

2018 CHARTER REVIEW COMMISSION WORKSHOP MINUTES

July 19, 2018

Roll Call

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

Absent: Commissioner Michele Madigan
Deputy Commissioner Joseph O'Neill
Deputy Mayor Lisa Shields was called away at 9:45 AM

Recording of Proceeding

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

Call to Order

Chairman DeLeonardis called the meeting to order at 9:15 AM.

Public Comment

Chairman DeLeonardis opened the floor up for public comment.

Richard Sellers – Saratoga Springs: Reviewed the 2017 proposed Charter and there are two or three things that Success agrees with them on. Specific to section 2.04 Mayor it says that the Mayor shall appoint with advice and consent of Council the members of all regulatory boards. He has brought a hand out with the specifics that are directly from the 2017 charter proposal. He read the paper (attached) and said that if the two groups agree it is a pretty good thing – consensus - that this will increase with team work and consideration and seldom result in confrontation and put additional review on the most important people helping City Government perform.

End of public comment.

Approval of Minutes

Chairman DeLeonardis made a motion to approve the minutes of June 27, 2018. John Daley seconded the motion. Vote: Ayes – 7; Nays – 0; Absent – 3; Motion - Passed

Discussion Items

Chairman DeLeonardis began with a discussion and review of the charter with a more detailed review. There will be no decisions or vote until after the second Public Forum currently scheduled for August 21, 2017, which is also the same day as the City Council meeting so they will be held together. Deputy Sharp, Tony Izzo and Chairman DeLeonardis met with attorney Bob McLaughlin on July 10th to discuss the beginning of his review starting with the following topics: Civil Service; board appointments; Rec Commission; and qualifications of Deputies, therefore discussion on these issues will be on hold until the comments from Attorney McLaughlin are received.

Based on prior meetings and discussions that have been had, descriptions of functions in each department will be included in each section as appropriate but particular job titles will not be included. Each section currently begins with a letter section which essentially calls out the functions contained in the department. In continuing the redline and after the continued discussions, a paragraph format will be used to describe the functions and more specific details will follow in the number sections below the Title. Some of the Titles just call out what is done but others include how the actions are to be done. The “how” has been removed and put in a separate Title following all the Department descriptions.

To begin with Title 1 Short Title: Territories: General City Powers: Severability. All agreed no changes were needed.

Section 2 City Council, Supervisors, Deputies and Employees. Section 2.1 the designation of two supervisors has been changed to read “On or more...as may be established by County Law.” because the City has no authority to designate the number of supervisors.

A paragraph regarding eligibility has been moved and added here: No person shall be eligible to serve as an elective officer unless at the time of election the individual is a resident elector of the City and is duly qualified pursuant to the requirements of the Public Officers Law. Every officer shall take and file the constitutional oath of office prior to assuming duties.

The next section regarding salaries still needs more discussion but agreement that salaries shall be removed has been determined so the following language is proposed subject to Attorney McLaughlin’s review. The Council has the ability to make changes, but not to affect their own salaries. “The Mayor and each Commissioner shall receive a salary ~~of \$14, 500 per year, except that for the year 2010 their salary shall be reduced 10% each pay period effective March 26, 2010, for the remainder of that calendar year, at the request of the City Council and due to the current financial crisis.~~ and compensation as shall be established from time to time by local law and subject to approval by public referendum pursuant to sections 23 and 24 of the Municipal Home Rule Law. The Mayor shall be the presiding officer of the Council and shall prepare the final agenda for each Council meeting by obtaining a list of agenda items from each Council member and supervisor.” Discussion ensued.

Section 2.2 City Council and Powers has a couple of changes. The 4th and 5th paragraphs have been combined and clarifying language of “at least twenty-four (24) hours prior to the regular meeting. Time shall be allotted at every regular meeting for the public to speak.” Has been added. The paragraph below has been moved because it applies to all council

member: “The Mayor shall be the presiding officer of the Council and shall prepare the final agenda for each Council meeting by obtaining a list of agenda items from each Council member and supervisor.” The remaining section has been updated for grammatical issues.

Commissioner Martin suggested that the following be added in Section 2.2: The Council shall adopt a set of procedures for the conduct of Council Meetings at the first meeting of each term. All agreed.

Section 2.3 was amended and moved from the Mayor’s section to include the participation of all Council members and reads as follows: “**2.3 State of the City Address** The Mayor and each Commissioner shall submit in writing to the Council and the public a State of the City Address on or before the first regularly scheduled Council meeting in February each year. The message shall detail the overall status of City operations for the previous year as well as the challenges, opportunities, goals, and objectives for the succeeding year.”

Section 2.4 was moved up. “**2.4 Initiation of Reviews** The Council shall cause a review of the City Comprehensive Plan and City Charter to be conducted at least every ten (10) years. The reviews shall be initiated by the Mayor and each Council member shall have an equal number of appointments to the Committee or Commission conducting such review.” Deputy Shields asked for clarity on appointments. Chairman DeLeonardis said that the original charter provided for initiation of reviews where appointments were the mayor’s and this change will allow for all Commissioners to have an appointment for representation and to address criticism of past practices. 2.5 grammatical changes were made here and Vacancies remains the same. Civil Service discussions provided for three options: Keep as is; move to the County; and hire a Personnel Director. Attorney McLaughlin will provide input to this. There have been conversations with Mark Cocosa, Chairman of the Civil Service Commission; Corissa Salvo, Civil Service coordinator; and Miriam Dixon, HR. Deputy Shields asked if it was possible to add general language in the Charter and leave the specifics to another type of document to give the City flexibility. Deputy Sharp said that there are laws that provide direction so waiting for Bob to come back with more information is advisable. Commissioner Scirocco asked about the terms of service for Civil Service. These services are not just for the City but also for the school system and the way it has been working seems to be working fine. Commissioner Franck agrees with Commissioner Scirocco and if it was moved out of the City it would provide delays in getting things done. Commissioner Martin is interested in discussing this with Bob McLaughlin and understanding if a referendum is required. After a discussion all seem to be in agreement that Civil Service should remain as is. A question about budget came up, discussion ensued and it was left that Bob McLaughlin is also looking at that question and will provide information. Chairman DeLeonardis said that Mark Cocosa suggested a review of the current language that references political affiliation and requested it become more specific so better language will be considered and proposed.

For the next section there is new numbering because of above additions making the section: “~~2.6.1~~**2.8.1 Deputies.** Deputies shall be public officers. Each deputy shall serve at the pleasure of, and not longer than the term of, the Council member making the deputy's

appointment. No deputy shall hold office in a political party during his or her term. Each deputy shall possess sufficient educational qualifications, or work experience, or both, reasonably related to the administrative responsibilities of his or her department. The Council may establish other appropriate qualifications for any deputy.”

Deputy Sharp said that this language is in direct response to the previous comments of “political hacks who aren’t suited to their job”. He does not agree with that and the political party line seems duplicative. Commissioner Martin is in complete agreement with Deputy Sharp. Involvement in a political party should not be a qualification but rather the ability to do the job should. Deputy Daley agrees and said that political party language may even be unconstitutional. Commissioner Scirocco agrees that the deputies should have the qualifications to hold the job and there are guide lines for the person making the appointment. Commissioner Franck said he wouldn’t hire someone who holds a high position in a political party but that is a personal decision and wouldn’t put it in the Charter. Abilities are the criteria for hiring. Chairman DeLeonardis asked for agreement that the political party reference be stricken – all agreed, so the section will now read: **“2.6.1-2.8.1 Deputies.** Deputies shall be public officers. Each deputy shall serve at the pleasure of, and not longer than the term of, the Council member making the deputy's appointment. Each deputy shall possess sufficient educational qualifications, or work experience, or both, reasonably related to the administrative responsibilities of his or her department. The Council may establish other appropriate qualifications for any deputy.” Commissioner Franck asked if the new language about qualifications should be included since the last sentence seems to cover that. Chairman DeLeonardis noted the slight difference with the inclusion of the word “other” and the prior sentence just indicates what the qualifications are since previous language indicated that there could be qualifications but no one ever did it so in light of that this language just adds clarity and takes it a little bit further.

The new 2.10 says: **“2.810 Removal from Office**

The Mayor, Commissioners, and Supervisors may be removed from office for cause by the Governor in the manner provided for removal of the Chief Executive Officer of a City in Section 33 of the New York Public Officers Law.

Any appointee or employee may be removed by the officer appointing such person in a manner consistent with provisions of the New York Civil Service Law. Where an appointment is made subject to the advice and consent of Council, removal shall be made in an equal manner.”

To continue, **TITLE 3 THE MAYOR**, some items have been moved to more appropriate sections of the charter and the letter items that previously began the section have been modified into a paragraph depicting functionality of the office. There has been no modification of content only a change in structure. The new language is as follows:

“The Mayor shall be the chief executive officer and official representative of the City, and shall have and exercise the powers and duties conferred on that office by this Charter, and such other duties as the Council may prescribe by ordinance or local law, and shall supervise their execution. The Mayor shall execute in the name of the City all instruments requiring the assent of the Council, except as otherwise provided by New York State Finance Law, and shall cause the City Seal to be affixed to instruments as required.”

The Mayor shall have responsibility for the following functions, boards and/or departments in City government and shall organize same to ensure efficient, cost-effective operations: **Building; Planning; Zoning; Economic Development; Staff support to the Zoning Board of Appeals, Planning Board, and Design Review Commission; and such other departments, boards and functions assigned to the Mayor’s office by action of the Council.**”

After these two paragraphs, the section continues with 3.1 Building Department; 3.2 Planning; 3.3 Zoning; 3.4 Economic Development; 3.5 Zoning Board of Appeals, Planning Board and Design Review Commission; and 3.6 Open Space and Preservation of Lands that split the functions of POSH and Parks should go to DPW. Specific titles have been removed but the function has been specified and reads as follows:

“3.1 Building Department

The Building Department, under the direction of the Mayor, shall be responsible for the administration and enforcement of the New York State Uniform Fire and Building Code as well as other applicable laws rules and regulations relating to the construction, alteration, demolition, use or occupancy, location, repair or removal of buildings and structures in the City and the installation and use of materials and equipment therein.

The Mayor shall appoint such Building Department staff necessary to carry out the functions and responsibilities required by the City’s codes, rules and regulations and the laws of the State of New York.”

Chairman DeLeonardis said that the titles are no longer called out but the function of the building department is still under the Mayor’s department. Deputy Sharp asked about the Zoning Administrator title and asked if this was something that should be called out. Chairman DeLeonardis said that the function is still one that is needed, just like Code Administrator and those functions are necessary to the City but the titles don’t need to be included in the Charter. Its up to the Mayor to fill the position. Commissioner Martin believes that the second paragraph relating to compliance with codes is a direct overlap with the functions in the Department of Public Safety as it is a shared responsibility in Section 6. A brief discussion ensued, Chairman DeLeonardis advised that this is a function only and not job specific and Commissioner Martin will propose language for clarity.

“3.2 Planning

The Mayor shall be responsible for City planning activities and for promoting the orderly development and growth of the City, consistent with the City’s Comprehensive Plan and other plans adopted by the Council.

3.3 Zoning

The Mayor shall have authority to appoint a qualified individual or individuals to enforce those provisions of the City’s codes, rules, and regulations as specified in Chapters 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.

The Mayor shall cause a review of Zoning laws, ordinances and regulations of the City ...”

Chairman DeLeonardis advised that this sentence is left unfinished since a change in the Comp Plan triggers a change in Zoning so language should reflect this and will be provided.

“3.34 Economic Development

The Mayor shall be responsible for coordinating and gathering, research, analysis, and technical assistance related to community and economic development opportunities. The Mayor shall have authority to ensure the work is carried out in accordance with procedures prescribed by Federal, State, and local laws and policies and shall manage and coordinate applications for grants and loans for all City departments, and shall assist in the identification of grant opportunities and the preparation of applications.” Chairman DeLeonardis pointed out that this section has been separated from the previous section of Planning & Economic Development as previously discussed.

“The Mayor shall be responsible for planning and implementing the activities of the Community Development Block Grant Program.

3.45 Zoning Board of Appeals, Planning Board, and Design Review Commission

The Mayor shall have authority to appoint staff to support for the activities of the Planning Board, Zoning Board of Appeals, and Design Review Commission.

3.56 Open Space and Preservation of Lands

The Mayor ...” This is a result of the POSH position being redefined and with the previous discussions of moving Parks, which is already handled by DPW, and Rec to DPW.

“3.67 City Historian” This is a new section. It is important to the City and should be included in the Charter. Language will be provided to describe the functions.

“3.78 Collective Bargaining

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.” Chairman DeLeonardis opened this for discussion to gain consensus on a move forward and final draft basis. Commissioner Scirocco asked if the current charter doesn’t already say this. Chairman DeLeonardis said that it is not being done in practice. Deputy Sharp stated that in the past Finance has been given one or two weeks to provide the financial cost outs and review the impact of the terms and it isn’t enough time to do a thorough review. Chairman DeLeonardis said that HR provided some input to the question suggesting that there be 1 person at the table but the affected departments should have internal meetings prior to negotiations and have input to the terms being offered to facilitate in the negotiations. Commissioner Scirocco asked if the negotiating teams should be called out in the Charter. Chairman DeLeonardis said that when a contract is brought to the Council, there is always the ability to ask for more time and information before voting. Commissioner Martin agreed and Commissioner Franck suggested that the Legal Office set up and provide a procedure document.

“3.98 Official Appointments

The Mayor shall make the following appointments subject to the advice and consent of the City Council: The City Attorney, Human Resources Administrator, members of the City Planning Board, Zoning Board of Appeals, Design Review Commission, Urban Heritage

Program Board, Housing Authority Board of Directors, City Center Authority Board of Directors and Recreation Commission. This subsection is intended to supersede sections of New York General City Law, General Municipal Law ”

There is a legal question on adding the language to allow the Mayor to unilaterally make the Land Use Board appointments. Commissioner Scirocco said to leave the appointments with the Mayor. Commissioner Martin wants the appointments to be on advice and consent of Council. Deputy Sharp said he can see the value in this being different from other appointments because the focus of the Mayor’s Department is the Land Use Boards. Chairman DeLeonardis is leaning toward adding the language but the Mayor’s Department is in charge of those functions so that the Mayor makes the appointments is a function that the public is aware of. Commissioner Franck agrees that it should be left with the Mayor and if the power is taken from the Mayor, it weakens the chance of this passing. Deputy Sharp asked for clarity on what appointments stay with the Mayor? Chairman DeLeonardis replied that it would be Land Use Boards – ZBA, Planning Board and DRC and maybe language should reflect that. A discussion continued and it was agreed that the language would not be added and the unilateral power left with the Mayor. The section ends with the same language included for each department which says that the duties may be delegated as necessary.

“The Mayor may lawfully delegate the above-cited powers, duties, and responsibilities. The Mayor shall ensure that employees in the Mayor’s Office have appropriate skills, work experience, and education to perform professional-quality work. All City departments and personnel shall provide the necessary data, assistance, and information required in the execution of these powers, duties, and responsibilities.

In the event of the Mayor’s absence or disability, other than a vacancy as defined in Section 2.4, a member of the Council shall act in the Mayor’s stead for so long as a quorum of the Council remains present and able to serve. The order of succession to act as Mayor shall be: First, the Commissioner of Finance; Second, the Commissioner of Public Works.”

Deputy Sharp said he thought that there was a previous discussion to expand this and Chairman DeLeonardis agreed and will add additional succession language to provide for direction in the event that some action needs to be taken that a quorum vote is not required, such as signing a document that had previously been approved but now the successor is not available.

The following sections of this Title is redlined. The POSH position will be split and the functions will be called out but not the title. Commissioner Scirocco suggested that the language should be included that the position works with DPW. Chairman DeLeonardis said that it is lands only, but open space such as Pitney Farms would remain in the Mayor’s department. Commissioner Scirocco asked who manages the open space if it remains with the Mayor? Who would take care of removing a fallen tree? DPW usually takes care of it but budget is an issue. A discussion of the details continued and Commissioner Scirocco still believes maintenance of open space should be called out. Deputy Sharp suggests that there be multi-department agreements to address ongoing responsibilities but may not be Charter appropriate. Commissioner Martin agreed that the multi-departmental agreements are a good idea and there should be a procedure that involves the Legal Department and the Mayor’s Department to assist with this but not in the Charter.

This concludes the Mayor's section and the additional language as called out in sections above, will be targeted for the next meeting by both Chairman DeLeonardis and Commissioner Martin.

To continue with Title 4, the letter sections have been combined into paragraphs that outline the functions.

“TITLE 4 THE COMMISSIONER OF FINANCE

The Commissioner of Finance shall be the chief fiscal officer of the City, and shall have and exercise the powers and duties conferred on that office by this Charter, and such other duties as the Council may prescribe by ordinance or local law, and shall supervise their execution. ~~the laws of the New York State and the United States, and such duties as the Council may prescribe by ordinance and local law.~~

The Commissioner shall have responsibility for the following functions, boards and/or departments in City Government and shall organize same to ensure efficient, cost-effective operations: Tax Collector, Bursar of Funds, Custodian of Monies, Keeper of Financial Records and Certifier of payrolls. The Commissioner shall also serve as the Capital Program Committee and Budget Chairperson.

4.1 Tax Collector

The Commissioner of Finance shall be responsible for collecting all taxes, levies, and assessments in the City. The Commissioner shall calculate the tax rate based on several valuations of properties described in ~~this section~~ Title 10 of ~~the~~ Charter and in accordance with the laws of the State of ~~New York.~~”

Sections 4.1 through 4.1.9 have been moved to a new section titled Section 10 as it addresses how the functions will be carried out. Sections 4.2 and 4.3 are unchanged. Deputy Sharp said that 4.3.3 concerning audits does not reflect the intent clearly and will provide clarifying language.

Chairman DeLeonardis continued with section 4.4 Capital Program Committee which was moved from under the Mayor's section and the descriptive sections on how to execute the functions have been moved to the new section 10. The section will now read:

“Capital Program Committee

4.3.3 The Commissioner of Finance shall be Chair of the Capital Program Committee, which shall develop and submit for public review an annual assessment of the City's needs and priorities regarding its physical facilities, equipment, and appurtenances. The Committee shall consist of one (1) representative each from the Departments of Public Safety, Public Works, Accounts and the Mayor's office; the The Capital Program Committee shall prepare and submit to the Council annually a six (6) year Capital Program consistent with Section 99-g of the New York State General Municipal Law and program elements outlined in Title 11 of this Charter.” Additional discussion to identify the representatives in item (1) will be needed as the previous designees may not be applicable. Commissioner Martin would like to simplify this by simply calling out representatives of the departments and any representative is able to bring other members of their department as needed. Deputy Daley agrees. Commissioner Scirocco said again, a budget should be considered for maintenance of land. A discussion continued touching on Rec Department,

and the need for a voice. Chairman DeLeonardis recapped the discussion citing Commissioner Martins view to have 1 representative of each department for equal representation. Commissioners Franck and Scirocco agreed.

“4.45 City Budget Budget Content, Preparation, and Administration

The title of this section has been changed to read “City Budget”. The Budget Content, Preparation, and Administration shall be outlined in Title 12 of this Charter. This section now only refers to what and Title 12 is now the how and there were no changes made to any of the items as they were moved. The final topic of the section 4.6 Construction With Local Finance Law remains unchanged. An additional paragraph will be added here that mirrors the Mayor’s paragraph describing the catch all of delegating duties as necessary.

Title 5 Commissioner of Public Works Chairman DeLeonardis advised that the section will be amended to remove the letters and add the paragraphs describing the functions of the department. Section 5.1.2 Encroachments has been removed. The rest remains unchanged.

Section 5.4 continues by specifying functionality and removing specific titles:

“5.4 Parks and Recreation

The Recreation Commission shall have power to equip, operate, and maintain playgrounds and recreation centers primarily for the benefit of City residents.

The Recreation Commission of the City, created by resolution of the Council on 5-6-77 pursuant to Section 243 of the General Municipal Law, shall reside for administrative, reporting, and oversight purposes in the Office of the Mayor.”

A discussion is needed to agree on the disposition of the Rec Commission. There are three options 1) keep it as is; 2) keep it and revise it; 3) make it an advisory programming committee; or 4) take it out of the Charter. Commissioner Martin said to change the form but asked if fundraising abilities or revenue opportunities would be lost if it was removed. A further discussion regarding how, why and who ensued. Commissioner Scirocco said putting the Rec Department in DPW is good for coordination of efforts and events. Chairman DeLeonardis asked if there was no financial impact, should it be kept; kept and advisory; and in or out of the Charter? Deputy Masterson asked if the Rec Commission raised money to fund Rec programs? Deputy Sharp and Chairman DeLeonardis both agree that is a good point and needs to be explored. Commissioner Scirocco said to keep it intact but in what capacity? Commissioner Franck said to keep it the same but move it to DPW. Commissioner Martin asked if John Hirliman had provided input. Chairman DeLeonardis said that John had responded to the employee questionnaire. Commissioner Martin said that in his discussion with John, he advised that he has 2 masters and that can be challenging and if Rec is moved to DPW then the reporting should be directly to the Commissioner of DPW so there is only 1 person to report to. Discussion continued about the Commission and its role. All agreed to move it to DPW and the Rec Commission will be responsible for programming only.

Section 5.5 was moved from the Mayor’s department as previously discussed, because it is a better fit for DPW.

“5.5 Administrator of Parks, Open Lands, and Historic Preservation

There shall be an Administrator of Parks, Open Lands, and Historic Preservation under the direction of the Commissioner of Public Works. The Commissioner, with the advice and consent of City Council and in accordance with Civil Service Law, shall appoint the Administrator. The Administrator shall be a qualified professional in the field of parks, open lands, or historic preservation administration, and shall be appointed on the basis of education and experience in a like jurisdiction.

The Administrator of Parks, Open Lands, and Historic Preservation shall be responsible for the planning, management, development, and administration of a parks and open lands system within the City of Saratoga Springs and shall integrate and coordinate the activities, policies and programs of the City dealing with historic preservation. The City’s parks and open lands, whether used for active or passive recreation, environmental protection, or scenic enhancement, are held in trust by the City of Saratoga Springs for the public. The parks and open lands may not be alienated from their purposes except as provided by the laws of the State of New York and the United States.”

“5.4 Office of the City Engineer

There shall be a City Engineer who shall be appointed by the Commissioner of Public Works with the advice and consent of City Council. ~~The office of the City Engineer shall be located in the Department of Public Works.~~ The City Engineer shall provide engineering services to all City departments and entities.” Previously there were discussions about removing this entirely from the Charter, Chairman DeLeonardis asked what direction should be taken. Deputy Sharp asked if the functionality would be described in the opening paragraphs for this section. Chairman DeLeonardis said it would be referred to as engineering services. If the title is removed the flexibility to outsource the services is available. Deputy Sharp asked if the direction is to keep only titles that are legally required? Chairman DeLeonardis advised City Historian, Risk and Safety, City Attorney are not required by law but they serve all departments. Commissioner Franck said that calling out a title in the Charter ensure funding for the position. Chairman DeLeonardis said that titles may hamstring the City when the economy changes and he asked if the decision of the Commission is to remove the City Engineer from the Charter. All agreed to remove it.

Section 5.4.3 Infrastructure Inventory is called out in both DPW and DPW. It was suggested that this be moved to Capital Budget for consistency. All agreed to make the change.

Chairman DeLeonardis said the work to be done on this section for the next meeting will be to add language for the Rec Commission.

Title 6 The Commissioner of Public Safety will have the letter items consolidated into paragraph form for uniformity and describe the functionality of the department and the reference to Inventory in letter I will be moved to Capital Budget. Sections 6.1 and 6.2 Police Department and Fire Department sections are unchanged but perhaps a separate title Code Administrator section as currently in letter C should be added as a new section 6.3 and moving subsequent sections to reflect new numbers. Commissioner Martin suggested

adding a new category for Health Officer also as currently stated in letter E becoming section 6.5.

In **Title 7 The Commissioner of Accounts** the letter sections will be consolidated into paragraph(s) will for consistency and uniformity with the other Titles in the Charter.

Section 7.1.3 has been updated to read:

7.1.3 “**City seal.** The City Clerk ~~shall be keeper of the City Seal and~~ shall ensure ~~it that~~ the City Seal is affixed to all official instruments ~~executed by the Mayor~~ as required.”

Chairman DeLeonadis asked if section 7.2 City Assessor should be moved from the what section to the how section at the end of the Titles with the other departments? All agreed to move 7.2.1 to 7.2.5 the end of the document under its own title.

Under 7.3 Purchasing Agent the following paragraph has been removed as unnecessary:

7.3.5 “~~**Storage.** The Purchasing Agent shall have access to City storerooms and warehouses maintained and designated as storage space for materials and supplies belonging to the City for the purpose, as necessary, of verifying the inventory.~~”

In Section 7.3.1 language will be added to include discussion and vote concerning the Purchasing Policy and Procedure Manuel.

A new section 7.4 will be added to address the duties of Registrar of Vital Statistics and Deputy Masterson will provide language to be included here.

TITLE 8 LEGAL MATTERS AND PROFESSIONAL SERVICES

Deputy Daily asked if Risk and Safety should be called out in the charter? He suggested that this is a very important function for the City and should be included. Chairman DeLeonardis said that there were previous discussions about this and he believed it was determined to include it in the legal and professional services section. Deputy Sharp suggested that the function should be described but not the title. Deputy Daley said that he believes that the title should be called out for clarity of the function. Commissioner Scirocco says the function should be included but not the title. Deputy Sharp agrees because again that there may be a situation that the function may need to be outsourced and if it is called out in the Charter there is no option to do so. Commissioner Scirocco agrees. Commissioner Franck said you put the duties but not the title and it doesn't belong in Accounts but perhaps under Legal. Deputy Sharp asked about IT and if it should be included here. There was a discussion regarding reporting and budgets and it appears that IT is a fit for the Legal & Professional Services section too.

A 1 hour lunch break began at 12:00 and the meeting resumed at 1:06. The discussion continued with the Legal office.

