

**CITY CHARTER COMMISSION  
CITY OF WATERTOWN, NEW YORK  
EXECUTIVE SUMMARY OF FINDINGS & RECOMMENDATIONS  
10 JULY 2019**

**INTRODUCTION**

Pursuant to Section 36 (4) of the New York Municipal Home Rule Law, Mayor Joseph M. Butler Jr. appointed a Charter Commission to review the entire Charter of the City of Watertown and to prepare a draft of any proposed new or revised Charter of such City on April 2, 2018.

The following members were ultimately appointed to the Commission:

Jeff Smith, Chairman  
Jeff Fallon, Vice Chairman  
Cynthia Converse, Secretary  
Rev. Fred Garry, Member  
Anthony Doldo, Member  
Ray Carpenter, Member  
Dr. Frank Schepis, Member  
Sheila Owen, Member  
Tracy Leonard, Member  
Jeri Gosier, Member  
Donald Moody, Member  
Betsy Penrose, Member  
Timothy Tallmadge, Member

The Charter Commission performed all duties under the counsel of Jim Burrows, Esq. of Conboy, McKay, Bachman & Kendall, LLP

The Charter Commission was charged to perform the duties enjoined upon it pursuant to subsections (5) and (6) of Section 36 of the New York Municipal Home Rule Law and to complete and file in the Office of the City Clerk, in time for submission to the electors, such new Charter or amendments not later than the second general election after the formation of said Charter Commission.

In response to this charge, the Commission held its first public meeting on Wednesday, May 30th, 2018 and subsequently met bi-weekly or monthly for the duration of 2018 and throughout 2019 to date, over a time span totaling 14 months and dozens of meetings, all of which were open to the public. The Commission invited former and current City employees, members of City Council and the general public to attend meetings and provide comment. It is notable that at no time, despite heavy media coverage, did any member of the general public attend any publicly announced meeting.

According to the white papers *Revising City Charters In New York State* distributed by the New York State Department of State, after a charter commission has been created pursuant to section 36, it is charged with responsibility for reviewing the entire charter and preparing a draft of a proposed new or revised charter. The following individuals attended meetings to speak and share insight with the Charter Commission:

Gary Pilon on June 27, 2018  
Shawn McWayne on July 11, 2018  
Sharon Addison on July 25, 2018  
Mary Corriveau on August 8, 2018  
Jim Mills August 8, 2018  
Ann Saunders on September 12, 2018  
Jeff Graham on September 12, 2018  
Tom Walker on September 12, 2018  
Donna Dutton on October 10, 2018  
Joel Lalone on October 24, 2018  
Larry Danforth on October 24, 2018  
Ryan Henry-Wilkinson on December 12, 2018

Additionally, members of the Commission spoke with several City employees and community members in seeking to gain the greatest insight possible into how the City operates. As a matter of due diligence the Charter Commission logged hundreds of collective hours studying and seeking to understand the existing City Charter in its entirety. Throughout the Commission's exploratory process, which included extensive review of several city charters from other communities in New York State including Plattsburgh, Oswego and Saratoga Springs among others, it was realized that the current Charter of the City of Watertown is sufficiently outdated and antiquated as to require extensive revision. After careful review and consideration, the Charter Commission recommends adoption of the draft Charter of the City of Watertown, enclosed herewith, to be presented to the voters at the November 2019 general election.

## **SUMMARY OF FINDINGS & DRAFT CHARTER CHANGES**

### **Overview & Structure**

The draft Charter of the City of Watertown is largely in keeping with the spirit of the existing Charter. The existing Charter is in many ways an inaccurate reflection of current City government functions and has not seen sufficient updates to stay relevant over the last nearly 100 years. Plainly, the existing Charter is disorganized, lacks proper formatting and is a hodgepodge document that is difficult to understand and follow. Additionally it is structured in such a way that many provisions appear in multiple sections throughout the Charter making it very difficult to ensure that amendments are reflected in each of those places as appropriate.

The draft Charter has been restructured and rewritten to provide clarity, to streamline, to reflect how the City currently operates with relation to various departments and to correct inadvertent

errors. The draft Charter has been written in such a manner that allows for future updates and amendments to be made in a seamless fashion, whereby doing so would not invalidate or stand in contradiction to any other section of the Charter. This was achieved by streamlining the structure and flow of the document such that any and all provisions are noted in only one location and therefore would only need to be updated in one location when future amendments occur.

