

Sec. 2. This ordinance shall take effect immediately.

Unanimous consent was granted to vote thereon.

Adopted unanimously.

By Councilman Pirrello—

Resolution No. 63-32.

WHEREAS, the Council did heretofore authorize the City Manager to make application to the United States Government for a grant-in-aid for the following improvements, consisting of:

A. Construction of an additional Interceptor Sewer in St. Paul Street.

B. Construction of Settling Tanks at the Main Sewage Treatment Plant; and

WHEREAS, the Department of Health, Education and Welfare, Public Health Services of the United States, has made an offer of a federal grant to the City in the amount of \$600,000 for such purpose.

NOW, THEREFORE, BE IT

RESOLVED, that the City Manager be, and he hereby is, authorized to execute on behalf of the City of Rochester the acceptance of said offer.

Adopted unanimously.

By Councilman Pirrello—

Int. No. 39.

AMENDING CHAPTER 10 OF VOLUME II OF THE MUNICIPAL CODE IN RELATION TO THE ESTABLISHMENT OF A POLICE ADVISORY BOARD.

Be it ordained by the Council of The City of Rochester as follows:

Section 1. Chapter 10 of Volume II of the Municipal Code as last amended, is hereby further amended by inserting a new Section 10-10 as follows:

§10-10.1. The Police Advisory Board will be a nine member board appointed by the City Manager pursuant to Section 521 of Volume I of the Municipal Code for three year overlapping terms. Of the members first appointed, three shall be for one year terms, three shall be for two year terms, three shall be for three year terms; thereafter, all members shall be appointed for three year terms. Residence within the City of Rochester is not a requirement for board membership. No active law enforcement officers may serve as board members.

§10-10.2. The purpose of this board is to hear complaints of citizens against any member of the Rochester Police Bureau for alleged acts which fall within the board's jurisdiction, to investigate these complaints, and to recommend such action as the board thinks appropriate on each complaint.

§10-10.3. The jurisdiction of the board is limited to consideration of complaints against any member of the Rochester Police Bureau, which complaint alleges the use of excessive or unnecessary physical force by a member of the Rochester Police Bureau against a person or persons.

§10-10.4. The powers of this board are limited to those of an investigative and advisory nature, without any judicial or disciplinary powers.

§10-10.5. In order for the board to conduct board affairs, a quorum of six members will be required, and a vote of five members present in person at any meeting will be required for board action.

§10-10.6. All city officers and employees are hereby directed to cooperate with the board in carrying out its duties.

§10-10.7. All meetings of the board will be conducted in executive session in accordance with the rules and regulations adopted by the board not in conflict with the provisions of this ordinance, unless exceptions to this are provided within this ordinance. The conduct of board business and of the board staff will be conducted privately unless otherwise noted in this ordinance.

§10-10.8. The board may hold public meetings for the purpose of electing officers and adopting rules and regulations to govern its operations.

By Councilman Gillette—

Resolution No. 63-33.

WHEREAS, Cleon G. Wait, Budget Director of the City of Rochester, will retire from the City's service on March 15, 1963; and

WHEREAS, Cleon G. Wait will have completed 25 years of devoted service to his adopted City, having begun his long association with our City government in 1938 as Junior Accountant; and

WHEREAS, by hard work and natural ability he rose steadily through the financial divisions of the City of Rochester, becoming first City Auditor and then Budget Director; and

WHEREAS, Cleon G. Wait has served since 1950 as Rochester's City Budget Director, during which time he has supervised the distribution as directed by this Council of many millions of dollars in City budget funds, performing this task with scrupulous attention to detail and a conscientious regard for the Council injunctions;

NOW, THEREFORE, BE IT

RESOLVED, that this Council tenders Cleon G. Wait its heartfelt thanks for a job well done, voices its long-felt appreciation for his faithful services and wishes him God-speed in the years of fruitful and rewarding endeavor which lie before him.

Adopted unanimously.

§10-10.9. The board will have the po the budgetary limitations of any appropriat Council from time to time for the operatio

§10-10.10. The jurisdiction of this boa five date of this ordinance. Any incident al date of the adoption of this ordinance sha this board.

§10-10.11. All complaints must be in making the complaint. The complaint must days of the date of the occurrence complai the board agrees to an extension of this ti shall be in the nature of an incapacity to fl case the complaint must be filed within tl the incapacity to file.

