

2018 CHARTER REVIEW COMMISSION MINUTES

May 9, 2018

Roll Call

Present:

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

Absent: Commissioner John Franck
Deputy Commissioner Joseph O'Neill

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, they are not a word-for-word transcript.

Call to Order

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

Public Comment

Vince DeLeonardis opened the floor for public comment.

No one spoke. End of public comment.

Approval of Minutes

Vince DeLeonardis made a motion to approve the minutes of April 25, 2018.
John Daley seconded the motion.

Vote: Ayes – 9 Nays – 0 Motion - passed

Discussion Items

Vince DeLeonardis stated that we will start with a brief review of Title 2. He put together some redline changes and will provide them to the Commission to show where we are thus far as to Title 1 and 2. No changes to Title 1 but there are high-lighted changes in Title 2 such as terms, County Supervisor, Civil Service Commission section, the Deputies considering qualifications and the posting of the agenda.

He noted that Commissioner Martin needs to leave at 5:45 and Commissioner Madigan and Deputy Mayor Shields will be leaving at 6:00 therefore the meeting will conclude at that time.

With regard to Title 3. Mayor. We will begin with the letter sections. Commissioner Madigan began with section A. Chief Executive. There were no suggested changes to this section.

Section B. Intergovernmental Representative. Commissioner Madigan would like this language to be evaluated as there are times when it is important and appropriate for Commissioners to speak with other governmental officials especially regarding issues on behalf of residents, and this section has previously been interpreted that only the Mayor is allowed to do that. Vince DeLeonardis agreed with Commissioner Madigan especially in light of the recent water issue and Commissioner Scirocco speaking with Troy directly to negotiate the exchange of parts. We have multiple departments that on occasion will have to deal with another municipality and he agrees that the language should have some clarification to allow for that. Commissioner Martin suggested that if Supervisor is added as a responsibility for the Mayor, that this is an area where it would be included. Tony Izzo and Vince DeLeonardis will work to provide language for this section to be considered at an upcoming meeting.

Sections C. Executor of Legal Documents and D. Presiding Officer of the Council. There were no issues with these sections.

Section E. State of the City Address. Commissioner Madigan suggested that language may be added here as a result of how the last State of the City Address was run by the Mayor and the Commissioners. Vince DeLeonardis said that the Mayor should be commended because the State of the City is truly the responsibility of all five (5) departments and they should report on their respective activities. Vince DeLeonardis and Tony Izzo will work to provide language for this section to be considered at an upcoming meeting.

Section F. Initiation of Reviews. Commissioner Madigan stated that the three most important documents of the City are the Comprehensive Plan, the Charter and the Budget. This section currently states that the ‘...*Comprehensive plan shall be reviewed at least every five (5) years.*’ She feels that this is a very short compressed amount of time considering our last Comprehensive Plan process took a couple of years, Council finally adopted it and we still aren’t at a place where we have brought our zoning up to speed with the plan so the five (5) years seems a little compressed and maybe should be changed to ten (10). She also stated that the section says that the ‘...*Charter should be reviewed at least every ten (10) years ...*’ but we also need a way to revise the Charter that is being worked under. The Charter Review Commissions in the past have focused on changing the form of Government and those charters have not passed and seventeen (17) years later the City is still working under the same Charter. Commissioner Martin agrees that the review of the Comprehensive Plan should be every ten (10) years, every five (5) years is too aggressive and too expensive. On the second item Commissioner Madigan raised he agrees that there have been charter reviews on the ten (10) year cycle that have not been adopted. In the tenth year when the public elects a mayor, they expect a good charter review process to be put together. He would hate to see a mayor’s hands tied and let the electorate think about that and choose the right mayor. Commissioner Madigan agrees with the review of the charter and the government but you also have to build in something that allows this form of government to be reviewed. You can’t keep having these things come up and not pass and have to work under a charter that is stale. She would like some language here that provides

