



April 25, 2017  
CITY OF SARATOGA SPRINGS  
Charter Review Commission  
City Council Room  
7:00 PM

**CALL TO ORDER**

**ROLL CALL**

**SALUTE TO FLAG**

**WELCOME AND ANNOUNCEMENTS**

**INTRODUCTORY REMARKS**

**PUBLIC COMMENT**

**DISCUSSION OF FINANCIAL ANALYSIS OF PROPOSED CHARTER**

**DISCUSSION OF TRANSITION PLANS FOR PROPOSED CHARTER**

**DISCUSSION OF AUDIT PROVISIONS OF PROPOSED CHARTER**

**ADJOURN**



April 25, 2017  
CITY OF SARATOGA SPRINGS  
Charter Review Commission  
City Council Room  
7:00 PM

PRESENT: Jeff Altamari  
Gordon Boyd  
Ann Casey Bullock  
Laura Chodos  
Elio DelSette  
Matthew Jones  
Pat Kane  
Mike Los  
Minita Sanghvi  
Barbara Thomas  
Robert Turner  
Beth Wurtmann (arrived: 7:45 p.m.)

ABSENT: Devin DalPos  
BK Keramati  
Robert Kuczynski

STAFF: Tony Izzo

### **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 7:00 p.m.

### **PUBLIC COMMENT**

Chairman Robert Turner opened the public comment period.

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

### **DISCUSSION OF TASK FORCE LANGUAGE FOR THE PROPOSED CHARTER**

Bob Turner said he and a few other members recently met with the City's Safety Committee. One of the big concerns expressed by some of those members was job layoffs. They also suggested that the text "abolish" be replaced with "restructure". They believed it was important that the City Manager be an "at will" employee. After the meeting he spent some time with Marilyn Rivers, City Risk and Safety Director, and got some good information from her. He said in the near future, he will meet with the CSEA, Police and Fire unions. He was also scheduled to meet with the Special Assessment District on May 4. Pat Kane said he had met with Judge Wait. Laura Chides said she was impressed with the questions posed by the Safety Committee members. She said another of their concerns was the transition process. They also expressed some concern that the Civil Service Commission was not identified in the charter.

Barbara Thomas said we need to be clearer by stating that with the exception of the Deputy Commissioner positions, the Commission believed that the existing jobs will continue. Pat Kane said there are nearly 400 employees providing services in this City and those services will still be required after the new charter is adopted.

Bob Turner said there seemed to be some acknowledgement among the Safety Committee members that the political conflicts among the Council members prevent cooperation.

#### **DISCUSSION OF FINANCIAL ANALYSIS OF THE PROPOSED CHARTER**

Pat Kane said the Financial Analysis will be ready for the next meeting. He said he planned to make three assumptions and give those examples to the public.

Bob Turner said it could be valuable to know what services are contracted out by the City. Matt Jones asked if the methodology for showing a savings for the new charter was more involved than simply subtracting the Deputy Commissioner salaries. Pat Kane said yes it was more involved. We will go from five to seven Council members. Matthew Jones said it is likely that whoever is employed on December 31, will still be employed on January 1. Pat Kane said there are some efficiencies that will realize savings but those efficiencies will be dealt with by the City Manager. Jeff Altamari said it was likely that the existing number of 400 employees will not be 400 when the new City Manager is in place. He said we need to state our assumptions up front.

#### **DISCUSSION OF THE TREASURER'S REPORT**

Elio DelSette asked for a Treasurer's Report. Gordon Boyd said we have not expended any funds. There is no income and no expenditures. Elio DelSette said we need to have an official report from the Treasurer. Pat Kane said there have been some minimal expenditures with the services of the staff taking minutes. He said all of that information goes through the Finance Department. Elio DelSette said he would like at a one page report showing income and expenditures.

#### **APPROVAL OF THE APRIL 6 MEETING MINUTES**

Ann Bullock moved and Laura Chodos seconded to approve the April 6 meeting minutes

Matthew Jones said we all received a letter about disclosure forms and asked if we were lawful sitting members because we had not filed the forms by February 15. Tony Izzo said it would be difficult to argue that this was not a lawful sitting Board. He said as a practical and legal matter, the Board does bear the burden of submitting the disclosure forms on time; however, most

Boards are in the same position. He said there are typically a number of members who do not get their forms submitted by the deadline. He said he did not believe there was any reason this Board could not act on matters.

Ayes all.

### **DISCUSSION OF TRANSITION PLANS FOR PROPOSED CHARTER**

Gordon Boyd said he used some language from the 2011 charter on the transition part of the charter. Some of that language included a task force of nine, with five being appointed by the Mayor and the other four by the remaining Council members. He said the elected Council members' terms would end on December 31 and the Deputy Commissioners would serve until their successors are qualified. He also added language that the document must be filed with the Secretary of State in order for it to be enacted.

Ann Bullock asked about funding and the overlapping of positions. She said that 2020 could be a more expensive year. Pat Kane said we do not know what the next City Council will do. He said in DPS, the police and fire chiefs could transition into taking on more responsibility. If that happens, there could be a savings. He said Directors may step into those roles as well. He said there is a management team already in place. Bob Turner said it is likely there will be some reallocation of duties.

(Beth Wurtmann arrived: 7:45 p.m.)

Matthew Jones asked about the nine appointments to the transition task force. Gordon Boyd said it was the same balance that is currently used in many appointments. He said though that we could do whatever we would like. Matthew Jones said since the government would be technically going out of business, there could be some concern that one of the outgoing elected officials has more power than the rest in the new government. Pat Kane said in many cities the transition team comes from members of the committee that proposed the change. Bob Turner believed it was more beneficial to have people who are more intimately involved in City Hall.

**Gordon Boyd moved and Jeff Altamari seconded to add Section 8.09 Transition to the new Charter along with some renumbering in Section 8. Ayes all.**

### **DISCUSSION OF AUDIT PROVISIONS OF PROPOSED CHARTER**

Jeff Altamari said as he first reviewed the existing charter it occurred to him that the audit process was dysfunctional. He said the audit process is a weakness in the current charter. As a result he developed a position paper that everyone can understand that could be used by Commission members when trying to explain the difference between internal and external audits. He said we could also use it to write some op/ed pieces for the newspaper. In order to change the weakness now, it would need to go to referendum. He said it is very unusual to have the Finance Department audit their own finances.

Barbara Thomas asked if the language we proposed was adequate. Jeff Altamari said yes. He said the audit should be outsourced. Bob Turner asked how they are currently being done. Jeff Altamari said he would need to FOIL those audits to see how they are done. Bob Turner suggested going back six or eight years when developing that FOIL. Jeff Altamari said

Commissioner Madigan did not believe this was dysfunctional language. Bob Turner said it would be good to know what the practices are in other communities.

Beth Wurtmann asked if the audits are large documents. Jeff Altamari said they could be cumbersome. Pat Kane said there is some information on the web site. Beth Wurtmann asked what actions are taken after audits. Jeff Altamari said that sometimes auditors return to ensure the identified deficiency is being addressed. He said though that the focus of this discussion was the internal audits. He said there are no legal requirements to do internal audits. He said that for the Finance Department to audit its own documents and to then make recommendations and to ensure that procedures are followed is unusual. He said Commissioner Madigan could call for an internal audit at any time, but she could also hire an outside auditor. Matthew Jones agreed that it would be difficult to audit their own department. He asked if we got audits for the last four years or so, would it show a systemic problem and what it would show. Would we be comparing one Finance Commissioner to another?

Gordon Boyd said the dysfunction is the lack of separation of powers. Matthew Jones asked what this information would tell us. Jeff Altamari said it is not the goal to point out what has not been done but to get comparative information. He said the existing charter was written naively around this matter. There are no checks and balances in this area. Matthew Jones asked if this could be fixed under the current charter. Jeff Altamari said it would require a referendum; the deficiency of the current Charter could be fixed through referendum. Matthew Jones indicated that when comparing apples to apples (the proposed Charter to an amendment of the existing Charter) both forms could adequately address the deficiency Jeff Altamari referred to. Jeff Altamari agreed. Bob Turner indicated that the Finance Commissioner in the current form of government has the audit power and, as such, the Finance Commissioner is unable to audit his/her own department with the necessary independence Jeff Altamari has outlined. Jeff Altamari agreed noting that there is no independence in that scenario. Bob Turner asked if there was a way to remove the audit power in our current form of government from the Commissioner of Finance to achieve the objectives Jeff Altamari was referring to. Jeff Altamari responded by indicating the power would go to an audit committee formed by the City Council which could be the entire City Council. In that circumstance, the internal auditor would report to the audit committee. This change in the current Charter would meet the objectives Jeff Altamari was referring to in his Position Paper. Bob Turner said that it seemed highly unusual to have the Finance Commissioner have the power to audit its own department. Jeff Altamari said under the NYS not-for-profit law, the Finance Commissioner would not be allowed to sit on the audit committee. He said it could be outsourced for about \$75,000. Jeff Altamari said even if the charter is not successful, this is something that needs to be fixed.

Bob Turner said he and Jeff Altamari will start work on some op/eds on this matter.

## **DISCUSSION OF ORGANIZATIONAL CHARTS**

Pat Kane showed several examples of organizational charts. He said some were quite complicated while others were fairly simple. They all have their strengths and weaknesses. He said we could use any of them, we just need to determine which one worked for us. He said it was also important to show that there is a home for all of the employees in this charter. Matthew Jones said the City Manager would be responsible for personnel and the role they play. Pat Kane suggested the Commission informally start to work on this document. Matthew Jones suggested it seemed that this function should rest with the City Manager. Pat Kane said we need to have something to show the difference from the existing to the proposed.

Bob Turner said it would be useful to see where the existing staff fits on a new organization chart. Pat Kane said Lisa Watkins, City Employee on the Safety Committee, said there are about 90 members in her union and some were worried about their jobs. He said we would provide the same services, but we need to show the public where the function fits. Laura Chodos said it was important that we listen to the employees. Pat Kane said the chart should be simple and we can express to everyone that it is not necessarily representative of what may happen. Gordon Boyd said we should not put out unrealistic expectations.

Jeff Altamari said he would like to see some information on what efficiencies were realized by other communities who changed to a City Manager form of government. Bob Turner said that while there is a lot of information out there, he has not found much on the financial savings. He believed it was likely that we would probably spend the same amount of money, but the City would operate more efficiently. Jeff Altamari said we should be careful of the detail on the chart. He suggested it be more general in nature below the department heads. Gordon Boyd agreed.

### **OUTREACH COMMITTEE**

Pat Kane distributed information on the possibilities of what we could do for outreach. He said this list was pretty extensive and by no means would we do some of the things on the list, but he wanted Commission members to think about what we could do. He said this is much like a campaign. Beth Wurtmann asked if we should go back to the Council and ask for more money. Jeff Altamari said there is a lot of good information on this list.

Gordon Boyd believed it was our responsibility to get the proposed charter into the hands of the public. He said some of the background material also needs to be available. He said though that public meetings is a very good way to get the information out. There will be advocacy groups out there that will either promote or not promote the charter.

Matthew Jones said it was almost counter intuitive to not advocate for our final product. He said we should all review any information before it is printed. Bob Turner said the Supreme Court language is clear on advocacy. Gordon Boyd said it was clear to him that if we used any of our funds for lawn signs that the Council would not pay for it. He said there will be lots of discussion on the charter by those running for office as well as the advocacy groups.

Barbara Thomas said we need to have a shortened version of the charter. It needs to be factual and simple. Gordon Boyd said once we start to explain, it becomes advocacy. Jeff Altamari said a simplified version could be done in four or five pages.

Gordon Boyd said the next public forum is scheduled for May 30 from 10:00 a.m. to 8:00 p.m. at the City Center. He suggested that Commission members schedule time throughout their day to be there. He also suggested that we have six or seven information stations that are set up to focus on specific items of the charter. He said he would like to meet with the outreach committee to discuss this matter. Pat Kane suggested that LOOK TV be contacted.

### **NEXT MEETING**

It was agreed the Board would meet again on May 9. It was noted that a room would need to be found somewhere because there was none available in City Hall.

Bob Turner said that perhaps we should think about May 9 being our last meeting.

**ADJOURNMENT**

Bob Turner moved and Gordon Boyd seconded to adjourn the meeting at 9:10 p.m. Ayes all. There being no further business, Bob Turner adjourned the meeting at 9:10 p.m.

Respectfully submitted,

Katherine A. Moran  
Clerk

Accepted: 5/9/2017