



February 2, 2017  
CITY OF SARATOGA SPRINGS  
Charter Review Commission  
City Hall Music Hall  
7:00 PM

**CALL TO ORDER**

**WELCOME AND ANNOUNCEMENTS**

**PUBLIC COMMENT**

**INTRODUCTORY REMARKS BY BOB TURNER**

**APPROVAL OF MINUTES**

**DISCUSSION OF CHARTER PROVISIONS to include role of County supervisors, ethics provisions, the City Attorney's office, the identification of departments and land use boards, vacancies, the recreation commission, and the city clerk.**

**ADJOURN**



February 2, 2017  
CITY OF SARATOGA SPRINGS  
Charter Review Commission  
City Hall Music Hall  
7:00 PM

PRESENT: Jeff Altamari  
Ann Casey Bullock  
Gordon Boyd  
Laura Chodos  
Devin Dal Pos  
Elio DelSette  
Matt Jones  
Pat Kane  
Robert Kuczynski  
Mike Los  
Minita Sanghvi  
Barbara Thomas  
Robert Turner  
Beth Wurtmann

ABSENT: BK Keramati  
Mike Los  
Minita Sanghvi

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**

Chair Robert Turner opened the meeting for public comment. Seeing that no one wished to speak, Chair Robert Turner closed the public comment period.

### **INTRODUCTORY REMARKS**

Chair Robert Turner welcomed everyone to the meeting.

## **APPROVAL OF MINUTES**

Chair Robert Turner asked for approval of the meeting minutes from January 10, January 19 and January 24.

**Gordon Boyd moved and Laura Chodos seconded to approve the Charter Commission meeting minutes from January 10, January 19, and January 24 as presented.**

**Ayes all**

Elio DelSette went on record that despite the newspaper reporting that the Commission had unanimously supported a change in the City's form of government to that of City Manager form, he has continued to support the current form and was not present at the meeting to vote against the alternate form.

### **Role of City Attorney**

Robert Turner said that first matter to discuss tonight is what to do about the City Attorney. The City Attorney situation is one of the issues that even people who want to keep the current Charter have a problem with. Currently the City Attorney is appointed and fired by the Mayor without City Council input, yet the position necessitates that the City Attorney provide legal expertise for the whole Council. He said that research of different charters indicates there is a tremendous variation on this. Some points include appointment and removal and procedures for hiring outside counsel.

Matt Jones commented that the conflict comes in identifying who the client is. The role of City attorney often involves prospective advice to someone who wants to know how to get to a particular conclusion or how not to get there; it is very tricky and all are better served if the City attorney is appointed by the City Council, then it is clear the client is the City Council.

Ann Bullock said that judicial independence is important; the City Attorney must be on its own, in its own little bubble along with HR, Risk and Safety.

Pat Kane said our legal entity as it evolves should report directly to the City Council and if they need to take action against the City Manager, they can. He envisions the legal department with two to three attorneys, some with specialties like land use boards; it is difficult for an attorney to serve several entities at once functionally.

Matt Jones said that the City Attorney currently serves the City Council but is not appointed by the City Council and the appointment is not confirmed by the City Council and this should change.

The Commission considered the following options:

- 1) City Attorney appointed by the City Manager, no confirmation required by City Council
- 2) City Attorney appointed by the City Manager, confirmed by the City Council
- 3) City Attorney appointed by the City Council
- 4) City Attorney appointed by the Mayor, confirmed by the City Council
- 5) City Attorney appointed by the Mayor, no confirmation required by Council.

Robert Turner noted there is no scholarly research on this.

Pat Kane said that the City Manager should not have anything to do with hiring the City Attorney. Jeff Altamari agrees and added that the Mayor should not hire the City Attorney either.

Pat Kane said that here is where a legal department would be beneficial to the City; we already often hire outside law firms to handle particular issues, so why not have a legal department.

Gordon Boyd pointed out that the attorney would have a daily relationship with whoever their client is; the full time City Manager would be the one most available and accessible to the City Attorney, the City Council is only part time.

(Beth Wurtmann arrived at 7:22 p.m.)

Robert Turner commented that in Canandaigua the term of the City Attorney is indefinite and they can be removed by a 2/3 vote. Gordon Boyd likes the idea of approval of the City Attorney by simple majority, removal of the City Attorney by 2/3 majority.

Gordon Boyd said that office would be part of the legislative branch regarding accountability. Most action will come from the executive branch; are we creating a stove pipe? In most county governments the legal counsel is part of the executive branch.

Robert Turner said in theory, in the Council-Manager form, there are not checks and balances because the City manager does what the City Council tells him/her to do. The City Manager does not have formal powers; he can't initiate something against the wishes of the City Council.

Jeff Altamari said that functionally the City Attorney has the closest working relationship with the City Manager. It is like an internal auditor, there is no worry about aggravating the City Manager, and the City Attorney is independent.

Gordon Boyd stated that where the City Manager and the City Attorney would be involved is to draft ordinances and contracts and local laws. City Attorneys are essentially legal advisors to the legislative body.

Matt Jones likened it to the School Board. The lawyer worked generally with the Superintendent, however the Board of Education hires the Attorney every year; the Board of Education meets with the counsel on some instances. Someone needs to be in charge; in that case it is the Superintendent. Matt Jones said the process to hire the attorney starts with a search committee, then an RFP is sent out, interviews are conducted and the Board of Education hires the Attorney.

Devin Dal Pos said it should not be in the City Manager's wheel house. It is appropriate to have a specific person responsible to search for and propose a City Attorney and then the Council confirms or votes on the selection. The daily function of a City Manager is to deal with people and day to day business. The City Manager could conduct the search, review qualifications and resumes and come up with names to recommend to the City Council but interviews and selection should not be part of the City Manager's responsibility.

Robert Turner said in this instance we are actually changing the form of politics. Currently, they are appointed to be the Mayor's person but if the City Manager hires and the City Council confirms, the criteria is no longer political loyalty but more toward competence.

Ann Bullock said that if the City Council is expected to hire a professional City Manager, they should be able to hire a City Attorney.

Devin Dal Pos said the task of the search, screening the collection of applications and resumes of qualified candidates should belong to the City Manager; the City Council interviews and hires.

Pat Kane said the bottom line is that the City Attorney would be working more with the City Manager than with the City Council. The City Manager reports to the City Council if something serious is going on but he/she reports to the City Manager daily. There is also a connection to HR in that the City Attorney helps the City Manager straddle that line. The Mayor needs the City Attorney more to negotiate contracts; the Council needs a connection with the City Attorney but they work with the Mayor and the City Attorney works more closely with the City Manager.

Barbara Thomas suggested considering a legal department because under the current form the Council seems to hire specialized attorneys; often it is because members of the City Council sue other members of the City Council. In our proposed form would the City Attorney hire a legal consultant to the land use boards?

Robert Turner said the powers of the City Attorney vary; they are the legal advisor to the City Council and to anyone in City Hall and the land use boards; they can defend all actions, suits, etc.

Devin Dal Pos questioned whether the Commission wants to include the City Attorney in the City Charter.

Jeff Altamari does not think so; Albany's Corporation Council is created legislatively, it is not in the Charter. He said it would be sufficient to include language in the Charter that there must be the position of City Attorney but the specifics could be in the City Code. He is concerned that the approval process would be glossed over because the City Council trusts the recommendation. He believes the City Council would be competent enough to interview screened candidates and make a decision. With the position of City Attorney, there should be a feeling of independence from the politics.

Robert Turner commented that in the interview, the current City Attorney said there is no right answer; the turnover hurts the City's ability to be consistent. A lot of the issues are tricky and become even more challenging when the City Attorney changes every two years. Continuity would benefit the City.

Matt Jones said if the City Council makes the decision to hire the City Attorney, they would be content with that; we may want to include the RFP process but the entire procedure does not have to be in the Charter.

Robert Turner asked what would happen if a City Attorney is hired by a republican majority Council and then the Council flips to a majority of democrats; would the City Attorney be removed?

Jeff Altamari said the performance of the City Attorney should not be impacted by politics. Both the administrative and the legislative sides should weigh in; no one should be unilaterally dismissed due to a change in political reign.

Pat Kane said that the current attorney to the school board has been there for years, hired by one school board and he has served through several Superintendents and school boards. Matt Jones acknowledged that there is a danger that if the City Council changes majority political affiliation, it could impact the City Attorney position. Pat Kane suggested having the City Attorney approved by a majority vote and removed by a 2/3 vote of the Council.

