



# COMMON COUNCIL AGENDA ITEMS **REVISED**

Date: 11-02-2022  
 Time: 6:00 PM  
 Location: Common  
 Council Chambers  
 City Hall, 108 E.  
 Green Street, Ithaca

Item	Voting Item	Presenter(s)	Time Allotted
<b>CALL TO ORDER</b>	No	Acting Mayor Lewis	10 Mins
1.1 Additions to or Deletions from the Agenda			
1.2 Proclamations/Awards			
1.3 Quarterly Employee Recognition Award			
1.4 Reports of Municipal Officials			
2.1 A Public Hearing on the Proposed 2023 City of Ithaca Budget	No	*Note: See instructions on how to participate on page 3 of the agenda.	40 Mins
2.2 Petitions and Hearings of Persons before Council	No		
2.3 Privilege of the Floor – Mayor and Council	No		
<b>CONSENT AGENDA</b>	Yes	Common Council	5 Mins
3.1 HR - Amendment to Personnel Roster – Deputy City Clerk			
3.2 Finance - Approval of the 2023 Amended Municipal Cooperative Agreement for the Greater Tompkins County Municipal Health Insurance Consortium			
3.3 DPW – Resolution to Authorize a Building Resilient Infrastructure and Communities (BRIC) Application			
<b>PLANNING &amp; ECONOMIC DEVELOPMENT COMMITTEE</b>			
4.1 Proposal for the City of Ithaca to enter into an MOU with Center for Community Transportation for a Bikeshare program in the Right-of-Way	Yes	Transportation Engineer Cuddihy	15 Mins
4.2 Adoption of the City of Ithaca Drinking Water Source Protection Plan – Resolution	Yes	Watershed Coordinator Johnston	10 Mins

Item	Voting Item	Presenter(s)	Time Allotted
<b>CITY ADMINISTRATION COMMITTEE</b>			
5.1 Adoption of the 2023 City of Ithaca Budget	Yes	Aldersperson Cantelmo	20 Mins
5.2 Adoption of 2023 City of Ithaca Tax Rate	Yes		
5.3 Adoption of 2023 Ithaca Area Wastewater Treatment Plant Budget	Yes		
5.4 A Local Law Entitled "Sidewalk Improvement District Amendments"	Yes	City Attorney Lavine	10 Mins
5.5 A Local Law Entitled "Confirmation of the Sidewalk Improvement District Assessments, Budget, and Schedule of Work for Fiscal Year 2023"	Yes	Sidewalk Program Manager Licitra	5 Mins
5.6 HR – Resolution for adoption of Juneteenth as a Paid Holiday	Yes	HR Director Michell-Nunn	10 Mins
5.7 City Controller's Report	No	City Controller Thayer	10 Mins
<b>MEMBER FILED RESOLUTIONS</b>			
6.1 Resolution – Confirming Appointment of Acting Director of Public Information and Technology	Yes	Aldersperson Lewis	5 Mins
6.2 Aldersperson Lewis - Resolution authorizing submission of an application to the NYS Housing and Community Renewal (HCR) Plus One ADU Program in partnership with Ithaca Neighborhood Housing Services (INHS)	Yes	Aldersperson Lewis – Planning Staff	10 Mins
6.3 Resolution Approving 2022 Workplan for Community Justice Center	Yes	Aldersperson Lewis	10 Mins
6.4 Resolution Approving 2023 Workplan for Community Justice Center	Yes	Aldersperson Lewis	10 Mins
<b>MAYOR'S APPOINTMENTS</b>			
7.1 Recommendation to Tompkins Consolidation Area Transit Board	Yes	Acting Mayor Lewis	5 Mins
<b>REPORTS FROM COUNCIL &amp; STAFF</b>			
8.1 Reports of Special Committees	No	Common Council and Staff	10 Mins
8.2 Reports of Common Council Liaisons			
8.3 Report of City Clerk			
8.4 Report of City Attorney			
<b>NEW BUSINESS</b>			
9.1 Motion to Enter into Executive Session to Discuss the Proposed Acquisition, Sale, or Lease of Real Property			
<b>MEETING WRAP-UP</b>			
10.1 Adjournment	No	Acting Mayor Lewis	5 Mins

## **Hybrid Meetings**

Common Council has resumed meeting in person; however, due to limited seating capacity in Common Council Chambers, city staff and members of the public are encouraged to participate remotely if they would like to.

## **How to Participate in Public Comment Virtually Email Common Council Through the Agenda Link**

Written comments can be submitted to Common Council using this form: [Common Council Public Comment Form](#). Comments should be submitted no later than 5:00 pm on the day of the meeting so that the Mayor and Common Council members have an opportunity to read them prior to the meeting.

## **Register to Speak at the Meeting Via Zoom**

At 9:00 am on the day of the Common Council meeting, a link will be opened on the [Common Council webpage](#) for people to register to speak at the beginning of the meeting. Registration will close at 3:00 pm in order to allow time to calculate how long each person will be allowed to speak. The first hour of the meeting will be dedicated to public speaking. If you register, you will be emailed the Zoom link later that day.

All meetings are live streamed to the City's YouTube Channel:

<https://www.youtube.com/c/CityofIthacaPublicMeetings>

Questions about the meeting protocol can be forwarded to City Clerk Julie Conley Holcomb at (607) 274-6570 or [jholcomb@cityofithaca.org](mailto:jholcomb@cityofithaca.org) in advance of the meeting.

**CONSENT AGENDA:**  
**CITY ADMINISTRATION COMMITTEE:**  
**3.1 HR - Amendment to Personnel Roster – Deputy City Clerk**

WHEREAS, the Department of Public Information and Technology was created in 2014,  
and

WHEREAS, the City Clerk was able to assume the management of the new department at  
that time and has since decided to retire, and

WHEREAS, it is anticipated that a new Director of Public Information would bring a  
different skill set due to the diversity of the position duties and it is necessary to have a  
dedicated resource to assist the Director on specific city clerk duties, and

WHEREAS, Common Council authorized a position to support the four City Commissions  
and these duties are related to some Deputy City Clerk duties and have therefore, been  
incorporated into the Deputy City Clerk job description; now, therefore, be it

**RESOLVED**, That the Personnel Roster of the Department of Public Information and  
Technology be amended as follows:

    Add:    One (1) Deputy City Clerk

and be it further

**RESOLVED**, That the position of Deputy City Clerk shall be assigned to the Management  
Compensation Plan at salary grade 6, and be it further

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

**RESOLVED**, That the funding for this change shall be derived from monies authorized in  
Restricted Contingency as part of the 2022 Authorized Budget, and be it further

**RESOLVED**, That Common Council hereby directs the Controller to move funds from  
Restricted Contingency to the Department of Public Information and Technology as  
necessary to account for said roster amendment.

### **3.2 – Finance - Approval of the 2023 Amended Municipal Cooperative Agreement for the Greater Tompkins County Municipal Health Insurance Consortium**

WHEREAS, the City of Ithaca is a Participant in the Greater Tompkins County Municipal Health Insurance Consortium (the "Consortium"), a municipal cooperative organized under Article 47 of the New York Insurance Law, and

WHEREAS, the municipal participants in the Consortium, have approved and executed a certain Municipal Cooperation Agreement (the "Agreement"; effective date of October 1, 2010) and the 2023 Amendment that provides for the operation and governance of the Consortium, and

WHEREAS, the Consortium's Board of Directors has recommended approval of the 2023 amended agreement, and

WHEREAS, the Municipal Cooperative Agreement requires that amendments to the agreement be presented to each participant for review and adopted by each municipal board; now, therefore, be it

**RESOLVED**, That the City of Ithaca approves and authorizes the Chief Executive Officer to sign the 2023 Amendment to the Municipal Cooperative Agreement of the Greater Tompkins County Municipal Health Insurance Consortium, and be it further

**RESOLVED**, That the Clerk of the City of Ithaca is hereby authorized to execute this Resolution to indicate its approval, transmit a copy thereof to the Board of Directors of the Greater Tompkins County Municipal Health Insurance Consortium, and take any other such actions as may be required by law.

