



CITY OF ITHACA  
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August 17, 2022

**By Hand Delivery**

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**

I write in response to your letter to me of August 2, 2022, and prior requests for information dated June 21, 2022 about the Reimagining Public Safety ("RPS") initiative. To my knowledge, you directed your June 21 information requests to Acting Mayor Laura Lewis, former Mayor Svante Myrick, Alderperson Robert Gesualdo Cantelmo, Chief of Staff Faith Vavra, the undersigned, and to Eric Rosario and Karen Yearwood, Co-Leads of the City of Ithaca ("City")'s RPS Working Group. The Tompkins County Ethics Advisory Board ("TCEAB" or the "Board") sent these inquiries by regular mail to City Hall, where they were received one full week later.

**II. The City Offers its Cooperation**

By letter dated July 1, 2022, I advised you that the deadline of July 10, 2022 that TCEAB unilaterally imposed for its document requests and narrative responses to numerous inquiries was unfeasible and that the City would provide responses by August 31, 2022.<sup>1</sup> I also returned the packages for former Mayor Myrick, Mr. Rosario, and Ms. Yearwood to TCEAB since none of these individuals has a place of business at City Hall.

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<sup>1</sup> The August 31, 2022 response time is borne of real world issues, such as staff availability to gather documents, conduct research, and provide responses; time needed to stand up the City's own, broader, investigation of financial issues related to the RPS initiative; and conflicts with other pressing matters, such as public meetings, legislation, referenda, court hearings, and arbitrations.

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Despite the City's assurance in my letter of July 1, 2022 of its intention to cooperate with TCEAB's investigation of the complaint – even while the City has commissioned an independent and impartial investigation of an array of issues to be conducted by outside counsel – you proceeded at TCEAB's public meeting of July 29, 2022 to accuse the City, Acting Mayor Lewis, and me personally, of non-cooperation with TCEAB's investigation.

TCEAB's process to date has thus included at least the following: (1) persistently sending documents relating to TCEAB's investigation to City Hall by regular mail, when our offices are literally within a few city blocks of one another's and email is readily available; (2) including, in your mailed inquiries, deadlines for responses that would be draconian and unattainable even had the inquiries been delivered electronically; and (3) then accusing the City of non-cooperation when it complains of the tactics and advises you of a reasonable timeline for when it can respond to the inquiries. Notably, while TCEAB communicates with the City by "snail mail" it appears to have established a line of instantaneous communication with the media when it has anything negative to say about the City. Thus, while you represent in your letter that TCEAB is seeking to conduct a "full, fair and timely investigation" its behavior suggests other motivations, prompting Acting Mayor Lewis to call upon you TCEAB's last meeting to "tone down the rhetoric and honor the purpose and necessary timelines of" the City's and County's parallel investigations of certain aspects of the RPS initiative.

On August 2, 2022, you once again mailed a letter that reached me on August 8, 2022. In it, you demanded complete responses to your inquiries by August 18, 2022, including a not so veiled threat "that in the absence of full and complete responses by the City and its Officials, the EAB will be forced to pursue other legal measures to conduct its investigation." I am unable to fathom why this hairsplitting is continuing, now over whether responses will be received by August 18, 2022, or August 31, 2022, accompanied by an empty threat of litigation over it. Unfortunately, given TCEAB's conduct to date, I can only surmise that TCEAB established its new deadline to facilitate more false light publicity about the City's purported non-cooperation at its public meeting of August 19, 2022.<sup>2</sup>

Nevertheless, as we have stated from the outset, the City remains desirous of toning down the rhetoric and moving this process forward. Accordingly, to meet TCEAB half-way on its new August 18, 2022 deadline, we have sorted your inquiries into those seeking only documents, and those which require narrative responses and/or objections<sup>3</sup> in whole or in part. This letter and the

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<sup>2</sup> Your letter makes the extraordinarily remarkable assertion that TCEAB's investigation of Alderperson Brock's complaint "necessarily requires the complete and unrestricted participation of the City of Ithaca and Tompkins County." To the contrary, TCEAB is an advisory board having jurisdiction and power strictly limited by state and County law.

<sup>3</sup> An example of an objection would be one based on attorney-client privilege. Your inquiries addressed to me make multiple requests for the content of legal advice I may have rendered to the former Mayor and others acting in their official capacities. Surely as an attorney yourself, you recognize how objectionable such inquiries may be. All such objections are reserved.

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enclosures respond to those inquiries that only call only for documents and identify those inquiries that require a narrative response and/or objection in whole or in part. As to the latter, the City intends to provide its narrative responses and/or objections by our previously articulated date of August 31, 2022. To facilitate both documentary and narrative responses, we have also sorted your inquires into those directed to multiple individuals, for which we will provide a single response, and those directed only to a single individual.

Finally, your letter demands last known addresses and other contact information (such as telephone numbers, cell phone numbers, and email addresses) for former Mayor Myrick, Karen Yearwood, and Eric Rosario. On July 13, 2022, Cathy Covert, Clerk of the Tompkins County Legislature, reached out to Annie Sherman, Acting Mayor Lewis's Administrative Assistant, for the information. Ms. Sherman was able to reach former Mayor Myrick, who consented to the release of his address and Ms. Sherman provided that to Ms. Covert. Ms. Sherman did not have contact information for either Mr. Rosario or Ms. Yearwood, nor could she have released it without their consent if she had. TCEAB's ham-fisted demand for such private information makes no sense since both Mr. Rosario and Ms. Yearwood are prominent employees of Cornell University with business contact information published online.<sup>4</sup>

### **III. Scope of Subject Matter before the Board**

TCEAB's investigative and advisory authority derives from, and is limited by, Section 808 of the General Municipal Law ("GML"). Since the City does not have its own ethics advisory board, TCEAB may investigate ethics complaints arising under GML Article 18 against City officials. However, the Board's authority is limited to issuing "advisory opinions" ... "*with respect to this article and any code of ethics adopted pursuant hereto*" (emphasis added). Under the quoted language, TCEAB has no authority to investigate and opine upon any matter that does not involve an ethics issue specifically covered by the substantive provisions of GML Article 18 and Chapter 55 of the Ithaca City Code. This is particularly the case with matters of policy, political judgment, and disputes over whether non-ethics related City policies have been followed.

The essential subject matter to which GML Article 18 is addressed is the avoidance of third party influence over individual government officials and, conversely, prohibiting government officials from deriving outside profits by exercise of their official functions. Article 18 does this by, among other things, limiting conflicts of interest of individuals in contracting, GML §§801-802, limiting gifts and other forms of outside compensation government officials may receive, GML §805-a, and encouraging and mandating financial disclosures by certain officials. GML §§810-812.

My office initially received Alderperson Brock's ethics complaints of April 12, 2022 and May 4, 2022 (collectively, the "Complaint"; paragraph references are to the May 4, 2022 version

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<sup>4</sup> See <https://ccetompkins.org/staff/karen-yearwood>; and <https://www.cornell.edu/search/people.cfm?netid=er21>.

of the Complaint) with your June 21, 2022 information requests. A review of the Complaint shows that most of the allegations seek opinions on non-ethics policy and political issues, rather than subject matter covered by GML Article 18.

In this regard, the Complaint is divided into four categories of alleged inappropriate conduct. In the first, the Complaint alleges former Mayor Svante Myrick and/or unnamed designees engaged in “possible misappropriation of public funds” by agreeing on the City’s behalf to provide \$10,000 in compensation from the City to Karen Yearwood and Eric Rosario, Co-Leads of the City RPS Working Group, for their services. Complaint ¶1. The City Administration Committee declined to release these funds to Ms. Yearwood and Mr. Rosario at its meeting of April 27, 2022. The proposed arrangement for compensation of Ms. Yearwood and Mr. Rosario, and the question generally of whether members of working groups are eligible for *compensation from the City*, are matters of policy and political judgment at the City level and do not implicate any ethics concern addressed by GML Article 18. In the third category of allegations, the Complaint (¶¶5-6) takes issue with the City’s (and County’s) alleged acceptance of uncompensated services to the Working Group from the Center for Policing Equity (“CPE”) and its subcontractor, Matrix Consulting Group without first following procurement policies for compensated services. These are, once again, matters of City policy and political judgment, and implicate none of the provisions of GML Article 18. Lastly, the fourth category of allegations in the Complaint take issue with certain alleged lobbying efforts undertaken directly or indirectly by former Mayor Myrick while he was in office. These activities again are well beyond the purview of GML Article 18 and correspondingly, TCEAB’s advisory authority.

