

**CHARTER REVIEW COMMISSION MEETING
CITY OF SARATOGA SPRINGS, NEW YORK
MONDAY, JULY 31, 2000
CITY COUNCIL ROOM
6:30 P.M.**

PRESENT: Harvey Fox, Chair Mia Mouzon
 Rita Balmuth Lee Nelson
 Lew Benton Denise Polit, Vice Chair
 Vassar Curtis Margie VanMeter
 Mark Lawton Christopher Whann, Secretary

ABSENT: Elio Del-Sette

STAFF PRESENT: Anthony J. Izzo, Assistant City Attorney

CALL TO ORDER

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

APPROVAL OF JULY 17, 2000, MEETING MINUTES

Lew Benton moved and Rita Balmuth seconded to approve the July 17, 2000, meeting minutes with one minor correction. Ayes all.

APPROVAL OF JULY 24, 2000, MEETING MINUTES

Vassar Curtis moved and Denise Polit seconded to approve the July 24, 2000, meeting minutes as written. Ayes all.

ASSIGNMENTS

Denise Polit and Chris Whann reported that they had decided that only Denise Polit would work on arranging interviews with the Mayor and Council members.

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Lee Nelson asked for clarification on whether she and Rita Balmuth were to include interviews with "others in the community". Harvey Fox said yes.

Mia Mouzon said she had been doing quite a bit of research on previous Charter Review Commissions. She agreed to review the material with Lee Nelson to determine what was pertinent and then distribute to Commission members. It was further agreed that Mia Mouzon would serve as Historian for research on previous charter revisions.

Harvey Fox distributed a draft copy of a narrative for the City's WEB page that Denise Polit had written. It was agreed that Commission members would review this over the next few days and get back to Denise Polit with any suggested changes. Denise Polit said if the changes were significant she would discuss them with Chris Whann and Harvey Fox. She said she would then forward this narrative to Brad Birge, City's WEB site coordinator, so that it could be placed on the City's WEB page.

GENERAL DISCUSSION

Mia Mouzon said she was somewhat concerned that at the July 17 meeting she had brought up the subject of education but it went no where. She said she felt that education was a vital issue in this process and questioned whether there was full support by this Commission. Harvey Fox said he felt comfortable in speaking on behalf of the entire Commission by stating that education is an essential part of this entire process. He said the WEB site with this Commission's information is a good starting point. Commission members all agreed that education was a key component of this process.

ASSIGNMENTS

Denise Polit reported that she had scheduled an interview with the Mayor on August 14 at 7:00 p.m. and with Commissioner Bernard Mirling on August 21 at 6:30 p.m. (Commission member should report at 6:15 p.m. that evening). She said she hoped to schedule Commissioner Thomas Curley on August 28 at 7:00 p.m. and Commissioner Thomas McTygue on August 28 at 8:00 p.m. (Commission members should report at 6:45 p.m. that evening). She said she had not yet heard from Commissioner Michael Lenz on his availability, but hoped that he would be available on Monday, August 21.

QUESTIONS & ANSWERS

Lee Nelson said the interviews to be held with the Mayor and Commissioners should be for the Commission members benefits. She said Commission members need to learn how this government functions. Harvey Fox asked if it would be wise to submit a list of questions to the Council members before their interview. Commission members agreed to that suggestion. It was further agreed that the Commission would develop that list of questions and that Denise Polit and Chris Whann would work together on fine tuning them.

Lew Benton agreed with Lee Nelson that these interviews with Council members were for the benefit of this Commission to learn how this government functions. Harvey Fox suggested that perhaps another press release should be done informing the press that Council members would be interviewed. Chris Whann agreed to draft a press release with that information. Mark Lawton said he was working on finding an individual who could help this Commission with public relations. Commission members all agreed they would like to have a sense of a good public relations campaign throughout this entire process.

Commission members then reviewed Lee Nelson's handout of this evening which synthesized many of the previous handouts. Margie VanMeter said it was important to her that Commission members find out "what are the barriers" with this form of government, i.e., the lack of or perceived lack of involvement by the County on some issues. Some Commission members thought that perhaps Council members might not admit to what does not work with this government. Vassar Curtis said it was just as important to find out "what works". One thought on what is not currently available, but what might work, is a centralized budgeting process and whether a new office might be necessary to perform that function.

Lew Benton said in connection with the lack of involvement by other entities, those other entities are sometimes not as involved because the City may not want them involved. He said much depends on who are the Council members at any given time. He pointed out that there are many undercurrents, some political and some not, that influence the entire workings of City Hall. He suggested that perhaps a question for Council members would be if they had the opportunity to change something what would that change be. He said unfortunately though, most Commissioners are involved only in their own department and not the entire City government. Tony Izzo pointed out that Commission members would see one piece of the puzzle during these interviews, however, they would also have the opportunity to see the whole puzzle once the interviews were completed.

Chris Whann suggested that "SWOT" strengths, weaknesses, opportunities and threats be considered when interviewing these individuals. He said this type of government gives the Commissioners some opportunities, but also precludes them from doing some things. He said some of the strengths include the accountability of Commissioners to the public and their accessibility, etc. He said that personal connection with community members is a great asset.

Lee Nelson said she would like to know what happens in each department and how it is handled. Denise Polit asked how much detail do Commission members want. Lee Nelson said she would like to know if there are long range plans in each department, but not necessarily the details of that plan. She said she would also like to know if there are annual reports but not necessarily the details at this time.

Lew Benton said Commission members need to look at this process both clinically and pragmatically. He pointed out that much information from these interviews is likely to be tempered with politics.

Both Denise Polit and Chris Whann said they felt they had enough information to develop questions for these interviews.

REVIEW OF CHARTER

Tony Izzo distributed copies of general city law sections 23 & 24 for Commission members review.

Tony Izzo reported that it was his understanding that most of the reserve funds that were discussed at the last meeting were no longer in use. He said the only fund still being used was the recreational development fund. Mark Lawton asked about the publicity fund. Tony Izzo said the City, at this point in time, does not do much publicity. Mark Lawton asked if the Chamber and/or City Center handle publicity for the City. Tony Izzo said he believed much of the publicity was being handled in the private sector. Lew Benton said the County contracts with the Chamber for some publicity.

Title IV: Tony Izzo then reviewed Title IV of the Charter with Commission members.

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C-15 -- Tony Izzo noted that the correct salary for Council members is now at \$14,000. Denise Polit asked if it was necessary to have the exact date of the Council meeting listed in the charter. Tony Izzo said he would check.

C-16 - Mark Lawton asked what type of report a Commissioner might ask for. He said there appears to be some confusion in that language on who was asking whom and what kinds of information would be sought.

C-16a&C-16b - Tony Izzo said this section is better known as the Connolly plan. He said this section limits the City's bonding capabilities. Margie VanMeter said this section of the charter prohibits the City from doing any major projects at this time. Lew Benton said the institution of this bonding limit was most likely politically motivated at the time of its inception. He said it seems clear that there are sections of this charter which provide for greater limitations on the City and some sections could be over burdensome. Tony Izzo pointed out that the special assessment districts are excluded from the Connolly plan. He said special assessment districts were instituted as a way to have the private sector pay for infrastructure. Market Lawton asked about article 5 & 8 of the New York State constitution. Tony Izzo said he would find those articles.

C-17 - Tony Izzo said there had been some concerns expressed about the Mayor having the ability to "see to the enforcement of the laws. . . ." He said some feel this is too close to the Commissioner of Public Safety's duties. Chris Whann pointed out that according to the City of Mechanicville's charter, both the fire department and police department report to the Mayor. He said there seems to be some inconsistency in this charter with section C-20a. Lew Benton pointed out that last year the Building Department was moved from the Department of Public Safety to the Mayor's Office. He said perhaps that move should be reflected in the charter. Tony Izzo said if there was a transfer of duties it would require a referendum, however, this move was only a delegation of powers. He said the Department of Public Safety still maintains ultimate control over the building department. Lew Benton said, though, that at first glance of the charter and not knowing all of this background, it appears the building department should be located in Public Safety. He said he was simply suggesting that perhaps this section be cleaned up slightly. Tony Izzo also pointed out under the Mayor's section it is noted that the Mayor has "general oversight" of all departments of the City. He said he is unaware of any problems with that text. He said if the Mayor was to try to get specific detailed oversight of another department it would likely be challenged. Margie VanMeter asked if the Mayor could order an audit of another department. Tony Izzo said probably not.

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C-18 - Tony Izzo said this is a solid, straightforward section. Chris Whann asked about the inconsistency between C-21C and C-18I He asked if there were centralized personnel files. Tony Izzo said the Finance Department would maintain payroll records. Lew Benton noted that the individual departments would maintain personnel files. He said the Civil Service Commission would also maintain a limited personnel file. He said because each Commissioner has appointing authority, the departments maintain personnel files. Lew Benton suggested that perhaps some thought be given to the personnel function in the City as a whole.

C-19 & C-20 - Tony Izzo said these sections were solid sections.

C-21 - Chris Whann said there seems to be some overlap on where the money goes when coming into City Hall. Lew Benton said there seems to be a peaceful coexistence, however, perhaps some redefinition with personnel and procedures should be reviewed. Chris Whann said in theory it seems appropriate to centralize, however, in practice that might not be so.

C-22 - Tony Izzo said City has a Civil Service Commission, however, it is not required to by law. Lew Benton said the City's Civil Service Commission also provides services to the City school district. He said though that the Civil Service Commission has no appointing authority. He said they test candidates and then submit a list of eligibles to the departments. Chris Whann asked who serves "at the pleasure". Lew Benton said the Deputy Commissioners, the City Attorney, the Assistant City Attorney and the Executive Assistant to the Mayor. Denise Polit asked if having our own Civil Service Commission has ever been an issue. Tony Izzo said there have been several discussions on whether to maintain this Commission or to pass the duties onto the County. He said it depends on who you talk to as to whether it should stay or go. Lew Benton said there had been some concern expressed that having these duties transferred to the County places too much distance between the City and the Civil Service Office. He said the City would not lose it's appointing authority by transferring the duties, however, some Commissioners prefer to keep this Civil Service Commission in tact.

C-24, C-25, C-27 - Tony Izzo said these sections were developed to simply place restrictions on the City and its employees. He said he was somewhat concerned about C-27 because of it was so broad. Chris Whann asked that if the state said there was no problem in holding another public office, could the Charter overrule. Tony Izzo said as the charter is written now, if someone were to sue the City on this issue, it would be likely that they would win. Mark Lawton asked if municipal home rule would supercede state law. Tony Izzo said the law would need to be specific. Tony Izzo said he would do some research on the text "hold any other public office".

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C-28 & C-29 - Tony Izzo said C-29 was developed because at one time there was a Commissioner who took extended vacations. He said other than that instance, he did not believe that this section was used.

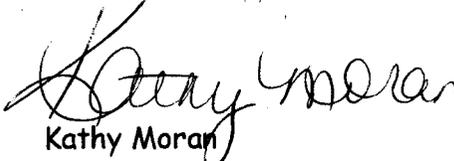
C-30 - Tony Izzo said perhaps this section should be enhanced.

Harvey Fox thanked Tony Izzo for this review.

ADJOURNMENT

There being no further business, Harvey Fox adjourned the meeting at 8:30 p.m.

Respectfully submitted,


Kathy Moran
Clerk

Approved: 