

CHAPTER 10

LEGISLATIVE BODY

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10.1 Ordinances – Citation.

All citations of this ordinance may be designated General Ordinances of the City of Rochester, adding to the citation when necessary, the number of chapter and section.

10.2 Ordinances – Enacting Style.

The enacting style in making and passing ordinances shall be, “The City of Rochester Ordains.”

10.3 Ordinances Effective Date.

Every ordinance shall take effect upon passage unless a different time is provided therein.

10.4 Ordinances – Recordation and Preservation.

The City Clerk shall cause to be engrossed all ordinances which have passed the City Council. The same shall be done in plain and legible handwriting, typewriting, or printing as the City Clerk shall determine without erasure or interlineation, upon strong paper of a suitable size with a proper margin; and he/she shall bind such ordinances in a book lettered, “Record of General Ordinances of the City of Rochester” which book shall be preserved in the office of the City Clerk and shall be currently maintained by said City Clerk and shall be subject to the inspection of the citizens.

10.5 Ordinances and Resolutions – Introduction.

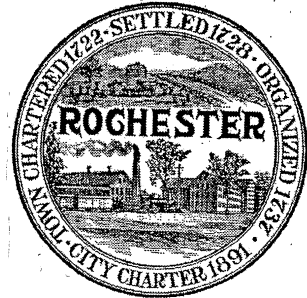
Every proposed ordinance, proposed amendment to any ordinance, proposed resolution,

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or other proposed petition to be submitted to any regular meeting of the City Council shall be submitted by the proponent thereof in writing to the City Clerk no later than five (5) days prior to the regular meeting of said Council. The City Clerk shall notify each member of the City Council in writing of each proposed ordinance, proposed amendment to any ordinance, proposed resolution or other proposed petition submitted as aforesaid, at least four (4) days prior to the date of said regular City Council meeting. Any proposed ordinance or amendment thereto, proposed resolution or other proposed petition not submitted to the City Clerk at least five (5) days prior to a regular meeting of the City Council or whose contents have not been submitted to each City Councilor at least four (4) days prior thereto may be acted upon by the City Council at such regular meeting, provided, the City Council shall vote to act upon such legislation by a two-thirds (2/3) vote of the Council.

10.6 City Seal.

The design of the City Seal shall be: a circle with a border around it; across the center of the circle, the word "Rochester"; above said word a perspective view of Haven's Hill, a pair of horses attached to a cart, men loading grain; below said word a perspective view of shoe shops, tannery, railroad tracks, engine and car; in the border, the words "Town Chartered 1722, Settled 1728, Organized 1737, City Charter 1891," the device thereof being as follows:



10.7 City Seal – Custody.

The City Clerk shall have the custody of the City Seal, but shall permit any duly authorized officer of said city to affix said seal to any document requiring the same.

10.8 City Seal – Affixation.

All deeds and other legal documents made, given, or entered into by the City, requiring a seal, shall be sealed with the City Seal, and be signed and acknowledged in behalf of the City by the City Manager or such other official as may be duly authorized.

10.9 Conflict of Interest – Municipal Body in Legislative Capacity, Prohibition on Voting.

When a municipal body acts in a legislative capacity, no member shall vote on any matter in which he or she has a conflict of interest.

10.10 Conflict of Interest – Municipal Body in Legislative Capacity, Limitation on Discussion.

When a municipal body acts in a legislative capacity, a member having a conflict of interest concerning a matter before the body may participate in the body's discussion concerning the matter; whether in public or executive session, only upon satisfaction of the requirements established by Section 72 of the Rochester City Charter.

10.11 Conflict of Interest – Municipal Body in Judicial Capacity.

When a municipal body acts in a judicial capacity, no member shall sit upon the hearing, participate in any discussion, attend any executive session, or vote upon the matter if he or she would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law. Reasons for disqualification do not include exemption from service as a juror or knowledge of the facts involved gained in the performance of the member's official duties.

10.12 Definitions.

[1]

The following words and phrases when used in the Chapter shall have the meaning given to them in this Chapter:

- (a) "Conflict of Interest" means direct personal and pecuniary interest.
- (b) "Direct" means immediate, definite, and capable of demonstration; not remote, uncertain, contingent, and speculative.
- (c) "Member" means a member of a municipal body.
- (d) "Municipal Body" means the Rochester City Council, Police Commission, School Board, Utility Advisory Board, Zoning Board of Adjustment, Planning Board, Historic District Commission or any other authorized City body with legislative and/or judicial powers.
- (e) "Pecuniary Interest" means any advantage in the form of money, property, commercial interest or anything else, the primary significance of which is economic gain.
- (f) "Personal" means an interest different from that of any other citizen.

10.13 Conflict of Interest – Procedure.

When uncertainty arises as to a member's right to participate in the municipal body's work, because of Section 10.9, 10.10, or 10.11, the municipal body shall, upon the request of that or any other member, vote on whether that member should be disqualified. Any such request and vote shall be made prior to or at the commencement of any discussion of the matter before the municipal body. If by an affirmative roll-call vote of at least two-thirds (2/3) of the members of the body present the body finds that the member has a conflict of interest, that member shall be prohibited from action in

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accordance with this Ordinance. The challenged member, if present, shall be entitled to vote on the question of his disqualification. If a court of a competent jurisdiction subsequently determines that the municipal body erroneously found a conflict of interest to exist, then the member in question may at the regular meeting of the municipal body first following the date of such determination move for reconsideration of the matter. If a court of competent jurisdiction subsequently determines that the municipal body erroneously failed to find a conflict of interest, and the official in question voted in the majority on the matter, then at the regular meeting of the municipal body first following the date of such determination any member who voted in the minority may move for reconsideration.

[1] Amended 5/1/07