Accordingly, only the second set of allegations of the Complaint are proper subjects for the Board’s consideration and any eventual advisory opinion. Complaint ¶¶2-4. These concern alleged solicitation and/or receipt of third party payments for certain non-City employee members of the Working Group from the Park Foundation and Dorothy Cotton Institute. We note that while GML Article 18 strictly limits TCEAB’s jurisdiction, the City’s separately commissioned outside investigation suffers no such limits on its lawful scope. The City has authorized and intends for the independent investigation it commissioned at considerable expense to inquire into the full scope of issues raised concerning the RPS initiative.

Considering the foregoing review of the matters lawfully covered by GML Article 18, the Board has an obligation to the public to articulate the specific lawful scope and limitations of its advisory jurisdiction over the subjects of the Complaint. The City encourages the Board to do so at the earliest possible time to avoid the necessary inference of political motive that would necessarily be drawn from a Board insistent on conducting an investigation outside the bounds of the law.

We now address the June 21, 2022 information requests with the foregoing discussion in mind.



#### **IV. Requests to Multiple Individuals**

These requests and responses 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 above. 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 above. 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 above. 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 above. 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 above.

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 above.

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 above. 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 above. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondents state as follows:

This request calls for a narrative response or objection in whole or part. Respondents intend to furnish any narrative responses or objections by August 31, 2022. Any narrative response to this request hereafter provided will be done as a courtesy to the Board and matter of public interest.

Notwithstanding the foregoing objection and response, and without waiving the foregoing objection or any other objection, 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 above. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondents state as follows:

This request calls for a narrative response or objection in whole or part. Respondents intend to furnish any narrative responses or objections by August 31, 2022. Any narrative response to this request hereafter provided will be done as a courtesy to the Board and matter of public interest.

Notwithstanding the foregoing objection and response, 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 above. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondents state as follows:

This request calls for a narrative response or objection in whole or part. Respondents intend to furnish any narrative responses or further objections by August 31, 2022. Any narrative response to this request hereafter provided, if any, will be done as a courtesy to the Board and matter of public interest.

Pending such a response, Respondents direct your attention to the minutes of the August 20, 2020 minutes of the Tompkins County Legislature Public Safety Committee.

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 above. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondents state as follows:

This request calls for a narrative response or objection in whole or part. Respondents intend to furnish any narrative responses or further objections by August 31, 2022. Any narrative response to this request hereafter provided, if any, will be done as a courtesy to the Board and matter of public interest.

Pending such a response, Respondents direct your attention to the minutes of the August 20, 2020 minutes of the Tompkins County Legislature Public Safety Committee.

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 above. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondents state as follows:

This request calls for a narrative response or objection in whole or part. Respondents intend to furnish any narrative responses or further objections by August 31, 2022. Any narrative response to this request hereafter provided, if any, will be done as a courtesy to the Board and matter of public interest.

Pending such a response, Respondents direct your attention to the minutes of the August 20, 2020 minutes of the Tompkins County Legislature Public Safety Committee.

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 above. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondents state as follows:

This request calls for a narrative response or objection in whole or part. Respondents intend to furnish any narrative responses or further objections by August 31, 2022. Any narrative response to this request hereafter provided, if any, will be done as a courtesy to the Board and matter of public interest.

Pending such a response, Respondents direct your attention to the minutes of the August 20, 2020 minutes of the Tompkins County Legislature Public Safety Committee.

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 above. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondents state as follows:

This request calls for a narrative response or objection in whole or part. Respondents intend to furnish any narrative responses or further objections by August 31, 2022. Any narrative response to this request hereafter provided, if any, will be done as a courtesy to the Board and matter of public interest.

Pending such a response, Respondents direct your attention to the minutes of the August 20, 2020 minutes of the Tompkins County Legislature Public Safety Committee.

