



February 9, 2017  
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CITY OF SARATOGA SPRINGS  
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Charter Review Commission  
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City Charter Room - City Hall  
City Council Room - City Hall  
7:00 PM  
7:00 PM

**PRESENT:** Jeff Altamari  
Gordon Boyd  
Laura Chodos  
Pat Kane  
BK Keramati  
Robert Kuczynski  
Mike Los  
Barbara Thomas  
Robert Turner  
Beth Wurtmann

**ABSENT:** Ann Casey Bullock  
Elio DelSette  
Devin Dal Pos  
Matt Jones  
Minita Sanghvi

**RECORDING OF PROCEEDING**

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

**CALL TO ORDER**

Chairman Robert Turner called the meeting to order at 7:06 p.m.

**PUBLIC COMMENT**

Chair Robert Turner opened the meeting for public comment.

Joy King commented about the salaries for City Council Members and the Manager. She would like to see them be more lucrative otherwise you will not get good people. It will be the same stereotypical types we are used to seeing.

There being no one else wishing to speak, Chair Robert Turner closed the public comment period.

## **MINUTES**

There were no minutes to approve.

## **INTRODUCTORY REMARKS**

Robert Turner introduced Mr. Bob Batson, Government Lawyer in Residence at the Government Law Center of Albany Law School. We are very fortunate to have his services. A straw charter was provided by Mr. Batson and was provided to the Commission. Bob Turner, Chairman asked Mr. Batson to provide some insight as to what type of feedback he would like to receive from the Commission.

Discussion ensued concerning Wards versus Districts and the nomenclature preferred by the Commission.

Mr. Batson stated he would like some feedback concerning the disaster provision which he added to Article II Section 2.18. A lot of cities are concerned if something happens to set up provisions. This was brought up for the Commission to consider. This information was put article/ordinance under Article II versus a separate Article.

It was the consensus of the Commission that this is an important provision to have in the Charter and its location in the Charter is fine.

Bob Turner, Chairman had a question about Section 2.5 and the Committees. One thing we spoke about in terms of the City Committees that that power would reside with the mayor. Would these be legislative committees?

Mr. Batson stated yes, a lot of legislation which is handled in cities is through committees, they draft legislation and it is refined. They may hold an informal public hearing. It is a tool that is used in cities and counties. Members divide up how they would chair the committees.

Bob Turner, Chairman questioned if the power to create those committees would it be by majority vote of the City Council or would you create standing committees.

Mr. Batson stated that is more the rules of the Council. It is up to them to devise their own rules. The mayor may set up the committees and appoint the members.

Barb Thomas questioned Section 2.1 – The mayor shall only cast a vote when the votes of the other members are tied. I did not think that was our understanding.

Mr. Batson stated he just put that in. It is in a number of charters but can be removed if the Committee prefers.

Barb Thomas stated she thought the Commission was seeing the Mayor as a member of the Council.

It was the consensus of the Committee to remove that portion of the 2.04 section.

Barb Thomas stated Section 2.02 – why did Mr. Batson choose to have the Mayor serve for only 2 years?

Mr. Batson stated that was a random pick. I picked the Mayor and the 2 at large. It can certainly be done anyway you want it.

Barb Thomas stated she would like the Mayor when we first constitute the government and the Mayor to serve for 4 years.

The Committee would like the Council members to serve by lot if we did not do districts and everything was done at large which is an option we have to explore.

Gordon Boyd questioned the by lot selection of the 2 year and 4 year office holders. The way my straw proposal was drafted I suggested the drawing for which the term would be two years and would be prior to the time of circulating nominating positions. The way yours was drafted read to me like it was after the election.

Mr. Batson stated another way it could be handled is by vote total. The higher vote total would get the 4 year terms and the lower vote totals would get the two year terms. It could be any way you would like to handle it.

Mr. Boyd stated I my discussions with political leaders in town recently who do not want districts, because they think they would be divisive. I reminded them a couple of things about at large races that lend themselves to certain influences. You give a lot more power to the minor party line to make a marginal difference on who has the most votes but on the other hand you unleash the power of the bullet vote. This would lend to enormous competition within the party slate.

Bob Turner, Chairman stated he is not sure if there is a clear auditing power given to the Legislature.

Jeff Altamari stated we need to be explicit here. Internal auditor and internal audit functions need to be under the control of the council. We need to draft something to share with Mr. Batson.

Mr. Batson stated we need an internal audit person.

Gordon Boyd stated there was language having an independent audit in the straw charter.

Barb Thomas questioned the appointment of someone to fill a term. Why wouldn't you fill it until the next general election?

Mr. Batson stated that is how it generally works.

Discussion ensued among the Commission concerning filling a term which was not completed.

Mr. Batson stated it is in the public officer's law and does not need to be in the Charter. This prevails.

Bob Turner questioned the problem of interference in cities which are changing to a City Manger form of government. The language stated that members of the City Council cannot coerce the City Manager or city employees into doing tasks.

Mr. Batson stated it is in the charter under 2.05. He stated he will marry these two article 2's. A discussion ensued among the Board concerning Wards vs. County Supervisors and Districts versus Wards.

Barb Thomas stated she has questions about the majority.

Mr. Batson stated under NY law, any action taken by the Council needs to have a majority number. You need 4 affirmative votes. This has been a problem in some cases, especially small Cities.

Bob Turner, Chairman questioned the language prohibitions under Section 2.05.

Mike Los questioned if you hold office you cannot hold another office until one year has lapsed.

Gordon Boyd stated this is for appointed office but the applicant can be elected.

Bob Turner, Chairman questioned the moral language in the charter if it was standard.

Mr. Batson stated he took some language from the Public Officers Law, basic conviction of a felony, or violation of oath of office. There was some language questioning unexcused absences at meetings.

Devin Dal Pos stated we have new technology here and now, which did not exist previously. Do we want to prohibit people from skyping in.

Mike Los stated yes it's really important for the Council members to be here in person especially with public comments and other council members.

Beth Wurtmann stated she feels this is a compelling issue and that we should consider carefully.

Bob Kuczynski spoke this Committee is talking about Skyping into a meeting but at the Massie Center they are speaking about augmented and virtual reality. The Charter will never be able to keep up with technology. The other point any technology which comes along and the ability to exploit it also comes along with it. Unless the council is going to invest and secure encryption for video calls they might want to take care of this in the City Code.

Gordon Boyd spoke about setting a precedent.

Beth Wurtmann questioned the Commission what if we leave it as it is and add the phrase amended by the Council and the City Code. Is that possible.

Patrick Kane stated language can be amended by the Council next week or anytime without a referendum.

Jeff Altamari stated the Commission needs to keep an open mind. Technology is advancing so quickly.

Mr. Batson spoke regarding the way public notice is provided. Not too many people read papers and the public notice sections. There are more effective way to give public notice such as placement on the City's website. Mandatory public notice is still a requirement.

Bob Turner, Chairman questioned the legislative powers language is standard. How does it look to you Mr. Batson?

Mr. Batson stated is it really up to the Committee but I put in this Charter what is commonly used.

Gordon Boyd questioned the need to include the water and sewer rates, as well as fees for certain licensures.

Mr. Batson stated these are best handled in the code versus the Charter.

Pat Kane questioned licensing information in the Charter.

Mr. Batson stated the city does license some staff and occupations as well as vendors for soliciting.

Gordon Boyd questioned City Council would allow something only if the person has a license. Set penalties perhaps a wording change and fee for licenses. All the information provided by Mr. Batson was well presented and much better than what currently exists.

BK Keramati questioned section 2.03 Power of the Mayor to appoint committee chairs including subcommittees of the council. It states that the Mayor shall chair the finance committee. Do we have to have this? If the mayor is given the authority to make the appointments to those positions, why are we forcing the Mayor in that position. Perhaps there is someone on the council that the mayor would feel is more qualified.

