

# Charter Review Commission

Meeting Minutes

May 12, 2011

7 p.m.

## **Attendees**

Members in Attendance:  
Charles Woodard (Chair)  
Isaac Diggs  
Pauline Dillard  
Brigidanne Flynn  
Jack Penney  
Mary Ann Prokosch  
Barbara J. Smith  
Susan Smith  
Tom Murphy

## **Members Absent:**

Decora Sandiford

## **Consultants:**

Jonathan Drapkin, Director, Pattern for Progress  
Prof. Gerald Benjamin, SUNY New Paltz  
Lester Steinman, Esq.

## **Staff:**

Acting City Manager Richard F. Herbek  
Corporation Counsel Michelle Kelson  
Administrative Assistant Ann Kuzmik

## **Summary:**

Mr. Woodard called the meeting to order at 7 p.m. and led the group in the Pledge of Allegiance. Minutes of the 4/28/11 meeting were approved as written.

## **AGENDA ITEMS:**

### **CREATING COUNCIL DISTRICTS:**

Prof. Benjamin gave an updated presentation on "Creating City Council Districts." (filed with the minutes). He reminded the group that Newburgh's current ward configurations were made for the election of members to the Orange County Board of Supervisors,

before the County enacted its current charter-based separation of powers system of government. They are not equal in population, so do not adhere to the federal “one person, one vote” doctrine. He said the terms ward or districts are interchangeable. Ward (or district) lines must be adjusted every 10 years, based on U.S. Census figures. This may be done by either the City Council, or a separate Commission.

Jack Penney noted that the City currently has nine wards with 46 districts, with 46 committee people who are elected at the State level. He asked how a plan for creating four districts (or wards) would affect the current election districts- since members are elected at the State level, the districts cannot be changed. Prof. Benjamin noted that the election districts are administered by the County, and that the Commission who does the redistricting might want to consider not crossing election district lines as a criteria in order to make the administration easier.

Arguments for districting by Council include that it is common practice, that districting is fundamental to representation and thus should be done by a governmental body. The arguments against include the possibility that legislators will design districts to assure their own political successes, or the success of one party over another.

The Commission process is still the exception in New York State local governments. Districting by Commission requires the independence of a Commission, determination of size, selection of leadership, criteria, process and timetable, and finality of a decision. Commission appointment may be made by multiple authorities, or by the Mayor; it always begins a short time after each new census is available; and commission recommendations are generally submitted to the appropriate governing body, which usually has the final say.

Prof. Benjamin stated he has no plan to redistrict the City of Newburgh; that it should either be left to the Council or a Commission should be created to do it.

Mr. Penney asked if the Commission approves 4 districts and changing the number of Council, would the re-districting become a budget item when approved by the voters? Prof. Benjamin said they could mandate in the Charter that Council must provide monies for redistricting. He recommended that the voters be given the costs of redistricting, whether a Commission does it or someone is hired. He also said that standard software for overlaying districts is available for a few hundred dollars.

There was also discussion about protecting racial and ethnic minorities and avoiding partisanship or political interests in creating district lines.

**ACTION ITEM:** Tom Murphy made a motion that a Commission for redistricting the City should be created. Isaac Diggs seconded. Following discussion, the motion was approved by all with the exception of Jack Penney.

Discussion followed about the size of the Commission, criteria for membership, and timetable for redistricting.

**ACTION ITEMS:**

- Motion by Mary Ann Prokosch; seconded by Susan Smith to have 7 members on the redistricting Commission. APPROVED
- Motion by Mary Ann Prokosch; seconded by Brigidanne Flynn barring sitting City Council members from the Commission- APPROVED unanimously
- Motion by Susan Smith; seconded by Brigidanne Flynn restricting Commission membership to City of Newburgh residents- APPROVED unanimously
- Motion by Mary Ann Prokosch; seconded by Barbara Smith to bar party officers from serving on the Commission. Susan Smith moved to table the discussion; Jack Penney seconded. The motion to table was approved by all with the exception of Barbara Smith.

Mr. Steinman distributed draft revisions to Section C.500 of the City Charter regarding selection and qualifications of the City Manager, term and removal from office; and to Section C5.01, Acting or Interim City Manager.

The group was asked to review Prof. Benjamin's presentations and Mr. Steinman's draft revisions for discussion at the next meeting. The meeting adjourned shortly after 9 p.m.