

**Additional Proposed Legislation for the
September 24, 2024 City Council Meeting-**

*** * Please Note * ***

For questions, call the City Clerk's Office at 585-428-7421



376

September 3, 2024

DRHS 50

TO THE COUNCIL

Ladies and Gentlemen:

Re: Agreements – New York State Department of Health, Comprehensive Adolescent Pregnancy Prevention Grant

Council Priority: Support the Creation of Effective Educational Systems

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to the New York State Department of Health Comprehensive Adolescent Pregnancy Prevention (Adore Crenshaw-Rucker, Administrator, NYSDOH, ESP Corning Towers, 8th floor, Room 821, Albany, NY 12237) Grant program to address unintended teen pregnancy. This legislation will:

1. Authorize a grant agreement with the New York State Department of Health (NYSDOH) for the receipt and use of an annual award of \$530,000 for the period of July 1, 2024 – June 30, 2025.
2. Appropriate \$232,876 in grant funding to the Teenage Pregnancy Prevention Special Revenue Fund. These funds will be utilized for professional services agreements (\$152,590) and to support non-personnel program expenses such as educational supplies, printing, youth development programming, and professional development (\$80,286).
3. Establish maximum compensation for agreements with the following organizations to provide related services from July 1, 2024 to June 30, 2025 to be funded by the grant appropriated herein:

Anthony Jordan Health Center	\$20,000
Society for the Protection and Care of Children	72,590
Young Women's Christian Association (YWCA) of Rochester and Monroe County	60,000
TOTAL	\$152,590

The goal of this program is to significantly reduce the rate of pregnancy among teenagers in targeted areas. The attached document shows the teen birth rates from 2016 – 2022, as provided by Metro Council for Teen Potential (MCTP). The primary goals of the program are to:

- Implement evidence-based curricula in Rochester area schools
- Reduce adolescent pregnancy rates in Monroe County
- Improve high school graduation rates in Monroe County

RECEIVED
CITY OF ROCHESTER
METRO COUNCIL OFFICE
SEP 10 2024 10:05



The remaining grant funds (\$297,124) were anticipated and included in the 2024-25 Budgets of the Department of Recreation and Human Services (\$195,100) and Undistributed Expenses (\$102,100) for project personnel salaries and fringe benefit expenses.

The program has been awarded by NYSDOH for a five-year term from July 1, 2023 to June 30, 2028, authorized by Ordinance No. 2023-260. In year one of the grant (2023-24), this program served 1,307 youth.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'M. Evans', with a long horizontal stroke extending to the right.

Malik D. Evans
Mayor

INTRODUCTORY NO.

376

Ordinance No.

Authorizing agreements and appropriations for the Comprehensive Adolescent Pregnancy Prevention Grant program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Health for the City to receive and use Comprehensive Adolescent Pregnancy Prevention program (Program) grants during a five-year term of July 1, 2023 through June 30, 2028, to include \$530,000 to fund the Program for the period of July 1, 2024 through June 30, 2025.

Section 2. The sum of \$232,876 from the Program grant authorized in Section 1 is hereby appropriated to the Teenage Pregnancy Prevention Special Revenue Fund to fund the Program as follows: \$152,590 to compensate Program service providers as authorized in Section 3 herein; and \$80,286 for non-personnel Program expenses such as educational supplies, printing, youth development programming and professional development.

Section 3. The Mayor is hereby authorized to enter into a professional services agreement with each of the following organizations to provide Program services for the period of July 1, 2024 through June 30, 2025 for a maximum compensation amount specified for each provider as follows:

Anthony L. Jordan Health Corporation	\$20,000
Society for the Protection and Care of Children	\$72,590
Young Women’s Christian Association of Rochester and Monroe County	\$60,000
TOTAL	\$152,590

The agreements shall be funded from the service provider allocation of the Program grant appropriated in Section 2 herein.

Section 4. The agreements authorized herein shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 5. This ordinance shall take effect immediately.



377

September 3, 2024

DES 51

TO THE COUNCIL

Ladies and Gentlemen:

Re: Grant Application – US Department of
Transportation – Reconnecting Communities Pilot
Discretionary Grant Program

Council Priority: Creating and Sustaining a Culture of
Vibrancy; Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area: Fostering
Prosperity & Opportunity; Sustaining Green & Active
Systems

Transmitted herewith for your approval is legislation related to the United States Department of Transportation’s (USDOT) Reconnecting Communities Pilot (RCP) Discretionary Grant Program. This legislation will:

1. Authorize the Mayor to apply for up to \$125 Million in RCP funds to advance the Inner Loop North Transformation Project; and
2. Authorize the Mayor to enter into any necessary agreement with the USDOT for the receipt and use of funding.

