

# Battle over charter change continues for City Council and Saratoga Citizen

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SARATOGA SPRINGS — Representatives of Saratoga Citizen recently read a letter to the City Council during one of its meetings, again accusing the city of not living up to its legal responsibilities in regard to getting city charter change on the ballot in November — charges Mayor Scott Johnson refutes.

“I’m not opposed to anything being on the ballot, but there is a process the city requires,” Johnson said after reviewing the letter. The mayor said the group did not fulfill the necessary requirements for getting their measure on the ballot.

Saratoga Citizen presented the city with a petition to get a measure on the Saratoga Springs ballot in 2011 to change the city from a commission to a council-manager form of government. That would mean the city councilors would be responsible for setting city policy, and a professional municipal manager would be hired to administer the day-to-day operations of the city.

The city rejected the petition, a decision Saratoga Citizen successfully sued over; a judge ruled in the group’s favor in January. The City Council later voted to spend no more than \$10,000 to appeal the decision, a case that is still pending.

In the meantime, the non-partisan group submitted a second petition, a move which, according to Johnson, by state law “would allow them in essence to disregard any council positions.”

The city has not acted on that petition.

As the letter to the city council explains: “... the city’s attorneys have said that (Commissioner John) Franck does not need to review the second petition because there is an automatic stay arising from the city’s appeal of the first court decision.”

But that is not how Saratoga Citizen organizer Patrick V. Kane sees it. “They are appealing the first decision — they have no legal proceeding against the second (petition),” he said.

Kane pointed out that Franck eventually did certify the first petition following the court decision but before the city’s appeal of the case. “They did not act fast enough to prevent the first petition from becoming legal,” he contended.

He said Saratoga Citizen’s position is that the city should certify the second petition and ultimately put the measure up for a popular vote. “The bottom line is this is about voter suppression,” Kane said.

He compared it to a case in which one party sues another for \$10,000. “If I won and cashed a check you wrote me, and then later you decided to appeal it, that doesn’t mean you come take \$10,000 from me,” he said. “I don’t think they are getting the best legal advice.”

Johnson said that the first petition was improperly submitted and the city will not move forward on the issue until it is sorted out in court.

“This will affect the day-to-day operation of our city government and the function of our city,” he said. “It is so fundamental that nothing can be overlooked and no legal requirements can be waived.”

Johnson estimated a decision on the appeal may not come for 120 to 150 days, edging it close to the deadline for putting it on the 2011 ballot. “There is a real difficulty with the timeline for placing this on the November ballot,” he said.

Kane said the city is simply stalling to prevent city residents from voting on it this year. “Time is on their side,” he said. “If they decide they don’t want voters to vote on this, they can run the clock out.”

Saratoga Citizen will be endorsing candidates in November.

“The voters will remember they suppressed an opportunity to vote on this,” Kane said.