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 above. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondents state as follows:

This request calls for a narrative response or objection in whole or part. Respondents intend to furnish any narrative responses or further objections by August 31, 2022. Any narrative response to this request hereafter provided, if any, will be done as a courtesy to the Board and matter of public interest.

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 above. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondents state as follows:

This request calls for a narrative response or objection in whole or part. Respondents intend to furnish any narrative responses or further objections by August 31, 2022. Any narrative response to this request hereafter provided, if any, will be done as a courtesy to the Board and matter of public interest.

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 above. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondents state as follows:

This request calls for a narrative response or objection in whole or part. Respondents intend to furnish any narrative responses or further objections by August 31, 2022. Any narrative response to this request hereafter provided, if any, will be done as a courtesy to the Board and matter of public interest.

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 above. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondents state as follows:

This request calls for a narrative response or objection in whole or part. Respondents intend to furnish any narrative responses or further objections by

August 31, 2022. Any narrative response to this request hereafter provided, if any, will be done as a courtesy to the Board and matter of public interest.

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 above. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondents state as follows:

This request calls for a narrative response or objection in whole or part. Respondents intend to furnish any narrative responses or further objections by August 31, 2022. Any narrative response to this request hereafter provided, if any, will be done as a courtesy to the Board and matter of public interest.

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: This request calls for a narrative response or objection in whole or part. Respondents intend to furnish any narrative responses or objections by August 31, 2022.

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. Other than the foregoing, this request calls for a narrative response or objection in whole or part. Respondents intend to furnish any narrative responses or objections by August 31, 2022.

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. Other than the foregoing, this request calls for a narrative response or objection in whole or part. Respondents intend to furnish any narrative responses or objections by August 31, 2022.

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: This request calls for a narrative response or objection in whole or part. Respondents intend to furnish any narrative responses or objections by August 31, 2022.

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. Other than the foregoing, this request calls for a narrative response or objection in whole or part. Respondents intend to furnish any narrative responses or objections by August 31, 2022.

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. Other than the foregoing, this request calls for a narrative response or objection in whole or part. Respondents intend to furnish any narrative responses or objections by August 31, 2022.

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: This request calls for a narrative response or objection in whole or part. Respondents intend to furnish any narrative responses or objections by August 31, 2022.

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: This request calls for a narrative response or objection in whole or part. Respondents intend to furnish any narrative responses or objections by August 31, 2022.

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 above. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondents state as follows:

This request calls for a narrative response or objection in whole or part. Respondents intend to furnish any narrative responses or further objections by August 31, 2022. Any narrative response to this request hereafter provided, if any, will be done as a courtesy to the Board and matter of public interest.

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: This request calls for a narrative response or objection in whole or part. Respondents intend to furnish any narrative responses or objections by August 31, 2022.

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 above. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondents state as follows:

This request calls for a narrative response or objection in whole or part. Respondents intend to furnish any narrative responses or further objections by August 31, 2022. Any narrative response to this request hereafter provided, if any, will be done as a courtesy to the Board and matter of public interest.

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: This request calls for a narrative response or objection in whole or part. Respondents intend to furnish any narrative responses or objections by August 31, 2022.

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: This request calls for a narrative response or objection in whole or part. Respondents intend to furnish any narrative responses or objections by August 31, 2022.

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 above.

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. Other than the foregoing, this request calls for a narrative response or objection in whole or part. Respondents intend to furnish any narrative responses or objections by August 31, 2022.

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: This request calls for a narrative response or objection in whole or part. Respondents intend to furnish any narrative responses or objections by August 31, 2022.

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. Other than the foregoing, this request calls for

a narrative response or objection in whole or part. Respondents intend to furnish any narrative responses or objections by August 31, 2022.

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: This request calls for a narrative response or objection in whole or part. Respondents intend to furnish any narrative responses or objections by August 31, 2022.

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 which respondents intend to submit by August 31, 2022.

**V. 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 above. 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 common inquiries lists services to be performed by CPE totaling to \$610,000.00 for 2022-2023.

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 above. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondent states as follows:

This request calls for a narrative response or objection in whole or part. Respondents intend to furnish any narrative responses or further objections by August 31, 2022. Any narrative response to this request hereafter provided, if any, will be done as a courtesy to the Board and matter of public interest.

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 above. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondent states as follows:

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 of 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 above. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondent states as follows:

This request calls for a narrative response or objection in whole or part. Respondents intend to furnish any narrative responses or objections by August 31, 2022. Any narrative response to this request hereafter provided will be done as a courtesy to the Board and matter of public interest.

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 above. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondent states as follows:

This request calls for a narrative response or objection in whole or part. Respondents intend to furnish any narrative responses or objections by August 31, 2022. Any narrative response to this request hereafter provided will be done as a courtesy to the Board and matter of public interest.

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 narrative responses to your inquiries are provided, 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.

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

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 above. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondent states as follows:

This request calls for a narrative response or objection in whole or part. Respondents intend to furnish any narrative responses or further objections by August 31, 2022. Any narrative response to this request hereafter provided, if any, will be done as a courtesy to the Board and matter of public interest.

2. Identification of the members of the City Comptroller 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 above.

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 above. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondent states as follows:

This request calls for a narrative response or objection in whole or part. Respondents intend to furnish any narrative responses or further objections by August 31, 2022. Any narrative response to this request hereafter provided, if any, will be done as a courtesy to the Board and matter of public interest.

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 above. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondent states as follows:

This request calls for a narrative response or objection in whole or part. Respondents intend to furnish any narrative responses or further objections by August 31, 2022. Any narrative response to this request hereafter provided, if any, will be done as a courtesy to the Board and matter of public interest.

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

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 above. 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.



### VIII. 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. Further, as noted below, all of your inquiries to me seek narrative responses, which the City intends to provide by August 31, 2022. Nothing contained in the responses below, or in any representation that a narrative response will be provided, 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 above. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondent states as follows:

This request calls for a narrative response or objection in whole or part. Respondent intends to furnish any narrative responses or further objections, including any objection based on privilege, by August 31, 2022. Any narrative response to this request hereafter provided, if any, will be done as a courtesy to the Board and matter of public interest.

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: This request calls for a narrative response or objection in whole or part. Respondent intends to furnish any narrative responses or objections, including any objection based on privilege, by August 31, 2022.

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: This request calls for a narrative response or objection in whole or part. Respondent intends to furnish any narrative responses or objections, including any objection based on privilege, by August 31, 2022.

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: This request calls for a narrative response or objection in whole or part. Respondent intends to furnish any narrative responses or objections, including any objection based on privilege, by August 31, 2022.

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: This request calls for a narrative response or objection in whole or part. Respondent intends to furnish any narrative responses or objections, including any objection based on privilege, by August 31, 2022.

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 above. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondent states as follows:

This request calls for a narrative response or objection in whole or part. Respondent intends to furnish any narrative responses or further objections, including any objection based on privilege, by August 31, 2022. Any narrative response to this request hereafter provided, if any, will be done as a courtesy to the Board and matter of public interest.

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: This request calls for a narrative response or objection in whole or part. Respondent intends to furnish any narrative responses or objections, including any objection based on privilege, by August 31, 2022.

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 above. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondent states as follows:

This request calls for a narrative response or objection in whole or part. Respondent intends to furnish any narrative responses or further objections, including any objection based on privilege, by August 31, 2022. Any narrative response to this request hereafter provided, if any, will be done as a courtesy to the Board and matter of public interest.

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: This request calls for a narrative response or objection in whole or part. Respondent intends to furnish any narrative responses or objections, including any objection based on privilege, by August 31, 2022.

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: This request calls for a narrative response or objection in whole or part. Respondent intends to furnish any narrative responses or objections, including any objection based on privilege, by August 31, 2022.

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 above. The foregoing objection notwithstanding, and without waiving the foregoing objection or any other objection, respondent states as follows:

This request calls for a narrative response or objection in whole or part. Respondent intends to furnish any narrative responses or further objections, including any objection based on privilege, by August 31, 2022. Any narrative response to this request hereafter provided, if any, will be done as a courtesy to the Board and matter of public interest.

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 above.

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