

## **OFFICIAL NOTICE OF MEETING**

A Regular meeting of the Common Council will be held on Wednesday, February 1, 2012, 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 the J. Diann Sams Annual African American History Month Recognition Award (information to be distributed under separate cover)
5. **SPECIAL PRESENTATIONS BEFORE COUNCIL:**
6. **PETITIONS AND HEARINGS OF PERSONS BEFORE COUNCIL:**
7. **PRIVILEGE OF THE FLOOR – COMMON COUNCIL AND THE MAYOR:**
  - 7.1 Announcement of the Availability of the 2012 Annual Disclosure Forms of the Mayor and Common Council
8. **CONSENT AGENDA ITEMS:**  
**City Administration Committee:**
  - 8.1 Department of Public Works - Amendment to Personnel Roster – Addition of Light Equipment Operator Position - Resolution
  - 8.2 Human Resources - Approval of 2012 Authorized Roster Adjustments – Resolution
9. **CITY ADMINISTRATION COMMITTEE:**
  - 9.1 IURA/Planning and Development Housing Fund, Funding Round #4 – Authorize Disbursement of \$30,000 Pursuant to an Executed Memorandum of Understanding - Resolution
  - 9.2 City Clerk's Office - 2012 Special Event Policy - Resolution
  - 9.3 Finance/Controller's Office - Adoption of Policy Statement on Environmentally Preferable Purchasing - Resolution
  - 9.4 Finance/Controller's Office - Amendment of the City of Ithaca Purchasing Policy - Resolution
  - 9.5 Controller's Office – An Ordinance to Amend Chapter 39 of the City of Ithaca Municipal Code entitled "Contracts"
  - 9.6 City Controller's Report

10. **PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE:**  
No items were submitted for the agenda.
11. **GOVERNMENT PERFORMANCE AND ACCOUNTABILITY COMMITTEE:**  
Update from January Committee Meeting
12. **REPORTS OF SPECIAL COMMITTEES:**
13. **NEW BUSINESS:**
14. **INDIVIDUAL MEMBER – FILED RESOLUTIONS:**
  - 14.1 Alderperson Dotson - Resolution Calling for an Amendment to the United States Constitution to Abolish Corporate Personhood
  - 14.2 Alderperson Murtagh - Resolution of the City of Ithaca Common Council to Approve Becoming an Amicus Curiae in Actions Involving Municipal Home Rule Pending Before New York State Appellate Courts
15. **MAYOR’S APPOINTMENTS:**
  - 15.1 Appointment of Town of Ithaca representative to the Cable Access Oversight Committee – Resolution
  - 15.2 Appointments to Board of Public Works – Resolution
  - 15.3 Appointment to Natural Areas Commission – Resolution
16. **REPORTS OF COMMON COUNCIL LIAISONS:**
17. **REPORT OF CITY CLERK:**
18. **REPORT OF CITY ATTORNEY:**
19. **MINUTES FROM PREVIOUS MEETINGS:**
  - 19.1 Approval of the January 1, 2012 Special Common Council Meeting Minutes – Resolution
  - 19.2 Approval of the January 4, 2012 Regular Common Council Meeting Minutes – Resolution
20. **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.

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Julie Conley Holcomb, CMC – City Clerk

Date: January 26, 2012

8. **CONSENT AGENDA ITEMS:**

**City Administration Committee:**

8.2 **Department of Public Works - Amendment to Personnel Roster – Addition of Light Equipment Operator Position - Resolution**

WHEREAS, the upgrade of a Maintenance Worker Position to a Light Equipment Operator position will be funded from the current 2012 Department of Public Works budget, and

WHEREAS, the Ithaca Civil Service Commission has classified the Light Equipment Operator position; now, therefore be it

**RESOLVED**, That the Personnel Roster of the Streets & Facilities Division of the Department of Public Works be amended as follow:

Add:           One (1) Light Equipment Operator

and be it further

**RESOLVED**, That the Maintenance Worker position vacated due to the promotion of an employee to Light Equipment Operator shall remain on the Department of Public Works personnel roster in an unfunded capacity, and be it further

**RESOLVED**, That said amendment shall be done within the existing 2012 authorized budget.

**8.2 Human Resources - Approval of 2012 Authorized Roster Adjustments - Resolution**

WHEREAS, as part of the approved 2012 Budget and as a result of the current difficult financial situation, several positions were adjusted to continue a staff reduction plan for the City; now, therefore, be it

