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August 31, 2022

**By Hand Delivery and Email**

Mr. Rich John, Chairman  
Tompkins County Ethics Advisory Board  
Governor Daniel D. Tompkins Building  
121 East Court Street, 2<sup>nd</sup> Floor  
Ithaca, New York 14850

RECEIVED

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AUG 31 2022

Tompkins County  
Legislature

**Re: Ethics Investigation (Complaint of Cynthia Brock)**

Dear Mr. John:

**I. Introductory Statement**

My letter to you of August 17, 2022 provided documentary responses to information requests you forwarded to Laura Lewis, Acting Mayor of the City of Ithaca, Alderperson Robert Cantelmo, Chief of Staff Faith Vavra, and the undersigned. My letter of August 17 also stated objections regarding the lawful investigative and advisory authority of the Tompkins County Ethics Advisory Board ("TCEAB" or the "Board").

Based on those objections, we asked the Board to articulate and clarify the lawful scope of the investigation it is undertaking. We appreciate that the Board, at its August 19, 2022 public meeting, agreed to have its outside counsel address and opine on the scope of the Board's investigation to bring the Board's investigative objectives in line with its limited scope of authority under the law.

My letter of August 17, 2022 also promised to provide narrative responses to those of TCEAB's inquiries calling for a narrative response and/or objection. This letter contains the narrative responses and/or objections on behalf of Acting Mayor Lewis, Alderperson Cantelmo, Ms. Vavra, and the undersigned.

The remaining sections of this letter restate the responses and/or objections to the Board's inquiries contained in my letter of August 17, with the addition of the narrative responses and deletion of material made unnecessary by including the narrative responses. A separate copy of this letter is enclosed showing the additional narrative responses in red. The red portions only show added narrative; they are not a complete redline of this letter against my letter of August

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17. Additionally, all references to “enclosed” documents are references to documents that were enclosed with my August 17 letter to the Board.

## **II. Requests to Multiple Individuals**

As on August 17, the requests and responses in this section are common to the inquiry letters your office forwarded to Acting Mayor Laura Lewis, Common Council Member Robert Cantelmo, Chief of Staff Faith Vavra, and City Attorney Ari Lavine. The inquiries are cross referenced by initials to the numbered paragraphs of your letters to each respondent (*i.e.*, LL refers to Laura Lewis, RC to Robert Cantelmo, FV to Faith Vavra, and AL to me).

1. A complete copy of the City of Ithaca Gifting and Solicitation Policy in effect between June 2020 and May 2022. (LL No. 1, FV No. 1, AL No. 1).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board’s authority for the reasons discussed in Part III of my letter dated August 17, 2022. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, a copy of the policy is enclosed as a courtesy to the Board and matter of public interest.

2. Complete copy of the report entitled “Implementing City of Ithaca’s New Public Safety Agency.” (LL No. 2, FV No. 2)

RESPONSE: Enclosed.

3. Complete copy of the ‘Report on Patrol Staffing and Deployment’ produced by Matrix Consulting, Inc. (LL No. 3, FV No. 3).

RESPONSE: Enclosed.

4. Any contracts or agreements between the City and the Center for Policing Equity (“CPE”). (LL No. 4, FV No. 4).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board’s authority for the reasons discussed in Part III of my letter dated August 17, 2022. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondents state as follows:

The only formal contract or agreement entered between the City and CPE is a Mutual Non-Disclosure and Confidentiality Agreement (“NDA”) to which the County is also a party. Unrelated to these requests, the foregoing statement is not

intended as an admission to any limitation on duties CPE may have to the City arising on any statutory or common law theory.

A copy of the NDA is enclosed as a courtesy to the Board and matter of public interest.

5. Any proposed contracts or agreements submitted by CPE to the City. (LL No. 6, FV No. 5; *see also* LL No. 5).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondents state as follows:

CPE did not submit any proposed formal contracts or agreements to the City, other than the above-referenced NDA.

CPE submitted a document titled "Center for Policing Equity's Scope of Work for the City of Ithaca Public Safety Redesign" dated June 7, 2021 (the "Scope Document"). The Scope Document did not provide for or promise any payment or delivery of non-monetary consideration from the City to CPE.

CPE submitted a proposed budget for work to be performed in 2021-2022 and 2022-2023. It is in the form of a spreadsheet.

Copies of the Scope Document and spreadsheet are enclosed as a courtesy to the Board and matter of public interest.

6. Any contracts or agreements between the City and Matrix Consulting. (LL No. 7; FV No. 6).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondents state as follows:

The respondents do not have any responsive documents.

7. Any documents which refer or relate to any scope of work or services performed or proposed to be performed by CPE. (LL No. 8; FV No. 7).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

Respondents further object to this request on the grounds that it is vague, unduly broad, and unduly burdensome for respondents to gather and produce responsive documents. To the extent these requests seek "any documents which ... relate to ... work or services performed or proposed to be performed by CPE," it is a request for documents concerning every communication or interaction between each individual respondent and CPE.

Notwithstanding the foregoing objection, and without waiving the foregoing objection or any other objection, *see* Response No. 5 to the common requests above.

8. Any documents which refer or relate to any scope of work or services performed or proposed to be performed by Matrix Consulting. (LL No. 9; FV No. 8).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

Respondents further object to this request on the grounds that it is vague, unduly broad, and unduly burdensome for respondents to gather and produce responsive documents. To the extent these requests seek "any documents which ... relate to ... work or services performed or proposed to be performed by Matrix Consulting," it is a request for documents concerning every communication or interaction between each individual respondent and Matrix Consulting.

The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, enclosed please find a document titled "Proposal to Conduct the Analysis of Field Services, Ithaca, New York, July 28, 2021, Matrix Consulting Group." The document is enclosed as a courtesy to the Board and matter of public interest.

9. Is CPE providing any goods or services to the City at this time? If so, please identify those goods or services and the costs thereof. (LL No. 10; FV No. 9).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondents state as follows:

No. The City and the Tompkins County together ended their joint relationship with CPE by letter dated June 21, 2022 from Shawna Black, Chairwoman of the Tompkins County Legislature and Laura Lewis, Acting Mayor of the City of Ithaca. A copy of the letter is enclosed as a courtesy to the Board and matter of public interest.

Unrelated to these requests, the foregoing response is not intended as an admission to any limitation on ongoing duties CPE may have to the City arising on any statutory or common law theory.

