

## CHARTER COMMISSION

February 6, 2013

6:00 p.m.

**Chairman Duval** called the meeting to order.

The Clerk called the roll.

Present: Commissioners Duval, Girard, Martin, D'Allesandro, Lopez, Pappas,  
Clayton, Ashooh

Commissioner Infantine arrived late

**Chairman Duval** called for the pledge of allegiance, this function being led by  
Commissioner Lopez.

3. Minutes from meeting January 9, 2013, and January 16, 2013.

*(Note: Previously distributed to the board via email for review)*

*On motion of **Commissioner Martin**, duly seconded by **Commissioner D'Allesandro**, it was voted that the minutes be accepted.*

4. Chairman Duval advised that Tom Clark, City Solicitor, and Bill Sanders, Finance Officer, for the City of Manchester are present to give testimony.

**Chairman Duval** stated at the last meeting of the Charter Commission, we invited City Solicitor Tom Clark to be here and also City Finance Officer, Bill Sanders. Thank you, gentlemen, for joining us tonight. Thank you for taking time from your schedule to be with us. Commissioners had a number of questions that have come up as a result of our

due diligence process as it relates to the topic of education. It may not be limited to that tonight, they may have other questions not related to education, but primarily that is what is prompted us to invite you here tonight. Of course Mr. Sanders comes with a broad perspective, having served the School District for a number of years so we certainly appreciate you being with us. Tonight, I would ask of you, what we have asked other commissioners before the commission, that you speak with us in very candid terms; don't hold back. We certainly appreciate your years of service to the City and also your breadth of knowledge and your history from both of you. We will start with City Solicitor Clark who has another commitment that he has to attend to so we will start with him. We can open it up for discussion from commissioners now.

**Commissioner Girard** stated Solicitor Clark, the commission has heard lots of testimony about the tax cap and its applicability to the School District. We were told that the School District must submit an initial budget to the board of aldermen that falls within the cap. When I read the charter, it would seem that the section that says in submitting their proposed budgets to the board of aldermen, the mayor and School District shall not propose total expenditures in an amount exceeding the budget established during the prior fiscal year, increased by a factor equal to the change in the consumer price index. Is this why you believe the School District must submit its initial budget to the board of aldermen that is within the tax cap?

**Mr. Tom Clark**, City Solicitor, replied basically, yes. The reading says that they shall submit in accordance with the provisions of the tax cap. It doesn't mean that they cannot also submit a separate budget that would meet what they call their needs, but the way the tax cap is written, in my opinion, that is what it says.

**Commissioner Girard** stated the attorney for the School District disagrees and basically says that they can submit whatever they want for a budget and it is up to the aldermen to determine whether or not the final number is submitted within the tap. If we assume for a moment that that is true, would the provisions of section 6.03, which give the mayor the opportunity to establish the form of the budget, and section 6.06 which says that the School District budget shall be submitted in accordance with the budget form organizational procedures and schedule established by the mayor. If the mayor determines that no department or the School District may submit a budget in excess of the tax cap, your legal opinion on the applicability of the tax cap to the School District, would the School Board be bound by the mayor's directive to not submit a budget in excess of the cap?

**Mr. Clark** replied that is what the charter says. The mayor has the prerogative to set the procedures of the budget and how and when it is submitted. That is the clear reading of this charter.

**Commissioner Girard** stated Solicitor Clark, there has been question over who is the final arbiter, perhaps not final arbiter, but the person responsible in the City for determining whose opinion of this documents carries the day in terms of how departments or even the School District act. The School District's attorney has from time to time come up with opinions on this and other matters that are contrary to yours. If their opinion is contrary to yours, is there anything in this document or State law that says your opinion governs the day until it is either overturned in court or perhaps overturned by the board of aldermen or by any other means?

**Mr. Clark** stated there is nothing in the charter that spells that out. I am the city solicitor. The City of Manchester and the Board of Mayor and Aldermen look to me for legal advice which I give them. That advice may include interpretations of the charter,

but it is up to the Board of Mayor and Aldermen to determine if they want to follow my advice or not. I can't require them to do anything.

**Commissioner Girard** stated if there is a dispute, say between you and the School District's attorney about how the charter applies, is there an opinion that is superior or governs over the other?

**Mr. Clark** replied not spelled out in the charter, no. It would be up to the Board of Mayor and Aldermen to determine how they wanted to proceed. We have resolved disputes like that in the past, as you are well aware.

**Commissioner Ashooh** stated Tom, just to clarify that point a little bit more, on a functional basis, the Board of Mayor and Aldermen are restricted to make appropriations within the tax cap. The School District may have to submit a budget within the tax cap or maybe they don't, but the fact of the matter is, whatever they submit, the Board of Mayor and Aldermen is still restricted by the tax cap. They can't go any further than that, unless they decide they are going to take ten votes to override the tax cap and increase funding. Is that correct?

**Mr. Clark** replied that's correct. At the end of the day, the Board of Mayor and Aldermen have to adopt a budget that falls within the confines of the tax cap unless they vote to override.

**Commissioner Ashooh** stated just to clarify, by my countenance, in the last ten years the Board of Mayor and Aldermen have voted with ten votes to issue about \$250 million in bonds for various city projects.

**Mr. Clark** stated that is probably a finance question.

**Commissioner Ashooh** stated let me refer this then, to Finance Officer Sanders. What has been the total amount of bonds issued by the City of Manchester in the last ten to 12 years, ballpark?

**Mr. Bill Sanders, Finance Officer,** replied I would think that the \$250 million is probably a good estimate.

**Commissioner Ashooh** stated that was ten votes so therefore, the political will existed to fund a need in excess of, theoretically, the tax cap, but really what we are talking about here is the tax cap giving guidance and ultimately the will of the board to fund a specific need. That is where the ten votes come in. Is that correct?

**Mr. Clark** replied it could be looked at like that. The statute of bonding requires ten votes.

**Commissioner Ashooh** stated and the tax cap requires ten votes to override. Thank you.

**Commissioner Lopez** stated Tom, let me ask you this particular question. An elected official takes the oath of office to uphold the city charter. Is that correct?

**Mr. Clark** replied yes, that is part of the oath of office.

**Commissioner Lopez** stated given the legal opinion of the Board of Mayor and Aldermen, if they didn't follow that, what would happen in that case? Would they just overrule it or could someone challenge it? Could a citizen challenge it and go to court and say the city solicitor said that this is what you should do? How would that process work?

**Mr. Clark** replied that is kind of a hypothetical, but if my office provided a legal opinion to the board and they didn't follow it, any citizen would have a right to go to court to challenge it. That is what the court system is for; if they didn't feel that the City was following the law. It doesn't happen very often.

**Commissioner Lopez** stated I know on many occasions ordinances and the city charter speaks for itself. I just wanted to clear that up because some people think that we can just do what we want. We do have the Bible, so to speak, in loose terms, over how we govern ourselves and it has gone through the complete process in order to have a city charter and that is what you take an oath to follow.

**Mr. Clark** stated and let's be clear: just because my office renders a legal opinion doesn't mean that that is 100% correct, 100% of the time. There are times when everyone makes mistakes and if the board doesn't follow it, it doesn't mean that they are violating the charter.

**Commissioner Infantine** stated there have been some people who have requested that we reduce the number of votes need to override the spending cap. I have been told by a New Hampshire senator that the State law that governs spending caps mandates that there be ten and this body would not be able to amend that because of the State law. Is that your understanding as well?

**Mr. Clark** replied no, it is not, commissioner. The State law governing charter commissions says that if you are going to revise or draft a new city charter, it says to follow the provisions that are set forth in RSA 49:C, which is a model or type of city charter. That provision, 49:C:33(I)(d) says that a tax cap shall provide for an override threshold on the vote to exceed the cap and it shall have a supermajority as determined by

the charter. I think a supermajority means more than a majority. A majority of votes would be eight so I think anything over eight could be interpreted as fitting in with the statute. I think nine could be considered a supermajority.

**Commissioner Martin** stated good evening, gentlemen. Mr. Sanders, I have heard some folks talk about the chargeback system; highway charging the School District for services and so forth and that the chargeback system is silly and arduous and difficult to track and so forth. To the best of your knowledge, are there other ways to track expenditures when the School District is not City department? When we use highway, facilities and park and so forth to provide services for us... Do you understand what I am saying? The current system that we use is laborious.

**Mr. Sanders** stated the current system that is used is intended to make sure that the user pays for the service that is rendered. If the determination was made that the School District was not to pay for the janitors, for example, which is the biggest chargeback of probably \$4 million a year, I don't know that there would be much purpose in keeping track of records if the City wasn't going to charge for it. Personally, that would be, in my opinion, a waste of time. The issue, though, would be the appropriation to the School District for that \$4 million. The City would be losing a revenue of \$4 million that pays Aramark so I think the School District, if that example were the case, one outcome of that would be reducing the School District appropriation by \$4 million to keep the spending completely in the City. The responsibility then would lie entirely on the aldermen with the cleaning of schools and other issues that janitors deal with. I think the chargeback system that exists, though not perfect, so that the School Board and the administration at the School District have management control over the work that is done. Contracts are signed each year between the School District and the City of Manchester covering those services. I think they have rights under those contracts as to what the expectations of the services being rendered by the City are and what is covered by the contract and what

isn't. I would agree that at times it can be cumbersome, but I also know that for \$9 or \$10 million of services, which I think roughly where the chargeback number is in the aggregate, is probably, next to salary and debt service and some other line items, one of the most significant lines in the school budget and I think that if I were on the School Board, I would want those rights and those expectations and to hold the City departments accountable, not just for dollars, but also for the management of the resources and the personnel matters that are a backdrop of all that, filling in for sick time and all those sorts of things, from crossing guards to SROs to janitors, as well as receiving professional service for it. The Highway Department knows how to do things; that is their job. I think that the chargeback system has worked. That is not to say that if the School Board wanted to put it out to bid, I think they have all those rights to get those services on their own, directly with another vendor, but I think there are benefits to having the City provide it and I think it should be charged back. There is nothing that comes to my mind this evening of another way of doing it. I think the School District, without the control of those services, would lose influence, potentially, on how services were rendered.