### **3.3 Resolution to Authorize a Building Resilient Infrastructure and Communities (BRIC) Application**

WHEREAS, the Federal Emergency Management Agency (FEMA) has announced a funding opportunity for the Building Resilient Infrastructure and Communities (BRIC) grant, and

WHEREAS, the City of Ithaca completed a Local Flood Hazard Analysis (LFHA) in 2020, which identified flood risks from a 100-year (1% probability) event along with specific mitigation measures to reduce those flood risks, and

WHEREAS, the City of Ithaca recently adopted the FEMA approved Hazard Mitigation Plan update prepared by Tompkins County, which includes the mitigation measures identified in the LFHA, and

WHEREAS, FEMA recently issued draft flood maps for the City of Ithaca which are consistent with the flood risks identified in the LFHA, and will eventually replace the 1981 Flood Insurance Rate Maps (FIRMs), and show a significantly larger flood zone than the 1981 FIRMs which will greatly affect the number of properties requiring flood insurance, and

WHEREAS, the proposed mitigation measures will increase flow capacity for Fall, Cascadilla, and Six Mile Creeks, prevent backflow related flooding through the storm system, reduce flood risk for large portions of the City, and reduce the flood zones shown on the proposed FEMA maps, now therefore be it

**RESOLVED**, That the Mayor of the City of Ithaca, is hereby authorized and directed to submit an application in accordance with the provisions of the BRIC grant, in an amount not to exceed \$12,000,000, and upon approval of said request to enter into and execute a project agreement for such financial assistance to the City of Ithaca for design, right-of-way acquisition, construction and construction inspection of a project as described above, and it is hereby further

**RESOLVED**, That contingent upon award of the BRIC funds, the Common Council hereby authorizes the establishment of Capital Project #913 to pay in the first instance 100% of the federal and non-federal share of the cost of all work for the Project; and it is further

**RESOLVED**, That contingent upon award of the BRIC funds, the sum not to exceed \$3,000,000 is hereby appropriated from serial bonds and made available to cover the cost of participation in the above Project in the first instance; and it is further

**RESOLVED**, That the total project cost shall not exceed \$12,000,000 with the understanding that the breakdown of funds to be approximately \$9,000,000 in BRIC funds, and \$3,000,000 in City of Ithaca serial bond financing, to be administered by the Superintendent of Public Works, and be it further

**RESOLVED**, That in the event the full federal and non-federal share costs of the project exceed the amount appropriated above, the City of Ithaca Common Council shall convene as soon as

possible to appropriate said excess amount immediately upon the notification by FEMA thereof; and it is further

**RESOLVED**, That the Mayor of the City of Ithaca be and is hereby authorized to execute all necessary Agreements, and that the Superintendent of Public Works is hereby authorized to execute all certifications or reimbursement requests for BRIC funding on behalf of the City of Ithaca in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and all Project costs that are not so eligible; and it is further

**RESOLVED**, That this Resolution shall take effect immediately.

**PLANNING & ECONOMIC DEVELOPMENT COMMITTEE:**

**4.1 Proposal for the City of Ithaca to enter into an MOU with Center for Community Transportation for a Bikeshare program in the Right-of-Way**

WHEREAS, the City of Ithaca desires to provide safe and affordable multi-modal transportation options to all residents, reduce traffic congestion, and maximize carbon-free mobility, and

WHEREAS, in furtherance of its transportation goals, the City desires to make bikeshare services available to City residents, visitors, and commuters, and

WHEREAS, the Center for Community Transportation (CCT) proposes to operate a bikeshare program within the City that will efficiently and effectively provide such bikeshare services, and

WHEREAS, CCT and the City have agreed upon the attached MOU language and wish to enter into the MOU for CCT to provide bikeshare services in the City, and

WHEREAS, CCT and the City are parties to a certain “Funding Agreement for between the City of Ithaca and Center for Community Transportation for the Center for Community Transportation’s Purchase of Electric Bicycles to Establish a Community Bike Share Program” that would facilitate the purchase of bicycles for use in the bikeshare program for the City of Ithaca, which agreement constitutes consideration for this Agreement; now, therefore be it

**RESOLVED**, That Common Council hereby agrees that the City may enter into the MOU agreement with CCT under the terms of the attached MOU.



#### **4.2 Adoption of the *City of Ithaca Drinking Water Source Protection Plan – Resolution***

WHEREAS, first established in 1903, the City of Ithaca Drinking Water Plant (DWP), serves approximately thirty thousand citizens, as well as visitors and businesses of the City of Ithaca, and is sourced by the Six Mile Creek watershed, and

WHEREAS, the Six Mile Creek watershed covers over 52 square acres, a surface water source fed by Six Mile Creek which is approximately 15.6 miles long, and its 31 unnamed tributaries extending into the Towns of Ithaca, Danby, Caroline and Dryden, and

WHEREAS, the purpose of developing a long-term protection plan for source water(s) is to protect public health and safety, and the environment by preventing pollutants from entering the drinking water supply, and

WHEREAS, preventing pollution at the source ultimately decreases water treatment costs and increases public confidence in their drinking water supply, and in many communities, source water protection efforts increase public awareness and strengthen intermunicipal partnerships during both planning and implementation phases, and

WHEREAS, the New York State Departments of Environmental Conservation (DEC) and Health (DOH) created the Drinking Water Source Protection Program (DWSP2) to focus on source water protection utilizing an adaptive management approach to assist municipalities with proactively protecting their drinking water sources by establishing an implementation plan that identifies specific issues and threats to drinking water supply, priority actions, resources and a timeline required for implementation, with a local Plan Management Team tasked with evaluating and reporting progress, and

WHEREAS, the DEC developed a guidance document that communities can use to develop their drinking water source protection plan called "*A Framework for Creating a Drinking Water Source Protection Program Plan*" (Framework), and in August 2021 the DWP was awarded technical assistance by Barton and Loguidice to develop the City of Ithaca's DWSP2, and

WHEREAS, in accordance with the Framework, the DWP created a Stakeholder Committee composed of representatives from the Towns of Caroline, and Dryden, farms and businesses, Tompkins County Planning and Soil & Water Conservation, the Finger Lakes Land Trust, City of Ithaca Departments of Planning and Water & Sewer, and Common Council, to work with Department of Public Works staff and Barton & Loguidice technical consultants to gather information and prepare the draft plan, and

WHEREAS, the draft *City of Ithaca Drinking Water Source Protection Plan* (CI DWSP2) was shared via a presentation at the July 20<sup>th</sup>, 2022, Planning and Economic Development Committee meeting, and

WHEREAS, the draft CI DWSP2 document and appendices was presented to the Planning & Economic Development Committee on August 17<sup>th</sup>, and following that meeting, was circulated for additional comment, and

WHEREAS, the draft CI DWSP2 was submitted to the State Departments of DEC and DOH for review and approval, Barton and Loguidice incorporated the State's comments, and the State approved the plan on September 27<sup>th</sup>, 2022, and

WHEREAS, DEC and DOH comments were minor and are included in a responsiveness summary in the final CI DWSP2, and

WHEREAS, Adoption of the CI DWSP2 will increase access to funding for needed watershed projects, and

WHEREAS, Adoption of the CI DWSP2 was considered under SEQR and classified as a Type II Action per section 617.5(c) (27), and the CI DWSP2 does not commit the City of Ithaca or its Department of Public Works to engage in any specific action, and

WHEREAS, a public hearing for the adoption of the CI DWSP2 was held on October 19, 2022, and

WHEREAS, the Common Council has considered the *City of Ithaca Drinking Water Source Protection Plan* as recommended by the Planning and Economic Development Committee; now, therefore, be it

**RESOLVED**, That the Common Council hereby adopts the *City of Ithaca Drinking Water Source Protection Plan*, dated September, 2022, and be it further

**RESOLVED**, That this *City of Ithaca Drinking Water Source Protection Plan* shall serve as a guide for future decisions made regarding protection and management actions of the City of Ithaca's drinking water source, Six Mile Creek, and be it further

**RESOLVED**, That City of Ithaca Drinking Water Plant staff, as part of a broader Project Management Team, perform regular reviews and updates of the *City of Ithaca Drinking Water Source Protection Plan* every five years.

**CITY ADMINISTRATION COMMITTEE:**

**5.1 Adoption of 2023 Budget**

WHEREAS, this Common Council is now considering adoption of the Amended Executive Budget for 2023 at its November 2, 2022, meeting as approved by the Committee of the Whole, and

WHEREAS, it is the consensus of this Common Council that the total appropriations and estimated revenues, as set forth in said Amended Executive Budget for 2023, and as those amounts may be altered by action of this Common Council at its November 2, 2022, meeting, are adequate for the operation of the City during 2023; now, therefore be it

**RESOLVED**, That this Common Council accepts and approves said Amended Executive Budget for 2023, together with any additional changes made in said budget at Council's November 2, 2022, meeting as the City of Ithaca Budget for 2023, in the total amount of \$90,350,883, and be it further

**RESOLVED**, That the following sections of the 2023 Budget be approved:

- A) General Fund Appropriations
- B) Water Fund Appropriations
- C) Sewer Fund Appropriations
- D) Solid Waste Fund Appropriations
- E) Sidewalk Special District Fund Appropriations
- F) Stormwater Drainage Special District Fund Appropriations
- G) General Fund Revenues
- H) Water Fund Revenues
- I) Sewer Fund Revenues
- J) Solid Waste Fund Revenues
- K) Sidewalk Special District Fund Revenue
- L) Stormwater Drainage Special District Fund Revenue
- M) Debt Retirement Schedule
- N) Capital Projects
- O) Schedule of Salaries and Positions - General Fund
- P) Schedule of Salaries and Positions - Water & Sewer Fund
- Q) Schedule of Salaries and Positions - Sidewalk Special District Fund
- R) Schedule of Salaries and Positions - Solid Waste Fund
- S) Schedule of Salaries and Positions – Stormwater Drainage Special District Fund
- T) Authorized Equipment - General Fund
- U) Authorized Equipment - Water Fund
- V) Authorized Equipment - Sewer Fund
- W) Authorized Equipment - Solid Waste Fund
- X) Authorized Equipment - Sidewalk Special District Fund Balance
- Y) Authorized Equipment - Stormwater Drainage Special District Fund

## **5.2 Adoption of 2023 Tax Rate**

WHEREAS, the 2023 City of Ithaca Budget was approved, adopted, and confirmed in the total amount of \$90,350,883 on November 2, 2022, in accordance with a detailed Budget on file in the Office of the City Controller, and

WHEREAS, available and estimated revenues total \$61,120,458 leaving \$29,230,425 as the amount to be raised by taxation, and

WHEREAS, the Assessment Roll for 2023 certified and filed by the Assessment Department of Tompkins County, has been footed and approved and shows the total net taxable valuation as \$2,439,935,327, and

WHEREAS, under Charter provisions, the tax limit for City purposes amounts to \$44,076,279 for 2023; now, therefore, be it

**RESOLVED**, That the tax rate for general purposes, for the fiscal year 2023, be, and the same hereby is, established and fixed at \$11.98 per \$1,000 of taxable valuation as shown, certified and extended against the respective properties on the 2023 Tax Roll, thereby making a total tax levy, as near as may be, of \$29,230,425, and be it further

**RESOLVED**, That the amount of said tax levy be spread, and the same hereby is levied upon and against the respective properties as shown on said City Tax Roll, in accordance with their respective net taxable valuation, at the rate of \$11.98 per \$1,000 of such taxable valuation, and be it further

**RESOLVED**, That the City Chamberlain be, and hereby is, directed to extend and apportion the City Tax as above, and that upon the completion of the extension of said Roll, the City Clerk shall prepare a warrant on the City Chamberlain for the collection of said levy; and the Mayor and the City Clerk hereby are authorized and directed to sign and affix the corporate seal to such warrant and forthwith to file the same with said Tax Roll with the City Chamberlain, and be it further

**RESOLVED**, That upon the execution and filing of said warrant and Tax Roll with the City Chamberlain, the amounts of the City Tax set opposite each and every property shall hereby become liens, due, payable and collectible in accordance with provisions of the City Charter and other laws applicable thereto, and be it further

**RESOLVED**, That the total sum of \$90,350,883 be appropriated in accordance with the adopted Budget to the respective Boards, Offices, and Departments of the City, for the purposes respectively set forth therein. The 2023 Assessment Roll has been completed and approved by the Assessment Department of Tompkins County and resulted in the following valuation:

Total Value of Real Property	\$5,818,078,229
Less: Value of Exempt Property	<u>\$3,421,034,300</u>
	\$2,397,043,929
Plus: Value of Special Franchises	\$42,891,398
Net Value of Taxable Property	\$2,439,935,327

### **5.3 Adoption of 2023 Ithaca Area Wastewater Treatment Plant Budget**

WHEREAS, this Common Council is now considering adoption of the Amended Joint Activity Fund Budget for 2023 as approved by the Committee of the Whole, and

WHEREAS, it is the consensus of this Common Council that the total appropriations and estimated revenues, as set forth in said Amended Joint Activity Fund Budget for 2023 and as those amounts may be altered by action of the Common Council at its November 2, 2022, meeting, are adequate for the operation of the Ithaca Area Wastewater Treatment Plant during 2023; now, therefore, be it

**RESOLVED**, That this Common Council accepts and approves said Amended Joint Activity Fund Budget for 2023, together with any additional changes made in said budget at Council's November 2, 2022, meeting, as the Ithaca Area Wastewater Treatment Plant Joint Activity Fund Budget for 2023, in the total amount of \$5,852,844; and be it further

**RESOLVED**, That the following sections of the 2023 Ithaca Area Wastewater Treatment Plant Joint Activity Fund Budget be approved:

- A) Joint Activity Fund Appropriations
- B) Joint Activity Fund Revenues
- C) Schedule of Salaries and Positions – Joint Activity Fund
- D) Authorized Equipment – Joint Activity Fund

#### **5.4 A Local Law Entitled “Sidewalk Improvement District Amendments”**

WHEREAS, Section C-73 of the City Charter creates five Sidewalk Improvement Districts (each a “SID”) for the construction and repair of sidewalk, and provides for an assessment against each property located in each SID for the benefits received by the property from said construction and repair, and

WHEREAS, the Common Council concludes that it is appropriate to increase the assessments for each SID in the City, and

WHEREAS, pursuant to Municipal Home Rule Law Section 10(1)(ii)(c)(3) the City of Ithaca is authorized to adopt a local law relating to the authorization, making, confirmation, and correction of benefit assessments for local improvements, now therefore

#### **Local Law No. 2022 - \_\_\_\_**

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

#### **Section 1. Legislative Findings, Intent, and Purpose.**

Pursuant to Municipal Home Rule Law Section 10(1)(ii)(c)(3) the City of Ithaca is authorized to adopt a local law relating to the authorization, making, confirmation, and correction of benefit assessments for local improvements. The Common Council concludes that certain adjustments to the SID assessment formula are appropriate.

The Common Council makes the following findings of fact:

- A. It has been nearly a decade since the Common Council originally set the fee levels the SID program. Across that time—and despite two intervening technical amendments that did not substantially alter the finances of the program—the annual revenue to the program has held relatively constant, while inflation has increased the program’s costs.
- B. The Common Council now seeks to increase the SID fees in order to increase the amount of annual sidewalk work that can be achieved in each SID.

#### **Section 2. Charter Amendments.**

- A. The Definition of Annual Maintenance Fee in Section C-73(C)(1) of the Ithaca City Charter is hereby amended as follows:

The annual maintenance fee for nondevelopable lots and sliver lots is \$0; for low-foot-traffic lots, it is [~~\$70~~]**\$80**; and for all other lots, it is [~~\$140~~]**\$150**.

- B. Subsections C-73(C)(2)(a) and (b) of the Ithaca City Charter are hereby amended as follows:

(a) Square footage fee. The square footage fee for all low-foot-traffic lots and double-low-foot-traffic lots shall be \$0. For all other lots, the lot’s square

footage fee shall be equal to the lot's building square footage times [~~\$0.015~~]  
**\$0.02**.

- (b) Frontage fee. The frontage fee for all low-foot-traffic lots and double-low-foot-traffic lots shall be \$0. For all other lots, the frontage fee shall be [~~\$30~~] **\$50** for each 55 feet of front feet or portion thereof.

**Section 3. Severability Clause.**

Severability is intended throughout and within the provisions of this Local Law. If any section, subsection, sentence, clause, phrase, or portion of this Local Law is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Local Law or of those portions of Section C-73 not amended by this Local Law.

**Section 4. Effective and Operative Date.**

This Local Law shall be effective, following the passage of forty-five (45) days after the adoption of this Local Law and after filing in the office of the Secretary of State, January 1, 2023, and retroactive to that date if applicable. This Local Law is subject to referendum on petition pursuant to Municipal Home Rule Law Section 24.

**5.5 A Local Law entitled “Confirmation of the Sidewalk Improvement District Assessments, Budget, and Schedule of Work for Fiscal Year 2023”**

WHEREAS, Section C-73 of the City Charter creates five Sidewalk Improvement Districts (each a “SID”) for the construction and repair of sidewalk, and provides for an assessment against each property located in each SID for the benefits received by the property from said construction and repair, and

WHEREAS, the Board of Public Works has recommended a budget, schedule of work, and schedule of assessments for Fiscal Year 2023, subject to review, amendment, and confirmation by the Common Council, and

WHEREAS, Section C-73 provides that Council shall amend as appropriate and confirm the SID assessments, budget, and schedule of work after a public hearing, and

WHEREAS, the appropriate public hearing has been held, and Council has given due consideration to the comments made, if any, now, therefore

**Local Law No. 2022 -**

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

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

Pursuant to Municipal Home Rule Law Section 10(1)(ii)(c)(3) the City of Ithaca is authorized to adopt a local law relating to the authorization, making, confirmation, and correction of benefit assessments for local improvements.

The Common Council has reviewed the assessments, budget, and schedule of work recommended by the Board of Public Works for Fiscal Year 2023, and makes the following findings of fact:

- A. The public hearing prior to confirmation required by Section C-73 has been held, and all owners of property subject to a SID assessment appearing to speak before Council have had an opportunity to do so.
- B. The attached schedule of work, as recommended by BPW and previously subject to review by Council, constitutes a set of local improvements, the cost of which should be assessed against the properties located in the SID in which the work is to be performed.
- C. The attached budget, and the related assessments reflected on the assessment roll kept on file with the City Clerk, are necessary to defray the cost of construction and maintenance of sidewalk in the City, and Council has made a legislative judgment that each property in each SID is being assessed in proportion to the benefit received by that property from the sidewalk construction and repair contained in the schedule of work.



## **Section 2. Confirmation of the Assessments, Schedule of Work, and Budget.**

The Common Council approves and confirms version "B" of the assessment roll, a copy of which is maintained in the City Clerk's office, and version "B" of the budget and schedule of work attached hereto and imposes a lien upon each property so assessed as set forth in the assessment roll.

In the event there are additional funds available following completion of the schedule of work, or changes to the work plan are required for financial, engineering, or other reasons, the Superintendent of Public Works or his or her designee may alter the schedule of work in his or her discretion, as instructed by the Board of Public Works from time to time; provided, however, that if such actions affect ten percent or more of any Sidewalk Improvement District's annual levy, such actions must be approved by resolution of the Board of Public Works.

## **Section 3. Severability Clause.**

Severability is intended throughout and within the provisions of this Local Law. If any section, subsection, sentence, clause, phrase, or portion of this Local Law is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Local Law.

## **Section 4. Effective and Operative Date.**

This Local Law shall be effective immediately after filing in the office of the Secretary of State.

## **5.6 HR – Resolution for Adoption of Juneteenth as a Paid Employee Holiday**

WHEREAS, slavery was a deeply embedded American institution and is a direct contradiction to the nation's ideals of freedom, and

WHEREAS, beginning in the late 15<sup>th</sup> century African or African Diasporic people were kidnapped and forced into slavery and shipped to the “New World” (South, Central and North America) in what is part of Maafa, a Kiswahili\* term for disaster, calamity, or terrible occurrence to describe the history of atrocities inflicted on African peoples, and

WHEREAS, the term Black, African American and African diasporic people is used to include people of African descent who were born in the Caribbean, Central and South America who at times were also enslaved in the United States, at some points on the same plantations, and

WHEREAS, Black people were victims of the Trans-Atlantic Slave Trade, and

WHEREAS, on slave ships Black people were packed by the 100s in inhumane conditions where many contracted diseases like yellow fever, malaria, smallpox and dysentery; and women/girls were subjected to sexual assault at the hands of European crewmen, and

WHEREAS, New Amsterdam and then New York participated actively in the Trans-Atlantic Slave Trade from 1626 until 1808, and

WHEREAS, New York State officially ended legal enslavement in 1827, but self-emancipated New Yorkers remained under threat of re-enslavement until after the Civil War, and

WHEREAS, on January 1, 1863, the Emancipation Proclamation legally ended slavery in the Confederate states, however White enslavers refused to comply with the proclamation which prolonged slavery in these states, and

WHEREAS, at least 26 Black men from Tompkins County enlisted and fought for the Union Army in the Civil War which was premised on the abolition of slavery and the emancipation of all people who were still enslaved, and

WHEREAS, freedom fighter Harriet Tubman, known as the Black Moses of her people, resided in nearby Auburn, New York, was the first woman in American history to lead a military assault; the successful Combahee Ferry Raid which freed more than 700 people from slavery; Tubman also served in the Union Army as a nurse and spy, and

WHEREAS, Ithaca was home to many former enslaved people who escaped bondage in the South, and the City of Ithaca was a known passage way for the underground railroad (most notably the St. James A.M.E. Zion church), and

WHEREAS, Juneteenth, also known as Emancipation Day, Freedom Day, Jubilee Day, Juneteenth Independence Day, and Black Independence Day, commemorates the day June 19, 1865 when Major General Gordon Granger arrived in Galveston, Texas and announced the end of the Civil War and the end of slavery, and

WHEREAS, Juneteenth honors the history, perseverance, and achievements of Black people and celebrates America's progress and continuing commitment to realizing the principles of liberty and equality upon which this nation expounds, and

WHEREAS, President Joseph Robinette Biden, Jr. signed legislation on June 17, 2021, making Juneteenth a Federal holiday, enshrining June 19<sup>th</sup> as a national day to commemorate the end of slavery in the United States, and

WHEREAS, as of July 1, 2022, in twenty-one states plus the District of Columbia, Juneteenth is observed as a permanent paid and/or legal holiday, and

WHEREAS, the Tompkins County institutions of higher learning including Cornell University, Ithaca College and Tompkins Cortland Community College, local school districts, Tompkins County plus many nationally known businesses have joined in the celebration and commemoration and adopted Juneteenth as an official holiday, and

WHEREAS, this Juneteenth recognition supports the advancement of City of Ithaca values of integrity, respect, accountability, and equity, and

WHEREAS, the Workforce Diversity Advisory Committee recommends that Juneteenth be a paid City employee holiday; now, therefore, be it

**RESOLVED**, That the City of Ithaca Common Council officially declares Juneteenth as a City holiday, and be it further

**RESOLVED**, That Common Council authorizes the mayor to negotiate with various bargaining units to honor the observance of Juneteenth as a paid City holiday beginning in 2023, and be it further

**RESOLVED**, That the holiday shall be added to the Managerial Fringe Benefits.

*\*Kiswahili means language of the Swahili people.*