**RESOLVED**, That Common Council hereby authorizes the following 2012 Roster amendments already incorporated into the approved 2012 Budget:

Human Resources: Employee Health and Safety Coordinator position hour reduction from 40 hours to 20 hours per week, effective February 13, 2012

G.I.A.C.: Custodial Worker position hour reduction from 40 hours to 25 hours per week, effective January 1, 2012

Youth Bureau: Youth Program Assistant in the YES Program position reduced from 35 hours to 17.5 hours per week, effective January 1, 2012

and, be it further

**RESOLVED**, That Common Council also approves the several other positions that were unfunded as part of the 2012 Budget.

9. **CITY ADMINISTRATION COMMITTEE:**

9.1 **IURA/Planning and Development Housing Fund, Funding Round #4 – Authorize Disbursement of \$30,000 Pursuant to an Executed Memorandum of Understanding (MOU) - Resolution**

WHEREAS, the Housing Fund Program Oversight Committee (POC) met on December 12, 2011, to review applications for funding submitted in November 2011, and recommended funding for the following affordable housing project from the Housing Fund, which is jointly capitalized by Cornell University, Tompkins County and the City of Ithaca:

<b>Applicant</b>	<b>Program</b>	<b>Project</b>	<b>Dollar Amount Recommended</b>	<b>Number of Units</b>	<b>Location</b>
Ithaca Neighborhood Housing Services	Trust	INHS Community Housing Trust: 314 S. Plain St.	\$30,000 (grant)	1 owner-occupied unit	City of Ithaca

and

WHEREAS on April 1, 2009, the Common Council of the City of Ithaca authorized the Mayor to execute a six-year Memorandum of Understanding (MOU) between the City of Ithaca, Tompkins County and Cornell University to develop, fund, and administer the Community Housing Affordability Program and the Community Housing Trust Program (collectively known as the “Housing Fund”), and

WHEREAS, on April 1, 2009, the Common Council found that the most appropriate locations for new housing units assisted through the Housing Fund are project sites located within existing urbanized areas of the County, rather than in new growth nodes or other areas of the County, and

WHEREAS, the Common Council found further that City contributions to the Housing Fund should be used to assist projects located within the City of Ithaca, and

WHEREAS, the Community Housing Affordability Program assists with pre-development costs associated with residential and mixed-use real estate development projects primarily benefiting low- and moderate-income households, and the Community Housing Trust Program provides grants to construct or rehabilitate homes that will be made permanently affordable to low- and moderate-income households, and

WHEREAS, City funds committed to the Housing Fund are derived from Gateway loan proceeds that originated from the sale of City-owned land for the Eddygate project, and are held by the Ithaca Urban Renewal Agency, and

WHEREAS, the POC recommended unanimously that the City fund the 314 S. Plain St. project to demolish the existing dilapidated structure and construct a new single-family dwelling to be enrolled in the INHS Community Housing Land Trust, and

WHEREAS, upon City authorization to fund the 314 S. Plain St. project, the allocation of funding between the sponsor organizations is the following:

Funding Round	Funding Sources (\$1,000s)			Total
	Cornell University	Tompkins County	City of Ithaca	
Round #1 (2009)	145	100	30	275
Round #2 (2010)	75	70	70	215
Round #3 (2011)	100	100	0	200
Round #4 (2011)	0	0	30	30
Totals	320	270	130	720
Funds carried forward to Round #5	280	30	170	480
Total 3-Year Funding Commitment	600	300	300	1,200

and,

WHEREAS, City of Ithaca funding is proposed to be used to fund construction and/or substantial rehabilitation of single family and two-family residences, which action qualifies as a Type II action listed at:

- §176-5(C)(8): “construction or expansion of a single-family, a two family, or a three family residence on an approved lot including provision of necessary utility connections as provided in Subsection C(10),” and
- §176-5(C)(2): “replacement, rehabilitation or reconstruction of a facility in kind on the same site, including upgrading buildings to meet building or fire codes,”

therefore, no further environmental review is required for this proposed action; now, therefore, be it

**RESOLVED**, That the Common Council for the City of Ithaca hereby authorizes expenditure of up to \$30,000, pursuant to the Housing Fund MOU, to assist the INHS Community Housing Trust: 314 S. Plain Street project as recommended by the Housing Fund Program Oversight Committee, and be it further,

**RESOLVED**, That such funds shall be derived from Gateway loan proceeds held by the Ithaca Urban Renewal Agency, and be it further,

**RESOLVED**, That the Mayor is authorized, subject to advice of the City Attorney, to execute a fiscal agency agreement with Tompkins County to implement this resolution.

## **9.2 City Clerk's Office - 2012 Special Event Policy - Resolution**

WHEREAS, the City of Ithaca Special Events Team was tasked with the responsibility of creating a "fiscal emergency special event policy" in response to the city's increasing financial constraints and its declining ability to provide services to community events, and

WHEREAS, the City realizes the importance of festivals, competitive events, concerts, and neighborhood gatherings to the community as they contribute to the spirit and vitality of our City and enhance Ithaca's standing as a tourism destination; now, therefore, be it

**RESOLVED**, That Common Council hereby approves the following recommendations of the Special Events Team to reduce costs, increase revenues, and explore solutions that will reduce the pressure of departmental budgets while allowing not-for-profit organizations the ability to build budgets that will support the true costs of their events:

### **2012**

Special event permit applications will not be considered for days that are deemed holidays for City employees.

Applications for walking, running, biking, events will only be considered for City-approved courses that require little to no law enforcement presence for traffic control.

Applications for new street parades will not be considered. The Ithaca Festival and Veteran's Day parades will be considered on City-approved parade routes only.

and be it further

**RESOLVED**, That this policy will be reviewed annually starting in 2013.

### **9.3 Finance/Controller's Office - Adoption of Policy Statement on Environmentally Preferable Purchasing - Resolution**

WHEREAS, the City of Ithaca recognizes its responsibility to protect human health and the environment while supporting a diverse, equitable, and vibrant community and economy, and

WHEREAS, the City recognizes that the products and services it purchases create social, human health, environmental, and economic impacts, and that the procurement decisions should reflect the City's ongoing commitment to sustainability, and

WHEREAS, the U.S. Environmental Protection Agency has determined that 37% of greenhouse gas emissions can be attributed to the provision and use of products and packaging, and that reducing consumption and the emissions associated with products we procure will reduce significantly climate change impacts, and

WHEREAS, the City makes significant purchases of goods and services annually and can use this buying power to influence markets to create sustainable products and services and support green jobs, and

WHEREAS, including consideration of the entire lifecycle of a product or service in determining its environmental impacts and total cost creates a more robust decision-making process and encourages more efficient services and better product design and manufacturing, and

WHEREAS, environmentally preferable purchasing promotes practices that improve human and environmental health; protect and conserve natural resources, water and energy; and minimize the City's contribution to climate change, pollution, and solid waste, and

WHEREAS, the State of New York gives local governments the authority to enact local laws, ordinances, regulations and policies not inconsistent with the provisions of the State constitution or any general law, pursuant to which authority the City of Ithaca may define reasonably what constitutes a responsible bidder, and may investigate a bidder's skill, judgment, and integrity in considering whether that bidder is in fact a responsible bidder, and

WHEREAS, the adoption of environmentally preferable purchasing policy will further advance the City's environmental goals and commitments, including its Local Action Plan and Climate Smart Community Pledge, and

WHEREAS, for all the reasons stated above, the City is desirous of amending the existing Purchasing Policy to incorporate Environmentally Preferable Purchasing (EPP) Guidelines; now, therefore be it

**RESOLVED**, That the Common Council hereby adopts the following Policy Statement on Environmentally Preferable Purchasing, and declares its intention to modify existing City policies and ordinances and to take other steps, as needed, to reflect and support the adoption of this position:

Effective February 1, 2012, 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. It is not the intent of this policy to require a department, buyer or contractor to take any action that conflicts 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.

The Environmentally Preferable Purchasing Guidelines are an important component of the City of Ithaca's purchasing policy and shall 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,
- minimizing the City's consumption of resources.

Further, Environmentally Preferable Purchasing Guidelines are 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 land filled
- 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,
- increase the use and availability of environmentally preferable products, services and distribution systems
- support emerging and established manufacturers and vendors that reduce environmental and human health impacts in their services and production and distribution systems
- create a model for successfully purchasing environmentally preferable products and services that encourages other buyers and consumers in our community to adopt similar goals.

#### **9.4 Finance/Controller's Office - Amendment of the City of Ithaca Purchasing Policy – Resolution**

WHEREAS, the Common Council of the City of Ithaca, has, on this date, adopted by resolution a City of Ithaca Policy Statement on Environmentally Preferable Purchasing; and

WHEREAS, in said resolution, the Council declared its intention to modify existing City policies and ordinances as needed, in order to implement its Environmentally Preferable Purchasing position; now therefore be it

**RESOLVED**, That the City of Ithaca Purchasing Policy be amended as follows, effective February 1, 2012:

*(1) Paragraph 3[4], subsection (A) of the City of Ithaca Purchasing Policy is hereby amended 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 the maximum quality of goods and services will be purchased at the lowest possible cost price, and that favoritism will be avoided.

*(2) Paragraph 7[8] of the City of Ithaca Purchasing Policy is hereby amended as follows:*

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 indicate suppliers who provide products in compliance with the City's Environmentally Preferable Purchasing guidelines, as referred to in Sections 17.1-17.2 of this policy. 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 [i]on the list upon request.

*(3) Insertion of the Environmentally Preferable Policy into the Purchasing Policy as Paragraphs 17.1-17.2, as follows:*

#### **17.1 Specifications for Environmentally Preferable Purchasing**

1. Any purchasing contract 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.

2. To the extent allowed under General Municipal Law, Section 103, the City of Ithaca and its departments, to the maximum extent that is feasible, shall purchase or contract for goods and services which are in compliance with the City of Ithaca Environmentally Preferable Purchasing policy unless
  - a) no environmentally preferable purchasing option is available and that the acquisition of the product or services sought is essential or time-sensitive; or
  - b) the environmentally preferable purchasing option(s) would pose a risk of adverse health related reaction to any persons who would come into contact with such product.
  
3. For purposes of this policy, “environmentally preferable purchasing” shall refer to the following considerations:

**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 practicable.

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.

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 the duplex printing option as the default setting 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 New York State Office of General Services (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 custodial staff.

Purchasing products containing persistent bioaccumulative 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 or where safety and/or health concerns require immediate pest control measures.

To the maximum extent practicable, 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 practicable. 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 pentachlorophenol, arsenic and creosote treated wood shall be avoided whenever practicable.

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 and purchase 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:

<http://www.epa.gov/epawaste/consERVE/tools/cpg/products/index.htm>

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 suppliers of recycled content papers shall provide a statement that the paper has recycled content, and whenever feasible, the statement should indicate the percentage of postconsumer recycled content.

### **d) Energy and Water Savings**

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 Federal Energy Management Program (FEMP) recommended levels, available at:

[http://www1.eere.energy.gov/femp/procurement/eed\\_modellang.html](http://www1.eere.energy.gov/femp/procurement/eed_modellang.html)

New and replacement equipment for lighting, heating, ventilation, refrigeration and air conditioning systems, water consuming fixtures and processing equipment, and all other related components shall meet or exceed FEMP recommended levels whenever practicable.

When energy is purchased, renewable or green sources are preferred. These include wind power, solar thermal, photovoltaics, geothermal, sustainably managed biomass, methane waste and hydroelectric energy sources, and do not include fossil fuels (coal, oil or natural gas). On an annual basis, the City will review its energy requirements and to the extent practicable will consider purchasing from renewable sources at the greatest percentage possible.

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 practicable, 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.

## **17.2 Implementation of the Environmentally Preferable Purchasing Policy (EPP)**

Department heads shall implement EPP 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, standards, and certification programs to make purchasing decisions.

Wherever feasible and appropriate, life cycle cost analysis shall 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.

Although not the lowest proposal or price quoted by suppliers, City departments and staff may nonetheless purchase a product that adheres to the EPP specifications stated in this Section, as long as 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.

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

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 practical. 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 shall order and purchase such products through the Stock Room, unless these pose a risk of adverse health related reaction to any person who comes into contact with the product(s). The Stock Room is responsible for addressing and taking into consideration any staff complaints related to the use of these products.

*(4) Paragraph 5(B)(6) (entitled "Current Purchasing Procedures") of the City of Ithaca Purchasing Policy is hereby amended as follows:*

6. Buying goods that save and /or enhance our environment as referred to in the Environmentally Preferable Purchasing Policy in Section 17.1.

**9.5 Controller's Office – An Ordinance to Amend the City of Ithaca Municipal Code Chapter 39 entitled "Contracts" to add Subsection 39-2(A)(13) regarding Environmentally Preferable Purchasing Policy Guidelines**

WHEREAS, by resolution approved on February 1, 2012, the Common Council of the City of Ithaca adopted a City Policy Statement on Environmentally Preferable Purchasing; and

WHEREAS, in that resolution, the Council declared its intention to modify existing City policies and ordinances as needed, in order to implement its Environmentally Preferable Purchasing position; now therefore

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

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**ORDINANCE NO. 2012**

**Section 1.** Chapter 39 ("Contracts") of the Municipal Code of the City of Ithaca is hereby amended as follows:

- (1) Addition of the following as Subsection 39-2(A)(13):  
(13) Failure to offer for purchase, provide, or otherwise use products and services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose, or that are not in compliance with the City of Ithaca Environmentally Preferable Purchasing Policy guidelines.
- (2) Renumbering of the former subsections 39-2(A)(13) as 39-2(A)(14), so as to maintain the proper numerical sequence.

**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 notice as provided in the Ithaca City Charter.

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

14.1 **Alderson Dotson - Resolution Calling for an Amendment to the United States Constitution to Abolish Corporate Personhood**

WHEREAS, government of, by, and for the people has long been a cherished American value, and We The People's fundamental and inalienable right to self-govern, and thereby secure rights to life, liberty, property, and the pursuit of happiness is guaranteed in the US Constitution and the Declaration of Independence, and;

WHEREAS, free and fair elections are essential to democracy and effective self-governance, and;

WHEREAS, persons are rightfully recognized as human beings whose essential needs include clean air, clean water, safe and secure food, health care, education, and housing, and,

WHEREAS, corporations are entirely human-made legal fictions created by express permission of We The People and our government, and;

WHEREAS, corporations can exist in perpetuity, can exist simultaneously in many nations at once, need only profit for survival, and exist solely through the legal charter imposed by the government of We The People, and;

WHEREAS, in addition to these advantages, the great wealth of large corporations allows them to wield coercive force of law to overpower human beings and communities, thus denying We The People's exercise of our Constitutional rights, and;

WHEREAS, corporations are not mentioned in the Constitution, and The People have never granted constitutional rights to corporations, nor have We decreed that corporations have authority that exceeds the authority of We The People of the United States, and;

WHEREAS, interpretation of the US Constitution by appointed Supreme Court justices to include corporations in the term 'persons' has long denied We The Peoples' exercise of self-governance by endowing corporations with Constitutional protections intended for We The People, and;

WHEREAS, the illegitimate judicial bestowal of civil and political rights upon corporations usurps basic human and Constitutional rights guaranteed to human persons, and also empowers corporations to sue municipal and state governments for adopting laws that violate 'corporate rights' even when those laws serve to protect and defend the rights of human persons and communities, and;

WHEREAS, corporations are not and have never been human beings, and therefore are rightfully subservient to human beings and governments as our legal creations, and;

WHEREAS, large corporations' profits and survival are often in direct conflict with the essential needs and rights of human beings, and;

WHEREAS, the recent Citizens United v. the Federal Election Commission Supreme Court decision that rolled back the legal limits on corporate spending in the electoral process creates an unequal playing field and allows unlimited corporate spending to influence elections, candidate selection, policy decisions and sway votes, and forces elected officials to divert their attention from The Peoples' business, or even vote against the interest of their human constituents, in order to ensure competitive campaign funds for their own re-election, and;

WHEREAS, in the dissenting opinion in the Citizens United decision, Justice John Paul Stevens wrote that, "...in a variety of contexts, we have held that speech can be regulated differentially on account of the speaker's identity, when identity is understood in categorical or institutional terms" and the dissent concludes that "...the Court's opinion is thus a rejection of the common sense of the American people..." and;