§10-10.12. The board will receive cor lies himself aggrieved, or from any other person who authorizes the filing of a co "Person" when used in this ordinance, sh: sociation, organization, agency, or govern person" when used in this ordinance shall personally and physically involved in the have been the use of excessive or unneces: of the Rochester Police Bureau. In the eve or death of the aggrieved person, the comr aggrieved person may file a complaint in in which event the verification may be made than personal knowledge by said committee

§10-10.13. The written complaint sha board. The complaint to be within the bo concise language the following information:

- a. The name and address of the aggrieve
- b. The date, the specific location, and when the alleged incident occurred;
- c. The number of persons involved in dresses if known, or if not known, such othe to identify all participants;
- d. The specific injuries or damages sust
- e. The names and addresses of any kno
- f. Such other information that might plete investigation of the incident;
- g. Such other information that the rule require.

§10-10.14. If the aggrieved person files be signed and verified by the aggrieved indivi

§10-10.15. If the complaint is filed on staff of the board will be responsible for a secure verification from the aggrieved indivic

§10-10.16. Whether the complaint is ve shall be forwarded as soon as possible to t the board.

§10-10.17. If the complaint is not signeo son within ten days of its original filing wit be required in the way of a report from the the board shall take no further action thereo

§10-10.18. If the complaint is signed a and deals with a subject matter that is with Chief of Police must report his findings on tl days of receipt of the verified complaint fro lice is unable to complete his investigation v of Police shall file an interim progress rep file with the board a final report within a

§10-10.19. The Chief of Police's report dence on which he has based his findings, his findings, his recommendations, and repor

§10-10.20. Upon receipt of the Chief's ance of the staff shall make any independ: sary, including the right to take statements f private, closed hearings. The board must h aggrieved person makes a written request or after the filing of a signed and verifi the provisions of this ordinance.

§10-10.21. The board shall then procee report. If the board finds that it agrees w dations, and actions, the board shall rep: Safety and to the City Manager and shall Chief of Police. If the complaint has receiv addition, make public its agreement with the and actions. If the board finds that it disag evaluation of his report, it shall consult pr an attempt to arrive at a common conclus

By Councilman Gillette—

Resolution No. 63-33.

WHEREAS, Cleon G. Wait, Budget Director of the City of Rochester, will retire from the City's service on March 15, 1963; and

WHEREAS, Cleon G. Wait will have completed 25 years of devoted service to his adopted City, having begun his long association with our City government in 1938 as Junior Accountant; and

WHEREAS, by hard work and natural ability he rose steadily through the financial divisions of the City of Rochester, becoming first City Auditor and then Budget Director; and

WHEREAS, Cleon G. Wait has served since 1950 as Rochester's City Budget Director, during which time he has supervised the distribution as directed by this Council of many millions of dollars in City budget funds, performing this task with scrupulous attention to detail and a conscientious regard for the Council injunctions;

NOW, THEREFORE, BE IT

RESOLVED, that this Council tenders Cleon G. Wait its heartfelt thanks for a job well done, voices its long-felt appreciation for his faithful services and wishes him God-speed in the years of fruitful and rewarding endeavor which lie before him.

Adopted unanimously.

VOLUME II OF THE MUNICIPAL CODE ENFORCEMENT OF A POLICE ADVISORY

The City of Rochester as follows:

II of the Municipal Code as last amended, and a new Section 10-10 as follows:

§10-10.9. The board will be a nine member board appointed to Section 521 of Volume I of the Municipal Code. Of the members first appointed, three shall be for two year terms, three shall be for one year terms and three shall be for three months. The board shall be appointed for three years. The City of Rochester is not a requirement for enforcement officers may serve as board members.

§10-10.10. The board is to hear complaints of citizens against the Rochester Police Bureau for alleged acts which fall within the jurisdiction of the Police Bureau, and to recommend appropriate action on each complaint.

§10-10.11. The board is limited to consideration of complaints against the Rochester Police Bureau, which complaint involves the use of physical force by a member of the Police Bureau or persons.

§10-10.12. The board are limited to those of an investigatory, judicial or disciplinary powers.

§10-10.13. To conduct board affairs, a quorum of five members present in person shall constitute a quorum for board action.

§10-10.14. Employees are hereby directed to carry out their duties.

§10-10.15. Meetings will be conducted in executive sessions as provided for in the resolutions adopted by the board not in public sessions, unless exceptions to this are provided for in the board business and of the board staff business noted in this ordinance.

§10-10.16. Public meetings for the purpose of electing members to govern its operations.

§10-10.9. The board will have the power to appoint a paid staff within the budgetary limitations of any appropriating ordinance adopted by the City Council from time to time for the operation of said board.

§10-10.10. The jurisdiction of this board will commence as of the effective date of this ordinance. Any incident alleged to have happened prior to the date of the adoption of this ordinance shall not be within the jurisdiction of this board.

§10-10.11. All complaints must be in writing and signed by the person making the complaint. The complaint must be filed with the board within 90 days of the date of the occurrence complained about except in the case where the board agrees to an extension of this time because of hardship. Hardship shall be in the nature of an incapacity to file a report with the board, in which case the complaint must be filed within thirty days after the termination of the incapacity to file.

§10-10.12. The board will receive complaints from any person who believes himself aggrieved, or from any other person on behalf of the aggrieved person who authorizes the filing of a complaint on his behalf. The term "Person" when used in this ordinance, shall not include any corporation, association, organization, agency, or governmental unit. The term "aggrieved person" when used in this ordinance shall mean the actual individual who was personally and physically involved in the incident where there is alleged to have been the use of excessive or unnecessary force by a member or members of the Rochester Police Bureau. In the event of mental incompetency, infancy, or death of the aggrieved person, the committee or legal representatives of the aggrieved person may file a complaint in the place of the aggrieved person, in which event the verification may be made upon information and belief, rather than personal knowledge by said committee or legal representative.

§10-10.13. The written complaint shall be on forms furnished by the board. The complaint to be within the board's jurisdiction, must set out in concise language the following information:

- The name and address of the aggrieved person;
- The date, the specific location, and the approximate time of day where and when the alleged incident occurred;
- The number of persons involved in the incident, their names and addresses if known, or if not known, such other information as will assist the board to identify all participants;
- The specific injuries or damages sustained by the aggrieved person;
- The names and addresses of any known witnesses to the incident;
- Such other information that might assist the board in making a complete investigation of the incident;
- Such other information that the rules and regulations of the board may require.

§10-10.14. If the aggrieved person files the complaint, the complaint must be signed and verified by the aggrieved individual.

§10-10.15. If the complaint is filed on behalf of the aggrieved person, the staff of the board will be responsible for making every reasonable attempt to secure verification from the aggrieved individual.

§10-10.16. Whether the complaint is verified or not, an exact copy thereof shall be forwarded as soon as possible to the Chief of Police by the staff of the board.

§10-10.17. If the complaint is not signed and verified by the aggrieved person within ten days of its original filing with the board, no further action shall be required in the way of a report from the Chief of Police to the board, and the board shall take no further action thereon.

§10-10.18. If the complaint is signed and verified by the aggrieved person and deals with a subject matter that is within the jurisdiction of the board, the Chief of Police must report his findings on the complaint to the board within ten days of receipt of the verified complaint from the board. If the Chief of Police is unable to complete his investigation within that period of time, the Chief of Police shall file an interim progress report. In any event, the Chief must file with the board a final report within a reasonable period of time.

§10-10.19. The Chief of Police's report to the board shall contain all evidence on which he has based his findings. The Chief's report shall contain his findings, his recommendations, and report of action taken, if any.

§10-10.20. Upon receipt of the Chief's report, the board, with the assistance of the staff shall make any independent investigation it considers necessary, including the right to take statements from witnesses and the right to hold private, closed hearings. The board must hold a private, closed hearing if the aggrieved person makes a written request for such a hearing at the time of or after the filing of a signed and verified complaint in accordance with the provisions of this ordinance.

§10-10.21. The board shall then proceed to evaluate the Chief of Police's report. If the board finds that it agrees with the Chief's findings, recommendations, and actions, the board shall report this to the Commissioner of Public Safety and to the City Manager and shall so advise the complainant and the Chief of Police. If the complaint has received public notice, the board may, in addition, make public its agreement with the Chief's findings, recommendations, and actions. If the board finds that it disagrees with the Chief's decision after evaluation of his report, it shall consult privately with the Chief of Police in an attempt to arrive at a common conclusion. In so doing, the board must

make available to the Chief of Police all information and evidence it has in its possession concerning the complaint. Following consultation between the Chief of Police and the board, the Chief of Police shall have the opportunity to conduct further investigations to properly evaluate any new information or evidence presented to him by the board. The Chief of Police shall promptly report the results of his findings to the board.

§10-10.22. If the board and the Chief of Police arrive at a common conclusion, the board will report this fact along with findings and agreement to the Commissioner of Public Safety and to the City Manager and will so advise the complainant and the Chief of Police. If the complainant had received public notice, the board may, in addition, make public its agreement with the Chief's findings, recommendations and actions.

§10-10.23. If the board and the Chief of Police are unable to arrive at a common conclusion, the board shall report this disagreement along with its findings and all evidence on which the findings were based, and its recommendations to the Commissioner of Public Safety and the City Manager.

§10-10.24. If within two weeks of the receipt of the report of disagreement from the board to the Commissioner of Public Safety, and the City Manager, action which is satisfactory to the board has not been taken by the city administration, the board may make public its recommendations to the Commissioner of Public Safety and the City Manager. This act may be done at the public meeting of the board.

