

Charter Review Commission

Meeting Minutes

May 26, 2011

7 p.m.

Members in Attendance:

Charles Woodard (Chair)

Brigidanne Flynn

Jack Penney

Mary Ann Prokosch

Barbara J. Smith

Susan Smith

Tom Murphy

Members Absent:

Decora Sandiford

Pauline Dillard

Isaac Diggs

Consultants:

Jonathan Drapkin, Director, Pattern for Progress

Prof. Gerald Benjamin, SUNY New Paltz

Lester Steinman, Esq.

Staff:

Corporation Counsel Michelle Kelson

Administrative Assistant Ann Kuzmik

Mr. Woodard called the meeting to order at 7 p.m. and led the group in the Pledge of Allegiance.

AGENDA ITEMS:

Minutes of 5/12 meeting: Approved with corrections as follows:

- Isaac Diggs seconded Tom Murphy's motion to create a Redistricting Commission
- Barbara Smith cast the only vote in opposition to tabling a motion that would bar party officers from serving on the Commission

Continued Discussion: Redistricting Commission :

Prof. Benjamin continued his presentation on redistricting commissions. (attached to minutes).

Discussion followed on who may or may not serve on the Redistricting Commission, whether people could serve ex-officio, the appointing authority in the initial and following rounds, whether a pool of potential commissioners should be created, the timetable for Commission work, criteria which the commission must follow, and considerations that may be barred in its formation, such as partisan advantage.

Regarding whether to appoint elected City and/or party officials to the redistricting commission, Tom Murphy said if the Council doesn't have some input, it may impede the function of the Commission. Prof. Benjamin said that they might want to consider having multiple appointing authorities for the commission, which is frequently done.

Jack Penney asked if anyone other than himself had spoken to the Board of Election regarding having four districts. Prof. Benjamin said that he had researched Mr. Penney's earlier question of the cost of redistricting, and that it is the obligation of the Board of Elections to run the elections within the districts defined by the City and its Charter, to arrange for the election of party officials within the structure of City government, and to pay the costs of doing so.

Mr. Penney noted they have to divide the City into four equal districts based on population. Prof. Benjamin said that is correct, but mathematically it can be done in a lot of different ways. He said the process may or may not produce some districts that were

primarily of a certain or mixed ethnicity or reflect what is thought of as a neighborhood. Based on how it is done, the commission could wind up making a lot of people angry and still meet the numerical requirements.

MOTION:

(Re: Elected officials serving on re-districting Commission tabled at last meeting)
Barbara Smith moved that the redistricting commission should exclude any public or party officials from serving. Brigidanne Flynn seconded. The motion was approved by all with the exception of Jack Penney.

Further discussion followed about creating the Appointing Authority for the Redistricting Commission, and the selection process, including Council involvement.

MOTION:

Brigidanne Flynn moved that the Citizen Advisory Committee be tasked with collecting a pool of names and assuring that the candidates for the redistricting commission meet eligibility requirements for service. Susan Smith seconded the motion, which passed unanimously.

Discussion followed about the date for implementation of the new Council makeup, and whether they should be elected all at once or have staggered terms. With staggered terms, Prof. Benjamin said 2013 would be the practical date for the implementation of the change. Mr. Steinman suggested the redistricting commission be in place within 120 days after the election date.

MOTION:

Mary Ann Prokosch made a motion, seconded by Susan Smith, that the initial Redistricting Commission be constituted six months from the November 2011 election.

Second by Susan Smith- Passed unanimously

Regarding convening future redistricting commissions based on the Census. Prof. Benjamin noted that the data is released at different times by the U.S. Census Bureau, and this year New York State was last. Mr. Steinman said that they don't have to firm up the time frame now. He said they also have to think about how the Redistricting Commission's work gets implemented and their decision finalized. Under New York State Town Law, once the Commission makes their decision, they are required to create a map that embodies that decision, file it in the Town Clerk's office, the County Clerk's Office, and the Office of the Board of Elections. Once filed, it is final. That would be a permissible way to do it, he said.

Questions were raised by Mary Ann Prokosch and Barbara Smith about having someone else look at the map to be sure the numbers were correct. Consensus seemed to be it should not go to the Council, but perhaps to Corporation Counsel to be sure the process was followed.

MOTION:

Mary Ann Prokosch made a motion that when the Redistricting Committee comes up with the redistricting plan, it should be submitted to the appropriate Board of Elections and City and County Clerks for filing. Susan Smith seconded. Brigidanne Flynn amended the motion to say that the Redistricting Commission must hold a public hearing with a public comment period prior to final adoption. The motion was approved as amended. There were no dissenting votes.

Prof. Benjamin reminded the Commission that the structure of the new districts must not bar minorities from effective representation and should consider traditional neighborhoods. Mary Ann Prokosch said that there is no reason to say anything other than to follow the laws. Mr. Steinman suggested perhaps they could use the language in the Ulster Charter.

MOTION:

Mary Ann Prokosch made a motion that the criteria for the redistricting Commission would be to follow State and Federal laws, and the districts should be compact and contiguous. Brigidanne Flynn seconded, and the motion passed with no opposing votes registered.

MOTION:

Brigidanne Flynn moved, and Mary Ann Prokosch seconded that the City provide appropriate staff in support of the Redistricting Commission. The motion passed with no opposing votes registered.

Re: Timeframe- Commission members discussed whether it would be advisable to have timeframes for when the work of the Redistricting Commission would be done in terms of the election. Prof. Benjamin said it would have to be a certain amount of time before nomination for public office and petitions were circulated as candidates would have to know the district boundaries they were running in.

Discussion continued on implementation of the seven-member Council. Mr. Steinman said- if all goes well, and the Redistricting Commission files its map in a timely manner, the terms of the current Mayor and Council would all end in 2013. A new seven-member Council would then be elected in accordance with the new map.

The Commission also talked about whether terms should be the same length, or staggered, and if so, whose term would be shortened when this goes into effect in 2013.

MOTION:

Mary Ann Prokosch made a motion, seconded by Barbara Smith that the Council members elected by ward would serve two-year terms; and at-large representatives would be elected for 4 year terms on the alternate election year.

Discussion: Brigidanne Flynn asked whether these staggered terms would mean that a completely new City Council would be elected on a four-year basis. Mr. Steinman said that the only way to truly stagger them would to give everyone the same term. Prof. Benjamin said that when you stagger with a four year term, when you are redistricting, some members will have to run for two years to make it work out. He said he had tried to propose something like this once and it got too complicated.

The motion was approved by all with the exception of Brigidanne Flynn and Jack Penney, but Corporation Counsel Michelle Kelson pointed out that with absences of Commission members there were not enough votes in favor to constitute a majority.

MOTION:

Susan Smith then moved the previous motion be tabled; Brigidanne Flynn seconded. The motion passed with no dissenting votes registered.

The meeting adjourned at 9 p.m.