

**NEWBURGH CHARTER REVISION COMMISSION**

**FEBRUARY 3, 2011**

**SET FORTH BELOW ARE CERTAIN OF THE POWERS, DUTIES AND RESPONSIBILITIES OF A CHARTER REVISION COMMISSION CREATED PURSUANT TO SECTION 36 OF THE MUNICIPAL HOME RULE LAW.**

**I. REVIEW OF CITY CHARTER**

**A. THE COMMISSION MUST REVIEW THE ENTIRE CHARTER AND DECIDE WHAT PORTIONS OF THE CHARTER, IF ANY, SHOULD BE CHANGED.**

**B. THE COMMISSION'S END PRODUCT IS THE PREPARATION OF A DRAFT OF A NEW OR REVISED CHARTER.**

**C. TO ACCOMPANY THE PROPOSED NEW OR REVISED CHARTER, THE COMMISSION MUST PREPARE A REPORT DETAILING THE HISTORY OF THE COMMISSION'S**

**FORMATION AND OPERATIONS, AND GIVING A BACKGROUND AND OVERVIEW OF THE PROPOSED CHARTER AMENDMENTS.**

**D. THE COMMISSION MAY DECIDE TO LEAVE PORTIONS OF THE EXISTING CHARTER UNCHANGED, BUT ITS REPORT MUST EXPLAIN WHY ONLY CERTAIN CHANGES ARE PROPOSED AND NOT OTHERS.**

**E. FOR EXAMPLE, THE COMMISSION MAY DECIDE THAT IT WISHES TO PRIORITIZE ITS EFFORTS AND FOCUS ON A FEW KEY ISSUES. IT MAY DO SO BY STATING IN ITS REPORT THAT IT HAS REVIEWED THE ENTIRE CHARTER BUT HAS DECIDED NOT TO CHANGE THE BALANCE OF THE CHARTER BECAUSE ADDITIONAL CHANGES WILL REQUIRE SIGNIFICANT FURTHER STUDY.**

**F. THE COMMISSION IS AUTHORIZED TO CONDUCT PUBLIC HEARINGS AND PROVIDE FOR OTHER PUBLICITY WITH**

**RESPECT TO THE PROPOSED NEW OR AMENDED  
CHARTER AS IT DEEMS PROPER.**

**II. PLACEMENT OF NEW OR REVISED CHARTER ON THE BALLOT**

**A. THE NEW OR REVISED CHARTER MUST BE FILED WITH  
THE CITY CLERK'S OFFICE AT LEAST 60 DAYS PRIOR TO  
THE ELECTION AT WHICH THE CHARTER AMENDMENTS  
ARE SUBMITTED TO THE VOTERS.**

**B. THE CITY CLERK MUST SUBMIT TO THE BOARD OF  
ELECTIONS A CERTIFIED COPY OF THE TEXT OF A  
PROPOSITION SHOWING ALL PROPOSED CHANGES TO  
THE CHARTER AT LEAST 36 DAYS PRIOR TO THE  
ELECTION. AN ABSTRACT OF THE BALLOT  
PROPOSITION MUST ALSO BE PREPARED IN ADVANCE  
OF THIS 36 DAY PERIOD.**

**C. CITY COUNCIL PRIOR REVIEW OR APPROVAL OF THE COMMISSION'S CHARTER REVISION PROPOSAL IS NOT REQUIRED.**

**D. THE PROPOSITION REGARDING THE NEW OR AMENDED CHARTER MAY BE SUBMITTED TO THE VOTERS AT EITHER A GENERAL OR SPECIAL ELECTION. HOWEVER, IF A GENERAL ELECTION OCCURS BETWEEN 60 AND 90 DAYS AFTER THE FILING OF THE PROPOSED CHARTER WITH THE CITY CLERK, THE PROPOSITION MUST BE SUBMITTED AT THAT GENERAL ELECTION.**

**E. THE DECISION WHEN TO SUBMIT THE CHARTER CHANGES [2011 OR 2012 GENERAL ELECTION OR A SPECIAL ELECTION] IS UP TO THE COMMISSION.**

**F. HOWEVER, THE COMMISSION MUST FILE THE NEW OR REVISED CHARTER IN THE OFFICE OF THE CITY CLERK IN TIME FOR SUBMISSION TO THE VOTERS NOT LATER THAN THE NOVEMBER 2012 ELECTION.**

**G. THE TERMS OF OFFICE OF MEMBERS OF THE COMMISSION SHALL EXPIRE ON THE DAY OF THE ELECTION AT WHICH THE NEW OR AMENDED CHARTER IS SUBMITTED TO THE VOTERS.**

**H. THUS, IF THE COMMISSION PRIORITIZES ITS CHARTER REVIEW AND SUBMITS AMENDMENTS ONLY FOCUSING ON A FEW KEY ISSUES, A NEW COMMISSION WOULD HAVE TO BE APPOINTED TO DO THE REMAINDER OF THE CHARTER REVIEW SINCE THIS COMMISSION WOULD EXPIRE ON THE ELECTION DAY WHEN THE PRIORITIZED ITEMS WERE SUBMITTED TO THE VOTERS.**

**I. NOT ALL REVISIONS TO A CHARTER REQUIRE A CHARTER REVISION COMMISSION AND A REFERENDUM. HOWEVER, ALL CHARTER CHANGES PROPOSED BY A CHARTER REVISION COMMISSION IN AN AMENDED OR NEW CHARTER MUST BE SUBMITTED TO A REFERENDUM.**

### **III. REFERENDUM ON PETITION**

**A. THERE ARE STATUTORY PROVISIONS AUTHORIZING QUALIFIED VOTERS TO PETITION FOR THE SUBMISSION TO THE VOTERS OF A LOCAL LAW AMENDING OR PROVIDING A NEW CITY CHARTER. THIS PROVISION DOES NOT APPLY TO THE COMMISSION.**

**B. THE SUBMISSION BY THE COMMISSION OF A PROPOSITION FOR A NEW OR AMENDED CHARTER AT A GENERAL ELECTION WOULD PRECLUDE CITIZEN ACTION TO DO THE SAME AT THAT SAME GENERAL ELECTION.**