

Powers of the Charter Commission in Considering the Newburgh Charter

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Professor's Disclaimer

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The following slides were made to inform the Newburgh Charter Commission of key points about its powers and duties. They are a summary, designed to create a common base of information, but are not comprehensive in scope or detail. In a following presentation, if the commission wishes, we can look at the specifics of the current Newburgh Charter.

What is a City Charter?

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- **Cities are created by state law.**
- **A City Charter is a state law that:**
 1. Defines the city
 2. Creates the basic institutional structures of the city government – executive and legislative
 3. Defines how these people who will work in these structures will be chosen and how long they will serve
 4. Specifies the powers and duties of these structures

Home Rule and Charter Change

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- **New York is a Home Rule State**
- **Local “home rule” is assured by Article IX of the New York State Constitution**
- **Home Rule may be thought of as providing localities both a sword and a shield**



The Sword – powers guaranteed to local government



The Shield – limits on the state in its relationship with local government

Local Power to Change the Charter

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- Even though the charter is state law, part of a local governments “sword” in New York State is the authority to change its fundamental government structure, as established in the charter.
- That is, the state constitution empowers localities to changes in what may originally have been adopted as state law.

How is a Charter Changed in a City?

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- **The City Council Can Create a Charter Commission**
- **A referendum vote initiated by a petition process may create a Charter Commission**
- **A mayor may appoint a Charter Commission, as is the case for this Newburgh Commission**

Duties of a Charter Commission Created by a Mayor

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- **Review the entire charter**
- **Draft a new or revised charter**
- **Report to the public on its actions**
- **File the proposed new charter with the City Clerk “in time for submission to the electors not later than the second general election after the charter commission is created and organized.”**

Duties of a Charter Commission Created by a Mayor (continued)

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- Provide for publicizing the recommendations of the Charter Commission
- Decide whether its work should be submitted in a single vote, or several votes
- If a single question, it must be: “"Shall the new city charter proposed by the city charter commission be adopted ?“

Direct Access to the Voters

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A Charter Commission appointed by a mayor, as is this one in Newburgh, has direct access to the ballot for its recommendations.

It does not need pre-approval of its proposals by the City Council, or the Mayor to put them on the ballot.

Questions?

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