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Robert Turner said the City Attorney definitely should not be appointed by the Mayor, but instead the City Council should appoint the City Attorney and it is perfunctory that the candidates would be qualified.

Gordon Boyd said because the City Attorney is counsel to both the legislative and executive branches and the City Manager or Mayor works to find candidates, and the City Council approves/appoints the City Attorney, it is hard to preclude political considerations or discretionary appointments. Having both branches participate in the appointment process is the best thing to do.

Jeff Altamari has no problem asking the City Manager to search and vet a candidate for City Attorney but the City Council should weigh in. Things should not get rubber-stamped in the interest of cordiality. If an individual is being proposed for the position of City Attorney upon the recommendation of one person, they might be voted in for the sake of cordiality.

Robert Turner said the primary function of the City Attorney is to provide legal advice to a City Council. He is leaning toward appointment by the City Manager with confirmation or hiring/approval of the City Council. Another scenario is that the City Manager proposes a minimum of three candidates after vetting and reviewing applications and the City Council interviews the final three and appoints one of them.

Ann Bullock said that the City Manager will most likely not be from this area and she doubts that he or she would bring a legal entourage with them so he/she would be fully capable of objectively selecting a City Attorney.

Tony Izzo said that this is good discussion but you are talking about two officials of this proposed government who do two really different things. The primary role of a City Manager is to administer and the primary role of the City Attorney is to give advice. There are times when the City Manager gives advice and when the City Attorney performs administrative activities but primarily the City Manager administers and the City Attorney is an advisor. Whether in private hiring or public hiring, if you end up with an Attorney who does nothing more than what you tell him to do and does not ask any questions, he respectfully suggests getting another attorney because an attorney is supposed to ask questions, present different perspectives and advise accordingly. The City Manager runs the daily show.

Gordon Boyd said that a lot of procurement and bid documents and contracts must be approved by the City Attorney so they become a vortex of a lot of administrative activity. It is a full time job. He likes the idea of a City Manager conducting the search, reviewing applications and narrowing it down to three or four candidates from which the Council makes its appointment.

Matt Jones said in the "RFP Process, the Council makes the decision.

Gordon Boyd does not want to see the City Council come up with a City Attorney and hand them to the City Manager; he wants to see interaction between the two branches of government.

Matt Jones said following consultation as needed, the City Manager would provide the City Council with three qualified candidates which the City Council will interview and hire a City Attorney. He believes it should be up to the City Council whether the City Attorney has an annual contract or is an actual employee.

Devin Dal Pos said it could be as needed.

Gordon Boyd said it should be contractual; otherwise there is potential conflict such as assisting with labor contract negotiations or labor contract grievances.

Ann Bullock is not sure about the one-year appointment because of the continuity issue brought up by the current City Attorney.

Gordon Boyd said it is likely that a City Manager would consult with the City Council to determine what type of candidate is desired for the position.

There was discussion about the wording. Matt Jones said the language should include clarity.

Beth Wurtmann said the City Manager would put out an RFP and go through the process, and then the City Council hires the City Attorney following consultation with the City Manager. She reminded the Commission that the current City Attorney said to include the phrase "terminated for cause". Ann Bullock said that currently they serve at the pleasure of the Mayor; "termination for cause" translates into continuity. Gordon Boyd said that phrase could be included in the contract with the salary, etc. and put those particulars in the Code, not in the City Charter. Jeff Altamari stated that the term "serving at the pleasure" is a low standard.

Beth Wurtmann asked if the position of City Attorney would be full or part time. Robert Turner advised leaving it up to the City Council.

Pat Kane said that in 2019 with a collaborative City Council, they will put their cards on the table as to what they need; the action starts 1/1/2020.

Jeff Altamari suggested that the position be part time; we need to keep our eye on the bill for financial accountability.

### **Ethics Provisions**

Robert Turner said this is an important topic. There are a lot of concerns that having a strong set of ethics provisions in the Charter is important to the success of the government because it creates a trust between the City and the citizens. There is a certain amount of debate about what amount of ethics provisions should be in the charter, whether or not the Ethics Board should be included in the Charter. Some have it in the code and others believe it should be in the Charter so it can't be easily removed by the local legislative body. There is no hard and strong empirical data for or against it being in the code or charter.

Devin Dal Pos asked if this Ethics an overriding theme for the entire City government including the Council? Robert Turner responded, yes.

Robert Turner said some charters say there will be a Board of Ethics that renders advisory opinions to people as to what constitutes ethical behavior.

Barbara Thomas asked when you talk about ethics, are you talking about conflicts of interest? Robert Turner responded yes, that is one of the key things that drive the need for a Board of Ethics.

Pat Kane said someone can come to the Ethics Board if they perceive a problem.

Robert Turner stated that the decision is made to have an Ethics Board but then there is question about members. Some people think that members should not be appointed by the mayor but instead by other

more insulated officers of the government such as the City Attorney or the legislative auditor. Some people believe that the Mayor and City Council should not appoint members to the Ethics Board because it creates an inherent concern about impropriety and whether that is real or not does not matter, we know this sort of thing happens. Devin Dal Pos asked what the model City Charter says.

Robert Turner said the model City Charter states that the City Council shall by ordinance establish an independent Board of Ethics to administer and enforce decisions on conflicts of interest and financial disclosures. No member will be an elected or appointed officer of the City and no member can hold office in a political party. They can issue binding advisory opinions, conduct investigations on its initiative or as a result of a complaint from officials or citizens. They can subpoena witnesses and refer cases for prosecution. They can issue binding advisory opinions, conduct investigations on its own initiative or because of referral by a citizen; they are able to refer cases for prosecution, subpoena witnesses. The city council shall appropriate sufficient funds.

Matt Jones asked if our Board of Ethics should be in the Charter or statute. Robert Turner said it is tougher if it is in the Charter. He said the question then becomes how the appointments to the Ethics Board should be handled.

Gordon Boyd said he has a philosophical problem with the whole concept of an Ethics Board because he finds it contradictory that an appointed board would have supremacy of the elected legislative body; it takes rights and prerogatives away from the voters. You create a board that can browbeat and take action against elected officials which is the problem going on in State government today. There is no credibility to getting the board appointed and pretending it is not political. However, a policy requiring the disclosure of conflicts of interest is ample for a small community like this one. It is as far as we need to go to get disclosure. If there is an interest in having something more, we have the State Public Officers law that applies to the activities of the City Council. He said disclosure forms can essentially state here are my business interests that might conflict with actions of the City Council. It is a disclosure and by making a disclosure you set up the process for recusal or public disclosure or another self-directed action to keep yourself away from a conflict of interest.

Jeff Altamari agrees with Gordon Boyd and feels that the charter should include an aspirational statement about ethics; an overarching statement that defines ethics as an underlying presumption. It should essentially state there will be an ethical body, it is an obligation to our citizenry and the statement should be brief and then it should mention a conflict of interest policy. Anything beyond that can become a political nightmare.

Barbara Thomas asked Tony Izzo if there is a state law that governs boards regarding ethics. Tony Izzo replied there is, Sections 800-809 of the General Municipal Law; that is the state law that covers everything from specific conflicts of interests and it is outlined specifically; other parts of the law state that a municipality may adapt its own code of ethics, and may establish its own Ethics Board.

Robert Turner said that Article 18 Section 806 requires a municipality to adopt a code of ethics which is normally placed in municipal code but if placed in the charter, it can only be amended by local law. He thinks that the advantage of having a board of ethics for appearances is that it creates an office you can go to for advisory opinions.

Gordon Boyd said you can go to Corporation Counsel. The Corporation Counsel is empowered to advise a member of the City Council of the applicability of general municipal law as public officer's law towards their particular issue. They will have the legal expertise. He said you can't expect a volunteer Ethics Board to have the depth of knowledge of the applicable state law.



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Robert Turner asked who the Ethics Board relies on for legal advice. Tony Izzo said the City's current Ethics Board relies on the Assistant City Attorney. Devin Dal Pos asked what the Bar Association does and whether they have an Ethics Board.

Ann Bullock explained that there is a committee of professionals with the responsibility of oversight, statewide. Devin Dal Pos said there is a Board of Realtors that has the same thing.

Gordon Boyd said he has observed the performance of the City's Ethics Board over several years and they have the challenges there, and the independence, the knowledge of the law and it seems to get itself into a tangle. It may be good practice to make a strong aspirational statement and then have the City Attorney give advice to the City Council on the administration aspect and have a disclosure statement.

Jeff Altamari said there is an option to this and he is not sure if it is germane to public governance because he is from the private sector. He asked if there is an audit committee. We are talking about audit function even if it is outsourced, being responsible to talk to the Council. He said that he is Chair of a non-profit board and although they do not have a board of ethics, they have a whistle-blower policy which tells people if they perceive a conflict, or evocation, they can take the complaint to the audit committee. The focal point is that an audit committee could review the external audit report on the City and the internal audit function could receive the complaint and they could bring the necessary resources to resolve the concerns. He is offering this as an option. He believes creating a board of ethics now is a mistake because it becomes another political tool and we want to get away from that; we have a lot of politics right now, it is incendiary sometimes.

Pat Kane asked the members to reach out to see if there are any state regulations; to see what other cities are doing.

Gordon Boyd said he has a constitutional problem with having an appointed board acting with supremacy over an elected board; it is potentially troublesome.

Robert Turner said that the City Council could appoint a board of ethics legislatively. If you really cared, you would put it in the Charter.

Gordon Boyd said you could authorize the Council to appoint a committee ad hoc to deal with something that has come up.

Tony Izzo offered an historical note to the Commission that the City first enacted its ethics law in 1973 and they created a Board of Ethics and he does not know what happened between 1973 and 1986 but the Ethics Board did not meet until 2004 because he never found any records of the Ethics Board from 1973 through 1986. The Ethics Board did not meet until 2004 so there was an initiative in 1973 to have an Ethics Board but it was a very long time before anything meaningful was ever done with that Board. Gordon Boyd noted that the Board did not meet until 2004 because it was a creature of the Council. Tony Izzo said another reason why they did not meet much is because of the difficulty finding people willing to serve on the Ethics Board.

Elio DelSette said there was political resolve that if there is something going on there should be an Ethics Board to handle it. Gordon Boyd said that in 1973, ethics was an issue because of Watergate.

Tony Izzo said there is an ethics committee now and they meet on a regular basis. They revised the Ethics Code last year, Chapter 13 of the City Code; it is not in the Charter, it is part of the City Code.

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Robert Turner said he is identifying and bringing things to the Commission; in some states people feel it must be in the Charter and some feel that the people who are appointed to the Board should be from outside the political process.

Devin Dal Pos asked how critical it is to have an Ethics Board if you reduce the power of positions. Ethics seems to be more of an issue if there is inherent power in the positions. If there is less power in the positions, there does not seem to be as much of a need to have an Ethics Board; maybe all that is needed is an aspirational statement.

Robert Turner stated that having a City Manager makes a lot of those discussions about having an Ethics Board moot because for example, a current commissioner could be awarding contracts and making purchasing decisions, but if the administrative actions were in the hands of a City Manager, it would reduce a lot of the concerns typically put in front of an Ethics Board.

Pat Kane asked Tony Izzo what were the majority of issues considered by the City's Ethics Board in the last twelve months.

Tony Izzo said the Board has received questions on what is a gift, what gifts can be accepted, can an employee or an official accept a gift and, if so, under what circumstances. Another frequent question is whether or not an employee can have outside employment. He said recently a group of citizens have submitted what they consider to be important revisions to the Ethics Code that involve issues of disclosure and/or recusal for members of land use boards including Planning, Zoning and the Design Review Commission and should there be separate standards for those individuals particularly when people appear before them that may have done business with them and strengthening and augmenting those type of things.

Matt Jones asked if there needs to be more than a statement that the City Council shall adopt a Code of Ethics.

Gordon Boyd said if it is in the code the legislative body can adjust it without needing a referendum. It can be easily legislated.

Elio DelSette asked what authority the Saratoga Springs Board of Ethics has. Tony Izzo said that the Ethics Board can do a number of things. They can issue an advisory opinion if an individual asks for an opinion on his or her own conduct. They can issue an opinion on what is called an inquiry where person A questions whether something that person B is doing is appropriate. If the Board of Ethics finds that person B's actions are inappropriate they are required to report it to person B's department head and they must inform person A and person B of their findings.

Elio DelSette stated that the Ethics Board has no enforcement power; the process goes from the board to the department head. Tony Izzo explained that the department head has the power to bring a Section 75 proceeding against person B under Civil Service law anyway. It is up to the department head whether or not they want to take action.

Elio DelSette said whenever we have used the Ethics Board, their decisions are not challenged. If people are not going to perform their fiduciary responsibilities the Ethics Board means nothing. He thinks that there is no enforcement, just recognition. If a person is accused of something and the Ethics Board finds that there was inappropriate activity, that in itself is damning enough.

Tony Izzo said that the delivery of an opinion from the Ethics Board to the officer with the power to remove, suspend, demote or fire under Section 75 is significant. Elio DelSette said it is the quality of the

people we elect and the quality of the people appointed to that board that give it substance. Hopefully their judgement is based on a value system with profound merit instilled in those that serve on the board.

Robert Turner said you have to have a City Council that is committed by ethics training; you can't enshrine that in the Charter.

Devin Dal Pos said to Gordon's point that if something is in the Charter, it can't necessarily be changed; the concern is what happens if the Council members themselves are unethical. Gordon Boyd said there are all kinds of laws that were not passed by the City of Saratoga Springs that council members are subject to and must adhere to when they take office including general municipal law, the public officer's law and they are required to take an oath of office.

Tony Izzo said if the Ethics Code was transferred one hundred percent to the Charter; it really would not give the City Council any more obstacles to removing or amending it. It would not require a referendum because ethics code is not on the short list in sections 23 and 24 of the municipal home rule law and he does not think it would give the City Council any more difficulty if they decided they wanted to repeal or amend it in its entirety. It would have to be a local law. It is not any more serious an obstacle if the Council wanted to change the code of ethics on its own initiative.

Jeff Altamari has no problem with this and he agrees entirely with Elio DelSette. He believes that the influence of the independence of the City Attorney and the addition of the internal audit function will help with the checks and balances scenario of the situation greatly.

Pat Kane said he has heard about a lot of situations that could be easily managed if there were a more sophisticated HR and in that case the HR department could pull 75% to 80% of the Ethics Board's caseload and they could place stuff in policies. There are things that should be in policies and it would make the HR that much more functional and simultaneously reduce the burden of the Ethics Board from having to identify issues.

### **Open Meetings**

Robert Turner said when people talk about ethics, they talk about disclosure laws. Some municipalities put into the Charter the degree to which they must publish their schedule of meetings, publish their board and council minutes and publicize their meetings and their agendas. In 2001 the Charter was accurate about when minutes were published, how meetings were advertised and the availability of agendas. Elio DelSette said the intention was for accountability and transparency and to meet the requirements of the open meetings law. These values were very important to the 2000 Charter Commission. It was imperative that the public had information and knowledge of what was happening in government and that information was published and made available on a regular basis by departments and committees so they were informed on what meetings were happening and when and what was to be discussed.

Robert Turner said that Oneonta's Charter specifies when the City Council meetings are held and the time. He said Cohoes has something similar in that they will hold regular meetings at times to be determined and announced from time to time and it also states that the Mayor or the Common Council may call a special meeting of the Council. There was discussion on who should be able to call a special meeting and whether it requires the majority of the Council to agree.

Gordon Boyd said the City Manager should be able to call a special meeting in an emergency situation only.

Robert Turner said some charters discuss notices and posting on the City website, email, etc. Do we want to include that in our charter? Matt Jones believes that is more administrative and a lot of this is spelled out in the open meetings law. Barbara Thomas believes the agendas should be posted because that is the document that drives public interest and lets them know whether they should attend the meeting.

Ann Bullock referred to Section 13.4 on page C-72 of the City of Saratoga Springs' current charter that states under the heading "Open Meetings" "Every agency, board, commission and other entity shall conduct its business in accordance with the provisions of the Open Meetings laws of the State of New York." She thinks this is perfect as written.

Robert Turner asked if it should be more detailed. Pat Kane commented that the goal should be for the Charter to give elected officials the flexibility to conduct their business.

Ann Bullock responded that the way it is written right now provides them flexibility.

Devin Dal Pos said the point is whatever is done they have to let everyone know according to the open meetings law.

There was discussion on whether more details should be added such as the days of the council meetings, reporting cancelled meetings, changing meeting dates because of holidays or election day, or weather and requirements for filing minutes, records of decisions with the City Clerk.

