereby approves a revocable Alcoholic Beverage Permit for the outdoor sale and consumption of alcohol for Luna Street Food Downtown Restaurant that includes the sale of alcohol in accord with the terms and conditions set forth in application therefore, including minimum Dram Shop coverage in the amount of $1,000,000 and the approval of an outdoor dining permit.
Mahogany Grill Restaurant Alcohol Permit Request – Resolution
WHEREAS, the City Clerk has received a request to allow the Mahogany Grill Restaurant to utilize certain areas along Aurora Street for outdoor dining; and

WHEREAS, this use of public property has been deemed proper and successful, and

WHEREAS, the City of Ithaca wishes to promote diverse uses of the Primary and Secondary Commons, including outdoor dining; and

WHEREAS, it is Common Council’s responsibility to determine whether or not to allow the serving and consumption of alcohol on the Primary and Secondary Commons; and

WHEREAS, Common Council has determined that the use of this public property for outdoor dining at the Mahogany Grill Restaurant, including the responsible sale and consumption of alcohol, is desirable; and

WHEREAS, Common Council has determined that any use of this or similar public property involving the same and consumption of alcohol should be covered by a minimum of $1,000,000 insurance under the Dram Shop Act; now, therefore be it

RESOLVED, For the year 2018, Common Council hereby approves a revocable Alcoholic Beverage Permit for the outdoor sale and consumption of alcohol for the Mahogany Grill Restaurant that includes the sale of alcohol in accord with the terms and conditions set forth in application therefore, including minimum Dram Shop coverage in the amount of $1,000,000 and the approval of an outdoor dining permit.
WHEREAS, the City Clerk’s Office has received a request to allow Mercato Bar and Kitchen Restaurant to utilize certain areas along North Aurora Street for outdoor dining, and

WHEREAS, this use of public property has been deemed proper and successful, and

WHEREAS, the City of Ithaca wishes to promote diverse uses of the Primary and Secondary Commons, including outdoor dining, and

WHEREAS, it is Common Council's responsibility to determine whether or not to allow the serving and consumption of alcohol on the Primary and Secondary Commons, and

WHEREAS, Common Council has determined that the use of this public property for outdoor dining at Mercato Bar and Kitchen Restaurant, including the responsible sale and consumption of alcohol, is desirable, and

WHEREAS, Common Council has determined that any use of this or similar public property involving the same and consumption of alcohol should be covered by a minimum of $1,000,000 insurance under the Dram Shop Act; now, therefore be it

RESOLVED, For the year 2018, Common Council hereby approves a revocable Alcoholic Beverage Permit for the outdoor sale and consumption of alcohol for Mercato Bar and Kitchen Restaurant that includes the sale of alcohol in accord with the terms and conditions set forth in application therefore, including minimum Dram Shop coverage in the amount of $1,000,000 and the approval of an outdoor dining permit.
WHEREAS, the City Clerk has received a request to allow Mia Noodle Bar and Restaurant to utilize certain areas along the Primary Commons for outdoor dining, and

WHEREAS, this use of public property has been deemed proper and successful, and

WHEREAS, the City of Ithaca wishes to promote diverse uses of the Primary and Secondary Commons, including outdoor dining, and

WHEREAS, it is Common Council's responsibility to determine whether or not to allow the serving and consumption of alcohol on the Primary and Secondary Commons, and

WHEREAS, Common Council has determined that the use of this public property for outdoor dining at Mia Noodle Bar and Restaurant, including the responsible sale and consumption of alcohol, is desirable, and

WHEREAS, Common Council has determined that any use of this or similar public property involving the same and consumption of alcohol should be covered by a minimum of $1,000,000 insurance under the Dram Shop Act; now, therefore be it

RESOLVED, For the year 2018, Common Council hereby approves a revocable Alcoholic Beverage Permit for the outdoor sale and consumption of alcohol for Mia Noodle Bar and Restaurant that includes the sale of alcohol in accord with the terms and conditions set forth in application therefore, including minimum Dram Shop coverage in the amount of $1,000,000 and the approval of an outdoor dining permit.
WHEREAS, the Sahara Restaurant has requested permission to utilize certain areas along Aurora Street for outdoor dining, and

WHEREAS, this use of public property has been deemed proper and successful, and

WHEREAS, the City of Ithaca wishes to promote diverse uses of the Primary and Secondary Commons, including outdoor dining, and

WHEREAS, it is Common Council's responsibility to determine whether or not to allow the serving and consumption of alcohol on the Primary and Secondary Commons, and

WHEREAS, Common Council has determined that the use of this public property for outdoor dining at the Sahara Restaurant, including the responsible sale and consumption of alcohol, is desirable, and

WHEREAS, Common Council has determined that any use of this or similar public property involving the same and consumption of alcohol should be covered by a minimum of $1,000,000 insurance under the Dram Shop Act; now, therefore be it

RESOLVED, For the year 2018, Common Council hereby approves a revocable Alcoholic Beverage Permit for the outdoor sale and consumption of alcohol for the Sahara Restaurant that includes the sale of alcohol in accord with the terms and conditions set forth in application therefore, including minimum Dram Shop coverage in the amount of $1,000,000 and the approval of an outdoor dining permit.
8.8  Taste of Thai Restaurant Alcohol Permit Request - Resolution
WHEREAS, the City Clerk has received a request to allow the Taste of Thai Restaurant to utilize certain areas along the Primary Commons for outdoor dining; and

WHEREAS, this use of public property has been deemed proper and successful, and

WHEREAS, the City of Ithaca wishes to promote diverse uses of the Primary and Secondary Commons, including outdoor dining; and

WHEREAS, it is Common Council's responsibility to determine whether or not to allow the serving and consumption of alcohol on the Primary and Secondary Commons, and

WHEREAS, Common Council has determined that the use of this public property for outdoor dining at the Taste of Thai Restaurant, including the responsible sale and consumption of alcohol, is desirable; and

WHEREAS, Common Council has determined that any use of this or similar public property involving the same and consumption of alcohol should be covered by a minimum of $1,000,000 insurance under the Dram Shop Act; now, therefore be it

RESOLVED, For the year 2018, Common Council hereby approves a revocable Alcoholic Beverage Permit for the outdoor sale and consumption of alcohol for the Taste of Thai Restaurant that includes the sale of alcohol in accord with the terms and conditions set forth in application therefore, including minimum Dram Shop coverage in the amount of $1,000,000 and the approval of an outdoor dining permit.
WHEREAS, Woody’s Ladybugs, LLC – d/b/a Red’s Place Restaurant has requested permission to utilize certain areas along Aurora Street for outdoor dining; and

WHEREAS, this use of public property has been deemed proper and successful; and

WHEREAS, the City of Ithaca wishes to promote diverse uses of the Primary and Secondary Commons, including outdoor dining; and

WHEREAS, it is Common Council’s responsibility to determine whether or not to allow the serving and consumption of alcohol on the Primary and Secondary Commons; and

WHEREAS, Common Council has determined that the use of this public property for outdoor dining at Woody’s Ladybugs, LLC – d/b/a Red’s Place Restaurant, including the responsible sale and consumption of alcohol, is desirable; and

WHEREAS, Common Council has determined that any use of this or similar public property involving the same and consumption of alcohol should be covered by a minimum of $1,000,000 insurance under the Dram Shop Act; now, therefore be it

RESOLVED, For the year 2018, Common Council hereby approves a revocable Alcoholic Beverage Permit for the outdoor sale and consumption of alcohol for Woody’s Ladybugs, LLC – d/b/a Red’s Place Restaurant that includes the sale of alcohol in accord with the terms and conditions set forth in application therefore, including minimum Dram Shop coverage in the amount of $1,000,000 and the approval of an outdoor dining permit.
8. **CONSENT ITEMS CONTINUED:**

City Administration Committee:

8.10 **Planning, Building and Economic Development - Amendment to Personnel Roster - Resolution**

WHEREAS, the Planning Division created and hired a Database Specialist position in 2015; and

WHEREAS, the purpose of the Database Specialist position was to support, develop and maintain database applications to ensure that databases are operational with complete and accurate data; and

WHEREAS, the Database position was filled in early 2017 and was subsequently vacated in September 2017; and

WHEREAS, in the last 12 months a property management database supporting planning and building activities has been more fully developed, tested and used. As a result of these activities and other developments within the department, it has become apparent that the skills needed in the department and the duties associated with the effective use of the database are more consistent with those of a planner than a database specialist; now, therefore be it

**RESOLVED,** That the personnel roster of the Department of Planning, Building and Development be amended as follows:

- **Add:** One (1) Planner (Grade 13) 35 hours
- **Delete:** One (1) Database Specialist (Grade 8) 40 hours

; and, be it further

**RESOLVED,** That the funding for this change shall be derived from existing funds within the approved 2018 departmental budget.
Department of Public Works (DPW) - Amendment to Capital Project #700 for Cascadilla Creek Dredging Design - Resolution

WHEREAS, design work is underway for dredging the reach of Cascadilla Creek between the Cayuga Inlet and the Route 13 crossing, and the total budget for this dredging activity is $2 million, to be provided by a grant through the Dormitory Authority of the State of New York (DASNY); and

WHEREAS, the extent and amount of dredging to be performed is highly dependent on disposal restrictions that will be imposed for the removed sediment and that will be based on lab results of environmental samples collected from the creek bottom; and

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has reviewed and approved the City’s proposed sampling plan to characterize the sediments for disposal purposes; and

WHEREAS, the City’s dredging design consultant has estimated costs for sampling and analysis services in the amount of $35,000, which will be included as a project cost and reimbursed at a later date through the DASNY grant; and

WHEREAS, design work cannot proceed any further until sampling and analysis work has been completed, and the City cannot submit permitting documents for the proposed 2019 dredging work until the design work is completed; and

WHEREAS, Capital Project #700 was established in 2006 for the purposes of planning and design of dredging work related to the creeks and the inlet; now, therefore be it

RESOLVED, That Common Council hereby amends Capital Project #700 in the amount of $35,000 to cover the sampling and analysis costs to characterize Cascadilla Creek sediments for disposal purposes; and, be it further

RESOLVED, That funds needed for said amendment be derived from the issuance of Serial Bonds and/or a General Fund advance with later repayment from grant funds.
WHEREAS, the City currently offers food and beverage at the Newman Municipal Golf Course Club House under an existing but out of date agreement; and

WHEREAS, the City has an interest in advertising the concession opportunity through a Request for Proposals process, thereby bringing the club house concession into conformity with other City concession terms and conditions; and

WHEREAS, pursuant to City Code Chapter 170 “Use of City Real Property”, any concessionary or other non-transitory use of City parkland requires a license; and

WHEREAS, Section 170-5(G) vests in the Common Council sole authority to grant approval of any license to make non-transitory use of City parkland; and

WHEREAS, City Code Chapter 336 authorizes the Superintendent of Public Works to execute concession agreements within City parks; now, therefore be it

RESOLVED, That Common Council finds that the proposed concession constitutes a public recreation-related use of the club house, is not expected to significantly compromise the public’s ability to enjoy the golf course, and in fact is expected to enhance the overall quality of the its appeal and benefit to the public; and, be it further

RESOLVED, That Common Council hereby authorizes the use of the golf course club house for concessions; and, be it further

RESOLVED, That Common Council hereby authorizes the Superintendent of Public Works to advertise, now and in the future, a Request for Proposals for such concessions and to select and license eligible vendors; and, be it further

RESOLVED, That as the City has not established a regular, fair-market fee for such seasonal use of its parkland, Council hereby authorizes the fee concessionary use of the club house to be set with a base fee of no less than $2,000.00 plus a percent gross of revenue receipts of no less than 8% for the 2018 season, and which base fee shall be paid to the City concurrently with execution of the license and gross revenue at the conclusion of the season; and, be it further

RESOLVED, That base fee, gross revenue percentage, and seasonal dates for subsequent years shall be established by the Board of Public Works prior to January 31st of each year; and, be it further
RESOLVED, That the Superintendent, upon the advice of the City Attorney, is authorized to issue a revocable license to the vendor selected containing the standard terms and conditions with regard to liability insurance coverage, indemnification of the City, and other pertinent matters.
8.13  **Recommendation that “Six Mile Creek” be the Appropriate Name for that Stream - Resolution**

WHEREAS, Six Mile Creek in Tompkins County is listed by the United States Board on Geographic Names as “Sixmile Creek”; and

WHEREAS, common usage in Ithaca and beyond is to refer to this stream as “Six Mile Creek”; and

WHEREAS, the City of Ithaca Municipal Code consistently refers to the stream as “Six Mile Creek”; and

WHEREAS, the use of the name “Six Mile Creek” has substantial historical support stretching well back into the 1800's, according to the City Historian; and

WHEREAS, Timothy Larkin, a Tompkins County resident, has initiated the formal process of officially changing the name to “Six Mile Creek”; and

WHEREAS, the United States Board on Geographic Names requests local municipalities to weigh-in on requests for name changes; now, therefore be it

RESOLVED, That the Mayor be authorized to sign and submit a Geographic Name Proposal Recommendation form to the United States Board on Geographic Names, confirming that the City of Ithaca believes this stream should be officially known as “Six Mile Creek”.
8.14 **An Ordinance to Amend Chapter 240 of the City of Ithaca Municipal Code entitled “Noise Ordinance”**

WHEREAS, the purpose of Chapter 240 of the City of Ithaca Municipal Code is to preserve the public health, peace, welfare and good order by suppressing the making, creation or maintenance of excessive, unnecessary, unnatural or unusually loud noises which are prolonged, unusual and unnatural in their time, place and use and which are detrimental to the environment; and

WHEREAS, it is also the purpose of this Chapter to allow all residents of the City to coexist harmoniously in a manner which is mutually respectful of the interests, rights and obligations of all persons; and

WHEREAS, the intention is to apply this Chapter to hold the creators of the noise liable for the consequences, whether or not the disturbance caused by the noise was intentional; and

WHEREAS, when there is a social event that creates unreasonable noise, the residents of the premises should be responsible, whether present or absent; and

WHEREAS, the Common Council desires to clarify the *mens rea* of offenses in this chapter and thereby meet the legislative intent; and

WHEREAS, the noise ordinance currently contains a conflict in property classification between the term “use” and the zoning of properties; and

WHEREAS, the nature of property is most clearly defined by the zoning classification of property rather than the “use;” and

WHEREAS, staff recommend creating an exception for construction, demolition, and repair noise made pursuant to a building permit or site plan, both of which may contain their own limitations; now therefore

**ORDINANCE 2018 -**

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

**Section 1. Findings of Fact.** The Common Council finds that, despite the continuing utility of the City’s subjective standard for identifying unreasonable noise, certain noise determinations, and particularly those situations of an ongoing or repetitive nature, may be better resolved under an objective decibel-based standard for identifying unreasonable noise.

**Section 2.** Chapter 240 of the City of Ithaca Municipal Code shall be amended to read as follows:
§240-1 Title.
This chapter shall be known and may be cited as the "City of Ithaca Noise Ordinance."

§240-2 Purpose.
The purpose of this chapter is to preserve the public health, peace, welfare and good order by suppressing the making, creation or maintenance of excessive, unnecessary, unnatural or unusually loud noises which are prolonged, unusual and unnatural in their time, place and use and which are detrimental to the environment. It is also the purpose of this chapter to allow all residents of the City to coexist harmoniously in a manner which is mutually respectful of the interests, rights and obligations of all persons.

§240-3 Definitions.
[Amended 9-1-2004 by Ord. No. 2004-14]
Unless the context otherwise clearly indicates, the words and phrases used in this chapter are defined as follows:

ANSI
The American National Standards Institute or its successor bodies.

A-WEIGHTED SOUND LEVEL
The sound pressure level in decibels as measured on a sound level meter using the A-weighted network. The level so read is designated "dBA". All references to "decibel" shall be presumed to mean "dBA" unless otherwise specified.

COMMERCIAL USE PROPERTY
Any premises containing businesses where sales, offices, professional services, or other commercial use is legally permitted.

CONTINUOUS SOUND
Any sound that is not impulse sound.

DAYTIME HOURS
The hours between 7:30 a.m. and 10:00 p.m., local time, on any day.

dBA
The A-weighted sound level in decibels.

DECIBEL
A unit for measuring the volume of a sound, equal to the logarithm of the ratio of the sound pressure of the sound to the sound pressure of a standard sound (0.0002 microbar); abbreviated "dB."

EMERGENCY WORK
Work made necessary to restore property to a safe condition following a public calamity or work necessary to protect persons or property from an imminent exposure to danger.
IMPULSIVE SOUND
A sound of short duration, usually less than one second, and of high intensity, with an abrupt onset and rapid decay.

INDUSTRIAL USE PROPERTY
Any premises engaged in the manufacturing, processing, production, or shipping, of equipment or materials, including storage yards, shall be considered industrial use, where legally permitted.

MOTOR VEHICLES
Includes but is not limited to automobiles, trucks, buses, mopeds, minibikes and any other vehicles as defined by the Vehicle and Traffic Law of the State of New York, as it may be amended from time to time.

MULTI-USE PROPERTY
Any distinct parcel of land that is used for more than one category of activity (e.g., commercial and residential).

NIGHTTIME HOURS
The hours between 10:00 p.m., local time, on any day and 7:30 a.m. on the following day.

PERSON
Includes the singular and plural and also any individual; any property owner and/or lessee; any firm; a corporation; a political subdivision; a government agency, including any agency of the City of Ithaca; an association or an organization, including but not limited to officers, directors, employees, agents and/or independent contractors thereof; or any legal entity whatsoever.

REAL PROPERTY LINE
Means either (a) the vertical boundary that separates one parcel of property (i.e., lot and block) from another residential or commercial property; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or (c) on a multi-use property as defined herein, the vertical or horizontal boundaries between the two portions of the properties on which different categories of activity are being performed.

RESIDENTIAL USE PROPERTY
Any property used for human habitation, unless habitation is a condition of employment, including, but not limited to:

1. Private property used for human habitation;
2. Commercial living accommodations and commercial property used for human habitation;
3. Recreational and entertainment property used for human habitation;
4. Community service property used for human habitation.

SOUND-AMPLIFYING EQUIPMENT
Any machine or device for the amplification of the human voice, instrumental music or any other sound. As used in this chapter, "sound-amplifying equipment" shall not include warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes or authorized fire horns or other authorized emergency alarms.

SOUND-LEVEL METER
An instrument that conforms to ANSI S1.4-1983 or its successors.

SOUND SOURCE
Any person or thing from which sound is created.

UNREASONABLE NOISE
A level of sound that is injurious or annoying or disturbing to be heard.

§240-4 Unreasonable noise prohibited.
[Amended 8-4-2004 by Ord. No. 2004-12]

A. No person shall cause public inconvenience, annoyance or alarm or recklessly create a risk thereof by making unreasonable noise or by causing unreasonable noise to be made.

B. For the purpose of implementing and enforcing the standard set forth in Subsection A of this section, "unreasonable noise" shall mean any sound created or caused to be created by any person which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of the public or which causes injury to animal life or damages to property or business. Factors to be considered in determining whether unreasonable noise exists in a given situation include but are not limited to any or all of the following:

(1) The intensity of the noise.

(2) Whether the nature of the noise is usual or unusual.

(3) Whether the origin of the noise is associated with nature or human-made activity.

(4) The intensity of the background noise, if any.

(5) The proximity of the noise to sleeping facilities.

(6) The nature and the zoning district of the area within which the noise emanates and of the area within 500 feet of the source of the sound.
(7) The time of the day or night the noise occurs.

(8) The time duration of the noise.

(9) Whether the sound source is temporary.

(10) The volume of the noise.

(11) The existence of complaints concerning the noise from persons living or working in different places or premises who are affected by the noise.

C. This section shall not be interpreted to prevent the issuance of permits pursuant to §240-14 that will authorize particular sound sources.

D. "Person" defined. For the purposes of this section:

(1) For an offense that occurs on any public property where permission was obtained to use that public property, a "person" shall include the person or persons who obtained permission to utilize that property for that event.

(2) For an offense that occurs on private property, a "person" shall include any adult person or persons who live in or on the property that is involved in the offense.

(3) For an offense that occurs after granting of a permit pursuant to Article III of this chapter, a "person" shall include the person or persons who are listed on the permit.

§240-5 Purpose of article.
The provisions of this Article II complement and supplement the other provisions of this chapter and shall be interpreted and applied in accordance with and in addition to and not in lieu of those other provisions. The provisions of this article shall not be interpreted to prevent the issuance of permits pursuant to §240-14 that will authorize particular sound sources.

§240-6 Devices for sound amplification, production and reproduction.

A. It shall be unlawful for any person anywhere in the City to use or to operate any radio or receiving set, musical instrument, phonograph, television set, any other machine or device for the producing or reproducing of sound or any other sound-amplifying equipment in a loud, annoying or offensive manner such that noise from the device interferes with the comfort, repose, health or safety or members of the public or recklessly creates a risk thereof, within any building or, outside of a building, at a distance of 25 feet or more from the source of such sound or interferes with the conversation of members of the public who are 25 feet or more from the source of such sound.

B. "Person" defined. For the purposes of this section:
[Added 8-4-2004 by Ord. No. 2004-12]

(1) For an offense that occurs on any public property where permission was obtained to use that public property, a "person" shall include the person or persons who obtained permission to utilize that property for that event.

(2) For an offense that occurs on private property, a "person" shall include any adult person or persons who live in or on the property that is involved in the offense.

(3) For an offense that occurs after granting of a permit pursuant to Article III of this chapter, a "person" shall include the person or persons who are listed on the permit.

§240-7 Parties and other social events.

A. It shall be unlawful for any person in charge of a party or other social event that occurs on any private or public property to allow that party or event to produce noise in a loud, annoying or offensive manner such that noise from the party interferes with the comfort, repose, health or safety of members of the public within any building or, outside of a building, or recklessly creates the risk thereof, at a distance of 25 feet or more from the source of such sound.  [Amended 9-1-2004 by Ord. No. 2004-13]

B. For the purposes of this section, a "person in charge of a party or other social event":  

(1) That occurs on any public property shall include the person or persons who obtained permission to utilize that property for that event.

(2) That occurs on private property shall include the person who owns the premises involved and any adult person who lives in or on the premises involved in such party or social event.

(3) Shall include the person who is listed on a permit granted pursuant to Article III of this chapter with respect to such event.

C. For any violation of this section where beer is being served from a keg on the premises, the person to whom the keg is registered shall be presumed to be responsible for the violation, in addition to any person designated in Subsection A or B above.

§240-8 Maximum Permissible Sound Levels.

In addition to prohibitions set forth elsewhere in this chapter, the following general prohibitions regarding sound levels shall apply in determining unreasonable noise:
A. No person shall operate or cause to be operated any source of continuous sound from any use occupancy in such a manner as to create a sound level which exceeds the limits set forth in the receiving use occupancy zone category in Table I, when measured at or within the real property line of the receiving property.

**TABLE I**

<table>
<thead>
<tr>
<th>MAXIMUM PERMISSIBLE SOUND LEVEL LIMITS BY RECEIVING LAND USE ZONES</th>
</tr>
</thead>
<tbody>
<tr>
<td>dBA</td>
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<tr>
<td>-----</td>
</tr>
<tr>
<td>7:30 a.m. - 10:00 p.m.</td>
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<tr>
<td>10:00 p.m. - 7:30 a.m.</td>
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</table>

1. Property receptor located within an area that’s zoned residential.
2. Property receptor located within an area that’s zoned commercial, including but not limited to those zones designated CBD, Waterfront, B, WDEZ, and MU (Collegetown Mixed-Use District).
3. The indoor permissible sound level limits will only apply if the sound source is on or within the same property as the receiving property, as in the case of a multi-dwelling unit building or a multi-use property (e.g., sound generated within a commercial unit of a multi-use property building and received within a residential unit of the same building). In addition, indoor measurements shall be taken if the property line between the receiving property and the source property is a common wall, floor or ceiling.

(2) Impulsive Sound:
No person shall make, cause, allow or permit the operation of any impulsive source of sound within any and all property in the city which has a maximum sound pressure level in excess of eighty (80) dBA, when measured at or within the real property line of the receiver. If an impulsive sound is the result of the normal operation of an industrial or commercial facility and occurs more frequently than four (4) times in any hour the levels set forth in Table I shall apply.

§240-9 Other Prohibited Acts

A. Unamplified human voice.
(1) No person shall make, continue, or cause to be made or continued, any unreasonable noise by use of the unamplified human voice. The unamplified human voice engaged at conversational levels shall be exempt from this provision if such sound is not plainly audible beyond 100 feet or does not infringe on the legitimate rights of others. Raised
vocal effort, such as shouting, yelling or screaming, with intent to cause public inconvenience, annoyance or alarm or recklessly causing a risk thereof or that serves no legitimate purpose, when audible at distances greater than 100 feet, is prima facie evidence of a violation of this provision. This shall not apply to spontaneous utterances such as laughter, exclamations of warning, or sporting events.

(2) It shall be unlawful for any person to advertise, promote or sell anything by outcry within any area of the City zoned for residential uses, including all R and CR zones. The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food and beverages at licensed sporting events, parades, fairs, circuses and other similar licensed public entertainment events.

B. Machinery.
It shall be unlawful for any person to operate or repair any machinery, motor vehicle, construction equipment or other equipment, pump, fan, air-conditioning apparatus or similar mechanical device or to engage in any commercial or industrial activity in any manner so as to create unreasonable noise as defined in §240-4 of this chapter. In making such determination with respect to the matters governed by this section, additional factors to be considered shall include:

(1) The necessity of the work being done.

(2) The ability of the creator of the noise to minimize or reduce the amount of noise created or to otherwise minimize its adverse effects.

C. Construction during nighttime hours.
(1) Except for the purposes specified in Subsection B hereunder, during nighttime hours it shall be unlawful for any person within a residential zone or within 500 feet of a residential zone to operate construction equipment (including but not limited to any pile driver, steam shovel, pneumatic hammer, derrick or steam or electric hoist) or perform any outside construction or repair work so as to create noise. Any designated official of the City of Ithaca shall give a verbal warning that the violation exists and of the penalties that may result if the violation continues.

(2) This section shall not be deemed to prohibit:

a. Work of an emergency nature.

b. Work of a domestic nature on buildings, structures or projects being undertaken by a person(s) residing in such premises; provided that, if any domestic power tool, including but not limited to mechanically powered saws, sanders, grinders and lawn and garden tools used outdoors, is operated during the nighttime hours, no person shall operate such machinery so as to cause noise within a residential building or across a residential real property boundary where such noise interferes with the comfort, repose, health or safety of members of the public within any building or, outside of a building, at 25 feet or more from the source of the sound.
§240-10. Motor Vehicles

A. No person shall remove or render inoperative, or cause to be removed or rendered inoperative or less effective than originally equipped, other than for the purposes of maintenance, repair, or replacement, of any device or element of design incorporated in any motor vehicle for the purpose of noise control. No person shall operate a motor vehicle or motorcycle which has been so modified. A vehicle not meeting these requirements shall be deemed in violation of this provision if it is operated stationary or in motion in any public space or public right-of-way.

B. No motorcycle shall be operated stationary or in motion unless it has a muffler that complies with and is labeled in accordance with the Federal Noise Regulations under 40 CFR Part 205.

C. No person shall operate any motor vehicle with an engine braking device engaged which does not have a muffler in good working order.

D. Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at distance of 25 feet in any direction from the vehicle between the hours of 10:00 p.m. and 7:30 a.m.

E. Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that is plainly audible at a distance of 50 feet in any direction from the operator between the hours of 7:30 a.m. and 10:00 p.m.

§240-11 Applicability of section.
Section 240-6, 240-7, 240-8 and 240-9 shall be applied in addition to §240-4.

§240-12 Exceptions.

The provisions of this chapter shall not apply to:

A. Sound and vibration emitted for the purpose of alerting people in an emergency or in the performance of the response to an emergency.

B. Sounds connected with any authorized carnival, fair, exhibition, parade or community celebration or from any municipally sponsored celebration, event, activity or individually sponsored event where a permit or other relevant permission has been obtained from the City.

C. The operation or use of any bell, chimes, or other instrument from any church, synagogue, temple, mosque or school licensed or chartered by the State of New York, provided such operation or use does not occur during nighttime hours.

D. Sounds created by any government agency by the use of public warning devices.
E. Noise from domestic power tools, lawn mowers, leaf blowers and agricultural equipment when operated with a muffler between the hours of 8:00 a.m. and 8:00 p.m. on weekdays and 9:00 a.m. and 8:00 p.m. on weekends and legal holidays, provided they produce less than 75 dBA at or within any real property line of a receiving residential property.

F. Noise from snow blowers, snow throwers, and snow plows when operated with a muffler for the purpose of snow removal.

G. Noise from an exterior burglar alarm of any building or motor vehicle provided such burglar alarm shall terminate its operation within five (5) minutes after it has been activated.

H. Sounds created by any governmental agency or railroad agency by the use of public warning devices or created by public utilities in carrying out the normal operations of their franchises.

I. Noise necessarily or customarily caused by construction, demolition, repair or other activity conducted pursuant to a building permit issued by the City of Ithaca, and in compliance with all limitations required by the building permit and from site plan review.

§240-13 Permit procedures for events of a temporary duration.
Except as provided for in §157-8of the City Code regarding the Ithaca Commons:

A. Where a sound source exists, is planned, installed or intended to be installed or modified by any person in a manner that such source will create or is likely to create unreasonable noise or otherwise fail to comply with the provisions of this chapter, such person must secure a permit pursuant to Subsection D of this section.

B. Where any person uses or plans to use any sound-amplifying equipment in such a way that such equipment is or will be heard outside of any building or vehicle between 10:00 p.m. of any day and 7:30 a.m. of the next day, such person must secure a permit pursuant to Subsection D of this section.

C. Where any person uses or plans to use a public-address system that will make sound outside of a building, such person must secure a permit pursuant to Subsection D of this section.

D. Applications shall be submitted at least 72 hours in advance of an event. The application for the permit shall provide the following information:

(1) The reasons for such usage, including a demonstration why it is desirable or necessary that the sound source involved be authorized by a permit pursuant to this section.
(2) Plans and specifications of the use.

(3) Noise-abatement and -control methods to be used with respect to the sound source involved.

(4) The period of time during which the permit shall apply.

(5) The name of the person(s) who is responsible for ensuring that the activity complies with any permit issued for it pursuant to this section.

(6) If required by the party issuing the permit, proof that notification of the application for the permit has been given to each person reasonably expected to be affected by the noise, the content of such notification and the manner in which such notification has been given, if the event is not a community-wide or public event. The notification shall state that any person objecting to the granting of such permit may contact the appropriate city department to which the application is being made to express his/her opposition to the granting of the permit.

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

[Amended 6-5-2013 by Ord. No. 2013-15[1]]

[1]: Editor's Note: This ordinance provided for an effective date of 1-1-2014.

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

[Amended 6-5-2013 by Ord. No. 2013-15[2]]
§240-14 Variances

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

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

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

B. Any person seeking a variance shall file a petition for variance and a $50 filing fee with the Mayor or his/her designee. The Mayor or his/her designee shall thereafter conduct a noticed public hearing in accordance with this section at a regularly scheduled meeting of the Planning and Economic Development committee of Common Council, accept documentary and testimonial evidence in accordance with accepted administrative hearing procedures, and make a final decision regarding the granting of the variance.

C. Written notice of the public hearing, the time and place of which shall be set by the Mayor or his/her designee, shall be mailed by the petitioner at least 10 days prior to the hearing, with proof of mailing provided to the Mayor at least 8 days prior to the hearing, to:
1. the owners as shown by the records of the County Assessor of lots comprising the site of the variance and lots within 200 feet, excluding public right-of-way, of the site of the variance;
2. any neighborhood association if the site of the variance is within the neighborhood association’s boundaries or within 200 feet of the neighborhood association’s boundaries, excluding public right-of-way.
3. any other person or entity that has filed with the Mayor a request to receive a notice of the variance proceeding.

D. The notice of hearing shall set forth the name and address of the petitioner, the location of the site of the variance, that the petitioner has requested a variance from this ordinance, the nature of the requested variance, and that part of the ordinance that would be waived if approved.

E. Following the hearing, the Mayor or his/her designee shall render a written final decision including findings of fact and conclusions of law. The Mayor or his/her designee shall mail the decision to all parties of record.

§240-15 Penalties for offenses; presumptions.

A. Any person who shall violate any provision of this chapter shall be punishable by a fine not to exceed $500 or imprisonment of not more than 15 days, or not more than 100 hours of community service or any combination of such fine and imprisonment and not less than $100 or 25 hours of community service; provided, however, that a person who shall violate any provision of this chapter after having been convicted of a violation of any provision of this chapter within the preceding three years shall be punishable by a fine not to exceed $750 or by imprisonment of not more than 15 days, or not more than 125 hours of community service or, any combination of such fine and imprisonment and not less than $200 or 40 hours of community service; and further provided that any person who shall violate any provision of this chapter after having been convicted two or more times of a violation of any provision of this chapter within the preceding three years shall be punishable by a fine not to exceed $1,000 or by imprisonment of not more than 15 days, or not more than 125 hours of community service, or any combination of such fine and imprisonment, and not less than $300 or 50 hours of community service. For any penalties of community service, the court may accept community service from people other than the defendant whom the court deems appropriate, such as other residents of the premises or others who choose to accept responsibility for the violation. In assessment of the above penalties, aggravating factors shall include but not be limited to the presence of the following factors:

(1) A common source of alcohol such as a keg;
(2) A live band or disc jockey or other live entertainment;
(3) Amplified sound emanating from speakers placed or directed outside of the building;
(4) A charge to gain entrance into the premises or to consume alcohol;

(5) A violation of § 250.8 (public urination) of this Code on the premises;

(6) The offense takes place after midnight on weekdays and 1:00 a.m. on weekends and before the following 6:00 a.m.;

(7) More than 25 guests on the premises, "guests" being defined for the purposes of this section as any people who do not reside at the premises;

(8) Any underage person or persons possessing or consuming alcohol on the premises, each underage person constituting a separate aggravating circumstance;

(9) More than one complaint made to the police about the noise, each complaint after the first being a separate aggravating circumstance.

B. For purposes of this chapter, for any offense that takes place on private property, if the person or persons directly responsible for the activity that violates any provision of this chapter cannot be determined, then all residents of the property on which the activity takes place shall be presumed to be responsible for the violation.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date. This ordinance shall take effect immediately and in accordance with law after publication of notices as provided in the Ithaca City Charter.
To: City Administration Committee

From: Ari Lavine, City Attorney

Date: March 13, 2018

Re: Noise Ordinance Minor Amendments

As described below, this ordinance contains four categories of relatively minor fixes and improvements to the noise ordinance. Most were recommended by the noise consultant who assisted the City in drafting the current ordinance.

1. Property “use” vs. “zone”: Chapter 240 currently contains a conflicting definition for property classification. For instance, someone who lives in an apartment in an area zoned commercial, has a “residential use” but a “commercial zone.” Using “zone” throughout makes the ordinance consistent, clear, and objective, insofar as the City’s zoning is publicly available, whereas individual property “uses” may not be.

2. By deleting “recklessly” in 240-4(A), 240-6(A), and 240-7(A), this ordinance makes clear that a “strict liability” standard will apply to noise that disturbs someone. This means that it does not matter if the defendant intended to disturb someone, but rather whether it was loud enough reasonably to cause that disturbance. This change will likely avoid the need unnecessarily to subpoena noise complainants for noise violation trials.

3. The deletion in 240-7(B)(2) of “involved in such party or social event” addresses the frequent problem of officers responding to a noise complaint and not being able to identify a resident who is responsible, either because none is present or because residents misrepresent their status to the officer. Absent this change, residents have an incentive to run away upon an officer’s approach (which happens periodically), and when no residents are present (which also happens periodically) the officer would have to determine who is “in charge of the event”, which is near-impossible absent cooperation from those present, which is not always forthcoming.

4. 240-12 Exceptions: Construction, repair, and demolition are often necessary for the benefit of the city but generate substantial noise. These activities require a building permit and/or site plan. Limitations on time and noise may be included in either of the former. Absent the proposed construction exception in this ordinance, necessary construction/repair/demolition noise makers could be liable for noise violations in the regular course of their necessary activities.
8.15  Finance Department - Approval of Updated Purchasing Policy - Resolution
WHEREAS, the City of Ithaca Purchasing Policy needs to be updated to conform to current State and Federal regulations; now, therefore be it

RESOLVED, That Common Council hereby approves the updated Purchasing Policy, which shall be effective April 4, 2018, and will be reviewed annually by the Controller’s Office for possible changes and amendments; and, be it further

RESOLVED, That all future changes and/or amendments to the purchasing policy must be approved by Common Council.
SUBJECT: City of Ithaca Purchasing Policy

EFFECTIVE: January 7, 1976

REVISED: April 21, 1981 December 19, 2011
December 22, 1993 April 4, 2018
April, 1998

PROCUREMENT POLICY FOR THE CITY OF ITHACA

Public purchasing has two central purposes; protection of public financial resources by obtaining the best work, service or product for the lowest possible price, and the prevention of favoritism, improvidence, fraud and corruption in awarding public contracts to the lowest responsible bidder. We need to foster competition, assure the prudent and economical use of public moneys, and adhere to Sections 103 and 104 of the General Municipal Law. This Purchasing Policy and Procedure manual is intended for use as a guide to City purchasing methods. When used with good judgment and common sense, this manual will enable the City to obtain the needed goods and services efficiently and economically. City employees involved in the purchasing process should be familiar with, and shall adhere to, the policies and procedures set forth in this manual.

The cooperation of all employees is essential if the City is to obtain the maximum value for each tax dollar spent. While this manual does not answer all questions related to purchasing, it does provide the foundation for a sound purchasing system.

The material in the manual is subject to revision to meet the often rapidly changing developments encountered in the field of purchasing. When changes become necessary, the information concerning these changes will be sent to all City departments.

The City of Ithaca Common Council shall annually review these policies and procedures.

This manual is effective immediately upon Common Council approval, and supersedes all previous purchasing instructions or directives.
PURCHASING POLICY – QUICK REFERENCE SHEET

PLEASE NOTE: THIS IS A SUMMARY AND IS NOT A COMPLETE LIST OF PURCHASING POLICIES

COMMODITIES AND SERVICES:

Under $500: You do not need quotes or a PO. You can purchase items under $500 with a Credit Card.

Over $500: You need a PO (if vendor accepts them)

$0-$1,000; No quotes needed

$1,000-$4,999: Three (3) Verbal Quotes

$5,000-$19,999: Three (3) Written Quotes

$20,000 and up: Competitive Bidding Procedure

TYPES OF REQUISITIONS:

Request for Proposal (RFP): Used to requisition services that requires multiple factors to be considered in the award. This is a formal negotiation - price is not the only deciding factor. The deciding factors must be identified in the RFP and a committee ranks each proposal based on these factors.

Request for Bid (RFB): Used to requisition item(s) to be bid on. The award is based solely on price (or best value).

PUBLIC WORKS CONTRACTS:

Under $5,000: Can be awarded at the discretion of the City Controller and a representative from the applicable City Department

$5,000-$34,999.99: Three (3) Formal Written Quotes

$35,000 and up: Competitive Sealed Bid

EXCEPTIONS:

• Certain professional services
• Reimbursement of petty cash funds
• Utility bills
• Interdepartmental charges
• Medical examinations
• Legal notices
• Postage meter and stamp costs
• Items on state bid or OGS contract
• Emergency Purchases
PURCHASING RESPONSIBILITY

The City of Ithaca Controller’s Office is hereby authorized to make all purchases of necessary goods and services by any means legal within the State of New York and within all applicable rules and regulations and in the best interest of the taxpayers of the City of Ithaca.

In keeping with General Municipal Law 104-b, which requires the identification of the individual or individuals responsible for purchasing and their respective titles, the following individual(s), name(s) and title(s), are responsible for purchasing for City of Ithaca:

Steven P. Thayer
City Controller

Scott A. Andrew
Deputy City Controller
ETHICS OF PURCHASING

In order to eliminate any suspicion of wrongdoing or unfairness of conflicts of interest prior to any purchase of materials, goods or supplies, the City Controller shall:

1. Consider the interest of the City in the betterment of its government.

2. Endeavor to obtain the greatest value for every dollar expended.

3. Be receptive to advice and suggestions from employees, insofar as such advice and suggestions are not in conflict with legal or moral restrictions in purchasing procedures.

4. Strive for knowledge of municipal equipment and supplies in order to recommend items that may either reduce cost or increase municipal efficiency.

5. Insist on and expect honesty in sales representation whether offered verbally or in writing, through advertising or by providing samples of a product.

6. Give all responsible bidders equal consideration and the assurance of unbiased judgment in determining whether their products meet specifications.

7. Discourage the offer of, and decline any and all gifts which in any way might influence the purchase of municipal equipment and supplies.

8. Accord a prompt and courteous reception, insofar as conditions permit, to all who call on legitimate business missions and cooperate with governmental and trade associations in the promotion and development of sound business methods in purchasing the City equipment and supplies.

9. Govern by the highest ideals of honor and integrity in all public and personal relationships in order to merit the respect and inspire the confidence of the organization and the public being served.
GENERAL PURCHASING STANDARDS, DEFINITIONS AND POLICIES

The City Controller’s Office (or designee) shall be responsible for developing and administering a centralized purchasing system and procedure to make provisions for all purchases, sale, lease, rental and servicing of materials, supplies, equipment and services for all City departments and agencies of City government pursuant to and in compliance with all the applicable provisions of laws and regulations.

MAJOR ROLES AND RESPONSIBILITIES

The City of Ithaca does not have a separate Purchasing Division or Department, but instead utilizes a decentralized purchasing system. As such, the ultimate responsibility and provider of oversight to the entire purchasing system is the Controller’s Office. Due to the decentralization of the purchasing system, each department is tasked with partial purchasing responsibility in which these responsibilities will be clearly highlighted throughout the policy.

City Controller and Office - The Controller’s Office provides oversight, control, and the overall administration of the decentralized purchasing system. The Controller’s office is responsible for handling the Competitive Bidding process.

Department Heads – Each department is responsible for initiating purchases, monitoring the delivery of purchases, and providing notifications of amendments of the purchase, etc. Department Heads are to ensure that designated purchasing employees fully comply with the purchasing policy.

Designated Purchasing Employees - Employees involved in their department’s procurement process are to understand the purchasing procedures and to refer to this manual for reference of appropriate procedures to be used in the right situation.

Attorney - The City Attorney provides legal approval for written contracts when contractual work or purchases are required and ensures that the correct legal proceedings are used.

Vendor or Supplier - The vendor or supplier is the second party willing to supply a service or commodity to the City of Ithaca for the agreed upon price and stipulations.

TAX EXEMPT STATUS

As a municipality, the City of Ithaca is exempt from all State of New York sales taxes and some Federal Excise Taxes. If a vendor requests proof of tax exemption, the Controller’s Office can provide documentation to the vendor.

PURCHASE REVIEW

Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. The definitions of a Purchase Contract and a Public Works Contract are as follows:

A. Purchase Contract - Involves the acquisition of commodities, materials, supplies or equipment.

B. Public Works Contract – Involves the purchase of services, labor, or construction.

When a contract involves both elements of a purchase contract and a public work contract, it must be reviewed to determine which type of contract it is. As a general rule, if the contract involves a substantial amount of services such that it is the focal point, and the acquisition of goods is incidental, it will be considered a contract for public work. Conversely, if services or labor are only minimal or incidental to the acquisition of goods, it will be considered a purchase contract. Once that determination is made, a good-faith effort will be made to determine whether it is known, or can be reasonably expected, that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts under $20,000 and public works contracts under $35,000; emergency purchases; sole source purchases; goods purchased from correctional institutions; purchases from agencies for the blind and disabled; purchases under State and County contracts; leases; and second-hand purchases from another government entity.

The City shall purchase materials, supplies, equipment and services as required, at the best possible and reasonable price, and maintain the appropriate documentation for the purchase as follows:

A. Purchases will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that goods and services will be purchased at the lowest reasonable price, and that favoritism will be avoided.
B. Proper written documentation (acceptable to the Controller’s Office) by the individual making the purchase will be required whenever a contract is awarded to other than the lowest responsible vendor. This documentation will include an explanation of how the award will achieve savings, is an environmentally preferable alternative, or how the vendor was not responsible.

NEW YORK STATE CONTRACTS
Purchases shall be made, to the extent practicable, through: available New York State contracts of the Office of General Services, Division of Standards and Purchase; Department of Correctional Services; New York State Industries for the Disabled; Industries for the Blind of New York State; and surplus and second-hand purchases from another governmental entity, whenever such purchases are in the best interest of the City. The State Contracts can be obtained on the New York State Website at the following address: http://www.ogs.state.ny.us. Click on Procurement Services; click on Search State Contract Award notices, and look up information by using key word search or contract group number. If a State Contract exists for the desired item, the State Contract should be the primary source, unless reasoning can be provided to select a different vendor.

State List of Debarred Vendors - In addition to a vendors list, there is also a Debarred Vendors List. This list contains the name of businesses that are disapproved of hiring due to poor service, failure to comply, or difficulty shown in cooperating. Before moving forward with a purchase, you should regularly check the Debarred Vendors List in order to ensure that the businesses that you intend to compare price quotes with are not on this list. So, be sure to review the state list of debarred vendors. If the vendor who you plan to purchase from is on this list, you should not purchase from that vendor. This list can be found in the Controller’s Office.

PROPERTY RECORDS
The Deputy City Controller, in conjunction with appropriate City Staff, shall establish a procedure for maintaining an up-to-date property and inventory record of all equipment, except expendables, held by the City and for the disposal of obsolete surplus or non-movable materials, supplies, and equipment.

CONFLICT OF INTEREST
No official or employee of the City shall be interested financially in any purchase or contract secured by the City. This also precludes acceptance of gratuities, financial or otherwise, by the above persons, from any supplier of materials, supplies, equipment, or services to the City, the sharing of bids, or specifications with potential bidders prior to the competitive process, and assisting a supplier or firm to win a contract award prior to or during the competitive process.

FEDERALLY FUNDED PURCHASING CONFLICT OF INTEREST STATEMENT
No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents can neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. If the financial interest is not substantial or the gift is an unsolicited item of nominal value, no further action will be taken. However, disciplinary actions will be applied for violations of such standards otherwise.

The City Controller’s Office or designee shall develop a procedure for review of procurement practices or activities upon receipt of an inquiry or allegation of violation of this policy following its adoption.

MINORITY AND WOMEN OWNED BUSINESS
To the extent possible, the City of Ithaca will encourage contracts with minorities and women-owned businesses, and the City will not discriminate against contractors because of race, creed, color, national origin, sex, age, disability, or marital status, or sexual or affectional preference and will continue existing programs of affirmative action to ensure that minorities are afforded equal opportunities without discrimination.
EXCEPTIONS TO GENERAL PURCHASING STANDARDS
Internal control involves not only compliance with required purchasing procedures, but also affects the paperwork necessary. “Over-papering” can ruin the effectiveness of the system almost as quickly as non-compliance. The authorized dollar limits, requirements of quotations, and utilization of purchase orders are waived for the following exceptions, established upon a determination of operational efficiencies and economics:

1. Purchases under $250
2. Office supply orders
3. Petty cash reimbursements
4. Utility Bills
5. Maintenance, Repairs and Parts (up to $5,000)
6. Interdepartmental Charges
7. Postage Costs
8. Memberships & Dues
9. Subscriptions
10. Mileage, Travel, Conference reimbursements
11. Other expenses determined by the purchasing agent or designee on an individual basis.

EMPLOYEE FRAUD
Policy Statement: An act of fraud is committed if an employee of the City negotiates a personal procurement by fraudulent use of a City requisition number, purchase order number or procurement card.

If an employee claims a purchase is on behalf of the City of Ithaca, when in fact the purchase was made solely for personal use, an act of fraud has been committed. By making a personal procurement from State Contracts, an act of fraud has also been committed. By committing an act of fraud, the employee is subject to disciplinary action and/or prosecution.

BUY LOCAL POLICY
On March 7, 1979 the Common Council passed the following resolution regarding a “buy local” policy:

RESOLVED, That this Common Council establishes the policy that all City agencies and departments will purchase supplies, materials, and equipment within the City of Ithaca pending availability of comparable quality and price.

ENVIRONMENTALLY PREFERABLE PURCHASING
It is the policy of the City of Ithaca to require purchase of products and services that minimize environmental and health impacts, toxics, pollution, and hazards to worker and community safety and to the larger global community to the greatest extent practicable; however

It is not the intent of this policy to require a department, buyer or contractor to take any action that conflict with local, state or federal requirements or to procure products that do not perform adequately for their intended use, exclude adequate competition, or are not available at a reasonable price in a reasonable period of time.

Environmentally Preferable Purchasing is an important component of this policy, effective December 19, 2011, and will guide City efforts to meet the following goals:

• minimizing health risks to City staff and residents,
• minimizing the City’s contribution to global climate change,
• improving air quality,
• protecting the quality of ground and surface waters, and
• minimizing the City’s consumption of resources.
Further, Environmentally Preferable Purchasing is adopted and encouraged by the City in order to:

- purchase products that include recycled content in order to support strong recycling markets,
- institute practices that reduce waste by increasing product efficiency and effectiveness, use products that are durable and long-lasting, and reduce materials that are landfilled,
- purchase products and institute practices that conserve energy and water, use agricultural fibers and residues, reduce greenhouse gas emissions, use unbleached or chlorine free manufacturing processes, and use recycled wood and wood from sustainably harvested forests,
- purchase energy from renewable or green sources in preference to fossil fuels,
- purchase products that are free of mercury and lead and eliminate the use of other persistent bioaccumulative toxic chemicals where possible,
- increase the use and availability of environmentally preferable products, services and distribution systems that protect human health and the environment,
- support emerging and established manufacturers and vendors that reduce environmental and human health impacts in their services and production and distribution systems, and
- create a model for successfully purchasing environmentally preferable products and services that encourages other buyers and consumers in our community to adopt similar goals.

