

2011 Charter Review Commission

Presentation to the Voters August 11, 2011



What is a Charter?

The fundamental document outlining the privileges of the municipality including the form of government and how it is implemented as well as departmental composition and duties which establish the government authority of the city.



Why Review the Charter?

To ensure that the voters have an effective & efficient form of government that is representative of all the citizens of the city.

Charter last reviewed and revised in 1917. Three recent attempts at Charter Revision are evidence of residents' concern about their government's structure and level of responsiveness to their needs and quality of life.

None of the three previous Charter Revision recommendations, despite extensive efforts and research made it to the electoral ballot box for referendum.



What is the Charter Review Commission, and what were its powers?

The Charter Review Commission was appointed by the Mayor of the City in January 2011 to explore the corporate capacity including the system of governance and the possible restoration of a ward system for the election of the City Council, which existed in the City Charter prior to 1865, to ensure representation among the City's diverse population.

The Commission was vested with the authority to submit recommendations to the citizens of the City of Newburgh. Unlike past Charter Review Commissions this commission does not require approval from the City Council to place a referendum based on the recommendations on the November 2011 election ballot.



Who was on the Commission?

Charles Woodard - Chairperson

Isaac Diggs

Pauline Dillard

Brigidanne Flynn

Thomas J.

Murphy, Esq

John (Jack) F. Penney

MaryAnn Prokosch

Barbara J. Smith

Susan Smith

Decora Sandiford*

Hhans Sandiford*

Barbara Simon*

* Indicates Resignation from Commission



Advisors and Resources the Commission Used

Jonathan Drapkin - President/CEO, Hudson Valley Patten for Progress

Gerald Benjamin, Ph.D. - Professor of Political Science, S.U.N.Y at New Paltz, NY and Director of the Center for Research, Regional Education and Outreach (CRREO), S.U.N.Y at New Paltz, NY

Lester D. Steinman, Esq. - Wormser, Kiely, Galef & Jacobs, LLP. Former Director, Edwin G. Michaelian Municipal Law Resource Center, PACE University, NY.

Additional Assistance provided by:

Kimberly Juszczak - Student Research Assistant (CRREO) S.U.N.Y. at New Paltz, NY.

City of Newburgh Staff Assistance provided by:

Richard Herbek - Acting City Manager

Michelle Kelson, Esq. - Corporation Counsel

Bernis E. Nelson, Esq. - Former Corporation Counsel

Ann Kuzmik - Administrative Assistant

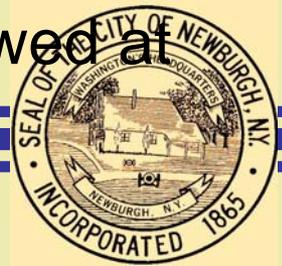


Commission Objectives

1. To perform a comprehensive examination and analysis of the City Charter to determine the most effective and representative governance structure. Recommendations for revision to the charter, or even options for revision will be given.
2. Review municipal officers, departmental compositions and duties to determine opportunities for efficiencies including potential consolidation.



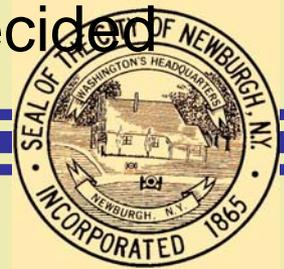
- Commission met two times a month at City Hall in City Council chambers.
- All meetings were publicized and open to the public.
- The City published the proceeding of the commission on its website.
- Research materials were provided, discussed by and with the Advisors.
- Dr. Gerald Benjamin Professor of Political Science @S.U.N.Y New Paltz and former Chair of the Ulster County Charter Commission, served as the Commissions primary advisor and research arm.
- Mr. Lester Steinman, Esq. Provided extensive insight on matters relating to legal questions, and wrote up the Commissions report.
- Commission recommends that the charter be reviewed every ten years.



Items the Commission identified for further discussion and possible resolution.

- ✓ Determine if we wanted to keep our current governmental structure. (Form of government)
- ✓ An At-large vs. district (ward) representation of the City Council - pro & cons.
- ✓ Insure that the City gets the best executive officer to run the daily operations of the City.
- ✓ Process of Hiring and Removal of City Manager is done fairly and deliberatively to provide for stability.
- ✓ Duties and Responsibilities of Department Heads.

Charter was fully reviewed by the commission and due to pending election, and limited resources it was decided to focus on these five items.



What the Commission decided - The Referendum Recommendations

- ✓ Restructure of City Council.
- ✓ Establishment of districts (wards) to better represent the interest of all citizens.
- ✓ City Manager qualification, selection and removal process.

A separate report with recommendations for department responsibilities and possible restructuring is being prepared independently by Pattern for Progress.



Referendum Recommendation - City Manager Qualification, Selection and Service

Existing in Charter

No clear criteria or process for qualification, selection and hiring of City Manager

- ✓ This results in high City Manager turnover rate
- ✓ Creates Instability in City Government
- ✓ Citizens lose confidence in their representatives

Proposed Legislation

- ✓ Clear structure for removal and appointment of City Manager
- ✓ Clarify continuity and interim requirements for City Manager
- ✓ Establish standards for qualification and selection of City Manager



Referendum Recommendation - Restructure of City Council

Existing in Charter

- ✓ Four (4) council members, elected *at-large* for a four (4) year term.
- ✓ Mayor, elected *at-large* for a four (4) year term.

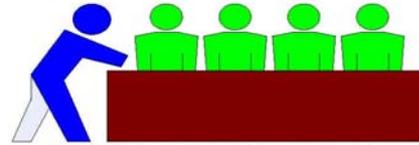
Proposed Legislation

- ✓ Two (2) council members, elected *at-large* for four (4) year term.
- ✓ Mayor, elected *at-large* for a four (4) year term.
- ✓ Four (4) council members each elected from a *district* (ward) for a four (4) year term.
- ✓ Terms will be staggered between the *at-large* and *district* elected representatives.



2011 Charter Review Commission

2011 City Council -
Staggered four year
terms of office
All elected at large



Current City Council – Mayor and four Council members

Nov. 2011 Election
At large election for
Mayor and two City
Council Members



Mayor
At Large
4 yr term



Council Member
At Large
4 yr term



Council Member
At Large
4 yr term

IF Charter Review Resolution passes (Nov. 2011) to add Districts, increase in City Council Members will begin at next election in 2013 for seating January 2014.

Nov. 2013
Election
to institute the newly
formed District system



Council Member
District 1
4 yr term



Council Member
District 2
4 yr term



Council Member
District 3
4 yr term



Council Member
District 4
4 yr term

This graphic demonstrates the transition timeline of the City Council should the referendum pass in November 2011

Nov. 2015 Election
At-Large



Mayor
At Large
4 yr term



Council Member
At Large
4 yr term



Council Member
At Large
4 yr term

Nov. 2017 Election
District



Council Member
District 1
4 yr term



Council Member
District 2
4 yr term



Council Member
District 3
4 yr term



Council Member
District 4
4 yr term

Nov. 2019 Election
At-Large



Mayor
At Large
4 yr term



Council Member
At Large
4 yr term



Council Member
At Large
4 yr term

Nov. 2021 Election
District



Council Member
District 1
4 yr term



Council Member
District 2
4 yr term



Council Member
District 3
4 yr term



Council Member
District 4
4 yr term



Referendum Recommendation -
Establishment of Districts (wards) to Better
Represent the Interest of All Citizens

Existing in Charter

- ✓ The wards referred to in current Charter were established for use in an old Orange County Supervisors form of Government. Have no current purpose for City or County Government use.

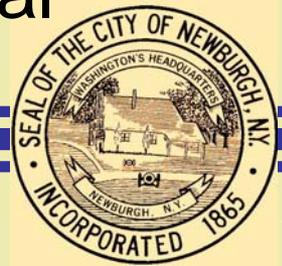
Proposed Legislation

- ✓ Creation of four (4) districts (wards) to correspond to four (4) City Council seats.
- ✓ Districts (wards) created based on the latest census data. (2011 and in future Census years)
- ✓ Districts (wards) to be compact and contiguous. (a Federal Requirement)
- ✓ Separate districting commission to be formed to establish the districts, and for future re-districting every ten years to align with Census.



Why Districts?

- ✓ The combination of at-large and from district City Council members provides for more balance.
- ✓ The more council members on City Council, is a more representative government – creates consensus building.
- ✓ Increase citizen/voter awareness.
- ✓ Four districts – Allows for equal population split of city and creates a manageable size City Council.
- ✓ Bring City in line with the U.S. Constitutional standard of one person/one vote.

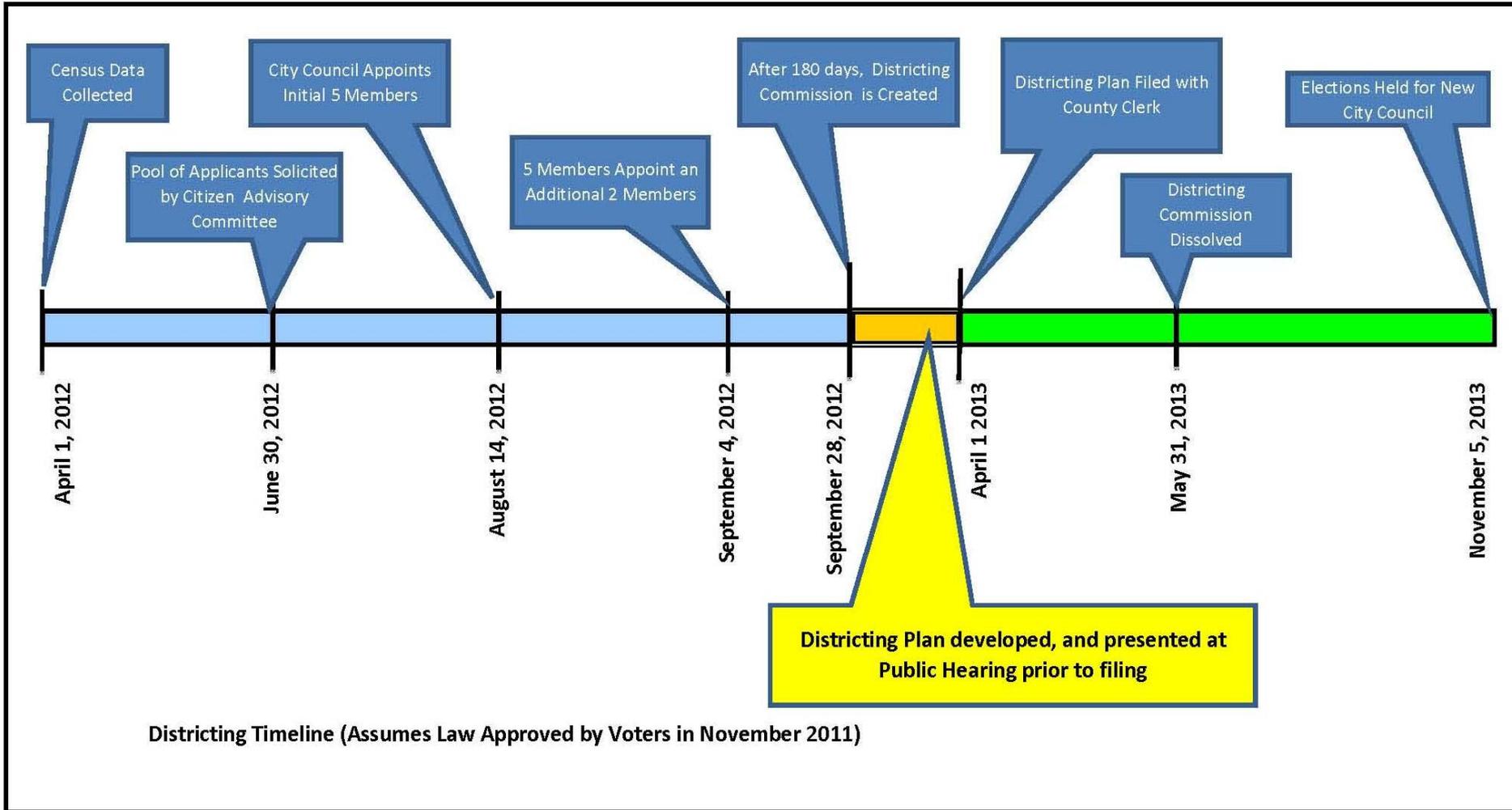


Duties of Districting Commission.

- Sets a process and timetable for establishment.
- Districts (wards) based on U.S. Census population counts.
- Adjustment based on each subsequent Census.
- Districts (wards) must be compact and contiguous.
- Must be initiated within 180 days of adoption of charter referendum.



2011 Charter Review Commission



This graphic demonstrates a typical timeline of a districting commission and is only for demonstration purposes. **Actual dates may vary.**





Questions/Comments



For more information including minutes, memoranda, advisor presentations and other relevant materials visit the Charter Review Commission website at www.cityofnewburgh-ny.gov

