

ROCHESTER CITY COUNCIL

SPECIAL MEETING

May 19, 2022

5:30 P.M.

Due to the current high transmission rate of the Delta variant of the Covid-19 coronavirus in Monroe County under CDC guidelines and in accordance with the new State law enacted on September 2 (Chapter 417), the meeting was conducted remotely via video conferencing on Zoom and streamed live for public viewing on the Internet via the Council's Facebook and YouTube pages and on City 12, the City's government access channel that is available to Spectrum Cable subscribers – Channel 1303.

Present –President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Lupien, Martin, Patterson, Peo, Smith – 9.

President Meléndez requested the Council pause for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.
Councilmember Gruber

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

TO THE COUNCIL

Ladies and Gentlemen:

Re: Ordinance No. 2022-145
Statement of Necessity
Outside Counsel

Transmitted herewith for your approval is an ordinance naming Taren Greenidge of Constangy, Brooks, Smith and Prophete, LLP as outside counsel to be engaged to fully investigate current and potential new personnel complaints at the Police Accountability Board.

Constangy, Brooks, Smith and Prophete, LLP will investigate said complaints; report their findings; and issue recommendations for action both to City Council and to the Police Accountability Board.

The contract for these services will not exceed \$25,000 and will be funded from the City Council and Clerk Department Budget, PAB professional services.

We request that this work be completed in the next 30-days if practical or as soon as possible.

Respectfully submitted,
Miguel Meléndez
President

Ordinance No. 2022-145
(Int. No. 186)

Authorizing an agreement to investigate the Police Accountability Board

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Constangy, Brooks, Smith & Prophete, LLP to investigate and prepare a report regarding complaints by personnel of the Police Accountability Board. The maximum compensation for the agreement shall be \$25,000, which shall be funded from the 2021-22 Budget of the City Council and Clerk. The term of the agreement shall extend through the completion of the report and of the answers to any follow-up questions from the Council or Mayor regarding the report.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Re: Resolution No. 2022-27
Statement of Necessity
PAB Hiring Moratorium and
Spending Controls

Transmitted herewith for your approval is a resolution creating a moratorium for hiring as well as instituting additional spending controls at the Police Accountability Board (PAB).

Under this moratorium, all hiring at the PAB will be stopped temporarily and pending the report of outside counsel.

Additionally, any and all spending by the PAB must be authorized and approved by the President of City Council or his designee.

Respectfully submitted,
Miguel Meléndez
President

Resolution No. 2022-27
(Int. No. 187)

Resolution establishing a temporary moratorium on hiring and temporary direct Council supervision over expenditures relating to the Police Accountability Board

WHEREAS, the Council of the City of Rochester has been informed of complaints by personnel of the Police Accountability Board (PAB) that raise questions regarding the lawful and appropriate functioning of the PAB as an agency;

WHEREAS, by a concurrent ordinance, the Council has authorized the hiring of outside counsel to investigate and to promptly report upon the personnel complaints against the PAB;

WHEREAS, it would not be appropriate for the PAB to hire any additional personnel until the concerns raised by the personnel complaints are investigated and addressed; and

WHEREAS, until the personnel complaints are investigated and resolved, it is appropriate for the Council to exercise additional oversight temporarily over PAB expenditures, in addition to the oversight authority that Council already exercises over the PAB's Budget and expenditures pursuant to Charter §§ 18-1 OB and 18-13A.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. Commencing immediately and continuing until the completion of a report by outside counsel regarding the personnel complaints, the PAB shall not hire any new or additional personnel.

Section 2. Commencing immediately and continuing until the completion of a report by outside counsel regarding the personnel complaints, PAB shall make no expenditure without the prior approval of the Council President, provided, however, that the prior approval of the President shall not be required for paying the salary and providing the benefits to the PAB's existing employees.

Section 3. This resolution shall take effect immediately.

Adopted by the following vote:

Ayes – President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Lupien, Patterson, Peo, Smith – 8.

Nays – Councilmember Martin – 1.

TO THE COUNCIL

Ladies and Gentlemen:

Re: Resolution No. 2022-28
Statement of Necessity
Creation of Select Committee on
PAB

Transmitted herewith for your approval is a resolution creating a Select Committee of City Council on the Police Accountability Board. Robert's Rules of Order, which Council Rules invoke defines a Select committee as: "appointed, as the need arises, to carry out a specified task, at the completion of which... it automatically ceases to exist." Roberts §50.10.

The Select Committee on PAB will be charged with receiving the Report and Recommendations for Action by the recently named outside counsel investigating personnel complaints at the Police Accountability Board.

The Select Committee on PAB is further tasked with oversight and coordination with the Police Accountability Board in implementation of any recommendations.

Membership of this committee to be announced in the near future.

Respectfully submitted,
Miguel Meléndez
President

Resolution No. 2022-28
(Int. No. 188)

Resolution establishing a temporary select committee relating to the Police Accountability Board

WHEREAS, the Council of the City of Rochester has been informed of complaints by personnel of the Police Accountability Board (PAB) that raise questions regarding the lawful and appropriate functioning of the PAB as an agency;

WHEREAS, by a concurrent ordinance, the Council has authorized the hiring of outside counsel to investigate and to promptly report upon the personnel complaints against the PAB; and

WHEREAS, under Section XX of the Rules of Council and Section 50:10 of Robert's Rules of Order, the Council may create a select committee to carry out specified tasks of limited duration.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The President of Council is hereby authorized to appoint a select committee relating to the PAB, which shall be charged with the responsibility to receive the report of outside counsel appointed by a concurrent ordinance and to oversee and coordinate the implementation of any recommendations contained in said report.

Section 2. The President shall have the discretion to appoint who and how many Councilmembers shall belong to the select committee.

Section 3. This resolution shall take effect immediately.

Adopted by the following vote:

Ayes – President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Lupien, Patterson, Peo, Smith – 8.

Nays – Councilmember Martin – 1.

The meeting was adjourned at 5:45 p.m.

Hazel L. Washington
City Clerk