

**CHARTER REVIEW COMMISSION
CITY OF SARATOGA SPRINGS
MONDAY, OCTOBER 23, 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

ABSENT: Rita Balmuth

STAFF PRESENT: Anthony J. Izzo, Assistant City Attorney

CALL TO ORDER

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

APPROVAL OF OCTOBER 10 MEETING MINUTES

Margie VanMeter moved and Denise Polit seconded to approve the October 10 meeting minutes as written. Ayes all.

APPROVAL OF OCTOBER 16 MEETING MINUTES

Chris Whann moved and Mark Lawton seconded to approve the October 16 meeting minutes with a few minor corrections. Ayes all.

OTHER

Elio Del-Sette informed Commissioner members that Harry Snyder was also a County Board of Supervisor Representative and thought that perhaps he should be included in the interviews. He also asked that Tony Izzo look into how supervisors are elected (A&B) positions and whether they could be elected at large.

Elio Del-Sette said he wished to clarify his vote (abstention) on the focus groups which was discussed at the last meeting. He then quoted from the open meetings law that all committees and subcommittees are included in the open meetings law and he said he did not believe that focus

groups would be exempt from open meetings.

UPDATE ON SCHEDULING OF PAST ELECTED OFFICIALS

Margie VanMeter informed members that Joseph Corsale would not be able to attend the meeting this evening, however, Richard Mullaney had been scheduled in his place. Elio Del-Sette asked when Skip Scirocco would be scheduled. Margie VanMeter said he would be scheduled for October 30.

Margie VanMeter said the union representatives (Bob Cogan, Ed Moore, Kenny King, Joe Carey, Scott Richardson and Jim Brophy) had been scheduled for October 30. She said she had not yet been able to reach John Kirkpatrick but would continue to try.

Vassar Curtis then distributed a list of members of the business community that could potentially be invited to speak to the Commission. Elio Del-Sette said he did not want to interview members of organizations that have ties to greater Saratoga County. He said they should be organizations that operate solely in this jurisdiction.

Chris Whann said it was his understanding the Judge Ford would also like to address the commission.

It was agreed that November 6 would be used for interviewing business community members. Lew Benton asked if the entire list would be invited to speak. He said he felt the commission needs to hear from these and other individuals before making some decisions. He said we have talked about inviting the political leadership to appear before the Commission and he thought we would be remiss in not doing so.

Harvey Fox informed Commission members that a public hearing has been set at the public library on Wednesday, November 15 for this commission.

Elio Del-Sette said he was still somewhat concerned about the lack of openness for the focus groups. He said he thought those meeting should be open to the public. Denise Polit said those are not subcommittees or committees of this commission but rather just a research tool. Chris Whann said these groups of individuals would be used to inquire about views on the charter from members of the community in order to give us some feedback on public opinion and our options under the charter. He said it is just a research method. Elio Del-Sette said he would like an interpretation from Tony Izzo on whether those focus groups should be open to the public. Tony Izzo said if it is a form of fact gathering which will be submitted to the Commission for its review, it would not be subject to the open meetings law. He said there are many forms of methodology for fact finding (survey, focus groups, etc.) He said as long as it is research in nature and the report is submitted to the Commission it would be appropriate to hold the focus groups without the benefit of opening to the public. Harvey Fox said the Commission would follow Tony Izzo's advice on this matter.

It was agreed that if any commission member had a name to add to the list of business community leaders they should call Margie by October 25. She would then begin to schedule those speakers. It was further understood that those individuals who could not attend the November 6 meeting would be asked to attend the November 15 public hearing. Lew Benton again asked about the political leadership. Harvey Fox said they would be asked to attend on either November 6 or 15.

Harvey Fox reviewed with members that the October 30 meeting would meet in the council room at 6:30 with the union leadership arriving at 7:00 p.m. Skip Scirocco would also attend the October 30 meeting. He said on November 6 the business and political leadership would make presentations and any overflow from that meeting would be asked to attend the November 15 public hearing. He reminded Commission members that the public hearing on November 15 would begin at 7:00 p.m. but members should arrive at 6:30 p.m.

INTERVIEW WITH FORMER ELECTED OFFICIALS

Harvey Fox welcomed all former elected officials.

Remiga Foy, former Commissioner of Finance, said she found it interesting that this commission was appointed because one of the commissioners felt that the charter needed to be reviewed. She said she also found it interesting that the Commissioner who wanted this review now felt there was no need for it.

Remiga Foy said the "five headed monster" analogy and the "no one is in charge" attitude also likely promoted this review. She said those statements were unsubstantiated in that there are five council members in charge and a mayor with general oversight powers. She said if a department is not functioning as it should be, the charter gives the Mayor the power to step in.

Remiga Foy said there are "checks and balances" with this form of government. She said each department budget is discussed in detail and in some cases line by line. She said commissioners must support their budgetary requests and there is a lot of compromise during those budget discussions. She said there is also checks and balances through the electorate. She said if voters are not pleased, they simply do not return that commissioner to office.

Remiga Foy said commissioners have direct responsibility to their department and those who oppose this system do not understand this government. She said with a legislative council there would be no one person responsible to the voters. She said if there is a problem now, voters can go directly to the commissioner.

Remiga Foy said the Council has been responsible with its finances. She said though that the City has experienced a tremendous amount of growth while also trying to stabilize taxes. She reminded

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Commission members that in the 1970s, the City collected its own sales tax and we had a surplus and a capital register that was funded. She said unfortunately in the 1980s the right to collect sales tax was forfeited to the county and through a very complicated formula it is likely that the City is not getting what it really should be. She said if the City had continued to collect its own sales tax it would be very likely that there would be no debt. She said the Charter should make a recommendation on that issue.

Remiga Foy recommended that the Charter Commission make recommendations on the sales tax and the admission tax. She said they should also make recommendations on nonpartisan elections. She said the relationship between the City and the County representatives also should be reviewed. She said the charter states that those individuals represent the City, but she feels that they are currently representing the county. She said it was time to do away with inside and outside districts because there is no difference in services. She suggested that the City Engineer's office be moved to DPW. She said the commission should make recommendations on appointments to Board by the Mayor because the Mayor currently has too much power in that area. She said the terms on those board should also be limited to four years and not seven. She said there should also be term limits for council members of three successive two-year terms.

Elio Del-Sette said at our last meeting the speakers stated that generally speaking unless there is an outcry from the residents, charter revision goes nowhere. He asked how she felt about that statement. Remiga Foy said the appointment of this commission did not come from the grass roots. She said it seems as though the public is satisfied with this government and it was more likely that the press had been the motivating factor in forming this commission. She said there is no difficulty with services, the budget is within reason, and there appears to be no reason to be dissatisfied.

Harvey Fox thanked Remiga Foy for her presentation and then welcomed former Mayor Raymond Watkins.

Raymond Watkins said although the charter is quite old it has served the City well with few problems on the Council and the community has prospered. He said this community is envied by many others. He said though that he felt there should be some streamlining. He agreed with Remiga's statement that there is no one out there clamoring for change. He said with the existing form of government, people know where to go if there is a problem; and if they are dissatisfied, the incumbent could be voted out. He said there should be some streamlining and improvement on accountability.

Raymond Watkins suggested that positions AA&B@ be eliminated for the supervisors and those people be elected at large. He said many of the problems which exist today did not exist with nonpartisan government. He agreed the supervisors should represent the City and not the County. He also agreed the city engineer should be moved to DPW. He said the competitive bidding procedures in connection with the \$1,000 limit should also be reviewed. Raymond Watkins said this is a great charter for a very unique City.

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Lew Benton said the existing charter compels commissioners to do certain items and in some cases those tasks have not been completed. He asked Raymond Watkins how commissioners might be held accountable. Raymond Watkins said any commissioner can bring an item up to the rest of the Council and if there is a majority, they can request that any other commissioner make a report. He said if the commissioner did not do the report, then that commissioner could be publicly criticized. Raymond Watkins said when he was in office there was a capital budget each year. He said the City is now in heavy debt and wondered if in part it was due to the lack of a capital budget or the loss of the sales tax revenue. Lew Benton asked if Raymond Watkins felt there was any significant flaw with the budget process. Raymond Watkins said if there were any concerns about the budget it could be addressed at the Council table. Raymond Watkins agreed it was important to have a capital budget even if it was unfunded.

Elio Del-Sette asked if Raymond Watkins felt there should be a full time attorney. Raymond Watkins said it would not be a bad idea, however, it could be difficult to find an attorney who would be willing to work for the City knowing the appointment was good for only two years. He agreed there had been an excessive amount of money spent on attorneys recently and said perhaps hiring a full time attorney would decrease some of that cost. Elio Del-Sette asked how Raymond Watkins felt about nonpartisan elections. Raymond Watkins said he did not like partisan elections. He said nonpartisan elections gives everyone the opportunity to run.

Harvey Fox thanked Raymond Watkins for his presentation and then welcomed Larry McGourty, former Commissioner of Public Safety.

Larry McGourty said based on his experience it is difficult to be both a commissioner and department head. He said the Council should be a legislative body and the deputies should be running the department. He noted though that in many cases, the deputies have not been professional people. He said professional individuals should be hired to run the departments. He too agreed that a long range capital register is needed. He also agreed that the Mayor, according to the charter, has general oversight, however, practically speaking really has no power. He said though that he was not sure if a strong mayor would work either.

Lee Nelson asked to whom the professionals would report. Larry McGourty said directly to the Council. Mark Lawton asked who would appoint these professionals under the charter. Larry McGourty said the Council as a whole should appoint those individuals.

Denise Polit asked how many members should be on the Council. Larry McGourty said perhaps a ward system should be considered and as many as nine commissioners could be appropriate.

Lew Benton said it seemed as though Larry McGourty was advocating for a legislative body and a weak executive. He asked if the executive body should share its authority with the legislative body. Larry McGourty said yes.

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Margie VanMeter asked that when he was commissioner did DPS provide a list of equipment to Finance during the budgeting process so that priorities could be set. Larry McGourty said a list was developed and prioritized and sent to Finance. He said under this system, each commissioner must justify his/her requests. He said though, there should be a long range plan in place.

Elio Del-Sette asked how Larry McGourty would account for the City's success. Larry McGourty agreed the City has been successful, but said it could also be more. He said the Council has spent the tax dollars wisely, but it could likely be somewhat more efficient.

Mark Lawton asked how efficiency could be improved under the charter. Larry McGourty said the budget is very difficult for the lay person to read. He said when he was commissioner, the budget was developed and reviewed line by line. He said it needs to be broken down so the lay person can read and understand it.

Harvey Fox thanked Larry McGourty for his presentation and welcomed former Mayor J. Michael O'Connell.

J. Michael O'Connell pointed out that the Commission has had a good mix of speakers this evening including a democrat, republican, conservative and independent. He said he agreed with Remiga Foy in that there is not a five-headed monster with no one taking responsibility. He said the responsibility on the Council is a shared responsibility. He said this government has met the test and survived for quite some time. He said the City should not have one chief executive but rather should have five specialized executives. He said sharing of the executive responsibilities makes the commissioners more accountable. He said he has served in three departments in the City and was also a member of the 1960 charter review commission. He said while serving on that commission he felt there should be a strong mayor, however, he has since changed his feeling on that matter. He said, though, this time there is no call from the residents to change the charter. He said before this process was begun, the voters should have been asked if that is what they wanted. He said this City is a success story and we should not tinker with success, however, there could be a need for streamlining.

Harvey Fox asked about accessibility of commissioners. J. Michael O'Connell said under the current form of government any individual may call a commissioner directly, however, if there was a strong mayor the calls would simply be funneled through that office which could delay response time. He said under the existing government there are some very good employees, however, with a strong mayor it could be possible that answers to individual concerns could be delayed or simply not found.

Elio Del-Sette asked about nonpartisan elections. J. Michael O'Connell said he would not support nonpartisan elections.

Chris Whann asked about the accountability of the current budget system. J. Michael O'Connell said budgeting is a difficult process to make clear. He said going line by line does not necessarily make the process clear either. He also said he did not believe that going line by line was productive. He

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suggested that perhaps public hearings should be held occasionally to hear what the public wants.

Mark Lawton asked if he had any suggestions for improvements in the personnel area under the charter. J. Michael O'Connell said the City needs a personnel department and it should probably be located in the Finance Department.

Elio Del-Sette asked about the possibility of using a full time city attorney. J. Michael O'Connell said any full time city attorney would likely be a generalist, therefore, contracting out specialist work would still be necessary. He said perhaps each department should hire its own specialized attorney. He said, though, a full time city attorney could oversee the specialized areas that are funneled out.

Mark Lawton asked for J. Michael O'Connell's interpretation on the general oversight issue. J. Michael O'Connell said it was very vague. He said his interpretation was that he could intervene with a department on behalf of a resident if the resident got no help from that department. He said it could also likely be used if there was some type of constitutional crisis. He said perhaps that statement should be better defined. Mark Lawton asked what the role of the supervisors should play under the charter. J. Michael O'Connell said when he was mayor, the supervisors were encouraged to attend the Council meetings.

Elio Del-Sette said there is nothing in the charter that compels a supervisor to attend Council meetings. He asked J. Michael O'Connell if he thought that perhaps they should be part of the Council in an ex-officio manner. J. Michael O'Connell said perhaps that might be a solution to keeping the lines of communication open.

Harvey Fox thanked J. Michael O'Connell for his presentation and then welcomed Richard Mullaney, former City Attorney and member of the 1976 charter review commission.

Richard Mullaney said he felt this form of government should be changed. He said there should be some type of administrator to handle personnel issues. He pointed out that there are many inequities in the City within personnel and under the existing system it is difficult for someone other than the commissioner to deal with personnel problems. He said the issue of the City Attorney should also be reviewed because that individual, although appointed by the Mayor, should serve all five commissioners. He said there needs to be the ability by the City Attorney to discuss issues with all five commissioners without having to report those conversations to the Mayor. Richard Mullaney said although this form of government has its critics, the City has been very successful. He said this is a wonderful City and we are better off than most.

Richard Mullaney said he did not believe a total revamping of the charter would be successful with the voters. He said there are some successful elements within this existing form of government. He said, for example, the McTygues have played a major and successful role in this City. He said though it might be just as likely that the City could be in the same position it is now with a different form of government.

Richard Mullaney said he would like to see the return of nonpartisan elections. He said nonpartisan elections are designed to involve individuals. He said the existing form of government deserves nonpartisan elections, however, he would like to see partisan elections for the supervisors. He said a lot of the City's money comes from the County and our supervisors play an important role. He said county government is highly partisan, the supervisors be elected through partisan elections.

Richard Mullaney said he believed the City exacted a heavy price when allowing the County to take over the sales tax collection. He pointed out that other issues such as population and assessed value play a role in that complicated formulae.

Lew Benton said it was important to note that there is a strong belief that there is a net exportation of sales tax from the City to the county. He said the City's population has not kept pace with the surrounding towns, however, we recently underwent a revaluation. He said he found it very frustrating that those individuals in charge of the sales tax distribution have not reviewed this issue. He said he believed the City generates the greatest share of retail in the county and we certainly lead the towns in services offered. He said the City should divorce itself from the sale tax formula because it was very likely that the City would see a net increase. He said he was also dismayed that there has been no discussion of this issue at the Council table. He said the Council does not discuss policy issues.

Mark Lawton asked Richard Mullaney if the issue of sales tax should be addressed within the charter. Richard Mullaney said no. Mark Lawton asked if there should be a periodic review of items such as the sales tax as called for under the charter. Richard Mullaney said yes. He said he also felt that the County would be more than willing to eliminate the City from the sales tax agreement.

Harvey Fox thanked everyone for their presentations. He then opened the meeting to the public.

Commissioner Thomas McTygue said the sales tax issue would be addressed with this administration. He said the City is in the process of trying to determine those numbers. He reminded everyone that the City has spent millions of dollars on improvements such as the Village Brook and the Casino which were paid for in cash. He said he was concerned that the City's supervisors have stated that once the City determines the sales tax number it would likely be a number that the City would have to live with -- good or bad. He said the City has been short changed on the sales tax and it is time to review this issue.

Commissioner Thomas McTygue said there are many ways to make Council members accountable. He said commissioners are accountable during the budget process through justification and if the people are not happy, commissioners can be voted out of office. Commissioner Thomas McTygue said the City already has many good professional people working for it and those individuals are quite capable of doing their job. He said when he hired his deputy, he did not hire a "political cronie" but rather a trained, qualified professional engineer. He said the current deputy

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commissioner of Finance is also a trained, qualified individual. He said the form of government is only as good as the people who run it and our success was not an accident.

Remiga Foy agreed this form of government should have nonpartisan elections. She said partisan elections make it very difficult for the independent to get on the ballot. She said she was concerned that the City's professionalism had been questioned because there is a very dedicated staff of public employees at City Hall and regardless of any changes to the charter they will likely still be there. She said what makes this government work is the dedicated staff. She said she did not buy into the idea that a commissioner cannot be an administrator and legislator at the same time. She questioned the idea of having nonpartisan elections except for the supervisors. She noted that the City has sent republicans to the county for many years and we have still not gotten anything from them. She said it was time for the City to focus on its own worth and we should go after what we are entitled to.

Harvey Fox again thanked everyone for their participation.

NEXT MEETING

Harvey Fox reminded everyone that the next meeting would be on Monday, October 30 with union representatives, on November 6 with the business community; November 13 a regular meeting and November 15 the public hearing at the library.

ADJOURNMENT

Elio Del-Sette moved and Mark Lawton 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: