

ORGANIZATION MEETING

JANUARY 2, 2018

3:30 P.M.

Present - Presiding Officer McFadden, Councilmembers Clifford, Evans, Gruber, Lightfoot, Ortiz, Patterson, Scott, Spaul - 9.

Absent - 0.

The Council Presiding Officer requested the Council to rise for a Moment of Silence.

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

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS.

By Councilmember McFadden

Resolution No. 2018-1

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 Loretta C. Scott as President of the Council for the years 2018-19.

Section 2. This resolution shall take effect immediately.

Adopted by the following vote:

Ayes – Presiding Officer McFadden, Councilmembers Evans, Gruber, Lightfoot, Patterson, Scott -6

Nays – Councilmembers Clifford, Ortiz, Spaul -3

By Councilmember Lightfoot

Resolution No. 2018-2

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 Adam C. McFadden as Vice President of the Council for the years 2018-19.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

By Councilmember Patterson

Resolution No. 2018-3

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 L. Washington as the City Clerk for the years 2018-19.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

By Councilmember Spaul

Resolution No. 2018-4

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 years 2018-19.

I. REGULAR MEETINGS - Regular meetings of the Council of the City of Rochester shall be held in the Council Chambers, City Hall, at 7:30 P.M., on the following dates in 2018:

- January 23
- February 20
- March 20
- April 17
- May 15
- June 19
- July 24
- August 21
- September 18
- October 16
- November 20
- December 18

and also at such other times as the Council may by adjournment to a day certain appoint. The regular meeting schedule for 2019 shall be established in a resolution adopted in 2018. 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. Introduction of and action upon local laws, ordinances and resolutions.
 - 7. Reports of standing committees and action thereon.
 - 8. Reports of special committees.
 - 9. Miscellaneous business.
 - 10. Adjournment.
- VII. PERMISSION FOR PERSONS TO SPEAK BEFORE THE COUNCIL - For one hour prior to roll call at the commencement of a Council meeting, the President of the Council may allow any person to speak to the Council upon the following terms and conditions:
 - 1. In order to speak, a citizen must notify the Clerk's Office before 5:30 p.m. on Council meeting nights.
 - 2. The citizen must specify to the Clerk the subject of his or her remarks.
 - 3. The Clerk will prepare two lists of scheduled speakers:
 - A. Those wishing to speak on items which are on the agenda for that Council meeting (List A).
 - B. Those wishing to speak on items which are not on the agenda for that Council meeting (List B).

4. The lists shall be in the order that citizens notified the Clerk's Office.
5. Each speaker will be allotted no less than two (2) minutes and no more than three (3) minutes. The President will divide sixty (60) minutes by the number of speakers on both lists to determine the amount of time allotted to each speaker.
6. The President will call the speakers in order as listed on List A, and after completing List A, the speakers on List B, giving each the amount of time determined in paragraph 5 above.
7. If there are any speakers on List A not reached by 7:30 p.m., the time for Speak to Council will be extended to allow all speakers on that List to be heard. If there any speakers on List B who have not had the opportunity to speak before the Council Meeting begins, they will be invited either to speak at the conclusion of the Council Meeting or to return to the next Council session when their names will be placed at the top of the appropriate List.
8. Speakers must relinquish the podium at the end of their allotted time.
9. 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.

- VIII. 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 at the end of the last scheduled standing Council Committee meeting on the following days:

January 18
 February 15
 March 15
 April 12
 May 10
 June 14
 July 19
 August 16
 September 13
 October 11
 November 15
 December 13

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, which shall be served upon each member personally or to be delivered at the member's usual place of residence or City email address before the time fixed for the said hearing. The regular committee meeting schedule for 2019 shall be established in a resolution adopted in 2018.

- IX. 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. In the case of an abstention from a vote, any member who abstains from voting shall state publicly the reasons for such abstention: such reasons shall be entered in full upon the journal.

- X. 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.
- XI. PREVIOUS QUESTION - The previous question shall be put as follows: "Shall the main question be now put?" If this question is decided in the negative, the main question remains before the Council.
- 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. DIVISION OF QUESTIONS - If the question contains two or more divisible propositions, the presiding officer shall, upon the request of any member, divide the same, but a motion to strike out a provision and insert a substitute is not divisible.
- XIV. 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.
- XV. 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.
- XVI. 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 a 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 XVII 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.
- XVII. 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. Such proposed legislation shall be submitted to the President of the Council. Proposed legislation submitted to the President of the Council by any Councilmember or

the Mayor shall be deemed introduced into the Council on the day the President forwards it to the City Clerk who shall note on the copy 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. During the week following Referral Day, 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 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, stating the nature of the emergency, signed by the Mayor. 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, signed by the Mayor and President of the 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 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 XIX 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.

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

Finance; Neighborhood & Business Development; Parks & Public Works; Public Safety, Youth & Recreation; Arts & Culture.

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

- XIX. 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 five (5) 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, 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).

XX. 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.

XXI. 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.

XXII. AMENDMENT OF RULES - No permanent alteration shall be made in these rules without notice of the proposed change having been given at a previous meeting.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

By Councilmember Ortiz

Ordinance No. 2018-1

Designating the Official Newspapers
of the City of Rochester for the
Years 2018-19

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 2018-19: the Democrat & Chronicle, the Daily Record, the Rochester Business Journal and City Newspaper.

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 to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 4:19 P.M.

Hazel L. Washington
City Clerk