



January 24, 2017  
CITY OF SARATOGA SPRINGS  
Charter Review Commission  
City Council Room Hall – City Hall  
7:00 PM

**CALL TO ORDER**

**ROLL CALL**

**SALUTE TO FLAG**

**WELCOME AND ANNOUNCEMENTS**

**INTRODUCTORY REMARKS**

**MINUTES**

**COMMITTEE REPORTS**

**ADJOURN**



January 24, 2017  
CITY OF SARATOGA SPRINGS  
Charter Review Commission  
City Council Room – City Hall  
7:00 PM

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

ABSENT: Elio DelSette  
Devin Dal Pos

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. Kevin Tischner, Geyser Crest, said he did not support a special election on charter change. He said voter turnout is important and it would likely be low at a special election.

There being no one else wishing to speak, Chair Robert Turner closed the public comment period.

### **MINUTES**

There were no minutes to approve.

### **INTRODUCTORY REMARKS**

Robert Turner said there was a special City Council meeting scheduled for tomorrow at 4:00 p.m. on the Charter. He encouraged Commission members to attend.

### **COMMITTEE REPORTS**

Drafting Committee: Matt Jones said the Drafting Committee met yesterday and continues to work on a scaled down version of the existing charter. He said it was unlikely they would meet the February 1 deadline. Tony Izzo will assist them in reworking the document.

Outreach Committee: Beth Wurtman said the Outreach Committee met on Monday and continues to look at ways to educate the public. She said the next town hall style meeting is scheduled for March 29 at 6:45 p.m. at the library. They plan to have more of the Question & Answer type sessions as well. They continue to work on social media. Press releases also continue to go out. BK Keramati encouraged other Commission members to attend some of their meetings.

Current Charter Review Committee: BK Keramati said they continue their work as well, but do not believe they will meet the February 1 deadline. He said there is a lot of work in capturing their view of the existing charter and explaining why the Commission is moving in another direction.

Matt Jones informed Commission members that his law firm represents Regatta View, LLC, in an action against the City's Zoning Board of Appeals. He did not believe that matter would impact decisions that he makes as a member of this Commission. Tony Izzo said he would do some research on this matter.

### **FINANCIAL MANAGEMENT PROVISIONS OF THE CHARTER**

Robert Turner distributed information on financial management from the model City Charter, Oneonta and Canandaigua. He said this information was for reference only. Later in the evening there would be a phone call between the Commission and Jason Molino, City Manager, Batavia.

Robert Turner asked Mark Lawton how the existing charter's financial management section could blend with a revised charter.

Mark Lawton said everything that is in the model charter is already in the existing charter. He said some of the language would need to be modified, but it could be done. In the existing charter, the capital program and the general operating budgets were deliberately separated into two departments. He said the prior Commission did not want too much power in one

department. He suggested that if this Commission wants to make changes they should be sure there is no conflict with state law. He said state law has a requirement for a six year capital program. If an item is not in the capital program, than it cannot be in the budget. He said if this Commission chooses to go with a City Manager, the capital program component would likely fall to that position. There is a section in the existing charter that the capital program can be modified with a 4/5<sup>th</sup> vote of the Council. There is also a provision for a balanced budget to be submitted and adopted.

BK Keramati clarified that the language in the existing charter is in the model city charter. Mark Lawton said yes, with some variations though. He said the language would need to be modified to reference a City Manager rather than a Commissioner. He said the existing charter has language on the certificate of available funds, which connects to a "balanced budget."

Jeff Altamari asked if the City's budget is a GAP or Cash budget. Mark Lawton said it is a cash budget but is audited as a GAP budget. He believed the City should operate with a cash budget.