10. What were the New York State procurement requirements in effect between June 2020 and May 2022, if any, regarding solicitation and/or receipt of consulting services? (LL No. 12, RC No. 2, FV No. 10, AL No. 3).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

Notwithstanding the foregoing objection and response, and without waiving the foregoing objection or any other objection:

- a. New York State procurement requirements in effect between June 2020 and May 2022 are generally set forth in Article 5-A of the General Municipal Law ("GML"), particularly GML §§103 and 104. Such requirements are summarized in various publications of the New York State Comptroller. None of these procurement requirements are applicable in the event goods or services are provided without charge.
  - b. Enclosed please find a publication dated July 2014, titled, "Local Government Management Guide, Seeking Competition in Procurement, Thomas P. DiNapoli" and a publication dated July 2018 titled, "Professional Service Procurement: Considerations for Local Officials, Thomas P. DiNapoli." These documents are enclosed as a courtesy to the Board and matter of public interest.
11. What were the City procurement requirements in effect between June 2020 and May 2022, if any, regarding solicitation and/or receipt of consulting services? (LL No. 13, RC No. 3, FV No. 11, AL No. 4).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

Notwithstanding the foregoing objection and response, and without waiving the foregoing objection or any other objection:

- a. City procurement requirements in effect between June 2020 and May 2022 are generally set forth in Chapter 39 of the City Code and in the City of Ithaca Purchasing Policy and Procedure Manual, April 4, 2018. None of these procurement requirements are applicable in the event goods or services are provided free of charge.
  - b. Enclosed please find the City of Ithaca Purchasing Policy & Procedure Manual, revised as of April 4, 2018. The document is enclosed as a courtesy to the Board and matter of public interest.
12. How was CPE identified as a consultant for the Reimagine Public Safety (“RPS”) initiative? (LL No. 15, RC No. 4).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board’s authority for the reasons discussed in Part III of my letter dated August 17, 2022.

13. What was the process for review, investigation and selection of CPE? (LL No. 16, RC No. 5).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board’s authority for the reasons discussed in Part III of my letter dated August 17, 2022.

14. Did the City undergo any Requests for Proposal (“RFP”), Request for Quote (“RFQ”) or other procurement process when it selected CPE? (LL No. 17, RC No. 6).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board’s authority for the reasons discussed in Part III of my letter dated August 17, 2022.

15. Who made the decision to select or retain CPE? (LL No. 18, RC No. 7).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board’s authority for the reasons discussed in Part III of my letter dated August 17, 2022.

16. Was any other consultant, contractor or entity considered? If so, please identify the consultant, contractor or entity. (LL No. 19, RC No. 8).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

17. How was the Center for Matrix Consulting (sic.) identified as a consultant for the Reimagine Public Safety ("RPS") initiative? (LL No. 20, RC No. 9).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

18. What was the process for selecting Matrix Consulting? (LL No. 21, RC No. 10).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

19. Did the City undergo any RFP, RFQ or other procurement process when it selected Matrix Consulting? (LL No. 22, RC No. 11).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

20. Who made the decision to select or retain Matrix Consulting? (LL No. 23, RC No. 12).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

21. Was any other consultant, contractor or entity considered? If so, please identify the consultant, contractor or entity. (LL No. 24, RC No. 13).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

22. Did the City receive any award, contribution, donation, endowment, grant or other funding from the Park Foundation with respect to the RPS initiative? If so, the amount. (LL No. 25, RC No. 14, FV No. 12).

RESPONSE: No.

23. Was any award, contribution, donation, endowment, grant or other funding from the Park Foundation approved by the Common Counsel (sic.)? (LL No. 26; RC No. 15, FV No. 13).

RESPONSE: Respondents note that this request is overly broad and does not seek information relevant to the investigation to the extent it seeks information about any award, etc., unrelated to the RPS initiative.

Notwithstanding the foregoing objection and response, and without waiving the foregoing objection or any other objection, respondents answer in the negative as to the RPS initiative.

24. Were there any conditions, contingencies, limitations, preconditions, prerequisites, or restrictions on the use of the award, contribution, donation, endowment, grant or other funding from the Park Foundation? (LL No. 27, RC No. 16, FV No. 14).

RESPONSE: Respondents note that this request is overly broad and does not seek information relevant to the investigation to the extent it seeks information about any award, etc., unrelated to the RPS initiative.

Notwithstanding the foregoing objection and response, and without waiving the foregoing objection or any other objection, respondents answer in the negative as there was not any award, etc., relating to the RPS initiative.

25. Did the City receive any award, contribution, donation, endowment, grant or other funding from the Dorothy Cotton Institute and/or the Center for Transformative Action with respect to the RPS initiative? If so, the amount. (LL No. 28, RC No. 17, FV No. 15).

RESPONSE: No.

26. Was any award, contribution, donation, endowment, grant or other funding from the Dorothy Cotton Institute and/or the Center for Transformative Action approved by the Common Counsel (sic.)? (LL No. 30, RC No. 18, FV No. 16).



RESPONSE: Respondents note that this request is overly broad and does not seek information relevant to the investigation to the extent it seeks information about any award, etc., unrelated to the RPS initiative.

Notwithstanding the foregoing objection and response, and without waiving the foregoing objection or any other objection, respondents answer in the negative as to any award, etc., relating to the RPS initiative.

27. Were there any conditions, contingencies, limitations, preconditions, prerequisites, or restrictions on the use of the award, contribution, donation, endowment, grant or other funding from the Dorothy Cotton Institute? (LL No. 29, RC No. 19, FV No. 17).

RESPONSE: Respondents note that this request is overly broad and does not seek information relevant to the investigation to the extent it seeks information about any award, etc., unrelated to the RPS initiative.

Notwithstanding the foregoing objection and response, and without waiving the foregoing objection or any other objection, respondents answer in the negative as there was not any award, etc., relating to the RPS initiative.

28. Besides the Park Foundation and the Dorothy Cotton Institute and/or the Center for Transformative Action, did the City receive any award, contribution, donation, endowment, grant or other funding for the RPS initiative from any other source? If so, please identify the source(s) and amount(s). (LL No. 31, RC No. 20, FV No. 18).

RESPONSE: To the best of respondents' knowledge, respondents answer in the negative as to funds so described in the question.

29. Was any other potential award, contribution, donation, endowment, grant or other funding which was designated directed or appropriated for the RPS initiative approved by the Common Counsel (sic.)? (LL No. 32, RC No. 21 and 23 (duplicate requests), FV No. 19).

RESPONSE: Common Council has directed the Office of the Mayor to apply for a funding solicitation offered by the U.S. Department of Justice COPS ("Community Oriented Policing Services") grant program to offset the cost of employing crisis intervention workers; the grant has not yet been awarded. Other than said grant, to the best of respondents' knowledge, respondents answer in the negative as to funds so described in the question.

30. Did the City receive any donation of goods or service from CPE? If so, was the donation of goods and services approved by the Common Counsel (sic.)? (LL No. 33, RC No. 22, FV No. 20).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

31. The total amounts paid to each member of the RPS Working Group and source of the funds. (LL No. 34, RC No. 24, FV No. 21).

RESPONSE: Respondents do not have direct knowledge of amounts paid to each member of the RPS Working Group or the source of each such payment.

32. Between June 2020 and May 2022, did the City have any policy, procedure, or practice of compensating, paying or otherwise providing remuneration to any member of an advisory board or working group? If so, what was the policy and if in writing, please provide a copy. (LL No. 35, RC No. 25, FV No. 22).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

Notwithstanding the foregoing objection and response, and without waiving the foregoing objection or any other objection, respondents answer in the negative.

33. Between June 2020 and May 2022, did the City have any policy, procedure or practice of permitting outside or third-parties to provide compensation, payment or remuneration to members of advisory boards of working groups? (LL No. 36, RC No. 26, FV No. 23).

RESPONSE: No, with the possible exception of the facts here under investigation constituting a limited practice not condoned by respondents.

34. Was there any authorization, resolution or vote of the Common Council approving payment by outside or third-parties to the members of the RPS Working Group? (LL No. 37, RC No. 27, FV No. 24).

RESPONSE: No.

35. Did the City enter into any agreements or contracts with Karen Yearwood and/or Eric Rosario to compensate them for their participation on the RPS Working Group? If so, please provide copies. (LL No. 38, RC No. 28, FV No. 25).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

36. The total amount received from the Park Foundation between June 2020 and May 2022. (LL No. 42, FV No. 26).

RESPONSE: Respondents note that this request is overly broad and does not seek information relevant to the investigation to the extent it seeks information about any matter unrelated to the RPS initiative.

Notwithstanding the foregoing objection and response, and without waiving the foregoing objection or any other objection, respondents state that the City has not received any amount from the Park Foundation relating to the RPS initiative.

37. The total amount of funds received from the Park Foundation which were expended for the RPS Initiative and/or RPS Working Group. (LL No. 43, FV No. 27).

RESPONSE: Respondents state that the City has not received any amount from the Park Foundation relating to the RPS initiative.

38. The total amount received from the Dorothy Cotton Institute and/or the Center for Transformative Action between June 2020 and May 2022. (LL No. 44, FV No. 28).

RESPONSE: Respondents note that this request is overly broad and does not seek information relevant to the investigation to the extent it seeks information about any matter unrelated to the RPS initiative.

Notwithstanding the foregoing objection and response, and without waiving the foregoing objection or any other objection, respondents state that the City has not received any amount from the Dorothy Cotton Institute and/or the Center for Transformative Action relating to the RPS initiative.

39. The total amount of funds received from the Dorothy Cotton Institute and/or the Center for Transformative Action which were expended for the RPS Initiative and/or RPS Working Group. (LL No. 45, FV No. 29).

RESPONSE: Respondents state that the City has not received any amount from the Dorothy Cotton Institute and/or the Center for Transformative Action relating to the RPS initiative.

40. Please provide any other information or materials which you believe would assist the Board in its investigation. (LL No. 52, RC No. 33, FV No. 31, AL No. 17).

RESPONSE: Please see the narrative portion of the responses and/or objections to your inquiries contained in this letter.

### **III. Requests Specific to Laura Lewis**

1. The proposed contract for services to be performed by CPE in 2022-2023 for the City for an approximate value of \$700,000 which was rejected by the Common Council. (LL No. 5).

RESPONSE: Respondent objects to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondent states as follows:

There was no such proposed contract. The spreadsheet referred to in Part II, Response No. 5 to the common inquiries lists services to be performed by CPE totaling to \$610,000.00 for 2022-2023. Respondent first became aware of the spreadsheet in or about June 2022.

2. What was the scope of services provided to the City by CPE? (LL No. 14).

RESPONSE: Respondent objects to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

3. All statements or documents prepared by the City Attorney's Office which evidence acknowledgment by the Park Foundation that it was irrevocably and unconditionally donating goods, services or funding to the City? (LL No. 39).

RESPONSE: Respondent objects to this request on the ground that it is overly broad and does not seek information relevant to the investigation to the extent it seeks information about any matter unrelated to the RPS initiative. Notwithstanding the foregoing objection and response, and without waiving the foregoing objection or any other objection, respondent states that she has no responsive documents.

4. All statements or documents prepared by the City Attorney's Office which evidence acknowledgment by the Dorothy Cotton Institute and/or Center for Transformative Action that it was irrevocably and unconditionally donating goods, services or funding to the City? (LL No. 40).

RESPONSE: Respondent notes that this request is overly broad and does not seek information relevant to the investigation to the extent it seeks information about any matter unrelated to the RPS initiative. Notwithstanding the foregoing objection and

response, and without waiving the foregoing objection or any other objection, respondent states that she has no responsive documents.

5. All statements or documents prepared by the City Attorney's Office which evidence acknowledgment by CPE that it was irrevocably and unconditionally donating goods, services or funding to the City? (LL No. 41).

RESPONSE: Respondent objects to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

Notwithstanding the foregoing objection and response, and without waiving the foregoing objection or any other objection, respondent states that she has no responsive documents. Respondent makes this statement as a courtesy to the Board and matter of public interest.

6. Any disclosure(s) of employment filed or made by Svante Myrick while Mayor. (LL No. 46).

RESPONSE: Respondent objects to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

Notwithstanding the foregoing objection and response, and without waiving the foregoing objection or any other objection, please see the enclosed documents. The documents are enclosed as a courtesy to the Board and matter of public interest. Redactions have been made to remove personal addresses, telephone numbers, and email addresses, consistent with the City's policies for release of employee information pursuant to the Freedom of Information Law.

7. Any conflict of interest(s) disclosure filed or made by Svante Myrick while Mayor. (LL No. 47).

RESPONSE: Respondent objects to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

Notwithstanding the foregoing objection and response, and without waiving the foregoing objection or any other objection, please see the enclosed documents. The documents are enclosed as a courtesy to the Board and matter of public interest. Redactions have been made to remove personal addresses, telephone numbers, and email addresses, consistent with the City's policies for release of employee information pursuant to the Freedom of Information Law.

8. The names of all members of the RPS Working Group. (LL No. 48).

RESPONSE: Respondent directs your attention to Appendix 8 to the report titled Public Safety, Reimagined and Appendix A to the report titled Implementing the City of Ithaca's New Public Safety Agency, copies of which are enclosed.

9. Identification of all members of the RPS Working Group which were officials, employees or servants of the City. (LL No. 49).

RESPONSE: *See* LL Response No. 8.

10. Identification of all technical advisors to the RPS Working Group. (LL No. 50).

RESPONSE: *See* LL Response No. 8.

11. All agendas, minutes, memoranda, reports and recommendations of the RPS Working Group. (LL No. 51).

RESPONSE: Respondent objects to this request on the ground that your Request No. 51 to Acting Mayor Lewis is overly broad and excessively burdensome and seeks materials that are not relevant to the Board's investigation. The City further notes its understanding that CPE possesses a single repository of all such information, and CPE has terminated the City's access to such repository. The Board may therefore desire to seek such materials from CPE directly.

Notwithstanding the foregoing objection, once the Board has clarified the scope of its investigation in a manner reflective of the limits of New York state law, the City will be prepared to discuss an appropriate search for and production of such records to the extent commensurate with the Board's investigative needs and authority.

#### **IV. Requests Specific to Robert Cantelmo**

*Preface to these responses: As you are aware, I was elected to the Common Council for a term beginning January 1, 2022. As such, I have little if any first-hand knowledge of relevant facts that occurred in 2020 and 2021 of potential relevance to the inquiries directed to me by the Board.*

1. Were those agreements [between the City and Karen Yearwood and/or Eric Rosario] approved by the Common Council? If so, the date of approval(s). (RC No. 29).

RESPONSE: Respondent objects to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondent states as follows: No.

2. Identification of the members of the City Comptroller (sic) and Attorney's Offices which had approved or signed the contract for payments to Karen Yearwood and/or Eric Rosario. (RC No. 30).

RESPONSE: Respondent objects to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

3. Was there any restricted contingency related to any contracts involving Karen Yearwood and/or Eric Rosario? (RC No. 31).

RESPONSE: Respondent objects to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondent states as follows:

Yes, the sum of \$400,000 was budgeted in restricted contingency for the RPS initiative in a manner that would encompass payments by the City to Ms. Yearwood and Mr. Rosario, were such payments authorized. At its meeting of April 27, 2022, the City Administration Committee voted against releasing such funds from restricted contingency.

4. Were there any other irregularities and/or improper procedures involved in the overall work of the RPS Working Group? If so, please provide a description.

RESPONSE: Respondent objects to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondent states as follows: Respondent is not aware of any.

#### **V. Requests Specific to Faith Vavra**

*Preface to these responses: My employment as Chief of Staff for the City of Ithaca began on October 4, 2021. As such, I have little if any first-hand knowledge of relevant facts that occurred prior to October 4, 2021 of potential relevance to the inquiries directed to me by the Board.*

1. A copy of the proposed contract from CPE to perform certain services in 2022-2023 for approximately \$700,000 which was rejected by the Common Council. (FV No. 30).

RESPONSE: Respondent objects to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondent states as follows:

There was no such proposed contract. The spreadsheet referred to in Response No. 5 to the inquiries to multiple individuals lists services to be performed by CPE totaling to \$610,000.00 for 2022-2023.

Respondent provides the foregoing information as a courtesy to the Board and matter of public interest.

## **VI. Requests Specific to Aaron Lavine**

*Preface to these responses: As you are aware, I am the City Attorney for the City of Ithaca and a member of the bar of the State of New York. My professional obligations as a New York attorney include maintaining the confidentiality of information communicated to me by my clients within the rubric of the attorney-client and attorney work product privileges. Even a cursory review shows that many of the inquiries you have addressed to me seek documents and information that I am prohibited from disclosing pursuant to the attorney-client and work product privileges unless a determination is made to waive the privilege. Nothing contained in the responses below is intended to be and may not be construed as a waiver of the attorney-client privilege, work product privilege, or any other privilege against disclosure.*

1. What was the monetary threshold requiring Common Council approval for expenditures between June 2020 and May 2022? (AL No. 2; see also LL No. 11, RC No. 1).

RESPONSE: Respondent objects to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

2. May a person appointed, designated, or selected to serve on a City advisory board or working group receive outside compensation, payment or other remuneration for his or her participation? If so, please provide the appropriate legal authority. (AL No. 5).



RESPONSE: Generally, no.

3. May a person appointed, designated, or selected to serve on a City advisory board or working group receive outside compensation, payment or other remuneration for his or her participation provided by an outside or third-party individual, entity or organization if the funds were first provided to the City. If so, please provide the appropriate legal authority. (AL No. 6).

RESPONSE: The underlying factual premise of this inquiry is that the payment to the advisory board or working group member would be paid by the City. Accordingly, please see Part II, Response No. 32.

4. Did former Mayor Svante Myrick seek or request the advice of the City Attorney's Office regarding the acceptance of any award, contribution, donation, endowment, funding, grant or other financial support from the Park Foundation? If so, please provide all documentation and/or writings which refer or relate to the sought or requested advice. (AL No. 7).

RESPONSE: Respondent objects to this inquiry based on the attorney-client privilege.

5. Did former Mayor Myrick seek or request the advice of the City Attorney's Office regarding the acceptance of any award, contribution, donation, endowment, funding, grant or other financial support from the Dorothy Cotton Institute and/or the Center for Transformative Action? If so, please provide all documentation and/or writings which refer or relate to the sought or requested advice. (AL No. 8).

RESPONSE: Respondent objects to this inquiry based on the attorney-client privilege.

6. Did former Mayor Myrick seek or request the advice of the City Attorney's Office regarding the acceptance of any donation of goods and/or services from the Center for Policing Equity? If so, please provide all documentation and/or writings which refer or relate to the sought or requested advice. (AL No. 9).

RESPONSE: Respondent objects to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondent states as follows:

Respondent further objects to this inquiry based on the attorney-client privilege.

7. Duplicates Request No. 7 to Mr. Lavine. (AL No. 10).

RESPONSE: Not applicable.

8. Did the City Attorney's Office provide any advice to former Mayor Myrick regarding the acceptance of any award, contribution, donation, endowment, funding, grant or other financial support from the Dorothy Cotton Institute and/or Center for Transformative Action? If so, please provide all documentation and/or writings which refer or relate to any advice provided. (AL No. 11).

RESPONSE: Respondent objects to this inquiry based on the attorney-client privilege.

9. Did the City Attorney's Office provide any advice to former Mayor Myrick regarding the acceptance of any donation, goods, or services from the Center for Policing Equity? If so, please provide all documentation and/or writings which refer or relate to any advice provided. (AL No. 12).

RESPONSE: Respondent objects to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondent states as follows:

Respondent further objects to this inquiry based on the attorney-client privilege.

10. Did the City Attorney's Office prepare any written statement signed and/or acknowledged by the Park Foundation that it was irrevocably and unconditionally donating goods, services or funding to the City? If so, please provide such statement. (AL No. 13).

RESPONSE: No.

11. Did the City Attorney's Office prepare any written statement signed and/or acknowledged by the Dorothy Cotton Institute and/or Center for Transformative Action that it was irrevocably and unconditionally donating goods, services or funding to the City? If so, please provide such statement. (AL No. 14).

RESPONSE: No.

12. Did the City Attorney's Office prepare any written statement signed and/or acknowledged by the Center for Policing Equity that it was irrevocably and unconditionally donating goods, services or funding to the City? If so, please provide such statement. (AL No. 15).

RESPONSE: Respondent objects to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondent states as follows:

No.

13. Did any official, attorney, employee or representative of the City Attorney's Office approve, authorize or consent to any payments to Karen Yearwood and/or Eric Rosario? If so, please provide the name of the official, attorney, employee or representative and provide any documentation related to the request and approval. (AL No. 16).

RESPONSE: Respondent objects to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

Respectfully,



Aaron O. Lavine  
City Attorney

cc: Laura Lewis, Acting Mayor  
Robert Cantelmo, Alderperson, Fifth Ward & Chair, City Administration Committee  
Faith Vavra, Chief of Staff



CITY OF ITHACA  
108 East Green Street Ithaca, New York 14850-5690

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August 31, 2022

**By Hand Delivery and Email**

**Narrative additions to letter of  
August 17, 2022 appear in red.**

Mr. Rich John, Chairman  
Tompkins County Ethics Advisory Board  
Governor Daniel D. Tompkins Building  
121 East Court Street, 2<sup>nd</sup> Floor  
Ithaca, New York 14850

**Re: Ethics Investigation (Complaint of Cynthia Brock)**

Dear Mr. John:

**I. Introductory Statement**

My letter to you of August 17, 2022 provided documentary responses to information requests you forwarded to Laura Lewis, Acting Mayor of the City of Ithaca, Alderperson Robert Cantelmo, Chief of Staff Faith Vavra, and the undersigned. My letter of August 17 also stated objections regarding the lawful investigative and advisory authority of the Tompkins County Ethics Advisory Board ("TCEAB" or the "Board").

Based on those objections, we asked the Board to articulate and clarify the lawful scope of the investigation it is undertaking. We appreciate that the Board, at its August 19, 2022 public meeting, agreed to have its outside counsel address and opine on the scope of the Board's investigation to bring the Board's investigative objectives in line with its limited scope of authority under the law.

My letter of August 17, 2022 also promised to provide narrative responses to those of TCEAB's inquiries calling for a narrative response and/or objection. This letter contains the narrative responses and/or objections on behalf of Acting Mayor Lewis, Alderperson Cantelmo, Ms. Vavra, and the undersigned.

The remaining sections of this letter restate the responses and/or objections to the Board's inquiries contained in my letter of August 17, with the addition of the narrative responses and deletion of material made unnecessary by including the narrative responses. A separate copy of this letter is enclosed showing the additional narrative responses in red. The red portions only show added narrative; they are not a complete redline of this letter against my letter of August

17. Additionally, all references to “enclosed” documents are references to documents that were enclosed with my August 17 letter to the Board.

## **II. Requests to Multiple Individuals**

As on August 17, the requests and responses in this section are common to the inquiry letters your office forwarded to Acting Mayor Laura Lewis, Common Council Member Robert Cantelmo, Chief of Staff Faith Vavra, and City Attorney Ari Lavine. The inquiries are cross referenced by initials to the numbered paragraphs of your letters to each respondent (*i.e.*, LL refers to Laura Lewis, RC to Robert Cantelmo, FV to Faith Vavra, and AL to me).

1. A complete copy of the City of Ithaca Gifting and Solicitation Policy in effect between June 2020 and May 2022. (LL No. 1, FV No. 1, AL No. 1).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board’s authority for the reasons discussed in Part III of my letter dated August 17, 2022. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, a copy of the policy is enclosed as a courtesy to the Board and matter of public interest.

2. Complete copy of the report entitled “Implementing City of Ithaca’s New Public Safety Agency.” (LL No. 2, FV No. 2)

RESPONSE: Enclosed.

3. Complete copy of the ‘Report on Patrol Staffing and Deployment’ produced by Matrix Consulting, Inc. (LL No. 3, FV No. 3).

RESPONSE: Enclosed.

4. Any contracts or agreements between the City and the Center for Policing Equity (“CPE”). (LL No. 4, FV No. 4).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board’s authority for the reasons discussed in Part III of my letter dated August 17, 2022. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondents state as follows:

The only formal contract or agreement entered between the City and CPE is a Mutual Non-Disclosure and Confidentiality Agreement (“NDA”) to which the County is also a party. Unrelated to these requests, the foregoing statement is not

intended as an admission to any limitation on duties CPE may have to the City arising on any statutory or common law theory.

A copy of the NDA is enclosed as a courtesy to the Board and matter of public interest.

5. Any proposed contracts or agreements submitted by CPE to the City. (LL No. 6, FV No. 5; *see also* LL No. 5).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondents state as follows:

CPE did not submit any proposed formal contracts or agreements to the City, other than the above-referenced NDA.

CPE submitted a document titled "Center for Policing Equity's Scope of Work for the City of Ithaca Public Safety Redesign" dated June 7, 2021 (the "Scope Document"). The Scope Document did not provide for or promise any payment or delivery of non-monetary consideration from the City to CPE.

CPE submitted a proposed budget for work to be performed in 2021-2022 and 2022-2023. It is in the form of a spreadsheet.

Copies of the Scope Document and spreadsheet are enclosed as a courtesy to the Board and matter of public interest.

6. Any contracts or agreements between the City and Matrix Consulting. (LL No. 7; FV No. 6).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondents state as follows:

The respondents do not have any responsive documents.

7. Any documents which refer or relate to any scope of work or services performed or proposed to be performed by CPE. (LL No. 8; FV No. 7).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

Respondents further object to this request on the grounds that it is vague, unduly broad, and unduly burdensome for respondents to gather and produce responsive documents. To the extent these requests seek "any documents which ... relate to ... work or services performed or proposed to be performed by CPE," it is a request for documents concerning every communication or interaction between each individual respondent and CPE.

Notwithstanding the foregoing objection, and without waiving the foregoing objection or any other objection, *see* Response No. 5 to the common requests above.

8. Any documents which refer or relate to any scope of work or services performed or proposed to be performed by Matrix Consulting. (LL No. 9; FV No. 8).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

Respondents further object to this request on the grounds that it is vague, unduly broad, and unduly burdensome for respondents to gather and produce responsive documents. To the extent these requests seek "any documents which ... relate to ... work or services performed or proposed to be performed by Matrix Consulting," it is a request for documents concerning every communication or interaction between each individual respondent and Matrix Consulting.

The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, enclosed please find a document titled "Proposal to Conduct the Analysis of Field Services, Ithaca, New York, July 28, 2021, Matrix Consulting Group." The document is enclosed as a courtesy to the Board and matter of public interest.

9. Is CPE providing any goods or services to the City at this time? If so, please identify those goods or services and the costs thereof. (LL No. 10; FV No. 9).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondents state as follows:

No. The City and the Tompkins County together ended their joint relationship with CPE by letter dated June 21, 2022 from Shawna Black, Chairwoman of the Tompkins County Legislature and Laura Lewis, Acting Mayor of the City of Ithaca. A copy of the letter is enclosed as a courtesy to the Board and matter of public interest.

Unrelated to these requests, the foregoing response is not intended as an admission to any limitation on ongoing duties CPE may have to the City arising on any statutory or common law theory.

10. What were the New York State procurement requirements in effect between June 2020 and May 2022, if any, regarding solicitation and/or receipt of consulting services? (LL No. 12, RC No. 2, FV No. 10, AL No. 3).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

Notwithstanding the foregoing objection and response, and without waiving the foregoing objection or any other objection:

a. New York State procurement requirements in effect between June 2020 and May 2022 are generally set forth in Article 5-A of the General Municipal Law ("GML"), particularly GML §§103 and 104. Such requirements are summarized in various publications of the New York State Comptroller. None of these procurement requirements are applicable in the event goods or services are provided without charge.

b. Enclosed please find a publication dated July 2014, titled, "Local Government Management Guide, Seeking Competition in Procurement, Thomas P. DiNapoli" and a publication dated July 2018 titled, "Professional Service Procurement: Considerations for Local Officials, Thomas P. DiNapoli." These documents are enclosed as a courtesy to the Board and matter of public interest.