"8.1 OFFICE OF LEGAL AND PROFESSIONAL SERVICES

There shall be an Office of Legal and Professional Services consisting of qualified professionals and support staff who shall be responsible to serve, represent and advise all City officials, departments and entities. The Office of Legal and Professional Services shall

be organized within the City Attorney's Office, and the City Attorney shall act as coordinator of the several professional offices.

8.2 City Attorney

There shall be a City Attorney who shall report to the Council regarding all legal matters affecting the City. The Mayor shall appoint the City Attorney with the advice and consent of the City Council and the Council shall establish his or her compensation and other terms of employment pursuant to a written contract. The City Attorney shall serve as general legal advisor and shall be responsible for providing legal services and guidance to the City and all its departments and entities. The City Attorney shall maintain regular and updated records and shall report to the Council on the progress of all legal matters conducted by or on behalf of the City, as required.

8.3 Human Resources Administrator

There shall be a Human Resources Administrator who shall be a qualified professional in the field of Human Resources, and who shall be appointed on the basis of education and experience in Human Resources work in a like jurisdiction.”

Commissioner Martin said that this section created an administrative division that serves all departments. The City Attorney is appointed by the mayor but reports to the Council as a whole. He would like to have a requirement for the City Attorney to provide a report in executive session, 2 times a year, on the administrative activities of the office. Commissioner Franck asked if this office is under the Mayor’s department? Chairman DeLeonardis said the position is appointed by the Mayor but is independent. Commissioner Franck agreed that there needs to be a reporting structure in the Charter. Chairman DeLeonardis said that there are two issues – reporting and budgeting and he questioned the need for executive session. Commissioner Martin views the report as a personnel matter and therefore is appropriate for executive session. Deputy Sharp said all departments bring projects to the Council but they are not done in executive session. IT should make an annual report to all.

Chairman DeLeonardis advised that there was no change made to service of papers but section 8.5 was added here from the Mayor’s section as it is handled by the legal office.

“8.5 Public Information

The Office of Legal and Administrative Services shall advise all departments relative to the provisions of the Freedom of Information Law and shall establish policies and procedures to assist persons in obtaining accessible public records and public information.”

Section 8.6 Notice of Inquiry remains the same but in the section Condemnation: Acquisition and Sale of City Property Chairman DeLeonardis will provide language as this has been the subject of litigation and needs to be clearer. Another question on the table as well is the current Charter provides for a majority of 3 votes. Litigation cited law which says you need a 4/5th vote and Mayoral approval. The question is do you want the sale or acquisition of land to be on a majority vote or a 4/5th vote. Commissioner Martin is comfortable with the majority vote as there is no distinction of property so a computer and land are both considered property. Chairman DeLeonardis agrees and will provide language for clarity.

Title 9 has no changes and Title 10 TAX RATES, COLLECTION AND PENALTIES from Finance will be added here:

“TITLE 10 TAX RATES, COLLECTION AND PENALTIES

10.1 Tax rates. On or before January 15 of each year, the Commissioner of Finance shall submit said tax rates to the County of Saratoga. The County will then process and deliver tax rolls to the Commissioner of Finance for collection.

10.2 Tax collection. On receipt of completed tax rolls, the Commissioner of Finance shall announce at a Council meeting receipt thereof, and that during the time and at a place specified the Commissioner will receive payment of taxes due.

County and City taxes for the several tax districts shall be due and payable, without penalty, each year as follows: first quarter on or before March 1; second quarter on or before June 1; third quarter on or before September 1; fourth quarter on or before December 1. All school taxes shall be assessed, levied, and collected in the manner provided for in Education Law, Real Property Tax Law and other statutes made and provided.

Levies, assessments, and charges for water and sewer and re-levied City utilities shall be due and payable on dates prescribed in various notices provided for in this section.

10.3 Tax penalties. County and City taxes for the several tax districts shall be paid by times set forth, and received without penalty if paid within thirty (30) days. Thereafter, an additional one-and-one half percent (1½%) per month up to a maximum of fifteen percent (15%) per annum shall be imposed and added.

All water and sewer levies, assessments, and charges shall be paid by Times set forth; such amounts so paid shall be received without penalty. If not paid on the due dates, a penalty of 6% shall be imposed. Any water and sewer levies, assessments, and charges unpaid after 90 days shall be added to the next quarterly assessments of water and sewer charges. Penalties of all outstanding balances shall be charged at the same percentage provided herein.

10.4 Discounts. The Council shall have the authority to establish a discount for the payment of the four (4) quarterly current City and County taxes on or before March 1 in each year; no other discount shall be allowed. The Council shall establish such discount, if any, by Resolution on or before _____ of each year. Deputy Sharp will provide some language here for clarity.

10.5 Tax lien. The prior year's taxes, penalties, charges, and assessments, if remaining unpaid, will become a lien on October 1 or next business day. The Commissioner of Finance shall publish a notice of lien for properties that are in default of taxes and assessments of every name and nature for the year immediately preceding, including reassessed properties under the Real Property Tax Law of the State of New York. The notice shall contain a list of properties on which tax liens are to be levied, with the installments of taxes, assessments, charges, and penalties due thereon, computed to the day of the lien, and the estimated associated expenses. The notice shall state that on October 1,

or the next business day (if said date should fall on Sunday or a legal holiday), the lien will be levied.

Publication of the notice of lien shall be made in the official newspaper of the City one (1) day prior to the date of the lien and on the date of the lien. If there are two (2) official newspapers of the City, the City may elect to place an advertisement in each newspaper.

10.6 Cancellation of tax liens. On direction of the Council, the Commissioner of Finance may cancel any tax lien for the amount thereon, including interest at twelve percent (12%) per annum.

10.7 Tax lien penalties. Tax liens referred to herein shall bear the interest rate of one percent (1%) per month up to a maximum of twelve percent (12%) per annum from the date thereof.

10.8 Redemption. Until the property is claimed through foreclosure proceeding by the City, the owner or mortgagee of any property on which a tax lien has been levied may redeem it at any time by paying the Commissioner of Finance the sum mentioned in the lien with one percent (1%) interest per month, up to a maximum of twelve percent (12%) per annum from the date of said lien.

10.9 Certificate and deed. If the property is not redeemed as heretofore provided, the Commissioner of Finance shall at the expiration of two (2) years from the day of the lien have the right to begin *In Rem* foreclosure proceedings as provided for in the New York State Real Property Tax Law.”

TITLE 11 Capital Program was previously in the Mayor’s department and moved into Finance and will be added here. Commissioner Scirocco wants some language added to ensure ongoing maintenance is included. Chairman DeLeonardis advised that 11.1 does capture that. He also said that the inventory language previously discussed will be included in this section.

