

# Charter Review Commission

Meeting Minutes

June 23, 2011

## **Members in Attendance:**

Charles Woodard

Jack Penney

Pauline Dillard

Brigidanne Flynn

Isaac Diggs

Mary Ann Prokosch

Barbara J. Smith

Susan Smith

## **Members Absent:**

Decora Sandiford

Tom Murphy

## **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

Chairman Charles Woodard called the meeting to order at 7 p.m. and led the group in the Pledge of Allegiance. Minutes of the 6/9/11 meeting were approved unanimously.

## **AGENDA ITEMS:**

**Presentation of Revised Redistricting Commission Legislation: Lester Steinman and Prof. Gerald Benjamin**

Mr. Steinman noted the revisions he had made based on comments from the last meeting.

Prof. Benjamin handed out charts showing the plan for creating the districting commission in a graphic form with a timeline if the referendum was approved in 2011; and for re-establishing a districting commission in 2021 after the next Census.

Mr. Steinman reminded the group that the first Districting Commission would have seven members with five appointed by Council after recommendation from the Citizens Advisory Committee. The remaining two members will be appointed by the five members originally appointed by the Council. The time frame is set up so that necessary work including a public hearing can be completed well in advance of the referendum date. After the districting plan is filed with the City Clerk, the Districting Commission would dissolve. The process would begin again after the next Census in 2020, except that each of the seven Council people would appoint one Districting Commission member.

**ACTION ITEM:** Brigidanne Flynn made a motion to accept the districting commission proposal as presented at the June 23 meeting; Barbara Smith seconded it. The motion passed by unanimous vote.

**Discussion of Charter Revision Revisions (Technical Amendments) necessary to implement new City Manager provisions and Districting Commission legislation:**

Mr. Steinman noted that Technical Amendments would be necessary to implement the new provisions approved by the Charter Review Commission upon adoption. They are as follows:

Section C. 4.00. Legislative powers fixed in Council

All the legislative powers of the city, however, conferred upon or possessed by it, are hereby fixed in a board to be known as the “Council of the City of Newburgh” and to be composed of the Mayor and [four (4)] six (6) Council members. It shall be, for all

purposes, the Common Council of the City. The Mayor and the other [four (4)] six (6) members of the Council shall each receive an annual salary of nine thousand dollars (\$9,000.00), payable in equal monthly installments.

#### Section C. 3.00. Municipal Officers Enumerated

The officers of the City or municipality shall be as follows:

- A. One Mayor, [four (4)] six (6) Councilmen and one City Judge [.] The Mayor and two (2) Councilmen to be elected by the qualified voters of the City [.] and four (4) Councilmen to be elected by the qualified voters of the wards from which they are elected.

#### Section C. 3.10. Terms of office

The terms of office of the elective officers of the City shall be as follows: Mayor, four (4) years; Councilman, four (4) years; and City Judge, six (6) years. The terms of office of the Civil Service Commissioner shall be six (6) years. Except as otherwise provided in Section 5.00, [T]the terms of office of the City Manager and of the City Clerk shall be at the pleasure of the Council. The terms of office of all City officers appointed by the City Manager shall be at the pleasure of the City Manager. Any or all such appointive City officers may, by action of the City Manager and with the approval of the Council, be placed in the competitive class of the municipal civil service. No such action shall be taken less than ninety (90) days prior to a general City election.

Also, Section C 1.20 Ward Boundaries would be repealed. A new Section C 1.20 would be added to read as follows:

“The city shall be divided into four (4) wards, bounded and described as shown on the map of the city most recently filed by the districting commission in the office of the City Clerk.”

Mary Ann Prokosch reminded the group of her previous suggestions:

- 1- Eliminating the term “Mayor” and having a council president appointed by the Council
- 2- Changing the terms from four years to two years- this would help bring more people to the table to run- that having to serve four years may be a deterrent
- 3- The hiring of department heads would have to be approved by the Council

Mr. Steinman noted that 1 and 3 could be discussed further, but were not relevant to the amendments currently before the Commission, and that changing the terms would require the Commission to reverse decisions that were already made.

Barbara Smith added she had wanted further discussion of Council term limits, and Pauline Dillard, of City Judges. The consultants all recommended that the Commission act on the necessary technical amendments to implement the measures they have already adopted, and then have further discussion on other changes.

**ACTION ITEM:** Mary Ann Prokosch made a motion to approve (all three sections) as presented. The motion passed 6-2.

Further discussion followed about eliminating the title of Mayor, having the title of President circulate among Council members, and term limits. Regarding term limits, Susan Smith made a motion to table the discussion until the next meeting; the motion was not seconded.

**ACTION ITEM:** Mary Ann Prokosch then made a motion that ward representatives be elected for two-year terms; Barbara Smith seconded. Isaac Diggs then proposed an amendment that ward members would be elected to two year term with no term limits; and that at-large four year terms with a limit of two terms. A motion to accept the amendment was made by Isaac Diggs and seconded by Mary Ann Prokosch. The motion failed 5-3. The commission then voted on Ms. Prokosch's original motion, which failed 6-2.

**ACTION ITEM:** Isaac Diggs then moved that the Commission adopt limits of two four year terms for Council members elected at large. Barbara Smith seconded. Further discussion followed about Council people running for office again once their terms expired, and Mr. Diggs amended the motion to say that Council members elected at-large could serve two four-year terms, then must step out from running for an at-large position for one four-year period prior to running again for one four-year term. Ms. Prokosch asked if Council members could run for a ward seat if they were not eligible to run for a four year seat. Consensus was they could. The motion failed 5-3.

The Commission then discussed the timing for the public hearing and presentation to Council, whether or not it could be done at a Council meeting, rather than at a work session, and having other public information sessions in different neighborhoods. The group discussed the importance of ensuring that the message about the proposed Charter revisions would be consistent regardless of who was presenting it or answering questions about it.

Corporation Counsel said she would ask the Acting City Manager about having the presentation to Council at a Council meeting rather than at a work session so as to reach a larger audience and to have a film record of the proceedings.

A tentative schedule was set to have a presentation to the work session on August 4, and a public hearing on August 11.

**ACTION ITEM:**

Isaac Diggs made a motion that the group would not do any more substantive work on Charter revisions for this session, which runs from the first meeting until now. Susan Smith seconded. The motion passed unanimously.

Following a motion to adjourn, the meeting adjourned at 9:32 p.m.

**NEXT STEPS:**

- Finalize presentation and public hearing dates and which consultants will attend

- Begin work on Council and public hearing presentations
- Determine who will present