

# THE GENEVA CITY COUNCIL

## JOURNAL OF PROCEEDINGS

### SPECIAL COUNCIL MEETING

October 6, 2020 – 5:30 PM

Per Executive Order No. 202.1, this meeting took place via videoconference, and was viewable on the City of Geneva, NY YouTube channel:

<https://www.youtube.com/channel/UCV6Q8rBUqBYLrjydrZS0Ijg/featured>

Presiding – Steve Valentino, Mayor

#### 1. ROLL CALL

Present: Clr. Gaglianese, Clr. Noone, Clr. Burrall, Clr. Regan, Clr. Pealer, Clr. Camera, Clr. Pruetz, and Clr. Salamendra (left the meeting at 7:58pm)

#### 2. POLICE ACCOUNTABILITY BOARD DISCUSSIONS

Mayor Valentino told council that he wanted to go section by section. Clr Pealer asked about a referendum, and City Attorney Bove explained that a referendum could come after council adopts the local law, but he said that is why council needs to adopt it with certain language so that a referendum will not be needed. He noted that Rochester's local law had language that infringed on Mayor Warren's elected duties. Clr. Salamendra said that it is important to listen to the attorneys so we don't have an expensive referendum. She suggested approving the Gibson Dunn suggestions. Clr. Gaglianese said he is in favor of a referendum in order to find out how many residents truly want this because this is only adding another layer of bureaucracy and doesn't put trust in anyone.

Mayor Valentino noted that in section 15.1 there were a couple instances of capitalization needed and grammar corrections, and he said that would be okay to fix.

**ACTION TAKEN by Clr. Regan; seconded by Clr. Camera**

**MOVED THAT in § 15-2 insert the words "the applicable" in #4 before "collective" and capitalize officer in third line of #6 and throughout**

**MOTION CARRIED UNANIMOUSLY**

**ACTION TAKEN by Clr. Pruet; seconded by Clr. Regan**

**MOVED THAT in § 15-3(1)(B) the words “aspire to” after “shall” and before “reflect”**

**MOTION CARRIED UNANIMOUSLY**

**ACTION TAKEN by Clr. Regan; seconded by Clr. Camera**

**MOVED THAT in in § 15-3(1)(F) delete “seat on the PAB” and replace with “status as a Board member is terminated”**

**MOTION CARRIED UNANIMOUSLY**

City Attorney Bove explained that Council cannot say that a convicted felon is not allowed to be on the board, but when they are interviewing, their decision can be based on the application and the facts. City Manager Gerling read a recommendation from Chief Passalacqua concerning § 15-3(1)(C) saying that no one should be on the police accountability board with an expressed animosity toward law enforcement. City Council should carefully vet all candidates for appointment to the PAB to ensure a fair and balanced membership. He said he is concerned that the PAB could have more than one member with a felony conviction and no retired law enforcement. Possibility of bias for a convicted felon is as great as law enforcement. There should be a requirement that there be at least one retired law enforcement as a PAB member. It's a question of fairness and balance. For § 15-3(1)(E), we need parameters to ensure fairness and balance with no bias. Clr. Pruet said he feels it would be a good idea to have a former police officer on the board to help members understand the way the department works. He said that he feels that one person will not be able to drown out the voices of the rest of the membership.

**ACTION TAKEN by Clr. Pealer; seconded by Clr. Pruet**

**MOVED THAT in § 15-3(1)(C) add the wording “shall endeavor to have” no more than one**

**ROLL CALL VOTE: Aye – Clr. Gaglianese, Clr. Noone, Clr. Pealer, Clr. Camera, Clr. Pruet, and Mayor Valentino**

**Nay – Clr. Salamendra, Clr. Burrall, and Clr. Regan**

**MOTION CARRIED**

**ACTION TAKEN by Mayor Valentino; seconded by Clr. Noone**

**MOVED THAT in § 15-3(2)(A)(1) “applications will be accepted based on qualifications of all city residents” (2) Interview process will be performed based on applications by city council (3) will be “Mayor will nominate one member” (4) will be what number 2 is right now with no changes and (5) will be the “Geneva Community Compact and others may submit the names of five individuals”. Add § 15-3(2)(B) “The City Council retains full authority to appoint members of the Board. The City Council must consider nominations but is not required to appoint those presented”**

**MOTION CARRIED UNANIMOUSLY**

**ACTION TAKEN by Clr. Pealer; seconded by Clr. Camera**

**MOVED THAT in § 15-3(3)(B) replace “three (3)” with “six (6)”;** (C) sub item a) delete “have been” and replace with “be”; (C) sub item b) replace “shall have been designated by the Community Compact Committee” with “shall be appointed from the community at large” replace “shall have been designated by the” (C) sub item c) replace “first” with “initial”, replace “shall have been designated by the Mayor with the phrase “shall have been nominated by the Mayor”; and in item (C) insert “shall be for staggered terms” at the end of the second sentence.

