



February 6, 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 depending on what is covered on February 2, 2017

ADJOURN



February 6, 2017
CITY OF SARATOGA SPRINGS
Charter Review Commission
City Council Room – City Hall
7:00 PM

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

ABSENT: Elio DelSette
Devin Dal Pos
BK Keramati
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

Chair Robert Turner opened the meeting for public comment.

Bonnie Sellers asked about the forum scheduled for Wednesday night February 8 at Skidmore College. Robert Turner said he is talking to students about the City Charter experience. It is not a meeting; it is a session designed to compel students to sign up for his course.

Joy King, Saratoga Springs, is concerned about language, terminology and use of terms. She said the terms of City Manager and strong mayor can be misinterpreted as to how the public

perceives that. She does not know how it is put together or if it will be explained. Robert Turner explained that whenever people talk about local government the two alternatives mentioned are City Manager and Strong Mayor. A City Manager is a position of administrative leadership; ideally a professionally certified individual with at least 10 years experience and administrative expertise. The strong Mayor is a position of political leadership. We are trying to combine the best of those worlds.

Joy King said she has a problem with the connotations of the terminology.

Gordon Boyd said there are shades of meaning and what we are using is a shorthand term used for convenience; the nomenclature can change. He said the term Strong Mayor will most likely not be used. They are terms for convenience, please do not get hung up on them; when a final document is produced, the terms used will be defined, described and explained.

Pat Kane said we will have a Mayor, we are not sure of the specific role. Mike Los said we have recently been using the term dynamic to describe the Mayor. Pat Kane said we will not use the term "weak" Mayor' we are trying to come up with a hybrid, duties to be defined somewhere in the middle; the definition of roles is what is important.

Alice Smith asked if there is something in writing that people can read; the information she has been reading is contradictory.

Robert Turner said the basic forms of government are the Strong Mayor and the Council Manager. In the Commission form, there are five equal council members and their function is administrative and legislative and political. If we have an administrative person, the question is whether we combine them with a strong Mayor or not. The Council is the legislative branch responsible for making laws and policy; it is the Council who would point to the City Manager to manage day to day operations. The City Council reviews the performance of the City Manager and decides whether to renew his/her contract. The Council-City Manager form separates politics from administration.

Jeff Altamari said these are generic descriptions; we are still trying to forge exactly what we want to do.

Gordon Boyd said the current Council legislates and administrates. A City Manager is in charge of administrative functions.

Pat Kane said everyone does it differently. The Council Manager form is more popular and they come with special credentials. This is a unique City; we need to determine what role the Mayor will play. We have heard in many interviews that we are misaligned and in the current form the Council does not work well together.

Joy King said the Commission has discussed the position of City Attorney; she asked whether past City Attorneys were interviewed. Matt Jones said they did not interview them; they did interview the current City Attorney and current and former Council members regarding the City Attorney position. Joy King thought that interviewing past City Attorneys might be a good way for the 15 Charter Commission members to decide on the City Attorney position.

Robert Turner said the City Attorney situation has come up in a lot of interviews with former and current Council members; there are five members of the current City Council and the Mayor appoints the City Attorney but if another Council member needs the services of the City

Attorney, the City Attorney's representation may negatively impact the Mayor that appointed him/her. It is difficult to determine whom the City Attorney is representing. Joy King asked how that conflict affects the ability for them to do their job.

Pat Kane said the City Attorney has reported to the Mayor since 1915. Tony Izzo advised that the original charter stated that the City Attorney is to be appointed by the Mayor with consent of the City Council. It is the job of the City Attorney to serve all departments.

Seeing that no one else wished to speak, Chair Robert Turner closed the public comment period at 7:15 pm

INTRODUCTORY REMARKS

Laura Chodos is concerned that the current form of government is not conducive to encouraging the public to be interested in running for office.

Minita Sanghvi concurred, stating that her concern is especially for women running for the position of Public Safety or Public Works Commissioner.

Preamble

Robert Turner said the 2000-2001 Charter Review Commission wrote a preamble; it is essentially a statement of purpose and it is unusual. He created one that is easier, shorter and more straight forward. In his research he discovered that other cities get much more creative. Some pattern their preamble after the U.S. constitution; some he found were more inspiring than others, some did not seem relevant.

Gordon Boyd believes the preamble should explain why the Commission made the particular choices and changes it made. He is not certain on whether it carries legal value. Robert Turner said they are more like aspirational statements.

Minita Sanghvi said that the current preamble is quirky like the people of Saratoga Springs so she prefers to keep it for continuity and confine changes we make to the inside of the Charter.

Laura Chodos stated that the Commission has previously agreed to add something about ethics and inclusion so we might want to add an inspirational statement accordingly.

Jeff Altamari reminded the Commission that they set out to make this a document that is easy to understand.

Robert Turner commented that the points on ethics and inclusion are important.

Ann Bullock stated that Portland's preamble has a lot of aspirational stuff; it is effective and accountable. The preamble should remind everyone that the intent is to make the city better for the future, for our children's children.

Minita Sanghvi suggested using for the preamble some of the inclusion language that was in the resolution recently passed by the City Council.

Compensation for Council members

Robert Turner said he has had a recent conversation with Bob Batson about compensation for City Council members and Robert Batson said that a citizens committee could be established to

decide on the compensation of elected officials. The model charter rejects putting compensation in the Charter. The Council is given powers to fix and adjust salaries but they can't increase or change them during their term of office. He noted that in the model, the Mayor that is chosen by the City Council gets 40% more than the Council. He said a citizen's commission is done by a number of cities that are trying to de-politicize this process. The big issue is who is chosen to be on that commission. The Council can reject it or it automatically goes into effect.

Jeff Altamari has gone through the exercise of taking the current charter and breaking out what is perfunctory and administrative versus what is legislative and executive and required. The public wants to see things related to money.

Gordon Boyd said he would agree to including in the charter that the Council can set their own salaries but not within their term of office. Robert Turner said if it passes it would not go into effect until 2020. Beth Wurtmann asked if the group was comfortable being revenue neutral. Gordon Boyd said we are not setting the City Manager's compensation, just the Council. Pat Kane said there will be significant savings and we have to come up with exact numbers.

Gordon Boyd asked how staggered terms would affect the process of setting compensation of elected officials if they can only set salaries for the subsequent term but not for their own term of office.

Tony Izzo advised that Sections 23 and 24 of the municipal home rule law requires a referendum if it is in the Charter. He explained that until four or five years ago there were lots of dollar amounts in the City Code's zoning ordinance. In the recently updated zoning ordinance, the specific amounts of fees were removed and now can be set by City Council resolution. When fees are in the Code, any changes require public notices and public hearings. It saves time and money having the City Council able to make such changes by resolution. Salaries may be amended from time to time by the City Council.

Jeff Altamari said we are not going to develop a document that includes cost but we need to keep them in mind.

Matt Jones stated that it is required by state law to include in a proposed city charter an economic impact statement and fiscal statement. Section 36 lists three separate documents that are required including proposed changes, rationale for making the changes and a financial impact statement that includes the overall economic impact of the proposed document.

Pat Kane said we need to make a financial impact statement, it is important to show a savings and how we got there.

Beth Wurtmann said it is in the current Charter that the City Council members make \$14,500. Robert Turner reminded the Commission that the \$14,500 does not include benefits. We need to think about the baseline, the new Council position will not include administrative duties, and 6 will be part time, so we need to research what other cities are paying for a similar set-up.

Minita Sanghvi said that they are part time positions but sometimes more time is required so a small amount may be a deterrent to attracting citizens to run for office. We do not want the salary to be at a point where the only people that are interested in seeking office are retired, rich or crazy.

Robert Turner said that responses to the question in the survey of former and potential candidates as to how much impact salary has to their decision to run indicated 40% moderately important, 30% not at all important and 15% said it was very important.

Gordon Boyd said unless we do something draconian like taking the elected officials out of the benefits package the overall cost to the taxpayer does not change. Health and retirement benefits rival salaries in cost. One of the reason people run for these offices is to extend credible years in their pension. There is a lot more to it than just salary.

Barbara Thomas suggested determining the cost of the benefits. Gordon Boyd advised that health care is the same cost for elected officials as it is for employees, the difference is in the pension; retirement varies by tier and there are now 6 tiers.

Minita Sanghvi mentioned that the health and retirement benefits are not mentioned in the current charter.

Pat Kane said that regardless you will still save money; it is not hard to show a savings but we must try to use correct numbers.

Beth Wurtmann said the departmental and administrative responsibilities are removed so that can justify lowering the salary.

Pat Kane said the savings will be large; compensation should be fair but it does not have to be great. Minita Sanghvi agreed that a large chunk of their responsibilities are being removed but compensation needs to be fair. Pat Kane added that elected officials are expected to show up at functions; we are looking for more citizen involvement. We also expect them to meet regularly with constituents.

Robert Turner said he will ask NYCOM for some numbers. Barbara Thomas suggested seeking an average amount. Robert Turner said he will request a range from places that are similar in size and comparable to our City and the range of services provided by the City. Gordon Boyd suggested comparing the size of the budget; using entities with similarly sized budgets. Robert Turner said he would also ask for information on how most City Charters handle the benefits issue; how they deal with changing or raising the benefits of elected officials.

Benefits

Laura Chodos advised that it is public money so we need to know how much the benefits cost.

Gordon Boyd said it has been proposed unsuccessfully to take benefits away from public officials.

Pat Kane said that using \$15 per hour, figuring 800 to 1000 hours of work, which is between \$12k and \$15k- not bad for a part time city council member. The City of Portland pays their officials by the hour. They would still be working for the City. Ithaca pays \$10,141 to each Council member and \$58,500 to the Mayor. Beth Wurtmann asked how this would be stated in the Charter.

Robert Turner said there are three ways to do this: 1) The City Council sets its own salaries but not for the current term- it is uncertain how this would be impacted by staggered terms. 2) Use the consumer price index. 3) Create a Citizen Commission that sets and reviews the salary of elected officials every couple of years and makes recommendations.

Pat Kane suggested dealing with staggered terms by requiring a two-year waiting period. He asked if there is a way to have a sunset clause- something with expiration dates included in charter provisions.

Tony Izzo responded that yes, it can be done but he does not have any examples at this time.

Gordon Boyd suggested that this Commission sets the salary for the Council in the proposed Charter and subsequently, the Council sets their own.

Mike Los asked if health benefits should be part of the package. Robert Turner replied that the positions are part time but if health benefits are not offered, it might decrease the number of people wanting to run for office so it needs to be there.

Pat Kane said that most elected officials will not receive benefits after they leave because now they would have to have served 20 years in order to get health benefits in retirement. Some have benefits based on their labor contract, others by local legislation. Appointed employees and Council members are not in unions and their benefits are handled by resolution of Council. Barbara Thomas commented that an employer has an obligation to provide health benefits to full time employees.

Jeff Altamari said that we must make some of the compensations livable- we can afford it, we will still save money.

Robert Turner said the survey and interviews indicated that the decision by most to run for office is not fueled by money. The people who are going to run are often going to be professional according to the surveys. Gordon Boyd said that locally it has been a variety between white and blue collar people that got in successfully. Once they understand the compensation structure and the benefits, they like it and they accrue some longevity on their pension.

Matt Jones said it might be better for the Commission to discuss this at another meeting. He is comforted by the ability to provide data but he has a healthy skepticism that the salaries would be that big.

Robert Turner said that we have agreed that the Council should set the salaries and we should not bring in an independent group. Barbara Thomas said we should tie the initial salary to the consumer price index. Pat Kane suggested tying the City Manager's salary with a comparable position to come up with a number. Beth Wurtmann wants NYCOM to make recommendations.

Minita Sanghvi said that staggering terms complicates the issue; the salary cannot be raised until there are subsequent elections. Pat Kane said we will find out how other cities handle this. Gordon Boyd said the first Council has the hardest job. Beth Wurtmann said it is hard to explain it to voters. Robert Turner said that initially we set the salary, then in 2020-2021 the Council votes to raise the salary but it does not go into effect, there is no raise until 2024; no member of a City Council will be the beneficiary of their own vote.

The Commission agreed to this solution.

Legislative powers

Robert Turner asked how specific the Commission wants to be on legislative powers. He compared various cities and towns and circulated some examples. He said Batavia has one

sentence, and it is very easy. Columbus is short; Albany and Oneonta are more specific. He likes Seattle and Oxford, Ohio lists 18 specific powers. Pat Kane asked what Bob Batson's opinion is and Robert Turner said it is up to this Commission. He believes there are some things worth including. He said that Oxford, Ohio has interference of Administration and he likes the concept. Gordon Boyd said it is appropriate especially given what we are coming from; it is necessary to hammer home the separation between legislative and administrative powers.

Robert Turner likes the investigation by Council in the handout, Section 33 which grants the Council the power to investigate the financial transactions of any office or department of the city government and the official acts and conduct of any city official relative to any matter that the Council acts upon; it is very important. He also likes Section 34 in the same handout which describes the procedure of such investigation; both sections have good language that puts a check on the City Council, an Executive power to pre-empt in general City law.

Tony Izzo advised that it needs to be specified if it is a state law because state law can't be pre-empted unless there is a statute or local ordinance that pre-empts, the State rule governs; the local statute or local ordinance can only tighten the state law.

Gordon Boyd said that shorter ones are a product of a form of government with less experience; the larger ones are older more experienced governments.

Robert Turner said the real constraints in a legislative body would most often be political. Gordon Boyd wants to limit brow-beating and interference of the executive body. Matt Jones is interested in including the Connolly amendment.

Tony Izzo explained that in the 1970's, the City Council approved a plan called the Connolly Plan named after the Accounts Commissioner that brought it to the Council table, Donald Connolly. The plan limited the amount of money the City Council could borrow, but not the power to borrow. It has been modified since its inception but it is still in the Charter. He said things like having an open record through regular meetings and granting the City Council authority to make and amend ordinances, local laws, are powers not inconsistent with government management of its business and it is language that is in the current Charter.

Gordon Boyd said the existing Charter includes some positions.