§10-10.25. The board shall keep a record of all complaints and disposition thereof. The board shall file a quarterly report with the City Manager showing the general activity of the board. This report is to be made public.

Section 2. This ordinance shall take effect immediately.

Referred to Law Committee and Public Safety Committee.

By Councilman Gillette—

Resolution No. 63-34.

Resolution Authorizing City Manager to Begin Main Street-East Avenue Relighting Program.

WHEREAS, proper street lighting is essential to the public health and safety; and

WHEREAS, adequate street lighting will be an economic and social stimulus to downtown Rochester; and

WHEREAS, the installation of a modern system of street lighting in downtown Rochester will in no way impair the installation of street lighting in other areas of the City; and

WHEREAS, the purchases and installation at the present time of specially developed dual purpose poles for street lighting and traffic signalling will cost \$14,000 rather than \$22,000 if the work is done at a future time;

NOW, THEREFORE, BE IT

RESOLVED, that the City Manager be, and he hereby is, authorized and directed to proceed with the complete relighting of Main Street from the West end of the Inner Loop to the East end of Union Street and the relighting of East Avenue from Main Street East to Union Street; and

BE IT FURTHER RESOLVED, that the City Manager be, and he hereby is, authorized and directed to include in the 1963-64 City Budget the sum of \$14,000 to provide for the cost of purchasing and installing dual purpose poles for the Main Street-East Avenue relighting program.

Adopted by the following vote:

Ayes—Mayor Gillette, Councilmen Freeman, Legg, Lamb, Lill, Malley, Maloy, Pirrello—8.

Nays—None.

Councilman Barry not voting.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON.

By Councilman Maloy—

March 12, 1963.

To: The Council.

Gentlemen—Your Law Committee recommends the adoption of the following entitled resolution:

Int. No. 36—Resolution of City Council opposing the weighted vote bill for the Monroe County Board of Supervisors now pending before the New York State Legislature.

Respectfully submitted,

CHARLES T. MALOY,
MARIO J. PIRRELLO,

Law Committee.

Received, filed and published.

By Councilman Gillette—

Resolution No. 63-35.

Resolution of City Council Opposing "Weighted Vote Bill."

Introduced February 26, 1963, Int. No. 36, and appearing on page 39 of the current proceedings was

Adopted by the following vote:

Ayes—Mayor Gillette, Councilmen Lamb, Lill, Malley, Maloy, Pirrello—6.

Nays—Councilmen Barry, Freeman, Legg—3.

By Councilman Gillette—

March 12, 1963.

To: The Council.

Gentlemen—Your Finance Committee recommends the adoption of the following entitled ordinances:

Int. No. 26—"Bond Ordinance, Dated February 13, 1963, Authorizing the Issuance of \$35,000 Serial Bonds of the City of Rochester, Pursuant to the

Local Finance Law of New York, to Finance the Construction of Certain Public Parking Areas Adjoining the Inner Loop."

Int. No. 28—"Bond Ordinance, Dated February 13, 1963, Authorizing the Issuance of \$41,000 Serial Bonds of the City of Rochester, Pursuant to the Local Finance Law, to Finance the Installation of a Water Main in Connection with the Improvement of Broad Street from Broadway to Union Street."

Int. No. 35—"Amending Chapter 14 of Volume II of the Municipal Code in Relation to Charges for Furnishing and Installing Meters."

Respectfully submitted,

HENRY E. GILLETTE,
MARIO PIRRELLO,
P. BARRY (Int. No. 35 only),
Finance Committee.

Received, filed and published.

By Councilman Pirrello—

Ordinance No. 63-61.

Bond Ordinance Dated February 13, 1963, Authorizing the Issuance of \$35,000 Serial Bonds of the City of Rochester Pursuant to the Local Finance Law of New York to Finance The Construction of Certain Public Parking Areas Adjoining the Inner Loop.

Introduced February 13, 1963, Int. No. 26 and appearing on Page 29 of the current proceedings was

Adopted by the following vote:

Ayes—Mayor Gillette, Councilmen Lamb, Lill, Malley, Maloy, Pirrello—6.

Nays—Councilmen Barry, Freeman, Legg—3.

By Councilman Pirrello—

Ordinance No. 63-62.

Bond Ordinance, Dated February 13, 1963, Authorizing the Issuance of \$41,000 Serial Bonds of the City of Rochester, Pursuant to the Local Finance Law, to Finance the Installation of a Water Main in Connection with the Improvement of Broad Street from Broadway to Union Street.

Introduced February 13, 1963, Int. No. 28 and appearing on Page 30 of the current proceedings was

Adopted by the following vote:

Ayes—Mayor Gillette, Councilmen Lamb, Lill, Malley, Maloy, Pirrello—6.

Nays—Councilmen Barry, Freeman, Legg—3.