

**CHARTER REVIEW COMMISSION  
CITY OF SARATOGA SPRINGS  
TUESDAY, OCTOBER 10, 2000  
CITY COUNCIL ROOM  
6:45 P.M.**

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

**ABSENT:** Vassar Curtis                      Lee Nelson  
                 Lew Benton

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

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**APPROVAL OF SEPTEMBER 25, 2000, MEETING MINUTES**

Margie VanMeter moved and Rita Balmuth seconded to approve the September 25 meeting minutes. Ayes all.

**APPROVAL OF OCTOBER 2, 2000, MEETING MINUTES**

Rita Balmuth moved and Margie VanMeter seconded to approve the October 2 meeting minutes. Ayes all.

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**SCHEDULING OF PAST ELECTED OFFICIALS**

It was agreed the past elected officials would be scheduled for one meeting if possible and another meeting would be scheduled for union representatives. Harvey Fox suggested any individual who is not able to attend one of these meetings would be encouraged to submit something in writing on their thoughts about the charter.

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**FACT SHEET B MARK LAWTON**

Mark Lawton said there was a draft of the fact sheet, however, it was being reworked. He said the time line is still in outline form but the Commission is on track. He said a first product should be done by November/December.

Mark Lawton said decision making and findings should be done by the end of November. Denise Polit said the survey committee is working on the survey. Mark Lawton said that focus groups should probably meet in December. He said the committees would meeting during the holiday period when

the Commission was not.

Margie VanMeter said the Historical Society has agreed to have the charter commission's work as a topic on January 25, 2001 and the League of Women Voters will take up this topic on February 28, 2001.

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### **FRANK MAURO B PRESENTATION**

Harvey Fox introduced Frank Mauro, former member of the New York City Charter Commission from 1987 to 1989.

Frank Mauro said New York City had major restructuring of its government upon the successful adoption of their charter review. He said through their charter revision they eliminated the Board of Estimate. He said some of the process used by New York City might be worth this Commission's time in pursuing. He said the City of Albany recently underwent charter review and they used many of New York City's strategies. He said in both cases charter revision was successful (although New York City's had two referendums).

Frank Mauro said the New York City charter commission was appointed in December 1986 with 15 members. He said they used the maximum amount of time allowed, which was the second general election after the appointment. He said the Commission was also reappointed. He said the key issue of concern in that process was the allocation of powers between the mayor, city council and board of estimate.

Harvey Fox asked if that Commission developed a set of bylaws. Frank Mauro said they used a simple majority. Frank Mauro explained that the New York City Council consisted of borough presidents and elected officials. He said the president of this council, while having no real power, was next in line under the mayor which was a very divisive issue. He said that position has since been strengthened and is now referred to as the public advocate. He said he did not believe that the all of the powers allowed under the charter for that position are being used.

Frank Mauro said in his opinion charter review commissions should not be appointed to make minor changes. He said the Council should make those minor changes. He said the New York City Commission took the position of a complete, thorough review. He said first they held public hearings around the city to see what people thought their agenda should be. He said all of the suggestions (why the charter should or should not be changed, what should be retained and what should be eliminated, etc.) at those public hearings were included in one section of their book referred to as the propositional inventory. He said a research agenda based on that propositional inventory was then developed. He said all of their meetings were held in public and a timetable was then set.

Harvey Fox asked how the New York City Commission placed their items on the ballot. Frank Mauro

said they packaged some of their items and some were placed on as specific items.

Frank Mauro said the initial public hearings were very helpful in analyzing how to begin the process. He said when they developed a set a recommendations, they then held two more rounds of public hearings. He said they found it most helpful that a full marked up version of the charter including brackets and underlines on what was being added, revised or deleted was used. Denise Polit asked if it was also annotated. Frank Mauro said not in the document itself, however, there was rationale available for the proposed revisions. He said they presented a marked up version of the charter with the preliminary changes, held public hearings, revised the recommendations based on those public hearings, held another set of public hearings and then the final recommendations were presented to the City Clerk. He said that process might be too much for this city and suggested that perhaps one round of public hearings be held.

Frank Mauro said the Board of Estimate in New York City had quite a bit of power. He said unfortunately there was some corruption and the Commission concluded that the powers needed to be better delineated. He said they gave the executive powers to the Mayor and the legislative powers to the council. He said though that they also wanted a way for the Council to be somewhat involved in policy making. He said it was determined that the Mayor would have the power to establish the policy, the Council could approve/disapprove the policy and the Mayor would then enact the policy. He said for instance in New York City contracting is a major item. He said that for better control of contracting it is now included in the general executive budge.

Frank Mauro said leadership representativeness as well as competence need to be in balance. He said the chief executive officer should pull together a budget and present a balanced plan. He said in New York City, in the first year, the Mayor must do a strategic policy and then each succeeding year must report on the progress of those goals. He said long range planning was an important issue in the charter review.

Frank Mauro said the government must be accountable to its people. He said term lengths must also be balanced. He said that two year terms are a relevant issue for this Commission to review. Harvey Fox asked if in New York City did they increase the number of representatives. Frank Mauro said yes. He said they increased the Council from 35 to 51. He said they reviewed many options on how to increase the size of the Council from: the unit of representation being representational to that unit; maximizing representation and redistricting, etc. He said ultimately they chose redistricting. He said the Commission established the criteria and mechanism for the appointment of the redistricting committee.

Elio Del-Sette asked how balance could be given to the minority parties. He said he would like to see nonpartisan elections. He said with nonpartisan elections there was a good possibility that more individuals might become interested and run. He said it is also easier to get on the ballot. Frank Mauro said in New York City they decided against nonpartisan elections. He said their Commission believed in the two party system, however, they wanted to see more competition between the two parties. Elio Del-Sette informed Frank Mauro that this City has two

representatives from the City for representation to the County Board of Supervisors. He pointed out that in the surrounding towns, those representatives also serve as the chief executive officer. He said the City representatives, though, have no responsibility to the Council. He said if there is a conflict between the City representatives and the council, as there was in the past, the City's representation at the County level could be affected. He asked if Frank Mauro thought that those representatives should be active on the Council perhaps in an ex-officio capacity. Frank Mauro said he did not believe that the City's charter could affect the County's structure and the responsibilities of the City's representatives. He said it sounded as though that these individuals were not officials of the City.

Mark Lawton asked how much effort was expended by the New York City Commission on formal public education. Frank Mauro said that commission did extensive research and reporting on their work. He said public education and research were parallel efforts. He said they developed a voters guide book, sent out newsletters, hung posters on the subway system, etc. He said there was a lot of aggressive public outreach. He said they also spoke at many organizations. He said *The New York Times* devoted two reporters to this issue so that also was of great help.

Frank Mauro said the task was much larger than this City's task and they frequently had meetings and public hearings that would last all day. He said the closer it got towards the end, the more they met. He said there was a lot of effort on the part of the members but reminded Commission members that it was a major restructuring effort for a very large City.

Frank Mauro said that if anyone had any further questions, comments or concerns they could reach him at: [fmauro@nycap.rr.com](mailto:fmauro@nycap.rr.com)

Harvey Fox thanked Frank Mauro for his presentation.

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### **PHIL KLEIN B PRESENTATION**

Harvey Fox then welcomed Phil Klein, City's representative to the County Board of Supervisors and member of a former Charter Review Commission. Harvey Fox informed Commission members that Anthony Scirocco, City's representative to the County Boards of Supervisors had a previous engagement.

Harvey Fox asked Phil Klein to address some of Elio Del-Sette's concerns on the position of the City's representatives to the County board. Phil Klein commended the Commission members for their efforts on this matter. Phil Klein said Elio Del-Sette was correct in that in most of the surrounding towns representatives serve a dual position. He said the City's representatives have a weighted vote at the County level (each City's representative has a weighted vote of 12,500). He said both the weighted vote and the one person one vote rules apply at the County level depending on whether it is a full Board vote or at committee level.

Phil Klein said the City's representatives represent the people not the Council at the Board of Supervisors. He said he had no concerns with the County representatives sitting on the Council in an at-large capacity. Tony Izzo reminded Commission members that there is a shortage of guidance in the Charter concerning the representatives duties. Elio Del-Sette asked if the representatives were permitted by law to serve on both the City and the County Councils. Tony Izzo said he would research that issue.

Mark Lawton questioned how the City's charter could determine that there are two County representatives from this City when it is apparently based on population. Phil Klein said it was his understanding that the County dictates the amount of representatives.

Phil Klein said if the County representatives were to sit on the Council he would suggest that they do so with no administrative duties. He said he would also like to suggest that this Commission consider four year terms

Margie VanMeter asked that if this Commission had the power to add the County representatives to the City's Council, could the City also give the representatives the authority to hold public hearings on county issues. Phil Klein said he was not sure, but pointed out that currently public hearings on county issues are held at the county level. Margie VanMeter said there are times when there are issues which are quite relevant to the City. Elio Del-Sette said perhaps the County representative could simply answer questions at the City Council meetings. Tony Izzo said those issues need not be included in the charter.

Phil Klein said although the City's representatives regularly attend the City Council meetings, there has not been a formal place on the agenda for them to make reports. He pointed out though that much of the work done by the County Board of Supervisors has very little effect on the City. He said much of their work included dealing with state grants, mandates, county roads/bridges, etc.

Phil Klein said he would like to see the City hire professionals to run the various departments. He said there currently exists some duplication of efforts throughout the City. He said perhaps an engineering professional could be hired to run the Department of Public Works and a professional accountant to run the Finance Department. He said that the Commissioner should be elected for a legislative capacity and not to run the individual departments. Phil Klein said he felt this same way when he served on a previous charter review commission. He said on the commission that he served, there was both a majority and a minority recommendation. Denise Polit asked if it was difficult to educate the public on both recommendations. Phil Klein said unfortunately public education was an area that was lacking on his commission. He said based on his experience, public education is important and suggested that Commission members speak to as many organizations as possible over the next year.

Chris Whann asked Phil Klein how they presented their recommendations on the ballot. Phil Klein said a lot of time was spent on that issue. He said the Council at that time was not in favor of changing the government. He said in the end, they decided to package their recommendations. He

**City of Saratoga Springs Charter Review Commission Meeting Minutes**  
**Tuesday, November 10, 2000**

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pointed out that each time charter revision has been presented to voters it has gained in strength. Chris Whann asked when making their recommendations did they review shifting the structure to a more legislative and whether there should be a strong or weak mayor. Phil Klein said they did review that issue and felt that a strong mayor would be best suited to this type of position. He pointed out that it is a huge time commitment on the part of any individual and it is difficult to fill this position on a part time basis.

Elio Del-Sette said there have been many discussions on the City's successes and how those successes were attained. He said some report that those successes are being driven by the private sector and the Council is simply following along and adapting to those successes. Elio Del-Sette said this form of government seems to be working but perhaps could use some strengthening. Phil Klein said in his opinion the success of Saratoga Springs has nothing to do with the form of government but rather it is because of the people who live here. He said this City draws people from all walks of life and levels of education. He said there is a strong sense of volunteerism in organizations such as the Chamber, YMCA, Red Cross, Saratoga Hospital, etc. and that is what makes this City special and why it has been successful. He said it is because of the people who live here.

Harvey Fox asked Phil Klein what form of government he would like to see in the City. Phil Klein said he would like to see a stronger mayor than currently exists, professionals managing the departments, accountability of the departments and departments reporting directly to the Council and a legislative Council. He said perhaps there could be five members plus the two County representatives. Harvey Fox asked whether they should be elected at large or through wards. Phil Klein said he was not sure that he would like to see the city divided into quadrants. He said it might be difficult to get a balance and even more difficult to break down districts to allow for equal representation. He said he would prefer to see them elected at large and with four year terms.

Rita Balmuth asked Phil Klein if the County representatives should have any responsibility on the Council. Phil Klein said no. He said they should they should have voting responsibility only. He said he would like to see the professionals manage the departments and not the commissioners.

Chris Whann asked if these professionals should have civil service protection. Phil Klein suggested that they could be contractual positions with the necessary clauses.

Mark Lawton asked Phil Klein who these professionals should report to. Phil Klein said on a day to day basis they would not report to anyone, however, on a general basis they would report to the Council. Elio Del-Sette asked what would the Mayor's position be. Phil Klein said there needs to be one individual with some general oversight. Elio Del-Sette asked how this would improve efficiency. Phil Klein said it would be improved through the professionals running the departments and reporting only when there are problems to the Council.

Mark Lawton said the Mayor already has general oversight through the existing charter and asked

**City of Saratoga Springs Charter Review Commission Meeting Minutes**  
**Tuesday, November 10, 2000**

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how Phil Klein thought that should work. Phil Klein said for example, when a Commissioner is on vacation, another Council member should have the authority to oversee that department.

Rita Balmuth asked why Phil Klein thought that the previous commissions' recommendations were defeated. Phil Klein said two reasons: lack of public education and "if it ain't broke, don't fix it" attitude.

Denise Polit asked how soon in their process, did the Commission know which way they were going. Phil Klein said he was not sure.

Margie VanMeter said when she moved to Saratoga Springs there were nonpartisan elections. She said though the nonpartisan primary elections eliminated the opportunity for someone to come out between the primary and the election. She said it was not conducive to getting on the ballot. Phil Klein said although there were nonpartisan elections, everyone new where the support was coming from. Phil Klein pointed out that although this area has more registered republicans, the democratic Commissioner of Public Works, Thomas McTygue, continually is re-elected.

Harvey Fox thanked Phil Klein for his presentation. Phil Klein said that if anyone had any further questions, he could be reached at: [pklein@wiseins.com](mailto:pklein@wiseins.com)

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**ADJOURNMENT**

Elio Del-Sette moved and Chris Whann 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: