

CERTIFICATION & AUTHENTICATION OF LOCAL LAW NO. 2024-02

(COPY ATTACHED)

A Local Law Clarifying the Authority of the Common Council, Mayor, and City Manager with Respect to Certain Department Heads

WHEREAS, on November 3, 2021, the Common Council passed Local Law No. 2022 – 07, as subsequently and overwhelmingly approved by the voters at referendum on November 8, 2022, and filed with the Secretary of State on December 23, 2022, thus restructuring the City to a Council-Manager form of government effective January 1, 2024; and

WHEREAS, on October 8, 2023, the Common Council passed Local Law No. 2023 – 04, filed with the Secretary of State on October 25, 2023, to further implement the transition to a Council-Manager form of government by clarifying the role of the City Manager and the duties, authority, appointment, and removal of that position; and

WHEREAS, as amended, Section C-5(C)(4) vests the authority to appoint certain department heads and other officers in the City Manager, subject to the approval of Common Council; and

WHEREAS, Sections 22 and 26 of the Ithaca City Charter were not amended at the time of the passage of either Local Law 2022 – 07 or Local Law 2023 – 04, and now require revision to eliminate inconsistencies relating to the authority of the City Manager, Mayor, and Common Council with respect to certain department heads; now therefore,

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

Local Law No. 2024 – 02

Section 1. Legislative Findings, Intent, and Purpose

The Common Council makes the following findings:

1. The Common Council, by Local Law 2022 – 07, created the position of City Manager to enable the City to engage a qualified professional to serve in the role of City Manager as the Chief Executive Officer with oversight for the administrative and executive functions of the City.
2. The Common Council, by Local Law 2023 – 04, further delineated the City Manager’s duties, authority, and the applicable appointment and removal procedures for the position.
3. The City Charter requires further amendments to fully implement the transition to the Council-Manager form of government and to eliminate inconsistencies therein relating to searches for, appointments of, and supervision of certain department heads.

Based upon the above findings, the intent and purpose of this Local Law is to clarify the roles of the City Manager, Mayor, and Common Council with respect to certain department heads.

Section 2. Charter Amendments

This Section 2 amends only the following provisions of the Ithaca City Charter, with the remainder of the provisions unchanged:

- (a) The text of Section 22 of the Ithaca City Charter, titled “Department heads, deputies and assistants”, is amended as follows:

§ C-22 Department heads, deputies, and assistants.

A. The department heads of the City of Ithaca, as defined in § C-5C(2) and § C-5C(4) of this Charter, shall be vested with the following authorities and duties, subject to the powers and supervision of the City Manager (as described in § C-12B) and subject to the general legislative powers of the Common Council (as described in § C-35):

- (1) To appoint, discipline and remove as necessary, all subordinate officers and employees of their respective departments;
- (2) To direct and supervise the work of the officers and employees of their respective departments;
- (3) To organize and manage the work of their respective departments, and assign and transfer administrative functions, tasks and responsibilities within their respective departments, as is in the best interest of the City;
- (4) To exercise all powers and carry out all responsibilities vested in the office which the department head holds, on behalf of the City;
- (5) To make and authorize necessary expenditures to carry out the responsibilities of their respective departments, in accordance with authorized budgetary allocations and established financial procedures;
- (6) To exercise such other responsibilities and perform such other duties as may be prescribed by the Charter, state or local law, or assigned by the City Manager or Common Council.

B. The deputy and assistant department heads of the City of Ithaca, as defined in § C-5C(5) of this Charter, shall generally assist their superiors in the execution of their powers and duties and may perform such part or portion of such duties as designated by such superiors and, in the absence, inability or temporary vacancy of their respective superiors, shall act as such and, when so acting, shall have all the powers of such office.

(b) The text of Section 26 of the Ithaca City Charter, titled “Appointment of officers”, is amended as follows:

§ C-26 Appointment of officers.

A. Those department heads of the City listed in § C-5C(4) of the Charter shall be appointed in accordance with the search process established in this section.

B. Recruitment for vacant department head positions shall be conducted in accordance with current recruitment procedures and policies, including the Workforce Diversity Plan.

C. A search committee for the vacant department head position shall be established by the City Manager and shall comprise the following individuals:

(1) Three members of the Common Council, to be selected by the Common Council. If there is a lay board or commission that oversees the department in which the vacancy exists, the Council liaison to that board or commission shall be one of these three search committee members;

(2) Three members of appropriate lay boards or commissions, to be selected by those boards or commissions;

(a) The City Manager shall designate the appropriate lay boards or commissions.

(b) In light of the historical and contractual relationship between the City and the Board of Directors of the Greater Ithaca Activities Center, Inc., three members of the Board of Directors of the Greater Ithaca Activities Center, Inc., shall fulfill this role on the search committee for the Greater Ithaca Activities Center Director.

(c) In the absence of appropriate lay boards or commissions, the City Manager may appoint three other appropriate individuals, which could include a member or members of City staff, to fulfill this role.

(3) One person with professional experience in the job area at issue, to be appointed by the City Manager;

(4) Except when the appointment is to the position of Director of Human Resources, the Director of Human Resources, as a nonvoting member. The Director of Human Resources shall facilitate the search process;

(5) A representative of the Workforce Diversity Advisory Committee, to be selected by the Workforce Diversity Advisory Committee, as a nonvoting member;

- (6) Other nonvoting members as the City Manager deems necessary and appoints.
- D. The search committee shall follow and comply with all current interviewing and selection policies and procedures, as well as all local, state, and federal laws, rules, and regulations concerning hiring practices and procedures.
- E. Following candidate interviews and related selection processes, the search committee shall select a minimum of two candidates as finalists, and shall forward their names in rank order to the City Manager for consideration.
- F. The City Manager shall either make a selection from the candidates who were forwarded by the search committee or request that the search be reopened, if appropriate.
- G. Following the selection of a candidate, the City Manager shall forward the candidate's name and proposed salary to Common Council for consideration. An appointment made pursuant to this section shall be deemed to be made upon approval by a majority vote of Common Council.
- H. An appointment made pursuant to this section shall be for an indefinite term.
- I. Upon request of the City Manager, and with the affirmative vote of 2/3 of the Common Council, this search committee procedure may be waived and the City Manager may make an appointment directly, with the approval of Common Council by a majority vote. For the position of Greater Ithaca Activities Center Director, the affirmative vote of 2/3 of the Board of Directors of the Greater Ithaca Activities Center, Inc., shall also be required to waive this search committee procedure and to approve the direct appointment.

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 upon filing in the office of the Secretary of State.

Carried Unanimously 10-0 Roll Call Vote

Local Law 2024-02- Clarifying the Authority of the Common Council, Mayor, and City Manager with Respect to Certain Department Heads.

The question of the adoption of the foregoing Local Law was duly put to a vote on roll call, which resulted as follows:

<u>Kayla Matos-</u>	<u>Yes</u>
<u>Phoebe Brown</u>	<u>Yes</u>
<u>Ducson Nguyen (Win)</u>	<u>Yes</u>
<u>Pierre Saint-Perez</u>	<u>Yes</u>
<u>David Shapiro</u>	<u>Yes</u>
<u>Tiffany Kumar</u>	<u>Yes</u>
<u>Patrick Kuehl</u>	<u>Yes</u>
<u>Margaret Fabrizio</u>	<u>Yes</u>
<u>Clyde Lederman</u>	<u>Yes</u>
<u>Mayor Robert Cantelmo</u>	<u>Yes</u>

The resolution was thereupon declared duly adopted.

STATE OF NEW YORK
COUNTY OF TOMPKINS **ss:**
CITY OF ITHACA

I, Alan Karasin, Acting City Clerk of the City of Ithaca, New York, do hereby certify that the foregoing is a true and exact copy of Local Law No. 02 of the year 2024 entitled “**Clarifying the Authority of the Common Council, Mayor, and City Manager with Respect to Certain Department Heads**” duly adopted by the Common Council of said City of Ithaca at a Regular Meeting held on the 10th day of July 2024

IN WITNESS WHEREOF, I have hereunto set my hand and the Corporate Seal of the City of Ithaca, New York, this 11th day of July 2024

Alan Karasin Acting City Clerk

(SEAL)