

Buffalo New York

-2. Legislative Power.

The legislative power of the city is vested in the common council, referred to throughout this act as the council, hereinafter created and constituted and its authority, except as may be otherwise prescribed by this act or general law, shall be legislative only.

§ 2-3. Executive Power.

The executive and administrative powers of the city are vested in the mayor and in the executive officers, departments, boards, commissions and other agencies of the city as are herein created, or as may be created by any special act of the legislature not repealed by this act, or as may be created by general law.

§ 2-4. Exercise of Power Not Prescribed.

When any power is conferred upon the city and the method of exercising such power is not prescribed by this act or by the law conferring such power, the council shall, if the power be executive or administrative, regulate the exercise of such power by one of the departments created by this act, and shall, itself, if the power be legislative, exercise and regulate the exercise of such power.

3-1. Legislative Power.

The legislative power of the city is vested in the common council.

§ 3-2. Composition of the Common Council.

The common council shall consist of nine district council members, three council members-at-large and a president of the common council.
The common council shall be deemed a continuous body notwithstanding any change of membership.

§ 3-3. Council Districts.

The city is divided into nine council districts, the boundaries of which are set forth in Section 1-4 of this charter.

3-5. Election and Terms of Common Council Members.

The terms of office of the council members as of the effective date of this charter shall continue until the installation of council members chosen in general elections in accordance with this section.

At the general election in the year 2003 a president of the common council shall be elected by the electors of the entire city for a term of two years. At the general elections in the year 2005 and at the general elections held every fourth year thereafter a president of the common council shall be elected by the electors of the entire city for a term of four years. At the general election held in the year 2003, three council members-at-large shall be elected by the electors of the entire city for a term of two years. At the general election held in the year 2005 and every fourth year thereafter, three council members-at-large shall be elected by the electors of the city for a term of four years.

At the general election in the year 2001 one district council member shall be elected by the electors of each council district for a term of two years. At the general election held in the year 2003 and every fourth year thereafter, one district council member shall be elected by the electors of each council district for a term of four years.

The persons elected to the common council shall take office on the first day of January following the general elections in which they were elected, and shall be eligible for re-election.

3-7. Powers of the Common Council

The common council shall have the power:

- (a) to enact local laws for any public purpose as may be provided by the constitution and the laws of the state of New York and of the United States of America and to the extent that it has the power to act by ordinance, resolution or rule and regulation.
- (b) to enact ordinances for any purpose authorized by any general or special law, including without limitation, those purposes set forth in section 2-1 and section 3-18 hereof.
- (c) to adopt resolutions and rules and regulations in the exercise of its functions, powers and duties.

- (d) to regulate by ordinance the method of exercising by one of the departments created by this act any power conferred upon the city by this charter or any law when the method of exercise is not therein prescribed; if such power be legislative, the common council shall exercise the power.
- (e) to adopt by the procedures specified within this charter the annual operating budget of the city, the annual capital budget of the city and the four-year capital program of the city.
- (f) to authorize the borrowing of funds by the city in accordance with article VIII of the constitution of the state of New York and applicable provisions of state law.
- (g) to impose taxes and special assessments as authorized by any general or special law.
- (h) to acquire by purchase, gift or eminent domain any interest in real and personal property for any city purpose or as authorized by any general or special law.
- (i) to acquire by condemnation lands and property and/or easements therein situate without the city of Buffalo as may be necessary for the purposes of water supply and/or sewage disposal and drainage for lands owned by the city and held or used for public purposes, and situate without the city of Buffalo.
- (j) to dispose of any real or personal property of the city as allowed by any general or special law.
- (k) to appoint local officers and to confirm appointments of local officers as specified within this charter.
- (l) to appoint a city clerk, a deputy city clerk, a deputy city clerk of birth records, and other staff to the common council as deemed necessary for the proper functioning of the common council, provided that, until January 1, 2006, such other staff to the common council shall be limited in number to 37.
- (m) to fix the salary and compensation of every officer and employee of the city except as may be otherwise provided by law.
- (n) to regulate its own proceedings and to adjudge the qualifications of its members
- o) to investigate and inquire into all matters of concern to the city and its inhabitants and to require and enforce by subpoena the attendance of witnesses or the production of documents at such investigations.

