



CITY OF SARATOGA SPRINGS
City Charter Review Commission
City Council Room
JULY 12, 2016
7:00 PM

PRESENT: Ann Casey Bullock
Gordon Boyd
Laura Chodos
Devan Dal Pos
Elio DelSette
Matt Jones
Pat Kane
BK Keramati
Robert Kuczynski
Mike Los
Barbara Thomas
Robert Turner
Beth Wurtmann

EXCUSED: Jeff Altamari
Minita Sanghvi

STAFF: Tony Izzo, Assistant city Attorney

RECORDING OF PROCEEDING

The proceedings of this meeting were taped for the benefit of the secretary. Because the minutes are not a verbatim record of the proceedings, the minutes are not a word-for-word transcript.

CALL TO ORDER

Chairman R. Turner called the meeting to order at 7:10 pm.

INTRODUCTORY REMARKS

R. Turner asked each member of the committee to introduce themselves. Tony Izzo announced that there are two newly appointed clerks, Kathy Moran and Nancy Wagner that will alternate taking minutes at each meeting. He said that K. Moran was the clerk for the 2000-2001 Charter Commission and both clerks have a long history of taking minutes for a variety of boards, Commissions and Authorities.

R. Turner explained that this committee is committed to the concept of openness and transparency. It is important to determine what is done and how it is done. He advised that each meeting will be streamed on the City's website and the recording should be available on the site the next day. He informed committee members that the City's website includes an option to click on "stay Informed" where you can sign up to receive copies of agendas and attachments to agendas of any posted city board meetings. He advised the commission that he is working with the City's IT Department to have the items for the meeting available to committee members and to the public in advance of the meeting. He said he is grateful to Mayor Yepsen and Tony Izzo for their work with the committee. There will be an agenda for the next meeting issued and available beforehand.

P. Kane said that "Stay Informed" is on the main page of the City's website and the program enables people to sign up for particular announcements which will be sent by email.

APPROVAL OF BYLAWS

R. Turner distributed a copy of the Bylaws of this Charter Commission which have been prepared by A. Bullock with assistance and edits from Tony Izzo, legal advisor to this Commission and Commissioner member Matt Jones

Motion to adopt the Bylaws as presented and grant permission for the Chairperson to execute them and submit a copy to the Commission Secretary for the record made by A. Bullock, and seconded by P. Kane.

T. Izzo reported that he and M. Jones spent lots of time looking at the Bylaws. He explained that many items were removed from the first draft because they already exist in other laws so there is no reason to include them here. Other items were removed because they did not comply with the Open Meetings law. He referred to Article III, Section G., Voting, on page 2 of the Bylaws stating that he and M. Jones suggested that for decisions of the Commission, as long as a quorum is present, it shall only require a simple majority vote of the members present. However, to place a proposal on the ballot for consideration by the voters will require an affirmative vote of a majority of all the members of the Commission.

A. Bullock asked about adding a provision for alternate members. T. Izzo responded that after researching the topic of having board alternates, he has not found any statutory authorization that allows the Charter Commission to have alternate members. It would require statutes and Council approval. The City's Land Use boards have the necessary statutes and approvals in place.

E. DelSette informed the Commission that having alternate members would put the committee over the maximum number allowed.

M. Los commented that that a Charter Commission must have 9 to 15 members.

R. Kuczynski said the heart of the issue is that the Commission is governed by Section 36 of the Home Rule Law that it is appointed by the Mayor and if this Commission were to decide here to have Alternates, it would supersede those requirements so it is not the Commission's decision.

B. Thomas asked for the definition of "members sitting". A. Bullock clarified that it refers to all members present at a meeting.

G. Boyd questioned the necessity of having a treasurer. A. Bullock explained that a treasurer is permitted in the statute and the position will be necessary especially when the Commission

begins to consider budget and finances. If these bylaws are adopted, the Mayor will have to appoint one of us to be the treasurer.

R. Turner volunteered to type up the details of the budget that was approved. He said it consists of money for minute taking, Tony Izzo's time as legal consultant, primary expenses, outside legal counsel, postage, printing, web streaming, and miscellaneous costs and there should be a treasurer to monitor the budget.

Ayes all: (12-0) (3 not present at vote: M. Jones, J. Altamari, and M. Sanghvi)

R. Turner said that regarding places to meet, the audio is poor on the third floor, the Court Room is off limits by OCS and the conference rooms in City Hall are too small. T. Izzo suggested having the small tables in the Council room wing out from the end of the Council table and using smaller chairs such as those available on the third floor. He said configurations are limited because the large Council table is set in place.

GOALS AND DEADLINES:

R. Turner stated that the Commission would have to have a final product ready by August 30 in order to get it on the ballot in time for the November 6, 2016 general election. B. Thomas said it would be silly to try to reach a conclusion and present a revised Charter by the general election this fall. It would be far more feasible to set the 2017 general election as a goal.

M. Los said that they received strong advice from Wade Beltramo of NYCOM to weigh the decision appropriately. B. Wurtmann agreed that they should be diligent.

P. Kane said this November is not feasible; we should aim for November 2017 which is a local election year. G. Boyd said if the referendum is on the November 2017 ballot and it is approved whatever changes are included would not be able to be set in place until the fall of 2019 and January of 2020, which is especially significant if the length of the terms are changed, or the particular offices and duties are revised. Essentially the ratification of the new Charter would be delayed three years which is why he recommends holding a special election in 2017. If a new charter is approved at the Special Election, individuals could run for the new or revised positions in November of 2017 and take office January 1, 2018. The amount of work would expand to fill the time available if the November 2017 general election is the goal.

L. Chodos expressed concern about the cost of holding a special election. G. Boyd said that information from the Commissioner of Elections indicated that with printing, advertising, logistics, and election inspectors, the cost would be between \$20k and \$30k.

R. Turner said that the referendum might get lost in the time shuffle and with the local offices on the ballot, it might be overlooked but having a special election would provide the voter with an opportunity to focus on the referendum and voice their opinion.

L. Chodos said that more people vote in a general election.

B. Thomas agreed that the number of voters and participants can be limited by a special election and the document would have to be ready by December. The Commission needs time to get everything together and there should be a date set when it goes into effect.

R. Turner commented that W. Beltramo had stressed that the final document should take only six to nine months because if it drags on longer people will lose focus and interest and also, everything should be stated to go into effect sooner rather than later. R. Turner said that holding

a special election would not limit anyone's right to vote. He is concerned that if the referendum is on the ballot at the same time as the local general election, people's attention will be focused on the City candidates. Other communities that have held special ratifying elections recommend having a whole series of public outreach session. He recommends aiming for a Special Election in the spring of 2017.

E. DelSette recommended that the Commission should have an understanding as to how the community residents feel about this Charter and to determine if the Charter has done its job sufficiently in the last 15 years and if not, exactly where did it fail. There should be a classroom approach bringing in experts such as past and present Commissioners and Mayors and City officials to get their experience and opinions in order for the Commission to make an informed decision.

G. Boyd said this Commission has been set to draft a proposal so a deadline should be set.

E. DelSette noted that the Commission is charged to determine if the current Charter is effective and whether the community is satisfied with it and if not, to find out what needs to be changed. This should be done in order to define what direction the Commission is going to take.

P. Kane said that regardless whether we end up recommending that one word be changed or the entire form of government, G. Boyd is requesting that we do it as expediently as possible.

G. Boyd recommended adopting a motion to set a goal of a springtime referendum because it would help determine the meeting schedule and provide a goal to work towards.

R. Turner said another challenge is the budget because the City's 2017 budget process requires the Commission to submit a proposed budget for 2017 by 10/1/2016 which seems a little premature at this point because it is unclear how long it might take before the Commission is comfortable that there is enough information to decide how this Charter is functioning.

R. Turner said he left the last meeting with more questions than answers possibly because of a lack of understanding so more research is necessary. Discussions should be held with former Commissioners, Deputies and Mayors and without this information she is hesitant to set an official deadline. It must be carefully done. Perhaps in lieu of setting a hard date, the Commission should unofficially aim for a spring special Election without a drop-dead date.

