



February 13, 2017
CITY OF SARATOGA SPRINGS
Charter Review Commission
3rd Floor Music Hall- City Hall
7:00 PM

CALL TO ORDER

WELCOME AND ANNOUNCEMENTS

PUBLIC COMMENT

INTRODUCTORY REMARKS BY BOB TURNER

APPROVAL OF MINUTES

DISCUSSION OF COUNCIL MANAGER POWERS

REVIEW COUNTY SUPERVISOR LANGUAGE

REVIEW DATES ON CAPITAL BUDGET TIMELINE

DISCUSSION OF INTERNAL AUDIT LANGUAGE

DISTRICTS VERSUS AT LARGE

PREAMBLE

OTHER CHARTER LANGUAGE

DISCUSSION OF PUBLIC OUTREACH

ADJOURN



FEBRUARY 13, 2017
CITY OF SARATOGA SPRINGS
Charter Review Commission
3rd Floor Music Hall – City Hall
7:00 PM

PRESENT: Ann Casey Bullock
Gordon Boyd
Laura Chodos
Devin Dal Pos
Elio DelSette
Matt Jones
Pat Kane
BK Keramati
Robert Kuczynski
Mike Los
Minita Sanghvi
Barbara Thomas
Robert Turner
Beth Wurtmann (8:25p.m.)

ABSENT: Jeff Altamari

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

Chairman Robert Turner opened the meeting for public comment.

Joy King, Saratoga Springs asked where the document is that Bob Batson reviewed at the meeting on February 9.

Gordon Boyd responded that Bob Batson was working off of a draft. Robert Turner explained that it is not ready for public distribution. Gordon Boyd said we should not be distributing draft

material until we have voted on it; it is not subject to FOIL until it is a final document. Matt Jones said it is not confidential; we should get it out as soon as possible.

APPROVAL OF MINUTES

The Commission did not approve minutes.

County Supervisor Language

Robert Turner said there are issues Bob Batson raised that should be discussed. He said that county supervisors should not be required to attend City Council meetings. He feels attendance should not be mandatory however the City Council may require them to attend and to give reports. Barbara Thomas said that if they submit an agenda item, they can come. Gordon Boyd advised treating the Supervisors as members of the public- they represent the City at a different level of government. If there is communication on an inter-governmental basis, they should let the Council and/or the Mayor know so it will be up to the Council and Mayor to permit the Supervisors to have the floor, it is their discretion. He does not think that this would prevent the cooperation desired.

Laura Chodos said she is worried about their ability to call for a public hearing. Gordon Boyd said they can communicate with the Mayor and he/she can choose how to deal with it; it should flow through the presiding officer and from there the Mayor and Council can decide what to do. Laura Chodos asked for clarification of the Mayor's role in this scenario. Robert Turner explained that the Mayor is the presiding officer over the Council.

BK Keramati reminded the Commission that the form of government where this language pertaining to Supervisors appeared is very unique and it was not clear then who presides. The City Manager form is clearer and therefore the language is appropriate.

Ann Bullock asked if the language should be changed.

Robert Turner said it is an invitation to struggle. There will be conflict between the Supervisors and the City Council; they can submit agenda items, they can request a hearing. There is an opportunity for conflict, efficiency and accountability. Gordon Boyd said then the Supervisors may ask the City to conduct a hearing on County issues, maybe it should be the other way around; the Council can require the Supervisors to hold a public hearing.

Ann Bullock likes the sentence distributed with the agenda that stated "Supervisors may attend meetings of the City Council and will report to and seek advice from the Council on matters affecting City residents and taxpayers that are coming before the County Board of Supervisors."

Elio DelSette said the County has Supervisors that represent two entities; it is good that we have Supervisors attend the meetings. He recommends shortening required attendance to once per quarter. Supervisors should sit on the Council and be required to make reports and continue to do so to be heard and to represent the City in critical situations.

Robert Turner said the next question is whether they can be required to attend the City Council meetings. Devin Dal Pos said they do not work the City; they really do not have to show up. Robert Turner said it is in the Charter so if they do not show up they are not doing their duty.

