Three General Issues Regarding the Oneonta City Charter (Feb. 2010, rev March 2010)

In our review of the Oneonta City Charter a range of issues have been noted. Many of them can be grouped under three major headings:

- Clarify and “User Friendliness”
- Uneven Levels of Detail
- Being “Current”

1. **Clarity and “User Friendliness”:** The Charter is meant to be the overall guiding framework for City government. Arguably, the Charter should accomplish two key things: a) be a clear and useful guide and reference for City elected officials and its senior management/administrative staff, and b) be a welcoming and accessible citizen’s “manual” to introduce and orient all interested people to the structure and operations of Oneonta’s City government.

Reading and studying the Charter, the underlying logic of its structure and internal organization is not obvious. This makes it less user-friendly than may be desirable. Some examples:

- The Charter, as written, has no Table of Contents or Index. Within the past year, it has become available on-line with a search function. This is an improvement, but the document itself has not changed and remains distinctly user-unfriendly.
- Nowhere does the Charter straightforwardly state what the Common Council needs to do during its important first meeting in a new year.
- The three sections of Article IV, Nominations and Elections, collectively contain less than 7 lines of text. It essentially says nothing, and merely refers the reader to NYS Election Law. Details regarding filling vacancies in elected offices are found elsewhere in the document, but there are no cross references.
- The power of the Common Council lies in its power to enact resolutions, ordinances and local laws, but nowhere does the City Charter offer a clear useful explanation of the distinctions in the use and purpose of these different legislative acts.
- Article VI is entitled Assessment and Taxation, but key details regarding the City’s tax levy are only to be found elsewhere in the document.
- Several key City Departments are defined and described in Article III, City Officers and Employees. Some others, however, are found in different articles focused on a single Board, such as the Board of Public Safety, that covers Fire, Police and Health. But still others are absent altogether.

2. **Uneven Levels of Detail:** From the Charter text it is difficult to discern any underlying philosophy of what the Charter can and should stipulate itself vs. what it should defer to the Common Council, or City staff, to determine.
In some cases the Charter avoids specificity and defers to the Common Council:

- The Charter simply empowers the Common Council to determine all details regarding the salaries and benefits of the Mayor and Aldermen; it imposes no guidelines or limits whatsoever.
- The Common Council can set all licensing fees, and whether bonds are required, and their levels.

In other cases, the Charter is very specific, arguably too much so:

- The maximum annual income for someone to qualify for partial real property tax exemption is set in the Charter, now $16,000 (though exactly how this figure is to be measured is not specified).
- Interest charges to be assessed to taxes in default.
- Certain City fees/penalties are stipulated, e.g. maximum of $100 dollars civil penalty for violating a City ordinance.

The responsibilities of certain key staff positions are described in detail within the Charter; others are not. According to the current organizational chart of the City – of senior tier positions reporting to the Mayor and Common Council, the following are in Article III of the Charter: Chamberlain, City Clerk, City Attorney and Engineer, the Assessor, Supervisor of Streets and Parks, Transportation Director. In Article VIII, the Common Council is authorized to appoint all officers in the Police, Fire and Health Departments, but no details of their responsibilities are specified. Nowhere in the Charter is anything at all said about the head of Personnel / Human Resources, certainly a key City function.

3. **Being “Current”:** In our review of the Charter, we found a variety of ways that parts of the Charter seem outdated and in need of being brought into the 21st Century:

- It lists certain Boards and City Officers that no longer exist, such as the seven member College Advisory Board.
- It does not recognize or permit the use of electronic communications to transact official business; nothing is said about maintaining a website, or its use to communicate with Citizens.
- Significant sections of the Charter address detailed processes for dealing with delinquent property taxes, including grossly outdated specifications re certain fees. For some years, all things to do with delinquent property taxes has been totally outsourced to the County.
- It still empowers Aldermen to serve as Fence Viewers, a relic of English Common Law to adjudicate disputes between farmers and herders.