



September 18, 2017
CITY OF SARATOGA SPRINGS
Charter Review Commission
City Council Chambers – City Hall
7:00 PM

CALL TO ORDER

ROLL CALL

SALUTE TO FLAG

WELCOME AND ANNOUNCEMENTS

PUBLIC COMMENT

CHAIR'S REPORT

DISCUSSION EDUCATIONAL MATERIALS

ADJOURN



September 18, 2017
CITY OF SARATOGA SPRINGS
Charter Review Commission
City Council Chambers – City Hall
7:00 PM

PRESENT: Jeff Altamari
Gordon Boyd
Ann Casey Bullock
Matthew Jones
Pat Kane
BK Keramati
Mike Los
Minita Sanghvi
Barbara Thomas
Robert Turner
Beth Wurtmann

ABSENT: Laura Chodos
Devin DalPos
Elio DelSette
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.

Patty Morrison asked when the material would be sent out to residents. Pat Kane said in early October the Board would have a full document ready and would go out shortly after that. He said it would also be available on line at www.saratogacharter.com

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

MINUTES

Ann Bullock-Casey moved and Pat Kane seconded to approve the August 22 minutes with a few minor corrections. Ayes all.

OTHER

Gordon Boyd congratulated Minita Sanghvi on her appointment to the Saratoga Springs Library Board.

Robert Turner welcomed everyone in the audience. He said his Freshman Class Seminar on Real Democracy was in attendance.

CHAIR'S REPORT

Robert Turner said the material had been sent to the Board of Elections and the charter has been approved to be on the ballot. The language from New York State would be used on the ballot

Robert Turner said there have been several "house parties" where members of the Commission meet with residents in someone's home.

Pat Kane said there would be a panel discussion hosted by the League of Women voters. There were three "meet the manager" nights scheduled on October 2, October 18 and November 2. Those meetings will allow residents to speak with managers of other cities. The meetings will be at the library and will be live streamed. Robert Turner encouraged residents to submit their questions via email.

MAILING

Robert Turner said that our business tonight was to approve the mailing and the content of the mailing.

Robert Turner reviewed the cover sheet. The cover sheet states that on November 7, the voters will be asked to approve the proposed charter. The question on the back of the ballot will read as follows: "Shall the new city charter proposed by the city charter commission be adopted?" Robert Turner said voters can find additional information at www.saratogacharter.com. He said the cover page will list the names of the Commission members. Barbara Thomas suggested using a different and larger font. She said perhaps it should look a little more official with letterhead and signatures. Pat Kane suggested a logo and listing the names of the members in two columns. Beth Wurtmann suggested photos. Bob Turner said no. Gordon Boyd said in deference to those on the commission who did not support the proposed charter, he did not want to communicate to the residents that it was a unanimous decision by this Board. He said

pictures and signatures might make it look like everyone supported it. Matt Jones suggested it be signed by the chair.

Bob Turner said there are four ballot questions on the back of the ballot.

Matthew Jones moved and Pat Kane seconded to amend the letter to change the word "approve" to "vote on", remove the member names and that the chair sign the letter.

BK Keramati said it would be good for the residents to have some indication of the presence of a group in the letter. He said we are all real people who have worked very hard on this charter.

Minita Sanghvi agreed that the word "approve" should be change to "vote on" but disagreed that there is not some mention of the members.

Matthew Jones moved and Minita Sanghvi seconded to split the motion. Ayes all.

Matthew Jones moved and Minita seconded that the word "approve" would be changed to "vote on". Ayes all.

Matthew Jones suggested that if the members' names were to remain, we should let the voters know how we voted. BK Keramati disagreed. He said that was simply not appropriate. The Commission has put this on the ballot for voters to decide and he did not believe that this was the time or place to show how commission members voted. Pat Kane agreed.

On removing all the names, ayes: ten; nays: one (Matthew Jones). Motion carried.

Everyone was fine with using the City logo on the top of the page.

Fiscal Impact Statement

Jeff Altamari was clear with Bob Turner that the spread sheet that was included in the email should not be included in the fiscal impact statement.

Jeff Altamari moved and Gordon Boyd seconded that the fiscal impact statement is to be included in the mailing to the residents.

Mike Los asked if there was a better way to show the City Manager with benefits section. Jeff Altamari said the numbers could be broken out. Bob Turner said this fiscal impact statement clarifies the four areas where there will be reduced spending. The Mayor's salary will be increased by about \$26,000, the City Manager could potentially be \$190,000 with benefits (\$125,000 salary and \$65,000 benefits) and the council members at \$87,000. There is an estimated annual savings of \$391,000. Beth Wurtmann suggested that we break out the deputy salaries. Minita Sanghvi suggested that the existing Council member positions be mentioned with the salaries plus benefits. Bob Turner said the Mayor would go from \$14,500 to \$40,000, the City Manager is \$125,000 and the City Council members' salaries but no benefits.

Jeff Altamari said he tried very hard to not show advocacy in the documents. Bob Turner said in an earlier draft of the fiscal impact statement Jeff Altamari had included an estimate for an assistant city manager and a full time City Attorney. He asked why that had not been included in the final draft. Jeff Altamari said there was a lot of discussion on those positions. He said

that after that discussion he limited the fiscal impact statement to strictly within the context of the proposed charter and not conjecture. He said the new City Manager might want an assistant city manager and a full-time attorney, however, he believed it was prudent to draw the line and limit the statement to what is within the proposed charter. Jeff Altamari said he had heard from many people in the community that it would not be possible for one person to run the City. Jeff Altamari said he also included some "safe harbor" language. With that language, we are not certifying or guaranteeing the numbers. He said he was looking for protection under SCC law and the safe harbor language would provide that protection.

Bob Turner asked about the transition language and the deputy commissioners staying on the payroll during the transition. Jeff Altamari said that again and for the same reason, he did not include estimates for a transition period.

Gordon Boyd said the fiscal impact statement shows our projected savings. He said when the City Manager takes office he/she may decide to add an assistant manager. The City Manager, though, is starting with a \$400,000 savings.

Matthew Jones said if we set the existing charter and the proposed charter side by side, the proposed charter eliminates four commissioners and their corresponding salaries, there is an increase in the Mayor's salary, but he does not find the reduction of the four deputies stated in the proposed charter. He said we could have said in the proposed charter that the deputies are eliminated. What we have said is that all positions in existence on December 31, 2019 will be here on January 1, 2020. The proposed charter does not compel the reduction of the deputies.

Jeff Altamari said the existing charter has deputies and the proposed charter does not. He said the commissioners and the deputies are called out in the existing charter. They are not in the new charter. The commissioners are missing from the new charter and it is implicit that if there are no commissioners then there would be no deputies.

BK said the deputies serve purely at the pleasure of commissioners. He said it might help to say they no longer exist. Bob Turner said there are many positions that are listed in the existing charter. Matthew Jones said the positions are all civil service positions. He said the continuation of the existing department says it will continue unless or until the City Manager changes it. Barb Thomas asked who would they be deputies to? Matthew Jones said it should be fair to state that there are no deputies in the new charter.

Ann Bullock said the transition task force will review the language that on the existing deputy positions continuing until the City Manager is appointed. She said the function will continue, but the person may not be there. The positions were intended to be eliminated.

Bob Turner said what we are saying that we are cutting our middle management. Matthew Jones said it would be clearer if we stated that the deputy positions were gone. Ann Bullock said the transition task force will look at the reallocation of specific duties and it will be up to the task force to look at the organizational structure.

Gordon Boyd said the City Manager will determine if there are deputy commissioners and the City Council, if they so choose, will authorize it. He said we did not say anywhere in the charter that we were eliminating positions. What we did was create a City Manager.

Bob Turner said that the above is based on the reasonable expectations.

Gordon Boyd called the question.

All in favor in adopting the revised fiscal impact statement and the changes in the financial numbers section. Ayes: ten; Nays: one (Matthew Jones). Motion carried.

Barbara Thomas said there is no language for a fulltime attorney.

OTHER

Bob Turner said it appears that our work is done. We have a cover sheet, a fiscal impact statement and a charter.

Pat Kane said the entire packet will be sent to every household and not every voter. He believed it would go out the first week in October. Minita Sanghvi asked that it be available online at the same time. Pat Kane said he would drop packets at central locations as well. Gordon Boyd asked the website should be noted in the letter.

PUBLIC EDUCATION

Bob Turner said that public education efforts continue.

Pat Kane said there are the "meet the manager" nights. There are invitations out to five mayors and their managers. He said all events will be publicized and will be live streamed. Pat Kane said while we are calling these smaller events "house parties", they are taking place at community centers and churches.

BK Keramati said he reviewed some of the material and questioned whether it was advocacy or educational.

BK Keramati said in the Justification section it states that there are potential difficulties with deputy commissioners not working effectively. He said it seemed that we were making a statement about dysfunction. He suggested it be changed to "the administration of the four city departments will be unified". It was agreed to leave this section as it is.

BK Keramati said he had a concern about the audit of the Finance Department. He said the in the existing charter it appears that this department audits itself. Matthew Jones said if an audit is contracted out by one commissioner it would then be an independent audit. Jeff Altamari said the Finance Department can't independently audit itself.

Matthew Jones said he had a conversation with Bob Turner over the characterization of the deputies as "political" deputies. He quoted from the June 26 meeting where Bob Turner made the statement about political deputies. He said it does not accurately describe these positions. Freedom of speech is part of what we are about, but we are diverse and have dissenting opinions. He said Bob Turner occupies the chair of this commission; and, therefore, speaks for all of us. He said when Bob Turner speaks facts about the charter that is fine. It was not fair to saddle our deputies with the phrase of "political deputies". Matthew Jones said there had been a statement made that deputies either ran the commissioner's campaign and then became deputy or got the deputy position first and then ran the campaign. He said that is simply not

true. There have been many deputies who did not run or participate in campaigns. He said they are not political hacks and it is simply not fair to characterize in that light. It demeans them in a way that is not fair. They do serve a political function by giving political advice, but they also serve as the administrative head of the departments.

Bob Turner said we have discussed the deputy's duties for months now and the observation that they are very involved in their commissioner's campaign is factually accurate. He said often they run the campaign and then get the job, or in some cases, get the job and then run the campaign. He said one of the significant changes that would happen if this charter is approved, is the political considerations throughout the day. He said we have heard stories where their administrative powers were used against their opponent. He just talked about this with Lew Benton. He believed they are political appointees, but will refer to them as deputy commissioners. Matthew Jones said he was good with Bob Turner referring to them as deputy commissioners.

Jeff Altamari agreed. He said when we are representing this body we need to avoid that type of language. He said we have an obligation to the residents.

Gordon Boyd said when he worked for the Speaker of the Assembly he was a political appointee. He said he admires anyone who takes on that appointment, because they serve at the pleasure of. He said the deputies in the City have a responsibility to make sure that the commissioners do not have negative politics. That it is a byproduct of having a political person running a department. He said this was not meant in a disparaging way. He did not believe that it was disparaging to say that they are political appointments.

Bob Turner said they are political appointees, but he will call them deputy commissioners.

City Council

Tony Izzo said there was some discussion this morning at the City Council pre-agenda meeting on the materials that this Commission plans to send out to residents. There was discussion as to whether it should be shared and discussed with the City Council before it goes out. There was a lot of discussion on whether the material is educational or advocacy.

Gordon Boyd said the City Council has no power to rule on anything this Board does with the mailing. Tony Izzo said the argument would be whether it was educational or advocacy. He said perhaps someone could make the argument that public funds should not pay for it. Gordon Boyd said we should send it out.

BK Keramati asked if Tony Izzo could review the material and offer an opinion on advocacy vs. education. Tony Izzo said if that was the Board's pleasure he would do so. Gordon Boyd said he did not believe that any further review of the material is necessary.

Pat Kane said if the Council reviews the material before it goes out, it will just cause more problems. He believed our documents were clear and concise.

Gordon Boyd said it was appropriate to ask Tony Izzo to review the material.

Bob Turner said he looked at the 2006 mailing and it looked like a campaign mailing. He said this is 25 pages of single spaced material with no graphics.

Ann Bullock said that as a courtesy we could send it to the Council. Gordon Boyd said we could tell them where to find it on the web site. He reminded everyone that the text and summary were already sent to the City Clerk. He said they already have everything except for the fiscal impact statement. He said this is just a big run around and it is not a request made in good faith. Ann Bullock believed that we should comply with their request.

Bob Turner said it will be on the web side. He said the municipal home law is clear that the Charter Review Commission is an independent body and the City Council has no legal authority over it.

Ann Bullock said we could send it to them for "informational purposes"

Matthew Jones said if there is advocacy in the material, the Council could deny paying for it. Tony Izzo said then it would end up in the courts. Matthew Jones suggested that Bob Batson review the material.

Gordon Boyd said this document is going to be on the ballot. The City Council has no legal authority to exercise any prior restraint and there was no reason to ask for their opinion. Bob Turner said Bob Batson was not retained for the purpose to review this material.

Pat Kane said we have all reviewed the material, quite closely. If there is a problem, the courts will decide it.

BK Keramati moved and Matthew Jones seconded that we present it to the City Council and inform them that it is going out and that they have a few days to get back to us before it goes out. He said we should send it to them for informational purposes only.

BK said we should present it to the City Council for informational purposes. Gordon Boyd said we already did when we delivered it to the City Clerk and copied it to the City Council

Minita Sanghvi said we should put all the documents together and let the City Council know that it is all available on line.

Tony Izzo said it was his impression that the Council wanted to see it before it goes out.

Matthew Jones said it is two, one-page documents and he did not understand why it couldn't be sent to Bob Batson for review. Gordon Boyd said it won't mean anything and we'll end up in court anyway. BK Keramati said it shows our due diligence.

Matthew Jones said our motion does not accede anything to the Council.

Pat Kane said though that the Council would then be able to review and judge.

Minita Sanghvi said the motion said to wait and get an opinion back from the Council.

Pat Kane said the Council is going to try to block this. He said we simply need to send it out.

Bob Turner said hypothetically if we proposed to maintain the current charter, the City Council would be asking to accede our authority.

Matthew Jones said we are not asking for their approval. He said he was interested to hear what they might think is advocacy.

BK Keramati asked what was the harm, as a courtesy, to let them see what we are sending out.

Jeff Altamari said the Council has no standing to make that request.

Matthew Jones moved the question.

BK said that as a courtesy we should send to them what we are sending out. It could be either a hard copy or the link to the web page.

Gordon Boyd moved BK Keramati seconded to amend the motion that the charter, the summary, the cover letter and the fiscal note be uploaded to the web site with all deliberate speed and the City Council is to get notification of when it is available on the web site and before it is mailed to the public. Ayes all.

Matthew Jones moved and Gordon Boyd seconded to send the material to Bob Batson for his review and opinion on anything that could be construed as advocacy. Ayes all.

NEXT MEETING

Bob Turner said he had no more meetings scheduled for the foreseeable future.

ADJOURNMENT

Gordon Boyd moved and Beth Wurtmann seconded to adjourn the meeting at 8:52 p.m. Ayes all. There being no further business, Bob Turner adjourned the meeting.

Respectfully submitted,

Katherine A. Moran
Clerk

Approved: 9/28/2017