Gordon Boyd commented that the State constitution has dates when things must be done, but it does not specify meetings.

Robert Turner said we are not omniscient and all knowing, once we have a blue print, we shop around and speak with people and gather ideas, opinions on the blue print. We are working on a rough draft and we are open to suggestions and modifications and details. He noted that there should be a method for calling special meetings. The City Manager, the Mayor and the City Council can call a special meeting. Ann Bullock said the City Manager can request it. Gordon Boyd cautioned that the City Council should not be forced by the City Manager to have a special meeting because that would be jumping over the legislative and administrative boarders.

He added that there is boiler plate language on a voting quorum and binding actions that should be included.

#### **Departments in the Charter**

Robert Turner reminded the Commission that there are certain administrative departments that they might want to provide for in the Charter including the Department of Public Safety, the Department of Public Works, and the Department of Finance. A number of provisions need to stay in the Charter. Pat Kane said much of that is detailed in the City Code but it could be mentioned in the Charter. Robert Turner said it would be helpful to sit down with people in City Hall. Jeff Altamari advised that part of the problem is that some things that are in the Charter are required to be changed by referendum.

Gordon Boyd cautioned the Commission to be cognizant that there will be a transition. He prefers to assign the City Manager the responsibility over the Fire, Police and the Public works functions and administrate and organize to meet their goals.

Robert Turner said that a municipal fiscal year should be stated as well as who prepares the budget.

Ann Bullock advised that the finance language created by Mark Lawton must be included somewhere.

Pat Kane said the practices of how we manage finance must be in there.

Gordon Boyd said that procedural structure of the Finance should be left in; he left it in whole in his straw proposed Charter.

Devin Dal Pos said it seems that the only true benefit to having the departments of DPW and DPS and Finance replicated in the Charter is to ensure that the public knows they are there.

Rob Kuczynski suggested enumerating some of the services that the City provides.

Gordon Boyd added that it could be spelled out who the Fire Chief and the Police Chief report to.

Robert Turner stated that he does not want people to think that we left out Fire and Police coverage.

Ann Bullock agreed that the Commission is responsible to see that the Charter provides considerations for health and safety and the welfare of the citizens.

Robert Kuczynski stated that he is happy that in order to dissolve the Fire or the Police Departments by referendum. There will be an SSPD and an SSFD but if you want to dissolve them, it would be require a referendum.

Elio DelSette thought that state law requires there to be a Chief of Police. Tony Izzo said he is not sure if that is true, he would have to research that.

Gordon Boyd said that we may want to consider a procedure for appointing the Police and Fire Chiefs Tony Izzo said they are unilateral appointments currently.

Robert Turner said that the City Manager does most appointments. He mentioned that some communities have a Deputy Mayor. Gordon Boyd said the City of Albany has an elected Treasurer.

#### **Other issues for the Charter**

Robert Turner has not seen any language on an audit function; that should reside with the City Council. He said there are lots of variation in descriptions of the powers of the Mayor and the City Council. He suggested further discussion on how to handle the position of City Clerk. He said there are some things we are not sure of so he will see if Bob Batson could come and answer questions.

Barbara Thomas wants to add the role of County Supervisor to the agenda and the land use boards and the Recreation Commission. Robert Turner is unsure how long things are going to take.

Elio DelSette said that regarding having the Mayor also be a County Supervisor, it is difficult to serve two masters.

Jeff Altamari noted that we are looking for something to be as brief and economical as possible and since we are looking to move things into the Code, should a copy of the City Code be provided with this? Robert Turner said there are constitutional issues and legislative issues to consider. The provision of a Parks and Recreation Commission is not a constitutional issue. Pat Kane reminded the Commission that there needs to be a discussion about a transition team. Jeff Altamari agreed that a discussion on a transition team is necessary.

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Robert Turner noted that there are things in the current Charter that are not implemented at all and some are only partially implemented.

**ADJOURNMENT**

**Elio DelSette moved and Devin Dal Pos seconded to adjourn the meeting at 9:15 p.m.** Ayes all. There being no further business, Robert Turner adjourned the meeting at 9:15 p.m.

The next meeting will be held Monday February 6 at 7:00 p.m.

Respectfully submitted



Nancy L. Wagner  
Clerk

Approved 2/28/2017