**Commissioner Martin** stated Bill, you know my focus is schools. I'm guilty as charged. In looking at the past budget year in particular, it was difficult for us to get our house in order and open school when the budget was resolved on June 29<sup>th</sup>. Folks went on vacation and it was a short period of time for us to resolve the staffing issues and so forth. One of the things I am advocating for is changing the budget timeline so that the School District budget would be resolved, I'm picking a date, April 1<sup>st</sup>, end of March, much like the small communities that surround us. I'm relying on your expertise to inform me on how that impacts the City budget. Could we do the City budget at the same timeline, could we do them at two different times? Help me out here. What kind of a mess would I be making if I proposed that?

**Mr. Sanders** replied it is always helpful to keep in mind that when we are putting a budget together, as the mayor is working on one as we speak of course, we are looking out 15 to 18 months in terms of what we think revenues are going to be and what costs are going to be and what our expectations are of other grants, what we think Concord and the State of New Hampshire is or is not going to do. It has certainly been the case that the New Hampshire budget has been delayed until late June and maybe in some cases into July and it can have significant effect on the schools, the City budget and the total budget process, as well as what our surpluses are going to be in the current year and how we might use those surpluses in preparing a subsequent budget. When I was at the School District as the business administrator, the aldermen did give us relatively early budget. I lost memory of what exactly the days were, but I know they passed the school budget prior to passing the City budget and literally within days of passing the school budget the adequate education aid formula changed and the City of Manchester lost about \$2.5 million, if memory serves me correct, of adequate education aid. Because the budget had been appropriated by the aldermen it could not be changed. That is also part of the charter. You can't say this happened so we are going to change the number. Once that is authorized by the aldermen it is done and in that situation, the school had its budget so we were done and we went off and the City was left to sort out how they were going to come up with the \$2.5 million shortfall. The other aspect on the school side, I think, too, is the teacher contract itself. I realize that is beyond the commission's ability, and I don't recall exactly what that date is today. Once again, when I was at the School District we renegotiated to at least move that back 30 days from early April to early May, in part to deal with this budget issue and understanding what we were going to be dealing with.

**Commissioner Martin** asked are you referring to the layoff of teachers?

**Mr. Sanders** replied yes, the reduction in force language that is in the teacher contract and the date by which such information has to be provided.

**Commissioner Martin** stated May 9<sup>th</sup>, something like that.

**Mr. Sanders** stated I think that the aldermen, under the charter, get the budget by the 31<sup>st</sup> of March from the mayor. They may get it sooner in some years or whatever, but it is a large budget. There are a lot of stakeholders, it has a lot of testimony and their own internal common understanding that has to be developed about what they are or are not prepared to do. I think it is complicated by the cap; it has made it more difficult in some respects. I think an early budget could cut both ways in the end. It could make people more conservative and less willing to be optimistic about things or it may turn out that they regret decisions that they made. The timing of the budget, I don't personally see... If it is in late May or early June, I think it is difficult, but I think it could be worked with. I'm not persuaded that the budget should be released in January for the City and schools. There are so many things—like health insurance costs, auto registration fees—that are completely outside of our knowledge in the future. It is not merely an arithmetic calculation that we are talking about and to have people to have the opportunity to weigh in and come to public comment with the board of aldermen and with the School Board is important and it is difficult, but budgets are difficult.

**Chairman Duval** stated just a reminder to commissioners that if you have any other questions for Solicitor Clark before we excuse him...

**Commissioner Girard** stated Solicitor Clark, section 4.01 of the charter, the amendment passed back in 2001 that made the district a department of the City again, I know it is still in the charter even though it was thrown out by the courts. In your opinion, if this

commission wanted to readopt section 4.01 would it be able to under current State law, as it exists today?

**Mr. Clark** replied yes, the City could, through charter amendment or charter revision process, bring the School District back in as a department. It is under State law that the enabling legislation that was passed that would require referendum, which this would have to go through, but yes, I believe they could.

**Commissioner Girard** asked if the School District were a department, you gave an opinion back in June 2008 at a special meeting of the Board of Mayor and Aldermen regarding what could or could not happen with the School District if in fact it were a department again. Would the Board of Mayor and Aldermen gain any line item control whatsoever over the school department budget?

**Mr. Clark** replied in my opinion, and I don't have that opinion with me and I haven't looked at it today, but I don't believe they would, no. I believe by State statute the School Board has to control school expenditures.

**Commissioner Girard** stated if they were a department again and I don't know if this is also a question for Mr. Sanders, but I remember working for the mayor, when there were various things that were provided to the schools by the City that were put in the departments—the debt service for the schools were kept in the Finance Department, the money for the school nurses was put in the Health Department, the money for building maintenance was put in public building service, grounds maintenance was put in parks—and it was all accounted for on the state forms so that we could access the municipal and the school tax rate and also deal with our tuition contracts. If we were to make the School District a department again, would we be able to return to a paradigm where the

money for the services provided by City departments to the schools could again be put back in those departments and accounted for on the State forms?

**Mr. Clark** replied I really can't give you an informed opinion on that right now. I would like to think about it a little bit. I remember the way it used to be done. I think that might have been pre-divorce.

**Commissioner Girard** stated it was definitely pre-divorce.

**Mr. Clark** stated I believe some of this was governed by the decisions of the court.

**Commissioner Girard** stated so the court ruling that created this divorce situation, to use your terms, would still govern even with the changes in State law?

**Mr. Clark** replied I don't know. I couldn't give you an answer off the top of my head.

**Commissioner Girard** stated a related question for the finance officer, a follow up on Commissioner Martin's question on the chargeback system...

**Chairman Duval** interjected could we hold on right there? Any other questions for legal? Solicitor Clark, thank you very much.

**Mr. Clark** stated before I leave, if you do have questions that you feel you would like to ask me, just have your clerk forward them over and we will do our best to answer them. If we can answer them we will.

**Chairman Duval** stated we appreciate that. Thank you very much. Have a good evening. I do want to circle back to Commissioner Martin and let her finish up before I interrupted her. Then we will come back to Commissioner Girard.

**Commissioner Martin** stated Mr. Sanders, you know how much I value your opinion. I ask this question not because I am trying to browbeat you, but I just need to understand. How do surrounding communities, school districts around the state, resolve their budgets with that March 31<sup>st</sup> or April 1<sup>st</sup> deadline when they are receiving money from the State as well and they have their town expenditures as well? It may not work as well for us, but it works okay for them.

**Mr. Sanders** stated they have special meetings after the fact. I believe that has occurred. They have called special town meetings to deal with revenue shortfalls or situations that have transpired. I think that is the only way you could deal with a revenue shortfall in a town meeting, by calling a special meeting or a special vote to deal with the situation. I would have liked the solicitor to have been here to respond to a part of that. I don't know the statute. I have never encountered it at a town. I have some familiarity from my short time at Hampton as the SB process and default budgets and other budgets and budget committees. It was a process that they went through there. That would be the only way that I could see that you could deal with it, through a special meeting, and you would need State approval in some ways in order to do that.

**Commissioner Martin** stated maybe my idea, Mr. Sanders, of bringing it all the way up to March 31<sup>st</sup> or April 1<sup>st</sup> might be too much of a risk for us, but May 1<sup>st</sup> or June 1<sup>st</sup> might be more probable.

**Mr. Sanders** stated yes, I think any time there is additional time for information to develop and facts to develop, particularly as it relates to the revenue equation, is important. Once the aldermen take decisions into the charter they are taken and there is no going back. Moving it up to January or February or March, as good as that may feel, in many ways I think that would be, for a city as large as the City of Manchester and the amount of money we are dealing with and the very comprehensive cap situation that we operate under particularly, I would be reticent about how that would play out.

**Commissioner Martin** stated Mr. Sanders, I know Ms. DeFrancis has a copy of the charter on her desk because it is such an integral part of what she does as they put budgets together and I suspect you do as well. If you lived in a perfect world and you could impact the charter from a financial standpoint to better serve our City, are there things about the charter that you might change, without getting into the things like getting rid of the tax cap or something of that nature. That is not what I am asking. I am asking if there is language that impedes you from doing things or suggesting things that you might like to see happen.

**Mr. Sanders** stated I would make two suggestions about the tax cap. The first one, as I'm sure you are well aware and probably more than you care to hear about, our tax cap is actually two caps; it is an expenditure cap and there is a revenue cap, in terms of the property tax revenues that can be raised. The two budgets that explicitly deal with the revenue component are the mayor's budget, the default budget, if I can call it that, and then ultimately the aldermen have to deal with that revenue cap and expenditure cap. With only experience of one year, one budget under the tax cap, that experience and the experience that we are working through now, I really think that on a long term basis that the combination of the caps is inappropriate for Manchester. I believe the commission should consider removing the revenue cap. My explanation of why would be first be anecdotal. Many individuals have called me or have spoken to me over the last two years

and beyond four years when the cap first started and Nashua has operated it under it and Nashua has done this and done that, but Nashua does not have a tax cap; Nashua has an expenditure cap. I think that when we think about government spending and controlling spending, I think an expenditure cap, if that is the will of the commission and the will of the taxpayers of Manchester I understand that, but the revenue cap component is very interesting. I will try to explain it as succinctly as I can. If the average CPI for three years is 2%, just for a rounded number, what the cap says is that expenditures cannot go up more than 2% and the property tax revenues cannot go up more than 2%, setting aside the override. If we increase expenditures by 2% which I'm speaking to the School District now and this actual discussion that you just had, do they have to abide by the cap or not, and without getting into any of that on my own terms... If they go up 2% and it is 2% of \$150 million so that is maybe \$3 million, just in rounded numbers, we can only increase the tax component by 2%, but the tax component isn't \$150 million to the School District, you have to back out the adequate education money that we get from the State and you have to back out all of the other non-property tax revenues that the School District receives, tuition income being the most significant. If the non-property tax revenues do not grow at 2%... I know this is complicated. Take State adequate education aid as an example. It has been flat for three years. It is \$56 million so \$56 million of revenues that pay for the \$150 million of expense has been flat for three years from the State; it is not growing at 2%. The property tax revenue is held to not more than 2%. There is, inevitably, an adverse effect on what the budgeted amount can be to the School District, if I am making any sense, because we can only raise 2%. The State keeps the \$56 million flat. Absent ten votes to override the cap, the School District is not going to get 2% or if the School District does get 2% on the expenditure side, we are going to have to take it out of the City. The same situation exists on the City side, of course, on its revenue items. This is something that Nashua does not deal with. It is concerning to me, not today or tomorrow, but the cumulative effect. We can deal with things in our personal lives and our personal finances and in the city and the country on a temporary

basis and we can move some things around and cut an expense here or try to do something with a surplus there, but the cumulative effect of three or four or five or ten years of dealing with this dual cap, which is purely an arithmetic calculation, it is not written on a tablet anywhere, it is not a truth. I don't mean to criticize it, but it is an arithmetic calculation. If all components are not moving in the same percentages it will impact the City, either at the schools or at the City or both. That also applies on the City side. We are in an environment now where the economy is performing fairly well and auto registrations are increasing. That would be an example of a non-property tax revenue on the City side and that is great. In 2008, we had about \$15.6 million in auto registrations in this city. When the bottom fell out of the economy and the auto registrations went to \$14.5 million and then ultimately to \$13 million, if we had been in a cap situation, combined with the State taking away some of the direct aid to us, it would have been a very, very difficult situation. We all hope those days are long past and we hope not to return, but as the finance officer for the aldermen and the mayor, this dual cap and this revenue equation, which is so arcane and so hard unless you work with it and think about it, it will be a challenge in the future. I say that it will be a very serious challenge in the future. If the commission was of a mind to consider things, I think focusing on if we need a dual cap in the city that is so tight and ask if we can be like Nashua would be something that I would consider. The second, you have already spoken about with the solicitor. The override vote is a very challenging override. I had discussions with the solicitor and he has advised me that it could only be nine or it has to be nine or more. That is under State statute. If it could be nine I would vote for nine. If it could be eight... I don't see what is wrong with a majority. If the mayor, or whomever that is five years from now, if they want to veto it they can, but I assume that to get to that override situation or to get out of the cap will be a very serious matter for the aldermen. Ten votes is a great hurdle. I would definitely look to bring that vote lower. I'm not sure that it would change much, nine versus ten, but interesting times are

continuing. The school wants \$160 million and the cap says \$155 million, there are a lot of issues there. The aldermen don't have a lot of help in this charter.

**Commissioner Ashooh** stated I have two questions. The first one is just a clarification. This is the 35<sup>th</sup> anniversary of the great blizzard of 1978. During that time, I can't think of a more significant provision of City services to the schools than plowing out the parking lots which they couldn't do for three days. Bottom line, has the chargeback system changed from 1978 when it was a school department as opposed to the system that is now in place now that the School District is separate from the City? You were just a baby then.

**Mr. Sanders** stated I'm not aware that it has changed. I was not quite a baby in 1978, but I don't even know if there were chargebacks in 1978. I'm guessing that they started sometime in the 1990s, maybe the 1980s.

**Commissioner Girard** stated they didn't start until after the divorce. There were never chargebacks before then.

**Commissioner Ashooh** stated that's fine; that's all I need to know. Second question: when you talk about the tax cap and the ten vote supermajority, the fact is that under Mayor Baines we had three consecutive budgets that compounded about 6% a year, all passed with supermajorities. What we are really talking about here when it comes to the tax cap is the political will to do the same thing when you issue a bond. Is that correct?

**Mr. Sanders** stated I think that is a fair statement. That is obviously true.

**Commissioner Ashooh** stated what we are talking about is having the Board of Mayor and Alderman in a position where they need to be able to assess the priority needs of the City. The current mayor always has a discussion of wants versus needs. When it comes down to the time when you have to have a supermajority, when we did it in a time when there wasn't a tax cap, but the need was perceived. Aren't we really in the same position now and the tax cap basically provides the taxpayer the comfort that there needs to be a significant debate before their taxes go up more than the 2%?

**Mr. Sanders** stated yes, I agree with that in large part. I would just say that if it is a debate that is one thing. I think the pressure is quiet another. I think it is difficult. There are strongly held views in the School District, strongly held views in the print and TV media that the aldermen are subjected to that I don't necessarily characterize as debate. In my experience here, I think the aldermen have approved reasonable budgets before there was a tax cap. I think the debate was probably better in certain regards when there was not a tax cap. I think the tax cap can provide a certain level of cover and the debate never occurs.

**Commissioner Ashooh** stated I think that is my point. The tax cap gives those who don't have the courage to stand up and say I'm in favor of this, the political cover so they don't have to stand up.

**Mr. Sanders** stated I work for those ladies and gentlemen. I have sympathies for their situation, but I understand that the cap truncates the debate in ways. I am in favor of lower government spending and I'm in favor of controlling spending and I'm in favor of wants versus needs, but I hate for it to take the board years to figure out how to get the political will, to use your words, commissioner. It is hard. There needs to be some relief valves here or we could be in a difficult situation.

**Commissioner Infantine** stated I think this whole concept of a revenue cap is new to a lot of people. I don't think they really realize the effect. It was actually Commissioner Lopez who explained it to me the other day how the tax rate was set, or a budget was created by the aldermen and this is what the expected tax rate was going to be and then when you had the Department of Revenue in the fall to determine what we had for property values, our property values increased so everyone saw a little bit of a return, or the tax rate went down a little bit, versus having that money stay here. If we didn't have that revenue cap that would have been able to be used by the aldermen.

**Mr. Sanders** stated it wouldn't have been, if I am following you correctly and I think that I am. The aldermen approve expenditures and they appropriate money to be spent. The aldermen do not appropriate revenues. They don't say that interest income shall be \$10. They do say that the Finance Department's budget is \$10, but they don't say what interest income is going to be. Interest income and all the others... I get information from the pertinent department heads and my own judgments about where things are in November when we go to set the rate, based on what actuals have been and so on, I have to sign a certification to the DRA and if in my judgment, as in my predecessor's judgment, we need to bring down our interest or raise our interest, that is part of that tax rate setting. The valuation, we have more property tax revenue, I have to show them what the approved budget was by the aldermen and here is our best estimate today of revenues. I'm simplifying it a little, but there is the tax rate that is required. I couldn't come back.... The only way that you could make money available is to have higher expenditures. This past year when we had an increase in valuation, that money, with or without the cap, would not have been available for the aldermen to spend. It would have been returned to the taxpayers.

**Commissioner Infantine** stated explain to me please how not having a revenue cap would in any way, if at all, enhance what the aldermen have available in their budget. Could you give me an example if that revenue cap went away? Can you give me an example of how that might possibly provide revenue?

**Mr. Sanders** stated a year ago, and I'll use the School District's budget as an example, they had a decline in revenue from 2011 coming into 2012 of \$2 million. The biggest piece of that was a State grant of \$1.6 million that went away. We had to cover that \$2 million reduction in revenue, essentially on the City side a year ago. If there was not a revenue cap, one of the options for the aldermen would have been to just move that \$2 million. The effect of not having the revenue cap would give the flexibility to have the tax rate move above it, to particularly deal with revenue shortfalls that are coming up. The expenditure cap would still exist.

**Commissioner Infantine** stated it would be more helpful in a period of decreasing revenues and really a non-issue in a time of non-increasing revenues.

**Mr. Sanders** stated correct. I would use the State adequate education aid as an example of a situation. My guess would be that the State will continue to have challenges in increasing State education aid significantly. As long as that stays flat and we are level funded for that \$56 million and expenses are going up and up and up, if we can't raise the property taxes, or if the aldermen don't at least have the option to do that, and don't have the political will or whatever the words are to override the cap, there will be cost reductions in other areas to cover because the adequate education money is not staying at that CPI slope line that everything else in the budget is working on. In Manchester that is big leverage, that is a third of the School District's budget that is being paid out of the adequate education money. If that \$150 million is moving at 2.1% and adequate education isn't going anywhere, there is a problem. It is just not going to go away under

this current arrangement. If we are in a positive situation with growing auto registration, building permits, high interest rates on cash invested it can be dealt with.

**Chairman Duval** stated and if you don't suffer a shortfall in revenue, some unexpected shortfall.

**Mr. Sanders** stated correct. That is a challenging situation for the biggest city in New Hampshire.

**Commissioner Girard** stated so Mr. Sanders, if I just understood you correctly, what you are saying is that a revenue cap prevents the City from shirting revenue losses to the tax rate.

**Mr. Sanders** stated if I could say it another way, it will result in reduction in other expenses. We will have to reduce the spending well below the cap.

**Commissioner Girard** asked is it fair to say that when the City loses revenue that it is effectively counted as an expense against the cap? If you lose \$1 million in revenue you really have to reduce...

**Mr. Sanders** interjected if you cannot find an offsetting revenue, you are correct, it will result, all things being equal, in \$1 million less in spending.

**Commissioner Girard** stated the other question that I have, clarity on how the cap could work, and this came from a person on my Facebook page who wanted some clarification. If the Gates Foundation turned around and gave Manchester \$20 million for the schools or anything else, would the City be able to take that money and increase expenses by that \$20 million or spend that money under this cap?

**Mr. Sanders** replied hypothetically, yes. It is a non-property tax revenue. The tax cap deals with property tax revenue.

**Commissioner Girard** asked would the expenditure cap prevent the City from increasing expenses from that \$20 million?

**Mr. Sanders** replied I guess it would depend on the form that it is given. For example, if I use the School District, we receive Title I money for schools under specific grants for specific purposes and the expenses that are covered by Title I and some of the other grants that the school receives are not counted as part of their general fund appropriation.

**Commissioner Girard** asked the board of aldermen does not appropriate those?

**Mr. Sanders** replied no, they do not.

**Commissioner Girard** stated you were talking with Commissioner Infantine about the property tax base. I remember, and I realize this was back before the charter changed, that when the mayor presented a budget we would get data from the assessors about what they projected the tax base would be and of course, the aldermen would get better data from the assessors and that number almost invariably went up. Are you saying that the way budgets are run now, neither the mayor or the board of aldermen can make a tax-based projections under this cap that would cause an increase in tax revenue?

**Mr. Sanders** replied the tax cap component is on property tax revenue so if we raised last year \$1 million from property tax revenue, next year, with the 2% CPI, we can raise \$1.2 million. What the tax base is that that gets applied against is irrelevant against the language in this document.

**Commissioner Girard** asked because it is on revenue raised from the tax base?

**Mr. Sanders** responded in the prior year cannot go up higher than CPI.

**Commissioner Girard** asked so if the tax base took a dive under your scenario, is it possible under this cap that you could see a sizable tax increase? Let's say you have to raise \$100 million in taxes, the cap allows you to go to \$1.2 million, but your tax base fell by 10% over the preceding year so in order to get back to even, never mind add that \$2 million, you would have to see a 9% or 10% tax increase.

**Mr. Sanders** stated that could be a possible outcome, yes.

**Commissioner Girard** asked is it possible, Mr. Sanders, to structure a cap that might address the actual tax rate itself, rather than the revenues raised by the tax base or from the tax base?

**Mr. Sanders** replied that could be a type of cap. The difficulty with that situation is that if property values declined, that would also manifest itself in the tax rate side. I think they are similar in terms of how they would impact that situation. The revenue provides more certainty, the rate is based on the valuation and the rate could jump high. We were concerned when there was going to be a devaluation or a write-down when the City last \$1 million of assessed values in an evaluation.

**Commissioner Girard** stated I know what it is like writing budgets through a declining tax base. I had to deal with that in the 1990s.

**Mr. Sanders** stated I'm not sure that that is over entirely.

**Commissioner Girard** stated this question is probably better asked to the solicitor, but I missed that opportunity I guess. The way the budget process is currently structured, if the mayor vetoes the budget, a budget has to be approved by the second Tuesday in June. Correct? If the mayor vetoes the budget, it says that final adoption of the budget... Action by the board of aldermen on any veto shall be completed by June 30<sup>th</sup>. Is that a mandate that the mayor's veto may not be overridden until June 30<sup>th</sup> or if there is a veto anywhere along the line of the budget adoption that it has to be done by June 30<sup>th</sup>?

**Mr. Sanders** replied that is something that you might ask of the solicitor. That actually happened two years ago; I know it happened once in the last three years. The mayor vetoed a budget of the aldermen and we extended to June 30<sup>th</sup>.

**Commissioner Girard** stated we have heard that it is treated more or less like a default, but that is not my reading of the charter. It just says it shall be resolved by, not on.

**Mr. Sanders** stated I don't think we went to June 30<sup>th</sup>, but we went pretty late in June. I should really say I don't know the answer.

**Commissioner Girard** stated the final question that I have goes back to a question that Commissioner Martin asked. If the City wanted to get away from the chargeback system, I don't know if it can under the current system, but if the City now does not appropriate the funds to the School District the City then has a chargeback procedure for... Can that money be accounted for the DOE-25 forms if it is not directly spent by the School District under the current arrangement?

**Mr. Sanders** stated I should say that I don't know exactly the answer to that question, but I don't know why it couldn't be provided, it is a cost to providing education and there are different... I would imagine that it could be. In fact, they probably would require it in some way.

**Commissioner Girard** stated I seem to be remembering that your successor, Ms. DeFrancis, when she was here said that it had to be appropriated to the School District in order to show up on the DOE-25.

**Mr. Sanders** stated I would defer to Ms. DeFrancis. I really don't understand the angst about the chargebacks. Whether you think the City is doing the right service or you think you could do it better with Bill Sanders Plowing or something else, that is a different question to me. I understand that. The janitors are appropriated in the City budget and they are appropriated in the school budget and then the City has a revenue as the schools pay us and then we have an appropriation to pay for the service.

**Commissioner Girard** stated I have one more question about the tax cap. From time to time in the tax cap you see override language that says such override expires following the adoption of the annual budget. What does that mean? Does that mean that every year the cap must be overridden or if you exceed the cap, next year you go back to what the cap budget would have been unless there is another override of the tax cap?

**Mr. Sanders** replied that is another solicitor question to me. That has not occurred yet. There is no going back in the budget once it is appropriated and we go to DRA. It can't change.

**Commissioner Girard** stated taking it in subsequent year. In other words, if you override the tax cap and then you go to the next budget year, does the budget reset to what the cap budget would have been in that following year, had it not been overridden?

**Mr. Sanders** replied that would not be my interpretation. Whatever is appropriated is the baseline for the subsequent year.

**Commissioner Lopez** stated I'm going to jump in a little bit. Mr. Sanders, make me understand something. When the Board of Mayor and Aldermen approve the budget, and let's say it is 3% which is the tax cap CPI and then you go up there in November and the assessed value went up \$90 million, whatever the case may be, and now the DRA is saying you have a 1% tax increase because you have more revenue... The intent by the Board of Mayor and Aldermen, when they approved a budget was to stay within the tax cap. Can you tell me why, if you maintained 3% under CPI and under the tax cap, according to the city charter, why would that extra revenue not be appropriate to get the extra 3% as a supplementary budget?

**Mr. Sanders** replied the aldermen have already appropriated the budget for the year and that is the basis for what DRA is deciding upon. If you think through the process and they came back and say you have an increase in valuation, run back to the aldermen and get another appropriation, you wouldn't be able to deal with that. I don't think it is permitted under State statute. The only time we can have supplemental appropriation in the City is if there is certification and verification by the finance officer and the mayor as to incremental new income, new revenues, that we didn't contemplate in the budget, higher interest income, more building permits, and that money can be appropriated without affecting the tax rate. If there is \$100 more in interest income or building permits then you can appropriate that and it wouldn't affect the tax rate. You are affecting the tax rate if you come back and say appropriate a higher number. Guaranteed

there is never going to be a year when the DRA tax rate is going to agree exactly. It would be totally coincidental that it would agree. The DRA rate can be below the cap or it can end up being above the cap. If we didn't have an increase in evaluation last year we probably would have had a tax rate that was higher than the cap, coming out of DRA.

**Chairman Duval** stated Mr. Sanders, thank you very much for coming tonight. I appreciate your candid thoughts on these matters. In particular, I feel much more informed after your explanation of the tax cap, explaining the two differing segments. I appreciate that very much as I'm sure fellow commissioners do. Have a good night. Just a reminder that City Solicitor Clark did offer follow up to any questions that remain unanswered do to his prior commitment that he had scheduled tonight. I would encourage each commissioner to communicate with them if there are any unanswered questions for City Solicitor Clark.

**Commissioner Girard** asked could I submit for the record City Solicitor Clark's opinion of what could and could not be done to the school budget by the aldermen in if fact it was a department again? I'll give it to the clerk after the meeting.

**Chairman Duval** stated commissioners, just an update before we begin the dialogue to have some preliminary discussion to try to organize our thoughts, shy of taking any kind of formal vote, which I won't be asking for tonight, with regard to education related matters on the due diligence that we have conducted to date, the update from Attorney Lehmann, pretty much on the same line, according to the emails we sent, he apologizes, he was ill and his family was ill, stricken with that terrible virus going around. It delayed him and set him back about a week. I spoke with him today, he updated me. The written responses, he will work best he can, to get them to us by the end of business on Friday. I thought it best to allow commissioners an ample opportunity to read his written responses to allow you time to take those and think about them and then formulate any questions

that might be unanswered as a result of his written response to the commission.

Tentatively Attorney Lehmann is scheduled to appear before us at our next work session, next Wednesday and he will be present to clarify and expound on anything he has provided to us in written format. By the end of Friday, that is the way it looks according to his latest report to me today. I encouraged him to take the time he needed in the wake of his illness to make sure the best he can to make sure the information to us is accurate, of course, and as thorough as possible. He is taking that process quite seriously. He did meet with the AG's office today. I know he met with the Secretary of State's Office and the deputy secretary of state. He is trying to work diligently and thoroughly to get us the most reliable information. We are going to open it up at this point to discussion relative to possible changes in the charter relative to education and the School District.

**Chairman Duval** addressed item 5 of the agenda:

5. Discussion regarding possible changes to the charter relative to education and the School District.

**Chairman Duval** stated we have heard a lot of testimony and I think each commissioner has been given significant opportunity to get the information that they needed. I think what would be helpful is if we could highlight and hear from each commissioner relative to the highlighted possible changes, whether you are pro or con is sort of irrelevant, as far as I'm concerned right now, but to make sure that we try to capture the possible changes that we might take a good look at. We can open it up to commissioners at this point.

**Commissioner Clayton** stated I think the overriding thing we have heard from both citizens and administrators is that the school budget timeline is a huge obstacle to making the system function as well as it could and should. Among other things, I would like to

recommend that the school budget timeline be among the things we consider putting on the charter.

**Commissioner Martin** stated the concept of having a mayor, not this particular mayor, but a mayor as the chair of the Board of School Committee has also been brought forward as an issue of conflict that perhaps we take the City politics out of the School District and talk about the politics of education if we remove that individual as the chair of the Board of School Committee so I would bring that forward as an idea as well.

**Commissioner Infantine** stated looking at all the things that have been brought in front of us, I'll try to go in order: making the School District a department, there seems to be issues in the City as to why that would cause problems and I don't see that there is any, unless I see wrong here on this board, there doesn't seem to be a lot of movement towards doing so. Obviously moving the timeline out, I don't have a problem with it. I think that you should be careful what you ask for because you might get it. I think there is a possible problem that the aldermen will be facing in a couple of years when, if this does occur, they may be saying that they really didn't want it. The issue I have with the mayor being on the board, I would have no problem, personally, trying to curb, possibly, the responsibilities of the mayor, but one of the things that I really cherish in government is checks and balances and I feel without the mayor having some sort of check and balance, not necessarily a vote, but a veto, or something, diminishes or gives an undue power to the School Board that I don't think any entity of government or of power should have. Then with the tax cap, which is akin to what some of the folks at the schools discussed, wanting to have a less of a supermajority. I think we heard tonight for the first time that it is ten and the lowest you can go is nine. I personally feel, like Commissioner Ashooh does, that it is a political will issue. If it is nine then someone will complain that it should be eight and it should just be a simple majority. That is where I stand on a number of these issues, Mr. Chairman.

**Commissioner Pappas** stated I would like to see the commission bring forward for further discussion the topic of the School District becoming a City department. Moving forward, I would like to see us at least have a dialogue and discuss the pros and cons of that when we get to this.

**Commissioner Lopez** asked just for clarification, are we just bringing up subjects once again or is it the will of the board to talk about making the School District a department?

**Chairman Duval** replied thank you for taking the opportunity to express yourself, Commissioner Lopez; I encourage you to do that. I think the idea is to try to highlight, again, for the commission a number of possible changes to the charter relative to the topic of education based upon the testimony we have heard to date and try to get a pulse of the commission. For instance, if there was something that someone had an idea of proposing, but we needed to conduct additional due diligence, now is the time that I think we should do it to make sure that we get the information that we need before we take final votes down the road. Again, it is just to highlight possible changes for the will of the commission at this point, trying to get a read on that before we proceed. That is the intent. If you have an idea, I encourage you to go ahead and share it.

**Commissioner Lopez** stated I think we talked about the issues; it is a matter of the nine commissioners and whether they want to move forward. To me, it is not one commissioner who wants to move something forward, if eight other commissioners don't want to move it forward. For example, taxing authority for the School District, I'm not for it. Are there commissioners here who are for it? I think that is the conversation that we should have. Otherwise, we are just wasting our time.

**Commissioner Pappas** stated just because we are talking about what I just brought up, would Commissioner Lopez propose that we vote on what we are going to bring up further or just have an open discussion and vote on whether we are going to discuss it further?

**Commissioner Lopez** replied I think that if one commissioner said budget timeframe, are there five or six commissioners here to do a first of April budget change in the charter? We should talk about it and move forward and find the language that we are going to find. Another commissioner said that we might get what we wish for and it might be too late. If six commissioners really feel, and I know the school department wants an earlier budget from the Board of Mayor and Aldermen... As someone who has put a budget together for the School District and has voted on the School District budgets separately from the City side once and then we got hit with that \$2 million, that is something that had to be taken care of. Again, if five or six commissioners are willing to move forward on changing that, then we need to find the language that we want to put in. If we don't have five or six commissioners willing to even put it on the table...

**Chairman Duval** stated commissioner, in response to that, I'm glad you brought that up and the way you're approaching it because it is allowing me to broaden the perspective a little bit here. That was my intent with deferring legal coming back to the commission for at least a little bit to allow him time to conduct his work and finish that, but also to give the commission opportunity to have this exchange. This is exactly what I shared with the attorney earlier today. If, for instance, at the end of the session, it is fairly obvious that there is not support on this commissioner largely to say to make the School District a department once again then the idea of having legal conduct all this legal research for naught to me seems to be a waste. At least by tonight we will have some consensus from the commission, short of taking a formal vote. I think that would be productive.

**Commissioner Girard** I am sympathetic to our legal counsel's ailment, but I would like to remind the commission that we met with him three weeks ago and that we still don't have anything from him, which I find somewhat disturbing. More to the point, I think, at least for myself, a number of the questions we asked our legal counsel to investigate were to determine what was possible so that we could have a discussion about those things that are possible versus those things that are not. I think we are premature to engage in a discussion on any of the topics without the legal research we have asked to be done. Commissioner Infantine brought up the mayor potentially having a veto on the Board of School Committee. I would love to discuss that idea. I don't know if it is possible. According to the city solicitor, hopefully verified by our legal counsel, it would be possible to make the School District a department. If the legal counsel comes back and says sorry, you really don't have the authority to make the School District a taxing body, then why would we even put it out there for discussion and a vote? I think, with due respect, we have the cart before the horse. I have no problem if commissioners want to send the things that that would like to see a vote on to you or to our clerk for inclusion on our next agenda, but to discuss what we would and would not like to see without knowing what we legally can and cannot do and if we can do it how it has to be done is to engage in a discussion that, to me, doesn't seem to have much of a point, to be perfectly blunt.

**Chairman Duval** stated I respectfully disagree, commissioner. I think it is a productive way to approach things. It is a difference of opinion. I can tell you that I think Commissioner Lopez is on to something. If there is only a commissioner or two who tends to favor making the district a department then why should we bog down legal counsel any further with getting that clarification?

**Commissioner Girard** stated because I think it might make some sense to know if it can be made a department, what the authority of the City can and can't be and how the two bodies would interact. It might affect someone's opinion about what could and could not happen and you are asking us to make a decision...

**Chairman Duval** interjected no, I'm not asking you to make a decision. It is an exchange of dialogue. That is all we are having, a productive exchange of dialogue.

**Commissioner Girard** stated with due respect, Mr. Chairman, I have the floor. You are asking us to make decisions about what we do or don't want to discuss and have our legal counsel research without knowing what is or is not entirely possible.

**Chairman Duval** stated let me qualify once again, commissioner.

**Commissioner Ashooh** stated Mr. Chairman, I would like to move forward one point. We have been talking about the timing of the school budget, which seems to be something that everyone has discussed. Since we have a State rep and a senator here, I would just like to ask, practically, when is it practical for the City to move a budget forward, once they know what the State is going to do? Doesn't the City budget basically rely on the State finishing their business first? I'm just trying to understand the process.

**Commissioner D'Allesandro** stated in some cases, a considerable amount of revenue is returned to the cities and towns based on the State budget, based on the appropriations that are made at the State level. Some of these are ascertained by law. In other words, you are going to get \$.03 from the gas tax unless the State suspends that. You know that is going to come back. You look at the aggregate number of dollars, take the \$.03 and then come back to the cities and towns and that comes back for betterment. Revenue sharing, \$25 million a year... Revenue sharing has been discontinued for the last

biennium so you know you are not going to get any revenue sharing. I think those items that are in place that at one time constituted a portion of the City operating budget, you know they are not coming, but as the finance officer pointed out, the key element is the education funding. The education funding has been stable for the last few years. The law now says that this system will remain in perpetuity and the only changes, I believe it says 'from this day forth' what has been done will remain. The \$56 million that you are getting would be the base. The only differences would be the lack of student population. You lose students, you lose \$3,450 per item. Yes, I think the State does have a significant presence and if the State doesn't do its budget, if you do a continuing resolution, which happened during the Benson administration, then the cities and towns have difficulty because the money comes based on what they got in the last year. If they had a town meeting and they increased or decreased the budget it would have an effect. That is an item that we have spent a lot of time on here, deciding whether or not the budget should be earlier. I think we ought to get that out of the way. Let's vote on it because that is an issue that everyone in this group talked about, one way or another. Let's get it out of the way and get it going. We understand the ramifications at this point in time. We learned for the first time tonight that we have a revenue cap as well as a spending cap. I don't think the public understood that before. I hope the public now understands that we now have a revenue cap. We have a revenue cap and we have a spending cap. Does that create a situation with the timeline of the budget where it can't be moved up? If we discuss that and get that out of the way, I don't think we need any legal opinion. We heard the solicitor, we heard the finance officer. We should get that out of the way and move forward. I thought that there were basically four items that were just discussed by us that seemed to be vetted ad neaseam here. One is the timeline of the budget; the second, should the mayor be the chair of the School Board as well as the chair of the Board of Mayor and Aldermen; third, the School District issue, should it be a district or a department. We had a lot of conversation about that. I think the other thing is if it should be a supermajority, should it be ten or should it be less than ten, should it be

a majority. In the Senate, we have times when you need a supermajority, you need two-thirds, but on other issues you need a majority. The question is, should we say? Should it be majority or should it be a supermajority? I think the relevant issues that you heard tonight from the finance officer indicate that we have a revenue cap as well as a spending cap. Are you going to ask ten to be the override based on that situation? That is new information. I think those are things that we can discuss. We can set them aside as we are not going to go forward with them or we are going to prolong our discussion with them and get them with part of our report to move on. Time is flying. We are in February now. All of us are going to get much busier as time goes on. I know I am going to become much busier. We are going to get the State budget next week and we are going to have to go to work and do other things. I think those things seem to be axioms among this group. We can postulate a lot of other things, but I think those four have been talked about since the night we started. We ought to spend some time deciding on those.

**Commissioner Pappas** asked Commissioner D'Allesandro, are you proposing that one these four or five items that we have laid out, that we have talked about at length, that we take a vote on whether to push them forward and have legal look at it after we write up working on that?

**Commissioner D'Allesandro** replied yes. I'm saying that we ought to take action on these items. We can't give it any more dialogue.

**Commissioner Pappas** stated we have been on education quite a bit and we have other issues to go through. I would agree with Commissioner D'Allesandro.

**Chairman Duval** stated if the commission is prepared to vote on these items tonight, will of the commission as far as I'm concerned. Let's proceed if that is the way you want to go—thumbs up or thumbs down.

*Commissioner Pappas moved to move forward on items that are not pending legal counsel so that the Charter Commissioner can develop revision language. The motion was duly seconded by Commissioner D'Allesandro.*

**Commissioner Girard** asked what is the motion?

**Chairman Duval** asked Commissioner Pappas, would you qualify the motion please?

**Commissioner Pappas** replied the motion is to go through the four that we have that we have already discussed and vote on whether to push them forward. The majority would obviously push them forward to have a discussion and have them start writing up the wording as to how it would pertain to the charter and have legal look at it.

**Commissioner Girard** asked Commissioner Pappas, are you trying to say that you want to discuss each of these items tonight?

**Commissioner Pappas** replied yes.

**Commissioner Girard** asked are you trying to say that you would like to make motions to accept or reject or to find a motion on each of these items tonight?

**Commissioner Pappas** replied yes.

**Commissioner Girard** asked do we need a motion to do that?

**Chairman Duval** replied a motion has been made and there is a second. We will vote yes or not.

**Commissioner Infantine** stated I am just as anxious as everyone else to move this commission forward, faster than it has been, as I explained in a phone conversation with you yesterday. I would like us to establish an agenda for the next four weeks so we know exactly what we are doing because the April date is coming very quickly that we have to have something. However, we went through, I hope not a dog and pony show, to have our counsel come and we asked him a bunch of questions. I have to tell you; I have to either abstain or say no to many of the things coming up tonight not because I want to say yes or no to some of these things, but I don't know what we can do yet. I'm not prepared. While I know what I think I would like to do on these issues and I was the first one to express exactly how I felt on all the issues that you might be bringing up tonight if this motion passes, but I don't want us to waste time. You say 'going forward', but I don't know what 'going forward' means. Number two, I would really like to know what the attorney is going to say about some of these things because it may alter what we do. I'm in a quandary here, Mr. Chairman.

**Commissioner Clayton** stated my question was far more procedural in terms of making sure we are putting things in the proper category. The issue, for example, of a supermajority versus a majority, we have talked about it in relation to the school budget, but I wonder if that might be a governance item as opposed to School Board or School Committee issue because again, that applies City wide to the tax cap, not just to the school department. I just want to make sure that if we are going to compartmentalize, we put the right things in the rights blocks.

**Chairman Duval** stated I think that is a good observation.

**Commissioner Girard** stated on that point, we may decide as a commission to get rid of the aldermen and School Board at large positions so the supermajority required to override the cap or the mayor's veto is going to change based on the number of people who get elected. To come up and say that I want nine, we are going to have to revisit the issue again at some point in the future if we decide that there should be 12 instead of 14 or some other number of elected officials. To Commissioner Pappas's point, there are some things like the budget timeline that I don't think we need a legal opinion on. If someone wants to bring forward a motion on the items that we haven't asked counsel about that we aren't waiting for additional information on, I'm happy to discuss those, but I agree with Commissioner Infantine that if we are waiting for answers to questions that we asked to know what is possible, then I think we ought to wait until our counsel gives us our answers and have him here to discuss it.

**Commissioner Pappas** stated I understand both points. I would like to remove the motion on only the things that we are not waiting for legal counsel.

**Commissioner Girard** stated I would make a motion, Mr. Chairman...

**Chairman Duval** interjected there is a motion on the table. He revised his motion.

**Commissioner Pappas** stated revised, yes.

**Commissioner D'Allesandro** asked what is the revision?

**Commissioner Pappas** replied the revised motion is to have anything that we are waiting for legal counsel for off the table and if we are not waiting for legal counsel to answer questions for this commissioner we move forward with.

**Commissioner Lopez** asked meaning that we are just going to vote, for example, that April 1<sup>st</sup> is the deadline for the school budget and if there are five commissioners willing to do that then we will worry about the wording. I'm fine with that.

**Commissioner Pappas** stated correct.

*Chairman Duval called for a vote on the motion to move forward on items that are not pending legal counsel so that the Charter Commissioner can develop revision language. There being none opposed the motion carried.*

**Chairman Duval** stated we can entertain motion on items that commissioners are satisfied with and don't require further legal clarification, even though we have that next week, whether we want it or not.

**Commissioner Clayton** stated having already demonstrated my grasp of the obvious, I make a motion that we examine the school budget timeline, without putting a hard date on it. I think that is what our discovery would lead us to. We should look at changing the school budget deadline to a date that the commission decides is most appropriate. I am going to leave it open ended.

*Commissioner Clayton moved that a discussion regarding altering the school budget timeline be forwarded to the commission's next agenda. The motion was duly seconded by Commissioner Martin.*

**Chairman Duval** stated point of clarification. You don't want to take it a step further and give a suggested date?

**Commissioner Clayton** replied a suggested date of April 1<sup>st</sup>.

*Commissioner Clayton revised his motion that a discussion regarding altering the school budget timeline with a suggested date of April 1<sup>st</sup> be forwarded to the commission's next agenda. The revised motion was duly seconded by Commissioner Martin.*

**Commissioner Girard** asked are you going to ask for discussion on the item, Mr. Chairman?

**Chairman Duval** asked are you asking for discussion, Commissioner Girard?

**Commissioner Girard** stated I would like to discuss the motion before we vote for an April 1<sup>st</sup> deadline, yes.

**Chairman Duval** stated go ahead and give your comment.

**Commissioner Girard** stated having worked on five budgets for the City, two as an alderman and three as an aide to the mayor, my belief is that an April 1<sup>st</sup> deadline for the budget is going to be problematic. Your best case scenario, in my opinion... Let me back off that statement. The final quarter of the City budget is actually a very important quarter. Some of your bigger revenues come in there—auto registration comes to mind—and departments throughout the year with their expenses, and I think Commissioner Lopez will concur with this that departments tend to hold back on as much spending as they can until the final quarter of the year, especially when you have a department like the Highway Department that is seasonal, you have issues with the Fire and Police Departments because their overtime budgets spike in the final quarter and nobody really knows, revenue or expense wise, what the final quarter is going to look like. Let's remove the State of New Hampshire from the equation for a moment. I think Senator

D'Allesandro pointed out the problems with that. If you want an April 1<sup>st</sup> deadline, we are going to end up doing something that Finance Officer Sanders didn't really think was a great idea and that was having the mayor come forward with a budget in January or February. There is too much unknown data. He would be bringing forward a budget based on six months of data for the budget that just got settled. The natural inclination of any appropriating body is going to be very conservative. They are not going to roll the dice and hope for the best. As Commissioner Infantine pointed out, you may regret getting what you asked for. He said that the March deadline in the charter was plenty of time for any department, including the schools, to make preparations and he noted that it is very infrequent that the aldermen make any meaningful change to the appropriations proposed by the mayor. Every department in the City, including the schools, has time to prepare for the worst and hope for the best and they don't need to know what their final number will be, whether it comes on June 1<sup>st</sup> or June 30<sup>th</sup> or any time before that to set their priorities if the budget proposed by the mayor is the one that passes. So why would we deprive the City of the opportunity to know what the State was going to do or have at least a better idea of what is going to happen, of a half a year's worth of experience with their expenses and revenues for a timeline that even former mayors don't agree that it needs to be changed. I think maybe some clarification about what happens if the mayor vetoes the budget... Does it automatically go to the end of June? My reading of this charter says no. I think maybe if you want to move it up, the final deadline for the budget to June 15<sup>th</sup> or maybe June 1<sup>st</sup>, but to chop off two or three months and say that that is the only way we are going to have a better school budget process... One bad experience with a school budget does not override the 20 years where I have been around and you have not seen that process go that badly. I would oppose this and encourage people to take a longer view of how things have unfolded and the practicality of blinding the mayor to six months worth of expenses and revenues and the board of aldermen to three months of it. Cross your fingers, hold your breath and hope for the best as you go over the cliff.

**Commissioner Martin** stated philosophically I would love to be alive in this community when we actually look at what it costs to provide superior education to students and base a budget upon that, rather than what might exist that we can squeak money out of for the purpose of a School District budget. Maybe that is a pipedream on my part. Our current mayor sees no reason why we cannot move this budget timeline up. Our superintendent of schools who has extensive experience with school districts budgets, not just here in Manchester, but elsewhere, spoke to me privately when I talked to him about even running for the Charter Commission that that was a major thing that could happen that would be significantly impactful in a positive way for the School District and he testified to that fact here in these chambers. For those reasons and because I lived it and I would disagree with the notion that we have had one bad budget year that has created this budget because I have seen them before... Mr. Chairman, thank you for the opportunity to speak.

**Commissioner Infantine** stated I think what we are doing here, folks, and I think we need to remember that the motion is to go forward with this and to look at it. Commissioner Clayton came up with a concept of looking at April. If this is approved tonight, we are only deciding that we are looking at this very seriously and we will look at the pros and cons of each. It still allows us to not bring it up, it still allows us to bring it up, it still allows us to remove it. While I respect the coherent point that was put across by Commissioner Girard, all we are looking to do here, in the next 25 minutes hopefully, is decide that there are three or four things we want to move forward on, whether we all agree that there is merit moving forward on something, we can all agree to disagree later. I would try to keep all our comments about what we feel about the issue back and forth to a minimum since that is really not the concept of what I think Commissioner Pappas wants to do here.

**Chairman Duval** stated commissioner, thank you for your comments. That was the point that I was trying to make earlier with regard to legal counsel. There is plenty of opportunity folks, we are not limiting debate tonight. We can tweak the system as we move forward all we want until the last minute we have and that is the whole point with counsel. He is going to come in with some information for us, it will be a continued exchange of dialogue.

**Commissioner Girard** stated parliamentary inquiry. If I understand what Commissioner Infantine just said, we are taking a vote that says in the future we want to take a vote. Did I understand that correctly, commissioner?

**Commissioner Infantine** replied my understanding of what we are doing here tonight is we are taking the issues that have been brought before us regarding school issues and deciding whether or not we want to at least consider going forward with a possible change in the charter based on those ideas. We still have to continue to do our research and have our debate and discussion and then a final vote, whether we want any changes. That is my understanding of what we are doing now.

**Commissioner Ashooh** stated let's get down to these four or five items and move them forward to next week; let's do it with legal counsel here and be done with it. I would like to have a discussion on all of these because I think we are muddling some of the issues. Some of the things that we are hoping this change of budget will solve actually has nothing to do with the budget, but has more to do with CBA. The quicker we get to a discussion on it, the better. We have enumerated four items.

**Chairman Duval** stated that's correct.

**Commissioner Ashooh** stated that being said, since we have enumerated the items, I would like to call the question and end the discussion. Let's vote to move it forward.

**Chairman Duval** asked you are saying for all four of them, commissioner?

**Commissioner Ashooh** replied yes.

**Commissioner Lopez** stated separately.

**Commissioner D'Allesandro** stated I think we should take them one at a time. There are items here that we can discard so let's get rid of it. That is going to help us in terms of expediting the process. If there is a tremendous desire on everyone's part to retain them let's take the vote and let's move forward.

**Commissioner Ashooh** asked does that require revision of the motion? You had a list of things that were going to go forward.

**Chairman Duval** replied no, the first question was the budget timeline.

**Commissioner Pappas** asked we are voting to have this timeline as April 1<sup>st</sup>?

**Chairman Duval** replied yes.

*Chairman Duval called for a vote on the motion that a discussion regarding altering the school budget timeline with a suggested date of April 1<sup>st</sup> be forwarded to the commission's next agenda.*

*Commissioner Martin called for a roll call vote on the motion that a discussion regarding altering the school budget timeline with a suggested date of April 1<sup>st</sup> be forwarded to the commission's next agenda. Commissioners Martin, D'Allesandro, Lopez, Clayton, Ashooh, Infantine and Duval voted year. Commissioners Pappas and Girard voted nay. The motion carried.*

**Commissioner Pappas** stated I would like that we set a timeline, but not for April 1<sup>st</sup>.

**Chairman Duval** stated we just took a motion on the timeline.

**Commissioner Girard** stated we just agreed as a commission that the school budget will be adopted by April 1<sup>st</sup>.

**Chairman Duval** stated that was the vote: to move forward.

**Commissioner Lopez** stated I think Commissioner Infantine said it perfectly. We are just moving things forward. That is all we are doing. It might be April 15<sup>th</sup> by the time we get done with it, but at least everyone knows that they want an earlier timeline for the school budget. That is the way I understand it.

**Commissioner Ashooh** stated I would like to make a motion to discussion whether the School District should become a department again.

*Commissioner Ashooh moved that a discussion regarding changing the School District to a City department be forwarded to the commission's next agenda. The motion was duly seconded by Commissioner Girard.*

**Commissioner Ashooh** stated I want to add that to our discussion for next week, the School District becoming a department again. We are not discussing whether we are in favor of making it a department. We are going to discuss moving it forward.

*Chairman Duval called for a vote on the motion that a discussion regarding changing the School District to a City department be forwarded to the commission's next agenda. Commissioner D'Allesandro called for a roll call vote. Commissioners D'Allesandro, Lopez, Clayton, Duval and Martin voted nay. Commissioners Pappas, Ashooh, Infantine and Girard voted yea. The motion failed.*

**Commissioner Girard** stated parliamentary inquiry, Mr. Chairman. Does this mean that at the next meeting we are not allowed to discuss making the School District a department with our attorney?

**Chairman Duval** replied it sounds to me right now that the will of the commission, there is no appetite to support a change.

**Commissioner Girard** stated it sounds to me like these votes on whether or not we are going to have discussion on topics are the way of getting around having a discussion on the topic. If that was going to be the outcome then perhaps we should have had discussion. I really think the idea that we are taking votes to decide what we are going to talk about has now gone from silly to bordering on the absurd.

**Chairman Duval** stated it was the will of the commission on large part. Next topic? I think we talked about the mayor serving as chairman of the School Committee.

**Commissioner D'Allesandro** stated the mayor would not be the chair of the School Board.

*Commissioner D'Allesandro moved that a discussion regarding removing the mayor as the chairman of the Board of School Committee be forwarded to the commission's next agenda. The motion was duly seconded by Commissioner Martin.*

**Commissioner Girard** asked are we going to have discussion on the motion? Should we have discussion on motions that are going to determine what discussions we are going to have? It seems to me that if we are going to take these votes and then decide that we are not going to talk about something in the future, we might as well have the debate now. I took it at face value that there were items that we were going to discuss and therefore I called for the question on the district versus a department. What are we doing here other than looking foolish, frankly?

**Commissioner Martin** stated we have a motion and a second.

**Commissioner Girard** stated and we are discussing the motion, thank you very much.

**Chairman Duval** asked any further discussion on the topic of the mayor on the school board.

**Commissioner D'Allesandro** stated we had a go-around here on a number of occasions that indicated that there seems to be a sentiment that the mayor being the chair of both entities created a conflict. As mayor of this entity he has authority over the final decision anyway so it seems to me that if you have a final decision, why should you have the initial decision as to what is going to happen in the final decision? It is definitely a conflict. I must say that I served on the School Board for ten years. During my time on the board, a mayor chose to participate or a mayor chose not to participate. The board ran very well. The School Board elects the vice-chair from the body. The mayor is not

elected to be on the School Board. It seems to me that it makes sense, given the testimony that I have heard and given the experiences that I have had over the years, that it seems to me, that withdrawing the mayor as chairman of the School Board is a good idea. I would ask that the people of the city have an opportunity to vote on that. I hope my colleagues on this commission, having heard the testimony, might move in that direction.

**Commissioner Infantine** stated Mr. Chairman, this is getting a little more involved than what we had originally discussed here. I going to ask that we either adjourn the meeting or not continue this after the vote and I'll explain why. The motion and the concept was to discuss whether or not we were going to discuss a certain topic to see if there was at least a motivation by this group to discuss it. To me, I would feel that the motion by Senator D'Allesandro should have been to discuss the mayor's position on the School Board—very general, very open. The same way the first one was, to discuss the possibility to moving the timeline. Now we are getting very specific. The motion was just made to eliminate the mayor from the School Board. We are getting very specific and we are not staying general. I think we are going down a path here... Commissioner Girard just made a good point: are we basically already deciding the defining lines here between where we are going on individual things? We have no idea, in my opinion, on what should happen with the mayor. We have heard that the mayor shouldn't possibly be on the board by one very small group. We haven't heard from the rest of everyone, we haven't discussed the positives, the checks and balances I brought forth earlier. If you want to have a discussion on what the mayor's position should or should not be, and continue with that I can accept that, but we are getting very specific here. I'm really concerned about where this is going right now, Mr. Chairman.

**Commissioner Ashooh** stated just a point of clarification. On this particular issue about whether the mayor should serve or not, I'm going to vote no because I am very upset that the majority voted to preclude discussion on the School District issue. If we are going to do that and we are going to preclude discussion, I would just assume preclude discussion on everything and go straight to a vote. My vote will be a no on this particular issue.

**Commissioner Pappas** stated I agree with Commissioner Infantine. It was meant to be a general pushing forward, not an up or down vote on what to move forward with and kill something instantly here. That was the motion.

**Chairman Duval** stated Commissioner Ashooh, just so I understand something, the vote of this commissioner, for instance, with regard to the School District becoming a department, there seemingly wasn't enough support on the commission to move that forward for further discussion. Is there a different way that we could have approached that? I'm a little bit lost here myself.

**Commissioner Ashooh** stated no, I have a disagreement with the majority on that last vote. They didn't deem it worthy of discussion or that they were going to allow discussion so I'm going to vote to not allow discussion on the mayor being removed from the School Board. It seems to be that is the way we are going down this line.

**Commissioner Lopez** stated this is getting very complicated and it shouldn't be that complicated. I thought that we were just moving things forward for discussion. Just because I want to move forward with discussion doesn't mean that I am going to vote for the mayor not being the chairman of the School Board. I can think of a lot of reasons why he should be. If we wanted to take a vote that we are going to discuss next week that the mayor not being the chairman of the School Board I'm willing to listen to the pluses and minuses of why. That is what I thought we were voting on from the

beginning. The issue of the district becoming a department, I'm not in favor of it, but that doesn't mean that somewhere down the line that someone can't bring it up and show me reasons to change my mind. We should put it out there. From all the testimony that we have heard, it doesn't mean that every board that meets is a separate board to make motions to move forward. Just because we do something tonight doesn't mean that tomorrow we can't change our minds.

**Commissioner Ashooh** stated we just voted to not have a discussion on the School District question. That was the previous vote that was taken. My point was, if we are going to preclude that, I don't want to discuss the mayor's position so I am going to vote no about that. If we want to go back and put together a laundry list of four or five items, which is where I think we started, and we would discuss these four or five items next week and not have an up or down on each one of them now, I'm amendable to that.

**Chairman Duval** stated commissioner, at the start of this that is what I was looking to do. I wanted to have a general discussion tonight and there was a sentiment of this board to move forward with votes. It was made by Commissioner Pappas and it was supported by Commissioner Lopez as well. It is the will of the commission. I was hoping to have an exchange of dialogue tonight, relative to a conceptual issue on the four or five major items and then get legal input and then cast formal votes down the road. If the will of the commission is to proceed in this direction then so be it.

**Commissioner Lopez** stated I just wanted to respond to Commissioner Ashooh. We are going to win or lose as we go along, but next week you might give me a great reason to reconsider that vote and I might go along with you. I don't understand what the big deal is here.

**Commissioner Ashooh** stated I don't disagree with you, Mike, but the problem is we basically took the School District discussion off the table. That is not one of the items that we agreed to go forward with. All I am saying is if we are going to prohibit the discussion on something that seemed to be in the top four or five items that were brought up then I am going to vote against the discussion of anything else that comes up. I would like to see us go forward with a list of four or five items that we seemed to have agreed upon earlier to bring them up for discussion rather than vote them up or down now and basically get a sense of the board, where their minds are, do we have a predisposition and therefore we are not going to go forward with any kind of open mind? Fine, but if we want to come up with a list maybe Commissioner Pappas would amend his motion... Give me four or five items, let's move them forward to next week, let's have the discussion with legal counsel, go through those items and then see if we want to take any one of those and put them on the list to go forward and see if we want to put them on the list as far as revisions go.

**Chairman Duval** stated commissioner, if you want to move to reconsider the vote with regard to the district becoming a department you are more than welcome to make that motion along the lines of what you just described.

**Commissioner Infantine** stated we have a motion and a second. Mr. Chairman, how would you like it dispose of the motion and the second on the table?

**Chairman Duval** stated in deference to our colleague on the commission, can we take this informal vote to move that items forward for discussion?

**Commissioner D'Allesandro** stated if indeed the commission seems to be baffled by the methodology that has been presented, if we take the five items and say we are going to talk about these in detail next week and we are going to bring in our legal counsel if that

is the will of the organization and that is the right way to go, I'm in sync with that. I thought we were going to eliminate things so that when we did bring our counsel in, we were going to focus in on the things that we had questions on and we were going to move forward with this. I think we want to have good discussion. As Commissioner Lopez says, you may change your mind about an issue, you may be swayed by the discussion. I just think that we ought to start to make a little headway. Whatever the commission decides. If you want me to withdraw my motion I would be happy to do that.

**Chairman Duval** asked would you consider a slight revision so that it leaves a little bit more wiggle room in the eyes of commissioners to have further discussion?

**Commissioner Martin** stated I might suggest that those four or five items, we might refer to them as bullet points, not complete sentences: School District as a department, budget timeline, the mayor as chair of the Board of School Committee and the tax cap override or majority vote. We would be very general. There is no yea or in favor against.

*Commissioner D'Allesandro removed her motion that a discussion regarding removing the mayor as the chairman of the Board of School Committee be forwarded to the commission's next agenda. Commissioner Martin duly withdrew her second.*

**Commissioner Martin** stated the motion would be that we would move forward with the following topics, neither in the negative or in the positive: The School District as a department, budget timeline, the mayor as chair of the Board of School Committee and the number of aldermen necessary to override the tax cap. This would be a cluster.

**Commissioner D'Allesandro** stated these would be the five that we would talk about in detail on the 13<sup>th</sup>. If you take the tax cap override as one...

**Chairman Duval** asked are you in favor of casting one vote or would you like to go by line? Clerk Leahy, are you in command of the items?

**Clerk Leahy** replied right now the motion on the floor is to move for discussion whether or not the School District should be a school department; discussion of the budget timeline; the position of the mayor as chairman of the School Board; and the number of aldermen necessary for an override of the tax cap. I have four right now.

**Commissioner Girard** stated I would like to add that we be allowed to discuss any and all other material our attorney has research on our behalf when he comes here next week.

**Commissioner Martin** stated I'll accept that as a friendly amendment.

**Commissioner Infantine** stated I'll second the friendly amendment.

**Chairman Duval** asked Clerk Leahy, are you all set on that?

**Clerk Leahy** replied yes.

**Chairman Duval** asked commissioners, are we all clear on what is included in the motion and the friendly amendment by Commissioner Girard?

**Chairman Duval** called for a vote on the motion that the following topics be forwarded to the commission's February 13<sup>th</sup> agenda for discussion:

- *Timeline of the school budget*
- *Role of the mayor on the School Board*
- *The number of votes required for a tax cap override*
- *School District becoming a City department*
- *Topics derived from response from legal counsel*

*There being none opposed, the motion carried.*

**Chairman Duval** stated it took us a little while to get there, but we got there. Next week, we will be hearing from Attorney Lehmann. We will look to take it from there. Commissioner Infantine asked that we try to lay out agendas for the coming meetings. I'm not going to assume that responsibility solely. I would expect input from commissioners. I would like to see, following this topic of education, that we get into election reform related items. Beyond that, whatever commissioners favor. I have had some preliminary discussions with Clerk Normand tonight and trying to think creatively in getting some presenters to us with regard to any possible election reform items.

**Commissioner Infantine** stated when we started the first meeting we came up with a list, I believe it was, of six or seven different topics. We have successfully gone through the aspect of schools. I would like us to take the next three or four weeks and hit the remaining items and in advance invite the appropriate people so we would have those discussions in unison. I will, however, let you know that I will not be here the school vacation week. I would like to see the commission have the next four or five meetings with discussion on the next three items on that list of the seven we had at the beginning of the year.

**Chairman Duval** stated will do and I will do my very best to communicate to commissioners those agendas as soon as I can get all the presenters. We will layout those agendas accordingly. I will work with Clerk Leahy on that list.

6. New business to come before the commission.

**Commissioner Girard** stated Commissioner Lopez and I have a piece of new business which I would like to ask the clerk to hand out. While she is doing that, there has been, expressed here tonight, a desire among commissioners to try to move the process forward and Commissioner Lopez and I have spoken both with each other and various members of the commission and we would like to recommend, give our experience thus far, that the commission adopt these guidelines or suggestions that we have developed so that we can better define how the commission proceeds and try to give some additional direction to our proceeding between now and the date by which we have to submit to the secretary of state and the attorney general our preliminary report. Between the end of February and when we have to submit the report, we have eight weeks. With that, perhaps I would like Commissioner Lopez to add in his thoughts or recommendations.

**Chairman Duval** stated we will give commissioners a chance to read it and then hear from commissioners on the submission by Commissioners Girard and Lopez.

**Commissioner Lopez** stated I just think it will help the process along, especially in a formal type setting like this that we don't need. We can go in the back room over here and still have TV and what have you and have face to face conversation with the other commissioners. I think there is a lot of work to be done. The type of formal settings that we have and the people who are invited and the list... I agree with one through five here. I think it is going to move the process along and I hope that commissioners agree. It will offer more clarity as to the direction that we are going and the understanding that we do

have a deadline, otherwise we are just wasting time and wasting taxpayers' money in my viewpoint.

**Commissioner Ashooh** stated Mr. Chairman, I'm not prepared to vote on this tonight. We just got this and I would like to review it. If we want to vote on it, I say we vote on it next week. I think that if something like this is going to come before us, we should get it before the meeting.

**Commissioner Clayton** stated I agree. I'm seeing words like unanimous. There are people here who disagree with a supermajority and now we need unanimity to move forward... I'm not prepared to vote on this either.

**Commissioner Girard** stated for the purposes of discussion, I will move it.

*Commissioner Girard moved that the guidelines submitted by Commissioners Girard and Lopez be adopted by the Charter Commission. The motion was duly seconded by Commissioner Lopez.*

*Commissioner Lopez requested a roll call vote on the motion. Commissioners Lopez, Pappas, Girard and D'Allesandro voted yea. Commissioners Clayton, Ashooh, Infantine, Duval, and Martin voted nay. The motion failed.*

**Commissioner Lopez** asked Mr. Chairman, I have to compliment you. You did an excellent job on the TV show. Is this an ongoing show or is it a onetime thing?

**Chairman Duval** replied I was asked by the director of the station, MPTS, to give some comment or create some information about the process before the Charter Commission. We were asked to try to make this once a month and I agreed to do it, time allowing. At the first session I invited Commissioner Clayton to come on board. Commissioner Martin agreed to come on board. It went very well. I was very impressed with the station. It was the first time I had been there. I look forward to doing another show, I'm not sure a date has been set, but I think once a month is what I committed to. I'm not sure about anyone else. I told them that I would like to have various commissioners on between now and the time we wrap up. It was pretty informal.

*There being no further business, on motion of **Commissioner Ashooh**, duly seconded by **Commissioner Clayton**, it was voted to adjourn.*

A True Record. Attest.

A handwritten signature in black ink, appearing to read "Chad Martin". The signature is fluid and cursive, with the first name "Chad" being more prominent than the last name "Martin".

*Secretary of the Commission*