The 2022 Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law, established the RCP Program. Its purpose is to advance community-centered transportation connection projects, with a priority for projects that benefit disadvantaged communities, improve access to daily needs, and foster equitable development and restoration. The RCP Program provides grant funding and technical assistance for planning and capital construction to address infrastructure barriers, restore community connectivity, and improve peoples’ lives.

Following the successful completion of the Inner Loop East Transformation Project in 2017, the City of Rochester has been working with its state, federal and county partners to redesign and reconstruct the remaining 1.5-mile northern section of the Inner Loop Expressway. Following an extensive community engagement process that included 10 public workshops, the City completed the Inner Loop North (ILN) Transformation Planning Study in September 2022 and identified a preferred design concept for the corridor that best meets the community’s vision and needs. Overall, the ILN project seeks to consolidate ILN’s travel lanes, parallel service roads, and on- and off-ramps into at-grade, traffic-calmed streets incorporating auxiliary turn lanes and on-street parking as appropriate, with safety-focused, dedicated pedestrian and bicycle facilities throughout the corridor. The project will provide a transportation network that better meets the needs of all users; reconnect neighborhoods to Rochester’s downtown; and open parcels for equitable redevelopment and green space.

Per Ordinance No. 2023-192, the City entered an agreement with Stantec Consulting Services Inc. in 2023 to provide project scoping and preliminary engineering design services to advance the ILN project. A public meeting was held on March 12, 2024, to introduce the current phase of the project. A draft Project Scoping Report for ILN was released for public review and comment on August 19, 2024, the City held public meetings to present the draft report on August 21, 2024 (in person) and August 22, 2024 (virtual). The draft report indicates the cost estimate for the project has increased



from an initial estimate of \$100 million in 2021 to more than \$200 million in 2028 dollars. The majority of the increase is due to construction cost escalation since the original estimate was developed, as well as project elements not identified during the Planning Study, including but not limited to improvements to sewer infrastructure, the ILN bridge over the Genesee River, and Interstate 490 within the project area. The Department of Environmental Services intends to submit an RCP capital construction grant application to continue advancing this crucial, transformative project. The City is committed to an extensive and inclusive engagement process to gather community input on preliminary design over the coming year.

RCP capital construction grants may not exceed 50% of the total cost of the project for which the grant is awarded; however, additional federal funds can be used to bring the total federal share up to 80% of the total project cost. New York State has already committed \$100 million toward the project, which could include state and federal funds. This is anticipated to help achieve the maximum federal share along with State funds also able to be counted toward the non-federal match requirement.

The submission deadline for RCP applications is Monday, September 30, 2024.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Malik D. Evans', with a long horizontal flourish extending to the right.

Malik D. Evans
Mayor

377

Ordinance No.

Authorizing an application for a Reconnecting Communities Pilot Discretionary Grant for the Inner Loop North Transformation Project

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

Section 1. The Mayor is hereby authorized to submit an application to the United States Department of Transportation (USDOT) for a grant of up to \$125,000,000 through USDOT's Reconnecting Communities Pilot Discretionary Grant program to advance the Inner Loop North Transformation Project.

Section 2. The Mayor is hereby authorized to enter into an agreement with USDOT and to execute such other documents as are necessary for the receipt and use of grant funds awarded under the Reconnecting Communities Pilot Discretionary Grant program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 4. This ordinance shall take effect immediately.



Budget, Finance & Governance
Introductory No.