G. Boyd noted that to get new offices onto the 2017 ballot, the Charter content needs to be drafted by February according to the board of Elections. The Election calendar for nominating petitions begins the first week of June prior to the local election which means that a referendum would have to be held and depending on the changes involved the current city council would have to draw up districts, and working back from the June 1 deadline, 60 days must be allowed for local laws regarding the referendum to be drafted. To meet the requirements of the Board of elections, the product would have to be drafted between January 21 and February 1, 60 days before April 1. In order to meet those dates, a decision has to be made. If we have a goal of a Special Election in the spring of 2017, it will allow time for everyone to do their job.

B Keramati advised setting goals to try to make that deadline. It seems that it would be hard to do this with such a large committee but a plan needs to be laid out between now and then to determine what is reasonable and what is not; he is concerned about the amount of work required for this.

R. Turner said it is clear that November 2016 is too early so we should shoot for a 2017 spring Special Election and if the February 1 deadline is missed, we would aim for November of 2017.

This way, we are working toward the February deadline with a pragmatic approach of having the November 2017 as a contingency deadline. G. Boyd said he is concerned that being on the November 2017 ballot means that the Charter would not take effect until January of 2020 and this would put the City and the City Council into a box and they will have to come up with legislation.

B. Thomas said that the current Charter approved in 2001 did not go fully into effect until 2004.

B. Keramati suggested setting up a process so the Commission can set up a plan and a schedule the next time it meets.

R. Turner mentioned that J. Altamari has experience with this type of thing and he has suggested assigning subcommittees and perhaps meeting on Saturday mornings. B. Keramati said a subcommittee could brainstorm and create a plan of action.

E. DelSette emphasized that this Commission needs to read the City Charter and come up with questions accordingly, then conduct research to determine whether it is efficient and working sufficiently, and whether it meets the wants and needs of the public. The public can speak from their experience whether the streets are plowed and leaves are picked up and services are rendered efficiently.

R. Turner said that the Oneonta charter was distributed because W. Beltramo discussed it as a good example of a short model.

E. DelSette stated that no one has indicated whether the Oneonta Charter has been successful and that is a key point.

R. Turner said that it is good for Commission members to have a point of comparison to our City Charter. He asked for each Commission member to talk about their reactions to the current City Charter.

P. Kane said there are elements in the City Charter that need to come out; areas that seem to be included for no apparent reason and should be removed because they complicate it. For example, when the City Council meets and specific department responsibility should not be included in the Charter.

B. Thomas said the Charter calls for Department of Personnel but that has not been implemented.

E. DelSette clarified that there is a Human Resources staff with designated responsibilities; a Personnel Director would be in lieu of a 3-person Civil Service Commission. B. Thomas asked if there is a Personnel Department to evaluate positions in the City and E. DelSette responded that the HR person is charged with that responsibility.

B. Keramati said the current Charter requires the Commissioners and Mayor to function as legislators within an executive body making laws that affect everyone and simultaneously manage and protect their departments and this requires extraordinary patience and having elected officials wear so many different hats seems too complicated. He wants to learn from sitting Commissioners whether it is working.

G. Boyd said there is an inherent structural deficiency within the charter not only at the Commissioner level but the dysfunction is at the second and third level below the

Commissioners. People have a portion of responsibility but not all of it necessitating the involvement of other departments.

R. Turner said the empirical question is to what degree there is overlap of responsibility and how it is handled. The areas of overlap should be identified and if there is a persistent layer of problems then we will move to normative questions.

D. Dal Pos said he is frustrated as a person that wants to be more involved in his local government because as a global view, there are 4 Commissioners and one Mayor and each is in charge of a department, represent the citizenship, and make laws so you must have certain qualifications and this discourages involvement of citizens to seek election.

M. Jones agreed with Devin stating that he served five years on the Board of Education which consists of citizens serving without compensation. This is a flaw in the City's system but not a fatal flaw. Requirements to run a department for a small amount of money exclude a large amount of people. He has known a total of 15 City Attorneys or assistants and he has always been amazed at their ability to discern where the City's interest lies, how lawyers are able to work through a situation where the Mayor's interest differs. It is hard to work through circumstances objectively when there are five clients with different views and one of them hired you. He wondered if there should be a corporate counsel model.

