

Buffalo Common Council Procedures and How You Can Get Involved

Sarah Wooton, with contributions from Nina Raj, Orlando Dickson, and Jim Montour

Introduction

The Buffalo Common Council is the legislative branch of the City of Buffalo. The council meets every week to discuss city matters, including resident concerns. At PPG, we want you to know how the council works so that you can feel confident making your voice heard in council chambers. As residents, we can advocate with the council members for changes that will improve our neighborhoods and city.

The sources for this fact sheet are the Buffalo City Code,¹ the Buffalo City Charter,² the Rules of Order of the Common Council,³ and an interview and personal communications with council staff.⁴

What are the different types of council meetings?

Each week, the Buffalo Common Council has two or more meetings that the public can attend. The meeting schedule switches every week between a regular meeting and committee meetings. On weeks with a regular meeting, there is also a caucus meeting where council members prepare for the regular meeting. The council goes into recess in the month of August, during which no meetings are held. To view the full schedule of meetings, visit <http://buffalony.iqm2.com>.

This fact sheet was written by Sarah Wooton (Director of Community Research at PPG), with contributions from Nina Raj (PPG summer intern), Orlando Dickson (former Civic Educator at PPG), and Jim Montour (Chief of Staff to the City of Buffalo Common Council). Many thanks to Jim Montour for his tireless assistance in answering our many questions and reviewing several iterations of this fact sheet. This guide explains how you can interact with the council by filing and speaking on items. It also describes how council members can change local policies and take action through resolutions and ordinances.

COUNCIL SCHEDULE

MONDAY 01	TUESDAY 02	WEDNESDAY 03	THURSDAY 04	FRIDAY 05
2pm Caucus Meeting	2pm Regular Meeting			
MONDAY 08	TUESDAY 09	WEDNESDAY 10	THURSDAY 11	FRIDAY 12
	10am - 3pm Committee Meetings			



- **Regular Meetings:** This is where the council introduces new items and votes on finalized items. All council members attend these meetings. Members of the public are not allowed to speak. If you watch a regular meeting, you'll notice that it usually moves very quickly from item to item. This is because the council members are simply assigning items to different committees.
- **Committee Meetings:** Council members can discuss items in depth during these meetings. The public can also speak on items in committee.⁵ All items sent to committee come from a regular meeting first. For example, if an item proposing to send more funding to the Buffalo Public Schools was introduced in a regular meeting, it would be sent to the Finance Committee. At the next Finance Committee meeting, the members of the committee will discuss the item and allow members of the public to share their thoughts on that item.

Each committee has four or five council members. Usually only the council members on the committee will attend the meeting. However, if there's an item on the agenda that relates to another council member's district, that council member will likely come too. To learn how to file an item and how to speak during a committee meeting, see "How Can I get Involved?" on page 3.

- **Caucus Meetings:** Council members meet to plan for the regular meeting the day before it takes place. This is the caucus meeting. The council members go through each new agenda item and decide which committee it will be sent to. They can also discuss how they will vote on finalized items in the upcoming regular meeting. The public can attend these meetings, but the public normally can't speak at these meetings.
- **Special Meetings:** Sometimes the council members will call for a special meeting to discuss time-sensitive or emergency issues. These can be called either by the president at the written request of the mayor or by a consensus of five council members. If the chair of a committee wants to hold a special committee meeting, a public notice needs to be sent out, and the committee must have a quorum of members (4-5 council members depending on the committee). For example, committees can call for special sessions to review plans for department budgets, redistricting, or appointment of council staff.

All council meetings are open to the public. Since 2020, council staff has increased governmental transparency by streaming council meetings on the Buffalo Common Council's Facebook page: <https://www.facebook.com/BFLOCC>. You can also attend meetings in person. Regular meetings, committee meetings, and special meetings are held in Council Chambers on the 13th floor of City Hall (65 Niagara Square, Buffalo NY, 14203). Caucus meetings are in a separate room of City Hall—Room 1417.

Organization Meeting and Council President

Every two years (even-numbered years, such as 2022 and 2024) in January, the council has an organization meeting. During this meeting, the council members choose a council president. The president then appoints council members as committee chairs and committee members. Usually, the president considers council members' experiences, education, and interests as they make the appointments. For example, Council Member Wyatt worked in the banking industry before joining the council. As of 2022, he's the chair of the Finance Committee.

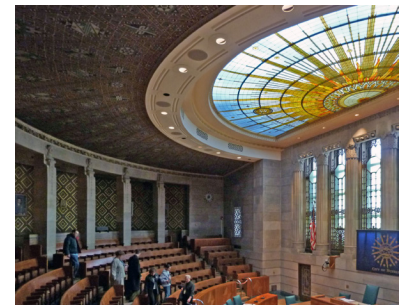


Photo by Payton Chung
<https://bit.ly/45du94z>

Executive Sessions

All official council meetings must be open for the public to attend. However, sometimes the council needs to discuss something that must be private for legal reasons or because it's sensitive information (e.g. city employee addresses). When the council needs to talk about this kind of information, they enter an "executive session." This is a private session that only the council and their staff have authority to attend. The council can stay in the private session as long as they think it's necessary to talk about the legally-protected or sensitive information. During the public portion of the meeting, the council must state that they are starting an executive session. After the executive session ends, the council must return to the public portion of the meeting. Here's an example of when an executive session might happen: someone is suing the city because they were wrongfully hurt by a Buffalo Police officer. The council members might be discussing how much they're willing for the city to pay to settle the case. To do this, the council may have to talk about the extent of the person's injuries and other personal information that should not be revealed to the public. In this case, the council would go into executive session.

How Can I Get Involved?

As a member of the public, you can speak to the council about an issue you care about, get their feedback on that issue, and hold council members accountable during elections. Here's how you do it:

STEP 1: FILE AN ITEM

Write a letter or email addressed to the council about the issue you want to talk about. Explain the issue clearly, but don't worry about making it perfect. The council members may not even read the letter, as they have many items to deal with each council meeting. See Appendix A for an example of a letter to the council.

What is an item?

The agenda of every council meeting has a list of items. Each new item is a topic that council members will talk about during their meeting. Agendas also have "tabled" items. These are items that have been put off for a later date. A committee member can make a motion to talk about a tabled item at any time.

Items can come in many forms. These include letters from residents, drafts of resolutions, procedural requests that need council approval (e.g. permit applications), or petitions. For example, if a resident sends an email to the council with complaints about unsafe, crumbling sidewalks, that email would become an item on the council's next agenda.

Committee Chairs

Committee chairs have extra powers within their committee. The chair controls what their committee talks about, they have subpoena power, and they can create extra rules within the committee. For example, as the chair of the Legislation Committee, Council Member Feroletto started a 3-minute speaking rule for members of the public. Most other committee chairs have now adopted the 3-minute speaking rule for their committees. Chairs can even try to stop an item from leaving committee,⁶ although the council frowns on blocking items, and chairs rarely use this power.

How do I file an item?

If you have an issue you would like to discuss at a council meeting, follow these steps:

Email your item to Common Council staff at councilstaff@buffalony.gov or send a letter to 65 Niagara Square, Room 1413, Buffalo, NY 14202. In your email, include your full name, address, and council district. If you send a handwritten letter, be sure that your handwriting is easy to read. Your letter will not get to the council members if it's hard for the council staff to read.

You should also say whether you want to speak on the item during a committee meeting. If you want it to go to a specific committee, then write that in the letter too. But ultimately, the council staff will decide which committee it goes to.

If you don't mention that you want to speak on the item, the council may simply "receive and file" your item. This means that the council is putting your item in the public record (filing it), removing it from meeting agendas, and moving on. If the council receives and files your item, it won't go to a committee, and you won't be able to speak on your item. Therefore, it's important to specify that you want your item sent to committee and that you want to speak on it.

The deadline to file an item with the Common Council is 2pm Thursday before the next regular meeting. If you send your letter after this time, it won't be put on the agenda until the following regular meeting (two weeks away).⁷ You can find the agenda for upcoming meetings on the city's meeting portal at <http://buffalony.iqm2.com>.

What if I have language or disability needs?

The Common Council just started a new program to make interacting with the council more accessible. If you have a disability or primarily use a non-English language, you can fill out a form on the city's website to get help. For example, if you would like to talk with the council in Burmese, you can request an interpreter. Go to this page to make a request: <https://www.buffalony.gov/1548/Language-and-Disability-Access-Request/accessibility>

The deadline to file an item with the Common Council is 2pm Thursday before the next regular meeting.

STEP 2: FIND OUT WHAT COMMITTEE YOUR ITEM WAS SENT TO

At the regular meeting, the council will assign your item to a committee. You need to find out which committee they’ve assigned it to so you can go to the committee meeting and speak on it. You can do this a few different ways:

- **Watch** the regular meeting on the council’s Facebook page and listen to what they say when your item comes up.
- **Check the meeting website** for an update. Go to the council’s meeting portal at <http://buffalony.iqm2.com>. Scroll down to “past meetings” and find the most recent regular meeting. Once you find it, look to the right to find the “summary.” Click on the summary. The summary lists all of the agenda items and what the “result” of each item was. Find your item in the summary, and it will tell you what happened to your item. For example, it might say “Referred to Fin,” which would mean that it was referred to the Finance Committee.
- **Email council staff to ask.** You can always reach out directly to council staff at councilstaff@buffalony.gov and ask them which committee your item was assigned to.

