

**CHARTER REVIEW COMMISSION MEETING
CITY OF SARATOGA SPRINGS, NEW YORK
MONDAY, AUGUST 21, 2000
CITY COUNCIL ROOM
6:15 P.M.**

PRESENT: Harvey Fox, Chair Mia Mouzon
 Rita Balmuth Lee Nelson
 Lew Benton Denise Polit, Vice Chair
 Vassar Curtis Elio Del-Sette
 Mark Lawton Christopher Whann, Secretary
 Margie VanMeter

STAFF PRESENT: Anthony J. Izzo, Assistant City Attorney

CALL TO ORDER

Harvey Fox, Chair, called the meeting to order at 6:15 p.m.

APPROVAL OF AUGUST 14, 2000, MEETING MINUTES

Margie VanMeter moved and Rita Balmuth seconded to approve the August 14, 2000, meeting minutes with one minor correction. Ayes all.

BUDGET

Harvey Fox informed Commission members that the City Council had approved the Commission's budget. He noted though that only \$15,000 had been allotted this year which would come from Commissioner Bernard Mirling's budget and the remainder would be budgeted during the 2001 budget process.

Denise Polit asked what was the discussion at the Council meeting on this budget. Margie VanMeter said there was some discussion on the salary for the Assistant City Attorney's. Chris Whann suggested that it might behoove this Commission to have a representative at Council meetings when there are discussions which might be relevant to this Commission. Commission members agreed. Elio Del-Sette said any questions, though, should be directed to Harvey.

GUEST SPEAKERS

Elio Del-Sette moved that guest speakers before this Commission should be confined to property owners, citizens, business owners and voters of the City of Saratoga Springs with the exception of specialists and/or technicians with expertise in Charter Review. He said he was concerned about larger organizations such as the Chamber of Commerce and the League of Women Voters, which have a memberships that include people who do not live in the City. He said he did not want to have these organizations, as a whole, appearing before this Commission. He said there was nothing to preclude people attending and speaking as individuals though. There was no second.

SCHEDULE OF INTERVIEWS

Margie VanMeter said she had talked to Erwin Levine about appearing before this Commission but had not yet set the date. Rita Balmuth asked when the Commission might be ready to interview the four deputies. Commission members agreed that after completing the interviews with the Mayor and the Commissioners, the Commission should take some time to reflect before scheduling those interviews. It was agreed that discussion on scheduling these interviews would be held on September 11.

INTERVIEW WITH COMMISSIONER BERNARD MIRLING

Harvey Fox welcomed Commissioner Bernard Mirling to the meeting.

Harvey Fox asked about the Accounts Department functions. Commissioner Bernard Mirling said that there are many functions in this office including: City Clerk, Purchasing Agent, City Assessor, accounts payable, licensing, management of liability insurance, elections, etc. He

City of Saratoga Springs Charter Review Commission Meeting Minutes
Monday, August 21, 2000

pointed out that many of the functions such as approving licenses, enforcing compliance, liability insurance and elections are not specifically addressed in the charter as responsibilities of the Accounts Department.

Harvey Fox asked about the organization of the Accounts Department. Commissioner Bernard Mirling said his department is organized by function: assessment, licensing, records management, purchasing and liability insurance. Harvey Fox asked how many employees are in this department. Commissioner Bernard Mirling said eight. He said the deputy commissioner is appointed by him and the remainder are civil service employees.

Harvey Fox asked if there was a manual of procedures for this department. Commissioner Bernard Mirling said no. He said there are some purchasing procedures, but according to state law new purchasing procedures should have been adopted in 1992 and renewed each year since then. He said to his knowledge that has not happened. He said he is in the process of developing policies and procedures on purchasing. Mark Lawton asked that if it is required by law to have purchasing procedures and the charter requires reporting to the Council why was this not done. Commissioner Bernard Mirling said he was not sure. He said, though, that reports are made to the Council on various topics at the Council meeting.

Margie VanMeter asked about records. Commissioner Bernard Mirling said his department is responsible for maintaining City records. He said there is a mixture (some on paper, some microfilmed, etc.). He said Nancy Wagner, Records Management coordinator has been quite successful in obtaining grants to maintain the City's records. He said the latest grant is for temperature and humidity control the City's vault.

Elio Del-Sette asked what the Commissioner might report to the Council. Commissioner Bernard Mirling said he was not sure what his reports might include and what purpose they would serve. Elio Del-Sette asked if there would be some value to making these presentations to other Council members. Commissioner Bernard Mirling said yes and thought that items such as accomplishments, personnel issues, expenditures, long range planning, etc. might be issues to report.

Harvey Fox asked about Accounts Department budget. Commissioner Bernard Mirling said the Accounts Department budget for 2000 is at \$629,046. He said this budget was prepared by his predecessor. He said his predecessor removed more than \$200,000 from this budget, however, Commissioner Michael Lenz set aside \$100,000 of those funds for certiorari cases.

City of Saratoga Springs Charter Review Commission Meeting Minutes
Monday, August 21, 2000

He said when he took office there were more than 35 certiorari cases and to date they have cleared up about half of those cases.

Harvey Fox asked about revenue streams. Commissioner Bernard Mirling said his budget is funded through the City's general fund, records management grants and some funds from the school district for pending certiorari cases. Mark Lawton asked about the school district funding. Commissioner Bernard Mirling said certiorari cases can become quite expensive because of legal and appraisal fees. He said in the larger cases, outside firms must be hired to perform these services. He said in the past the school district has given the City funds to help defray these costs. He pointed out that the school district has a much larger stake in these cases than the City. Mark Lawton asked who pays the taxes in the mean time. Commissioner Bernard Mirling said he was not exactly sure, however, it was his understanding that the City "makes whole" the taxes. Elio Del-Sette said this Commission has had some discussions on the use of the City's attorneys and whether full time attorneys might be appropriate. He asked how the outside firms are hired. Commissioner Bernard Mirling said any Commissioner may simply chose a firm and the Council would approve the contract.

Harvey Fox asked who prepares the Accounts Department budget. Commissioner Bernard Mirling said he does in conjunction with his staff. Mark Lawton asked if there had been any analysis of the existing budget. Commissioner Bernard Mirling said he has reviewed the budget, current expenses, recurring expenses, income, etc. Mark Lawton asked about the accounting system. Commissioner Bernard Mirling said any information that he needs the Finance Department would provide to him.

Harvey Fox asked about planning. Commissioner Bernard Mirling said to the best of his knowledge there was no long range planning by his predecessor. Elio Del-Sette asked what long term plans for his department might include. Commissioner Bernard Mirling said one item would be revaluation and whether is should be done once every six years or yearly and what would the financial impact be. He said technology within his department should also be reviewed. Elio Del-Sette asked about an increase in staff. Commissioner Bernard Mirling said he saw no plans to increase his staff, unless yearly revaluations/assessments were done then there could be the need to hire one additional staff member to handle that work.

Elio Del-Sette asked about cooperation between this department and others in City Hall. Commissioner Bernard Mirling said cooperation is necessary and much depends on personalities. He said relationships between him and other departments are cordial and they have worked together. He said, though, there seems to be a conflict between his legislative

City of Saratoga Springs Charter Review Commission Meeting Minutes
Monday, August 21, 2000

duties and his management duties. Mark Lawton asked if they could be corrected through charter change. Commissioner Bernard Mirling said as a manager he is able to get information from other departments, however, because of the political tensions, other departments may choose to say no. He said the lack of oversight/authority is also somewhat frustrating. He said legislatively it is sometimes difficult to know what is really going on in other departments. He said individual department's accountability is hidden from other departments/commissioners. Elio Del-Sette asked if this was detrimental. Commissioner Bernard Mirling said from 1992 until now there should have been purchasing procedures in place, however, that lack of conformance never made it to the Council. He also pointed out that the taxi cab ordinance is sorely out of date and again, the Council is not aware. He said in the same token, he is not aware of things going on in other departments and it is very likely that he would never know. Elio Del-Sette asked if quarterly reporting would help. Commissioner Bernard Mirling said that would depend on what is being reported.