11. What were the City procurement requirements in effect between June 2020 and May 2022, if any, regarding solicitation and/or receipt of consulting services? (LL No. 13, RC No. 3, FV No. 11, AL No. 4).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

Notwithstanding the foregoing objection and response, and without waiving the foregoing objection or any other objection:



a. City procurement requirements in effect between June 2020 and May 2022 are generally set forth in Chapter 39 of the City Code and in the City of Ithaca Purchasing Policy and Procedure Manual, April 4, 2018. None of these procurement requirements are applicable in the event goods or services are provided free of charge.

b. Enclosed please find the City of Ithaca Purchasing Policy & Procedure Manual, revised as of April 4, 2018. The document is enclosed as a courtesy to the Board and matter of public interest.

12. How was CPE identified as a consultant for the Reimagine Public Safety (“RPS”) initiative? (LL No. 15, RC No. 4).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board’s authority for the reasons discussed in Part III of my letter dated August 17, 2022.

13. What was the process for review, investigation and selection of CPE? (LL No. 16, RC No. 5).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board’s authority for the reasons discussed in Part III of my letter dated August 17, 2022.

14. Did the City undergo any Requests for Proposal (“RFP”), Request for Quote (“RFQ”) or other procurement process when it selected CPE? (LL No. 17, RC No. 6).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board’s authority for the reasons discussed in Part III of my letter dated August 17, 2022.

15. Who made the decision to select or retain CPE? (LL No. 18, RC No. 7).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board’s authority for the reasons discussed in Part III of my letter dated August 17, 2022.

16. Was any other consultant, contractor or entity considered? If so, please identify the consultant, contractor or entity. (LL No. 19, RC No. 8).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

17. How was the Center for Matrix Consulting (sic.) identified as a consultant for the Reimagine Public Safety ("RPS") initiative? (LL No. 20, RC No. 9).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

18. What was the process for selecting Matrix Consulting? (LL No. 21, RC No. 10).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

19. Did the City undergo any RFP, RFQ or other procurement process when it selected Matrix Consulting? (LL No. 22, RC No. 11).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

20. Who made the decision to select or retain Matrix Consulting? (LL No. 23, RC No. 12).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

21. Was any other consultant, contractor or entity considered? If so, please identify the consultant, contractor or entity. (LL No. 24, RC No. 13).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

22. Did the City receive any award, contribution, donation, endowment, grant or other funding from the Park Foundation with respect to the RPS initiative? If so, the amount. (LL No. 25, RC No. 14, FV No. 12).

RESPONSE: No.

23. Was any award, contribution, donation, endowment, grant or other funding from the Park Foundation approved by the Common Counsel (sic.)? (LL No. 26; RC No. 15, FV No. 13).

RESPONSE: Respondents note that this request is overly broad and does not seek information relevant to the investigation to the extent it seeks information about any award, etc., unrelated to the RPS initiative.

Notwithstanding the foregoing objection and response, and without waiving the foregoing objection or any other objection, respondents answer in the negative as to the RPS initiative.

24. Were there any conditions, contingencies, limitations, preconditions, prerequisites, or restrictions on the use of the award, contribution, donation, endowment, grant or other funding from the Park Foundation? (LL No. 27, RC No. 16, FV No. 14).

RESPONSE: Respondents note that this request is overly broad and does not seek information relevant to the investigation to the extent it seeks information about any award, etc., unrelated to the RPS initiative.

Notwithstanding the foregoing objection and response, and without waiving the foregoing objection or any other objection, respondents answer in the negative as there was not any award, etc., relating to the RPS initiative.

25. Did the City receive any award, contribution, donation, endowment, grant or other funding from the Dorothy Cotton Institute and/or the Center for Transformative Action with respect to the RPS initiative? If so, the amount. (LL No. 28, RC No. 17, FV No. 15).

RESPONSE: No.

26. Was any award, contribution, donation, endowment, grant or other funding from the Dorothy Cotton Institute and/or the Center for Transformative Action approved by the Common Counsel (sic.)? (LL No. 30, RC No. 18, FV No. 16).

RESPONSE: Respondents note that this request is overly broad and does not seek information relevant to the investigation to the extent it seeks information about any award, etc., unrelated to the RPS initiative.

Notwithstanding the foregoing objection and response, and without waiving the foregoing objection or any other objection, respondents answer in the negative as to any award, etc., relating to the RPS initiative.

27. Were there any conditions, contingencies, limitations, preconditions, prerequisites, or restrictions on the use of the award, contribution, donation, endowment, grant or other funding from the Dorothy Cotton Institute? (LL No. 29, RC No. 19, FV No. 17).

RESPONSE: Respondents note that this request is overly broad and does not seek information relevant to the investigation to the extent it seeks information about any award, etc., unrelated to the RPS initiative.

Notwithstanding the foregoing objection and response, and without waiving the foregoing objection or any other objection, respondents answer in the negative as there was not any award, etc., relating to the RPS initiative.

28. Besides the Park Foundation and the Dorothy Cotton Institute and/or the Center for Transformative Action, did the City receive any award, contribution, donation, endowment, grant or other funding for the RPS initiative from any other source? If so, please identify the source(s) and amount(s). (LL No. 31, RC No. 20, FV No. 18).

RESPONSE: To the best of respondents' knowledge, respondents answer in the negative as to funds so described in the question.

29. Was any other potential award, contribution, donation, endowment, grant or other funding which was designated directed or appropriated for the RPS initiative approved by the Common Counsel (sic.)? (LL No. 32, RC No. 21 and 23 (duplicate requests), FV No. 19).

RESPONSE: Common Council has directed the Office of the Mayor to apply for a funding solicitation offered by the U.S. Department of Justice COPS ("Community Oriented Policing Services") grant program to offset the cost of employing crisis intervention workers; the grant has not yet been awarded. Other than said grant, to the best of respondents' knowledge, respondents answer in the negative as to funds so described in the question.

30. Did the City receive any donation of goods or service from CPE? If so, was the donation of goods and services approved by the Common Counsel (sic.)? (LL No. 33, RC No. 22, FV No. 20).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

31. The total amounts paid to each member of the RPS Working Group and source of the funds. (LL No. 34, RC No. 24, FV No. 21).

RESPONSE: Respondents do not have direct knowledge of amounts paid to each member of the RPS Working Group or the source of each such payment.

32. Between June 2020 and May 2022, did the City have any policy, procedure, or practice of compensating, paying or otherwise providing remuneration to any member of an advisory board or working group? If so, what was the policy and if in writing, please provide a copy. (LL No. 35, RC No. 25, FV No. 22).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

Notwithstanding the foregoing objection and response, and without waiving the foregoing objection or any other objection, respondents answer in the negative.

33. Between June 2020 and May 2022, did the City have any policy, procedure or practice of permitting outside or third-parties to provide compensation, payment or remuneration to members of advisory boards of working groups? (LL No. 36, RC No. 26, FV No. 23).

RESPONSE: No, with the possible exception of the facts here under investigation constituting a limited practice not condoned by respondents.

34. Was there any authorization, resolution or vote of the Common Council approving payment by outside or third-parties to the members of the RPS Working Group? (LL No. 37, RC No. 27, FV No. 24).

RESPONSE: No.

35. Did the City enter into any agreements or contracts with Karen Yearwood and/or Eric Rosario to compensate them for their participation on the RPS Working Group? If so, please provide copies. (LL No. 38, RC No. 28, FV No. 25).

RESPONSE: Respondents object to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

36. The total amount received from the Park Foundation between June 2020 and May 2022. (LL No. 42, FV No. 26).

RESPONSE: Respondents note that this request is overly broad and does not seek information relevant to the investigation to the extent it seeks information about any matter unrelated to the RPS initiative.

Notwithstanding the foregoing objection and response, and without waiving the foregoing objection or any other objection, respondents state that the City has not received any amount from the Park Foundation relating to the RPS initiative.

37. The total amount of funds received from the Park Foundation which were expended for the RPS Initiative and/or RPS Working Group. (LL No. 43, FV No. 27).

RESPONSE: Respondents state that the City has not received any amount from the Park Foundation relating to the RPS initiative.

38. The total amount received from the Dorothy Cotton Institute and/or the Center for Transformative Action between June 2020 and May 2022. (LL No. 44, FV No. 28).

RESPONSE: Respondents note that this request is overly broad and does not seek information relevant to the investigation to the extent it seeks information about any matter unrelated to the RPS initiative.

Notwithstanding the foregoing objection and response, and without waiving the foregoing objection or any other objection, respondents state that the City has not received any amount from the Dorothy Cotton Institute and/or the Center for Transformative Action relating to the RPS initiative.

39. The total amount of funds received from the Dorothy Cotton Institute and/or the Center for Transformative Action which were expended for the RPS Initiative and/or RPS Working Group. (LL No. 45, FV No. 29).

RESPONSE: Respondents state that the City has not received any amount from the Dorothy Cotton Institute and/or the Center for Transformative Action relating to the RPS initiative.

40. Please provide any other information or materials which you believe would assist the Board in its investigation. (LL No. 52, RC No. 33, FV No. 31, AL No. 17).

RESPONSE: Please see the narrative portion of the responses and/or objections to your inquiries contained in this letter.

**III. Requests Specific to Laura Lewis**

1. The proposed contract for services to be performed by CPE in 2022-2023 for the City for an approximate value of \$700,000 which was rejected by the Common Council. (LL No. 5).

RESPONSE: Respondent objects to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondent states as follows:

There was no such proposed contract. The spreadsheet referred to in Part II, Response No. 5 to the common inquiries lists services to be performed by CPE totaling to \$610,000.00 for 2022-2023. Respondent first became aware of the spreadsheet in or about June 2022.

2. What was the scope of services provided to the City by CPE? (LL No. 14).

RESPONSE: Respondent objects to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

3. All statements or documents prepared by the City Attorney's Office which evidence acknowledgment by the Park Foundation that it was irrevocably and unconditionally donating goods, services or funding to the City? (LL No. 39).

RESPONSE: Respondent objects to this request on the ground that it is overly broad and does not seek information relevant to the investigation to the extent it seeks information about any matter unrelated to the RPS initiative. Notwithstanding the foregoing objection and response, and without waiving the foregoing objection or any other objection, respondent states that she has no responsive documents.

4. All statements or documents prepared by the City Attorney's Office which evidence acknowledgment by the Dorothy Cotton Institute and/or Center for Transformative Action that it was irrevocably and unconditionally donating goods, services or funding to the City? (LL No. 40).

RESPONSE: Respondent notes that this request is overly broad and does not seek information relevant to the investigation to the extent it seeks information about any matter unrelated to the RPS initiative. Notwithstanding the foregoing objection and

response, and without waiving the foregoing objection or any other objection, respondent states that she has no responsive documents.

5. All statements or documents prepared by the City Attorney's Office which evidence acknowledgment by CPE that it was irrevocably and unconditionally donating goods, services or funding to the City? (LL No. 41).

RESPONSE: Respondent objects to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

Notwithstanding the foregoing objection and response, and without waiving the foregoing objection or any other objection, respondent states that she has no responsive documents. Respondent makes this statement as a courtesy to the Board and matter of public interest.

6. Any disclosure(s) of employment filed or made by Svante Myrick while Mayor. (LL No. 46).

RESPONSE: Respondent objects to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

Notwithstanding the foregoing objection and response, and without waiving the foregoing objection or any other objection, please see the enclosed documents. The documents are enclosed as a courtesy to the Board and matter of public interest. Redactions have been made to remove personal addresses, telephone numbers, and email addresses, consistent with the City's policies for release of employee information pursuant to the Freedom of Information Law.

7. Any conflict of interest(s) disclosure filed or made by Svante Myrick while Mayor. (LL No. 47).

RESPONSE: Respondent objects to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

Notwithstanding the foregoing objection and response, and without waiving the foregoing objection or any other objection, please see the enclosed documents. The documents are enclosed as a courtesy to the Board and matter of public interest. Redactions have been made to remove personal addresses, telephone numbers, and email addresses, consistent with the City's policies for release of employee information pursuant to the Freedom of Information Law.



8. The names of all members of the RPS Working Group. (LL No. 48).

RESPONSE: Respondent directs your attention to Appendix 8 to the report titled Public Safety, Reimagined and Appendix A to the report titled Implementing the City of Ithaca's New Public Safety Agency, copies of which are enclosed.

9. Identification of all members of the RPS Working Group which were officials, employees or servants of the City. (LL No. 49).

RESPONSE: *See* LL Response No. 8.

10. Identification of all technical advisors to the RPS Working Group. (LL No. 50).

RESPONSE: *See* LL Response No. 8.

11. All agendas, minutes, memoranda, reports and recommendations of the RPS Working Group. (LL No. 51).

RESPONSE: Respondent objects to this request on the ground that your Request No. 51 to Acting Mayor Lewis is overly broad and excessively burdensome and seeks materials that are not relevant to the Board's investigation. The City further notes its understanding that CPE possesses a single repository of all such information, and CPE has terminated the City's access to such repository. The Board may therefore desire to seek such materials from CPE directly.

Notwithstanding the foregoing objection, once the Board has clarified the scope of its investigation in a manner reflective of the limits of New York state law, the City will be prepared to discuss an appropriate search for and production of such records to the extent commensurate with the Board's investigative needs and authority.