some kind of safeguard that if the charter fails, it triggers an automatic review of the governing document. Vince DeLeonardis agrees that on the Comprehensive Plan the time should be increased to ten (10). As it stands we are already beyond the five (5) year review required and we haven't even updated the zoning to comply with the last Plan. So five (5) years, in practice, hasn't worked so it makes sense to take a look at that and make it a ten (10) year period also and then maybe take a look at the review issue as well. Once a committee is established to review the Charter, unless it is done in the way that this committee was established, by Certificate filed by the Mayor which provides direction, he is unclear how to address the goal so it could be achieved. Deputy Commissioner Sharp said that somewhat relating the two together, mayor is elected by the people with the knowledge that the mayor has certain responsibilities under the current charter. If the language in the Charter would say that the reviews of the Charter would be under this form of Government, the person could run for mayor on a platform that one of the things that they would do as mayor would be to set up a commission to change the form of government. Commissioner Scirocco said that initially the charter should be looked at specifically, under the current form of government like we are doing now. Considering a change in the form of government may be missing the opportunity to make necessary changes and recommendations to the current charter. Commissioner Madigan agreed and said if this practice was followed perhaps the necessary changes would have been made with previous efforts and we would be more efficient and effective today. The mayor has the right to form a charter review commission and the citizens have the right to request a change in the form of government but there has to be some way to get the charter changes made without changing the form of government so that it doesn't become as dated as this is now. Deputy Mayor Shields suggested that this could be added to Title 1 or 2 based on some sort of trigger, period of time, by definition, where the council can review. Vince DeLeonardis doesn't know if this is a possibility because this may prohibit other commissions from proposing what was proposed the last time. Deputy Mayor Shields said that her suggestion is not in lieu of that but rather in addition. Vince DeLeonardis suggested that in agreement with what Commissioner Madigan suggest that this would be done as a default it would trigger a review of the charter. He said that he and Tony Izzo could look into that. Tony Izzo suggested as a caution, §36 & 37 of the Municipal Home Rule Law establishes all the different ways that both government officials and citizens can put forward charter review commission efforts. They are general laws applicable throughout the State so no municipality can enact a local law inconsistent with those laws. Vince DeLeonardis said that in theory nothing would prevent that but notwithstanding those efforts there should be some periodic review of the existing charter because historically the charter review commission efforts have included the intention to change the form of government and they have not passed resulting in an inability to improve what needs to be improved so this would cure that in some regards. This would require a bit more research but with regards to Section F there is a consensus that both the City Comprehensive Plan and the City Charter should be the same - reviewed every ten (10) years. Tony Izzo stated that there was a section in the 1960's that said that the City Attorney shall review the charter every two (2) years and make recommendations for obsolete sections of the charter. Vince DeLeonardis said that would be an alternative and it is a good idea. Commissioner Martin agreed. He said that bad facts make bad laws and he would hate to remove the ability of the Mayor to cause a thorough review or to involve the City in an exercise that is not going to be beneficial. The suggestion that the City Attorney's review and propose suggestions might be the most appropriate solution. Tony Izzo said that section was in the charter for about 15+ years and the 2001 Charter Review Commission realized that no City Attorney had ever done it so it was repealed. Vince DeLeonardis and Tony Izzo will work provide language for consideration at an upcoming meeting.

Section G. Enforcement of Laws. Tony Izzo advised that this section was included in 1915 because there were no ordinances and the Mayor got the authority. He suggested deleting this as there is no longer a need. Vince DeLeonardis agreed that this was an area he had highlighted to discuss. It goes without saying that we now have a Commissioner of Public Safety who fills this function and in other areas the City Code also states who shall fill an enforcement function for a particular area. Commissioner Scirocco said it doesn't need to be in the Charter. Commissioner Madigan suggested that this is where less is more, more is less, applies and somethings are a given but they should be in the right place, at the very least, in the Charter. Commissioner Martin suggested that the Mayor be given the power to enforce all city laws where the enforcement has not been otherwise delegated in the Charter. That way where enforcement is specific to Public Safety, it is not the Mayor's, but a catch basin for anything that fell through. Vince DeLeonardis agreed especially in the Building department where they are able to write violations and are under the Mayor but Code and Fire are Public Safety so the point being made by Commissioner Martin is not a bad one. So reaching out for consensus, we can either remove this section and identify those in one area under the Commissioner of Public Safety and in the other one when we get to the Building Department where is would be applicable for the enforcement of laws under the Mayor. Commissioner Martin said he would still like to have the catch all in case something comes up that had not been thought of in advance. Deputy Mayor Shields cited an example of Real Property Law that was discussed previously and there was no obvious enforcement delineated and maybe that falls into this catch all category. Vince DeLeonardis and Tony Izzo will do research and provide some language.

Section H. Progress Reports. Commissioner Madigan said she has never understood this section or the need for it and believes it should be taken out unless there is a good reason for it. Tony Izzo provided some history advising that the 2001 Commission proposed this as an attempt to break some deadlocks and get discussion going in case a council member refused to advise them about a matter in his/her department. The 2001 Commission came up with the idea that the Mayor could compel, in writing to the council, information on the particular matter within so many days. Commissioner Scirocco wondered if the Mayor would be subject to this section as well? Tony Izzo advised that this was unique to the Mayor and in the seventeen (17) some years since this was adopted he can't recall it ever being used. Vince DeLeonardis suggested that this either be corrected to include all Council members or be removed. All were in agreement to remove this section.

Section I. Collective Bargaining. Deputy Commissioner Sharp stated that Finance should have a formal roll in the collective bargaining process so that the financial impact is explored fully before a contract is signed. Previously they have not been given much time to review or do cost outs before a contract was brought to the Council. He would suggest that perhaps the Commissioner be in the room to provide expertise, insight and suggestions for implementation and budgetary impacts since that is Finance's expertise. Commissioner Madigan suggests that more time is needed than has been given in the past, for her department to do cost outs, remove any issues, and bring the information to Council prior to a vote and tell the public what the cost would be. Deputy Commissioner Sharp said this would also allow for more information for budget purposes. Commissioner Martin believes all departments have some skin in the game with regard to the collective bargaining negotiations. There was a time when Public Safety and Public Works negotiated their own contracts. There is an advantage to having a unified voice representing the city but in practice without the communication with the departments it did not

work well. The Charter says *“The Mayor shall, in consultation with the Council and professionals...conduct collective bargaining ...”* but the “in consultation” part did not happen and suggested that the requirement of consultation could be strengthened. But if you have several people in the negotiation, it will not benefit the city. Deputy Commissioner Sharp indicated that the finance person would not be making the ultimate decision but rather be part of the process to express the concerns that would have a financial impact. Commissioner Madigan believes you need to have someone in the room with the financial experience. The time to deal with numbers is during the negotiations and at certain stages all along. This is the largest budgetary expense and not being able to review all implications along the way is not right with the process. Vince DeLeonardis stated that we have seven (7) labor contracts in a city that employs a little better than four hundred (400) people. Every contract has a financial aspect and impact and finance being part of the process does make sense. The Mayor should retain the responsibility for negotiations but finance could play a roll. Perhaps the process should be the Mayor, finance and a representative from the department whose contract is being negotiated. Having the participation upfront rather at the end does have some benefit. Commissioner Madigan stated that being in the room to provide some checks and balances; gives and takes; along the way makes sense since the Council has to vote on the contract instead of the last minute when it is a done deal. Vince DeLeonardis said that some language could be incorporated to include Finance and Department(s) in the negotiations however that may present a problem with contracts such as CSEA which touches multiple departments and may make the process unproductive. Commissioner Madigan said that at the least finance should be included because it has such an impact and the public should know exactly what those costs mean to the tax payers. Commissioner Martin said that if Finance is there, the other affected departments should be there too. Commissioner Madigan clarified that she is not saying finance should negotiate, but rather be aware of the process along the way. Commissioner Martin said the other departments wouldn’t be negotiation either but rather taking a look at the past for grievances or other issues that would affect the department. If they all met previously to discuss the issues then that would be fine but if that isn’t the case then you have to have all of the effected management in the room. He also pointed out that the very last sentence is awkward *“...The Council shall approve collective bargaining agreements and auxiliary agreements before they take effect.”* He would prefer it read *“the agreements shall not take effect until approved by a majority of the council.”* Vince DeLeonardis and Tony Izzo will take a look at this section and provide language for consideration at an upcoming meeting.

Section J. Official Appointments. Vince DeLeonardis suggested that the appointments still be made by the mayor but upon the advice and consent of the Council as a body. Tony Izzo commented that back in 1915 the version that the state handed down to the City regarding the City Attorney provision contained that exact language. State Law does indicate that the Mayor shall appoint the Zoning Board, Planning Board and some of the others. A municipality can supersede state law some of the time and it has to state in the local law that it is intended to supersede state law. Deputy Mayor Shields asked for clarification as to weather the land use boards would be appointed by the Mayor but approved by the Council. Tony Izzo said that there needs to be some research done to answer the question. Commissioner Madigan would like the research to be done and would like the question to be included in the public survey. She stated that she wants the Mayor and Commissioners to have their powers, and this is a big power, but it is also important that the power be used appropriately. Commissioner Scirocco asked Tony Izzo about the terms of office for the boards. Tony advised that state law dictates the number of zoning board members. The seven (7) member board, which is what we have and allowable as it

is pre-existing, is no longer allowed. It is either three (3) or five (5). The terms are in state law for both zoning and planning boards and is key to the number of members. State law also allows for the reduction in the number of members on the board. Commissioner Madigan would like to see in the section, more clarity on how the City Attorney and the Human Resources Administrator will be appointed and for what length of term. Tony Izzo said he does not believe that state law calls out that the mayor has to appoint them. Vince DeLeonardis asked if the Design Review Commission also fell under state law? Tony Izzo will check into that. They were formed under state law but is it not a required land use board. Deputy Mayor Shields asked if the Heritage Board is still an active board? If not, it should be removed. Commissioner Madigan said that the language needs to be cleaned up. Deputy Mayor Shields also pointed out that Commissioner Madigan mentioned the Human Resources Administrator already and would like to suggest that a Personnel Officer be considered instead. The position would be appointed and have responsibilities for Human Resources, Civil Service and potentially benefits. Vince DeLeonardis said this will be discussed in section 3.2 in more detail. He also wanted to get a consensus on the appointments. The Mayor making the appointments with the approval and consent of Council with perhaps a carve out for the land use boards. The state law will be reviewed.

Section K. City Department Administration. Vince DeLeonardis said this section outlines the department responsibilities. Deputy Commissioner Shields suggested that this be renamed to Department Administration and each department has the section in which the activities and functions of the department are called out such as Planning, Zoning, etc. and do away with all the other sections below removing job titles, job descriptions. Vince DeLeonardis said there may be some value to that and each department should mirror the title and call out exactly what they do. Deputy Commissioner Daley agreed as said that this change may eliminate some of the current inefficiencies. Vince DeLeonardis agreed and perhaps moving this to the beginning of each department section would be helpful. Deputy Mayor Shields stated that her specific recommendation for the Mayor's department would be "The Mayor's Department should include Planning and Zoning, Building Permits, and Code Enforcement. The Department would be expected to co-ordinate closely with fire and utilities on activities related to permitting enforcement but those functions would remain in the respective departments." Commissioner Martin asked for clarification and Deputy Mayor Shields advised that the departments would continue to reside where they are but there would be communication on the joint efforts of the departments. The reasoning is so that a resident would only need to make one stop for an issue and all departments that are involved would work together rather than making the person go from one department to another as it relates to enforcement or permits. Commissioner Scirocco asked where the oversight would be. DPW currently issues permits for work in the right of way. Deputy Mayor Shields said that she is not suggesting that the Mayor's department take on all permits but only those relating to development, construction, building. Commissioner Martin clarified that this can't be a one stop shop because a contractor looking for a permit in the right of way would still need to go to DPW. He said that there may be some inefficiencies in splitting up the building and code departments but perhaps asking the public what they want would be good. In the 1990's Building and Code Enforcement were under Public Safety. Deputy Mayor Shields totally agreed that the two should be together however planning and building work closely together so having them together would likely be more efficient from a resident's point of view. Vince DeLeonardis said that this warrants more discussion because the level of involvement between the building department and planning and zoning is significant. Commissioner Madigan said that a determination of what departments are going to be in the

Mayor's office and what departments are going to be elsewhere is needed. One department that hasn't been mentioned is Economic Development. The City really needs this department to have a face and it needs to be discussed in this section. Deputy Mayor Shields did not mention Recreation because perhaps there is some merit to think about this being in a different department or stay with the Mayor. Vince DeLeonardis agreed that there is more discussion needed to determine what stays and what moves elsewhere. Another discussion has been about HR and technically Legal is a whole different section but one thought is taking Legal and make it one department that would include HR, Risk & Safety, removing them from a department and have them serve the Council as a whole. Then you look at Recreation in section 3.4 and the question is, does the City need a Recreation Commission and with regard to the Director of the Rec Department, weather there is some merit to having this be under the Department of Public Works given the close affiliation and work they do with DPW. Commissioner Madigan agrees the Rec Commission needs to go away and perhaps put some kind of advisory committee in place. John Hirliman does a great job and manages the tasks currently assigned to the Commission. Commissioner Scirocco agrees. Commissioner Martin would like more thoughts on combining HR, Risk & Safety, Legal since they all serve the Council, how do they report? Vince DeLeonardis said that more discussion is needed but if Legal becomes a department, then it should contain HR, Risk & Safety and if we go down the road to a Personnel Director they would fall under that but the structural makeup of that needs more discussion. Purchasing and contract administration would also fall in there too. Commissioner Martin wanted to know if the members are being asked to come to the next meeting with their thoughts on that? Vince DeLeonardis said that is one way to approach it or if everyone is in agreement he and Tony Izzo can put some draft language together for consideration at an upcoming meeting. We are running short on time and there is still a large part of Title 3 to be discussed.

Section L. Capital Program Committee Chairperson and Section 3.1. Commissioner Madigan said she could take care of a large part of Title 3 by moving the Capital Budget to the Finance Department and when Title 4 comes up for discussion she is going to recommend the addition of a full time, non-union, management confidential Budget Director. Commissioner Martin asked if, under the suggested program, would there still be a Capital Budget Committee? Commissioner Madigan said yes, it would still exist but Finance would be responsible for moving the process along. Deputy Commissioner Sharp suggested language be added for section 3.1.4 Capital Program Adoption giving the Finance Commissioner some power to add or remove things to ensure the budget is balanced and since the Capital Budget does impact the general Budget, having them separated does seem problematic. Commissioner Martin agrees putting this under Finance makes sense and he would like to suggest that if members to the committee are identified then the Fire and Police Chief's should be included. Commissioner Madigan agrees that they should be included to be able to obtain the information from them in a more timely way. Deputy Commissioner Sharp wonders if the State Municipal may require this to be in the Mayor's department so that should be explored. Deputy Commissioner Daley agrees that having this under Finance will just make it more efficient. Deputy Martin stated that he apologized but needed to leave. Vince DeLeonardis asked if he could provide his agreement or opinion on the questionnaires that were provided at the last meeting that will be sent to current and past employees. Commissioner Martin said he agreed that these were good to send out but when the public questionnaire is presented he would like more discussion. Vince DeLeonardis advised he would send a list of who the questionnaire would be sent to tomorrow. Commissioner Madigan continued the discussion on the Budget section and indicated that a Budget Director would be managing Capital Budget process. Commissioner Scirocco weighed

in on this. The majority of DPW's budget is capital expenses for major equipment which is necessary to ensure the safety of the public. Currently the cap for life expectancy of equipment under the Capital Budget is ten (10) years so he can't buy pickup trucks because the life expectancy is less however many of his trucks are over ten (10) years old and the cost of those trucks are a capital expense. Deputy Commissioner Sharp advised that anything can be added to the budget by four-fifths (4/5) vote so if DPW needed equipment that was not approved, they could still get it. Commissioner Madigan advised that a change to the comprehensive Budget would require three (3) votes subsequent to that if you want to amend the budget, and we do that all the time, then a roll call with a super majority vote is necessary and Deputy Commissioner Sharp clarified that his suggestion was directed to the Capital Budget and not the adopted Budget. Commissioner Scirocco said that his are all big ticket items that are necessary to provide essential services to the City. Vince DeLeonardis said that there appears to be a consensus to move the Capital Budget to Finance but more discussion is needed. Commissioner Scirocco said that there has to be some sort of guarantee and Commissioner Madigan explained that there may not be a Capital Budget due to the state of the finances of the City at any given time so there can be no guarantee.

Section 3.2 Human Resources Administrator. Vince DeLeonardis proposed moving this to a Legal Department.

Section 3.3 Administrator of Parks, Open Lands, and Historic Preservation. Vince DeLeonardis suggested that Parks, Rec and Open Space all go together so if we are going to move Rec to DPW, perhaps Parks and Open Space join them. Commissioner Madigan thinks this is a weird position to be in a charter but liked the notion of Rec, Parks and Open Space be under DPW. Deputy Mayor Shields suggested that the question of the position being in the charter should be addressed first then determine where it should go.

Section 3.4 Recreation Commission. Commissioner Madigan suggested that the Recreation Commission be dissolved because most of the duties are currently being done by John Hurliman in his role as Administrative Director of recreation.

Section 3.5 Planning and Economic Development will be kept. Commissioner Scirocco said that the City Attorney, Human Resources, Fire and Police Chiefs are the only positions that should be in the charter. Everything else should be removed and the reason is that having the descriptions in the charter limits the ability to make changes as changes in the city and requirements of the city demand. He is not suggesting eliminating positions but rather take them out of the charter so you don't have to come back to the table to make necessary changes. Deputy Mayor Shields said the charter should talk about the titles but not call out the function. Commissioner Scirocco said that this will help every department be more efficient. Commissioner Madigan agreed that what is there now are job descriptions and they don't need to be in the charter. If there is some way, that is legal, she would like to call out job titles as management confidential because it is very difficult to operate when we are the only management. If you look at titles like Director of Finance, Director of Planning & Eco Dev., Director of IT, they are all in the union and how can you be management if you are in the union. There should be other management officials in the city. Deputy Commissioner Daley agrees and said it is incredibly difficult to manage a department when everyone else is union. Commissioner Scirocco agreed and said that at the least they should come out of the charter. IT is not in the charter and there are others that supply the same essential services that are not in the charter. Being in the charter makes it incredibly difficult to make changes. Commissioner

Madigan said that job titles should be listed but not the descriptions, that should be non-union, management confidential. This will not happen through labor negotiations. We have directors approaching One Hundred Forty Thousand Dollars (\$140,000) a year and they get comp for any time over forty (40) hours and it is not right on behalf of the tax payers.

Vince DeLeonardis noted that it is after 6:00 PM and others need to leave so we need to wrap this up. We will continue this discussion.

Section 3.6 Building Inspector and Section 3.7 Public Information will be discussed at the May 23rd meeting.

Other Business

1. Review & approve two proposed questionnaires for the public and current employees.

Vince DeLeonardis asked Commissioner Martin if he had any objection to using the questionnaires provided at the last meeting for employee feedback. Commissioner Martin said they were fine for employees but he would like to have more discussion on the questionnaires for the public. Vince DeLeonardis agreed there would be more discussion needed for that. A list of recipients will be sent tomorrow. Please review the list and provide any additional names.

Vince DeLeonardis advised that the next meeting will be held on May 23, 2018 and perhaps we could start earlier. He opened the floor back up for additional public comment.

Public Comment

Bonnie Sellers, Saratoga Springs resident. It makes sense to take the logical look at each department. The 2001 Charter wanted to give the Mayor's Department more strength and there was a need for these positions so they were put in the Mayor's department but moving Recreation to DPW just makes sense. The suggested change to Codes & Building may need a better look. As to the State of The City - Mayor Kelly hit a home run out of the ball park! People were thrilled and it's a pleasure to witness.

End of public comment.

Commissioner Scirocco wanted to advise two things: he is for moving the Recreation Department under DPW and job descriptions should be removed from the Charter.

Deputy Mayor Shields provided a handout titled "Proposed City Department Organization" to perhaps use in future discussions.

Vince DeLeonardis thanked everyone for coming and advised that while the schedule shows Title 4 to be discussed at the next meeting, we will continue the discussion of Title 3. He also asked if anyone had a problem starting the meeting at 4:00 PM. All were in favor and Trish will make the necessary notifications.

Vince DeLeonardis adjourned the meeting at 6:07 PM.

Respectfully submitted by Trish Bush.

2018 Charter Review Commission
City of Saratoga Springs NY
Sections To Be Addressed

Submitted by: Michele Madigan, May 9, 2018

Date submitted: _____

3.F. Initiation of reviews. The Mayor shall cause a review of the City Comprehensive Plan and City Charter to be conducted periodically. The City Comprehensive Plan shall be reviewed at least every five years, commencing with the effective date of this Charter. The City Charter shall be reviewed at least every 10 years commencing with the effective date of this Charter.

Issue:

5 years is too soon for Comp Plan. We haven't even implemented zoning requirements from the last comp plan. Better charter review language so the form of government is up for review, but ensures current charter receives review.

Proposed Language: *(Leave blank if no immediate solution makes sense and if the section should be brought forward for a general discussion. In that situation, vote information below would be N/A.)*

Ayes _____ Nays _____ Abstentions _____

Vote Date: _____

2018 Charter Review Commission
City of Saratoga Springs NY
Sections To Be Addressed

Submitted by: Michele Madigan, May 9, 2018 _____

Date submitted: _____

3H: Progress Reprot

Current Language: **H. Progress reports.** The Mayor shall have authority to require any Department to report to the Council in writing on the status of any function, program, or project involving the City. Departments shall provide aid and assistance to the Mayor in execution of these responsibilities

Issue: I don't even understand this power or how it should be used and why

Proposed Language: *(Leave blank if no immediate solution makes sense and if the section should be brought forward for a general discussion. In that situation, vote information below would be N/A.)*

Ayes _____ Nays _____ Abstentions _____

Vote Date: _____

2018 Charter Review Commission
City of Saratoga Springs NY
Sections To Be Addressed

Submitted by: Mike Sharp

Date submitted: 5/3

3.1.4 Capital Program adoption.

Current Language: *The Council shall adopt the six-year Capital Program annually after its review and revision. Two public hearings shall be held prior to final adoption by the Council. No capital project shall be authorized or undertaken unless it is included in the Capital Program adopted by the Council. A capital project may be added to or deleted from the Capital Program any time by affirmative vote of 4/5 of the Council, only after public hearing and publication of information supporting the requested action.*

Issue: As the Capital Budget impacts the City Budget and the Finance Office oversees the issuance and maintenance of City debt, the Finance Commissioner needs to the ability to modify the Capital Budget as needed. This is to ensure a balanced budget and that the financial obligations of the City are properly handled. Given the tight budgetary window, it is impossible to alter the Capital Budget through the normal hearing process.

Proposed Language: *...A capital project may be added to or deleted from the Capital Program any time by affirmative vote of 4/5 of the Council, only after public hearing and publication of information supporting the requested action. The Finance Commissioner reserves the right to alter the Capital Program from its adoption to the adoption of the City Budget, to ensure a balanced budget and in review of the City's overall debt obligations.*

Notes: N/A

Ayes _____ Nays _____ Abstentions _____

Vote Date: _____

2018 Charter Review Commission
City of Saratoga Springs NY
Sections To Be Addressed

Submitted by: Mike Sharp

Date submitted: 5/3

3.6 Building Inspector; Zoning and Building Inspector. (DPS 6.C Code Administrator.)

Current Language:

3.6 The Building Inspector and the Zoning and Building Inspector shall be under the direction of the Mayor and shall have authority to administer and enforce those provisions of the City's codes, rules and regulations as specified in Chapters 117, 118, 240 and 241 of the City Code, together with other authority conferred on him or her under the laws of the State of New York.

6.C The Code Administrator shall be under the direction of the Commissioner of Public Safety and shall have authority to enforce and administer those provisions of the City's laws, codes, rules, and regulations specified in Chapter 8 of the City Code, together with such other authority as may be conferred on him or her under the laws of the State of New York.

Issue: Having Code Administration and Building Inspectors in the same department might allow for a more efficient oversight process, allowing for better cross-training and collaboration.

Proposed Language: *(unsure which move makes more sense structurally)*

Notes: N/A

Ayes _____ Nays _____ Abstentions _____

Vote Date: _____

2018 Charter Review Commission
City of Saratoga Springs NY
Sections To Be Addressed

Submitted by: Mike Sharp

Date submitted: 5/3

3.1 Collective bargaining.

Current Language: *The Mayor shall, in consultation with the Council and professionals retained by the Council for the purpose, conduct collective bargaining with City employees' bargaining units. The Mayor may delegate this authority, as the Mayor deems necessary. The Council shall approve collective bargaining agreements and auxiliary agreements before they take effect.*

Issue: There is a financial component (salary, insurance, retirement, etc.) to every contract, so the Finance Department needs a more formal role earlier in the process. Last year there were several contracts settled, and on multiple occasions Finance didn't see a document until very late in the process, giving us limited time to determine the cost of any changes, look for potential issues, and raise budgetary concerns.

Proposed Language: *(unsure)*

Notes: Having not been part of the process, I don't know if there's an official stage in each negotiation where Finance could be included, or if each is unique.

Ayes _____ Nays _____ Abstentions _____

Vote Date: _____

2018 Charter Review Commission
City of Saratoga Springs NY
Sections To Be Addressed

Submitted by: Mike Sharp

Date submitted: 5/3

3.J Official appointments.

Current Language: *The Mayor shall make the following appointments: The City Attorney, in accordance with Section 8.1 of this Charter, and members of the City Planning Board, Zoning Board of Appeals, Design Review Commission, Urban Heritage Program Board, Housing Authority Board of Directors, and Recreation Commission. Such appointments shall be pursuant to Civil Service Law and the Public Authorities Law.*

Issue: Given the role these boards and commissions play in the City, they should be subject to review and vote by the entire City Council.

Proposed Language: *The Mayor shall make the following appointments, subject to City Council Approval.. (the rest the same)*

Notes: N/A

Ayes _____ Nays _____ Abstentions _____

Vote Date: _____

**2018 Charter Review Commission
City of Saratoga Springs NY
Sections To Be Addressed**

Submitted by: ____ Lisa Shields _____

Date submitted: ____ 5/9/18 ____

TITLE 3 THE MAYOR

Current Language: **3.2 Human Resources Administrator**

Issue: Subsection J, as proposed would make this section unnecessary in the charter.

Issue: Job descriptions should be removed from the charter.

Proposed Language: *(Leave blank if no immediate solution makes sense and if the section should be brought forward for a general discussion. In that situation, vote information below would be N/A.)*

Ayes ____ Nays ____ Abstentions ____

Vote Date: _____

**2018 Charter Review Commission
City of Saratoga Springs NY
Sections To Be Addressed**

Submitted by: ____ Lisa Shields ____

Date submitted: ____ 5/9/18 ____

TITLE 3 THE MAYOR

Current Language: 3.3 Administrator of Parks, Open Lands, and Historic Preservation

Issue: Recommend that this is either a function of the Planning Department under the Mayor, or a function of the Recreation Department under DPW. This section as is, can be removed.

Issue: Job titles and descriptions should be removed from the charter.

Proposed Language: *(Leave blank if no immediate solution makes sense and if the section should be brought forward for a general discussion. In that situation, vote information below would be N/A.)*

Ayes ____ Nays ____ Abstentions ____

Vote Date: _____

2018 Charter Review Commission
City of Saratoga Springs NY
Sections To Be Addressed

Submitted by: ____ Lisa Shields ____

Date submitted: ____ 5/9/18 ____

TITLE 3 THE MAYOR

Current Language: 3.4 Recreation Commission

Issue: Recommend that the Recreation Commission is no longer necessary if the Recreation Department is a function of the Department of Public Works. The Director of the Recreation Department would oversee a budget for programs, operation and maintenance of parks and recreation.

Proposed Language: *(Leave blank if no immediate solution makes sense and if the section should be brought forward for a general discussion. In that situation, vote information below would be N/A.)*

Ayes ____ Nays ____ Abstentions ____

Vote Date: _____

**2018 Charter Review Commission
City of Saratoga Springs NY
Sections To Be Addressed**

Submitted by: ____ Lisa Shields ____

Date submitted: ____ 5/9/18 ____

TITLE 3 THE MAYOR

Current Language: 3.5 Planning and Economic Development and 3.6 Building Inspector

Issue: These two subsections can be removed, per the proposed change to Section K.

Proposed Language: *(Leave blank if no immediate solution makes sense and if the section should be brought forward for a general discussion. In that situation, vote information below would be N/A.)*

Ayes ____ Nays ____ Abstentions ____

Vote Date: _____

**2018 Charter Review Commission
City of Saratoga Springs NY
Sections To Be Addressed**

Submitted by: ____ Lisa Shields ____

Date submitted: ____ 5/9/18 ____

TITLE 3 THE MAYOR

Current Language: **L. Captial Program Committee Chairperson**

Issue: The Commissioner of Finance should chair this committee. In practice, it is inefficient for the mayor to oversee this process. The list of committee members should be updated to generally represent the activities to be included, rather than call out specific job titles.

Proposed Language: *(Leave blank if no immediate solution makes sense and if the section should be brought forward for a general discussion. In that situation, vote information below would be N/A.)*

Ayes ____ Nays ____ Abstentions ____

Vote Date: _____

PROPOSED CITY DEPARTMENT ORGANIZATION

