

**CHARTER REVIEW COMMISSION MEETING
CITY OF SARATOGA SPRINGS, NEW YORK
MONDAY, AUGUST 7, 2000
CITY COUNCIL ROOM
6:30 P.M.**

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

ABSENT: Margie VanMeter

STAFF PRESENT: Anthony J. Izzo, Assistant City Attorney

CALL TO ORDER

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

APPROVAL OF JULY 31, 2000, MEETING MINUTES

Rita Balmuth moved and Denise Polit seconded to approve the July 31, 2000, meeting minutes as written. Ayes all.

Elio Del-Sette reminded Commission members that at one time the City Engineer's office was located within another department but was moved to the Mayor's office. He also said that he would like to see a member of each political party represented on the Civil Service Commission. He said he would not like to see the services of the Civil Service Commission moved to the county. He urged Commission members to keep the Civil Service Commission independent and here in the City.

QUESTIONS & GUIDELINES FOR INTERVIEWING MAYOR & COMMISSIONERS

Denise Polit distributed draft questions/guidelines that she and Chris Whann had developed. She said they reviewed the previous discussions by Commission members, previously submitted comments and the Coon document when preparing these questions.

Harvey Fox asked about the interview schedule. Denise Polit said the interview schedule is as follows:

August 14, 7:00 p.m.	Mayor Kenneth Klotz
August 21, 6:30 p.m.	Commissioner Bernard Mirling
August 21, 7:30 p.m.	Commissioner Michael Lenz

Commission members agreed they would meet at 6:30 p.m. on Monday, August 14 and at 6:15 p.m. on Monday, August 21. Denise Polit said she would try to schedule both Commissioners Thomas McTygue and Thomas Curley for the same evening during the week of August 28.

Elio Del-Sette clarified that these questions/guidelines were really just the fundamentals and Commission members could ask other questions. Commission members agreed other questions could be asked, however, suggested that some specific questions should perhaps wait until "round two". Elio Del-Sette said he would like to add a questions concerning how partisan politics affects/influences the views of the elected officials. He said he would be interested in Council members view on whether the City should consider moving towards nonpartisan politics and whether the current political system is "helpful" to the elected officials. He said he felt his purpose on this Commission was for the "diffusion and distribution" of power.

Chris Whann suggested those might be good questions for round two. He said both he and Denise Polit spent many hours working on how specific these questions/guidelines should be and whether this round should focus on the day to day business of City Hall. It was agreed that questions such as these would be better served by waiting until round two.

Vassar Curtis pointed out that this charter review will likely be a political issue and the Commission should consider interviewing party leaders.

Lee Nelson asked whether Commission members felt that if elected officials were asked if they prefer another form of government, would they really say yes. Denise Polit said elected officials might feel frustrated if the Commission does not ask them anything related to the charter. Tony Izzo suggested that "are you satisfied with the current charter" be changed to "what are your observations of the current charter". Commission members agreed. Harvey Fox suggested the elected officials be given the opportunity for a five minute summation.

Commission members agreed that the questions/guidelines, noting the one minor change, would be submitted to Council members before their scheduled interviews. Chris Whann suggested that Commission members should still think about types of questions they would like to ask and those could be addressed in round two. It was further agreed that the questions would remain consistent between the interviews.

WEB SITE

Denise Polit distributed a copy of the City's home page and the Charter Commission's WEB page. Commission members agreed it looked good.

PRESS RELEASE

Harvey Fox noted that Commission members had been provided with the most recent press release. He said the he would continue to see that the press is informed on what this Commission is working on.

GENERAL DISCUSSION

Budget

Lew Benton distributed budget comparisons from 1990 and 2000. He said perhaps the Commission should review the numbers to determine the shift in the City's priorities over the recent years. He said there have been obvious shifts in expenditures/revenues, i.e., the move of the building inspector's office, the move of the Civil Service Commission, construction of new ice rinks, etc.

Lew Benton said there have been some dramatic shifts in other line items such as the retirement contributions. He said that expenditure at one time was close to \$500,000 but now is between \$80,000 and \$90,000. He further noted though that a larger amount than is necessary is being budgeted in that line item.

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Harvey Fox suggested that the budget be reviewed in detail at a later date. Lew Benton agreed. He said he would do an analysis of the numbers on where we have been and where we are going. He pointed out that the economy is good at this time, there have been a decreases in expenditures and increases in revenues which all significantly impact the budget.

Harvey Fox asked what were the differences between the inside and outside district in connection with tax rates. Tony Izzo said there are no differences in the services provided and he was not sure why there was a different taxation rate but would follow up on that issue. Commissioner Thomas McTygue, from the audience, said it had to do with state revenue streams. He said the inside and outside districts are funded differently through programs such as CHIPS. He said it had nothing to do with the level of service. He further noted that the gap between the two had been closed in recent years.

Elio Del-Sette wondered what influence the budget plays on this Commission's thoughts about the charter. Lew Benton said there have been arguments in the past that this form of government is quite frugal because of its accountability. Elio Del-Sette said though that the City has increased its services, i.e., the Recreation Department has gone from \$60,000 to \$1.4 million. Lew Benton said because budgets have increased it did not necessarily mean that the level of service is greater. He said items such as inflation, community needs and wants, etc., also need to be considered. He said he felt this type of government was a relatively cost effective form of government.

Lew Benton said though, that perhaps this City should be compared to other cities. Elio Del-Sette said he felt this system had adapted to the needs of the community. He said he was more concerned about the relationship of the budget to the operations of the City. He suggested that the expansion of the budget was not due to the dysfunction of the City. Lew Benton pointed out that this City has one of the lowest tax rates in the state. He said it remains to be seen if that was achieved because of this form of government, skill or luck.

Denise Polit said she did not feel that any changes to the charter would likely be cost neutral. She said one criteria that this Commission must consider is any financial impact. Lew Benton suggested there might been opportunities for greater economics through this review, however, it was likely that more expenditures might also be necessary.

Chris Whann suggested that the only way to be sure that this government is cost effective is through comparative review. He said there might be something else better and/or better ideas found through a review. Elio Del-Sette asked to what we might compare ourselves.

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Lew Benton said this is a very difficult budget to read. He said in the end, perhaps this Commission could "recommend" changes and also "suggest" changes.

Mark Lawton said one of the best ways to measure effectiveness is to ask the people who are doing the job. He said this whole process is a learning process for Commission members.

Harvey Fox said these were all good points that should be addressed, however, suggested that perhaps they be addressed after the interviews.

REVIEW OF CHARTER

C37 - Tony Izzo said much of the City's finances are governed by local finance laws. He said there have been some discussions on whether the City can commit to contracts for more than one year, however, it is widely recognized that bonding does commit for more than one year.

C38 - Tony Izzo said the City is very fortunate to have this section of the ordinance. He said because this section had not been amended after 1949, it was not subject to the WICKS law. He said the Commission might want to consider reviewing the \$1,000 threshold though. He pointed out that it is also required by charter that a four-fifths vote is required for a waive of bid. Mark Lawton asked if we were to amend this section, would the City then be held accountable to the WICKS law. Tony Izzo said he would research that issue.

Lew Benton said there are many hidden costs with bidding items, i.e., advertising. He said in some cases there are good reasons to waive the bid. He too agreed that perhaps the \$1,000 threshold should be reviewed. He said these would be good questions for both the Commissioners of Accounts and Finance.

Commission members agreed they wanted complete assurance from Tony Izzo that if this section was amended, it would not affect the WICKS law. Mark Lawton suggested that perhaps another section could be added rather than modifying this section. Elio Del-Sette asked if it might be possible to have varying limits, i.e., \$1,000 for some items and \$5,000 for others. Tony Izzo said that would likely be very confusing in the end. Lew Benton also pointed out that the City may purchase from the state contract without going through the bidding process.

C39-C42 - Tony Izzo said the local finance laws govern these sections.

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C50 - Lew Benton asked if there was some conflict between this section and C17. He asked if the Council could set forth the agenda for the City Attorney or was it the Mayor's responsibility. Elio Del-Sette asked for whom the City Attorney works. Tony Izzo said it was his understanding that the City Attorney and the Assistant City Attorney are appointed by the Mayor, however, the work for the Council. He said he personally felt that he was responsible to all five Council members. Lew Benton asked about duties/responsibilities. Tony Izzo said that generally, the principal duties are outlined in the individual contracts.

Lew Benton said a few years ago there was some discussion on creating a Department of Law. He pointed out though that there are many outside attorneys used because of the expertise required. He said the City spends very little internally on attorneys fees and a large amount on outside counsel. Lew Benton asked if the City's two part time attorneys are considered "employees" of the City. Tony Izzo said his benefits are negotiated. He said it would be unlikely that the City's attorneys would be considered employees. Elio Del-Sette asked why the City does not have full time attorneys. Tony Izzo said it would be difficult for the City to find a full time attorney without spending a lot more. He also pointed out that because the contracts can be severed, it makes it more difficult to find an attorney who is willing to give up a practice and work here. Elio Del-Sette asked how this City compared to other cities. Tony Izzo said many professionals would not work under these conditions. He said it would take a great deal more of money to find someone full time. He said because the positions are part time, they are more willing to work under these contracts.

C51 - It was suggested that the "Secretary to the City Attorney" be added to this section of the charter. Commission members agreed to the suggestion.

C52 - Tony Izzo said this was an original provision in the 1915 charter. He said at this point it is outdated and suggested that it be eliminated.

C55 - Tony Izzo said much of this section is dictated by state law.

C56 - Tony Izzo said the reference to Condemnation Law should be eliminated and it should now read "Eminent Domain Procedure Law". He also noted that under this section the City has the right to sell parcels at either a private sale or through an auction.

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C62 - Tony Izzo said at one time, the Commission of Public Safety had the ability to appoint a special police person for special duties in the City. He said those standards have since become outdated and suggested that perhaps the reference to those special appointments be eliminated and that it read "detail regular members of the police force".

ADJOURNMENT

Denise Polit moved and Chris Whann seconded to adjourn the meeting at 8:00 p.m. Ayes all. There being no further business, Harvey Fox adjourned the meeting at 8:00 p.m.

Respectfully submitted,



Kathy Moran
Clerk

Approved: 8/14/00