“TITLE 11 CAPITAL PROGRAM

In conjunction with the Capital Program Committee, the Commissioner of Finance shall be responsible for preparing the City’s Capital Program for a six (6) year period. The Capital Program shall be submitted to the Council for adoption. The program shall consist of Capital projects and capital equipment, be listed by Department, and contain recommended priorities.

- 11.1 Capital projects.** Each capital project shall contain the following information:
- a. A description of the proposed project and its estimated total cost.
 - b. The proposed means of financing, indicating the amount proposed to be financed by local taxes, and the amount, if any, estimated to be received from the Federal government, the State government, any other government, non-government or private entity, or any other source of funds procured for the project.

- c. The proposed method of financing, indicating the use of reserve funds, grants, transfers, current taxes, notes, bonds, or any other type of debt obligation or similar devices to be used to finance each project.
- d. The expected useful life of the capital project, the cost of annual maintenance and upkeep, and other expected operational and personnel-related costs.
- e. A general summary description of the project and additional comments and recommendations of any department, board, officer, or agency affected by the proposed project.

11.2 Capital Program preparation. In preparing the 6-year Capital Program the Capital Program committee shall consult with each Council member who shall provide whatever information is required to ensure a complete, comprehensive, up-to-date priority listing and program plan regarding City capital needs.

11.3 Capital Program presentation. On or before the first regularly scheduled Council meeting in September each year, the Commissioner of Finance shall present to the Council and the public the proposed 6-year Capital Program highlighting capital requests for the upcoming fiscal year to be included in the City's annual Capital Budget. Two public hearings shall be scheduled prior to the Council's final adoption of the 6-year Capital Program. The City's Capital Budget for each upcoming fiscal year shall be derived from projects included in the City's adopted 6-year Capital Program. The proposed Capital Program and projects to be included in the City's upcoming Capital Budget shall be available in writing in the City Clerk's office at least five (5) days prior to the public hearings.

11.4 Capital Program adoption. The Council shall adopt the 6-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 four-fifths (4/5) of the Council, only after public hearing and publication of information supporting the requested action.

11.5 Capital Budget. The Commissioner of Finance shall transmit Capital Budget projects recommended for the ensuing budget along with the 6-year Capital Program to the Chairperson of the Budget Committee on or before September 15 each year to ensure its incorporation into the City's annual Capital Budget."

TITLE 12 from the Finance department will be added here and Deputy Sharp advised that the dates in section 12.3 and 12.6 have been changed to allow for more timely delivery of information and ability to deliver a better budget.

“TITLE 12 BUDGET CONTENT, PREPARATION AND ADMINISTRATION

12.1 The fiscal year. The City's fiscal year shall begin on the first date of January and end on the last day of December.

12.2 Budget preparation. The Commissioner of Finance shall oversee all meetings relating to the preparation, completion, and adoption of the City Budget according to the timeline set forth herein and summarized in Appendix A.

The Commissioner of Finance shall, on or before August 1 of each year, send a call letter out to all City departments and entities establishing budget parameters for the upcoming year. The call letter shall solicit the Mayor, Commissioners, and all City entities for their budget requests for the ensuing year, which shall be submitted on forms and in a format provided by the Commissioner of Finance. Every proposed budget or amendment thereto submitted by any agency, board, commission, or other entity of the City of Saratoga Springs shall be submitted in accordance with the provisions of this section of the Charter.

Departmental budget requests shall be submitted to the Commissioner of Finance on or before September 15. Each budget request shall contain a detailed, itemized estimate of the amount of expenditures required by their respective departments for the ensuing year. The Commissioner of Finance shall collate and put in order all such requests. The Commissioner of Finance shall transmit copies of each department's requests to the Council, as they are received, for their information and comment.

The Commissioner of Finance shall provide a detailed estimate of the amount of income from all sources, exclusive of taxes, and a detailed estimate of the amount of tax required to be levied to defray all expenses and liabilities of each City department or entities for the ensuing fiscal year.

The Commissioner of Finance, as Budget Chairperson, shall forward copies of department requests to the Council with whatever information and analysis the Chairperson considers relevant to understanding each budget request. The budget Chairperson shall consult and exchange views and information with the Mayor and the Council about department budget requests.

12.3 Budget submission. As Budget Chairperson, the Commissioner of Finance shall, on completion of consultation with Council members, prepare a proposed Comprehensive Budget and shall submit it to the Council at a meeting of the Council held no later than October 31 of each year.

12.4 Budget content. The proposed Comprehensive Budget submitted to the Council by the Commissioner of Finance shall contain:

- a. **Budget message.** The Commissioner of Finance shall prepare a budget message in writing that shall explain the proposed budget both fiscally and programmatically. The message shall outline proposed financial policies of the City for the ensuing fiscal year, describe important features of the budget, indicate any major changes from the current year's budget to the proposed budget in finances, expenditures, and revenues, together with reasons for such changes, summarize the City debt position, and include other material the Budget Chairperson deems appropriate.

- b. **Financial Plan.** The budget shall be accompanied by a preliminary Financial Plan to include all income and expenditures of all City funds and activities projected monthly for the fiscal year.
- c. **Standardized format.** The budget shall use the most feasible combination of expenditure classifications by funds, organization unit, program, purpose, or activity and object.

Each unit and program narrative shall begin with a clear general summary of its contents and shall show in detail all estimated income, including the proposed tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year. It shall be arranged to show comparative figures for estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year.

- d. **Comprehensive Budget.** The Comprehensive Budget shall include the following:
 - **Operations Budget:** Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments, and agencies in terms of their respective work programs, and the method of financing such expenditures.
 - **Capital Budget:** Proposed capital projects recommended by the Capital Program Committee for the ensuing fiscal year, detailed by purpose, offices, departments, and agencies, and the proposed method of financing each. Equipment expenditures shall be itemized individually in the adopted budget and listed under the department and program for which they are to be purchased for the ensuing budget year. No equipment may be purchased during the course of the fiscal year that has not been included on said itemized lists.
 - **Debt Service Budget:** Complete, comprehensive accounting of the total debt for which the City had any direct or indirect obligation. The budget shall itemize any new debt issuance planned for the ensuing fiscal year and shall list all outstanding debt obligations of the City, the credit rating of those instruments, the current status of the City debt load, and remaining debt capacity.
 - **Subsidiary budgets:** Each utility or entity owned or operated by the City shall provide detailed income and expenditure information appended to the budget.

12.5 Public notice and hearings. Upon receipt of the proposed budget from the Commissioner of Finance, the Council shall publish in the official City newspaper or newspapers a summary of the budget and a notice stating:

- a. Times and places where copies of the budget message and Comprehensive Budget are available for inspection by the public

- b. Time and place, not less than one (1) week after such publication, for at least two (2) public hearings on the proposed budgets, the first of which shall be held on or before November 1. The summary and notice shall be placed on file at the City Clerk's office to be available for public review.

