

ORGANIZATION MEETING

JANUARY 2, 2024

3:30 P.M.

Present - Councilmembers Gruber, Harris, Lightfoot, Lupien, Martin, Meléndez, Monroe, Patterson, Smith - 9.

Absent - 0.

**THE PRESIDING OFFICER -- REQUEST COUNCIL TO RISE FOR A MOMENT OF SILENCE.**

**THE DEPUTY CLERK -- PLEDGE OF ALLEGIANCE TO THE FLAG.**

Councilmember Gruber

**THE DEPUTY CLERK -- INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS.**

Motion to nominate Councilmember Melendez for Council President by Councilmember Harris;  
2<sup>nd</sup> by Councilmember Patterson.

Motion to nominate Councilmember Harris for Council President by Councilmember Smith;  
2<sup>nd</sup> by Councilmember Martin.

Councilmember Harris declined the nomination.

The nomination was withdrawn by Councilmember Smith and Councilmember Martin.

Resolution No. 2024-1

**Resolution for the nomination and selection of a President of the Rochester City Council**

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

Section 1. The Council of the City of Rochester hereby nominates and selects Miguel A. Meléndez, Jr. as President of the Council for the years 2024-25.

Section 2. This resolution shall take effect immediately.

Adopted by the following vote:

Ayes - Councilmembers Gruber, Harris, Lightfoot, Lupien, Meléndez, Monroe, Patterson, Smith - 8.

Nays - Councilmember Martin - 1.

Motion to nominate Councilmember Harris as Council Vice President by President Meléndez;  
2<sup>nd</sup> by Councilmember Patterson.

Resolution No. 2024-2

**Resolution for the nomination and selection of a Vice President of the Rochester City Council**

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

Section 1. The Council of the City of Rochester nominates and selects LaShay D. Harris as Vice President of the Council for the years 2024-25.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

Motion to nominate Hazel Washington as City Clerk by Councilmember Patterson;  
2<sup>nd</sup> by Councilmember Smith.

Resolution No. 2024-3

**Resolution for the selection and appointment of the City Clerk**

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

Section 1. The Council of the City of Rochester hereby selects and appoints Hazel Washington as the City Clerk for the years 2024-25.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

Motion to adopt the Rules of Council by President Meléndez;  
2<sup>nd</sup> by Vice President Harris.

Resolution No. 2024-4

**Resolution adopting the Rules of Council**

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

Section 1. The Council hereby adopts the following Rules of Council for the year 2024.

I. REGULAR MEETINGS - Regular meetings of the Council of the City of Rochester shall be held in the Council Chambers, City Hall, at 6:00 P.M., on the following dates in 2024:

January 23  
February 20  
March 19

April 24  
May 21  
June 18  
July 23  
August 20  
September 24  
October 22  
November 19  
December 17

and also at such other times as the Council may by adjournment to a day certain appoint. When the date for a regular meeting falls on a legal holiday the meeting shall be held on the following day.

- II. SPECIAL MEETINGS - Special meetings may be called at any time by the Mayor, the President of the Council, or any three Councilmembers. The City Clerk shall cause the written notice thereof, specifying the object of the meeting, to be served upon each member personally or to be delivered at the member's usual place of residence or City email address at least twenty-four hours before the time fixed for such meeting, except that if such notice is served prior to 5:00 P.M., the time for the special meeting may be fixed at any time after 9:00 A.M. the following day. Councilmembers may waive service of such notice in writing. At such special meeting no business other than that named in the notice of the meeting shall be transacted.
- III. EXECUTIVE MEETINGS - Whenever the Council or a duly constituted committee thereof shall determine to transact business in an executive session, it shall do so in accordance with the provisions of the Open Meetings Law, and the presiding officer shall direct all persons except members and designated officers of the City to withdraw.
- IV. QUORUM - The majority of the Councilmembers shall constitute a quorum; but a smaller number may adjourn from day to day.
- V. PRESIDING OFFICER - The President of the Council, and in the President's absence, the Vice President, shall preside over the meetings of the Council. In the absence of both the President and the Vice President, the City Clerk shall call the meeting to order and the Council shall appoint as presiding officer a President pro tempore.
- VI. ORDER OF BUSINESS - The following shall be the order of business at regular meetings:
  - 1. Roll Call.
  - 2. Moment of Silence & Pledge of Allegiance.
  - 3. Approval of the minutes of the preceding meeting or meetings.
  - 4. Communications to the Council from the Mayor, President of the Council, other corporate officers, boards and departments and miscellaneous communications.
  - 5. Presentation and reference of petitions and any other communications.
  - 6. Reports of standing committees, introduction of, and action upon local laws, ordinances and resolutions.
  - 7. Reports of standing committees on matters not addressed in Item 6 above and action thereon.

8. Reports of special committees.
9. Miscellaneous business.
10. Adjournment.

VII. PUBLIC HEARINGS – Each person wishing to speak at a public hearing with respect to a specific proposed item of legislation shall be allotted no more than 3 minutes. Speakers must relinquish the podium at the end of their allotted time. Public Hearings will take place beginning at 6:00 P.M. on the following dates.

January 18  
 February 15  
 March 14  
 April 18  
 May 16  
 June 13  
 July 18  
 August 15  
 September 19  
 October 17  
 November 14  
 December 12

The President may designate that a specific public hearing shall be held at a regular or special meeting of the Council, or at a special meeting of a Council Committee, by giving notice to all Councilmembers, following the same procedure outlined in Section II above.

VIII. PERMISSION FOR PERSONS TO SPEAK BEFORE THE COUNCIL – The President of the Council may allow any person to speak to the Council upon the following terms and conditions. Speak to Council will take place upon the conclusion of the Public Hearings provided for in Section VII on the following dates:

January 18  
 February 15  
 March 14  
 April 18  
 May 16  
 June 13  
 July 18  
 August 15  
 September 19  
 October 17  
 November 14  
 December 12

1. In order to speak, a citizen must notify the Clerk's Office before 4:30 P.M. on the day of the meeting.
2. The citizen must specify to the Clerk the subject of their remarks.
3. The Clerk will prepare two lists of scheduled speakers:
  - A. Those wishing to speak on items which are on the agenda for the next Council meeting (List A).

- B. Those wishing to speak on items which are not on the agenda for the next Council meeting (List B).
- 4. City residents will be prioritized on the lists. Non-City residents will be placed at the end of each list.
- 5. Each speaker will be allotted no less than two (2) minutes and no more than three (3) minutes. If there are less than 20 speakers, each speaker will be allotted three minutes to speak. If there are 20 or more speakers signed up, each speaker will be allotted two minutes to speak.
- 6. The City Clerk will call the speakers' name and Council district they reside in, as listed on List A. If the speaker is not a City resident, the City Clerk will call their name and note the municipality they reside in. After completing List A, the City Clerk will call the speakers and their Council district or residence on List B, giving each the amount of time determined in paragraph 5 above.
- 7. Speakers must relinquish the podium at the end of their allotted time.
- 8. In the event that the President shall determine that any speaker is violating any of the Rules of Council, the President, in the President's discretion, may cause the meeting to be recessed.

Any person may also speak at meetings of duly constituted committees of the Council at the invitation of the Chairperson and upon such terms and conditions as the Chairperson may, from time to time, prescribe.

- IX. VOTING – No Councilmember shall refuse or abstain from voting on any motion, hold, discharge, resolution, ordinance or local law except in the case of a financial or ethical conflict of interest that would require recusal under New York State municipal law or the City Code of Ethics. Such a conflict shall be disclosed to the President prior to the Council meeting in which the vote will be taken whenever possible. The disclosure shall state the reasons for such abstention and shall be entered in full upon the journal.
- X. ROLL CALL VOTE - On the passage of every ordinance which is not adopted by unanimous vote, on the passage of any ordinance authorizing the issuance of bonds and notes, on the selection of any officer other than by unanimous vote, and on the enactment of any local law, the individual vote for or against the particular legislation before Council shall be entered in full upon the journal. A roll call vote may be requested by the City Clerk or any member of Council.
- XI. PRECEDENCE OF MOTIONS - When a question is before the Council no motion shall be entertained except: First, to adjourn; second, to fix the hour of adjournment; third, for the previous question; fourth, to lay on the table; fifth, to postpone indefinitely; sixth, to postpone to a day certain; seventh, to refer; eighth, to amend. These motions shall have precedence in the order indicated. Any such motion, except a motion to amend, shall be put to vote without debate.
- XII. MOTION TO AMEND – A motion to amend shall not be voted upon until the text of the amendment is presented to the Councilmembers in writing.
- XIII. RECONSIDERATION - After the decision of any question, a member who voted in the majority may move its reconsideration at the same or a subsequent meeting. If a motion for reconsideration be lost, it shall not be renewed without unanimous consent of the members present and no question shall a second time be reconsidered without similar unanimous consent. After a local law or ordinance has been signed by the Mayor, or has

been presented to the Mayor and more than thirty (30) days have expired, during which time the Mayor neither approved it nor returned it to the Clerk with objections, it shall not be reconsidered, but such local law or ordinance may be repealed, or amended.

- XIV. **WITHDRAWAL OF MOTION** - Any motion may be withdrawn by the maker before it has been amended or voted upon, but in such case any other member may renew the motion at that time.
- XV. **PROCEDURE ON RESOLUTIONS** - All resolutions of the Council shall be adopted by the affirmative vote of a majority of the members present at the meeting at which action is taken thereon. Any member of the Council may introduce a resolution into the Council either (a) at any meeting of the Council, at which time the presiding officer shall refer the resolution to the appropriate standing committee, or (b) at any time until 5:00 p.m. the day before the appropriate committee meeting by submitting it to the President of the Council who shall promptly forward it to the Chair of the appropriate standing committee. The Council shall not vote upon any resolution until it has been discharged from one or more standing committees pursuant to Section XVIII of these rules, provided, however, that the Council may vote upon a resolution without reference to or discharge from a standing committee if it is accompanied by a statement of necessity of immediate passage signed by the Mayor or the President of Council, or these rules are suspended as provided herein.
- XVI. **PROCEDURE ON LOCAL LAWS AND ORDINANCES** - All legislative acts of the Council shall be by local law or ordinance adopted by the affirmative vote of five members of the Council, unless otherwise expressly required by law.

Any member of the Council or the Mayor may introduce a Local Law or Ordinance into the Council. By submitting proposed legislation to the President of the Council. The President shall forward such proposed legislation to the City Clerk, at which time the legislation shall be deemed introduced into the Council. The City Clerk shall note on the copy of the legislation the date of its introduction and its sequential introductory number.

Proposed legislation shall be similarly distributed to Councilmembers on "Referral Day" which shall be at least nineteen (19) days prior to the date of the Council meeting at which it is scheduled to be considered.

Following Referral Day and before Committee Meetings, additional legislation may be submitted to the President of Council for distribution to the appropriate committee(s) at the discretion of the President.

Proposed legislation submitted by the Mayor less than twelve (12) days before the Council Meeting at which it is scheduled to be considered shall be accompanied by a statement of necessity of immediate consideration signed by the Mayor and stating the nature of the emergency. Proposed legislation submitted by any member of Council during this period may be distributed to the appropriate committee(s) at the discretion of the President.

Proposed legislation submitted less than five (5) days before the Council Meeting at which it is scheduled to be considered shall be accompanied by a statement of necessity of immediate consideration stating the nature of the emergency and signed:

- a) by the Mayor and President of the Council, in the case of legislation submitted by the Mayor; or
- b) by the President of the Council, in the case of legislation submitted by a member of Council.

The Clerk shall keep a file of all proposed legislation until it is voted upon by the Council or until the expiration of each two-year term of Council.

A local law or ordinance amended after its introduction shall proceed to consideration by Council in the normal course unless such legislation as amended is ruled to be so substantially different from the original as to constitute a new local law or ordinance that must be introduced and distributed anew for consideration at a subsequent meeting of Council. A ruling on whether amended legislation constitutes a new local law or ordinance shall be required only upon the motion of a Councilmember and the ruling shall be made by the presiding officer, or the Council on appeal from the presiding officer's ruling.

The Council shall not vote upon any local law or ordinance until it has been discharged from one or more standing committees of the Council pursuant to Section XVIII of these rules, provided, however, that the Council may vote upon proposed legislation without reference to or discharge from a standing committee if:

- a) as to a local law, it is accompanied by a statement of necessity of immediate passage signed by the Mayor, and its adoption is by the affirmative vote of six (6) members of the Council, or
- b) as to an ordinance, (i) it is accompanied by a statement of necessity of immediate passage signed by the Mayor, or (ii) approval to vote upon it is given by six (6) members of the Council.

Whenever a public hearing is required to be held by the Council on an item of proposed legislation, the President may direct the City Clerk to advertise the public hearing in the manner and for the period of time required by law so that such hearing may be held at the end of the final standing Committee Meeting; or if the hearing is to be held before a specific committee, such hearing shall be advertised so that it may be held at the next available regularly scheduled or special meeting of that committee; unless the Council provides otherwise by resolution.

Whenever the Mayor has disapproved a local law or ordinance and the City Clerk has presented the local law or ordinance to the Council with the Mayor's objections, the President or any member of Council may move for reconsideration of the same within thirty (30) days.

XVII. CONSTITUTION OF COMMITTEES - The following standing committees shall be appointed by the President of the Council at the organization meeting of the Council:

Budget, Finance & Governance; Neighborhoods, Jobs, & Housing; People, Parks & Public Works; and Public Safety.

The first named member of each committee shall be Chair. The President and the Vice President shall be ex officio voting members of all committees.

A change in the personnel of the foregoing committees, including a change in the Chair thereof, may be effected at any time or times at the pleasure of the President of the Council with the concurrence of a majority of the Council, or in any case by a two-thirds vote of the Council. The President shall be empowered to constitute a Committee of the Whole, in place of any standing committee, to consider Mayoral appointments of Department Heads or for other resolutions, local laws, or ordinances considered to be of sufficient importance as to merit such treatment. Discharge from the Committee of the Whole shall fulfill the requirements variously stated in Sections XVII, XVIII, and XXI,

which call for the discharge of any proposed legislation from a standing committee before it can be acted upon by the Council.

