

## 2018 Charter Review Commission: Frequently Asked Questions (10/30/18)

### **a. What is the City Charter?**

The Charter is the foundational governing document for the City of Saratoga Springs, which provides the legal framework for the City's form of government and the responsibilities of each elected official. Also included in the Charter are other required roles and certain practices and procedures. The Charter operates in conjunction with local laws, ordinances, and other policies approved by the City Council.

### **b. What form of government does Saratoga Springs employ?**

The City of Saratoga Springs utilizes the Commission form of government, in which members of the City Council typically serve as both the head of their department and a legislator who votes on City matters. The current City Council members are the Mayor, Commissioner of Finance, Commissioner of Public Works, Commissioner of Public Safety, and Commissioner of Accounts. Other forms of municipal government include "Mayor-Council," where the mayor has more authority compared to other elected officials, and "Council-Manager," where elected officials oversee general administration while the day-to-day operations of the municipality are managed by an appointed city manager. The 2018 Commission does not propose changing our form of government.

### **c. How old is our City Charter?**

Certain revisions to the Charter need to be approved by City residents through a ballot referendum, and the last successful Charter vote was in 2001. There have been several failed Charter votes since then, all of which attempted to change the City's form of government.

### **d. Why was the 2018 Charter Review Commission ("CRC") formed, and is it trying to change the form of government?**

While the existing Charter has served the City well, in the 17 years since it was approved by voters certain improvements and deficiencies have been identified. To address these issues, the 2018 CRC was formed on March 6, 2018 by Mayor Meg Kelly with the goal of finding efficiencies and organizational improvements to better serve the people who live and work in the City of Saratoga Springs, all within the framework of the commission form of government. The CRC's Proposed Charter will be voted on by City residents via a referendum in the November 2018 election.

### **e. Who is on the CRC?**

The CRC is made up of ten City employees and elected officials across political parties and all City departments. It also includes members who were both for and against last year's proposal to change the form of government. This group has an intimate knowledge of the existing Charter based on real-world experience and brought up many of the proposed revisions based on issues or ideas they, or their employees, have come across over the years.

### **f. What did the CRC do for public outreach?**

The CRC held 20 public meetings, each with a public comment period before and after the meeting, along with two public forums and two all-day workshops. An informal poll was conducted during the first public forum, and a more formal telephone survey was conducted which received 250 responses from a diverse pool of City residents. The CRC also had a link to contact the Commission on the City website, allowing residents to provide questions or comments 24/7.

Additionally, questionnaires were sent to designated City employees, former Council members, and former deputies, and interviews were conducted with relevant Charter stakeholders including the County Supervisors and members of the Civil Service Commission, Recreation Commission, and prior Charter Review Commissions.

### **g. What will be the referendum question on the ballot this November?**

There will be two referendum questions on voter ballots this November. The ballot questions are:

**(1) Shall the Saratoga Springs City Charter be amended as proposed by the 2018 Charter Review Commission?**

**(2)** Shall the Saratoga Springs City Charter be further amended to provide for two (2) additional City Council members whose authority shall be legislative only?

Ballot Question **(1)** refers to the 2018 Proposed Charter with enhanced efficiencies and organizational improvements and maintains the five member City Council. Ballot Question **(2)** refers to the 2018 Proposed Charter with enhanced efficiencies and organizational improvements but also increases the City Council to seven members. The initiative to increase the City Council to seven members allows voters to decide separately from the proposed updates and amendments to the Charter, in accordance with New York State Law. Expanding the City Council to seven members can only be enacted with a “Yes” vote on BOTH questions.

**h. Why is the CRC proposing to expand the City Council, and how would it work in practice?**

One benefit to forming the CRC on the heels of the 2017 effort is that everyone on the 2018 Commission is well-versed on the critiques of the existing Charter. One issue raised during the prior process was that some in the City thought the legislator and departmental demands of a City Council member held people back from running for office. To address this issue, and to expand the opportunity for residents to run for office, the CRC has proposed expanding the City Council to seven members, with the two new members serving as Council Members-At-Large who have equal legislative power as the other members but who won't oversee a City department. As these new Council Members-At-Large are not overseeing City departments, they would not require deputies.

**i. What other revisions are in the Proposed Charter?**

Other than expanding the City Council to seven members, amendments in the Proposed Charter can largely be broken down into five categories:

- Increase professionalism across City Hall: Deputies are now required to have relevant experience and or educational requirements for their department. The proposed Charter also gives appropriate autonomy to Human Resources and IT.
- Realign certain functions to match responsibilities: Functions have been matched to appropriate departmental responsibilities, such as the Recreation Department moving to the Department of Public Works and Risk & Safety moving to Legal.
- Remove unilateral appointments: Because certain commissions, boards, and employees serve critical City-wide roles, they now require advice and consent from the City Council.
- Increase flexibility of City operations: The proposed Charter focuses on functions rather than specific job titles, which will give the City the ability to more easily adapt as demands and resources change.
- Improve consistency and readability of the Charter: Each Council Member section now follows a similar template, which clearly lays out their duties and powers. Certain processes, such as the Budget, are now moved to separate sections later in the document, rather than taking up paragraphs of space within a given Council member's section.

**j. What has stayed the same from the existing Charter to the Proposed Charter?**

Along with keeping the commission form the government, the term length of 2 years and the absence of term limits remain the same. Deputies are still included for the existing City Council members, as is their requirement to be a City resident. Appointments powers largely reside in the same offices they did previously, though now they are at the advice and consent of the City Council. A recent poll conducted by the CRC showed that 75% of City respondents thought things in Saratoga Springs are “going in the right direction”, and to that end the CRC aimed to revise the Charter where we thought appropriate, while also ensuring the City follows in the footsteps of what has made it such a thriving and desirable City to live and work in.

**k. What is the Budgetary Impact of the Proposed Charter?**

A Financial Summary of the Proposed Charter is available on the City website. In aggregate, should Question (1) be approved by City voters, the expected financial impact is \$0. The amendments and revisions made are related to process and structure, and do not require any new employees, salary increases, contracts or equipment. Should Question (2) also be approved by City voters, there would be additional expenses in the City budget starting in 2020. In this scenario, the salary and benefits for the

two Council Members-At-Large would be determined by the City Council prior to the 2019 election. Assuming the current City Council salary of \$14,500, the total annual cost for expanding the City Council would be \$31,218 if the Council Members-at-Large, or up to \$81,846 if benefits are offered and the new members select the most expensive healthcare plan. Should voter approve Question (2), the compensation for the new members would be set by the existing City Council through the local law process, which includes public notice and public comment.

**l. Why was the City Council salary of \$14,500 removed, and does that mean a City Council can set their own salary?**

Removing the salary of \$14,500 does not change the method by which a City Council can alter their salary. Under both the current Charter and proposed Charter if the City Council wanted to increase their salary while in office, voters would need to approve it via a referendum. If a sitting City Council wanted to increase the salary for a future City Council, they would need to do so through the local law process, which includes public notice and public hearing. There is no scenario whereby a City Council can unilaterally give itself a raise.

The salary of \$14,500 was removed at the advice of the CRC's outside counsel, and because most charters do not include them. While the 2017 proposal included salaries, their meeting minutes show that their outside counsel stated "the model charter rejects putting compensation in the Charter" (2/6/17) and a 2017 Commission member stated "the Department of State and NYCOM recommend that salaries not be in charters." (3/6/17) Minutes from both meetings are available on the City website.

**m. What does the CRC mean by "give appropriate autonomy to Human Resources and IT"?**

Under the current Charter, the City Attorney reports to the entire City Council. This is done because of the City Hall-wide responsibility held by that office, and the sensitive information that flows through it. The CRC took similar steps for Human Resources and IT, which are under the Mayor's Office and Finance Department, respectively, in the current Charter. Like the City Attorney, these groups serve the entire City Council and often deal with confidential information that should not be overseen by any single City Council member. By making both accountable to the entire City Council, it removes the notion that any City Council member can direct what they do or who they can, or cannot, work with.

A single employee reporting to a multi-person body is not uncommon in government, as is evident by last year's proposal, through which a city manager would have reported to and been evaluated by a seven member City Council.

**n. Why was the Recreation Department moved from the Mayor's Office to the Department of Public Works ("DPW")?**

The Recreation Department is reliant on DPW for the maintenance of its fields and facilities, with DPW-related lines making up over half of the Recreation budget. Recreation was moved to the DPW section of the proposed Charter to reflect, and strengthen, this inherent bond between the two groups, and was done based on input received from the Mayor's Office, DPW, the Recreation Director, and members of the Recreation Commission. Both the Recreation Director and Recreation Commission continue to exist in the proposed Charter, and both remaining focused on Recreation programming.

**o. What are the different scenarios if Question (1) and/or Question (2) are approved by voters?**

If both Question (1) and Question (2) are approved by voters, all amendments would go into place as of January 1, 2019, with the two new Council Members-at-Large elected by City voters in the November 2019 election. They would begin their term as of January 1, 2020. If only Question (1) is approved by voters, all amendments, excluding expansion, would go into place as of January 1, 2019 and the City Council would remain five members. If only Question (2) is approved by voters, no amendments go into place, as Question (2) is dependent on the approval of Question (1).

As stated above, the need for two questions was driven by State Law, which requires the expansion of City Council being a separate ballot question. The CRC decided that the possible expansion of City Council should be included as a further amendment to the updates and amendments proposed in Question (1) as that was our ultimate charge. We were established to find efficiencies and organizational improvements within the current form of government and to update a document that has not been updated in 17 years. To have included Question (2) by itself would have ignored much of our charge and the majority of updates we are proposing. Additionally, we believe the amendments included in Question (1) would allow Question (2) to best function in practice.

**p. Does moving the Recreation Department and Human Resources from the Mayor’s Office create a ceremonial mayor?**

The Mayor would not be ceremonial under the proposed Charter, as the Mayor remains the “Chief Executive Officer” of the City and is administratively responsible for the Building Department; Planning Department; Zoning; Economic Development; staff support to the Zoning Board of Appeals, Planning Board, and Design Review Commission; Open Space and Preservation of Lands; the City Historian; Collective Bargaining and serving as the Chair of the Capital Program Committee.

**q. Why was the appointment process revised, and what does “advice and consent” mean?**

Certain appointed commissions, boards, and employees serve critical City-wide roles, and the CRC felt it appropriate that the entire City Council be allowed to opine on these appointments, given that these individuals will not only impact how the City functions today, but the future growth and prosperity of the City. As an example, under the current Charter the Mayor can unilaterally appoint members of the land use boards without any input from the other Council members. Under the proposed Charter, the Mayor still makes the land use board appointments, at which point the City Council would provide “advise and consent”, meaning the merit of the appointment would be discussed, and eventually voted on. This was done to provide transparency to City residents and ensure appointments are appropriately vetted.

This revision to the appointment process impacts other appointing authorities, not just the Mayor, such as the Commissioner of Public Works appointing members of the Recreation Commission, the Commissioner of Accounts appointing members of the Board of Assessment Review, and the Commissioner of Finance appointing the IT Administrator.

**r. Do deputies require “advice and consent”, and what determines that their experience and or educational requirements are relevant?**

Deputies do not require advice and consent, as they are an extension of the elected official they report to, and who is elected by City voters. By now requiring that each deputy possess “sufficient educational qualifications, or work experience, or both” related to the responsibilities of their department, each City Council member is now charged with ensuring their deputy meets that criteria. Should someone, meaning a Council member or a member of the public, believe an appointed deputy does not meet that threshold, a legal action could be filed for non-compliance with the Charter.

**s. What would be the focus of the Council Members-at-Large, and would they be junior to the existing Council members in any way?**

As the Council Members-at-Large would not have any departmental responsibilities, their mandate would be dictated by voters. Those running for these two positions may run on specific issues they are passionate about, or may take a more general approach and run because they believe their background, skill-set, and/or voice would be a valuable addition to the City Council.

The Council Members-at-Large would be equals to the existing City Council members as legislators. They would have their own agenda, access to City employees like the City Attorney, and would cast equal votes on all items that come before the City Council, including the budget, local laws, and contracts. The strength of a Council member’s position as a legislator is not based on departmental responsibilities or their budget, as is evident by the fact that the Commissioner of Accounts has an equal vote to the Commission of Public Safety, despite the Public Safety budget being roughly 20 times larger than the Accounts budget.

*Thank you for your interest in the 2018 Charter Review Commission. The proposed Charter, financial analysis, meeting minutes, and more can be found on the City website. <http://saratoga-springs.org/charter>*