Robert Turner said there is some language in the current Charter that is unusual and could be tightened up including the ethics provision, audit and other required reports.

Gordon Boyd said there must be an elected body in charge of what is going on with the power to investigate outcomes and audit. You do not want individual Council members questioning public works employees as to what they are doing and how they are doing it; instead, you would hold a hearing with the City Manager and establish guidelines on how to effectuate the desired outcome, the items in the Charter. He said that policies are adopted by the City Council; do the elected officials have a policy manual?

Tony Izzo replied that there is a City Code comprised of around 280 chapters and each chapter covers specific ordinances; many ordinances have been updated, but the last comprehensive Code revision was done in 1994.

Pat Kane asked if the transition committee should look at the Code.

Tony Izzo said if there are substantial changes in the Charter, we might have to go through the Code and be sure it conforms; the [current] City Council has the power to change the Code at the table, no referendum required.

Barbara Thomas said there are charters that require streamlining and it is included with those charters that there is a need to coordinate the Code with the charter but the Code does not serve as a manual for the legislators.

Vacancies

Robert Turner said having language pertaining to vacancies is more important when there are four year terms than when there are two-year terms. Many Charters state that the Council gets to appoint someone to fill the vacancy; there is other language; he recommends using the model Charter. If vacancies are not filled by the Council within 30 days of the occurrence of the vacancy, it falls to the Mayor.

Gordon Boyd suggested that if a vacancy occurs in the first year of a four-year term, then they should run for office. Otherwise, the City Council should assume responsibility for the vacancies. Robert Turner said that one of the challenges of constitution making is the details. We need to pull details out of the silos and determine the language from the model City Charter. He recommends keeping Charter language simple like in a budget; a Charter should not be overburdened by specifics; hands should not be tied by a charter.

Ann Bullock is concerned that if the Charter is too abbreviated it would frighten the constituency. The Charter should provide for the health, safety and welfare of the citizens of Saratoga Springs. Planning, zoning, Police and Fire Departments should be included and specified, without limitation, especially police and fire safety and infrastructure support.

Gordon Boyd said it is up to the Executive Board, the future Council to organize how that will be effectuated. Peekskill, Poughkeepsie, Middletown and Newburgh all have a City Clerk, an Assessor. Some communities have a Comptroller and Counsel. These and a few other particular positions are likely to get mentioned. Robert Turner commented that state law requires that there be a City Clerk.

Pat Kane said that the model City Charter has been done eight times. The city council can establish positions but duties should be described in the City Code.

Jeff Altamari agrees with Ann Bullock that the charter should remain explicit but we should avoid a cat's cradle of cohesion and not have it too explicit.

Barbara Thomas suggested including a provision that has functions assigned within the charter to a particular department and maybe discontinued unless the Charter specifically provides otherwise because assigning the function to any other department would be problematic.

Robert Turner sees arguments on both sides. He is curious what people in City Hall think. Gordon Boyd said we have heard from within City Hall that an inordinate amount of time is spent navigating the stovepipes. Naming functions and/or goals might be required; we need to avoid re-creating the same problem we have now. Pat Kane recommended providing the Council with as much ability as possible to update the Charter by going to the Code. Gordon Boyd said we want to empower elected officials to be legislators.

Robert Turner said at other points we say if people feel strongly, we are willing to bend to demonstrate reassurance and continuity. He said that Bob Batson will be here Thursday February 9 to make suggestions of changes to the Charter. He has identified a number of things that can be removed from the Charter and put into the Code.

Supervisors

Jeff Altamari said supervisors should not participate as voting members of the Council.

Gordon Boyd said that the phrase "County Supervisors" should be removed from the Charter, they are not a creature of the City government; they are elected to the County government. Robert Turner wants to retain language that the County Supervisors must regularly report to Council, but it is not mandatory to attend all City Council meetings. He wants to forge a separation between the Council and the Supervisors. There was general consensus among the Charter Commission to remove the Supervisors from the Charter and from the obligation to attend all City Council meetings.

Robert Turner said that at the end of next week we should have a good 95% draft and should try to get feedback to give the community something to read. There are still some items we have to figure out. Barbara Thomas said that we have to flush out the Mayor regarding powers and duties.

Pat Kane said if the City Manager made \$110,000, the Mayor made \$50,000 and City Council salaries were \$12k, we would save \$267k

Jeff Altamari cautioned that those figures do not address functional integration; Pat Kane said it would be really helpful to see what other City Manager forms have done with finance/comptroller powers.

Gordon Boyd said that we have targeted May 30th for special Election and the City Center has space available on that date and he has reserved that date on his credit card. The rental cost is \$750, he put down \$500 toward that and he has submitted that contract and a request for reimbursement.

ADJOURNMENT

Matt Jones moved and Pat Kane 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.

Respectfully submitted

Nancy L. Wagner
Clerk

Approved 2/23/2017