

DUNKIRK CITY CHARTER - ARTICLE IV

ARTICLE IV The Common Council

§ 4.00. Common Council.

All legislative powers of the City shall be vested in the Common Council and it shall have authority to enact local laws, ordinances and resolutions necessary and proper for the government of the City, the management of City business, the preservation of good order, public safety and welfare and the protection and security of its citizens and their property.

§ 4.01. Elections.

The five (5) members of the Common Council shall be elected at large commencing with the general election in the year 1977 and every two (2) years thereafter.

§ 4.02. Powers and Duties.

The powers and duties of the Common Council shall include:

- (a) Adoption by a majority vote of its members of resolutions and of all necessary rules and regulations for the conduct and procedures of the Common Council;
- (b) Enactment, amendment or rescission of local laws, ordinances and resolutions;
- (c) Adoption of the budget, levying of taxes, making appropriations and contracting indebtedness;
- (d) Determination of compensations of all officers and employees of the City, except that the compensation of each elective officer shall be fixed by resolution of the Common Council at a meeting thereof to be held in June prior to his or her election and shall not thereafter be changed until the expiration of the term for which he or she has been elected;
- (e) Adoption of an administrative code which shall set forth the details of administration of the City government in harmony with the provisions of this Charter;
- (f) Creation of any necessary administrative departments, offices, commissions and boards;

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- (g) Authorization for the execution of contracts, deeds, leases, permits, franchises, licenses and any other written instruments;
- (h) Designation of such officers and employees of the City who shall be bonded in favor of the City in such amounts as prescribed by the Common Council;
- (i) Construction, maintenance and repair of a sewer or system of sewers, sidewalks, waterlines within any public street or street rights-of-way, and an assessment of the cost thereof in a manner to be determined by the Common Council;
- (j) Determination of water rates and sewer use rates and penalties for nonpayment of water and sewer use bills or abuse of the service;
- (k) Acceptance of all streets and lands which may be offered or dedicated to the public; laying out, opening and improving streets and highways within the City and altering or discontinuing the same; whenever the Common Council shall deem it necessary to pave a street, the Common Council shall determine percentages to be assumed by the City and that assumed by abutting property owner;
- (l) Performance of such legislative duties and powers as prescribed by state or federal statute;
- (m) Presence of up to two (2) members of the Common Council on any labor negotiation team authorized by the Mayor with said members acting as ex-officio, nonvoting members.
- (n) Removal of any appointive officer at any time with a three-fourths (3/4's) vote of the entire Common Council, except as otherwise provided by law in this Chapter and in accordance with all provisions of law.

§ 4.03. Common Council Reconsideration.

In the event of executive disapproval of any local law, ordinance, resolution or budget item, the Common Council shall, not later than its next regular meeting, reconsider the local law, ordinance, resolution or budget item. If after such reconsideration four members of the Common Council shall vote to override the executive disapproval, the local law, ordinance, resolution or budget item shall be of force notwithstanding the objection of the Mayor.

§ 4.04. Presiding Officer - Organization.

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The five (5) members of the Common Council shall constitute the entire Common Council.

The Common Council shall organize not later than January 3rd of each year and shall hold meetings at least twice each month.

Common Council meetings shall be public and the minutes of such meetings shall be open for public inspection. A majority of the Common Council shall constitute a quorum for the transaction of business. At least three affirmative votes shall be necessary for the adoption of any local law, ordinance or resolution.

The Council member-at-large shall be the presiding officer at all meetings and in his or her absence any other council member shall preside as designated by a majority of the Council members present.

The Council member-at-large shall become Acting Mayor when the Mayor is absent from the City of Dunkirk or is mentally or physically unable to perform the duties of office or when the office becomes vacant. The Council member-at-large, when acting as Mayor, shall vote as a Council member.

§ 4.05. Special Meetings.

The Mayor, Council member-at-large or a majority of the Common Council, may call a special meeting of the Common Council by causing to be served a written notice, specifying the object of the meeting, upon each member personally or by mail directed to his or her place of residence or place of business, at least twenty-four hours before the time fixed for such meeting. The notice required herein may be waived by unanimous consent in writing of the members of the Common Council.