

2018 CHARTER REVIEW COMMISSION MINUTES

May 19, 2018

Roll Call

Present:

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

Absent: Commissioner John Franck
Commissioner Skip Scirocco
Deputy Commissioner Maire Masterson
Deputy Commissioner Joseph O'Neill

Recording of Proceeding

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

Call to Order

Chairman DeLeonardis called the meeting to order at 8:07 AM.

Public Comment

Chairman DeLeonardis opened the floor up for public comment.

No comment.

End of public comment.

Approval of Minutes

Chairman DeLeonardis made a motion to approve the minutes of May 9, 2018.
Deputy Daley seconded the motion.

Vote: Ayes – 6 Nays – 0 Motion - All

Discussion Items

The discussion began with Title 3 The Mayor. Deputy Shields stated that her edits would be to remove sections 3.2 through 3.6 to identify in earlier sections what the functions of the Mayor's department are and then not to detail the organization of the department so that things could be changed as needed over time. Chairman DeLeonardis suggested moving sections 3.2 and 3.3 to a different department/section and remove details of duties. Section 3.4 was a discussion regarding keeping the Recreation Commission or making it more of an advisory board and what to do with the department. Perhaps the department of Parks, Rec and Open Space could be

moved to DPW. Deputy Sharp added that the Recreation Commission would become an advisory board to address activities and programming and leave the budget and facilities to the Rec Director. Chairman DeLeonardis said he spoke with Supervisor Matt Veitch and Matt advised keeping Open Space separate from DPW due to potential conflicts. Chairman DeLeonardis suggested that the POSH position could be renamed to Sustainability Coordinator. Deputy Sharp said there is no mandate to keep the Rec Commission but he would like John Hirliman to comment on this. Deputy Shields said that John Hirliman likes the idea of an advisory board rather than the current commission. Commissioner Madigan suggested leaving this in the charter but changing it to an advisory board. Commissioner Martin said he is ok with the Rec Commission but not in the Charter. There was a push to form the commission 40 years ago. He would like to check to see if we are running afoul of previous commitments and or leaving money on the table. Tony Izzo stated that the ability to form ad hoc committees is currently in the charter and the City calls out specific committees as needed. Commissioner Madigan said that she would not like to see the charter become so thin that local laws and resolutions would be needed after adoption to shore it up.

Chairman DeLeonardis asked if section 3.5 Planning and Economic Development should remain and there was consensus to keep it as is.

Section 3.6 Building Inspector. Chairman DeLeonardis suggested that the Building Inspector should remain with the Mayor's department but asked if Code Enforcement should come to the Mayor's department? Commissioner Martin suggested more detail is needed. Fire code enforcement needs to stay with Public Safety because they take on health, food prep at functions and other services outside of buildings. Deputy Shields said that she was thinking of codes only as it applies to buildings. Commissioner Madigan said to leave it. Deputy Shields said that the enforcement of building codes should stay in the building department. Commissioner Martin said health, noise ordinances, NY State & City safety requirements should also be considered when thinking about code enforcement so the drafting of this section should be very clear so essential services aren't left out. Chairman DeLeonardis suggested that there are overlap efforts and perhaps joining together would eliminate that and make enforcement more efficient by moving it to the building department but not changing the functionality. Commissioner Martin said that there are overlaps but situations require that. He stated that he has a problem with moving it as fire and code need to work together on activities such as festivals. More discussion continued. Commissioner Madigan said that the Charter is to promote all departments working together and perhaps an organizational chart would aid in understanding responsibilities. Deputy Daley said that previously building and code were together and he believes it is irresponsible on the part of the City to keep them separate. They need to be back together. Chairman DeLeonardis suggested that if building stays with the Mayor then code needs to go to the Mayor. Commissioner Martin suggested that he, Deputy Daley, Deputy Shields and the Mayor get together to discuss and bring back a suggestion. Commissioner Madigan said that we cannot make a new position so we need to re-allocate what we have. Chairman DeLeonardis said that Building and Code belong together but Building and Planning belong in the Mayor's department and it would be an error to remove Building. Commissioner Martin said that if he could figure out a way to make a split, he would do it. Commissioner Madigan recapped that Commissioner Martin with the Mayor and their deputies will look into this and get back to this commission and would like to talk with Building and Code to find the efficiencies from their point of view.

Section 3.7 Public Information. Commissioner Madigan is unclear what this function is today. The public library was previously the keeper of records but they no longer want them. The Clerk is the keeper of records so perhaps Accounts is where it belongs. Deputy Shields said that she was thinking more along the lines of a Public Information Officer but the section doesn't read that way. Chairman DeLeonardis reads this section more like a FOIL requirement and perhaps should go to the Legal. Commissioner Martin agreed. More discussion ensued and Tony Izzo offered that section 182 of the City Code has more detail for this section and perhaps section 3.7 could be removed. Deputy Shields asked if this should be added to the Mayor's section. Commissioner Madigan suggested that functionality should be called out but titles don't belong. Commissioner Martin said a designated communications function should be called out and reside in the Mayor's section as that office is public facing. Commissioner Madigan said that under a different form of government that may be true but all departments need access to this so it should work with all departments. Commissioner Martin agrees that all departments should be represented and Deputy Daley agreed. Deputy Sharp added that IT needs to be called out so they have a voice. The discussion continued and there was agreement that the functionality is needed, budgeting is to be considered and the proper department to handle the function should continue to be explored.

Title 4 The Commissioner of Finance. Deputy Sharp started the discussion with the comment that the Deputy of Finance should have specific requirements tied to the position so that the department is supported properly, by having either a legal or financial background. Commissioner Madigan stated that we don't want to make several new positions but with our discussions this Charter may increase the budget somewhat. Commissioners succeed or fail by their deputies and since they are appointed, the City needs a budget director, separate and aside from the deputy position, who will not change with each election. The City has 7 separate budgets and all the functions in Finance, like payroll, benefits, taxes, budgeting etc. highlight the need for a budget director who will focus on the budget process only. Deputy Sharp agrees there is enough work to justify that position. A discussion continued. Chairman DeLeonardis asked if the position should be called out in the charter. Commissioner Madigan was unsure and Deputy Daley said that he agrees that the City needs a budget director and he thinks it should be called out like the State does. Commissioner Madigan said that the Director of Finance position came on after the charter so perhaps it should be included too. The discussion continued. Chairman DeLeonardis and Tony Izzo will provide some language regarding the deputies. Currently all departments have some language that addresses deputy and employee requirements and capabilities for the job. Deputy Shields asked if this is called out under HR to be more specific. Chairman DeLeonardis said that each deputy position has specific requirements and he is looking into how to address this. Discussion continued with the topic of city residency requirements. Commissioner Madigan thinks that deputies should reside in the City. She also said that she could bring the case to City Council for the position of Budget Director. The process for capital budget would remain the same but just be under the Commissioner of Finance and led by an experienced person. Commissioner Martin suggested that the City Council consider the position but not place it in the Charter.

Commissioner Martin addressed Section A. Substitute for the Mayor. It was confirmed that this section goes beyond meeting activities but there are more actions needed such as signing documents, but section 2.4 addresses vacancies and it should be referenced here. Discussion continued regarding clarification of the internal auditor. Currently there is an annual audit that is independent from Finance and addresses random topics so the same operations are not looked at

each time. Commissioner Madigan said that there are ongoing random audits but potential conflicts arise when a department does a self-audit. Potential fraud is an area that the City needs a better handle on. Asset management addresses inventory issues but there are other actions that require a forensic type audit and there is no expertise for that. She is currently exploring three outside accounting firms to address financial audits independent from Finance. Commissioner Martin called out legal audits and suggested that they be discussed when we get to Legal and should be specifically called out in the charter. Discussion continued. The letter topics are articulated in the number sections below. Deputy Sharp will look at this and provide some language for consideration. Commissioner Madigan said she is focused on the fiscal aspect of auditing so that finance is always able to handle the issue. Chairman DeLeonardis suggested adding letter I – designating finance as the Capital program chairperson. Discussion on the budgets like Water & Sewer budget, each budget oversight belongs to finance but the department manages the budget. Keeping up with requirements is a challenge such as the Governor’s SALT program was discussed how it impacts us.

Tax Collector Section 4.1.4 was discussed. Specific to the discount rate being taken out of the charter and give the authority to the Council to set it to keep current. Interest rates move materially and having the ability to make change is valuable. Commissioner Madigan could come forward with a resolution to the Council and after approval submit it to the County reflecting the discount to be applied much like the Water & Sewer resolution which works well. Being able to move dates will allow for flexibility and effects fees but the Charter calls out what exactly needs to be done and by when but the ability to be flexible would be helpful to react to situations like pre-payment of taxes. Chairman DeLeonardis suggested language that provides “A discount shall be allowed for the payment of the four quarterly current City and County taxes...” and add “The City Council shall establish this discount by resolution on or before...” and add date. Commissioner Martin identified section 4.1.5 and would like to add to the charter the ability to say liens can also arise from expenses incurred by the City undertaken to abate dangerous or nuisance situations on properties. He wants to draft City code that says they have summary abatement and this section of the charter would be the lead in. After discussion, Commissioner Martin will provide language for this and a list to identify code changes should also be done as we work through this. Commissioner Madigan said that 4.1.6 has never been done and asked if this should be taken out? Tony Izzo said that it is proper to keep in to allow for City Council to take action when necessary.

Commissioner Madigan and Deputy Sharp agree section 4.2.1 calling out the requirement for having the policy and manual helps to ensure that what is required is being done and being done properly so no changes to section 4.2.

Deputy Sharp said that section 4.3.1 - Accounting systems, is the closest the charter comes to calling out the Information Technology (IT) department. Deputy Shields stated that IT needs a section. Discussion ensued regarding 4.3. Chairman DeLeonardis remarked that Accounts has its own bank account but this section says Finance will maintain that function for all departments. Deputy Sharp advised that they also use a separate system from Munis, the system all other departments use. The discussion provided that no one knows why and we should look into it. Deputy Sharp will draft language regarding section 4.3.4 – Annual audit, for consideration.

Deputy Sharp discussed changes to 4.4.3 budget submission. He would like to remove the tie to a specific City Council meeting but rather identify a date that it would be done by and designate a special meeting which would allow for more time to complete the budget or deliver it at a

regular meeting knowing that the regular meeting would extend well past a usual time. Commissioner Madigan agrees that the activity is very time consuming and a few extra days to present it is sometimes necessary. A discussion continued with suggested language by Deputy Sharp and Chairman DeLeonardis for the end of 4.4.3 "...at a meeting to be held no later than October 31st each year" and remove the wording regarding a regularly scheduled meeting. Deputy Sharp continued with section 4.4.6 Budget Adoption suggesting language that would allow the budget adoption to be scheduled at the first City Council meeting in December rather than before November 30th. This would provide for continuity of dates for the budget delivery. After continued discussion, Commissioner Madigan will work with Deputy Sharp to provide for accurate language that provides for flexibility and indicated times for delivery. Chairman DeLeonardis asked about revisions to section 4.4.13 Payments prohibited. Commissioner Madigan said that this refers to appropriations made outside the purchasing policy and no changes should be made. The meaning of this section was discussed and Commissioner Martin referred to section 4.4.11 Emergency appropriations which addresses unexpected incidents such as a water main break or public safety emergency, which differs from 4.4.13. Deputy Shields asked if this makes small purchases inefficient? Commissioner Madigan advised oversight of those types of purchases doesn't reside in Finance. Commissioner Martin asked for additional clarification on section 4.4.11 regarding defining the process and the conversation identified that "unanimous approval" may cause a problem so this will be looked into. Deputy Daley asked that continuity of government also be considered as we move through the charter revision and that all sections uphold the intent throughout. Emergency Management Plan addresses the process and procedure and it should be looked at to ensure it is not in conflict with the charter and each document refers to the other. Chairman DeLeonardis went back to section 4.4.13 and asked if language should be added here to cure an unlawful or unauthorized event by vote of City Council. Commissioner Madigan wants it to be left as is, it's a powerful statement and if you don't have the money you should not make the purchase. Examples of where this section might apply was discussed and if the cure is to be included then language must be stringent.

Chairman DeLeonardis proposed adding the current section 3.1 Capital Program and subsections in at this point. Deputy Shields suggested adding a section after 4.5 to address IT.

5 Minute break.

Commissioner Madigan said the charter has an appendix that contains a timeline for the budget process and would like that timeline integrated into the charter. The Glossary of terms will remain. Commissioner Madigan will work on language for the integration and would like this commission to make the Glossary have more clarity, current language in places is vague.

Title 5 – Commissioner of Public Works. Chairman DeLeonardis asked for any changes to the letter sections. Commissioner Martin comment that the City Engineer previously reported to the Mayor and asked if it should stay with Public Works. Deputy Shields commented that the engineer works with building, planning, zoning and all DPW projects. Continuing the discussion Chairman DeLeonardis identified that some duties and services provided by DPW are also assigned to DPS so both departments undertake the same tasks while recognizing some tasks have a security component, aspects and issues that would not be possible to give to DPW, perhaps the overlap could be narrowed. Title 6 subsection G is the compliment to this. Tony Izzo provided some background on this and discussions continued with Commissioner Martin advising that these tasks should stay with DPS with the exception of the administrative offices

where DPW could take this on. Deputy Shields suggested adding Parks and Recreation to the opening paragraph of this section if it is determined that those would go under DPW. Chairman DeLeonardis asked for a consensus that Parks and Rec move to DPW. Discussion around the upkeep of properties as that falls to DPW and the roll of POSH continued. Perhaps the POSH position should be separated to a sustainability coordinator. All departments that are affected by a project need to be involved in the project to ensure the project's ongoing success. Deputy Sharp suggested that having a discussion with Commissioner Scirocco and Tina Carton (POSH) will shed some additional light on the current situation and provide any suggestions for improvement. Tony Izzo pointed out a conflict between the opening paragraph of the section which says the department is responsible for maintaining city lands etc, but section 3.3.1 provides for policy development for that so working together is already identified. The Rec department also has language that poses a similar conflict.

Chairman DeLeonardis asked about keeping Section E – Beautification and Composting Programs. Why is composting called out in the charter, perhaps it should come out. Commissioner Madigan says that the composting could be in question but the beautification is something that our city is proud of and has tremendous value and the responsibility should be called out. The Commissioner will be asked to comment.

Regarding Section F – Substitute for the Mayor, Chairman DeLeonardis cited the last sentence in the second paragraph and commented that if the State of The City incorporates all 5 departments to provide information on their departments perhaps this could come out. A discussion about the meaning of the wording of what is being presented followed but agreement to keep this in with more detail to delivery times, was made. Deputy Shields identified the last paragraph in F as being unrelated to the Mayor and should be moved elsewhere. Deputy Daley suggested, from an executive continuation, that since this section is under both Finance and DPW, the succession should be called out in each Title. Commissioner Madigan identified that while it does not need to be called out in the charter, notification by council members when they are going to be absent or unreachable is important. Commissioner Martin agreed and suggested that at the beginning of the year a Rules of Procedure be adopted by the council. Deputy Sharp said that this could be included in the Council Resolution.

Chairman DeLeonardis identified that section 5.1.2 Encroachments appears to also be called out in the City Code under Code Enforcement. DPW doesn't have any enforcement ability. Perhaps this should be moved to Code Enforcement. Deputy Daley identified a problem area with regards to getting a permit for work in the Right of Way (ROW). There are 4 signatures necessary to obtain the permit and the authority over the ROW resides in multiple departments. Commissioner Martin addressed this in a slightly different manner. He is going to propose that the traffic division of DPS be absorbed by DPW, specifically, striping of roads, adding street signs, and traffic lights. The specific division, namely traffic enforcement, would not be assigned to DPW. To address the ROW issue, there should only be two sign offs needed – DPS and DPW. A lengthy discussion followed for clarification of the proposal and how the interaction would work. Chairman DeLeonardis suggests that this isn't currently in the charter so does it belong? Commissioner Martin suggested investigating how other cities handle this and DPW needs to be involved in the discussion.

Commissioner Martin began the conversation regarding 5.2 Buildings and Grounds by saying that he agrees with the previous suggestion of moving the maintenance of the administrative

offices to DPW but keeping the Police and Fire Department separate. Commissioner Martin explained how the fire department goes about cleaning their equipment and clothing. Chairman DeLeonardis said the suggestion was referring to areas such as cutting grass. A discussion regarding the areas where safety is a concern and where work is being done by third party contractors for efficiencies continued to determine what could be done but DPW should be included for a decision.

Commissioner Martin suggested that Parks, Rec and POSH would be a new 5.3 under this Title and numbering would change from there.

Commissioner Martin is wondering if electric should be called out. Chairman DeLeonardis advised that DPW has no responsibility for electric placement or upkeep. Commissioner Martin was asking if we had the ability or could it be added, to go after a utility company that dug or disrupted grounds or roadways that did not repair it to the original condition. DPW should have the ability. Commissioner Madigan likes the point but need input from DPW to go further on this. Chairman DeLeonardis said that the contract that would be needed prior to work being done would contain the language to cover this but no harm being included here.

Chairman DeLeonardis identified that there was a previous discussion to move section 5.4 – Office of the City Engineer to the Mayor. Consensus to keep this with DPW was made. The qualifications of the City Engineer being called out in the charter is relatively unique. Tony Izzo pointed out that this position also provides for the City Council to determine the outcome in the event of any conflict between the City Engineer and the Commissioner. All agreed to keep the qualifications in the charter.

Chairman DeLeonardis continued the discussion on Title 6 of Public Safety. Commissioner Martin requested that this section be skipped. Commissioner Madigan cited that the intent of this meeting was to “spit ball” ideas and we just completed DPW and they weren’t in attendance. Commissioner Martin stated that he is not ready to go through DPS at this time. Commissioner Madigan said that she came to discuss all sections of the Charter and Commissioner Martin again stated he is not prepared to discuss it. Chairman DeLeonardis asked if the remainder of the commission would like to continue to discuss this section or delay it. Deputy Sharp said he had a couple of items to discuss so would like to continue. Chairman DeLeonardis advised that this is a small section and there will be no votes taken today, it is just a discussion of ideas for consideration and the workshop was designed to help the commission get further along in the charter so a redline document could be produced. Deputy Shields would like to discuss codes and the seeming continuation throughout the document to add sentences that don’t belong in the section and requests consistency throughout the document. Chairman DeLeonardis commented that both DPW and DPS identifies the delivery of an annual report and the agreement was to keep that language in. The only other thing would be to combine section 6.3 into one paragraph. Commissioner Martin and Deputy Daley got up to leave the meeting because they were not ready to discuss or vote on this section. Tony Izzo pointed out there was only 45 minutes left in the meeting and Chairman DeLeonardis advised that participation in the discussion was not mandated and as an aside, if they both left we would have to end the meeting because there would no longer be a quorum. Commissioner Martin asked if the intent was to move on to the next section. Chairman DeLeonardis said that as soon as this section was completed Title 7 would be discussed but that Commissioner Martin’s participation in the discussion was not required and he would like him to stay in order to continue the meeting and again stated that

there are no votes being taken. This is just a “spit ball” session to exchange ideas. Commissioner Madigan pointed out that discussion on several items under the section have already been discussed, like traffic, safety and code. More input will be received from employees, the public and past office holders. 6.3.1 and section C were identified by Commissioner Madigan from the conversation today as needing more discussion.

Deputy Sharp called out that section 7.2 states the Commissioner of Accounts needs to be an Assessor. Chairman DeLeonardis said that the need for requirements was discussed with regard to Deputies and he finds it odd that this is the only Commissioner that calls for a requirement to hold the office. The question was asked if it made sense to call out the requirement when the office allows for a licensed assessor to be appointed. A discussion regarding the mandated training, ease of running for office, the legality of the requirement, and comparison of requirements for other offices followed. Commissioner Franck will be asked to contribute to this section at the next meeting.

Deputy Shields cited section 7.3.8 suggested that contracts be administered out of the City Attorney’s office and perhaps Purchasing. Commissioner Madigan suggested that contracts and purchasing are all together. Accounts and Finance have an audit function that works together but she is unsure where it belongs. Deputy Sharp indicated he thought contracts should be with legal. Deputy Daly asked if the Office of Risk and Safety should be called out in the charter? Deputy Sharp and Chairman DeLeonardis need more discussion. Commissioner Martin said that input from the department will help with this discussion. Chairman DeLeonardis 7.3.5 – does it need to be in the charter? Dictating as a matter of a document that guides the city and calling out access to storage doesn’t make sense. Deputy Daley asked if 7.3.4 belongs in the charter and more discussion followed about purchasing and insurance. Tony Izzo pointed out that Risk and Safety was formed after the charter was passed and that Accounts is no more tied to insurance than any other department. The different types of insurance that the City has and where the administration belongs, for example liability insurance is handled by outside counsel and the point of contact is the Accounts Department, not the legal department. The discussion continued and insurance may not be a charter issue. Commissioner Martin pointed out that Registrar and Vital Statistics should have a separate section, 7.4, to call out the required functions.

Other Business

Chairman DeLeonardis said the next meeting is on Wednesday May 23, 2018 at 4:00 PM and will begin with discussion regarding Title 8.

Chairman DeLeonardis opened the floor public comment.

Public Comment

Bonnie Sellers, Saratoga Springs. The Assessor requirement was due to complaining on the part of the Assessor being part of Finance 100 years ago. 1916 moved to separate departments to accommodate the separation of the assessment for taxes and collection of monies. Chairman DeLeonardis suggested that this may be the reason that Accounts and Finance have separate bank accounts for checks and balances. Bonnie agreed. Commissioner Madigan questioned why assessment and taxes are in two separate departments. If assessments don’t happen then any increase in revenue is expected to come from raising taxes. Tony Izzo provided a handout from 1915 concerning the City Attorney who is appointed by the Mayor with advice and consent of

Council. Somewhere along the way the advice and consent language was removed and is still out to this day.

End of public comment.

Chairman DeLeonardis thanked everyone for their time and advised that the Committee has gotten through Title 1 through Title 7 and hopes to get through the remainder of the Charter at the next meeting so we can move toward the redline and voting on the proposed changes.

Chairman DeLeonardis adjourned the meeting at 1:00 PM.

Respectfully submitted by Trish Bush.

thereof as may be necessary, shall be payable out of any available moneys not otherwise appropriated, or failing such moneys, the warrants shall be registered and payable out of the revenue for the next ensuing fiscal year, which shall be sufficient to pay the same.

§ 106. Assistants and employees. The commissioner of public safety with the advice and consent of the city council shall appoint a health officer, fix his compensation and prescribe his duties.

§ 107. Duties of each commissioner. He shall keep such books of account as are required by this charter, make an annual full detail report of all the assets and liabilities, receipts and expenditures of his department, including cost of maintenance, extension and improvements. He shall not let the work for any extension or new construction on contract unless directed by the council, but the same shall be done directly by the city, procuring the necessary labor and material. The character of any extensions to be undertaken and the extent thereof shall be determined by the city council.

§ 108. Rates, regulations, fines. The city council shall by ordinance fix uniform rates and establish regulations for the use of water by consumers, provide for the orderly administration of the department, and impose fines and penalties for the violation of such regulations.

→ § 109. City attorney. The city attorney shall be appointed by the mayor with the advice and consent of the council for a term of two years and the council shall fix his compensation. He shall be the legal adviser of the mayor, council, commissioners and departments, and shall conduct all cases in court wherein the city shall be a party plaintiff or defendant, or a party in interest; and shall perform such other duties as are required by ordinance.

§ 110. Oath of office. Every officer or salaried employee shall, before he enters upon the duties of his office, take, subscribe and file with the clerk the constitutional oath of office.

§ 111. The commissioner of accounts and the commissioner of finance before entering upon the duties of their office shall file a bond in the office of the commissioner of accounts in an amount fixed by the council. The council in its discretion may increase or decrease at any period of the year the amount of the bond of other officials.

Bonds of
officials.

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