

Mayor Jim Cahill outlined his proposal to resolve the current debate over how to proceed with a potential change to the City's Charter during a press conference at 5 p.m. on Tuesday, July 14, 2009 at the Middlesex County Freeholder's Meeting Room, across from City Hall on Bayard Street.

New Brunswick: Where Change is Constant

New Brunswick is an exciting, diverse and dynamic place to call home. Throughout our 300 plus year history, people from all walks of life have moved into New Brunswick, forming new communities and shaping our City's culture, landscape and future. During my time as Mayor, and for the first time in over a half-century, we've experienced a dramatic increase in our population; in fact New Brunswick is one of the fastest growing urban centers in New Jersey. Our growth in population clearly evidences that more people than ever before find our City to be a desirable place to live. We can all take justifiable pride that New Brunswick does indeed keep getting better. One thing is certain; New Brunswick is a place where change is constant.

More than 10 years had passed since we last considered a potential charter change, and in light of our growth, I believed it was time to re-examine our current system of a 5 member City Council, all elected at-large, to determine whether this is still the best way to govern ourselves.

Over a year ago, I asked our City Council to consider approving a ballot referendum that would ask our City's voters if they were interested in forming a City Charter Study Commission. I thought, and still think, we are ready for change. But it is not for me to decide the direction any change would take. Rather, this is the responsibility of the people to exercise their inalienable right to self-determination. A popularly elected Charter Study Commission would have provided all of us with a platform for public discussion and debate, and I was prepared to share with the community my thoughts on expanding the City Council to seven members, and I looked forward to a full exploration of the advantages and disadvantages of both retaining our current at large system or adopting a ward based system.

Shortly after the City Council's introduction of this Charter Study referendum ordinance, a petition was submitted to the City Clerk seeking to place two questions on the ballot to change our form of government; one in which the city would be divided into six wards, with a council person elected from each of the wards and three elected at large, and one that would retain our at-large City Council but increase its size from 5 to 9 members.

Quite candidly, I thought the Committee of Petitioners lacked sufficient experience in New Brunswick and with its form of government to be able to make an informed decision or understand whether the forms of government they were proposing were the right choices for our City. Each had just recently moved to New Brunswick. When they filed their petition, 3 of the 5 members of the Committee of Petitioners never even voted in New Jersey, much less New Brunswick. Two of the Committee of Petitioners only

registered to vote in New Brunswick for the first time a few months earlier in the fall of 2007, the remaining three members registered in our City just shortly before submitting the petition to change our form of government.

Accordingly, I felt these newcomers to New Brunswick lacked sufficient familiarity with our City, our neighborhoods and the vast majority of residents to fully understand our current form of government and to make an informed decision as to whether our current form should change, and if so, to what.

Perhaps more troubling, I felt the petition they submitted was faulty, as it actually called for two forms of government, both nine members, one at large and one based on wards. In other words, which form of government was each of the signers of the petition supporting, the ward based or the at large, because they clearly could not support both. Because the explanatory language on the petition only referenced the ward-based system, in addition to other reasons, the City Clerk rejected the petition for its inconsistency and lack of clarity. As such, I thought it was more beneficial to continue the course to have a charter study.

The petitioners interpreted this as an attempt to frustrate their effort, while I am certain the Council felt that the petitioners were doing the same to its efforts on the charter study.

Both sides dug in their heels. Over a year later, we remain embroiled in litigation; both sides firmly convinced they are right. But does this controversy best serve the City's residents?

I would suggest to you that it does not. Perhaps most surprisingly, there has been no real conversation between the petitioners and the governing body regarding the respective advantages of either side's position.

Reasonable people can disagree. Neither position is inherently right or wrong. But what would be wrong would be if both sides, if truly interested in their community and their city, continue to refuse to have meaningful dialogue on how we can best proceed to ensure New Brunswick keeps moving forward.

Conversation is Better Than Litigation

It would be wrong for the governing body to ignore the position of a group of the people it represents. It would be equally wrong for the petitioners to ignore the position of the duly elected representatives of our citizens and the experience they bring to the table. I hope you would all agree, conversation is better than litigation. Accordingly, I propose the following. Let's suspend the present litigation. The deadline for completion of the ballot by the County Clerk for the election this November is September 21. This gives us more than two months of concentrated effort to see if some common ground can be found.

In the interim, I will host a series of public meetings at which we can discuss the different types of forms of government available to us, including but not limited to our current form and the system proposed by the petitioners.

The meetings are intended to be informal. They would encourage wider participation from everyone in our community. They will provide an opportunity for all to present their point of view, to discuss the advantages and disadvantages of the various systems, to ask questions, and perhaps, most importantly, to see if there are areas of agreement we can achieve going forward. Who knows, maybe, just maybe, someone may convince somebody else of the merits of their thoughts on the matter.