12.6 Budget adoption. In the period from November 1 through November 30, the Council shall continue to adjust the proposed budget and shall hold the second public hearing after all adjustments have been made and agreed on. After public hearings, the Council may adopt the budget, with or without amendment, by resolution. In amending the budget, the Council may add or increase programs or amounts, and may delete or decrease programs or amounts, except expenditures required by law, judgments against the City, or for debt service.

The Council shall adopt the budget on or before the first regularly scheduled Council meeting in December each year. The total of proposed expenditures shall not exceed the total of estimated income in the budget adopted by the Council. In the event that the Council fails to adopt a budget by said date, the proposed Comprehensive Budget presented to the Council by the Commissioner of Finance shall become the budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from funds indicated. The property tax therein proposed shall constitute the levy. On adoption of the budget, the Commissioner of Finance shall amend the Financial Plan to reflect actions of the Council.

12.7 Budget Administration. On or before December 31 each year, the Commissioner of Finance shall prepare the Financial Plan that shall project expenditures and income, month-by-month, for the entire fiscal year. The Commissioner of Finance shall provide a comparison of expenditures and income to the actual prior fiscal year. Copies of the aforementioned report shall be available to the public for review at the City Clerk's office during normal business hours. The Commissioner of Finance shall be responsible for administration of the City Budget to ensure, to the extent feasible, that the budget remains balanced throughout the fiscal year.

12.8 Maintaining a balanced budget. If at any time during the fiscal year it appears probable to the Commissioner of Finance that revenues available will be insufficient to meet the amount appropriated, the Commissioner shall report this to the Council without delay. The Commissioner shall indicate the estimated shortfall, the remedial action taken by the Commissioner, and the Commissioner's recommendations for steps to be taken to eliminate or reduce the shortfall. The Council shall take such further action it deems necessary to prevent or minimize any deficit, and for that purpose may by resolution reduce one (1) or more appropriation as allowed by law.

12.9 Quarterly financial reports. The Commissioner of Finance shall submit to the Council, for each quarter, a written financial report on the status of the City's Financial Plan. Such Financial Plan shall include a comparison of estimated and actual income and expenditures to date and shall be submitted within forty-five (45) days after the end of each quarter. Each quarterly summary shall be forwarded to the City Clerk's office and shall be available for public review.

12.10 Budget amendments. If during the fiscal year the Commissioner of Finance certifies to the Council that there are available for appropriations revenues in excess of those estimated in the budget, the Council may make supplemental appropriations for the year, by resolution in an open public meeting and with written justification regarding the requested supplemental appropriation, up to the amount of monies the Commissioner of Finance certifies available.

12.11 Emergency appropriations. To meet a public emergency affecting health, property, or public safety, the Council may make emergency appropriations by unanimous (*)action. If there are no available un-appropriated revenues to meet such emergency, the Council may, by emergency ordinance, authorize issuance of emergency notes that may be renewed from time to time. Emergency notes and renewals of any fiscal year shall not be paid later than the last day of the fiscal year succeeding that in which emergency appropriation was made.

It shall be lawful for the Council, on occurrence of emergency and on declaration of emergency by resolution of the Council, to appropriate from unexpended funds not otherwise designated for specific purposes by law sufficient funds for the payment of expenses created by such emergency.

12.12 Transfers of monies. Budget transfers of monies shall require certification of availability by the Commissioner of Finance. Those transfer requests that exceed ten percent (10%) of the amount of a budget line item appropriation shall be accompanied by written explanation. Transfers for purposes of implementing contract agreements regarding personal services shall be permitted, notwithstanding the ten percent (10%) limitation, on approval by the Council. The Council shall approve no transfer of monies from or to an account for payroll or employee benefits unless such transfer has been submitted and approved separately from other transfers. Transfer requests shall be submitted by the close of business on Thursday before the next Council meeting. Those received afterwards will be reserved for the following meeting unless there is an emergency certified in writing by the Council member making the request. Transfer requests requiring Council approval will be distributed prior to the meeting for review by the Council.

Payments prohibited. It shall not be lawful for any City employee to incur or contract any expense or liability for or on behalf of the City, unless the Council has made an appropriation concerning such expenses. No payment shall be made or obligation incurred against any allotment or appropriation except and unless the Commissioner of Finance first certifies that sufficient funds are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of the Charter shall be void, unless subsequently ratified by 4/5 vote of Council upon good cause shown.”

A new **TITLE 13** from Accounts will be added here. The current Title 13 will become Title 14 and there are no changes to that. Title 14 will become Title 15 and changes will be incorporated to reflect this Charter’s needs. Title 16 will now be Elections. There will be no changes to the 2 year terms and there will be no term limits but there was discussion about the Supervisor terms being a 4 year staggered term. Commissioner Franck and Commissioner Scirocco want to keep it as 2 year terms and follow the current Council. If

you want a change, you could revert back to the A & B candidate. More discussion is needed but there is agreement for the 2 year terms.

Chairman DeLeonardis brought up the Judges. Currently the City has 1 elected and 1 appointed. Should both be elected? Commissioner Franck said they should both be elected. Deputy Daley said the 10 year term is dictated by state law. Chairman DeLeonardis said that historically the part time judge was appointed which resulted with us having 1 elected and one appointed. Deputy Daley asked if judges must be lawyers. Chairman DeLeonardis said city judges need to be lawyers but town and village judges do not. The Charter says election is every 10 years for 1 judge. A discussion continued. Tony Izzo will check laws for options. Chairman DeLeonardis said if the decision is that we want both judges to be elected then we need to petition the state for permission. Commissioner Franck asked why is it even included in the Charter? Chairman DeLeonardis will ask Bob McLaughlin to weigh in.

Under the current **Title 14 Miscellaneous Provisions** Section 13.4 Open Meetings is this too broad? Tony Izzo said authorities that exercise power on their own must adhere to the Open Meetings Law. An advisory board or committee needs minutes but not abide by the Open Meetings Law. Chairman DeLeonardis said that this section seems to indicate all boards, committees etc. but in practice this is not happening. Commissioner Franck suggested language be presented that removes “all”. Tony Izzo suggested removing the section entirely.

Commissioner Martin asked about section 13.3 Official Newspapers. What is the definition of newspapers and is there any consideration to use online papers which may be more financially feasible especially for publication costs. He will provide some language for consideration.

The current **Title 14 Effect of Charter on Existing Laws**. This section will need to be updated to reflect the efforts of this Commission and Charter. Commissioner Martin said that section 14.4 needs a lot of work and definition. Chairman DeLeonardis suggested a phased approach of the changes in the new Charter.

Chairman DeLeonardis asked if Appendix A and the Glossary should be removed. It was agreed that those sections are helpful but the Glossary needs to be expanded and suggestions from the Commission are welcome.

Commissioner Franck said that he had a potential proposal. He started by saying he believes in the Commission form of government and has gone through three change efforts that divided the city. The vote for the last charter effort was so very close. He would like to suggest an amendment to Title 9 by adding 2 Commissioners “At Large”. It would have little effect on the budget, does not weaken the current Commissioners because they have a vote at the table. If this current Charter passes it will be challenged. The public isn’t paying attention and won’t care if this effort only provides for “clean up”. By this hybrid addition to the current Commission form of government, he believes it will be sustained. Chairman DeLeonardis said that this is a big concept but would like to be sure it doesn’t run afoul of the Certificate. He also said for semantics they would not be called “Commissioners” but perhaps Council Members At Large. They would not have any

responsibilities in City Hall but be simply a voting member on the legislative component of City Council. He thinks it is a great idea. It will allow others to run for office but he will check into this. Commissioner Franck feels strongly that while the City is functioning today the bottom line is that if this passes in the fall without the proposed addition, a new charter effort will begin again. Commissioner Martin said that this proposal addresses the issues from the last charter effort. Deputy Daley supports Commissioner Franck and Commissioner Martin. The internal politics would be removed from the two additions. It is a win/win effort. Commissioner Scirocco said that this is a good idea and will get people to run but wants to give it more thought. The two additions wouldn't necessarily understand the impact of decisions made at the table. Tony Izzo said that this concept was explored in 2001 and Deputy Sharp said that the survey reflected more support for a larger legislative body. Commissioner Franck said that this is strengthening this form of government. If this effort fails then it is the end of the Commission form of government. The additional members would not have the same resources as the Commissioners but would still have the voice of the people. It is just an idea. Chairman DeLeonardis said that this is a big idea and should be digested and discussed again at the next meeting.

Chairman DeLeonardis opened the floor public comment.

Public Comment

Richard Sellers, Saratoga Springs: Several have talked about a way to go to 7. Salaries – public referendum implies he gets a specific vote. If that isn't what is meant, language should be changed. Comp Plan & Charter Review it was suggested that each department have a member which says it would be an even number but they should have an odd number of members. This is the only committee that has an even number that is working well. Capital Plan should include estimated costs. IT belongs in Finance not legal. Land Use Boards is a place to make changes because that is a place that has a lot of people upset in this town. Deputies - 49.9% of the electorate came out with the phrase "political hacks" so adding qualifications won't change the point of view. Allowing you to move up in a political party and have roles as officers is a data point suggesting you are political activist and he strongly objects to that.

Bonnie Sellers, Saratoga Springs: This Charter Commission is doing a very good job thinking things through. She agrees with Commissioner Martin's comment about interdepartmental cooperation. She says it may not be a Charter issue but should be defined. Not against the concept of John Franck's suggestion of the At Large concept but she is opposed to them having an equal vote with Commissioners. She isn't sure how to fit this responsibility or understand the role, but is not opposed to this. She has seen diversity in government and has lived in all forms of government. Get your heads together and see what you can come up with. Do we do it now and see what happens or do it later? She believes in the Commission form of government and it really does work.

John Kaufmann, 44 White Street, Saratoga Springs: Wants to support John's idea and thinks it is an excellent idea. He doesn't believe it will end the political intrigue around the table. He believes the group who wants a City Manager will go for it no matter what. Taking John Franck proposal would have people say this Commission listened to them. He believes that there will be some costs associated like phones, administration, etc. but worth it. He has no problem with having board appointments made upon the advice and consent

of Council. He believes there is a problem with the Land Use Boards. One source of the problem is that there is no process for appointment and it should be an open process. The current Mayor doesn't appear to be concerned with the lack or loss of power. The Mayor's most recent appointment, she promoted an alternate to full position but now there are two people from the same law firm serving on the same board so maybe not a good idea and is not a good balance. There is no process to prevent this today. Deputy thing – the YES people push Political Hacks. He believes the deputies exercise broad political rights and it is appropriate.

Commissioner Franck commented on the two items that have been brought up, who picks the land use boards. Today he doesn't care but if his proposal is adopted and there are two more people on the Council he would feel more strongly about approving the appointment.

Jane Wiene, 44 White Street, Saratoga Springs: John Franck's proposal is interesting, she wouldn't do an east side - west side thing, and it could be an incubator for Commissioners and education for the community that would be good. She is worried about this charter passing. People don't care about where the Rec Commission is but if the Deputies can hold high political office it would sink this charter. Land Use Boards should require a public hearing for more transparency before appointment and should be with Council approval. She supports the changes and wants a voice in the Land Use Board appointments.

Commissioner Franck commented that we have a tough time filling these boards. The commitment is for long hours and the alternate position was put in place to help.

Ms. Weine said that there have been people from her neighborhood who put their name forward and were not chosen to serve. The public doesn't even know when there is a vacancy. Staggered terms and better advertisement may result in more applicants.

Chairman DeLeonardis spoke to the appointments saying that having the ability to approve an appointment provides for the ability to prevent a mistake. Commissioner Franck says he hears many complaints about the land use boards and wants to put something in place to have this last a long time. Adding 2 people will add an additional 25% vote at the table. The legality of the addition needs to be explored but he believes it is a good thing and they will be doing the peoples work.

Bonnie Sellers said to think this through before putting this in. The "At Large" directive is unclear.

End of public comment.

Chairman DeLeonardis thanked everyone for their time.

Chairman DeLeonardis adjourned the meeting at 3:05 PM.

Next meeting on 7/25 @ 3:00 PM

Respectfully submitted by Trish Bush.

Proposed by 2017 Saratoga Springs Charter Review Commission

Found on the Saratoga Springs City Website

<https://www.saratoga-springs.org/Search?searchPhrase=2017%20charter%20>

Final Charter

Sep 25, 2017

<https://www.saratoga-springs.org/documentcenter/view/7116>

Which linked to:

Article II CITY COUNCIL AND MAYOR

Page 2

2.04 Mayor

The Mayor shall be elected Citywide and shall serve as the presiding officer of the City Council. The Mayor shall

1. (1) Be a voting Member of the City Council and shall attend and preside at meetings of the City Council;
2. (2) Represent the City in intergovernmental relationships;
3. (3) Execute any and all contracts for which City Council approval has been granted;
4. (4) **Appoint, with the advice and consent of the City Council, the members of all regulatory boards and commissions, including without limitation: The Planning Board, Zoning Board of Appeals, Design Review Commission, Comprehensive Plan Committee, Civil Service Commission, Ethics Board, Housing Authority, Special Assessment Districts, Board of Assessment Review, and the City Center Authority;**

Emphasis added