E. DelSette said there are opportunities for citizens to serve on committees to learn and prepare to run for office.

R. Turner said that we do not have the answers at the table; a work plan is needed. He recommends identifying the areas where more education and explanation is needed.

R. Kuczynski commented that incredibly specific things are within the Charter in some spots and in other places only vague references. For example given the amount of responsibility the Department of Public Safety has, there does not seem to be much oversight other than the DPS Commissioner. He explained that only his personal experience serving on the Board of Assessment Review clarified the demarcation between the Accounts and the Finance Department.

E. DelSette said that maybe it is pride of authorship, but the Commission should start to read the Charter and review it item by item. He said he is here to see if the charter can be preserved and to determine where the Charter is deficient and how to change it. He likes the charter but admits that modifications are necessary. There are certain dubious responsibilities among the City Council. There are added layers of people when it might be better for certain departments to work with the City Council directly and not with Department Heads. For example, is there a neater way to assign the responsibilities of Community Development, Risk and Safety, and the City Attorney?

R. Turner said we should not know where we want to go. We should consider whether the Charter discourages people from running for office. Maybe we should talk to potential candidates, past chairman as find out why people feel this way.

E. DelSette said that some overlap creates conflict and inefficiency.

R. Turner said that as he read our City Charter he wanted to read others to gain a perspective on what is unique and distinct about Saratoga Springs Charter.

B. Wurtmann said that some things should come out of the Charter. The setting of salaries within the charter deserves discussion because that does not seem to belong there. The other section that does not seem to belong is in regards to the condemnation of property.

A. Bullock said that several years ago her family was involved with the building of the recreation center and they discovered phrases like the "five-headed monster" when they were trying to determine whose idea it was and where the facility was going. If there are five different people with five different silos or fields of responsibility, either all are responsible or no one is. It is difficult for citizens to figure out how things work. For example, it is hard to determine what the Mayor's responsibility is and how the Mayor is to carry it out. How can the Mayor preside over the Recreation Department, the Planning and Land Use Boards and Building Department at the same time?

M. Los said there seem to be different variations; he could read it ten times and answers will not be flushed out until we get involved in the interview process. It is hard to understand everyone's responsibilities. He questioned whether the Commission will be able to learn the answers through the interview process; it might be challenging to discover the deficiencies. E. DeSette recommended going to the public and asking them.

D. Dal Pos commented that we would only learn the perception of the public not the function of the government.

B. Keramati noted that the responsibilities of each Department vary so much that it is odd that each Commissioner and the Mayor are paid the same amount of money.

P. Kane agreed adding that is especially true when two of the departments operate 24/7 and three do not.

M. Los said that under Finance there is a lot of description that is extra; each area is described and he wondered whether it should be in the Charter or in the City Code. Responsibilities should be clear and malleable and explained to the public but there are parts that should be fluid; they should be in the City Code so it is easy to change them. This needs to be examined as a business and a lot of areas should be in the City Code, not in the Charter. He is not recommending moving responsibilities, just moving them to where they can be changed easily.

R. Turner said reading the Charter and the discussion provoked 20 questions. Why is this a Charter? Is this standard best practice language? Are there too many or too few checks and balances? Why is there a preamble? Why is language for vacancies included? What to the County Supervisors M. Veitch and P. Martin think of the section on Supervisors? Does the ethics language work? Is the ethics language standard and can it be improved? Is the HR and collective bargaining process working? Is the Capital Budget process working?

Barbara Thomas commented that since the capital budget process has been in place there have been no deficit budgets.

R. Turner said there is a shortage of soccer and lacrosse fields. He asked how other communities handle Board appointments, position descriptions. He questioned whether the planning and economic development process functions well. He said he would like to discuss the budget process with Mark Lawton and he wants to learn whether it is working. It is not apparent to him how well any of these aspects of the Charter are functioning. He asked about the effectiveness of the Sewer and Water policies and whether the Commissioner of Public Works can have a City Beautification program. He asked whether there is staff to trim and

suggested talking with former and present commissioners to see what they think. He asked about the significance of the Special Assessment District to the Charter.