§ 3-8. Duties of the Common Council.

The common council shall have the duty:

- (a) to convene an organizational meeting on the second day of January in each even numbered year, unless it be Saturday or Sunday, and in such event on the following Monday, for the following purposes:
 - (i) to elect at that time one of its members president of the common council pro tempore to act during the temporary absence or disability of the president of the common council;
 - (ii) to determine the qualifications and responsibilities of the members of the common council staff including the council chief of staff, to define the organizational structure of the common council staff and to define the administrative and supervisory relationship between the staff and the common council.
- (b) to meet at least every two weeks except during the month of August.
- (c) to conduct all meetings in public.
- (d) to designate one or more daily newspapers published in the city for the publication of notices (except as otherwise provided by the local finance law), advertising matters or proceedings as required by this charter or by law or ordinance. The common council in its discretion may make any such publication in the city record now being published by the city under the direction and supervision of the city clerk.

Each council member, including the president of the council, shall have equal voting powers. The affirmative vote of a majority of the members elected to the council shall be necessary to adopt any resolution or ordinance, or to pass any measure unless a greater number is required by the provisions of this act or by general law not inconsistent with this act. The ayes and nays shall be called and recorded in the journal upon every vote in the council where a roll call is requested by any member or where more than a majority vote is required, and every motion, resolution and ordinance shall be reduced to writing and read before the vote is taken thereon.

3-13. President of the Common Council; Powers and Duties.

The president of the common council shall preside at all meetings of the common council and shall appoint all committees, regular or special, and may appoint and at pleasure remove a secretary.

§ 3-14. City Clerk; Powers and Duties.

The city clerk shall be the clerk of the common council and of its committees and of the pension board and shall be the ex officio registrar of vital statistics, who shall have the qualifications prescribed by the public health council of the state, if any are so prescribed. He or she shall also possess the power and be charged with the duty:

- (a) to appoint such deputies and subordinates as may be permitted by ordinance and at pleasure to remove them.
- (b) to make up and keep under the direction of the common council a journal of its proceedings and certify the same and to publish the same in the manner provided by ordinance.
- (c) to record, in a book to be provided for such purpose, every ordinance.
- (d) to give notice in writing to every officer of his or her election or appointment and of the amount of his or her bond or undertaking.
- (e) to make or cause to be made publications of all notices, advertising, matters or proceedings required by provisions of this charter or by law or ordinance, except as otherwise provided therein.
- (f) to be charged with all the powers and duties conferred by the public health law and sanitary code of the state on the registrar of vital statistics and such other duties as may be assigned to him or her from time to time or be required by him or her by ordinance.
- (g) to exercise such other powers and perform such other duties as may be conferred upon him or her by the common council or by any provision of this charter or by any general law.

3-15. Deputy City Clerk; Powers and Duties.

The deputy city clerk shall, during the absence or disability of the city clerk, possess all the powers and perform all the duties of the city clerk. In the event of a vacancy in the office of the city clerk, the deputy clerk shall act as city clerk until the appointment and qualification of a city clerk. The deputy city clerk, subject to the direction and supervision of the pension boards and the city clerk, shall have immediate supervision of all matters incident to the administration of the provisions of article 25 of this act relating to the police and firemen's pension funds and, subject to the supervision of the city clerk, shall have immediate supervision of all matters incident to the administration of the domestic relations law of the state of New York relating to the issuance of marriage licenses and of all matters incident to the administration of the provisions of the agriculture and markets law of the state of New York relating to the licensing of dogs. He or she shall also perform such other duties as may be assigned to him or her from time to time by the city clerk and as may be required by ordinance.

§ 3-16. Deputy City Clerk of Vital Statistics; Powers and Duties.

The deputy city clerk of vital statistics shall supervise the functions of vital statistics including the prompt and complete return of births and deaths to the state, supervise the registration of births and deaths in the city of Buffalo and assign work through subordinates to affect such and supervise the compilation of records and reports as

required. The deputy city clerk of vital statistics shall be authorized to act generally for and in place of the city clerk. He or she shall also perform such duties as may be assigned to him or her from time to time by the city clerk and as may be required by ordinance.

ARTICLE 4, The Mayor

§ 4-1. Duties and Powers.

The mayor shall be the chief executive officer of the city and shall maintain peace and good order and enforce the laws therein and shall supervise and direct all department heads and see to it that the duties of all other city officers, departments, boards, commissions and other city agencies are faithfully performed and shall have authority at all times to examine their books, papers, records and accounts and the moneys, securities and property of the city in their possession and may in his or her discretion exercise such authority through the director of the budget or otherwise. The mayor shall have the right to appear before and address the council at any meeting. He or she shall have the custody of the seal of the city and shall, except as herein otherwise provided, authenticate all accounts of the council and all instruments and papers authorized to be so authenticated. The mayor shall also exercise such powers and perform such duties as are imposed by this act and by any local law or ordinance and by any provision of general law.

§ 4-2. Present Mayor Continues in Office.

The mayor in office when this act takes effect shall continue to be mayor until the expiration of the term for which the mayor was elected at the general election held in 1997 and shall have all of the powers and duties and no other of a mayor elected under this act, except as otherwise expressly provided in this act.

-7. Appointments.

The mayor may appoint and at pleasure remove an executive assistant and such other subordinates as may be authorized by law or ordinance.

4-8. Public Hearing on Local Laws.

No local law shall be approved by the mayor until a public hearing has been had thereon before the mayor after the publishing of a notice of such hearing once in one or more daily newspapers published in the city designated by the mayor. The mayor shall fix the time and place of the hearing, and the notice shall specify such time and place and shall contain a copy of such local law and shall be prepared and published by the city clerk at least five days before the hearing.

§ 4-9. Investigation by Mayor.

The mayor is hereby granted all the powers of investigation conferred on the council by section 3-7 of this act, and all the provisions of said section shall apply to such investigations by the mayor.

§ 5-2. Appointments by Head of Department.

Except as otherwise provided by law, the head of each department shall appoint and may at pleasure remove each deputy and head of a division of the department, if any. He or she shall also appoint and may at pleasure remove, except as restricted by this act, all subordinates and employees of the department or any division thereof. The head of each division of any department and the principal executive officer of any board constituting the head of a department shall be deemed deputies and are authorized to act generally for and in place of their principals. The head of each department with more than one deputy shall designate in writing the order in which the deputies shall serve as acting department head during the temporary absence or disability of the department head.

5-4. Reconfirmation of Mayoral Appointments.

All mayoral appointments of department heads and members of boards, agencies and commissions under this charter and ordinances of the city of Buffalo, or under any general, special or local law, which appointments are subject to confirmation by the common council, shall terminate unless otherwise specified by general, special or local law herein, at the termination of the elected term of the mayor; and shall require reconfirmation by the common council. Reconfirmation shall be by majority or two-thirds vote of the council consistent with the number of votes needed for original confirmation under the law or ordinance providing for appointment.

6-1. Mayor.

The mayor shall be the head of the executive department.

The mayor shall have the power to appoint a deputy mayor who shall serve at the pleasure of mayor and who shall, as directed by the mayor, act for and in the place of the mayor as his or her representative in the discharge of official functions.

The acts of the deputy mayor shall not curtail or affect the powers of the designated officer who performs the duties of the office of the mayor by reason of the mayor's absence from the state or temporary disability.

Heads of Departments appointed and removed by the Mayor. Next level down (Directors) appointed and removed by the Department Heads