The committee meeting will most likely be the following week. Check the meeting portal (<http://buffalony.iqm2.com>) to find out exactly what day and time the committee meeting will be.

STEP 3: SPEAK ON YOUR ITEM

If you forgot to tell council staff that you wanted to speak on your item, be sure to let them know. You should tell them by the Friday before the committee meeting. You can either go in person or speak to the committee via Zoom. If you want to speak virtually, you’ll need to get the Zoom link from council staff. Contact them at (716) 851-5105 or by emailing councilstaff@buffalony.gov.

When your item is called, the committee chair will likely invite the public to speak on the item—especially if you’ve already told the council staff you want to speak. If there are many people who want to speak on the item, the committee chair may put a timer up for each of the resident speakers. Usually, the committee chair gives each speaker three minutes.

Example Timeline

Say you submit an item to the council on a Wednesday. If the next week is a regular meeting week, your item will go on the regular meeting agenda. At the regular meeting (on a Tuesday), the council will send it to a committee meeting for the following week. The next week, at that committee meeting, you’ll speak to the council about your item.



CAN I SPEAK ON AN ITEM THAT'S NOT MINE?

You can speak on an item in committee even if you didn't submit it yourself. Simply contact the council staff the week before the committee meeting and let them know that you'd like to speak.

It can be hard to keep track of what items are coming up every week. To make it a little easier, you can sign up to get council agendas emailed directly to you when they're published. Sign up and create an account at <http://buffalony.iqm2.com> by pressing the "Register" button at the top right and filling in your information. Once registered, you can log in and select which distribution lists you would like to be on. Choose the ones where you would like to be notified of a published agenda. You will then receive the agenda when council staff publishes the email.

Read through the agenda and then send an email to council staff requesting to speak on each of the items that interest you.

WHAT HAPPENS TO MY ITEM AFTER I SPEAK ON IT?

It depends on what type of item you submitted. Most items that a resident would submit would be considered "non-actionable."⁸ Letters, reports, petitions, and memos are all considered non-actionable items. This means that after you talk about your item during a committee meeting, the council can't take any further action on your item, so the council will receive and file it. Oftentimes, the committee will table your item so council members can discuss the item later if they want to. However, at the end of the year, the council members do a sweep of the tabled items, and your item will eventually be received and filed.

So, the purpose of sending a letter to the council is usually to create conversation around that topic. However, a council member can then decide to act on that issue by creating an item of their own.⁹

For example, let's say you're concerned about snowy sidewalks in your neighborhood. Some homeowners and businesses in your neighborhood aren't shoveling their sidewalks, and this makes it dangerous for you to walk to your bus stop. You write a letter to the council to ask the City of Buffalo to consider a municipal snow removal plan. That way, the sidewalks will be cleared regularly, and you can travel safely. Your letter goes to the Community Development Committee (CDC). When the day comes, you speak to the council about the snowy sidewalks and how it impacts you. After that, your letter is received and filed or tabled. No further action on your item will be taken.

However, let's say that a council member in the CDC committee heard your testimony and was convinced that this is an important issue. She agrees that the council should investigate a potential municipal snow removal plan. That council member could then write and sponsor a reso-



Photo by kyselak
<https://bit.ly/3obRCTc>

lution asking the council staff to research sidewalk snow removal programs in other cities. We'll talk more about resolutions and other types of council actions in the "Policy Change" section on page 8 of this fact sheet.

STEP 4: FOLLOW UP

Each council member represents almost 30,000 Buffalo residents.¹⁰ As you can imagine, they hear many different concerns from residents across their districts. Many issues can't be solved with one simple call or conversation with your council member. You need to keep speaking, emailing, and calling your council member and other council members about it. If you can, talk to your neighbors about the issue, and encourage them to speak up too. The more people from a council member's district who are advocating for the same thing, the more likely the council member is to do something about it.

If the council tables your item and you want it to be discussed again, you should talk to your council member or the chair of the committee. You can also contact council staff. They will make sure your request reaches the right council member. You can contact council staff during normal business hours at (716) 851-5105 or email councilstaff@buffalony.gov.

STEP 5: STAY INFORMED AND INVOLVED

Council member elections take place every four years (ex: 2019, 2023, 2027...). Officials take office on January 1st following the general election. Each council member is elected by the voting residents of their district. Candidates must have been a resident of the district for at least one year to run for a council member seat. To find which Common Council district you belong to, type your address in at the council's interactive map page here: <https://www.buffalony.gov/1519/Who-Is-My-Council-Member>.

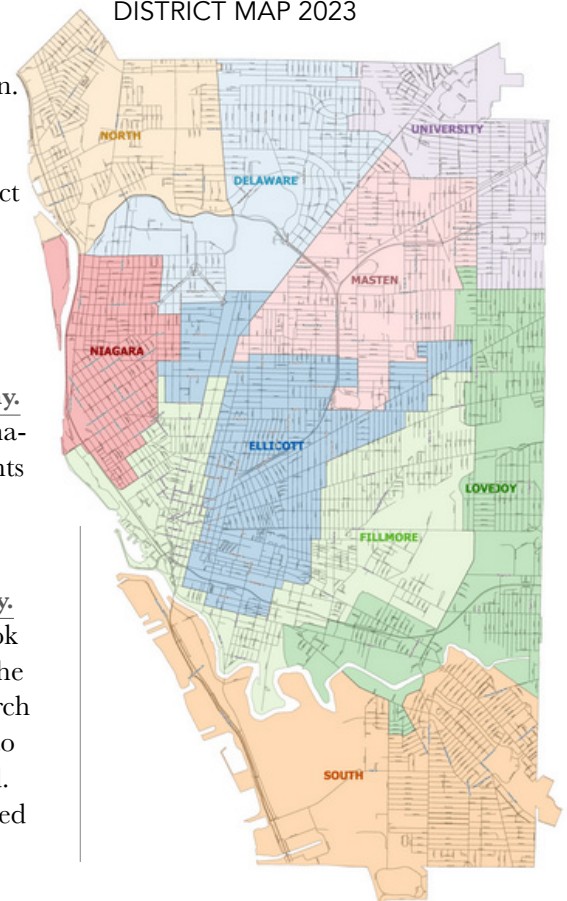
Each district also has a newsletter. You can sign up for a newsletter by clicking on your Common Council representative on the following page and scrolling down to the "District Update" form: <https://www.buffalony.gov/387/Common-Council-Members>. These newsletters provide information on new developments in your community, events, and announcements from your council member.

To learn more about the council members and their legislative choices, you can see what items council members are sponsoring. Go to buffalony.igam2.com. Using the search bar in the top right of the page, you can look up the policy issues most important to you. You can then see items that the council discussed that relate to your policy issue. For example, if you search "climate change," the results will show every council document relating to climate change, as well as the meetings during which they were discussed. When you click on an item, you can see which council members sponsored that item.

Facebook Comments

Some residents like to comment on the council's Facebook livestream videos. Council members do not have to read these comments, but some do read the comments after the meetings. Each week, council staff provide the council members with a weekly overview of the public's general feelings expressed in the comments. Feel free to comment on the council's Facebook videos, but to get your message across, you should also contact the council members in other ways.

BUFFALO COMMON COUNCIL DISTRICT MAP 2023



You can also find out how council members voted on that item, although you must do some extra work to find this. In the top right corner of the item, it will show what date the item was acted on (adopted, denied, tabled, etc.). Make a note of this date. To find out how council members voted on it, you'll need to go back to the council's meeting page (buffalony.iqm2.com), click on "Full Calendar," and then find the date of the regular meeting that the council voted on that item. For that meeting, click "proceedings." It will take a minute for this document to load because it's usually hundreds of pages long. Scroll through the agenda until you find your item (or use CTRL+F to search for your item in the document). Underneath your item, it will tell you how the council members voted and what motion they voted for. If there aren't any specific council members listed as voting a certain way, that means the vote was unanimous.

Policy Change

WHAT IS AN ORDINANCE? WHAT IS A RESOLUTION? WHAT IS A LOCAL LAW?

The council can act by passing ordinances, local laws, and resolutions. Ordinances create new city laws or change current laws. For example, if the council wanted to allow people to carry alcoholic drinks outdoors in public spaces, the council would make this change by passing an ordinance. Ordinances are long lasting because they change the city's code. Since they change legislation, ordinances have to be reviewed by the mayor.¹¹

Local laws are very similar to ordinances because they change the city's laws. However, the City of Buffalo is governed by two sets of laws—the City Code and the City Charter. Local laws change the City Charter, while ordinances change the City Code. For the most part, proposed ordinances and local laws are treated similarly by the council.¹² To keep this fact sheet simple, we will only refer to ordinances and resolutions from now on.

Resolutions are shorter term. They do not change the city's laws. Resolutions can be about all kinds of things. Some examples of resolutions are:

- Waiving city fees for a non-profit that hosts free exercise classes in Delaware Park¹³
- Stating the council's support for the New York State legislature to pass tenant protections¹⁴
- Appointing residents to a committee on redistricting¹⁵
- Approving the sale of city-owned property¹⁶

Usually, the council has the authority to pass its resolutions without mayoral review. However, if a resolution tells a city department to change the way it functions or changes its funding, the mayor has to review that resolution. For example, if a resolution called on the Buffalo Police Depart-

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ment to change its internal policies, that resolution would go to the mayor for review. This is because city departments are ultimately controlled by the mayor.

WHAT'S THE PATH OF A RESOLUTION OR ORDINANCE?

Step 1: Filing

When a council member is proposing a new ordinance or resolution, the first step is for the council member to file it with council staff. The council staff will then put it on the agenda for the next regular meeting.

Step 2: Introduction

At the caucus meeting the following Monday, the council will make note of which committee meeting the item should go to. All ordinances are sent to the Legislation Committee. Resolutions may go to a variety of committees depending on the topic. There are eight committees: Civil Service, Claims, Community Development, Finance, Rules, Legislation, Education, and Committee of the Whole.¹⁷ The next day, during the regular meeting, the council will simply read the title of the ordinance or resolution and send it to the designated committee for further discussion.

Step 3: Committee

Draft ordinances (and some resolutions) must be on the public record for about two weeks before the council votes on them, and they must go to committee.¹⁸ This means that the public can usually voice their opinions on the draft in that committee meeting.¹⁹ Resolutions don't legally have to go to committee, but they usually do anyway. Members of the public can speak on those resolutions if they want to.

In the committee meeting, council members discuss whether they support the draft and if they have any concerns or questions about it. Members of the public can share their opinions about the draft. Then, if the committee members are happy with the draft, they can send it to the next regular council meeting for a vote. To do this, one committee member motions to send the item back to the full council, and another council member must then second the motion for the item to move on. If the council members don't think that the item is ready to be voted on, they can table the item for a future meeting.

The committee can send the item forward "with" or "without" a recommended motion. If council members are sending it "with" a recommended motion, the motion can be to approve, adopt, deny, or receive and file. This tells the full council what the committee wants the council to do with the item.²⁰ When council members send an item "without" a recommended motion, it usually means one of three things:

Non-Actionable Items

As advocates, sometimes we hope that by drafting a resolution or ordinance and sending it to council staff as an item, we can help speed up the advocacy process. However, a draft resolution or draft ordinance submitted by a resident is a non-actionable item. A council member will need to submit/sponsor that resolution or ordinance for it to be considered an actionable item that can be enacted.

1. They might do this if a council member is missing key information about the item, and the member needs this info to decide how to vote. However, they don't want to keep the item tabled for another two weeks. The council member would rather move the item forward and get the key information before the full council vote;
2. the committee members don't agree about the item, but it must be voted on by a certain date;
3. the item is very important and must be voted on by a certain date (e.g. the city's budget).

STEP 4: REGULAR MEETING VOTE

If the committee sends an item back to the full council, it will go on the agenda for the next regular meeting. This gives the rest of the council members a chance to weigh in on the item.

After the council members discuss the item, they can vote on the item. They can vote to do one of four things.²¹ They can adopt, approve, deny, or recommit the item.

- **Adopt:** The council has full authority to enact the item, and they vote to pass it.
- **Approve:** The council needs the mayor's review to enact the item. They vote to pass it and send it on to the mayor.
- **Deny:** The council votes for the item to fail. If they vote to deny the item, that item won't be considered further. However, someone could submit a new item on the same topic.
- **Recommit:** The council votes to send the item back to committee for more discussion and work.

Note: If the council votes in favor of a resolution, it's usually "adopted." If the council votes in favor of an ordinance, it's "approved."

When we think of a governmental vote, we often think of elected officials each individually saying "yay" or "nay" aloud to show whether they're voting for or against a motion. However, that's not how it usually works in the Common Council regular meetings. Usually, the council members collectively decide what they will do with an item *before* the regular meeting. They do this during the caucus meeting the day before. If most of the council members agree to approve or adopt an item during the caucus meeting, the council majority leader will motion to approve or adopt the item in the regular meeting the next day. Another council member will second the motion, and the item will be approved or adopted. If some council members want to vote nay, their votes will be recorded during the caucus meeting.

Each council member—even the president—has one vote. To take action on an item, five of the nine council members have to vote the same way.

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When does a roll call vote happen?

Sometimes, the council members don't come to an agreement during the caucus meeting, and the majority leader doesn't know how the council members will vote. In this case, the council will take a roll call vote (each council member will say "yay" or "nay"). A roll call vote can also happen if a council member asks for one. Another member just needs to second the motion for a roll call vote to happen. Sometimes the council will do a roll call vote for ceremonial purposes. For example, the council will usually have a roll call vote when appointing commissioners and staff, and when voting on big legislative items like the budget or important policy changes. In these cases, the council members want to publicly show their position on the item.

STEP 5: MAYORAL SIGNING

Most resolutions can be adopted by the council without the mayor's review, but some *do* need the mayor's review. All ordinances need the mayor's review to be adopted.

When the council "approves" an item, council staff sends the item on to the mayor. The mayor then has 10 days²² to approve, veto, or do nothing with the item. If the mayor signs off on the item, it's adopted. If the mayor does nothing within the 10-day window, the item is automatically adopted.

If the mayor has problems with the item, they can veto it and send it back to the council with objections. This must happen within the 10-day window.

If this happens, the council has a couple of options. One option is to make changes to the item, vote to approve it again, and send it back to the mayor for the mayor's signature. The council members' second option is to keep the item the same and override the mayor's veto. They can do this with a two-thirds vote (six council members) in favor of the item. The council has 30 days to do this.²³ If the council votes to override the mayor's veto, the item is adopted and enacted.

Emergency Exception

When there's an emergency and the city must act quickly, it doesn't have to follow the normal process. The mayor can declare that there's a necessity for immediate passage. Once the mayor does this, the council can pass the item with a two-thirds vote (six council members) without referring the item to a committee first. For example, in spring 2020, with the onset of COVID-19 in Buffalo, the city was able to take emergency measures to maintain public safety, such as requiring social distancing through an ordinance.

Additional Source for Council Rules

At each Reorganization Meeting, the council adopts the set of rules (called the "Rules of Order") that will govern the Common Council for that term. You can find the full council rules here: <http://www.buffalony.gov/1534/Common-Council-Rules>. For questions about the council rules, contact the council staff at councilstaff@buffalony.gov. You can also find a glossary of terms used by the council in Appendix B.

Sending remainder to committee:

Sometimes, the council will vote to approve/adopt the item, and it will also "send remainder to committee." This means the council approved or adopted the item and it's sending a copy of the item back to committee. This way, the public will have another opportunity to speak on it.²⁵ This is especially common when an item calls on an outside agency to do something that requires follow-up (e.g. asking the NYS department of Child and Family Services for data). By adopting the resolution, the council is taking action on the item. By sending the remainder to a committee, the topic can still be discussed in committee and can be followed up on.

Appendix A: Example Letter to Council

August 26, 2022

Honorable Common Council
Buffalo City Hall
65 Niagara Square, Suite 201
Buffalo, NY 14202

Dear Buffalo Common Council Members,

I'm writing to request an opportunity to speak at a Common Council committee meeting about my property tax concerns. My neighbors and I implore you to pass a partial property tax exemption for low-income homeowners like us who live in rapidly gentrifying neighborhoods.

I've lived at my house at 123 Smith Street for 25 years. I bought my house for \$40,000 because it was what I could afford at the time. I raised my children in this house, and I've come to love this neighborhood and the people I've come to know who live here. But homes in my neighborhood are selling for \$150,000 - \$200,000, and I'm afraid I won't be able to afford my property taxes soon. I don't want to lose my home just because more people suddenly want to live in my neighborhood.

Please work with your legal department and the NYS legislature to create a partial tax exemption that will help keep people like me and my neighbors in our homes.

Again, I would like to speak on this item at the appropriate committee meeting.

Thank you,

Jane Doe
123 Smith Street
Buffalo NY 12345

Appendix B: Glossary of Terms²⁴

This glossary was written by Malcolm Ertha, former Chief of Staff to the Buffalo Common Council.

Adopt. Marked on agendas as ADOPT. A motion made by the Council to pass an item that does not require the mayor's consent.

Approve. Marked on agendas as APP. A motion by The Council to pass an item that would commit The City to action requiring the mayor's consent. When an item is approved, the approval motion is formally recorded by the Law Department, and the city clerk then transmits the item to the mayor. The mayor has up to ten days to either sign (approve) or veto the item. If the mayor does not act at all on the item within 10 days, then the item is considered to be passed by default.

Approve with Conditions. Marked on agendas as APP w/ COND. A motion by The Council to pass an item that would commit the city to action requiring the mayor's consent, that will also be limited by unique restrictions placed on it by a councilmember.

Civil Service. Marked as CS. A Regular committee of The Council to consider matters relating to human resources, civil services, and personnel.

Community Development. Marked as CD. A Regular committee of The Council to consider matters relating to the approval of real estate transactions, economic development plans, and neighborhood initiatives.

Claims. Marked as CLAIM. A Special committee of The Council to consider claims against The City, including but not limited to personal injury or unsettled payment agreements of the prior fiscal year. Due to the potential sensitive nature of these cases, it is not unusual to see the committee go into executive session to discuss details that may be harmful to individuals involved or damaging to pending litigation.

Deny. Marked on agendas as DENY. A motion to have an item fail. Denials are final actions that will refuse the item's request and remove it from future consideration by The Council. Denials must be accompanied with stated reasons. These are often transmitted from a specific councilmember to the city clerk and the city's attorney.

Discharge. Marked on agendas as DISC or DISCHARGE. Items that are removed from a committee and placed on an agenda for the full Council to act on after that committee adjourned its most recent meeting.

Education. Marked as EDU. A Special committee of The Council to consider matters relating to Buffalo Public Schools.

Finance. Marked as FIN. A Regular committee of the council to consider matters relating to financial records, services, contracts, and the transfer of monies. As such, this is also the committee most appropriate to review reports from the comptroller, regardless of the particular subject in the report.

Legislation. Marked as LEG. A Regular committee of the council to consider matters relating to the passing or repealing of ordinances, permits, and licenses.

Police Oversight. Marked as POLO. A Special committee of the council to consider matters relating to the Buffalo Police Department, community-police relations, and emergency services.

Receive and File. Marked as R&F. A council motion to acknowledge receipt of an item and then remove it from meeting agendas. Once received and filed, the item exists in historical record, but is no longer considered up for discussion or pending action by the council.

Recommit. Marked as RECOMMIT. A motion to send an item back to the same committee that it was about to leave. This allows for more time for consideration by the council.

Table. Marked as TABLED. A motion to pause deliberation on an item. There are no formal time limits on tabled items. Generally, if the council tables an item, it will remain there until at least the next meeting. However, items can be left on the table indefinitely.

Without Recommendation. Marked as W/O Rec. A council motion to advance an item from one meeting body, like a committee, to another, without recommending an action such as approve or deny.

Endnotes

- 1 City of Buffalo NY, Part I Administrative Legislation and Part II General Legislation, accessed December 20, 2022, <https://ecode360.com/BU1237>.
- 2 City of Buffalo NY, Chapter C: The Charter, accessed December 20, 2022, <https://ecode360.com/13550986>.
- 3 City of Buffalo New York, Buffalo Common Council, accessed December 20, 2022, *Rules of Order of the Common Council of the City of Buffalo for the Years 2022-2023*, <https://www.buffalony.gov/DocumentCenter/View/10626/COUNCIL-RULES?bidId=>
- 4 Malcolm Ertha (Former Chief of Staff of the Buffalo Common Council), interview by Orlando Dickson and Sarah Wooton, Zoom, February 11, 2021; Jim Montour (Chief of Staff of the Buffalo Common Council), personal communication with author, various dates in 2022 and 2023.
- 5 Council members aren't required by law to allow public comments in committees. This is only legally required during public hearings. However, it is currently common practice for the council members to allow public comments during committee meetings.
- 6 The committee chair can deny a motion to move an item out of the committee and back to the full council. However, the council members can appeal this action. This is called "Challenging the Chair."
- 7 Sometimes, you can get your item on the upcoming meeting agenda even if it was filed late. This is called a "late filed" item. If your item is time sensitive and you filed the item late, contact council staff or the council majority leader to ask if it can be added to the current agenda. Even if the majority leader agrees to add it, any council member can object to your late file. If a council member objects, your item will go on the following regular meeting agenda—two weeks away.
- 8 However, some items that residents submit are considered actionable (e.g. permit request, zoning variance request). Actionable items are not received and filed. The council will vote on whether to approve or deny these items.
- 9 Sometimes, residents will discuss issues that are not within the Common Council's direct control (e.g. city department issues—which are ultimately controlled by the mayor—or issues at the county or state level). In these cases, council members usually have minimal influence and are limited in the ways that they can take action.
- 10 Sarah Wooton and Alana Barrington Dye, *Buffalo Common Council Districts: South District*, (fact sheet, n.p., Partnership for the Public Good: 2020), https://ppgbuffalo.org/files/documents/data-demographics-history/demographics_and_data/datademographicshistory-buffalo-common-council-districts-south-district.pdf, 1. See the rest of the Common Council District fact sheets here <https://ppgbuffalo.org/buffalo-commons/library/?q=%22Buffalo+Common+council+districts%22>.
- 11 Ordinances and local laws must also be reviewed by the City's law department, called the Corporation Counsel, before passage. Corporation Counsel is responsible for "approving as to form" all public works projects and local laws/ordinances proposed by the Common Council prior to their enactment. To "approve as to form" means the Corporation Counsel is certifying that proposed Common Council laws and contracts are legal, valid, and binding, though it is not providing any judgement on the political or social merits of a law. The Corporation Counsel provides legal advice to the Common Council and its committees, and it may help prepare laws with respect to its powers and duties. The Common Council can choose not to take the advice of Corporation Counsel, so long as it is not breaking the law by doing so.
- 12 There are some differences in the process for the council to pass a local law versus an ordinance (e.g. the amount of time the mayor has to take action on the proposed local law).
- 13 Feroletto- Fee Waiver for November Project, City of Buffalo Common Council, Meeting of January 25, 2022, <http://buffalony.iqm2.com/Citizens/FileOpen.aspx?Type=12&ID=2174&Inline=True,726>; Note that waiving fees usually requires mayoral approval. In this case, the resolution was likely mismarked as "adopted." Reference: Jim Montour (Chief of Staff of the Buffalo Common Council), personal communication with author, September 23, 2022.

14 Wyatt- Support for New York State Senate Good Cause Eviction Bill, City of Buffalo Common Council Regular Meeting Proceedings, Meeting of January 25, 2022, <http://buffalony.iqm2.com/Citizens/FileOpen.aspx?Type=12&ID=2174&Inline=True>, 747.

15 Pridgen - Appointment to Citizens Advisory Commission on Reapportionment, City of Buffalo Common Council Regular Meeting Proceedings, Meeting of January 25, 2022, <http://buffalony.iqm2.com/Citizens/FileOpen.aspx?Type=12&ID=2174&Inline=True>, 739.

16 Pridgen - Abandonment and Sale of a Portion of Carroll St, Portion of Frank Lloyd Wright Way and Portion of Carroll Place, , City of Buffalo Common Council Regular Meeting Proceedings, Meeting of January 25, 2022, <http://buffalony.iqm2.com/Citizens/FileOpen.aspx?Type=12&ID=2174&Inline=True>, 740.

17 For a description of each of the committees, see our Buffalo Common Council fact sheet here: https://ppgbuffalo.org/files/documents/government/local_government_bodies/buffalo_common_council_2020.pdf The Committee of the Whole is not included in this resource. The Committee of the Whole includes all the council members. The purpose of this committee is to relax the usual limits on debate. This allows for a more open exchange of views without the urgency of a final vote at a regular meeting. For example, the council convenes the Committee of the Whole during budget hearings. Instead of sending budget-related items to the Finance committee with a limited number of voting members, the Committee of the Whole allows all council members to fully participate in the process and have long-form hearings, discussion and debate.

18 There is an exception to this rule in the charter for proposed ordinances that the council deems necessary for immediate passage. They can make this decision with a two thirds council vote. See City of Buffalo NY, The Charter, Article 3, Section 3-19, Procedures for Adoption, Amending, and Repeal of Ordinances and Resolutions, (a), <https://ecode360.com/13551091>.

19 See note 5.

20 Although this is rare, if a council member objects to the motion, the committee can take a vote. The vote is on what the recommended motion (e.g. with recommendation or without recommendation) to the council should be—not whether the item goes to the regular meeting or not.

21 The council can also choose to “receive and file” the item if it’s no longer under consideration for some reason. For example, there may be an updated version of the ordinance that the council is considering, so they will receive and file the outdated version of the ordinance.

22 In the case of a proposed local law, the mayor has a 30-day window to make a decision.

23 The clock starts on this 30-day window when the mayor’s office files the veto of the item with the City Clerk.

24 Malcolm Ertha, “Glossary of Terms for Common Council Meetings,” hosted by Partnership for the Public Good, April 5, 2021, https://ppgbuffalo.org/files/documents/government/local_government_bodies/government-glossary_of_terms_for_common_council.pdf.

25 For example, in 2022, the council members passed a resolution in favor of Good Cause eviction legislation at the State level. They then sent a copy of the resolution back to the committee so that landlords who’d reached out to some of the council members individually would have a chance to speak on the resolution; , City of Buffalo Common Council Regular Meeting Proceedings, <http://buffalony.iqm2.com/Citizens/FileOpen.aspx?Type=12&ID=2174&Inline=True>, 17.