

## **Charter Commission**

Second Meeting  
April 10, 2018

Convened: 4:35 PM  
Adjourned: 6:19 PM

Minutes taken by Secretary John Daley

Present:

Vince DeLeonardis, Chairman  
Deputy Commissioner Michael Sharp, Vice Chairman  
Deputy Commissioner John Daley, Secretary  
Commissioner Peter Martin  
Commissioner Michele Madigan  
Commissioner Skip Scirocco  
Commissioner John Franck  
Deputy Mayor Lisa Shields  
Deputy Commissioner Joseph O'Neill  
Deputy Commissioner Maire Masterson

### **Recording of Proceeding**

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

### **Call to Order**

Chairman Vince DeLeonardis called the meeting to order at 4:35 PM.

Public Comment

Bonnie Sellers, Vice Chair Success Organization gave a communication from their board. She stated the organization will follow the Commission's progress. That communication was entered into the record and is attached.

T. Izzo stated he is trying to find charters from cities with other commission forms of government. Mentioned Portland, Or, Adrian, MI, and Oglesby, IL. He stated he is looking for more.

No further public comment was offered.

### **Approval of Minutes**

All Charter Commission members agreed they had had an opportunity to review. There were no proposed amendments or modifications

V. DeLeonardis made a motion to approve the minutes of the prior meeting of the Charter Commission.

P. Martin seconded the motion.

Vote:

Ayes:

V. DeLeonardis  
M. Sharp  
J. Daley  
M. Madigan  
S. Scirocco  
J. Franck  
L. Shields  
J. O'Neill  
M. Masterson

The motion carried by a vote of 10-0

### **Discussion**

V. DeLeonardis asked for an update on utilization of professional services

M. Sharp updated the commission on the progress of the website. He stated the website up, the RFQ for a clerk posted, and a contact option for public comment was functional.

V. DeLeonardis encouraged the public to provide input to the Commission.

V. DeLeonardis asked for an update on the hiring of a clerk.

P. Martin stated that he put together and distributed an RFQ which offered per meeting payment of \$200. It was published on the Commission's website and sent out to a few interested parties. He stated it has yet to receive a positive response and he is still looking.

V. DeLeonardis stated the Commission will utilize a city employee (Trish Bush) if needed. He said past commissions have done so and she is willing to do this. He noted the rate of \$200/meeting would be incorporated into the budget.

P. Martin and M. Madigan agreed that engaging the services of T. Bush was a good option.

The Commission then discussed public surveys, the engagement of professional polling services, and public forums. S. Scirocco, V. DeLeonardis, P. Martin, M. Sharp and M. Madigan discussed the high cost of professional surveys, the delay in obtaining survey results, and the relative ease of conducting community forums. J. Franck discussed the problem of limited participation in forums and the success of informal surveys conducted by the Charter Commission of 2001. He noted that that Commission revised its proposals based on survey results and that is the last Commission to develop a charter that was adopted by the voters. T. Izzo stated that 73% voted yes in 2001. V. DeLeonardis stated that the Commission wants to look at prior survey and will utilize them as guide to creating a new one and putting it up on the website. He also discussed establishing a questionnaire for city employees. He stated this was done before and there is some benefit.

The Commission discussed advantages and disadvantages of anonymous surveys, and J. Franck recommended that surveys to upper management, past commissioners and deputies be attributed and other employee surveys be anonymous.

V. DeLeonardis said that the Commission should have two questionnaires put together for review and approval at the next meeting. He indicated there was some benefit to designating certain employees to survey. He said the Commission will be getting into specific sections of charter, and will hopefully focus on one department per meeting. He stated there is a benefit to interviewing prior commissioners and deputies and the Commission should give them a questionnaire too. He recommended a targeted questionnaire to prior mayors and deputy mayors. The focus would be by department, and the Commission would discuss the responses at the next meeting following the survey.

M. Madigan suggested that the surveys should be on the whole charter with emphasis on section a specific group receiving it works or worked under. V. DeLeonardis agreed it should be short and straightforward, and focus what improvements they would recommend based on having worked with this charter. P. Martin recommended that the surveys should go out to all departments at the same time. He noted that the next meeting is April 25<sup>th</sup>. He requested that the Commission circulate survey questions on Friday, April 20<sup>th</sup> via email so we have time to review prior to the next meeting.

V. DeLeonardis gave an updated on legal services. He indicated he had reached out to a number of services to attain quotes. He reached out to Matt Dorsey who works in the city and has worked with this charter, but Mr. Dorsey is too busy. He reached out to others as well. He said the Commission will continue this discussion at its next meeting. He said a budget can be formulated by the next city council meeting on Tuesday, April 17.

M. Madigan and J. Franck suggested that the Commission budget account for communication with the public and the press after every meeting. The Commission wants accuracy in everything

going out to the public. The Commission needs a person to handle this professionally; not an advocate, but someone who is social media savvy. They recommended that the Commission should look more into Facebook Live and Look TV coverage. The Commission agreed that PR person should be someone who can write and communicate and who is cost effective. They should also be able to use IT. The Charter Commission should have a separate website or webpage.

The Commission agreed that the Chairman should deliver presentations at city council meetings updating the Council on Commission proceedings because there is free media coverage. The Commission agreed that press releases should go through the Chairman.

V. DeLeonardis raised the issue of a budget proposal for the next council meeting.

P. Martin proposed a budget framework based on the numbers the Commission knows. Over approximately 12-15 meetings, at \$200 a meeting, a clerk will cost a maximum of \$3,000. For mailings one citywide mailing, the cost is usually \$10,000. Legal services are not to exceed \$15,000 under the terms of the RFQ. The Commission can assume \$5,000 for a communications specialist and another \$5,000 for miscellaneous expenses. This total is \$38,000 and the Commission agreed to round up to \$40,000.

J. Franck pointed out that the last Commission had no treasurer's reports he saw except maybe at the end, and the current Commission needs a regular treasurer report at every meeting. M. Madigan indicated that treasurer M. Sharp will give regular updates.

V. DeLeonardis moved that the Commission vote to approve a budget of \$40,000 to be presented to the city council at its next meeting on Tuesday, April 17.

M. Madigan seconded the motion.

Vote:

Ayes:

V. DeLeonardis  
M. Sharp  
J. Daley  
M. Madigan  
S. Scirocco  
J. Franck  
L. Shields  
J. O'Neill  
M. Masterson

The motion carried by a vote of 10-0

The Commission discussed adopting bylaws. V. DeLeonardis asked for a volunteer for draft bylaws for a discussion and vote at the next meeting. P. Martin volunteered to do so.

V. DeLeonardis opened up a discussion on general revisions to the Charter, indicating that such discussion will be more specific at future meetings, starting with the next meeting

The Commission decided on the following schedule (subject to change) for discussion of sections of the Charter. Titles 1 and 2 on April 24. Title 3 (Mayor) on May 9. Title 4 and Title 11 (Finance and Tax Districts) on May 23. Title 7 and Title 11 (Accounts and Tax Districts) on June 13. Title 6 (Public Safety) on June 27. Title 5 and Title 10 (Public Works and Public Works & Local Improvements) on July 11. Title 8 (Legal Matters) and Title 9 (Ordinances & Local Laws) on July 25. Title 12, 13, and 14, which are relatively small, on August 14.

M. Madigan reminded the Commission not to forget to look at appendices. T. Izzo said he would get copies of appendix A and B.

A general discussion was then had on issues and with regard to general charter matters. It was discussed that administrative duties contained within a certain department may be more suitable in an alternative form that answers to the city council as a whole. IT, risk and safety, HR, and legal were discussed as potentially being these sorts of functions. It was suggested that these could be part of a unit or some configuration with a responsibility to city council.

It was also noted that there are some functions that could change departments. These included the building department, the traffic maintenance department (currently under the mayor and public safety respectively).

Civil service was also discussed. It was asked where does it belong and how is it working in its current capacity. The Commission will look at multiple options.

It was also indicated that the recreation department's role may be reconsidered as it works very closely with Public Works.

V. DeLeonardis indicated that some general language in the charter should also be cleaned up, particularly that which refers to the city's ability to supersede certain state requirements through local law.

T. Izzo indicated that we have two multi department agencies that report to the city council, Safety Committee and the Real Estate Committee, so there is precedent for certain functions reporting directly to the City Council.

The Commission indicated that one such future group could be focused on technology and that language relating to the use of technology should be built into the charter.

L. Shields suggested that the Commission discuss whether or not specific job descriptions should be included in the charter

P. Martin suggested that the Commission should address salaries. He said the Commission should also address term of office and term limits, since these fit in with Title 2. He stressed that the Commission should focus on moving some of functions between departments, but not necessarily entire divisions of departments, citing that some traffic department functions make the most sense under Public Safety, but many make more sense under Public Works. He also stated that the process of developing a uniform development ordinance (UDO) could be streamlined and then when the Commission adopts code sections, they should be as enforceable as possible. Finally, he said the Commission needs to create a good legislative history for when city attorneys go into court.

M. Madigan suggested that the charter address instances in which the Council must file a local law with the state or just pass a local ordinance.

A general discussion was then had on the mayor's appointing authority. It was suggested that a potential change may be to have the mayor or any other commissioner's sole appointment be confirmed by the whole council, while still leaving the sole appointing authority with the mayor or one commissioner.

M. Sharp then proposed a template for individual commission members to present recommendations to the whole commission (attached). This template would include the current charter language, the issue with that language, and proposed new language.

It was generally agreed that all recommended substantive changes and language will be reviewed by the Commission's legal counsel. It was agreed that the Commission would require legal counsel to attend meetings where the Commission feels its attendance necessary.

V. DeLeonardis stated that the next meeting of the Charter Commission on April 24 would involve detailed discussion on sections 1 and 2 of the charter, updates on questionnaires (for the public, city employees, and former council members and deputies), more details of legal counsel, and a budget which will have been approved by city council. A clerk would also be present at the next meeting.

V. DeLeonardis stated that the Commission would continue to accept public comment at the beginning and end of its meetings. He then opened the floor back up for public comment.

### **Public Comment**

Karen Klotz suggested the Commission speak with a professional researcher who had assisted the 2001 Charter Commission. She stressed that people need to understand the magnitude of changes to the appointment process for city commissions.

Bonnie Sellers said that Bob Batsen, legal for the previous Charter Commission and professor at Albany Law School, said that most communities in New York State do not list salary in the charters. She said that Wade Beltramo, an attorney with the New York Conference of Mayors

(NYCOM), said some communities try to put every scenario into their charter and this becomes cumbersome and confusing. Finally, she said charter language should be concise and general to avoid obsolescence

Joy King said that in the questionnaire process, feedback is vital. She said it should be anonymous because people are more genuine with their thoughts. She noted this is how it was done when a similar survey was done in the New York State Assembly. To get people to speak their mind, it was color-coded by role. She indicated that that could work here.

V. DeLeonardis adjourned the meeting at 6:19 PM.

# **SUCCESS – 4-5-2018**

## **2018 Saratoga Springs**

### **Charter REVIEW**

This is presented in response to the 2018 Charter Review Commission's (CRC) request for public input.

SUCCESS is a non-partisan Saratoga Springs citizen's organization that has been supporting the Commission form of government locally since 2006.

**SUCCESS looks forward to the 2018 Charter Review Commission updating our Charter to improve the Commission form of government.**

Mayor Meg Kelly charged the CRC with finding efficiencies and organizational improvements for the Commission form of government. To accomplish this in the limited time frame, it's critical for the CRC to focus on improvements based on your collective expertise, which is the reason you were selected.

SUCCESS wanted to provide our current thinking early in the process.

- **Saratoga Springs voters have consistently rejected** a single leader whether a strong Mayor or City Manager, 4-year terms, lack of accountability, and lack of voter access to their leaders.
- **Saratoga Springs voters have consistently voted for** accountability and transparency with the elected officials and their appointed deputies actually managing our city with 2-year performance reviews by voters.

### **SUCCESS Is Emphasizing 4 Indispensables**

1. **The Mayor and Commissioners continue to:**
  - a. **Have dual administrative and legislative responsibilities;**
  - b. **Have specific operating/administrative/management responsibilities directing city departments and employees; AND**
  - c. **Run for election to lead specific departments.**
2. **Equal voting weight for the Mayor and individual Commissioners with no veto power.**
3. **The Mayor and Commissioners appoint their own deputies who are management confidential and are non-union.**
4. **2-year concurrent terms.**

## Comments

*These four “indispensables” can be described as the essence of the successful Saratoga Springs’ Commission form of government.*

*To change any of the first three points would be to change the actual form of government regardless of title.*

*Equally “indispensable”, two-year terms are essential to make the Commission form of government work for Saratoga Springs.*

*Recognizing running for office is hard work, Saratoga Springs is still a small-enough city for people to know their politicians due to these campaigns.*

- *Combined with direct election of those responsible for making the city government work, the two-year terms force our politicians to learn what residents require and receive current assessments of their performance, keeping them “on their toes.” This is the essence of transparency, accountability, and democracy.*
- *While politicians might prefer a longer term of office putting off the voter review and significant work, two-year terms are the norm the US House of Representatives and the NY Assembly and Senate, each of which require much more difficult campaigns in much larger areas with much higher costs.*

## SUCCESS Encourages “Updating” the Charter

- 1. Update to reflect current state laws.**
- 2. Eliminate redundancies within the Charter and components already incorporated in laws and regulations.**
- 3. Use to the degree appropriate the work started by Matt Jones et al who began reviewing the current Charter for the 2016-2017 Charter Commission.**

## Comments

- 1) No explanation is needed.*
- 2) We believe the charter will be clearer if shortened.*
- 3) Although there is no report to review, we are hopeful that some of the work that a sub committee began during 2016 could be helpful.*

## SUCCESS Encourages “Improving” the Charter

1. Use the CRC members’ knowledge to:
  - Increase efficiencies,
  - Improve operations,
  - Eliminate any confusion about roles and responsibilities, and
  - Improve services to residents.
2. Wherever legally allowed by NY State, require the full City Council to ratify the Mayor’s appointments to Boards and Committees and City Attorney.
3. Require City Charter reviews approximately every 15 years.

### Comments

- 1) *Members of the CRC were selected for their practical knowledge of how our City government works as well as any structural and operational impediments that are negatively affecting delivering services.*
- 2) *Having the full City Council ratify appointments increases the teamwork and recognizes that the Boards, Committees and City Attorney work for the entire City Council and all residents.*
- 3) *In the second meeting of the 2016-2017 Commission, NYCOM recommended extending the time between Charter reviews from the current 10 years to reduce voter fatigue.*

*Of Course, There Could Be Additional Thoughts  
After We Learn More About the Proposed Changes*

*Remigia Foy, Chair*

*Bonita Sellers, Vice Chair*

*James Brophy, Treasurer*

*Jane Weihe, Secretary*

SAMPLE FORM - THIS DOES NOT  
CONSTITUTE A POLICY PROPOSAL.

## 2018 Charter Review Commission

City of Saratoga Springs NY

### Sections To Be Addressed

Submitted by: \_\_\_Mike Sharp\_\_\_\_\_

Date submitted: \_\_\_4/10/2018\_\_\_\_\_

#### 4.4.3 Budget Submission.

Current Language: *As Budget Chairperson, the Commissioner of Finance shall, on completion of consultation with Council members, prepare a proposed Comprehensive Budget and shall submit it to the Council at the first regularly scheduled meeting of the Council in October each year.*

Issue: Budget timeline is too condensed. Pushing it back slightly would allow for better budgeting, especially given the number of material revenue sources we don't have clarity on until later in the year. Additionally, given the importance of the Comprehensive Budget, the presentation should have the flexibility to be a separate meeting.

Proposed Language: *As Budget Chairperson, the Commissioner of Finance shall, on completion of consultation with Council members, prepare a proposed Comprehensive Budget and shall submit it to the Council by October 31 each year at either (a) a regularly scheduled meeting of the Council or (b) a special City Council meeting.*

Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Abstentions \_\_\_\_\_

Vote Date: \_\_\_\_\_

SAMPLE FORM - THIS DOES NOT CONSTITUTE A POLICY PROPOSAL.

## 2018 Charter Review Commission

City of Saratoga Springs NY

### Sections To Be Addressed

Submitted by: \_\_\_Mike Sharp\_\_\_\_\_

Date submitted: \_\_4/10/2018\_\_\_\_\_

#### **4.4.6 Budget Adoption.**

Current Language: *The Council shall adopt the budget on or before November 30 each year.*

Issue: The budget timeline is too condensed, especially given the number of material revenue estimates we don't have clarity on until later in the year. By moving to the adoption date back into the first City Council meeting in December, Finance would have the entire month of November to go from Comprehensive to Adopted.

Proposed Language: *The Council shall adopt the budget during or before the first City Council meeting in December each year each year.*

Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Abstentions \_\_\_\_\_

Vote Date: \_\_\_\_\_