Mark Lawton said years ago, there was a belief that residents didn't pay attention to the City government during racing season, but that has since changed. A city manager would need to develop a capital program. He suggested there be a Finance Committee and that the Mayor be Chair of that committee. He said it would be up to the Chair of that committee to ensure that there is a balanced budget. He believed that there needed to be someone on the legislative side with "skin in the game." Mark Lawton said whoever prepares the budget should administer the budget and that person must have the tools to do so. There is language in the existing charter that no money can be spent without an appropriation of funds. He said the legislature would ultimately have the final approval over revenues and expenditures. He suggested that transfers of funds within a department should be done administratively. Transfer of funds between departments should be done legislatively. He again said that it was important for the Commission to be sure that the revised charter conforms to state law. He gave the example that the city has a debt limit of one percent of the full assessed valuation. He said if the Commissioners want to go beyond that, they must take it to the voters. Mark Lawton suggested that the Personnel section could come out of the charter.

Jeff Altamari asked what other sections of the charter Mark Lawton would change. Mark Lawton said the overriding issue is that there is no one in charge in the City. The Mayor is the City Executive in the eyes of the state, but there is really no one with ultimate authority. He also said that the Mayor's Department has a number of functions that should probably be relocated to other departments.

Gordon Boyd said the existing charter has had a positive impact on the City. He asked if we could take the financial structure from the existing charter and transplant it into a revised charter. Mark Lawton said yes, with some minor modifications in language and timing. Mark Lawton said if he had the opportunity to do all over again, he would choose a City Manager form of government. He said in the existing charter the Finance Commissioner has a lot of power.

Robert Turner asked why the Finance Commissioner is so powerful. Mark Lawton said there are two items that make a Commissioner powerful – personnel and money.

Pat Kane asked if the fiscal year should be changed. Mark Lawton said that the revenue flows needed to be examined before changing the fiscal year dates. He said the state does not require any specific dates for a fiscal year.

Gordon Boyd asked about the difference between a legislative and an executive budget. He said the current budget is akin to an executive budget. He said if the City Manager presents a budget it would be a legislative budget. He suggested that if the legislative budget was not approved then it would be more like an executive budget with approval by default.

Pat Kane asked about Mark Lawton's expertise in this area. Mark Lawton said he was a federal government employee for some time, then he moved to the City of Alexandria, Virginia, city government working under the City Manager form of government. In that role he handled the City's finances. He then moved onto to New York State Constitutional Convention and worked in that capacity for several years. After that he was the budget director for New York State for 12 years. He also worked on Wall Street for several years.

Jason Molino, City Manager, Batavia, phone conferenced into the meeting.

Robert Turner asked Jason Molino what role the Mayor and Council play in developing the City and Capital Program budgets. Jason Molino said it depends on the City. He said some cities have the City Manager act as the Chief Financial Officer. All require the City Manager to propose a budget by a certain date. He said the City Manager would be responsible for proposing a budget, establishing the tax levy and proposing water and sewer rates. The Council would then review the proposal, make amendments where they saw fit, hold public hearings and adopt the budget. He said generally, if there is gridlock and the Council does not adopt a budget, then the proposed budget would become the budget. Counties often operate the same way except they have a County Executive. Robert Turner said earlier this evening Mark Lawton talked about the Council not adding items to the capital budget and asked what were Jason Molino's thoughts on that matter. Jason Molino said the Council should be able to amend the capital program as long as the proper analysis had been done to show the revenues and the impact to the budget. He did not believe that a charter should be adopted with language that prohibits amendments to the capital program. He reminded Commission members that ultimately it is the Council's budget and they should have the ability to amend it when appropriate. It is the City Manager's job to advise and explain the impact of an amendment, but the Council could ultimately adopt what they believed was the right thing to do.

Mike Los asked about the budget time line and how it worked in Batavia. Jason Molino said generally around mid-October he puts together budget instructions which are then forwarded to department managers. After that there are meetings, presentations, discussions that go through about Thanksgiving time. By the beginning of December, the numbers are entered into the accounting system and then there are discussions with department heads line by line through the budget. He said by mid-December he is working on the budget message. In Batavia, the budget is presented by mid January. He also noted that during the budget process, there is a lot of discussion on strategic planning.

Robert Turner asked about the capital budget and how that relates to their strategic planning. Jason Molino said capital programs and strategic planning go together. Throughout strategic planning discussion priorities are set. He said the capital program is a small part of the strategic planning discussions, but it is part of it. He explained how roads get paved in Batavia by using a matrix and prioritizing the needs. He said it takes the subjectiveness out of it. He said, though, that the bigger pictures needs to be looked at as well, i.e., rather than paving roads here and there throughout the City, they may need to look at concentrating their efforts in one part as an investment into the neighborhood. If that is done, then curbs, sidewalks, streetlights,

infrastructure, trees, etc., become part of the discussion. He said that when those discussions are had it is about "investment" into the community. Once the City makes an investment, property owners buy into it and tend to make improvements.

Jason Molino said his role is to propose and manage the budget. The Council can ultimately do what they like. He certainly advises the Council on the pros and cons of the amendments, but the Council makes their own decision. He said several years ago there was an issue with the City's water and sewer funds running a deficit. The proposal was for a significant rate increase. He explained what would happen if they didn't increase the rates and let them know that if they chose not to increase the rates that they were making a conscious decision to run a deficit. He said he needs to be sure that the Council understands the consequences of their actions.

Barbara Thomas asked what is the role of the Mayor in Batavia. Jason Molino said there is a City Council President who is authorized to sign contracts. He said in some cases, City Council Presidents may have the ability to appoint people to committees. The major function of their role though is a facilitator.

BK Keramati asked what is the role of the Mayor in setting the vision for the City. Jason Molino said vision is important in strategic planning. He said the Council should be looking at the vision and the Mayor should facilitate that process. The City Manager would then recommend policy to set the pace of the strategic plan. He said the Council retains all of the power. The Council controls the direction, the vision and the budgets. The City manager recommends and executes.

BK Keramati asked if the Mayor should lead the Council or is it more of a ceremonial role. Jason Molino said typically, the Mayor would have not more policy making ability than others on the Council. He said perhaps the Mayor might have some authority to appoint to Boards, but generally the mayor is the spokesperson and face of the community.

Pat Kane asked about the awards the Jason Molino had won. Jason Molino said there were the distinguished budget award and the budget presentation award that was presented by GFOA. He said that there is also CAPER award that he hoped to receive.

Pat Kane asked about the \$100 million economic development plan. Jason Molino said he is in his tenth year as City Manager in Batavia. He said at the beginning there were financial challenges and a lot of crisis management. They then moved to a recovery phase. Now they are in their growth phase. He said the Governor just announced an investment program for their downtown area and the momentum is rising. The mindset has changed and growth has been triggered. He said though it is a lot of work to change the mindset of staff and residents. He said everyone wants the residents to be happy and to make investments in their community, but that requires good public investments too. One thing they did was to revise their sign code that if a sign conforms to regulations, the turnaround time in getting the permit has gone from 30 to 45 days down to hours in some cases. He said it behooves the government officials to bring in the contractors and investors to talk about the obstacles.

Robert Turner said it had been suggested to have a Finance Committee with the Mayor in charge; however, Jason Molino described several ways to go about that. Jason Molino said in Batavia, the first meeting of the month is more of a conference type meeting and the second meeting is the business meeting. He said some communities have subcommittees while others don't. He noted though that if there are committees, the issue could be referred to the relevant committee. He suggested that if there is a Ways and Means Committee, the Mayor would

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typically Chair that committee. He pointed out though that sometimes, committees try to interfere in department.

Commission members thanked Jason Molino for his insights.

### **ADJOURNMENT**

Matthew Jones moved and BK Keramati seconded to adjourn the meeting at 8:55 p.m. Ayes all. There being no further business, Robert Turner adjourned the meeting at 8:55 p.m.

Respectfully submitted,

Katherine A. Moran

Approved: 02-02-2017