Minita Sanghvi said the only logic is that because they live in Saratoga Springs and represent Saratoga Springs on the County level, they have to attend City Council meetings. Robert Turner

said there are some shared responsibilities. Gordon Boyd said that the County Board of Supervisors pass the County sewer rates to the Supervisors and they pass them to the City Council and the City Council passes them to DPW and DPW passes the rates to the constituents. Barbara Thomas said the Supervisors can come for public comment. Gordon Boyd clarified that the word "may" means it is permissive for the City Council to provide time for Supervisors at the meetings, not required. It is the County Supervisors responsibility to communicate with the Council about issues that may affect City residents and taxpayers. Matt Jones said that Supervisors may report to Council; their jurisdiction is only matters before the County that affect the City of Saratoga Springs.

Double Office holding

Robert Turner stated there is no double-office holding. Gordon Boyd said there is language in another document that states an elected Supervisor can run for City Council. BK Keramati said if the County and the City Council are on different sides of an issue, it could get sticky but towns do that, town mayors hold council positions and serve on the board of supervisors at the same time. Gordon Boyd noted that in the draft we were marking up the other night, it stated except where authorized by law, no City Council member shall hold elected office other than that of the council- from the model City Charter.

Matt Jones said if you like that concept, you can have it apply to supervisors. Elio DelSette said that the charter could prohibit employees from holding elected office. Gordon Boyd said the middle part of his paragraph from the model Charter prohibits employees from holding office. Matt Jones recommends using Gordon's paragraph from the model charter.

Capital Budget Dates

Robert Turner said that one question that came up was about the capital budget dates. He presented a quote from the current Commissioner of Finance that stated "The budget should have its own special presentation, not at a Council meeting". The budget timeline is probably too compressed. The capital budget is part of the Comprehensive Budget and must be considered when putting the comprehensive budget together. The comprehensive budget must be presented at the first meeting in October but the Mayor is not required to present the capital budget to Finance until September 15th which provides scant time to review and work the capital budget into the comprehensive budget.

Mike Los said that looking at it through today's form and then the Council Manager form, the timing seems appropriate but the compression may be problematic so the date could be moved.

Pat Kane said there could be a public hearing right in the middle of August. Mike Los said that budgets should have their own meetings. He questioned the validity of the current process. He advised keeping the dates for the comprehensive budget but move the capital program dates to September 1. Pat Kane said that the capital budget currently comes from the Mayor's office but with the new form it will now come from finance so we may now see some budget consolidation because there will not be as many moving pieces. Regardless, it is a challenge in July and August but with the new form, call letters come from one office.

Gordon Boyd asked how long the City Council has to vet information and study it from when the Executive (Mayor) presents it. The capital program has a long-term impact and could be presented earlier in the cycle; there are tweaks from year to year, the operating budget is put together in September and October but the capital budget is a six-year plan, a rolling plan and should be given some annual priority and given consideration prior to considering the City

budget. Pat Kane reminded the Commission that there is more vacation time taken by employees and residents in August. Robert Turner recommended revising the dates.

Mike Los said that Gordon Boyd suggested that between July 1 and the second Monday in July, the capital budget should be submitted to the Council and the comprehensive budget is presented at the first Council meeting in October.

Matt Jones said in our current form of government the process is started by filing it with the City Clerk. If you want to present it at a meeting, it must be filed with the City Clerk before that.

Internal Audit Language

Robert Turner said he sent Jeff Altamari two pages of audit language and there are 4 variations of this. Jeff Altamari felt that the language of 5.11 was not sufficient so he added language. The consensus of the Commission is that Jeff Altamari has the expertise and he should weigh in on the concept of an internal audit. Gordon Boyd asked if an internal audit is the same as an external audit. He said that language does not displace language regarding the independent audit. Pat Kane said that language regarding an internal audit answers the question as to how the Finance department gets audited. Robert Turner asked if the best internal audit is a political dynamic. Gordon Boyd said it is properly placed in the legislative branch. Mike Los added that it makes the external audit cleaner and improves the result from the external audit.

Gordon Boyd said at the state level there is a separately elected comptroller that audits the state agencies. Matt Jones asked since an internal and external auditor can both be hired by the City Council, what is the difference between an internal and an external audit.

Mike Los explained that an external audit is a template. An internal audit is much more detailed and will catch issues internally such as when one city employee was stealing revenue from the sale of garbage bags. Matt Jones said that if these are generally accepted terms, it is fine to include them in the Charter.

Gordon Boyd added that external audits look carefully at forms; they do not automatically look below the surface. Internal audits are designed to catch fraud, waste, and abuse. A [state] comptroller's report examines processes including that of an internal audit.

BK Keramati said the internal audits examine functions done daily. Gordon Boyd said that an internal audit must be comprehensive. BK Keramati added that it can be used if there are specific inquiries or concerns. Matt Jones stated that internal auditors could be directed to where there may be fiscal operational concerns.

Robert Turner said it is important to wait for Jeff Altamari on this. Barbara Thomas wants Mark Lawton to weigh in on this also.

Other Charter Language

Pat Kane said that we have had a Comprehensive Plan developed in the City and the process the last time was painful and too political so he wondered if there is a way that the Commission could talk about a Comprehensive Plan where more than land use gets discussed with language requiring review every five years. Robert Turner agreed that this should be added to the list of things we want to discuss.

Preamble

Robert Turner noted that Preambles and statements of purpose are not required to be in the Charter. He researched them and discovered some very interesting variations depending on the region. He came up with a short one and long one. Devin Dal Pos commented that the terms sustainable and growing, used in the longer preamble, are over used and bring in baggage we do not want.

BK Keramati encouraged the use of good English words we understand. Mike Los feels that if diversity is promoted, the environment is inclusive. Minita feels that an inclusive environment is different from diversity.

Gordon Boyd said the statement should be general. Matt Jones said that in Preamble 2, the word sustainable should be eliminated; there are enough words in there without the political connotation of the word "sustainable".

Robert Turner commented that he has not found where preamble language was ever included in a draft of a charter.

Matt Jones said there is an argument for Preamble #1, it is short and sweet and old school, patented on the U.S. constitution.

Robert Turner advised that the trend is that judges and others are looking to Charters as explicit to values. Pennsylvania had tons of Charter examinations and now their Charters are full of details. BK Keramati prefers Preamble 2 because of our history and the phrase "to meet the needs of people efficiently". He wants to add "providing a good working environment for city employees" for them to have a professional work environment to make a demarcation. Robert Turner said that preambles are broad and apply to all residents. Commonly used words include efficient, transparent, prosperity, diversity, equitable, responsible.

Matt Jones moved to accept Preamble 1 as written, seconded by Robert Turner.

Ayes: 7 Nays: 6

Neighborhood Districts Versus At-large Districts

Robert Turner provided a chart of pros and cons noting that in districts everyone has their personal representative; it requires more grassroots campaigning so it is cheaper to run, and brings appropriate parochialism, such as Geyser Crest. Having at large reduces NIMBYism, has a low risk of gerrymandering, and reduces the likelihood of an "east versus west side" issue; there are no distinct neighborhoods. A possible hybrid would be 4 districts and two at large representatives. Arguments for at large include that it is easier to recruit candidates and there is less change from the current system.

He said he had four classes do data research on this and confirmed the results and spoke with paid professionals that ran campaigns. He presented an abundance of data from a handout regarding past elections, distribution of votes, and the amount of money spent on campaigns. In city-wide elections there is an advantage to incumbency; it is easier for incumbents to be re-elected than for a new comer to be elected. In neighborhood districts, the focus is on door to door; using television does not make sense. For City-wide/at-large elections, television advertisements make sense. Robert Turner explained that when we conduct polls, we ask if people have met the person that is running and we found that the people running are meeting

22% of the people, about 2000 voters so if we think about the size of a neighborhood district, the candidate will meet the majority of their district. At large candidates are only going to meet known partisans because they will target base voters which are how they organize their resources. However, in neighborhood districts, candidates knock on all doors. Devin Dal Pos commented that neighborhood districts may attract people that are not affiliated with a party to run for office. Robert Turner said he is trying to bring forth analysis and expertise to examine these questions. He has been tracking local elections since 2005 and has seen costs rise. Recently, the Mayor hired a professional to run her campaign but it is only a matter of time before candidates for other seats do the same; the logic is to hire someone to run their campaign because it is more efficient. Devin Dal Pos said that could discourage potential candidates.

Robert Turner said that the public safety commission spent about \$15k. Mike Los asked how the lines are drawn and what are the rules governing re-districting. Minita Sanghvi is concerned that if she was to run for an at-large position, the fact that she is not Christian, not white and does not live on the east side of town would reduce the likelihood of winning. If she were to run for a neighborhood district, she would have a better chance. Devin Dal Pos reminded the Commission that we heard that from the Mayor of Ithaca.

Robert Turner said that Minita is doing herself a disservice; the only issue that would most likely affect whether she won or lost is that she has not lived in the City for very long. Gordon Boyd disagrees stating that although it is not spoken out loud, religion is often a factor in the way the electorate responds to candidates. It is however more of an excuse than a reason. Robert Turner feels that familiarity is involved.

Gordon Boyd does not believe that going down to districts will change the fundamental dynamics of running for office and getting elected. Regardless if it is a smaller district, if the race is important, the candidate will get the money; it is just that the threshold of need is less with neighborhood districts.

BK Keramati said he has run for office twice and received 40% of the vote and he is Muslim. This is America, elections require money that is how they are run; meet people and get support. He said another point is that the Commission conducted a survey of people that might run for office under the commission form or under the proposed form and we found more people likely to run under the proposed form. The current form of government does not have neighborhood districts which add to a lot of other factors that give people an excuse not to run.

Gordon Boyd said that districts are not the only way to lower the threshold for participation, it also has six city wide Council seats, three one year and three the next, major parties will endorse three candidates each. Someone goes on a slate behind someone; not much different than someone in a neighborhood district.

Rob Kuczynski disagreed with Gordon boyd on district representatives having to spend less money vs. citywide candidates. He agreed it may not cut down the amount of contributions received, but there are diminishing returns in doing too many mailings so there would be a self-correction in contributions spent. He is glad the discussion is focused on what the public would want; districts are not a deal breaker over special elections or changing the form of government.

Robert Turner discussed some of the results of his analysis of recent election regarding voter turnout, campaign contributions. He said that voter turnout from the Lake District was between 50% and 60% but it is lower in other districts. There are some imbalances related to

participation. Robert Turner pointed out that people on the outskirts of this City are newer and not as well-known and not as settled as those in the inner city area. People living there have been there a long time. Changing the City's form of government is really changing the City's form of politics. Pat Kane said that regarding wards or districts, if there wasn't so much change going on, it might be worth more consideration but he has talked to many people and as a result, he is not sure if we can effectively include wards at this time. The change in the form may be enough to effectively encourage people to run for office; not a large block of people are supporting the neighborhood district/ward concept because they are questioning the necessity of that.

BK Keramati said that people may be against a May 30 separate election but he is sure that there are the people who will vote against the City Manager form with or without districts and people who would vote in favor of a City Manager form with or without districts.

Pat Kane said with these new offices, authority will be centralized within City Hall but donations may go down, large donors looking to sponsor a candidate because they want to do business within the City is less likely to happen when there are six Council members.

Devin Dal Pos understands the concern; we have been getting educated. The City representation now comes from one small part of the City; they are the ones that will be most against change. Everyone else needs to be told that they are not well represented currently. This is what has changed in Ithaca when they re-structured their districts.

Pat Kane said from what he has heard from the two major parties, it is an issue that will cause the electorate to look at it negatively. We are trying to make it easier for people to run for office, but it might be more change than most people can handle at one time.

Laura Chodos said it will be the first time the people in Saratoga Springs will have real leadership; in two years we can discuss Districts, she is worried about too much change at once; she wants a change in the form of government primarily.

Rob Kuczynski said between polling and interviews, we have not reached out to the working class, non-union service jobs, trailer parks, those in assisted living and citizens under 35 and these are geographically centralized. This has been a stumbling block to him for supporting Charter change. He surmises that these groups may be more interested in direct, location based representation. He is in favor of district based representation.

Barbara Thomas likes the idea of a combination of neighborhood districts with at-large representatives. There is a city-wide advantage to the at-large posts and neighborhood districts are easier to run in, but it is hard to expect people to accept so many changes including going from five heads to a City Manager.

Mike Los suggested taking a step back and asking whether putting this in the Charter better represents our City and whether having districts would make this a better represented City and would it result in encouraging more people to become involved in our government. He believes that it would.

Robert Turner has mixed feelings. Laura Chodos commented that the census is critical; the following year, use the census to determine whether to vote for districts. Robert Turner advised that it can definitely be put in this Charter. BK Keramati suggested leaving it up to the next Charter Commission. Gordon Boyd said it has been his priority to put the best charter in front of

the voters that is possible and to promote greater representation of the City. He thought it would be interesting and give something for the electorate to go to the polls for but a lot of people feel that districts are too much change and would create issues. There is enough change proposed with the separation of the legislative, executive and administrative bodies. There are people who hate districts.

Devin Dal Pos wishes there was more data on this concept.

Minita Sanghvi said that when the Democratic and the Republican leaders spoke with the Commission, they vehemently opposed districts.

Devin Dal Pos is concerned that we may lose people who want to vote in support of the Charter because we do not have districts. The entire southwest neighborhood would support it if we have districts. He said that the Commission has spent a lot of time on this and we do not want it to be in vain just because political bosses say districts do not work; they are saying that because they would lose power.

Robert Turner said he worries about the blended system. Mike Los said that we have had that challenge throughout this process. We will have to come up with talking points; it is a simple concept.

Barbara Thomas asked what kind of data could be obtained that would show either preference for or preference against districts. Robert Turner said we do not want a representative sample, we want a sample of likely voters; we could put something in Saratogacharter.com and we would find out but would that be enough to outweigh our current research and understanding of the issue? Barbara Thomas said that everyone is in favor of neighborhood districts; the issue is whether or not they want it included in this Charter.

Robert Turner stated that one argument for a City Manager form is that they focus on providing services ethically and fairly and not in reaction to pressure from one area or another.

Matt Jones is unsure if he likes the idea of neighborhood districts; he has no clue if it entices people to vote for it or not. He likes the current commission form of government but if people come and knock on his door, he would go to that representative. The closer we are with our government the better. Robert Turner said there would be four neighborhood districts, two at large and that is good; four would run with the Mayor and two would run with County supervisors.

Minita Sanghvi said where she is from there were districts and at large and it worked well, all had the same vote. There were 5 to 6 districts and 250k people.

Robert Turner commented that some people like being able to call someone, especially when they know them.

Matt Jones said it is the decision that matters; we should take a straw poll to see where we are at with neighborhood districts. Pat Kane suggested that each member ask ten voters. BK Keramati said we should conduct a straw poll, investigate more then come back and vote on it.

Gordon Boyd said the separation of power will produce a certain outcome. We do not know the outcome of having districts whether all at large or a combination; we do not know what impact it would have. He said that Geyser Crest has the most affordable housing in the City. The City has

been gentrified; no matter what we do, a lot of money will come into campaigns. Pat Kane said that some districts could have more than one candidate; he agrees with Gordon that this may be too big of a pill to swallow at this time. Gordon Boyd suggested holding a parliamentary style debate and measure the result of that and decide accordingly. Beth Wurtmann advised that by the time we do that, we would be past our deadline. She asked if it is possible to have a vote on the issue.

Pat Kane said your Charter has to call out districts. Line A, to adopt the new Charter, Line B: Districts. The neighborhood district issue could be placed outside the Charter vote.

Robert Turner announced that the next meeting will be held Thursday February 16. The topics under discussion will be powers of the Mayor, City Manager language, comprehensive plan, strategic plan, and economic development plan. He will look for samples and encourages everyone else to look also.

Laura Chodos suggested discussing holding a poll about neighborhood districts outside of the Charter issue.

ADJOURNMENT

There being no further business, Robert Turner adjourned the meeting at 9:25 p.m.

Respectfully submitted

Nancy L. Wagner
Clerk

Approved 2/23/2017