Notable findings and recommendations, including the most significant changes between the existing Charter of the City of Watertown and the draft Charter are described in further detail below.

## **Form of Government**

At this time, it is the recommendation of the Charter Commission that the current City Manager form of government prevail. The Commission concedes that at a future date a change in government structure may be warranted, but at this time believes such a change is neither prudent nor wise with respect to local constituents and tax payers. It is the experience of this Charter Commission that there is no true public demand for a change in form of government at this time. Further, it was found that the underlying structure and foundation of the existing Charter was in immediate need of updating, definition and clarity regardless of leadership structure.

These findings are based on the following:

1. At no point since this Commission's formation in April of 2018 has any local constituent formally expressed a desire, written, spoken or otherwise, nor presented any proof of need for a change in governance directly to the Charter Commission.
2. Throughout interviews and conversations with current and past City employees, department heads, Mayors, City Managers, City Clerks, and the single member of City Council who spoke with the Commission, the Commission found zero evidence to suggest that a Strong Mayor form of government provides any measurable improvement to tax payers.
3. It is noted that with a strong mayor form of government, the Mayor may only be removed from office before the end of his or her term by the authority of the Governor of the State of New York, effectively taking control and authority away from local tax payers. With a City Manager form of government, the City Manager can be removed at any time.
4. A strong mayor form of government eliminates many of the checks and balances of a City Manager form of government, resting much of the governing and management authority with one single person, ultimately limiting the authority of City Council.
5. City Council possesses full authority to put a potential change in form of government to public referendum without the input of any Charter Commission. As such it is the finding of this Commission that City Council should handle such referendums instead of assigning this task to an appointed Charter Commission.

It was noted among members of the Charter Commission that individuals seeking where to live, purchase homes, dine or shop do not look to the form of government as a deciding factor in

determining where to engage in these activities. Availability of services, the quality of local schools and infrastructure, and the overall quality of daily life are generally among the qualifications by which people judge a community. It's far more important that a government is working effectively for local tax payers than what form of government a municipality adopts.

### **Offices, Departments & Department Heads**

The existing Charter of the City of Watertown does not officially recognize nor reflect many of the offices and departments that currently operate and perform critical functions within the City. The draft Charter is designed to address these oversights and is further organized in such a manner as to accurately reflect all departments within the City of Watertown and to appropriately call out the management hierarchy and reporting structure of each. It also addresses who maintains oversight of each office and department, and how such individuals are appointed. Again, this is language often missing within the existing Charter.

As example, the Planning Department and the Office of Parks & Recreation are two such departments not currently addressed within the existing Charter. The draft Charter includes Planning as a department under the Office of Engineering in an effort to streamline current City operations. Additionally, the Office of Parks & Recreation is formally established within the draft Charter to help ensure that this vital service to city residents and local children is firmly established within City operations for future generations.

### **Office of Public Safety & Commissioner of Public Safety**

In consideration of current City operations and the broader public safety needs of the community at large, it is the recommendation of the Charter Commission that an Office of Public Safety be formed. Said office would include the Codes, Police, and Fire Departments and Health Officer under the oversight of a newly appointed Commissioner of Public Safety.

The Commissioner of Public Safety would be in a unique position to focus on the many collective needs pertaining to Public Safety within the City of Watertown. As the Police and Fire departments currently account for approximately 50% of the City's annual operating budget, the Commission believes that a Commissioner of Public Safety would allow for improved services for the community at large, which would be a tremendous asset to tax payers and local residents.

During its investigations, it was brought to the attention of the Charter Commission that a lack of daily communication between said departments has in the past lead to unintended loss of tax payer resources, specifically as pertaining to code inspections and enforcement between departments. This is just one such example of current inefficiencies within operations that led this Commission to find that a streamlined Office of Public Safety is a beneficial addition to the City organizational structure.

