

LOCAL LAW NO.: _____ - 2008

OF

A LOCAL LAW CREATING CHAPTER 11 OF
THE CITY OF NEWBURGH CODE OF ORDINANCES
ESTABLISHING STANDARDS, AN ATTENDANCE AND ALTERNATES POLICY
FOR LOCAL BOARDS AND COMMITTEES APPOINTED OFFICIALLY
UNDER THE CHARTER, CODE, LAWS AND RULES OF THE CITY OF NEWBURGH

BE IT ENACTED by the City Council of the City of Newburgh as follows:

SECTION 1 - TITLE

This Local Law shall be referred to as “A Local Law Adding New Chapter 11 to the City of Newburgh Code of Ordinances entitled ‘Code of Conduct, Attendance and Alternates for Local Boards and Committees of the City of Newburgh’”.

SECTION 2 - PURPOSE AND INTENT

The City Council of the City of Newburgh hereby finds and declares that the various boards, committees, commissions and other groups formed and appointed under the City Charter, City Code and the laws and rules of the City of Newburgh perform a variety of important and valuable public services; including regulatory, advisory and others; and that the people and government of the City of Newburgh greatly rely upon such services and are significantly benefitted thereby.

The City Council of the City of Newburgh hereby further finds and declares that appointment to and membership on such boards and committees carries important duties and obligations by which each member must abide; and that these include faithful attendance; meaningful participation in the functions and activities of the group; maintaining familiarity with all matters of business which come before such body; abiding by all laws, codes, rules and regulations which govern the functions of the body and the membership thereof; abiding by state and local ethics laws and codes; and performing all acts appropriate and necessary and as may be required by law to maintain membership on such body in good standing.

The City Council of the City of Newburgh hereby further finds and declares that applicable laws and rules require that a quorum be present at meetings of such body for it to be lawfully empowered to conduct business; however for various reasons on occasion and from time to time

one or more of the boards, committees and other bodies created and/or appointed under the Charter, Code, laws and rules of the City of Newburgh have had difficulties and/or have postponed meetings for failure to have a quorum in attendance. Such failure to achieve a quorum can be the result of illness, unexpected emergency, absence from the City, a recusal due to conflict of interest, or other cause, acknowledged or otherwise.

In light of the foregoing, the City Council of the City of Newburgh hereby finds and declares that it is appropriate and necessary and in the best interest of the City of Newburgh to create a standard policy which governs and applies to all such boards and every member thereof; and which provides for the appointment of alternate members thereof and thereto, so as to facilitate the meetings and the operations and functions thereof.

SECTION 3. AMENDMENT.

A new Chapter 11 to the City of Newburgh Code of Ordinances entitled “Code of Conduct, Attendance and Alternates for Local Boards and Committees of the City of Newburgh” is hereby enacted as follows:

Chapter 11, CODE OF CONDUCT, ATTENDANCE AND ALTERNATES FOR LOCAL BOARDS AND COMMITTEES

§ 11-1. Code of Conduct.

Each and every member of any and all boards, committees, commissions and other such groups which are created under and to which members are appointed by and/or under the Charter, Code, laws and rules of the City of Newburgh shall have the following affirmative duties and obligations as a member of same and in order to maintain such membership in good standing:

- a. To attend faithfully the meetings of the body;
- b. To become familiar and to maintain familiarity with the duties, functions, operations and procedures of the body and with the laws, rules and regulations governing same;
- c. To become familiar and to maintain familiarity with the items of business which come before such body;
- d. To participate meaningfully in the conduct of the business of the body, including but not limited to adequate and appropriate preparation, substantive communication with other members and with persons coming before the body, participation in voting and other decision-making actions unless properly recused or excused therefrom;
- e. To comply with all standards and requirements applicable to members of any such body, including but not limited to taking any such actions as may be appropriate and necessary to maintain membership in good standing; to satisfy any and all requirements related or pertaining to residency, civil status, age and/or other matters specified in any law, code or rule; to satisfy any and all requirements related

or pertaining to qualifications, training and/or continuing education; to satisfy any and all requirements for holding such office as may be required by the Charter, Code, laws or rules of the City of Newburgh; and to satisfy any and all requirements for holding such office as may concern such member's fitness for duty and/or complying with reasonable standards of conduct.

- f. To remain in compliance and satisfy all the requirements of all State and local ethics laws, codes and rules.

§ 11-2. Attendance Policy.

Each member and every alternate member of every body covered by this law shall be and is hereby required to faithfully and regularly attend the regular and special meetings thereof.

As used and defined herein every member shall comply with the following standard for attendance in order to maintain their membership on such body in good standing:

- a. No member of any body governed by this local law shall have accumulated four (4) or more unexcused absences amounting to no less than thirty-three (33%) percent of the total number of regularly-scheduled and properly-noticed meetings of such body within the immediately preceding twelve (12) month period. For the purposed of this local law, the term "unexcused absence" shall mean the failure of such member to attend such a meeting without having given advance notice that such member would be absent and without having received approval of such absence of the presiding officer of such body. Such approval shall be granted upon reasonable grounds and shall not be unreasonably withheld.
- b. Any member of the City Council, the City Manager and/or any member of the body may petition in writing that a member of such body be terminated as a member for failure to comply with this local law, including this attendance policy. Such petition shall specifically state the grounds including facts and circumstances upon which the request for termination is based. The petition shall be served by mail or in person upon the presiding officer of the body with a copy to the Corporation Counsel of the City of Newburgh. The presiding officer shall ensure that a copy of the petition is promptly provided to the member whose termination is sought.
- c. Upon the filing of such petition the member whose termination is sought may request a hearing. At such hearing the petitioner and the subject member may testify, produce evidence and witnesses, and examine and cross-examine any witnesses and evidence. The City Manager shall preside at such hearing and shall render a decision as to whether the subject member shall remain on or be terminated from such body.

§ 11-3. Alternate Members.

- a. The appointing authority with power to appoint members to any body covered by this local law shall have the power and is hereby authorized to appoint up to two (2) additional members to any such body. Such additional members shall be known as “alternate members.” Alternate members shall serve terms of two (2) years from the date of their appointment.
- b. In the event any member of such body for any reason is unable to participate on any item of business or matter coming before such body and/or is unable to attend a meeting or part thereof, the chairperson or other presiding officer of such body may designate an alternate to substitute for such member. When so designated, an alternate member shall possess and shall have the authority to exercise all the powers and authorities and responsibilities of a member of such body. Any alternate present and participating shall be counted as a member in attendance for the purpose of satisfying quorum requirements. However, alternates shall not be considered for the purpose of counting the total number of seats of such body. The designation, attendance and participation of an alternate shall be recorded in the minutes of such body for which such substitution is made.
- c. All provisions of any Charter, codes, laws and rules of the State of New York and of the City of Newburgh applicable to members of such bodies shall apply with equal and full force and effect to such alternate members.

§ 11-4. Non-applicability to City Council.

The provisions of this local law shall not apply to the City Council of the City of Newburgh or its members, including the Mayor and all Councilpersons.

SECTION 4. SEVERABILITY.

If any provisions of this local law are determined to be unconstitutional, invalid or otherwise inapplicable to any body and/or any member thereof by any court of competent jurisdiction or other higher legal authority, the remaining provisions hereof shall remain valid and effective as the sense and applicability thereof shall allow.

SECTION 5. EFFECTIVE DATE.

This Local Law shall become effective immediately, as provided under the Municipal Home Rule Law and other laws of the State of New York.