Commissioner Bernard Mirling said changing the charter to preserve the character of this successful, desirable and growing community in the 21st century with a 19th century government is one of the biggest challenges to the City. He said unless a new charter designed to ensure professional administration, overseen by legislative leadership with the power not only to create policy but have full access to review department practice and performance is proposed, he saw serious potential problems. Elio Del-Sette asked what might Commissioner Bernard Mirling recommend. Commissioner Bernard Mirling said he was not in a position at this time to make those recommendations, however, conceptually, he thought that departments should be run by professional managers. He said authority/oversight of all departments is necessary.

Lew Benton said because of this charter, there is no incentive to scrutinize other departments functions and/or budget. He noted there are times when requirements as set forth by the charter are not met. Commissioner Bernard Mirling agreed and further noted that in some cases it would not be possible for him to know what other departments are not fulfilling their obligations to the charter. Lew Benton pointed out that the lack of a capital budget for the last few years is a good example of not fulfilling the charter requirements. Commissioner Bernard Mirling said there is some concern by Commissioners that if they scrutinize another department's budget too closely, the tables could be turned.

Chris Whann asked if it was fair to say that Commissioner Bernard Mirling felt that his duties as a legislator conflicted with those duties as a manager. Commissioner Bernard Mirling said yes.

City of Saratoga Springs Charter Review Commission Meeting Minutes
Monday, August 21, 2000

Mark Lawton asked if the charter was asking for things that cannot be done by departments because of time constraints, etc. Commissioner Bernard Mirling said in some departments, i.e., Recreation, more oversight is necessary. He said because the Mayor is only part time and there is no deputy in that department oversight was lacking. He said the Recreation Department for example, touches on the Mayor's office, Finance and Accounts, with little financial management oversight. He said if policies/procedures were in place, perhaps the current problems would not exist. He said there is a tremendous amount of money allocated to that department, with little staff and almost no accountability. Mark Lawton said there are instances in the charter where accountability is required, however, it has not been done.

Mark Lawton asked about auditing functions. Commissioner Bernard Mirling said the Finance Department acts as the auditor through internal audit practices and there is an annual state audit as well. Mark Lawton asked if this was for financial purposes only. Commissioner Bernard Mirling said a paper trail is followed on expenditures by the state audit. He said the recent visit in connection with the Recreation Department was called "technical assistance" because they were invited to the City.

Elio Del-Sette asked if there was a process to correct the deficiencies. He asked if polices and procedures should be mandated by the charter. Commissioner Bernard Mirling asked if it was mandated by the charter, how would it be enforced and who would be in charge of that enforcement. Mark Lawton asked if Commissioner Bernard Mirling felt that post audit functions should be required. Commissioner Bernard Mirling said yes.

Mark Lawton asked Commissioner Bernard Mirling about the \$1,000 limit. Commissioner Bernard Mirling said the state law gives good sound reasons why bids should be waived. Mark Lawton asked if it was an administrative burden to have a \$1,000 limit. Commissioner Bernard Mirling said the lack of policies and procedures was the real burden. He said instruction and training of individuals on purchasing practices was also necessary.

Lew Benton asked about Commissioner Bernard Mirling's staff. Commissioner Bernard Mirling said he had discussed with both the Civil Service Commission and the CSEA the idea of developing performance evaluations and he hoped to do so in the very near future. He said he needs to create conditions for successful employees.

Harvey Fox asked about the relationship between Commissioner Bernard Mirling and the County Supervisors. Commissioner Bernard Mirling said that relationship is cordial and friendly. He said though he has not spent a lot of time with those supervisors. He said he

City of Saratoga Springs Charter Review Commission Meeting Minutes
Monday, August 21, 2000

would like to see the supervisors play a stronger role in advocating on the City's behalf at the county level. Elio Del-Sette pointed out that the towns representatives play a dual role. He said the county supervisors should be compelled to attend council meetings and compelled to enter into discussions with council members. Commissioner Bernard Mirling said they do attend council meetings and participate when asked, however, there is no definition of their duties within the charter. He said sometimes that lack of definition leads to confusion.

Mark Lawton asked about bonding limitation. Commissioner Bernard Mirling said he does not get directly involved with bonding and he does not yet have enough information to know whether the Connolly Plan limit is appropriate. Tony Izzo said the bonding limits are defined terms in the state law. Mark Lawton said it was important that someone from the City review those numbers and definitions to determine what the bonding limit is each year. He said it was critical to know who sets that review and determination in action.

Harvey Fox thanked Commissioner Bernard Mirling for this information.

Harvey Fox then welcomed Michael Lenz, Commissioner of Finance.

Harvey Fox asked about the functions of the Finance Department. Commissioner Michael Lenz said generally speaking, anything that happens in City government is funneled through his department through revenues and/or expenditures. He said his duties include collection of taxes, budget chair, preparation of the general fund budget and to act as the City's internal auditor. Harvey Fox asked about the City's budgets. Commissioner Michael Lenz said there is the general fund budget which is for the City's day to day expenses and the capital budget which is for large expenditures, i.e, infrastructure, equipment, etc. He said generally items in the capital budget are funded through bonding.

Harvey Fox asked about organization of the Finance Department. Commissioner Michael Lenz said he has a small staff. He said his deputy commissioner, who is appointed, oversees the day to day operations of this department. He said his staff includes a health insurance coordinator, payroll administrator, receiver of taxes, two part time employees and a new full time employee who will be trained in all aspects of the department and a computer technician person who is physically located in his office but whom serves the entire City. Harvey Fox asked if there was an organizational chart available. Commissioner Michael Lenz said no.

Harvey Fox asked what was the Finance Department's current budget. Commissioner Michael Lenz said it is at about \$4.5 million, however, that includes several expenditures such as

City of Saratoga Springs Charter Review Commission Meeting Minutes
Monday, August 21, 2000

health insurance, social security payments, unemployment, retirement system payments and computer expenses. He said his year to year expenses are somewhat fixed. He said only a very small portion of the \$4.5 million is allocated specifically to his office.

Harvey Fox asked about long term planning. Commissioner Michael Lenz said when he came into office there was a plan for the computer system, which is now in place. He said long range planning for his department involves the budget. Harvey Fox asked about the relationship between Finance and other departments. Commissioner Michael Lenz said it differs with each department.

Mark Lawton asked about written reports. Commissioner Michael Lenz said he submits to the Council each month financial reports on the City's expenditures. He said he also submits quarterly revenue reports. Margie VanMeter asked if the Commission could have copies of those reports. Commissioner Michael Lenz agreed. Chris Whann asked if revenues come in at the same time each year. Commissioner Michael Lenz said for the most part yes. Mark Lawton asked if the monthly financial reports are reconciled with budget amendments. Commissioner Michael Lenz said yes. Lew Benton said in his experience it is difficult to track what was adopted, versus the amended budget.

Elio Del-Sette asked Commissioner Michael Lenz why he was interested in having the charter reviewed. Commissioner Michael Lenz said it had been 16 years since it was last reviewed. He said he was not completely convinced that the charter needed to be changed though. He said there are problems, i.e., obtaining advice from the comptroller's office that is difficult because of our charter. Lew Benton said this commission is not yet in the position to embrace or abandon this charter. He said there may be some redundancy and/or conflicts in the charter and this is a good opportunity for this commission to review those items.

Lew Benton asked if Commissioner Michael Lenz saw any areas of the charter that might need to be amended. Commissioner Michael Lenz said he would like some of the "gray" areas cleaned up. He said there seems to be a graying of lines and lack of distinction in some of those lines. He said for example, the issue of the Mayor presenting budget amendments when it clearly states in the charter that the Finance Commissioner acts as the budget chair is a gray area. He said arguments can be made both ways on that issue and in fact when asked, the City Attorney was indecisive. He said though in other cases, i.e., sidewalks, it clearly states that those issues falls under the Commissioner of Public Works purview. He said in some cases, any Commissioner may bring forward any item and in other cases, that is not true.

City of Saratoga Springs Charter Review Commission Meeting Minutes
Monday, August 21, 2000

Elio Del-Sette said there seems to be some lack of communication, i.e., Recreation Department, and asked if that could be improved. Commissioner Michael Lenz said yes. He said according to the existing charter, the Mayor has broad oversight of all City departments, however, there is a lack of definition on that "oversight". He said he believed the general public's perception of the City's government is that we have a strong Mayor. He said he would like to see a more clear definition of Commissioners/Mayor roles and responsibilities. He said insurance was another gray area in that health insurance was in his office but liability is in the Accounts Department. He said there was also a disagreement earlier in the year between himself and the Mayor on who should appoint the broker of record. Elio Del-Sette said policies and procedures have been recommended by Commissioner Bernard Mirling and asked how that might help the City. Commissioner Michael Lenz said stronger definitions of roles and responsibilities is needed. Lew Benton asked if it was true that more clear definitions of administrative and legislative functions are needed. Commissioner Michael Lenz said yes.

Lee Nelson asked what happens when items specifically noted in the charter are not done. Commissioner Michael Lenz said if certain basic functions are not performed, the administrative role would revert to the legislative role and the Commissioner could be voted out of office. Mark Lawton said an Article 78 could also be brought forth. Tony Izzo said that was true, however, very unlikely. Harvey Fox clarified that the only accountability method was through the election process. Commissioner Michael Lenz said yes.

Harvey Fox asked if Commissioner Michael Lenz made appointments to any City boards. Commissioner Michael Lenz said no, although he does appoint committees.

Elio Del-Sette said he was frustrated with the current political system and said perhaps we should return to nonpartisan politics.

Mark Lawton asked if state law was followed for investment purposes. Deputy Commissioner Michael Lenz said the charter is vague in this area, however, state laws govern investment of City funds. Elio Del-Sette asked how the City determines where deposits are made. Deputy Commissioner Christine Gillmett-Brown said deposits are made in banks and/or trust companies. She said the best interest is obtained by checking with institutions before making the deposits.

Harvey Fox asked about the relationship between Commissioner Michael Lenz and the County Supervisors. Commissioner Michael Lenz said he had a good relationship with both. He

City of Saratoga Springs Charter Review Commission Meeting Minutes
Monday, August 21, 2000

pointed out that the supervisors are actually paid by the County and perhaps that issue should be reviewed. Elio Del-Sette said the County Supervisors should be made more accountable at City Council meetings. Commissioner Michael Lenz said the City needs to be careful in this area because the County Supervisors are elected officials and do not serve at the pleasure of the Council but instead are accountable to the residents of the City. He said in the past the County Supervisors have worked in conjunction with the Council. He said perhaps their roles should be more defined though. Elio Del-Sette said in some cases, County Supervisors have supported the County rather than the City on some issues.

Mark Lawton asked if the Finance Department maintains a complete employment history on all city employees. Flo Lis, payroll administrator, said they maintain earnings history for retirement purposes. Commissioner Michael Lenz said the personnel files are maintained by individual departments.

NEXT MEETING

Harvey Fox reminded everyone that the next meeting would be on Wednesday, August 30 at 6:30 p.m.

ADJOURNMENT

Chris Whann moved and Lew Benton seconded to adjourn the meeting at 8:45 p.m. Ayes all. There being no further business, Harvey Fox adjourned the meeting at 8:45 p.m.

Respectfully submitted,



Kathy Moran
Clerk

Approved: 