Gordon Boyd stated all he did was follow the recommendation of Mark Lawton. In that case it was to empower the Mayor to certify that the budget balanced. It was an enhancement of the Mayors position as chairman of the legislative body and chair of the committee as a whole not a subsection of the committee. The entire council is the committee.

Bob Turner, Chairman stated that is consistent with what we wanted someone who has the electoral incentive or responsibility for the finance.

BK Keramati stated with that language the Mayor could not ask someone else to perform those duties.

Mr. Batson stated that is probably one of his duties to chair the finance committee. That's fine.

Jeff Altamari stated is does not give the Mayor any more authority over the council it just makes the Mayor the chair.

Beth Wurtmann asked Mr. Batson to summarize what duties our Mayor has in this charter that council members would not.

Mr. Batson stated the Mayor is the face of the City. The Mayor has ceremonial duties. The Mayor is the presiding officer of the City Council. Most of the administrative functions would be handled by the City Manager. The Mayor would still have a very important role. The Mayor would appoint committees and commissions. The Mayor would not have a role in the day to day operations of the City. He would not have the right to hire or fire City Employees or Department Heads. The Mayor is just one member of the council.

Gordon Boyd stated except for two where the Manager is hired by the City Council and the mayor would be involved in that appointment and also the City Attorney.

Beth Wurtmann questioned what is different from now since the Mayor can currently appoint to the Land Use Boards, what is the difference.

Bob Turner stated the difference is that the Mayor no longer can appoint the City Attorney, and no longer has supervision over the City Planning Office. The dynamic piece is that sort of policy leadership that comes from representing the City in all intergovernmental relationships, appointing people to all the advisory and regulatory boards and commissions. Presenting the annual state of the City message, appointing members and officers to the council committees. We heard from the mayor of Canandaigua and she spoke about one of the ways she felt she was very effective in building consensus is that she would talk with people about where their interests were where their vision was and which cities they could be on. These are not formal powers. The mayor would not have the ability to command people to do things. That power will reside with the City Manager. The powers of the Mayor would be so called, informal powers, the ability to set the vision for the City, to represent the City.

Beth Wurtmann stated then the Mayor is losing the ability to appoint several positions. Are there new powers in the Mayors hands for appointments because we spoke about recommending a higher salary and we haven't decided on full time or part time.

Gordon Boyd stated we are curtailing the powers of the current Mayors position as defined in the charter, in several ways. The appointments to the regulatory boards will now have council approval whereas now the Mayor makes the appointments to the Zoning and Planning Boards, these will now go to council. An enhancement is that the mayor would be the presiding officer over one branch of the government. The manager will be a very quiet operation running the day to day operations of the city bringing problems to the attention of the council.

Bob Turner, Chairman stated a good example is this current Mayor identified 3 priorities. The details are not important but the goal is to identify people in the City who would be willing to serve on the Boards and identify that vision. It is different than the traditional strong Mayor versus Traditional City Manager form of government. We are coming up with hybrid between the both. The traditional City Manger has a one year term and is chosen by the members of the city council. Their powers are far more constrained in terms of representing the city that way. This is where that hybrid comes out. Also the Mayor would have more statutory discretion with chairing the finance committee and having the power to appoint people to the chair committees. That gives the Mayor a little more policy leadership.

BK Keramati stated today in our current form the Mayors powers are restricted to its own department. It does not go to Public Works or Finance or whatever. The Mayor we have in our charter is entire issues of the City. So this person needs to have a vision for all operations of the City for the future.

Barb Thomas stated she would like to add to the discussion of the powers of the Mayor under this dynamic. Because the mayor is no longer spending time with the day to day operations of the departments, the Mayor is freer to actually do more of the intergovernmental relationships. I think that freeing the Mayor up to do those things it gives the Mayor more of a role.

Bob Turner stated we will now move on to Section 3.01. I see a number of cities have specific Provisions about the City Manager, he must have certain degrees and experience to try and prevent cronyism and/or a patronage appointment.

Mr. Batson stated you do see this in a number of Charters who do require certain degrees and experience as a city manager or municipal manager.

Bob Turner, Chairman stated there has been in the past scurrilous accusations about Pat Kane trying to create a job for himself. I also have spoken in the past with Bob McEvoy and he also felt that having some language of this type would be quite helpful. It minimizes some of the patronage pressures that city councils may otherwise face.

Mr. Batson stated Mr. McEvoy has experience as a City Manger and County Manager and has been very active with the International Association of City Managers. I would certainly take his advice on something like that.

Gordon Boyd questioned if there has ever been a controversy over an appointment which some people said did not meet the criteria. Has it ever been litigated?

Mr. Batson stated he is not aware of any cases but he could see it happening, city councils tend to be political.

Bob Turner, Chairman stated he feels very strongly about putting in some type of stronger language. I feel in Saratoga we can get a really good person.

The committee agreed with the chair.

BK Keramati stated what was important to me would be the networking with the profession of City Managers and having been part of that group and that we could indirectly take advantage of. Having some qualifications in there is a good thing.

Mr. Batson stated there is some language in the model code.

Pat Kane stated there is a credentialing tool under ICMA 2; I think we should aspire to.

Bob Thomas stated we need to spell out fairly clearly the kind of professional person we are looking for and their standing within the profession so that when we are talking with the members of the public in Saratoga Springs they would see why this would be an advantage to the City or country.

Pat Kane offered information to the Commission to view ICMA 2 and the postings on that site.

Bob Turner, Chairman questioned the removal language of the City Manager. Can you talk us through it. Are there different ways to write the language.

Mr. Batson stated this language is from the model code. It sets out a process. It gives due process to the person. Trying to remove arbitrary removals.

Barb Thomas stated section 3.04 which stated the City Manager is the chief executive officer. We may want to change that to Administrative Officer.

Mr. Batson stated most charters in NYS do designate the City Manager as Chief Administrative Officer.

Bob Turner, Chairman reviewed the information provided by Mr. Batson and stated they look good. He questioned if Mr. Batson had a preference.

Mr. Batson stated it is a management question and how you want this person to be managing. These are not that different.

BK Keramati stated having completed the first ever survey of public employees in Saratoga Springs and what they are telling us on how the city runs. Perhaps not in the charter but somewhere noting that these surveys are completed every so often so we hear from the employees. I would be okay with having something like this in the charter but it is up to the Commission.

Pat Kane stated he believes it is the perfect spot to place this in the code under HR. HR should be conducting these surveys.

Mr. Batson questioned if there is a HR Administrator.

Bob Turner, Chairman stated not at the present.

Mr. Batson questioned who assures compliant with the law.

Pat Kane stated by our charter we are supposed to have one. We do need an HR Administrator.

Mr. Batson stated every employer needs and HR Administrator.

Discussion ensued among the Commission with regards to an HR Administrator.

Barb Thomas questioned the section which stated the City Manager does the budgetary process annually as well as the capital budget.

Bob Turner, Chairman stated this could be the subject for Monday's meeting.

Mr. Batson stated one of the main components of the City Manager's job is the budget process.

In the current charter is a very thorough process for the annual budget. The capital budget process and annual budget process would have to meld together since the City Manger would be responsible for both. The language in the current charter is very good.

Bob Turner, Chairman stated let's move onto Article 4 the departments and personnel system.

Mr. Batson stated your current charter lists every administrative unit. Many charters do this. It is a matter of choice on how the Commission wishes to arrange it. There is the minimalist approach and the detailed approach.

Gordon Boyd stated one of the overarching things we are going to be dealing with in this referendum is that we are giving a lot of administrative power to one structure Administrator or Manager and consolidating from the five. In putting all that power in one place we would be well served to give the least direction possible to the council. We are empowering the council to come up with the budgets the priorities and give them to the Manager to organize them. I am for giving as much power and responsibility to the Council.

Bob Kuczynski stated he thinks the only concession he is interested in carving out is some base standard of expected services.

Gordon Boyd stated we should state we expect the City to provide for public safety. The protection of property and commerce and those high level objectives but not to say how they do it.

BK Keramati stated this adds to challenges and creativity involved in the council positions to think about that and as budgetary and fiscal changes occur. Let's be minimalistic in our requirements.

Jeff Altamari stated we should make sure we have cogent argument and cogent understanding to explain our positions on this charter for any questions that may arise.

Pat Kane stated we are going to give an overview of this but also we are modernizing this document. This will be a very efficient document providing everything which needs to be in a charter. It will also set up the city code part of what the City officials work with on a daily basis. I would rather see us put a good charter in place. Keep it simple and it will help city officials.

Barb Thomas questioned the wording continuation of existing departments and that they should all continue. I do not agree with this. This Commission feels that the departments can be structured and changed as the needs change.

Mr. Batson stated the language in this section is transitional.

BK Keramati stated you are not saying that the organizational structures that exist currently should exist you mean that the functions should continue to function but they may be organized in a different way.

Bob Turner, Chairman, stated under 4.03 the legal office of City Attorney the language is a bit fuzzy. I thought what we came up with is the City Attorney shall be appointed by the City Manager with the approval of the City council.

Jeff Altamari stated the City Manager would receive a minimum of two candidates for the council to consider for appointment as legal counsel.

Mr. Batson stated the City Attorney serves at the pleasure of the City Council.

It was the consensus of the Committee to have the language as Mr. Batson stated.

Bob Turner, Chairman questioned the formation of some of the boards and do they need to be spelled out in the charter.

Mr. Batson stated based on the minimalist approach this will be spelled out in the code. The length of their terms is based on state law.

Bob Turner, Chairman stated we will move onto Article 5 – Fiscal Management

Discussion ensued regarding the terms limits for County Supervisors and City Council members. It was the consensus of the Commission to reserve this discussion for a later date.

Bob Turner, Chairman spoke concerning the information presented by Mark Lawton.

Gordon Boyd provided some information on how he drafted the financial section of the charter. It forces a balanced budget onto the table. I have also added the Finance Committee in this section with the Mayor as the Chair of this committee.

Pat Kane stated the Capital Budget and the general budget should be the responsibility of the City Manager.

Mike Los we should consider goals and strategies perhaps something harder along the lines for the long term plan.

Jeff Altamari spoke about the preamble section of the charter and the code of ethics which the Commission spoke about earlier for inclusion in the charter.

Mr. Batson stated the ethics portion would be in the code. There should be someone on staff trained to handle these issues.

Bob Turner, Chairman moved on to the election section. The term limits provision and the merits of neighborhood districts versus at large.

Mr. Batson stated he did add a reapportionment portion after each census is accomplished.

Bob Turner, Chairman stated the general position on conflict of interest and it's worth having that strong language in the charter.

Mr. Batson recommended the removal of the charter amendment section that does not really work because it is governed by the Municipal Home Rule Law. What it takes to amend a charter and you cannot go outside that.

Devin Dal Pos questioned the periodic review of the charter.

Mr. Batson stated many charters have language which includes a time frame for charter review.

Discussion ensued among the Committee for review of the charter and the responsibility.

Mr. Batson moved on to transition and severability.

Discussion ensued among the Board since no language was drafted concerning this section of the charter.

It was the request of the Commission that Mr. Batson provide information and language for positions which are none unionized.

Bob Turner, Chairman thanked Bob Batson for his time and expertise.

Bob Turner, Chairman stated the next meeting will be held on Monday, February 13, 2017. We need to identify the powers for the City Manager, aspirational language for the preamble, dates for the Capital Budget and internal audit function, neighborhood districts versus at large, as well as how we would want to do our listening tour.

### **ADJOURNMENT**

Devin Dal Pos moved and Patrick Kane seconded to adjourn the meeting at 9:18 p.m. Ayes all. There being no further business, Robert Turner adjourned the meeting at 9:18 p.m.

Respectfully submitted,

Diane M. Buzanowski

Approved 2/16/2017