

2018 CHARTER REVIEW COMMISSION FORUM MINUTES

May 30, 2018

Roll Call

Present:

Vince DeLeonardis, Chairman
Deputy Commissioner Michael Sharp, Vice Chairman
Deputy Commissioner John Daley, Secretary
Commissioner John Franck
Commissioner Michele Madigan
Commissioner Peter Martin
Commissioner Skip Scirocco
Deputy Commissioner Maire Masterson
Deputy Mayor Lisa Shields

Absent: Deputy Commissioner Joseph O'Neill

Recording of Proceeding

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

Call to Order

Chairman DeLeonardis called the meeting to order at 6:00 PM.

Chairman DeLeonardis opened the Forum with a review of the 2018 Charter Review Commission meetings to date by stating that no changes were suggested to the Preamble, Statement of Purpose or Title 1 although the entire document will be reviewed by legal counsel. In Title 2: City Council, Supervisors, Deputies and Employees: the terms; term limits; salary; Civil Service Commission and qualifications for Deputies was discussed. Title 3: The Mayor: updating the State of the City description to include the format as it was presented in 2018 by Mayor Kelly; the appointment authority and process; Capital Program; Human Resources; Parks, Rec and Open Space; and some text changes for clarity of the section were all items identified and discussed. Title 4: The Commissioner of Finance: discussed the Internal auditor; creating a separate section 4.3.4 for clarity and purpose; and Section 4.1 text update regarding tax collection will be recommended; Title 5: The Commissioner of Public Works (DPW): discussed some text changes regarding annual operational report; 5.1.2 relocation to Department of Public Safety (DPS); reviewed areas of overlapping services with DPS and consolidation for efficiency; and potentially moving Parks, Rec and Open Space to DPW. Title 6: The Commissioner of Public Safety: discussed Public Safety maintenance of buildings and grounds being done by DPW for efficiency and cost savings where appropriate; coordinating Code Enforcement with Building Department; and some text changes to the emergency planning section 6.3 will be suggested. Title 7: The Commissioner of Accounts: discussed elected assessor versus appointed assessor; some text changes for clarity and uniformity of the document will be suggested; and adding a new section 7.4 to detail and outline the duties of the Commissioner in his capacity as The Registrar of Vital Statistics. Title 8: Legal: discussed the City Attorney position which is currently appointed by the Mayor by including the language "with the advice and consent of

Council”; identifying the reporting of the position to all Council members; moving Human Resources (HR) to legal; and text changes to section 8.4 relating to acquisition and sale of City property will be suggested. Titles 9 through 14 address mostly general provisions and will largely remain the same.

Chairman DeLeonardis opened the floor for discussion at 6:10 PM

Mark Cacoza, Saratoga Springs. Mr. Cacoza is the current Chairman of Civil Service and provided a paper that outlined some pros and cons for moving this to the County. He also addressed some technical suggested changes to the Charter. Section 2.5 refers to members of the Commission being affiliated with the same political party and he suggested that it say “members of the same party”. In the third paragraph he would remove the Mayor presenting the budget and allow the Commission present it. He also wanted to say that the Commission is working fairly smoothly to date with the Council and has been very responsive to requests. He suggested keeping Civil Service Commission as is.

Brian Rodems, Saratoga Springs. Mr. Rodems spoke at length about the Zoning Board of Appeals (ZBA) and his frustration with it. He indicated that there were 109 variances applied for and 107 were approved. He cited several times he has been to the ZBA and he is looking for some governance for the Board and conditions to be included on variances.

Kenneth Klotz, 232 Maple Avenue, Saratoga Springs. The former Mayor of Saratoga indicated that his comments regarding the current charter include his opinion that it has only been partially implemented or violated with impunity. He would like to know what enforcement will be put in place going forward. In 2001 the Charter Commission specifically strengthened the position of the Mayor because the form of government wasn’t changing. If this Commission changes that it isn’t in the spirit of the 2001 Charter. Salary increases are currently allowed and the City Attorney should remain in the Mayor’s Department and appointed by the Mayor. He also believes that the Land Use Boards and Capital Budget should remain with the Mayor.

John Kerwin, Saratoga Springs. Mr. Kerwin wanted to know if this meeting was being captured.

Barbara Thomas, 124 Phila Street. Saratoga Springs. Ms. Thomas served on the 2016/2017 Charter Commission and is still in favor of separating the legislative duties from the administrative duties as a form of government. She spoke about the inside and outside districts and said that the previous charter commission had done a lot of research and the distinction needs to be kept. It allows for the maintenance of roads to be done by the State so it is really imperative to stay. About moving internal audit to Finance, an independent auditor should be engaged so departments are not auditing themselves. She also commented that the making the City Attorney responsible to the entire council is a good idea because the entire Council needs advice from the City Attorney. The Deputies standards are a good idea and specific qualifications that can’t be waived should be in place and the position should not be filled with friends or supporters of the candidates but qualified persons to run the departments. She closed by wishing the Committee well and there are these things that can make the current charter better.

Joe Dalton, 14 Loughberry Road Saratoga Springs. Mr. Dalton is a strong supporter of the commission form of government and holds elected officials to a high standard. Avoid

establishing a bureaucracy where officials can hide. Salaries should not be listed in the Charter. Deputies backgrounds and experience should be considered along with education. Realignment of jobs is much easier than hiring and would save money. All elected officials should be residents of the City of Saratoga Springs. The State has rules & regulations on charter reform which should be addressed to state officials. Any appointment to a council or task force should be approved by the Council by majority vote.

Sue Rodems, 84 White Street, Saratoga Springs. Mrs. Rodems continued to discuss the ZBA by suggesting that a check list of approvals be included in the application so that all impacted departments are aware of projects. She also indicated that what happens at ZBA approval is not what happens on the ground.

Richard Sellers, 73 Fifth Avenue, Saratoga Springs. Mr. Sellers began by saying he has been at most, if not all, of the meetings so far and complimented the Commission on their depth of knowledge and quality of conversation and the value the Deputies have brought because of their day to day experiences with City Hall. Deputies are appointed by the Commissioners because of their high quality to support the Commissioners so he encouraged this Commission not to go too deep in qualifications because they can change with a Commissioner. Deputies must live in the City and it would be a major flaw to change that. Regarding the addition of HR and Risk and Safety to the City Attorney's office is highly applauded because of the relationship of duties. He advised caution to not allow the office to become a Chief Administrator Officer/dumping ground for what the Commissioners don't want to deal with. Finally he believes that the Mayor and the Commissioners must be equals and no one to have veto powers. Sharing activities like the State of the City this year, led by our Mayor is an example of that. Salaries of the elected officials should be the same but he does recognize that some positions are required to take on higher costs with governmental activities and should be taken care of by the City so the burden is not on the individual.

Karen Klotz, Saratoga Springs. She questioned the procedure to vote on this charter. Would there be one question on the ballot or each change an individual item for vote. Chairman DeLeonardis responded by saying that no determination has been made as yet to make this a single vote or broken down into single questions but it will be looked into.

Margie Van Meter, Saratoga Springs. Ms. Van Meter was a part of the 2000 Charter and she is distressed that the Charter has not been implemented, or done well, specifically the vision for Human Resources which was to provide job training and she hopes that this Commission will not weaken what was passed. She was disappointed that the HR function was outsourced in the past. She was delighted to see the questionnaire, that was provided, contained the question regarding the Mayor being required to be Supervisor as well because the Mayor would have more authority. She liked the survey and asked when the work would need to be completed by to be on the ballot. Chairman DeLeonardis responded that he believes the document needs to be to the County by the beginning of September.

Bonnie Sellers, Saratoga Springs. Mrs. Sellers said she has a different point of view on the supervisors based on reflection of the past. She would like to remove the requirement from the Charter for the Supervisors to sit through the City Council meetings to give a report. Many times by the time they get to give their report the room is empty so this does not serve the roll well and many meetings have run 6 hours or more and the supervisor report can be only a 5 minute report.

She does not want the Mayor and Commissioners to be allowed to serve concurrently as Supervisor. The requirement could be confusing to the public and would be adding another function to an already busy schedule. She is not sure that this would additionally influence the County and we could be viewed as a bully and the little guys could gang up on us. The main thing that should be looked at is inaction. We have had 7 elections since the adoption of the Charter and there has been inaction on this. The wording is “may” which could mean more people running for supervisor and many parties being represented and if this were a requirement what about future elections where the Mayor doesn’t run for Mayor but for supervisor. It would be very confusing. In the last 7 elections no one took the Charter up on this option. The previous Mayor would have been a perfect candidate to do this and she didn’t.

Jane Wiene, White Street, Saratoga Springs. Ms Wiene likes the form of government because it is accessible and accountable. She would urge the Commission to keep 2 year terms to keep office holders accountable to the people on a regular basis and allow the people to review their performance and say yeah or nay to continue. The New York State legislature and representatives have 2 years terms and have the burden of running every 2 years. The other argument of not enough time to accomplish what you want to accomplish, she would argue that again you go to the public and say this is what I want to finish and ask for another term and let the public decide. She is against putting term limits in the Charter. And as for Supervisors, they run small towns, not complex cities like Saratoga Springs and the current office holders have enough to do and allowing supervisors to run separately gives people something else to run for.

There were no additional comments.

Chairman DeLeonardis thanked everyone for their attendance, input and suggestions at this Forum. He addressed some of the comments provided: regarding Civil Service, he agreed with Mr. Cacozza that currently Civil Service provides value to the City. He will look into how other municipalities are doing this and more due diligence is needed before any decision can be made. He will reach out to Mr. Cacozza and request a sub-committee meeting with him to discuss further. Regarding the Rodem’s comments about ZBA, he appreciates the position but this is not in the Charter and changes would be handled by local law. Tony Izzo added that Section 51 of the City Code addresses the ZBA. Chairman DeLeonardis agreed that the majority of the concerns are valid but not part of the Charter. Mayor Klotz thought that it appeared that the Mayor’s position is being weakened but Chairman DeLeonardis stated that the objective is around efficiency of the office and not intended to weaken the position. To address Barbara Thomas’ concern about removing the inside and outside districts, he thanked her for the information and advised that the issue will continue to be looked into. Mr. Sellers, Barbara Thomas and Mr. Dalton spoke to qualifications for positions and Chairman DeLeonardis emphasized that no decisions have been made or qualities assigned and experience will be a consideration as well as education in all these discussions. The language that has been contemplated is that the Deputy cannot be an officer in any particular party and must have a certain degree of education or level of experience. The no veto power will be looked into. Margie Van Meter brought up HR and Chairman DeLeonardis assured her that the Commission is not looking to weaken that department and the previous outsourcing was an unfortunate moment in time. We currently have an outstanding Human Resources Administrator and are looking to strengthen that position to provide for services across City Hall because it is an important function. Chairman DeLeonardis also said he appreciated both Bonnie and Jane’s

comments regarding the terms and supervisors and is looking to hearing more from the public on these issues.

Commissioner Madigan commented that she agreed that the inside and outside districts need to be kept and thanked Barbara Thomas for bringing that topic up. She spoke about Mayor and Karen Klotz's comment about the Capital Budget moving from the Mayor and she cited that depending on the Mayor, finance has in the past, had to take over so moving it makes sense. The power to make appointments, including the City Attorney, remains in the Mayor's office and will keep the Mayor's position strong as the 2001 Charter intended. Commissioner Madigan also commented that she likes the way the City Attorney's office is going and the appointment should remain with the Mayor, but the office should report to the Council as a whole.

Deputy Sharp spoke to Mrs. Thomas comment about internal audits and advised that the finance department currently does routine audits, quarterly reports as well as the annual audit that takes a random sampling to be sure things are being done properly. The annual audit is done by an outside firm. Recognizing the need for separation, finance is currently looking to streamline the process to bring in third party auditors when necessary.

Commissioner Martin requested a copy of the information provided by Mr. Cocosa.

Chairman DeLeonardis thanked everyone for coming and providing their ideas and comments.

Chairman DeLeonardis adjourned the meeting at 6:55 PM.

Respectfully submitted by Trish Bush.

CIVIL SERVICE CONSOLIDATION

Typical Benefits, Concerns & Clarifications

Typical Benefits:

City:

- No need to maintain civil service office (no salaries, supplies, telephone, computer, lights etc.).
- Civil service issues raised by employees, unions, and others go to the County.
- Greater numbers of candidates on eligible lists from which to select.

Public/Employees:

- Test takers apply for county examinations which generally are used to fill positions throughout the entire county.
- Reduced costs of government may alleviate tax burden.
- A single set of rules, position descriptions and operating procedures are used to administer civil service throughout the county.
- Members of the public with questions about employment get answers that apply to public employers throughout the entire county.

Typical Concerns and Clarifications:

- Concern that independence or authority to manage affairs may be lost.
 - Authority to administer civil service is lost. The county classifies positions, certifies eligible candidates for city positions using county lists and ensures the city complies with the Civil Service Law.
 - The city retains the ability to select the qualified eligible candidates of its choice.
- Loss of convenience.
 - Civil service office may not be located in the city anymore.
 - City residents and test takers may need to travel to county offices to conduct civil service business.
- Loss of "personal touch."
 - The County Personnel Office now becomes the contact for civil service issues.
 - Service delivery is centralized and may seem more "distant" geographically and standardized processes may seem less "personal."
- Candidates sometimes fear greater competition will reduce their opportunities for employment.
 - Appointing authorities are empowered by law to request certification of their residents for employment.
- Cities which collect reimbursement from the school district for civil service administration will no longer receive the reimbursement.
 - This is true.

2018 CHARTER REVIEW COMMISSION
PUBLIC FORUM QUESTIONNAIRE
May 30, 2018

Thank you for your interest in the City's Charter. Please take a moment to review and answer the questions below. Your input is very important to us. Feel free to add any comments you may have or identify topics that are important to you.

1. City Council members currently serve for a term of 2 years. What do you think the length of their term should be?

2 years 4 years Other ___ years No opinion

Comment:

2. Currently a Council member may serve for as long as he/she continues to be elected. Would you be in favor of setting a term limit and if so how long?

No Yes ___ years No opinion

Comment:

3. The current Charter allows for the Mayor or Commissioner to also run and hold the office of County Supervisor. Do you think the office of Mayor should be required to also be one of the Supervisors?

No Yes No opinion

Comment:

4. The current Charter calls for each County Supervisor to serve a term of two years. Do you think the term should be changed to a staggered four year term resulting in one of the Supervisors on the ballot every two years?

No Yes No opinion

Comment:

5. Currently the appointment process, in some cases, allows for one Council member to unilaterally make the appointment. Do you agree that all appointments, other than Deputies, should be made with the approval of Council?

No Yes No opinion

Comment:

6. Currently the Deputy Commissioners are required to be a resident of the City. Do you think Deputy Commissioners should be required to reside in Saratoga Springs?

No Yes No opinion

Comment:

Please use the reverse side of this document to let us know if you have any other comments or topics you would like to see addressed.