



November 22, 2016
CITY OF SARATOGA SPRINGS
Charter Review Commission
Music Hall – City Hall
7:00 PM

CALL TO ORDER

ROLL CALL

SALUTE TO FLAG

WELCOME AND ANNOUNCEMENTS

INTRODUCTORY REMARKS

MINUTES

STATEMENTS BY FORMER CHARTER REVIEW COMMISSION MEMBER MARK LAWTON

COMMITTEE REPORTS

ADJOURN



November 22, 2016
CITY OF SARATOGA SPRINGS Charter
Review Commission
Music Hall – City Hall
7:00 PM

PRESENT: Ann Casey Bullock
Jeff Altamari
Gordon Boyd
Laura Chodos
Matt Jones
Pat Kane
BK Keramati
Mike Los
Barbara Thomas
Robert Turner
Devin Dal Pos
Beth Wurtmann (arrived 7:15 p.m.)

ABSENT: Elio DelSette
Robert Kuczynski

STAFF: Tony Izzo

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 Robert Turner called the meeting to order at 7:00 p.m.

PUBLIC COMMENT

Bonnie Sellers asked that Commission members give some thought to the following items:

1. Move the POSH position under control of the Department of Public Works.
2. Boards and Committees should be composed by the Council as a whole with each Council member having an equal amount of appointments.
3. The City Attorney should be appointed by the entire Council
4. The Mayor already has a heavy load. There needs to be some good discussion as to whether the Mayor should be able to serve as a Supervisor as well.
5. Supervisors should not be part of the Council. It will dilute Council members' powers.
6. Terms should be kept at two years.
7. There should be manager level positions in each department that are not part of unions.
8. There needs to be good discussion on establishing wards. She believed it would create more division in the community. She suggested not creating wards.
9. She believed that a ten year review of the charter was too short. She suggested it be longer and said that NYCOM general counsel should be contacted on what other communities do.
10. She said that often it is not the form of government but the people running it that cause the weakness. She said the form would not change behavior

(Beth Wurtmann arrived: 7:15 p.m.)

MINUTES

Gordon Boyd moved and Pat Kane seconded to approve the November 10, 2016, meeting minutes. Ayes all.

INTRODUCTORY REMARKS

Bob Turner said that committees continue their work. The candidate survey will go out to Leadership Saratoga participants soon.

COMMENTS BY FORMER COMMISSION MEMBER MARK LAWTON

Mark Lawton said the 2000-2001 Commission dealt with the basic question of whether the community was able to live with what they had or was it time for a major change to the Charter. At that time, the City was functioning under the original charter of 1915. Up until that point, the prior charter reviews were about changing the form of government. Under the 2000-01 charter review, the essential pieces of finance, personnel and planning were added. Some of their goals were to figure out who was responsible for what, whether they had the skills to oversee the responsibility and to ensure cooperation and collaboration among Council members. They did not believe that negative incentives belonged in the charter, therefore, there are no consequences to inaction. Unfortunately, that makes some items easily ignored. He said at that time nepotism and patronages were the rules. He said the overreaching purpose of that commission was to update the document, make the Council more responsible, accountable and transparent. He said the survey conducted among residents showed that few knew what was required of local government. He said this form of government does not encourage best management practices.

Bob Turner said that generally speaking residents do not know what the best management practices are or should be. He asked what was not being done at that time. Mark Lawton said at that time there had not been an audit of City books in 12 years, the Recreation Commission

operated completely outside of the City's purview and there was money missing in the Department of Public Works. There were enough problems that even the casual observer would know that the government was not functioning properly. He said residents only know that they should call the Commissioner if they need something. The Council does not operate for the benefit of the entire City. They operate for the benefit of their department only.

Gordon Boyd suggested that the existing charter is so detailed because of those gaps and the way the government was functioning at that time. He asked about the separation of powers. Mark Lawton said no one had paid attention to the basic law of the City for nearly 85 years. He said that under the survey done at that time, residents wanted to retain this form of government. The culture of the City is extraordinarily important in the discussion. That Commission decided to modernize the charter, make it professional and include best management practices. That is the reason for the detail. He agreed that the amount of detail was unusual.

BK Keramati asked at what point that Commission came to the realization that changing the form was not the way to go. Mark Lawton said it was a collective decision after conducting interviews, the survey and reading all of the material. After all of that, they also agreed that it must be a unanimous decision on all things and there would be no minority report. He said residents wanted professionalism, access and transparency. Politics play a major role in this form. The Finance and Personnel sections were added because of chaos and waste in City Hall.

Jeff Altamari said that Commission did a tremendous amount of work. He asked if Mark Lawton was disappointed with the results. Mark Lawton said it is a mixed bag. Some progress was made and there is some satisfaction, i.e., the detail in the Finance section makes the budgeting process function quite well. He said the lack of continuity because of the politics was a concern. There are sections of the charter that have not been implemented and law suits were brought against the City, however, those suits were not successful. He said procedures and processes are fragile under this form because of the politics. Under this Charter, the Mayor is now the chief negotiator. He said the Personnel function is a mess though, with no career ladder for employees or the ability to transfer functions among departments. Bob Turner asked if functions could be transferred among department. Mark Lawton said no. He said at this time, Council members have their own appointing authority and he believed that the "City" needed to be the appointing authority.

Gordon Boyd asked if employees are trapped in departments and whether there is incentive to upgrade their skills. Mark Lawton said that with all of the union contracts there is no consistency. There are different benefits, different days off, etc. He said it is just a mess.

BK Keramati clarified that in the prior Commission's discussions all of these items were recognized and discussed, but there was no agreement to move to a better system. Mark Lawton said in most charters it would say there is a "Personnel Department". The City needs to have professionals in this area. At one point, the City hired a Human Resources Director who too junior to the position and Council members would not allow her to function. The prior Commission wanted the hiring and firing ability taken away from the Council member, however, there was no agreement on that matter. He said the Civil Service process can be rigged. The City is financially bleeding because of personnel issues.

Matthew Jones said the drafting committee has discussed that some charter mandates have been followed, while others have not. He asked what the remedy was if the charter was not followed. Mark Lawton said there was political remedy under the election process. There could be remedy by removing the management responsibilities from the Council members. BK Keramati asked how those functions could be separated. Mark Lawton said it was a simple language change, i.e., change the language to have one appointing authority rather than five. Having politics in the midst of managerial functions does not allow for the government to function well or professionally.

BK Keramati stated that the term commission implies there is management responsibility. He asked if the duties could be separated and how would that be done. Mark Lawton said there is a difference between monitoring and managing. He said there has been some great discussion on the Finance Commissioners opinion that the Finance Department has the ability, unilaterally, to change the capital budget program. He said that was not the intent of the of this Charter. There were many good things added to this charter, such as the "Certification of Funds" which does not allow a purchase to be made if the funds are not available.

Gordon Boyd said there is an enforcement mechanism in the Finance Department concerning the City's budget, in that if the Council does not approve a budget, the Finance Department's budget becomes the budget by default. He asked if that concept could be carried through to other departments. Mark Lawton relayed a story about former Governor Al Smith attempting to change the budget process by creating an executive budget that had to be submitted to the legislature. He said our City has a "rolling" budget which means they can approve expenditures with future money. The default budget process ensures that there is no deadlock on a budget and that there is a budget. Budgets can always be amended. He agreed that a default budget was unique.

Matthew Jones asked about removing items from the Charter and placing it in administrative code and whether that should happen. Mark Lawton agreed there was a high level of detail in the charter, but he suggested if this Commission chose to remove things they should carefully target those areas. He said there are some critical issues that may need to remain, because they have not yet been accepted by the Council. He suggested that when drafting a revision to this charter that highly skilled counsel in charter review be engaged. He said if an item is vital to the integrity of the City it belongs in the charter. Items such as a balanced budget and capital programs are vital and are worth preserving.

Pat Kane said the lack of consequences gives cause for concern. Mark Lawton said the prior Commission did not believe that there should be punitive controls within the charter. He said there was cause for concern over the lack of some things not being done, i.e., emergency plans. He said it is his understanding that the emergency plans are held up by union contracts. These documents involve the health and safety of the citizens and we cannot rely on the good will of Council members. He did not believe that Council members should be compelled to do their jobs under some sort of penalty.