Per New York State Municipal Home Rule Law, New York State requires the City of Watertown to have a Police Chief. This same law does not require the City to establish nor maintain the position of Fire Chief. As it exists, the Charter does not provide for a Fire Chief nor any form of department head, effectively meaning this position could be eliminated at any time. It is the

intent of this Commission to formally establish an official position overseeing the fire department on behalf of city residents. It is the Commission's belief that doing so provides an improved service to tax payers and would allow for greater support to the Fire Department.

### **Deputy City Manager & Succession**

It is the intention of the Charter Commission that the Commissioner of Public Safety would duly serve as the Deputy City Manager. Among the most noteworthy issues that were addressed with the Commission is the lack of a succession plan within the City government. Namely, the existing Charter in no way addresses the absence of the City Manager whether it be due to illness, family leave, death, vacation or otherwise. Specifically it is the recommendation of this Commission that the Commissioner of Public Safety also serve as Deputy City Manager to streamline operations and expenses. This individual would assume the authority of the City Manager in their absence per the provisions outlined in the draft Charter.

### **Contracts & Review Date Changes**

Based on observations and recommendations that came as the result of interviewing several past and present City employees, the draft Charter of the City of Watertown includes proposed changes pertaining to contracts with relevant employees. Namely, it is the recommendation of this Commission that City Council be granted the authority to engage in contracts with applicable City employees for a period of up to, but not exceeding, four (4) years. This is a change from the two (2) year contract term limit currently outlined in the existing Charter. It is the strong belief of this Commission that doing so would allow City Council flexibility to make changes to contract lengths as appropriate to attract and retain qualified candidates to such positions on behalf of tax payers.

Additionally, it was found that the existing Charter requirement that all such contracts be reviewed by March 31st of any given year is frequently problematic. With newly elected Council members taking office on January 1, this deadline provides very limited opportunity for incoming City Council members to become acquainted with an individual and to adequately evaluate their job performance before a contract comes up for review. As such it is the recommendation of this Commission that such review dates be pushed to July 1 to allow City Council, on behalf of local electors, to more appropriately evaluate and make decisions regarding renewal of contracts with City employees.

Finally, clarifications were made to the manner in which the City Attorney is appointed, calling upon the Mayor to select such an attorney or law firm to act in this capacity per the provisions outlined in the draft Charter no later than June 1 of each year, with the consent of a majority vote of the City Council. This gives greater clarity to the procedure, while still maintaining shared authority for selecting the City Attorney.

### **Residency Requirements**

In consideration of the Charter Commission's intention to propose changes to the benefit of local electors, this Commission recommends an expansion of the residency requirements contained

within the Charter. As department and office heads make daily decisions that may directly effect tax payers, the Commission finds that the individuals holding such positions should be City residents themselves.

It is of particular note that the draft Charter provides for those individuals who currently hold such positions to maintain their employment with no residency requirements to be imposed upon them. Namely, if an individual who currently holds such a position does not currently reside within the City, they will not be required to do so. Rather, the new residency requirement would become effective once the position was vacated and ultimately filled in the future.

### **Mandatory Charter Commission Requirements**

Finally, it is the recommendation of this Charter Commission that future Charter Commissions be appointed at a minimum of every 10 years to perform regular and thorough reviews of the entire Charter of the City of Watertown. Doing so would allow for the Charter to stay updated, current and accurate and to ensure that decades aren't passing between Charter Commission reviews where things can get lost or provisions may become inappropriate or unnecessary.

### **Effective Date**

The draft Charter of the City of Watertown should take effect on January 1, 2020 with provisions contained therein to allow for certain organizational changes to take effect no later than December 31, 2020.

### **CONCLUSION**

The Charter Commission of the City of Watertown shall present the draft Charter of the City of Watertown to voters at the November 2019 general election. Public hearings shall be held throughout July 2019 to receive public comment before the final version of the draft Charter is submitted with the City Clerk for filing.

The adoption of said draft Charter will allow for more streamlined and efficient City operations, while also providing a more accurate and cohesive Charter structure as future changes are needed. It was found that writing a new draft Charter in its entirety would be a more efficient and beneficial approach to updating the Charter of the City of Watertown as opposed to proposing a series of amendments, which could potentially confuse matters more if some amendments were adopted and others were not. In this way, the draft Charter, if adopted, seeks to improve upon the status quo, but would do no harm if not approved by voters.