

ROCHESTER CITY COUNCIL

SPECIAL MEETING

September 18, 2020

11:30 A.M.

Due to the social distancing and other health and safety measures necessary to slow the progress of the COVID-19 pandemic and in accordance with emergency Executive Orders issued by the Governor and Local Emergency Orders issued by the Mayor, the meeting was conducted 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 Scott, Councilmember Evans, Gruber, Harris, Lightfoot, Lupien, Patterson, Peo - 8.

Absent – None - 0.

The Council President 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

TO THE COUNCIL

Ladies and Gentlemen:

Re: Resolution No. 2020-29  
Resolution Authorizing the Issuance  
of Subpoenas for an Independent  
Investigation

Transmitted herewith for Council approval is a resolution authorizing the issuance of subpoenas to various City Departments and others to support an independent investigation into the internal communications, processes, and procedures that took place related to the death of Daniel Prude while in police custody, including members of both the Administration and the City Council.

On September 15, 2020, the City Council unanimously passed legislation to fund an independent investigation conducted by Andrew G. Celli, Jr. and his firm, Emery, Celli, Brinkerhoff, Abady, Ward & Maazel LLP, New York, NY. The City Charter Section 5-21(G) grants City Council the authority to investigate all City departments including the right to review records and papers, and additionally authorizes the Council President to issue a subpoena for that purpose. Mr. Celli has requested that the City Council issue subpoenas in order to facilitate his ability to conduct the investigation as previously authorized by City Council.

Respectfully submitted,  
Loretta C. Scott  
President

Willie J. Lightfoot  
Vice President

Malik D. Evans

Mitch Gruber

LaShay D. Harris

Mary Lupien

Michael A. Patterson

Jose Peo

Resolution No. 2020-29  
(Int. No. 350)

**Resolution authorizing the issuance of subpoenas to various City Departments, and to others, in furtherance of an independent investigation into the internal communications, processes, and procedures that took place related to the death of Daniel Prude after an interaction with members of the Rochester Police Department.**

**WHEREAS**, Daniel Prude died after an interaction with the Rochester Police Department on March 23, 2020; and

**WHEREAS**, the Council of the City of Rochester at a Meeting on September 15, 2020 authorized the initiation of an investigation into circumstances surrounding that interaction and all subsequent related actions; and

**WHEREAS**, Section 5-21 (G) of the Charter of the City of Rochester authorizes the issuance of subpoenas in connection with such an investigation; and

**WHEREAS**, legal counsel retained by City Council for the purposes of completing this investigation has requested that City Council issue subpoenas in order to facilitate their investigation.

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

Section 1. Pursuant to Section 5-21 (G) of the City Charter the City Council hereby authorizes the Council President or Vice President to issue subpoenas for records, papers, and other evidence in any form and for the attendance of witnesses as are appropriate for the investigation as authorized by Council on September 15, 2020 relative to the interaction between Daniel Prude and the Rochester Police Department as well as all subsequent and related activities.

Section 2. The Council President or Vice President is so authorized without need of further action by the Council, and upon the request of legal counsel retained by the City Council to conduct the investigation described immediately above.

Section 3. The subpoenas authorized herein may be made returnable to legal counsel Emery, Celli, Brinkerhoff, Abady, Ward & Maazel LLP (principal: Andrew G. Celli, Jr.) retained for purposes of conducting this investigation.

Section 4. Council further authorizes the aforementioned legal counsel to adjust the time, location and manner of production of documents or testimony pursuant to subpoena as they deem necessary.

Section 5. This resolution shall take effect immediately.

Adopted by the following vote:

Ayes – President Scott, Councilmember Evans, Gruber, Harris, Lightfoot, Lupien, Patterson, Peo - 8.

Nays – None -0.

The meeting was adjourned at 11:35 A.M.

Hazel L. Washington  
City Clerk