**MOTION CARRIED UNANIMOUSLY**

**ACTION TAKEN by Clr. Camera; seconded by Clr. Regan**

**MOVED THAT in § 15-3(4)(A) insert “the City before the word “Council”;** (B) insert “candidacy” before the word “petitions”; (C) delete see 15-3 (1) (F); (D) replace with “Inadequate attendance at meetings shall be defined as failure to attend three consecutive Board meetings of four (4) meetings during a one year period, without good cause”; and (E) replace with “The City Council may remove a Board member by a majority vote for failure to adhere to the policies and/or inadequate attendance at meetings”

**MOTION CARRIED UNANIMOUSLY**

**ACTION TAKEN by Clr. Pruett; seconded by Clr. Noone**

**MOVED THAT in § 15-4 add language “5. Shall avoid ex parte discussion of any matter that comes before the PAB”**

**ROLL CALL VOTE: Aye – Clr. Gaglianese, Clr. Noone, Mayor Valentino, Clr. Pruett,  
Clr. Burrall, and Clr. Regan**

**Nay – Clr. Pealer, Clr. Camera, and Clr. Salamendra**

**MOTION CARRIED**

**ACTION TAKEN by Clr. Pealer; seconded by Clr. Pruett**

**MOVED THAT in § 15-5(2) replace “a” with “any” before “matter” and second line chairperson should be lower case**

**MOTION CARRIED UNANIMOUSLY**

**ACTION TAKEN by Clr. Camera; seconded by Clr. Pruett**

**MOVED THAT in § 15-6 insert new “(B) Racial Profiling”; old B now “(C) Implicit bias”; insert new “(D) Anti-racism”; old C now “(E) Gender identity and sexuality”; re-letter F, G, H, I, J, and K capitalize first word of each item.**

**ACTION TAKEN by Clr. Camera seconded by Clr. Pealer**

**MOVED THAT in § 15-6 remove the item “Anti-racism”**

**ROLL CALL VOTE: Aye – Clr. Pealer, Clr. Camera**

**Nay – Clr. Salamendra, Clr. Gaglianese, Clr. Noone, Mayor Valentino,  
Clr. Pruett, Clr. Burrall, and Clr. Regan**

**MOTION DEFEATED**

**ROLL CALL VOTE (on original proposal)**

**Aye – Clr. Gaglianese, Clr. Noone, Mayor Valentino, Clr. Pruett,  
Clr. Camera, Clr. Salamendra, Clr. Burrall, and Clr. Regan**

**Nay – Clr. Pealer**

**MOTION CARRIED**

Clr. Salamendra told everyone that the Public Defender’s Office has offered to provide training free of charge. Clr Gaglianese said the cost of training needs to be determined. Clr. Noone said he would like to have something in the wording that says what the result will be if a member does not take part in all of the training. Attorney Bove said while training is not required, he recommends that council or city manager designate the training.

**ACTION TAKEN by Clr. Camera; seconded by Clr. Regan**

**MOVED THAT in § 15-6 add “(2) Training Requirement. All members are required to attend the Citizen’s Police Academy and other training identified by the City Manager within the first six months of their appointment.” And renumber current 2 to 3.**

**ROLL CALL VOTE: Aye – Clr. Gaglianese, Clr. Noone, Mayor Valentino, Clr. Pruett,  
Clr. Burrall, Clr. Pealer, Clr. Camera and Clr. Regan**

**Nay – Clr. Salamendra**

**MOTION CARRIED**

**ACTION TAKEN by Clr. Salamendra; seconded by Clr. Pruett**

**MOVED THAT the meeting be adjourned at 7:58pm**

**ROLL CALL VOTE: Aye – Clr. Pealer, Clr. Gaglianese, Clr. Noone, and Clr. Pruett,**

**Nay – Clr. Camera, Mayor Valentino, Clr. Burrall, and Clr. Regan**

**Absent - Clr. Salamendra**

**MOTION DEFEATED**

**ACTION TAKEN by Clr. Pealer; seconded by Clr. Camera**

**MOVED THAT in § 15-6(3)(A) {formerly #2} add words “and approval” after Review  
MOTION CARRIED UNANIMOUSLY (8-1 absent)**

**ACTION TAKEN by Clr. Camera; seconded by Clr. Regan**

**MOVED THAT in § 15-6(4) {formerly #3} (A) insert “the” before “City Manager” and  
replace “city of Geneva Police Department with “GPD”; (B) replace “Police  
Department” with “GPD”; insert new (C) with “The PAB’s first annual report shall be  
filed within twelve (12) months of its initial meeting and subsequent annual reports  
shall be filed within twelve (12) months then thereafter.”**

**MOTION CARRIED UNANIMOUSLY (8-1 absent)**

Clr. Pealer asked for more information on the specific training that will be provided by the public defender’s office and any implicit bias training the city has access to.

After some discussion, council decided to hold the next PAB work session on Tuesday, October 13<sup>th</sup> at 6:00pm in the second floor conference room at city hall, and the discussion will pick up at section 15-7.

### 3. ADJOURNMENT

**ACTION TAKEN by Pruet; seconded by Clr. Gaglianese**

**MOVED THAT the meeting be adjourned at 8:17pm  
MOTION CARRIED UNANIMOUSLY (8-1 absent)**

*Lori Guinan*

City Clerk