If we cannot accomplish an agreed upon method of proceeding, I propose to the petitioners that the litigation be settled by placing both questions on the ballot and let the voters decide between the two methods of proceeding.

Why not just do that now? Because I believe that when a decision is to be made that is as important as this... that will impact our City for decades to come, we should talk about it, and there is no better way to do it than in a public forum. We can record the meetings so that those unable to attend will have the benefit of reviewing the discussions on the City's web site.

While I currently have a preference for a charter study, as I indicated earlier, I also feel it may very well be time for a change in how we govern ourselves. I know the petitioners may be convinced that their proposal is the only way to proceed. But I have concerns that their proposed form of government does not accomplish all they believe it will.

The petitioners contend that the six-ward form of government will be more representative, responsive, honest and effective. That may be the case. But it also can be less of each of these of these as well. There are important questions that should be vetted publicly before proceeding with any charter change.

Each ward will be made of multiple neighborhoods. If the councilperson from my ward is not from my neighborhood, does he or she really represent my neighborhood any more than an at-large system?

What if the councilperson from my ward is not someone I voted for or doesn't share my point of view on a given subject matter, whom do I turn to? Is that councilperson going to put "me first" any more than an at-large system?

Under the 6-ward system proposed by petitioners, we would only get to vote for the one councilperson from our ward and the three at-large council seats. The remaining majority of 5 council members representing the other 5 wards conceivably could not care less about my ward and me. How representative is the form of government proposed by the petitioners if we as voters don't even get to vote for a majority of the Council?

What support and representation can I expect from the 3 at large council people if the other 5 wards are against the proposal that would benefit my ward, or if the councilperson from my ward is against a proposal that I favor?

Might I suggest that this is the very situation that is ripe for the horse-trading and backroom deals between council people that petitioners contend they want to do away with.

In an at-large format, we get to vote not just for a majority of the council, we get to vote for all the council. If I disagree with one councilperson, I can approach all the rest, each of whom has been elected to represent my interests. But does an at-large system provide the best method of providing responsive government to our residents and neighborhoods?

Let's talk about other ward based systems, either 4 wards with 3 at large council people or 5 wards with 4 at large council people to see if the ability of a ward to actually vote for a majority of the council may actually better "empower a neighborhood".

Let's discuss whether an at large form of government of 7 or 9 members provides a greater or lesser opportunity for diversity of representation in race, ethnicity, age, gender, income levels, homeowner/renter, etc., without sacrificing our ability to vote for the entire council.

Of course, the pros and cons of the petitioners proposed form of government, as well as all others, could perhaps best be discussed, debated, and vetted by the public process provided by the 9 month charter study process. But in the absence of agreement that this is a better method of proceeding, why not provide an intellectual arena which will allow champions of many different proposals, including the petitioners proposed 6 ward system, to share the same stage...to really try to see what changes are needed and wanted and why.

Ought we not discuss these issues before we plunge forward down a path that will dictate the future of New Brunswick? Government is hard enough. If it were easy, than every city in New Jersey would have enjoyed the success we have achieved. The primary reason that New Brunswick has become the model of urban revitalization, has transformed itself into a modern 21st century city, is that as a community, we recognize that we were all in this together.

It is obvious that at least some people feel that is no longer the case. But I can tell you this. An antagonistic, divisive campaign may have the counter effect of tearing our city apart, pitting one against the other, undoing all that we have accomplished as a community that makes us the envy of our urban counterparts.

Let's Move Forward

Let's see if we can move forward together. I am committed to an open forum, with the ability for one and all to freely express their viewpoints. I will not dominate these discussions, but I will certainly join others in the expression of my thoughts as well. I will facilitate discussion, ask questions, and sometimes play the role of devil's advocate. But I want all to leave these meetings with the sense they had the opportunity to say and hear what they thought was important and that it was done in a fair-minded fashion.

I would like to hold the first meeting on Wednesday, July 29 at 7:00 p.m. at New Brunswick High School. We can discuss future meeting dates, times and places at that first meeting, but I would recommend we meet two or three additional times thereafter, perhaps 2 or 3 weeks apart. This would provide three or four meetings before the deadline for placing questions on the ballot. It will also allow time between meetings for people to prepare, to obtain answers to questions and address points raised at previous meetings. It also allows for discussion to take place between the meetings to foster a spirit of cooperation in moving forward.

I hope all will participate. I have been involved with city government now for 29 years, 19 as Mayor and 10 as an assistant City Attorney. There are probably few who have as much experience in municipal government or more exposure to the different forms available to us than me. But I don't have a set mind as to the absolute best form of government for New Brunswick and won't presume or pretend to know the thoughts and preferences of all our residents.

If we cannot gain some consensus as to how best to proceed, I suggest we place both questions on the ballot. One way or the other, I am committed to the public having an opportunity to vote this November on our method of self-governance.

I look forward to our discussions.

I will now take questions.