



CITY ADMINISTRATION COMMITTEE AGENDA

Date: Wednesday, June 28, 2023
 Time: 6:00 P.M.
 Location: City Hall, 108 E. Green Street 3rd Floor, Council Chambers
 Watch Online: <https://www.youtube.com/@CityofIthacaPublicMeetings>

ITEM?	Voting Item?	Presenter(s)	Time Allotted
1. Call to Order 1.1 Agenda Review 1.2 Review and Approval of Minutes <i>May 24, 2023, minutes</i>	No Yes	Chair, Robert Cantelmo	5 Min
2. Petitions and Hearings of Persons Before Council 2.1 Statements from the Public The public can provide short statements during this portion of the meeting. 3 minutes is the maximum time allotted, but the chair reserves the right to modify the amount of time per individual at the start of the meeting. Only the first hour of the meeting is set aside for Public Comment. <i>*Written comments submitted will be compiled and entered into the record.</i> 2.2 Committee Member Response	No No	Sign up for public comment here: https://bit.ly/3pDc1LD *Submit written comments here: https://j.mp/2XUYUdW	30 Min
3. Consent Agenda 3.1 DPW – Amend 2023 Golf Course Budget for Donation 3.2 IYB-YES UWTC Resolution 3.3 IYB-YES JYC Resolution 3.4 IYB-YES TSYEP Resolution 3.5 Salary Correction – DPW	Yes		5 Min
4. Administration, Human Resources, & Policy 4.1 Amendment to Personnel Roster – DPW – Manager of Parking and Commons Operations 4.2 Amendment to Personnel Roster – Fire – Administrative Staff 4.3 Create the Position of City Manager and Establish the Standard Work Day 4.4 Firearm Safety Ordinance	Yes Yes Yes Yes	M. Thorne, Sup. Public Works R. Covert, Fire Chief S. Michell-Nunn, Dir. HR R. Cantelmo, Chair	5 Min 5 Min 5 Min 15 Min
5. Finance, Budget, & Appropriations 5.1 DPW – Authorization of Hazard Mitigation Grant Program Application 5.2 Fund an Executive Search Firm to Conduct the Search for a City Manager	Yes Yes	M. Thorne, Sup. Public Works S. Michell-Nunn, HR Director	10 Min 10 Min
6. City Manager Transition <i>No items submitted</i>			
7. Other Business 7.1 Discussion on Ithaca Protection of Transgender and Gender Rights	No	J. DeFendini, Councilmember	20 Min
8. Meeting Wrap-Up 8.1 Announcements 8.2 Next Meeting Date: July 26 8.3 Review Agenda Items for Next Meeting 8.4 Adjourn	No No No Yes		5 Min
		Meeting Length Estimate	115 Min

3. CONSENT AGENDA

3.1 DPW – Amend 2023 Authorized DPW Golf Course Budget for Donation

WHEREAS, the City of Ithaca received a donation from the Friends of Newman to assist with costs associated with the replacement of the Clubhouse Awning, now, therefore be it

RESOLVED, That Common Council hereby accepts the donation and amends the 2023 Authorized DPW Golf Course Budget by an amount not to exceed \$3,250 as follows for the purposes of funding a portion of the new Clubhouse Awning:

Increase appropriation account A7250-5483 Construction supplies	\$22,310
Increase revenue account A7250-2705 Gifts and Donations	\$22,310

3. CONSENT AGENDA

3.2 IYB-YES UWTC Resolution

WHEREAS, the United Way of Tompkins County has advised the Ithaca Youth Bureau that Youth Employment Service will be receiving \$9,600 in funding for the YES Summer Jobs Program, and

WHEREAS, the goal of this program is to provide short-term subsidized internships for eligible teens needing assistance in securing employment; now, therefore, be it

RESOLVED, That Common Council hereby amends the 2023 Youth Bureau budget as follows:

Increase revenue:

Account	# A7310-2350-1202	Youth Employment Service	Total	\$9,600.00
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Increase expenses:

Account	# A7310-5120-1202	Part time/Seasonal	\$8,522.00
Account	# A7310-9030-1202	FICA/Medicare	\$652.00
Account	# A7310-9040-1202	Worker's Compensation	\$426.00
		Total	\$9,600.00



Ithaca Youth Bureau
1 James L. Gibbs Drive
Ithaca, New York 14850

Phone: (607) 273-8364

Fax: (607) 273-2817

"Building a foundation for a lifetime."



To: City Administration Committee
From: Ever Stokes, Youth Employment Service Program Coordinator
Liz Vance, Director
Re: Youth Bureau Budget Amendment
Date: June 2, 2023

We have been advised, by United Way of Tompkins County that we will receive \$9,600 in funding for the YES Summer Jobs Program. We are pleased that we may be able to offer summer employment to additional teens this summer.

We would like to amend the 2023 Youth Bureau budget, contingent upon confirmation of funding, as follows:

Increase anticipated revenue from United Way of Tompkins County

Account	# A7310-2350-1202	Youth Employment Service	\$9,600.00
		Total	\$9,600.00

Increase expenses:

Account	# A 7310-5120-1202	Part time/Seasonal	\$8,522.00
YES Fringe Benefits	Participants \$8,522 x 12.65%		\$1,078.00
Total			\$9,600.00

Thank you.

3. CONSENT AGENDA

3.3 IYB-YES JYC Resolution

WHEREAS, the Joint Youth Commission and the Town of Ithaca have advised the Ithaca Youth Bureau that Youth Employment Service will be receiving \$75,456 in funding for the Joint Youth Commission First-Time Work Program, and

WHEREAS, the goal of this program is to provide short-term subsidized internships for eligible teens needing assistance in securing employment; now, therefore, be it

RESOLVED, That Common Council hereby amends the 2023 Youth Bureau budget as follows:

Increase revenue:

Account	# A7310-2350-1202	Youth Employment Service	\$74,456.00
Account	# A7310-2350-1400	Administration	\$1,000.00
		Total	\$75,456.00

Increase expenses:

Account	# A7310-5120-1202	Part time/Seasonal	\$59,595.00
Account	# A7310-5425-1202	Office Supplies	\$2,450.00
Account	# A7310-5445-1202	Travel & Mileage	\$1,172.00
Account	# A7310-5460-1202	Program Supplies	\$2,380.00
Account	# A7310-5440-1202	Staff Development	\$1,000.00
Account	# A7310-5120-1400	Part time/Seasonal	\$863.00
Account	# A7310-9030-1202	FICA/Medicare	\$4,626.00
Account	# A7310-9040-1202	Worker's Compensation	\$3,259.00
Account	# A7310-9030-1400	FICA/Medicare	\$67.00
Account	# A7310-9040-1400	Worker's Compensation	\$44.00
		Total	\$75,456.00



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To: City Administration Committee
 From: Ever Stokes, Youth Employment Service Program Coordinator
 Liz Vance, Director
 Re: Youth Bureau Budget Amendment
 Date: June 2, 2023

We have been advised, by the Joint Youth Commission and the Town of Ithaca that we will receive \$75,456 in funding for the Joint Youth Commission First-Time Work Program. We are pleased that we may be able to offer summer employment to additional teens this summer.

We would like to amend the 2023 Youth Bureau budget, contingent upon confirmation of funding, as follows:

Increase anticipated revenue from the Town of Ithaca

Account	# A7310-2350-1202	Youth Employment Service	\$74,456.00
Account	# A7310-2350-1400	Administration	\$1,000.00
		Total	\$75,456.00

Increase expenses:

Account	# A 7310-5120-1202	Part time/Seasonal	\$59,595.00
Account	# A 7310-5425-1202	Office Supplies	\$2,450.00
Account	# A 7310-5445-1202	Travel & Mileage	\$1,172.00
Account	# A 7310-5460-1202	Program Supplies	\$2,380.00
Account	# A 7310-5440-1202	Staff Development	\$1,000.00
Account	# A 7310-5120-1400	Part time/Seasonal	\$863.00

YES Fringe Benefits	Participants \$50,295 x 12.65%	\$6,362.00
	Other PTS (Staff) \$10,310 x 15.85%	\$1,634.00

Total **\$75,456.00**

Thank you.

3. CONSENT AGENDA

3.4 IYB-YES TSYEP Resolution

WHEREAS, the Ithaca Youth Bureau has applied for funding through the Tompkins County Workforce Investment Board and will be receiving \$210,000 in new funding for the Tompkins Summer Youth Employment Program, and

WHEREAS, the goal of this program is to provide short-term subsidized internships for low-income eligible teens needing assistance in securing employment; now, therefore, be it

RESOLVED, That Common Council hereby amends the 2023 Youth Bureau budget as follows:

Increase revenue:

Account	# A7310-4820-1202	Youth Employment Service	\$205,485.00
Account	# A7310-4820-1400	Administration	\$4,514.00
		Total	\$209,999.00

Increase expenses:

Account	# A7310-5120-1202	Part time/Seasonal	\$178,373.00
Account	# A7310-5425-1202	Office Supplies	\$1,000.00
Account	# A7310-5440-1202	Staff Development	\$1,500.00
Account	# A7310-5445-1202	Travel & Mileage	\$500.00
Account	# A7310-5460-1202	Program Supplies	\$1,000.00
Account	# A7310-5120-1400	Part time/Seasonal	\$2,170.00
Account	# A7310-5440-1400	Staff Development	\$2,000.00
Account	# A7310-9030-1202	FICA/Medicare	\$13,646.00
Account	# A7310-9040-1202	Worker's Compensation	\$9,534.00
Account	# A7310-9030-1400	FICA/Medicare	\$167.00
Account	# A7310-9040-1400	Worker's Compensation	\$109.00
		Total	\$209,999.00



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To: City Administration Committee
 From: Ever Stokes, Youth Employment Service Program Coordinator
 Liz Vance, IYB Director
 Re: Youth Bureau Budget Amendment
 Date: June 15, 2023

We have been advised, by the Tompkins County Workforce Development Board that we will receive \$210,000 in funding for Tompkins Summer Youth Employment Program. We are pleased that we may be able to offer summer employment to additional teens this summer.

We would like to amend the 2023 Youth Bureau budget, contingent upon confirmation of funding, as follows:

Increase anticipated revenue from Tompkins County Workforce Development Board

Account	# A7310-4820-1202	Youth Employment Service	\$205,485.00
Account	# A7310-4820-1400	Administration	\$4,514.00
	Total		\$209,999.00

Increase expenses:

Account	# A 7310-5120-1202	Part time/Seasonal	\$178,373.00
Account	# A 7310-5425-1202	Office Supplies	\$1,000.00
Account	# A 7310-5440-1202	Staff Development	\$1,500.00
Account	# A 7310-5445-1202	Travel & Mileage	\$500.00
Account	# A 7310-5460-1202	Program Supplies	\$1,000.00
Account	# A 7310-5120-1400	Part time/Seasonal	\$2,170.00
Account	# A 7310-5440-1400	Staff Development	\$2,000.00

YES Fringe Benefits	Participants \$161,245 x 12.65%	\$20,397.00
	Other PTS (Staff) \$17,128 x 15.85%	\$2,715.00
Admin Fringe Benefits	PTS Staff \$2,170 x 15.85%	\$344.00

Total \$209,999.00

3. CONSENT AGENDA

3.5 Salary Correction - DPW

WHEREAS, the confidential employee salary step system and formula for salary increases upon promotion inadvertently resulted in an employee being placed at a lower salary than subordinate employees upon the employee's recent promotion, and

WHEREAS, the Department of Public Works and the Human Resources Department wish to correct this inequity, and

WHEREAS, doing so requires the approval of Common Council, now, therefore, be it

RESOLVED, that the recent promotion of an employee to the position of Office Manager in the Department of Public Works shall result in the placement of the employee at the step 4 Office Manager salary of \$65,528.

4. ADMINISTRATION, HUMAN RESOURCES, & POLICY

4.1 Amendment to Personnel Roster – DPW – Manager of Parking and Commons Operations

WHEREAS, the Director of Transportation and Parking has recently resigned, and

WHEREAS, it has been challenging to find a person with the numerous skillsets envisioned when the “Director of Parking” and “Director of Transportation and Parking” positions were created; and

WHEREAS, after 10 years of having a Parking Division, and after three Directors have come and gone, we now have a better sense of the experience and skills needed for the person in this managerial position, as well as the scope of responsibilities and level of supervision required to run the division; and

WHEREAS, the new position of Manager of Parking and Commons Operations will be more focused on daily repair, maintenance, and operations of our existing facilities and less focused on strategic planning of our parking systems; now, therefore, be it

RESOLVED, that the Personnel Roster of the Department of Public Works be amended as follows:

Add: One (1) Manager of Parking and Commons Operations

Delete: One (1) Director of Transportation and Parking

and be it further

RESOLVED, that the position of Manager of Parking and Commons Operations shall be assigned to the Management Compensation Plan at salary grade 7, and be it further

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

RESOLVED, that the funding for this position shall be derived from existing funds within the approved 2023 Department of Public Works budget.

4. ADMINISTRATION, HUMAN RESOURCES, & POLICY

4.2 Amendment to Personnel Roster – Fire – Administrative Staff

WHEREAS, the Ithaca Fire Department currently has one Administrative Coordinator who handles all administrative functions of the fire department; and

WHEREAS, the person who currently holds this position has indicated her intent to retire in the Fall of 2023; and

WHEREAS, the department and the community would benefit from onboarding a new Administrative Coordinator for transition training prior to the pending retirement; and

WHEREAS, the department has a funded, yet unfilled Financial Management Assistant position to cover the expense; now therefore be it

RESOLVED, that the personnel roster of the Ithaca Fire Department be amended as follows, effective August 6, 2023:

Add One (1) Administrative Coordinator

And be it further

RESOLVED, that the second Administrative Coordinator position will remain funded through the transition, to allow for per diem work from the retiring Coordinator to train the new Coordinator on end of year and beginning of the year processes, and be it further

RESOLVED, that upon full completion of the transition, the second Administrative Coordinator position shall be eliminated, and be it further

RESOLVED, that the above changes be funded using existing funds in the 2023 IFD budget, derived from current vacant funded position in account A3410 5105 12050.

4. ADMINISTRATION, HUMAN RESOURCES, & POLICY

4.3 Create the Position of City Manager and Establish the Standard Work Day

WHEREAS, in November of 2022, the residents of the City of Ithaca overwhelmingly voted in favor of creating a City Manager to assume the administrative duties of the Mayor, resulting in a new form of governance that would allow the elected mayor to serve as the Political leader and serve as a voting member on Common Council; and

WHEREAS, the City Manager position will be classified by the Civil Service Commission at their July 5th meeting; and

WHEREAS, Common Council will have the ability to select and hire a trained, experienced person in the role of City Manager to serve as Chief Executive Officer, now therefore be it

RESOLVED, that Common Council hereby establishes the position of City Manager to serve as the Chief Executive Officer for the City of Ithaca starting January 1, 2024; and be it

RESOLVED, that the salary of the City Manager shall be determined by Common Council at a later date; 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.

4. ADMINISTRATION, HUMAN RESOURCES, & POLICY

4.4 An Ordinance Establishing Chapter 220 of the City of Ithaca Municipal Code Entitled “Firearm Safety.”

WHEREAS the Common Council of the City of Ithaca is charged with the preservation of order, peace, and the health, safety, and welfare of the City and its inhabitants; and

WHEREAS firearm-related deaths have increased in the past decade and firearms are the leading cause of death for those aged 19 or younger; and

WHEREAS the Code of the City of Ithaca is silent on the storage of firearms and has not been updated with respect to safety since 1974, and

WHEREAS on September 1, 2022 Governor Kathy Hochul signed into law new legislation to make New York State a leader in responsible gun safety, and

WHEREAS improperly stored firearms can contribute to their accidental, unauthorized, and illegal use; now therefore

ORDINANCE 2023-04

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

Section 1. Legislative findings, intent, and purpose.

The Common Council makes the following findings:

1. The unsafe storage of firearms threatens public health and safety in the United States. Unsecured weapons increase the likelihood of accidents, theft, and unauthorized or criminal use.
2. The International Association of Chiefs of Police recommends that state and local governments mandate safe storage of firearms to protect children and youth from gun violence.
3. NYS Consolidated Laws, Penal Law §265.45 states no person who owns or is custodian of a rifle, shotgun, or firearm who resides with an individual who such person knows or has reason to know is prohibited from possessing a firearm pursuant to 18 USC §922(g)(1),(4),(8), or (9) shall store or otherwise leave such rifle, shotgun, or firearm out of his or her immediate possession or control without having first securely locked such rifle, shotgun or firearm in an appropriate safe storage depository or rendered it incapable of being fired by use of a gun locking device appropriate to that weapon Nothing in this section shall be deemed to affect, impair, or supersede any special or local act relating to the safe storage of rifles, shotguns, or firearms which impose additional requirements on the owner or custodian of such weapons.
4. Public welfare and law enforcement duties in the City of Ithaca would be enhanced by mandated safe storage practices.

Section 2. Definitions

The following terms shall have the following meanings:

- A. "Residence." As used in this Chapter, "residence" is any structure intended or used for human habitation including but not limited to houses, condominiums, rooms, accessory dwelling units, motels, hotels, SROs, time-shares, and recreational and other vehicles where human habitation occurs. The term "residence" also includes the curtilage of those structures or vehicles.
- B. "Firearm." As used in this Chapter, "firearm" means a device, designed to be used as a weapon, from which a projectile is expelled through the barrel by the force of an explosion or other form of combustion. It does not include an "antique firearm" as defined by 18 U.S.C. 921(a)(16).
- C. "Firearm precursor part." As used in this Chapter, "firearm precursor part" means a component of a firearm that is necessary to build or assemble a firearm and falls within either of the following categories:
 - a. An unfinished receiver, including both a single part receiver and a multiple part receiver, such as a receiver in an AR-10 or AR-15-style firearm. An unfinished receiver includes a receiver tube, a molded or shaped polymer frame or receiver, a metallic casting, a metallic forging, and a receiver flat, such as a Kalashnikov-style weapons system, Kalashnikov-style receiver channel, or a Browning-style receiver side plate.
 - b. An unfinished handgun frame.

Section 3. Prohibition

- A. No person shall keep a firearm or precursor part within a residence unless the firearm or precursor part is stored in a locked container or disabled with a locking device. The firearm must be stored or disabled in a manner that a reasonable person would believe renders it inaccessible to unauthorized users. It is a violation of this prohibition if the key, mechanism, or code to unlock or disable the locked container or locking device is reasonably accessible to someone other than the owner or custodian.

Section 4. Exceptions

No violation of this Chapter shall be found in the following circumstances:

- A. The firearm or precursor is carried on the body of an authorized user who is legally allowed to possess a firearm or precursor part of that type; or
- B. The firearm or precursor part is kept within close enough proximity and control that the owner or other lawfully authorized user of the firearm or precursor can readily retrieve and use the firearm or precursor part as if carried on the person.

Section 5. Penalty

- A. A violation of §220-3 shall be punishable by civil fine of \$500 for the first offense. Subsequent violations in a one-year period will be punishable by a fine of \$1,000.
- B. If an unauthorized user obtains access to a firearm or precursor part because of a violation of §220-3 and uses the firearm or precursor part to injure or kill themselves or another, the owner or custodian, shall be liable in a civil action for the death or injury. In such an action a prevailing plaintiff shall be entitled to recover attorney's fees.

Section 6. Severability

Severability is intended throughout and within the provisions of this Ordinance. 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 7. Effective Date

This Ordinance shall take effect immediately and in accordance with law upon publication of notices as provided in the Ithaca City Charter.

5. FINANCE, BUDGET, & APPROPRIATIONS

5.1 DPW – Authorization of Hazard Mitigation Grant Program Application

WHEREAS, the New York State Division of Homeland Security and Emergency Services (DHSES) has announced the availability of Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) funds for Presidential Declaration: DR-4480 (COVID-19), and

WHEREAS, prioritization criteria for the award of the grant include: projects that address climate change adaptation and resiliency, projects that reduce risks associated with flooding, projects that protect and/or mitigate risk to critical infrastructure and utilities, and projects that are identified in a FEMA approved Hazard Mitigation Plan, 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 Hazard Mitigation Grant Program for Presidential Declaration DR-4480, 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 HMGP 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 HMGP funds, the sum not to exceed \$1,200,000 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 \$10,800,000 in HMGP funds, and \$1,200,000 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 the NYSDHSES 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 HMGP 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.