378

September 4, 2024 MAYOR/PMO 52

TO THE COUNCIL

Ladies and Gentlemen:



Re: Amendment to Appropriation - Amendatory Agreements, Infor Asset Management Solution Licensing for Water Bureau

Council Priority: Deficit Reduction and Long Term Financial Stability

Comprehensive Plan 2034 Initiative Area: Fostering Prosperity and Growth

Transmitted herewith for your approval is legislation related to license procurement for the first phase of the Enterprise Asset Management Mainframe Replacement Project. The first phase of this project will be utilized by the City's Water Bureau for management of service requests, dispatch, and work orders on critical water infrastructure in the City. This legislation will:

1. Authorize an amendatory agreement that adds \$212,890 to the maximum compensation of the existing Software as a Service (SaaS) agreement with Infor Public Sector, Inc. (Infor) [Kevin Samuelson, CEO, 641 Avenue of the Americas, New York, NY 10011] as authorized pursuant to Ordinance No. 2021-265 and amended in Ordinance No. 2022-361, 2023-97 and 2023-135. This amendment will modify the agreement's scope of work to provide licenses in the City's Infor Public Sector Platform for Water Bureau personnel to fulfill work orders and service requests and will increase the maximum authorized compensation of the agreement from \$2,461,729 to \$2,674,619. The term of the agreement will be unchanged, with an initial agreement date of 9/23/2021 and an expiration date of 9/22/2026. The cost of this increase will be funded as follows:
 - \$106,445 from the 2024-25 IT operating budget
 - \$106,445 from the future 2025-26 IT operating budget, contingent upon approval

These funds will be used to procure licensing in the City's Infor Public Sector Platform for forty-five users in the City's Water Bureau to fulfill work orders and service requests on City of Rochester water assets. These licenses provide staff with use of both the back-office and mobile versions of the Infor system, to allow technicians to manage work in the field as well as the office. Additional licensing requests will occur for subsequent phases of the project, including DES Building Services, Stock Inventory, and Operations and Dispatch.

Infor will provide the licenses to the City to set up user accounts in preparation for the implementation of the currently in-development solution. This solution will replace one critical Mainframe system and three Microsoft Access databases and is anticipated to launch in production by December 2024.

RECEIVED
CITY OF ROCHESTER
CITY COUNCIL OFFICE
2024 SEP 05 A 9:51



The balance of the appropriation will be included in future budgets of the Department of Information Technology, contingent upon their approval, for maintenance costs.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'M. Evans', with a long horizontal flourish extending to the right.

Malik D. Evans
Mayor

INTRODUCTORY NO.

378

Ordinance No.

Authorizing amendatory agreement relating to Infor Asset Management Solution licensing for the Water Bureau

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Infor Public Sector, Inc. to provide Infor Asset Management Solution licensing for the Water Bureau. The amendatory agreement shall modify the existing agreement, as originally authorized in Ordinance No. 2021-265, and subsequently amended pursuant to Ordinance No. 2022-361, Ordinance No. 2023-97 and Section 1 of Ordinance No. 2023-135, by adding to the scope of work the provision of Infor Asset Management Solution licensing and managed services to enhance the Water Bureau's to coordination and fulfillment of work orders and service requests, and by increasing the agreement's maximum compensation by \$212,890 to a new total of \$2,674,619. The amendatory compensation shall be funded in the amounts of \$106,445 from the 2024-25 Budget of Information Technology (IT Budget) and \$106,445 from the 2025-26 IT-Budget, contingent on the approval of the latter budget.

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

Section 3. This ordinance shall take effect immediately.



COMMITTEE OF
THE WHOLE
INTRODUCTORY NO.

379,380

September 3, 2024 Mayor 49



TO THE COUNCIL

Ladies and Gentlemen:

Re: Confirming appointments of Fire Chief
and Chief Technology Officer

Transmitted herewith for your approval is legislation correcting a clerical error by formally reappointing Stefano Napolitano to the position of Fire Chief and Harriet Fisher to the position of Chief Technology Officer.

Both Chief Napolitano and Ms. Fisher were previously appointed to these positions by the Mayor and confirmed by City Council (in Resolution Nos. 2023-29 and 2024-38, respectively) in accordance with Charter Section 2-3. Due to a clerical oversight, however, neither Chief Napolitano nor Ms. Fisher was given notice of the need to formally take the oath of office and file an oath card with the Rochester City Clerk and, to date, have not done so. Public Officers Law Section 30 provides that an appointed office becomes vacant by operation of law where the appointee does not file an oath within 30 days of appointment. Accordingly, it is now too late for Chief Napolitano and Ms. Fisher to sign their oath cards, and they must be reappointed to their positions.

While this is a mere formalism, it is required under the law. As to the time that Chief Napolitano and Ms. Fisher have served in their positions thus far, they have both enjoyed the support of both Mayor and City Council as demonstrated by the original appointment and confirmation. Their acts in office are and shall be legitimate, as if they had held interim or acting positions before a final appointment and confirmation had taken place, which is customary.