WHEREAS, in response to the Citizens United decision, United States Senator Charles Schumer, representing the State of New York, introduced legislation to ban foreign-controlled corporations and government contractors from making political expenditures and also requiring disclosure of donors to organizations making political expenditures, and

WHEREAS, large corporations own most of America's mass media and use that media as a megaphone to express loudly their political agenda and to convince Americans that their primary role is that of consumers, rather than sovereign citizens with rights and responsibilities within our democracy, and this forces citizens to toil to discern the truth behind headlines and election campaigning, and;

WHEREAS, tens of thousands of people and municipalities across the nation are joining with the Move to Amend campaign to call for an Amendment to the US Constitution to Abolish Corporate Personhood, so therefore be it

**RESOLVED**, That the Common Council of the City of Ithaca hereby calls on our elected officials in Washington, DC, to join the tens of thousands of citizens, grassroots organizations and local governments across the country in the Move to Amend campaign to pass an Amendment to the Constitution to Abolish Corporate Personhood and return our democracy, our elections, our communities back to America's human persons and to thus reclaim our sovereign right to self-governance, and be it further

**RESOLVED**, That the Common Council of the City of Ithaca calls on other communities and jurisdictions to join with us in this action by passing similar Resolutions, and be it further

**RESOLVED**, That the Common Council of the City of Ithaca supports education to increase public awareness of the threats to our democracy posed by Corporate Personhood, and encourages lively discussion to build understanding and consensus to take appropriate community and municipal actions to democratically respond to these threats, and be it further

**RESOLVED**, That the City Clerk transmit copies of this resolution to President Barack Obama, United States Senators Charles Schumer and Kirstin Gillibrand and United States House of Representatives Member Maurice Hinchey

**14.2 Resolution of the City of Ithaca Common Council to Approve Becoming an Amicus Curiae in Actions Involving Municipal Home Rule Pending Before New York State Appellate Courts**

WHEREAS, the Towns of Middlefield and Dryden have recently revised their zoning laws to prohibit heavy industrial uses (including natural gas drilling) in their communities and such laws have been challenged in court by opponents claiming that municipalities do not have the power to regulate natural gas drilling as a land use; and

WHEREAS, the Town of Ulysses has filed an amicus curiae or “friend of the court” brief in both lawsuits in support of its sister Towns in order to reassert the right of municipalities throughout New York State to determine what land uses are appropriate through the municipal home rule powers granted by the New York State Constitution and the New York Municipal Home Rule Law; and

WHEREAS, the Town of Ulysses will file another amicus brief when these lawsuits are appealed to New York appellate courts and has requested that other municipalities in New York State consider joining the Town of Ulysses’ brief as a powerful statement to the appellate courts, the New York State Department of Environmental Conservation, and the New York State Legislature about the importance of protecting municipal home rule in New York State and a municipality’s right to decide, for itself, whether natural gas drilling—or any other land use for that matter—is appropriate for its citizens, now, therefore, be it

**RESOLVED**, That the City of Ithaca Common Council hereby:

1. Determines that it is in the public interest of the citizens of the City of Ithaca to support municipal home rule by joining in the Town of Ulysses’ amicus brief to the appellate courts.
2. Authorizes and directs the Mayor to complete or cause to be completed any and all such further documents and papers in the name and on behalf of the City of Ithaca as the Mayor deems necessary or appropriate to carry into effect the foregoing resolution.
3. Directs that the City Clerk send a certified copy of this adopted resolution to the Town of Ulysses, 10 Elm St., Trumansburg, NY 14886.

15. **MAYOR'S APPOINTMENTS:**

15.1 **Appointment of Town of Ithaca Representative to the Cable Access Oversight Committee - Resolution**

**RESOLVED**, That Rich DePaolo be reappointed to the Cable Access Oversight Committee with a term to expire December 31, 2014.

15.2 **Appointments to Board of Public Works – Resolution**

**RESOLVED**, That Mark Darling be appointed to the Board of Public Works to replace Wade Wykstra with a term to expire December 31, 2013, and be it further

**RESOLVED**, That Jeanne Leccese be appointed to the Board of Public Works to replace David Warden with a term to expire December 31, 2014.

15.3 **Appointment to Natural Areas Commission – Resolution**

**RESOLVED**, That Daniel Hoffman be appointed to the Natural Areas Commission to replace Gerard Cox with a term to expire December 31, 2014.