E. DeSette said that when the great recession came the Charter was in place and we maintained the government. What about Urban Renewal? The City has been able to survive all the changes and still be successful. The deficiencies cited are correctable without destroying the form government.

R. Turner suggested that each member should create a list of things they want to know about the Charter. We may want to determine what parts to keep or modify or remove. We must ask the hard questions and not necessarily accept something because it has always been done that way. We are in an era of diminished public resources, increased public expectations with increased public scrutiny. We all have different experiences; let's define what people want.

B. Thomas said the general public has no real idea of the chain of command within City Hall; the popular notion is that the Mayor is in charge yet this is not true with this current form of government. We must look at legislation compared to administration.

B. Keramati said he is looking at a document with no idea of what it means and he will not truly understand it without talking to the people involved. He will not know what questions to write down until he has spoken with them.

B. Thomas agreed stating that one example is the complexities with the city Attorney that would not be apparent without reading the charter. She asked who the Commission could talk to clarify each member's particular concerns because the Commission should be informed.

T. Izzo said that tonight's discussion has been educational and he is very impressed. He said that many questions that were asked tonight have straight forward answers but he opted not to be annoying. However, the Commission is on the right track because it has identified many questions that are not simple to answer and require much analysis and review.

R. Turner reminded the Commission to send him their questions and he will write them and send them out within 24 hours. He encouraged the Commission that there is no such thing as a dumb question. When the questions are listed the Commission must give thought as to how to get the answers to the questions.

E. DeSette asked why the City is so successful under this form of government.

R. Turner said that political science literature is not helpful on this. As to why Cities are successes or failures can be attributed to location and other things, not just form of government.

OTHER BUSINESS

B. Wurtmann has thoughts on how to supplement public outreach with things other than public forums. She suggested establishing a generic g-mail address so people can enter in and comment. She suggested Twitter and Facebook and photographs of the Commission as proposed mechanisms for the public to respond and track our progress.

B. Keramati advised that tracking messages and responding to the public could take extra hours and work.

R. Turner said that trying to get a sense of what the public is thinking is a great challenge of this Commission. Inviting key stakeholders and holding events and meetings in different areas of the

City is important; it is necessary to go above and beyond what is required by the open meetings law.

B. Wurtmann said the chosen forum must be open; as long as the process is transparent it should be acceptable. Administrators have the ability to block content. A subcommittee could be formed and it would include B. Wurtmann, M. Sanghvi, and L. Chodos.

E. DelSette asked about the difficulty to sort through responses and use them for determinations. B. Wurtmann responded that the Commission must determine how to get diversified views. Even with Facebook responses, the trick is to get people to platforms.

G. Boyd is concerned how it would be determined whether people posting responses are actually from the City of Saratoga Springs.

B. Wurtmann said part of using social media is to put information out not to solicit public opinion. We are trying to reach a population that is not likely or willing to show up at a meeting.

L. Chodos said that the Commissioners and Deputies would tell us what would make their job easier or what makes it harder. We should have people with experience tell us what should be done.

R. Turner asked for questions from the members to be sent ASAP so he can get them ready by the next meeting. He also asked that Commission members review the Charter Review Commission Reform Act.

B. Keramati suggested providing a deadline for responses. He asked about making the questions accessible to each other.

R. Kuczynski explained that he has created a URL and page for the Commission. He started out basic with the g-mail address of saratogacharterreview@gmail.com. All the paper should be accessible to everyone. He is looking at inexpensive large capacity alternatives and to set up a simple URL. He mentioned docsrobrina.com indicating that it is a drop box and items can be re-directed. He said we could get more sophisticated. We can set it up with editing privileges. Since we are subject to FOIL, we might want to back it up beyond what Google can offer.

NEXT MEETING

The next meeting is scheduled for Tuesday July 26, 2016 in the City Council room.

ADJOURNMENT

There being no further business Chairman Turner requested a motion to adjourn the meeting.

M. Los moved and D. Dal Pos seconded to adjourn the meeting at 9:06pm.

Ayes all.

Respectfully submitted,

Nancy Wagner, Clerk