- XVIII. MEETINGS AND PROCEDURES OF STANDING COMMITTEES - A majority of a committee shall constitute a quorum. Each committee shall meet at the call of its Chair or any other two members, upon reasonable notice to all committee members. Regular meetings of the standing committees shall be scheduled no later than twelve (12) days before the date of a Council meeting.

A committee may hold a public hearing on any proposed legislation referred to it. A committee may amend any proposed legislation referred to it by majority vote of its members taken at a meeting, and if discharged, the Council shall consider the proposed legislation.

In discharging any proposed legislation referred to it, a committee shall specifically recommend the legislation for adoption, rejection or consideration by the Council in a written report signed by a majority of its members attending the committee meeting. Any proposed legislation discharged by a committee shall be placed by the City Clerk on the agenda of the next regular Council meeting, at which the Council shall vote upon each item of proposed legislation separately, a yes vote to indicate adoption of the legislation, and a no vote to indicate rejection of the legislation.

If a committee fails or refuses to discharge any proposed legislation referred to it or if the legislation is presented to Council less than 12 days prior to the regular meeting of Council in accordance with Section XVI above, it may be discharged on a motion duly seconded by the affirmative vote of a majority of the Council.

In order to effectuate the provision of Section 120-190(C)(3)(a) of Chapter 120 of the Municipal Code, Zoning Code, that authorizes the City Council to initiate a proposal to amend the Zoning Code text, the Zoning Map, the Official Map or the Comprehensive Plan (collectively, a Proposal), any member of the Council may introduce a proposed ordinance. The Neighborhood & Business Development (NBD) Committee shall be authorized, upon approval of a motion by a majority vote, to submit a Proposal to the Director of Planning and Zoning (Director) for review by the Planning Commission in accordance with Zoning Code §120-190(C)(3)(c) on behalf of the Council without first discharging the Proposal to the Council. If the NBD Committee fails or refuses to refer a Proposal to the Director, the Council may refer the Proposal to the Director on a motion duly seconded by the affirmative vote of a majority of the Council. After the Planning Commission completes its review of a Proposal and transmits its recommendation to the City Clerk for Council action, the Proposal and the Planning Commission's recommendation shall be forwarded to the NBD Committee for review and discharge to the Council in the normal course as prescribed elsewhere in these rules and subject to the timely action, right of objection of affected and adjoining property owners, public hearing and notice requirements set forth in Zoning Code §120-190(C)(3)(d).

- XIX. ROBERT'S RULES OF ORDER - The rules of parliamentary practice comprised in Robert's Rules of Order shall govern the Council in all cases except as herein provided.
- XX. SUSPENSION OF RULES - Any rule of the Council, except as otherwise specifically provided in such rule, may be temporarily suspended by a vote of two-thirds of all the members present, unless such rule is prescribed by law.
- XXI. AMENDMENT OF RULES - No permanent alteration shall be made in these rules except by means of a resolution that has been referred to a committee and adopted in accordance with Section XV.

XXII. TIMING OF AMENDMENTS - Nothing in these rules shall prevent Council from choosing to amend any part of these rules during the course of the year, including but not limited to amendments to the structure and/or functioning of its committee system, provided such amendment is presented by means of a resolution in accordance with Section XXI above and is not inconsistent with law.

Section 2. This resolution shall take effect immediately.

Adopted by the following vote:

Ayes - President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Lupien, Monroe, Patterson, Smith - 8.

Nays - Councilmember Martin - 1.

Move to pass the Designating Official Newspaper of the City of Rochester by Councilmember Patterson; 2<sup>nd</sup> by Councilmember Lupien.

Ordinance No. 2024-1

**Designating the Official Newspapers of the City of Rochester for the Years 2024-25**

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

Section 1. The following newspapers are hereby designated to be the official newspapers of the City of Rochester for the years 2024-25: the Democrat & Chronicle, the Daily Record, the Rochester Business Journal, City Newspaper, and the Southwest Tribune.

Section 2. The Mayor is hereby authorized to enter into agreements with the publishers of said newspapers whereby said newspapers shall publish and print such materials as shall be delivered to the newspaper by the City Clerk or other authorized officials or employees of the City. In no event shall any designated newspaper have the right to publish all official notices of the City.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes – President Meléndez, Councilmembers Gruber, Lightfoot, Lupien, Martin, Monroe, Patterson, Smith - 8.

Nays - None - 0.

Vice President Harris abstained due to a professional relationship.

The meeting was adjourned at 5:05 P.M.

Hazel L. Washington  
City Clerk