CITY OF ITHACA

108 East Green Street, Ithaca, New York 14850-6590

DEPARTMENT OF PUBLIC WORKS

Michael J. Thorne, P.E., Superintendent

Telephone: 607/274-6531

Fax: 607/274-6587

MEMORANDUM

Date: June 15, 2023
To: Common Council
From: Michael Thorne, Superintendent of Public Works
Subject: HMGP Funding Commitment Update

Dear Council Members

On April 6, 2022, Common Council unanimously approved a resolution to fund \$3 million as a 25% local share for the \$12 million flood mitigation project, contingent on award of HMGP funds. Since that date, the local match requirement for the HMGP was reduced to 10%, or \$1.2 million toward the total project cost.

The NYS Department of Homeland Security and Emergency Services (DHSES) recently received a Request for Information (RFI) from FEMA regarding our HMGP application, and one of the items requested is an updated resolution that reflects a 10% local share instead of the 25% local share that was previously approved. This reduces the City funding requirement by \$1.8 million.

While the RFI does not guarantee that the City will be awarded HMGP funds, I think this is a very strong indication that FEMA is seriously considering our project.

5. FINANCE, BUDGET, & APPROPRIATIONS

5.2 Fund an Executive Search Firm to Conduct the Search for a City Manager

WHEREAS, the City of Ithaca is, for the first time ever, in search of a City Manager to serve as the Chief Executive Officer in its new form of governance, and

WHEREAS, the Mayor is recommending that the City engage Dr. Ian Coyle from Pracademic Partners, who has been instrumental in the initial efforts to develop a profile that will enable the City to clearly articulate the characteristics and skills necessary to attract a capable individual who will excel in this position, and

WHEREAS, Mr. Coyle will be responsible for developing a formal recruitment brochure, doing direct targeted outreach, developing a pool of candidates and finalist, assist with the selection tools, assist with reference checks, and participate in the process as requested, now therefore be it

RESOLVED, that Common Council authorizes the Mayor to enter into a contract with Dr. Ian Coyle of Pracademic Partners to provide executive search services to fill the City Manager position. The contract shall be for up to \$25,000, and be it further

RESOLVED, an amount not to exceed \$25,000 for said City Manager search be derived from Account #A1990 Unrestricted Contingency and transferred to Account #A1430-5435.

7. Other Business

7.1 Ithaca Trans Safe Haven Resolution

WHEREAS, as of the date of this legislation, New York law does not restrict access to gender-affirming healthcare or ban insurance exclusions for gender-affirming healthcare; and

WHEREAS, the 2019 GENDA Act strictly prohibits discrimination based on gender identity or expression throughout New York State; and

WHEREAS, other states may adopt or expand laws that impose criminal punishment, civil liability, administrative penalties, or professional sanctions on health care professionals who provide gender-affirming healthcare and on persons who seek, receive, or assist another in receiving gender-affirming healthcare in the City of Ithaca; and

WHEREAS, gender-affirming healthcare has been proven to be evidence-based, medically necessary, and lifesaving by the American Medical Association, the American Academy of Child and Adolescent Psychiatry, the American Academy of Pediatrics, the Endocrine Society, the American Psychiatric Association, and the World Professional Association for Transgender Health, amongst other institutions; and

WHEREAS, studies have shown that gender transition, including access to gender-affirming healthcare, improves the overall wellbeing of transgender people and that access to gender-affirming healthcare for youth is associated with better mental health outcomes and lower risks of suicide; and

WHEREAS, over 94 percent of LGBTQ+ youth surveyed by the Trevor Project in late 2021 said recent politics have negatively impacted their mental health, and 93 percent of transgender and nonbinary youth surveyed by the Trevor Project in 2022 said they have worried about transgender people being denied access to gender affirming medical care due to state or local laws; and

WHEREAS, multiple healthcare institutions across the country have scaled back or have considered scaling back gender-affirming healthcare services in response to legal challenges, perception of legal risk, harassment, or threats of violence; and

WHEREAS, there are institutions providing gender-affirming healthcare in the State of New York located in the city of Ithaca, and local advocates already report long waitlists and difficulty accessing medically necessary gender-affirming healthcare; and

WHEREAS, the City of Ithaca has consistently declared its commitment to furthering transgender equity and supporting its growing transgender community; and

WHEREAS, healthcare professionals providing as well as persons seeking, receiving, or assisting another individual who is seeking or receiving gender-affirming healthcare in the City of Ithaca should be protected from attempts to impose criminal punishment, civil liability, administrative penalties, or professional sanctions based on the laws of other states when gender-affirming healthcare is lawful in the State of New York and meets standards for good professional practice; and

WHEREAS, a majority of U.S. adults agree that transgender minors should have access to gender-affirming care; and

WHEREAS, it is necessary and appropriate to exercise the authority vested in the City of Ithaca Charter, including the coordinated and integrated direction, supervision, and control of all City of Ithaca departments, boards, commissions, and other agencies, to protect healthcare professionals and persons lawfully seeking, receiving, and assisting another individual in seeking or receiving of gender-affirming healthcare in the City of Ithaca; NOW, THEREFORE,

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF ITHACA:

Section 1. That the Mayor and Council hereby declare the City of Ithaca a Safe Haven for Gender-Affirming Healthcare.

Section 2. That the City of Ithaca hereby adopts the following Gender-Affirming Healthcare Policy:

1. City personnel shall not criminally prosecute or impose administrative penalties on an individual or organization for providing, seeking, receiving, or assisting another individual who is seeking or receiving gender-affirming healthcare.
2. In the event any law or regulation is passed in the State of New York which imposes criminal punishment, civil liability, administrative penalties, or professional sanctions, on an individual or organization for providing, seeking, receiving, or assisting another individual who is seeking or receiving gender-affirming healthcare, City personnel shall make enforcement of said law or regulation their lowest priority.
3. City personnel shall not enforce laws of other jurisdictions that impose criminal punishment, civil liability, administrative penalties, or professional sanctions, on an individual or organization for providing, seeking, receiving, or assisting another individual who is seeking or receiving gender-affirming healthcare and shall decline any request to stop, arrest, detain, continue to detain, or transfer into out-of-state custody individuals on the basis of such conduct being criminalized, penalized, or prosecuted in said jurisdiction.
4. Except as required by lawful authority, City personnel shall not respond to any request for information from another jurisdiction if the request is related to that

jurisdiction's laws, rules, or regulations imposing criminal punishment, civil liability, administrative penalties, or professional sanctions, on an individual or organization for providing, seeking, receiving, or assisting another individual who is seeking or receiving gender-affirming healthcare.

5. Except as required by lawful authority, City personnel shall not enforce or facilitate the collection of any judgment of another jurisdiction to the extent the judgment arises out of a cause of action in that jurisdiction based on providing, seeking, receiving, or assisting another individual who is seeking or receiving gender-affirming healthcare.

6. That the Ithaca Police Department is hereby encouraged to adopt a similar Gender-Affirming Healthcare Policy.

§215-48 Persons not to be detained.

A. No city resources, including, but not limited to, time spent by employees, officers, contractors, or subcontractors while on duty, or the use of city property, shall be utilized for:

- 1) Detaining persons for seeking or providing gender-affirming care, nor the aiding of it, which include such activities as
 1. Gender affirmation surgery
 2. Gender Hormone Therapy
- 2) Cooperating with or providing information to any individual or out-of-state agency or department regarding the provision of lawful gender-affirming healthcare performed in the state.

B. Nothing in this section shall prohibit the investigation of any criminal activity in this state, provided that no information relating to any medical procedure performed on a specific individual may be shared with an out-of-state agency or any other individual.

C. Any person detained in violation of this section may bring an action in any court of competent jurisdiction for a claim of unlawful detention in violation of this section, for any damages, including punitive damages, and for declaratory and injunctive relief and such other remedies as may be appropriate. The court, in issuing any final order in any section brought pursuant to this section, may award costs of litigation, to the prevailing party whenever the court determines such an award is appropriate. This section does not limit or abrogate any claim or cause of action such person has under common law or by other law or rule.

Section 3. Severability Clause

Severability is intended throughout and within the provisions of this Ordinance. 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 upon publication of notices as provided in the Ithaca City Charter.

7. Other Business

7.2 Trans Sanctuary City Ordinance

An Ordinance Amending Chapter 215 of the City of Ithaca Municipal Code Entitled “Human Rights Protection” to Add Article VIII “Protection of Transgender and Gender Rights”

WHEREAS, the City of Ithaca hereby affirms and expresses support that the core values of our community include creating a climate of welcome and inclusiveness, protecting and preserving democracy, freedom, human rights, and the dignity of all people; and

WHEREAS, the 2019 GENDA Act strictly prohibits discrimination based on gender identity or expression throughout New York State; and

WHEREAS, in light of restrictive legislation being enacted throughout the United States, which would prohibit access to transgender and gender-affirming healthcare, enjoying civil protections provided by state and municipal governments as a transgender person, and simply identifying as transgender in public; and

WHEREAS, the New York State Legislature is actively considering the Senate Bill S8842A, an Act to amend the family court act, the executive law, the civil practice law and rules, the criminal procedure law, the education law, the public health law and the insurance law in relation to gender affirming care; Now therefore

ORDINANCE 2023-

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

Section 1. Legislative findings, intent, and purpose.

The Common Council makes the following findings:

1. That the protection of gender-affirming care is an essential right to healthcare and the wellbeing of individuals.
2. That New York State outlawed gender discrimination in 2023

Based on the above findings of fact, and consistent with the Tenth Amendment to the United States Constitution, the enactment of this Article is intended to achieve the following objectives:

Section 2.

§215 of the City Code is hereby amended to add at the end thereof a new Article VIII to read as follows:

Article VIII Protection of Transgender Rights

§215-47 The purpose and intent of this Article is to recognize the importance of gender-affirming healthcare as a matter of health, privacy, and equality and to ensure, to the greatest extent permitted by law, that those rights are upheld for all residing within the City of Ithaca.

Disciplinary Transparency, Just Cause Fact Sheet

- **Why do we need Just Cause**
 - As it stands, your employer has the power to fire you with no prior notice and with no stated reason.
 - The Tompkins County Workers Center fields hundreds of requests for support from aggrieved workers in Tompkins County every year, with the most common case being one of wrongful termination (Source: vTompkins County Workers Center).
- **What would legislation do?**
 - Requires employers to give workers 30 days notice of any proposed discharge and provide a written explanation for the discharge.
 - Implements a progressive discipline framework to give employees the opportunity to receive feedback and improve work performance before being discharged.
 - Requires employers to provide proof of economic hardship before they may lay workers off.
 - Restricts the use of electronic monitoring (e.g. movement tracking, productivity tracking devices, etc.) in discipline or discharge decisions.
- **How would this be enforced?**
 - A Workers Rights Commission appointed by the Common Council will adjudicate complaints of wrongful termination. If an employer fails to comply with an order of the Commission, the City Attorney will docket the finding with the City Court of Ithaca.
 - Alternatively, an aggrieved party can file a suit in city court for damages.
 - A third party, such as a union, non-profit, or worker center, can also file a suit on behalf of the City of Ithaca and the aggrieved party and collect civil penalties.
- **Is this legal for the City of Ithaca to pursue?**
 - Yes, a federal court has upheld New York City just cause protections for workers in the fast food industry against preemption claims.
- **What would be the cost to the City of Ithaca for enacting this law?**
 - Because the law would be primarily enforced by volunteer Commission members and hearing officers, the City of Ithaca would accrue minimal administrative costs that would be fully recouped by the civil penalties paid by violators.
- **What does it NOT do?**
 - Make it illegal to fire your worker
 - Force a business that wants to close or relocate to stay open
 - Allow workers to not do their job or behave inappropriately and suffer no consequences