

**Additional Proposed Legislation for the
January 24, 2023 City Council Meeting -**

*** * Please Note * ***

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



City of Rochester

City Hall Room 308A, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

PUBLIC SAFETY COMMITTEE INTRODUCTORY NO.

Malik D. Evans
Mayor

31

January 10, 2023

Law 28

TO THE COUNCIL

Ladies and Gentlemen:

Re: Rochester City School District, Overtime
Police Services

Council Priority: Public Safety; Support the
Creation of Effective Educational Systems

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation authorizing an intermunicipal agreement with the Rochester City School District (RCSD) for the provision of sworn Police Officers to provide police services for up to 100 days throughout the school year at the school facilities listed below during student arrival and dismissal times, with reimbursement for costs at the Special Events overtime rate at the time worked, which will be a minimum of \$84 per hour. Four hours of police presence will be provided at arrival times on each of the chosen school days, as well as four hours during dismissal, with one officer provided for each arrival and dismissal. The term of the agreement shall be January 11, 2023 through June 22, 2023. The schools and expected arrival and dismissal times are as follows:

SCHOOL	ADDRESS	ARRIVAL	DISMISSAL
Franklin	950 Norton Street	7:15 AM	2:30 PM
Edison	655 Colfax Street	7:15 AM	2:30 PM
Wilson	501 Genesee Street	7:15 AM	2:30 PM
Northeast Prep	4115 Lake Avenue	8:15 AM	3:30 PM
East	1801 East Main Street	7:15 AM	3:30 PM

The maximum amount to be reimbursed to the City will be \$336,000.

The intermunicipal agreement was approved by the RCSD Board of Education at the Board's hearing on January 10, 2023.

Respectfully submitted,

Malik Evans
Mayor

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2023 JAN 10 P 2:09



31

Ordinance No.

Authorizing an intermunicipal agreement with the Rochester City School District related to overtime police services

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

Section 1. The Mayor is hereby authorized to enter into an intermunicipal agreement with the Rochester City School District (RCSD) to provide sworn City of Rochester Police Officers to provide police services at certain school facilities during student arrival and dismissal times, and to obtain reimbursement for the overtime services from the RCSD at a minimum overtime rate of \$84.00 per hour per officer as partial reimbursement for the City's cost of providing said officers. The term of said agreement shall extend through June 22, 2023.

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

Section 3. This ordinance shall take effect immediately.



City of Rochester

City Hall Room, 30 Church Street
Rochester, New York 14614-1284
www.cityofrochester.gov

INTRODUCTORY NO.

32

January 19, 2023

Malik D. Evans
Mayor
Miguel A. Meléndez, Jr.
City Council President

TO THE COUNCIL

Ladies and Gentlemen:

Re: Message of Necessity –
labor and employment legal services

On January 9, 2023, the Workers United union petitioned the New York State Public Employment Relations Board (PERB) to serve as collective bargaining representative for certain employees of the Police Accountability Board. The petition requires a prompt response from the City. Given the nature of the matter, it was determined that retention of outside counsel is appropriate. Therefore, we are submitting this Message of Necessity to allow the Council to take up on January 24th, legislation authorizing the City to hire outside legal counsel experienced in representing public sector employers in PERB proceedings.

Respectfully submitted,

Miguel A. Meléndez, Jr.
President

Malik Evans
Mayor

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City of Rochester

City Hall Room, 30 Church Street
Rochester, New York 14614-1284
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Malik D. Evans
Mayor
Miguel A. Meléndez, Jr.
City Council President

January 19, 2023 LAW 24

TO THE COUNCIL

Ladies and Gentlemen:

Re: Outside Counsel Services –
labor and employment legal services

Transmitted herewith for your approval is legislation authorizing the City to enter into an agreement with the law firm of Hancock Estabrook, LLP (lead partner John F. Corcoran, Esq., Syracuse, NY) to provide labor and employment law services with regard to the Police Accountability Board (PAB). The law firm will provide the City with advice and representation for responding to a petition recently filed with the New York State Public Employment Relations Board (PERB) by the Workers United union to represent certain employees of the Police Accountability Board (PAB). The maximum compensation for the agreement will be \$50,000, which will be funded by the 2022-23 Budget of Undistributed Expenses. The term of the agreement will extend to the conclusion of the PERB proceeding commenced by Workers United or to the conclusion of any related labor and employment law services.

Hancock Estabrook's lead partner on this engagement and his labor and employment practice group have extensive experience representing public employers before the PERB, as well as in in collective bargaining, grievance and arbitration procedures. A justification for not issuing a Request for Proposal is attached.

Respectfully submitted,

Miguel A. Meléndez, Jr.
President

Malik Evans
Mayor

NO RFP JUSTIFICATION STATEMENT

Awarding a Professional Services Agreement Without a Request for Proposals

The Procurement of Professional Services Policy (Ord. No. 2012-318) requires an RFP to be issued under most circumstances. If it is determined that an RFP will not be issued, this form must be completed, signed by the Department Head, and kept on file (electronically or hard copy). It must also be submitted:

1. To City Council as an attachment to the transmittal letter for any PSA that exceeds \$10,000, and
2. To the contract record when entered in Munis.

Department: Law **Services(s):** Legal counsel for labor relations matter

Vendor/Consultant selected: Hancock Estabrook, LLP

How was the vendor selected? By Corporation Counsel

Why was no RFP issued for this service?

(Your rationale should include the following information when applicable)

- Is there **previous experience** with the vendor? Describe why it is in the City's best interest to continue with them and not solicit others.

No. However, it is one of the few upstate firms with significant public sector labor experience.

- Are there unique or **emergency circumstances**? Describe how an RFP process would jeopardize the success of the project.

Yes. The City was served with a Notice of Petition with an initial conference set for February 2nd. Even if the City could get a slight extension of time to answer, we need to start the work on responsive paperwork now.

Is the service **specialized and unique**? Is the number of **qualified providers limited**? Describe the Department's experience with and knowledge of the market and why an RFP would not produce additional qualified consultants.

See above. Very few have significant public sector experience. The Corporation Counsel spoke with a number of firms, some of which had conflicts of interest and some of which had insufficient experience.

- Does the project include **multi-year State or Federal funding**? Explain why it is in the best interest of the project and the City to continue with the same consultant (e.g. where the design consultant on a project is retained for resident project representation services).

No. The term of this agreement is authorized to extend to the conclusion of this matter because changing law firms during a proceeding would add substantial additional costs and might delay the conclusion of the proceeding.

Compensation Amount: \$50,000

How was this determined? Explain how it is a reasonable and best value for the City.

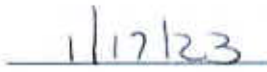
Based on hourly rates much lower than those in the major metropolitan markets (and in fact, lower than most Rochester area firms), the Corporation Counsel concluded that \$50,000 will be sufficient for Hancock Estabrook to commence and hopefully complete all steps in this matter.

The MWBE Officer has reviewed the proposed Agreement for MWBE and Workforce goals.

MWBE Officer Initials: SMD

Date: 1/18/2023


Corporation Counsel


Date

INTRODUCTORY NO.

32

Ordinance No.

Authorizing an agreement for labor and employment law services

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Hancock Estabrook, LLP to provide legal services with regard to a petition submitted to the New York State Public Employment Relations Board (PERB) wherein the Workers United union seeks to represent certain employees of the Police Accountability Board. The term of the agreement shall extend to the conclusion of the PERB proceeding or to the conclusion of any related labor and employment law services. The maximum compensation for the agreement shall be \$50,000, which shall be funded from the 2022-23 Budget of Undistributed Expenses.

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

Section 3. This ordinance shall take effect immediately.



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

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

INTRODUCTORY NO.

Miguel A. Meléndez, Jr. Council President, Councilmember At-Large

33

January 20, 2023

TO THE COUNCIL

Ladies and Gentlemen:

Re: Statement of Necessity:
Reappointments to Board of Assessment
Review

Transmitted herewith for your approval is legislation reappointing the following individuals to the Board of Assessment Review for terms that expire as follows:

Panel Member	Expiration Date
Kaitlin Skelton	September 30, 2023
Orlando Rivera	September 30, 2023
Justin R. Martin	September 30, 2027

Resumes of the above appointees have been filed with the City Clerk and all appointees have maintained perfect attendance during the previous assessment review cycles when scheduled to serve.

This legislation was prepared in December but was inadvertently overlooked when it came time to submit legislation on January 3, 2023. This legislation cannot be postponed because all Board members must attend annual training to be presented in February by the Monroe County Real Property Tax Director, and Board members will not be admitted to that training unless they submit proof of their reappointment for the upcoming 2023 assessment review cycle.

Respectfully submitted,


Miguel A. Meléndez, Jr.
President

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2023 JAN 20 P 3:10

INTRODUCTORY NO.

33

Resolution No.

Resolution approving appointments to the Board of Assessment Review

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

Section 1. The Council hereby approves the reappointment of Kaitlin Skelton to the Board of Assessment Review for the remainder of a term that will expire on September 30, 2023.

Section 2. The Council hereby approves the reappointment of Orlando Rivera to the Board of Assessment Review for a term that will expire on September 30, 2023.

Section 3. The Council hereby approves the reappointment of Justin R. Martin to the Board of Assessment Review for a term that will expire on September 30, 2027.

Section 4. This resolution shall take effect immediately.