Bob Turner asked about Mark Lawton's thoughts on Deputy Commissioners and whether they have served to create professional management and some continuity. Mark Lawton believed that there should be some management or confidential positions within the government. He said the unions in the City prevent that from happening. There is a skill set that is required for

management or confidential positions. He said there needs to be some willingness on both sides to move to those positions.

Pat Kane said there was no doubt that the City's finances are better today than before, but there is a lack of continuity in personnel functions. He asked about the lack of annual reviews for employees and career paths. Mark Lawton said that personnel functions across the City should be unified. He said hiring, firing, benefits all need to be moved to the Personnel Department. That department should also be in on negotiations.

Bob Turner thanked Mark Lawton for his insights on the prior Commission's work.

COMMITTEE REPORTS

Outreach

Beth Wurtmann said the committee continues its work on outreach through media advisories, the web page and writing articles for the local news print. She said the Saratoga Today edition which comes out today will have an article and photo with the Mayor of Canandaigua's interview. Pat Kane suggested contacting LOOK TV. Beth Wurtmann agreed and further noted that the Times Union and WAMC were on the list to be used to reach out to constituencies. She said the yearend stories that are often done in newsprint could include some information on Charter Commission's work with a spin on looking forward to the upcoming year's work. She asked for Commission members thoughts on holding another town meeting. The committee thought it might be better to wait until we are further along in the process. Pat Kane said in 2008, 50 percent of the voters had registered in Saratoga Springs after 2000. He said the politics in the community continues to change. He said there are organizations such as the Southwest Neighborhood Association that could be contacted. Beth Wurtmann said they were looking at developing videos and using quotes from some of the people interviewed. She said they are looking at all ways to get the word out and to share with the residents what the Commission is working on. BK Keramati suggested that we wait until there is a product. He said once there is a product that will create awareness and discussion. Pat Kane said typically there is little attention paid to anything until something happens. He said we need to continue to move forward. Gordon Boyd said there needs to be some conflict or two sides of a story before there is an interest to report on. He said once a proposal is developed, it will draw the attention of the public.

Laura Chodos asked about the prior survey. Bob Turner said he had that information. He said when developing a survey, we need to be careful to gauge the questions to be about the charter and not the services provided, i.e., are your leaves being picked up and streets plowed. He said that kind of work gets done no matter the form of government. He said our survey will be a mixed method that will include an internet survey. There will be varied audiences. Laura Chodos asked how we could generate more interest in this process. Bo Turner said the survey will help.

Mike Los said some of the generating interest is incumbent on us. We must reach out to our own network of people and talk about this.

Ann Bullock asked Mark Lawton at what point in the prior Commission's process they did the survey. Mark Lawton said they did it very early in the process. They also did an extensive speakers bureau and fact sheets.

Current Charter Review

BK Keramati said they continue to work on the survey for City employees and how the charter impacts their work. It will be sent out to all employees. They are also working on questions that will be used to interview downtown businesses. Those interviews will be conducted over the next month or two. Gordon Boyd asked if the interviews would be confidential. BK Keramati said there would be their own notes from the interviews but no official minutes. He said they were open to participation from other Commission members to assist in the interview process.

Drafting Committee

Matthew Jones said the drafting committee met this evening. They continue to interview individuals. They are considering inviting land use board members. He said they continue to go through the charter to review what might be better served in administrative code. He said the members of the drafting committee have agreed that they will not be the scribes of the revisions. Counsel will need to be engaged to draft changes.

Alternative Charters

Pat Kane said this committee continues to interview representatives from similar sized communities. Mike Los said they most recently interviewed the Mayor of Canandaigua who had a lot of information to share. They also interviewed the City Manager from Geneva. Both of those individuals have developed a relationship and have begun to share services. They both operate under a ward system which led to interesting discussion. Bob Turner said it was interesting to hear that the residents in the ward systems have developed neighborhood associations and have become more involved in their community and their cities. He said that Council members in those cities spend on average between 6 to 10 hours per week on their duties. They believed that the City Manager keeps things more objective. They have four year terms which are staggered to provide for some continuity. Pat Kane said they will continue to interview people and he has reached out to strong Mayors of other communities. He is looking at Cities of similar size and demographics of Saratoga Springs.

NEXT MEETING

Bob Turner said with the upcoming holidays a meeting schedule needs to be established.

There was much discussion on the upcoming deadline if the charter is to be ready for a vote in April. Gordon Boyd said in order to adhere to the election calendar, a final document must be ready by mid-February. If we miss that deadline, then it must be ready later in the year for the November election. He said this is all due to the election calendar and the nominating petition cycle.

Jeff Altamari said the Commission needs to make some firm meeting dates in order to keep the process moving. However, there needs to be some good discussion on where we are going, what we are proposing, deadlines, etc. Gordon Boyd suggested meeting next week so the

Commission could have that discussion. Bob Turner agreed that goals and priorities need to be established. Barbara Thomas said we need to have a draft document ready so we can get it out the community and talk about it. It needs to be designed so that we can bring it to the public, talk about it and get them to understand it. Gordon Boyd said we need to get something on the table. He said in order to get a document ready by mid-February, we need to increase the frequency of our meetings. Jeff Altamari said that our own expectations need to be described first. We need to know where we are going and then work backwards with a plan. BK Keramati said if we are willing to put a document out there and then have comment after, perhaps we could be ready by February.

Bob Turner said the makeup of this Commission is far different than other communities. Most communities have between six and eight members and often they are insiders who know a lot about the local government. This Commission is made up of a cross section of individuals who are not immersed in the day to day politics which provides for a more deliberative democratic model. We are a group of people who are good cross section of the City's population that was put together to review and pronounce a decision.

Pat Kane said the conversation on the document will happen from mid-February to the voting date. Barbara Thomas said that is when we will need to educate the public.

Gordon Boyd said this is a two phase process. The first phase we must complete within the next 75 days or so by developing a document. After mid-February, it is then incumbent upon us to reach out to the community on the proposed document.

Barbara Thomas asked what the real harm in missing the February deadline was. Tony Izzo said the prior Commission held the vote during the regular voting process in November. Gordon Boyd said there was no real harm in waiting until November; however, it would be a two year deferral of any changes that are approved.

Jeff Altamari asked what was the compelling sense of urgency. He said the prior Commission struggled with the changes they made and he did not believe that we were going to be without struggle. He said there still needs to be a lot of review and consensus on our part. This is a mountainous challenge.

Ann Bullock said we are not operating in a vacuum and hold a special vote in April may not be the best thing to do considering the current political climate throughout the country.

Gordon Boyd disagreed and said that we need to put together the best document that we can for the voters.

Beth Wurtmann said she remained open to a vote in April or November. She said she wanted to put forth a document that would succeed. Gordon Boyd said we need to put together the best document that we can and get it on the ballot.

Bob Turner said it seemed as though the Commission had come to a turning point this evening – do we change the charter or stay with the status quo. BK Keramati said there would need to be a lot of work done to convince voters to change what we have and he was not sure that he had enough information to do that at this time.

Laura Chodos said we need to hear from the voters. She said that if we decide to have a City Manager we need to be able to fully support that and perhaps use City Managers that we have interviewed for that justification. She said there could also be financial savings that could be promoted. She suggested that there could be presentations devoted to describing the financial savings. She said panel discussions might also be necessary if we propose to change the form.

Mark Lawton said reasonable comparisons of the existing government and whatever is proposed could be developed for the residents.

Matthew Jones said there is a lot of work that needs to be done before whatever deadline is selected. He said we are not sure yet if there is to be one initiative or alternatives, can we do some improvements to the existing charter, can a City Manager be on the ballot, etc. Tony Izzo said alternatives could be on the ballot with the highest vote getter winning. Matthew Jones said the Commission needs to start drafting, writing and voting on the proposals very soon.

It was agreed the next few meetings would be held on November 29, December 5, and December 13.

ADJOURNMENT

BK Keramati moved and Pat Kane seconded to adjourn the meeting at 9:40 p.m. Ayes all. There being no further business Bob Turner adjourned the meeting at 9:40 p.m.

Respectfully submitted,

Katherine A. Moran
Clerk

Adopted: