

City of Saratoga Springs Charter Review Commission Meeting Minutes
Wednesday, August 1, 2001

- B. Conduct a comprehensive budget system.
- C. Require an annual audit.
- D. Inventory of City real and personal property.
- E. Capital and facility planning and implementation
- F. Adoption of uniform City policies and procedures.
- G. Improve intergovernmental relations.
- H. Restructured Planning and Economic Development.
- I. Develop uniform purchase policy and procedures.

Mark Lawton said Commission members have renumbered and regrouped sections of the charter to make it more user friendly. He said proposed changes are to be budget neutral and if possible reduce the burden on taxpayers. He said there was an attempt to achieve savings to offset any possible additional expenditures and in many changes the savings will continue into the future B in other cases the savings are cost avoidance measures.

Mark Lawton said Commission members also reviewed the County Supervisor positions and have now required them to work closer with the City Council and represent City issues and positions at the county level. He said the Commission has reviewed the bidding process and attempted to streamline that process by raising the threshold on bidding and require competitive bidding.

Mark Lawton informed members of the public that this is a public hearing on a set of proposed amendments to the City's Charter which were prepared by the Commission. He said a full copy of the proposed amendments is on the City's WEB page and on display at the Saratoga Springs Public Library as well as in City Hall. He said written comments on the amendments should be submitted to the Kathy Moran, Engineering Department, City Hall, 474 Broadway before noon on Monday, August 20, 2001.

Mark Lawton said it was important for the public to understand that there is still time and opportunity to effect what will be in the final charter which will be voted on in the upcoming general election. He said the Commission's deadline for submission of the final version is September 6, 2001.

Mark Lawton said there will be a transition period for some of the proposed recommendations, however, the overall document becomes effective in 2004. He explained though that the Commission understood that there would be some items that would take longer to implement. He said the effective date for specific items would be written into the charter.

Mark Lawton said members of the Charter Review Commission were available today to answer any questions that might arise. He then opened the public hearing.

Mark Lawton informed Commission members that written comments had been received from

Commissioner Michael Lenz, Finance Department.

Linda Terricola, Recreation Department Director, commended the Commission on their work over the last year. She said she was glad to see that a Human Resources Department would be created. She asked Commission members how the new position of Director of Parks, Recreation and Open Lands would interact with her position and more specifically was that position lateral to hers. Elio Del-Sette said this would be a civil service position that would require that the individual filling the position have certain professional qualifications. He said this position would be a member of the civil service union. Lew Benton said this was not an attempt to eliminate Linda Terricola's position. Linda Terricola asked what would be the difference between the two. Lew Benton said the new position would not be limited or unique to recreation but would rather have a much broader vision. He said this position would be more comprehensive from a policy and planning perspective. He said there would obviously be coordination between the two positions. Linda Terricola said she liked that the new position would be involved in the pursuit of grants and land acquisition. Lew Benton said the Commission was sensitive to John Irving's comments on this matter and the Commission wants to improve coordination. Linda Terricola asked if her position would still report to the Recreation Commission. Mark Lawton said yes, however, he further explained that the Recreation Commission function would be placed under the Mayor's Office. He said there are some requirements on reporting/coordinating items such as budgeting, financial issues and purchasing that must be placed under a Council member. Lew Benton said the Commission incorporated the state statute language concerning the Recreation Commission.

Mary Song, candidate for the Mayor's Office, asked about the Commission's thoughts and process on moving the Engineering Department from the Mayor's Office to DPW. Mark Lawton said it was a very lengthy discussion with much research on the matter. He said it was important to remember that the City Engineer function was a citywide function. He said one of the critical reasons for moving the engineering function to DPW had to do with the City's infrastructure requirements. He said the City needs to undertake a serious comprehensive inventory of its infrastructure in the near future and will need to work closely with DPW. Mary Song asked that if the engineering function is citywide, why not leave it in the Mayor's Office. She said the City Engineer appeared before this Commission and made his recommendations and reasoning for staying in the Mayor's Office. She said the Mayor's Office functions more on a citywide basis than DPW. Lew Benton said once the Commission decided to retain this form of government, the next step was to assign certain functions to Council members where the Commission felt it was most related. He said the Commission was sensitive to the function of the engineering department and, therefore, added specific language to ensure that it was a citywide function. He said this office will be domiciled in DPW, but the Council will determine the schedule and priorities if there are conflicts. Lew Benton suggested that if Mary Song had another recommendation, the Commission would be willing to listen; however, he believed the Commission would need some compelling reason to return this function to the Mayor's Office.

Mary Song said she was somewhat concerned that making this move might make this more

political. Lew Benton said that was a value-laden statement. He asked if Mary Song was suggesting that the charter be a political document. Mary Song said no. Elio Del-Sette pointed out that generally speaking the Mayor has no engineering background. He said the demands of DPW and of the entire City have increased and there is a larger demand for more engineering expertise. Mary Song said that is true, however, pointed out that the DPW Commissioner may also not have any background in the engineering field. Elio Del-Sette said that was true, but the staff in this department would have the expertise.

Mark Lawton said the Commission needed to look at where the predominant need was. He said another reason for moving it to DPW was that the Mayor simply has a full plate with all of the other functions. Mark Lawton said there were forced mechanisms within the charter on how to have cooperation among the departments.

Mary Song said she felt the movement of engineering to DPW was a red flag and the recommendations of the City Engineer should be given some credence. Mark Lawton asked where Mary Song might place this function. Mary Song said in other cities there is generally a strong mayor or city manger. She said in some cases it is placed in DPW. Mark Lawton said this form of government is more complicated. He said the Commission gave a great deal of thought to this issue and had several serious discussions.

Mary Song asked how easy it was for the Commission to decide to retain this form of government. Mark Lawton said that was determined within the first two or three months. He said there were many discussions though on the pros and cons but it appears that the people of this City like this form of government.

Mary Song commended the Commission on their many hours of work on this document, but said she would have liked to seen different outcomes on some of the issues. Lew Benton said this Commission spent many hours interviewing past and present elected official, citizens, experts in this field, etc. He said there were individuals who opposed this form and those who felt that it could be streamlined. He said the citizens of this community liked the ability to be able to talk to the politicians. He said perhaps it was this form that helped to maintain the sense of community.

Lou Schneider commended the Commission for their work on this document. He said it was his belief that this City worked because of its reliance on volunteers. He asked about terms and the Commissions thoughts on that matter. Mark Lawton said there were several discussions on length of terms, term limits and staggering terms. He said after reviewing the previous 12 election cycles it was determined that with the exception of only a few individuals, term limits were taken care of by the voters. He said in the end after all of the research, Commission members agreed to leave terms as they currently exist.

Lew Quillio, 34 Warren Street, said he appreciated the Commission's work on this document and

also that it is not a political document. He said at the existing salary of \$14,500 for Council members and considering the amount of work that is required for these positions, it would seem that only the "political animal" would be attracted to these jobs. He said it attracts only those who can afford to take this job. He asked how the Commission decided to stay with this form and this compensation. He said he believed only political type individuals would be attracted to these positions. Mark Lawton said the Commission talked extensively about this issue. He said the deputy commissioner positions now must be professional individuals while the Council members are politicians. He agreed that Council positions are more than part time positions. He said the Commission did not believe that the community was ready to have the Council member positions be full time. Elio Del-Sette pointed out that this document does not prohibit the Council from making any position full time.

Lew Quillio asked when would this charter be revisited. Mark Lawton said the Council could establish a new commission to review the charter at any time, however, within the charter it states that it must be done so at least every ten years.

Lew Quillio asked about C-24 Code of Ethics and more specifically the one year lock out of a Council member from taking a position that it created. He questioned the language in connection with voting themselves a pay raise and whether there was a conflict in that language.

Lew Quillio said if this form of government is to be retained, he wondered about the City's relationship with the county. He said because of recent events, it appeared that relationship could be somewhat rocky for a while. He asked if the Commission had any reservations that this form of government was the best form for communicating the City's concerns to the county. Lew Benton said this document would strengthen that relationship. Mark Lawton said there were discussions on making the Mayor one of the county supervisors, but the Commission decided against that change. He said though that the Commission did agree to change the methods of election for county supervisors in that the two top vote getters would now be the winners. He said they have also required that the county supervisors attend Council meetings. He said they will now also be required to seek the advice of the Council, submit items for public information to City residents and to also request that public hearings be set on issues that will effect the City.

Lew Quillio asked that since the City recently claimed its sovereignty from the County on the sales tax issue would the Commission revisit whether this form of government is appropriate to speak in one voice. Lew Benton said at the county level each supervisor is there to represent their town/city with their own interests. He said generally speaking revenue is the important issue and it is also a political issue. He said in some cases the county tries to influence the City's election through their actions. He said in the 1970s the county reviewed their form of government and chose to stay with that form with some streamlining. He said again in the 1980s they reviewed it and made some minor changes. Lew Benton said there are flaws with both the county and the City's form of governments, however, there is no public outcry to change them. Elio Del-Sette said

this is a very complicated process with the supervisors being independent of the Council, the Council may or may not choose to come to a single voice on a county issue and also sometimes the county issues conflict with the interests of the City residents. He said sometimes party affiliation may have no effect on the issue, but there has been a concern in the past expressed on who the City's supervisors were representing. He said it was his belief that for the most part, individuals want to do the right thing and when they are willing, they can work together.

Phil Diamond, 29 Waterview Drive, commended the Commission on its work. He said he had heard many individuals say that they like this form of government. He asked if the Commission surveyed the residents of the City on the charter. Mark Lawton said a professional survey done by Denise Polit at no cost to the City was undertaken several months ago. He said a random sample of residents were sent surveys. He said it appeared that if the residents lived in the City more than 15 years, they were more accepting of this style of government, although somewhere between 30 and 40 percent of the respondents admitted they did not have enough knowledge on this government. He said there were seven or eight areas in the survey where respondents had strong opinions. He said if Phil Diamond was interested, the survey and results could be viewed by him. Mark Lawton said approximately 700 surveys were distributed with a very good return rate. He said the survey was also followed up with a telephone call. Mark Lawton said the results of the survey tempered the Commission's review. He said they viewed the survey as an educational document. Phil Diamond said he was glad that the Commission did a survey. Mia Mouzon also pointed out that the Commission is working with the school district on an educational program.

Mary Song asked if there was a provision that Council positions could be made full time. Mark Lawton said the charter is silent on that issue. He said there is nothing in the charter that would prevent a Council member from become full time. Mary Song said she had heard Council members say that the charter states that they are part time positions. Mark Lawton said perhaps that assumption is based on the salary. He said the Commission did allow for the Mayor to have a deputy if he or she chooses to do so in the proposed charter. Elio Del-Sette said there is nothing to prevent a Council member from having more than one deputy.

Mary Song asked about discussion on a deputy mayor versus a full time mayor. Mark Lawton said the Commission's thought was that there should not be a prohibition on such matters. He said each department requires full time activity and it is up to the Council to determine whether a Council position should be full or part time. He said the Commission did not believe that it was necessary to state the full time vs. part time in the charter. Mary Song said it was her sense, from going door to door throughout the community, that the citizens would be less accepting of a deputy mayor rather than a full time mayor. Lew Benton said the charter does not state that there will be a deputy mayor, but rather it gives the ability to have one if the Council so desires. Mark Lawton said the Commission tried to give maximum flexibility. He said the Commission's only requirement was that the professionals possess the knowledge and skills to perform the job. Lew Benton pointed out that the Council could at any time choose to increase their salaries via a

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local law which would be subject to a permissive referendum. He said if the Council votes to increase the salary of the next Council, it would not be subject to a permissive referendum.

Elio Del-Sette said that he understood that there may be aspects of the charter that individuals object to, however, he hoped that when they reviewed the charter as a whole they will determine that it is a good document.

Lew Quillio again said he was concerned with the language in section C-24, Code of Ethics in relationship to positions and salaries. He said because the language is so broad, he thought that perhaps the Commission should review it to make some clarification. Mark Lawton suggested that perhaps Lew Quillio submit some written text on this matter. Lew Quillio agreed.

Mark Lawton said it was important for the public to understand that there was still time to influence the Commission's thoughts on this document. He reminded the audience that there would be two more public hearings to be held on Thursday, August 9 at 7:00 p.m. and on Friday, August 17 at 7:00 p.m. He said the Commission would also meet with the Council on August 13.

There being no one else wishing to speak, Mark Lawton closed this public hearing.

ADJOURNMENT

Elio Del-Sette moved and Margie Van Meter seconded to adjourn the meeting at 12:30 p.m. There being no one else wishing to speak, Mark Lawton adjourned the meeting at 12:30 p.m.

Respectfully submitted,

Kathy Moran
Clerk

Approved: