

**CHARTER REVIEW COMMISSION  
CITY OF SARATOGA SPRINGS  
MONDAY, NOVEMBER 27, 2000  
CITY COUNCIL ROOM  
6:30 P.M.**

**PRESENT:** Harvey Fox, Chair                      Mia Mouzon  
Lew Benton    Chris Whann  
Mark Lawton                                        Denise Polit, Vice Chair  
Elio Del-Sette                                      Margie VanMeter  
Vassar Curtis                                      Lee Nelson  
Rita Balmuth

**STAFF PRESENT:** Anthony J. Izzo, Assistant City Attorney

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**CALL TO ORDER**

Harvey Fox, chair, called the meeting to order at 6:30 p.m.

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**COMMITTEES**

Harvey Fox distributed a memorandum to Commission members showing appointments to three standing committees. The appointments are as follows:

<u>Executive Committee</u>	<u>Public Education Committee</u>	<u>Drafting Committee</u>
Denise Polit, Vice Chair	Margie VanMeter	Denise Polit, Vice Chair
Chris Whann, Secretary	Mia Mouzon	Chris Whann, Secretary
Rita Balmuth	Rita Balmuth	Lew Benton
Elio Del-Settee	Vassar Curtis	Lee Nelson
Lew Benton	Elio Del-Sette	Margie VanMeter
Vassar Curtis	Mark Lawton	Mark Lawton
Mia Mouzon	Lee Nelson	

Harvey Fox informed Commission members that he would send a memo to the Mayor tomorrow concerning funding from the state for the Charter Commission. He said it is possible to make a request of the state to fund 40 percent of the budget. Mark Lawton said this funding must be formally requested. Tony Izzo said he would look into whether that request should go from the Mayor or the entire Council.

Harvey Fox also informed members that the Commission would meet on Monday, December 4 and then take a break until January 8. He said committees and the Focus/Survey group may meet during that time period though.

## GENERAL DISCUSSION

### Inside/Outside Districts

Elio Del-Sette said he would like some clarification on the inside/outside districts. Harvey Fox said Commissioner Thomas McTygue had stated that the inside/outside districts were maintained due in part to CHIPS funding from the state. Elio Del-Sette said he wanted clarification on whether it was necessary to maintain inside and outside districts. Tony Izzo said he would research that issue.

Elio Del-Sette said he would also like clarification on the Connolly Law and waive of bid limits.

Margie VanMeter said she felt the Connolly law prohibits the City from doing some much need infrastructure improvements. She pointed to the letter from Lt. Moore, Police Department, on the lack of appropriate space to conduct interviews. Lew Benton pointed out that this Commission, although well intentioned, could not force the City to construct new buildings. He said there needs to be a more disciplined approach in the capital budgeting process.

Elio Del-Sette said he would like to see penalties imposed on Commissioners for not performing their prescribed duties.

Margie VanMeter said she had received some information from the state concerning their bid process. She said according to the state, they have limits of \$20,000 for contracts for public works and \$10,000 for purchasing before bidding must be done. Elio Del-Sette said he wanted to be sure that the City would be protected in its waive of bid process if the City adopts the states numbers. Tony Izzo said that language did not appear to jeopardize the City's position. Mark Lawton asked if it was necessary to go as high as the state allows. Lew Benton suggested that the City be consistent with the state on this matter. Denise Polit suggested that the City just refer to the state law. Elio Del-Sette disagreed saying that the state could adopt new numbers or methods that could be detrimental to the City. Chris Whann asked if this was the only issue that required modification in the charter, could the Council simply change the amounts without going to the voters. Tony Izzo said yes. Vassar Curtis said he too wanted to be sure that adopting the state numbers did not jeopardize the City's bidding process. Tony Izzo encouraged the Commission to not simply refer to the state law, but rather specifically note dollar amounts in the charter. Lew Benton said he would like to unencumber the Council on issues such as these and raise the limit. He also noted that money could be saved in other areas such as legal advertising by raising these limits.

### Finance

Mark Lawton said he would like some clarification from the Finance Department on what funds need

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to be listed in the charter. He said funds such as the publicity and recreation are noted in the existing charter and he wondered if they were still used. Elio Del-Sette asked if the Finance Commissioner has unilateral authority to move the City's investments around. Mark Lawton suggested that the Commission ask for reports from this department on these matters and then discuss them in detail in January. Mark Lawton said this information should be requested and more specifically he wanted an explanation on itemization and utilization of the funds included in the charter and those not listed in the charter.

Margie VanMeter said she would like to see a budget that explains the revenues and expenditures for certain line items, i.e., the casino. She said she would like to see how the revenue from these lines are spent. Harvey Fox suggested those were issues that should be addressed at a later time when there is more detailed information available. Lew Benton asked what was the purpose of knowing that information. Mark Lawton said there is a perceived problem that there is no comprehensive reporting, in a simple manner, of revenues and expenditures. He said there is no way to reconcile this information. Lew Benton said there is a problem but it is not unique to this budgeting process. Lew Benton agreed the public should be able to come into City Hall and review a budget. Vassar Curtis wondered whether it was appropriate to lists these funds in the charter. Chris Whann said if there are obsolete funds in the charter than more than likely there were funds that should be included. He said some consistency was needed on this issue. It was agreed that Lew Benton and Mark Lawton would write a letter for Finance asking for information on this matter. Elio Del-Sette said he would like clarification on permanent and temporary funds.

(Mia Mouzon left at 7:30 p.m.)

### Supervisors

Margie VanMeter said she would like the supervisors to have the ability to hold public hearings here in the City on county issues that affect the City. She said the supervisors need to know what the citizens are thinking. Tony Izzo said the Council can hold a public hearing on any subject that involves the public's interest.

Tony Izzo asked if Commission members wanted to add some language to the charter that supervisors "shall" attend all Council meetings. Denise Polit noted that it has been suggested that the supervisors have a seat on the Council. Tony Izzo said there had been some concern expressed on whether the supervisors could hold a position at the county level and in the City as well.

John McKeon, from the audience, said the majority of the supervisors at the County are made up of the chief executive elected official of their respective towns. He said Clifton Park and Saratoga Springs each have two representatives to the county. He said in Clifton Park, one sits on the town board while the other doesn't. He said the representative from Mechanicville does not sit on that local board either. Denise Polit suggested that perhaps some thought be given to the City's Mayor being one of the representatives to the county board. Commission members asked

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that Tony Izzo research whether the Mayor could serve a dual role as Mayor and a representative to the county.

Lew Benton asked what was the Commission trying to resolve on this issue. Chris Whann said there have been concerns expressed on the relationship between the City and the county. He said there needs to be a clear line of communication and a good working relationship between the two. He also said there needs to be a clear way in which supervisors are made aware of the Council's thoughts and directives on certain matters. Mark Lawton said if it works better for the supervisors from the surrounding towns, he wondered whether there was some comparable adjustment that the City could make.

Lew Benton says we have two supervisors because the county says so and not because the City says so. Tony Izzo said if the ultimate goal is to have a better relationship between the two, perhaps we should focus on the legislative rather than administrative areas. Margie VanMeter said she wanted the city supervisors to have a stronger voice at the county. Elio Del-Sette said the existing supervisors are somewhat remote and they vote as they please. He said he would like to see them as ex-officio officials on the Council and duly noted in the charter. He said they should be non-voting members of the Council. Lew Benton said we have two people elected to the supervisor positions who represent the community and not the Council. He said it is not a good idea to constrain them. Denise Polit said this should be a two-way street with the supervisors reporting to the Council and the Council also reporting to the supervisors.

Elio Del-Sette asked that Tony Izzo do some more research on what the city's supervisors can be legally attached to. Mark Lawton said his sense is that it works well for the towns and perhaps there is a comparable way for the City to have the same system. He asked if it is possible to create more seats on the Council and for the supervisors to fill those seats.

Elio Del-Sette also asked for some clarification on the supervisor A&B positions and if it was necessary to identify them as such.

Margie VanMeter said she felt the two top vote getters should be the supervisors and there should be no A&B positions. Harvey Fox reminded Commission members that one of the supervisors had concerns that candidates should run against other candidates and not just run for the seat. Chris Whann said it mentions in the charter that there are two lists to choose from for the supervisor positions. He said perhaps it should be so stated that there is one list. Mark Lawton said he would like to see the supervisor positions filled with the two top vote getters.

Harvey Fox said it appeared there was some consensus that the two top vote getters should be the supervisors. He asked Tony Izzo to research whether the Mayor could serve as a supervisor.

#### Policies & Procedures

Mark Lawton said there is, citywide, a lack of operating manuals and asked how this could be

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accomplished through the charter. Lew Benton said in theory there are standard purchasing procedures. Chris Whann asked if those procedures were enforced. Lew Benton said Bernard Mirling is drafting a new set of purchasing procedures. Mark Lawton said the language in the charter for policies and procedures needs to be made more relevant and definitive.

Mark Lawton said human resources was another area that would require policies and procedures. Margie VanMeter said there needs to be some direction on individuals working in one department and then perhaps moving to another when the work was slow. She said there needs to be some flexibility for the employees. Mark Lawton said there should be a performance evaluation system. He said the City puts itself at risk because of its lack of uniformity. Lew Benton pointed out that many issues are part of the bargaining process. He said there is a civil service commission, a payroll department, a uniform system for time keeping. He said he was not convinced that there was a lack of uniformity. Mark Lawton said there is a lack of centralized service to all departments. Mark Lawton said there is no uniform procedure on what to do with a check when it comes into City Hall. He said it appears as though each department does its own thing. Mark Lawton said the fundamental issue was form.

Lee Nelson asked why when one deputy commissioner got a raise they all got one. Lew Benton said if the Commission is talking about uniform compensation, deputy commissioners should be uniform.

Mark Lawton said there were many mundane issues such as petty cash, inventory of property, etc., that need to be addressed. Denise Polit asked if it was normal to have these issues covered by a city charter. She suggested that other city charters be reviewed. Margie VanMeter asked if there should be a clause in the charter requiring the commissioners be qualified. She said Deputy Commissioners are exempt employees. She said she would like to see the people who actually do the day-to-day operations be qualified.

Tony Izzo said the charter allows the commissioner to make appointments but perhaps a line could be added as follows: "under such terms and conditions as the Council may determine". Lew Benton asked if Tony Izzo was suggesting that the Council approve deputy commissioner appointments. Tony Izzo said no, he said he was suggesting the criteria be established.

Harvey Fox asked if this form of government could support the deputies being appointed by the Council. Commission members said no. Lew Benton said the commissioners need the ability to appoint an individual they are comfortable with. Margie VanMeter said perhaps that person should not be running the department. Lew Benton said maybe the commission should consider scrapping this form of government. Margie VanMeter said if in fact the deputy is the political appointment than perhaps there should be some type of administrative person as well. Lew Benton said deputy commissioners are hired knowing their principal role is to serve the commissioner and to be sure that the commissioner's policies are carried out.

Tony Izzo informed Commission members that many years ago, the Accounts Department once had two deputy commissioners. He said this charter allows for the mechanism of bringing in another

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deputy. He said another level of authority could also be established through independent contracting with Council approval.

Mark Lawton said, in this current form of government, deputies are not able to run the office. He said we have been told repeatedly that deputies cannot effectively run their departments on a day to day basis.

Lew Benton said perhaps the Commission is going about this backwards. He said maybe we should first decide what form of government we should look at. Mark Lawton pointed out in the existing charter there is nothing that says the Commissioner must run the day-to-day operations of the department. He said it states that the Commissioner is only responsible.

Harvey Fox said there was previous agreement by Commission members that the Commission would first identify areas that need to be addressed and then determine whether they could be addressed in the existing form. He said if the issues were serious enough then perhaps the Commission should consider changing the form.

Denise Polit said the people making presentations before this commission have on more than one occasion stated that professionals are needed to run the departments. Lew Benton said there are professional departments heads, i.e., police chief and fire chief and it is their responsibility to run their department. He said it appears this form of government creates the problems and not the individual employees. Elio Del-Sette pointed out that the Deputy Commissioner of Finance must be and is a qualified individual as is the same with the Deputy Commissioner of Public Works. He said the future will dictate that these individuals be qualified, competent individuals and not just political appointments.

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### **NEXT MEETING**

It was agreed that the following items would be discussed at the next meeting: term limits and lengths, electoral system; and analyze the powers of the council members.

Mark Lawton said at the conclusion of our session he would prepare a findings sheet on what Commission members have agreed to so far. Denise Polit agreed that the executive committee would take on that task.

Elio Del-Sette asked if the subcommittee meetings would be open to the public. Tony Izzo said the findings of those meetings must be reported to the full commission. He said he did not believe the subcommittees need to adhere to the open meetings law. Lew Benton said it was his recollection that at one of the Commission's meetings it was agreed that all meetings would be open to the public.

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### **FUNDING**

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Harvey Fox said he recently received a letter asking whether funds, independent of the City, could be raised to offset this Commission's budget. Tony Izzo said he would do some research.

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**ADJOURNMENT**

Lew Benton moved and Vassar Curtis seconded to adjourn the meeting at 9:00 p.m. Ayes all. There being no further business, Harvey Fox adjourned the meeting at 9:00 p.m.

Respectfully submitted,

Kathy Moran  
Clerk

Approved: