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whether it was appropriate to have such groups. Denise said these groups would be formed for the purpose of gathering information only. She said there would be extensive notes or a tape recording of those meetings. She said in order to allow for complete candor, these meetings would not be open to the public. Elio Del-Sette said he wanted to see these people and their facial expressions, body language, etc., when they are participating in the groups. Mark Lawton said simply because these individuals take part in the focus groups it did not preclude them from being invited to make presentations before the Commission. Tony Izzo said any member of the Commission is free to submit information which is gathered in any form. Denise Polit said this is a very common way to gather data. Denise Polit said if Commission members were more comfortable with reviewing the list of individuals who would participate in the focus groups that could be done. Elio Del-Sette suggested that the moderator make a presentation before the full Commission on the findings of the focus groups. Commission members agreed.

Denise Polit moved and Margie VanMeter seconded that a series of at least three focus groups be scheduled, ideally before the end the year, with members of community/service organizations, business community and developers/real estate individuals and a report be given to the Commission by the moderator. (The subcommittee members include: Chris Whann, Denise Polit, Margie VanMeter and Mia Mouzon). Ayes: nine; Nays: none; Abstention: one (Elio Del-Sette).

Mark Lawton said other individuals who should be invited to make presentations to the Commission include business leaders such as Charles Wait, Bob Dake, Joe Dalton, etc. and those interviews should be done soon.

Commission members agreed that the Commission would meet every Monday in November. Denise Polit said there should be some sense of direction by the Commission by the end of the year.

Mark Lawton said in his opinion all of the speakers should be completed by November 13. He said the Commission then needs to issue some findings and suggested that in depth discussions be held on November 20 & 27. He said those findings then need to be made public.

Mark Lawton said the Commission should also consider establishing three committees: executive; public education and a reports/drafting committee. Elio Del-Sette asked what would the drafting committee do. Mark Lawton said that subcommittee would develop a draft of the Commissions findings and issue any reports as directed by the Commission.

Lew Benton said the preliminary findings issued on November 27 would eventually lead the Commission to its conclusion. He said he was somewhat concerned in issuing these preliminary findings without any public input and suggested that it might be premature to do so.

Elio Del-Sette said it was quite clear in that it was either charter modification or complete change to the charter. He said based on the lack of evidence to pursue charter reform he felt all

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exercises were somewhat academic.

It was agreed by Commission members that this discussion would be continued to the November 20 & 27 meetings.

TODD SWANSTROM & HAROLD RUBIN PRESENTATION

Harvey Fox welcomed Todd Swanstrom and Harold Rubin former members of the Albany Charter Review Commission.

Todd Swanstrom informed Commission members that neither he nor Harold Rubin were here tonight to represent the Albany Charter Commission. He said they were simply members of that Commission and were willing to share their experiences and insights.

Todd Swanstrom said generally speaking charter review/revision takes place when there is a problem with the structure of the government that the citizens think is serious enough to be reviewed. He again said that generally speaking if there is not this public outcry the Commission's work may go nowhere.

Todd Swanstrom said in 1996 in Albany there was an issue that arose from budgetary discussions where the Council found that they really had no budgetary powers. He said they also found that the Mayor had the power to make all appointments to the various City Boards without approval from the Council. He said the City of Albany had a second class city law governing their city.

Todd Swanstrom said their charter commission consisted of 19 members drawn from lists which were submitted to the Mayor. He said they began their review of the charter by recognizing that they needed help. He said the City Attorney and a secretary were made available to them, however, they knew that they needed additional staff help for the necessary research on what other cities were doing. He said they did an informal RFP and selected a firm from Rochester. He said overall they spent about \$100,000 on the process.

Todd Swanstrom said there was some initial agreement that they would maintain the ward-based elections, a strong executive, the 15 member positions on the Council would be retained and there would be no term limits. He said they had a very strong mayor form of government and proposed to somewhat weaken it. He said the driving issues, among many, were the budgetary powers, appointments, and division of powers; although the budgetary issue was the biggest concern.

Mark Lawton asked what was the difference between the home rule charter and the second class cities law. Todd Swanstrom explained that all local powers come from the state. He said New

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York State allows cities to enact their own charters as long it does not affect the state laws. He said New York State had a limited amount of cities under the second class city law and many of those cities were moving towards developing their own charters.

Harold Rubin said the City of Albany wanted one document that could be referenced quickly and that would be recognized as their charter. He said the biggest concern was the budgetary process. He said ultimately the Commission recommended a process whereby a budget is ultimately adopted by December 20. He said in that city the mayor must present a budget by October 1 and it must be adopted by November 30 unless there is an override thereby making December 20 the final date for adoption. He said they gave the Council the right to amend the budget though.

Harold Rubin said that a compromise was reached in connection with appointments in that the members of the Planning Board and Zoning Board of Appeals would be appointed by the Mayor but were subject to consent by the Council. The remainder of the Boards were simply appointed by the Mayor.

Todd Swanstrom said initially everything went quite smoothly, however, as time went on it became quite contentious. He said there were many heated exchanges and eventually without the benefit of compromise they would have become polarized.

Todd Swanstrom said public education is a key factor. He said all of their meetings were held in public and were well advertised. He said after the key issues were worked out the City Attorney then had to draft a charter which took quite some time. He said their final document was produced very late in the process. He said the Commission then drafted a neutral statement on the proposed changes and that document was widely distributed. He said ultimately the referendum was successful by a vote of about 54 percent to 46 percent.

Harold Rubin said there were those people on the commission who felt the council should have more power and because of that there was a lot of frustration. He said a few members of the commission, including himself, took it upon themselves to draft a document on what decisions had been made. He said shortly thereafter, the Commission developed its own document giving the public the opportunity to review the changes.

Denise Polit asked if the document was agreed to unanimously. Harold Rubin said they had a set of rules to follow and did so. He said a majority as established by their rules was used for approval.

Denise asked in terms of public education how did they send out speakers who did not support the document. Harold Rubin said they held many public meetings and they simply gave a summary of what had been adopted by their commission.

Lew Benton said there is not a perceived problem with the City's charter. However, this commission was established and they now have a statutory obligation to review the charter and to

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submit a report. He said our reason for this review is quite different than Albany's driving forces. He said this commission was established because it was determined that it had been too long since the last review.

Elio Del-Sette said this commission does not have a clear-cut mission as Albany did. Harold Rubin agreed saying that in Albany there was a mission which drove their appointment and review of the charter. He said though there is likely items in this City's charter that should be reviewed. He said the neighborhood associations gave a lot of input in that process.

Harold Rubin then distributed documents concerning the Albany charter review. The first was a document that a small fraction of the commission developed, the second was the document that the commission itself developed and the third was a flyer that was widely distributed on the proposed changes.

Margie VanMeter asked if there was a minority report. Harold Rubin said no. He said it was unanimously approved by the Commission to send this document to the voters. Margie VanMeter asked if it was "packaged" rather than separating out issues. Todd Swanstrom said yes. Todd Swanstrom said it was imperative that Commission members agreed to abide by the rules. He said for them it was quite simple, if the majority rules were met, the change was included in their recommendations. He said the process sometimes got heated, but it worked.

Todd Swanstrom pointed out that many of the members of the commission never enunciated their position on charter review/change. He said there process was very partisan and political and only through a series of compromises were results reached.

Toddy Swanstrom said many of the key members of the commission were holding off on the important issues and when the Mayor finally sent a letter to the commission, those issues were dealt with.

Lew Benton said it seemed as though the Albany process was driven by two issues B budget and appointments. He said at some point this commission would have some difficult decisions to make. He said there are many things in the existing charter that are broken and the community does not even realize it is broken. He said we need to identify those broken items and determine whether we should salvage what we have or simply purge the outdated sections. He said he did not believe there was a middle ground. Lew Benton asked how the Albany commission got a consensus. Todd said they followed their rules.

Harvey Fox said because the Albany commission had some issues that drove this reform, it might

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have been easier for them to "sell" it to the public. He said because there are no driving issues, it would likely be somewhat difficult for this commission. Harold Rubin agreed saying the budget issues were valid concerns and people wanted change in that area. He said though there were other issues besides budget and appointments that were addressed. Harold Rubin said perhaps once this commission presents a draft to the public there would then be some public input.

Margie VanMeter said our charter has very weak requirements concerning reporting by the Commission and there is currently no ability to punish them for not reporting.

Elio Del-Sette said the reason for this City's success has nothing to do with the Council or the charter but rather the City owes its successes to the private sector. He said we do not need more government, but rather we need less. He asked what their feelings were concerning nonpartisan elections.

Todd Swanstrom said most cities are not going nonpartisan. He said outreach and public education were the biggest issues. He said this Commission also needs to look at other cities to see what they are doing and what is on their minds. He said the commission form of government is not the wave of the future. He said most cities are moving towards a strong executive with representation from geographical wards. He said ideally, partisan discussions should be moved out of partisan politics and into an arena where people take off their partisan hats and discuss good governmental exercises. He said ideally those discussions should focus on what is good for everyone.

Elio Del-Sette said if members of the commission feel that a radical change is not necessary, why should they not try to get the public to vote yes on some revisions. He said some changes would at least begin to build a bridge to the next charter commission.

Harold Rubin asked what Elio Del-Sette thought was a radical change. Elio Del-Sette said that moving from this form to a strong mayor.

Mark Lawton asked what specifically did their commission do for outreach. Harold Rubin said they had a speakers bureau. Margie VanMeter asked if they went out as a team to present both sides. Harold Rubin said they did not have sides. He said they simply spoke on what the commission had adopted to date and what they would continue to discuss.

Lew Benton said we have a council that has determined this commission's status by the amount of money allocated to its budget. He said their burden was the City's perceived success. He said the City's successes have not come from the government but from other sources.

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Denise Polit asked how they determined what would be voted on. Harold Rubin said they developed a check list. He said at any given time any member of the commission could add to that check list. He said they also had a timetable with a series of issues that needed to be resolved within that timetable.

Harold Rubin suggested that as this commission reviews the charter, a check list be developed. Denise Polit agreed but said the commission needs to first decide whether the form of government needs to be changed and then the rest would fall into place. Harold Rubin suggested that charters from other cities be reviewed.

Mark Lawton said they first need to determine what the City's problems are and then determine whether they can be fixed through the existing structure. Denise Polit disagreed saying this commission should strive to develop a form of government that can address future city government needs. Todd Swanstrom said that would be nice but probably not realistic.

Todd Swanstrom said that often wholesale changes are defeated. He said the charter is part of the political culture of the City and much depends on that political culture. He said in Albany, they had a very strong Mayor and the commission adapted to that political culture. Lew Benton said in this City we have five of everything. He asked how we might salvage this form of government, centralize some of the authority and still have access to the commissioners for the public. He said we simply have no chief executive in this City.

Harvey Fox thanked Todd Swanstrom and Harold Rubin for their insights on charter review.

OTHER

Denise Polit said the commission has now spent months hearing from various people on how this government works and their opinions on it. She said we were now going to spend a few more weeks hearing from other people. She said she felt that we needed to hear from individuals on other styles of governments and whether or not they support those other styles.

Margie VanMeter said generally speaking we can already see the pros and cons of the commission form. She said in her mind much of her confusion was with how much power the individual commissioners should have. Margie VanMeter said some written information from other governments would be good though. She said the last two meetings in November were important meetings but further noted they are only initial discussions.

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Harvey Fox asked that Lew Benton and Vassar Curtis get a list of business community leaders and submit it to Margie VanMeter so she could extend invitations.

Lew Benton reminded Commission members that the City Council is in the process of beginning to work on the 2001 budget by scheduling a series of workshops. He suggested that Commission members take some interest in that process.

Elio Del-Sette asked what kinds of punishment could be written into the charter to compel commissioners to carry out their duties. Tony Izzo said it might be possible to write into the charter that if any particular commissioner does not carry out his/her specified duties by a certain date that it would be automatically be transferred to another commissioner to handle. He said the possibility of transferring duties due to lack of action was likely a strong incentive for a commissioner to complete the required task.

ADJOURNMENT

Lew Benton moved and Margie VanMeter seconded to adjourn the meeting at 8:45 p.m. Ayes all. There being no further business, Harvey Fox adjourned the meeting at 8:45 p.m.

Respectfully submitted,

Kathy Moran
Clerk

Approved: