



- *Accountability*
- *Transparency*
- *Integrity*

Review of Public Complaint

Saratoga Springs City Center Authority

November 17, 2017

PC-2017-02

The Complaint

The Authorities Budget Office (ABO) is empowered by its governing statutes to “initiate formal investigations in response to complaints or appearance of noncompliance by an authority” [Section (6)(2)(d) of Title 2 of Public Authorities Law.]

In October 2017 the ABO received a formal complaint to look into the appropriateness of the Saratoga Springs City Center Authority (Authority) displaying a political message on the marquee located on Authority property. The complaint was received from an individual who indicated that the message appeared to be an endorsement of a specific local candidate by the Authority, which would be inappropriate. The complaint also was supported by a local news article, which reported on the message being displayed and its potential inappropriateness. As part of this news article, the Executive Director of the Authority is cited as indicating that the use of the marquee is included as part of the rental agreement for use of facility space.

Scope of the Review

As part of our inquiry, we reviewed the complaint and visibly observed the message being displayed on the Authority’s marquee. We reviewed the Authority’s web site to identify the organizations that were renting the Authority’s facilities during the week of October 22, 2017 and to obtain the Authority’s policies and procedures regarding the use of Authority facilities. We contacted the Executive Director to determine whether policies existed, and obtained and reviewed the facility rental agreements for the two organizations that were identified as renting the Authority’s facilities during the week of October 22, 2017. This report is based on and reflects only the information and documents known to be available and provided to the ABO at the time it was written.

Background

The Authority consists of a chairman and six other members all of whom are appointed by the mayor of Saratoga Springs with the consent of the City Council. The Authority was established to construct, operate and maintain the Saratoga Springs City Center and related facilities. Its mission is to manage and operate the convention facility so as to create the greatest positive economic benefit to Saratoga Springs and the surrounding County. The Authority facilities are comprised of a 32,000 square foot convention center that adjoins the 242 room Saratoga Hilton Hotel located in downtown Saratoga Springs. The Authority indicates that it leases its facilities to corporations, New York State associations, trade groups and northeast regional organizations. For 2016 the Authority had total revenues of \$2.3 million, consisting primarily of \$1.2 million of hotel occupancy taxes and almost \$900,000 of rental fees, and had an operating loss of \$600,000.

Results of Investigation of Complaint

Complaint: Is it appropriate for the Saratoga Springs City Center Authority to display a political message on their marquee directly in front of the facility?

As part of the Authority's facility, a free standing electronic message board (marquee) has been constructed on the public sidewalk on the exterior of the Center. This marquee is generally used to advertise the organizations that rent the facility. During the week of October 22, 2017 there were several messages displayed on the marquee, one of which was politically related, as indicated below.



According to the Authority's web site, there were two organizations that were renting the facility during the week of October 22, 2017. One was the Saratoga County Republican Committee and the other was the Community Health Care Association of New York, NYSARC, Inc. There was no indication that an organization named "Baker" or "Baker for Mayor" was renting the facility.

In reviewing the Authority's web site, we did not locate any policies regarding the services and amenities that were included to organizations that rent the Authority's facilities. The Authority's Executive Director stated that there are no separate policies regarding the services that are included, but that these are stipulated as part of each rental agreement.

We reviewed the two contracts with the organizations that rented the Authority's facilities during the week of October 22, 2017. The contract with the Community Health Care Association of New York was entered in September 2016. This contract specifies that the marquee would consist of the following language, "CHCANYS 2017 Statewide

Conference and Clinical Forum”. The contract with the Saratoga County Republican Committee was entered in July 2017, and specified that the digital and interior monitors would consist of two slides. One slide would consist of, “BAKER for MAYOR (logo) Proven Leadership, Ethical Practices Meet the Candidate Sunday October 22, Saturday October 28, Tuesday October 31, Thursday November 2, Sunday November 5, Monday November 6”. The second slide would consist of, “Mark E. Baker for Saratoga Springs Mayor Proven Leadership, Ethical Practices Meet the Candidate Sunday October 22, Saturday October 28, Tuesday October 31, Thursday November 2, Sunday November 5, Monday November 6”. Although the Saratoga County Republican Committee was the organization that rented the facility, the message on the marquee was the message specified by the renting organization.

The Authority does not have a policy regarding rental of the facilities or the content of messages to be displayed on the marquee. Instead the Authority includes these types of amenities in specific rental agreements. Based on the rental agreements we reviewed, there are no guidelines or restrictions regarding the content of messages that are displayed on the marquee. As such, the message that was displayed on the marquee during the week of October 22, 2017 does not violate any Authority policy or guidelines. There may be Election Law considerations that are not part of this review.

Conclusion: It appears that the use of the marquee, and the message to be displayed, is part of the standard rental agreement package. The organization that rented the facility during the week of October 22, 2017 stipulated the specific content to be displayed on the marquee, and it appears that this was the message that was displayed.

Recommendation: To improve the transparency and accountability of its operations, the Authority should consider whether to adopt a formal policy regarding the content of messages to be displayed on the public marquee. Such a policy may provide for appropriate review and approval by Authority staff or the board to ensure that the content is reasonable and does not contain material that would be considered objectionable to the public. Finally, the ABO is referring this matter to the Attorney General and the New York State Board of Elections for review to consider other issues outside the scope of the ABO’s review.