DIVISION 2. ELECTED OFFICIALS

Sec. 3.021. Enumerated.

The officials of the city elected by the voters are the mayor, the council members and the city clerk-treasurer.

Sec. 3.022. Manner of election.

The person who receives a plurality of the votes for a specified city office at the general election shall be the person elected.

Sec. 3.023. Terms.

(a) The term of office of all elected officers of the city shall commence on January 1 next succeeding their election. Except as otherwise provided, the terms of office of all elected officers of the city shall expire on December 31 in the last year of their respective terms. Every elected city officer shall hold office until a successor shall have been elected and shall have qualified, unless the office has become vacant.

(b) Except as otherwise provided in this charter, the term of office of the city clerk-treasurer is four years.

Sec. 3.024. Vacancies in office.

Vacancies occurring in any elective office shall be filled by the common council at its next regular meeting, where practicable, after creation of the vacancy. The person appointed to fill the vacancy shall hold office only until December 31 next succeeding the first annual election at which the vacancy can be filled after the vacancy occurred.

Sec. 3.025. Compensation.

(a) Except as otherwise provided by subsection (b) of this section and state law, the salaries of elected officers of the city, are as established by ordinance. Such ordinance shall be adopted no later than May 1 of each year. Such salary shall take effect on January 1 of the ensuing year and shall not be changed during the continuance of the term of office to which such officer shall have been elected.

(b) The salary of the mayor shall be commensurate with the salary paid to the chief executive officers of New York Municipalities of a similar size as the city.

(c) The common council shall set at initial appointment, by resolution or contract, the compensation for the office of corporation counsel, per budget considerations.

Sec. 3.026. *Reserved.*

Sec. 3.027. City clerk-treasurer.

(a) The city clerk-treasurer shall:

(1) Assist the mayor in preparation of the budget.

(2) Be the chief fiscal officer of the city.

(3) Be the custodian of all moneys belonging to the city and of all bonds and other evidence of the city's indebtedness.

(4) Maintain budgetary control over all departments and offices of the city.

(5) Collect all moneys belonging to the city unless the duty to collect same is vested in another city officer or city employee.

(6) Deposit all city funds in depositories designated by the common council.

(7) Prepare the agenda for, issue required notices for, and in-person, or through his or her designee, be present for all meetings of the common council and shall, through its office, act as clerk of the common council.

(8) The city clerk-treasurer shall record all local laws, bylaws, rules, ordinances, resolutions and proceedings of the common council in books provided by the city and kept for that purpose.

(9) Through its office, act as clerk for such officers and public boards within the city as the common council may direct.

(10) Except as otherwise provided by this charter, have the custody of the city seal and all city records, books and papers.

(11) The city clerk-treasurer shall sign all licenses and shall keep an accurate record of all such licenses and permits. Such record shall specify the date of each license, to whom issued, the amount paid therefore and such other matters as may be required by the common council.

(b) If the city clerk-treasurer becomes disabled but a vacancy in the office is not created, the mayor shall appoint an elector of the city to serve as acting city clerk-treasurer during such period of disability. The person so appointed shall have all of the powers of the city clerk-treasurer and shall receive the same salary as the city clerk-treasurer.

(c) On or before the fifteenth day of each month the city clerk-treasurer shall file with the common council a financial report in the form prescribed by the common council. The report shall contain the following information concerning city finances:

(1) Detailed statements as to the expenditure and receipts during prior month and for the fiscal year to date.

(2) The balance in each fund of the city and the depositories in which they are located.

(3) Such other information as the common council may require.

(d) On or before the last day of February of each year the city clerk-treasurer shall file with the common council a financial report in the form prescribed by the common council. The report shall contain the following information concerning city finances:

(1) Detailed statements as to the expenditure and receipts for prior fiscal year.

(2) The balance in each fund of the city and the depositories in which they are located.

(3) Such other information as the common council may require.

Secs. 3.028--3.050. Reserved.

DIVISION 3. APPOINTED OFFICERS

Sec. 3.051. Appointed by mayor.

Subject to confirmation by the common council, the mayor shall appoint such officers as the mayor deems necessary or as are provided by law or ordinance. The provisions of this section shall not apply to the city accountant.

Sec. 3.052. Terms.

(a) Officers appointed by the mayor serve until removed by the mayor in a manner consistent with the Civil Service Law. Except for officers in the classified competitive civil service or as otherwise provided by state law or unless sooner terminated, the term of any officer runs concurrently with the term of the mayor who appointed such officer.

(b) The term of office of officers appointed by the mayor shall be until their respective successors are appointed and confirmed by the common council. This subsection does not apply to officers removed from office by the mayor.

Sec. 3.053. Filling vacancies.

All vacancies in an appointed city office shall be filled by the appointing authority in the manner provided for an original appointment to the office.

Sec. 3.054. Compensation.

The salary of any appointed officer, except compensation on a per diem basis, shall be as established by ordinance.

Sec. 3.055. Duties.

Except as otherwise provided in this charter or state law, the duties of all appointed officers shall be as provided by state law, local law, ordinance, resolution and the appointing authority.

Sec. 3.056. Reserved.

Sec. 3.057. Reserved.

Sec. 3.058. City engineer.

There shall be a city engineer. The city engineer shall be appointed by the mayor, subject to confirmation by the council. The city engineer shall be a professional civil engineer licensed by the state. The city engineer shall be considered a department head.

Sec. 3.059. Corporation counsel — office established.

There shall be an office of Corporation Counsel for the City of North Tonawanda. The corporation counsel shall serve as the chief legal officer of the city and shall be responsible for all legal matters affecting the city, its officers, departments, boards, and agencies.

Sec. 3.060. Corporation counsel — appointment and confirmation.

The corporation counsel shall be appointed by the mayor, subject to confirmation by the common council. The corporation counsel shall serve at the pleasure of the mayor, subject to removal by the mayor with the concurrence of the common council.

Sec. 3.061. Corporation counsel — method of engagement; council oversight.

The corporation counsel may be either (a) an individual attorney appointed to city employment in accordance with applicable civil service and employment requirements, or (b) a law firm retained by written agreement to serve in that capacity. In either case, the appointment shall be subject to confirmation by the common council as provided in section 3.060. Prior to any appointment, the mayor shall solicit and evaluate qualified candidates or proposals through a process consistent with the city's procurement policies and applicable provisions of the General Municipal Law.

Sec. 3.062. Corporation counsel — qualifications.

The corporation counsel shall be an attorney admitted to practice law in the State of New York and shall be in good standing with the New York State Bar. Where a law firm is retained as corporation counsel, each attorney designated to perform the duties of the office shall meet the foregoing qualifications.

Sec. 3.063. Corporation counsel — powers and duties.

The corporation counsel shall:

(a) Serve as attorney and counsel for the city, the mayor, the common council, and all city officers, departments, boards, commissions, and agencies in matters relating to their official duties;

(b) Prosecute and defend all actions and proceedings brought by or against the city or any city officer or employee acting in their official capacity;

(c) Draft, review, and approve as to form all contracts, deeds, bonds, ordinances, local laws, and other legal instruments to which the city is a party or which require legal authorization;

(d) Render written legal opinions to the mayor, common council, or any city department head upon request;

(e) Advise the mayor and common council on the legality of proposed legislation, resolutions, and administrative actions;

(f) Perform such other legal duties as may be assigned by the mayor or directed by the common council.

Sec. 3.064. Corporation counsel — transition.

The amendments to this charter abolishing the office of city attorney and elected city attorney and establishing the appointed office of corporation counsel shall take effect upon the expiration of the term of office of the city attorney holding office on the date such amendments are approved at referendum, or upon an earlier vacancy in that office, whichever first occurs. The mayor shall commence the selection process for corporation counsel within 60 days of such abolition. Until corporation counsel is appointed and confirmed, the mayor may retain interim legal counsel on a temporary basis consistent with General Municipal Law. All references in this charter, the Code of the City of North Tonawanda, or any other local law, ordinance, resolution, contract or document to the 'city attorney' shall, on and after such effective date, be deemed references to the corporation counsel.