#### IV. Requests Specific to Robert Cantelmo

*Preface to these responses: As you are aware, I was elected to the Common Council for a term beginning January 1, 2022. As such, I have little if any first-hand knowledge of relevant facts that occurred in 2020 and 2021 of potential relevance to the inquiries directed atto me by the Board.*

1. Were those agreements [between the City and Karen Yearwood and/or Eric Rosario] approved by the Common Council? If so, the date of approval(s). (RC No. 29).

RESPONSE: Respondent objects to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondent states as follows: No.

2. Identification of the members of the City Comptroller (sic) and Attorney's Offices which had approved or signed the contract for payments to Karen Yearwood and/or Eric Rosario. (RC No. 30).

RESPONSE: Respondent objects to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

3. Was there any restricted contingency related to any contracts involving Karen Yearwood and/or Eric Rosario? (RC No. 31).

RESPONSE: Respondent objects to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondent states as follows:

Yes, the sum of \$400,000 was budgeted in restricted contingency for the RPS initiative in a manner that would encompass payments by the City to Ms. Yearwood and Mr. Rosario, were such payments authorized. At its meeting of April 27, 2022, the City Administration Committee voted against releasing such funds from restricted contingency.

4. Were there any other irregularities and/or improper procedures involved in the overall work of the RPS Working Group? If so, please provide a description.

RESPONSE: Respondent objects to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondent states as follows: Respondent is not aware of any.

#### V. Requests Specific to Faith Vavra

Preface to these responses: My employment as Chief of Staff for the City of Ithaca began on October 4, 2021. As such, I have little if any first-hand knowledge of relevant facts

that occurred prior to October 4, 2021 of potential relevance to the inquiries directed to me by the Board.

1. A copy of the proposed contract from CPE to perform certain services in 2022-2023 for approximately \$700,000 which was rejected by the Common Council. (FV No. 30).

RESPONSE: Respondent objects to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondent states as follows:

There was no such proposed contract. The spreadsheet referred to in Response No. 5 to the inquiries to multiple individuals lists services to be performed by CPE totaling to \$610,000.00 for 2022-2023.

Respondent provides the foregoing information as a courtesy to the Board and matter of public interest.

## **VI. Requests Specific to Aaron Lavine**

*Preface to these responses: As you are aware, I am the City Attorney for the City of Ithaca and a member of the bar of the State of New York. My professional obligations as a New York attorney include maintaining the confidentiality of information communicated to me by my clients within the rubric of the attorney-client and attorney work product privileges. Even a cursory review shows that many of the inquiries you have addressed to me seek documents and information that I am prohibited from disclosing pursuant to the attorney-client and work product privileges unless a determination is made to waive the privilege. Nothing contained in the responses below is intended to be and may not be construed as a waiver of the attorney-client privilege, work product privilege, or any other privilege against disclosure.*

1. What was the monetary threshold requiring Common Council approval for expenditures between June 2020 and May 2022? (AL No. 2; see also LL No. 11, RC No. 1).

RESPONSE: Respondent objects to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

2. May a person appointed, designated, or selected to serve on a City advisory board or working group receive outside compensation, payment or other remuneration for his

or her participation? If so, please provide the appropriate legal authority. (AL No. 5).

RESPONSE: Generally, no.

3. May a person appointed, designated, or selected to serve on a City advisory board or working group receive outside compensation, payment or other remuneration for his or her participation provided by an outside or third-party individual, entity or organization if the funds were first provided to the City. If so, please provide the appropriate legal authority. (AL No. 6).

RESPONSE: The underlying factual premise of this inquiry is that the payment to the advisory board or working group member would be paid by the City. Accordingly, please see Part II, Response No. 32.

4. Did former Mayor Svante Myrick seek or request the advice of the City Attorney's Office regarding the acceptance of any award, contribution, donation, endowment, funding, grant or other financial support from the Park Foundation? If so, please provide all documentation and/or writings which refer or relate to the sought or requested advice. (AL No. 7).

RESPONSE: Respondent objects to this inquiry based on the attorney-client privilege.

5. Did former Mayor Myrick seek or request the advice of the City Attorney's Office regarding the acceptance of any award, contribution, donation, endowment, funding, grant or other financial support from the Dorothy Cotton Institute and/or the Center for Transformative Action? If so, please provide all documentation and/or writings which refer or relate to the sought or requested advice. (AL No. 8).

RESPONSE: Respondent objects to this inquiry based on the attorney-client privilege.

6. Did former Mayor Myrick seek or request the advice of the City Attorney's Office regarding the acceptance of any donation of goods and/or services from the Center for Policing Equity? If so, please provide all documentation and/or writings which refer or relate to the sought or requested advice. (AL No. 9).

RESPONSE: Respondent objects to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondent states as follows:

Respondent further objects to this inquiry based on the attorney-client privilege.

7. Duplicates Request No. 7 to Mr. Lavine. (AL No. 10).

RESPONSE: Not applicable.

8. Did the City Attorney's Office provide any advice to former Mayor Myrick regarding the acceptance of any award, contribution, donation, endowment, funding, grant or other financial support from the Dorothy Cotton Institute and/or Center for Transformative Action? If so, please provide all documentation and/or writings which refer or relate to any advice provided. (AL No. 11).

RESPONSE: Respondent objects to this inquiry based on the attorney-client privilege.

9. Did the City Attorney's Office provide any advice to former Mayor Myrick regarding the acceptance of any donation, goods, or services from the Center for Policing Equity? If so, please provide all documentation and/or writings which refer or relate to any advice provided. (AL No. 12).

RESPONSE: Respondent objects to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondent states as follows:

Respondent further objects to this inquiry based on the attorney-client privilege.

10. Did the City Attorney's Office prepare any written statement signed and/or acknowledged by the Park Foundation that it was irrevocably and unconditionally donating goods, services or funding to the City? If so, please provide such statement. (AL No. 13).

RESPONSE: No.

11. Did the City Attorney's Office prepare any written statement signed and/or acknowledged by the Dorothy Cotton Institute and/or Center for Transformative Action that it was irrevocably and unconditionally donating goods, services or funding to the City? If so, please provide such statement. (AL No. 14).

RESPONSE: No.

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12. Did the City Attorney's Office prepare any written statement signed and/or acknowledged by the Center for Policing Equity that it was irrevocably and unconditionally donating goods, services or funding to the City? If so, please provide such statement. (AL No. 15).

RESPONSE: Respondent objects to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondent states as follows:

No.

13. Did any official, attorney, employee or representative of the City Attorney's Office approve, authorize or consent to any payments to Karen Yearwood and/or Eric Rosario? If so, please provide the name of the official, attorney, employee or representative and provide any documentation related to the request and approval. (AL No. 16).

RESPONSE: Respondent objects to this request on the ground that it seeks information about matters outside the scope of the Board's authority for the reasons discussed in Part III of my letter dated August 17, 2022.

Respectfully,

/s/ Aaron O. Lavine

Aaron O. Lavine  
City Attorney

cc: Laura Lewis, Acting Mayor  
Robert Cantelmo, Alderperson, Fifth Ward & Chair, City Administration Committee  
Faith Vavra, Chief of Staff