

RESOLUTION No. 2022-

***RELATIVE TO CITY COUNCIL  
VOTING PROCEDURES; ABSTENTIONS***

BY:

Council Chairman John Spanbauer  
Council Member Traci Bax  
Council Member Kenny Tompkins

**WHEREAS**, Democratic institutions make their most significant decisions by voting on them. The public elects representatives at the federal, state, and local level, who, in turn, use voting procedures to pass laws, ordinances and resolutions that are essential for the orderly operation of government; and

**WHEREAS**, in the City of Niagara Falls, the City Council is the elected policy making, legislative and appropriating body of City government, with general powers that include, but are not limited to, the enactment or amendment of local laws, ordinances or resolutions, levying of taxes, adoption of an annual City budget, authority to make appropriations for municipal purposes, and approval of contracts and agreements on the City's behalf; and

**WHEREAS**, all of these powers, conferred by the City Charter, are accomplished by affirmative vote by City Council members; and

**WHEREAS**, Council members therefore have a legal as well as a fiduciary duty to all of the citizens of the City of Niagara Falls to vote on agenda items presented to the Council for action, unless there is an obvious conflict of interest or appearance of fairness question present which would require abstention or recusal; and

**WHEREAS**, abstention is a term in election procedure where an eligible voter is present during the vote, but refrains from voting parliamentary procedure and does not cast a ballot; and

**Bax** \_\_\_\_\_ **Myles** \_\_\_\_\_ **Tompkins** \_\_\_\_\_ **Zajac** \_\_\_\_\_ **Spanbauer** \_\_\_\_\_

**WHEREAS**, an abstention alone, without legitimate justification or authority, is a disservice to the citizens and visitors of our city, as it runs counter to the City Council's fundamental purpose under our Charter; and

**WHEREAS**, in the interests of transparency, if a Council member abstains from voting on an agenda item, said Council member must include the reason for the abstention, as our residents should be made aware of why a Council member has made a choice not to vote yes or no on a particular agenda item; and

**WHEREAS**, furthermore, should a Council member abstain from voting on an agenda item, said abstention should not be included in the Council's official vote tally, as the Council member did not cast a vote to either approve or not approve the particular item; and

**WHEREAS**, the City Council believes that such guidelines will further its commitment to the democratic process and will help ensure that civic engagement and local democracy continue to flourish in at City Council meetings.

**NOW, THEREFORE IT BE RESOLVED THAT** the City Council of the City of Niagara Falls, NY does hereby adopt the following rules and procedures at all regular meetings of the City Council:

1. Should a City Council member abstain from voting on any agenda or action item before the Council for vote, the Council member so abstaining must articulate the justification for said abstention for the purpose of recording the same in the official minutes of City Council proceedings.

2. Provided that a Council member abstain from voting on an agenda or action item before the City Council, said abstention should not be included in the City Council's official vote tally; and

**BE IT FURTHER RESOLVED** that the foregoing rules and procedures shall take effect immediately.

**Bax** \_\_\_\_\_ **Myles** \_\_\_\_\_ **Tompkins** \_\_\_\_\_ **Zajac** \_\_\_\_\_ **Spanbauer** \_\_\_\_\_