

**MINUTES OF THE COMMON COUNCIL
SPECIAL MEETING
NOVEMBER 24, 2015**

A special meeting of the Common Council of the City of Oneida, NY was held on the 24th day of November, 2015 at 6:30 P.M. in Council Chambers, Oneida Municipal Building, 109 N. Main Street, Oneida, NY.

Meeting was called to order by Deputy Mayor Helen Acker

PRESENT: Mayor Alden Smith, Councilors Brahim Zogby, Michael Bowe, Erwin Smith, Helen Acker, James Chamberlain (left at 8:25 p.m.) and Thomas Simchik

ALSO PRESENT: City Clerk Susan Pulverenti
Civil Service Officer Peg Margo
Comptroller Linda Pease
Deputy Comptroller Lee Ann Wells
Councilor-elect Alan Cohen

Discussion of Mayor's 2016 Budget

Civil Service Officer Peg Margo introduced NYS Civil Service Department Representatives Tom Falcon and Maria Kenneally, along with Madison County Administrator Mark Scimone and Madison County Personnel Officer Eileen Zehr who were present to discuss the possible Civil Service consolidation with Madison County.

Mr. Falcon said that the State's interest is only to be assured that any changes are administered effectively and within the processes provided by law. He said with consolidation of Civil Service, the City will have the authority to make appointments, but the City would not have a Civil Service Commission. The Madison County Personnel Officer will assume that role. Civil Service issues raised would be dealt with by the Personnel Officer.

He said the typical benefits to the City are that the City doesn't need to maintain a Civil Service Office, any issues raised by employees, unions and others go to the County, and there will be a greater number of candidates on eligible lists from which to select. He said benefits for the public and employees include reduced costs that may alleviate tax burdens, although the cost varies by jurisdiction; test takers apply for County examinations, which generally are used to fill positions throughout the entire county; a single set of rules, position descriptions and operating procedures are used to administer civil service throughout the county; and members of the public with employment questions would go to the County for answers. The City's Civil Service Commission would be abolished, and the City would operate under the rules of the County. He said the rules may change, such as probationary terms, which commonly vary, but the City would have to sit and compare the two sets of rules.

Mr. Falcon said the typical concerns are the authority of the City to manage affairs will be lost, including the authority to administer Civil Service tests, classify positions, and certify eligible candidates for City positions. There is the loss of convenience, as the Civil Service office is not located within the City anymore. There could be the loss of personal touch, as the processes may seem less personal. Mr. Falcon said that candidates sometimes fear greater competition will reduce their opportunities for employment, and cities that collect reimbursement from a school district for Civil Service administration will no longer receive that reimbursement. He said there is a State formula to determine what amount would be paid by the school system. Job descriptions would be done by the County, with the Personnel Officer making the ultimate decision. Ms. Kenneally said the County and City would have to figure out the internal processes relative to the classification process; the City would have input but under the law, the final decision would be that of the County Personnel Officer. Councilor Smith asked about administering mandatory drug testing, and the Personnel Officer said that would stay with the City. She said only Civil Service would move to the County. Councilor Bowe questioned the amount the City bills the school, and Ms. Margo said that she has pro-rated the amount, because she is not a full Civil Service Office; much of her time is spent on other duties that have nothing to do with Civil Service. He said the City would still have to have someone to administer any disciplinary actions. Payroll certification that is done by the Commission would move to the County, as well as all the Civil Service files the City has. Mr. Falcon emphasized several times that discussions to iron out any details would need to be scheduled with Personnel Officer Eileen Zehr, if the City decided to consolidate Civil Service.

Ms. Kenneally said currently there are three members of the Oneida Civil Service Commission. Ms. Margo is the Secretary to the Commission; however, she does not have any legal authority to administer Civil Service. There are 303 classified Civil Service employees under the commission's jurisdiction. She said there are three forms of Civil Service Administration in NYS.

Ms. Kenneally explained the process pursuant to Section 16 of the Civil Service Law by which cities that elect to consolidate their administration of Civil Service into the County government change their current form of administration. Mr. Falcon said this process generally involves the adoption of a Local Law and amendments to the City Charter; it isn't something you do right away. He said that in most cases it requires a permissive referendum. He said this change is not effective until one year after the City completes the necessary actions, and the Civil Service Commission would continue to operate at the City during that period. He added that the years time would be needed, as there are many logistical details that would have to be worked out. He said the State would require documentation of the Local Law that was adopted, and they would consult with their legal counsel for advice as well. He said if the Council chooses to consolidate, the law should be specific with an effective date. He said the City should also be specific with language that is used, such as withdrawing from Civil Service, abolishing the Commission and going under the County. Councilor Smith asked about a Memo of Understanding with the County to do the Civil Service in the interim, and Mr. Falcon said there isn't an option for contracting out Civil Service; you are either doing it or you are not. Mr. Falcon reiterated there would be a year's waiting period from the time the City passed the Local Law. Mr. Simone said someone at the City would have to continue to do the Civil Service duties until that year is passed. Ms. Kenneally said the State Civil Service Department would be available for any training onsite and via the phone/e-mail.

Councilor Smith asked if the County would have to hire additional help to take on the City's Civil Service, and the Personnel Officer said they would hire a full-time staff member at about \$30K to \$40K, plus fringes. She said this would not be charged back to the City. Councilor-elect Cohen questioned the City's cost for going through this process, and Ms. Zehr said one cost would be for the staff to maintain Civil Service during the one year wait period before it goes to the County. Mr. Simone said someone at the City would also have to pick up all the HR functions that Ms. Margo currently does. Mr. Simone said that Ms. Margo currently handles many issues so they do not have to go to the attorney. He said there is potential for more legal expenses to be incurred by the City.

Mayor Smith said he spoke with our City Attorney, and it is her opinion that a referendum is not required. Mr. Falcon said he looks at Municipal Home Rule Law, and Mayor Smith the City Charter does not specifically speak to Civil Service. Mr. Falcon said the State would want to review that, and the Mayor said he would have our legal counsel contact the State in the event of consolidation. Ms. Kenneally explained the formula for Civil Service relative to the school system, which is in Civil Service Law. Ms. Margo noted that the County cannot assess the school district any fees should the Council choose consolidation. Discussion continued about the County responsibilities, the City's responsibilities, provisional employees, restriction for City residents, Civil Service lists, employee titles and available grants through the Governor's office. The Council thanked the representatives for attending. The Comptroller said she is familiar with the County Civil Service process from when she worked in the Village of Canastota.

Comptroller Pease said at the November 9, 2015 special meeting that she made a comment that she needed her Deputy. She said she meant to say that she needed her Deputy near her, as the Council was discussing performing her duties in the basement office. Ms. Pease said that taking on the Civil Service responsibility would not impact the Deputy's ability to perform her duties. The Comptroller said she needs her Deputy close by as a point of contact, and she wanted this on the record.

Councilor Simchik said if the County takes on Civil Service, they will be hiring a new full time employee at \$30K to \$40K to handle just a fraction of what our employee currently does, and we would still have to do a vast majority of the work in-house. Councilor Smith said it shows the City has underpaid that position for years. Mayor Smith said the entire effort was brought to spur meaningful conversation because of the struggles we have with our budget. The Mayor said in his initial conversations with NYCOM and the NYS Civil Service Office, he was told something distinctly different. The Council continued discussing various issues relating to Civil Service.

Councilor Bowe said on page 5 of the 2016 budget update sheet in the demolition line item, the amount budgeted should be \$50K, not \$22K, and the Comptroller said she would make the necessary changes. The Comptroller said the crossing guard positions (\$7,272) have been removed from the budget. Councilor Bowe said he is against stopping the guards in the middle of the school year. Deputy Mayor Acker said the Police Chief reached out to the schools, and they said to eliminate them. The Police Chief's presentation asking for \$15K to be used for downtown foot/bicycle patrolling and for two new police vehicles was discussed. Councilor Chamberlain said the Council has to take into consideration the advice of the Department Head. Councilor Smith said Chief Meeker has the money in his budget this year, and they won't need to be purchased next year. Councilor Bowe said the budget meetings started with a 5% tax increase and \$641K coming out of Fund Balance, and now the Council is at \$529K coming out of Fund Balance with a 5% tax increase. The Council briefly discussed what they should set the tax rate at, with examples of 5%, 8% and 10% presented by the Comptroller. After a question from the Mayor, a discussion ensued as to what was removed/added to the budget to date. Councilor Smith

questioned the law line increase from \$90K to \$123K, and a discussion with the Comptroller ensued. The Mayor said it should stay around the \$100K figure, and the Council agreed.

After further discussion, the Council agreed to authorize the Police Chief to purchase two police vehicles (one marked, one unmarked) by the end of December 2015, with funds currently available in his salaries line. The Comptroller said if they are not off State Bid or piggybacking, anything over \$20K would have to go to bid. Deputy Mayor Acker scheduled the next budget special meeting for Monday, November 30th at 6:30 p.m. and discussion will also be done at Tuesday's regular Council meeting.

EXECUTIVE SESSION

RESOLUTION 15-268

Moved by Councilor Bowe
Seconded by Councilor Simchik

RESOLVED, that the meeting is hereby adjourned to Executive Session at 8:40 p.m. for the purpose of discussing a personnel matter.

Ayes: 5
Nays: 0
Absent: 1 (Chamberlain)

MOTION CARRIED

PRESENT: Mayor, Councilors

1. Discussion relating to a personnel matter.

Moved by Councilor Acker
Seconded by Councilor Smith

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 9:25 p.m.

Ayes: 5
Nays: 0
Absent: 1 (Chamberlain)

MOTION CARRIED

Moved by Councilor Bowe

The regular meeting is hereby adjourned at 9:25 p.m.

CITY OF ONEIDA

Susan Pulverenti, City Clerk