Specifications for Environmentally Preferable Purchasing

A. Source Reduction:

The City of Ithaca shall institute practices that reduce waste and result in the purchase of fewer products whenever practicable and cost-effective, but without reducing safety or workplace quality.

City departments shall purchase remanufactured products (i.e. for equipment and vehicles) whenever practicable, but without reducing safety, quality or effectiveness.

Products that are durable, long lasting, reusable, refillable, recyclable or otherwise create less waste shall be selected whenever possible.

Vendors shall be required to minimize packaging to the greatest extent practicable. Packaging that is reusable, recyclable or compostable shall be selected when suitable uses and programs exist. The City shall not purchase any polystyrene foam food packaging.

Vendors shall be required whenever possible to take back and reuse pallets and packaging materials. Suppliers of electronic equipment shall be required to take back equipment for reuse or environmentally safe recycling when the City discards or replaces such equipment, unless the City deems it worthwhile to send the equipment to a non-profit organization for reuse.

ALL documents shall be printed and copied on both sides to reduce the use and purchase of paper, unless needed to be single sided as per legal requirements. The Information Technology staff shall provide guidance to City departments and staff for setting duplexing as the default on each workstation, when feasible, or train employees to use this option, for all capable printers.

B. Toxics Reduction and Pollution Prevention:

City departments shall purchase energy-efficient products and consider "less toxic alternatives" when purchasing products such as cleaning products, pesticides and herbicides.

To the maximum extent practicable, all cleaning or disinfecting products (i.e. for janitorial or automotive use) shall (i) meet Green Seal Standards for environmental preferability and performance, (ii) be products delineated on the NYS OGS Green Cleaning Product List, or (iii) meet NYS OGS guidelines and specifications for green cleaning products. When contracting with new supply vendors, the City shall encourage training of its janitorial staff.

Purchasing products containing persistent bio-accumulative toxic chemicals (PBTs) shall be avoided, where alternatives exist.

When maintaining buildings and landscapes, the City shall manage pest problems through prevention and physical, mechanical and biological controls and use least toxic chemical pesticide products only after safer approaches or products have been determined to be ineffective.

When maintaining buildings, the City shall use products with the lowest amount of volatile organic compounds (VOCs), highest recycled content, and low or no formaldehyde when purchasing materials such as paint, carpeting, flooring, adhesives, furniture and casework.

The City shall purchase products and equipment with no lead, cadmium or mercury whenever possible. For products that must contain lead or mercury because no suitable alternative exists, preference shall be given to those products with the lowest quantities of these metals and to vendors with established lead, cadmium and mercury recovery programs.
The purchase of all pentachlorophenol, arsenic and creosote treated wood is prohibited.

When replacing vehicles, the City shall lease or purchase only the most fuel-efficient models available that are suitable for each task and through carsharing and carpooling, shall minimize the number of vehicles purchased, as referred to in the "Green Policy for the City of Ithaca Fleet". To the extent practicable, the City shall use renewably-derived fuels or fuels that are cleaner and less-polluting than gasoline and conventional diesel fuel, including biodiesel, natural gas and electricity.

C. Recycled Content Products:

It is the policy of the City to purchase and use recycled products to the extent that such use does not negatively impact health, safety, or operational efficiency. A 10% price preference may be given to recycled content products based on the lowest bid or price quoted by the suppliers offering the competing non-recycled content products.

All products purchased for which the United States Environmental Protection Agency (U.S. EPA) has established minimum recycled content standard guidelines shall contain the highest postconsumer content practicable, but no less than the minimum recycled content standard. These guidelines can be obtained at the U.S. EPA Website at the following address:


Copiers and printers purchased shall be compatible with the use of recycled content and remanufactured products.

City departments will favorably consider the selection of other recycled content and renewable materials, products and supplies over their non-recycled content and non-renewable alternatives whenever availability, fitness, operational efficiency, quality, safety, and price are equally acceptable. The list of materials, products and supplies shall include, but not be limited to, business office products, compost, fuels, mulch, asphalt, transportation products (e.g. signs, cones, delineators, and barricades), and other items.

All pre-printed recycled content papers intended for distribution that are purchased or produced shall contain a statement that the paper has recycled content. Whenever feasible, the statement should indicate the percentage of postconsumer recycled content it contains.

D. Energy and Water Savings:

New and replacement equipment for lighting, heating, ventilation, refrigeration and air conditioning systems, water consuming fixtures and process equipment and all such components shall meet or exceed Federal Energy Management Program (FEMP) recommended levels, whenever practicable.

All products purchased by the City and for which the U.S. EPA Energy Star certification is available shall meet Energy Star certification. When Energy Star labels are not available, products shall meet or exceed the FEMP recommended levels.

When energy is purchased, renewable or green sources are preferred. These include solar power or photovoltaics, wind power, geothermal, and hydroelectric energy sources and do not include fossil fuels (coal, oil or natural gas).

Demand water heaters shall be purchased whenever practicable.

Energy Star and power-saving features for copiers, computers, monitors, printers and other office equipment shall be enabled during the initial installation and shall remain enabled unless these features conflict with the manufacturer’s recommended operation and maintenance of the equipment, or its specific operational use.
E. Landscaping:

All landscape renovations, construction and maintenance by the City, including workers and contractors providing landscaping services for the City, shall employ sustainable landscape management techniques for design, construction and maintenance whenever possible, including, but not limited to, integrated pest management, grasscycling, drip irrigation, composting, and procurement and use of mulch and compost that give preference to those produced from regionally generated plant debris and/or food waste programs.

Plants should be selected to minimize waste by choosing species for purchase that are appropriate to the microclimate, species that can grow to their natural size in the space allotted them, and perennials rather than annuals for color. Native and drought-tolerant plants that require no or minimal watering once established are preferred.

Hardscapes and landscape structures constructed of recycled content materials are encouraged. The City shall limit the amount of impervious surfaces in the landscape, wherever practicable. Permeable substitutes, such as permeable asphalt or pavers, are encouraged for walkways, patios and driveways.

When available, the City shall purchase landscaping equipment that is not dependent on the use of fossil fuels.

F. Forest Conservation:

To the greatest extent practicable, the City shall not procure wood products such as lumber and paper that originate from forests harvested in an environmentally unsustainable manner. When possible, the City shall give preference to wood and wood products that are certified to be sustainably harvested by a comprehensive, performance-based certification system. The certification system shall include independent third-party audits, with standards equivalent to, or stricter than, those of the Forest Stewardship Council certification.

Implementation - Department heads shall implement environmentally preferable purchasing practices, in accordance with this section of the policy, in coordination with the Controller’s Office and other appropriate City personnel.

Whenever possible, the City will use recognized eco-labels and standards to make purchasing decisions.

Wherever feasible and appropriate, life cycle cost analysis should be used by City departments and staff to assist in selecting products and services. "Cost" shall be calculated over the life of the item and should consider initial acquisition costs, useful life, costs of maintenance and operation over the useful life, and costs of disposal and/or replacement at the end of the useful life, rather than initial acquisition costs alone.

Successful vendors or bidders shall certify in writing that the environmental attributes claimed in bids or price quotes are accurate.

Although not the lowest proposal or price quoted by suppliers, City departments and staff may nonetheless purchase a product that adheres to the environmentally preferable purchasing specifications stated in this Section, if there is "prudent and economical use of public moneys in the best interests" of City taxpayers. Such determination of "best interests" may include full consideration and comparison of product life cycle costs (including product maintenance, operation and disposal costs), as described above. A further consideration may include direct and identifiable benefits to taxpayers, other than product cost (for example, the cost of permeable pavers might exceed the cost of asphalt paving, yet the use of permeable pavers could mitigate storm water run-off and reduce the potential for flooding and infrastructure damage in low-lying areas). Justification for a determination of "best interests" shall be documented by City departments and staff and submitted to the Controller’s Office prior to the purchase of products or services.

If the buyer making the selection from competitive bids or the requesting department seek to purchase products that do not meet the environmentally preferable purchasing criteria in this Policy, the buyer shall provide a written justification to the Controller’s Office (or designee) for why compliance is not practicable, e.g., the product is not technically practical, economically feasible, or available within the timeframe required.

Vendor contracts shall be negotiated in light of the requirements of this policy. If a vendor that is under contract to the City of Ithaca is no longer able to provide a product that meets the City’s environmentally preferable specifications, it shall notify the appropriate city representative and provide written justification for why compliance is not practicable. Prior written consent from an authorized City representative shall be required before substituting any alternative product or service.

Training of buyers and other relevant city staff, vendors, contractors and grantees shall include instruction on the environmentally preferable purchasing requirements of the Policy.
The DPW Stock Room has made significant efforts to implement an environmentally preferable or green purchasing program for most cleaning and janitorial products supply. All City departments are encouraged to order and purchase such products through the Stock Room, to the extent practicable.

**SWEATSHOP-FREE PROCUREMENT**

Effective January 1, 2012, the City of Ithaca and every department and division within the City government shall take all steps within its authority to ensure that, whenever possible, City purchases of apparel or textiles, in excess of $1,000, are from contractors or suppliers confirmed to be “sweatshop-free” – i.e., whose products are confirmed by a credible, independent source to be manufactured or assembled without violating the wage and hour, labor, safety, health, environmental, building, fire, or anti-discrimination laws, rules, codes, regulations or standards that are applicable in the country of manufacture or assembly, or that are contained in the International Labour Organization (ILO) Core International Labour Standards (whichever is stricter).

**POLICY ON SWEATSHOP-FREE PROCUREMENT OF APPAREL AND TEXTILES**

Any purchasing contract for the procurement of apparel or textiles shall comply with all applicable federal, state, and local laws and regulations, including the City of Ithaca Purchasing Policy and Chapter 39 of the Municipal Code of the City of Ithaca.

1. To the extent allowed under General Municipal Law, Section 103, the City of Ithaca and its departments shall only purchase apparel or textiles confirmed to be sweat-shop free, as those terms are defined herein, unless:
   a) The Controller certifies that no confirmed sweatshop-free apparel or textiles are available and that the acquisition of the apparel or textiles sought is essential or time-sensitive, the contracting agency may select a supplier that is not confirmed to be sweatshop-free; or
   b) The purchase of apparel or textiles is for less than $1,000.

2. For purposes of this revision, “sweatshop-free” shall refer to apparel or textiles that are manufactured or assembled without violating laws, rules, codes, regulations or standards regarding wage and hour, labor, safety, health, environmental, building, fire, or anti-discrimination, that are applicable in the country of manufacture or assembly, or that are contained in the ILO Core International Labour Standards (whichever is stricter).

3. Apparel or textiles may be confirmed to be sweatshop-free by:
   a) Certification or otherwise credible data, information, or reports submitted to the City Controller from the Sweatfree Purchasing Consortium or its agency members;
   b) Certification or otherwise credible data, information, or reports submitted to the City Controller from another comparable independent monitoring organization as selected by the Common Council or its members; or
   c) Self-certification by affidavit of the supplier or vendor that the apparel or textiles are sweatshop-free, provided that such certification is not contradicted by credible information received by the City Controller.

4. As a member of the Sweatfree Purchasing Consortium, the City will receive information from the Sweatfree Purchasing Consortium regarding manufacturers, contractors, subcontractors, suppliers, or vendors found to have violated human rights or labor standards. The City Controller shall advise Department Heads of violation information from the Sweatfree Purchasing Consortium, and Department Heads shall provide such information to all staff in a position to purchase City-required apparel.

5. The City encourages its officials and staff to strive to uphold the standards of the City Policy Statement on Sweatshop-Free Procurement of Apparel and Textiles, in making purchases of work-related apparel.

**COOPERATIVE PURCHASING**

On November 4, 2015, Common Council approved authorization to enter into Purchasing Cooperative Agreements as follows:

WHEREAS, General Municipal Law §103 authorizes the City to purchase apparatus, materials, equipment and supplies, including vehicles, and to contract for services related to the installation, maintenance or repair of those items, through the use of contracts let by the United States or any agency thereof, any state or any other political subdivision or district therein so long as the contract is let in a manner that constitutes competitive bidding consistent with state law; and

WHEREAS, City Departments have identified savings on certain products offered through purchase cooperatives run by state political subdivisions (school districts, municipalities, etc.) issuing public competitive bids and awarding
contracts for various public safety, public works, communication products and services, and other products, and which contracts are then made available to local governments through membership in the cooperative; and

WHEREAS, to purchase through such purchasing cooperatives, the City must typically execute an agreement to participate; now, therefore be it

RESOLVED, That the City's purchasing policy be amended to authorize the Mayor, upon the consultation and advice of the City Attorney and the City Controller, to enter into purchasing cooperatives agreements with other governmental entities or political subdivisions, where there is no fee to the City to become a member, and where the cooperatives and their underlying bidding procedures meet the requirements of General Municipal Law §103.

AUTHORIZED EQUIPMENT LIST POLICY
On September 14, 1989, Common Council approved the following resolution relating to the Authorized Equipment List:

WHEREAS, the authorized equipment list threshold has heretofore been $200, whereby all purchases in excess of said amount have required Common Council authorization, and

WHEREAS, various departments of city government have requested a review and reconsideration of the $200 minimum authorized equipment list amount in view of inflationary effects on equipment items; now, therefore, be it

RESOLVED, That the minimum authorized threshold be increased to $500, effective immediately.

For equipment purchases under $500, the department head will submit the equipment request to the Controller's office for review and approval.

SALE OF SURPLUS PUBLIC EQUIPMENT POLICY
When public equipment is sold by the City, the following procedures must be adhered to:

1. Equipment deemed surplus by a City department must be surplus to all City departments. Departments must check with other City departments to determine if another department can use the surplus equipment. If another department can use the equipment, the appropriate transfer of equipment, accountability and financial activity will be made by the departments and the Controller's office.

2. If the equipment is deemed City surplus, City-wide, the equipment may be sold or placed in a City auction for sale.

3. Selling Procedure: Department establishes specifications of equipment for sale and a sealed bid equipment sale is performed through the City Controller's Office. The sale must be advertised in the City's official newspaper and sealed bids must be received. The sale of equipment will be awarded to the highest bidder. Cash or certified check will be accepted by the City. The proceeds of the sale will be placed into the appropriate City fund and account.

4. Equipment, deemed surplus, can also be placed in a city or municipal auction. The proceeds of the sale will be placed into the appropriate City fund and account.

WICKES LAW
Separate specifications for contracts involving the erection, construction, reconstruction, or alteration of buildings, when the entire cost of the work exceeds $500,000, shall be prepared for the following work to be performed:

A. Plumbing and gas fitting;

B. Steam heating, hot water, ventilating and air conditioning apparatus (HVAC);

C. Electric wiring and standard illuminating fixtures;

D. General Construction.

These specifications shall be written as to permit separate and independent bidding for each of the four areas of work. Building requirements as explained earlier in this document will pertain to each bid.
EMPLOYEE TRAVEL
On occasion, an employee may be required to travel out of the City for City business. When this occurs, the employee will be reimbursed travel expenses.

Process
Travel by an employee must be approved by Department Heads. Once approved, a Travel Authorization Request form must be filled out. The Travel Authorization Request form should contain the following information:

- Name and Title of Employee,
- Department,
- Account to be Charged,
- Destination (city/town) and Purpose of Travel,
- Dates of Travel,
- Estimate of Transportation Cost Information (whether it be by City or personal vehicle, plane, etc.),
- Estimate of Lodging Costs,
- Estimate of Meals Costs,
- Registration Fees, if applicable,
- Total Cost of Travel,
- Current Budget Balance of account to be charged, and
- Signature of Department Head

Two copies of the Travel Authorization Request form are to be submitted to the Controller’s Office at least two (2) weeks prior to travel. The Controller’s Office will then review the request and the account to which the travel will be charged. If the budget allows for the expense, the Controller’s Office will sign both copies and return one copy to the requesting department and forward the other copy to the Accounts Payable Coordinator.

Once approved, the requesting department will proceed with a purchase order and voucher as required within the purchasing policy.

Employee Responsibility
It is the responsibility of the employee to retain all receipts during the time of travel. Receipts shall be itemized. Credit Card receipts showing the total of a purchase will not be accepted.

Upon return of the employee, a voucher may be used with receipts attached, to receive reimbursement of the expenses. Gratuities (up to 18%, pre-tax), taxes on meals and tax on gasoline for City vehicles will be refunded to the employee. If a private vehicle is used, mileage will be reimbursed at the current IRS rate. The City will not reimburse expenses for movies viewed in a hotel, alcohol or tax on alcohol for any reason.

CREDIT CARD POLICY
Credit Cards are issued by name to individual employees and generically to Departments and cannot be transferred to, assigned to, or used by anyone other than the designated employee. As the liability for the Credit Card resides with the City and not the cardholder, use for personal purchases is strictly prohibited.

In addition, the Credit Card cannot be used for certain restricted items as indicated in the “Unauthorized Card Use” section of the Policy/Procedures manual. Fraudulent and/or misuse of the card is grounds for cancellation of Credit Card privileges and may lead to disciplinary action, up to and to include termination of employment.

Any IT purchases must be approved in writing by the IT Director.

The Department Head is responsible to closely audit all Credit Card transactions for the department. The Controller’s Office will perform periodic audits of Credit Card transactions.

The Controller, as fiscal officer of the City, is the only position authorized to enter into a credit card agreement. The City Controller provides final approval to all Credit Card applications after the applicant signs the cardholder agreement form.

A more detailed Credit Card Policy is distributed to cardholders at the time the card is given to the employee or Department and provides additional guidance on allowed and unallowed purchases.
FEDERAL PURCHASING REGULATIONS

Any purchases to be made using State or Federal funding must be completed and monitored according to the Uniform Administrative Requirement, Cost Principles, and Audit Requirements for Federal Award (2CFR 200).

A link to the CFR can be found on the City of Ithaca Intranet. In addition, the specific requirements can be found within the City of Ithaca Grant Management Guide. The City of Ithaca Grant Management Checklist must be used to ensure compliance with these requirements and to provide documentation of compliance.

All Federal Grant usage within the City of Ithaca is privy to these policies and procedures due to the fact that the City of Ithaca exceeds the annual threshold for this requirement.

For the purchasing of goods and services using Federal funding, all City of Ithaca Purchasing Policies and Procedures are to be followed.

In addition, the following procedures must be followed:

1. Vendors must be vetted using the U.S. Federal Government’s System for Award Management (SAM) before the purchase and/or contract is completed. Vendors must be run through this system before each purchase to ensure that they are not suspended or debarred from federally funded transactions. If a department is going to make a purchase using Federal funding, they must notify either the Controller’s Office or the City Controller and request a vendor check before the purchase is made. All vendors will be required to register on the SAM website.

2. Bonding Requirements for work performed are as follows:
   a. Bid Bond 5% of total bid
   b. Performance Bond 100% of total bid
   c. Payment Bond 100% of total bid

It is the responsibility of the requesting Department Head to ensure that all Federal Purchasing Regulations are followed for the purchase and the monitoring of contractor performance as a result of that purchase.
AUTHORIZED LIMITS AND CONTROL

Annually, the authorized limits for purchasing transactions shall be reviewed, evaluated and adjusted to more accurately reflect the market pricing, inflation, processing expenses, applicable laws, and the City’s utilization experience.

The following authorized dollar limits are effective January 1, 1992. These limits are applicable per total purchase transaction, provide for departmental delegation and discretion, and require documentation as specified.
<table>
<thead>
<tr>
<th>Transaction Dollar Limit</th>
<th>Process</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1 – 249</td>
<td>Vendor selected by Department and processed for payment on a claims voucher. Selection of vendor based on lowest price is encouraged. Purchase order not required, but may be necessary for certain vendors.</td>
</tr>
<tr>
<td>$250 – 500</td>
<td>Vendor selected by Department and processed for payment on a claims voucher. Selection of vendor based on lowest price is encouraged. *If applicable, Department enters Purchase Order No. into computer system and/or Purchasing Department enters purchase order.</td>
</tr>
<tr>
<td>$501 – 2,500</td>
<td>At Department’s discretion; either Department or Controller’s Office obtains documented telephone/verbal/Fax quotes from at least three separate vendors (if available). Recommend low quote be written and documentation for any exceptions needs to be included. *If applicable, Department enters Purchase Order No. into computer system and/or Purchasing Department enters purchase order. Controller’s Office issues purchase order.</td>
</tr>
<tr>
<td>$ 2,501 – 9,999</td>
<td>Department or Controller’s Office obtains written/fax quotations from at least three (3) separate vendors (if available). *If applicable, Department enters Purchase order No. into computer system. Lowest quote should be selected; if not, documentation must be provided.</td>
</tr>
<tr>
<td>Type of Contract</td>
<td>Process</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Purchase of Materials, Public</td>
<td>Department and/or Controller’s Office prepares and completes written</td>
</tr>
<tr>
<td>Works Supplies, and Equipment</td>
<td>specification.</td>
</tr>
<tr>
<td>Contract</td>
<td>Controller’s Office advertises for competitive sealed bids in</td>
</tr>
<tr>
<td></td>
<td>conformance with General Municipal Law, Section 103.</td>
</tr>
<tr>
<td>Transaction Dollar Limit</td>
<td>Bids opened publicly in conformance with General Municipal law, Section</td>
</tr>
<tr>
<td>$20,000 and above</td>
<td>103.</td>
</tr>
<tr>
<td>$35,000 and above</td>
<td>Lowest responsible bidder meeting bid specifications will be selected.</td>
</tr>
<tr>
<td></td>
<td>A bid file will be established and retained by the Purchasing Department</td>
</tr>
<tr>
<td></td>
<td>If lowest responsible bidder is not selected, reasons must be</td>
</tr>
<tr>
<td></td>
<td>documented and agreed upon by the Controller’s Office.</td>
</tr>
<tr>
<td></td>
<td>Contract or purchase order issued by Purchasing after appropriate</td>
</tr>
<tr>
<td></td>
<td>approval by Boards and/or Dept. Heads.</td>
</tr>
</tbody>
</table>
CITY OF ITHACA BIDDING PROCEDURES

General Municipal Law Section 103 requires that any purchase of like or similar items in excess of $20,000 aggregate be submitted for public competitive bid. Likewise, any public works project requiring materials and labor in excess of $35,000 is required to be put out for public competitive bids. The law also states that if Local Laws are more stringent than State Laws then the Local Law shall be adhered to. The strictest law shall be used. The City Controller’s Office or designee shall be responsible for all required public advertising and competitive bidding; shall conduct all bid solicitations and openings; and secure the recommendations for awarding contracts from the appropriate official. Opportunity shall be provided to all responsible suppliers to do business with the City. To this end, the City Controller’s Office or designee shall develop and maintain lists of potential suppliers (bidders list) for various types of materials, supplies, equipment, and services. Lists shall include and highlight all environmentally responsible suppliers. Such lists shall be used to develop mailing lists of potential suppliers and for distribution of specifications, drawings, and invitations to bid. Any supplier may be included on the list upon request. When soliciting bids, a statement of “Information to Bidders” shall be included with all specifications submitted to suppliers. The information to bidders shall be incorporated in all contracts awarded for the purchase of materials, supplies, equipment, and services. The statement shall assist bidders with general information included in the bid. All contracts which require public advertising and competitive bidding shall be awarded as provided by State law and consistent with policies and procedures of the City attached hereafter. Recommendation for awarding contracts shall be submitted by the appropriate official.

A. Specifications shall be developed to a minimum standard, which will allow greater participation by vendors in the sealed bid process. Specifications that are too precise and do not allow for competition are not in keeping with the intent of General Municipal Law Section 103 and may result in lawsuits against the City.

B. Brand names can be used in bid specification. If the Controller’s Office is supplied with a brand name, the buyers will generally specify “brand name or equal” on the bid. A brand name gives the parties involved an idea of what type and quality of product is required. In many cases, several distributors can supply a given brand. The most important features or requirements must be addressed, since no two brands are identical. In all aspects, describe which aspects are needed for any product offered to be equivalent. Make it clear at the outset what would be considered “equivalent”.

C. The issuance of plans and specifications and other bid documents, and the receiving of mailing fees, deposits, bid bonds, or certified check, and contract bonds will be handled by the Controller’s Office generally, and/or the appropriate City officials, when required by law. Bid documents can also be obtained on the City’s website at www.cityofithaca.org/bids - the documents can be downloaded for free. Deposits on plans and specifications for bids (when a deposit is required) – The City must refund entire bid deposit with return of plans and specifications in good condition within 30 days from unsuccessful bidder. If unsuccessful bidder picks up more than one set of plans, then we are to return deposit less cost of reproducing the additional sets. If nonbidder returns sets, no matter how many sets, we are to return the deposit less cost of reproduction.

D. Performance bonds shall be required when bidding capital improvement or public works projects. Bidders are required to submit their performance bonds before, or at the time that they sign a contract. This bond will ensure that the bidder performs their duties as agreed upon between the date of the award and the set date of completion of the contract.

E. Prevailing wages (obtained by the Controller’s Office) consist of pay scales that have been bargained for by the various unions through the State and are set by the New York State Department of Labor. Vendors must pay these rates to those employees who work on public works projects in any municipal facility. There is no dollar threshold where these wages do not apply. In having vendors submit quotes, it is extremely important to make sure that they understand that prevailing wages apply for any public works project, regardless of the cost of the contract. In addition, for projects that are Federally funded, wage rates in compliance with the Davis-Bacon Act must be followed.

F. The Controller’s Office shall prepare and place the bid advertisement for the receipt of bids in the City’s official newspaper on such a purchase contract or a public works contract after authorization to proceed by the appropriate City officials. At least five days shall elapse between the first publication of such advertisement and the date so specified for the opening of the bids. Advertisement shall contain a statement of the bid time and place. As a general rule, use three weeks as the time between the bid advertisement and the bid opening.

G. An addendum will be issued to clarify the bid requirements and/or the bid specifications. When a discrepancy, ambiguity or omission is revealed, an addendum will be issued to clarify the bid requirements. The addendum is sent by fax, email or mail to all vendors that received the bid. The Controller’s Office will make every effort to ensure that the appropriate vendors receive addenda. The addendum procedure can also be used to extend the bid date to give the vendors/contractors sufficient time to submit a responsible bid.
H. The City Controller’s Office (or designee) shall open all bids and read them publicly at the advertised time during regular business hours at City Hall, 108 East Green Street, Ithaca, New York.

I. The Controller’s Office and/or appropriate City officials shall review bid documents to determine the lowest responsible bidder meeting the specifications so that a recommendation for an award can be made at the next regular meeting date or committee-of-the-whole meeting with power to act of a particular board or the Common Council.

J. When an award is made by the appropriate board or Common Council, the Controller’s Office and/or applicable department shall arrange for the execution of the contract documents by the contractor, Mayor and any other applicable City Official.

K. Award will be made to the lowest responsible bidder. The term “responsible” means: financially responsible; accountable; reliable; sufficient resources; skill; judgment; integrity; responsive; and moral worth. In deliberating the responsibility of a bidder, contractor or a sub-contractor, all contracting agencies shall give due consideration to any credible evidence or reliable information regarding the guidelines set forth in Chapter 39 of the City Code.

STANDARDIZATION
Section 103 of the General Municipal Law makes it possible for the City to standardize on a particular type of material or equipment. The resolution, approved by Common Council members, shall state that for reasons of efficiency or economy there is a need for standardization. The resolution shall contain a full explanation supporting such action.

The adoption of such a resolution does not eliminate the necessity for conformance to the competitive bidding requirements.

Standardization, as the word implies, restricts a purchase to a specific model or type of equipment or supply. An example of standardization would be the limiting a purchase of trucks to a particular make or model on the basis of past performance and/or future plans.

EXCEPTIONS TO BIDDING

Pursuant to General Municipal Law, Section 104-b(2)(f), the procurement policy may contain types of procurement for which, or circumstances when, at the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the City. In the following circumstances, it may not be in the best interests of the City of Ithaca to solicit quotations, or document the basis for not accepting the lowest bid:

EMERGENCY EXPENDITURE/CAPITAL PROJECT PROCEDURE

An exception to the required competitive bidding requirements exists for emergency situations. Three basic statutory criteria must be met in order for a procurement to fall within the emergency exception: (1) the situation arises out of an accident or unforeseen occurrence or condition; (2) public buildings, public property or the life, health, safety or property of the City are affected; and (3) the situation requires immediate action, which cannot await competitive bidding.

The department head, in conjunction with the City Controller’s Office or designee, must review the circumstances of the capital expenditure and determine that the situation is an emergency as defined previously. If an emergency is declared, the approval by the existing Board (BPW) and Common Council must be made by resolution stating that a public emergency exists.

If a public emergency is declared, then the competitive bidding requirements will be waived, but the following procedures must occur to assure that purchases are made at the lowest reasonable costs practicable under the circumstances:

1. The informal solicitation of verbal quotes by at least three (3) qualified contractors/vendors, or as many as practicable, followed up by a written quotation.
2. Department head and staff make recommendations of award of contractor to the City Controller’s Office or designee. If the lowest quote was not selected, reasons for such must be documented.
3. Award of contractor, based upon recommendations by staff, department head, and purchasing agent, should be made by resolution at the applicable Board meeting.
4. A contract, with an amount not to exceed, must be entered into between the contractor and the City.
5. Any change orders to the contract must be properly reviewed and approved by the appropriate City personnel.
PROFESSIONAL SERVICES
Generally, professional services involve specialized expertise, use of professional judgment and/or a high degree of creativity. The individual or company must be chosen based on accountability, reliability, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price, and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures. In addition, although it has been held that the exception may apply, in proper circumstances, to contract with a corporation. In these instances the services generally are to be performed by particular designated individuals. Finally the courts have noted that professional service contracts often involve a relationship of personal trust and confidence. Among the services which have been held to be exempt from competitive bidding under this exception include, but are not limited to, the following: other physicians, psychiatrists, psychologists, pharmacists, engineers, surveyors, accounting firms, attorneys, architects, and individuals who supply a service that requires specific training to perform a task that is unique and not readily available from most sources. Negotiations for all services which are not determined to fall under the RFP process shall be determined by appropriate staff of the City of Ithaca.

In determining whether a service fits into this category, the appropriate City official shall take into consideration the following guidelines: (a) whether the services are subject to State licensing or testing requirements; (b) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (c) whether the services require a personal relationship between the individual and municipal officials. Professional or technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; Bonding Attorney services; printing services involving extensive writing, editing or art work; management of municipally owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software. Other professional services related to specified projects or contracts will be examined on an individual case basis.

The City will solicit proposals for professional services on the City’s General Services every three years or as the Controller’s Office deems necessary. Extension of contracts can be made by appropriate authorization from Common Council.

MANDATED SOURCES
Sources include the Department of Correction, Industries for the Blind of New York State, and the N.Y.S. Industries for the Disabled.

SOLE SOURCE
When there is only one possible source from which to procure goods and/or services, thus indicating there is no possibility of competition, the following will be shown:

1. Unique benefits of item needed;
2. No other product/service can compare;
3. Cost is reasonable as compared to product offered;
4. There is no competition available.

STATE/COUNTY CONTRACTS
The City can purchase (and, in fact, is encouraged) from New York State Contracts. The contract must have the applicable P#. The City can purchase from County contracts if the County has passed appropriate resolution stating availability to local municipalities.

PIGGYBACKING
Effective August 1, 2012, a new subdivision 16 was added to General Municipal Law (GML) § 103 to authorize political subdivisions and districts therein to purchase apparatus, materials, equipment and supplies, and to contract for services related to the installation, maintenance or repair of those items, through the use of contracts let by the United States or any agency thereof, any state or any other political subdivision or district therein. The contract must be made available for use by other governmental entities.

LEASES
Prices will be negotiated between the City of Ithaca and the lessor.
COOPERATIVE PURCHASING

General Municipal Law §103 authorizes the City to purchase apparatus, materials, equipment and supplies, including vehicles, and to contract for services related to the installation, maintenance or repair of those items, through the use of contracts let by the United States or any agency thereof, any state or any other political subdivision or district therein so long as the contract is let in a manner that constitutes competitive bidding consistent with state law; also known as Cooperative Purchasing. The City is allowed to enter into purchasing cooperatives agreements with other governmental entities or political subdivisions, where there is no fee to the City to become a member, and where the cooperatives and their underlying bidding procedures meet the requirements of General Municipal Law §103.

The decision that a purchase is not subject to competitive bidding will be documented, in writing, by the individual making the purchase. This documentation may include: written or verbal quotes from vendors; a memo from the purchaser indicating how the decision was reached; a copy of the contract indicating the source which makes the item or service exempt; a memo from the purchaser detailing the circumstances which led to an emergency purchase; or any other written documentation which is appropriate.

REQUEST FOR PROPOSAL PROCEDURE

A more detailed version of a formal quote, which is usually used when contracting for a professional service, is a Request For Proposal (RFP). An RFP should include the following:

1. A work statement or performance specification detailing what is required.

2. Evaluation criteria by which proposals will be judged. Frequently the criteria are divided into three main categories:
   a. Managerial capability
   b. Technical acceptability
   c. Approach in meeting performance requirements and reasonableness of price.

3. Once criteria have been determined, the amount of weight each element will carry should be determined. This weight information can be included in the RFP document or the criteria can be presented from most important to least important. (Optional)

4. Time frames within which the work is to be completed.

Proposals are typically judged on the vendor’s ability to do the work specified and in the time frame specified and based on their experience, personnel and past performance. After determining which vendors meet these criteria, price is then considered.

The three most common ways to award a RFP are as follows:

1. Award to the most responsive vendor and negotiate price.

2. Select two or three of the most responsive proposals and request sealed bid pricing for the proposals and award to the vendor submitting the lowest price.

3. Award to any firm the City feels can perform the job.

Transaction Dollar Limit | Process
--- | ---
$1 - $999 | Informal – Department and/or Purchasing telephone one qualified supplier to discuss scope of work, negotiate price and award the contract.

$1,000 - $2,999 | Informal – Department and/or Purchasing telephone a minimum of three (3) qualified suppliers, discuss various approaches and request proposals in the form of letters. Evaluate the proposals and award a contract.

$3,000 - $19,999 | Informal – Department and/or Purchasing issue a letter to at least five (5) suppliers describing your requirements and the selection criteria. Evaluate the proposals, document your decision and award a contract. Keep the process as simple as possible. Award letter and RFP tabulation schedule should be sent to all participating vendors.

$20,000 and Greater | Formal – Department and/or Purchasing should issue a formal RFP to known suppliers.

Advertise locally in the City’s official newspaper. Allow at least five (5) days for vendor response to RFP. A three-week time frame is best. If RFP is above $100,000, should also advertise on the State level (NY Times, NYS Contract Reporter, etc.)
An evaluation committee should be established to review proposals. Award recommendation must go to Common Council for approval, unless the budget has already been approved by Common Council as part of a Capital Project, then award by Common Council is optional. Award letter and resolution must go to vendor. RFP tabulation schedule must be sent to all participating vendors.

Selecting a Winning Proposal:
When selecting a winning proposal, the following criteria should be used:

1. The supplier fully understands the needs and problems of the organization;
2. The supplier knows how to satisfy the needs or solve the problems, and offers a suitable plan;
3. The supplier is well qualified by virtue of experience and resources, including personnel, to carry out the proposed plan;
4. The price asked is reasonable and is within the project’s budget. Price can be negotiated.

Protest Procedure for Request for Proposals

1. Changes to RFP will be made by addendum. This addendum shall be mailed so as to be received by potential bidder no less than five (5) days before the proposal due date.
2. Requests for clarification, changes, or protests of the Request For Proposal must be received by the City in writing not less than ten (10) days before the proposal due date.
3. Any approved clarifications, changes, or protests to the RFP shall be sent to all proposers.
4. The City’s replies to requests under #2 above will be postmarked at least seven (7) days before the proposal due date.
5. A proposer desiring to protest an award of RFP or any portion of the RFP Procedure shall:
   A. File a protest in writing to the City of Ithaca Project Manager for this procurement, stating the nature and basis of protest. This protest may cover pre-award, award and post-award phases of procurement, but must be filed no later than thirty (30) days from the date of the City of Ithaca awarding resolution.
   B. Following the receipt of the written protest, the applicable Department Head or designee, Controller’s Office designee and project manager for the procurement shall meet with the aggrieved bidder(s) within five (5) days of receipt of protest, and attempt to resolve the problem.
   C. If this meeting is unsuccessful in resolving the protest, the matter shall be sent to the City Attorney for resolution.
   D. If the matter is still unresolved, the protest will be sent to the applicable City Board, Commission or Council for decision. The decision of the applicable Board is final.
   E. The formal record of the dispute resolution process shall be the minutes of the Board, Committee or Council meeting.
CURRENT PURCHASING PROCEDURES

GENERAL

A. With the exception of those purchases made under blanket purchase orders and/or emergency purchases (designated by Common Council and applicable board) or emergency situations (those requiring immediate action), only the person designated by the Mayor and the Common council as Purchasing Agent (or designee) may commit the City for a purchase.

B. The material, equipment, supplies and/or services to be purchased shall be of the quality and in the quantity required to serve the function in a satisfactory manner, as determined by the requisitioner and the Controller’s Office (or designee).

1. When purchasing, the City must consider the following factors in determining the vendor to be selected:

   1. Price
   2. Quality (durability of goods and equipment)
   3. Benefits vs costs
   4. Contracting out or in-house work
   5. Lease or buy
   6. Buying goods that save and/or enhance our environment
   7. Buying energy-efficient items
   8. Maintenance costs and down time

It is the responsibility of the requisitioner to provide an adequate description of items needed so that the Controller’s Office (or designee) may be able to prepare the specifications to procure the desired commodity and/or service. The requisitioner will assist the Controller’s Office (or designee) in the preparation of specifications. Standard supply lists of commonly used items shall be jointly developed for all categories or groups of supplies by the Controller’s Office (or designee) and the appropriate requisitioners. These lists shall be used as a basis for requisitioning.

A. It is the responsibility of the Controller’s Office (or designee) to make alternative suggestions to the requisitioner if, in the judgement of the Controller’s Office (or designee), the specifications would restrict competition or otherwise preclude the most economical purchase of the required items. In the case of disagreement as to the content of the specifications, the Common Council, after reviewing all available data, will make the final decision.

B. When a low bidder proposes an alternative as an “equal” to that specified, it is the responsibility of the Controller’s Office (or designee) in conjunction with the department head involved to determine whether the proposed substitution is, in fact, an equal.

C. All bids for the City of Ithaca shall be required to include a Bid Sheet which lists: vendor bidding; subject of bids; date of bid opening; detail of bid made including item #, quantity, description, net unit price and net extension price of each item bid, delivery time, and the Waiver of Immunity Clause and Non-Collusive Bidding Certification. The Bid Sheet, Waiver of Immunity Clause and the Non-Collusive Bidding Certification must be signed by the bidding vendor to be considered for award.

D. Bid files shall be maintained by the Controller’s Office and shall include bid specifications and drawings, bid tabulation sheets, bids, award letters, and other appropriate documentation as deemed necessary.

E. In cases of tie bid between two or more responsible bidders furnishing the required security, the officer, board or agency may award the contract to any of such bidders. The bids can also be rejected and re-advertised.

PURCHASE REQUISITIONS

Purchase Requisitions are being phased out of the purchasing procurement system. The City has established, and is continuing to update a computerized purchase order system. This system eliminated the need for a purchase requisition form for all purchases. A requisition can still be used if so desired.
PURCHASE ORDERS – CURRENT
The primary usage of the Purchase Order (P.O.) is to reserve budget funds for the requested purchase. The P.O. is also one method used by the City to document and pay for the purchase of a commodity, good, or equipment. The Purchase Order form serves as the primary record indicating that materials and or services were received and that payment for such purchases can be made. The P.O. is to be jointly used with the voucher.

HOW TO USE THE PURCHASE ORDER
In all purchases over $2,500, the purchase order must be created in order to reserve the funds for that purchase within the department’s budget. Then the voucher form, a separate procedure, is sent to the vendor for acknowledgment of the purchased goods. After the purchase is received, a voucher form signed by the vendor and Department Head is submitted to the Accounts Payable Coordinator for payment.

Purchase orders will be entered into the computerized system by the on-line departments or appropriate City personnel. These purchase orders, depending on dollar value, must comply with previously stated authorized limits and controls. The purchase order system has been designed not to allow purchase orders written without available funds in the applicable account.

Purchase orders will be printed off the computerized system and will be approved for purchase as follows:

<table>
<thead>
<tr>
<th>Dollar Value</th>
<th>Process</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1 – 250</td>
<td>No purchase order needed</td>
</tr>
<tr>
<td>$250 – 500</td>
<td>Purchase order obtained and approved by Controller’s Office (or designee) or Accounts Payable Coordinator or designee. Purchase order approved for appropriate purchase, dollar value, and funds available in account.</td>
</tr>
<tr>
<td>$501 and greater</td>
<td>Purchase order obtained and approved by Controller’s Office (or designee). Purchase order approved for appropriate purchase, dollar value and funds available in account.</td>
</tr>
</tbody>
</table>

The purchase order is a three-part form, which is routed as follows:

White (original) copy is sent directly to the vendor by the Controller’s Office.

Yellow copy is forwarded to the appropriate department making the purchase.

Pink copy is retained by the Finance Department/Controller’s Office.

Cancellations: If for some reason an order is cancelled the yellow copy and copies of any correspondence should be returned to the Finance Department. This procedure should also be done for partial cancellations.

Blanket Orders: A blanket purchase order is a purchase order made out to one particular vendor for a specific dollar amount, to be used on an as-needed basis when there is no provision to maintain an inventory. Blanket purchase orders eliminate the need to issue separate purchase orders for items purchased frequently from the same vendor. The amount a blanket purchase order is made out for and the length of time it will remain in effect will be determined by the respective department head in conjunction with the City Controller.

Departments must keep a record of their purchases made against the blanket purchase order to ensure that they do not exceed the amount allowed on the purchase order. Any over-expenditure, depending on the circumstances, may not be approved by the Department Head for payment. If it is determined that a blanket purchase order may not be sufficient to cover all purchases to be made in the designated time period, the department should notify the City Controller immediately.

When orders are delivered or picked up the receipts, delivery slips or other documents transmitted by the vendor will be signed by the individual receiving the order. The blanket purchase order number will be placed on the documents which will be kept on file within requesting department.

If a blanket purchase order dollar amount is exceeded, a new blanket purchase order should be generated.
PROCUREMENT DELIVERY/PAYMENT PROCESS (Bid/Non-Bid Purchases)

After the award of a contract and/or the selection of a vendor:

A Contract, if applicable, is to be developed by the appropriate department and executed in accordance with the contract approval process.

The Requisitioning Department will inspect and accept the delivery, unless the nature or complexity of the purchase requires the inspection by the City Controller’s Office (or designee).

Any errors or damages in the delivery will be reported to the vendor by the requisitioning department. Consistent or unresolved problems are to be brought to the attention of the Controller’s Office (or designee) where the matter will be addressed and resolved.

VOUCHER PROCEDURE

Every purchase, either a purchase of commodities, professional services or public works requires a voucher to be attached to all purchasing documents (i.e. P.O.) in order to confirm payment. The voucher document essentially provides two purposes. The first is to serve as a cover sheet for all documents involved in a single purchase. The second purpose is to provide a form for processing claims for payment. When properly filling out a voucher, it will provide a brief summary of every component of the purchase.

All invoices and signed vouchers will be sent to the requisitioning department by the vendor. The requisitioning department, if applicable, will be sure the service-provided certification has been signed by the vendor, and properly complete the voucher, including: department; Purchase Order number, if any; claimant’s name and address; fund appropriation; description of services, and amounts. The voucher and applicable invoice will then be signed by the requisitioning department head(s), and sent to the Accounts Payable Coordinator for audit and payment.

The Accounts Payable Coordinator will develop the audit abstract based upon vouchers and invoices received prior to the audit. The vouchers and invoices must be properly completed, signed and have appropriate documentation to be included in the audit. The vouchers and invoices must be received by the Accounts Payable Coordinator one week prior to the audit dates.

Vouchers and invoices that miss the audit abstract will be held over to the next available audit date. Emergency payments will be limited and only approved by the Controller’s Office. A manual check will be written if necessary.

Once the audit abstract is developed, it is then forwarded to the Controller’s Office for audit approval. After the signed audit approval, the abstract is sent back to the Accounts Payable Coordinator for payment. Checks will be cut and mailed by the Friday following the audit.

Audits are performed as follows: DPW, Water and Sewer and Joint Activity every two weeks; Fire Department every two weeks; and Common Council, which includes all other departments, every two weeks. Holidays may change audit schedule slightly. A “clean-up” audit shall occur at the end of every fiscal year. A copy of the audit abstract is sent to the appropriate Boards and Council for their review. Audit questions should be brought to the attention of the Controller’s Office.

CONTRACTS

Contracts shall be required to have proper signatures per the City’s Contract Approval Process. It is the responsibility of the procuring department to circulate contracts on a timely basis to be sure all required signatures are received. Contracts must have all applicable signatures prior to commencement of the work or service. Contract payments will be held by the City, if the applicable signatures and/or contract information is not in the contract. The contract must be properly executed.

If amendments to contracts are needed, additional work can not begin until all required signatures or initials are present on the contract.

CONTRACT PROCEDURE:

Why is a Contract Necessary?

If your purchase is either labor intensive, or is a very complex purchase of equipment or another good, then you should make sure to use a contract during your purchasing process. The purpose of a contract is to ensure that both parties in the transaction agree to negotiated terms and that such document is legally abiding and approved by the City Attorney.
Developing a Contract
The following rules and guidelines should be kept in mind while developing the contract for your purchase.

a. Standard contract templates can be obtained from the Attorney’s office and are also available on the “Q” drive within the City Attorney’s folder of the City’s Computer Network.

b. Contracts shall be required to have the proper signatures according to the City’s Contract Tracking Procedures prior to the provision of product, work, or service.

c. It is the responsibility of the Primary Contract Monitor to circulate contracts on a timely basis to be sure that all required signatures are received. See the external policy titled “Contract Tracking” for clarification on the Primary Contract Monitor. The contract tracking policy is a separate policy from the purchasing manual, but it is to be used in conjunction with the purchasing policy. See appendix.

d. Contract payments will be held by the City, if the applicable signatures and/or contract information is not in the contract.

e. If amendments to contracts are needed, additional work cannot begin until all required signatures or initials are present on the contract.

Developed contract is then sent to the Attorney’s Office for review and approval. Allow up to four (4) weeks for the Attorney’s Office approval.

Appropriate Board and/or Council resolution to execute contract should be made, if applicable.

Once approved by Attorney’s Office and appropriate Board or Council where necessary, the contract is then sent to vendor for signature. Other appropriate signatures will then be needed as per the Contract Approval Policy.

Three copies of contracts should be made and all have original signatures. One copy to Clerk’s Office for official filing, one copy to vendor, and one copy to remain in Department.

City contracts should have the following information included in them as a minimum:

1. Date of contract;
2. Parties of contract, including names, addresses and social security numbers, where applicable;
3. Detailed schedule of services to be provided by the contractor;
4. Payment amount in a “not-to-exceed” format. No open-ended payment contracts will be approved.
5. Insurance documentation, including workers’ compensation and disability coverage. Certificate of insurance if required.
6. Relationship of contractor to City (fringe benefit clause);
7. Termination of contract language;
8. Hold harmless wording;
9. Anti-discrimination wording;
10. Applicable signatures by City and contractor.

Standard contracts can be obtained from the Controller’s Office and Engineer’s Office.

Other Contract Information for Larger Public Work Contracts:

1. Table of Contents
2. Bid Advertisement
3. Instructions for Bidders
4. Defined terms
5. Copies of Bidding Documents
6. Qualifications of Bidders
7. Examination of Contract Document and site
8. Interpretations and addenda
9. Bid Security requirements (normally 5% of bid – certified check or bond)
10. Contract time/schedule
11. Liquidated damages provisions
12. Substitute or “Or Equal” items wording
13. Subcontractors, suppliers and others (identity of subcontractors)
14. Bid form (either standard City bid sheet or other)
15. Submission of bid (time, place and how to submit)
16. Modification and withdrawal of bids
17. Opening of bids
18. Bid period to remain subject to acceptance (normally 45 days after bid opening)
19. Award of Contract
20. Contract security (Performance Bonds)
21. Signing of agreement wording
22. Sales and Use Taxes
23. Retainage provisions
24. Equal opportunity clause
25. Non-collusive certification and Waiver of Immunity Clause
26. Iran Divestment Act Certification, and Bidders Qualification Statement
27. Prevailing Wage Rates (Controller’s Office to order wage rates from NYS Labor Department)
28. Estimated quantities clause
29. EJCDC standard form of agreement
30. Certificate of Insurance minimum limits (see attached sample)
31. General/Technical specifications with drawings if applicable
32. Other supplemental conditions as needed

**CONTRACT APPROVAL POLICY**

On October 14, 1989, Common Council approved the following resolution relating to Contract Approval:

**RESOLVED,** That the City Policy for approval and execution of City Contracts be established as follows:

A. Contracts for amounts less than $500., when prepared on a boiler plate form contract developed by the City Attorney, shall require approval of signature of both the Department Head giving rise thereto, and of the City Controller for availability of funds. Any deviation from the approved form would require further review and approval by the City Attorney.

B. Contracts of $500. or more but less than $2,000., shall require all the approvals disclosed in A. above, plus the approval of the City Attorney in all instances.
C. Contracts in the amount of $2,000. or more shall require all approvals presented heretofore in clauses A and B above, plus the approval of the Mayor and the Chairperson of the City Administration Committee.

D. All contracts approved by the process presented herein shall as a matter of practice be published on a monthly basis by the City Controller. The detailed listing shall include date of the Contract, the Amount, the Vendor, the City Department affected, and a brief description of the purpose of said Contract.

This policy shall be effective April 4, 2018, and will be reviewed annually by the Controller’s Office for possible changes and amendments. All changes and/or amendments to the purchasing policy must be approved by Common Council.
8.16 **Finance Department - Approval of Grant Modification - Resolution**

WHEREAS, the City is closing out two older New York State (NYS) Grants, including the Waterfront Trail Project and the Skate Park; and

WHEREAS, one of the grant closeout requirements is that the Mayor sign a grant modification agreement to modify the period of the grant for the Waterfront Trail to December 31, 2005; and

WHEREAS, City staff are unable to locate such an approval by the Mayor previously; now, therefore be it

RESOLVED, That Common Council hereby authorizes the Mayor to sign the required NYS Modification Agreement form for the Waterfront Trail Project; and, be it further

RESOLVED, That the Mayor is hereby authorized to sign any grant amendment forms for the Skate Board Park Project.
9. **CITY ADMINISTRATION COMMITTEE:**

9.1 **Amendment of Capital Project (CP) for Expansion of the Alex Haley Municipal Wading Pool - Resolution**

WHEREAS, Common Council established Capital Project #834, for the Alex Haley Municipal Pool Expansion project on September 7, 2016; and

WHEREAS, the budget was established at that time in the amount of $305,000 to be comprised of $185,000 in Community Development Block Grant funds, $95,000 in private donations and $25,000 in City contributions; and

WHEREAS, on August 14, 2017, the Board of Public Works, acting as lead agency, declared that the project would have no significant negative environmental impact in accordance with the State Environmental Quality Review Act (SEQR) and the City Environmental Review Ordinance (CEQR); and

WHEREAS, the project was recently bid, and the low bid was more than the established budget; and

WHEREAS, staff are recommending awarding the low bid contingent on securing additional funding; and

WHEREAS, Common Council approves this project; now, therefore be it

**RESOLVED,** That Common Council hereby increases Capital Project #834, Alex Haley Municipal Wading Pool Expansion by $200,000, for a total authorization of $505,000; and, be it further

**RESOLVED,** That funding for said Capital Project shall be derived from the issuance of Serial Bonds with the understanding that $185,000 of eligible expenses will be reimbursed by the Community Development Block Grant program as administered by the Ithaca Urban Renewal Agency and $195,000 will be reimbursed by GIAC, Inc. based on a private donation; and, be it further

**RESOLVED,** That this project be undertaken with the understanding that the final cost of the Project to the City of Ithaca will be roughly 25% of said portion, currently estimated at $125,000 of the $505,000 authorized for this portion of the project, in monies and in-kind services as managed by the Superintendent of Public Works and monitored by the City Controller.
9.2 Amendment to Capital Projects #777 and #839 for Dryden Road Parking Garage - Resolution
WHEREAS, Capital Project #777 was established in 2012 and has been amended each year for the purchase of parking related equipment; and

WHEREAS, the automatic parking equipment at the Dryden Road Parking Garage is past its useful life and unreliable to the point that we have to raise exit gates after 11 p.m. to prevent vehicles being stuck in the garage after hours, causing losses in revenue, and the equipment requires frequent, expensive repairs with parts that are no longer commercially available; and

WHEREAS, the lost revenue from raising the exit gates in 2017 is estimated at $1,500 per month, and repair costs associated with outdated Dryden Road parking equipment was almost $32,000 for 2017, while the replacement cost for newer, reliable equipment is budgeted at $150,000 which represents a payback period of approximately 3 years; and

WHEREAS, Capital Project #839 was established in 2017 for a Condition Assessment of the Dryden Road Parking Garage, and the draft report dated October 2017 identified and prioritized capital repairs over a 5-year timeframe; and

WHEREAS, several high-priority structural and safety issues requiring immediate attention were identified, including defective drains, fire standpipes, and staircases which could fail at any time, and the cost estimate for these repairs is $375,000; and

WHEREAS, the recent Parking Garage Audit conducted by the Office of the New York State Comptroller has raised awareness of the importance of regular inspections and capital repairs for parking garages to ensure public safety; now, therefore be it

RESOLVED, That Common Council hereby amends Capital Project #777 by $150,000 for the replacement of automated parking equipment at the Dryden Road Parking Garage; and, be it further

RESOLVED, That Common Council hereby amends Capital Project #839 by $375,000 for the repair of structural and safety issues at the Dryden Road Parking Garage; and, be it further

RESOLVED, That funds needed for said amendment shall be derived by a General Fund advance with a later repayment from issuance of Serial Bonds.
9.3 Ratification of Agreement for Advance Payment and Authorization for Mayor Svante L. Myrick to Execute Closing Papers on Behalf of the City of Ithaca - Resolution

WHEREAS, the State of New York has taken or is in the process of taking a portion of the land owned by the City of Ithaca through the process of eminent domain for the purposes of improving 1529 Slaterville Road; and

WHEREAS, the State has offered to pay the City of Ithaca the sum of $500.00 for a portion of The City of Ithaca's property along 1529 Slaterville Road as depicted on Map 6, as Parcel(s) 1 & 2; and

WHEREAS, an agreement to accept said money (an Agreement for Advance Payment) has been or will be signed on behalf of the City of Ithaca by Mayor Svante L. Myrick; and

WHEREAS, the Common Council of the City of Ithaca is the governing body of the City of Ithaca; and

WHEREAS, the Common Council is meeting on this 4th day of April 2018, after proper notice to consider this matter; and

WHEREAS, the City of Ithaca wishes to ratify the Agreement for Advance Payment and to appoint Mayor Svante L. Myrick as the person to execute closing papers on behalf of the City of Ithaca; now, therefore be it

RESOLVED, That Agreement for Advance Payment is hereby accepted and ratified; and, be it further

RESOLVED, That Mayor Svante L. Myrick is hereby designated as the person to execute any and all closing papers with regard to this transfer to the State of New York.
This map was prepared without the benefit of an Abstract of Title review. The property shown hereon is subject to any easements or encumbrances that an Abstract of Title may show.

2. All units of measurement shown hereon are in U.S. Survey Feet unless otherwise specified.

3. Utilities shown are placed from field located evidence and record plan information to ASCE Level C.
WHEREAS, the City of Ithaca entered the 2018 Bloomberg Philanthropies Mayors Challenge grant competition and was selected as one of 35 Champion Cities to advance to the next phase of the grant process with a proposal for the development of a hub to help in the battle against drug addiction; and

WHEREAS, the City of Ithaca will receive up to $100,000 from Bloomberg Philanthropies to pilot solutions to the opioid crisis during the six month testing phase; and

WHEREAS, the City of Ithaca wishes to contract with the Drug Policy Alliance (DPA) or Southern Tier AIDS Program (STAP) to administer the pilot solutions during the six-month testing phase; now, therefore be it

RESOLVED, That Common Council hereby accepts grant funds in an amount not to exceed $100,000 from Bloomberg Philanthropies for pilot solutions to the opioid crisis; and, be it further

RESOLVED, That Common Council hereby authorizes the Mayor, upon advice by the City Attorney, to enter into a contract with STAP to produce said pilot solutions; and, be it further

RESOLVED, That Common Council hereby amends the 2018 authorized budget of the Mayor’s Office to account for said funds as follows:

Increase Appropriation Account:

A1210-5435 Contracts Not to Exceed $100,000

Increase Revenue Account:

A1210-2705 Gifts/Donations Not to Exceed $100,000
Dear Council Colleagues,

As I won't be able to join the March 21 City Administration meeting, I'm writing with some background in support of item 3.6 on the agenda, the acceptance of a Bloomberg Philanthropies Grant.

As you know, in February of 2016, the City of Ithaca published The Ithaca Plan: A Public Health and Safety Approach to Drugs and Drug Policy. The plan comprises more than 20 recommendations with respect to prevention, treatment, harm reduction and law enforcement. It was the recommendation to establish a Safer Consumption Space (SCS), sometimes referred to as a Supervised Injection Facility (SIF), which garnered most attention from the public. However, an SCS would have to work in concert with a municipal drug policy office, and a Health Hub, providing individualized support services in order to work most effectively. Through Bloomberg Philanthropies' Mayors Challenge initiative, our Mayor's office has submitted a grant application for a facility that would include low threshold supports for people who use drugs, including but not limited to a SCS.

In February 2018, Bloomberg Philanthropies announced that Ithaca was one of the 35 finalist Champion Cities. The Champion Cities are eligible to receive up to $100,000 in funding to explore the feasibility of their proposals. During this period, the Champion City working groups are tasked with testing their assumptions, and compiling research to strengthen their applications. Our working group includes Tom Parsons, Chief of the Ithaca Fire Department; Michelle McElroy, Deputy Executive Director of the Southern Tier AIDS Program; Katharine Celentano, Policy Coordinator for the Drug Policy Alliance; and myself, 4th Ward Alderperson for the City of Ithaca.

The resolution before the City Administration Committee is to allow the City of Ithaca to receive the funding, which would be administered by the Southern Tier AIDS Program. This funding will not be used to implement anything from the Ithaca Plan, nor will it be used to establish an SCS. The assumptions our group will test are focused on client engagement, client consent, and effective communication.

To be clear, funding to establish an SCS, the municipal drug policy office (MDS), and the Health Hub will only be available if Ithaca beats out 30 of the other cities to be selected as one of five winners. The current legislation does not commit the city to anything more than holding the funding to research the foundational assumptions key to the viability of an SCS.

Thank you for considering this resolution. The Mayor, Tom Parsons, and Katharine Celentano will be in attendance to answer any questions at the March 21 meeting of the City Administration Committee. In the meantime, we are all available over phone or email to discuss.

Warm regards,

Stephen J Smith
Alderperson, 4th Ward
City of Ithaca
c. 607.288.3299

https://mail.ithaca.org/owa/?ae=Item&i=IPM.Note&id=RgAAAAC7AyksfR%2bbRJKCdDFNv4v78wCAAsQ7BktIsQL0RboSYxKTAAAAQAdTAAC...
An Ordinance to Amend Chapter 120 of the City of Ithaca Municipal Code Entitled “Youth Council”

ORDINANCE 2018-

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

Section 1.
Chapter 120 of the City of Ithaca Municipal Code entitled “Youth Council” is hereby amended to read as follows:

§ 120-1 Creation.
In recognition of the history of youth councils in the Ithaca community, the Common Council of the City of Ithaca hereby creates an entity that shall be known as the "City of Ithaca Youth Council," hereinafter also referred to as the "Youth Council," in accordance with the following conditions.

§ 120-2 Purposes and duties.
The purposes and duties of the Youth Council shall be as follows:
A. To develop future leaders by providing the teenage members opportunities to participate in city governance and have an active role in addressing community issues.

B. To give a formal voice to the youth of the community. The Youth Council will provide ongoing, two-way communication with policymakers, especially the Common Council, so as to better address youth and community issues. The Youth Council will develop mechanisms to receive input regularly from other youth about their ideas and concerns.

C. To help provide a hands-on civic education to participating members through direct experience with democratic processes and practical skill development.

D. To contribute to the community in a concrete way. The Youth Council will plan and execute projects to improve conditions for teenagers.

E. To submit a written annual report on the membership and activities of the Youth Council, to the Mayor and Common Council (and the City Clerk), and to report on a regular basis to the Mayor. To help youth build their social networks, engage with the opportunities available within their local community, and help their peers make positive connections to the local community.

F. To submit a written annual report on the membership and activities of the Youth Council, to the Mayor and Common Council (and the City Clerk), and to report on a regular basis to the Mayor.
§ 120-3 Membership.
A. The Youth Council shall consist of 7-10 members, all of whom shall be voting members, appointed by the Youth Council Advisory Board subject to the approval of the Common Council. The appointing entities shall commit to assembling a diverse, multicultural and inclusive membership of the Youth Council, with regard to the protected classes and other unique characteristics that represent the needs of the entire community.

B. Notwithstanding the provisions of Chapter 103 of this Code, at least half of the Youth Council members shall be residents from the City of Ithaca. The remaining members shall be selected from within the municipalities comprising the Ithaca City School District. The members of the Youth Council must be at least 16 years old and not past the 12th grade (or the age of 19, if not enrolled in high school).

C. The members of Ithaca Youth Council shall hereinafter referred to as Youth Council Ambassadors or Ithaca Ambassadors.

§ 120-4 Associates.
The Youth Council Advisory Board may designate up to four associates who are 14 or 15 years of age. Such associates shall be invited to attend and participate in Youth Council meetings and events but shall have no voting authority and may not hold office in the Youth Council.

§ 120-45 Terms; vacancies.
A. Except as provided for in Subsection B below, the members of the Youth Council shall be appointed for terms of two years or until the time of their high school graduation, if that occurs first. A member who has reached the end of a two-year appointment while still in high school may elect to extend his or her term by one additional year. Terms shall begin in September (or, in the initial year of the Youth Council's operation, as soon as is practical after its establishment), except in the case of members appointed to fill vacancies. Vacancies shall be filled in the same manner as the original appointment, except that a vacancy occurring other than by the expiration of a term of office shall be filled only for the remainder of the unexpired term.

B. Notwithstanding the above, the initial terms for members of the Youth Council shall be set at one or two years, such that staggered terms are established for subsequent appointments. The appointing entities may make an appointment for a one-year term, as needed, in order to maintain a balance of staggered terms.

§ 120-6 Officers.
A. At the start of each year, the Youth Council shall select its officers, for the purpose of providing general leadership, recordkeeping and fiduciary oversight. The manner of such selection and the titles and specific responsibilities of the officers shall be set forth in operational rules adopted by the initial Youth Council and as amended from time to time as needed by the Youth Council.
B. The lead officer of the Youth Council shall serve as liaison to the Common Council and shall have an opportunity to report at Common Council meetings.

C. The leadership of the Youth Council shall meet regularly with the Mayor at a time convenient to all, with the goal of meeting not less than bimonthly.

§ 120-7 Youth Council Advisory Board.
A. A Youth Council Advisory Board is hereby established, to oversee the activities of the Youth Council.

B. The Youth Council Advisory Board shall consist of up to 10 members, each of whom shall be appointed for a term of three years (or for the remainder of the term in question when a vacancy is being filled). Membership of the Advisory Board shall be composed of one staff member appointed respectively by the directors of the Greater Ithaca Activities Center, the Ithaca Youth Bureau, and the Southside Community Center and up to seven members appointed by the Mayor and approved by the Common Council, including at least one member of the standing committee of Common Council responsible for working with the City’s youth services departments, members selected from the local education and youth advocacy communities and representatives of major funders of the Youth Council.

C. In addition to providing oversight, the Youth Council Advisory Board shall interview all applicants for membership on the Youth Council and shall make recommendations as to their appointment, on the basis of the candidates’ leadership potential and commitment to effective service on the Council.

§ 120-58 Staff support.
A staff person(s) from a City Youth Services Department shall act in consultation with the Youth Council Advisory Board Liaisons and under the direction and supervision of the City department head so designated by the Mayor. The duties of this staff person with regard to the Youth Council shall be set forth in writing and kept up-to-date by the department head and provided to the Mayor, and a current version of such description shall be appended to the annual report required by § 120-2 herein.

§ 120-69 Meetings; records; annual report.
The Youth Council shall meet publicly at least monthly regularly to complete projects and adopt rules tasks towards their annual goals.

The Youth Council shall report twice a year to Common Council regarding youth and procedures for its meetings community issues. The Youth Council shall keep accurate records of its meetings and activities and shall prepare and submit an annual report as provided for in § 120-2 of this chapter.

The Youth Council shall meet at least one time per year with the Mayor.
Section 2. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective date. This ordinance shall take effect immediately and in accordance with law upon publication of notices as provided in the Ithaca City Charter.
WHEREAS, opioid manufacturers, distributors, and promoters have been responsible for an opioid epidemic that has harmed the citizens of the City of Ithaca and financially damaged the City and its taxpayers; and

WHEREAS, the purpose and intent of this legislation is to allow the City to recover these costs, despite the existence of the common-law municipal cost recovery rule (a.k.a. free public services doctrine) and declare the opioid epidemic and its effects on the City a public nuisance; now, therefore be it

RESOLVED, That the City of Ithaca Common Council hereby declares the opioid epidemic and its effects on the City a public nuisance, as set forth in the following Opioid Cost Recovery Procedure; and, be it further

RESOLVED, That the following Opioid Cost Recovery Procedure is hereby adopted by the Common Council of the City of Ithaca, and is intended to apply retroactively:

City Of Ithaca Opioid Cost Recovery Procedure:

I. Definitions
“Costs” means all expenditures related to the opioid epidemic that directly or indirectly arise from the City’s response to a responsible party’s action or inaction.

“Responsible party” means any person or corporation whose negligent, intentional, or otherwise wrongful conduct causes the incident resulting in the City incurring costs or who is found liable or made responsible by a court for the costs incurred by the City in the form of damages, regardless of the cause of action.

II. Governmental function cost recovery.
The City may recover the costs of governmental functions related to opioids marketed, sold, manufactured, dispensed, prescribed, and/or distributed by the responsible party. If a responsible party fails to pay the costs demanded, the City may initiate and recover costs through administrative, civil, and/or criminal action against the responsible party. In that case, the City may also recover attorney’s fees, interest, and any other payment or type of damages the court deems proper.

III. Effect of criminal or civil proceedings on governmental function cost recovery.
The initiation of administrative or civil proceedings for governmental function cost recovery does not bar the criminal prosecution of a responsible party for any associated violation. Similarly, criminal prosecution does not bar civil collection of costs for the violation giving rise to the criminal prosecution.
IV. Public nuisance.
The City hereby finds and declares the following:

1) That addiction to and abuse of opioids is one of the greatest challenges facing the City;
2) A cause of this increasing crisis is the overabundance of prescription opioids. Vast amounts of prescription opioid pain pills were sold, distributed and prescribed in the City over the past several years which practice continues today;
3) There is evidence showing that approximately four in five heroin users began their addiction by first using and then misusing prescription pain medications containing opioids;
4) The selling, distributing, and prescribing of large amounts of opioid pain pills in the City has created a public health and safety hazard affecting the residents of the City, resulting in devastation to City families, a negative effect on the City economy, wasted public resources, and a generation of narcotic dependence;
5) That selling, distributing, and prescribing of prescription opioid pain pills is a hazard to public health and safety, which has created a public nuisance to the citizens of the City, and said nuisance remains unabated;
6) That, in addition to all other powers and duties now conferred by law upon the City, the City is authorized to enact ordinances, issue orders, and take other appropriate and necessary actions for the elimination of hazards to public health and safety and to abate or cause to be abated anything which the City determines to be a public nuisance;
7) That manufacturers of prescription opioids and those in the chain of distribution have wrongfully abused the privilege of selling and/or providing medication to our residents and must be held accountable; and
8) That it is the duty of the City to vindicate the rights of the citizens of the City and take action to abate this public nuisance.

V. Retroactive application.
This procedure shall apply retroactively to all costs described in Part I of this Procedure.

; and, be it further

RESOLVED, That, upon its adoption, this Opioid Cost Recovery Procedure shall be included in any master listing, assemblage or inventory of the City’s Policies, Procedures and Protocols.
PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE:

10.1 An Ordinance to Amend the City of Ithaca Municipal Code, Chapter 325, Entitled “Zoning,” Section 325-5 entitled “Zoning Map” and Article IV, Section 325-12, entitled “Purpose and Intent” in Order to Expand the Area Permitted for Planned Unit Developments By Creating a Planned Unit Development Overlay District (PUDOD)

A. Designation of Lead Agency – Resolution

WHEREAS, State Law and Section 176-6 of the City Code require that a lead agency be established for conducting environmental review of projects in accordance with local and state environmental law; and

WHEREAS, State Law specifies that, for actions governed by local environmental review, the lead agency shall be that local agency which has primary responsibility for approving and funding or carrying out the action; and

WHEREAS, the proposed zoning amendment is an “Unlisted” Action pursuant to the City Environmental Quality Review (CEQR) Ordinance, which requires environmental review under CEQR; now, therefore be it

RESOLVED, that the Common Council of the City of Ithaca does hereby declare itself lead agency for the environmental review of the proposed amendments to Chapter 325, Entitled “Zoning,” in order to expand the area permitted for planned unit developments by creating a Planned Unit Development Overlay District (PUDOD).
B. **Determination of Environmental Significance – Resolution**

WHEREAS, The Common Council is considering a proposal to expand the area permitted for planned unit developments by creating a Planned Unit Development Overlay District (PUDOD); and

WHEREAS, the appropriate environmental review has been conducted, including the preparation of a Full Environmental Assessment Form (FEAF), dated June 3, 2014; and

WHEREAS, the proposed action is an “unlisted” Action under the City Environmental Quality Review Ordinance; and

WHEREAS, the Common Council of the City of Ithaca, acting as lead agency, has reviewed the FEAF prepared by planning staff; now, therefore be it

**RESOLVED**, That this Common Council, as lead agency in this matter, hereby adopts as its own the findings and conclusions more fully set forth on the Full Environmental Assessment Form, dated May 6, 2014; and, be it further

**RESOLVED**, That this Common Council, as lead agency in this matter, hereby determines that the proposed action at issue will not have a significant effect on the environment, and that further environmental review is unnecessary; and, be it further

**RESOLVED**, That this resolution constitutes notice of this negative declaration and that the City Clerk is hereby directed to file a copy of the same, together with any attachments, in the City Clerk’s Office, and forward the same to any other parties as required by law.
C. **Adoption of Ordinance**

**ORDINANCE NO. 2018-_____**

WHEREAS, on July 2, 2014, the Common Council adopted legislation allowing for the City to establish Planned Unit Development districts on any property in the City currently zoned for industrial uses; and

WHEREAS, on August 2, 2017, the Common Council adopted new zoning for the waterfront districts, which included a statement recognizing that the adopted zoning may not allow for projects that could be beneficial to the community and recommended that the City consider adopting legislation to allow for PUDs throughout the City, including in the waterfront districts; and

WHEREAS, A PUD is a tool that allows the Common Council to have flexibility to approve projects that may not fit into the underlying zoning, but may have benefits for the community that outweigh any impacts resulting from not complying with the pre-established regulations for that district; and

WHEREAS, in order to allow for potential development that could bring significant benefits to the community, staff has recommended the establishment of the Planned Unit Development Overlay District, which would allow for PUDs in areas of the City where additional development is anticipated, but would protect areas that have established 1 and 2 family residential neighborhoods; now, therefore

BE IT ORDAINED AND ENACTED by the Common Council of the City of Ithaca that Chapter 325, Article IV, Section 325-12 entitled “Purpose and Intent” be amended as follows:

**Section 1.** Chapter 325, Section 325-5, entitled “Zoning Map” of the Municipal Code of the City of Ithaca is hereby amended to create a Planned Unit Development Overlay District (PUDOD) to include properties located within the boundaries displayed on the map entitled “**Proposed Boundary for the Planned Unit Development Overlay District (PUDOD)-December 2017**”, a copy of which shall be on file in the City Clerk’s office.

**Section 2.** Chapter 325, Section 325-12.B, entitled “Purpose and Intent”, is hereby amended in order to change the allowable location for a potential PUD, and should read as follows:

§325-12.

**B.** Purpose and intent.

(1) This legislation is intended to institute procedures and requirements for the establishment and mapping of PUDs, which may be placed in any location approved by the Common Council, as long as it is located within the Planned Unit Development Overlay District (PUDOD), the boundaries of which can be seen on the attached map,
Proposed Boundary for the Planned Unit Development Overlay District (PUDOD) -December 2017”. The PUD is a tool intended to encourage mixed-use or unique single use projects that require more creative and imaginative design of land development than is possible under standard zoning district regulations. A PUD allows for flexibility in planning and design, while ensuring efficient investment in public improvements, environmental sensitivity, and protection of community character. A PUD should be used only when long-term community benefits will be achieved through high quality development, including, but not limited to, reduced traffic demands, greater quality and quantity of public and/or private open space, community recreational amenities, needed housing types and/or mix, innovative designs, and protection and/or preservation of natural resources.

(2) Section 325-12 is intended to relate to both residential and nonresidential development, as well as mixed forms of development. There may be uses, now or in the future, which are not expressly permitted by the other terms of this chapter but which uses would not contravene the long-range Comprehensive Plan objectives if they adhere to certain predetermined performance and design conditions. The PUD is intended to be used to enable these developments to occur even though they may not be specifically authorized by the City zoning district regulations.

(3) The PUD is intended to be used in any area located within the PUDOD. Should a proposed project offer community-wide benefits, the Common Council may establish a PUD in order to permit uses not explicitly allowed by the underlying zoning.

(4) Areas may be zoned as a PUD by the Common Council. The enactment and establishment of such a zone shall be a legislative act. No owner of land or other person having an interest in land shall be entitled as a matter of right to the enactment or establishment of any such zone.

Section 3. Chapter 325, Section 325-12.C, entitled “Establishment and Location”, is hereby amended in order to remove the sentence that states that the PUD is intended to be used in industrial zones, and should read as follows:

C. Establishment and location.
(1) The intent of a PUD is to create self-contained, architecturally consistent, and compatible buildings, many times with diverse but related uses. The creation of a PUD must entail sufficient review to assure the uses within the zone will have negligible or no significant adverse effects upon properties surrounding the zone. In reaching its decision on whether to rezone to a PUD, the Common Council shall consider the general criteria set forth in this chapter, the most current Comprehensive Plan for the City, and the statement of purpose.

(2) No PUD shall be established pursuant to Subsection G (13) of this section unless it is located within the boundaries of the PUDOD.
Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. Effective date. This ordinance shall take effect immediately and in accordance with law upon publication of notices as provided in the Ithaca City Charter.
January 10, 2018

Jennifer Kusznir
Dept of Planning, Building, Zoning & Economic Development
108 E. Green St.
Ithaca, NY 14850

Re.: Proposal to Establish a Planned Unit Development Overlay District

Dear Jen-

Sorry for the last minute nature of this letter, but I would like to submit a comment regarding the area defined for the proposed new PUDOD; specifically, I would like to request that INHS’ property at 301 S. Geneva Street be included in the overlay area.

As you know, the 301 S. Geneva Street parcel retains a zoning classification of P1, based on its former use as the Henry St. John School. That classification, though, has not been reflective of the actual use of the parcel since the 1980s, when the City closed the school and sold INHS the property. Since that time, INHS has provided a mix of housing, office space, and community space on this site. We plan to continue using the property for some mixture of those uses into the foreseeable future. Unfortunately, none of these uses are consistent with the P1 classification; in effect, our use of the property has been permitted based on the BZA granting us a series of variances. To deviate from the specifics of any of these individual variances (in Gino Leonard’s words “any changes in use whatsoever” on our property) requires us to pursue yet another variance. This is a cumbersome arrangement that puts the BZA in an awkward position, given the inappropriate P1 zoning classification.

Ideally, this situation would be resolved by rezoning the parcel to be more reflective of its longtime use as mixed commercial and multi-family residential (a use which, presumably, the City supports), but including the parcel in the proposed PUDOD would provide another way to approach the problem.

I understand the proposed boundaries of the PUDOD are intended to exclude “areas where established 1 and 2 family neighborhoods exist”. This makes perfect sense as a goal, but of course is more difficult to achieve when it comes to drawing a line on a map. The current PUDOD includes areas that seem to me to be significantly more representative of established 1 and 2 family neighborhoods than is our parcel (for example, the blocks bounded by N. Albany and N. Geneva Streets between E. Court and W. Seneca Streets, and the block immediately north of us, bounded by S. Geneva on the west, W. Clinton on the south, and E. Green on the
north). There are obvious, logical reasons for including all of those areas in this overlay district; I believe there are equally compelling reasons for including our parcel.

Thank you for consideration of this request.

Sincerely,

[Signature]

Lynn C. Truame
Senior Housing Developer
December 29, 2017

Jennifer Kusznir, Senior Planner
City of Ithaca
108 East Green St.
Ithaca, NY 14850

Re: Review Pursuant to §239 -l, -m and -n of the New York State General Municipal Law
Action: City of Ithaca Proposal to Establish a Planned Unit Development Overlay District

Dear Ms. Kusznir:

This letter acknowledges your referral of the proposal identified above for review and comment by the Tompkins County Planning and Sustainability Department pursuant to §239 -l, -m and -n of the New York State General Municipal Law. The Department has reviewed the proposal, as submitted, and has determined that it has no negative inter-community, or county-wide impacts.

Please inform us of your decision so that we can make it a part of the record.

Sincerely,

Katherine Borgella, AICP
Commissioner of Planning and Sustainability
Ms. Jennifer Kusznir, Senior Planner

City of Ithaca Department of Planning and Development

City Hall, 108 Green St

Ithaca NY 14850

Dear Ms. Kusznir,

2/7/2018

On Monday Mr. Steel, my husband came and spoke with your assistant at City Hall and queried the PUDOD zoning map and status of our property at 301 Dryden Rd. Both my neighbor Bill Lower Jr who supports me and I missed hearing about this at the time. I am the only daughter and child of the recently deceased Emilie Arnaudoff and am the sole heir of the property at 301 Dryden rd.

It appears that 241 Linden Ave owned by Bill Lower Jr, the Betsy Ching Po house on Dryden beside us and my house 301 Dryden/243 Linden Ave has been excluded from the surrounding neighborhood which is marked red in the new map of the PUDOD as the boundaries of the PUOD. This type of exclusion was not done when we became CR4 in the Collegetown design guideline’s original map. We were then clearly separated as 3 CR4 properties at the tip of the peninsula bordered by Linden Ave /Dryden Rd and Delaware Ave. This allowed us the advantage that if we chose at any future date to amalgamate our properties we would have a sizeable area for development and even if we chose not to amalgamated it would be easier to develop. (To keep up with our ever higher taxes and the surrounding competition) We feel although we are still CR4 separated from the true residential districts we lose some of our development potential by the new map by excluding us from the new PUDOD map district. Bill Lower Jr agrees with us and has said that I can write on his behalf. I am sure Betsy would agree with me as well as we are cordial and friendly neighbors.
This would be to our great disadvantage should we be planning development there or were thinking of selling to developers at some near future time.

We with our neighbor supporting are resolved to ask if we can be included in the Collegetown PUDOD district.

1) We are not directly adjacent or on the periphery to any of the privately occupied residential properties on Delaware. We can’t be considered a transition into a residential district as the surrounding properties are all student rentals and have been for many years.

2) My family bought in 1962 what was then the R3b district because it was thought to be a development zone. It was right next to and a transition from the business district. We had sacrificed certain residential amenities and quietness to be part of Collegetown. We bought 301 and another property because we were business minded. We saw properties as an investment for the future. Would it be right to exclude us from the Planned development overlay district now when the future appears to have arrived? We stand facing the new $30m Brezzano Business School as it towers above us. It is directly across the street twice the height of our building on the west side of Dryden Rd and Linden. Our corner plot is on the east side of Dryden and Linden. New million multimillion dollar investments apartments are also planned directly across from us facing us by Novarr’s company on Linden Ave. Bedsits are being planned to house graduate students and visitors of the business school. This is in direct competition with our business which rents rooms to 18 students. Novarr’s newly planned CR4 building is in the favored development overlay ours also CR4 is not in your red PUDOD zone. Todd Fox with his company Visum is developing and building at the moment also in a CR4 development district within the red PUDOD zone just a few feet from us across the street on Dryden Rd. Why we are not included in this opportunity to grow? We have all rightfully planned to be included, paid our taxes all these years patiently waiting for this very moment of opportunity. Should we see it denied to us?
We are aware the competition is increasing. Would it not then be unfair to deny us this chance to keep our peninsula of 3 properties in the PUDOD red zone?
Surely this small inclusion would not affect the properties below us and give us a more graceful transition

3) In my opinion it appears discordant that we as a CR4 are next to an 85 ft high MU2 building directly across the street on Linden Ave. I would like to see 301 Dryden rd zoned as MU1 at least for the graceful transition to step down in height from 85 ft to the MU1 height of 5 stories rather than four stories with CR4. My husband raised this MU2 height issue during the very lengthy consultation of the original Collegetown plan, because the talk was of ‘a graceful transition’ but he was dismissed.(he never asked for MU1) If we cannot be transferring down in height from MU2 to MU1 then to CR4 at least allow all three of our CR4 buildings be in your PUDOD map red district this allows us some chance against our competitors.

4) My parents were never notified or written to during the planning or building stages of what was proposed by the architects who were responsible for the building of the Brezzano Center even though our building is a few feet away. My husband and I also asked for the Brezzano building to be chamfered in a public meeting for a better transition. At that time we lost now in your PUDOD you agree this is right and advocate chamfering of high buildings on corners. Can we not agree to be included please in the red overlay district on the PUDOD map? This would help us to invest in redevelopment and compete. I realize time is running out for tonight’s meeting and it is late but this has far reaching future consequences.
Thank you for your kind attention and more than timely consideration.

I remain
Respectfully yours
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