

MAYOR  
DAVID R. MARTIN



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DATE: April 17, 2018

TO: Mayor David Martin

FROM: Michael Toma, Assistant Corporation Counsel *MST*

RE: Status of Ernie Orgera as Acting Director of Operations

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You have asked for an opinion on how long Ernie Orgera may remain in the position of Acting Director of Operations without action by the Board of Representatives. Mr. Orgera was the permanent Director of Operations until February 5, 2018, when his nomination for reappointment ended unsuccessfully with a tie vote before the Board of Representatives. You then appointed Mr. Orgera to be the Acting Director of Operations on February 6, 2018. Pursuant to Section 47-24 of the City Code, Mr. Orgera can serve as Acting Director for no more than 120 days without action by the Board of Representatives. The final day that he can serve is therefore June 5, 2018, unless the Board of Representatives votes to approve an extension of his Acting status.

Section 47-24 of the City Code authorizes the Board of Representatives to approve an extension of "any temporary acting position." Section 47-25 of the City Code provides that in no event shall the Board of Representatives approve of an extension in excess of six months for any individual.

Cc: Personnel Committee of the Board of Representatives  
Kathryn Emmett, Director of Legal Affairs