The Law Department is working with the City Clerk's office to ensure that a similar clerical error does not occur in the future.

Respectfully submitted,

Malik D. Evans
Mayor

RECEIVED
CITY OF ROCHESTER
CITY CLERK'S OFFICE
2024 SEP 03 10:49:00



INTRODUCTORY NO.

379

Resolution No.

Resolution confirming the appointment of the Fire Chief

WHEREAS, the Mayor has appointed Stefano Napolitano to the position of Fire Chief, subject to confirmation by the City Council; and

WHEREAS, Council has reviewed the qualifications of the appointee and determined that he has the ability and qualifications to execute the duties and responsibilities of the office.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Rochester hereby confirms the appointment of Stefano Napolitano as Fire Chief.

This resolution shall take effect immediately.

INTRODUCTORY NO.

380

Resolution No.

Resolution confirming the appointment of the Chief Technology Officer

WHEREAS, the Mayor has appointed Harriet T. Fisher to the position of Chief Technology Officer, subject to confirmation by the City Council; and

WHEREAS, Council has reviewed the qualifications of the appointee and determined that she has the ability and qualifications to execute the duties and responsibilities of the office,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Rochester hereby confirms the appointment of Harriet T. Fisher as Chief Technology Officer.

This resolution shall take effect immediately.



**City of Rochester, NY
Rochester City Council**

City Hall Room 301A • 30 Church Street • Rochester, New York 14614-1290

**Neighborhoods, Jobs & Housing
Introductory No.**

381

Miguel A. Meléndez, Jr., Council President, At-Large; **Kim Smith**, At-Large;
Michael A. Patterson, Northeast District

September 10, 2024

TO THE COUNCIL

Ladies and Gentlemen:

Re: Rochester Eviction Project Pilot –
Emerging Community Needs

Council Priority: Neighborhoods

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation that will allow the City of Rochester to collaborate with the Rochester Housing Authority (RHA) to undertake a Rochester Eviction Project Pilot to reduce the rate of eviction of families with minor children (the Project). This legislation will:

- 1) Amend the 2024-25 Budget to add \$29,500 to the Budget of Neighborhood and Business Development (NBD Budget) with funds to be appropriated from funds which this Council committed to Emerging Community Needs in Resolution No. 2024-28.
- 2) Authorize the Mayor to enter into an agreement with the RHA to undertake Project by: (a) evaluating the underlying causes of rent arrears and non-pay eviction proceedings that RHA brings; (b) identifying barriers and resource gaps faced by RHA clients who are in arrears on rent; and (c) making policy recommendations to the City to reduce housing instability among RHA tenant families.

The term of the agreement shall be one year and the maximum compensation shall be \$29,500, which shall be funded from the 2024-25 NBD Budget.

Eviction is not merely a symptom of poverty but often a cause, perpetuating cycles of deprivation. Recognizing this, we propose this Project, which is aimed at preventing and mitigating the impact of evictions, particularly those involving minors. In a process built upon collaboration among a broad variety of stakeholders, we aim to understand and address the systemic issues that predictably lead to evictions and identify policy changes and systemic supports to affected families.

The Rochester Eviction Project's ultimate goal is to **make Rochester a community that aligns its** policies, programs and services to ensure that no child (age 0-18) in our region ever experiences eviction.

Goal/Objectives:

1. Predict and prevent evictions involving minors.
2. Provide services and resources to more effectively mitigate the effects of eviction on minors and their families when they do occur.

RECEIVED
CITY OF ROCHESTER
CLERK OF COUNCIL OFFICE
SEP 10 P 3:14

Drawing inspiration from existing models like the Continuum of Care (COC) and the substantial expertise of individuals who have experienced eviction; who are demonstrably at-risk of eviction; who are legal/policy analysts and experts; or who are relevant decision makers; our project will engage government, nonprofit, and for-profit partners to ensure a comprehensive response.

As a pilot, the Project will initially focus solely on RHA residents, due to its status as the region's largest low-income landlord and the prevalence of eviction cases involving minors.

The Project represents a concerted effort to address the root causes of eviction and support vulnerable populations, particularly minors. By working collaboratively and implementing evidence-based strategies, its aim is to create a community where no child experiences the trauma of eviction.

Respectfully submitted,



Miguel A. Meléndez, Jr.
City Council President



Kim Smith
At-Large



Michael A. Patterson
Northeast District

INTRODUCTORY NO.

381

Ordinance No.

Amending the 2024-25 Budget and authorizing an agreement for the Rochester Eviction Project Pilot

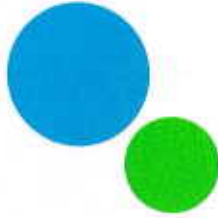
BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2024-200, the 2024-25 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of Neighborhood and Business Development (NBD Budget) by \$29,500, which amount is hereby appropriated from a portion of the remaining Fund Balance of the 2023-24 Budget of City Council & Clerk that Council committed to Emerging Community Needs in Resolution No. 2024-28.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Rochester Housing Authority (RHA) to undertake a Rochester Eviction Project Pilot to reduce the rate of eviction of families with minor children by: (a) evaluating the underlying causes of rent arrears and non-pay eviction proceedings that RHA brings; (b) identifying barriers and resource gaps faced by RHA clients who are in arrears on rent; and (c) making policy recommendations to the City to reduce housing instability among RHA tenant families. The term of the agreement shall be one year and the maximum compensation shall be \$29,500, which shall be funded from the 2024-25 NBD Budget.

Section 3. The agreement shall contain such additional terms and conditions as may be appropriate.

Section 4. This ordinance shall take effect immediately.



September 10, 2024

TO THE COUNCIL

Ladies and Gentlemen:

Re: New American Collaborative –
Appropriation and Professional Services Agreement

Council Priority: Creating and Sustaining a Culture of
Vibrancy

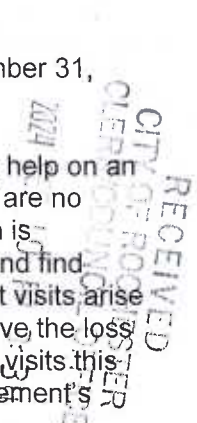
Comprehensive Plan 2034 Initiative Area: Reinforcing
Strong Neighborhoods, Fostering Prosperity and
Opportunity

Transmitted herewith for your approval is legislation relating to a New American Collaborative between Mary's Place Refugee Outreach, Inc. (MP) and Rochester Refugee Resettlement Services, Inc. (RRRS) to provide critical services to Rochester's immigrants and refugees from the Mary's Place outreach center located at 414 Lexington Avenue (the Collaborative). This legislation will:

- 1) Add \$25,000 to the 2024-25 Budget of the Office of the Mayor with funds appropriated from Fund Balance that this Council previously committed to Emerging Community Initiatives in Resolution No. 2024-28.
- 2) Authorize a professional services agreement with MP to work with Rochester Refugee Resettlement Services, Inc. (RRRS), as part of a New American Collaborative (Collaborative), to evaluate and report on the need for translation services and case management amongst the New American Community in the City of Rochester. The Collaborative shall also provide direct case management and translation services for city migrants and refugees and shall provide thereafter a report to the City that summarizes the Collaborative's progress, including the number of New Americans served. The maximum compensation for the agreement will be \$25,000, funded by the 2024-25 Budget of the Office of the Mayor from the funds authorized above.

The term for the direct case management and translation services shall extend to December 31, 2024, and the deadline for providing all reporting shall be June 30, 2025.

MP has a well-established program of extended case management for refugees seeking help on an open-door basis from the Mary's Place outreach center at 414 Lexington Avenue. There are no restrictions on a client's length of residency or what primary agency referred them, which is important for people who find it difficult to make the transition to living in a new country and find themselves outside the scope of services provided by other agencies. While some client visits arise from crisis situations, such as domestic abuse or addiction, the majority of inquiries involve the loss of or denial of public benefits or school or landlord-related issues. Based on the pace of visits this year, MP and RRRS expect to service 105 clients with 514 separate visits over the agreement's approximate 3-month term.



The funding will allow RRRS to assist MP to continue the provision of extended case management services for New Americans. The funding will support the salary and benefits for a social worker employed by RRHS, who can understudy to MP's personnel who are already experienced and accredited to manage and advocate for clients seeking asylum or requiring other immigration-related services.

The City's funding also will allow Mary's Place outreach center to continue using the Language Line, a special telephone translation service that offers translators for every language that Mary's Place has encountered. This essential service is expensive. Given the demand and at \$.86/minute, the average monthly cost is approximately \$3,000.

Assisting migrants and refugees to become a part of our community serves a public purpose. Rochester is a Sanctuary City "that is welcoming and inclusive of all, is united and strengthened by our diversity and committed to upholding and protecting the civil and human rights of all individuals that come within its borders, including immigrants and refugees..." Resolution No. 2017-5. The reporting services will provide concrete, up-to-date information to help the City Administration and this Council to discern how the City can best live up to its Sanctuary City principles.

Respectfully submitted,

A handwritten signature in blue ink that reads "Miguel A. Meléndez, Jr." with a stylized flourish at the end.

Miguel A. Meléndez, Jr.,
President

A handwritten signature in blue ink that appears to read "Mitch Gruber" with a long horizontal stroke at the end.

Mitch Gruber,
At-Large member

INTRODUCTORY NO.

382

Ordinance No.

Appropriating funds, amending the 2024-25 Budget and authorizing an agreement for the New American Collaborative

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

Section 1. Ordinance No. 2024-200, the 2024-25 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Office of the Mayor by \$25,000, which amount is hereby appropriated from a portion of the remaining Fund Balance of the 2023-24 Budget of City Council & Clerk that Council committed to emerging community needs in Resolution No. 2024-28.

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with Mary's Place Refugee Outreach, Inc. (MP) to work with Rochester Refugee Resettlement Services, Inc. (RRRS), as part of a New American Collaborative (Collaborative) to evaluate and report on the need for translation services and case management amongst the New American Community in the City of Rochester. The Collaborative shall also provide direct case management and translation services for city migrants and refugees and shall provide thereafter a report to the City that summarizes the Collaborative's progress, including the number of New Americans served. The term for the direct case management and translation services shall extend to December 31, 2024, and the deadline for providing all reporting shall be June 30, 2025. The maximum compensation for the agreement shall be \$25,000, which shall be funded from the 2024-25 Budget of the Office of the Mayor.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 4. This Ordinance shall take effect immediately.



**Budget, Finance & Governance
Introductory No.**

383,384

September 11, 2024 FINANCE 49

TO THE COUNCIL

Ladies and Gentlemen:

Re: Director and Assistant Director
of Purchasing

Transmitted herewith for your approval is legislation that changes the job title of the City's Purchasing Agent to Director of Purchasing and that acknowledges and names the position of Assistant Director of Purchasing.

The current title of Purchasing Agent comes from General City Law § 20-a, a state statute enacted 103 years ago and not amended since. That law requires each city purchasing department or bureau to "consist of a purchasing agent, who shall be its head, and such assistants and with such salaries as the [city council] may from time to time authorize."

Director of Purchasing is a better title for the head of the City's Bureau of Purchasing because it more clearly conveys the officer's supervisory function. Indeed, many other cities in New York already have adopted the Director of Purchasing job title.

The legislation also acknowledges the establishment of the position of Assistant Director of Purchasing. Consistent with the assistant director positions for other City bureaus and departments, the legislation adds Assistant Director of Purchasing to the list of City officers who are required to file financial disclosures under the City Ethics Code.

Respectfully submitted,

Malik D. Evans
Mayor

RECEIVED
CITY OF ROCHESTER
CITY COUNCIL OFFICE
2024 SEP 11 AM 11:44



INTRODUCTORY NO.

383

Local Law No.

Local Law amending the City Charter with respect to the Director of Purchasing and Assistant Director of Purchasing offices

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended:

- A. By revising Section 2-18 of the City Charter, Code of Ethics, in a segment of its subsection G(1) list of City positions requiring the filing of a financial disclosure form as follows:

Parking Director
 Assistant Director of Parking
~~Purchasing Agent~~
Director of Purchasing
Assistant Director of Purchasing
 Commissioner of Neighborhood and Business Development
 Neighborhood Service Centers Director

- B. By revising the following sections of City Charter Article VI, Department of Finance, to substitute "Director of Purchasing" for the phrase "Purchasing Agent" in each place that it appears therein:

§ 6-7. Bureau of Purchasing
 § 6-33. Competition on purchases and sales.
 § 6-34. Contracts exceeding one year.
 § 6-36. Emergency repairs.

- C. And by revising the following section of City Charter Article XIII, Local Improvements, to substitute "Director of Purchasing" for the phrase "Purchasing Agent" in each place that it appears therein:

§13-7. Contracts for local improvements.

Section 2. This local law shall take effect upon its filing in the Office of the Secretary of State as provided by Section 27 of the NYS Municipal Home Rule Law.

384

Ordinance No.

Amending Chapters 8, 8A, 10 and 106 of the Municipal Code with respect to the Director of Purchasing and Assistant Director of Purchasing offices

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

Section 1. The following sections of Municipal Code Chapter 8, Department of Finance, are hereby amended by substituting "Director of Purchasing" for the phrase "Purchasing Agent" in each place that it appears therein:

- § 8-3. Fiscal agent.
- § 8-12. Purchases without competition.
- § 8-14. Sales without competition.
- § 8-25. Sale of publications.

Section 2. Municipal Code Chapter 8A, Purchasing and Property Management, is hereby amended:

A. By revising the definitions list in Section 8A-2, Definitions, as follows

AGENCY HEADS — The head or the deputy head of any City department, agency or commission, and shall mean the head or the deputy head of any bureau reporting directly to the Mayor.

CITY — The City of Rochester, New York.

CITY COUNCIL or COUNCIL — The Council of the City of Rochester.

CONTRACTS — All types of agreements and orders for the procurement or sale of supplies or services. It includes awards, notices of award, letter contract, purchase orders, leases, rentals and bills of sale.

CONTRACTUAL SERVICES — All public works, including the construction, repair and maintenance of buildings, roadways, equipment, machinery and other City-owned real and personal property, and also all telephone, gas, water, electric light, power, cleaning and similar services. The term shall not include professional or other personal services which are in their nature unique and not subject to competition.

DIRECTOR OF PURCHASING — The designated purchasing agent of the City of Rochester.

EXCESS PROPERTY — Any property under the control of any using agency which is not required for its needs and the discharge of its responsibilities as determined by the head thereof.

INVITATION FOR BIDS — Includes the advertisement for bids and all of the proposed contract documents, including any plans and specifications,

instructions to bidders, proposals, contract agreements and addenda thereto.

MINOR INFORMALTY OR IRREGULARITY IN A BID — An informality or irregularity which is merely a matter of form and not of substance or which pertains to some immaterial or inconsequential defect or variation of a bid from the exact requirements of the invitation for bids, the correction or waiver of which would not be prejudicial to other bidders. The defect or variation in the bid is "immaterial and inconsequential" when its significance as to price, quantity, quality or delivery is trivial or negligible when contrasted with the total cost or scope of the supplies or services being procured.

PERSON (and the masculine pronoun as used throughout this chapter) — Includes any individual, association, partnership, corporation, firm, trust, estate or other entity.

~~**PURCHASING AGENT** — The designated purchasing agent of the City of Rochester.~~

SUPPLIES — All supplies, materials and equipment and other personal property.

SURPLUS PROPERTY — Any excess personal property not required for the needs and the discharge of the responsibilities of all using agencies in the City government, as determined by the ~~Purchasing Agent~~ Director of Purchasing.

USING AGENCY — Any department, agency, commission, bureau, establishment or other unit in the City government which derives its support wholly or in part from the City and which uses supplies or procures contractual services.

B. By revising Section 8A-3, Purchasing Agent; powers and duties, as follows:

§ 8A-3. ~~Purchasing Agent~~ Director of Purchasing; powers and duties.

A. ~~The Purchasing Agent~~ Director of Purchasing shall have the powers and duties prescribed by law, by this chapter and by any rules or regulations as may be prescribed by the Mayor.

B. Scope of purchasing authority. ~~The Purchasing Agent~~ Director of Purchasing shall have the power and it shall be his or her duty to enter into purchase rental and lease contracts for supplies and to enter into contracts for public work and other contractual services, except professional and other personal services which are in their nature unique and not subject to competition, needed by any using agency in the City government and to sell surplus property and other personal property owned by the City.

C. ~~The Purchasing Agent~~ Director of Purchasing shall assume charge and control of, and be responsible for, the general conduct of the business of his or her office and for the faithful discharge of the duties of his or her deputy and other persons under his or her direct supervision and control. Provided he or she remains so responsible, ~~the Purchasing Agent~~ Director of Purchasing may designate the Assistant Director of Purchasing or other persons under his or her

the direct supervision and control of the Director of Purchasing to place orders for the purchase of supplies and contractual services.

D. Except as herein provided and except for persons under the direct supervision and control of the ~~Purchasing Agent~~ Director of Purchasing, it shall be unlawful for any City officer or employee or any using agency to order the purchase of any supplies or make any contract within the purview of this chapter other than through the ~~Purchasing Agent~~ Director of Purchasing. Any purchase ordered or contract made contrary to the provisions hereof shall not be approved by the City officials, and the City shall not be bound thereby.

E. Other powers and duties. In addition to the purchasing authority conferred in Subsection B of this section, and in addition to any other powers and duties conferred by this chapter, the ~~Purchasing Agent~~ Director of Purchasing shall:

- (1) Act to procure for the City the highest quality in supplies and contractual services at the least expense or best value to the City.
- (2) Seek to establish uniform specifications for the City where practical, so that the City may obtain favorable quantity and volume pricing.
- (3) Discourage uniform bidding and endeavor to obtain full and open competition on all purchases and sales.
- (4) Prescribe rules and regulations for the implementation of this chapter, including policies and methods relating to procurement, storage and use of goods and services.
- (5) Prescribe and maintain such forms as he or she shall find reasonably necessary to the operation of this chapter.
- (6) Cooperate with the Department of Finance so as to secure for the City the maximum efficiency in budgeting and accounting.
- (7) Maintain a list of bidders from which to seek bids for supplies, products and services.

C. By revising Section 8A-9, Negotiated contracts, as follows:

§ 8A-9. Negotiated contracts.

A. Except as provided in Subsection B of this section, contracts negotiated on behalf of the City by the ~~Purchasing Agent~~ Director of Purchasing may be of any type which in the opinion of the ~~Purchasing Agent~~ Director of Purchasing will promote the best interests of the City. The ~~Purchasing Agent~~ Director of Purchasing shall determine that the method of contracting for a negotiated contract is likely to be less costly than other methods, that the prospective vendor is responsible, that the supplies or contractual services to be provided are of the kind and quality required by the City and that the price is fair and reasonable.

B. The cost-plus-a-percentage-of-cost system of contracting shall not be used, and in the case of a cost-plus-a-fixed-fee contract, the fee shall not exceed 15% of the estimated cost of the contract, exclusive of the fee, as determined by the ~~Purchasing Agent~~ Director of Purchasing at the time of entering into such contract. The ~~Purchasing Agent~~ Director of Purchasing, the Assistant Director of Purchasing or ~~his or her~~ the Director's designate, shall have the right to inspect

the plans and to audit the books and records of any prime contractor or subcontractor engaged in the performance of a cost or cost-plus-a-fixed-fee contract.

C. All contracts negotiated pursuant to authority contained in this section shall include a clause to the effect that the ~~Purchasing Agent~~ Director of Purchasing or his or her duly authorized representative shall until the expiration of three years after final payment have access to and the right to examine any directly pertinent books, documents, papers and records of the contractor or any of his or her subcontractors engaged in the performance of and involving transactions related to such contracts or subcontracts. Such clause may be omitted from contracts where the ~~Purchasing Agent~~ Director of Purchasing determines, after taking into account the price and availability of the property of services from other sources, that the public interest would be best served by the omission of such clause.

D. By substituting "Director of Purchasing" for the phrase "Purchasing Agent" in each place that it appears in the following sections:

- § 8A-4 Requisitions and estimates.
- § 8A-5 Encumbrance of funds.
- § 8A-7 Formal contract procedure.
- § 8A-8 Open market procedure for purchases and sales.
- § 8A-10 Performance and payment security.
- § 8A-11 Storerooms.
- § 8A-12 Emergency purchases.
- § 8A-13 Inspections and testing.
- § 8A-14 Cooperative purchasing.
- § 8A-15 Excess property.
- § 8A-16 Exchange of surplus property.
- § 8A-17 Disposal of surplus property.

Section 3. Municipal Code Chapter 10, Improvements, Municipal and Local, is hereby amended by substituting "Director of Purchasing" for the phrase "Purchasing Agent" in each place that it appears in the following sections:

- § 10-13. Extra work.
- § 10-26. Compliance with Labor Law.

Section 4. Municipal Code Chapter 106, Telecommunications in the Right-Of-Way, is hereby amended by substituting "Director of Purchasing" for the phrase "Purchasing Agent" in Section 106-21, Abandonment of telecommunications facilities and accessory equipment.

Section 5. This ordinance shall take effect on July 1, 2017 or on the effective date of an accompanying local law that changes the titles and responsibilities of certain Department of Neighborhood and Business Development officials as provided herein, whichever occurs later.