

## **2018 CHARTER REVIEW COMMISSION MINUTES**

August 14, 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 Commissioner Joseph O'Neill  
Deputy Mayor Lisa Shields

Absent: Commissioner John Franck

### **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 3:05 PM.  
Deputy Masterson arrived at 3:08  
Commissioner Scirocco and Deputy O'Neill arrived at 3:15

### **Public Comment**

There was no public comment

### **Approval of Minutes**

Chairman DeLeonardis made a motion to approve the minutes of July 31, 2018. Second: Commissioner Peter Martin. Vote: Ayes – 6 Nays – 0 Motion: Passed

### **Discussion**

Chairman DeLeonardis began the meeting by introducing Mark Cocosa, Chair of the Civil Service Commission, secretary Corissa Salvo, and Bob McLaughlin, retained outside counsel for the Charter Review Commission. Chairman DeLeonardis asked Attorney McLaughlin to review the three options available to the City regarding Civil Service: 1) keep it in house as it is; 2) give it to the County; and 3) hire a Personnel Director. Attorney McLaughlin advised Civil Service Section 16 calls it a Personnel Officer which requires a 6 year term and in essence is the Civil Service Commission. He said that his office conducted a brief survey of some small cities around the state (attached) and all but one has a Civil Service Commission. Plattsburgh uses the Civil Services of Clinton County; Ithaca has a Director of Human Resources and Binghamton has a Personnel Director but still retains the Commission. Commissioner Madigan asked if Poughkeepsie has some kind of dual? Attorney McLaughlin said that they have the Civil Service

Commission but the County administers the Civil Service exams. Chairman DeLeonardis said that the Personnel Director would serve a 6 year term and be essentially the Civil Service Commission and in the situation where you have a Personnel Director and HR, HR would be under the direction of Civil Service? Attorney McLaughlin reviewed the proposal for the City, there is a Commission and the Director of HR that reports to the commission. The Commission meets monthly and the Director of HR implements the policies of the Commission on a day to day basis. Chairman DeLeonardis asked if the HR director was an employee of the City and Attorney Weisz said that it is done several different ways, some report through Finance, some have a Director of HR. There are three functions: 1) hiring people; 2) dealing with HR issues in general course of business; 3) setting policy, job qualifications, benefits etc. Perhaps the City should call the other cities to see how they do it and how well it works. A discussion regarding the survey and how the City wants to proceed and the steps to be taken continued and it was determined that more research needs to be done before a decision can be made.

Chairman DeLeonardis asked Mark Cocosa to provide his comments. Mr. Cocosa said that the Commission is meeting more frequently than in the past to move business along. If the Civil Service Commission remains with the City, the Commission has the sole ability to appoint personnel. A Personnel Director would have to follow Civil Service Laws. City Council would have no ability to control and to address Commissioner Martin's comments about removal of a Personnel Director, removal of a public officer is very difficult and cannot be done over a disagreement over policy. Commissioner Martin said the issues are supervision and same level of responsiveness as an employee of the City. What is the best way to get maximum efforts for actions of the Civil Service employee to get candidates? The City is looking for efficiencies and accountability to the City from the employee. Mr. Cocosa said the employee of the Civil Service Commission is an appointee of the Commission and cannot be changed. Commissioner Madigan said that the person who is embodied with the Civil Service duties should be here all day, every day. She envisions that HR and Civil Service would be in an office working together but not controlled by City Council. Attorney Weisz cautioned that in private industry most employees are "at will" and can be terminated but the realities of Public Officers are very different. Chairman DeLeonardis said in the global perspective the benefit of a Personnel Director is someone who is available all day every day. We do have a secretary who is available every day even though the Commission does not meet every day. So those are the aspects to consider for a decision. Deputy Sharp referred to a resolution that was brought previously but was not passed that would attempt to mirror what Albany was doing with Civil Service. Mr. Cocosa said that the State reviewed the resolution and the City Charter and concluded that it was not possible to adopt the resolution. The State would have to review any resolution and review with the Charter to determine what is allowable. The City Council's control today is to appoint the Commissioners. Commissioner Madigan suggested that there may be some way to find some flexibility. Mr. Cocosa said it is the same as appointing members to the Zoning Board. Deputy Shields asked if the State was opposed to the reporting structure of HR to the Mayor, and with this Charter, that would no longer be the case. HR would report to the entire Council so that may make the difference. Chairman DeLeonardis asked if HR moves to the Council, apart from the State review, would the Commission reconsider the resolution? Mr. Cocosa said consideration is always a possibility. Chairman DeLeonardis said there is more work to be done here but a decision is required in the very near future. Deputy Sharp asked if the option to move the Civil Service to the County could be removed from consideration? Commissioner Martin said he was uncomfortable removing anything until a decision is made. A conversation with the County is needed to determine what they are willing to do and he will contact the County and report his finding. Chairman DeLeonardis suggested to wait for the follow up memo from Hodgson Russ.

Attorney McLaughlin said if that is going to be explored, then what is expected from the City and what can be expected from the County should be asked, such as fees, exams, other costs etc. Deputy Sharp commented that perhaps there is a menu of services that could be utilized. Is it all or ala carte and what would the costs be? Commissioner Madigan clarified what she would like Hodgson Russ to research and provide comment on.

Chairman DeLeonardis thanked Mr. Cocoas for attending today and continued the meeting by stating that there are two large identified items left for discussion and decision – Civil Service and the At-Large Council members. More information will come from the Forum next Tuesday and after that decisions will be made. Deputy Sharp indicated that IT is still up for discussion. He put together two options for consideration (attached) and stated that it should have its own title and budget. IT is important to the City and should report to the Council as a whole since it touches all departments so there are two questions: how is it handled and how is it defined. Commissioner Madigan agrees that something needs to be done and is not opposed to IT having a section. Having a budget is very important. IT touches everything we do. She is unsure how it is in the Charter but it should be considered. Deputy Shields agreed and said that IT is a utility for the organization and as in other sections, it should be called out as a function. Deputy Sharp said he views this akin to HR, it touches everyone, and he believes it is currently under Finance because they had the first computer used for payroll, but keeping it under one department could be problematic. Planning for the future needs to be included. Chairman DeLeonardis agreed that this has come up on a number of occasions and it is important. Commissioner Madigan suggested that like Rec, IT should be similar and it should be its own unit. Commissioner Martin likes the idea of IT being called out and the function needs to be called out but does a Director need to be called out because that may cause issues in the future. Chairman DeLeonardis asked if the function is important enough to be called out in the Charter? Deputy Sharp said function was the consideration for the charter because it gives the City flexibility to utilize outside services but feels strongly that there will always be someone in IT for the City and technology is here to stay. Deputy Daley agrees it should be in the Charter but questioned calling out a Director. He would like to see a distinction between function and title. Chairman DeLeonardis said the issue is valid but if IT has its own title it is hard to call out the function without someone being called out. A discussion continued and the decision was to create the IT title. Commissioner Scirocco asked if the title would be in the Charter and the Director be appointed by Finance? The job description would not be included but the title would be and that person report to Council? Chairman DeLeonardis said yes and like other departments, a policy manual would be developed with the approval of City Council for both Risk and Safety and IT. The title will be added.

Commissioner Martin said that Deputy Daley provided language for section 2.3 (attached) addressing the Supervisors serving on Council if that is the direction that the Charter goes in. Deputy Sharp advised that we should have public opinion on this question at the Forum. Deputy Daley clarified his language.

Commissioner Martin asked to add two words to section 6.3 for clarity of all they are responsible for. The section would read “The Code Administration Department, under the direction of the Commissioner of Public Safety, shall, unless expressly stated to the contrary in the City Code, be responsible for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code as well as other applicable City codes, rules and regulations and the laws of the State of New York relating to building, property, *business, and other entities* located within the City’s jurisdiction.”

Deputy Sharp suggested the ending of the first paragraph of Title 10 Human Resources Administrator be changed. It currently reads “a like jurisdiction.” and perhaps something like “a corporate background” may be more appropriate. A discussion ensued and it was decided to end the sentence at Human Resources and remove “work in a like jurisdiction” completely.

Chairman DeLeonardis said the next meeting is the public Forum on August 21<sup>st</sup> at the City Council meeting. The Mayor will begin the meeting with the Public Hearing at 5:55 and open the meeting to public comment after which she will turn it over to the Charter Review Commission for the Forum and at the conclusion of the Forum, the City Council meeting will resume. The Forum will begin with a brief presentation. A vote is needed on the final document and the clock is ticking. Currently there is a meeting scheduled on August 28<sup>th</sup> but another is needed so there will be an additional meeting on August 22<sup>nd</sup> or 23<sup>rd</sup>. Chairman DeLeonardis would like to have the full Commission together to vote on the final Charter which would be on August 28<sup>th</sup>. Commissioner Franck and Deputy Masterson will not be available to attend but are willing to remotely attend to cast their vote. There are two meetings currently scheduled in September and the topics will be the outreach, education, publishing, financial report and a document that advises the changes and why they were made. Again, the open items are: the 7 member Council; Civil Service options (Commissioner Martin will provide his research); and implementation dates for sections of the Charter using a phased in approach. He also asked for consensus to remove the Appendix and Glossary and it appeared to be unanimous to remove them. He asked for the members to review the Preamble and Statement of Purpose and provide feedback at the next meeting. Deputy Masterson said she liked the Preamble and it still applies today so she would like to keep it. Chairman DeLeonardis said there were no other open items and he asked Attorney McLaughlin to attend the Forum if he is available. Attorney McLaughlin said he could attend and he would also check his billing against our budget.

Commissioner Martin asked how the Forum is being advertised? A discussion ensued and options of ads in the paper; fliers; posts on Facebook; press release; radio; TV; and the message board at the City Center was discussed. Chairman DeLeonardis and Deputy Sharp will discuss further and get the word out tomorrow.

Chairman DeLeonardis opened the floor public comment.

### **Public Comment**

Richard Sellers, Saratoga Springs. Advised that the regulations at the City Center prohibits using the message board unless you rent space. You can advertise on Facebook for a couple hundred dollars, consider a small space ad in the paper. Perhaps a mention in the Saratogian’s list of events, on the Chamber of Commerce website and on Nextdoor.com would also help to reach people.

Bonnie Sellers, Saratoga Springs. Tom D’Naoplis covers City Hall so maybe he can get it in tomorrow. She also suggested setting up the screen and chairs in the hall for the attendance overflow.

Chairman DeLeonardis read a letter he received from former Mayor Ken Klotz (attached). Commissioner Madigan comment on the 3/2 votes thwarting the Mayor and said that is not the goal – the goal is to have more involvement. Deputy Sharp commented on Mayor Klotz’s

comment on the competence to manage. He feels that under the current structure some people are just unable to do it given the time required and current pay.

End of public comment.

Next meeting on 8/21/18 @ 6:00 PM

Chairman DeLeonardis adjourned the meeting at 4:37 PM.

Respectfully submitted by Trish Bush.











subject to defeat in a subsequent election if performance is poor. In practice it may sometimes be difficult to find a Saratoga Springs resident with the generic paper skill set to manage a particular office who is also willing to give up a private-sector job for the sake of a modestly-paid city position that may disappear after two years. A non-binding "suggested" model of job qualifications would provide more flexibility and still be a standard to aim for.

The issue of enforcement is tricky, particularly since there is a history of Charter violations by Council members themselves. Perhaps some sort of oversight committee could be established, to give regular reports to the public that would draw attention to problems if they existed.

The idea of an annual external audit is an excellent one and ought to be implemented.

I am against expanding the Council by adding two (inevitably second-tier) legislative positions for council members who, unlike the Mayor and the four Commissioner, do not oversee city operations. I am unpersuaded by the argument that this would allow more wide-spread and diverse participation by residents in city government. If an individual wants to serve on the Council, but does not feel competent to manage one of the departments or even to identify and appoint a deputy who can, why should the charter be changed to accommodate that individual? That person can still participate by attending Council meetings, speaking at public hearings, and perhaps over time even acquire the understanding of city government sufficient to run for one of the offices now in the Charter.

Finally, on the subject of Council member salaries, while the current salaries are indeed in the 2001 Charter, the Charter also indicates they "may be amended by local law." The public should not be led to believe that an entirely new system of government is necessary to increase salaries. I strongly favor salary increases for Council members, particularly the Mayor, but they can be accomplished through local law and appropriate adjustments to the annual budget.

Thank you for your attention and for the many hours of hard work you are putting in to your review.

Sincerely,



Kenneth Klotz

Mayor, City of Saratoga Springs, 2000-2003